



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**A G E N D A**  
**REGULAR MEETING OF COUNCIL**

Monday, November 3, 2008

7:00 p.m.

Esquimalt Council Chambers

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1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **MINUTES**

(1) Minutes of the Regular Meeting of Council, October 20, 2008 Pg. 1 – 7

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

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

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6. **HEARINGS**

(1) **HEARING – DEVELOPMENT PERMIT WITH A VARIANCE  
[1008 TILlicum ROAD]**

i) Notice of Hearing Pg. 8

ii) Background Information - *Available for Viewing Separately*

- Staff Report No. DEV-08-022
- Staff Report No. DEV-08-034
- Staff Report No. DEV-08-085

**PUBLIC INPUT**

**ADJOURNMENT OF HEARING**

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(2) **HEARING – DEVELOPMENT PERMIT WITH VARIANCES  
[861 TILlicum ROAD]**

i) Notice of Hearing Pg. 9

ii) Background Information - *Available for Viewing Separately*

- Staff Report No. DEV-08-093

**PUBLIC INPUT**

**ADJOURNMENT OF HEARING**

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- (3) **HEARING – DEVELOPMENT VARIANCE PERMIT  
[#2 – 915 GLEN VALE ROAD]** Pg. 10
- i) Notice of Hearing
  - ii) Background Information - *Available for Viewing Separately*
    - Staff Report No. DEV-08-096

**PUBLIC INPUT**

**ADJOURNMENT OF HEARING**

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**7. HEARING STAFF REPORTS**

- (1) Hearing for Development Permit with a Variance, 1008 Tillicum Road, [Lot 5, Section 10, Esquimalt District, Plan 6034], Staff Report No. DEV-08-103 Pg. 11 – 32
  - (2) Hearing for Development Permit with Variances, 861 Tillicum Road, [Lot 1, Section 10, Esquimalt District, Plan 11426], Staff Report No. DEV-08-104 Pg. 33 – 50
  - (3) Hearing for Development Variance Permit for Fencing, # 2 – 915 Glen Vale Road, Staff Report No. DEV-08-106 Pg. 51 – 67
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**8. STAFF REPORTS**

*Parks and Recreation*

- (1) Esquimalt's Youth Services, Staff Report No. P&R-08-020 Pg. 68 – 73

*Finance*

- (2) Local Grant Application, Staff Report No. FIN-08-021 Pg. 74 – 75

*Development*

- (3) Amending Bylaw No. 2662 and Development Permit Application – 669 Constance Avenue, Lot 1, Suburban Lots 43 & 44, Esquimalt District, Plan 13563, [669 Constance Avenue], Lot A, Suburban Lots 43 & 44, Esquimalt District, Plan VIP65333, [658 – 660 Admirals Road], Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP54521, [662 Admirals Road], Staff Report No. DEV-08-099 Pg. 76 – 81
- (4) Official Community Plan Review, Staff Report No. DEV-08-101 Pg. 82 – 84
- (5) Regional Pesticide Reduction Education Initiative, Staff Report No. DEV-08-102 Pg. 85 – 91



- (6) Development Permit, 1324 Lyall Street, [Lot 129, Suburban Lot 38, Esquimalt District, Plan 2854], Staff Report No. DEV-08-105 Pg. 92 – 112
- (7) Amendment to Zoning Bylaw Regarding Accessory Structures for Urban Hens, Staff Report No. DEV-08-107 Pg. 113 – 115

**9. MAYOR'S AND COUNCILLORS' REPORTS**

**10. REPORTS FROM COMMITTEES**

- (1) Draft minutes from the Cultural Advisory Committee meeting, September 23, 2008 Pg. 116 – 120
- (2) Draft minutes from the Access Awareness Committee meeting, October 15, 2008 Pg. 121 – 124
- (3) Draft minutes from the Environmental Advisory Committee meeting, October 16, 2008 Pg. 125 – 127

**11. COMMUNICATIONS**

- (1) Letter from the Greater Victoria Library Board, dated October 24, 2008, Re: Library Provisional Five-Year Financial Plan 2009 – 2013 Pg. 128 – 133

**12. BYLAW**

*For Adoption*

- (1) Low Speed Electric-Powered Vehicle Authorization Bylaw, 2008, No. 2071 Pg. 134 – 135

**13. PUBLIC QUESTION AND COMMENT PERIOD**

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

**14. ADJOURNMENT**



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES  
REGULAR MEETING  
OF MUNICIPAL COUNCIL  
MONDAY, OCTOBER 20, 2008  
7:00 P.M.  
COUNCIL CHAMBERS

**PRESENT:**

Mayor Chris Clement  
Councillor Jane Sterk  
Councillor Hy Freedman  
Councillor Lynda Hundleby  
Councillor Barbara Desjardins  
Councillor Donald Linge

**STAFF:**

T. Day, Chief Administrative Officer  
G. Côté, Director of Engineering and Public Works  
L. Hurst, Director of Financial Services  
B. Snyder, Director of Development Services  
L. Randle, Corporate Administrator (Recorder)

**1. CALL TO ORDER**

Mayor Clement called the meeting to order at 7:20 p.m.

**2. LATE ITEMS**

- (1) Receive the October 20, 2008 Committee of the Whole Report for consideration with a modification to section 3(2) which was not approved, all other items were approved as recommended.
- (2) Remove section 6(3), the Youth Services report, from the agenda.
- (3) There is a possible conflict of interest between Mayor Clement and item 6(6); Mayor Clement will leave the meeting and Councillor Sterk will act as the chairperson in his absence.
- (4) Have section 11(2), Notice of Motion Re: Neighbourhood Zero Emission Vehicles, considered as part of section 6(4)

**3. APPROVAL OF THE AGENDA**

Moved by Councillor Sterk, seconded by Councillor Hundleby that the agenda, as amended, be approved.  
The motion **CARRIED**.

**4. MINUTES**

**(1) Minutes of the Regular Meeting of Council,  
October 6, 2008**

Moved by Councillor Sterk, seconded by Councillor Linge that the Minutes of the Regular Meeting of Council, October 6, 2008 be adopted.  
The motion **CARRIED**.

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

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

No members of the public participated in the public input opportunity.

**6. STAFF REPORTS**

**(1) Council Meeting Schedule Changes for 2008, Staff Report  
No. ADM-08-033**

The Corporate Officer gave an overview of the changes to the Council Meeting Schedule and addressed questions from Council.

Moved by Councillor Desjardins, seconded by Councillor

Hundleby that Council approve the proposed changes to the 2008 Council meeting schedule.

The motion **CARRIED**.

**(2) Requests for 2008 Property Tax Penalty Reversal, Staff Report No. FIN-08-020**

Moved by Councillor Sterk, seconded by Councillor Desjardins that Council NOT forward the request for reversal of the 2008 property tax penalty to the Minister of Community Services.

The motion **CARRIED**.

**(3) Esquimalt's Youth Services, Staff Report No. P&R-08-019**

This item was removed from the agenda.

**(4) Neighbourhood Zero Emission Vehicles, Staff Report No. EPW-08-038**

The Director of Engineering and Public Works presented an overview of the Bylaw.

Some of the concerns of Council included:

- The implementation of a communication plan to inform the public
- Safety concerns raised included: traffic adhering to speed limits; performance in various weather conditions; the hazard of the silent operation of the vehicle to other traffic and pedestrians, particularly to hard of hearing and the blind.

Moved by Councillor Linge, seconded by Councillor Desjardins that the bylaw to allow Neighbourhood Zero Emission Vehicles to travel on all streets with speed limits of 50 km/hr or less be given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings; and that Staff work together with ICBC and Victoria Police to monitor the use of Neighbourhood Zero Emission Vehicles and report back to Council in 36 months.

The motion **CARRIED**.

Moved by Councillor Freedman, seconded by Councillor Hundleby that a letter from the Mayor be sent to the Regional Safety Commission regarding safety concerns respecting vision and hearing impaired people if the use of Neighbourhood Zero Emission Vehicles is permitted.

The motion **CARRIED**.

**(5) Traffic Issues – Selkirk Neighbourhood, Staff Report No. EPW-08-039**

The Director of Engineering and Public Works presented an

overview. Council raised concerns that the removal of the sign will not resolve the issue of through traffic on Selkirk Ave. and that a traffic consultant should be engaged to have a second look at the issue. Councillor Desjardins believed the speed of traffic in the area was also a concern, and it should be addressed to the police force.

Moved by Councillor Hundleby, seconded by Councillor Sterk that Traffic Order No. 1146 approving No Left Turn Signs on Tillicum Road at McNaughton Ave and Selkirk Ave be rescinded. The motion **CARRIED**.

**(6) Bylaw to Establish a Local Service Area for a Sidewalk, Staff Report No. EPW-08-040**

7:41 p.m. Mayor Clement left the meeting citing a possible conflict of interest, due to his membership with the golf club.

Councillor Sterk took over the role of chairperson.

Moved by Councillor Freedman, seconded by Councillor Desjardins that Bylaw No. 2698 "*Craigflower Road (Gorge Vale Golf Club) Local Area Service Bylaw, 2008*" to establish a local service area to construct a concrete sidewalk, curb and gutter for a distance of 165 m along Craigflower Road be given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

The motion **CARRIED**.

7:43 p.m. Mayor Clement returned to the meeting and resumed the role of Chairperson.

**(7) Report on Parking Issues – 800 Block Old Esquimalt Road, Staff Report No. DEV-08-095**

The Director of Development Services presented an overview. Councillor Sterk suggested that a review of residential parking be conducted by staff and that the possibility of administering street parking permits to residents be considered, using the City of Vancouver as an example. Councillor Desjardins would like to see a Commissionaire hired to help mitigate the problem.

Moved by Councillor Freedman, seconded by Councillor Linge that the issue of residential parking in the 800 block of Old Esquimalt Road be examined in the context of a Traffic Study, to be conducted in 2009, covering the length of Old Esquimalt Road from Dominion Road to Lampson Street.

The motion **CARRIED**.

**(8) Opting into Provincial Site Profile System Regarding the Contaminated Sites Regulation of the Environmental**

**Management Act, Staff Report No. DEV-08-097**

The Director of Development Services presented an overview.

Moved by Councillor Sterk, seconded by Councillor Hundleby that Council pass a resolution to request permission to opt back into the provincial Site Profile System of the Contaminated Sites Regulation of the *Environmental Management Act* and that a letter to that effect be sent to the Minister.

The motion **CARRIED**.

**7. MAYOR'S AND COUNCILLORS' REPORTS**

There were no reports.

**8. REPORTS AND COMMITTEES**

**(1) Committee of the Whole Report, October 20, 2008**

Moved by Councillor Sterk, seconded by Councillor Freedman to approve the recommendations in the Special Committee of the Whole Report, October 20, 2008.

The motion **CARRIED**.

**(2) Draft Minutes from the Environmental Advisory Committee meeting, September 18, 2008**

Moved by Councillor Sterk, seconded by Councillor Hundleby that the draft minutes from the Environmental Advisory Committee Meeting, September 18, 2008 be received.

The motion **CARRIED**.

**(3) Draft minutes from the Parks and Recreation Commission meeting, October 2, 2008**

Moved by Councillor Linge, seconded by Councillor Hundleby that the draft minutes from the Parks and Recreation Commission meeting, October 2, 2008 be received.

The motion **CARRIED**.

**9. COMMUNICATIONS**

**(1) Letter from Capital Regional District Parks, dated October 1, 2008, Re: CRD Regional Parks 2007 Annual Report**

Moved by Councillor Sterk, seconded by Councillor Desjardins that the correspondence from Capital Regional District Parks, dated October 1, 2008, Re: CRD Regional Parks 2007 Annual Report be received.

The motion **CARRIED**.

**(2) Letter from Indian and Northern Affairs Canada, dated**

**October 2, 2008, Re: Staff Report Re: Acquisition of Federal Land at Macaulay Point**

Moved by Councillor Sterk, seconded by Councillor Linge that the correspondence from Indian and Northern Affairs Canada, dated October 2, 2008, Re: Staff Report Re: Acquisition of Federal Land at Macaulay Point be received.

The motion **CARRIED**.

**(3) Letter from CREST, dated October 7, 2008, Re: Radio Communication System**

Councillor Freedman noted that CREST General Manager, Gord Horth, was present to help answer any questions. Councillor Freedman asked for any questions on the item to be deferred to item 11(1), the Notice of Motion.

**(4) Letter from the Provincial Capital Commission, dated October 9, 2008, Re: Greenways Project – South Coast Trail Project Phase II**

Moved by Councillor Hundleby, seconded by Councillor Desjardins that the correspondence from the Provincial Capital Commission, dated October 9, 2008, Re: Greenways Project – South Coast Trail Project Phase II be received.

The motion **CARRIED**.

**10. BYLAW**

**(1) Tax Exemption (Non-Profit Organizations) Bylaw, 2008, No. 2696**

Moved by Councillor Freedman, seconded by Councillor Linge that *Tax Exemption (Non-Profit Organizations) Bylaw, 2008, No. 2696* be adopted.

The motion **CARRIED**.

**(2) Parks and Recreation Regulation Bylaw, 2007, No. 2665, Amendment Bylaw [No. 2], 2008, No. 2700**

Moved by Councillor Sterk, seconded by Councillor Linge that *Parks and Recreation Regulation Bylaw, 2007, No. 2665, Amendment Bylaw [No. 2], 2008, No. 2700* be adopted.

The motion **CARRIED**.

**11. NOTICE OF MOTION**

**(1) Capital Regional Emergency System Telecommunications Inc. (CREST)**

CREST General Manager, Gord Horth, responded to Council's

questions.

Moved by Councillor Freedman, seconded by Councillor Hundleby that the letter from CREST, dated October 7, 2008, Re: Radio Communication System be received.  
The motion **CARRIED**.

**(2) Neighbourhood Zero Emission Vehicles**

This matter was considered under section 6 (4).

**12. PUBLIC QUESTION AND COMMENT PERIOD**

No members of the public participated in the public question and comment period.

**13. MOTION TO GO IN CAMERA**

- (1)** Moved by Councillor Sterk, seconded by Councillor Hundleby that Council go *In Camera* pursuant to Section 90 of the *Community Charter* to discuss a matter under another enactment, consideration of matters held in confidence relating to negotiations, personal information about an identifiable individual and labour relations and other employee relations, pursuant to Sections 90 (2) (d) and (b), 90(1) (a) and (c) and that the general public be excluded.  
The motion **CARRIED**.

**14. ADJOURNMENT**

Moved by Councillor Hundleby, seconded by Councillor Sterk that the meeting be adjourned at 8:25 p.m.  
The motion **CARRIED**.

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MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS DAY OF , 2008

CERTIFIED CORRECT

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LARRY RANDLE  
CORPORATE OFFICER





# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

October 23, 2008

## NOTICE OF HEARING

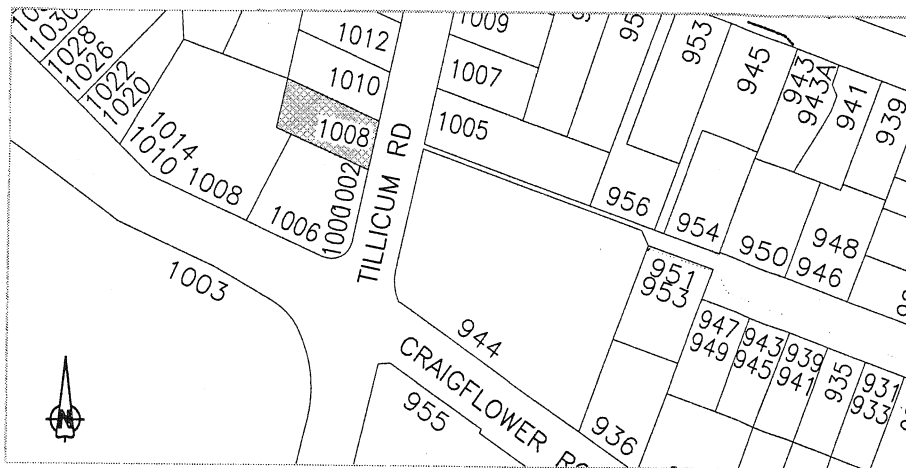
An application for a Development Permit with a Variance has been received from John Romashenko on behalf of 825661 B.C. Ltd. the registered owner of Lot 5, Section 10, Esquimalt District, Plan 6034 [1008 Tillicum Rd]. The applicant is requesting a variance to Zoning Bylaw No. 2050 in order to construct a new four storey, mixed use commercial building. The proposed use of the building complies with the intent of the Zoning Bylaw.

**Purpose of the Application:**

The applicant is requesting a Development Permit to facilitate the construction of a new four storey, mixed use [commercial and residential] building. However, the proposed building would be 3.2 metres higher than what is currently allowed in the C-2 [Neighbourhood Commercial] Zone.

Authorization of the following variance to Zoning Bylaw No. 2050 is required before a Development Permit can be issued:

**Section 47(2) – Building Height** – a 3.2 metre increase in the permitted Height, from 13 metres to 16.2 metres.



**Site Location:**

Lot 5, Section 10, Esquimalt District, Plan 6034  
[1008 Tillicum Rd]

Should this variance be approved, a Development Permit limiting the form and character of development to that shown on architectural plans prepared by Wensley Architecture Ltd. will be registered on the title of Lot 5, Section 10, Esquimalt District, Plan 6034 [1008 Tillicum Rd].

The Municipal Council will consider this application at 7:00 p.m., **Monday November 3, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until November 3, 2008.

BARBARA SNYDER, DIRECTOR  
DEVELOPMENT SERVICES



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Voice: (250) 414-7100  
Fax: (250) 414-7111

October 23, 2007

## NOTICE OF HEARING

An application for a Development Permit with Variances has been received from Mette Sinclair, the registered owner of Lot 1, Section 10, Esquimalt District, Plan 11426 [861 Tillicum Road].

### Purpose of the Application:

The applicant is requesting a Development Permit to convert the existing single family residence with suite to a two family residence (i.e. duplex).

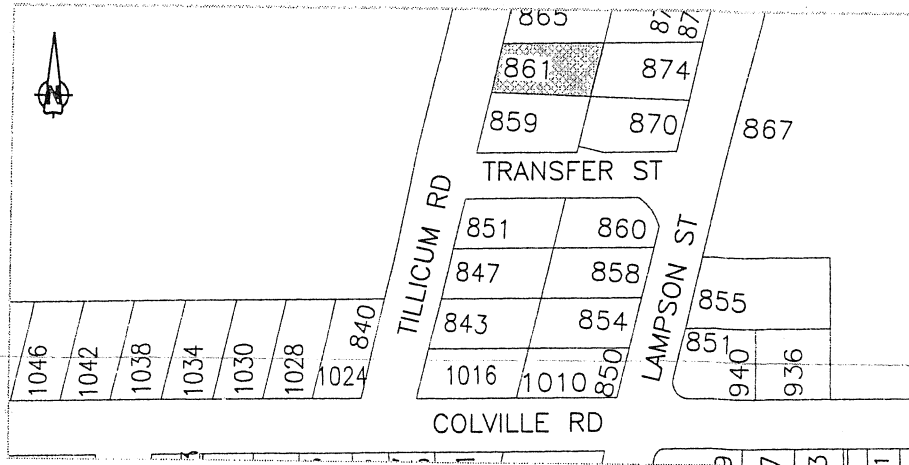
In order to approve this Development Permit, the following relaxations of Zoning Bylaw No. 2050 would be required:

**Section 38(5) – Floor Area** – a 19 square metres decrease in the required minimum floor area for the first storey of a Principal Building from 88 square metres to 69 square metres.

**Section 38(8.1) – Building Massing** – a 1% relaxation for the permitted maximum area of the second storey of a Two Family dwelling in relation to the total floor area of the ground floor, including an attached garage, from 75% to 76%.

**Section 38(9)(a)(i) – Siting Requirements** – a 0.4 metre relaxation of the required setback between a Principal Building and the Front Lot Line from 7.5 metres to 7.1 metres.

**Section 38(9)(a)(ii) – Siting Requirements** - a 0.1 metre relaxation of the required setback between a Principal Building and the Interior Side Lot Line from 1.5 metres to 1.4 metres.



**Site Location:** Lot 1, Section 10, Esquimalt District, Plan 11426  
[861 Tillicum Road]

The Municipal Council will consider this application at **7:00 p.m., Monday November 3, 2008**, in the **Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sunday, Statutory Holidays) until November 3, 2008.

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October 23, 2008

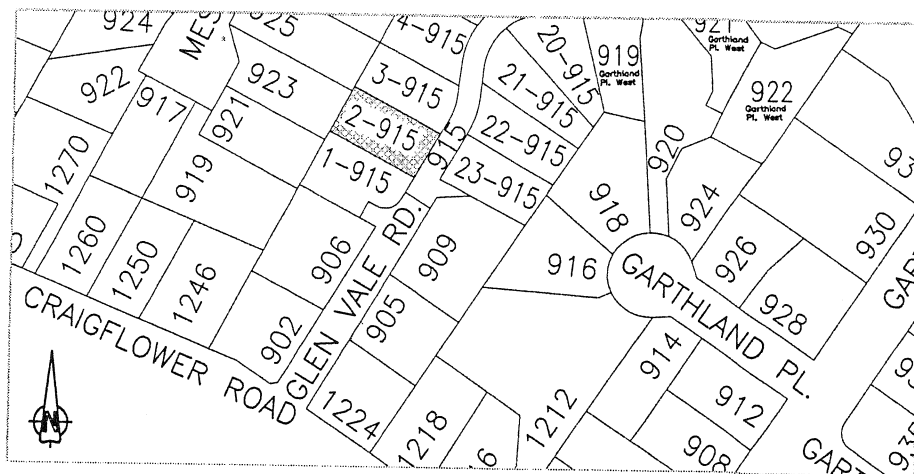
### NOTICE OF HEARING

An application for a Development Variance Permit has been received from Terrie Conway and Daniel Conway, the registered owners of Lot 2, Section 2, Esquimalt District, Plan VIS5102 [#2 - 915 Glen Vale Road].

**Purpose of the Application:**

The applicant is requesting a Development Variance Permit to authorize a fence which exceeds the permitted height. The increase in height is intended to maintain privacy and ensure the safety of persons using the backyard. Approval of this proposal requires the following relaxation of Zoning Bylaw No. 2050:

**Part 4 - General Regulations - Section 22 (1) - Fences** - an 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].



**Site Location:** Lot 2, Section 2, Esquimalt District, Plan VIS5102  
[#2 - 915 Glen Vale Road]

The Municipal Council will consider this application at **7:00 p.m., Monday, November 3, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays and Statutory Holidays) until November 3, 2008.

BARBARA SNYDER, DIRECTOR  
DEVELOPMENT SERVICES



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Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

## STAFF REPORT

**Date:** October 28, 2008 **REPORT NO.** DEV-08-103  
**To:** Tom Day, Chief Administrative Officer  
**From:** Barbara Snyder, Director of Development Services  
Trevor Parkes, Senior Planner  
**Subject:** **DEVELOPMENT PERMIT**  
**1008 Tillicum Road**  
**[Lot 5, Section 10, Esquimalt District, Plan 6034]**

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### RECOMMENDATION

That Development Permit No. 20/2008 limiting the form and character of development to that shown on architectural plans prepared by Wensley Architecture Ltd., stamped "Received October 23, 2008", and on the landscape plan prepared by Small and Rossell Landscape Architects, stamped "Received October 27, 2008", and including the following relaxation to Zoning Bylaw No. 2050, be **approved**, **issued** and **registered** on the title of Lot 5, Section 10, Esquimalt District, Plan 6034 [1008 Tillicum Road].

**Zoning Bylaw No. 2050, Section 47(2) – Building Height** – a 3.2 metre increase in the permitted Building Height, from 13 metres to 16.2 metres.

  
Trevor Parkes  
Senior Planner

  
Barbara Snyder  
Director, Development Services

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### PURPOSE

The applicant proposes to replace Development Permit No. 02/2008 approved by Council on April 21, 2008 with a similar proposal. This project, consisting of 29.5m<sup>2</sup> of commercial space, 12 residential units and 17 parking spaces, would replace the previous proposal consisting of 106m<sup>2</sup> of commercial space, 15 residential units and 24 parking spaces. As with the previous proposal, the C-2 (Neighbourhood Commercial) zoning permits mixed commercial/residential use.

When the developer was ready to apply for a Building Permit for the previously approved design, it was discovered that several features did not meet Code requirements or were undesirable.

### BACKGROUND

**Committee of the Whole:** This application was presented to a special meeting of the Committee of the Whole on Monday, October 20, 2008. Normally this application would have been reviewed by the APC before being presented to COTW; however, as this is a revision of a previously approved development and the applicant is anxious to proceed with construction, staff requested this change in procedure.

COTW accepted the staff recommendation that a Development Permit including Variance be prepared and returned to Council. COTW requested the applicant provide clarity regarding storage space, bicycle storage, green building features and landscaping that will be included as part of this application prior to the application being presented to Council.

In response to Council's request, the applicant has provided staff with amended drawings indicating a total of 12 Bicycle stalls will be provided on the site. Additionally, the applicant completed a list of green building features that will be incorporated into the building and provided staff with a comprehensive landscape plan.

**Advisory Planning Commission:** This application was reviewed by the Advisory Planning Commission on Tuesday, October 21, 2008.

At COTW the previous evening staff had proposed that if the APC had any strong objections that result in significant revisions to the project, staff would bring the application back to the next COTW meeting. Otherwise, if the APC had no objections, and should the Committee agree with the staff recommendation, the application would proceed to Council in November.

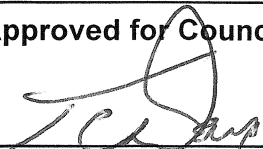
Members commented that this application represented a desirable improvement to the previous version of the application. Members did raise concerns about the large mass of the southern wall of the proposal. Of particular concern was that this wall would be a target of graffiti in the future. The Commission forwarded the application to Council with a recommendation of approval and included the following condition:

1. That consideration be given to some decorative features on the south facing blank wall either by some artistic mural or creeping vegetation.

In response to this recommendation the architect has incorporated a split face textured block treatment imitating windows into the design of south wall to alter the texture and break up the massing of the wall. Additionally, the landscape architect proposes the installation of a "green wall", consisting of self clinging vines, to add an organic treatment to the south face of the building.

**Council:** The minutes from the special meeting of the Committee of the Whole were received at the regular meeting of Council on October 20, 2008. Staff were directed to prepare the Development Permit including Variance and return it to council after the appropriate notification had been sent to surrounding properties detailing the requested variance.

**Public Notification:** As this proposal requires a variance to Zoning Bylaw No. 2050, owners and occupiers of parcels within 50 metres [164 ft.] of the subject property were mailed notification on October 23, 2008 indicating that Council will be considering the requested variances on Monday, November 3, 2008. To date, no responses have been received from the public relating to this application.

<p><b>Approved for Council's consideration:</b></p>  <hr/> <p>Tom Day, Chief Administrative Officer</p> <p>Dated: <u>Oct. 28/08</u></p>
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October 23, 2008

## NOTICE OF HEARING

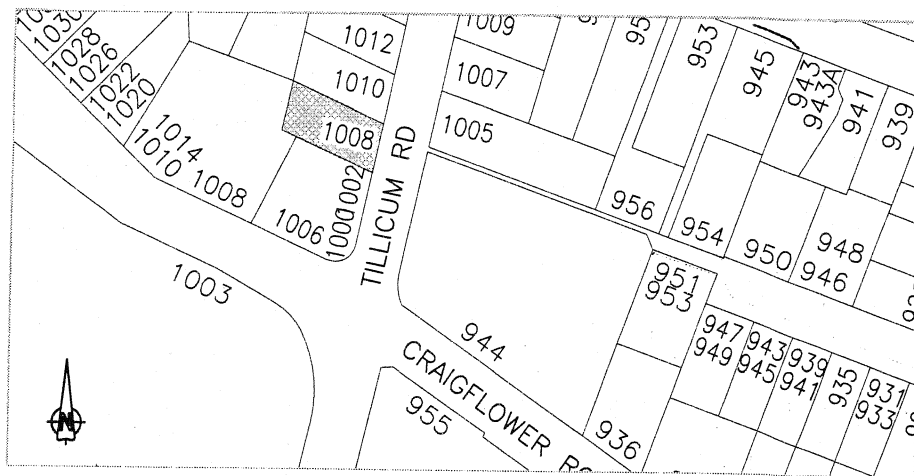
An application for a Development Permit with a Variance has been received from John Romashenko on behalf of 825661 B.C. Ltd. the registered owner of Lot 5, Section 10, Esquimalt District, Plan 6034 [1008 Tillicum Rd]. The applicant is requesting a variance to Zoning Bylaw No. 2050 in order to construct a new four storey, mixed use commercial building. The proposed use of the building complies with the intent of the Zoning Bylaw.

### Purpose of the Application:

The applicant is requesting a Development Permit to facilitate the construction of a new four storey, mixed use [commercial and residential] building. However, the proposed building would be 3.2 metres higher than what is currently allowed in the C-2 [Neighbourhood Commercial] Zone.

Authorization of the following variance to Zoning Bylaw No. 2050 is required before a Development Permit can be issued:

**Section 47(2) – Building Height** – a 3.2 metre increase in the permitted Height, from 13 metres to 16.2 metres.



### Site Location:

Lot 5, Section 10, Esquimalt District, Plan 6034  
[1008 Tillicum Rd]

Should this variance be approved, a Development Permit limiting the form and character of development to that shown on architectural plans prepared by Wensley Architecture Ltd. will be registered on the title of Lot 5, Section 10, Esquimalt District, Plan 6034 [1008 Tillicum Rd].

The Municipal Council will consider this application at 7:00 p.m., **Monday November 3, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until November 3, 2008.

BARBARA SNYDER, DIRECTOR  
DEVELOPMENT SERVICES

## 9.4 Development Permit Area No. 2 – Commercial

### 9.4.1 Scope

All lands designated Commercial on Schedule “C” are part of DPA No. 2.

### 9.4.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character, commercial.

### 9.4.3 Justification

Traditionally, Esquimalt’s commercial areas have not been developed on the basis of a particular theme or concept. The design and form of commercial development has been rather haphazard and, as a result, the Esquimalt Village and other local commercial areas do not have the cohesiveness nor the attractiveness they could have.

When asked in a recent questionnaire to identify what they disliked most about Esquimalt, an overwhelming number of respondents identified the lack of a downtown commercial area, with appropriate shops and services, and the appearance of Esquimalt Road in the village core.

Where new development is to occur within Esquimalt’s commercial core, that development should add to the pedestrian appeal and overall appearance of the street through features such as easily accessible entrances, street furniture and public art, landscaping and attractive exterior finishing materials, and by their orientation to the street rather than to a parking lot or internal square.

The goals for Development Permit Area No. 2 are:

- a) to enhance the aesthetic image of Esquimalt’s commercial district, particularly those areas that are considered community focal points, such as the Village, the Head Street/Esquimalt Road intersection and major entrance points to the municipality;
- b) to revitalize existing commercial areas by encouraging a variety of businesses;
- c) to encourage growth in the tax base through diversified commercial development and redevelopment of existing commercial areas; and
- d) to encourage integrated residential/institutional/commercial uses in commercial areas.

### 9.4.4 Requirements of Owners of Land within the Development Permit Area

- a) Owners of land within Development Permit Area No. 2 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:

- i) subdivide lands; or
- ii) construct or alter a building or structure;

without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area.

- b) Exemptions:

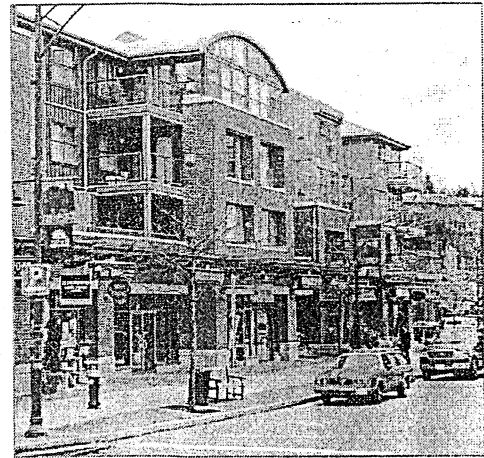
The following do not require a development permit:

- i) construction of buildings or structures less than 10 square metres in area;

- ii) minor additions to existing structures where the floor area of the addition does not exceed 10 percent of the ground floor area of the structure;
- iii) emergency repairs to existing structures and public walkways where a potential safety hazard exists;
- iv) fences;
- v) the cutting of trees as permitted by the municipal tree protection bylaw; and
- vi) replacement or changing of existing signs, provided the sign area is not to be increased.

#### 9.4.5 Guidelines for Owners of Land within the Development Permit Area

- a) Commercial building facades should be appropriate to a pedestrian shopping area with windows facing the street and doors opening onto the street rather than onto a courtyard or laneway. (See image)
- b) Ornamental lighting that not only highlights the building but also increases the amount of light falling onto pedestrian areas should be used wherever possible. However, commercial lighting should not create unnecessary glare or shine directly into neighbouring residential properties.
- c) Buildings should be designed and sited to minimize the creation of shadows on public spaces.
- d) Where possible, weather protection (i.e. awnings and canopies) should be provided above all pedestrian walkways including walkways to on-site parking areas.
- e) Off-street parking areas should be located either at the rear of commercial buildings or underground. Surface parking should be screened with landscaping. Large parking areas should contain additional islands of landscaping.
- f) The design of new commercial buildings, including areas use for parking, should incorporate Crime Prevention through Environmental Design (CPTED) principles.
- g) Buildings may be located at the front property line in order to create a pedestrian-oriented environment, except where vehicle visibility is affected and on those streets that have been identified as requiring future road widening.
- h) Landscape screening and fencing should be located around outdoor storage areas and garbage and recycling receptacles.
- i) Retention and protection of trees and the natural habitat is encouraged wherever possible.







27 October 2008

## GORGE HILL PLACE SUSTAINABILITY MEASURES

An initial examination of the Gorge Hill Place Apartment Project reveals many opportunities for sustainable design. Listed below is a list of sustainable measures being proposed for this structure. As more "green" initiatives are researched and evaluated, we will endeavour to implement them within this development's construction.

### Building Form & Design

1. Provide secure bicycle parking, a bike racks for residents and visitors located within and outside of the parkade.
2. Install operable windows on 2 walls of each room wherever possible to allow for better natural ventilation and cooling.
3. Between all rooms along the exterior walls and any regularly occupied interior space, install interior glazing from 7' to underside of ceiling to allow daylight farther into interior.
4. Provide sufficient and easily accessible areas for the collection of recyclables.
5. Since a green roof is not possible we will choose 'cool roofing' (high reflectance) to reduce the effect of the building on the microclimate and keep the building cooler in the summer. Metal roofing with white and silver colours will be utilized. Flat roof SBS membranes will be treated with a light coloured top coat or light coloured aggregate.
6. Add skylights and clerestory glazing on the roof to bring more daylight into the building and reduce the need for electric lighting in regularly occupied spaces.

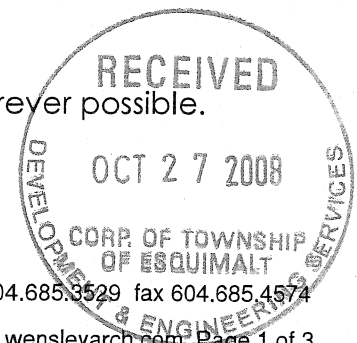
### Building Construction

1. Keep thermal bridges to a minimum and eliminate wherever possible.
2. Use double-pane, low-e windows.
3. Minimize the use of patio sliding doors where possible.

**Wensley  
Architecture Ltd.**

301 - 1444 Alberni St. Vancouver, BC, V6G 2Z4 tel 604.685.3529 fax 604.685.4574

email: office@wensleyarch.com - website: www.wensleyarch.com Page 1 of 3



## Materials (to be included in the project specifications)

1. Choose durable materials for high traffic areas.
2. Use wood frame construction (renewable resource) instead of steel or concrete.
3. Avoid virgin materials, especially tropical/endangered wood and materials with large embodied energy (took a lot of energy to produce).
4. Avoid materials with toxins, including VOC's (paints, carpets, sealants, glues), formaldehyde (wood particle boards) and PVC's (vinyl).
5. Consider salvaged materials: salvaged wood flooring, corrugated metal siding, paving stones (where available).
6. Choose materials with high recycled content. Products which are available with recycled content include: steel, carpet, carpet backing, gypsum board, ceramic tiles, terrazzo, plastic panels, fibrous cement or aggregate countertops, glass panels, and spray insulation.
7. Choose materials which are rapidly renewable: rainscreen system, bamboo, cork, wool carpets.
8. Use wood certified by the Forest Stewardship Council (FSC).
9. Choose energy-star appliances, if appliances are to be provided.

## Construction Practices

1. Ensure proper sealing of the vapour barrier to reduce winter heat loss.

## Site

1. For any site paving, use permeable paving/concrete to reduce stormwater run-off and heat island effect.

## Mechanical & Electrical Systems

1. Install a rain cistern or storm retention area to allow for a slower rate of absorption from city storm system.
2. Choose water-efficient fixtures: low flush toilets which have passed the MoP or UNAR flushing tests and which have less than 6LPF. Acceptable toilets are: American Standard FloWise Toilet, Caroma Adelaide 270, Dual-Flush, Caroma Bondi Dual-Flush, Turbo Capizzi Toilet. Low-flow shower heads, faucets and aerators (less than 9.5 LPM) are readily available.

## Building Management (recommendations to Strata)

1. Encourage/subsidize membership in a car co-op and dedicate at least one parking stall to the co-op car.
2. Sign a contract with a green electricity provider for at least 1 year.
3. Provide compost pick-up in addition to recyclables and garbage pick-up. Consider alternating compost and garbage pick-up every week.



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**DEVELOPMENT PERMIT**

**NO. 20/2008**

**Owner:** 825661 BC Ltd.  
2153 Stonegate Road  
Victoria, BC V9B 6R5

**Lands:** Lot 5, Section 10, Esquimalt District, Plan 6034

**Address:** 1008 Tillicum Road

**Conditions:**

1. This Development Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit regulates the development of lands by varying the provisions of Zoning Bylaw No. 2050 as follows:

**Section 47(2) – Building Height** – a 3.2 metre increase in the permitted Height, from 13 metres to 16.2 metres.
3. Approval of this Development Permit is issued in accordance with architectural plans provided by Wensley Architecture Ltd. stamped “Received October 23, 2008” and landscaping plans provided by Small and Rossell Landscape Architects, stamped “Received October 27, 2008”, all of which are attached hereto as Schedule ‘A’.
4. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall building design may be permitted by the Director of Development Services.
5. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
6. This Development Permit is not a Building Permit.
7. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.

8. For the purposes of this Development Permit, the holder of the Permit shall be the owner(s) of the lands.

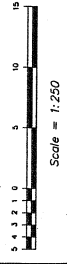
ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2008

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Director  
Development Services

\_\_\_\_\_  
Corporate Officer  
Corporation of the Township  
of Esquimalt

**Topographic Site Plan Of:  
 Lot B (DD 399878) and 4. Plan 13018,  
 And Lot 5, Plan 6034, All in Section 10,  
 Esquimalt District.**

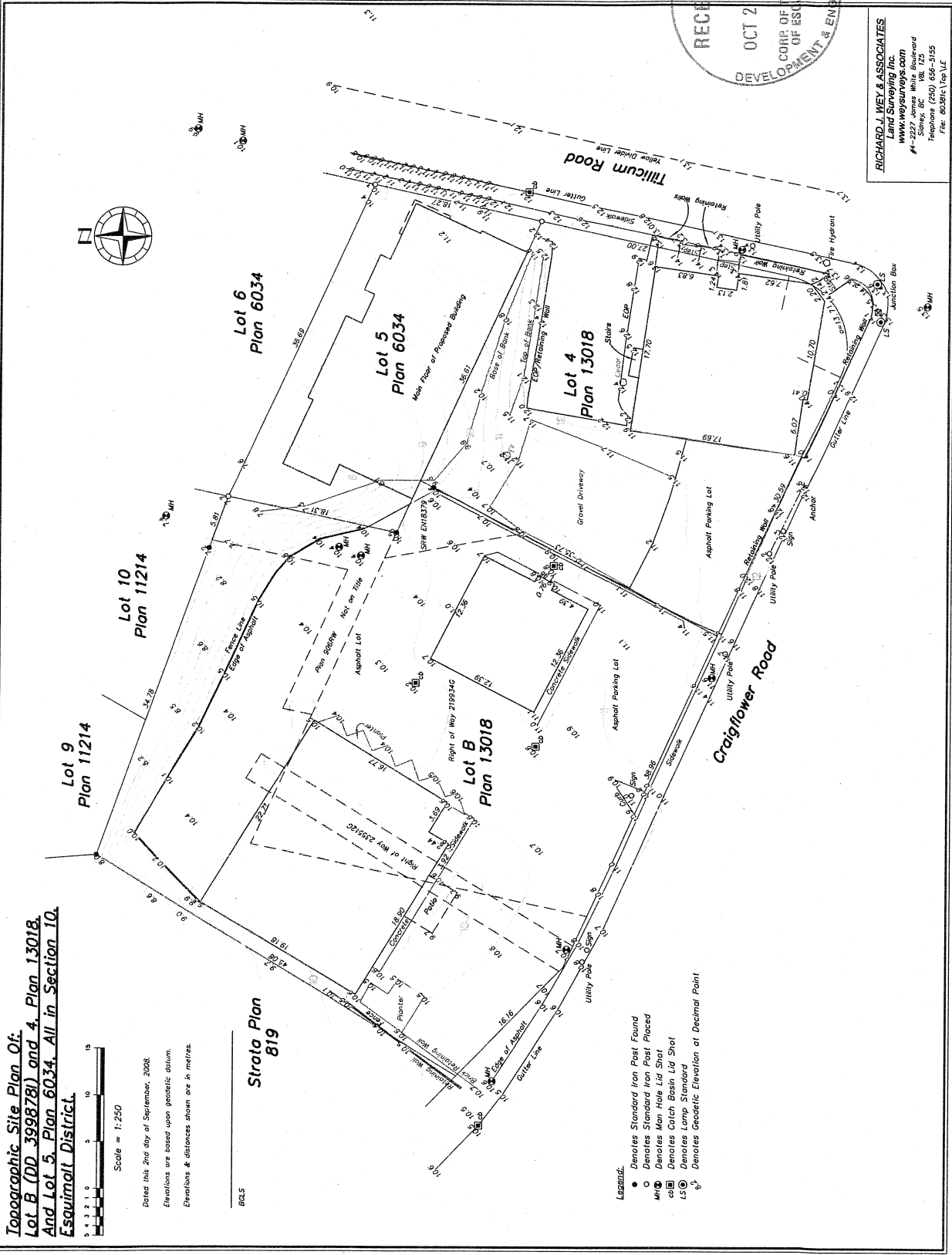


Dated this 2nd day of September, 2008.  
 Elevations are based upon geosidic datum.  
 Elevations & distances shown are in metres.

BCL5

**Strota Plan  
 819**

- Legend:**
- Denotes Standard Iron Post Found
  - Denotes Standard Iron Post Placed
  - MH Denotes Man Hole Lid Shot
  - ca Denotes Catch Basin Lid Shot
  - LS Denotes Lamp Standard
  - ⊙ Denotes Geosidic Elevation at Decimal Point



RECEIVED  
 OCT 23 2008  
 CORP. OF TOWNSHIP  
 OF ESQUIMALT  
 DEVELOPMENT & ENGINEERING SERVICES

**RICHARD J. WEY & ASSOCIATES**  
 Land Surveying Inc.  
 www.rjwsurveyors.com  
 #4-222-2222  
 Stoney Creek, BC V1L 1S2  
 Telephone (250) 656-5155  
 Fax: 603916109 V1P 1E

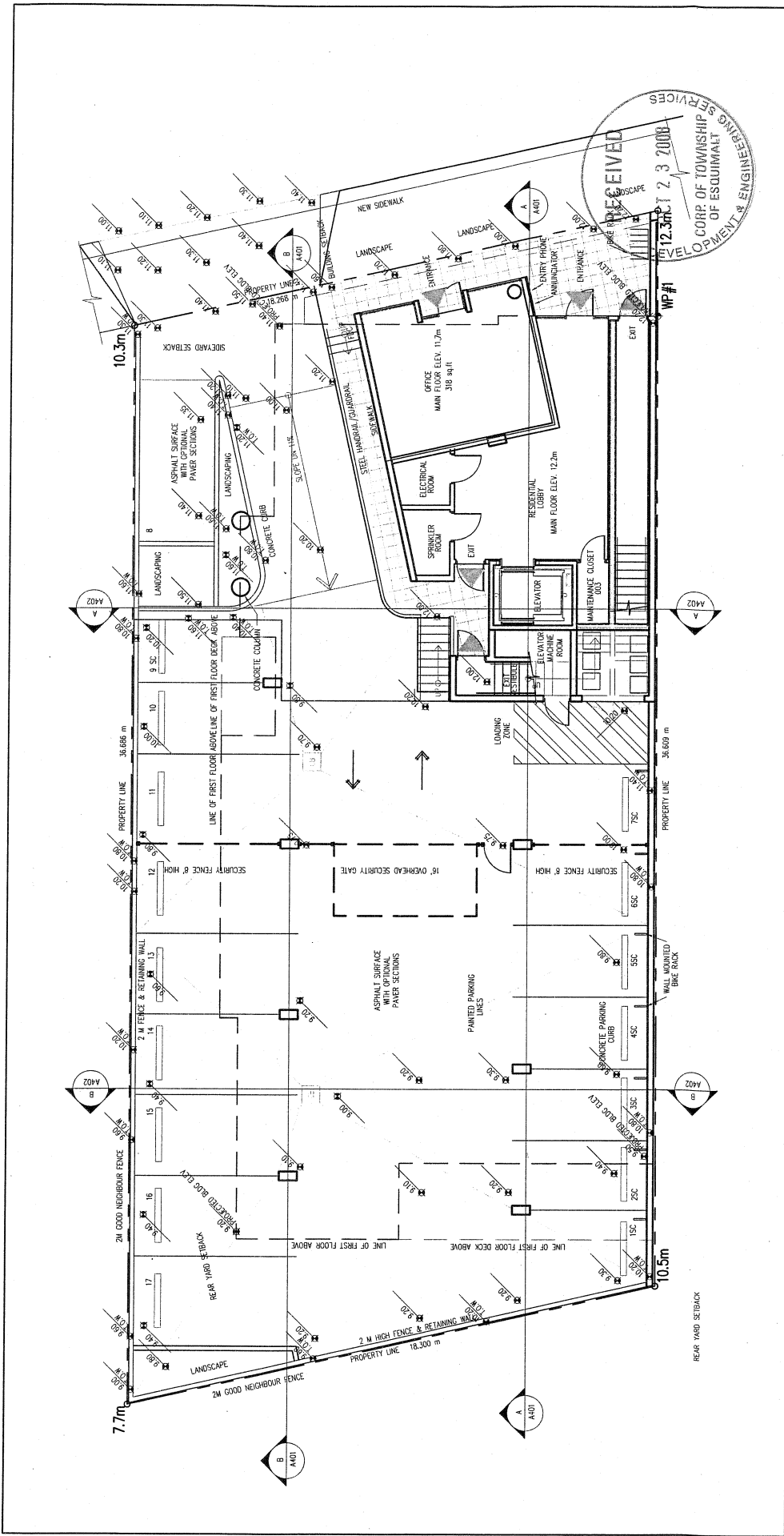
THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO 242008

CORPORATE ADMINISTRATOR



# Wensley Architecture Ltd

Dwg No A101  
 Project 0830  
 Title GORGE HILL PLACE, ESQUIMALT, BC  
 Date 23-OCT-08  
 Scale 3/32"=1'-0"  
 SITE PLAN



108 - 2800 Bryn Maur Rd., Victoria, B.C., V9B 3T4 tel 250.391.4933 fax 250.391.4964 office@wensleyarch.com

THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. 2008-0001  
 CORPORATE ADMINISTRATOR

WENKLEY ARCHITECTURE, INC. PROVIDES THESE DRAWINGS AS A PROFESSIONAL SERVICE. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

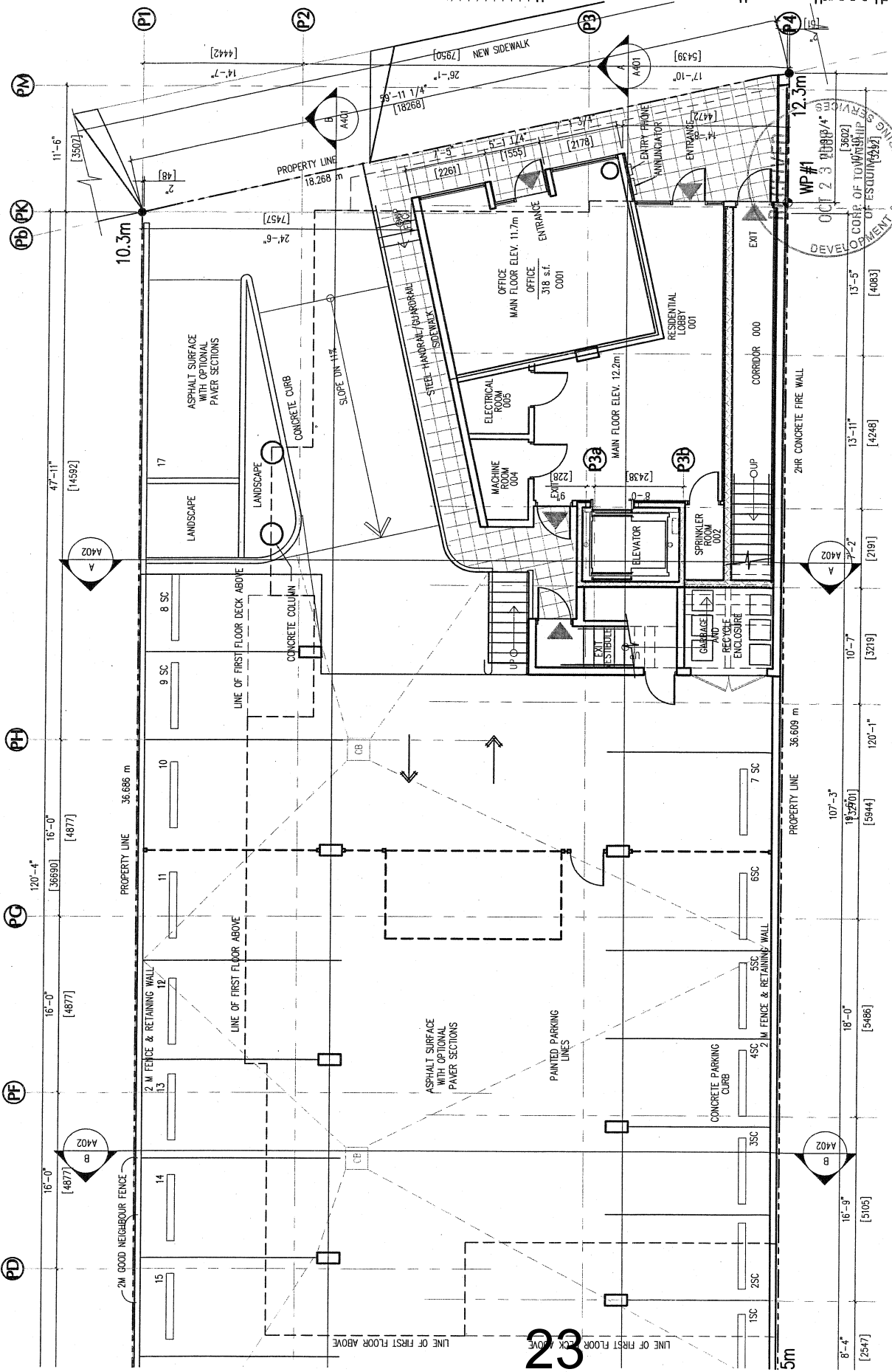


NO.	DESCRIPTION	DATE
1	ISSUED FOR EX.	
2	ISSUED FOR EX.	

GORGE HILL PLACE @ 1008 TILlicum I ESQUIMALT



MAIN FLOOR PARKADE PL



**THIS IS SCHEDULE 'A' OF DEVELOPMENT PERMIT NO. 22121002**

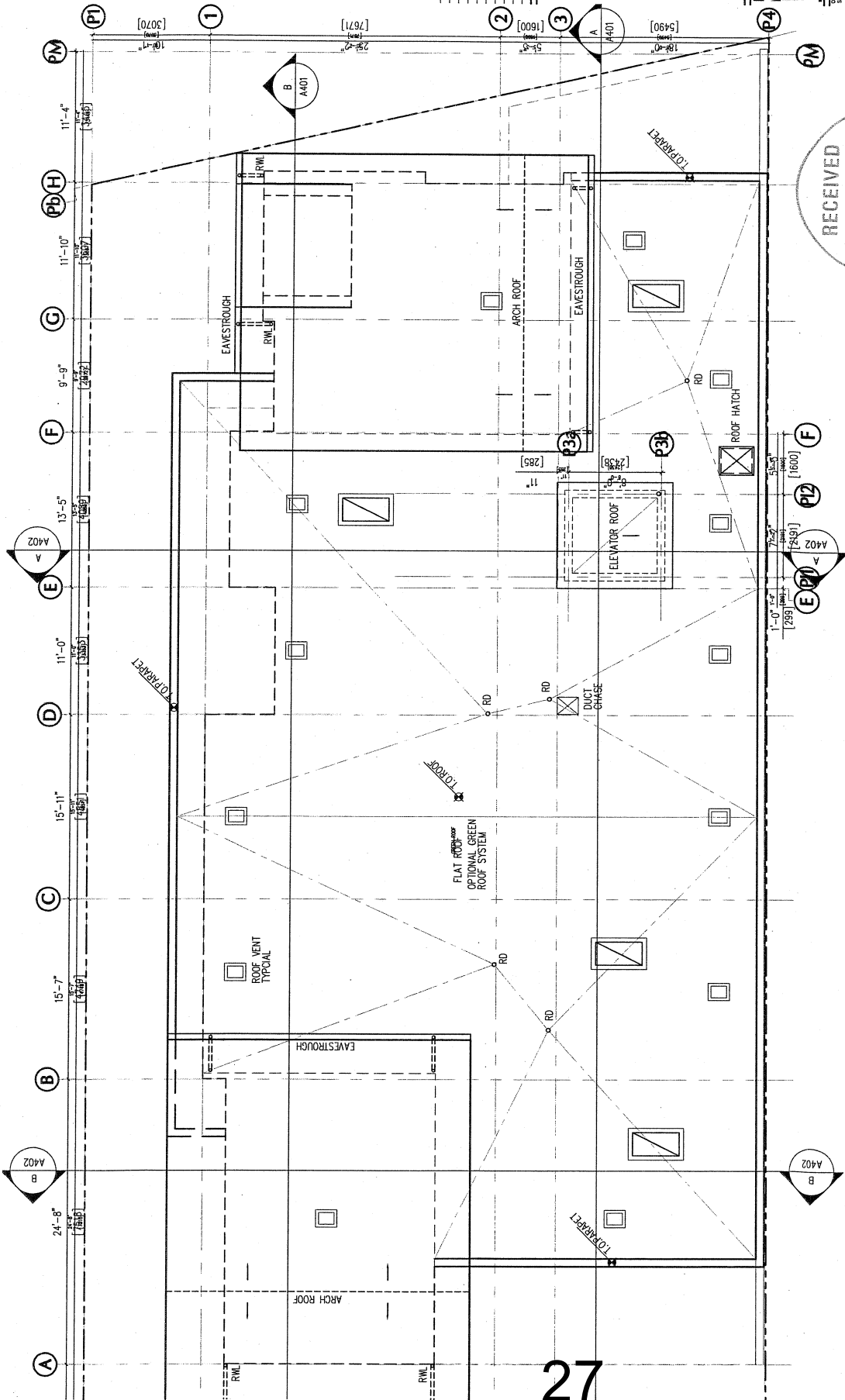
**CORPORATE ADMINISTRATOR**











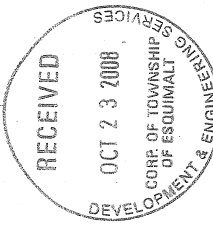
NO.	REVISION	DATE
1	ISSUED FOR I.P.	NOV 08
2	ISSUED FOR O.P.	NOV 08

**GORCE HILL PLACE**  
 @  
 1008 TILLICUM RD.  
 ESQUIMALT B.C.

**Wensley Architecture Ltd**  
 211 HASTINGS ST.  
 VANCOUVER, B.C. V6C 2K7  
 TEL: 604-271-1111  
 FAX: 604-271-1112  
 WWW.WENSLYARCHITECTURE.COM

DISCIPLINE: ARCHITECTURAL  
 ELECTRICAL  
 MECHANICAL  
 LANDSCAPE

**ROOF PLAN**  
 DRAWN BY: J. HAY  
 CHECKED BY: J. HAY  
 SCALE: 1/8"=1'-0"  
 SHEET NO.: 202/2028



**THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. 202/2028**

**CORPORATE ADMINISTRATOR**



# Wensley Architecture ltd

Project 0830

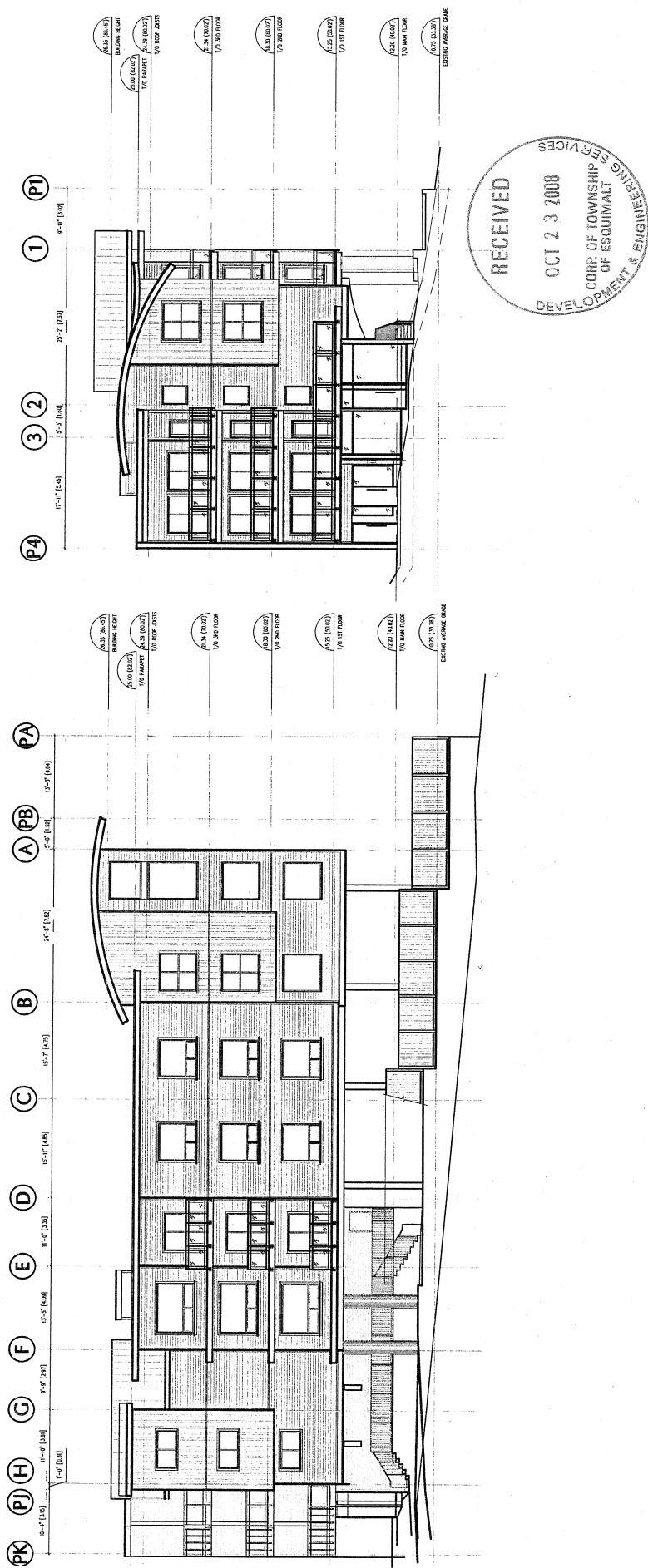
Dwg No A301

Title GORGE HILL PLACE, ESQUIMALT, BC

Date 23-OCT-08

NORTH & EAST ELEVATION

Scale 1/16"=1'-0"



108 - 2800 Bryn Maur Rd, Victoria, B.C., V9B 3T4 tel 250.391.4933 fax 250.391.4964 office@wensleyarch.com

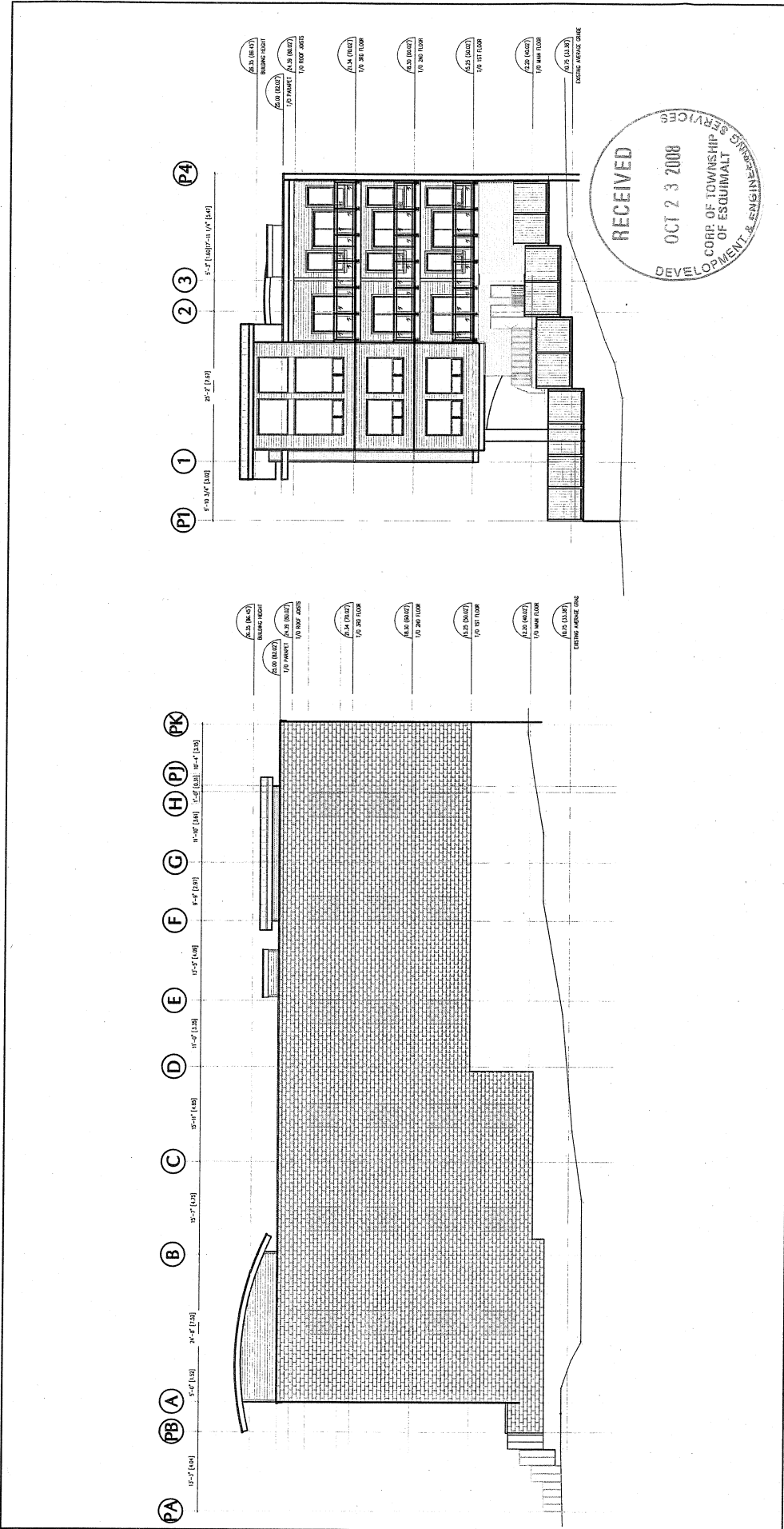
THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. 29/2008

CORPORATE ADMINISTRATOR



# Wensley Architecture Ltd

Project 0830 Dwg No A302  
 Title GORGE HILL PLACE, ESCUMALT, BC Date 23-OCT-08  
 SOUTH & WEST ELEVATION Scale 1/16"=1'-0"



108 - 2800 Bryn Maur Rd., Victoria, B.C., V9b 3T4 tel 250.391.4933 fax 250.391.4964 office@wensleyarch.com

THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. ~~2008-0000~~  
 CORPORATE ADMINISTRATOR



Project 0830

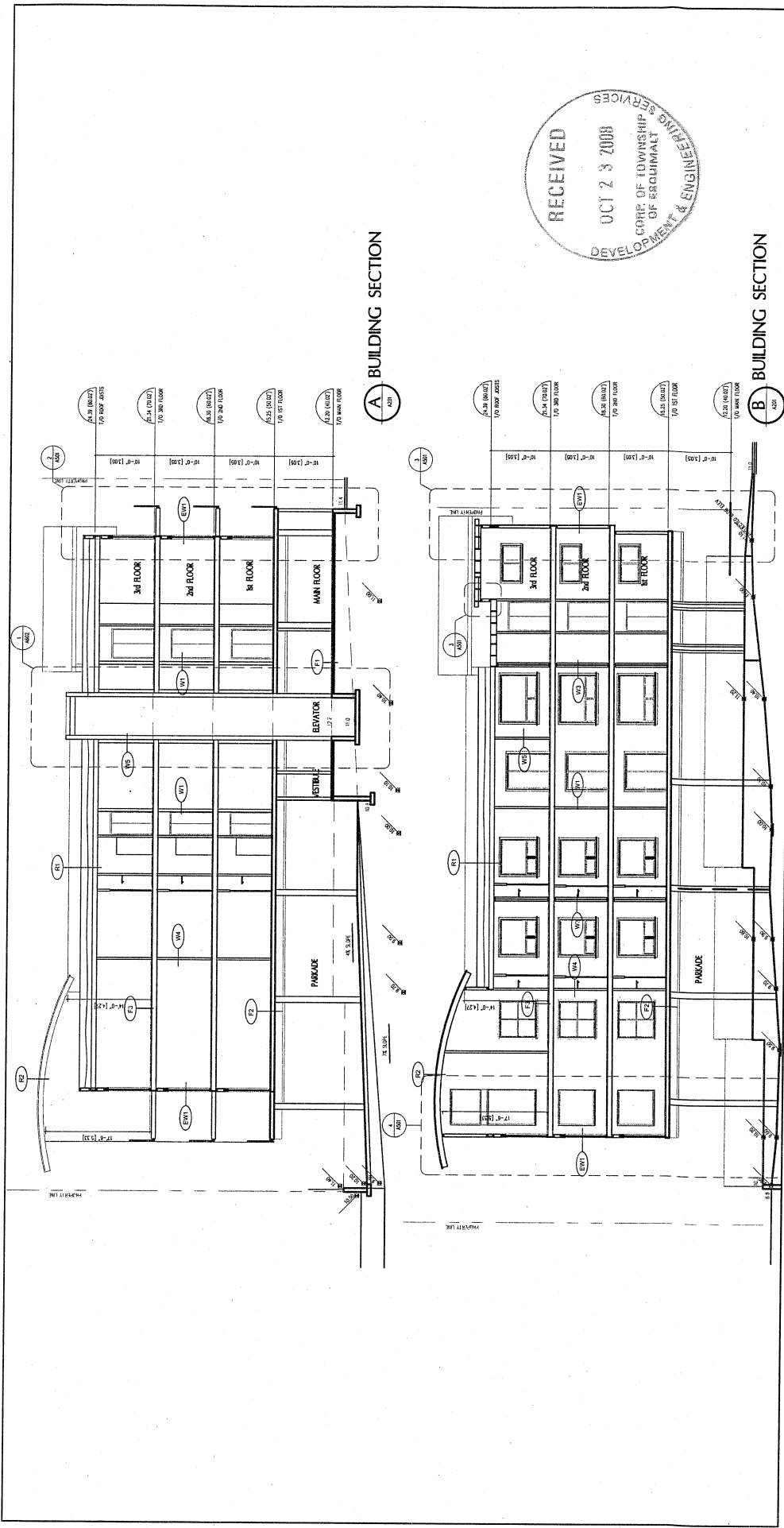
Dwg No A401

Title GORGE HILL PLACE, ESQUIMALT, BC

Date 23-OCT-08

SECTIONS

Scale 1/16"=1'-0"



108 - 2800 Bryn Maur Rd, Victoria, B.C., V9b 3T4 tel 250.391.4933 fax 250.391.4964 office@wensleyarch.com

THIS IS SCHEDULE 'A' OF  
DEVELOPMENT PERMIT NO. 23/08

CORPORATE ADMINISTRATOR



# Wensley Architecture Ltd

Project 0630

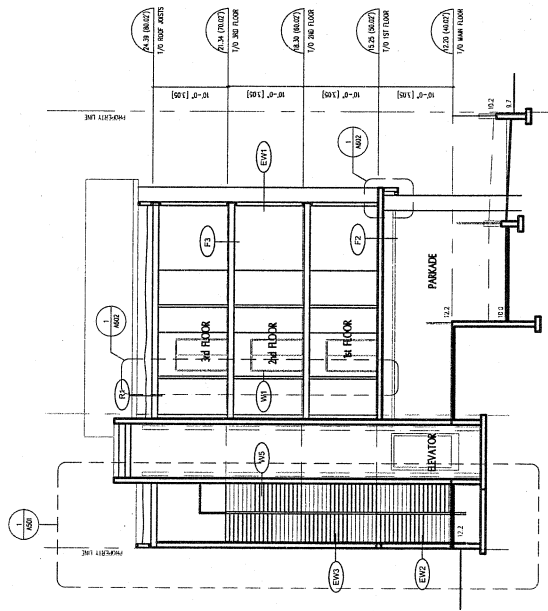
Dwg No A402

Title GORGE HILL PLACE, ESCUMALT, BC

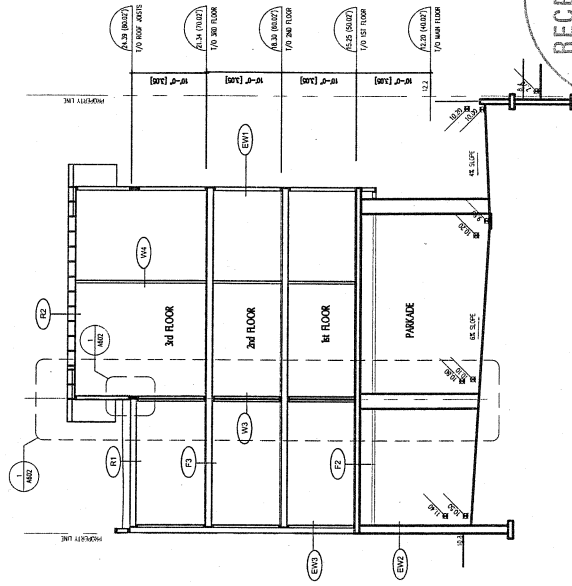
Date 23-OCT-08

SECTIONS

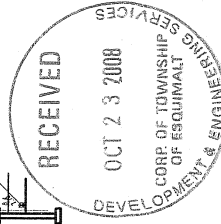
Scale 1/16"=1'-0"



**A** BUILDING SECTION



**B** BUILDING SECTION



108 - 2800 Bryn Maur Rd, Victoria, B.C., V9b 3T4 tel 250.391.4933 fax 250.391.4964 office@wensleyarch.com

THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. *2008/0028*  
 CORPORATE ADMINISTRATOR







# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

## STAFF REPORT

**Date:** October 28, 2008 **REPORT NO.** DEV-08-104  
**To:** Tom Day, Chief Administrative Officer  
**From:** Barbara Snyder, Director, Development Services  
Trevor Parkes, Senior Planner  
**Subject:** **DEVELOPMENT PERMIT WITH VARIANCES**  
**861 Tillicum**  
**[Lot 1, Section 10, Esquimalt District, Plan 11426]**

---

### RECOMMENDATION

That Development Permit No. 16/2008 limiting the form and character of development to that shown on architectural and landscape plans provided by Allan R. Cassidy Architect Inc. stamped "Received September 15, 2008", and the detailed front yard landscape plan amendment provided by Ladr Landscape Architects stamped "Received October 16, 2008", and including the following relaxations to Zoning Bylaw No. 2050, be **approved, issued and registered** on the title of Lot 1, Section 10, Esquimalt District, Plan 11426 [861 Tillicum Road].


**Section 38(5) – Floor Area** – a 19 square metres decrease in the required minimum floor area for the first storey of a Principal Building from 88 square metres to 69 square metres.

**Section 38(8.1) – Building Massing** – a 1% relaxation for the permitted maximum area of the second storey of a Two Family dwelling in relation to the total floor area of the ground floor, including an attached garage, from 75% to 76%.

**Section 38(9)(a)(i) – Siting Requirements** – a 0.4 metre relaxation of the required setback between a Principal Building and the Front Lot Line from 7.5 metres to 7.1 metres.

**Section 38(9)(a)(ii) – Siting Requirements** - a 0.1 metre relaxation of the required setback between a Principal Building and the Interior Side Lot Line from 1.5 metres to 1.4 metres.

  
Trevor Parkes  
Senior Planner

  
Barbara Snyder  
Director, Development Services

---

### SUMMARY

The applicant is requesting a Development Permit to convert the existing single family residence with suite to a two family residence (i.e. duplex).

**BACKGROUND**

**APC Comments:** This application was considered by APC on the evening of September 16, 2008. Members were generally supportive of this application however some concerns were raised and their recommendation of approval included the following condition:


That the applicant reduce the amount of hard paving in the front yard and provide a permeable surface by the installation of "grass-crete" pavers.

The applicant engaged Ladr Landscape Architects to improve the landscaping proposed for the front yard of the site. The attached landscape plan details additional plantings to be installed along the southern edge of the driveway, enhanced plantings in front of the house, and the addition of turf on the portion of private property adjacent to the boulevard tree. This visually softens the expanse of concrete in the front of the dwelling and marginally increases the amount of permeable surface in this area.

**Committee of the Whole:** The application was presented to a special meeting of the Committee of the Whole on October 20, 2008. COTW accepted the staff recommendation that a Development Variance Permit be prepared and returned to Council.

**Council:** The minutes from the special meeting of the Committee of the Whole were received at the regular meeting of Council on October 20, 2008. Staff were directed to prepare the Development Permit including Variances and return it to council after the appropriate notification had been sent to surrounding properties detailing the requested variances. Council rejected the application to strata title the two units.

**Public Notification:** As this proposal requires a variance to Zoning Bylaw No. 2050, owners and occupiers of parcels within 50 metres [164 ft.] of the subject property were mailed notification on October 23, 2008 indicating that Council will be considering the requested variances on Monday, November 3, 2008. To date, no responses have been received from the public relating to this application.

**Approved for Council's consideration:**  
  
\_\_\_\_\_  
Tom Day, Chief Administrative Officer  
Dated: Oct 30/08



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

October 23, 2007

## NOTICE OF HEARING

An application for a Development Permit with Variances has been received from Mette Sinclair, the registered owner of Lot 1, Section 10, Esquimalt District, Plan 11426 [861 Tillicum Road].

**Purpose of the Application:**

The applicant is requesting a Development Permit to convert the existing single family residence with suite to a two family residence (i.e. duplex).

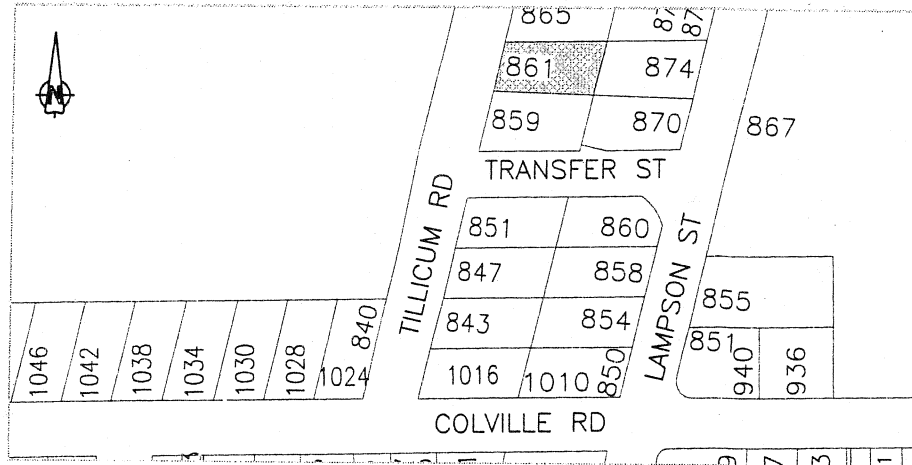
In order to approve this Development Permit, the following relaxations of Zoning Bylaw No. 2050 would be required:

**Section 38(5) – Floor Area** – a 19 square metres decrease in the required minimum floor area for the first storey of a Principal Building from 88 square metres to 69 square metres.

**Section 38(8.1) – Building Massing** – a 1% relaxation for the permitted maximum area of the second storey of a Two Family dwelling in relation to the total floor area of the ground floor, including an attached garage, from 75% to 76%.

**Section 38(9)(a)(i) – Siting Requirements** – a 0.4 metre relaxation of the required setback between a Principal Building and the Front Lot Line from 7.5 metres to 7.1 metres.

**Section 38(9)(a)(ii) – Siting Requirements** - a 0.1 metre relaxation of the required setback between a Principal Building and the Interior Side Lot Line from 1.5 metres to 1.4 metres.



**Site Location:** Lot 1, Section 10, Esquimalt District, Plan 11426  
[861 Tillicum Road]

The Municipal Council will consider this application at 7:00 p.m., **Monday November 3, 2008**, in the **Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sunday, Statutory Holidays) until November 3, 2008.

BARBARA SNYDER, DIRECTOR  
DEVELOPMENT SERVICES



SCALE 1: 1500

GORGE VALE  
GOLF COURSE

TILlicum RD

944  
955  
CRAIGFLOWER ROAD

947  
949  
936  
934  
930

891	
889	892
887	890
	888
885	886
881	884
879	
863	880
865	876 880
861	878 882
859	874
	870

939  
935  
933  
931  
927

891  
889  
887  
883

TRANSFER ST

ESQUIMALT LIONS  
PARK

LAMPSON ST

851	860
847	858
843	854
1016	1010 850

867  
855  
851  
940  
936

1034  
1030  
1028  
1024  
840

COLVILLE RD

1031		832
1029		828
1027		
1025		
1023		
1021		
1019		
1017		
1015		
1011		

827  
939  
937  
933  
1-921

38. **TWO FAMILY RESIDENTIAL [RD-1]**

The intent of this Zone is to accommodate Two Family Dwelling Units on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Building Density [Floor Area Ratio]**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4."

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres
- (b) No Accessory Building shall exceed a Height of 3.6 metres
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.

(7) **Building Width**

The minimum width of any Two Family Dwelling shall be 7 metres

(3) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(8 1) **Building Massing**

The second storey of any Two Family Dwelling shall be a maximum of 75% of the total floor area of the ground floor, including an attached garage.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) **Front Setback:** No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) **Side Setback:** No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one [1] Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) **Rear Setback:** No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) **Front Setback:** No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) **Side Setback:** No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.
- (iii) **Rear Setback:** No Accessory Building shall be located within 1.5 metres of a Rear Lot line.
- (iv) **Building Separation:** No Accessory Building shall be located within 2.5 metres of a Principal Building.

- (c) **Garage Setback:** Detached and attached garages shall be set back a minimum of 1.5 metres from the front face of the Dwelling Unit."

(10) **Common Wall Requirements**

The common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw No. 2011.

(13) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two single lane driveways serving a Two Family Dwelling.



## 9.7 Development Permit Area No. 5 – Enhanced Design Control Residential

### 9.7.1 Scope

All lands zoned for two-unit dwellings or zoned as Comprehensive Development Districts for residential developments only are designated as part of Development Permit Area No. 5 – Enhanced Design Control – Intensive Residential as shown on “Schedule C” of this Plan.

### 9.7.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character of intensive residential development.

### 9.7.3 Justification

The following policies and guidelines were developed to allow for the better utilization and redevelopment of parcels within residential neighbourhoods and ensure that development occurs in a manner that retains the desirable physical characteristics of a neighbourhood.

### 9.7.4 Requirements of Owners of Land within the Development Permit Area

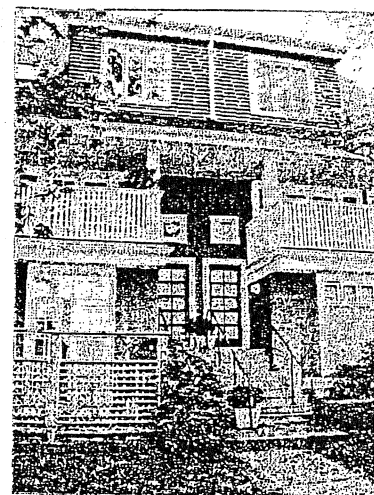
- a) Owners of land within Development Permit Area No. 5 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
- construct a two-unit dwelling;
  - subdivide a two-unit dwelling;
  - convert a single-unit dwelling to a two-unit dwelling;
  - renovate an existing two-unit dwelling if the value of construction, as specified in the Building Permit, would exceed 50 percent of the assessed value (as listed on the BCAA property roll at the time of construction) of the building being added to or renovated;
  - construct two or more separate dwelling units on one parcel, without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area; or
  - construct a dwelling on a parcel less than 530 m<sup>2</sup> in area if that parcel was created after May 31<sup>st</sup>, 2002.
- b) Exemptions:
- The following do not require a development permit:
- additions or renovations to, or the construction of, one single-unit dwelling situated on a fee simple parcel;
  - additions or renovations to any two-unit dwelling situated on a parcel zoned for two-unit use where the value of construction, as specified in the Building Permit, does not exceed 50 percent of the assessed value of the building (as listed on the BCAA property roll at the time of construction) being added to or renovated;
  - construction of buildings or structures less than 10 square meters in area;
  - minor additions to existing dwellings where the floor area of the addition does not exceed 10 percent of the ground floor area of the dwelling;

- emergency repairs to existing structures where a potential safety hazard exists; and
- fences.

### 9.7.5 Guidelines for Owners of Land within the Development Permit Area

The intent of these guidelines is to ensure that new two-unit development (i.e. duplexes) is compatible with and enhances the surrounding community.

- New two-unit dwellings, additions to or renovations of existing two-unit dwellings, and the conversion of single-unit dwellings into two-unit dwellings should be designed to be consistent with and preserve the proportions and patterns of existing residential buildings in the immediate vicinity, including the wall-to-window area ratios and the amount and type of open space provided.
- Where it is not possible to achieve buildings of similar size and proportion to the surrounding residential buildings, the fronts of the buildings should be designed to create the appearance of smaller structures either by staggering the dwelling units or visually breaking up the façade with architectural detailing.
- Innovative and creative site-specific two-unit dwellings are encouraged where yard space is maintained either on the ground or as rooftop gardens. Setbacks to the street may be reduced to maximize property use.
- Front to back duplexes are generally discouraged unless they can be designed to eliminate negative impacts to the immediate neighbours such as shading of gardens, overlook of outdoor amenity areas and violation of privacy.
- Side by side, up and down, or staggered unit configurations are preferred as these result in a greater number of units facing the street, less disruption of privacy, and a more equitable division of outdoor amenity areas between the two dwelling units.
- The use of exterior building materials similar to those used in older residential neighbourhoods (i.e. combinations of wood, brick, stucco, and stone) is encouraged.
- Rooflines of new development should relate in height, shape and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid having large unbroken sloped roof areas facing the street.
- To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas and prominent front doors is encouraged.
- Buildings should be designed to minimize visual intrusion onto the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks and patios into the building or by screening them with latticework or landscaping. Windows should be spaced



so that they do not align directly with those of other buildings.

- j) The height and massing of new two-unit dwellings should be designed to minimize the casting of shadows onto the private outdoor space of adjacent residential dwellings.
- k) A landscaping plan showing ground cover areas, planting beds, shrubbery and trees (both existing and proposed) is required for every new two-unit dwelling or the conversion of a single-unit dwelling to a two-unit dwelling. Landscaping should add to the aesthetic appeal of the streetscape as well as provide privacy between dwelling units.
- l) The provision of private open space should be part of an overall site development and landscape plan and should take into consideration general site circulation patterns (including parking), existing landscape features, sun access, privacy and usability.
- m) Retention and protection of trees and the natural habitat is encouraged where possible.
- n) Parking areas, garages and driveways should appear as a minor component of the site when viewed from the street. The building of curving access roads and driveways helps to avoid views from the street of large expanses of paving. The use of shared driveways is encouraged.
- o) The use of permeable and decorative surfacing materials, such as brick, concrete pavers, textured concrete, coloured paving or grasscrete is encouraged in place of solid expanses of asphalt or concrete.
- p) Where possible, hydro meters will not be placed on the front façade of a building and, if placed on the side of a building which is visible from the street, will be appropriately screened.
- q) Where an existing single unit dwelling is being converted to a two-unit dwelling both the original structure and the addition shall be in the same architectural style and constructed of the same exterior finishes including roofing material, window treatments, exterior finishes, door styles and trims.
- r) Roof styles and pitches of the original and new portions of the building must be complimentary.
- s) For new or converted two unit dwellings, garages and parking areas are encouraged to be located in the rear yard. Shared driveways are preferred to access the rear yard.
- t) Where two single lane driveways serve a two unit lot, landscaping features are encouraged between the driveways."



SAMPLE

2. Only one Principle Building consisting of two Dwelling Units shall be located on the land. "Dwelling Unit" means one or more habitable rooms used for the residential accommodation of one Family when such rooms contain or provide for the installation of only one (1) set of cooking facilities and one or more sets of sanitary facilities. "Family" means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than four unrelated persons sharing one Dwelling Unit.
3. This Covenant runs with the Lands.
4. Nothing in this Covenant shall affect the Corporation in the exercise of its statutory powers.
5. The parties hereto each covenant to and agree with the other that the \_\_\_\_\_ being the holder of mortgages on the lands of the Grantor registered under number \_\_\_\_\_ at the Victoria Land Title Office do hereby consent to and approve the granting of the Covenant herein and do hereby grant priority to the said Covenant over the said mortgages such that the Covenant shall constitute and rank as a prior charge against the lands affected thereby.
6. These presents shall enure to the benefit of and be binding upon the parties hereto and upon their respective proper signing officers in that behalf as of the day and year first above written.

IN WITNESS WHEREOF, the parties hereto have signed, or being corporations have caused their officers to sign, the attached Form C General Instrument in execution of this Agreement.

[S:\Form\covenant 219 duplex]

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**DEVELOPMENT PERMIT**

**NO. 16/2008**

**Owner:** Mette Sinclair  
861 Tillicum Road  
Victoria, BC V9A 1Z7

**Lands:** Lot 1, Section 10, Esquimalt District, Plan 11426

**Address:** 861 Tillicum Road

**Conditions:**

1. This Development Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. Approval of this Development Permit is issued in accordance with architectural and landscape plans provided by Allan R. Cassidy Architect Inc. stamped "Received September 15, 2008", and the detailed front yard landscape plan provided by Ladr Landscape Architects stamped "Received October 16, 2008" all of which are attached hereto as Schedule 'A'.
4. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall building design may be permitted by the Director of Development Services.
5. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
6. This Development Permit is not a Building Permit.
7. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.

8. For the purposes of this Development Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2008

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Director  
Development Services

\_\_\_\_\_  
Corporate Officer  
Corporation of the Township  
of Esquimalt

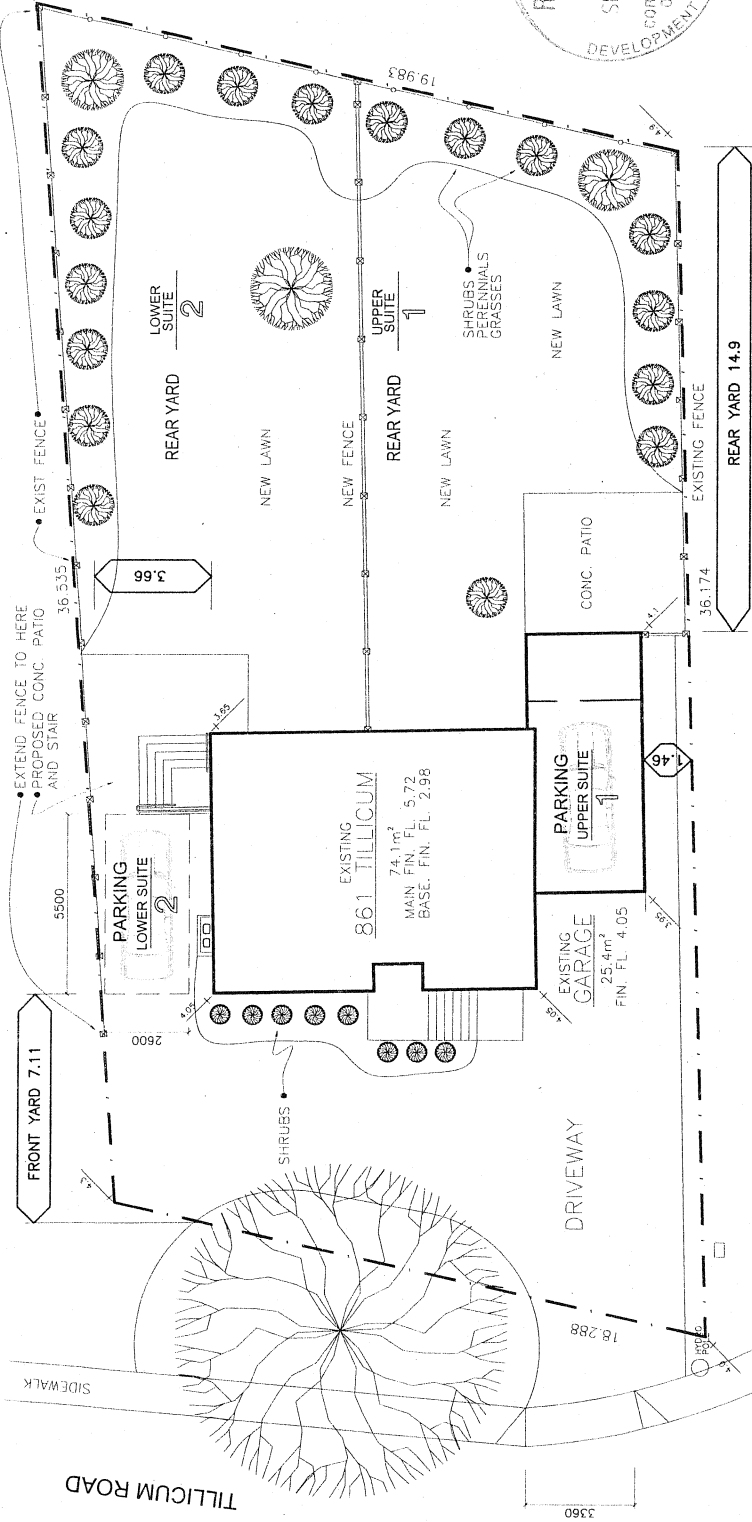
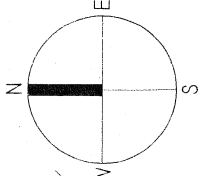
**861 TILlicUM SITE PLAN**

JOB-NO: 904  
 DATE: 12AUG2008  
 DRAWN-BY: JS  
 SCALE: 1:150

**A1**

15 AUG 2008

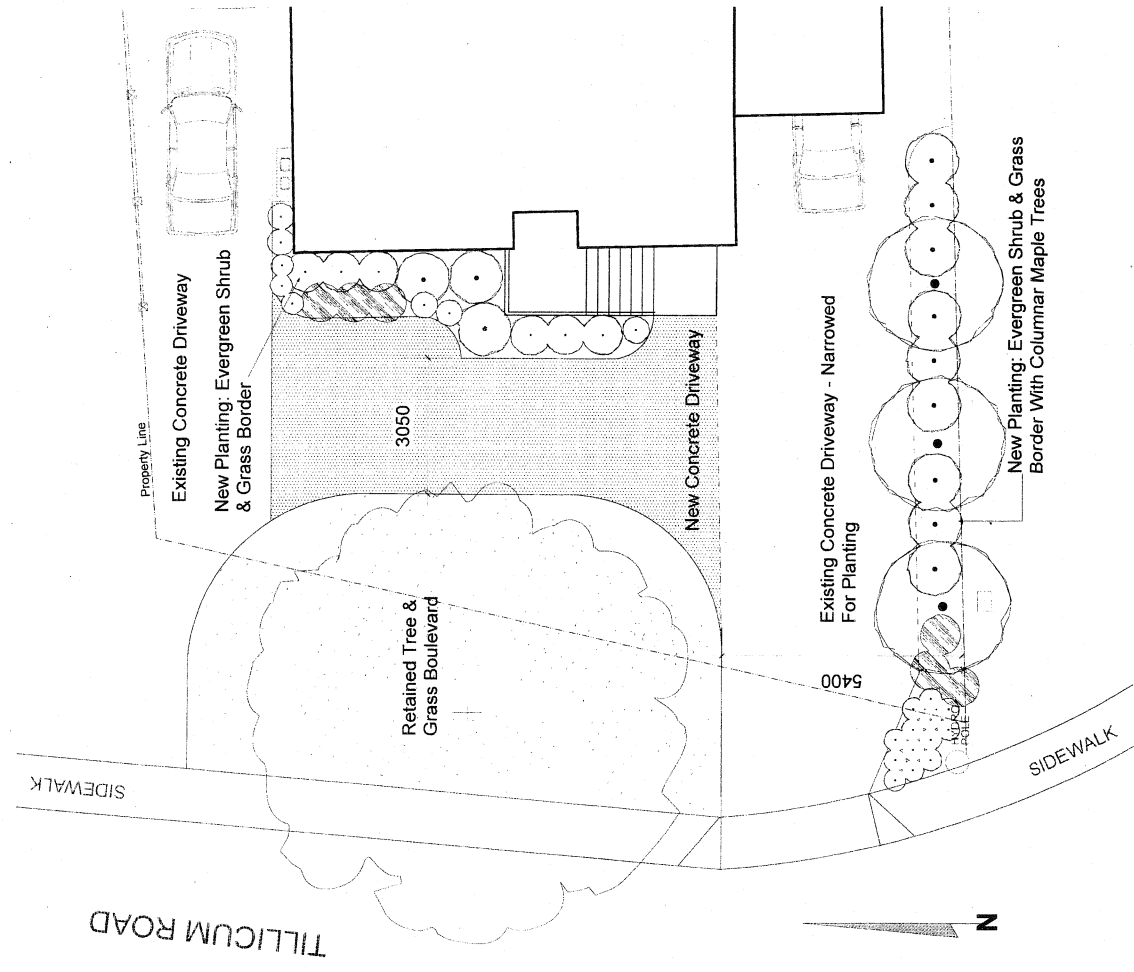
**THIS IS SCHEDULE 'A' OF DEVELOPMENT PERMIT NO. 16/2008**  
**CORPORATE ADMINISTRATOR**



EXISTING/ PROPOSED	RD-1
LEGAL	LOT 1, SECTION 10
ADDRESS	PLAN 11426, ESQUIMALT DISTRICT
ZONING	861 TILlicUM RD. ESQUIMALT, BC
SITE AREA	RD-1 668m <sup>2</sup> MIN 30% MAX
DWELLING UNITS	683m <sup>2</sup> 106/683 = 16%
FLOOR AREA RATIO	2 144/683 = 21%
PARKING:	2
UNIT SIZE:	2
SUITE-1 = UPPER FLOOR&GARAGE	74.1+25.4=99.5m <sup>2</sup>
SUITE-2 = LOWER FLOOR	70.1m <sup>2</sup>
BUILDING HEIGHT	4.7m
	11m MAX

**1 SITE PLAN**  
**A1**  
 SCALE: 1:150





**RECOMMENDED PLANT LIST**

Trees	Quantity	Botanical Name	Common Name	Size
AC045	3	Acidobolus 'Soudard'	Boreal birch	6 cm cal
<b>Medium Shrubs</b>				
NA039	12	Nauclea 'Tina Power'	Common Name	Size
WTC	12	Witcham tree 'Compact'	Spring leaved witcham	#5 pot
<b>Small Shrubs</b>				
EA016	16	Erica carnea	Common Name	Size
NA039	3	Nauclea 'Tina Power'	Common Name	#5 pot
NA039	3	Nauclea 'Tina Power'	Common Name	#5 pot
NA039	3	Nauclea 'Tina Power'	Common Name	#5 pot
<b>Perennials, Annuals and Ferns</b>				
MO016	6	Molinia caerulea	Common Name	Size
MO016	6	Molinia caerulea	Purple moor grass	#5 pot

**Notes**  
 1. All work to be completed to current BC S.A. Landscape Standard  
 2. All soft landscape to be irrigated with an automatic underground irrigation system. Lawn areas and planting beds to be zoned separately.  
 3. All plants to be purchased from a nursery. It is recommended that all plants be purchased from Phytoforma nurseries Certified Growers or from growers in the process of certifying.

**L A D R**  
 LANDSCAPE ARCHITECTS  
 24-4810 CUMMER STREET  
 VANCOUVER, BC V6J 1M8  
 Phone: (250) 596-0165 Fax: (250) 412-0686

**PROJECT**  
 861 Tillicum Road  
 Esquimalt, BC

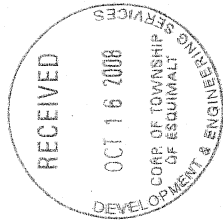
**TITLE**  
 Landscape Plan  
 Front Garden

**SCALE**  
 1:50

**PROJECT NO.**  
 0834

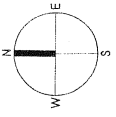
**DATE**  
 Oct-14-08

**SHEET**  
 1 of 1



**THIS IS SCHEDULE 'A' OF DEVELOPMENT PERMIT NO. 16/2008**

**CORPORATE ADMINISTRATOR**



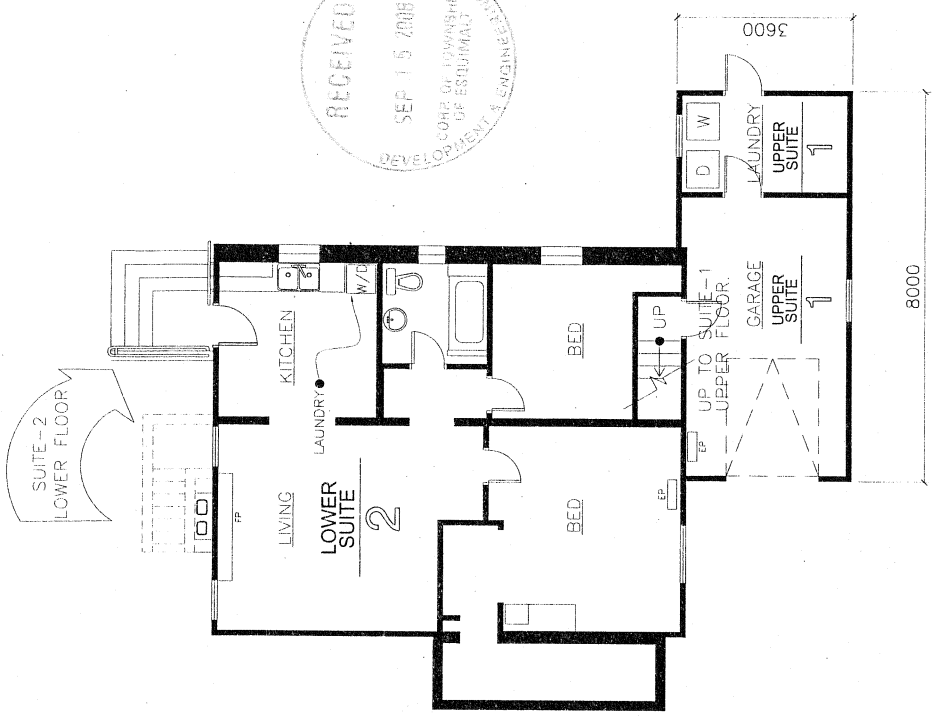
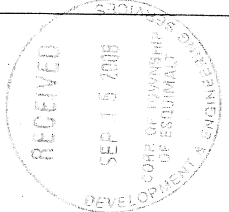

  
 ALLAN & CASSIDY ARCHITECT INC.  
 451 Herald St.  
 Victoria BC.  
 V8W 3N8  
 W. 250.381.6325  
 F. 250.381.7055  
 www.allancassidy.com

861 TILICUM FLOOR PLAN

JOB-NO: 904  
 DATE: 12AUG2008  
 DRAWN-BY: JS  
 SCALE: 1:100

A2

R1



2 LOWER FLOOR PLAN  
A2 SCALE: 1:100



1 UPPER FLOOR PLAN  
A2 SCALE: 1:100

THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO 14/2008  
 CORPORATE ADMINISTRATOR



ALLAN R. CASSIDY  
ARCHITECT INC.  
451 Herald St.  
Victoria BC,  
V8W 3N8  
W: 250.381.6325  
F: 250.381.7055  
www.allanrassidy.com

861 TILlicum  
ELEVATIONS

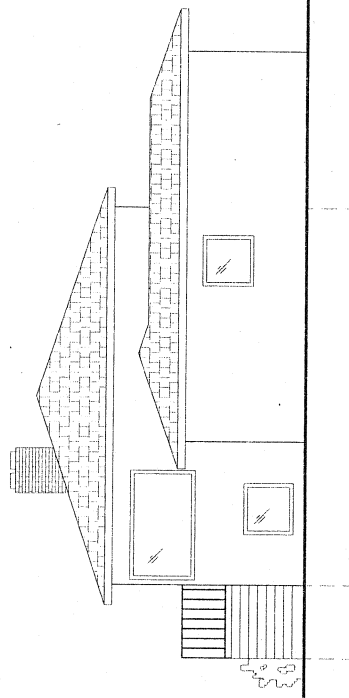
JOB-NO: 904

DATE: 12AUG2008

DRAWN-BY: JS

SCALE: 1:100

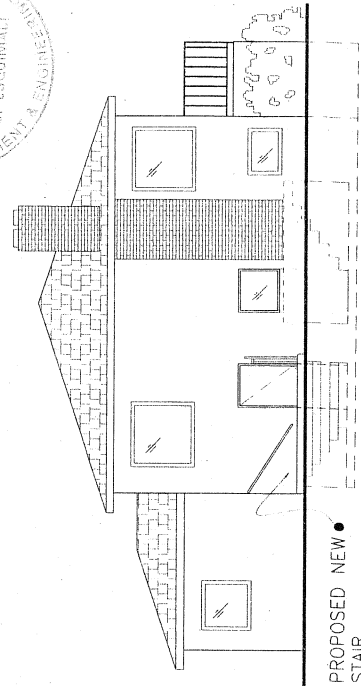
A3



2 SOUTH ELEVATION

SCALE: 1:100

A3



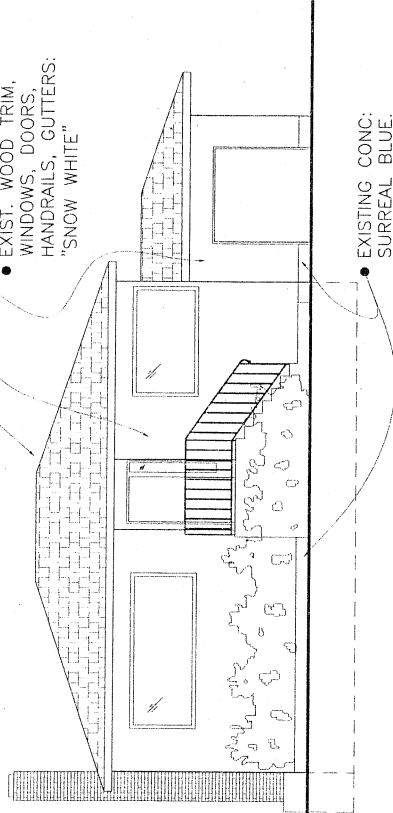
PROPOSED NEW  
STAIR

4 NORTH ELEVATION

SCALE: 1:100

A3

- ASPHALT SHINGLES:
- "CLOUD GREY"
- EXISTING STUCCO:
- "CELESTIAL SUN"
- EXIST. WOOD TRIM,  
WINDOWS, DOORS,  
HANDRAILS, GUTTERS:
- "SNOW WHITE"



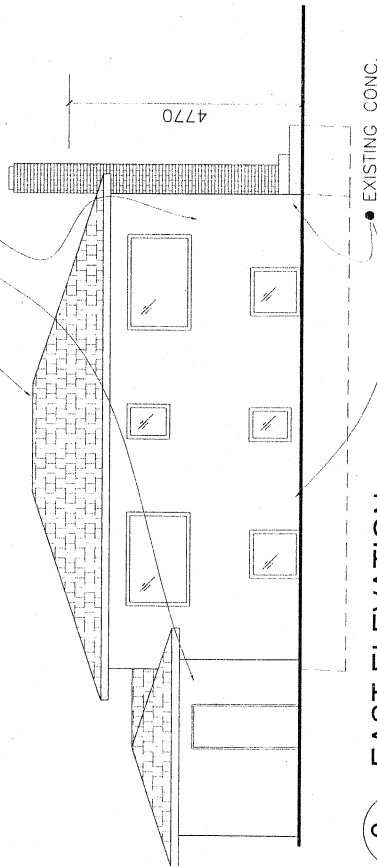
EXISTING CONC:  
SURREAL BLUE.

1 WEST ELEVATION

SCALE: 1:100

A3

- ASPHALT SHINGLES.
- EXISTING STUCCO.



EXISTING CONC.

3 EAST ELEVATION

SCALE: 1:100

A3

THIS IS SCHEDULE 'A' OF  
DEVELOPMENT PERMIT NO. 1200010  
CORPORATE ADMINISTRATOR

## STAFF REPORT

**DATE:** 30 October 2008 **REPORT NO.** DEV-08-106  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT: DEVELOPMENT VARIANCE PERMIT FOR FENCING  
#2 - 915 Glen Vale Road**

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### RECOMMENDATION

That Development Variance Permit No. 04/08 authorizing the following variance to Zoning Bylaw No. 2050 be **approved, issued and registered** on the title of Lot 2, Section 2, Esquimalt District, Plan VIS5102 [#2 - 915 Glen Vale Road]:

**Part 4 - General Regulations - Section 22 (1) - Fences** - a 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].

### BACKGROUND

The requested variance was considered by the Committee of the Whole on October 20th, 2008. At the Special Meeting of Council held the same evening, staff were directed to provide the appropriate notification and prepare the Development Variance Permit and return it to Council.

Notice of the proposed variance and Council's intention to consider the request was mailed to property owners and tenants within 50 metres [164 ft.] of the subject property on October 23rd, 2008 [copy of Notice attached].

The owner of #2 - 915 Glen Vale Road has installed a fence along the property's western lot line [i.e. along the rear of the parcel]. When the Ballantrae subdivision was developed along Glen Vale Road, the land was filled and leveled to create suitable building sites. The properties immediately to the west of the subject property [which front on Mesher Place] were developed in the 1970s and are at a lower elevation.

The wall which is 2 metres high or less when seen from the upland property appears higher when viewed from the downslope lots. The airphotos, contour map and photos showing both sides of the fence [contained in attached Report No. DEV-08-096] clearly illustrate the situation.

Strict compliance with the fencing regulations of Zoning Bylaw No. 2050 would result in the fence at the northwest corner of the subject property being only 0.8 metres in height [2.6 feet]. Normally a fence or guard rail, especially at the top of a slope should be a minimum of 0.9 metres [3 ft.] to prevent someone from falling over it.

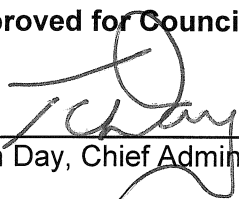
The applicant is requesting that the fence as constructed be approved in order to maintain privacy and ensure the safety of persons using her backyard. The following variance to Zoning Bylaw No. 2050 is requested:

**Part 4 - General Regulations - Section 22 (1) - Fences** - an 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].



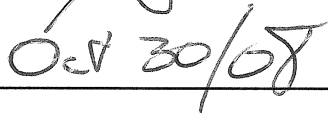
Barbara Snyder  
Director of Development Services

**Approved for Council's consideration:**



Tom Day, Chief Administrative Officer

Dated: \_\_\_\_\_



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**DEVELOPMENT VARIANCE PERMIT**

**NO. 04/2008**

**Owner:** Therese P. Conway  
Daniel J. Conway

**Lands:** Lot 2, Section 2, Esquimalt District, Plan VIS5102

**Address:** 2 - 915 Glen Vale Road, Esquimalt, BC

**Conditions:**

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Zoning Bylaw No. 2050 as follows:

**Part 4 - General Regulations - Section 22 (1) - Fences -** a 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].
3. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall building design may be permitted by the Director of Development Services.
4. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
5. This Development Variance Permit is not a Building Permit.
6. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.

7. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Director  
Development Services

\_\_\_\_\_  
Corporate Administrator  
Corporation of the Township  
of Esquimalt



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

October 23, 2008

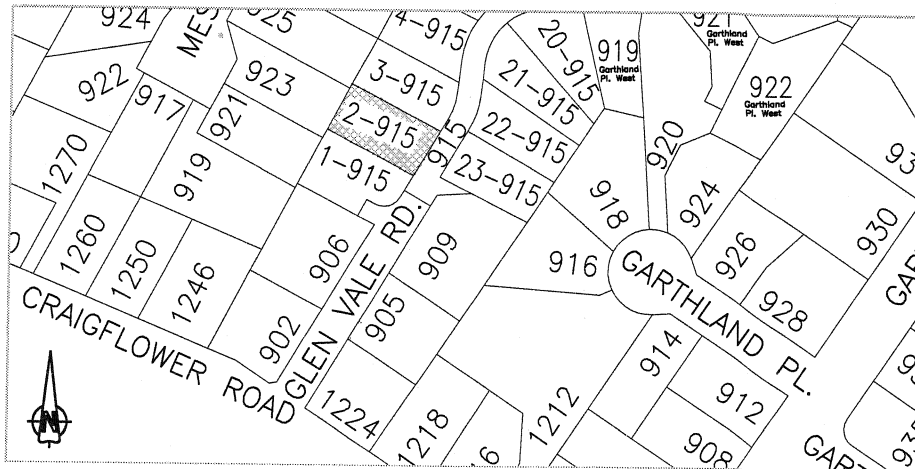
## NOTICE OF HEARING

An application for a Development Variance Permit has been received from Terrie Conway and Daniel Conway, the registered owners of Lot 2, Section 2, Esquimalt District, Plan VIS5102 [#2 - 915 Glen Vale Road].

### Purpose of the Application:

The applicant is requesting a Development Variance Permit to authorize a fence which exceeds the permitted height. The increase in height is intended to maintain privacy and ensure the safety of persons using the backyard. Approval of this proposal requires the following relaxation of Zoning Bylaw No. 2050:

**Part 4 - General Regulations - Section 22 (1) - Fences** - an 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].



**Site Location:** Lot 2, Section 2, Esquimalt District, Plan VIS5102  
[#2 - 915 Glen Vale Road]

The Municipal Council will consider this application at **7:00 p.m., Monday, November 3, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays and Statutory Holidays) until November 3, 2008.

BARBARA SNYDER, DIRECTOR  
DEVELOPMENT SERVICES



## STAFF REPORT

**DATE:** 14 October 2008 **REPORT NO.** DEV-08-096  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT: DEVELOPMENT VARIANCE PERMIT FOR FENCING  
#2 - 915 Glen Vale Road**

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### RECOMMENDATION

That the following variance to Zoning Bylaw No. 2050 to allow a 1.8 metre [6 ft.] high fence at the rear of the property at #2 - 915 Glen Vale Road [Lot 2, Section 2, Esquimalt District, Plan VIS5102] be considered:

**Part 4 - General Regulations - Section 22 (1) - Fences** - an 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].

### BACKGROUND

The owner of #2 - 915 Glen Vale Road has installed a fence along the property's western lot line. When the Balantrae subdivision was developed, the land was filled and leveled to create suitable building sites. The property immediately to the west of the subject property was developed in 1978 and is at a lower elevation. The wall which is 2 metres high or less when seen from the upland property appears higher when viewed from the downslope lot.

The attached airphotos and contour map show the natural slope of the land before the completion of the 915 Glen Vale Road development. The neighbour at 923 Mesher Place wishes to have the fence built to follow the natural grade of the land [i.e. the slope of his property]. The applicant has tried to accommodate the neighbours' concerns by lowering some of the fence panels so the fence 'steps down' as it crosses the yard from south to north [see attached photos]. Photos showing the same fence from the neighbouring property [923 Mesher Place] are also attached.

Terrie Conway, owner of the subject property has outlined the history of the fence, and her reasons for wishing to retain it as is, in the attached letter dated October 7th, 2008. The fence is made up of standard cedar panels measuring 1.8 metres [6 ft.] in height. In addition to photos, the applicant has also provided the landscaping plan for her backyard.

Zoning Bylaw No. 2050 regulates the height of fences as follows:

#### **General Regulations - Section 22 (1)**

"Where a fence, or similar structure is located on top of a retaining wall, the Height of the fence shall include the Height of the retaining wall. Where their combined Height exceeds a 1.8 metres [6 ft.], the fence wall or similar structure alone shall have Height of not more than 1.1 metres [3.6 ft or 43 inches]."

.../2

**Division 1 - Single Family Residential Zones - Fencing**

"Subject to Section 22, no fence shall exceed a Height of 2 metres except that the Height of a fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres."

The definition of 'Height' in the Zoning Bylaw refers to Buildings and Structures, not to fences. The definition of 'Grade' also does not affect fences.

As Ms Conway notes in her letter, complying with the fencing regulations of Zoning Bylaw No. 2050 would result in the fence at the northwest corner of her property being only 0.8 metres in height [2.6 feet]. Normally a fence or guard rail, especially at the top of a slope should be a minimum of 0.9 metres [3 ft.] to prevent someone from falling over it.

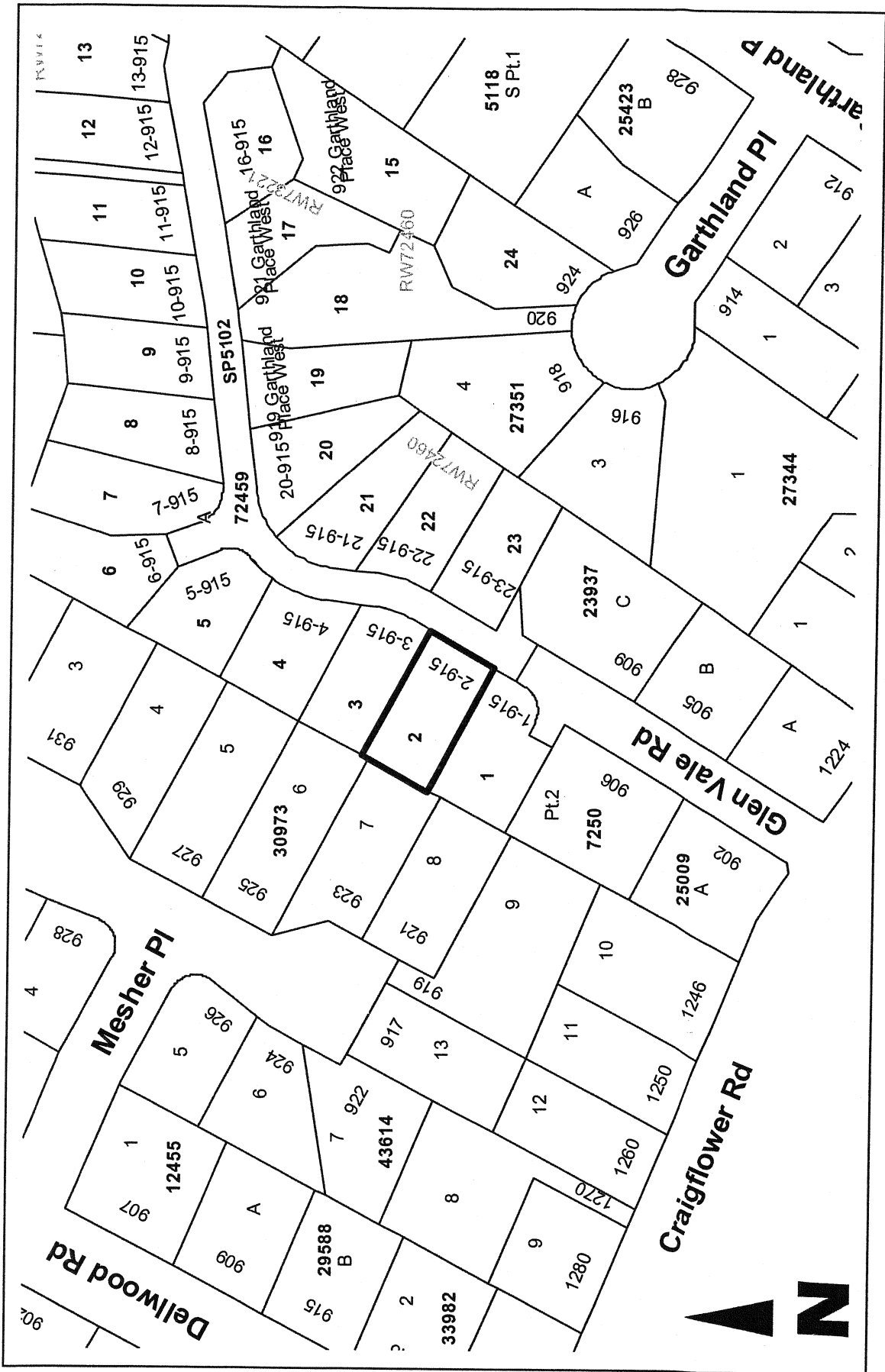
The applicant is requesting that the fence as constructed be approved in order to maintain privacy and ensure the safety of persons using her backyard. The following variance to Zoning Bylaw No. 2050 is requested:

**Part 4 - General Regulations - Section 22 (1) - Fences** - an 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].

Note: The issue of fence heights and retaining walls and the confusing language in the present Zoning Bylaw is something that will be looked at when the Bylaw undergoes a major review.

  
\_\_\_\_\_  
Barbara Snyder  
Director of Development Services

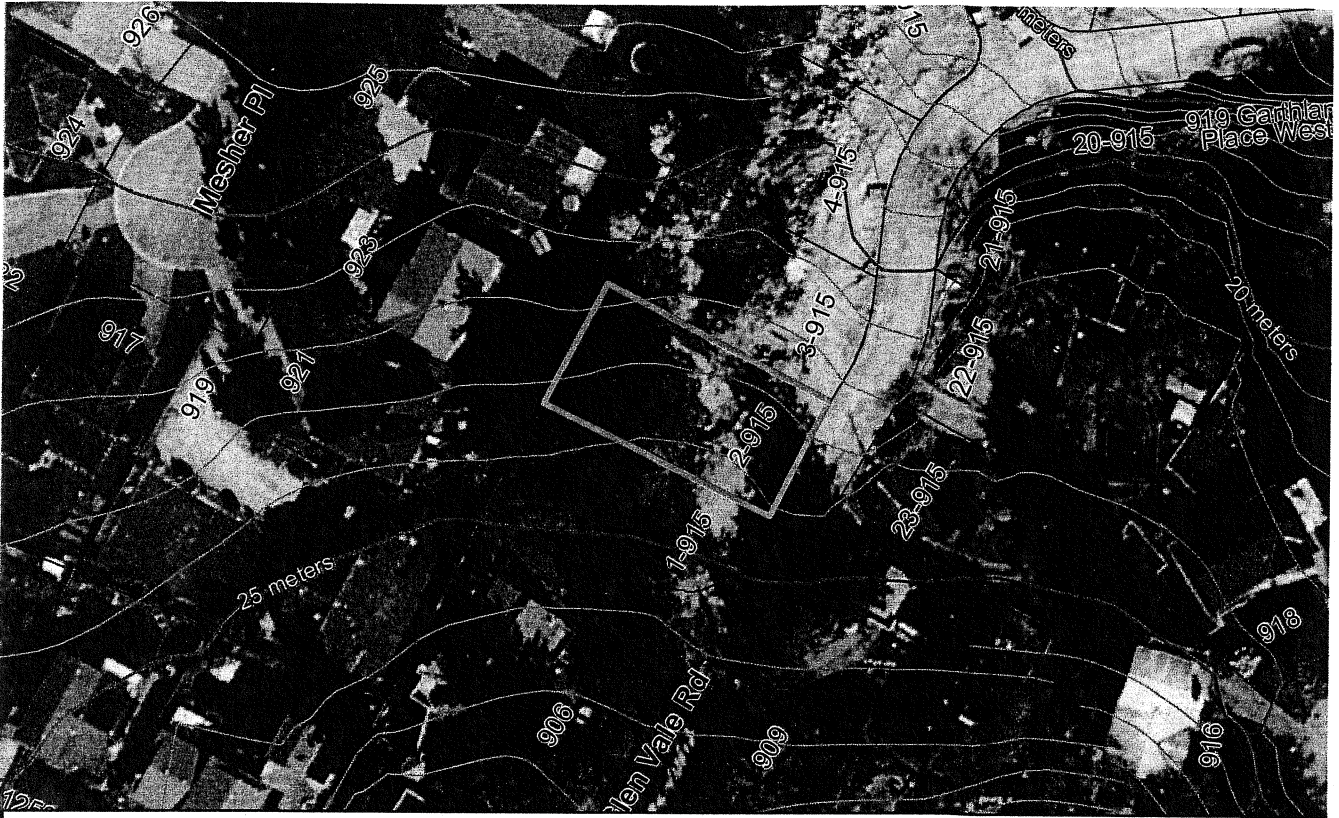
<p><b>Approved for Council's consideration:</b></p> <p>_____</p> <p>Tom Day, Chief Administrative Officer</p> <p>Dated: _____</p>
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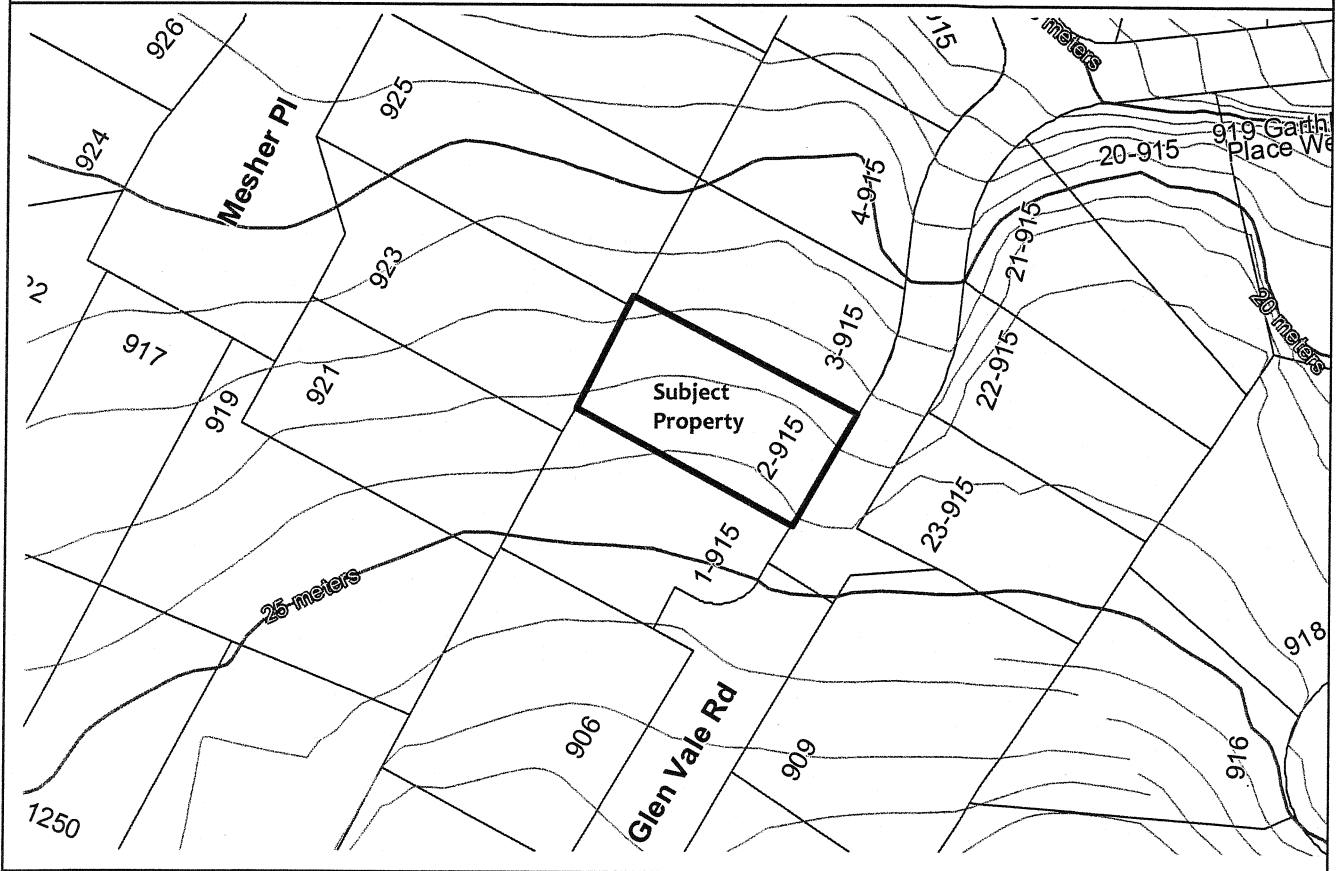


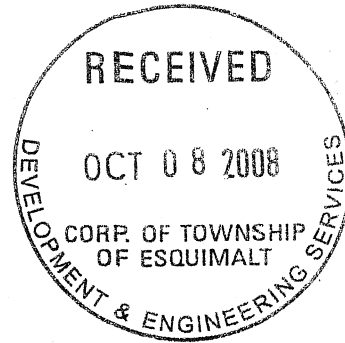
#2 - 915 Glenvale Road

- 1 metre contour intervals
- - - - - Fence line
- ▭ Subject Property



2001 Air Photo showing contours and vegetation before 915 Glen Vale Road development was completed.





October 7, 2008

Town of Esquimalt

Re: Request for Variance on Fence Height

The purpose of this letter is to request a variance on the height of the fence in my back yard. Background to this request is as follows. In August I had a fence built on the back of my property approximately 5 inches inside my property line. Portions of the fence sit on a retaining wall. I have two neighbors who back onto my property. Neighbor 'A' backs on for the majority of the property line, Neighbor B for only about 6 feet.

Details for consideration:

- When my home was built and the subdivision established, the north-west side of the back yard was 'filled' so that it would be at the same grade as the street in the front and level with the south-west side of the back yard. My property is therefore level – not sloped.
- As a result my back yard is the same grade at the south west side of the back yard as Neighbor A but is higher as it moves toward the north-west side of the yard. It is also higher than Neighbor B.
- In a previous conversation with Neighbor A he mentioned to me that that the developers of this sub-division had promised to build fences along the back property line.
- Prior to building the fence and once the fence posts were in place I discussed the fence with Neighbor A – who said it looked high but to do 'what I wanted'
- I did not ask either of my neighbors to contribute in any way to building the fence.
- To build the fence my contractors used 6 foot panels and also installed a small and gradually increasing retaining wall beginning at the third fence panel. The resulting fence measured the stipulated 2 meters or less from the 'grade' of my property side (i.e. the same height as my backyard lawn).
- Once the fence was up Neighbor B called the building inspector to complain about the height of the fence and Neighbor A participated in the complaint
- The building inspector met with Neighbor A and Neighbor B and also spoke with 'my' fence contractors. He explained that the fence height was to be measured including the retaining wall and provided my contractors with copies of the bylaw. I reviewed the definitions in the bylaw for 'height', 'grade' and clause 22 re-fences to understand what we needed to do to adjust the fence. Specifically the clauses I reviewed were:

**"Height"** means the vertical distance of a Structure measured from Grade to the highest point of the Structure if the Structure has no roof or a flat roof; to the deck line of a mansard roof; to the mean level between the eaves and ridge of a gable, hip, gambrel, or other sloping roof. The measurement of Height shall exclude the projection of chimneys, vents, stacks, heating, ventilation, and air conditioning equipment, stairwells, and elevator lifting devices that protrude above the surrounding roof line.



**"Grade"** means the average natural levels of the ground adjoining each exterior wall of a Building, provided that localized depressions such as vehicle or pedestrian entrances need not be considered in the determination of average levels of natural ground.

**(10) Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

**FENCES**

(1) Where a fence, or similar Structure is located on top of a retaining wall, the Height of the fence shall include the Height of the retaining wall. Where their combined Height exceeds 1.8 metres, the fence, wall or similar Structure alone shall have a Height of not more than 1.1 metres.

- Based on our understanding of the bylaw items my contractors lowered the fence – so that the fence would be at the ‘average natural levels’ based on the grade of my property averaged with the grade of the neighbors. The fence now ‘steps down’ as it moves from the south-west to the north-west side of the back yard thus accommodating the slope of my neighbors yards.
- On further complaints from my neighbors I contacted the bylaw officer who explained to me that that the definition for ‘grade’ in the bylaws does not apply to fences and that in the case of fences the natural grade is the undisturbed ground at the fence location, and that my fence can be no higher than 2m measured from this location.

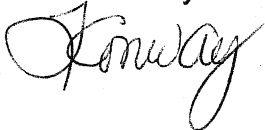
I am asking for a variance to maintain the fence at its current ‘stepped down’ height using the average between my grade and the neighbors for the following reasons.

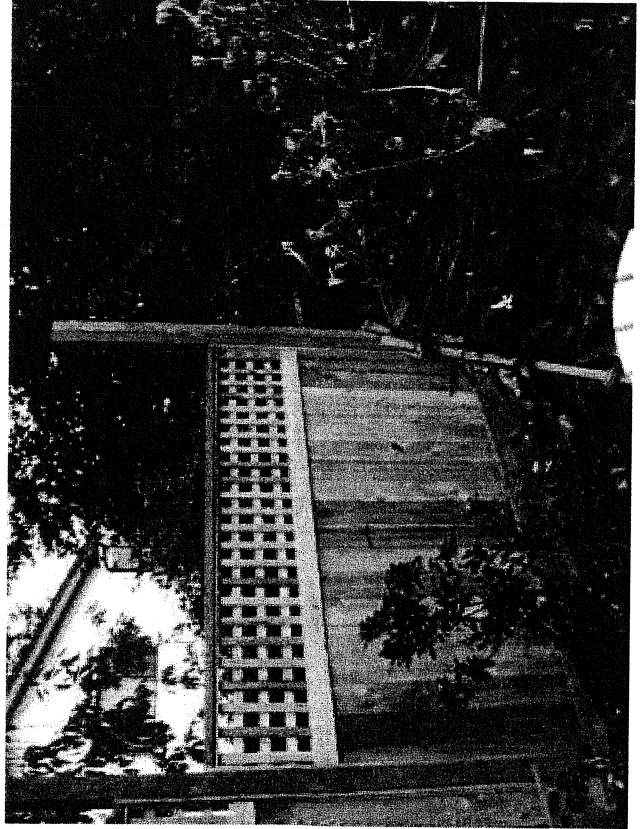
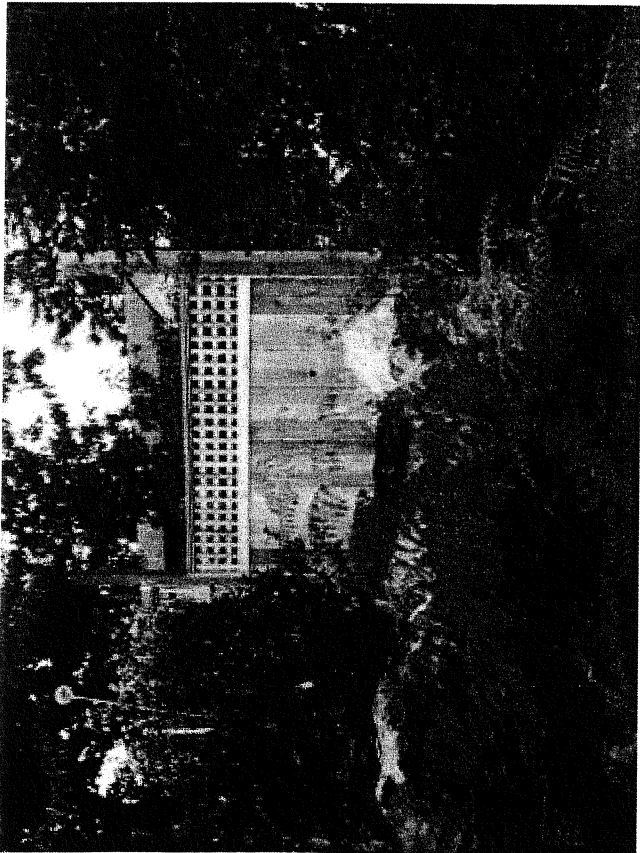
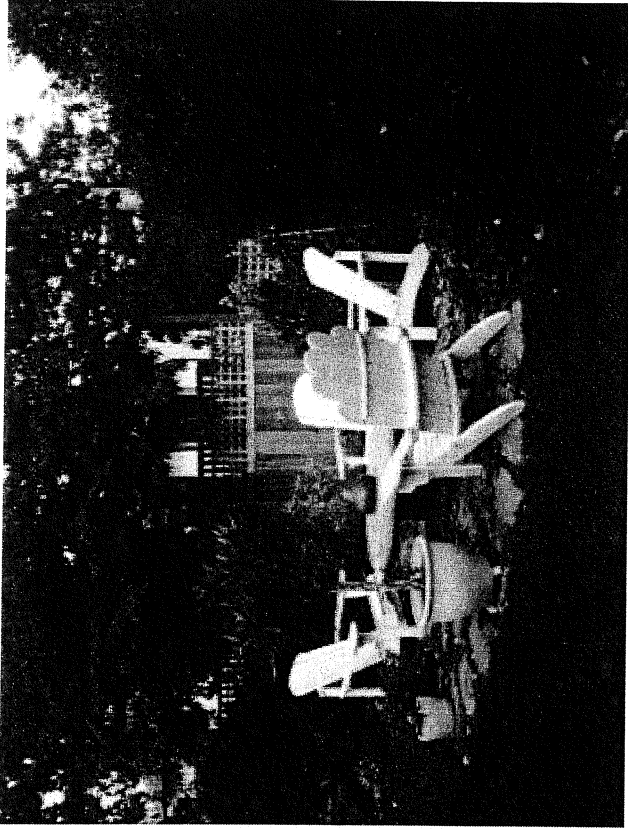
- As the fence moves to the south west the fence has already been ‘stepped down’ to allow for the slope of my neighbors property.
- For the majority of the fence line the fence measures within a few inches of the 2 meters less the height of the retaining wall allowed by the current bylaw.
- These few inches allow for some degree of privacy between my neighbors and my back yard.
- My property is level and to ‘step’ the fence down more will further compromise and the esthetics of the fence.
- To lower the fence portion on the north-west corner of the property to the maximum allowable fence height of 2m, less the height of the retaining wall, leaves a fence that is .8m high on my side, which is a safety hazard.

May I also suggest the Town consider reviewing the fencing bylaw to allow for differences in the average grade between properties?

Thank you for your consideration in this matter.

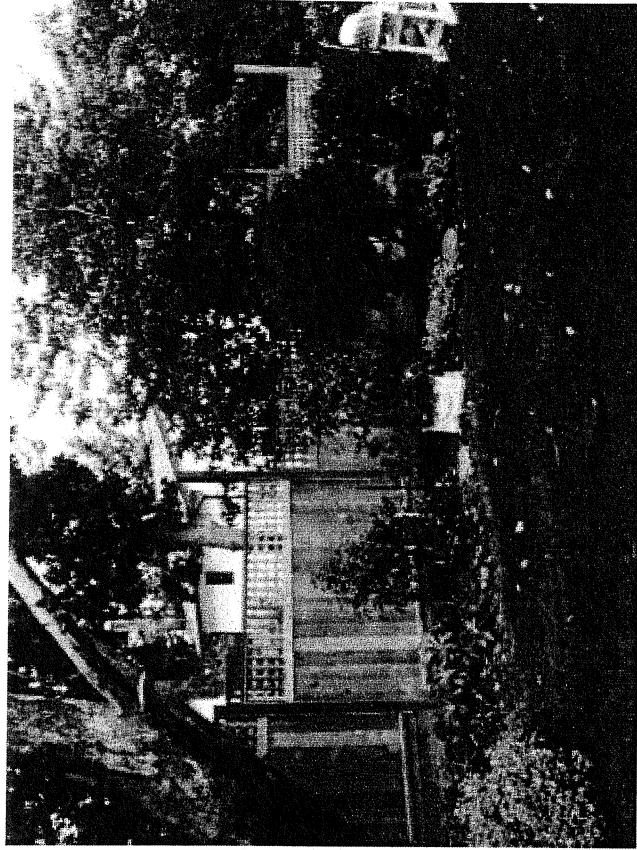
Terrie Conway



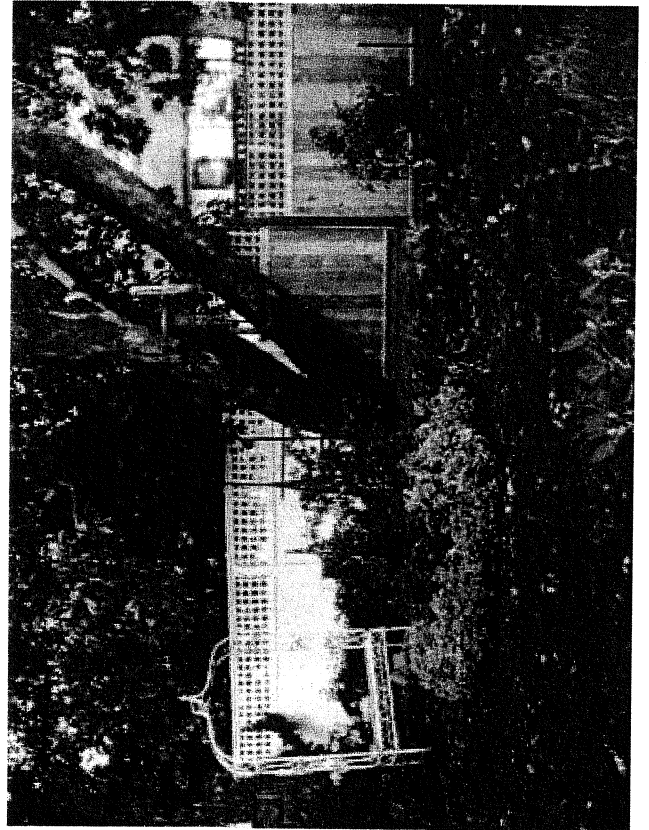
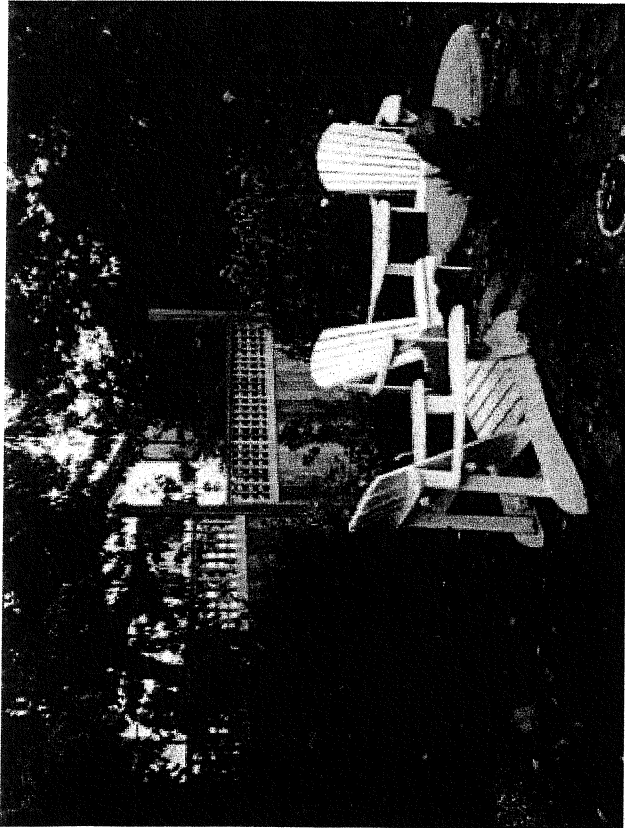


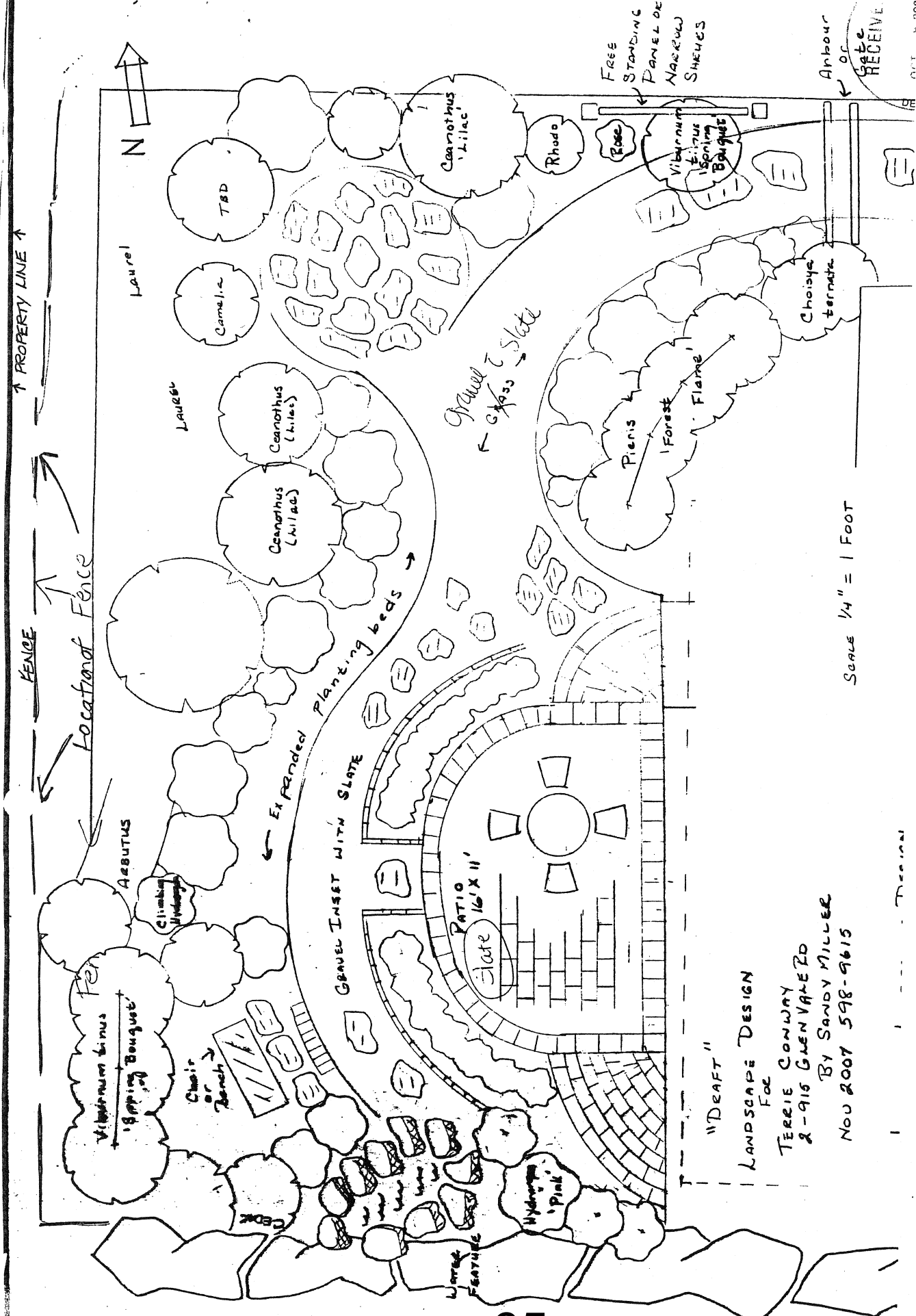
Fence under construction at #2 - 915 Glen Vale Road

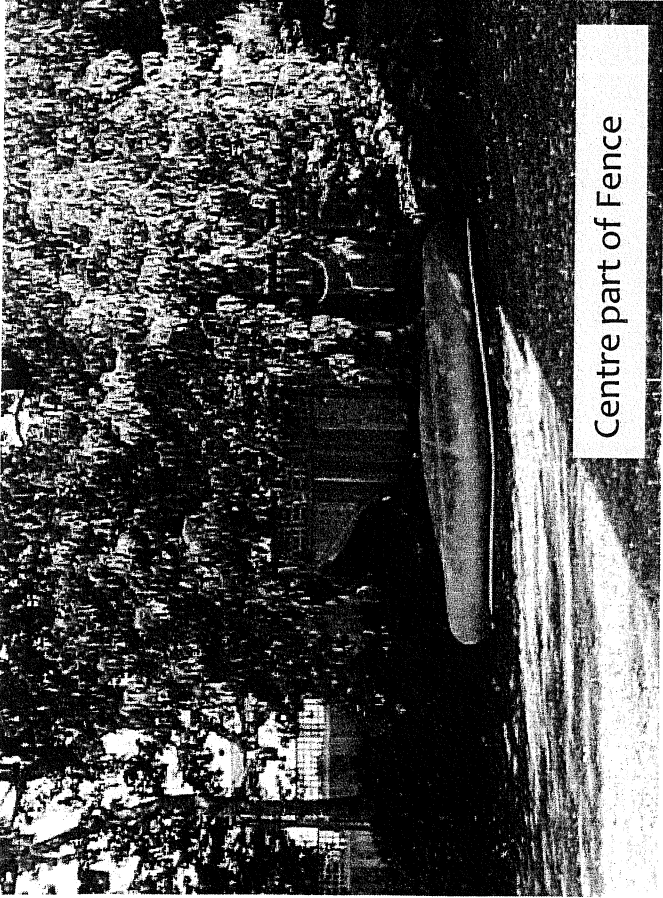




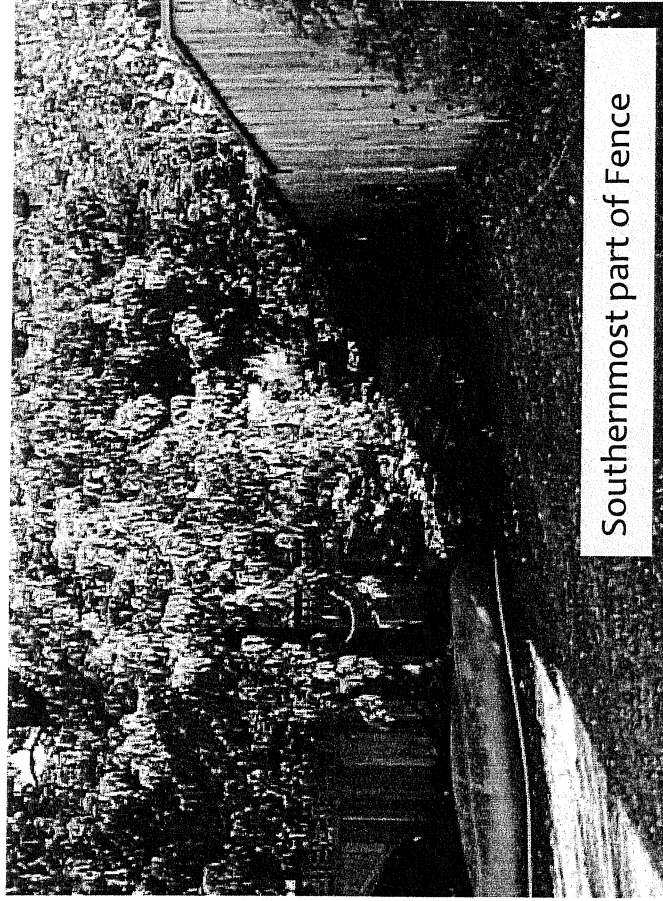
Fence under construction at #2 - 915 Glen Vale Road







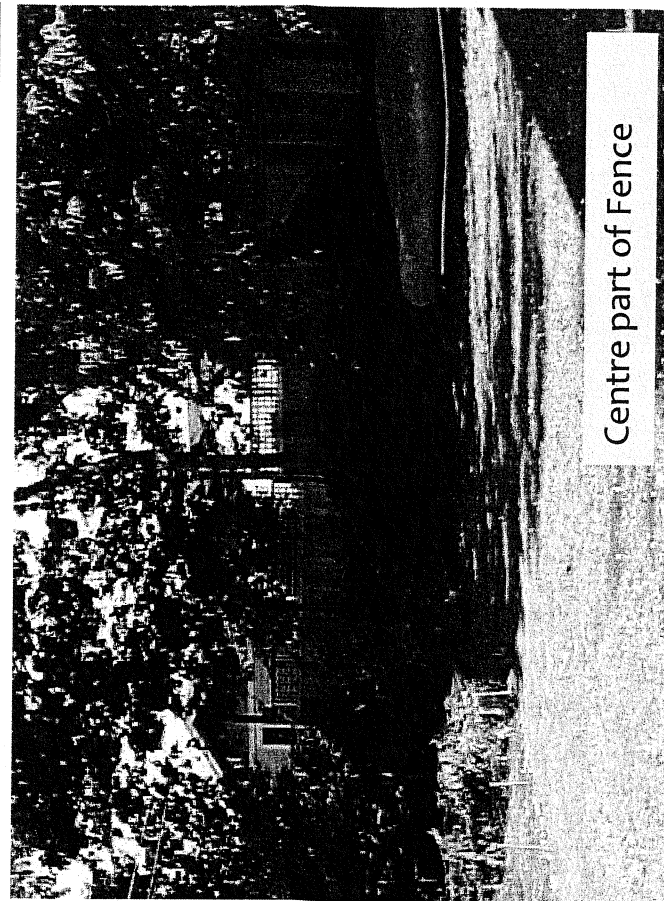
Centre part of Fence



Southernmost part of Fence



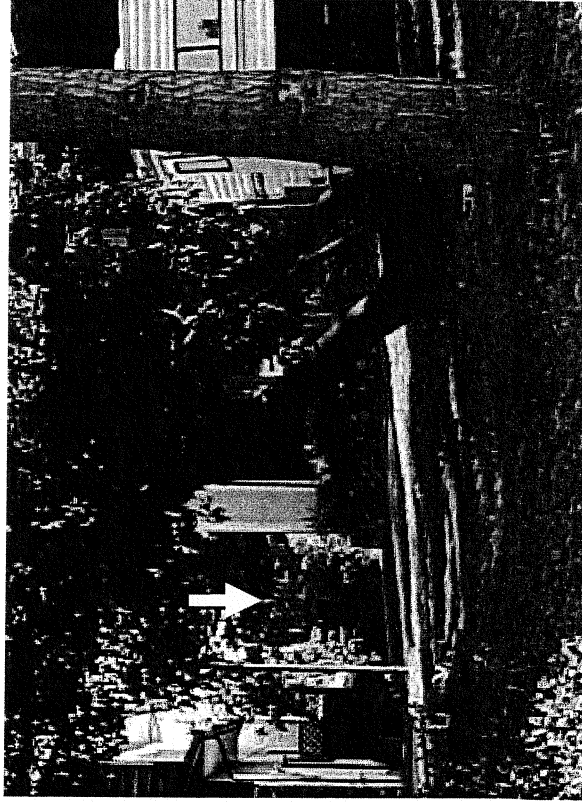
Northernmost part of Fence



Centre part of Fence

Views of Fence at #2 - 915 Glen Vale Rd. viewed from 923 Mesher Place

North section of Fence along boundary between  
#2- 915 Glen Vale Road and 923 & 925 Mesher Place





## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Municipal Hall, 1229 Esquimalt Road, Esquimalt BC V9A 3P1  
Telephone 250.414.7100 Fax 250.414.7111

### STAFF REPORT

**DATE:** 29 October 2008 **REPORT NO. P&R-08-20**  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Jeff Byron, Manager of Recreation Services  
**SUBJECT:** Esquimalt's Youth Services

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### RECOMMENDATIONS

1. That Council accept this report for information

### BACKGROUND

Council and staff recently received two letters from area residents complaining about the Esquimalt Teen Centre and Youth Only Friday Nights. These residents feel that the behaviour of youth attending the programs is unacceptable, supervision of the Teen Centre is inadequate, Youth Only Friday Nights should be shut down, and youth at the Teen Centre should stay inside the house or be evicted from the property after 9pm.

### DISCUSSION

The popularity of Youth Services Programs has significantly increased in the last two years. Youth Only Friday Nights see an average of 110 kids between the ages of 13-18, and our quarterly dance had 231 kids in attendance last Saturday night. While shutting down these programs is an option, the detrimental impact on the youth and the community as a whole would be massive. Therefore, it is important to work with local residents to ensure reasonably quiet enjoyment of their neighbourhood.

Since the Esquimalt Recreation Centre re-opened in 2005, discussions with neighbours have occurred several times between complainants and various staff. While discussions have not occurred to date regarding these recent complaints, I am meeting with the residents Thursday, October 30 at 4:30 pm. The following measures have been added to address the concern of youth disrupting the peace after program hours.



1. The addition of one staff during Youth Only Friday night who's duties will be to monitor the front entrance of the Recreation Centre. They are to ensure youth entering and leaving the building are not loitering, skateboarding on the street and making excessive noise. Currently we do have staff that monitor the front area on a consistent basis but, this is not their primary focus.

2. From 10:00pm – midnight have 2 staff dedicated to the above task. Their boundaries will include monitoring Fraser Street from Lyall Street to Esquimalt Road, and Carlisle Street including Town Square. These staff will carry cell phones for direct access to emergency services.

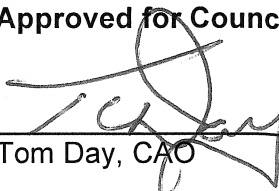
3. Youth Services Supervisor to meet with police to more clearly determine responsibilities and boundaries for staff. For example, after staff members do everything in their power to encourage respectful behaviour on the street, and noise persists, what would constitute police contact.

### FINANCIAL IMPLICATIONS

The additional staff hours will cost the Township a total of \$560.00 for the remainder of 2008. This can be covered in current 2008 Teen Centre Wages. However, additional wages totalling \$3375.00 will need to be budgeted for 2009.

Respectfully Submitted,

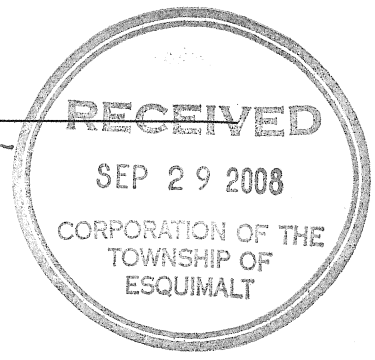
  
\_\_\_\_\_  
Jeff Byron  
Manager of Parks and Recreation  
Services

**Approved for Council's consideration:**  
  
\_\_\_\_\_  
Tom Day, CAO  
Dated: Oct 30/08

**Gerri Hoskings**

**From:** "Gerri Hoskings" <hoskings@shaw.ca>  
**To:** <hoskings@shaw.ca>  
**Sent:** September-28-08 6:29 PM  
**Subject:** Fw: letter

*Christine: Report  
for Council plan*



September 29 2008

**Subject:** letter

To Whom it May Concern:

My husband and I would like to bring to your attention a major issue that we strongly hope to have addressed. It is my sincere hope that you will be able to bring a resolve to this issue. Over the last few years the Teen Centre located on Fraser Street, on Friday night has become a major issue of complaint around the neighbourhood, here are some of the complaints that we have:

On Friday nights it is not unusual to find 25 to 30 teens that hang around outside the Teen Centre and Recreation Centre;

Some of the teens are on skate boards and play chicken with the oncoming cars on Fraser causing the drivers to use their horns at some very, inconvenient time of the nights, and once that happens the teens will aggressively yell and taunt the drivers, and on one such occasions I was one of the drivers, which can be very intimidating with the large crowds especially when you live so close;

There are teens in the bushes, on the roads and in the lacrosse box screaming and yelling until well after 11:00 pm, which is not acceptable at any point, but especially when you work early in the mornings;

Every Saturday morning my husband has to pick up broken booze bottles, beer cans and garbage strewn on the street and our property;

Since we live on the corner of Fraser and Carlisle Street, at times they are right outside our windows when these events occur, disturbing our right to our quiet enjoyment;

We feel that the supervision at the Teen Centre is inadequate, and in fact we have also spoke to some clients from the Recreation Centre who have told us that the behaviour of the teens that are out front of both Centres, they were rude and aggressive when he and his young son were trying to leave the Recreation Center at which time he reported it to a staff member who rather than deal with the issue promptly told him to that he should leave out the back of the centre.

We also have seen an increase of vandalism to public property and our personal property .

We have spoken to all levels of staff with little or no resolve to these issues, instead they have suggested that we call the police, but that hasn't helped matters. We feel that if this program was working and doing what it was originally designed to do, it would be keeping the teens off the streets not drinking, smoking, swearing, playing chicken with cars and disrupting the neighbourhood. It is time to admit that this program is not working and we as tax payers would like to see it shut down and order restored to our neighbourhood, and once again can we feel safe on the streets of our neighbourhood on Friday nights.

cc: Mayor & Council  
Director of Parks & Recreation

*Gerri Hoskings  
Bryan Hoskings  
522 Fraser St.  
Vic B.C.  
09A6H5*

*[Signature]*  
28/09/2008

October 27, 2008

Richard Fyfe  
Chair of The Esquimalt Parks & Recreation Commission  
527 Fraser Street  
Esquimalt, BC

Re: "Youth only Friday Night"

Years ago when our revitalized recreation center was going through its planning stage, we (a group of us), as immediate neighbors to the rec center were invited to hear the plans & voice our opinions. When the topic came up to move the teen center "home" from its temporary site, at the Girls & Boys Club near Macaulay Elementary School, there were mixed feelings in the group. I stated that the teens should have a place at our larger facility & that they were every part of our community as were the tots & the seniors.

Well I wish I bit my tongue that night. It would not have stopped the "Teen Center" & the "Youth only Friday Nights" from becoming a regular program for our young people, but at least I wouldn't have contributed to its pathetic existence.

On a Friday night (all year around) I am not comfortable, lets even say I avoid going out in a large portion of Esquimalt's so called "downtown core". I wouldn't pass through the Town Square; Fraser street between Esquimalt Road & Lyle Street; & the entire front of the rec center, especially to enter the main doors. That's because swarms of extremely loud, foul mouthed, young people are given full rein to do as they please. My husband & I have complained to the people at the front desk only to be given a business card of the Director of Parks & Recreation Service, then David Speed. We even had a meeting with him & the councilor of the teen center. A few suggestions were going to be applied. Nothing changed.

I'm sure that not one of the parents of these youngsters would put up with this uncivilized, inconsiderate behavior in front of their home & they would be embarrassed of their teen's behavior.

YES, we knew there was a rec center in our midst when we bought our house. Does that mean that this behavior is what you were aiming for when you built it?

My Recommendation:

Take "Youth only Friday Night" off the program.  
Participants of the Teen Center must stay inside the house or be evicted from the property after 9pm. These programs are not keeping our young people off the streets & out of trouble, these programs are only delaying trouble on the streets till later in the night.

Thanks for listening. I just want someone to take this letter seriously.

Gina Hesketh



cc: Mayor & Council  
Director of Parks & Recreation



I fully agree with the Letter of  
Complaint re. Fraser st.

M. Sinclair 510 Fraser st, Victoria

Leon Sinclair 510 Fraser st. Victoria

Kevin Heston 1207 Carlisle Ave.

I Fully agree  1211 Carlisle Ave

Ann Roberts 1211 Carlisle Ave

I fully Agree with this letter 1219 Carlisle

B. Paulsen

I agree fully with the aforementioned letter  
Patricia Price

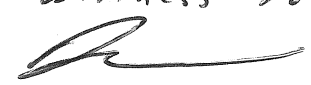
I agree with the letter. K. Johnson - 449 Fraser st.

I agree with the letter Vic P. Nien - 502 Fraser



I agree plus right across the street out there  
at 11:4 AM making a racket. Gary Mullis 1215 Carlisle Ave

I agree with all of the above

1215 Carlisle Ave Mrs Mullis

Brian Smith of 1217 Carlisle Ave, have read and  
agree to Bin Heston's letter and the other home  
owners in the neighborhood. I have been witness to many  
youth problems in town since **72** as well. 

We agree completely with letter of complaint  
reg. Traver Street / the Centre noise.

  
Christie Cunningham  
  
FRANK LESSARD

I agree with the letters & can't wait to meet  
goes to see Jim Herbert 1207 Carlisle.

I agree with the letters Don McMillan  
307-1180 Esquimalt Rd.

I agree with these letters and would  
like to see something done. Eileen Fennerty  
1221 Carlisle Ave.

I concur with the letters

MIKE - JOAN MAYER 511 COMBERFORD ST.

M. Mayer. Joan Mayer



## 2CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

### STAFF REPORT

**DATE:** October 28, 2008 **REPORT NO. FIN-08-021**  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Laurie Hurst, Director of Financial Services  
**SUBJECT:** Local Grant Application

#### RECOMMENDATIONS:

It is accepted procedure that staff do not make recommendations on local grant funding applications. Options available to Council are listed under **ALTERNATIVES**.

#### BACKGROUND:

The 2008 budget for local grants is \$114,265. Supplemental approvals totalled \$27,375 leaving \$86,890 for other local grants. The Local Grant Committee, consisting of Councillors Freedman and Linge, held a special meeting on Wednesday, April 16, 2008 and recommended to Council that grants totalling \$69,252 be approved leaving a balance of \$17,638 unallocated for future requests.

Additional requests totalling \$17,003 have been subsequently approved by Council leaving an unallocated balance of \$635 for future requests.

#### DISCUSSION:

Attached is an application for funding from Association des parents de l'école Victor-Brodeur. The grant request is for the amount of \$2,000 to host the Senior Boys 'A' Provincial Volleyball Championships. This application falls within the parameters for use of local grant funding.

Approval of this request would leave no balance available for the remainder of 2008 and \$1,365 would have to be expended from contingency funds.

#### ALTERNATIVES:

1. Approve funding in full.
2. Approve funding in part.
3. Deny funding.

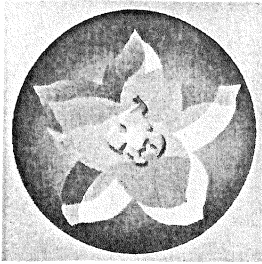
Submitted by:

Laurie Hurst, CGA  
Director of Financial Services

Approved for Council's consideration:

  
Tom Day, CAO

Dated: Oct. 28/08



## Association des parents de l'École Victor-Brodeur

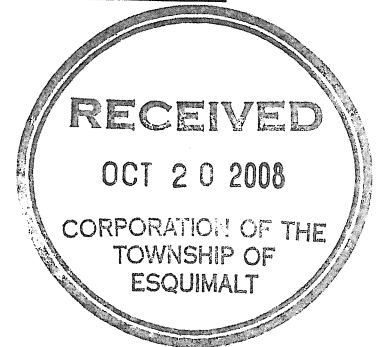
637, rue Head, Victoria (Colombie-Britannique) V9A 5S9

Tél : (250) 220.6010 Téléc : (250) 220.6014

October 17, 2008

His Worship the Mayor and Town Council  
Township of Esquimalt  
Esquimalt Road

*Mayor  
Laurie*



RE: 2008 Provincial Volleyball Championships, L'École Victor-Brodeur

Dear Mayor and Council,

I am pleased to inform you that L'École Victor-Brodeur has been selected to host the Senior Boys 'A' Provincial Volleyball Championships which include the 12 top teams from 'A' (small population) schools around the province. The dates are confirmed as November 20-23, 2008. The games will be held in round robin style at L'École Victor-Brodeur and the Naden gym. We considered the Esquimalt Recreation Centre gym for this event but it does not meet the minimum size requirements.

On behalf of Bertrand Dupain, Principal and the Games organizing committee, I am delighted to invite His Worship to offer words of welcome and officially open the Games. The Opening Ceremonies will take place Thursday, November 20<sup>th</sup> at 7 pm in the gym at L'École Victor-Brodeur.

In addition, we invite the Township to take out an ad in the official program for the Games. To do so, please contact Sharon Dousset at L'École Brodeur at 220-6010.

Finally, we ask that Council to consider a local grant for this event. As you can imagine, there are a number of expenses for which the school and PAC do not have budget provision or support from Volleyball BC. We are actively seeking funding and in-kind contributions at this time. A grant of up to \$2000 from Council and a loan of interior spectator stands or other in-kind contribution such as program lay-out/printing by the Township would be greatly appreciated.

Thank you for your ongoing commitment to the youth of our community. We are proud to bring positive attention and benefits to Esquimalt through hosting these championships.

Yours truly,

Ingrid Taggart, for  
Games Organizing Committee

cc. Bertrand Dupain, Principal

## STAFF REPORT

**DATE:** 28 October 2008 **REPORT NO.** DEV-08-099  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT:** **AMENDING BYLAW NO. 2662 AND  
DEVELOPMENT PERMIT APPLICATION - 669 CONSTANCE AVENUE**  
Lot 1, Suburban Lots 43 & 44, Esquimalt District, Plan 13563  
**[669 Constance Ave.]**  
Lot A, Suburban Lots 43 & 44, Esquimalt District, Plan, Plan VIP65333  
**[658-660 Admirals Rd.]**  
Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP54521  
**[662 Admirals Rd.]**

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### RECOMMENDATION

That the request from Norm Flemig, agent for the development proposed for 669 Constance Avenue, to extend the time for meeting all conditions beyond 6 months be denied.

### BACKGROUND

The application for a 14 storey multi-family residential building on the subject property, commonly referred to as 669 Constance Avenue, was initiated in May 2006. The project was revised several times and finally received a Public Hearing on November 26, 2007. In October 2008, as the bylaw had not been adopted, Council was asked to consider how it wished to deal with this application.

Council's decision was to hold the application in abeyance for an additional 6 months [i.e. to April 2009] pending completion of the development agreement and receipt of a letter of credit. This decision was conveyed to the applicant on October 8th, 2008 [copy of letter attached].

Mr. Flemig responded on October 15, 2008 requesting that Council consider increasing the time for completion to 12 months [i.e. to October 8, 2009] with a further 12 month extension clause at the option of the developer. A copy of his letter outlining the reasons for the requested extension is attached.

Extending the possible adoption date to October 2010 would mean Bylaw No. 2668 could be coming before Council for consideration 3 years after the close of the Public Hearing. Approval of the additional extension could be seen to be seen as fettering a future Council's discretion.

.../2

There is already a grey area here as the Public Hearing has been closed for almost one year and during that time Council members were not able to receive any new information regarding the proposal. As the time between public hearing and final consideration increases, it becomes more difficult to ensure that there is no receipt of new information by Council members.

In addition, with the upcoming municipal election, the Council members who will actually be giving final consideration to this application [who were not subject to the restriction on receiving information or discussing the application] will not have been present during the public hearing or any of the previous presentations by the applicant and will not have heard the concerns expressed by the public in regard to this proposal.


Another problem with prolonging a decision on this application for too long is that Council has directed staff to complete a review of the Official Community Plan regarding density bonusing and amenities. This review was triggered by a decision regarding the proposed development at 622 Admirals Road. The OCP review will in all likelihood be completed before October 2009. If the 669 Constance application is considered after the OCP review it may be in conflict with the new terms of the OCP which would then require the developer to apply for an amendment to the Plan.

Staff has been working with the applicant and our lawyers over the past summer to complete a Development Agreement, however, we are now looking for a firm commitment that this application will move forward before proceeding further with legal costs.



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Barbara Snyder  
Director of Development Services

<p><b>Approved for Council's consideration:</b></p>  <hr/> <p>Tom Day, Chief Administrative Officer</p> <p>Dated: <u>Oct 27/08</u></p>
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## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

8 October 2008

Norm Flemig  
14245 - 33rd Avenue  
Surrey, BC  
V4P 3M1

Dear Mr. Flemig:

Re: **REZONING AND DEVELOPMENT PERMIT APPLICATIONS**  
Lot 1, Suburban Lots 43 & 44, Esquimalt District, Plan 13563  
**[669 Constance Ave.]**  
Lot A, Suburban Lots 43 & 44, Esquimalt District, Plan, Plan VIP65333  
**[658-660 Admirals Rd.]**  
Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP54521  
**[662 Admirals Rd.]**

Bylaw No. 2662 which would change the zoning of the subject properties to a Comprehensive Development zone allowing a 14 storey multi-unit residential building was given a Public Hearing on November 26th, 2007 and received 3rd reading on December 7th, 2007.

During summer 2008 staff have been working on reviewing and finalizing the Development Agreement associated with this project.

On October 6th, 2008, at an *in camera* meeting, Esquimalt Council considered legal advice from our solicitors regarding adoption of the amending bylaw and whether the draft development agreement was sufficient to ensure that all of features of the project would be completed as proposed. Council also discussed the amenity contribution which you offered.

The outcomes of that *in camera* meeting were

1. That Council will not consider final reading of Bylaw No. 2662 until the freely offered \$600,000 community amenity contribution is secured by an irrevocable Letter of Credit in a form satisfactory to our solicitors.
2. That Council will require a legal undertaking from your solicitor agreeing to the registration of a Development Agreement [i.e. a section 219 covenant] securing all other freely offered amenities to be registered on the property title[s] as soon as the change in zoning has been approved. The Agreement [covenant] will be made available by us to you in a form satisfactory to our solicitors.

.../2



3. That Council will only hold Bylaw No. 2662 in abeyance for six months from October 6th, 2008 and if all preconditions to adoption are not met by that date, the Bylaw will be rescinded.

The Development Agreement as originally drafted required certain provisions that our solicitor believes are not enforceable by covenant and cannot be made the responsibility of new owners. Our solicitor feels the Registrar of Titles would probably refuse to register the document as written.

I will be working with our solicitor to revise the Development Agreement and draft any other documents that may be required to secure the amenities originally proposed. However, we require you to provide a detailed list of the green building features to be included in the proposed building including the specifications of those features [a sample list is attached for reference].

One of the items which needs to be dealt with immediately following approval of the change in zoning is a variance to the required number of off-street parking stalls. Our lawyer has advised that the 16 stalls to be developed on Constance Avenue cannot be considered as fulfilling the requirements of Parking Bylaw No. 2050 for off-street parking spaces.

The variance can be dealt with as part of the Development Permit controlling form and character, however, a Hearing will be required. Staff had thought that this could be held on November 3rd, 2008, however, any discussion of the parking variance will open a discussion of the merits of the project in general and as the Public Hearing on this application has already been closed, Council cannot hear any public comments on the proposal or consider any new information. Therefore, we propose to deal with the parking issue once the change in zoning has been approved.

Please call me at 250-414-7146 if you have any questions concerning the contents of this letter or the processing of your application.

Yours truly,

A handwritten signature in cursive script that reads "Barbara Snyder".

Barbara Snyder, MCIP  
Director of Development Services

c Mayor and Council  
Tom Day, Chief Administrative Officer



Note the Green Building Features identified in the current Schedule A are quite general and subjective and therefore these will be difficult to implement and enforce; you may wish to consider whether more objective standards should be included (e.g. How much "certified wood"? 100%?), such as the 4th bullet. Another alternative is to include definitions of certain terms or reference specific standards (e.g. EnerGuide, Energy Star, CSA, EPA, classes within the Building Code)

Here are some sample clauses from other covenants with a similar focus:

- All developments will achieve an EnerGuide rating of 78 or meet the R-2000 certification standard.
- All gas fireplaces shall be equipped with electronic ignition only and solid fuel devices shall be CSA or EPA compliant.
- Only Energy Star certified products shall be employed for furnaces, boiler equipment, and domestic hot water heating.
- Hot tubs shall include two or more energy saving features, such as: an insulated cover; a layered shell for increased insulation; automatic shut off of jets, pumps and lights; an ozone water cleaning system; a warm air induction system; and low wattage pumps.
- 75% of all paints and adhesives shall meet low or zero VOC standards.
- 75% of all floor coverings and interior panel products shall be made of linoleum, ceramic, cork, rubber, hardwood flooring, stone, woven wool or woven plant fibre carpets, wood products manufactured with low formaldehyde emission adhesives, drywall, or other low emission materials.
- Only Energy Star certified products will be used for water-consuming appliances and shower-heads.
- Where a central air conditioning system is installed, the system shall include two or more energy saving features, such as: large coils for more efficient heat transfer; variable speed blower and fan motors; multiple compressors; programmable thermostats; a filter maintenance indicator light; and dynamic occupancy detectors.
- Lighting fixtures shall be installed with Energy Star qualified compact fluorescent light bulbs or other energy efficient lamps for at least 70% of all lighting fixtures installed.
- All air filters for ventilation supply air and furnaces shall be achieve a minimum MERV 4 filtration standard.
- In every new dwelling provision will be made for a 2 m<sup>2</sup> space for collecting and separating recyclable household waste.
- In-sink garbage disposal units are not permitted in a dwelling.

October 15, 2008

Attention : Barb Snyder  
Director of Development Services

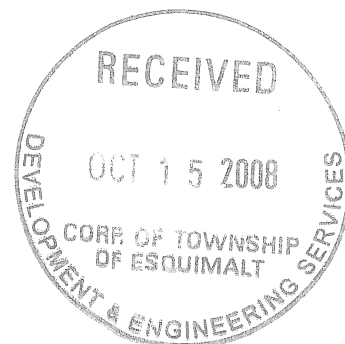
Mayor and Council  
Township of Esquimalt

Thank you for your letter dated October 8, 2008 with regards to By-Law No 2662. This letter is a request to council as to item # 3 page 2 of that letter.

In your letter it states that council will only hold Bylaw No 2662 in abeyance for six months from October 8, 2008 and that if all preconditions to adopt are not met at that date, the Bylaw will be rescinded. This time frame is not satisfactory. We respectfully request that it be re addressed by council and changed to October 8, 2009, with a further 12 month extension clause at the option of the developer. The time clause that you have set forth is not practical based on the current economic conditions. Our company put forward a draft of the Development Permit back in early spring and it was not dealt with in writing until October 8, 2008. During this time the market has changed dramatically and most large projects are being delayed or stopped due to the ever worsening economic climate. Although we feel this project is still viable, time is not on our side with respect to this abeyance. We believe to move forward, it is in the interest of both parties to have these dates and extensions in place now. As you read in the papers and consult with the development community we are in a period of wait and see for some indicators of stability. By extending these dates as requested, you will be adding stability to this project and your community.

I respectfully request that council deal with this extension as soon as possible. Should you have any further questions please contact me at 604-805-6000

Sincerely, Norm Flemig



## STAFF REPORT

**DATE:** 28 October 2008 **REPORT NO.** DEV-08-101  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT: OFFICIAL COMMUNITY PLAN REVIEW**

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### RECOMMENDATION

That \$50,000 be put into the 2009 budget to cover the costs of completing a review of the Official Community Plan [OCP] which would include:

- investigating the feasibility of implementing a Development Cost Charge Bylaw [DCCs];
- quantifying the acceptable degree of variances to multi-unit residential developments [i.e. density bonuses] for various types of amenities; and
- adding policies and recommendations for reducing GHG emissions to achieve carbon neutrality, identifying offsets, and reporting out as required by Bill 27.

### BACKGROUND

The current Official Community Plan was adopted in March 2007 after two years of preparation and consultation. Several additions are now required due to:

1. need to clarify the issue of Density Bonusing and Amenities
2. adoption of Bill 27 – Local Government [Green Communities] Statutes
3. addition of the Walking Charter as an Appendix

#### **1. Density Bonusing**

Section 2.2.4.1 (h) of the current OCP reads:

*“Development proposals with heights and/or densities greater than those set out in policies 2.2.4.2 to 2.2.4.4 may be considered, where appropriate, through variances to zoning and/or parking regulations and density bonusing of floor-space where new affordable or special needs housing units or amenities are provided for the benefit of the community.”*

The maximum building heights and densities for new multi-unit development were set at 10 storeys and a FAR of 2.0 in areas designated for High Rise Residential and at 4 storeys and a FAR of 1.5 for areas designated Low Rise Residential.

The ‘amenities’ listed as qualifying for density bonusing are affordable housing units; special needs housing; public open space; public art; street improvements; heritage preservation;

and daycare facilities. Although the amenities have been identified, there is no indication of what each is worth in terms of increased height and floorspace. For example, Is the installation of a piece of public art worth more or less than the provision of affordable housing units? or How many additional storeys does provision of a daycare facility entitle the developer to?

There is also the issue of 'amenity funds' where a developer offers the municipality an agreed upon dollar amount to be used as the municipality sees appropriate to provide amenities in the vicinity of the new development. There are no guidelines as to how the dollar value is calculated; this would be negotiated for each development proposal.

One of the ideas to be examined is the "lift" that the rezoning would provide to the developer and the ability to use this figure as a basis for negotiating appropriate amenity funds. "Lift" would be the difference between the profit derived from developing a site at its current zoning and the profit achieved if the requested change in zoning were approved.

A more consistent and legal method of securing funding at the time of development is to implement a Development Cost Charge Bylaw where a specific, pre-determined dollar amount is collected for each housing unit. The amount of the Development Cost Charge [DCCs] is based on the future costs of servicing new development [i.e. sewer, roads, storm drains, parks] divided by the potential number of new units.

The calculation of DCCs is complicated and depends on an accurate assessment of the municipality's development potential. In order to determine that potential, we need to know how many new units could be built under the existing OCP designations. We also need to know the capacity of our current infrastructure and what improvements are needed.

There are pros and cons with DCCs. In rapidly growing communities with undeveloped land, DCCs allow the municipal infrastructure to be extended into new subdivisions with the developers paying the costs. However, in built-out communities such as Esquimalt, where redevelopment happens sporadically, it may take many, many years to acquire the DCCs to cover the full costs of improvements.

Also, recent changes to the *Local Government Act* and *Community Charter* provide for the reduction or waiver of DCCs for new developments that would create not-for-profit rental housing, affordable rental housing, supportive living housing, small lots, and development designed to result in low environmental impacts. These are things which we are trying to encourage meaning that many new developments may not be subject to DCCs even if we were to adopt a DCC bylaw.

The need to examine our policies regarding density bonusing and amenity funds arose from the recent consideration of the Legion Rise project at 622 Admirals Road which is on hold until these issues have been resolved through a review of the OCP.

## **2. Climate Action**

With the recent adoption of *Bill 27 – Local Government [Green Communities] Statutes*, municipalities are now required to include policies and targets in their OCPs for reducing Greenhouse Gas [GHG] emissions.

*“Section 877(3) – “ An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.”*

Bill 27 also provided for new categories of Development Permit Areas that allow for:

- “(h) establishment of objectives to promote energy conservation;*
- (i) establishment of objectives to promote water conservation;*
- (j) establishment of objectives to promote the reduction of greenhouse gas emissions.”*

There is also a requirement for municipalities to report-out to the province on their efforts to become carbon neutral by reducing GHGs, purchasing carbon off-sets, or a combination of the two.

Drafting new policies of the OCP to address climate change actions and achieving carbon neutrality could probably be done by staff, however, if consultants are being hired to review other aspects of the Plan they may be asked to assist with this as well.


### **3. Walking Charter**

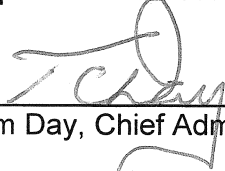
Shortly after the adoption of the OCP, Council resolved to add the ‘Walking Charter’ as an Appendix. It was decided that this addition, which is actually an amendment to the Plan, would be done when other amendments were considered. This OCP Review will be the first time amendments to the 2007 Plan have been proposed. There is no cost associated with this item.

### **BUDGET IMPLICATIONS**

Resolving the issues of Density Bonuses and Amenities, as well as calculating the potential benefit of adopting a Development Cost Charge Bylaw, will require assistance from consultants.

The process for selecting consultants would begin with the Terms of Reference which needs to include a contract amount. It is estimated that the DCC calculation alone would cost \$20,000 and the Density/Amenity review would be approximately \$30,000. If consultants were to assist with establishing GHG targets, additional funds should be allocated. These costs would be part of the Development Services 2009 Budget.

  
\_\_\_\_\_  
Barbara Snyder  
Director of Development Services

<p><b>Approved for Council’s consideration:</b></p> <p> _____ Tom Day, Chief Administrative Officer</p> <p>Dated: <u>Oct 30/08</u></p>
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## STAFF REPORT

**DATE:** 27 October 2008 **REPORT NO.** DEV-08-102  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT:** REGIONAL PESTICIDE REDUCTION EDUCATION INITIATIVE

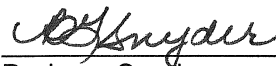
### FOR INFORMATION

Since 2007, the CRD Working Group called PURE [Pesticide Use Reduction Education] has been educating residents, landscapers, municipal staff and others about ways to eliminate or reduce pesticide use by practicing natural lawn and garden care. Partners in the Working Group include the municipalities of the CRD, the Electoral Areas, Salt Spring Island, the Southern Gulf Islands, the Islands Trust, the CRD, the Canadian Cancer Society and other community groups.

In the spring of 2008, the Capital Regional District launched a pesticide reduction education campaign using an extensive communication plan consisting of a website, newspaper advertisements, table displays in municipal halls and CRD events, promotional lawn stakes, lawn-mower decals, and rack cards in garden centres. Twelve free organic lawn care and gardening workshops were held; one of these took place in Esquimalt.

Esquimalt and Victoria were the first municipalities in the region to adopt pesticide reduction regulations. "A Bylaw to Regulate the Use of Pesticides for Non-Essential Purposes within the Municipality of Esquimalt" [No. 2686] was adopted on July 14, 2008. The CRD 'Grassroots Movement' display has been in the front foyer all summer and fall.

A copy of the letter of October 2, 2008 from Susan Brice, Chair of the CRD Roundtable on the Environment detailing the work completed by PURE is attached.



Barbara Snyder  
Director of Development Services

**Approved for Council's consideration:**



Tom Day, Chief Administrative Officer

Dated: Oct 27/08



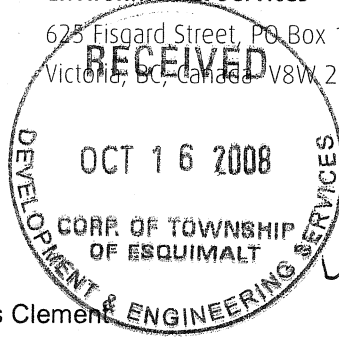
Making a difference...together

Environmental Services  
625 Fisgard Street, PO Box 1000  
Victoria, BC, Canada V8W 2S6

T: 250.360.3078  
F: 250.360.3079  
www.crd.bc.ca

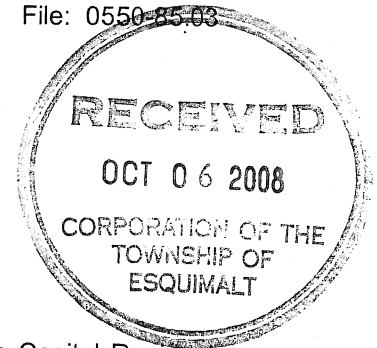
October 2, 2008

His Worship Mayor Chris Clement  
Township of Esquimalt  
1229 Esquimalt Road  
Esquimalt, BC V9A 3P1



*Christine: Report please*  
*Barb Snyder*

File: 0550-85-03



Dear Mayor Clement:

**RE: REGIONAL PESTICIDE REDUCTION EDUCATION INITIATIVE**

In March, 2008, the Pesticide Use Reduction Education (PURE) working group of the Capital Regional District (CRD) Roundtable on the Environment (RTE) launched a regional pesticide reduction education campaign. I would like to take the opportunity to thank you for generously supporting this initiative, in principle and financially, and I ask that you join me in congratulating those local government staff members and elected officials who have been integral to the success of the campaign. Over the last year, a great deal has been accomplished and I wanted to highlight some of the group's endeavors, while inviting your feedback on the future direction of the initiative.

For over a decade, the RTE has been committed to pesticide use reduction and through the development of the PURE working group in 2007, has forged regional partnerships and actively sought to educate residents and enable them to practice natural lawn and garden care. The PURE working group brings together a wide range of community partners, including the majority of CRD municipalities and electoral areas (Victoria, Saanich, Esquimalt, Oak Bay, Sidney, Metchosin, View Royal, Central and North Saanich, Highlands, Salt Spring Island and the Southern Gulf Islands), the Capital Regional District, the Islands Trust, the Canadian Cancer Society and other community organizations. Made possible by financial and in-kind contributions, the PURE campaign has achieved considerable progress in the last year, including the following examples:

- the 2007 IPSOS Reid Survey, which revealed key baseline information regarding pesticide use and support for pesticide bylaws in the region
- a pesticide seminar for local government staff and elected officials, with national expert, Micheline Levesque
- a comprehensive communications plan (Phase 1 – Lawn Care) utilizing innovative community based social marketing strategies and tactics, including a commitment (the Pledge) and prompts
- the development, distribution and implementation of the "Take the Pledge" challenge, with promotional lawn stakes, mower decals and rack cards that feature the "five simple steps" to pesticide-free lawn care
- materials displayed at participating municipal halls and partner offices
- a series of educational advertisements in local papers, including four seasonal advertisements with extensive coverage and free insertions, monthly green tips and a large feature in the Times Colonist Green Guide
- the development of several outreach displays that have been exhibited at over 37 community events across the region
- the development and distribution of a set of three "Fact Sheets" in partnership with the GV Compost Education Centre, including Building Healthy Lawns and Gardens, Maintaining Healthy Lawns and Gardens, and Healthy Food Gardens.
- a comprehensive retailer outreach project involving 27 major pesticide retailers and garden centres

- an enhanced pesticide reduction website, featuring information on alternatives to pesticides, steps to a naturally healthy lawn, a healthy garden guide, bylaw information, reports and other online resources
- twelve free organic gardening and lawn care workshops in six jurisdictions
- additional promotions such as radio interviews, a University of Victoria lecture and a presentation at a Resident's Association meeting.
- RTE in-kind staff support for coordination of PURE working group and education campaign

In addition to the regional education campaign, a growing number of local municipalities have also been working to regulate pesticide use through bylaws. As the 2007 Ipsos Reid survey on regional pesticide use indicated, 76 percent of residents in the Capital Region support their municipality passing a bylaw restricting cosmetic pesticide use. In 2008, the City of Victoria and the Township of Esquimalt passed pesticide reduction bylaws and the District of Saanich is preparing to do the same. Further, a resolution was passed at the September, 2008, UBCM convention to encourage the Province to enact provincial legislation that will ban the sale and use of cosmetic pesticides province-wide.

While the regulatory framework to require reductions in cosmetic pesticide use develops, the RTE will continue to raise awareness and provide meaningful alternatives to traditional pesticides. As with any new program, the PURE initiative welcomes opportunities to improve and enhance the delivery of pesticide reduction education materials and methods. As Phase 1 of the regional education campaign nears completion, participating municipalities and electoral areas in the Capital Region are asked for their feedback on the future direction of the initiative.

Sincerely,

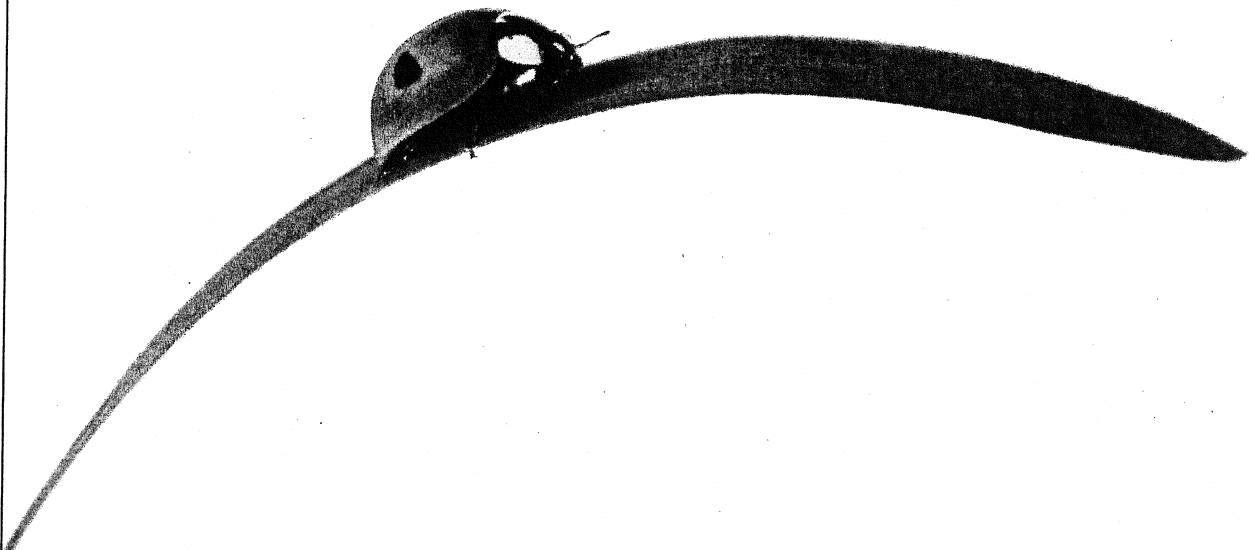


Susan Brice  
Chair, Roundtable on the Environment  
Capital Regional District

Attachments

cc: Paul West, Chair, Pesticide Use Reduction Education (PURE) working group, RTE  
Dwayne Kalynchuk, General Manager, Environmental Services, CRD





# It's a grassroots movement. And it's growing.

That's because, this year, we've made a pledge to become pesticide free. So we're taking all our leftover pesticides to an authorized depot. Then we're starting our lawn on a five step program that includes aeration, mowing on a high setting and leaving our clippings on the lawn. If we can do it, you can too.

Authorized disposal depots:  
Alpine Disposal, 1045 Dunford Street  
Ellice Recycle, 524 David Street  
Hartland Recycling Facility  
Saltspring Island Recycling,  
349 Rainbow Road



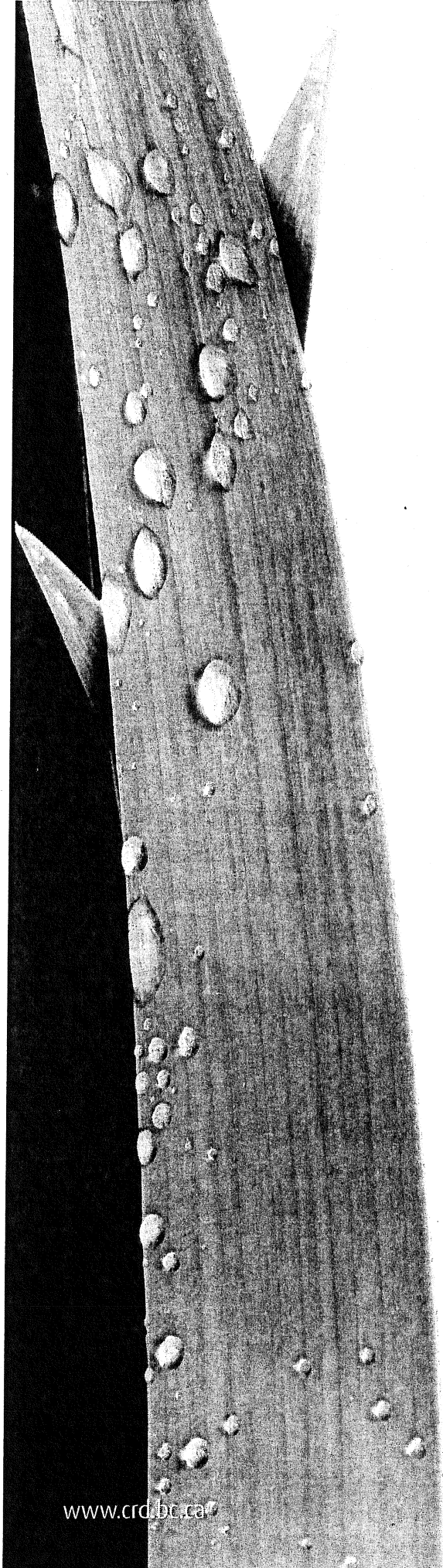
## Take the pledge to join our grassroots movement.

Join the grassroots revolution by signing up on line to go pesticide free. Then get a free lawn sign to show your commitment. Visit [www.crd.bc.ca/takethepledge](http://www.crd.bc.ca/takethepledge) to take the pledge and find information on alternative lawn and garden care.

[www.crd.bc.ca](http://www.crd.bc.ca)

**CRD**

Making a difference...together



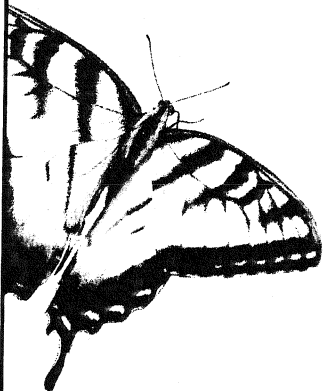
# It's a grassroots movement. And it's growing.

Now that we've eliminated our pesticide use, our lawn is feeling a whole lot better. That's because it's getting a lot of fresh air through our spring aeration. And we never give our lawn a buzz cut. By cutting our lawn on the highest mower setting and leaving our grass clippings on the lawn, our grass thrives - naturally. Join the grassroots revolution, pledge online to go pesticide free today! It feels good to know we are doing our part.



Take the pledge to join  
our grassroots movement.

Join the grassroots revolution by signing up on line to go pesticide free. Then get a free lawn sign to show your commitment. Visit [www.crd.bc.ca/takethepledge](http://www.crd.bc.ca/takethepledge) to take the pledge and find information on alternative lawn and garden care.




# When it comes to summer lawn care, we just don't cut it.

At our place, we take to lawn care naturally. That means we don't use pesticides, and over the summer, we don't water or cut our grass. Instead, we let it go golden in the warmer weather, a lawn's natural state for this time of year. Our green grass will return in no time with the autumn rains. We're conserving water and giving our lawnmower a much deserved summer holiday.



Take the pledge to join  
our grassroots movement.

Join the grassroots revolution by signing up on line to go pesticide free. Then get a free lawn sign to show your commitment. Visit [www.crd.bc.ca/takethepledge](http://www.crd.bc.ca/takethepledge) to take the pledge and find information on alternative lawn and garden care.



# We just put our lawn to bed. Naturally.

At our place, we're tucking our lawn in for a winter sleep. Since we've gone pesticide-free, we've been practicing lawn care the natural way. This is a great time of year to nourish our lawn for next spring by top-dressing with compost. Fall is also the right time to aerate and de-thatch. And if we still find some containers of those pesky pesticides around the house, we'll take them to an authorized depot.



## Take the pledge to join our grassroots movement.

Join the grassroots revolution by signing up on line to go pesticide free. Then get a free lawn sign to show your commitment. Visit [www.crd.bc.ca/takethepledge](http://www.crd.bc.ca/takethepledge) to take the pledge and find information on alternative lawn and garden care.



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

## STAFF REPORT

**Date:** October 29, 2008 **REPORT NO.** DEV-08-105  
**To:** Tom Day, Chief Administrative Officer  
**From:** Barbara Snyder, Director, Development Services  
Trevor Parkes, Senior Planner  
**Subject:** **DEVELOPMENT PERMIT**  
**1324 Lyall Street**  
**[Lot 129, Suburban Lot 38, Esquimalt District, Plan 2854]**

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### RECOMMENDATION

That Development Permit No. 13/2008 limiting the form and character of development to that shown on architectural and landscape plans provided by Colwood Design Line, stamped "Received October 3, 2008" be **approved, issued and registered** on the title of Lot 129, Suburban Lot 38, Esquimalt District, Plan 2854 [1324 Lyall Street].

Trevor Parkes  
Senior Planner

Barbara Snyder  
Director, Development Services

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### PURPOSE

The applicant proposes to construct a strata titled duplex on the northeast corner of Nelson Street and Lyall Street. The property is currently zoned RM-1 (Multiple Family Residential) however Zoning Bylaw No. 2050, Section 11, allows for the construction of lower density development on higher density zoned parcels. The proposed duplex complies with all current RD-1 zoning requirements and with many of the design guidelines contained in the Official Community Plan. This proposal is subject to Development Permit Area No. 5 – Enhanced Design Control Residential; therefore a Development Permit is required before a Building Permit can be issued.

### BACKGROUND

**Advisory Planning Commission:** This application was considered by APC on the evening of September 16, 2008. Members commented that while the application was an improvement to the site, the proposed building presented an uninteresting, blank wall on the south side. Additionally, members encouraged the applicant to replace the fencing on the south side of the lot and to provide some measure of privacy for the neighbours to the north from the second floor balcony.

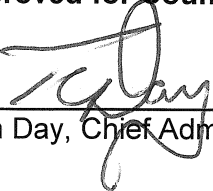
In response to these comments the applicant has provided new drawings which indicate he would undertake repair of the northern and eastern fencing as necessary and replace the southern fencing. He has also agreed to install two additional trees on the southern side of the property and has added a large window in the living room of Unit A to present a

more interesting façade on Lyall Street that would break up the massing of the building on that side.

**Committee of the Whole:** The application was presented to a special meeting of the Committee of the Whole on October 20, 2008. COTW accepted the staff recommendation that a Development Permit be prepared and returned to Council.

**Council:** The minutes from the special meeting of the Committee of the Whole were received at the regular meeting of Council on October 20, 2008. Staff were directed to prepare the Development Permit and return it to Council for consideration.

**Public Notification:** As this proposal does not involve rezoning and does not require any variances to proceed, public consultation is not a requirement.

<p><b>Approved for Council's consideration:</b></p> <p></p> <hr/> <p>Tom Day, Chief Administrative Officer</p> <p>Dated: <u>Oct 30/08</u></p>
--

D.N.D.



Scale 1:2000

PROPERTY

NELSON ST

SUSSEX ST

MILES ST

ADM

ESQUIMALT RD

CONSTANCE AVE

ADMIRALS RD

WOOD ST

LYALL ST

STURDEE ST

NELSON ST

CONSTANCE AVE

ADMIRALS RD

JUNO S

1361	1357	1355	1349
490	484	482	478
476	474	470	466
464	462	456	

1345	1341	1337	1333	1331
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477	473	469	465	461
478	474	468	464	460

495	1321	1317
489	485	481
477	475	471
478	476	472
470	466	462

1315	1311	1307	1303
493	485	483	481
491	485	481	475
488	484	480	478
476	474	472	470

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1234	1232	1228	1226
1241	1237	1233	1229
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1360	1357
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512	510
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1325	525	521	519	517	515	507	1324	504
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1347	1337	1327	1331	1332	618			

601	1336	1330
637	633	630
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635	625	617	611	1264	125
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October 2, 2008

Corporation of the Township of Esquimalt  
1229 Esquimalt Road  
Esquimalt, BC V9A 3P1

Attention: Trevor Parkes, Senior Planner

Dear Sirs:

**Re: Development Permit Application – 1324 Lyall Street  
Fencing**

In regard to the above-noted matter, I wish to confirm that I have discussed the fencing issue with both of my immediate neighbours and both are in agreement that the fences between our respective properties be retained. The North and East boundary fences were both built approximately 3 years ago and are in relatively good repair.

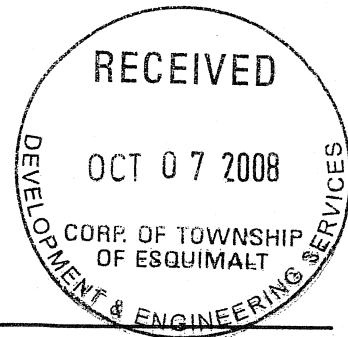
- North boundary fence – add missing bottom boards; repair eastern panel; apply paint/stain;
- East boundary fence – retain existing fence as is; and
- South boundary fence – remove existing white picket fence and build a new fence (1.2m high from the southwest corner to the front face of the building and then 2m high to the southeast corner).

I trust that this is satisfactory.

Yours truly,



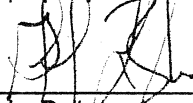
Ray Horne



---

Neighbours in agreement with retaining the fence between our respective properties:

North property fence:



Gerry La Belle  
507 Nelson Street




Laurel La Belle

East property fence:



Graeme Dempster  
504 Constance Avenue



Rachelle Baird

---



38. **TWO FAMILY RESIDENTIAL [RD-1]**

The intent of this Zone is to accommodate Two Family Dwelling Units on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Building Density [Floor Area Ratio]**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4."

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres
- (b) No Accessory Building shall exceed a Height of 3.6 metres
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.

(7) **Building Width**

The minimum width of any Two Family Dwelling shall be 7 metres

(8) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(8.1) **Building Massing**

The second storey of any Two Family Dwelling shall be a maximum of 75% of the total floor area of the ground floor, including an attached garage.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one [1] Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

- (c) **Garage Setback:** Detached and attached garages shall be set back a minimum of 1.5 metres from the front face of the Dwelling Unit."

(10) **Common Wall Requirements**

The common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw No. 2011.

(13) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two single lane driveways serving a Two Family Dwelling.

**NOTE: THE MUNICIPALITY DOES NOT HAVE TO SIGN  
THIS COVENANT OR THE FORM C- GENERAL INSTRUMENT**

**SAMPLE**

**DUPLEX COVENANT**

SECTION 219 COVENANT

This Covenant made the                      day of    200

BETWEEN:

**SAMPLE**

(the "Owner")

OF THE FIRST PART

AND:

CORPORATION OF THE TOWNSHIP OF ESQUIMALT,  
1229 Esquimalt Road, Victoria, B.C., V9A 3P1

(the "Corporation")  
OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner of the lands described herein.
- B. The building on the said lands is a two family dwelling.
- C. Section 219 of the *Land Title Act* permits the registration of a Covenant in favour of the Corporation in respect of the use of land.

NOW THEREFORE IN CONSIDERATION of the sum of One Dollar (\$1.00) of lawful money of Canada paid by the Corporation to the Owner (the receipt and sufficiency of which is hereby acknowledge by the Owner) the Owner and the Corporation agree as follows:

- 1. That parcel of land described as:  
  
(the "Lands") shall be used only in accordance with this Covenant.

SAMPLE

2. Only one Principle Building consisting of two Dwelling Units shall be located on the land. "Dwelling Unit" means one or more habitable rooms used for the residential accommodation of one Family when such rooms contain or provide for the installation of only one (1) set of cooking facilities and one or more sets of sanitary facilities. "Family" means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than four unrelated persons sharing one Dwelling Unit.
3. This Covenant runs with the Lands.
4. Nothing in this Covenant shall affect the Corporation in the exercise of its statutory powers.
5. The parties hereto each covenant to and agree with the other that the \_\_\_\_\_ being the holder of mortgages on the lands of the Grantor registered under number \_\_\_\_\_ at the Victoria Land Title Office do hereby consent to and approve the granting of the Covenant herein and do hereby grant priority to the said Covenant over the said mortgages such that the Covenant shall constitute and rank as a prior charge against the lands affected thereby.
6. These presents shall enure to the benefit of and be binding upon the parties hereto and upon their respective proper signing officers in that behalf as of the day and year first above written.

IN WITNESS WHEREOF, the parties hereto have signed, or being corporations have caused their officers to sign, the attached Form C General Instrument in execution of this Agreement.

[S:\Form\covenant 219 duplex]

## 9.7 Development Permit Area No. 5 – Enhanced Design Control Residential

### 9.7.1 Scope

All lands zoned for two-unit dwellings or zoned as Comprehensive Development Districts for residential developments only are designated as part of Development Permit Area No. 5 – Enhanced Design Control – Intensive Residential as shown on “Schedule C” of this Plan.

### 9.7.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character of intensive residential development.

### 9.7.3 Justification

The following policies and guidelines were developed to allow for the better utilization and redevelopment of parcels within residential neighbourhoods and ensure that development occurs in a manner that retains the desirable physical characteristics of a neighbourhood.

### 9.7.4 Requirements of Owners of Land within the Development Permit Area

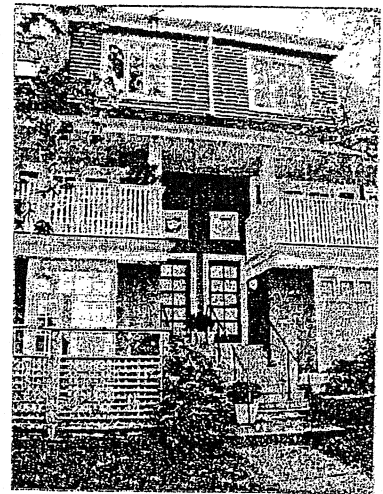
- a) Owners of land within Development Permit Area No. 5 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
- ♦ construct a two-unit dwelling;
  - ♦ subdivide a two-unit dwelling;
  - ♦ convert a single-unit dwelling to a two-unit dwelling;
  - ♦ renovate an existing two-unit dwelling if the value of construction, as specified in the Building Permit, would exceed 50 percent of the assessed value (as listed on the BCAA property roll at the time of construction) of the building being added to or renovated;
  - ♦ construct two or more separate dwelling units on one parcel, without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area; or
  - ♦ construct a dwelling on a parcel less than 530 m<sup>2</sup> in area if that parcel was created after May 31<sup>st</sup>, 2002.
- b) Exemptions:
- The following do not require a development permit:
- ♦ additions or renovations to, or the construction of, one single-unit dwelling situated on a fee simple parcel;
  - ♦ additions or renovations to any two-unit dwelling situated on a parcel zoned for two-unit use where the value of construction, as specified in the Building Permit, does not exceed 50 percent of the assessed value of the building (as listed on the BCAA property roll at the time of construction) being added to or renovated;
  - ♦ construction of buildings or structures less than 10 square meters in area;
  - ♦ minor additions to existing dwellings where the floor area of the addition does not exceed 10 percent of the ground floor area of the dwelling;

- emergency repairs to existing structures where a potential safety hazard exists; and
- fences.

### 9.7.5 Guidelines for Owners of Land within the Development Permit Area

The intent of these guidelines is to ensure that new two-unit development (i.e. duplexes) is compatible with and enhances the surrounding community.

- a) New two-unit dwellings, additions to or renovations of existing two-unit dwellings, and the conversion of single-unit dwellings into two-unit dwellings should be designed to be consistent with and preserve the proportions and patterns of existing residential buildings in the immediate vicinity, including the wall-to-window area ratios and the amount and type of open space provided.
- b) Where it is not possible to achieve buildings of similar size and proportion to the surrounding residential buildings, the fronts of the buildings should be designed to create the appearance of smaller structures either by staggering the dwelling units or visually breaking up the façade with architectural detailing.
- c) Innovative and creative site-specific two-unit dwellings are encouraged where yard space is maintained either on the ground or as rooftop gardens. Setbacks to the street may be reduced to maximize property use.
- d) Front to back duplexes are generally discouraged unless they can be designed to eliminate negative impacts to the immediate neighbours such as shading of gardens, overlook of outdoor amenity areas and violation of privacy.
- e) Side by side, up and down, or staggered unit configurations are preferred as these result in a greater number of units facing the street, less disruption of privacy, and a more equitable division of outdoor amenity areas between the two dwelling units.
- f) The use of exterior building materials similar to those used in older residential neighbourhoods (i.e. combinations of wood, brick, stucco, and stone) is encouraged.
- g) Rooflines of new development should relate in height, shape and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid having large unbroken sloped roof areas facing the street.
- h) To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas and prominent front doors is encouraged.
- i) Buildings should be designed to minimize visual intrusion onto the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks and patios into the building or by screening them with latticework or landscaping. Windows should be spaced



so that they do not align directly with those of other buildings.

- j) The height and massing of new two-unit dwellings should be designed to minimize the casting of shadows onto the private outdoor space of adjacent residential dwellings.
- k) A landscaping plan showing ground cover areas, planting beds, shrubbery and trees (both existing and proposed) is required for every new two-unit dwelling or the conversion of a single-unit dwelling to a two-unit dwelling. Landscaping should add to the aesthetic appeal of the streetscape as well as provide privacy between dwelling units.
- l) The provision of private open space should be part of an overall site development and landscape plan and should take into consideration general site circulation patterns (including parking), existing landscape features, sun access, privacy and usability.
- m) Retention and protection of trees and the natural habitat is encouraged where possible.
- n) Parking areas, garages and driveways should appear as a minor component of the site when viewed from the street. The building of curving access roads and driveways helps to avoid views from the street of large expanses of paving. The use of shared driveways is encouraged.
- o) The use of permeable and decorative surfacing materials, such as brick, concrete pavers, textured concrete, coloured paving or grasscrete is encouraged in place of solid expanses of asphalt or concrete.
- p) Where possible, hydro meters will not be placed on the front façade of a building and, if placed on the side of a building which is visible from the street, will be appropriately screened.
- q) Where an existing single unit dwelling is being converted to a two-unit dwelling both the original structure and the addition shall be in the same architectural style and constructed of the same exterior finishes including roofing material, window treatments, exterior finishes, door styles and trims.
- r) Roof styles and pitches of the original and new portions of the building must be complimentary.
- s) For new or converted two unit dwellings, garages and parking areas are encouraged to be located in the rear yard. Shared driveways are preferred to access the rear yard.
- t) Where two single lane driveways serve a two unit lot, landscaping features are encouraged between the driveways."



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**DEVELOPMENT PERMIT**

**NO. 13/2008**

**Owner:** Raymond Horne  
46-530 Marsett Place  
Victoria, BC V8Z 7J2

**Lands:** Lot 129, Suburban Lot 38, Esquimalt District, Plan 2854

**Address:** 1324 Lyall Street

**Conditions:**

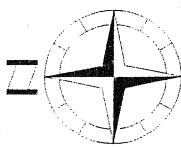
1. This Development Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. Approval of this Development Permit is issued in accordance with architectural and landscape plans prepared by Colwood Design Line, stamped "Received October 3, 2008" which are attached hereto as Schedule 'A'.
4. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall building design may be permitted by the Director of Development Services.
5. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
6. This Development Permit is not a Building Permit.
7. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
8. For the purposes of this Development Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 2008

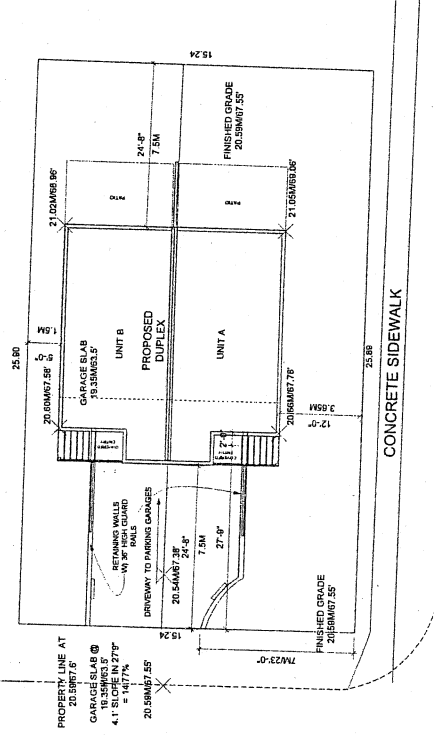
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Director  
Development Services

\_\_\_\_\_  
Corporate Officer  
Corporation of the Township  
of Esquimalt



NELSON STREET



LYALL STREET

SITE PLAN  
SCALE: 1:100

**NOT TO SCALE**

SEE SURVEYORS PLANS FOR ALL DETAILS.  
DISTANCES AND DIMENSIONS TO BE VERIFIED BY BCLS.

CIVIC ADDRESS: 1324 LYALL STREET  
LEGAL DESCRIPTION  
LOT 129  
PLAN 2864  
ESQUIMALT DISTRICT  
TOWNSHIP OF ESQUIMALT

SITE STATS  
LOT AREA 384.8 SQUARE METRES  
4250 SQUARE FEET  
LOT COVERAGE  
HOUSE BOTH UNITS 1078  
COVERED ENTRY 102  
TOTAL 1180 S.F./109.6M<sup>2</sup>

BUILDING MASSING  
MAIN FLOOR 115.07M<sup>2</sup>/1248 S.F.  
UPPER FLOOR 15.11M<sup>2</sup>/163 S.F.  
74.3% OF MAIN FLOOR

FLOOR AREA BATH, BOLLINETS  
NOT INCLUDING EXTERIOR WALLS AND STAIR WELLS  
MAIN FLOOR 87.3M<sup>2</sup>/940 S.F.  
UPPER FLOOR 84.6M<sup>2</sup>/912 S.F.  
TOTAL 171.9M<sup>2</sup>/1852 S.F.

BUILDING HEIGHT  
AVERAGE GRADE 20.83MWS 3M  
MAX BUILDING HEIGHT 7.3M24'  
MINIMUM CLEARANCE ABOVE PROPOSED AID ROOF 2.8M95'  
PROPOSED AID ROOF 2.8M95'

AVERAGE GRADE CALCULATION  
24.65  
24.68  
21.74  
21.22  
83.33  
83.33  
63.33



Prepared Under For: **RAY HORNE**

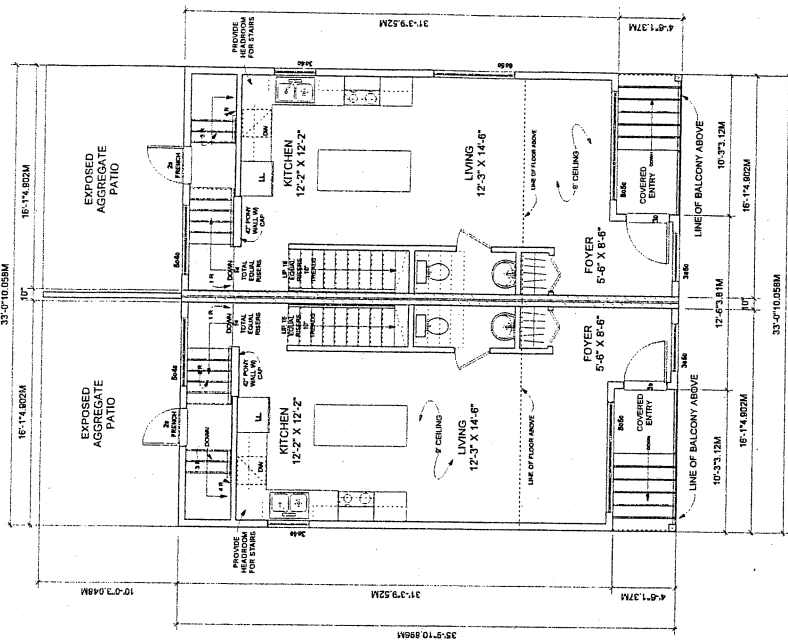
**Design Line**

201-784 Calderstream Avenue  
Victoria BC  
Phone 250 474 6122  
Fax 250 474 2104  
email design@dlhvr.ca

Date: OCTOBER 2008 Page: 1 OF 5

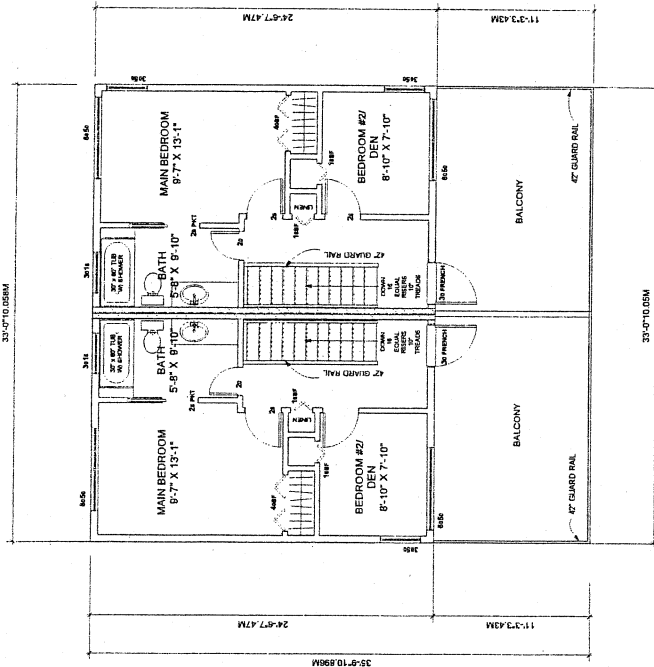
THIS IS SCHEDULE 'A' OF  
DEVELOPMENT PERMIT NO. 12/2008

CORPORATE ADMINISTRATOR



**MAIN FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 BUILDING PASSING 110.07 M/1086 S.F.  
 75% - 81% S.F.

FLOOR AREA: 87,300 SQ. FT.  
 NOTING: EXTERIOR WALLS AND STAIR WELLS



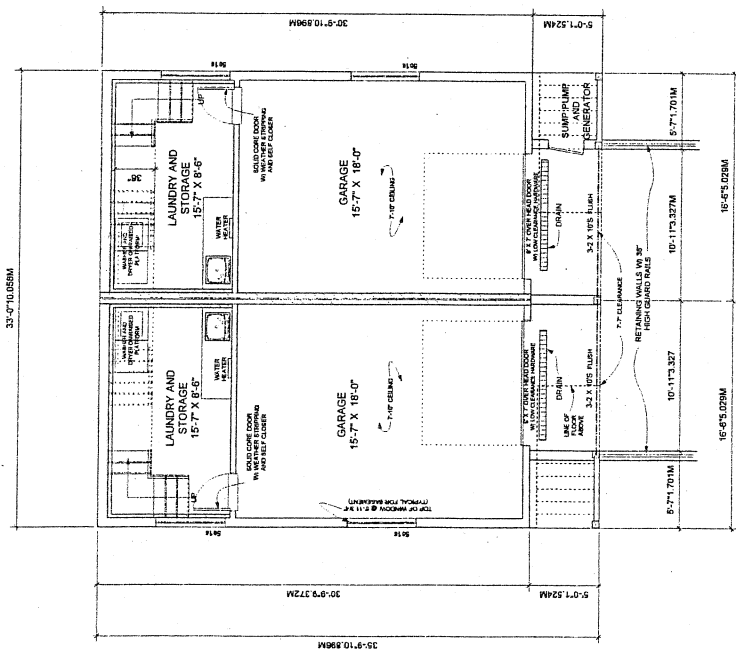
**UPPER FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 BUILDING PASSING 752 M/808 S.F. 74.3%  
 OF MAIN FLOOR  
 FLOOR AREA: 46,419 SQ. FT.  
 NOTING: STAIR WELLS OF EXTERIOR WALLS

Proposed Project For  
**RAY HORNE**  
 Design Line  
 281-784 Goldstream Avenue  
 Victoria, B.C.  
 Phone: 250-474-6122  
 Fax: 250-474-2484  
 email: designline@shaw.ca

Date: OCTOBER 2008  
 Page: 2 OF 5

**THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. 13/2008**

**CORPORATE ADMINISTRATOR**



FOUNDATION PLAN  
SCALE: 1/4" = 1'

**GENERAL NOTES**  
 THE OWNER OR BUILDER IS RESPONSIBLE FOR:  
 CHECKING AND VERIFYING ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION.  
 THE CORRECT SITING OF THIS FOUNDATION IS THE RESPONSIBILITY OF THE OWNER.  
 FOLLOWING GOOD BUILDING PRACTICES.  
 ANY DEVIATIONS FROM THESE DRAWINGS.  
 ANY REQUIRED ENGINEERING OR SURVEYING COSTS.

**DIMENSIONS**  
 ARE FROM OUT SIDE FACE OF EXTERIOR WALLS TO CENTER OF INTERIOR WALLS UNLESS OTHERWISE NOTED.  
 WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.  
 FACE OF EXTERIOR CONCRETE WALLS AND EXTERIOR STUDS ARE TO BE FLUSH.

**MATERIALS AND MECHANICAL**  
 ALL MATERIAL TO BE OF BEST QUALITY AND MEET OR EXCEED INDUSTRY STANDARDS.  
 ALL MECHANICAL EQUIPMENT TO BE INSTALLED TO MANUFACTURERS SPECIFICATIONS.  
 ALL UNITS TO BE 24" WIDE UNLESS OTHERWISE NOTED.  
 ALL UNITS TO BE 2" WIDE UNLESS OTHERWISE NOTED.  
 FOUNDATIONS SHALL BE CONCRETE ON SOLID UNDISTURBED BEARING AND BELOW FROST LINE.  
 PROVIDE IN TERRACED AREAS MINIMUM COMPRESSIVE STRENGTH OF 30 MPa AT 28 DAYS. 30MPa FOR GARAGE SLABS AND EXTERIOR STAIRS.  
 PROVIDE A MECHANICAL VENTILATION SYSTEM WITH CO DETECTORS IF ATTACHED GARAGE AND/OR USING A FUEL POWERED HEATING SYSTEM.  
 TRUSS MANUFACTURERS SHALL SPECIFY ROOF LOAD.



Prepared by: **RAY HORNE**

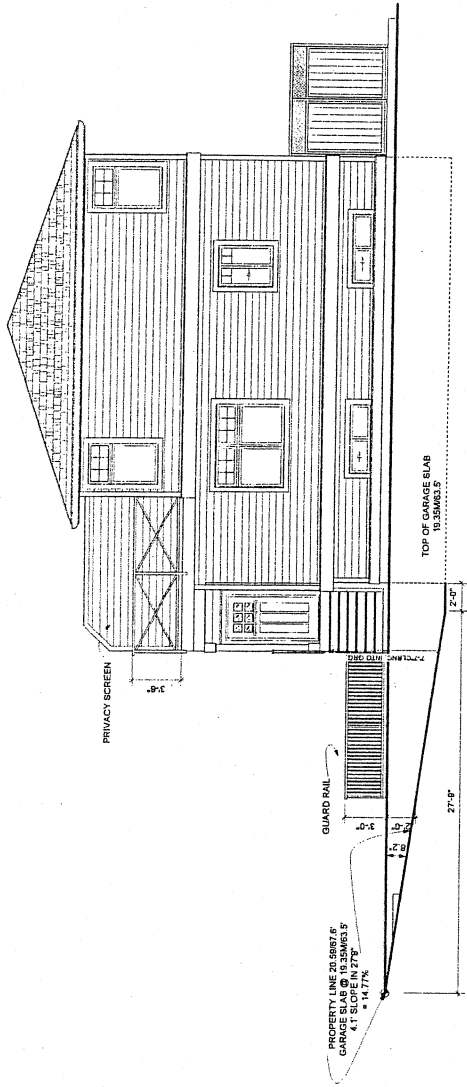
*Design Line*

201-784 Goldstream Avenue  
 Victoria BC  
 V9B 2X5  
 Phone 250-471-2484  
 Fax 250-471-2484  
 email designline@shaw.ca

Date: OCTOBER 2008 Page: 3 OF 6

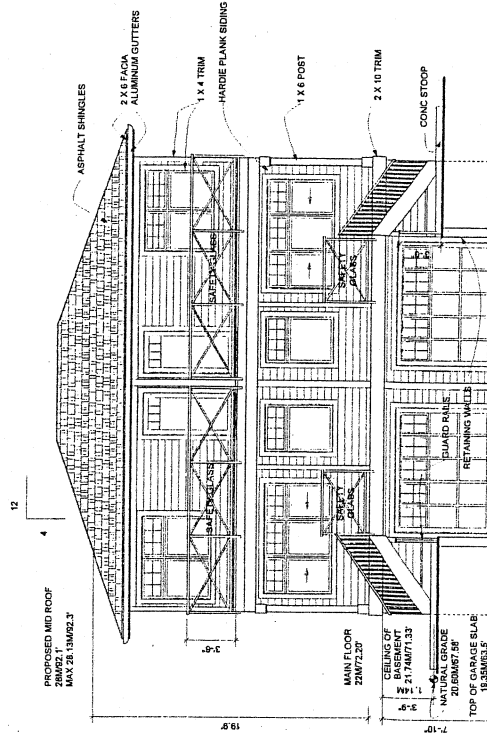
THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT PERMIT NO. 12/2008

CORPORATE ADMINISTRATOR



RIGHT ELEVATION  
SCALE 1/4" = 1'-0"

ALL WINDOWS TO CONFORM TO THE MINIMUM RATINGS OF A1, B3, C3,  
AND F WITHIN 2 FEET OF LOCAL AUTHORITY  
FLASH OVER ALL UNPROTECTED OPENINGS



FRONT ELEVATION  
SCALE 1/4" = 1'-0"



Prepared Single For: **RAY HORNE**

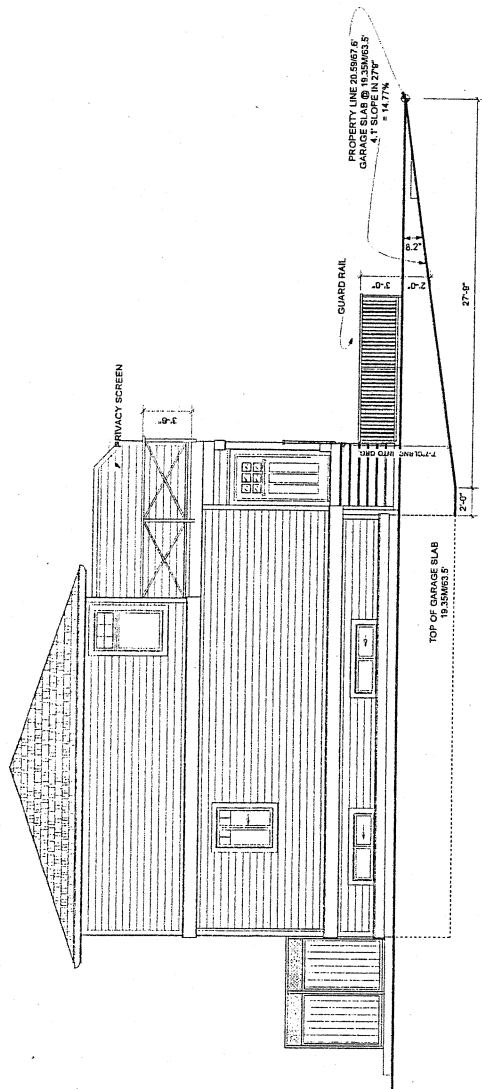
**Design Line**

201-784 Goldstream Avenue  
Victoria BC  
V9B 2X6  
Phone: 250 474 6122  
Fax: 250 472 2404  
email: design@designline.ca

Date: OCTOBER 2008 Page: 4 OF 5

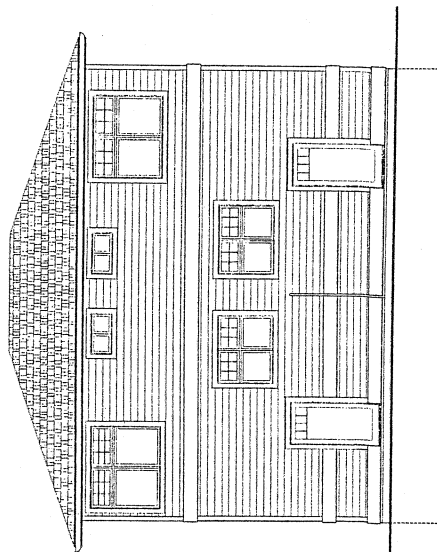
THIS IS SCHEDULE 'A' OF  
DEVELOPMENT PERMIT NO. 2008-0008

CORPORATE ADMINISTRATOR



LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

LIMITING DISTANCE 1.5 M/5'-0"  
WALL AREA 61.5M<sup>2</sup> / 662 SQ. FT.  
UNPROTECTED OPENINGS 3.8M<sup>2</sup> / 42 SQ. FT.  
8.3%



REAR ELEVATION  
SCALE: 1/4" = 1'-0"

ALL WINDOW, DOOR AND GLASS TO HAVE MINIMUM RATINGS OF A1, B3, C3, IN ACCORDANCE WITH LOCAL AUTHORITY  
FLASHING - PER ALL UNPROTECTED OPENINGS



Prepared/Uploaded For:  
**RAY HORNE**

201-784 Goldstream Avenue  
Victoria BC  
Phone 250 474 6172  
Fax 250 474 2804  
email: ray@designline.ca

Design Line

Date: OCTOBER 2008 Page: 5 OF 5

THIS IS SCHEDULE A OF  
DEVELOPMENT PERMIT NO. 12/2008

CORPORATE ADMINISTRATOR

1.5" OF  
LOW  
DENSITY  
INSULATION

PARALLEL CHORD  
CROSS BRACE  
LIVING ROOM

VERTICAL EDGE OF  
CONCRETE CHORD  
2"X 4" TOP  
2"X 4" BOTTOM

ENGINEERED TRUSSES @ 24" O.C.  
ASPHALT SHINGLES  
OVER OSB SHEATHING

PROVIDE EAVE PROTECTION  
2"X 4" FASCIA  
SUPPORT W/ SCREENED VENT  
ENGINEERED WOOD BEAMS  
W/ 1/2" OSB SHEATHING  
SYNTHETIC SHEATHING MEMBRANE  
2"X 4" STUDS @ 24" O.C.  
2"X 4" JOISTS @ 24" O.C.  
2"X 4" WALL INSULATION  
1/2" GYPSUM BOARD  
17' OPTIMUM RAIN-SCREEN BOLTS  
WATER PROOF OR DAMP PROOF

6" CONCRETE WALL  
1/2"X 1/2" CONCRETE FOOTING  
2" DRAIN TILE  
DRAIN ROCK

INSECT SCREENING  
2"X 4" FLOOR JOISTS @ 16" O.C. 1/2" O.C.  
2"X 4" FLOOR JOISTS @ 16" O.C. 1/2" O.C.  
2"X 4" FLOOR JOISTS @ 16" O.C. 1/2" O.C.

1/2" X 1/2" CONCRETE CHORD  
1/2" X 1/2" CONCRETE FOOTINGS  
BEARING WALL  
2"X 4" STUDS @ 16" O.C.  
2"X 4" JOISTS

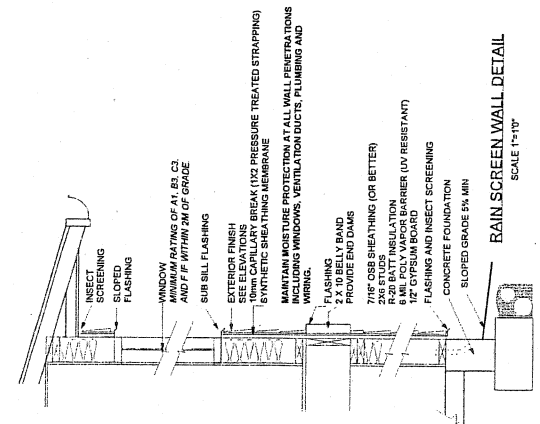
4" CONCRETE SLAB  
WATER PROOFING  
2"X 4" STUDS @ 16" O.C.  
6" COMPACTED FILL

10 EQUAL RISERS  
2"X 4" @ 16" O.C. 1" NOMINS  
2"X 4" @ 16" O.C.  
3" 1/2" HIGH (MIN) MATERIAL

5/8" OPTIMUM BOARD  
1/2" DRAIN TILE  
1/2" DRAIN TILE

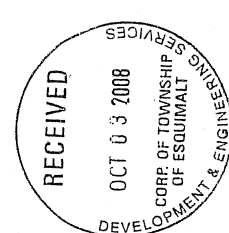
1/2" X 1/2" CONCRETE CHORD  
1/2" X 1/2" CONCRETE FOOTING  
2"X 4" STUDS @ 16" O.C.

BOND BREAK AND FLOORS SEALANT



CROSS SECTION  
SCALE 1/4" = 1'-0"

PROVIDE TERMITE PROTECTION  
(WHERE TERMITES ARE KNOWN TO OCCUR)  
ALL STRUCTURAL WOOD ELEMENTS SUPPORTED BY ELEMENTS IN CONTACT WITH  
THE GROUND ARE TO BE PRESURE TREATED WITH A CHEMICAL RESISTANT TO  
TERMITES AND A PRESERVATIVE TO RESIST DECAY. CHEMICALS SHALL BE IN  
CONFORMANCE WITH THE APPLICABLE STANDARDS. ALL WOOD ELEMENTS SHALL BE  
WOOD SHALL BE IDENTIFIED WITH A MARK TO INDICATE CONFORMANCE WITH THE  
REQUIRED STANDARDS. IF USING CSA 88834 ALL WOOD ELEMENTS SHALL BE  
CONSTRUCTION)  
OR  
ALL WOOD ELEMENTS SHALL BE 1/2" MIN. BETWEEN STRUCTURAL WOOD  
ELEMENTS AND GROUND LEVEL.



Prepared For:  
**RAY HORNE**

201-784 Calderwood Avenue  
Victoria BC  
V9B 2X6  
Phone: 250-474-6322  
Fax: 250-474-8844  
email: dr@designline.ca

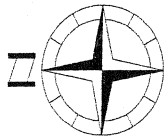
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PAGE: 4 OF 5







THIS IS SCHEDULE 'A' OF  
DEVELOPMENT PERMIT NO. 13/2008

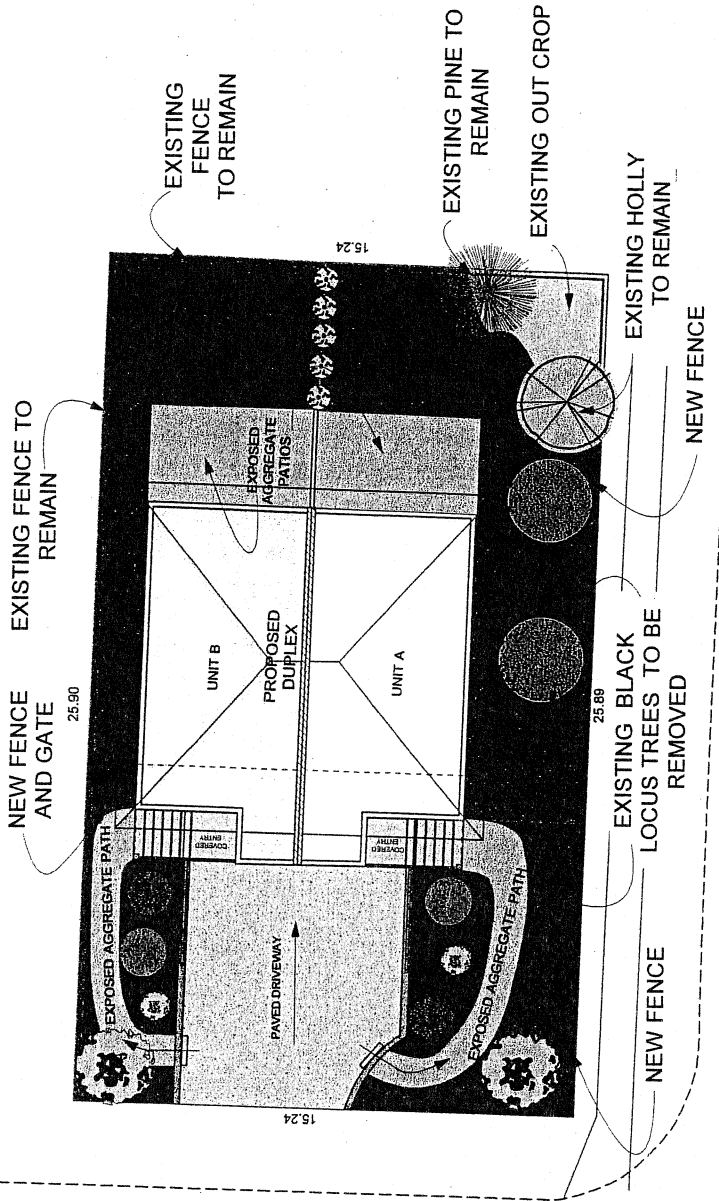
CORPORATE ADMINISTRATOR



NELSON STREET




	TREE-MOUNTAIN ASH SORBUS VILMORINI
	TREE-CHERRY 5CM PRUNUS SER KWANZAN
	SHRUB-BERBERRIS THUNBEGII, CHERRY BOMB
	SHRUB-MUGHO PINE
	SHRUB-EUONYMUS FORTUNEI, EMERALD GAITY
	HEDGE-THUJA OCCIDENTALIS SMARAGD



LYALL STREET

LANDSCAPE PLAN  
SCALE: 1:150

Proposed Duplex For: RAY HORNE		201-784 Goldstream Avenue Victoria BC. V9B 2X6 Phone 250 474 6122 Fax 250 474 2404 email designline@shaw.ca	
	Date: OCT. 2008	Scale:	File #
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DEVELOPMENT PERMIT NOT ~~VALID~~

CORPORATE ADMINISTRATOR

## STAFF REPORT

**DATE:** 30 October 2008 **REPORT NO.** DEV-08-107  
**TO:** Tom Day, Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT: AMENDMENT TO ZONING BYLAW REGARDING ACCESSORY STRUCTURES FOR URBAN HENS**

---

### RECOMMENDATION

That Bylaw No. 2699 amending Zoning Bylaw No. 2050 to allow an Accessory Structure containing Urban Hens to be located within the front yard setback of a single family residence in the RS-1, RS-2, RS-3, RS-4 and RS-5 Single Family Residential Zones be adopted.

### BACKGROUND

Bylaw No. 2694 which amended the Zoning Bylaw to allow the keeping of up to four (4) hens in single family residential zones RS-1 through RS-5 was adopted in July 2008. Bylaw No. 2692 that similarly amended the Animal Bylaw has also been adopted.


The Zoning Bylaw currently prohibits placing any accessory building or structure in front of the front face of a Principal Building [i.e. residence]. A permanent structure housing hens would be controlled by this provision. Rather than prohibiting hen houses in all front yards, the following amendment is proposed:

2. add the following words and figures to Part 4, clause 21 of Zoning Bylaw No. 2050:

*“(3) Notwithstanding the restriction on placing Accessory Buildings in front of the front face of a Principal Building, structures used to house hens or chickens, as regulated by the Animal Bylaw, may be located within the front yard setback provided that the structure is screened by vegetation of a sufficient height and width to prevent the structure being visible from the street or from any adjacent residence.”*

Notice of the proposed change to Zoning Bylaw No. 2050 has been advertised in the October 22<sup>nd</sup> and October 29<sup>th</sup> issues of the Victoria [Esquimalt] News. As the proposed amendment would affect all single family residential parcels in zones RS-1 through RS-5, individual notices to property owners are not required [*Local Government Act, S. 892(7)*].

  
\_\_\_\_\_  
Barbara Snyder  
Director of Development Services

<b>Approved for Council's consideration:</b>  _____ Tom Day, Chief Administrative Officer Dated: <u>Oct 30/08</u>
---

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**BYLAW NO. 2699**

A Bylaw to amend Bylaw No. 2050, cited as the  
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP  
OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO.182], 2008, NO. 2699".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
  - (1) by adding the following words and figures to Part 4 - General Regulations, clause 21:
    - "(3) *Notwithstanding the restriction, contained elsewhere in this Bylaw, on placing Accessory Buildings in front of the front face of a Principal Building, Structures used to house Urban Hens, as regulated by the Animal Bylaw, may be located within the front yard setback provided that the Structure is screened by vegetation of a sufficient height and width to prevent the Structure being visible from the street or from any adjacent residence.*"

READ a first time by the Municipal Council on the <sup>6<sup>th</sup></sup> day of <sup>OCTOBER</sup>, 2008.

READ a second time by the Municipal Council on the <sup>6<sup>th</sup></sup> day of <sup>OCTOBER</sup>, 2008.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the --- day of -----, 2008.

READ a third time by the Municipal Council on the --- day of ---, 2008.

**ADOPTED** by the Municipal Council on the --- day of ---, 2008.



**Corporation of the  
Township of Esquimalt**

## **NOTICE OF PUBLIC HEARING**

**TAKE NOTICE THAT A PUBLIC HEARING** will be held on Monday, November 3, 2008 at 7:00 p.m. in the Council Chambers, Esquimalt Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., to allow the Public to make representations to the Municipal Council respecting matters contained in the following amending bylaw:

- **Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 182], 2008, No. 2699**

Bylaw No. 2699 would alter the text of Part 4 - General Regulations to allow an Accessory Building for the keeping of Urban Hens, as defined in the Zoning Bylaw, to be located within the front yard setback provided that the structure is suitably screened from view.

The following words and figures would be added as item (3) of Section 21:

*"Notwithstanding the restriction, contained elsewhere in this Bylaw, on placing Accessory Buildings in front of the front face of a Principal Building, Structures used to house Urban Hens, as regulated by the Animal Bylaw, may be located within the front yard setback provided that the Structure is screened by vegetation of a sufficient height and width to prevent the Structure being visible from the street or from any adjacent residence."*

This change to Zoning Bylaw No. 2050 would apply only to single family residential properties in the RS-1, RS-2, RS-3, RS-4 and RS-5 zones.

**AND FURTHERMORE TAKE NOTICE** that copies of the proposed Bylaw and relevant background documents may be inspected at the offices of Development Services, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., anytime between the hours of 8:30 a.m. and 4:30 p.m. [any day except Saturday, Sunday or Statutory Holidays] from October 22nd, 2008 to November 3rd, 2008.

BARBARA SNYDER  
DIRECTOR OF DEVELOPMENT SERVICES

*Esq. Victoria News Oct 29/08*



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### MINUTES

#### CULTURAL ADVISORY COMMITTEE MEETING

September 23, 2008

7:00 p.m.

Wurtele Room, Esquimalt Municipal Hall

- PRESENT:** Janet Jones – Chair  
Councillor Lynda Hundleby, Vice – Chair  
Councillor Barbara Desjardins  
Sue Donaldson
- GUESTS:** Brian Gray – Esquimalt Residents Association (Departed 7:46 p.m.)
- STAFF:** Barbara Snyder, Director of Development Services  
Deborah Liske – Recording Secretary
- REGRETS:** Colin MacLock
- 

#### 1. CALL TO ORDER

Chair Jones called the meeting to order at 7:07 p.m.

#### 2. LATE ITEMS

The following late items were introduced:

1. Add to Agenda item **7. NEW BUSINESS** (4) Letter from the Parks and Recreation Commission, dated September 23, 2008, Re: Memorial Park Playground
2. Add to Agenda item **8. COMMUNICATIONS** (2) (a) Letters from City of Victoria, and District of Saanich, Re: Proposed Community Arts Matching Grant (CAMG) Program
3. Add to Agenda item **8. COMMUNICATIONS** (14) Email from Heritage BC, dated September 22, 2008, Re: Be Heritage Award

#### 3. APPROVAL OF THE AGENDA

Moved by Sue Donaldson, seconded by Councillor Hundleby that the agenda of the Cultural Advisory Committee meeting of September 23, 2008 be accepted with the inclusion of the late agenda items.

The motion **CARRIED**.

#### 4. MINUTES

Moved by Councillor Desjardins, seconded by Sue Donaldson that the Minutes of the Cultural Advisory Committee meeting of May 27, 2008 be approved as presented.

The motion **CARRIED**.

**5. PRESENTATION**

- (1) Brian Gray – Friends of Archie Browning Sports Centre
  - (a) Changes to Interior Walls, Jubilee Hall, Esquimalt Recreation Centre
  - (b) Archie Browning Sports Centre Exterior Wall Facing Esquimalt Plaza

Brian Gray presented the Committee with a proposal to incorporate public art by painting murals on the interior walls of Jubilee Hall in the Recreation Centre and on the west side exterior wall of the Archie Browning Sports Centre. Mr. Gray noted that he has approached the Cultural Advisory Committee in order to receive direction on how to proceed with the concept.

Mr. Gray noted that the initial concept for Jubilee Hall is for a contrast of colors (blue or green) on the lower eight feet of the wall with a mural located on the upper portion. The concept for the exterior of Archie Browning is to include the public in painting the primer coat and then having an artist or artists paint the murals. Mr. Gray also noted that he has spoken with the Director of Parks and Recreation about the ideas. Mr. Gray responded to questions from the Committee.

The following points were noted during Committee discussion:

- Any murals would be required to follow the public art process.
- The painting of a solid color does not fall under the public art process.
- Mr. Gray needs to present his concept to the Parks and Recreation Commission.
- Many artists will work with people of the community to help the artist incorporate the vision; this has been done quite successfully in many locations.

It was noted that the concrete wall in front of the Municipal Hall facing Esquimalt Road is the next location on the public art priority list. It was further noted that the Committee could decide to revise the priority list if they so choose.

Chair Jones thanked Mr. Gray for the presentation and encouraged engagement with the Parks and Recreation Commission.

Mr. Gray departed the meeting at 7:46 p.m.

**6. UNFINISHED BUSINESS**

- (1) Planning Program Grants Review and Submission Update – Janet Jones

Chair Jones noted that the draft application has been provided to Pam Copley of the Heritage Branch to review. Upon return, the grant application will be submitted. It was further noted that funding is still available.

- (2) Display Cases Update

The Director of Development Services reported that the display cases require to be stripped, repainted and a piece of molding replaced. Estimated cost of the restoration work is \$ 2,000.00.

Committee members provided the Director with names of craftsman who may be interested in providing quotes for the work.

**7. NEW BUSINESS**

- (1) Community (Youth) Liaison Representatives from School District No. 61 (Esquimalt High School) and L'Ecole Victor-Brodeur

The Committee discussed requesting a representative from Esquimalt High School and L'Ecole Victor-Brodeur. It was requested that letters under the chairs signature be forwarded to the principals with the art teachers and career councilors also receiving copies.

(2) Placement of Lacrosse Box Mural

The Committee discussed the placement of the lacrosse box mural on the concession building.

Moved by Sue Donaldson, seconded by Councillor Hundleby that the lacrosse box mural be realigned to not protrude above the concession building roof line unless there are strong extenuating circumstances.

The motion **CARRIED**.

Moved by Sue Donaldson, seconded by Councillor Desjardins that the minutes of May 27, 2008 be amended as follows:

Under Agenda item 5. Unfinished Business, Item (1) Lacrosse Box Mural, that the motion pertaining to the Victoria Esquimalt Lacrosse Association mural should read as follows:

- (1) The Cultural Advisory Committee approve the placement of the Victoria Esquimalt Lacrosse Association Mural on the Concession stand located at the Lacrosse Box at Fraser and Lyall Streets once the website address **sponsorship information** is removed, in accordance with the Municipal sign bylaw provisions; and the “Thank you” extended along the bottom;

The motion **CARRIED**.

(3) Direction of Committee

Moved by Sue Donaldson, seconded by Councillor Hundleby, that this item be tabled at the discretion of the chair.

The motion **CARRIED**.

(4) Letter from the Parks and Recreation Commission, dated September 23, 2008, Re: Memorial Park Playground (**Late Item**)

The Committee discussed the heritage designated areas of the park and concerns that the playground could possibly impinge on those areas. The Committee also discussed incorporating public art into the playground and that the Committee encourages the Commission to include artists in the design and execution of the plan. It was requested that a copy of Bylaw No. 2210 – Heritage Designation (Memorial Park) be provided to the Parks and Recreation Commission.

Moved by Sue Donaldson, seconded by Councillor Desjardins that:

- (1) The Cultural Advisory Committee thank the Parks and Recreation Commission for providing information on the project and encourage continued consultation with the Committee on the development of the project;
- (2) The Committee be allowed the opportunity to review the proposed site plan;
- (3) The Parks and Recreation Commission incorporate public art and heritage trees and utilize the public art process for any new playground equipment.

The motion **CARRIED**.

## 8. **COMMUNICATIONS**

(1) Heritage BC 2007 Annual Report, received June 3, 2008

(2) Letter from James Lam, CRD Arts Development, dated June 9, 2008, Re: Proposed Community Arts Matching Grant (CAMG) Program

- (a) Letters from City of Victoria and District of Saanich, Re: Proposed Community Arts Matching Grant (CAMG) Program (**Late Item**)

The Committee discussed the program and passed the following motion:

Moved by Sue Donaldson, seconded by Councillor Hundleby that the Committee thank the Capital Regional District Arts Committee for the opportunity to participate in the program but the Committee feels that the resources allocated are insufficient for significant support of the arts.

The motion **CARRIED**.

- (3) Letter from Madhavi Russell, Canadian Heritage, dated August 1, 2008, Re: Building Communities through Arts and Heritage Funding Program
- (4) Email from Susan J Green, Heritage Branch, dated August 15, 2008, Re: BC Heritage Survey and Heritage Strategy Workshops

The Director of Development Services reported that she attended a workshop in Nanaimo and noted that the Heritage Branch is incorporating a new direction to broaden their range to include more than heritage buildings.

- (5) Letter from BC Heritage Properties, dated August 25, 2008, Re: Call for Support for BC Provincial Heritage Properties Financial Sustainability
- (6) Letter from the Esquimalt Photography Club, dated July 31, 2008, Re: Thank You for Honorarium
- (7) Card from Audrey Jubien, dated August 3, 2008, Re: Thank You for Honorarium
- (8) Card from Joyce Davies, dated August 20, 2008, Re: Thank You for Honorarium
- (9) Card from Dixie Macuisdin, dated August 2008, Re: Thank You for Honorarium
- (10) Hallmark Society Preserve, Volume 35, Number 2, Summer 2008
- (11) Hallmark Society Preserve, Volume 35, Number 3, Autumn 2008
- (12) Heritage BC Quarterly, Summer 2008
- (13) Heritage BC Regional Heritage Meeting 2008
- (14) Email from Heritage BC, dated September 22, 2008, Re: Be Heritage Award (**Late Item**)

Moved by Sue Donaldson, seconded by Councillor Hundleby that items 1, 3, 5 - 14 be received.  
The motion **CARRIED**.

## **9. COMMITTEE MEMBER ANNOUNCEMENTS / REPORTS**

Sue Donaldson noted that recipients of the heritage certificates were very pleased to receive recognition.

Councillor Hundleby reminded Committee members that planning for the 2009 Spring Awakening and the status of the budget needs to be reviewed at the next meeting. Councillor Hundleby also reported that the Navy Memorial Window Project received a \$1,000.00 contribution from the Local Grant Committee.

The Director of Development Services reported that the Landmark Lecture Series will be taking place in the Council Chambers at Victoria City Hall on October 22<sup>nd</sup>. The Director also noted that she is coordinating a speaker for Esquimalt and that an inventory of public art is close to being launched on the municipal website.



10. **NEXT MEETING**

The next meeting of the Cultural Advisory Committee meeting will take place on Tuesday, October 28, 2008.

11. **ADJOURNMENT**

Moved by Sue Donaldson, seconded by Councillor Hundleby that the meeting adjourn at 8:50 p.m.  
The motion **CARRIED**.

---

Janet Jones, Chair

This      day of                      , 2008

DRAFT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES  
ACCESS AWARENESS COMMITTEE**

Wednesday, October 15, 2008  
4:00 P.M.

Wurtele Room, Esquimalt Municipal Hall

- PRESENT:** Councillor Barbara Desjardins (Chair)  
Councillor Don Linge  
Joe Buczkowski, Community Representative  
Brian Gray, Community Representative (Arrived 4:07 p.m.)  
Meagan Duncan, Community Representative  
Emmy Labonté, Community Representative  
Walter Gattinger, Esquimalt Legion Representative  
Barbara Amberstone, Community Representative
- STAFF:** Andy Katschor – Parks Manager (Staff Liaison)  
Deborah Liske – Recording Secretary
- REGRETS:** Gilbert Coté – Director of Engineering and Public Works (Staff Liaison)  
Mia Shinbrot, Community Representative
- 

**1. CALL TO ORDER**

Councillor Desjardins called the meeting to order at 4:04 p.m.

**2. LATE ITEMS**

The following late items were introduced:

Add to Agenda item **6. NEW BUSINESS** (2) Blue Bird Cabs

Add new Agenda item **6. NEW BUSINESS** (3) Sidewalks in Parson's Place Shopping Plaza

**3. APPROVAL OF THE AGENDA**

Moved by Councillor Linge, seconded by Walter Gattinger, that the agenda of the Access Awareness Committee meeting of September 17, 2008 be approved with the inclusion of the late agenda items.

The motion **CARRIED**.

**4. APPROVAL OF MINUTES**

Moved by Emmy Labonté, seconded by Meagan Duncan that the minutes of September 17, 2008 be approved as presented.

The motion **CARRIED**.

## 5. OLD BUSINESS

- (1) Report on Meeting with Darin Ramsey at BC Transit, April 8, 2008

Barbara Amberstone reported that the new buses purchased by BC Transit lack accessible improvements. Ms. Amberstone also reported on the high level of accessibility of Vancouver transit buses. The Committee discussed their concerns over the lack of verbal signal stop indicators, the location of poles and the discomfort associated with the hard, flip-up seats. It was requested that Darin Ramsey of BC Transit be invited to attend a future meeting to discuss the Committee's concerns.

- (2) Proposed New Sidewalk Construction Program for Next Five Years  
(a) Esquimalt Pedestrian Charter

Chair Desjardins reviewed the draft list for the proposed new sidewalk construction program followed by a review by Committee members on the input they provided to the Director of Engineering and Public Works. A Committee member noted an overhanging bush that impedes the view of vehicular traffic. The Manager of Parks advised the Committee to contact him in cases such as this in order to contact the homeowner.

The Committee discussed additional areas of the municipality that require sidewalk improvements. Sidewalks are needed in the following areas:

- Craigflower Road /Panhandle
- Foster Street between Esquimalt Road and Lyall Street
- Lampson Street and Wordsley Street
- Pathway from Drake Avenue to Rockcrest Avenue
- Garthland Road
- West Bay Terrace

The Committee also discussed the walkway into and lighting in Highrock Carin park; the area of sidewalk in Saxe Point Park where roots have pushed up the pavement; and the rut worn into the path on the Westsong walkway. It was also noted that the Westsong walkway is not wide enough to allow for a person to walk alongside a wheelchair. The Manager of Parks noted that he is aware of the noted issues and addressed the committee's concerns.

## 6. NEW BUSINESS

- (1) Letter from the Director of Parks and Recreation Services dated October 6, 2008, Re: Appointment to Parks and Recreation Commissioner to the Access Awareness Committee

The Committee discussed the merits of having a representative from the Parks and Recreation Commission on the Committee.

Moved by Councillor Linge, seconded by Barb Amberstone that the letter be received.  
The motion **CARRIED**.

- (2) Blue Bird Cabs (**Late Item**)

Councillor Linge reported that Blue Bird Cabs has made an application to the Transport Commission to increase their number of accessible vehicles (wheelchair vans). Councillor Linge requested input from the Committee on this issue. The Committee discussed and it was noted that the community is in dire need of more accessible transportation options.

Moved by Walter Gattinger, seconded by Joe Buczkowski, that the Access Awareness Committee write a letter to the Transport Commission supporting the issuance of new licenses for accessible taxi vans.

The motion **CARRIED**.

(3) Sidewalks in Parson's Place Shopping Plaza (**Late Item**)

Emmy Labonté reported that the sidewalks in Parson's Place Shopping Plaza are extremely high and lack accessibility. The Committee discussed.

Moved by Emmy Labonté, seconded by Walter Gattinger, that a letter be sent to the owner of the plaza, noting the sidewalk accessibility issues along with a copy of the Esquimalt Pedestrian Charter.

The motion **CARRIED**.

**7. REPORTS FROM SUB-COMMITTEES**

(1) Measuring – Up Sub-Committee Update  
(a) Funding Application Report

Andy Katschor, Parks Manager, reported he recently attended the joint municipal Measuring Up – 2010 Legacies Now Initiative meeting. It was noted that this was the last meeting prior to the funding deadline and due to the fact that each participating municipality was at a different point in the application process, the Committee determined that each municipality would submit individual applications.

Mr. Katschor noted that he has submitted the application on behalf of the Township and all the pieces came together to create a wonderful application. Mr. Katschor will keep the Committee apprised of the outcome of the application, noting that if successful, the funds will be utilized to complete an accessibility audit.

Councillor Desjardins thanked Mr. Katschor for coordinating and submitting the application.

Moved by Emmy Labonté, seconded by Barbara Amberstone that the report be received.  
The motion **CARRIED**.

(2) Access Awareness Day Sub-Committee

It was noted that the Committee has not met recently.

(3) Buccaneer Days Sub-Committee

Nothing to report.

**8. COMMITTEE ANNOUNCEMENTS / REPORTS**

Brian Gray noted that the Committee needs to discuss bikes on sidewalks / in crosswalks and how they conflict with individuals in wheelchairs.

Meagan Duncan noted that the garbage can at the bus stop at Lampson Street and Esquimalt Road has been moved.

Barbara Amberstone suggested that the local media be contacted to write about the Committees accomplishments and goals.

Moved by Barb Amberstone, seconded by Meagan Duncan that at a future meeting, the Committee discuss opportunities to publicize the Committees accomplishments.

The motion **CARRIED**.

9. NEXT MEETING

The next meeting of the Access Awareness Committee will take place on Wednesday, November 26, 2008 at 4:00 p.m. in the Council Chambers at the Esquimalt Municipal Hall.

10. ADJOURNMENT

Moved by Barbara Amberstone, seconded by Meagan Duncan that the meeting adjourn at 5:26 p.m.  
The motion **CARRIED**.

---

Councillor Barbara Desjardins, Chair

This      day of                      , 2008

DRAFT



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**  
**MINUTES**  
**ENVIRONMENTAL ADVISORY COMMITTEE**

Thursday, October 16, 2008

7:00 p.m.

Esquimalt Council Chambers

**PRESENT:** Tara Hastings – Chair  
Edwin Hubert – Vice Chair  
Alison Gaul  
Mark Salter  
Lorraine Nygaard-Ishizaki  
**STAFF:** Deborah Liske – Recording Secretary  
**REGRETS:** Mayor Chris Clement  
Councillor Jane Sterk  
Eileen Palmer  
Gilbert Coté – Director of Engineering and Public Works (Staff Liaison)

**1. CALL TO ORDER**

Chair Tara Hastings called the meeting to order at 7:01 p.m.

**2. LATE ITEMS**

There were no late items.

**3. APPROVAL OF THE AGENDA**

Moved by Lorraine Nygaard-Ishizaki, seconded by Chair Hastings that the agenda of the Environmental Advisory Committee meeting of October 16, 2008 be approved as presented. The motion **CARRIED**.

**4. PRESENTATION**

(1) Gray Rothnie, Greens Committee, Gorge Vale Golf Course

Gray Rothnie, a member of the Gorge Vale Golf Club and Greens Committee attended the meeting to provide the Environmental Advisory Committee with a brief overview of the Gorge Vale Golf Club Forest Maintenance and Regeneration Program. The entire golf course has been surveyed and inventoried by professional foresters, who also completed a complete assessment of the tree groves. The Club would like to enter in to a partnership with the municipality to assist in keeping the forested areas of the course healthy. Mr. Rothnie noted that the program is a ten to twenty year plan and the Club would like to attain the assistance of the municipal arborist and utilize space at the parks nursery to grow trees for the program. Mr. Rothnie further noted that western red cedar, douglas fir, gary oak and other native species are being utilized for replanting when dying trees require to be replaced. Mr. Rothnie will forward a copy of the plan for the Committee to review.

Committee members noted that this type of request would need to be referred to Parks and Recreation. Committee members will review the plan and discuss further at the next meeting.

Chair Hastings thanked Mr. Rothnie for attending and providing the presentation.

5. **MINUTES**

Moved by Alison Gaul, seconded by Lorraine Nygaard-Ishizaki, that the minutes of the Environmental Advisory Committee meeting of September 18, 2008 be approved as presented. The motion **CARRIED**.

6. **REPORTS FROM SUB-COMMITTEES**

(1) Urban Landscape

Esquimalt Native Urban Farmers (ENUF) is continuing negotiations with private landowners for space for public gardens.

(2) Pesticide Reduction

The Committee discussed the recently endorsed Union of British Columbia Municipalities resolution for a province-wide ban of cosmetic pesticides. The resolution requests that the Province of British Columbia enact provincial legislation that will ban the sale and use of cosmetic pesticides province-wide.

(3) Gorge Discovery Centre

Edwin Hubert noted that the Gorge Discovery Centre will be offering programs on Thursday and Sundays during the winter. Schools are being encouraged to attend and participate during the school year.

(4) Driving Reduction

Chair Hastings reported that a staff report on zero emission vehicles will be going to Council shortly.

Alison Gaul reported that October is Walk to School Month with many activities like the walking school bus happening to encourage children to walk to school in a safe manner.

(5) Sustainability  
(a) New Sidewalk Construction Program List

The Committee reviewed the new sidewalk construction program list and corresponding map to determine a prioritized list which will be forwarded to the Director of Engineering and Public Works.

(6) Climate Change

Nothing to report.

(7) Solid Waste

It was noted that Waste Reduction week is October 19 – 25, 2008 with October 22<sup>nd</sup> designated as Work Waste Reduction Wednesday.

Moved by Mark Salter, seconded by Alison Gaul, that the Environmental Advisory Committee recommend that the Township of Esquimalt participate in Waste Reduction Week in 2009. The motion **CARRIED**.

The Committee discussed the loss of the Tudor House Parking lot recycling depot and would like to receive an update from staff on its status.

(8) Promoting Successes of Committee

Nothing to report.

7. **COMMITTEE MEMBER ANNOUNCEMENTS / REPORTS**

Nothing to report.

8. **ADJOURNMENT**

The meeting adjourned at 8:43 p.m.

---

Tara Hastings, Chair

This      day of                      , 2008

DRAFT



Tom



GREATER VICTORIA PUBLIC LIBRARY  
www.gvpl.ca



October 24, 2008

o Agenda  
✓ Laurie  
- Budget Agenda

His Worship Mayor Chris Clement and Council  
Corporation of the Township of Esquimalt  
1229 Esquimalt Road  
Victoria, BC V9A 3P1

Dear Mayor Clement and Council:

**Re: Library Provisional Five-Year Financial Plan 2009-2013**

The Greater Victoria Public Library is pleased to submit its *Provisional Five Year Financial Plan* for the period 2009 to 2013. We also enclose estimated 2009 municipal contributions based on 2008 allocations. Once population and assessment values are updated, we will provide the final contributions. These documents are provided to assist you in your planning initiatives.

A final plan will be submitted to you by March 1, 2009. It will include our final submission for the *2009 Annual Operating Budget*, for which we will be seeking Council approval at that time.

This plan reflects the outcome of the union settlement between GVLRA and CUPE Local 410, which would have resulted in a 7.13% increase in 2009 municipal contributions. However, as a result of applying reserve funds towards this additional cost, the resultant increase in municipal contributions related to the union settlement is estimated to be 2.87%. Combined with other increases of 3.93% (1.58% Core, 2% Goudy Branch, 0.35% Strategic Initiatives), the total increase in municipal contributions in 2009 is 6.8%. Reserve funds are available for this purpose primarily due to an operating surplus realized in 2007 and a projected surplus in 2008 as a result of labour disruption. The enclosed *Provisional Five Year Financial Plan* rolls such funds into revenue over the next three years (2009-2011) to offset settlement increases in those years.

You will note that there have been three potential expansions to service included in our plan: expansions to the Hub/Victoria, Langford and Central Saanich branches. These strategic initiatives will be contingent on the outcome of the Facilities Master Plan. A request for proposals has been issued and we are currently in the process of evaluating submissions from various consultants and architects.

As part of our commitment to our municipal partners to demonstrate accountability and transparency, the cost to support managers in the performance of an operational review is included in the plan.

1/2...

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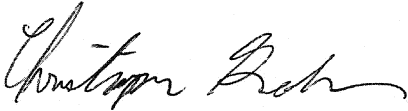
We have also included the cost to perform a feasibility study in 2010 to assess our fundraising and development potential with the goal of establishing alternative sources of funding. This strategic direction will be contingent on articulating an organizational vision, such as that developed through the Facilities Master Plan.

Operating costs for the Goudy Branch in Langford are included for its first full year of operation in 2009 and subsequent years. The incremental increase over 2008 costs, which were funded by Langford, are shown under Strategic Initiatives with the remaining balance included under Core Expenditures.

We are also planning to hire a new Facilities Coordinator position in July 2009. This position is proposed to coordinate maintenance and improvements of all branches; to oversee all facilities contracts and services, including janitorial, security and shuttle services; and to ensure that facilities are safe for the public and employees. GVPL does not currently have a facilities-related employee position and the Library has grown to a level in which this position is necessary.

If you have any questions, please contact the Chief Executive Officer, Barry Holmes, or myself. We appreciate your ongoing support and look forward to hearing from you on ways that we can continue to support your community.

Sincerely,



Christopher Graham  
Chair

cc Tom Day, Chief Administrative Officer, Corporation of the Township of Esquimalt  
Laurie Hurst, Director of Financial Services, Corporation of the Township of Esquimalt  
Barry Holmes, CEO, GVPL  
Donna Locke, Business Manager, GVPL



## GREATER VICTORIA PUBLIC LIBRARY FIVE YEAR FINANCIAL PLAN

	2009 <sup>1</sup>	2010	2011	2012	2013
<b>Core Budget</b>					
<b>REVENUES AND TRANSFERS</b>					
Municipal contributions	\$12,004,467	\$12,754,318	\$13,544,540	\$14,517,402	\$15,292,532
Provincial operating grants	594,642	600,588	606,594	612,660	618,786
Other grants	267,911	272,098	274,591	275,390	277,984
Fines	798,800	822,764	847,447	872,870	899,056
Other fees, rentals and contracts	153,810	155,348	156,902	158,471	160,055
Investment income	92,000	92,000	92,000	92,000	92,000
Donations	5,000	5,000	5,000	5,000	5,000
Transfer from contingency reserve	571,973	160,000	112,700	0	0
Transfer from replacement reserve	151,000	60,500	58,650	58,000	207,000
	<b>\$14,639,602</b>	<b>\$14,922,616</b>	<b>\$15,698,424</b>	<b>\$16,591,793</b>	<b>\$17,552,414</b>
<b>EXPENDITURES AND TRANSFERS</b>					
Salaries & benefits <sup>2</sup>	\$10,047,227	\$10,526,553	\$11,004,563	\$11,488,969	\$12,209,983
Library Materials	1,936,994	1,972,426	2,011,874	2,101,695	2,275,884
Supplies and services	444,989	456,899	466,037	492,858	534,342
Building occupancy expenses	778,064	797,557	813,508	850,195	907,303
Other expenses	493,481	498,801	508,777	518,952	529,331
Investment in capital assets	209,500	213,690	217,964	222,323	226,770
Integrated library systems lease payments	102,500	102,500	102,500	102,500	102,500
Selfcheck machine lease payments	81,300	81,300	81,300	86,300	86,300
Replacement reserve plan expenditures	151,000	60,500	58,650	58,000	207,000
Transfer to replacement reserve	95,000	60,000	60,000	75,000	180,000
Transfer to contingency reserve	10,000	25,000	25,000	25,000	25,000
	<b>\$14,350,055</b>	<b>\$14,795,226</b>	<b>\$15,350,174</b>	<b>\$16,021,793</b>	<b>\$17,284,414</b>
<b>% Increase in Municipal Contributions - Core</b>	<b>4.2%</b>	<b>5.2%</b>	<b>3.5%</b>	<b>3.0%</b>	<b>3.5%</b>
<b>Strategic Initiatives <sup>3</sup></b>					
<b>EXPANSION OF SERVICES</b>					
New Langford express branch from Sept 2008 **	149,376				
Potential expansion-Hub/Victoria branch (Sept 2011) <sup>4</sup>			290,000	420,000	
Potential expansion-Langford branch (Sept 2012) <sup>5</sup>				150,000	218,000
Potential expansion-Central Saanich branch					50,000
	<b>\$149,376</b>	<b>\$0</b>	<b>\$290,000</b>	<b>\$570,000</b>	<b>\$268,000</b>
<b>OTHER</b>					
New Facilities Coordinator Position <sup>6</sup>	40,171	42,140			
Feasibility study (one-time) <sup>7</sup>		30,000			
Library Facilities Master Plan (one-time) <sup>8</sup>	50,000				
Operational Review (one-time) <sup>9</sup>	50,000				
Increase branch hours of operation <sup>10</sup>		55,250	58,250		
	<b>\$140,171</b>	<b>\$127,390</b>	<b>\$58,250</b>	<b>\$0</b>	<b>\$0</b>
Total Strategic Initiatives	<b>\$289,547</b>	<b>\$127,390</b>	<b>\$348,250</b>	<b>\$570,000</b>	<b>\$268,000</b>
Total Expenditures	<b>\$14,639,602</b>	<b>\$14,922,616</b>	<b>\$15,698,424</b>	<b>\$16,591,793</b>	<b>\$17,552,414</b>
<b>% increase in Municipal Contributions - Total</b>	<b>6.8%</b>	<b>6.2%</b>	<b>6.2%</b>	<b>7.2%</b>	<b>5.3%</b>

## GREATER VICTORIA PUBLIC LIBRARY

### Notes to the Five-Year Financial Plan (2009-2013)

1. 2009 represents the provisional operating budget submission. A final 2009 budget will be submitted for approval by municipalities in February 2009.
2. The union settlement resulted in salary and benefit increases in 2009 of \$779,000 (68.4% of total increase in 2009). Subsequent years reflect additional increases, as negotiated by GVLRA and CUPE 410. The 2009 increase in Municipal Contributions breaks out as follows:

Union settlement	7.13%
Less funding from contingency reserve	<u>(4.26%)</u>
Net increase	2.87%
Other core increases	1.33%
Strategic initiatives	<u>2.60%</u>
Total Increase	6.80%

3. Strategic initiatives form part of the total expenditures and include only incremental costs (approved or planned). Once there are no further increases flowing from a new initiative, the costs roll into core expenditures. Any increase flowing from an *approved* strategic initiative is indicated by two asterisk (\*\*). One-time costs are noted as such.
4. In June 2007, the City of Victoria requested that GVPL plan for expansion of the Hub/Victoria branch. This strategic initiative is contingent on the outcome of the Facilities Master Plan (Note 8) and a thorough costing has not been performed. Figures shown are estimates only.
5. In April 2008, the City of Langford requested that GVPL include an expansion of the new Langford branch to 5,000 square feet in 2012. This strategic initiative is contingent on the outcome of the Facilities Master Plan (Note 8) and a thorough costing has not been performed. Figures shown are estimates only.
6. The Facilities Coordinator position is proposed to coordinate maintenance and improvement of all branches, to oversee all facilities contracts and services, including janitorial, security and shuttle services, and to ensure that facilities are safe for the public and employees. GVPL currently does not have a facilities-related employee position and the library has grown to a level in which this position is necessary.
7. The feasibility study is included in 2010 to assess GVPL's fundraising and development potential with the goal of establishing alternative sources of funding. Such a strategic direction will be contingent on articulating an organizational vision, such as that to be developed through a Facilities Master Plan (Note 8).
8. The 2009 provisional budget includes \$50,000 under strategic initiatives for continued costs of consulting services for the development of a Facilities Master Plan. This initiative was approved in 2008, however, only part of the funds will be expended in 2008 and the remaining funds diverted into HR consulting costs as a result of the labour dispute.
9. The 2009 provisional budget includes \$50,000 under strategic initiatives in support of managers in the performance of an operational review. These funds replace 2008 funding for a core review, which was diverted to HR consulting costs as a result of the labour dispute.
10. The increase in branch hours of operation included under strategic initiatives will affect multiple branches and involve additional Sunday and evening hours. This initiative is contingent on further analysis of hourly use.

### Assumptions

- a. Provincial operating grants include the BC OneCard grant (\$122,100 in 2009) through to 2013. All other grants are forecast based on historical funding levels and increases, if any.
- b. Revenues from rentals, copying and other fees and contracts are forecast to increase at 1% annually.
- c. Fine revenue is forecast to increase by 3% annually (with the exception of new branches).
- d. Salaries and benefits are forecast based on the CUPE 410 settlement in effect to 2010, with a final pay equity increase forecast for 2011 and a general wage increase based on projected rate of inflation extended to 2013 for planning purposes.
- e. All other expenditures, not including transfers, are forecast with a 2% increase, other than capital leases and expenses rolled into core from strategic initiatives.

**GREATER VICTORIA PUBLIC LIBRARY  
RESERVE FUND FORECAST  
Appendix A**

**SUPPLEMENTARY INFORMATION TO  
THE FIVE-YEAR FINANCIAL PLAN**

**Projected Reserve Balances**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>OPERATING RESERVE</b>					
Operating surplus <sup>1</sup>	\$0	\$0	\$0	\$0	\$0
Library material reserve <sup>2</sup>	350,000	350,000	350,000	350,000	350,000
Unrestricted Endowment Funds	15,000	15,000	15,000	15,000	15,000
	<b>365,000</b>	<b>365,000</b>	<b>365,000</b>	<b>365,000</b>	<b>365,000</b>
<b>REPLACEMENT RESERVE <sup>3</sup></b>					
	11,781	11,737	13,542	31,067	5,270
<b>CONTINGENCY RESERVE</b>					
Personnel contingency <sup>4/5</sup>	272,700	112,700	0	0	0
General contingency <sup>6</sup>	60,000	85,000	110,000	135,000	160,000
	<b>332,700</b>	<b>197,700</b>	<b>95,000</b>	<b>120,000</b>	<b>160,000</b>
	<b>\$709,481</b>	<b>\$574,437</b>	<b>\$473,542</b>	<b>\$516,067</b>	<b>\$530,270</b>

**Notes:**

- 1 Annual operating budgets break-even, therefore operating surpluses are not forecast. An exception is made for 2008, given the extenuating circumstances of the lockout and the level of materiality of the estimated 2008 surplus of \$542,700.
- 2 The Board annually reserves funds at the end of the fiscal year to meet obligations for library materials ordered but not yet received or paid for.
- 3 Reserve balances are based on the current 10-year Replacement Reserve Plan for project expenditures, assuming the following annual contributions:

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Transfer from operations to replacement reserve	95,000	60,000	60,000	75,000	180,000

2008 contribution to reserve was reduced to fund other operational priorities. In 2009, the original funding level of \$60,000 is reinstated plus a repayment for 2008. There is a need for additional funding to assist with increasing deferred maintenance costs and other replacement projects due to systemic growth and aging facilities, as reflected in an increased contribution level in 2012 and 2013.
- 4 The personnel contingency in 2008 consisted of \$351,973 audited operating surplus from 2007 less \$93,000 transferred to revenue in 2008 plus \$43,000 personnel contingency carried forward from prior years. These funds transfer into revenue in 2009.
- 5 Personnel contingency in 2009 consists of a projected operating surplus in 2008 of \$542,700 less \$270,000 transferred into revenue in 2009. The remaining balance of \$272,700 transfers into revenue in 2010 and 2011 (\$160,000 and \$112,700 respectively).
- 6 Beginning in 2009, additional funds transfer from operations into the general reserve to fund for known and unknown contingencies that include, but are not limited to, cash flow requirements, economic uncertainties, local emergencies and natural disasters, loss of major revenue source, unanticipated operating expenditures or increases in service delivery costs. In 2012, this fund balance represents 1% of total annual operating budget.

**Municipal Contributions and Rental Adjustment**

REVENUE	2008 Share	2008 Budget	2009 Provisional Budget	Increase %	Rent Adjustment	2009 Net Contribution - Estimate
<b>MUNICIPAL CONTRIBUTIONS:</b>						
Victoria	28.97%	\$3,256,158	\$3,477,694	Final allocation to be determined <sup>1</sup>	\$2,973	\$3,480,667
Saanich	35.18%	3,954,147	4,223,171		-42,557	4,180,614
Oak Bay	7.10%	798,023	852,317		-2,349	849,968
Esquimalt	5.45%	612,567	654,243		-2,154	652,089
Langford	7.91%	889,065	949,553		13,773	963,326
Colwood	4.73%	531,641	567,811		8,216	576,027
Metchosin	1.68%	188,828	201,675		2,908	204,583
Highlands	0.66%	74,182	79,229		1,148	80,377
Central Saanich	5.53%	621,559	663,847		11,992	675,839
View Royal	2.79%	313,589	334,925		6,050	340,975
<b>Total Municipal Contributions</b>	<b>100%</b>	<b>\$11,239,759</b>	<b>\$12,004,467</b>	<b>6.80%<sup>2</sup></b>	<b>\$0</b>	<b>\$12,004,467</b>

<sup>1</sup> 2009 Municipal Contributions and Rent Adjustments are based on the 2008 share percentages. The final allocations will be determined and be included in the Final Operating Budget in February 2009, based on population and assessment values available in January 2009.

<sup>2</sup> Union settlement increases represent 2.87% out of the total municipal contribution increase of 6.80% as follows:

Union settlement Increases	7.13%
Less funding from contingency	(4.26%)
Increase due to union settlement	2.87%

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT  
BYLAW NO. 2701**

A Bylaw to allow the use of low-speed electric powered vehicles on public highways.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. In this Bylaw,

“Municipality” means the area contained within the geographical limits of the Township of Esquimalt;

“neighbourhood zero emission vehicle” means a vehicle that travels on four wheels and is powered by an electric motor that is designed to allow the vehicle to attain a speed of 32 kilometres per hour but not more than 40 kilometres per hour in a distance of 1.6 kilometres on paved level surface, and which

  - (1) meets or exceeds standards of the *Motor Vehicle Safety Act* (Canada) for a low-speed vehicle and bears a compliance label for a low-speed vehicle in accordance with that Act; or
  - (2) if imported to Canada, has been imported as an admissible low-speed vehicle in accordance with the *Motor Vehicle Safety Act* (Canada) requirements and
    - a. bears a compliance label for a low-speed vehicle in compliance with that Act; or
    - b. meets applicable federal United States laws in accordance with the *Motor Vehicle Safety Act* (Canada).
2. A person may drive or operate a neighbourhood zero emission vehicle on any highway within the municipality that has a speed limit of over 40 kilometres per hour but no more than 50 kilometres per hour.
3. The authority conferred by Section 2 is in addition to the authority under Section 24.07(3)(a) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, as amended, for a person to drive or operate a neighbourhood zero emission vehicle on a highway that has a speed limit of 40 kilometres or less.
4. If any section of this bylaw is found to be illegal, void or unenforceable by a court of competent jurisdiction, that section may be severed without affecting the validity of the remainder of the bylaw.
5. This bylaw may be cited as the Low-Speed Electric-Powered Vehicle Authorization Bylaw, 2008, No. 2071.

READ a first time by the Municipal Council on the 20<sup>th</sup> day of October, 2008.

READ a second time by the Municipal Council on the 20<sup>th</sup> day of October, 2008.

READ a third time by the Municipal Council on the 20<sup>th</sup> day of October, 2008.

**ADOPTED** by the Municipal Council on the                      day of                      , 2008.

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CHRIS CLEMENT  
MAYOR

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LARRY RANDLE  
CORPORATE OFFICER