



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION
MINUTES
HELD ON
SEPTEMBER 15, 2009
COUNCIL CHAMBERS**

MEMBERS PRESENT: Gerald Froese
Jaime Hilbert
Joanne Kimm
Rod Lavergne
Darwin Robinson
Ramona Scott
Ed Williams

STAFF LIAISON: Trevor Parkes, Senior Planner

COUNCIL LIAISON: Randall Garrison

SECRETARY: Marie Letham

No members of the public in attendance

I. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. and outlined the meeting procedures and role of the Advisory Planning Commission.

II. ADOPTION OF AGENDA

Moved Darwin Robinson, seconded by Joanne Kimm that the agenda be adopted as circulated.
The motion **CARRIED**.

III. ADOPTION OF MINUTES

Moved by Gerald Froese, seconded by Jamie Hilbert that the minutes of the regular meeting of May 26, 2009 be adopted as distributed.
The motion **CARRIED**.

IV. BUSINESS FROM MINUTES

With reference to page 3 of the May 26th, 2009 minutes the Director of Development Services was going to look into the legalities of what is an *"owner-occupier"* is and whether part of this status can be sold. Trevor Parkes, Staff Liaison advised that he would check with the Director on this and forward any information to the Commission members.

V. STAFF REPORT

- (1) Development Variance Permit**
Owner/Applicant: Bruce Lum on behalf Telus Network
Operations
675 Lampson Street

Bruce Lum, attended on behalf of Telus to outline the proposal and the reason they are requesting a variance for the accessory building. The building will be used to house a battery backup system for the communication facility. In reviewing the siting and discussion with the neighbours, Bruce Lum indicated they felt that the proposed siting was in the best interest of the community and would be less visible from all streets.

The members of the Commission stated that they did not have any issues with the proposed siting variance.

Public Input

There were no members of the public in attendance

RECOMMENDATION

Moved by Darwin Robinson, seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Lot 7, Section 11, Esquimalt District, Plan 5646 (675 Lampson Street) including the variance listed below be forwarded to Council with a **recommendation of approval**

Section 56(5)(a) – Siting Requirements - a 5.0 metre reduction to the requirement that no building shall be located within 7.5 metres of a lot line that is shared with a parcel zoned for a residential use, from 7.5 metres to 2.5 metres.

The motion **CARRIED UNANIMOUSLY.**

**(2) Development Permit
Owner/Applicant: Charles Chang [Wing Lee Development Ltd.]
883 Admirals Road**

Ron McNeil, McNeil Building Designs Limited, and Charles Chang, owner, were in attendance. Ron McNeil, designer, presented the proposal to construct a non-strata-titled duplex. Ron McNeil informed the Commission that as this property is part of a three lot strata, a strata-titled duplex cannot be built. He advised the members that the proposal is in keeping with all the regulations of the Zoning Bylaw and no variance are required.

Ron McNeil outlined the materials and colours with the assistance of the colour board provided.

Darwin Robinson inquired of the designer, if there was rear yard access provided for boats and/or recreational vehicles.

Ron McNeil indicated that no space was provided and it might not be easy but it was possible for Unit A.

Ed Williams commented that it appears that the southern building line is below grade.

Ron McNeil responded that that patio is sunken.

Ed Williams also commented on the trees in the south-west corner.

Ron McNeil commented that he thought the trees were staying.

Trevor Parkes advised that the Parks Manager indicated that the tree in the southwest corner was too close to the building envelope and will likely have to be removed.

In response to questions regarding the widening of the driveway, Trevor Parkes, Staff Liaison, advised that the project as presented meets the Zoning Bylaw, and widening of the driveway would require a Development Variance.

Public Input:

There were no members of the public in attendance

RECOMMENDATION

Moved by Darwin Robinson, seconded by Ed Williams that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Permit for Lot 1, Section 2, Esquimalt District, VIS2241 together with an interest in the common property in proportion to the unit entitlement of the strata lot] [883 Admirals Road] be forwarded to Council with a **recommendation of approval**.

The Motion **CARRIED UNANIMOUSLY**.

(3) **Development Variance Permit
Owner/Applicant: Phil Large
on behalf of Data Tech Developments
1190 Rhoda Lane**

Phil Large, the owner was present to outline the request for a Development Variance to the Official Community Plan to waive the requirement that no structure be built within 20 metres of the High Water Mark of the Gorge Waterway.

He stated that the Building Envelope of proposed Lot 6 had been constrained by the presence of a sewer right-of-way, storm drain right-of-way and road. He stated he had spoken to the neighbour to the east, and she would prefer than none of the windows from the proposed dwelling look over into her windows.

Darwin Robinson advised the Commission members of the history of the walkway along the Gorge Waterway. He commented he has a problem with the municipality taking away the use of waterfront property from owners.

Jaime Hilbert commented that she is struggling to support this request. She is concerned with the environment and society. It is difficult without seeing the designs and aesthetics.

Joanne Kimm commented she had no problem with it and the developer has the neighbour's support.

Rod Lavergne comment he had no problem with it.

Ed Williams, stated that he agrees with Darwin Robinson's comments regarding the municipality taking land.

Trevor Parkes, Staff Liaison, clarified that the strip of property below the high water mark is not part of the owner's lands or park land. It is accreted land that is part of the Gorge.

Ed Williams asked the applicant what would happen to the boat-way. He also inquired about the property below the high water mark and behind the rock wall.

Phil Large stated that the boat tracks would be taken out.

Ramona Scott inquired if there was public access to the end of Garthland Road. She inquired if the habitat area was going to be repaired and also the purpose of the ditch.

Phil Large responded that the ditch was for the storm drain for the lower lots. He commented that the access would be from the upper part of Rhoda Lane. There is an interior private road between the upper and lower lots. They will be restoring the habitat in keeping with the Gorge Waterway Development Permit Area No. 4.

Public Input

There were no members of the public in attendance

RECOMMENDATION:

Moved by Ed Williams, seconded by Joanne Kimm, that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit reducing the required setback from the Gorge Waterway for a principal building as detailed on the site survey for the Proposed Lot 6, prepared by Robert Hartnell Land Surveyor stamped "Received September 3, 2009", and including the following relaxations to Official Community Plan Bylaw No. 2646, be forwarded to Council with a **recommendation of approval**.

Official Community Plan Bylaw No. 2646, Section 9.6.5(a) – a reduction in the required 20 metre setback between any building or structure and the High Water Mark of the Gorge Waterway to 15.6 metres.

Official Community Plan Bylaw No. 2646, Section 9.6.5(a) – a waiver of the requirement that new buildings and structures not be located within 20 metres of the High Water Mark of the Gorge Waterway to permit construction within the area shown hatched on the site survey

for the Proposed Lot 6, prepared by Robert Hartnell Land Surveyor stamped "Received September 3, 2009" attached hereto as Schedule 'A'
The Motion **Carried:** 6 For 1 – Opposed – Jaime Hilbert

VI. PLANNER'S STATUS REPORT

Status of Recent Applications:

677 Admirals Road [DVP – front fence height] Application was considered at Council on June 1, 2009 and Council moved that DVP No. 01/2009 be issued and registered at the LTO.

1206 Wychbury Avenue [DVP – rear yard setback] Application was considered at Council on June 1, 2009 and Council moved that DVP No. 02/2009 be issued and registered at the LTO.

934/936 Craigflower Road [13 unit TH MF] The rezoning and DP application were considered by Council on June 15, 2009. A Public Hearing was held and the rezoning application was approved. Approval of the DP was withheld pending the applicant entering into a Development Agreement that would ensure the Township would receive certain amenities. The DP was considered by Council again on August 17, 2009 and Council moved that DP No. 15/2008 be issued and registered at the LTO.

860 Admirals Road [Strata Duplex DP]. Building Permit is ready to be issued by Development Services.

Legalization of Secondary Suites:

Staff will present Council with an amended Secondary Suite Bylaw on September 21, 2009 for 1st and 2nd reading. If Council supports the Amending Bylaw then a Public Hearing will be scheduled to receive feedback from the public on the proposed bylaw. Staff are currently in the process of altering the bylaw to reflect feedback from the public, APC, and Council.

Esquimalt Village Project:

Staff have asked Council to consider dealing with the Esquimalt Village Plan in 2 phases:

- Phase 1) The area containing the old Municipal Hall, Town Square, Old Public Works Yard, and Public Safety Building [Site 1].
- Phase 2) The remainder of the plan area.

Finalizing plans for Site 1 so that it can be tendered for development would signal that the municipality is moving forward with planning and implementing the EVP and help to restore public interest in this project.

On October 13th COTW will receive a report from consultants with proposed land use options for Site 1.

Recovery Homes:

Staff have presented a draft Amending Bylaw to Zoning Bylaw No. 2050 to Committee of the Whole [COTW] which establishes a definition for a Recovery Homes and institutes clear requirements for the creation of a Recovery home within the Township. COTW indicated they were generally supportive of the direction staff had taken and the proposed changes will be presented to APC at the October meeting.

OCP Height and Density Review:

Staff will be holding workshops for the public to learn about the issues surrounding height, massing and density within Esquimalt and for the public to provide feedback to staff on these important issues. Two workshops are currently scheduled; the first will be **Saturday, October 3rd from 9:30am until 12:00pm** in Council chambers. The second will be on **Tuesday, October 6th from 7:00pm until 9:30pm** in Council chambers. Further details will be available on the Esquimalt website shortly. Staff are requesting that members of the public register for one of these workshops to ensure manageable sizes of working groups.

All members of APC are encouraged to attend one of these sessions to provide staff with much needed feedback that will contribute to the future character of Esquimalt.

VII. COUNCIL LIAISON

Councillor Garrison commented that Council is aware and appreciates the amount of work being done by a small Planning Staff. He outlined the following projects:

- Pedestrian Charter will become an annex to the OCP.
- Public workshops for the OCP they will be very useful;
- The report on the OCP will be brought back to the APC for their comments;
- Recovery Houses at this time are not licensed or regulated by the Province, there are no regulations and Council has asked Staff to bring forward a report on these and other institutional uses;
- EVP is making progress, mostly over municipally owned lands;
- Secondary Suites will be review at COTW, Council requested the changes to the draft bylaws to make them simpler. Parking requirement removed. The owner-occupier requirement was left in. Health and safety is important.

VIII. NEW BUSINESS

(1) Residential Parking Only.

Rod Lavergne commented that he has concerns regarding all the "Residential Parking Only" signs around the municipality. He does not think it is right for residents to have the exclusive use of municipal streets.

Trevor Parkes, Staff Liaison, advised the Commission members of the process in place regarding changes to traffic. There is a requirement for residents to present a petition to the Engineering Department, for the purposes of the petition, 90% of the street residences must be canvassed, and the petition must receive 80% approval from the residents prior to present it to the Engineering Department. The request is reviewed by the Engineering Department, then a report prepared to Council to raise a Traffic Order.

Darwin Robinson commented that he agreed with Rod regarding certain residents having exclusive use of the streets where Residential Parking Only is in effect. He Commented "define resident".

Brief discussions took place amongst the members on this subject.

It was moved by Gerald Froese, seconded by Darwin Robinson, that requests for Residential Parking Only be forward to the Advisory Planning Commission for their recommendation to Council.

The moton **Carried.**

Trevor Parkes, Staff Liaison advised the Commission in light of the motion, that the Terms of Reference for the APC would require amending.

It was moved by Rod Lavergne and seconded by Darwin Robinson that the Terms of Reference of the Advisory Planning be amended to include that requests for Residential Parking Only be forwarded to the APC for review and recommendation to Council.

The motion **Carried.**

2. Spring Tour

Joanne Kimm commented that she hopes that again there will be a tour in the Spring viewing various properties.

Trevor Parkes stated that he would be reviewing this with the Director of Development Services and report back to the Commission.

3. Absence from October's Meeting

Jaime Hilbert advised the Chair and members that she will not be in attendance at the October meeting.

IX. NEXT REGULAR MEETING

The next regularly scheduled meeting is October 20th, 2009.

X. ADJOURNMENT

On motion the meeting adjourned at 9:15 p.m.

Certified Correct

Gerald Froese, Chairperson