



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

MEMBERS PRESENT: Gerald Froese, Chairperson
Jaime Hilbert
Rod Lavergne
Darwin Robinson
Ramona Scott
Ed Williams

REGRETS: Joanne Kimm

STAFF LIAISON: Trevor Parkes, Senior Planner

COUNCIL LIAISON: Randall Garrison

SECRETARY: Karen Hay

One member 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. LATE ITEMS

Moved by Darwin Robinson, seconded by Ramona Scott that the comments from APC Member, Joanne Kimm and the Green Building Features List submitted by applicant David Price be considered when dealing with item V. (1) and the staff report on Recovery Homes submitted by Trevor Parkes be considered under section V. Staff Reports.

The motion **CARRIED**.

III. ADOPTION OF AGENDA

Moved by Darwin Robinson, seconded by Ramona Scott that the agenda as amended be adopted.
The motion **CARRIED**.

IV. ADOPTION OF MINUTES

Moved by Darwin Robinson, seconded by Ramona Scott that the minutes of the regular meeting of October 20, 2009 and November 17, 2009 be adopted as distributed.
The motion **CARRIED**.

V. BUSINESS FROM MINUTES

There was no outstanding business from the minutes of October 20, 2009 or November 17, 2009.

VI. STAFF REPORT

**(1) DEVELOPMENT PERMIT with VARIANCE
849 Dunsmuir Road
[Lot 1, Section 11, Esquimalt District, Plan VIP78069]**

The proposal is to build 5 new single family homes that will function as a building strata.

The developer, David Price attended to present the proposal to build 5 new single family homes and complete the Swallows Landing development site. He outlined the history of the site dating back to 2003/2004, the approval of 102 condos on the other section of the site of which 98 were built (4 units were consolidated into larger units), the dedication of 2.5 acres of conservation area, and the addition to the West Song walkway. Original approval was given for 10 townhomes on 849 Dunsmuir but it was found to be unfeasible as the site would be too crowded. A proposal for 6 single family homes was impeded by an easement on the site for the servicing of the condominium strata towers.

David Price went on to explain that the 5 houses were designed to the same architectural guidelines as the condominiums with the addition of a couple of materials for variation. Units would have metal roofs, same as the condos, similar brick colours and precast details. Each unit would have a garage and carport. All trees on the site would be retained in building the homes and only 2 trees in total will have been removed from the whole Swallows Landing property. There would be 640 new plantings added to the property and he expects that looking down from the condominiums residents will see very little of the parking areas.

David Price also explained the variance for the interior strata lot line, was impacted by one house and was necessary due to the fact the easement for the strata road was established before the condominium towers were built and all requirements in the placement of the homes could be not foreseen.

Gerald Froese, Chair asked members for their comments and questions:

Darwin Robinson asked for the name of the architect.

David Price responded Merrick and that the project has already won 2 awards.

Darwin Robinson responded they do very good work.

Ramona Scott raised a concern also raised by Joanne Kimm regarding the tightness of the parking for house 4 in front of house 3. She also stated she really like the look of the development.

Ed Williams stated he sees this as an improvement on past proposals, he lives across the street and is looking forward to see construction start.

Ramona Scott asked why there was a three storey house proposed.

David Price responded that the natural topography of the site would accommodated it and felt it would be better than bringing in a pile of fill to bring it up to the level of the other homes.

Ramona Scott stated she found the mixture of large, small and tall homes interesting and asked that they try to retain the trees.

Ed Williams asked why a tree with 3 branches was being retained.

David Price responded that all the trees on the site were deemed healthy by the arborist and that he wished to keep as many trees as possible.

Jamie Hilbert commended Mr. Price for the drainage features of the site and the amount of vegetation proposed.

Rod Laverne asked when was the arborist's last report done.

David Price responded that the latest report was done in May 2008 after completion of the condominiums.

Rod Laverne expressed concern over the health of the tree to the west of House 4 and about future strata owners having to pay for the removal of unhealthy trees. He suggested that removal of this tree might allow House 4 to be moved west and allow more room in the courtyard area.

David Price stated he was proud of saving as many trees as he had on the site and that his arborist had put considerable work into saving the trees but that he would talk with the Parks department about the trees the commission members were concerned about.

Ramona Scott made the observation that the placement of Houses 3, 4 and 5 as they are now allows more privacy for all 3 homes.

Darwin Williams suggested they add a motion to their recommendations regarding the trees.

Gerald Froese suggested that the garage and trellis of House 4 be skewed more towards the roundabout allowing easier access to the garage.

David Price commented that removing the tree to the west of House 4 may allow for the house and garage all to be skewed toward the roundabout.

Gerald Froese asked about the drainage of the roundabout area.

David Price explained that the site had a history of flooding the lot to the west and had added considerable rainwater management features so runoff is no longer an issue. There are catch basins proposed for the roundabout area, permeable pavers with cloth underneath and a drainage line along the west property line.

Gerald Froese asked of Trevor Parkes why they were presented with the Green Features list as a late item.

Trevor Parkes explained that the Green Features list was a mandatory part of a Development Permit Application and had been an oversight when the original application package was accepted.

Gerald Froese inquired for Joanne Kimm regarding the floor plans for the homes, questioning where the master bedroom closet was for House 1.

Ramona Scott noted that Houses 2, 3, 4 and 5 have identical floor plans stacked either 1 or 2 storeys.

David Price explained that the interior floor plans had not been finalized.

Public Input:

Lorne Argyle, 1150 Bewdley Avenue had concerns regarding the garages and escape doors for House 1.

David Price explained that the drawings were a misrepresentation, the garages were not segregated, and the access door would serve both bays.

APC Comments:

Rod Laverne asked the developer to have a couple of trees looked at to ensure they were safe and wouldn't become a burden to future land owners. Overall felt it was a good development and part of a great project.

Jamie Hilbert stated she had no concerns with the development and supported the variance.

Ed Williams supported the development and would like it left to the developer's discretion to deal with the trees in question.

Ramona Scott stated she supported the variance, that parking is a bit of an issue for the developer to work out and that overall is a great development.

Darwin Robinson outlined the history of past proposals for the site and that the Swallows Landing development is far superior to past proposals. He considers this the top development in Esquimalt commending it for not cramming in as many units as possible and providing for the large conservation area that was gained. He stated that if one house could be better sited by the removal of one tree then he was in favour of removing that tree.

Gerald Froese for Joanne Kimm expressed concern for the parking at House 4.

Gerald Froese stated he is pleased with the development and would leave the tree issue up to the discretion of the developer.

RECOMMENDATION

Motion 1

Moved by Darwin Robinson, seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves to leave the developer free to remove two Fir trees. The first, located west of House 4, to improve the siting of House 4 and associated garage. The second, located north of House 1, to improve the aesthetics of the site.

The motion **CARRIED**. 5 In favour/ 1opposed –Jaime Hilbert

Motion 2

Moved by Darwin Robinson, seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves to forward the application for a Development Permit, limiting the form and character of development to that shown on architectural plans provided with the application stamped "Received December 3, 2009" and sited as shown on the survey plan prepared by Brad

Cunnin Land Surveying stamped "Received December 11, 2009" for 5 Single Family Dwellings located on Lot 1, Section 11, Esquimalt District, Plan VIP78069 [849 Dunsmuir Road], and including the following relaxation to Zoning Bylaw, 1992, No. 2050, to Council with a **recommendation of approval**.

Zoning Bylaw, 1992, No. 2050, Section 67.38(7)(b) – Siting Requirements - a 5.2 metre reduction to the requirement that no building shall be located within 9.0 metres of an Interior or Exterior Side Lot Line.

The Motion **CARRIED UNANIMOUSLY**.

(2) RECOVERY HOMES

Trevor Parkes when introducing the staff report explained the decision to change the regular process and take the report to Committee of the Whole first then to the Commission as a means to expedite the process and bring the bylaw back before Council in a timely manner. Mr. Parkes outlined the history that had brought this Amendment to Zoning Bylaw, 1992 No. 2050. This amendment includes the addition of a new zone to the zoning bylaw and adds two new definitions. The owners of a Recovery Home would be required to rezone their property and enter into a Housing Agreement with the municipality in order to operate.

APC Comments:

Darwin Robinson expressed concern about the impact of Recovery Homes on the neighbourhoods in which they would be located.

Trevor Parkes clarified that at the present time such facilities could exist in any house in Esquimalt under the current definition of family and that this bylaw is designed to empower Council to regulate their location and the Housing Agreement would provide some control over their operation.

Ramona Scott asked about experiences other jurisdictions have had.

Trevor Parkes stated experience has shown with responsible management nobody in the neighbourhood knows they are there.

Ramona Scott asked for some clarification regarding the legal advice given by Alyssa Bradley of Young, Anderson.

Trevor Parkes explained that you can not add a conditional use to a zone which already exists but by requiring rezoning of a property conditions such as the Housing Agreement can be added during rezoning.

Ramona Scott questioned content of Housing Agreements.

Trevor Parkes outline some features that could be controlled within a Housing Agreement.

Ramona Scott stated she is philosophically in favour of having Recovery Homes in the community, that communities should be caring for their own citizens and they should be out in the open.

Ed Williams questioned whether they would require a Business License.

Trevor Parkes stated he would have to look into that further but believed they could be required.

Ed Williams recommended proceeding with the bylaw. He stated that there needs to be openness and neighbours given a choice, and expressed concern about the low percent of recovery from addiction.

Trevor Parkes stated that these facilities have existed for years in some jurisdictions and neighbours have thought them to be a rental home down the street.

Jamie Hilbert questioned the need for a business license.

Trevor Parkes confirmed that facilities run by a not for profit organization may not require a business license.

Jaime Hilbert stated that from a security and policing perspective it is better to know the location of these facilities than not. She supports the bylaw.

Rod Laverne stated he is not against them and recognizes that the majority of owners will police correctly. He expressed a concern with how the bad owners will be dealt with, how to police owners and protect occupants who are vulnerable. Mr. Laverne stated there are problems with rezonings and questioned why duplexes were not being included in the bylaw.

Trevor Parkes explained there would be problems with attempting to split zone a duplex and that within the single owner duplex with renters next door it would not be fair to the renter. The Housing Agreement would allow monitoring by the neighbourhood and bylaw enforcement. Facilities that fall under the *Community Care and Assisted Living Act* are licensed, considered a health service and are governed by the health authority. As these facilities are licensed under the act they trump zoning and can go anywhere. Recovery Homes are unlicensed so municipalities can regulate them.

Gerald Froese asserted that rezoning this type of facility has the potential to become a lightning rod within the community and the burden will be on elected officials to deal with the issue.

Darwin Robinson emphasized the importance of the Municipality maintaining control over these facilities, the importance of public hearings and the need for these facilities to go somewhere.

RECOMMENDATION

Moved by Ramona Scott, seconded by Ed Williams that the Esquimalt Advisory Planning Commission (APC) resolves that the amendments to Zoning Bylaw, 1992, No. 2050 detailed in Schedule 'A', including the definition of a "Recovery Home" and the requirements for permitting Recovery Homes within the Township, be forwarded to Council with a **recommendation of approval**.

The Motion **CARRIED UNANIMOUSLY**.

VI. PLANNER'S STATUS REPORT

Trevor Parkes presented the following status of recent applications:

937 Rankin Road: [DVP for accessory building in front yard]. COTW supported staff recommendation that the DP be forwarded to Council with a recommendation of approval. Application was **approved** by Council December 7, 2009.

1153 Esquimalt Road: [DP for security fencing in front of Country Grocer]. COTW supported staff recommendation that the DP be forwarded to Council with a recommendation of approval. Application was **approved** by Council December 7, 2009.

1190 Rhoda Lane: [DVP – Waiver of OCP No Build Area and Reduction in Waterfront Setback]. Application was presented at the regular meeting of COTW on December 14, 2009. COTW forwarded the application to Council with a **recommendation of approval**.

924 Esquimalt Road [Carlton Terrace]: [Rezoning, OCP Amendment, DP for 62 unit, 6 storey, wood frame building]. Application was presented at the regular meeting of COTW on December 14, 2009. COTW forwarded the application to Council with a **recommendation of approval**.

OCP Height and Density Review:

Staff presented reports to the COTW relating to this issue on November 30, 2009 and again on December 14, 2009. Issues have not been resolved and an additional report will be presented to COTW in 2010.

Recovery Homes:

COTW supported staff recommendation to amend Zoning Bylaw No. 2050 to regulate Recovery Homes in Esquimalt. Staff intends to present the amending bylaw for 1st and 2nd reading in January 2010, pending review from the APC.

Thank You: Darwin Robinson for serving on APC for the past 9 months. Council has appointed a new member to the Commission, Christopher Smith until December 31, 2011

VII. COUNCIL LIAISON

Councillor Garrison reported that this would be his last report as Councillor Alison Gaul will be the Council Liaison for 2010. Councillor Garrison went on to report:

- ♦ 1190 Rhoda Lane Development Variance Permit Application -Councillor Garrison reported that Committee of the Whole was divided on the application but decided to forward it to Public Hearing.
- ♦ OCP Height and Density Review: The recommendation of 14 storey maximum being added to the OCP was rejected by Council with Council divided on the process of amending the OCP versus amending both the Zoning Bylaw and OCP together. There was also a question of how to deal with the Low-rise Designation, whether it should be included in the amendments and whether it was included in the community discussions.
- ♦ Recovery Homes: New Westminster and Victoria both have examples where recovery homes have integrated very well into neighbourhoods and are not hidden away. The homes organize meet the resident nights and street parties. The new bylaw would allow Council more control as Vancouver Island Health Authority and the Province have zero intention of licensing.

Councillor Garrison then affirmed how he has enjoyed working with the APC members over the past year and thanked the members for their hard work and dedication to the community. A particular thank you went the Darwin Robinson for the time he has spent with the Commission.

VIII. NEW BUSINESS

Darwin Robinson thanked the members of the committee, explained he had other commitments and looked forward to the possibility of returning in the future.

Gerald Froese thanked Darwin Robinson for the years of experience and insight he has brought to the Commission, thanked Councillor Randal Garrison for the calming influence he has brought to the Commission and wished everyone in attendance a Merry Christmas.

IX. NEXT REGULAR MEETING

The next regularly scheduled meeting is January 19th, 2010

X. ADJOURNMENT

On motion the meeting adjourned at 9:05 p.m.

Certified Correct

Gerald Froese, Chairperson