



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**MINUTES  
SPECIAL MEETING  
OF MUNICIPAL COUNCIL  
MONDAY, JULY 14, 2008  
7:00 P.M.  
COUNCIL CHAMBERS**

**PRESENT:** Councillor Hy Freedman (Acting Mayor)  
Councillor Lynda Hundleby  
Councillor Barbara Desjardins  
Councillor Jane Sterk

**REGRETS:** Mayor Chris Clement  
Councillor Donald Linge

**STAFF:** L. Hurst, Acting Chief Administrative Officer  
G. Coté, Director of Engineering and Public Works  
T. Parkes, Senior Planner  
D. Knight, Executive Assistant

1. **CALL TO ORDER**

The special meeting was called to order at 7:00 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

Moved by Councillor Sterk, seconded by Councillor Desjardins that the agenda be approved.

The motion **CARRIED**.

4. **PUBLIC INPUT (On items listed on the Agenda)**

*Excluding items which are or have been the subject of a Public Hearing.*

(1) **Craig Carmichael, 820 Dunsmuir Road**

Mr. Carmichael spoke on behalf of the 800 Block Dunsmuir residents who would like to see a crosswalk across Esquimalt Road at Dunsmuir or Dominion Road. It is difficult to cross Esquimalt Road at that point due to visibility issues and walking through a flowerbed. There is also a visibility concern with sign placement in the middle of the median. Mr. Carmichael provided staff with pictures of his areas of concern.

5. a) **PUBLIC HEARING – Zoning Bylaw Amendment [No. 178], 2008, No. 2685, 849 Dunsmuir Road**

i) Notice of Public Hearing, Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 178], 2008, No. 2685

ii) Background Information – *Available for Viewing Separately*

- Staff Report No. DEV-08-047
- Staff Report No. DEV-08-058

The Senior Planner provided a brief overview of the changes to the Comprehensive Development District zoning for 849 Dunsmuir Road.

David Price, the developer for Swallows Landing, was present and outlined his intention of revising the original concept of 10 townhouses at the site to six single family dwellings.

**PUBLIC INPUT**

(1) **Emmy Labonte, 873 Dunsmuir Road**

Ms. Labonte spoke in support of the change to six single family dwellings. She raised concerns with the Development Permit and is glad that the trees will remain. She suggested that the strata

permit only native plantings and that the developer work with Parks and Recreation staff to determine landscape plants. She also suggested that a rock wall be constructed along Dunsmuir in front of the residences and that the sidewalk on Dunsmuir to the Westsong Walkway be replaced by the developer.

Acting Mayor Freedman called a second and third time for public input. No additional members of the public participated in the public input opportunity.

## **ADJOURNMENT OF PUBLIC HEARING**

### **b) PUBLIC HEARING – Official Community Plan Bylaw Amendment [No. 1], 2008, No. 2683 and Zoning Bylaw Amendment [No. 177], 2008, No. 2684, Two Family Residences (Duplexes)**

- i) Notice of Public Hearing
  - Official Community Plan Bylaw, 2007, No. 2646, Amendment Bylaw [No. 1], 2008, No. 2683
  - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 177], 2008, No. 2684
- ii) Background Information – *Available for Viewing Separately*
  - Staff Report No. DEV-08-048
  - Staff Report No. DEV-08-057
  - Staff Report No. DEV-08-065

The Senior Planner reported that the changes identified to the Bylaws are a result of recommendations identified by CitySpaces Consulting.

## **PUBLIC INPUT**

### **(1) Kim Bellafontaine, 1162 Hadfield Road**

Ms. Bellafontaine thanked Mayor, Council and staff for approving the recommendations and commented that it is good to see them in place.

Acting Mayor Freedman called a second and third time for public input. No additional members of the public participated in the public input opportunity.

## **ADJOURNMENT OF PUBLIC HEARING**

c) **PUBLIC HEARING – Official Community Plan Bylaw Amendment [No. 2], 2008, No. 2693 and Zoning Bylaw Amendment [No. 180], 2008, No. 2691, Temporary Commercial and Industrial Use Permits**

- i) Notice of Public Hearing
  - Official Community Plan Bylaw, 2007, No. 2646, Amendment Bylaw [No. 2], 2008, No. 2693
  - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 180], 2008, No. 2691
- ii) Background Information – *Available for Viewing Separately*
  - Staff Report No. DEV-08-037
  - Staff Report No. DEV-08-061

The Senior Planner reported that the changes to the bylaws to provide for Temporary Commercial and Temporary Industrial Use Permits is a housekeeping issue and was in the original OCP.

**PUBLIC INPUT**

Acting Mayor Freedman called three times for public input. No members of the public participated in the public input opportunity.

**ADJOURNMENT OF PUBLIC HEARING**

d) **PUBLIC HEARING – Zoning Bylaw Amendment No. 181], 2008, No. 2694 and Animal Bylaw Amendment [No. 1], 2008, No. 2692, Keeping of Hens**

- i) Notice of Public Hearing
  - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 181], 2008, No. 2694
  - Animal Bylaw, 2002, No. 2495, Amendment Bylaw [No. 1], 2008, No. 2692
- ii) Background Information – *Available for Viewing Separately*
  - Staff Report No. DEV-08-026
  - Staff Report No. DEV-08-046
  - Staff Report No. DEV-08-060

The Senior Planner stated that the amendments made to the bylaws are to permit keeping urban hens in single family residences.

## **PUBLIC INPUT**

(1) **Mark Salter**

Mr. Salter, representing Esquimalt Neighbourhood Urban Farmers, commented that he is happy to see this bylaw. He suggested that public education and information about the bylaw would be useful as some of the criteria is quite onerous.

(2) **Emmy Labonte**

Ms. Labonte stated that she is glad that Esquimalt has allowed hens.

Acting Mayor Freedman called a second and third time for public input. No additional members of the public participated in the public input opportunity.

## **ADJOURNMENT OF PUBLIC HEARING**

### **6. STAFF REPORTS – PUBLIC HEARING**

(1) **Amendment to Comprehensive Development District No. 49 [Phase 3 of Swallows Landing], Staff Report No. DEV-08-073**

The Director of Public Works and Engineering, in response to questions raised from the public input session, advised that the area is a natural habitat for Garry Oak therefore the rock wall along Dunsmuir Road is not appropriate. The developer is replacing the sidewalk along the frontage of the building which is all that is required from them. The Township does not have the budget to replace the rest of the sidewalk.

Moved by Councillor Hundleby, seconded by Councillor Sterk that Bylaw No. 2685, which would amend the terms of Comprehensive Development District No. 49 [CD No. 49] of Zoning Bylaw No. 2050 by adding Single Family Residential as a permitted use; by providing a parking requirement for Single Family Use and amending the required setback from an interior side lot line, be given final reading and adoption.

The motion **CARRIED**.

(2) **Changes to the Two Family Residential Zones and OCP Development Permit Guidelines for Duplexes, Staff Report No. DEV-08-071**

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2683 which would amend Section 9.7 of the Official Community Plan to add new and revised guidelines for Two Unit Dwellings [i.e. duplexes] be given final reading and adopted.

The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2684 which would amend Zoning Bylaw No. 2050 in regard to Two Family Residential Uses be given final reading and adopted.

The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2695 which would amend the Development Approval Procedures Bylaw to require public notice for new or converted Two Unit Dwellings [i.e. duplexes] and increase the area of notification for all Development Variance Permits be adopted.

The motion **CARRIED**.

**(3) Amendment to Official Community Plan and Zoning Bylaw to Allow for Temporary Use Permits, Staff Report No. DEV-08-069**

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2693 which would amend the Official Community Plan [Bylaw No. 2646] to provide for Temporary Commercial and Temporary Industrial Use Permits be given final reading and adopted.

The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2691 which would amend Zoning Bylaw No. 2050 to provide for Temporary Commercial and Temporary Industrial Use Permits be given final reading and adopted.

The motion **CARRIED**.

**(4) Amendment to Zoning Bylaw and Animal Bylaw to Allow the Keeping of Urban Hens, Staff Report No. DEV-08-070**

The Director of Public Works and Engineering commented that there is currently no communication plan to advise the public about the Keeping of Urban Hens but staff could ensure that information be included in the Community Newsletter, possibly create a brochure and post information on the Esquimalt website.

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2694 which would amend Zoning Bylaw No. 2050 to provide for the keeping of up to four hens on a property zoned for single family residential use be given final reading and adopted.

The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Desjardins that Bylaw No. 2692 which would amend Animal Bylaw No. 2495 to provide for the keeping of up to four hens in the RS-1, RS-2, RS-3, RS-4 and RS-5 Single Family Residential Zones be given

third reading.  
The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Hundleby that Council refer preparation of a public information brochure regarding the Keeping of Urban Hens to the Environment Committee for action.  
The motion **CARRIED**.

**7. HEARING**

Development Permit , 924 & 928 Esquimalt Road and 912 & 914 Carlton Terrace

- (a) Notice of Hearing
- (b) Background Information – *Available for Viewing Separately*
  - Staff Report No. DEV-08-015
  - Staff Report No. DEV-08-063

**PUBLIC INPUT**

**(1) Angela Oakley, 948 Esquimalt Road**

Ms. Oakley stated that she is an adjacent owner and has a concern with the height of the proposed development. She is opposed to the added height as it will impact the views from her building and suggested that the developer consider blasting deeper for the underground parking.

Acting Mayor Freedman called a second and third time for public input. No additional members of the public participated in the public input opportunity.

**ADJOURNMENT OF HEARING**

**8. STAFF REPORT – HEARING**

- (1) Development Permit, 924 Esquimalt Road, 928 Esquimalt Road, 912 Carlton Terrace, 914 Carlton Terrace, [Lot 1, Section 11, Esquimalt District, Plan 13060], [Lot 2, Section 11, Esquimalt District, Plan 13060], [Lot 3, Section 11, Esquimalt District, Plan 13060], [Lot 4, Section 11, Esquimalt District, Plan 13060], Staff Report No. DEV-08-076**

The Senior Planner reported that the proposal is good for this site and the current design is advantageous. The added height gives architectural detail and makes for a nicer building.

Comments from Council include:

- Whether staff have addressed the neighbour's concern with the increase in building height.

Moved by Councillor Desjardins, seconded by Councillor Sterk that the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by Misra Architect, stamped "Received June 3, 2008", and a landscape plan prepared by Lombard North Group stamped "Received June 3, 2008" and including the following variance to Zoning Bylaw No. 2050 be approved, issued and registered on the title of Lots 1,2,3, and 4 Section 11, Esquimalt District, Plan 13060 [924 and 928 Esquimalt Road, 912 and 914 Carlton Terrace].

Section 44(4)(a) – Building Height – a 3.6 metre increase in the permitted Height, from 11 metres to 14.6 metres

The motion **CARRIED.**

## 9. STAFF REPORTS

### (1) Local Grant Applications, Staff Report No. FIN-08-008

The Director of Financial Services noted that there is currently \$17,638 unallocated funds in the local grant budget. It was suggested that the Victoria Restorative Justice Society be encouraged to approach other municipalities for additional funding as their services apply in other jurisdictions.

Moved by Councillor Desjardins, seconded by Councillor Sterk that the requests for funding by Victoria Restorative Justice Society in the amount of \$8,500 and the Naval Memorial Window Committee in the amount of \$1,000 be approved in full.

The motion **CARRIED.**

### (2) BCA Property Assessment Appeals, Staff Report No. FIN-08-009

Moved by Councillor Hundleby, seconded by Councillor Sterk that the BCA Property Assessment Appeals be received for information.

The motion **CARRIED.**

### (3) Pedestrian Crosswalk on 800 Block Esquimalt Road, Staff Report No. EPW-08-028

The Director of Engineering and Public Works stated that it would be unsafe to install a pedestrian crosswalk in the 800 Block Esquimalt Road as there is a tight corner and also poor visibility. Pedestrian and cycling counts have been undertaken at that location and do not support installing a pedestrian crossing.

Moved by Councillor Desjardins, seconded by Councillor Sterk



that Staff Report No. EPW 08-028, Pedestrian Crosswalk on 800 Block Esquimalt Road be received for information.  
The motion **CARRIED**.

(4) **Development Permit Application, 1153 Esquimalt Road, [Lot A, Section 11, Esquimalt District, Plan 15195 Except Plan 24210] Staff Report No. DEV-08-074**

The Senior Planner reported that Country Grocer is expanding into the Royal Bank site and proposes to improve the façade of their lease space.

Moved by Councillor Sterk, seconded by Councillor Desjardins that the application for a Development Permit, limiting the form and character of development to that shown on plans prepared by Horvath Interior Design and stamped "Received June 3, 2008", be approved, issued and registered on the title of Lot A, Section 11, Esquimalt District, Plan 15195, Except Plan 24210 [1153 Esquimalt Road].

The motion **CARRIED**.

(5) **Amendment to Fees [Development Applications] Bylaw for Closure of Municipal Road or Right of Way, Staff Report No. DEV-08-075**

Moved by Councillor Hundleby, seconded by Councillor Desjardins that Bylaw No. 2689 which would add a \$1000 Fee for the Consideration of the Closure of a Municipal Road or Right of Way for sale to a private individual or corporation be adopted.

The motion **CARRIED**.

10. **BYLAW**

***For Adoption***

(1) **Pesticide Use Reduction Bylaw, 2008, No. 2686**

Moved by Councillor Sterk, seconded by Councillor Hundleby that *Pesticide Use Reduction Bylaw, 2008, No. 2686* be adopted.  
The motion **CARRIED**.

11. **PUBLIC QUESTION AND COMMENT PERIOD**

*Excluding items which are or have been the subject of a Public Hearing.*

(1) **Mark Salter**

Mr. Salter commented that he was pleased that the Pesticide Use Reduction Bylaw had passed which will make it much safer for the urban hens.

12.

**ADJOURNMENT**

Moved by Councillor Sterk, seconded by Councillor Desjardins that the meeting be adjourned at 8:12 p.m.  
The motion **CARRIED.**

---

MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS 18<sup>TH</sup> DAY OF AUGUST, 2008

CERTIFIED CORRECT

---

TOM DAY  
DEPUTY MUNICIPAL CLERK