



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, NOVEMBER 3, 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: L. Hurst, Director of Financial Services (Acting Chief
Administrative Officer)
B. Snyder, Director of Development Services
J. Byron, Manager of Recreation Services
L. Randle, Corporate Officer (Recorder)

1. **CALL TO ORDER**

Mayor Clement called the meeting to order at 7:00 p.m.

2. **LATE ITEMS**

- (1) Letter from Peter Smith and Lorraine Carlow, received October 31, 2008, pertaining to Agenda Item 6(3), Development Variance Permit for #2 – 915 Glen Vale Road, Staff Report No. DEV-08-096
- (2) Add as item 6 (4) Public Hearing pertaining to Agenda item 8 (7), Staff Reports, Amendments to Zoning Bylaw Regarding Accessory Structures for Urban Hens, Staff Report DEV-08-107
- (3) Add after item 13, Rise and Report on Police Matter from Oct 20, 2008 In Camera meeting
- (4) Receive additional written information pertaining to the Agenda Item 6 (1), Hearing – Development Permit with a Variance [1008 Tillicum Road]

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

(1) **Minutes of the Regular Meeting of Council, October 20, 2008**

Councillor Sterk stated that the minutes did not accurately reflect the resolution under item 11 (1) regarding the Capital Regional Emergency Systems Telecommunications Inc. (CREST) that was passed on October 20, 2008. It was requested that the minutes of the Regular Meeting of Council on October 20, 2008 be amended to include the complete motion as it was presented in the Notice of Motion on the October 20, 2008 Regular Agenda.

Moved by Councillor Linge, seconded by Councillor Sterk that the Minutes of the Regular Meeting of Council, October 20, 2008 be adopted as amended.
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.

HEARINGS

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

7:02 p.m. Councillor Linge left the meeting citing a conflict of interest due to a business relationship with the applicant.

- i) Notice of Hearing
- 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

The Mayor convened the hearing at 7:02 p.m. The Director of Development Services provided an overview of the proposal to construct a new four storey, mixed use commercial building at 1008 Tillicum Road. The application is to seek a 3.2 metre increase in the permitted height for a C-2 [Neighbourhood Commercial] Zone. The proposal is similar to the one that was received years earlier but the height is approximately .1 metre lower than the earlier one and still requires a variance.

PUBLIC INPUT

Mayor Clement invited the applicant to speak. The architect, David McGrath from Wensley Architecture Ltd. on behalf of the applicant, stated that an earlier discrepancy in the reported height has been resolved and that the current proposal actually puts the building at a lower height than was earlier proposed. Mayor Clement called three times for verbal input from the gallery but no one chose to speak. The Mayor declared the hearing adjourned at 7:05 p.m.

7:05 p.m. Councillor Linge returned to the meeting.

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

- i) Notice of Hearing
- ii) Background Information - ***Available for Viewing Separately***
 - Staff Report No. DEV-08-093

The Mayor convened the hearing at 7:05 p.m. The Director of Development Services provided an overview of the proposal to convert the existing single family residence with suite to a two family residence. The application is to seek relaxations of Zoning Bylaw No. 2050 in relation to floor area, building massing and sitting requirements.

PUBLIC INPUT

Mayor Clement invited the applicant to speak. The applicant, Mette Sinclair, stated that the Director of Development Services was doing a great job.

Mayor Clement called three times for verbal input from the gallery but no one chose to speak. The Mayor declared the hearing adjourned at 7:08 p.m.

(3) HEARING – DEVELOPMENT VARIANCE PERMIT [#2 – 915 GLEN VALE ROAD]

- i) Notice of Hearing
- ii) Background Information - *Available for Viewing Separately*
 - Staff Report No. DEV-08-096

The Mayor convened the hearing at 7:08 p.m. The Director of Development Services provided an overview of the proposal for a fence which exceeds the permitted height citing privacy and safety considerations. The application is to seek 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.]

PUBLIC INPUT

Mayor Clement invited the applicant to speak. The applicant, Terrie Conway, stated her concerns of privacy from neighbours, shielding from unsightly items on neighbouring lots such as clothes lines and open heap composts, and safety concerns as the fence comes down quite low in some areas.

Mayor Clement called for verbal input from the gallery. Ken Oliver of 925 Mesher Place came forward to speak. He stated that his property shares a partial common boundary with the subject property. He raised concerns about a fence being illegally constructed, removed and reconstructed on the property in the past. He also raised concerns of the overall height of the fence and retaining wall bordering his property, that the owners had removed trees and suggested that trees be planted to offer privacy. Mayor Clement noted that the letter from Peter Smith and Lorraine Carlow was received. The Mayor called a second and third time for verbal input from the gallery but no one spoke. The Mayor declared the hearing adjourned at 7:19 p.m.

(4) **HEARING – ZONING BYLAW AMENDMENT [No. 182], 2008, No. 2699, GENERAL REGULATIONS**

- i) Notice of Hearing
- ii) Background Information - *Available for Viewing Separately*
 - Staff Report No. DEV-08-107

The Mayor convened the hearing at 7:19 p.m. The Mayor provided an overview of the zoning bylaw amendment to allow an Accessory Structure containing Urban Hens to be located within the front yard setback of a single family residence in Single Family Residential Zones.

PUBLIC INPUT

Mayor Clement called three times for verbal input from the gallery but no one chose to speak. The Mayor declared the hearing adjourned at 7:20 p.m.

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

7:20 p.m. Councillor Linge left the meeting citing a conflict of interest due to a business relationship with the applicant.

Moved by Councillor Desjardins, seconded by Councillor Freedman that Development Permit No. 20/2008 limiting the form and character of development to that shown on architectural plans, stamped "Received October 23, 2008", and on the landscape plan, stamped "Received October 27, 2008", and including building height 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.

The motion **CARRIED**.

7:23 p.m. Councillor Linge returned to the meeting.

- (2) Hearing for Development Permit with Variances, 861 Tillicum Road, [Lot 1, Section 10, Esquimalt District, Plan 11426], Staff Report No. DEV-08-104

Moved by Councillor Linge, seconded by Councillor Sterk that Development Permit No. 16/2008 limiting the form and character of development to that shown on architectural and landscape plans, stamped "Received September 15, 2008" , and on the detailed front yard landscape plan amendment, stamped "Received October 16, 2008", and including the related 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 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.
- The motion **CARRIED**.
Opposed by one.
- (3) Hearing for Development Variance Permit for Fencing, # 2 – 915 Glen Vale Road, Staff Report No. DEV-08-106

Moved by Councillor Sterk, seconded by Councillor Linge that Development Variance Permit No. 04/08 authorizing the variance to Section 22 (1) – Fences, of 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.)
The motion **CARRIED**.
Opposed by Councillor Freedman and Councillor Linge.

8. STAFF REPORTS

Parks and Recreation

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

The Manager of Recreation Services gave an overview of the report and responded to questions from Council. Suggestions from Council included:

- Get the Police Liaison involved in the Friday night youth program.
- See if there is the possibility of getting Reserve Constables assigned to assist on Friday night.
- That the effectiveness of the new measures be evaluated in the spring, when the number of youth spending time outside will be greater.
- That a copy of the report be sent to the Parks & Recreation Committee.
- That the Citizen Advisory Group be consulted on the matter.

Moved by Councillor Hundleby, seconded by Councillor Sterk that Esquimalt's Youth Services, Staff Report No. P&R-08-020 be received for information and that a report to Council on the success of the new measures be presented in two months.
The motion **CARRIED**.

Finance

- (2)** Local Grant Application, Staff Report No. FIN-08-021

The Director of Financial Services presented an overview of the Local Grant Application made by the Association des parents de l'école Victor-Brodeur.

Moved by Councillor Hundleby, seconded by Councillor Desjardins that Council approve \$1,000 in funding from the local grants fund to the Association des parents de l'école Victor-Brodeur.

The motion **CARRIED**.

Development

- (3)** Staff Report No. DEV-08-099
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]

Moved by Councillor Freedman, seconded by Councillor Desjardins 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.

The motion **CARRIED**.

- (4)** Official Community Plan Review, Staff Report No. DEV-08-101

Moved by Councillor Freedman, seconded by Councillor

Desjardins 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); and
- Quantifying the acceptable degree of variances to multi-unit residential developments (i.e. density bonuses) for various types of amenities

The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Hundleby that staff bring a report on adding policies and recommendations for reducing GHG emissions to achieve carbon neutrality, identifying offsets, and reporting out as required by Bill 27.

The motion **CARRIED**.

- (5) Regional Pesticide Reduction Education Initiative, Staff Report No. DEV-08-102

Moved by Councillor Hundleby, seconded by Councillor Sterk that Regional Pesticide Reduction Education Initiative, Staff Report No. DEV-08-102 be received for information.

The motion **CARRIED**.

- (6) Development Permit, 1324 Lyall Street, [Lot 129, Suburban Lot 38, Esquimalt District, Plan 2854], Staff Report No. DEV-08-105

Moved by Councillor Linge, seconded by Councillor Sterk 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).

The motion **CARRIED**.

- (7) Amendment to Zoning Bylaw Regarding Accessory Structures for Urban Hens, Staff Report No. DEV-08-107

Moved by Councillor Hundleby, seconded by Councillor Sterk 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 read a third time and adopted.

The motion **CARRIED**.

9. REPORTS FROM COMMITTEES

Moved by Councillor Sterk, seconded by Councillor Hundleby that the

- (1) Draft minutes from the Cultural Advisory Committee meeting, September 23, 2008;
- (2) Draft minutes from the Access Awareness Committee meeting, October 15, 2008; and the
- (3) Draft minutes from the Environmental Advisory Committee meeting, October 16, 2008, be received for information.
The motion **CARRIED**.

10. COMMUNICATIONS

Letter from the Greater Victoria Library Board, dated October 24, 2008, Re: Library Provisional Five-Year Financial Plan 2009 – 2013

Moved by Councillor Freedman, seconded by Councillor Hundleby that the Letter from the Greater Victoria Library Board, dated October 24, 2008, Re: Library Provisional Five-Year Financial Plan 2009 – 2013 be received.

The motion **CARRIED**.

11. BYLAWS

Low Speed Electric-Powered Vehicle Authorization Bylaw, 2008, No. 2071

Moved by Councillor Desjardins, seconded by Councillor Hundleby that Low Speed Electric-Powered Vehicle Authorization Bylaw, 2008, No. 2071 be adopted.

The motion **CARRIED**.

12. PUBLIC QUESTION AND COMMENT PERIOD

Myra Tate of 506 Grafton Street reminded Council that she brought a petition to Council for a cross-walk but to date no cross-walk has been installed. Mayor Clement will ask the Director of Engineering and Public Works for a report and to reply to Ms. Tate.

Chris Fitzpatrick on behalf of the Fleming property located at 669 Constance Avenue asked Council if a time extension other than 6 months could be considered. Mayor Clement stated he would have staff investigate and report back to Mr. Fitzpatrick.

Joe Richards stated that Council meetings should be recorded on tape.

Gina Hesketh of 1207 Carlisle Street stated that youth should use the back door of the Esquimalt Teen Centre, rather than the front door.

Joanne Kimm of 654 Grenville Avenue thanked Council for their

efforts on the Official Community Plan.

13. RISE AND REPORT

Council passed a resolution at the October 20, 2008 In-camera meeting stating that a letter be sent along with a copy to Assistant Deputy Minister Kevin Begg, asking the Solicitor General to conduct an audit of the Victoria Police Department to determine whether the funding and service model currently in place is providing an appropriate level of service to the taxpayers of Esquimalt.

14. ADJOURNMENT

Moved by Councillor Sterk, seconded by Councillor Hundleby that the meeting be adjourned at 8:05 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 15th DAY OF DECEMBER, 2008

CERTIFIED CORRECT

LARRY RANDLE
CORPORATE OFFICER