

Corporation of the Township of Esquimalt



SPECIAL COMMITTEE OF THE WHOLE

Monday, January 18, 2010

Esquimalt Municipal Hall – Council Chambers

6:06 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Bruce McIldoon, Councillor Alison Gaul, Councillor Lynda Hundleby, Councillor Don Linge

STAFF: Laurie Hurst, Chief Administrative Officer
Barbara Snyder, Director of Development Services
Carollyne Evans, Corporate Administrator

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 6:06 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby that the agenda be approved.

The motion **CARRIED UNANIMOUSLY.**

4. STAFF REPORTS

Administration

(1) Council Procedure Bylaw No. 2715, 2009 – Revisions Following Third Reading, Staff Report No. ADM-10-004

The Corporate Administrator spoke to the revisions made to the Council Procedure Bylaw following consultation with the Ministry of Community and Rural Development and from a citizen skilled in parliamentary procedure, Terry Prentice.

Councillor Garrison expressed concerns of extensive delays and revisions to the Council Procedure Bylaw, resulting in the lost opportunity to record votes and public accountability.

Discussion ensued on section 18 'Voting at Meetings' with respect to raising a hand in voting and recording the affirmative vote of all Council members as unanimous.

Moved by Councillor Garrison, seconded by Councillor Gaul that section 18 (1) of Council Procedure Bylaw No. 2715, 2009 be amended as follows:

Change (b) and (f): delete "right hand" and replace with "your hand";

Add (i): "when the vote of Council is carried with all Councillors voting in the affirmative, the motion shall be recorded as "carried unanimously"

The motion **CARRIED UNANIMOUSLY**.

Discussion ensued on recording the vote of each Council member when all votes are not in the affirmative.

Moved by Councillor Garrison, seconded by Councillor Gaul that section 18 (1) of Council Procedure Bylaw No. 2715, 2009 be amended as follows:

Change (h): "whenever a vote of Council on a matter is taken, the vote of each Councillor shall be recorded in the affirmative or negative;

The motion **CARRIED** with Mayor Desjardins, Councillors Hundleby, Linge, Brame, Garrison, Gaul In Favour, and Councillor McIldoon Opposed.

Mayor Desjardins gave a special thank you to Terry Prentice for bringing suggested changes forward to the Corporate Officer to improve the readability of the Bylaw.

Moved by Councillor Linge, seconded by Councillor Brame that Third Reading of Council Procedure Bylaw No. 2715, 2009 be rescinded and a new Third Reading be given as amended.

The motion **CARRIED UNANIMOUSLY**.

Development Services

- (2) Amendment to Official Community Plan and Zoning Bylaw Regarding Maximum Building Heights and Densities, Staff Report No. DEV-10-001

Director of Development Services Barb Snyder stated she researched 16 other municipalities to see how they deal with building height and density in multi-family residential and mixed-use commercial areas, and showed a few slides to illustrate some alternative ways of controlling development.

Ms. Snyder explained the pros and cons of three options in her staff report to deal with building height and density:

- (i) using a combination of methods to control the size and massing of multiple family residential and mixed use commercial buildings without specifically limiting height;
- (ii) amending the current OCP to allow greater building height and floor area ratio figures [i.e. substitute new figures] to encourage new development and then revise the Zoning Bylaw to reflect the new figures;
- (iii) leaving the terms of the current OCP regarding multiple family residential and mixed-use commercial buildings as they are and only allowing density bonusing [i.e. increased heights or greater FARs] when amenities or affordable, accessible or special needs units are provided.

Discussion ensued and comments included:

- the need to understand the pros and cons of DCCs
- Consultants' time for Option 1 is about \$25,000

- The OCP is left as is in Option 3 and no work on design guidelines is required. The level of detail for Option 1 is much greater
- Option 3 is where we are now; the OCP is now 7 years old; the pros in Option 1 is where we want to go; to do the job right takes time and money
- Esquimalt is the only municipality without DCCs; we need to work on them
- DCC review is extensive and involves calculating how many residential units will be brought on stream, and the final report is reviewed by the provincial Inspector of Municipalities. In the 2008 budget \$25,000 from Development Services and \$25,000 from Engineering was set aside for that work
- Controlling size without limiting height in Option 1 is difficult and requires a combination of calculations involving floor area ratios. The downside is there are not a lot of large parcels in Esquimalt up for development
- Public input prefers increased height and density with the average of favoured heights being 12 stories
- Council has to value the input of residents and take its time
- There is no deterrent to building a high-rise on a large parcel as long as all criteria are met

Council was in general agreement that the public has given their input and expects Council to make a decision and move forward.

Discussion ensued on whether to set a specific building height number.

Some Council members expressed that building height and density needs to be looked at from the point of view of good planning and favoured Option 1 for the following reasons:

- Option 2 doesn't offer much benefit and is more costly and some density bonusing is lost
- Option 1 forces Council to make a decision on OCP and related bylaws and is more enduring
- Picking a set figure for building height will not make anyone happy and is not good planning
- Option 1 still gives the public a sense of security and allows flexibility
- Only a slim majority is content with height in some areas
- Option 1 is a good mix and different methods enhance each other
- Some density bonusing will be lost but can be made up in DCCs
- Should do the process right, get a good fit for each individual area
- Not in favour of an arbitrary number; everyone has a different idea of what the number should be

Those Council members in favour of a set building height number as set out in Option 2, and not in favour with Option 1, expressed the following comments:

- There is no capping mechanism with no set number for building height
- There is no clarity for the public or developers; they have asked Council for clarity and long-term vision
- Main concern for public is certainty and Option 1 doesn't provide that

- Concern of more delay in completing the process; development opportunities will be lost
- Encourage development and reassure residents
- It is clear the community and Council are split on this issue
- The public was not consulted regarding Option 1
- We need development in this community to survive
- The community favoured 14 stories maximum for a high-rise and 12 stories maximum for mixed use

Moved by Councillor Linge, seconded by Mayor Desjardins that Council authorize staff to begin the process of amending Official Community Plan Bylaw, 2006, No. 2646 and Zoning Bylaw, 1992, No. 2050 to effect the changes identified in Option 1 below, that is to develop new parameters for multiple family residential and mixed-use commercial buildings which would control the size and massing of those types of buildings without specifying maximum building heights.

The motion was **DEFEATED** with Mayor Desjardins, Councillors Linge, McIlldoon in Favour and Councillors Hundleby, Brame, Garrison, Gaul Opposed.

Moved by Councillor Garrison, seconded by Councillor Brame that Council authorize staff to begin the process of amending the current OCP to effect the changes in Option 2, that is to allow greater building height and floor area ratio figures [i.e. substitute new figures] to encourage new development, and once the OCP has been amended, revisions would be made to the Zoning Bylaw to reflect the new figures.

Discussion:

Director of Development Services Barb Snyder commented that there is no building height limit put in the Option 2 recommendation, and that would have to be established.

Councillors opposed to Option 2 commented it takes away flexibility and will result in spot zoning again; this is not planning for the long-term. As well, it will take the Township back to where it was a couple of years ago. Council is forward looking and should be flexible; picking a number is fraught with problems and invites problems. Option 1 has not closed the doors, the pros in Option 1 are good reasons not to pick a number. Floor area ratios will determine how big a building can go. Height and density can be specified for different areas. If there is a cap on height, massing goes up, shadowing can occur, and the result may be worse than a tall building.

Councillors in favour of Option 2 commented although the pros in Option 1 may be favourable, a specific height number is required and public input found 12 to 14 stories acceptable. Design guidelines are needed and a cap on building height will give a certainty and security to residents on what can be built.

THE QUESTION WAS CALLED ON THE MAIN MOTION AND DECLARED **CARRIED** with Councillors Hundleby, Brame, Garrison, Gaul In Favour and Mayor Desjardins, Councillors Linge, McIlldoon Opposed.

Moved by Councillor Gaul, seconded by Councillor Brame that the maximum building height be set at twelve (12) stories.

Discussion:

Council members queried what the appropriate floor area ratio [FAR] should be, whether 3.0 or 2.5. Councillor Gaul stated she recognizes the motion she put forward is imperfect, but that the residents are very passionate about this issue, having turned out

in huge numbers for the height and density public workshops, and this motion says Council has listened to them. Councillor Gaul added she understands that Council still has to look at the 2008 motion to look at DCCs and density bonusing.

Moved by Councillor Garrison, seconded by Councillor Hundleby that the motion to set the maximum building height to twelve (12) stories be postponed until the next Committee of the Whole meeting on February 8, 2010 so information can be provided on floor area ratios.

The motion **CARRIED UNANIMOUSLY**.

6. PUBLIC INPUT

(excluding items which are or have been the subject of a Public Hearing)

An Esquimalt resident commented that they were confused with the options. It appears in Option 1, with respect to the Legion building for example, that Council would decide whether the Legion building could be built or not. Option 2 appears to say the same thing. Mayor Desjardins responded that she would not debate the Legion proposal at this time as it must come forward on its own merits. Under the Zoning Bylaw Council has the option to increase density.

An Esquimalt resident of 50+ years in the community commented that there is a limited amount of available ground and buildings have to go up. If Esquimalt limits the size of buildings it will deter developers and limit growth in Esquimalt.

Emmy Labonte of Dunsmuir Road stated she preferred Option 1. Option 3 will keep Esquimalt where it is now. Ms. Labonte referred to Swallows Landing which was built as two-9 storey buildings; she would have preferred one 18 storey building which would have provided much more of a view corridor. Changes are in the air and urged Council not to limit themselves. \$50,000 would be well-spent for the future of Esquimalt.

Murien Dunn of Old Esquimalt Road commented it has been a very difficult meeting and is pleased with Option 2. Not just height and density have to be pleasing. Ms. Dunn added there has already been so much public input there should also be public input on each one of the options presented in the staff report.

7. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby that the Committee of the Whole meeting be adjourned at 7:30 p.m.

The motion **CARRIED UNANIMOUSLY**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS 15th DAY OF FEBRUARY, 2010

CERTIFIED CORRECT:

CAROLLYNE EVANS
CORPORATE ADMINISTRATOR

