



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A
REGULAR MEETING OF COUNCIL

Monday, February 2, 2009

7:00 p.m.

Esquimalt Council Chambers

1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **MINUTES**

(1) Minutes of the Regular Meeting of Council, January 19, 2009 Pg. 1 – 8

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

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

6. **HEARINGS**

(1) **HEARING – DEVELOPMENT VARIANCE PERMIT
[929 MESHER PLACE]**

i) Notice of Hearing Pg. 9

ii) Background Information – *Available for Viewing Separately*
• Staff Report No. DEV-09-002

PUBLIC INPUT

ADJOURNMENT OF HEARING

(2) **HEARING – DEVELOPMENT PERMIT WITH VARIANCE
[630 HEAD STREET]**

iii) Notice of Hearing Pg. 10

iv) Background Information – *Available for Viewing Separately*
• Staff Report No. DEV-09-001

PUBLIC INPUT

ADJOURNMENT OF HEARING

HEARING STAFF REPORTS

- (3) Hearing for Development Permit with Variance, 630 Head Street [Lot 1, Section 11, Esquimalt District, Plan 29010], Staff Report No. DEV-09-010 Pg. 11 – 21
- (4) Hearing for Development Variance Permit, 929 Mesher Place [Lot 4, Section 2, Esquimalt District, Plan 30973], Staff Report No. DEV-09-009 Pg. 22 – 32
-

7. DELEGATION

- (1) Caitlin Meggs, University of Victoria Students' Society, Re: Public Transit Pg. 33

8. UNFINISHED BUSINESS

- (1) From the Regular Council Meeting, November 3, 2008
- (a) Esquimalt's Youth Services
- Youth Only Friday Night Follow Up, Staff Report No. P&R-09-006 Pg. 34 – 35
- (2) From the Regular Council Meeting, January 19, 2009
- (a) Development of Freeman Ken Hill Park
- Freeman Ken Hill Park Update, Staff Report No. P&R-09-005 Pg. 36 – 38

9. STAFF REPORTS

Administration

- (1) BC Climate Action Charter, Staff Report No. ADM-09-004 Pg. 39 – 47
- (2) Township of Esquimalt Symbols Use, Staff Report No. ADM-09-008 Pg. 48 – 50

Parks and Recreation

- (3) Tree Removal Permit #1175 at 1107 Bewdley Avenue, Staff Report No. P&R-09-003 Pg. 51 – 66

Development Services

- (4) New Mid-Rise Wood Frame Building Provisions, Staff Report No. DEV-09-008 Pg. 67 – 109
- (5) Next Steps in the Review of the Official Community Plan, Staff Report No. DEV-09-011 Pg. 110 – 118

10. MAYOR'S AND COUNCILLORS' REPORTS

11. REPORTS FROM COMMITTEES

- (1) Draft minutes from the Advisory Planning Commission meeting, January 20, 2009 Pg. 119 – 122

12. COMMUNICATIONS

- (1) Letter from David Wilkinson, dated December 15, 2008, Re: Friendly Twinning Between Esquimalt and Manzanillo Colima, Mexico Pg. 123 – 125
- (2) Letter from UBCM, dated January 9, 2009, Re: Regulation of Home and Property Inspection Pg. 126 – 128
- (3) Email from Civic Info, received January 12, 2009, Re: Call for Nominations for 2009 Order of British Columbia Pg. 129 – 130
- (4) Communications Regarding Public Open Space on Gorge Waterway
- i) Letter from Fern Spring, dated January 12, 2009 Pg. 131
 - ii) Response letter to Jane Robson, dated January 20, 2009 from Barbara Snyder, Director of Development Services Pg. 132 - 133
 - iii) Letter to Waterfront Property Owners Between Esquimalt Gorge Park and Admirals Road from Barbara Snyder, Director of Development Services Pg. 134 – 135
 - iv) Response letter to Fern Spring, dated January 22, 2009 from Barbara Snyder, Director of Development Services Pg. 136 -137
 - v) Letter from Joan Kerley, dated January 24, 2009 Pg. 138
- (5) Letter from the City of Burnaby, dated January 14, 2009, Re: Burnaby School Lands Pg. 139 – 140
- (6) Letter from the Recycling Council of British Columbia, dated January 15, 2009, Re: Municipal Membership and Zero Waste Conference Pg. 141 – 143
- (7) Letter from Pitch-In British Columbia, dated January 15, 2009, Re: Letter of Appreciation for Financial Support Pg.144 – 146
- (8) Letter from the Esquimalt Photography Club, dated January 19, 2009, Re: Letter of Appreciation for Local Grant Pg. 147
- (9) Letter from UBCM, dated January 19, 2009, Re: Municipal Pension: Group Health Benefits Pg. 148 – 150
- (10) Letter from UBCM, dated January 19, 2009, Re: UBCM Membership Pg. 151

- | | | |
|------|---|---------------|
| (11) | Letter from John van Dongen, Solicitor General, dated January 22, 2009, Re: Victoria Police Department Funding and Service Model Audit | Pg. 152 – 153 |
| (12) | Letter from Assistant Deputy Minister Kevin Begg, dated January 28, 2009, Re: Audit of Policing Services in Victoria and Esquimalt | Pg. 154 – 156 |
| (13) | Member Release received from UBCM on January 23, 2009, Re: Prime Minister and Premiers Agree to Accelerate Infrastructure Funding | Pg. 157 |
| (14) | Letter from the AVICC, dated January 23, 2009, Re: Forestry Forum – February 27, 2009 – Nanaimo, BC | Pg. 158 |
| (15) | Copy of letter to Minister Kevin Falcon from Mayor Dean Fortin, City of Victoria, dated January 23, 2009, Re: Renewing E & N as a Commercial and Commuter Rail Line | Pg. 159 – 160 |

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, JANUARY 19, 2009
7:00 P.M.
COUNCIL CHAMBERS

PRESENT:

Mayor Barbara Desjardins
Councillor Bruce McIldoon
Councillor Alison Gaul
Councillor Lynda Hundleby
Councillor Meagan Brame
Councillor Donald Linge
Councillor Randall Garrison

STAFF:

T. Day, Chief Administrative Officer
L. Hurst, Director of Financial Services
G. Côté, Director of Engineering and Public Works
L. Randle, Corporate Officer (Recorder)
P. Nelson, Fire Chief
B. Snyder, Director of Development Services
A. Katschor, Acting Director of Parks and Recreation Services

1. **CALL TO ORDER**

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

2. **LATE ITEMS**

Add item 10.2 - a verbal report from the Mayor regarding an update on the Committee and Commission Review

3. **APPROVAL OF THE AGENDA**

Moved by Councillor Brame, seconded by Councillor Gaul that the agenda as amended be approved.

The motion **CARRIED**.

4. **PRESENTATION**

(1) Jen Book Greater Victoria Extreme Weather Protocol

Ms. Book explained that the Greater Victoria Extreme Weather Program is a regional, community driven program to give homeless people shelter during extreme weather. The program has been in operation for almost five years and currently has four shelters in place. Any interested volunteers can contact the Red Cross.

5. **MINUTES**

Moved by Councillor Hundleby, seconded by Councillor McIldoon that the

(1) Minutes of the Regular Meeting of Council, December 15, 2008 be amended at the top of page 4 under Delegations by striking out the words "Victoria Shipyards" and replacing them with the words "Department of National Defence" and that the

(2) Minutes of the Special Meeting of Council, January 12, 2009 be amended by changing the words in item 5 (2) from "acknowledging her request" to "explaining that there are no plans for a continuous walk way along the Gorge Waterway and that her land is not being expropriated"

and that the minutes as amended, be adopted.

The motion **CARRIED**.

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

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

(1) Mr. Laverne, 485 Fraser Street stated that rather than spend \$125,000 on a new park in honour of Ken Hill, Council should consider and discuss re-naming an existing park such as Saxe Point Park to Ken Hill – Saxe Point Memorial Park.

(2) Emy Labonte, 873 Dunsmuir Road agrees that the cost and rough terrain make the proposed development of Ken Hill Park at the corner of Grafton and Lyall Street prohibitive.

(3) Muriel Dunn, 1193 Old Esquimalt Road says that people don't want \$35,000 to be spent on an Official Community Plan review and that the public already knows what it wants.

(4) Sandy Rozon, 819 Old Esquimalt Road was on the original committee for the development of Ken Hill Park and would like to know where the \$100,000 figure to develop the park has come from.

7. **DELEGATIONS**

The Esquimalt High School Alumni Association delegation did not attend the meeting.

8. **UNFINISHED BUSINESS**

From the Regular Council Meeting, December 15, 2008

(a) Admirals Gate Townhouse Complex Submarine Hangar Project Committee

- Concerns Expressed by Admiral's Gate Townhouse Owner's Committee Regarding Future Submarine Repair Facilities, Staff Report No. ADM-09-007

Councillor McIldoon declared a conflict of interest respecting the Admirals Gate Townhouse Complex Submarine Hangar Project and left Council chambers at 7:18 p.m. as he is an employee of the Department of National Defence (DND).

The Chief Administrative Officer explained that Council has no legal authority respecting the proposed submarine hangar development on DND lands. He did gather some background information on the project including information from the federal project representative which is in the staff report.

Moved by Councillor Linge, seconded by Councillor Garrison that a letter be sent to the DND asking whether the proposed 3 storey building can be shifted 90 degrees so that it is parallel to the submarine hangar or whether it could be built to resemble a stairway so that portions of the building would be lower and that the DND respond to the Township of Esquimalt and the community.

The motion **CARRIED**.

Moved by Councillor Linge, seconded by Councillor Hundleby that this report and the attached information be received by Council and forwarded to the representative of the Admiral's Gate Townhouse Owner's Committee for their information.

The motion **CARRIED**.

Moved by Councillor Linge, seconded by Councillor Brame that a letter be sent to the BC Assessment Authority requesting that they review property assessments for Admiral's Gate residents whose properties

may be impacted by construction of the submarine hangar.
The motion **CARRIED**.

Councillor McIldoon returned to Council chambers at 7:30 p.m.

(b) Development of Freeman Ken Hill Park

- Freeman Ken Hill Park, Staff Report No. P&R-09-001

The Acting Director of Parks and Recreation Services presented his report. The Mayor asked if there are additional community partnership opportunities, if the park could be developed incrementally and what the optimal percentage of a municipalities' land base should be park land.

Moved by Councillor Brame, seconded by Councillor McIldoon that Council receive Staff Report No. P&R-09-001 and that staff report back to Council on the options of renaming an existing park in honour of Ken Hill, developing the proposed park in increments and any other feasible options that may exist.

The motion **CARRIED**.

Council suggested that Ken Hill's family should be consulted on the matter.

9.

STAFF REPORTS

Administration

- (1) Update of Acting Appointments, Staff Report No. ADM-09-005

Moved by Councillor Linge, seconded by Councillor Hundleby that the following acting appointments be made:

Jeff Byron - Acting Director of Parks and Recreation Services
(in the absence of Andy Katschor)

Trevor Kushner - Acting Director of Engineering and Public Works

The motion **CARRIED**.

Finance

- (2) Early Approval Requests, Staff Report No. FIN-09-001

(a) Moved by Councillor Hundleby, seconded by Councillor Brame that Council authorize early budget approval for a part-time (.6) Administrative Assistant Union position with an annual cost of approximately \$28,000.

The motion **CARRIED**.

(b) Moved by Councillor Hundleby, seconded by Councillor Gaul that Council approves as an early budget item, the construction of a communal storm drain in a right-of-way located on the property at 357/359 Kinver Street at a cost of \$20,000.

The motion **CARRIED**.

(c) Moved by Councillor Hundleby, seconded by Councillor Linge that

Phase 2 of the Craigflower Road Corridor Upgrading receive early budget approval and that staff be authorized to start work on this project.

The motion **CARRIED**.

- (d) Moved by Councillor Brame, seconded by Councillor Hundleby that the annual groundwater monitoring at the Old Public Works Yard receive early budget approval and that the engineering consultant be authorized to carry out the annual monitoring program at a cost of \$8,500.

The motion **CARRIED**.

- (e) The Director of Development Services gave an overview of staff report DEV 09-005 "Request for Early Budget Approval for Official Community Plan Review" and stated that staff could consult with the public about building heights and densities prior to an OCP review on the matter.

Moved by Councillor Hundleby, seconded by Councillor Brame that \$35,000, which was to have been included in the 2009 budget to cover the cost of completing a review of the OCP to address questions of maximum height, density and amenity bonusing, as well as add new sections to meet the requirements imposed by Bill 27, be approved as an early budget item.

The motion **CARRIED**.

Fire Services

- (3) Fire Services Liaison Group – Fire Service Model Project, Staff Report No. FIRE-09-001

Moved by Councillor Hundleby, seconded by Councillor Brame that in response to correspondence received from Gary MacIsaac, Executive Director UBCM, regarding the Fire Service Liaison Group's draft report on its new model for the delivery of fire services it is recommended that this report be received for information.

The motion **CARRIED**.

The Mayor called a short recess at 8:28 p.m.

The Mayor reconvened the meeting at 8:37 p.m.

Engineering and Public Works

- (4) Craigflower Road Corridor Upgrading Phase 1, Staff Report No. EPW-09-004

Moved by Councillor Hundleby, seconded by Councillor Garrison that Council authorize the execution of the contribution agreement with the Federal and Provincial Governments.

The motion **CARRIED**.

- (5) Admirals & Colville Intersection, Staff Report No. EPW-09-007

Moved by Councillor Hundleby, seconded by Councillor Linge that

Council authorize the execution of the Transfer Agreement and Contribution Agreement documents with the Federal Government.
The motion **CARRIED**.

10. MAYOR'S AND COUNCILLOR'S REPORTS

(1) Report from Mayor Desjardins, Activities for December 2008
Mayor Desjardins presented a report on her December, 2008 activities.

(2) Verbal report from the Mayor regarding an update on the Committee and Commission Review.
Mayor Desjardins reported that we are near completion of our review of our committee and commission structure and that the intention to undertake this review was communicated during the Inaugural Speech and was recommended to us during our orientation by an expert on local governance. She further explained that staff are updating the terms of reference for the various committees which will then be brought back to council for approval and when the committees are finalized we will then be inviting applications for appointment to the committees.

Mayor Desjardins offered congratulations to Edna Stewart on reaching her 100th birthday and stated that she will be invited to Council to receive a certificate.

Moved by Councillor Linge, seconded by Councillor Hundleby that the Mayor's reports be received.
The motion **CARRIED**.

11. REPORTS FROM COMMITTEES

(1) Committee of the Whole Report, January 12, 2009
[Motion to approve the recommendations]

Moved by Councillor Gaul, seconded by Councillor Garrison to approve the recommendations in the Regular Committee of the Whole Report, January 12, 2009.
The motion **CARRIED**.

(2) Draft minutes from the Advisory Planning Commission meeting, December 16, 2008.
Moved by Councillor Linge, seconded by Councillor Brame that minutes be received.
The motion **CARRIED**.

11. COMMUNICATIONS

(1) Email from the Federation of Canadian Municipalities, dated December 16, 2008, Re: FCM's 72nd Annual Conference and Municipal Expo

- (2) Letter from the Hallmark Society, dated December 17, 2008, Re: Nominations for Heritage Conservation or Preservation Award
- (3) Letter from the Union of British Columbia Municipalities, dated December 22, 2008, Re: General Strategic Priorities Fund and/or Innovations Fund Approval Follow-up
- (4) Letter from the Union of British Columbia Municipalities, dated December 22, 2008, Re: Township of Esquimalt – 2008 UBCM – Administered Grants
- (5) Letter from the Capital Regional District Environmental Services Department, dated December 23, 2008, Re: Regional Pesticide Reduction and Education
- (6) Email from Correctional Services Canada and Cowichan Tribes, received January 5, 2009, Re: Aboriginal Community Justice Forum
- (7) Notice from the Union of British Columbia Municipalities, received January 5, 2009, Re: Establishment of Trust Fund for Sparwood Avalanche Victims
- (8) Letter from Jacqueline Sloan, dated January 6, 2009, Re: Sidewalks on Fairview Road
- (9) Letter from the Capital Regional District, dated January 9, 2009, Re: 2009 – 2018 Capital Plan for the Capital Regional Hospital District

Moved by Councillor McIlldoon, seconded by Councillor Brame that items 5, 6, 7 and 9 be received for information.
The motion **CARRIED**.

Moved by Councillor Linge, seconded by Councillor Hundleby that item 1 be received.
The motion **CARRIED**.

Moved by Councillor Hundleby, seconded by Councillor Brame that item 2 be received.
The motion **CARRIED**.

Moved by Councillor Hundleby, seconded by Councillor Garrison that item 3 be received.
The motion **CARRIED**.

Moved by Councillor Brame, seconded by Councillor Linge that item 4 be received.
The motion **CARRIED**.

Moved by Councillor Garrison, seconded by Councillor Linge that the

letter from Jacqueline Sloan, dated January 6, 2009, Re: Sidewalks on Fairview Road be received and that a letter of response be sent to Ms. Sloan.

The motion **CARRIED**.

13. BYLAWS
For Adoption

(1) Revenue Anticipation Borrowing Bylaw, 2009, No. 2702

Moved by Councillor Linge, seconded by Councillor Hundleby that Revenue Anticipation Borrowing Bylaw 2009, No. 2702 be adopted. The motion **CARRIED**.

14. PUBLIC QUESTION AND COMMENT PERIOD

Mayor Desjardins invited comments from the public but none were forthcoming.

15. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby that the meeting be adjourned at 9:00 p.m. The motion **CARRIED**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS DAY OF , 2009

CERTIFIED CORRECT

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

January 22, 2009

NOTICE OF HEARING

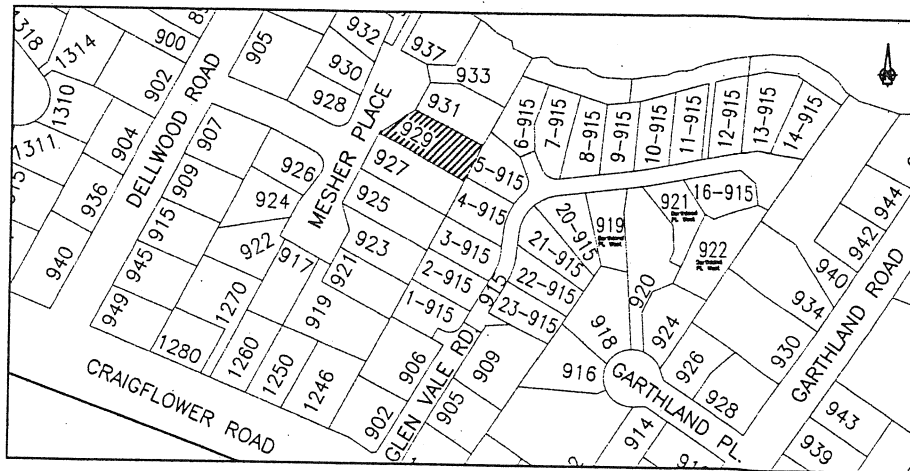
An application for a Development Variance Permit has been received from Joseph and Marilyn Cunningham, the registered owners of Lot 4, Section 2, Esquimalt District, Plan 30973 [929 Mesher Place].

Purpose of the Application:

The owners are requesting a Development Variance Permit to Zoning Bylaw No. 2050 which, if granted, would enable them to apply for a building permit to enclose an existing, non-conforming deck.

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

Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.3 metre reduction to the required Front Setback for a principal building from 7.5 metres to 6.2 metres



Site Location: Lot 4, Section 2, Esquimalt District, Plan 30973
[929 Mesher Place]

The Municipal Council will consider this application at 7:00 p.m., **Monday, February 2, 2009**, 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 February 2, 2009.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES



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

January 22, 2009

NOTICE OF HEARING

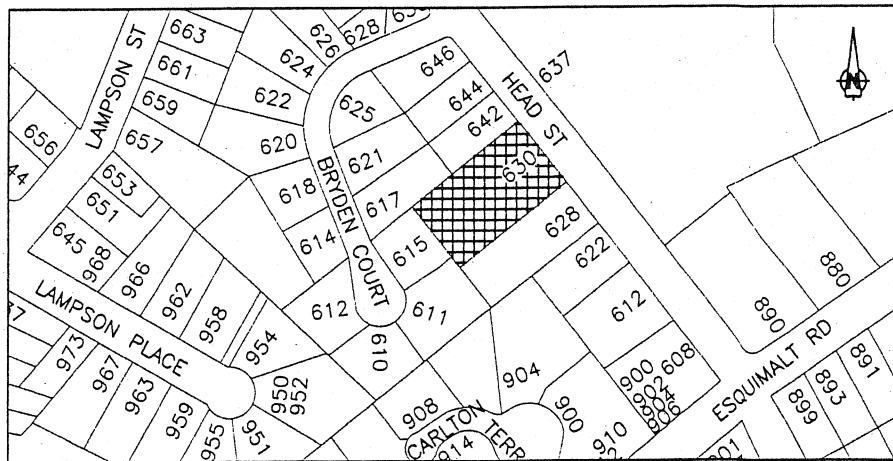
An application for a Development Permit including a Variance has been received from Praxis Architects Inc. on behalf of Dagmar Beimen, the registered owners of Lot 1, Section 11, Esquimalt District, Plan 29010 [630 Head Street].

Purpose of the Application:

The applicant is requesting a Development Permit including a Variance to Zoning Bylaw No. 2050 in order to construct an 85.3m² addition on the northeast corner of the roof of the existing building. This addition would expand the indoor and outdoor living space of the unit occupied by the owner of the building.

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

Section 44(4)(a) – Building Height – a 2.8 metre increase in the permitted Height of the Principal Building, from 11 metres to 13.8 metres.



Site Location:

Lot 1, Section 11, Esquimalt District, Plan 29010
[630 Head Street]

Should this variance be approved, a Development Permit limiting the form and character of development to that shown on architectural plans prepared by Praxis Architects Inc., stamped "Received November 24, 2008", will be registered on the title of Lot 1, Section 11, Esquimalt District, Plan 29010 [630 Head Street].

The Municipal Council will consider this application at **7:00 p.m., Monday, February 2, 2009, 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 February 2, 2009.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES

STAFF REPORT

DATE: January 28, 2009 **REPORT NO.** DEV-09-010
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
Trevor Parkes, Senior Planner
SUBJECT: DEVELOPMENT PERMIT with VARIANCE
630 Head Street
[Lot 1, Section 11, Esquimalt District, Plan 29010]

RECOMMENDATION

That the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by Praxis Architects Inc., stamped "Received November 24, 2008", and including the following variance to Zoning Bylaw No. 2050, be **approved, issued and registered** on the title of Lot 1, Section 11, Esquimalt District, Plan 29010 [630 Head Street].

Section 44(4)(a) – Building Height – a 2.8 metre increase in the permitted Height of the Principal Building, from 11 metres to 13.8 metres.



Trevor Parkes
Senior Planner



Barbara Snyder
Director of Development Services

SUMMARY

The applicant is proposing to build an addition on the northeast corner of the roof of the existing building located at 630 Head Street. This addition would expand the living space of Unit 409 which is occupied by the owners of the building.

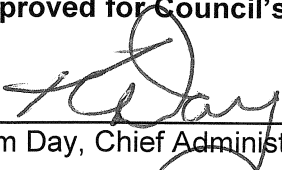
BACKGROUND

APC Comments: This application was considered by APC on the evening of December 16, 2008. Members required clarification as to how the proposed addition would be accessed. The applicant indicated that the new stairs would be installed over the building's existing stairwell and could only be accessed from inside Unit 409. Members were favourable in their comments relating to the form and character and forwarded the application to Council with a recommendation of approval.

Committee of the Whole: The application was presented at the regular meeting of the Committee of the Whole on January 12, 2009. COTW accepted the staff recommendation that a Development Permit be prepared and returned to Council.

Council: The report from the Committee of the Whole was received at the regular meeting of Council on January 19, 2009. Staff were directed to prepare the Development Permit 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 January 22, 2009 indicating that Council will be considering the requested variance on Monday, February 2, 2009. 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: Jan 28/09



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

January 22, 2009

NOTICE OF HEARING

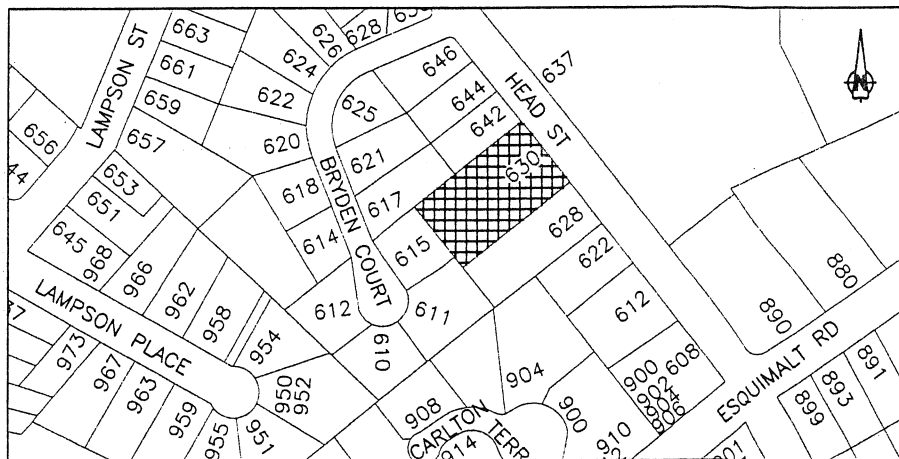
An application for a Development Permit including a Variance has been received from Praxis Architects Inc. on behalf of Dagmar Beimen, the registered owners of Lot 1, Section 11, Esquimalt District, Plan 29010 [630 Head Street].

Purpose of the Application:

The applicant is requesting a Development Permit including a Variance to Zoning Bylaw No. 2050 in order to construct an 85.3m² addition on the northeast corner of the roof of the existing building. This addition would expand the indoor and outdoor living space of the unit occupied by the owner of the building.

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

Section 44(4)(a) – Building Height – a 2.8 metre increase in the permitted Height of the Principal Building, from 11 metres to 13.8 metres.



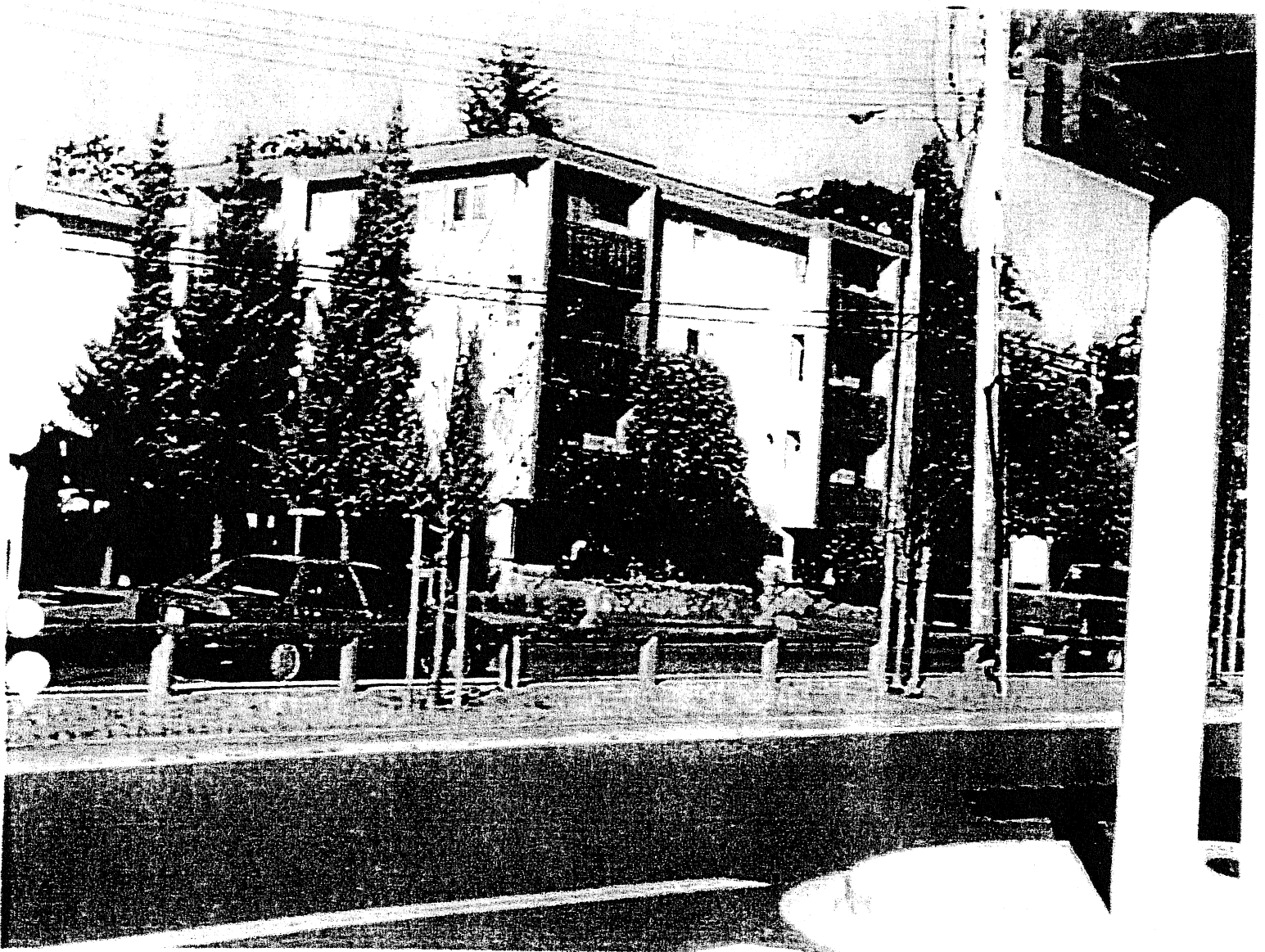
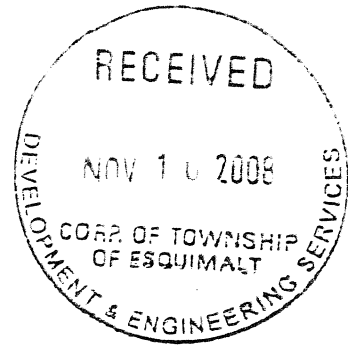
Site Location: Lot 1, Section 11, Esquimalt District, Plan 29010
[630 Head Street]

Should this variance be approved, a Development Permit limiting the form and character of development to that shown on architectural plans prepared by Praxis Architects Inc., stamped "Received November 24, 2008", will be registered on the title of Lot 1, Section 11, Esquimalt District, Plan 29010 [630 Head Street].

The Municipal Council will consider this application at **7:00 p.m., Monday, February 2, 2009, 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 February 2, 2009.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT PERMIT

NO. 21/2008

Owners: Wolfgang and Dagmar Beimen
100-628 Head Street
Victoria BC, V9A 5S8

Lands: Lot 1, Section 11, Esquimalt District, Plan 29010

Address: 630 Head 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. This Development Permit regulates the development of lands by varying the provisions of Zoning Bylaw No. 2050 as follows:

Section 44(4)(a) – Building Height – a 2.8 metre increase in the permitted Height of the Principal Building, from 11 metres to 13.8 metres.
3. Approval of this Development Permit is issued in accordance with architectural plans prepared by Praxis Architects Inc., stamped “Received November 24, 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 _____, 2009

SIGNED THIS _____ DAY OF _____, 2009

Director of Development Services

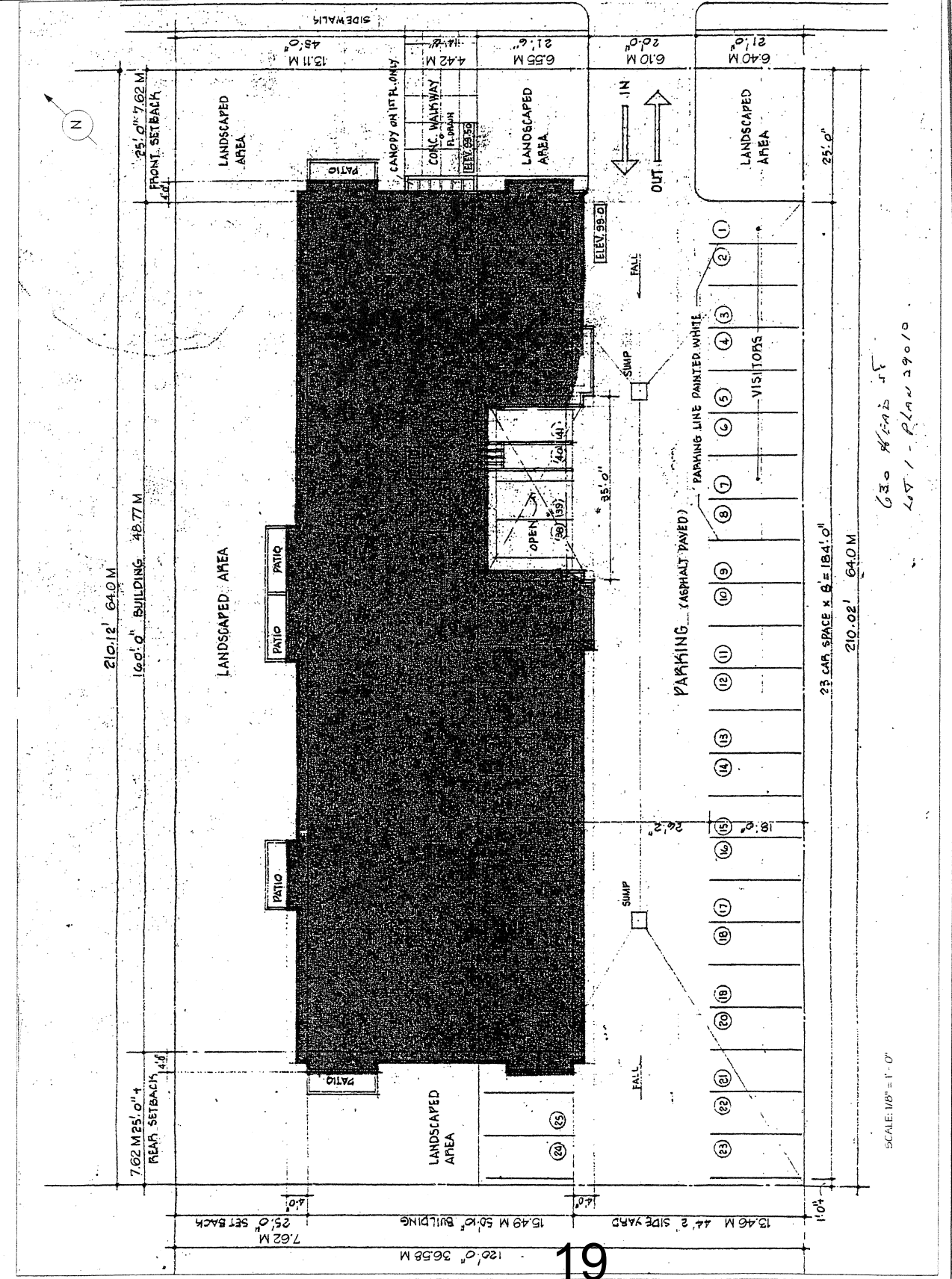
Corporate Officer
Corporation of the Township
of Esquimalt

As the author of this plan, I warrant that the information herein is true and correct to the best of my knowledge and belief, and that I am not providing any false or misleading information. I warrant that the information herein is true and correct to the best of my knowledge and belief, and that I am not providing any false or misleading information.

RECEIVED
 NOV 24 2008
 CORP. OF TOWNSHIP
 OF ESQUIMAULT
 DEVELOPMENT & ENGINEERING SERVICES

PRAXIS
 DAGMAK COURT
 ADDITION/RENOVATION
 600 HURON STREET
 VICTORIA B.C.

SITE PLAN
 PROJECT NO. 210-021
 SHEET NO. A1.1



THIS IS SCHEDULE 'A' OF
 DEVELOPMENT PERMIT NO. 210-021

CORPORATE ADMINISTRATOR

630 HEAD ST
 LOT 1 - PLAN 29010

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

NOTES:

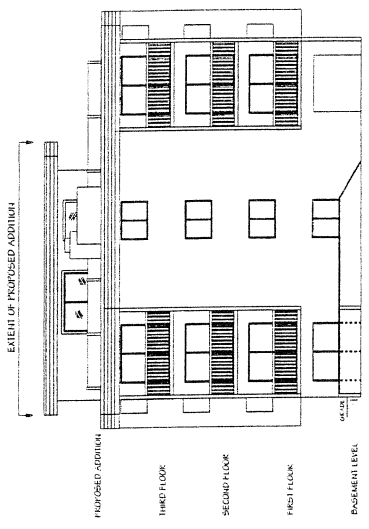
1. REINFORCEMENT - MAIN POSTS & TRANSVERSE BARS
2. INTERIOR FINISH WORK AND FLOORING TO MATCH EXISTING
3. STUCCO TO MATCH EXISTING
4. SKINNING OF EXISTING TO MATCH EXISTING
5. EXISTING SKINNING AND FINISH TO MATCH EXISTING



P. R. A. X. I. S.
 ARCHITECTS
 1000 WEST BROADWAY
 VICTORIA B.C.

**DAGMAR COURT
 ADDITION/RENOVATION**
 650 HEAD STREET
 VICTORIA B.C.

ELEVATIONS	
SCALE	AS SHOWN
NO. OF SHEETS	A2.1
TOTAL SHEETS	1
DATE	NOV 7, 2008



2. WEST ELEVATION
 Scale: 1/8" = 1'-0"

1. EAST ELEVATION - FACING HEAD STREET
 Scale: 1/8" = 1'-0"

3. SOUTH ELEVATION
 Scale: 1/8" = 1'-0"

4. NORTH ELEVATION
 Scale: 1/8" = 1'-0"

**THIS IS SCHEDULE 'A' OF
 DEVELOPMENT PERMIT NO. 21/2008**

CORPORATE ADMINISTRATOR


STAFF REPORT

DATE: January 27, 2009 **REPORT NO.** DEV-09-009
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
Trevor Parkes, Senior Planner
SUBJECT: DEVELOPMENT VARIANCE PERMIT
929 Mesher Place
[Lot 4, Section 2, Esquimalt District, Plan 30973]

RECOMMENDATION

That the application for a Development Variance Permit authorizing the siting of an existing, non-conforming, deck as shown on the site survey prepared by J.E. Anderson and Associates stamped "Received November 19, 2008", and including the following variance to Zoning Bylaw No. 2050, be **approved, issued and registered** on the title of Lot 4, Section 2, Esquimalt District, Plan 30973 [929 Mesher Place].

Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback
- a 1.3 metre reduction to the required Front Setback for a principal building from 7.5 metres to 6.2 metres


Trevor Parkes
Senior Planner


Barbara Snyder
Director of Development Services

SUMMARY

The approval of this Development Variance Permit would enable the applicant to apply for a building permit to enclose an existing, non-conforming deck as shown on elevation and construction plans submitted with the application stamped "Received November 19, 2008".

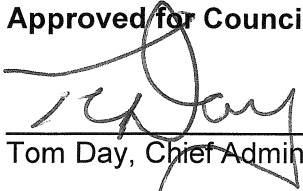
BACKGROUND


APC Comments: This application was considered by APC on the evening of December 16, 2008. Members were supportive of the application, complimenting the applicant for contacting their neighbours in advance of the meeting to ensure they had no concerns relating to this application. The Commission forwarded the application to Council with a recommendation of approval.

Committee of the Whole: The application was presented at the regular meeting of the Committee of the Whole on January 12, 2009. COTW accepted the staff recommendation that a Development Variance Permit be prepared and returned to Council.

Council: The report from the Committee of the Whole was received at the regular meeting of Council on January 19, 2009. Staff were directed to prepare the Development Variance Permit 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 January 22, 2009 indicating that Council will be considering the requested variance on Monday, February 2, 2009. 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: 



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

January 22, 2009

NOTICE OF HEARING

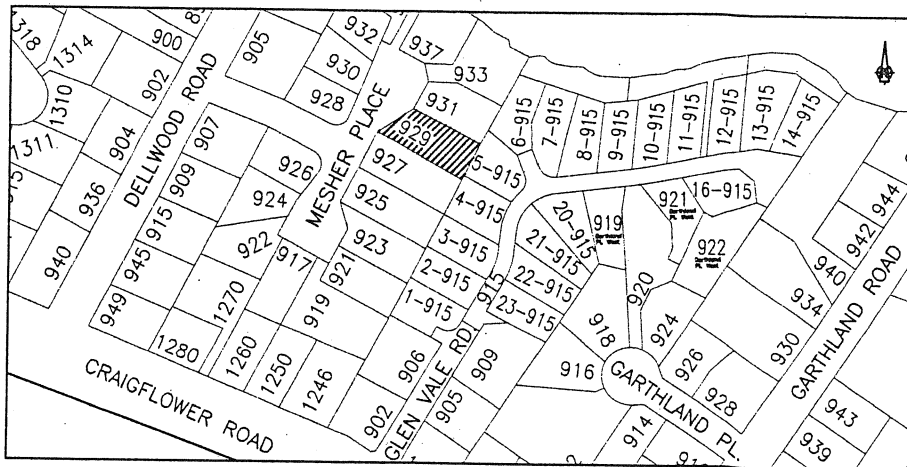
An application for a Development Variance Permit has been received from Joseph and Marilyn Cunningham, the registered owners of Lot 4, Section 2, Esquimalt District, Plan 30973 [929 Mesher Place].

Purpose of the Application:

The owners are requesting a Development Variance Permit to Zoning Bylaw No. 2050 which, if granted, would enable them to apply for a building permit to enclose an existing, non-conforming deck.

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

Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.3 metre reduction to the required Front Setback for a principal building from 7.5 metres to 6.2 metres



Site Location:

Lot 4, Section 2, Esquimalt District, Plan 30973
[929 Mesher Place]

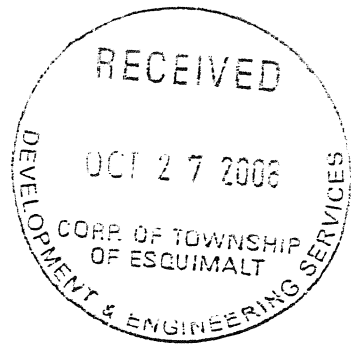
The Municipal Council will consider this application at 7:00 p.m., Monday, February 2, 2009, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C. Affected persons may make representations to Council at that time or submit a written submission prior to that date.

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 February 2, 2009.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES

October 24, 2008

Ms. Barbara Snyder, Director of Development Services
Township of Esquimalt
3rd Floor, 1229 Esquimalt Road
Esquimalt BC V9A 3P1



Subject: Development Permit for a Home Renovation at 927 Mesher Place

Our neighbours, Joseph and Marilyn Cunningham, who live at 927 Mesher Place, plan a renovation that involves extending the north wall into the side yard at the north-west corner of their house.

This letter is to advise you that we are aware of the plans and have no objection whatsoever.

J. D. Hemstock 931 MESHER PL

J.D. HEMSTOCK

Valerie Paetz 927 Mesher Pl

Valerie Paetz

Lila A. Fultrow 928 MESHER PL

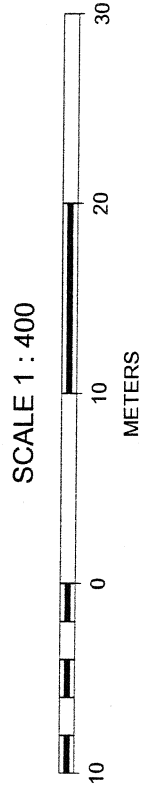
Peter Bricknell (PETER BRICKNELL) 932 Mesher Pl

Ken Ste... 930 MESHER PL

Carolyn A. Leide
Leide 937 Mesher Pl.

Dorothy Harker 933 Mesher Place

923 Mesher Place



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT VARIANCE PERMIT

NO. 05/2008

Owners: Joseph and Marilyn Cunningham
929 Mesher Place
Esquimalt BC, V9A 6Z1

Lands: Lot 4, Section 2, Esquimalt District, Plan 30973

Address: 929 Mesher Place, 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:

Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.3 metre reduction to the required Front Setback for a Principal Building from 7.5 metres to 6.2 metres.

3. Approval of this Development Variance Permit is issued in general accordance with elevation and construction plans submitted with the application stamped "Received November 19, 2008", and the siting as detailed on the site plan prepared by J.E. Anderson and Associates stamped "Received November 19, 2008" both 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 Variance Permit is not a Building Permit.

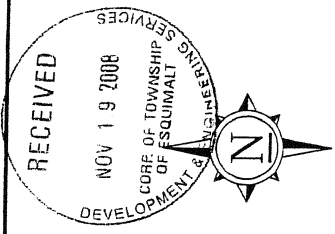
7. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
8. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE ____ DAY OF _____, 2009

SIGNED THIS ____ DAY OF _____, 2009

Director
Development Services

Corporate Officer
Corporation of the Township
of Esquimalt

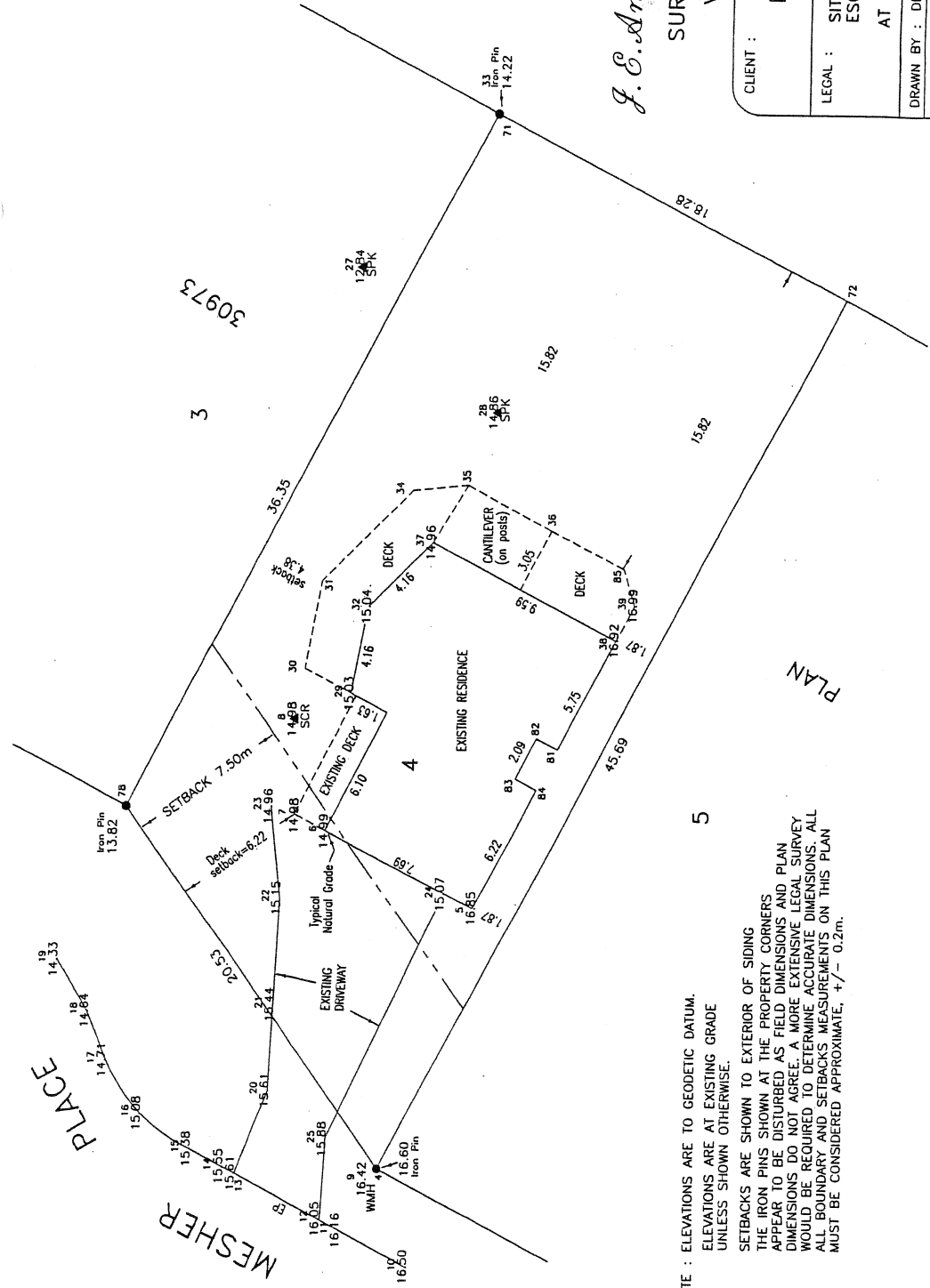


J. E. Anderson and Associates
 SURVEYORS ENGINEERS
 VICTORIA NANAIMO

CLIENT : MR. JOE CUNNINGHAM	
LEGAL : SITE PLAN OF LOT 4, SECTION 2, ESQUIMALT DISTRICT, PLAN 30973 AT 929 MESHER PLACE, VICTORIA, B.C.	
DRAWN BY : DBL	PROJECT SURVEYOR : D.R. CARRIER
SCALE : 1 : 200	DATE : NOV. 17, 2008.
OUR FILE :	25972
OUR FILE :	REVISION :

THIS IS SCHEDULE 'A' OF DEVELOPMENT VARIANCE PERMIT NO 05/2008

CORPORATE ADMINISTRATOR



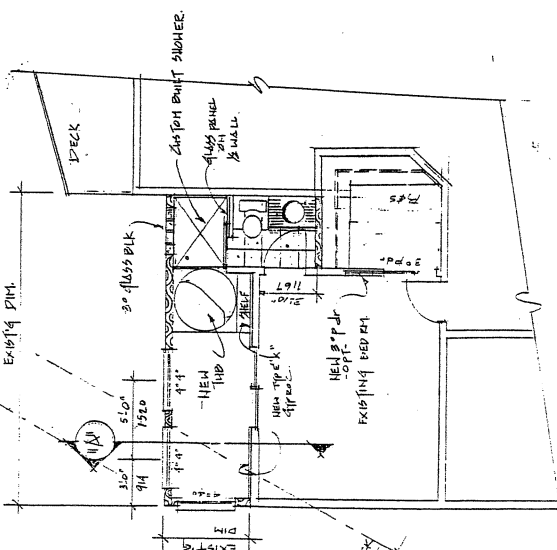
NOTE : ELEVATIONS ARE TO GEODETIC DATUM.
 ELEVATIONS ARE AT EXISTING GRADE UNLESS SHOWN OTHERWISE.
 SETBACKS ARE SHOWN TO EXTERIOR OF SIDING
 THE IRON PINS SHOWN AT THE PROPERTY CORNERS APPEAR TO BE DISTURBED AS FIELD DIMENSIONS AND PLAN DIMENSIONS DO NOT AGREE. A MORE EXTENSIVE LEGAL SURVEY WOULD BE REQUIRED TO DETERMINE ACCURATE DIMENSIONS. ALL ALL BOUNDARY AND SETBACKS MEASUREMENTS ON THIS PLAN MUST BE CONSIDERED APPROXIMATE, +/- 0.2m.

C:\PROGRAM FILES\MCAD2000\25972.DWG DBL

CONSTRUCTION NOTES:

1. OWNER TO CHECK ALL DIM. & ASPECTS THIS DRAWING & MAKE WORK AGREEMENT PRIOR TO CONSTRUCTION.
2. ALL WORK TO COMPLY TO THE NBC, B.C.B.C., FALL MATH. BY LAWS.
3. ALL POSTS, BEAMS AND JOISTS TO BE #2 STRUCTURAL D/FIR OR BETTER.
4. ANY CHANGES THIS PLAN ARE THE RESPONSIBILITY OF THE OWNER.
5. DO NOT SCALE FROM PLAN.

Area Subject to Municipality Approval



PROPOSED NEW BATH RM PLAN
SCALE 1/4" = 1'-0" 8'-4.87 FT. (2586MM)

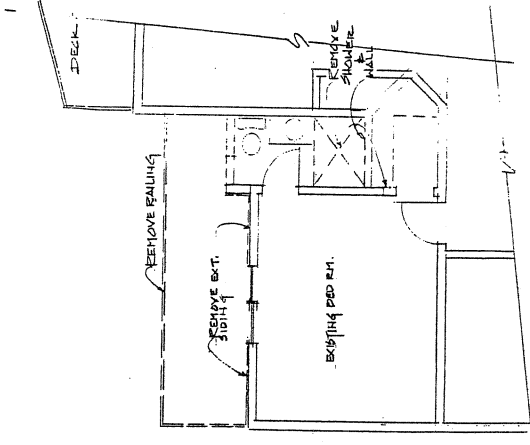


TABLE, MOBILE, SEVERE TO SLIGHT, EXAMINER HEAD LEAVE SEALS, FOLD TO COVER, SLIGHT ABOVE TO LEAD OVER WEATHERING, INSTALLED TO LAP OVER WEATHERING, 2-LAYER, HOLD THREE BARRELS.

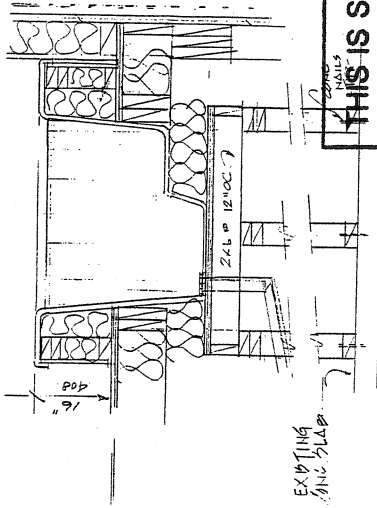
WINDOW/DOOR RAFTER OPENING WRAP

LEGEND:

- EXISTING WALLS
- REMOVED WALLS
- NEW WALL CONSTRUCTION



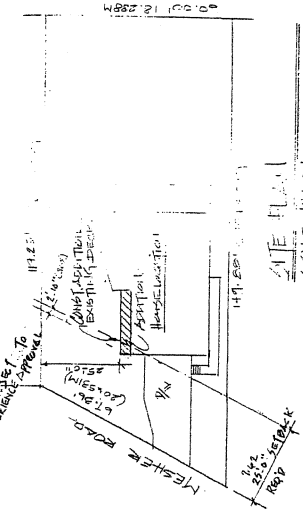
DEM PLAN
SCALE 1/4" = 1'-0"



THIS IS SCHEDULE 10 OF DEVELOPMENT VARIANCE PERMIT NO. 05/2008



(POINT SETBACK SUBJECT TO VARIANCE APPROVAL)



SITE PLAN
SCALE 1/32" = 1'-0"
LEGAL DESCRIPTION
LOT 4
PLAN 80973
SHEET 2
ESQUIMALT DIST.

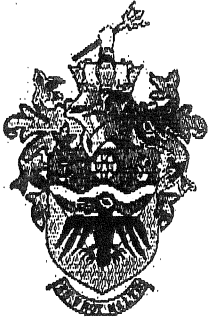
LOT DATA CALCULATIONS:
LOT AREA = 2792.00 FT² (255.434 MP)
PROPOSED LOT COVERAGE:
EXISTING BUILDING = 1137.50 FT²
ADDITIONAL = 84.00 FT²
TOTAL F.S.R. = 1221.50 FT² (167.460 MP)
FLOOR SPACE RATIO: (F.S.R.)
MAIN FLOOR = 1137.50 FT²
BASEMENT = 1382.50 FT²
ADDITION = 84.00 FT²
TOTAL F.S.R. = 2604.00 FT² (241.021 MP) @ 95.1%
OFF ST. PARKING: 4
ZONED - RESIDENTIAL

RECEIVED

001/001

Agenda

JAN 20 2009



CORPORATION OF THE
Township of Esquimalt

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1 Phone: (250) 414-7100
Website: www.esquimalt.ca Email: info@esquimalt.ca Fax: (250) 414-7111

APPLICATION TO MAKE PRESENTATION TO
THE MUNICIPAL COUNCIL

Pursuant to *Council Procedure Bylaw, 2004, No. 2585, Sections 41-46, Delegations and Petitions, (see reverse side)* Council may allow an individual or a delegation to address Council at the meeting provided written application has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Each address must be limited to five minutes unless a longer period is agreed to by resolution of those Members present.

DATE OF COUNCIL MEETING: February 2, 2009

NAME: Caitlin Meggs

ORGANIZATION: University of Victoria Students' Society

ADDRESS: _____

TELEPHONE: _____ FAX: _____

REASONS FOR APPEARING: We would like to make a presentation to Council on the issue of public transit, specifically in implementing more early morning and late night trips, more trips and routes to the Western Communities, more express routes, and more linkages between the college and university campuses.

January 19, 2009
Date

C. Meggs
Signature



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

STAFF REPORT

DATE: 26 January 2009 **REPORT NO. P&R-09-006**
TO: Tom Day, Chief Administrative Officer
FROM: Jeff Byron, Manager of Recreation Services
SUBJECT: Youth Only Friday Night Follow Up

RECOMMENDATIONS

1. That Council accept this report for information

BACKGROUND

In November 2008, Council endorsed measures to address the concerns of neighbours to the Esquimalt Recreation Centre regarding noise and disruptive behaviour. It was asked that the success of the measures be reported back in two months time.

DISCUSSION

Extra staff consisting of a host located at the Recreation Centre front entrance from 8 – 10:00pm, and two roaming hosts from 10:00 pm – midnight were added to YOF Friday night. Recent feedback from resident Geri Hoskings is that the hosts are doing a great job at moving patrons along in the street and keeping the front entrance quiet. She also mentioned staff are successfully dealing with youth skateboarding in front of the Library. She wanted to make sure staff knew they are doing a good job.

Since then we have had one noise complaint occurring on Friday, December 26, 2008. Youth Only Friday Night was cancelled that evening and there were no hosts on shift. The complaint was about 5 youth who were loitering outside the building after leaving the public swimming session.

The entrance and exit point for YOF has been moved to the Bullen Park side of the Recreation Centre. This has worked however concerns about lack of lighting have been raised by parents who come to pick up their children from this area. The Facility Maintenance Supervisor is currently looking into costs to improve lighting along the wall of Jubilee Hall.

On January 21, 2009 staff met with Victoria Police Youth Officer Cst. Mark Buerfeind and NCO i/c Administrator Sgt. Byron Edwards to discuss police involvement. The following items were identified:

- Staff are to communicate dates and times a police presence would be desired in and around the Recreation Centre.
- Youth Officers will drop in periodically to YOF sessions. They will come either in full uniform to show a presence as well as in plain clothes on occasion to establish relationships with youth.
- SGT. Edwards will provide a cellular phone number for hosts to have direct contact for special circumstances.
- Mid June – August annually a minimum of two extra officers are assigned to street duty. Those officers will drop by the Centre every week, unless major police incidents require their attention elsewhere.

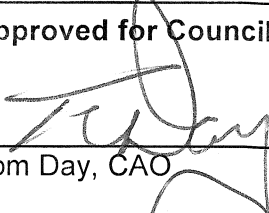
FINANCIAL IMPLICATIONS

The additional staff hours have been added to the 2009 budget and total \$3375.00. Improving lighting in the Recreation Centre parking lot approximated at \$6500.

Respectfully Submitted,



Jeff Byron
Manager of Parks and Recreation
Services

Approved for Council's consideration:


Tom Day, CAO
Dated: Jan 28/09



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: 2009-01-26 **REPORT NO.** P&R 09-005
TO: Tom Day, Chief Administrative Officer
FROM: Andy Katschor
SUBJECT: Freeman Ken Hill Park Update

RECOMMENDATION: That council receive this report as information.

BACKGROUND: On January 19, 2009, Municipal Council requested that the Acting Director of Parks and Recreation bring back an update report on Freeman Ken Hill Park to include suggestions and answer questions from Council and members of the community.

Park Cost

The original report estimated the cost of Freeman Ken Hill Park at approximately \$100,000. This is an estimate. A more accurate figure would be available with a design in place. Attached is a breakdown of the cost estimates. A comparable park in size and on a steeply sloped site in Vic West, recently created by the City of Victoria, cost over \$600,000.

Design cost has been reduced to \$10,000 by not including basic site preparation in the design estimate.

The estimate could be reduced further by eliminating items such as lights or reducing the height of retaining walls.

It is possible to phase the project. A basic phase one would be approximately \$50,000. Until a design is in place this cost is only an estimate.

Volunteers

The use of volunteers in the park would need the approval of the Canadian Union of Public Employees. If the work done by volunteers is a job currently done by an employee of the Municipality, approval would not be likely.

Alternative Park Locations

Suggestions have been made to rename an existing park to Freeman Ken Hill. Renaming an existing park would be controversial. However there are three parks in the Municipality that may be less contentious for renaming to honour Freeman Ken Hill. They are: a small park at Colville and Admirals, the Town Square and Westbay Walkway. Staff considers renaming an existing park the most attractive option.

Input from friends and family of Ken Hill

A meeting with friends and daughter of Ken Hill was held on January 27, 2009. At this meeting park costs, phasing of the project and alternative locations were discussed. The group was going to consider all options.


Partnerships

To date there has been support for the development of Freeman Ken Hill Park from: Esquimalt Lions, Buccaneer Committee, Esquimalt Garden Club and Ken Hill's family. There is the opportunity for the public to contribute to the project; donation information is available on the municipal website www.esquimalt.ca

Andy Katschor



Acting Director of Parks and Recreation

<p>Approved for Council's consideration:</p>  <hr/> <p>Tom Day, CAO</p> <p>Dated: <u>Jan 28/09</u></p>
--

Freeman Ken Hill Park Estimate

Materials

• fencing	6870
• sign	2000
• lights	6000
• playground	12000
• playground surfacing	3000
• water meter	5000
• irrigation	2500
• retaining wall	10000
• path	5000
• benches (three)	4800
• picnic table	1850
• border planks	2500
• plants	4000
• soil	5000
• mulch	<u>1500</u>
	72020

Design 10000

Survey, basic site prep, labour 5000

10% Contingency 8702

Total 95,722



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: January 28, 2009 **REPORT NO.** ADM-09-004
TO: Tom Day, Chief Administrative Officer
FROM: Marlene Lagoa, Manager of Communications and Sustainability
SUBJECT: BC Climate Action Charter

RECOMMENDATION:

By the Township of Esquimalt voluntarily signing the non-binding BC Climate Action Charter, it is recommended that:

1. Council recognize the Township of Esquimalt's commitments under the Charter.
2. Council recognize and support the anticipated timelines to achieve Charter commitments.
3. Council provide budget support in order to meet the Charter commitments.

BACKGROUND:

In 2007, the Intergovernmental Panel on Climate Change, presented evidence that the earth's climate is changing, that this change is being caused by human activities, and its effect will worsen if no action is taken.

During the 2007 throne speech, Premier Campbell announced that the Province of British Columbia would take decisive action on climate change. The Province set an aggressive goal to reduce BCs greenhouse gas (GHG) emissions by 33% by 2020. The Province addresses the actions they are taking to meet this goal in the BC Climate Action Plan. One such action is the BC Climate Action Charter [see attached].

In October 2008, Esquimalt signed on to the BC Climate Action Charter (Charter). The Charter is a voluntary, non-binding, agreement between the Province of British Columbia, the Union of BC Municipalities and participating local governments to work together and take action against climate change by decreasing GHG emissions. There are now over 151 BC local governments that have signed, including the CRD and 11 other CRD member municipalities: Central Saanich, Colwood, Highlands, Langford, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, and View Royal.

CHARTER COMMITMENTS:

By signing the non-binding BC Climate Action Charter, the Township of Esquimalt agrees to:

- Become 'corporate' carbon neutral in its operations by 2012;
- Measure and report on the community's GHG emissions profile;
- Create a complete, compact, and energy-efficient community; and
- Report annually on the steps that have been taken and the progress made in becoming carbon-neutral by 2012.

BC CLIMATE ACTION PLAN:

This section outlines the prominent concepts, tools and actions outlined in the 2008 BC Climate Action Plan that relates to local governments' climate action initiatives under the Charter.

Carbon Neutrality

By signing the Charter, Esquimalt has committed to become 'corporate' carbon neutral in its operations by 2012. To be carbon neutral is to achieve a net zero emission level.

The process of becoming carbon neutral includes:

1. Establishing a baseline GHG emissions (status quo)
2. Reducing GHG emissions
3. Offsetting the remaining emissions

The reporting of emissions produced by contracted out services will need to be phased-in for new contracts or when a contract is up for renewal.

Offsets

In order to be carbon neutral by 2012, the municipality will need to purchase carbon offsets for the amount of GHG produced in its operations. An offset is an emissions reduction credit for projects that result in less carbon dioxide (CO₂) or other GHG emitted into the atmosphere than would have otherwise occurred. The municipality would subtract the offset, normally measured in tonnes of CO₂ equivalent (CO₂e) from its own emission inventory.

A carbon offset needs to meet the criteria of being real, quantifiable and additional. Therefore, a carbon offset results in a net reduction of GHG, it is measurable to determine the difference in GHG emissions if the offset project was not undertaken, and will result in more GHG reduction than would have normally occurred in a 'business as usual' scenario.

Currently, the Charter is unclear as to whether these offset projects can be completed within the municipality or whether an offset is to be purchased from another organization. The Province has established a new Crown corporation, the Pacific Carbon Trust, which invests in GHG-reduction projects in BC and will offer 'credible and low-cost' carbon offsets. Their purpose is to meet public sector demand for offsets which may later expand to selling offsets to individuals and BC businesses.

Carbon Tax

In September 2008, it was announced that the Province will offset the carbon tax for local governments who have signed the Climate Action Charter. The carbon tax is based on GHG emissions that are generated from burning fossil fuels. The carbon tax was introduced July 1, 2008 and applied to the purchase or use of fossil fuels within the Province of BC. The carbon tax rate is being phased-in over five years; beginning at \$10 per tonne of CO₂e emissions in 2008, increasing by \$5 each year, and finally reaching \$30 per tonne by 2012.

There is impending legislation on a Climate Action Revenue Incentive program. The program would see that Charter signatory local governments receive a grant that is equal to 100 per cent of their carbon tax costs. This grant will be approximated for the first year (2008). For future years, the grant will be based on the actual carbon tax spending of the municipality.

CHARTER PARTNERSHIPS:

Recognizing the limitations and barriers facing local governments to deal with climate action, the UBCM and the Province have established a Joint Provincial-UBCM Green Communities Committee and Green Communities Working Groups. The goal of these committees is to develop a range of actions that can affect climate change, to build local government capacity to plan and implement climate change initiatives, and to support local governments in taking actions on becoming carbon neutral.

The CRD is in the process of hiring a full-time Climate Action Coordinator and a half-time Program Assistant. It is anticipated that the CRD Climate Action Coordinator and Program Assistant will be

working with member municipalities to establish a strengthened and synergized approach to climate action within the CRD.

MEETING CHARTER COMMITMENTS:

'Corporate' carbon neutral operations by 2012: Signatory Local Governments do not need to implement this commitment until the Joint Provincial-UBCM Green Communities Committee and Green Communities Working Groups establish a common approach to carbon neutrality under the Charter (*awaiting release*).

Report on 'community' GHG emissions: The Ministry of Environment has spearheaded a Community Energy and Emissions Inventory (CEEI) initiative. The CEEI will provide energy consumption and GHG emissions inventory reports for all B.C. local governments. The CEEI will provide communities with a baseline inventory from which to follow through on their Charter commitment (*awaiting release*).

Create a complete, compact, and energy-efficient community: This will be accomplished by establishing policies that support green development projects and adopting zoning practices that encourage land use planning that increases density and reduces sprawl. This component is being further supported by Bill 27, Local Government (Green Communities) Statutes Amendment Act (*released in 2008*).

ACTION PLAN:

The Township of Esquimalt will work towards fulfilling its Charter commitments by:

Establishing Baselines

BC Hydro Power Smart Energy Audit (Corporate) – *Summer 2009*

Joint Provincial-UBCM: Local government framework for carbon neutrality (Corporate) - *2009*

Ministry of Environment: Community Energy and Emissions Inventory (Community) – *2009*

Evaluating Climate Action Practices

Symposium on the BC Climate Action Agenda, Victoria BC – *January 21-22, 2009*

Building Sustainable Communities Conference, Kelowna BC – *February 24-26, 2009*

Working relationship with CRD & member municipalities – *on-going*

Review: Literature, Local Government Initiatives, Green Technologies & Developments – *on-going*

Senior Staff researching within their area, identifying projects and applying for grants – *on-going*

Developing Plans

Corporate Climate Action Plan (towards being 'Corporate' Carbon Neutral by 2012) – *Fall 2009*

Community Climate Action Plan (set GHG targets in conjunction with OCP) – *TBD, waiting on CRD*

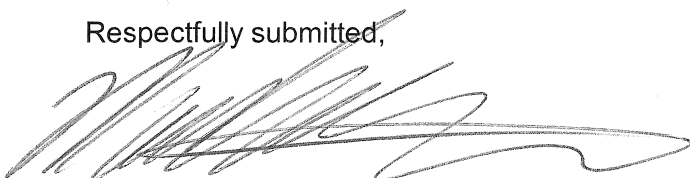
Implementing Plans

Budget for and implement carbon reduction initiatives and carbon offsets – *2009 onwards*

Undergo retro-fits resulting from BC Hydro Energy Audit – *Summer 2009 – Summer 2010*

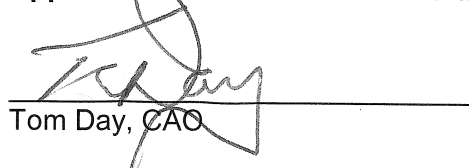
Report out on Charter commitments progress via Climate Registry – *commencing 2009 or 2010*

Respectfully submitted,



Marlene Lagoa
Manager of Communications and Sustainability

Approved for Council's consideration:


Tom Day, CAO

Dated: Jan 28/09

THE BRITISH COLUMBIA CLIMATE ACTION CHARTER
BETWEEN
THE PROVINCE OF BRITISH COLUMBIA (THE PROVINCE)
AND
THE UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM)
AND
SIGNATORY LOCAL GOVERNMENTS
(THE PARTIES)

(1) The Parties share the common understanding that:

- (a) Scientific consensus has developed that increasing emissions of human caused greenhouse gases (GHG), including carbon dioxide, methane and other GHG emissions, that are released into the atmosphere are affecting the Earth's climate;
- (b) the evidence of global warming is unequivocal and the effects of climate change are evident across British Columbia;
- (c) reducing GHG emissions will generate environmental and health benefits for individuals, families, and communities;
- (d) climate change and reducing GHG emissions are issues of importance to British Columbians;
- (e) governments urgently need to implement effective measures to reduce GHG emissions and anticipate and prepare for climate change impacts;
- (f) protecting the environment can be done in ways that promote economic prosperity; and
- (g) it is important to take action and to work together to share best practices, to reduce GHG emissions and address the impacts of climate change.

(2) The Parties acknowledge that each has an important role in addressing climate change and that:

- (a) The Province has taken action on climate change, including commitments made in the 2007 Speech from the Throne, the BC Energy Plan, and the Western Climate Initiative on climate change;
- (b) Local Governments have taken action on climate change, including planning livable, sustainable communities, encouraging green developments and transit oriented developments, and implementing innovative infrastructure technologies including landfill gas recapture and production of clean energy; and

- (c) these actions create the foundation for the Parties to be leaders in affecting climate change.

(3) This Charter acknowledges that:

- (a) The interrelationship between each Order of Government's respective jurisdictions and accountabilities with respect to communities, and activities related to and within communities, creates both a need and an opportunity to work collaboratively on climate change initiatives;
- (b) both Orders of Government have recognized a need for action, both see that the circumstances represent a Climate for Change in British Columbia, and both are responding; and
- (c) the actions of each of the Parties towards climate change will be more successful if undertaken jointly with other Parties.

(4) The Parties share the common goals of:

- (a) Fostering co-operative inter-governmental relations;
- (b) aiming to reduce GHG emissions, including both their own and those created by others;
- (c) removing legislative, regulatory, policy, or other barriers to taking action on climate change;
- (d) implementing programs, policies, or legislative actions, within their respective jurisdictions, that facilitate reduced GHG emissions, where appropriate;
- (e) encouraging communities that are complete and compact and socially responsive; and
- (f) encouraging infrastructure and a built environment that supports the economic and social needs of the community while minimizing its environmental impact.

(5) In order to contribute to reducing GHG emissions:

- (a) Signatory Local Governments agree to develop strategies and take actions to achieve the following goals:
 - (i) being carbon neutral in respect of their operations by 2012, recognizing that solid waste facilities regulated under *the Environmental Management Act* are not included in operations for the purposes of this Charter.
 - (ii) measuring and reporting on their community's GHG emissions profile; and
 - (iii) creating complete, compact, more energy efficient rural and urban communities (e.g. foster a built environment that supports a reduction in car dependency and

energy use, establish policies and processes that support fast tracking of green development projects, adopt zoning practices that encourage land use patterns that increase density and reduce sprawl.)

(b) The Province and the UBCM will support local governments in pursuing these goals, including developing options and actions for local governments to be carbon neutral in respect of their operations by 2012.

(6) The Parties agree that this commitment to working together towards reducing GHG emissions will be implemented through establishing a Joint Provincial-UBCM Green Communities Committee and Green Communities Working Groups that support that Committee, with the following purposes:

- (a) To develop a range of actions that can affect climate change, including initiatives such as: assessment, taxation, zoning or other regulatory reforms or incentives to encourage land use patterns that promote increased density, smaller lot sizes, encourage mixed uses and reduced GHG emissions; development of GHG reduction targets and strategies, alternative transportation opportunities, policies and processes that support fast-tracking of green development projects, community gardens and urban forestry; and integrated transportation and land use planning;
- (b) to build local government capacity to plan and implement climate change initiatives;
- (c) to support local government in taking actions on becoming carbon neutral in respect of their operations by 2012, including developing a common approach to determine carbon neutrality for the purposes of this Charter, identifying carbon neutral strategies and actions appropriate for the range of communities in British Columbia and becoming reporting entities under the Climate Registry; and,
- (d) to share information and explore additional opportunities to support climate change activities, through enhanced collaboration amongst the Parties, and through encouraging and promoting climate change initiatives of individuals and businesses within communities.

(7) Once a common approach to carbon neutrality is developed under section (6)(c), Signatory Local Governments will implement their commitment in 5 (a) (i).

(8) To recognize and support the GHG emission reduction initiatives and the climate change goals outlined in this Charter, Signatory Local Governments are invited by the other Parties to include a statement of their initiatives and commitments as an appendix to this Charter.

(9) This Charter is not intended to be legally binding or impose legal obligations on any Party and will have no legal effect.

SIGNED on behalf of the **PROVINCE OF BRITISH COLUMBIA** by:

The Honourable Gordon Campbell
Premier of British Columbia

Date _____

The Honourable Blair Lekstrom
Ministry of Community Development

Date _____

SIGNED on behalf of the **UNION OF BRITISH COLUMBIA MUNICIPALITIES** by:

Chair Robert Hobson and
President of the Union of British
Columbia Municipalities

Date _____

SIGNED on behalf of the **SIGNATORY LOCAL GOVERNMENT:**

(NAME OF LOCAL GOVERNMENT)

by:

Mayor/Chair

Date _____

Appendix
GHG reduction initiatives or commitments of Signatory Local Government

Note: Local Governments that choose to become Signatories may also choose to provide a statement of their individual commitments in a customized addendum to the main body of the Charter. Below is a sample version of the proposed addendum

SAMPLE

Addendum to
The British Columbia Climate Change Action Charter

For

[Name of Local Government]

is committed to

1. Implementing existing plans

Local Governments could list here plans they have developed and are in the process of implementing; for example:

- Community energy plan
- Greenhouse gas emissions inventory
- Official Community Plan – Smart Growth
- Community Action on Energy Efficiency Initiative (CAEE)
- Partners for Climate Protection, Federation of Canadian Municipalities
- District Energy System
- Eco-Industrial Project
- Transit Oriented Development Plan
- Landfill Gas Utilization

2. Continue to pursue activities

Local Governments could list here recent projects they have implemented; for example:

- Bio-diesel fleet vehicle conversion
- E3 Fleet Program
- Greenhouse Gas Reduction Strategy
- Carbon Neutral Municipal Operations
- Organics Recovery
- Recycling and waste management plan

- Greenhouse gas local action plan
- Energy Efficient Municipal Operations
- Employee car-pooling
- Air quality planning

3. Preparing new plans, bylaws, policies, etc.

Local Governments could list here plans, bylaws, policies they are committed to develop; for example:

- Plan for being carbon neutral in respect of their operations by 2012
- Anti-idling bylaw
- Green Buildings BC for Local Governments
- Smart Growth Development Checklist
- Green Building Program – Built Green and LEED standards
- Micro-generation projects (hydro, wind power, etc)
- Sustainable Community Servicing Plan
- Green Roof Policy
- Greywater recycling policy and standards
- Pedestrian and transit friendly community design
- Local Purchasing Policy
- Streamlined Green Building Application Process



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: January 16, 2009 **REPORT NO.** ADM-09-008
TO: Tom Day, Chief Administrative Officer
FROM: Larry Randle, Corporate Officer
SUBJECT: Township of Esquimalt Symbols Use

RECOMMENDATION:

That Council adopt Council Policy Admin-46 as the Township of Esquimalt Symbols usage policy.

DISCUSSION:

In 2008 the new Township of Esquimalt Corporate Logo was unveiled and is now in use. It is not intended to entirely replace the traditional Corporate Coat of Arms, but it is intended to be used for a broad range of purposes outside of the more formal and official business of Council. The new logo is meant to give a more contemporary look, is easily identifiable and will help to promote pride and recognition in the community.

The attached Township of Esquimalt Symbols Usage Policy is meant to provide Council and staff with guidelines to help ensure consistency respecting the use of the Township's Coat of Arms and Corporate Logo.

Respectfully submitted,

Larry Randle
Corporate Officer

Approved for Council's consideration:

Tom Day, CAO

Dated: Jan 19/09.

Attachment



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

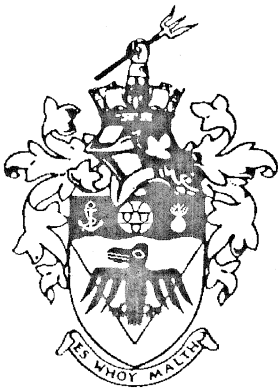
TITLE: Township of Esquimalt Symbols Usage

NO. ADMIN - 46

POLICY

This policy provides guidelines to help ensure consistency respecting the use of the Township's Coat of Arms and Corporate Logo.

COAT OF ARMS



CORPORATE LOGO



GUIDELINES:

The Township of Esquimalt Coat of Arms is reserved for Council, official and ceremonial purposes.

The Corporate Logo should be used for printed materials such as publications, correspondence, advertising, signs and the municipal website.

The following table is not meant to be all-inclusive, rather it is intended to provide some examples of when the Coat of Arms and the Corporate Logo should be used. If you are uncertain about whether to use the Coat of Arms or the Corporate Logo, please contact the Administration Department at 250-414-7101 or 250-414-7136 for further information.

EFFECTIVE DATE:	APPROVED BY: Council	REF:	AMENDS NO.	Page 1 of 2
------------------------	--------------------------------	-------------	-------------------	--------------------

COAT OF ARMS	CORPORATE LOGO
Formal Proclamations	Advertising for Meetings (except Council)
Council Minutes/Agendas/Notices	Advertising for Employment Opportunities (all departments)
Business cards for Mayor and Council	Business cards for staff
Correspondence from Mayor/Council or on behalf of Council or regarding Council recommendations and decisions	Correspondence from CAO, Corporate Services, Human Resources and other departments
Advertising for Council Meetings	Financial Information for the Township
Official Statutory Notices	Recreation
Correspondence from Committees of Council	Municipal Vehicle identification
Municipal pins, ties, nametags	Promotional material
Faxes, letterhead for Administration	Faxes, letterhead for all other departments



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: January 13, 2009 **REPORT NO. P&R-09-003**
TO: Tom Day, Chief Administrative Officer
FROM: Andy Katschor, Acting Director, Parks and Recreation Services
SUBJECT: Tree Removal Permit # 1175 at 1107 Bewdley Avenue

RECOMMENDATION:

That Council confirm the decision to deny the tree cutting permit of the trees in question.

BACKGROUND:

On September 19, 2008 the Parks and Recreation Department received a Tree Cutting Permit Application from the resident at 1107 Bewdley Avenue for the removal of one Deodar cedar, one Golden cedar and one Douglas fir tree.

Approval was given to remove the Douglas fir tree due to the tree's compromised structural integrity. It was suggested that the tree be turned into a nature tree by cutting it in half.

The removal of the Golden cedar tree was denied. The municipal arborist, in his assessment, report notes a healthy tree and states "the competition between the Oaks and other surrounding trees is natural and does not pose a health treat to surrounding trees."

The removal of the Deodar cedar was also denied. The arborist reports: "This is a landmark/heritage tree that appears to be in good health". (*Note: this tree is not on the official heritage register*).

Photos of the trees that were denied removal are attached.

January 13, 2009

Report to Tom Day, Chief Administrative Officer

Subject: Tree Removal Permit # 1175 at 1107 Bewdley Avenue

Page 2

In 2003 the homeowner applied to have 5 trees removed from this property. Four trees were approved to be removed. The request to remove the fifth tree, the Deodar Cedar, was denied but approval was given to remove a significant bottom limb that was touching utility wires.

There is very minor cracking of the driveway and the retaining wall (photos attached). Heaving of the lawn was not observed (photos attached). Regular pruning by a certified arborist should be done on all large trees and would prevent falling branches and provide clearance for utility lines.

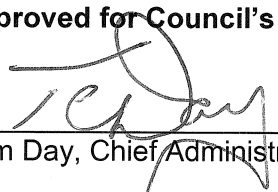
Respectfully Submitted,



Andy Katschor

Acting Director of Parks and Recreation

Approved for Council's consideration:

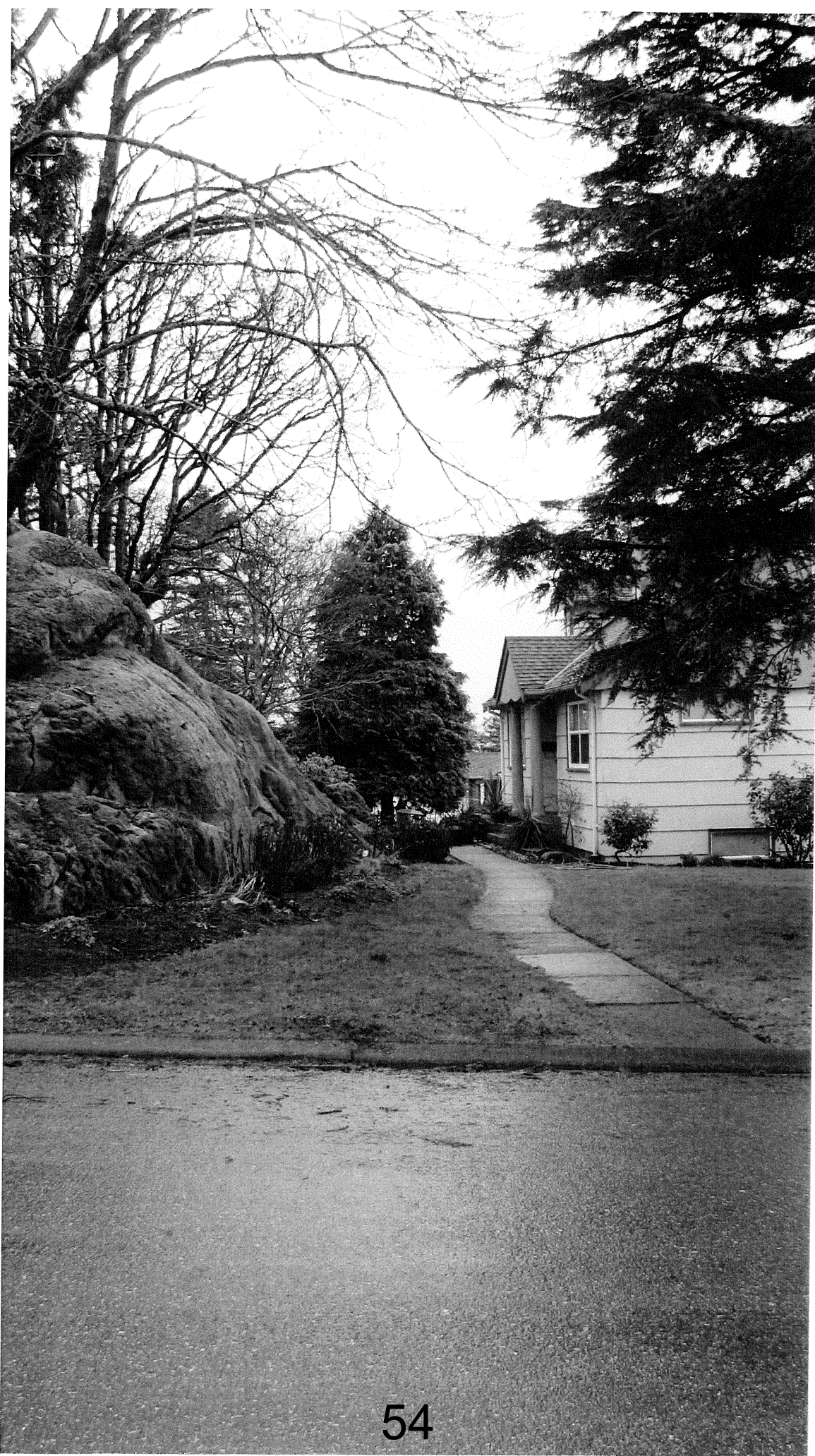


Tom Day, Chief Administrative Officer

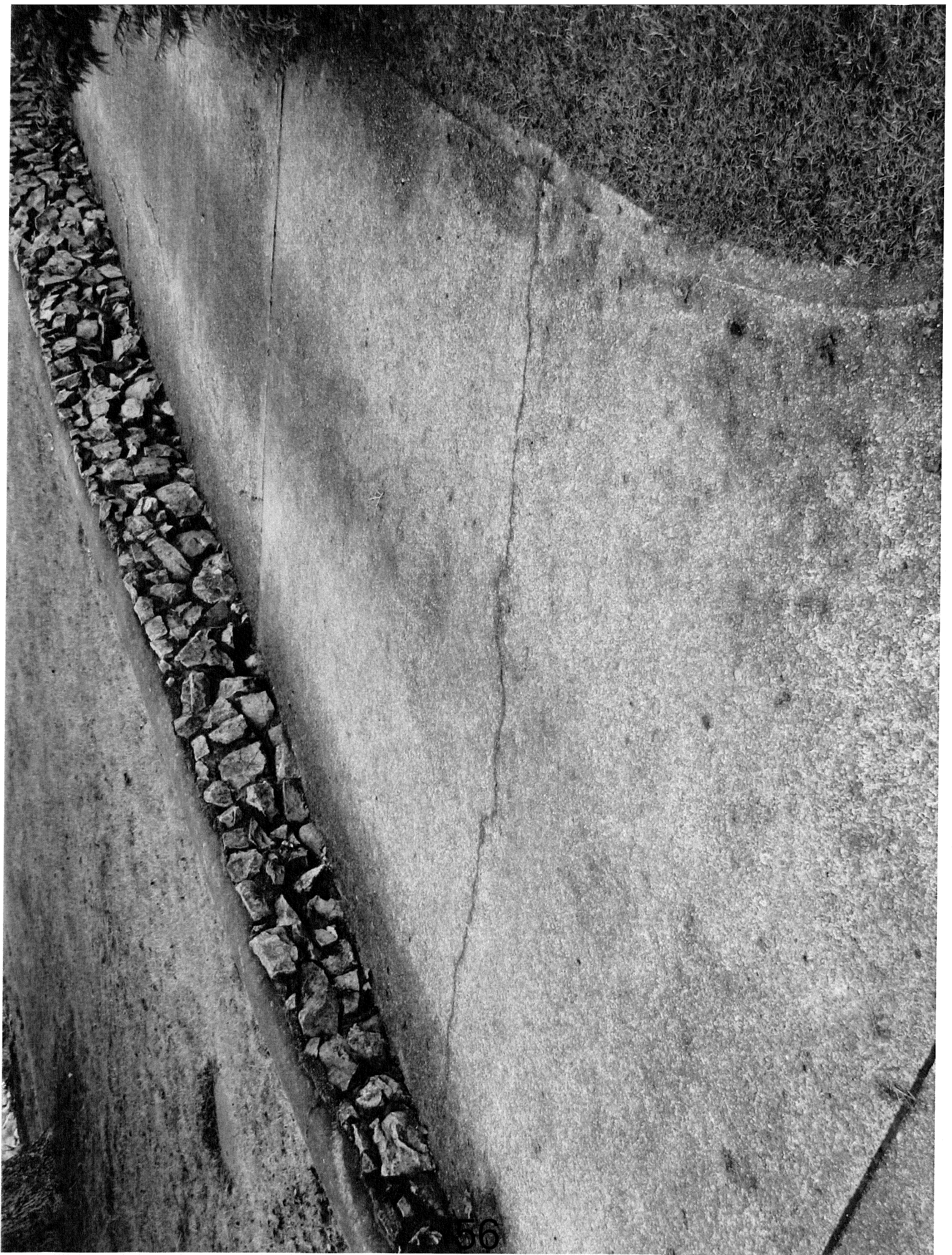
Dated: Jan 19/09

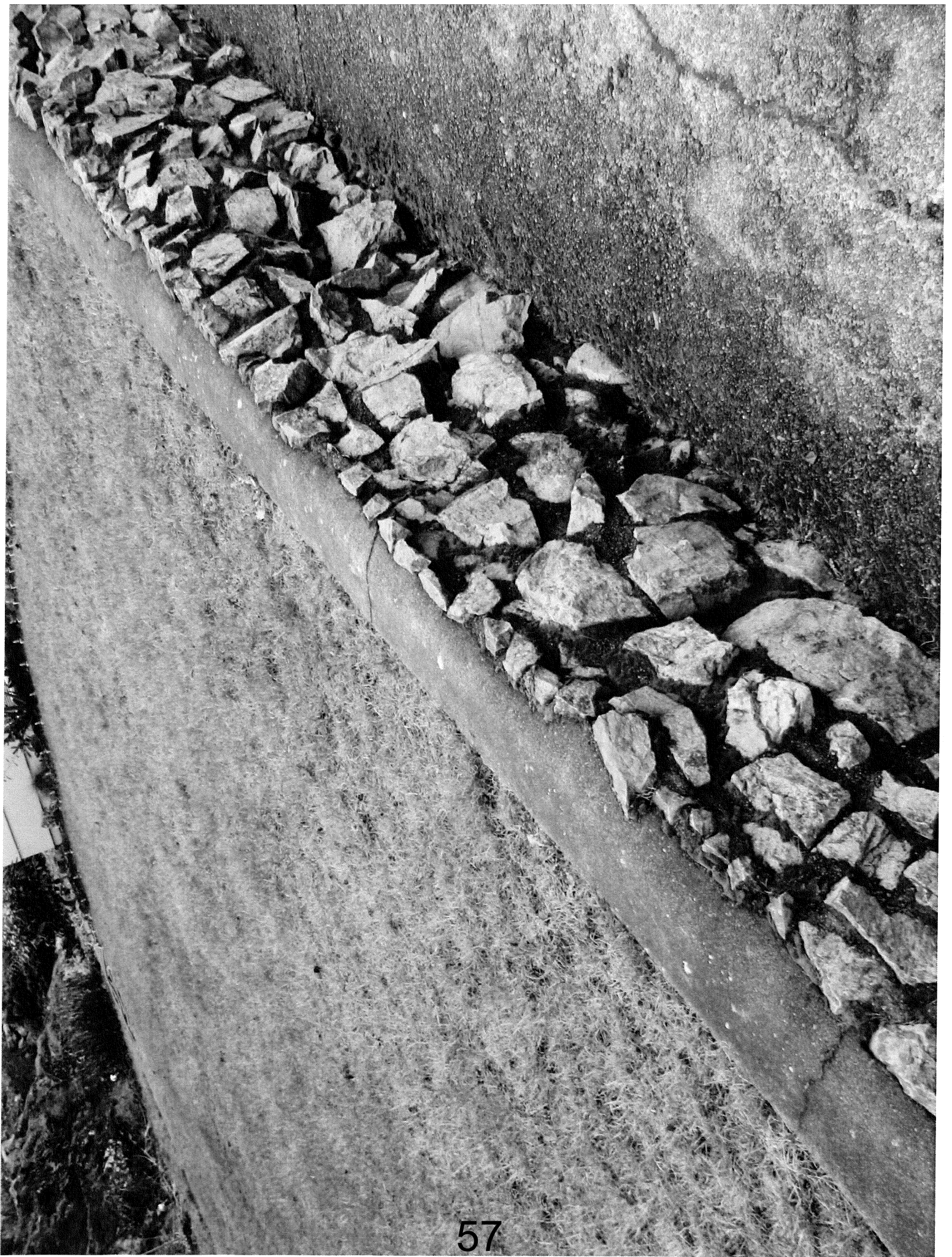


53









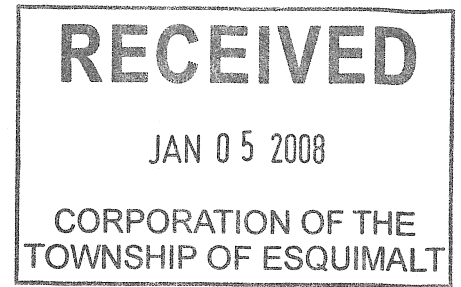


January 5, 2009

Mayor and Council
Esquimalt Municipality

Dear Mayor and Council,

✓ Andy
Agenda with
report from
Andy



I have owned and lived in the property at 1107 Bewdley Avenue for twenty years. Over the years, I have worked diligently to upgrade the landscaping and house on this large and unique property. When I bought it from my parents, it had been rented for over 30 years and was extremely overgrown and an eyesore in an area of beautifully maintained homes. I have slowly been trying to re-develop the gardens and have spent a lot of time and money to do so.

I have applied to remove two trees from my yard and the permit was denied. While I understand that the reason for the denial is that both trees appear to be in good health I would like to appeal this decision on the basis of the following:

1. The first tree is a gigantic Deodora Cedar in the middle of my front yard. Fifty years ago, this non-native species was planted to be a centerpiece for a lovely front garden setting, in order to enhance the landscaping. Obviously, the homeowners at the time were unaware that this species was inappropriate for this site. Today, it is an ungainly, enormous impediment to any kind of landscaping effort. The enormous height of this tree is not conducive to a residential front yard. Its roots have heaved the entire yard, destroying any semblance of a lawn, pushing out my driveway retaining wall and causing the driveway itself to crack. The branches get entangled in the power and telephone lines to the house, and large branches are blown off every winter onto the cars below. We have had to prune these large branches off in order to keep them above the power lines, so the tree is unsightly and awkward looking. It is impossible to grow anything in the entire front yard, as the tree uses all available water, and covers the area with a thick blanket of needles. The yard is also covered by an enormous maple tree on city property that shades the other side. I believe the property value of my house is significantly negatively affected by this eye sore, an opinion shared by two separate Property Appraisers during an appraisal process for renewing my mortgage.
2. The second tree is a large cedar growing in the centre of my backyard. Again, I remember 40 years ago when my parents bought the house, the cedar was a tiny ornamental accent to a gorgeous garden. Today, the cedar is overgrown and blocks the proper growth of two maple trees on either side, so that they are adversely affected. I would like to open the garden to create a significant Garry Oak natural environment behind where the cedar stands. Currently, I can't fix the retaining wall or use half of my back yard because of this tree. It saps all the available water from my nearby vegetable garden and my greenhouse and makes it impossible to design a sustainable garden.

The overgrowth of these poorly planned trees leaves me unable to properly enjoy my property and while I understand that the bylaw is written to protect healthy trees, is there no consideration for property owners that are held hostage by the poor planning of previous owners? I am more than willing to develop a plan with the municipality that will see the introduction and planting of native or more appropriate species of trees on my property that are low water consumers and properly situated, in order to be sustainable for the future.

I understand under the Tree Preservation Bylaw that Council has the ability to grant this appeal. I would appreciate your positive response to this appeal at your earliest convenience.

Sincerely

Linda Barnes
Tel: 250-380-9794



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 1107 BENDLEY.
Map/Location: _____
Owner: public _____ private unknown _____ other _____
Date: OCT. 7, 2008 Inspector: ERIC HANUPATHI.
Date of last inspection: _____

HAZARD RATING:					
Failure Potential	+	Size of part	+	Target Rating	= Hazard Rating
_____ Immediate action needed					
_____ Needs further inspection					
_____ Dead tree					

TREE CHARACTERISTICS

Tree #: 1 Species: Cedrus deodara Deodara cedar
DBH: 35.5" # of trunks: 1 Height: 50-60' Spread: 30-40'
Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed
Crown class: dominant co-dominant intermediate suppressed
Live crown ratio: 70-75% Age class: young semi-mature mature over-mature/senescent
Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: LAST 5 YEARS - GOOD PRUNING.
Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency

TREE HEALTH

Foliage color: normal chlorotic necrotic Epicormics? Y N
Foliage density: normal sparse Leaf size: normal small
Annual shoot growth: excellent average poor Twig Dieback? Y N
Woundwood development: excellent average poor none
Vigor class: excellent average fair poor
Major pests/diseases: NONE NOTED.

Growth obstructions:
 stakes wire/ties signs cables
 curb/pavement guards
 other _____

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest
Landscape type: parkway raised bed container mound lawn shrub border wind break
Irrigation: none adequate inadequate excessive trunk wetted
Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing
% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail
 clay expansive slope _____° aspect: _____
Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____
Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrow
Prevailing wind direction: from ocean Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility lines
Can target be moved? Y N Can use be restricted? Y N
Occupancy: occasional use intermittent use frequent use constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undermined: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y N When: _____
 Restricted root area: severe moderate low Potential for root failure: severe moderate low
 LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N
 Decay in plane of lean: Y N Roots broken: Y N Soil cracking: Y N
 Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure				

HAZARD RATING

Tree part most likely to fail: _____ Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe
 Inspection period: _____ annual _____ biannual _____ other _____ Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
 Failure Potential + Size of Part + Target Rating = Hazard Rating 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)
 _____ + _____ + _____ = _____ Target rating: 1 - occasional use; 2 intermittent use;
 3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape
 Cable/Brace: _____ Inspect further: root crown decay aerial monitor
 Remove tree: Y N Replace? Y N Move target: Y N Other: _____
 Effect on adjacent trees: none evaluate
 Notification: owner manager governing agency Date: _____

COMMENTS I RECOMMEND TO DENY THIS PERMIT. THIS IS A LANDMARK/TRE... THE TREE THAT APPEARS TO BE IN GOOD HEALTH.



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas
TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 1107 BEWOLEY.
 Map/Location: _____
 Owner: public _____ private unknown _____ other _____
 Date: OCT. 7/08 Inspector: ERIC POWARDY.
 Date of last inspection: _____

HAZARD RATING:						
Failure Potential	+	Size of part	+	Target Rating	=	Hazard Rating
_____ Immediate action needed						
_____ Needs further inspection						
_____ Dead tree						

TREE CHARACTERISTICS

Tree #: 2 Species: CEDAR.
 DBH: 18 # of trunks: 1 Height: 40' Spread: 20-25'
 Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed
 Crown class: dominant co-dominant intermediate suppressed
 Live crown ratio: 85 % Age class: young semi-mature mature over-mature/senescent
 Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: _____
 Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency

TREE HEALTH

Foliage color: normal chlorotic necrotic Epicormics? Y N
 Foliage density: normal sparse Leaf size: normal small
 Annual shoot growth: excellent average poor Twig Dieback? Y N
 Woundwood development: excellent average poor none
 Vigor class: excellent average fair poor
 Major pests/diseases: NONE SEEN.

Growth obstructions:

stakes wire/ties signs cables
 curb/pavement guards
 other _____

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest
 Landscape type: parkway raised bed container mound lawn shrub border wind break
 Irrigation: none adequate inadequate excessive trunk wetted
 Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing
 % dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
 % dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
 % dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
 Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail
 clay expansive slope _____° aspect: _____
 Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____
 Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrow
 Prevailing wind direction: _____ Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility lines
 Can target be moved? Y N Can use be restricted? Y N
 Occupancy: occasional use intermittent use frequent use constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undermined: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: _____% Buttress wounded: Y N When: _____
 Restricted root area: severe moderate low Potential for root failure: severe moderate low
 LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N
 Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N
 Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure				

HAZARD RATING

Tree part most likely to fail: _____

Inspection period: _____ annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

_____ + _____ + _____ = _____

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);

3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape

Cable/Brace: _____ Inspect further: root crown decay aerial monitor

Remove tree: Y N Replace? Y N Move target: Y N Other: _____

Effect on adjacent trees: none evaluate

Notification: owner manager governing agency Date: _____

COMMENTS I RECOMMEND TO DENY THIS PERMIT. THE COMPETITION

BETWEEN THE OAKS AND OTHER SURROUNDING TREES IS NATURAL AND DOES NOT POSE A HEALTH THREAT TO SURROUNDING TREES IE. HER OAK - ACCOR MALL. ETC.



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas
TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 1107 BONDLEY
 Map/Location: _____
 Owner: public _____ private unknown _____ other _____
 Date: OCT. 7/08 Inspector: ERIC HOWARD
 Date of last inspection: _____

HAZARD RATING:						
<u>2</u>	+	<u>2</u>	+	<u>2</u>	=	<u>6</u>
Failure Potential		Size of part		Target Rating	=	Hazard Rating
_____ Immediate action needed						
_____ Needs further inspection						
_____ Dead tree						

TREE CHARACTERISTICS

Tree #: 23 Species: DOUGLAS FIR
 DBH: 10.5" # of trunks: 1 Height: 35' Spread: 10'
 Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed
 Crown class: dominant co-dominant intermediate suppressed
 Live crown ratio: 20-30 % Age class: young semi-mature mature over-mature/senescent
 Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: _____
 Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency

TREE HEALTH

Foliage color: normal chlorotic necrotic Epicormics? Y N
 Foliage density: normal sparse Leaf size: normal small
 Annual shoot growth: excellent average poor Twig Dieback? Y N
 Woundwood development: excellent average poor none
 Vigor class: excellent average fair poor
 Major pests/diseases: NONE NOTED.

Growth obstructions:

stakes wire/ties signs cables
 curb/pavement guards
 other _____

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest
 Landscape type: parkway raised bed container mound lawn shrub border wind break
 Irrigation: none adequate inadequate excessive trunk wetted
 Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing
 % dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
 % dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
 % dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
 Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail
 clay expansive slope _____° aspect: _____
 Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____
 Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrow
 Prevailing wind direction: _____ Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility lines
 Can target be moved? Y N Can use be restricted? Y N
 Occupancy: occasional use intermittent use frequent use constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

* NOTE - IF RESIDENT IS NOT IN FAVOR OF A WILDLIFE POLE / OR WANTS THE TREE GONE A REPLACEMENT TREE WILL BE REQUIRED AT THAT TIME.

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undermined: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y N When: _____
 Restricted root area: severe moderate low Potential for root failure: severe moderate low
 LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N
 Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N
 Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure				

HAZARD RATING

Tree part most likely to fail: WHOLE TREE
 Inspection period: _____ annual _____ biannual _____ other _____
 Failure Potential + Size of Part + Target Rating = Hazard Rating
2 + 2 + 2 = 6
 Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe
 Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm); 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)
 Target rating: 1 - occasional use; 2 intermittent use; 3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape
 Cable/Brace: _____ Inspect further: root crown decay aerial monitor
 Remove tree: N Replace? Y N Move target: Y N Other: _____
 Effect on adjacent trees: none evaluate
 Notification: owner manager governing agency Date: _____

COMMENTS

I RECOMMEND TO APPROVE THIS PERMIT. FIR HAS VERY LOW LCR - LIVE CROWN RATIO. IT IS RUBBING BADLY ON OAK LIMB FOR YEARS WHICH HAS COMPROMIZED STRUCTURAL INTEGRITY OF FIR. THIS IS AN IMPORTANT INDIGENOUS TREE THAT IS IMPORTANT TO WILDLIFE IN + AROUND THIS AREA. APPROVE WITH CONDITION TO LEAVE A "WILDLIFE POLE" AT THE HEIGHT JUST BELOW THE TRUNK RUBBING ON THE OAK LIMB.

STAFF REPORT

DATE: 28 January 2009 **REPORT NO.** DEV-09-008
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: **NEW MID-RISE WOOD FRAME BUILDING PROVISIONS**

FOR INFORMATION

New BC Building Code provisions were enacted by Ministerial Order M008 on January 8th, 2009 and will take effect on April 6, 2009. These provisions increase the maximum building height of a wood frame residential building from 4 storeys to 6 storeys.



4 storey wood frame building built to the maximum height previously allowed.

The changes to the Code will apply to all municipalities unless their zoning bylaw limits building heights to less than 18 metres. Esquimalt has only one multiple family residential zone that would accommodate buildings of this height [RM-5].

An online public consultation on these changes closed on December 15, 2008 and the feedback received from building industry stakeholders, including architects, engineers, building inspectors, local governments and the general public was considered in finalizing the changes to the new code requirements. A clear majority of consultation respondents supported the proposed changes and several adjustments were made to the original proposals in response to feedback. The exterior cladding proposal was altered to clarify the performance basis of fire resistance requirements, the shear wall integrity proposal was adjusted and the yielding diaphragm proposal was withdrawn.

The Building Safety and Policy Branch of the Ministry of Housing researched and prepared the following new provisions to the BC Building Code [BCBC] which are detailed in Appendix 1 of this report.

- Building Height – Article 3.2.2.45
- Building Area – Article 3.2.2.45
- Exterior Cladding Materials – Article 3.2.2.45
- Shear Walls – Article 4.1.8.10
- Hold-Open Devices – Article 3.1.8.12
- Consideration of Structural Wood Shrinkage – Subsection 4.3.1

Their research challenged the assumptions of the existing Building Code which was largely based on the disaster provisions, building materials and fire-fighting equipment that was available in the early 1900s. The current research focuses on seismic issues, fire and safety issues, and wood shrinkage and building stability.

In many countries around the world [including New Zealand, England, USA, Switzerland, Germany and Italy building codes for wood construction are being revised. The height of wood construction is unlimited in New Zealand. The English Code has recently been amended to allow wood construction up to 8 storeys in height.



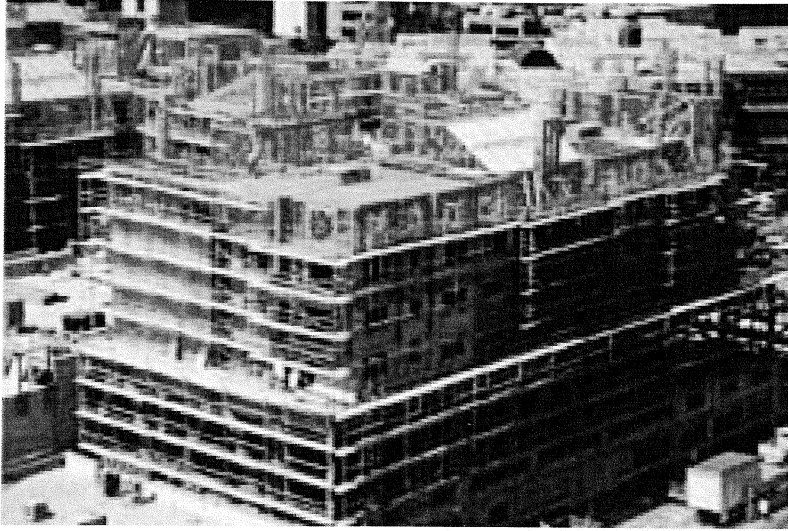
5 storey wood frame condos on a concrete podium in Seattle, Wash.

Oregon, Washington and California allow various combinations of construction materials in one building e.g. a concrete parkade, topped by a concrete first storey and wood frame construction in the upper 5 storeys.

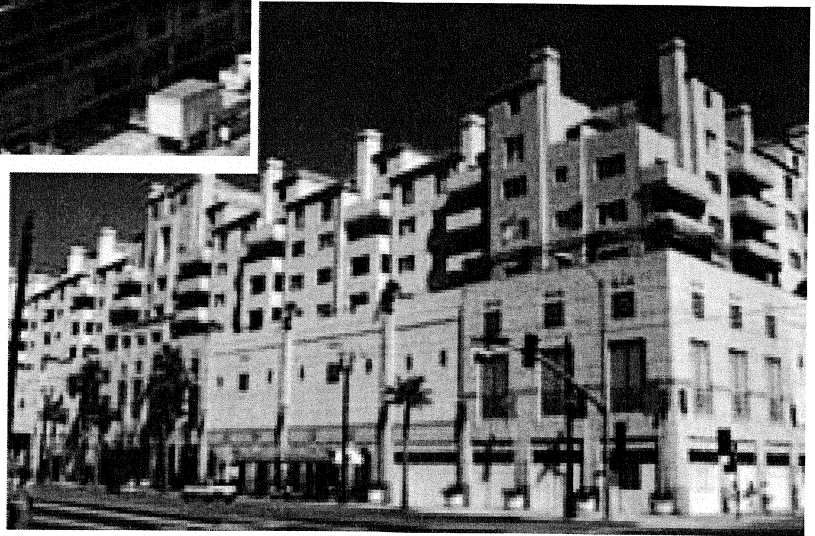


7 storeys apartment building in Lucerne Switzerland

Wood Frame construction utilizing hollow core wood panels and steel brace wall system, and direct connections with wall and floor eliminating sill plates and thus reducing shrinkage.



Pine Square- Pacific Court, Calif.
• 4 storey wood frame residential:
142 units
• 2 storey steel construction:
37,400 sq ft retail and theatre
• 2 storey concrete:
parking



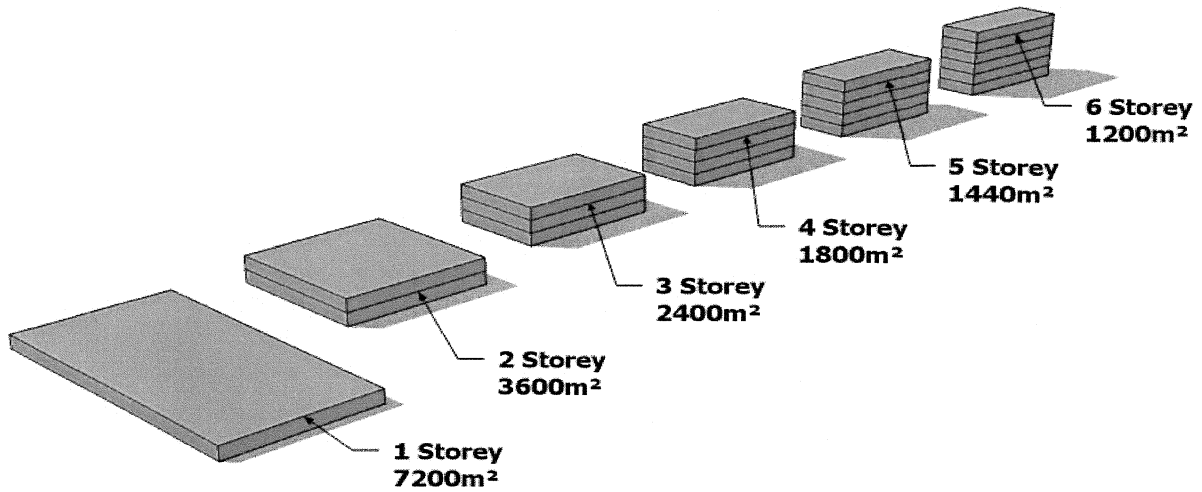
The concept of higher wood frame buildings in BC was initially promoted by the Canadian Wood Council whose goals are to:

- Identify barriers prohibiting wood use in mid-rise construction,
- Develop solutions to address the identified barriers,
- Seek ways in which to increase the amount of wood commodity used in the mid-rise residential construction sector,
- Explore conceptual design options of mid-rise alternate building forms,
- Develop a sustainable approach to support the use of wood in this market sector,
- Design and construct a prototype 6-8 mid-rise development constructed primarily of wood, and,
- Ultimately revise the National Building Code to permit combustible assemblies in mid-rise construction.

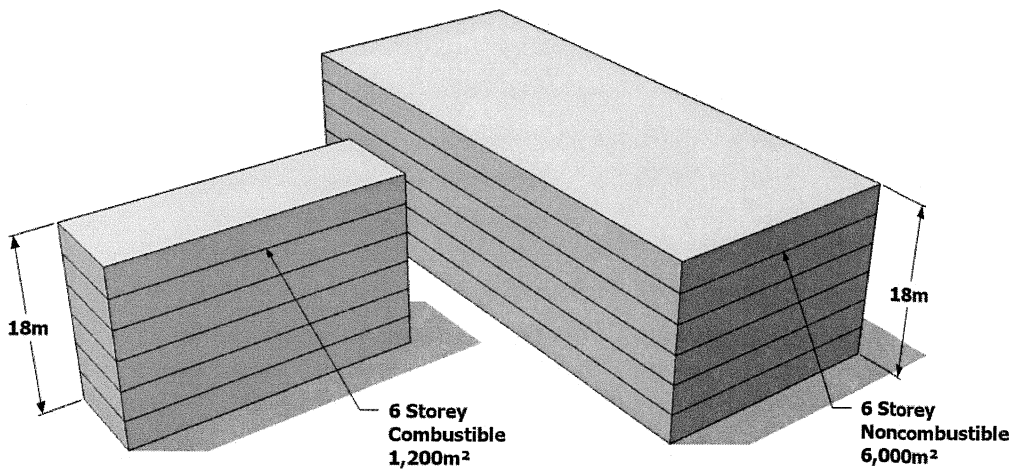
The Province supports the use of wood as a building material noting that it has the advantage of being a green, renewable resource. Also as wood frame construction is less costly than steel and concrete, the increased height allowance may lead to moderate densification and unit affordability, however, at this time the province does not have good figures to support this.

The Building Code is intended to provide safe construction standards rather than favour one building material over another or restrict the building industry to a particular material. Some exterior non-combustible cladding materials that could be used in wood frame buildings are stucco, masonry, metal, and fibre cement siding. Vinyl siding over a gypsum board substrate is also being examined.

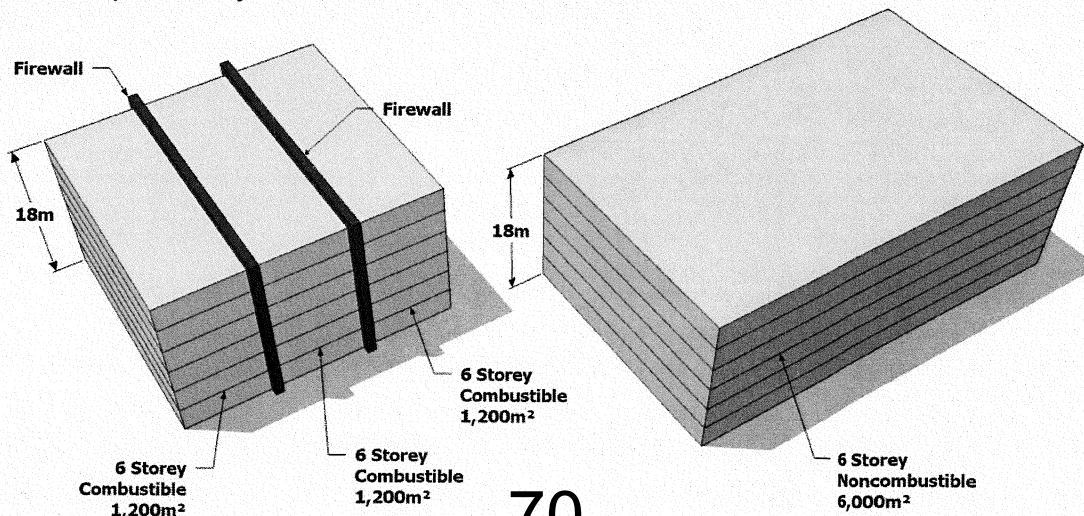
Under the new Code provisions, a total Building Area of 7200 square metres is permitted regardless of whether it's 7200 m² on one level or 7200 m² divided into 6 storeys of 1200 m² each.



Comparing noncombustible construction [steel and concrete] to combustible [wood frame] construction, the noncombustible building could have 6000 m² on each of 6 floors while the combustible building could have only 1200 m² on each floor.



To achieve a larger wood-frame structure, several 'buildings' can be by constructed side by side and separated by fire walls as shown in the illustration below.



There are a number of requirements that are not included in the building code changes because they already apply to buildings higher than 4 storeys. These include:

- **Sprinklering** – to NFPA 13 standards which includes concealed spaces such as attics and crawl spaces and balconies deeper than 4 feet. When completed, these will be fully sprinklered buildings with standpipe systems for interior firefighting.
- **Energy Efficiency** – buildings more than 4 storeys must meet ASHRAE 90.1 (2004) standards.

Esquimalt's Building Inspector, Bob Haveruk, has reviewed the changes to the BC Building Code and provided the following comments:

"The consultation process in the fall of 2008 has led to the Ministerial Order that enacted the changes to the BC Building Code allowing up to 6 storey wood frame buildings. This Order will take effect on April 6, 2009. Consultants with expertise in fire, structural, seismic and building envelope engineering provided advice to the Province. Also, technical advisory groups from local and provincial governments, industry, architects, developers, building officials, fire officials and others provided advice on technical and implementation issues.

I feel that this increase in the maximum allowable height from 4 to 6 storeys in a sprinklered building will open up opportunities for developers and local governments, and will not increase the life safety risk beyond that which already exists."

The Esquimalt Fire Department has also reviewed these changes and has provided the following list of Pros and Cons as well as the Fire Chiefs of BC [FCABC] Committee recommendations.

"Pros

- these types of buildings are present in Seattle, Wash and Portland, Ore.
- provide more affordable housing options
- studies/reviews have been completed by/for the construction industry with no glaring objections
- positive reviews to reinvigorate the BC lumber industry

Cons

- no formal study done from the firefighting perspective in BC to date
- engineers have questioned their seismic integrity
- a 50% increase in fire load must be considered to surrounding properties during the initial construction phase
- the use of the buildings must be considered prior to approval [e.g. no assisted living on upper floors]
- fire safety plan must be in place during construction and may need to be augmented
- in Kelowna, four storey buildings have been stretched to six by way of building wood frame floors on top of a concrete parking area and additional lofts to create a sixth floor. If this trend continues, 6 storeys can become an 8 storey wood frame building [*note: the latest changes to the Building Code specifically prohibit mezzanines to be used in this way*]
- timber framed buildings are not resistant to fire until completed
- six storey structures will require different firefighting tactics than a four storey structure

- firefighting ladders will not be able to reach upper floors, relying more heavily on aerial devices
- fire departments should focus additional training towards these buildings if constructed
- retrofitting existing three and four story wood frame buildings should not be considered
- fire rating integrity cannot be guaranteed after occupants move in
- additional fire department inspections may be required
- without corridor access, lofts are allowed and have not been considered an extra story under the Building Code [*note: see note above regarding lofts and mezzanines*]
- unsure what the prolonged firefighting efforts will have on structural integrity [e.g. water weight]
- United Kingdom Building Magazine reports seven multi-storey wood frame construction buildings have been destroyed by fire in two years.
- London Fire and Emergency Planning Authority has called for an end to the construction of such buildings

Fire Chiefs of BC [FCABC] Committee Recommendations

- Building must be fully sprinklered to NFPA 13 standards - no equivalencies - including eaves and/or soffit area and attic space
- Minimum 2 hour rated non-combustible exit stair shafts, minimum of two
- Non-combustible exterior cladding to prevent vertical fire travel
- Fully addressable high rise fire alarm system including firefighter telephones and voice communication systems
- Smoke control measure to pressurize exit corridors and shafts
- Emergency generators to supply power for a minimum of two hours
- Ceilings to be rated for one hour minimum
- Hose connections to be 2 ½ in corridors adjacent to exit doors and additional locations if travel exceeds 30 m standpipes to be equivalent to NFPA 14
- Buildings to be classified as Ordinary Hazard Class 1
- Hallways to be pressurized
- Roof access on each stairwell
- Firefighter elevators large enough to accommodate stretchers without using chair cots
- Clear firefighter vehicle access to road sides of building
- Consideration of increased occupant loads on evacuations
- Non-combustible materials used on exterior
- Consideration of water pumps being necessary
- Consideration of impact to existing neighbouring structures should a fire occur in a wood framed building under construction
- Consideration for a standard grade for height measurement
- What methods/assurances will be used to ensure protections for openings and penetration of fire-rated membranes during initial construction and when building is occupied

Reference materials used:

- British Columbia Fire Prevention Officers website
- Public Review of Residential Mid Rise Wood-Frame Code Change Proposal
- Building and Safety Policy Branch print material
- Fire Service Liaison Group print material
- A Historical Perspective on Building Heights and Areas in the BC Building Code, Senez Reed Calder Fire Engineering Inc.
- Public Eye Online website, publiceyeonline.com

An undated report from the Chair of the Fire Services Liaison Group and President of the Fire Chiefs' Association of BC, outlining concerns over mid-rise wood frame buildings is attached as Appendix 2 of this report. It appears that some of the concerns raised have been addressed in the latest version of the Code changes.

Also attached is Appendix 3, A Historical Perspective on Building Heights and Areas in the British Columbia Building Code, prepared by Senez Reed Calder Fire Engineering Inc. in October 2008 at the request of the Building and Safety Policy Branch of the Office of Housing and Construction Standards in British Columbia. The author outlines how the Canadian and US National Building Codes originated and the issues that they were intended to address. On page 16 he notes that

"Since the early 1900's advances have occurred in building regulation, construction materials and techniques, effectiveness and reliability of fire alarm and sprinkler systems, and fire fighting tactics and equipment. These advances are reflected in the fire record, indicating a reduction of structure fires over the past century and the risk of conflagration significantly reduced. Consideration of these factors in light of current risks relative to fires in combustible wood frame buildings suggests a reassessment of the basis used to develop the height and area limitations in light of current construction techniques, materials and fire department capabilities."

The BC Office of Housing and Construction Standards has advised that it will continue to work with local governments on issues around the implementation of six storey wood buildings in their communities and to work with building sector stakeholders to help them meet their education and training needs related to this new form of residential construction. The Province is also partnering with the Association of Professional Engineers and Geoscientists, the Architectural Institute of BC, the Homeowner Protection Office and the Building Officials Association of BC to develop training and education. Work is also underway to clarify requirements for effective fire fighting capacity in cooperation with the Office of the Fire Commissioner.

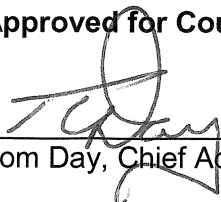
Six storey wood-frame buildings will require full NFPA 13 fire suppression systems, including sprinklers for attics and balconies.

During the construction phase of six storey wood-frame buildings the risk of fire will be minimized by having a Fire Safety Plan on site as required by the BC Fire Code. The Office of Housing and Construction Standards has also advised that they are examining the need to augment these requirements in light of several construction fires in Alberta and B.C.

The BC Office of Housing and Construction Standards are continuing seismic research to confirm how mid-rise wood buildings will perform in a significant earthquake. State of the art computer-modelling research on mid-rise versions of typical BC wood-frame buildings will be completed in March.



Barbara Snyder
Director of Development Services

Approved for Council's consideration:  _____ Tom Day, Chief Administrative Officer Dated: <u>Jan 29/09</u>
--

New Code Provisions for Mid-Rise Wood Frame Residential Construction

The following information has been compiled from the provincial government Housing - Building and Safety Policy Branch webpage

http://www.housing.gov.bc.ca/building/wood_frame/6storey_form.html

Building Height

Article 3.2.2.45 of the BC Building Code specifically addresses the construction of combustible (wood) buildings up to four storeys. The proposed code change increases the permitted height of these buildings to six storeys.

A height limitation of 18 metres from finished grade to the uppermost floor level of the uppermost storey has been established for mid-rise wood frame buildings. This precludes the use of top floor mezzanines to achieve additional height without triggering high building requirements.

Building Area

The BC Building Code addresses the inherent difference between combustible and non-combustible construction by limiting combustible building area to 20% of that permitted for a non-combustible building of similar height. This factor is maintained in the new provisions which maintain the current ratio of building height to cumulative floor area and limits the gross floor area to 7200 m² as shown below.

$$1 \text{ storey} \times 7200 \text{ m}^2 = 7200 \text{ m}^2$$

$$2 \text{ storey} \times 3600 \text{ m}^2 = 7200 \text{ m}^2$$

$$3 \text{ storey} \times 2400 \text{ m}^2 = 7200 \text{ m}^2$$

$$4 \text{ storey} \times 1800 \text{ m}^2 = 7200 \text{ m}^2$$

$$5 \text{ storey} \times 1440 \text{ m}^2 = 7200 \text{ m}^2$$

$$6 \text{ storey} \times 1200 \text{ m}^2 = 7200 \text{ m}^2$$

By maintaining the same gross floor area, the following risks will not likely increase:

- Risk of ignition
- Risk of interior fire spread beyond point of origin
- Risk of failure of sprinkler system to control fire
- Risk of occupants not able to recognize fire, and
- Risk of occupants not able to evacuate the building

In addition, mid-rise wood frame buildings (more than four storeys) will be required to be sprinklered to NFPA 13 standards, which includes concealed spaces such as attics and crawl spaces and balconies deeper than four feet.

Exterior Cladding Materials

Article 3.2.2.45 of the BC Building Code deals with exterior cladding materials. Combustion-resistant exterior cladding can protect a building from exterior fire spread. This code change for exterior cladding materials establishes fire-resistance requirements for exterior cladding on mid-rise wood frame buildings. Only noncombustible material must be used where it is required by the spatial separation provisions of the code.

Establishing performance-based fire-resistance requirements for exterior cladding will reduce the probability of ignition of the building face which could result in exposure conditions to adjacent buildings and fire spread beyond the compartment of origin. Where the code currently requires noncombustible cladding, fire-resistant combustible cladding will not be allowed.

Hold Open Devices

Article 3.1.8.12 of the BCBC addresses electromagnetic hold-open door devices that release during a fire. The proposed code change would allow hold-open devices on doors within a fire separation in public corridors provided they are not serving an exit stair.

The previous restriction applying to all exit doors did not take into account the fact that smoke/fire migration due to stack effect are not relevant to doors in horizontal exits located on the same storey.

This change has a positive impact in reducing the possibility of horizontal exit fire doors being blocked open using door wedges or other devices which will not automatically release when fire detectors register a fire threat.

Earthquake Loads

Subsection 4.1.8.10 of the BCBC addresses earthquake load and effects. Shear walls provide resistance to lateral earthquake loads and are required to be continuous to control lateral seismic loads. The proposed code change to Article 4.1.8.10 places restrictions on the configuration of timber shear wall systems and provides direction to the structural engineer on designing and locating shear walls.

Further work is being undertaken to understand seismic behaviour of mid-rise structures of entirely wood construction. This code provision prohibits certain types of irregularity in a shear wall system so that expected responses of this type of structure are maintained at reasonable levels by well-defined lateral-load resisting systems. In-plane discontinuity and out-of-plane offset in a timber shear wall system will not be allowed over the entire height of a mid-rise timber structure. For a building consisting of a mid-rise timber structure on top of above-grade reinforced concrete construction, this requirement applies to the timber structure portion of the building. This conservative approach will be reviewed as more research data become available.

Structural Wood Shrinkage

Appendix Note to Subsection 4.3.1 - The appendix note focuses on the need to consider shrinkage of wood in structural design, particularly in taller wood-frame buildings. Shrinkage must be a design consideration in wood-frame construction, particularly for buildings of five and six storeys in building height. Shrinkage parameters should be coordinated among design professionals of the other impacted building systems.

The design criteria for wood, CAN/CSA 086 “Engineering Design in Wood”, makes assumptions that the wood products being used are in a condition as intended by their grading. This includes the limits of moisture content as specified by the grade. However, conditions such as transportation, site storage, and construction conditions can impact the original design assumptions.

Design considerations should include and be specific to shrinkage that may occur due to changes in moisture content of the wood. This is of particular concern where the building height can be up to 6 storeys, such as being built under Article 3.2.2.45. The potential building movement due to shrinkage should be indicated to other design professionals for their considerations such as cladding systems and mechanical systems, hold-down devices for structural walls and connections to non-shrinking elements including firewalls and elevator shafts.



FIRE SERVICES LIAISON GROUP

Unit 9 – 715 Barrera Road
Kelowna, BC V1W 3C9
Office 250-862-2388

Fire Service Liaison Group comments re: Amending BC Building Code to allow for 6 storey wood-frame construction

This report has been prepared by the Fire Services Liaison Group, which is comprised of the five associations whose members are directly involved in fire service delivery in the Province of BC – Fire Chiefs' Association of BC; Volunteer Firefighters Association of BC; BC Fire Training Officers; Fire Prevention Officers of BC; Professional Fire Fighters Association of BC and a representative of the Union of BC Municipalities.

At a recent conference of Mayors in May of 2008, Premier Gordon Campbell stated that he wants to support the province's forest industry by allowing the construction of wood-framed condominiums above the current four-storey limit.

Housing Minister Rich Coleman advised the Canadian Home Builder's Association that he wants to see wood-framed buildings up to six storeys high. He also indicated that the necessary building code changes could be accomplished through regulatory change and could be in place by September 2008. Forests Minister Pat Bell supported the Premier's and Minister Coleman's position to change the building code to allow more height which will help revitalize the forestry industry.

Canadian Wood Council VP Etienne Lalonde has stated they have been lobbying for a change in the BC Building Code the past year and in a struggling forest industry, mid rise construction is a new and viable market.

Under the National Building Code wood framed construction has been limited to three storeys, whereas in BC, builders are allowed to go to four storeys. Architects have said that BC is already pushing the limit under the National Building Code by going as high as four storey's in wood specifically because any shrinkage in the thickness of floor joists tends to compound with each additional storey.

Recently in the PublicEyeonline.com, interim president David Davey of the Structural Engineers Association of BC, recommended that the government

conduct a "proper study on the effects of increasing the construction height of wood buildings" in BC.

The PublicEyeonline.com article goes on to say that "coincidentally, the government quietly announced it was looking for a consultant to review its planned code amendments". The RFP states

"In May, 2008, the Minister announced plans to change the Building Code to allow for wood-framed residential occupancy buildings of up to and including six storeys. By late September, 2008, the Minister will announce details of the proposed changes."

The RFP goes on to state,

"the project is divided into three phases, all of which are included in this RFP." The first phase (to be completed by September 5, 2008) is a research phase, reviewing and identifying technical literature and risks associated with increasing the maximum number of storeys. The second phase (to be completed by October 31, 2008) will focus on developing a technical proposal for changing the Building Code to meet the government's objective. The third phase (to be completed by November 30, 2008) is to prepare a presentation to multi-stakeholder workshops in conjunction with Building Safety and Policy Branch.

All of the above is not making the BC fire service comfortable.

A major concern for the fire service is the response capabilities many fire departments in BC. Most fire departments do not have the training or resources to respond to a high rise fire incident. Additionally, outside of municipal boundaries, there is no mandatory requirement for building inspections, so many small or rural fire departments end up responding to an incident where they have not conducted a pre-fire plan nor have they been consulted with as to the whether they have the capability to mitigate the incident.

UBCM has stated in a staff report that six storey structures require hi-rise firefighting tactics which are much different than those used for low-rise structures (1-4 storeys). The current 3 and 4 storey wooden structures provide for demanding challenges when fighting fires from an external upper floor access perspective as it is. Most fire departments are able to access 3rd floor balconies with ground ladders, but are challenged if they need to reach any higher. The more floors a building has, the longer it takes to escape and with our aging population more time will be needed in the future for occupants to safely exit a structure during a fire.

UBCM's Executive indicated cautious support for the proposed six storey wood framed construction based on the following measures:

- Phased implementation – from four storey, to five storeys on top of one story non-combustible construction;

- Informed evidence based decision making – need to consider construction techniques, fire protection issues, enforcement/regulation issues, and potential liability concerns;
- Education/training and best practice guidelines for building industry, building officials and firefighters;
- Public review of proposed Building Code changes.

The Martin Lofts project in Kelowna is technically a four storey wood frame building but looks like a six storey structure. The under building concrete parking is mostly above ground, forming the first floor. There are four storeys of condominiums with a fifth storey of lofts, accessible only by stairs from the fourth storey units. Without corridor access, lofts are allowed and are not counted as an extra storey under the building code. Conceivably, if the building code starts to allow six storey wood buildings, they could stretch to eight storeys if exposed under building concrete parking and lofts are added. Assistant Fire Chief Bryan Collier, Kelowna stated that it is an issue of more property loss and greater risk for occupants and firefighters in the event of fire, as wood is more combustible than concrete and steel.

A recent paper by Sean Tracey, Canadian Regional Manager, NFPA, (*Comments regarding BC Proposal to Increase Lightweight Frame Construction to 6 Storeys*) raised the concern that expected building performance criteria must be established. Currently in the codes, the expectations for continuous structures above three storeys, is to require 2 hour fire resistive construction. This is intended to prevent the structure from collapse; to provide adequate time for occupants to safely evacuate; and to allow time for the fire service to conduct an interior search and rescue as well as fire attack. Tracey maintains if a combustible structure is to be permitted it should not go below the requirements of:

- Provide structural sufficiency for occupant evacuation and firefighter operations
- Minimize damage to the structure
- Limit or prevent damage to adjacent structures.

Tracey goes on to indicate that BC has a wide variety of fire department response capabilities and approvals of such structures must consider the fire department response capabilities. The Codes in BC make certain assumptions already on the adequacy of the fire department response, in regards to limiting distances, but does not define these.

Tracey references the TF2000 project in England where a concern about fire entering into wall cavities and thus spreading beyond the room of origin to other floors was raised. How many BC fire departments have infrared cameras to detect hotspots in wall cavities? He goes on to warn that if an Authority Having Jurisdiction permits such construction in their area, they will need to consider what resources their fire departments will need and at what level of service their firefighters are capable of providing, to properly address such fires. The National

Building Code does not define what an adequate fire department response capability is, so if the fire department does not perform interior fire attack, are they exposing their communities to increased civil litigation? Should a community such as Sechelt allow high rise construction without their fire department having the training, equipment, or sufficient number of firefighters to respond to a fire in that structure?

Tracey feels there is a serious potential disconnect in BC between the minimums in the building code and community expectations. He feels that a worst case scenario in analyzing the fire scenarios must be used. The building proposal must assume that the building will be constructed in a community with a volunteer response with limited resources and training.

NFPA 13R Sprinkler Systems are intended to cover residential occupancies up to 4 storeys. These new proposed structures would no longer be acceptable under NFPA 13R and therefore would be required to be designed to NFPA 13 throughout the structure. This means that all rooms and spaces would need to be sprinklered including attic spaces, all rooms, all closets, exterior balconies, etc. These would be areas that would have been excluded in residential construction up to and including four storeys. NFPA 13 R systems are considered life safety systems and are not installed for property protection.

Timber framed buildings are not resistant to fire until completed. The risky period is during the construction phase, because the timber frame goes up first and the fire protective cladding, plaster board and fire stops are added later. Two recent examples of timber frame fire destruction in New Westminster and Penticton, where fire not only destroyed the condo buildings under construction, but also impacted neighbouring structures and residences. Penticton Fire Chief Wayne Williams stated that, "the drywall wasn't in yet, so it was a fast moving fire, which also required evacuation of neighbouring structures and residences."

FCABC Building Codes & Life Safety Committee Chair, Deputy Chief Mike Helmer recommends that in addition to the current requirements for a 4 storey wood frame buildings the following items should be considered in a five or six storey wood frame building:

1. Fully sprinklered, including eaves and/or soffit area and attic space
2. Minimum 2 hour rated non-combustible exit stair shafts, minimum of two shafts (one for exiting and one for operations)
3. Non-combustible exterior cladding to prevent vertical fire travel
4. Fully addressable high rise type fire alarm system including firefighter telephones and voice communication systems
5. Smoke control measures to pressurize exit corridors and shafts
6. Emergency generators to supply emergency power for a 2 hour minimum
7. Ceilings rated for minimum 1 hour
8. Hose connections (minimum 1 3/4") in corridors adjacent to exit doors and additional locations if travel distance exceeds 30m.

Captain Doug Bell, President of the Fire Prevention Officers Association of BC has also raised the following concerns that need to be addressed:

1. Building to be sprinklered to NFPA 13 – no equivalencies – all balconies to be sprinklered
2. Stand pipes to be NFPA 14
3. Buildings to be classed as Ordinary Hazard Class 1
4. Hallway pressurization – NFPA has recently reviewed the requirements for hallway makeup air and fusible links – further research should be considered
5. Control room for fire department operations
6. Roof access on all stairways
7. Addressable alarm systems
8. Emergency lighting on standby generators
9. Firefighter elevators with elevators large enough for stretchers to fit, without using chair cots.

Smaller or rural fire departments will be challenged to provide higher building protection. The more protections built-in and/or installed, will allow the fire service to better protect BC residents.

Items that the FSLG feel need further consideration include:

1. Fire Department access to site
2. Are there any occupancy classification limitations/restrictions? (e.g. 6 storey assisted living facilities)
3. Does BCBC 3.2.6. high building requirements apply?
4. What are the increased occupant load impacts on evacuations?
5. Will there be a limited use of vinyl siding and other combustible materials used on the exterior of buildings?
6. Will the passive and active fire protection system be increased?
7. How will emergency power be addressed?
8. Will consideration be given to increase fire resistance of corridors and stairwells?
9. Will the jurisdiction where the building is built have adequate water supplies? Will fire pumps be required?
10. What effect will pre-engineered wood assemblies have on structural integrity in a fire? Will they be fire and load tested? Will the fire service have to change their current practices for this type of structure?
11. What are the impacts to existing neighbouring structures in the case of a fire in a wood frame structure still under construction?
12. Will there be a standard grade for height measurement? What are the impacts to height measurement standards if wood frame storeys are built over concrete storeys?
13. Will alternative solutions or performance design be allowed under “objective-based codes”?

14. Who will be responsible for the costs of firefighter training; materials; and resources?
15. If changes are made to allow higher wood frame buildings, will the insurance industry raise rates to property owners for increased risk?
16. Will there be consideration made in the Code to the capability of the local/responding fire department.
17. What methods/assurances will be made to ensure protection for openings and penetration of fire-rated membranes during the initial construction and later when the building is occupied?
18. How will the Building Code address the issue of 5 to 6 storey buildings becoming 7 & 8 storey buildings (over above ground non-combustible parking garages and the addition of lofts)?
19. Will the Building code changes be restricted to Group C, D, and E occupancies or are others groups being considered?

Two key items that the Fire Services Liaison Group would like to have considered before any changes are made to the BC Building Code are the mandatory inspection of buildings in Regional Districts and the ability for local governments to implement sprinkler bylaws in their local jurisdictions.

The FSLG would also like to see research on impacts done and then consultations with fire service providers and their Authorities Having Jurisdictions before any changes are made to the BC Building Codes and BC Fire Codes to accommodate any amendments.

The FSLG would like to leave the reader with one final thought – most fire deaths and injuries occur in residential wood frame construction – we need to ensure that the safe guards are in place before these residences are occupied.



Stephen Gamble, CFO, MIFireE
Chair, Fire Services Liaison Group
President, Fire Chiefs' Association of BC



SENEZ REED CALDER
FIRE ENGINEERING INC

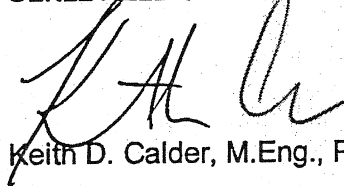
**A HISTORICAL PERSPECTIVE ON
BUILDING HEIGHTS AND AREAS
IN THE BRITISH COLUMBIA BUILDING CODE**

OUR FILE No: 908027
DATE OF REPORT: October 15, 2008

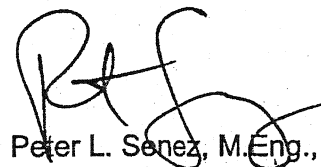
THIS REPORT HAS BEEN PREPARED FOR:
BUILDING AND SAFETY POLICY BRANCH
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS
4TH FLOOR, 609 BROUGHTON STREET
VICTORIA, BC
V8W 1C8

PREPARED BY:

SENEZ REED CALDER FIRE ENGINEERING INC.


Keith D. Calder, M.Eng., P.Eng.




Peter L. Senez, M.Eng., P.Eng.

OCT 16, 2008

TABLE OF CONTENTS

1.0	INTRODUCTION AND SCOPE OF REPORT	2
2.0	ORIGINS OF THE NATIONAL BUILDING CODE OF CANADA	4
3.0	QUESTION 1: HISTORICAL RATIONALE	6
3.1	BUILDING HEIGHT.....	6
3.2	BUILDING AREA.....	8
3.3	SUMMARY.....	16
4.0	QUESTION 2: SPRINKLERING	17
5.0	QUESTION 3: RELATION TO IBC.....	20
6.0	DISCUSSION & SUMMARY.....	22
7.0	FUTURE RESEARCH	25
8.0	SOURCES OF INFORMATION	26

1.0 INTRODUCTION AND SCOPE OF REPORT

This report has been prepared at the request of the Building and Safety Policy Branch of the Office of Housing and Construction Standards in British Columbia, and responds to three questions pertaining to the basis and development of the height and area requirements for combustible residential construction in the current edition of the British Columbia Building Code (2006 Edition). The three questions are:

1. What is the historical rationale for limiting the height and area of combustible residential construction to 3 storeys for an unsprinklered building and 4 storeys for a sprinklered building?
2. How has the building code, relative to the construction requirements for residential construction, adapted to recognize the benefits of sprinklering? And does sprinklering a residential building provide a new rationale for reconsidering the underlying assumptions affecting height and area of a building?
3. Is there a different rationale underlying the assumptions in the International Building Code (United States) vis-à-vis height and area compared to those in the BC Building Code and is it possible to use these IBC assumptions to reconsider the rationale for our height and area calculations?

Answering these questions requires an examination of the historical record of code development in Canada and the United States. The Canadian building code system is similar to that of the United States in its origin and application. In both countries the “model code” is developed by committee and adopted at a provincial or state level with local modifications.

The BC Building Code (BCBC) has been based on the National Building Code of Canada (NBC) since 1987. Prior to that the NBC was adopted outright with minor modifications made usually at the municipal level. The system in the United States resulted in several model codes being developed, three of which were recently amalgamated into the International Building Code.

Within the Canadian or American code development, the height and area limitations can be traced back to the same root origins; therefore, the premises of the codes are the same. It is the subsequent development and changes to the code that differ. To consider the origin of the 2006 BCBC requirements, an examination of the historical height and area limitations in the NBC and US model codes is required.

The first edition of Canada’s National Building Code was published in 1941 and was based on the US model codes available at that time. The development of the Canadian and US model codes originated out of a need to regulate construction on a national basis. Most of the requirements in both the Canadian and US building codes were developed based on large city regulations in existence at the time of their development, with the intention of limiting large catastrophic fire events such as conflagrations or fires with large life loss.

This report will illustrate that the height and area requirements were primarily developed as a passive measure to mitigate the perceived risk to life and property in the early 1900's – and were based on the understood capabilities of the fire departments at that time. The information has been assembled from numerous sources with an approximately similar date of publication. Not all of these sources can be linked directly to development of the requirements in one particular model code since the development process is not apparent, and documentation of the process is not available. Nevertheless, when examining the technical documents available at the time of their

development, there are appreciable consistencies that can be used to make strong inference as to the development of the height and area requirements.

2.0 ORIGINS OF THE NATIONAL BUILDING CODE OF CANADA

An examination of the development of the National Building Code of Canada (NBC) is important when considering the technical basis for the requirements contained within. The early development of the NBC was strongly linked to the development of the US model building codes at that time to reduce any reproduction of work already completed and recognizing similarities in construction conditions.

The British North America Act (previously the Constitution Act) delegated the responsibility of building regulation to the provinces and territories. Prior to the development of the first model building code in Canada in 1941 (1941 NBC), municipalities were often tasked by the Provinces and Territories with building regulation. Large municipalities (cities) had the resources to develop building regulations, and needed them to regulate the construction booms in the larger cities at the turn of the century. Smaller cities and towns did not have the resources or technical ability to develop building regulations, and often had none. These local building regulations were specific to the local needs, and varied from city to city. Some requirements had a technical rationale, others were based on assumptions or were simply an approximation or estimation at the time they were developed. This local type of building code development made for an inconsistent system of regulation and led to inconsistency and confusion in the construction industry within Canada. Similar problems were occurring in the United States albeit, several decades earlier. An excerpt from a US Senate Committee on Reconstruction and Production relative to the condition in the States in the 1910's suggests that:

The building codes of the country have not been developed upon scientific data, but rather on compromises; they are not uniform in principle and in many instances involve an additional cost of construction without assuring more useful or more durable buildings.

Development of a model building code was first contemplated in Canada in the 1920's; however, was abandoned because there was no Canadian organization in a position to write suitable specifications¹. At the same time, development of a model code was underway in the United States. The process was re-initiated in Canada in the 1930's by several construction associations in discussion with the National Research Council of Canada (NRC). An associate committee was formed in 1932 with an initial task of unifying the building codes throughout the country. In 1937 Mr. A.F. Gill of the NRC prepared a paper, "A National Building Code," outlining work at that time on development of a model code and recommended an approach to bringing such a code document together². In recommending an approach, Gill's paper identified the large amount of work completed in the United States relative to a model code and suggests that given the similarities between the United States and Canada, that:

any building code authority in Canada could do no better than adhere to the procedure followed by American authorities and take advantage of their recommendations.

Gill was referring to the development of model building regulations under the authority of the Department of Commerce in their "Elimination of Waste Series," comprised of several documents published between 1923 and 1935. These documents were prepared under the technical direction of the Bureau of Standards^a, and based largely on existing "large city" regulations with refinements

^a The Bureau of Standards became the National Bureau of Standards and eventually the National Institute of Standards and Technology today.

made where supported by technical information available at the time of their adoption. Most of these requirements originated from the local codes that existed in New York, Philadelphia, Boston, Chicago and Baltimore. These were all cities in which large conflagrations had occurred, accelerating the development of local building regulations.

Using the "Elimination of Waste Series" as a recommended technical basis, the first complete version of the National Building Code of Canada was published in November of 1941 (1941 NBC). Construction technology, materials and methodologies constantly change. Since the development of the 1941 NBC, technological advances resulting from the Second World War made revisiting the NBC important to verify it was still fulfilling its intended purpose. As a result, two dozen Canadian individuals with relevant expertise were selected from representative geographical locations within Canada to form an Associate Committee whose purpose was (and still is) to promote uniformity of building regulations throughout Canada and to maintain the NBC as an up-to-date and progressive document³.

The purpose behind the continued development of the NBC by the Associate Committee is to embrace new technologies, materials and methodologies. This has occurred throughout the development history of the NBC with significant development in areas such as spatial separation, interconnected floor space and highrise requirements. However, the NBC has not changed significantly relative to allowable building heights and areas. The most appreciable changes relative to residential construction have occurred within the last 20 years, and will be discussed in more detail in a **Section 3.0** of this report.

The difficulty with making any changes to existing building code requirements is having an understanding of the historical rationale of those requirements. This is especially true for the legacy requirements that predate the development of the 1941 NBC that were adopted with minor modifications, as is the case for the height and area requirements. Formulating a means for reassessing those requirements within the context of a new technology, materials or methodologies is difficult, without their original objective and basis for development.

The purpose of the following sections of this report is to outline the origin and basis for the development of the height and area requirements, relative to combustibile residential construction, in the US and Canadian model codes by answering the 3 questions posed.

3.0 QUESTION 1: HISTORICAL RATIONALE

Question 1:

What is the historical rationale for limiting the height and area of combustible residential construction to 3 storeys for an unsprinklered building and 4 storeys for a sprinklered building?

3.1 BUILDING HEIGHT

Building height has been regulated in parts of the United States, UK and Canada since the late 1800's. Initially the purpose of regulating building height was to enhance natural lighting and ventilation for purposes of health. However, this typically was not the case for residential wood framed buildings whose height was restricted more for purposes of fire-fighting and egress. For example, the London Building Act of 1894 allowed the London County Council to require special escape facilities from new buildings over 18 m in height with the need to use fire resisting materials for high buildings. After some fires in 1899 the Metropolitan Fire Brigade reported that a height of 15 m was the limit of rescue by ladders, and the London Building Acts (Amendment) Act 1905 reduced the limit from 18 to 15 m and applied the control to existing buildings as well⁴.

Similar requirements were implemented in the US in the early 1920's. The building code published by the National Board of Fire Underwriters of New York suggested that⁵:

It is generally conceded that five stories is the maximum height to which water can be thrown effectively by a fire department from the street level, and that 50 feet is the maximum distance inside a building which can be reached by a stream through a window. These facts have been a governing consideration in the establishment of the limits of heights and areas in this Code. In addition, the width of the street upon which a building fronts and the height of the building should be considered; a building endangers adjacent property in proportion to its size and proximity to other property.

The term street as here used, is a public thoroughfare at least 20 feet wide.

The areas given in this section are based upon an average street width of 60 feet. For less than this width, it does not appear unreasonable to require sprinklers for even smaller areas than herein given, particularly for buildings over two stories high. This could well be placed in the hands of the Chief of the Fire Department.

The ability of a fire department to fight a fire was largely dependent on the available equipment and capability of that particular department. In North America, fire departments had (and still have) varied capabilities and resource allocations. This potential diversity in fire department capability was addressed more specifically as outlined in the "Recommended Minimum Requirements for Fire Resistance in Buildings" (1931 NBS) reference document from their "Elimination of Waste Series," which stated that:

The height at which construction requirements should become more drastic from a fire-resistance standpoint is determined very largely by the height above which a city fire department can not cope successfully with fire from the exterior of a building because of limitations of water pressure and apparatus. This limit will vary to some extent in different cities, and building codes should vary accordingly⁶.

For residential construction, the 1931 NBS document recommended a building height of 2 storeys for unprotected wood frame, 3 storeys for masonry and wood joist, and 4 storeys for heavy timber construction. These types of construction differ from current construction types in the NBC; however, are clarified for the purposes of establishing what type of construction should be considered as combustible versus noncombustible and protected versus unprotected in Canada⁷:

Combustible construction is usually considered to be conventional wood frame or heavy timber construction. Conventional wood frame construction is described in considerable detail in Section 9.23 of the NBC. Heavy timber construction is a special category of combustible construction and is considered to be acceptable where combustible construction having a ¾ h fire-resistance rating would normally be required.

The consistency in building height from the change between heavy timber and protected ¾ hour construction can be seen in the historical changes to the NBC, as shown in **Table 1** below.

Table 1: Building Height Limitations in the NBC.

NBC	Construction	Unsprinklered	Sprinklered
1941	Wood frame	2	2
	Masonry and Wood frame	3	3
	Heavy Timber	4	4
1953	Non-protected Combustible	1	1
	Protected Combustible ¾ hour rating	2	2
	Heavy Timber	3	3
1960 to 1985	¾ hour Fire Separation	3	3
1990 to 2005	¾ hour Fire Separation	3	3
	1 hour Fire Separation	3	4

The change in allowable building height for heavy timber in the 1953 NBC is consistent with that for combustible construction having a ¾-hour fire-resistance rating in the later editions of the NBC. From the 1953 edition of the NBC to the current edition, the height limitation of a combustible residential building was 3 storeys unless it was sprinklered, which in 1990 permitted 4 storeys.

Permitting 4 storeys in building height for a combustible residential building equipped with an automatic sprinkler system recognized the benefits of sprinklers in controlling fires and the effects of fire. This benefit was the basis for allowing the additional storey of building height, which was identified in a paper presented by J.R. Mehaffey on "Combustibility of Building Materials," at a seminar on "Designing for Fire Safety - The Science and its Application to Building Codes," which states that:

Evacuation and fire fighting activities are assumed [in the 1985 NBC] to proceed more smoothly in sprinklered buildings, in buildings of fewer storeys and smaller area, and where there is direct access for fire fighters from more sides.

Quantifying the benefit associated with the provision of sprinklers will be discussed in more detail in **Section 4.0** of this report.

3.2 BUILDING AREA

The limitations on building area have a much more complicated historical basis than for height. The area limitations were first contemplated at a time when city wide conflagrations were not an uncommon occurrence in the United States and Canada. One fire in particular, occurred in Baltimore Maryland in 1904, resulting in approximately \$50 million in damage to the city. The National Fire Protection Association conducted a review of the fire damage on a building-by-building basis and made recommendations on various aspects of fire prevention. One of the observations was that⁸:

[[]large unbroken floor areas assist the spread of fire and serve to augment its severity. Buildings of considerable area and having large quantities of combustible contents should be subdivided by substantial brick fire walls sufficient to form a positive barrier to the spread of fire.

It was noticeable even in office buildings that the damage was generally greatest where there were large offices without any subdividing partitions.

This observation identified large unbroken floor areas as a risk to significant fire spread back in the early 1900's. Another large conflagration occurred in 1906 after an earthquake in San Francisco. Similar observations were made following an assessment of the damages of that fire. Specifically⁹:

The subdivision of floor areas will largely serve to prevent strong draughts of air from one side or portion of a building to another side or portion, thereby greatly avoiding the hazardous conditions of severe exposure fire or wide-spread conflagration. It was found in both the Baltimore and San Francisco conflagrations that fire not only swept through undivided floors with greater rapidity than in divided areas (as would naturally be expected), but with greater intensity as well. In other words, each horizontal story becomes a flue, the length of which is the distance from the window openings lying nearest the exposure to those in the opposite wall.

Building area limitations were developed to address egress, fire department access, fire spread within the building and to adjacent buildings. This was identified in a handbook on "Fire Prevention and Fire Protection as Applied to Building Construction," which suggested that subdivision of large floor areas by fire-resisting walls, aside from the question of egress, was intended⁹:

1. *To localize or confine internal fire, so that it need not spread beyond the unit of area in which it originates, thus effectively limiting the fire damage and consequent financial loss.*
2. *To minimize the damage resulting from severe exposure or conflagration conditions, by breaking up large undivided floor areas into efficiently surrounded units.*
3. *To aid fire-department work in the extinguishment of fire.*

One of the earliest known references to limiting the floor area of a building is the 1901 edition of the New York Building Code. This code limited the area of a store, factory, hotel or lodging house based on the number of egress stairs provided by units of 5000 square feet¹⁰. The basis for limiting the building area to 5000 square feet in New York was justified as follows⁹:

It has been pointed out that the volume and intensity of fire, and the rapidity with which it will gain headway, are all vastly greater in large areas than in small ones. It

is also a much more difficult matter for a fire department effectively to surround and fight a fire of large area. Much valuable time is lost in running long lines of hose, in addition to which, smoke conditions are often so bad that the actual location of the fire cannot either be found, or reached if found. There is a limit to the ability of firemen to inhale smoke or withstand heat, and once this limit is reached, the offensive operations of extinction cease, the firemen are put on the defensive, and the fire is master of the situation. These considerations would point to the desirability of fixing what might be termed the maximum area which can be efficiently handled by a city fire department. "As a working unit, 5000 square feet has been suggested, with a limit of 100 feet in any direction (or a rectangle 50 by 100), which is as large an undivided area as the experience of the New York Fire Department indicates to be within the capacities of effective fire department operations."

The 5000 square foot limit was based on the experience of the New York Fire Department. Since the restriction on building area was formed on the basis of the capability of the responding fire department, applying an area restriction on a national basis required a survey of the experience of various fire departments. This type of survey was conducted in 1913 relative to factory buildings¹¹, and focused on factory buildings because their construction up to the 1920's was long thought of as posing a grave danger to life and property. The Author of the paper surveyed over 100 fire chiefs representing cities with a population over 20,000. The results of the survey are summarized in **Table 2** below.

Table 2: Results of Fire Chief Survey.

Type of Building	Height (Storeys)	Area between Firewalls (ft ²)
Non-fireproof, not sprinklered	3	6,000
Fireproof, not sprinklered	5	10,000
Non-fireproof, sprinklered	5	13,000
Fireproof, sprinklered	8	20,000

* Average storey height was 12 to 13 feet.

The height and areas outlined in **Table 2** form the basis for many future height and area limitations, and was re-interpreted by subsequent building code committees as it applied more generally to the conditions within the US and Canada. Note that the areas permitted for sprinklered buildings were approximately twice that for buildings without sprinkler protection. This is discussed in more detail in the following section of this report.

One of the earliest references to limiting area (and height) for residential construction appears in the twenty fourth annual report (1920) of the NFPA Committee on Building Construction¹². This report defined apartment house construction requirements based on three types of construction, as shown in **Table 3**.

Table 3: Building Area Limitations Proposed by the NFPA Committee on Building Construction.

Design Feature	Type of Construction		
	Grade A	Grade B	Grade C
Use of Wood	None permitted	Trim, finish, and floor surface	Permitted for any purpose other than lath and supporting structural members
Height	125 ft	100 ft	75 ft
Area	7500 ft ²	6000 ft ²	5000 ft ²
Floor Separations	3-hours	2-hours	1-hour

The basis for limiting building area was intended to promote rapid egress, limit fire spread, and aid in fire suppression activities. This was considered paramount where the building structure was of combustible material that may potentially contribute to the growth and spread of a fire, and was the primary reason that additional floor area was permitted where the wood framing was protected by appropriate surface cladding such as gypsum board.

The building area limitations in the 1941 NBC were based on the same principles as those developed several decades earlier in the United States, and remained relatively consistent with subsequent editions of the NBC. However, small changes to allowable building areas were made between the 1941 NBC and the current edition. These changes are shown in Table 4 and discussed in more detail below.

Table 4: Building Area Limitations in the NBC.

NBC	Construction	Unsprinklered		Sprinklered	
		Height (Storeys)	Area (m ²)	Height (Storeys)	Area (m ²)
1941	Unprotected Wood frame	1	750	1	1500
		2	500	2	1000
	Masonry and Wood frame	1	750	1	1500
		2	500	2	1000
		3	500	3	1000
	Heavy Timber	1	2250	1	4500
		2	1500	2	3000
		3	1500	3	3000
		4	1500	4	3000
	1953	Unprotected Wood frame	1	500	1
2			600	2	1200
¾ hour rating		1	1800	1	3600
		2	600	2	1200
Heavy Timber		1	2400	1	4800
		2	800	2	1600
		3	800	3	1600

NBC	Construction	Unsprinklered		Sprinklered	
		Height (Storeys)	Area (m ²)	Height (Storeys)	Area (m ²)
1960 to 1965	¾ hour rating	1	1000	1	2000
		2	600	2	1200
		3	600	3	1200
1970 to 1985	¾ hour rating	1	1200	1	2400
		2	900	2	1800
		3	600	3	1200
1990	¾ hour rating	1	1800	1	3600
		2	900	2	1800
		3	600	3	1200
	1 hour rating	1	2400	1	4800
		2	1200	2	2400
		3	800	3	1600
		NOT PERMITTED		4	1200
1995 to 2005	¾ hour rating	1	1800	1	5400
		2	900	2	2700
		3	600	3	1800
	1 hour rating	1	2400	1	7200
		2	1200	2	3600
		3	800	3	2400
		NOT PERMITTED		4	1800

A review of the area limitations in Table 4 suggests that an increase in building area is permitted where:

- an automatic sprinkler system is provided throughout the entire building;
- a greater level of structural protection is provided;
- the number of storeys in building height is limited; and,
- the number of streets facing is increased.

The increase in building area where an automatic sprinkler is provided throughout the building was permitted to be twice as much as a building without sprinklers from the 1941 NBC to the 1990 NBC, and three times as much for the 1995 and 2005 editions of the NBC. The benefit of providing sprinkler protection and associated increase in building height and area will be discussed in more detail in the next section of this report.

Increasing the structural fire protection to 1-hour permitted an increase of 33% in building area from that required for ¾-hour protected construction. This was relevant to the 1953, and 1990 to 2005

editions of the NBC. The NBC recognized the benefit of passive fire protection in the form of fire separations. This was outlined in the 1995 Users' Guide, which states that¹³:

In smaller buildings of combustible construction, the most important consideration is that the occupants can vacate the building safely by means of protected egress paths. Provided all the occupants are safe, the fire department may decide that control of the fire spread to other buildings is an adequate response and that it will not be practicable to save the property itself after the occupants have left.

By adding suitable protection to combustible framing, various levels of fire-resistance rating can be achieved. The NBC 1995 recognizes the use of protected wood framing having fire-resistance rating values of up to one hour.

As outlined in the previous section of this report, an increase in building height is expected to pose an increased hazard to egress and fire fighting capability. Subsequently, as the height of a building increased, the allowable area was reduced, as shown in **Table 5**. The percentages are based on the allowable building area for a single storey having the same type of construction. The trend in the changes in base building area as the number of storeys is increased is by thirds, quarters or both. For the 1990 to 2005 editions of the NBC the allowable area was inversely proportional to the number of storeys in building height.

Table 5: Reduction in Building Area with Increased Building Height.

Construction	NBC	Height (Storeys)	Area (m ²)
Unprotected Wood Frame	1941	1	100%
		2	66%
Masonry and Wood frame	1941	1	100%
		2	66%
		3	66%
Heavy Timber	1941	1	100%
		2	66%
		3	66%
	1953	1	100%
		2	33%
		3	33%
		4	33%
¾ hour rating	1953	1	100%
		2	33%
	1960 to 1965	1	100%
		2	60%
		3	60%
	1970 to 1985	1	100%
		2	75%
		3	50%

Construction	NBC	Height (Storeys)	Area (m ²)
	1990 to 2005	1	100%
		2	50%
		3	33%
1 hour rating	1990 to 2005	1	100%
		2	50%
		3	33%
		4	25%

As shown in **Table 6**, it is important to note that other than for heavy timber construction in the 1941 NBC, the permitted building area for the maximum height of combustible construction allowed ranges between 500 and 800 m². The permitted building area from edition-to-edition of the NBC is consistent for ¾-hour protected construction, which remains at 500 to 600 m² from the 1941 NBC to the current edition. This area is consistent with that recommended by the NFPA Committee on Building Construction¹², and the survey of fire chiefs in the US¹¹.

Table 6: Building Area at Maximum Building Height.

Construction	NBC	Peak Height (Storeys)	Area (m ²)
Unprotected Wood Frame	1941	2	500
	1953	1	500
Masonry and Wood frame	1941	3	500
Heavy Timber	1941	4	1500
	1953	3	800
¾ hour rating	1953	2	600
	1960 to 2005	3	600
1 hour rating	1990 to 2005	3	800
		4	600*

* Corrected by dividing by sprinkler factor of 3 to get a baseline area

The changes in allowable building area from edition-to-edition of the NBC are shown in **Table 7** to **Table 9**, and are relatively minor. As shown in **Table 7**, the largest change occurs for protected construction with a structural fire protection rating of ¾-hour from the 1953 NBC to the 1960 NBC. The permitted area is almost reduced by half, but returns to what it was in the 1953 NBC by the 1990 NBC. The change in area permitted for a single storey of construction from the 1985 to the 1990 NBC brought the permitted area limitations in line with the intent that the allowable area was inversely proportional to the number of storeys permitted.

Table 7: Change in Building Area from Edition to Edition – 1 Storey.

Type of Construction	NBC	Area (m ²)
Unprotected Wood frame	1941 to 1953	750
Masonry and Wood frame	1941	750
Heavy Timber	1941	2250
	1953	2400
¾-hour rating	1953	1800
	1960 to 1965	1000
	1970 to 1985	1200
	1990 to 2005	1800

As shown in Table 8, for a building height of 2 storeys, the 1953 edition of the NBC reduced the area permitted for heavy timber to nearly half of that permitted in 1941. This is the most significant reduction in building area from one edition to another for 2 storeys. Protected construction with a structural fire protection rating of ¾-hour was not recognized for 2 storeys in building height until the 1953 NBC where the permitted area remained at 600 m² until the 1970 NBC where it was increased to 900 m² and remained unchanged until the current version (2005 NBC).

Table 8: Change in Building Area from Edition to Edition – 2 Storey.

Type of Construction	NBC Edition	Area (m ²)
Unprotected Wood frame	1941	500
Masonry and Wood frame	1941	500
Heavy Timber	1941	1500
	1953	800
¾-hour rating	1953 to 1965	600
	1970 to 2005	900

As shown in Table 9, for a building height of 3 storeys, the permitted building area varies for the different NBC editions as a function of construction type. The 1941 NBC only permitted 3 storeys in building height for masonry/wood frame and heavy timber construction, with three times the area permitted for heavy timber over masonry/wood frame. The 1953 edition of the NBC reduced the area permitted for heavy timber to nearly half of that permitted in 1941. Protected construction with a structural fire protection rating of ¾-hour was not recognized for 3 storeys in building height until the 1960 NBC where the permitted area remained unchanged at 600 m² until the current version (2005 NBC). Note that a structural fire protection rating 1-hour and 4 storeys in building height permits the same building area as the ¾-hour fire structural fire protection rating and 3 storeys in building height.

Table 9: Change in Building Area from Edition to Edition – 3 Storey.

Type of Construction	NBC Edition	Area (m ²)
Masonry and Wood frame	1941	500
Heavy Timber	1941	1500
	1953	800
¾-hour rating	1960 to 2005	600

The NBC assumes that each building faces at least one street. Where a building faces 2 or 3 streets, the area increase is permitted to be 1.25 and 1.5 times the base area respectively. These factors originate from earlier versions of the NBC and US model codes prior to the 1941 NBC and have applied to unsprinklered and sprinklered buildings alike up to the 1990 Edition of the NBC. A change between the 1990 and 1995 editions of the NBC removed the "streets facing" factor for sprinklered buildings, allowing all sprinklered buildings to be considered to have the same allowable area for a building facing three streets with the doubling of that area for sprinklering.

Considering all of the factors permitting an increase in building area for a combustible residential building, the following formula can be utilized to establish the allowable building area in the current (1995) NBC:

$$A = \left(\frac{1}{H} \right) \cdot A_B \cdot S \cdot SF \cdot CF$$

Where:

- A = Building Area (m²)
- H = Building Height (Storeys)
- A_B = Base Building Area (m²)
- S = Sprinkler Factor
- SF = "Streets Facing" Factor
- CF = Construction Factor

Base Building Area (A_B)

The base building area for combustible residential construction is 1800 m²

Sprinkler Factor (S)

- Unsprinklered = 1.00
- Sprinklered = 2.00

Streets Facing Factor^b (SF)

- Facing 1 street = 1.00
- Facing 2 streets = 1.25
- Facing 3 streets = 1.50

Construction Factor (CF)

- ¾-hour fire rated structural components = 1.00
- 1-hour fire rated structural components = 1.33

^b A factor of 1.50 should be applied if the building is sprinklered regardless of number of streets facing.

The trend in the 1941 NBC to 2005 NBC suggest that the allowable building areas have changed only slightly between editions of the NBC, with minimal difference from edition-to-edition for the highest permitted building height. The intent of limiting building heights and areas carries forward to today's codes as outlined in the Users' Guide to Part 3 of the 1995 NBC. Specifically¹³:

The NBC 1995 assumes that the higher the building or the larger the building area, the greater will be the problems of evacuation and of fire fighting. Hence, the requirements become more stringent as the building increases in height or area. On the other hand, the NBC 1995 assumes that when a building faces several streets from which the fire can be fought, or when a building is sprinklered, a lower value for structural fire protection is sufficient. The number of streets that a building faces is only relevant for buildings that are not sprinklered and are not more than six storeys in building height. Most fire fighting equipment cannot reach the upper storeys of higher buildings.

3.3 SUMMARY

The historical rationale for limiting the height and area of buildings was to address safety to life and property where the greatest risk envisioned was conflagration. The limit to height and area for combustible residential construction was estimated to be 3 storeys with a building area of approximately 500 to 600 m² for an unsprinklered building, 4 storeys for a sprinklered building with an area 3 times the building area of an unsprinklered building. This is what was envisioned as reasonable based on early 1900's capabilities in:

- fire resistive construction in limiting fire growth and spread;
- fire resistive construction protecting egress facilities and distance required to travel to a point of safety outside of the building; and,
- fire fighting techniques and available equipment.

Since the early 1900's advances have occurred in building regulation, construction materials and techniques, effectiveness and reliability of fire alarm and sprinkler systems, and fire fighting tactics and equipment. These advances are reflected in the fire record, indicating a reduction of structure fires over the past century and the risk of conflagration significantly reduced. Consideration of these factors in light of current risks relative to fires in combustible wood frame buildings suggest a reassessment of the basis used to develop the height and area limitations in light of current construction techniques, materials and fire department capabilities.

4.0 QUESTION 2: SPRINKLERING

Question 2:

How has the building code, relative to the construction requirements for residential construction, adapted to recognize the benefits of sprinklering? And does sprinklering a residential building provide a new rationale for reconsidering the underlying assumptions affecting height and area of a building?

The addition of sprinklers to a building currently allows for an increase in building area 3 times that for an unsprinklered building. The historical rationale for this increase spans over a century of considerations relative to sprinkler effectiveness in controlling the growth and spread of a fire. However, the increased allowance has been based on the experience and judgment of the code authors at the time of the changes, and has never been reconceptualized beyond its original basis to reflect a more modern understanding of burning behaviour, compartmentation, reliability of fire protection systems, and fire fighting capability.

Sprinklers were originally utilized to protect property with the intention of reducing insurance rates. Their effectiveness in limiting fire growth and spread was identified early on, but their importance to life safety was not recognized until the early 1900's. A handbook on sprinklers published in 1914 discussed the benefits of sprinklers to life safety¹⁴:

Up to a few years ago, sprinklers were more or less of an experiment but they have now been successfully used for 40 years and their efficiency can no longer be questioned. It is a noteworthy fact that in all the fires in sprinklered buildings, there has been practically no loss of life. In the Grover Shoe Factory fire in Brockton in 1907 it is true that several lives were lost but this was due primarily to the explosion of the boiler. In the Herald Building fire in Montreal in 1910, there was also a loss of life but this was due to the collapse of the building that preceded the fire. The records of the Factory Mutual Insurance Companies covering risks employing 1,500,000 people show only 12 deaths in sprinklered buildings in 38 years. Of these 3 were due to persons going back into a burning building to save property and 4 were firemen engaged in fighting the fire. There may be a few other isolated cases but they are so rare that they only go to prove the rule.

Building code committees attempted to recognize the benefits of sprinklering by allowing relaxations of various requirements including, building height and area. However, the committees did not have enough technical information to quantify the benefit to life provided by sprinklers and often chose an arbitrary multiplication factor.

New York City recognized the benefit of sprinklers in a building ordinance for factory buildings, which suggested that¹⁵:

If a standard equipment of automatic sprinklers is installed throughout any building, the allowable floor area between fire walls may be greater by fifty per cent than those stated in this [ordinance].

This factor was reconsidered by the NFPA Committee on Safety to Life who stated that:

The New York Law recognizes the value of sprinkler protection through a flat, increase of 50 per cent in the number of persons who may be accommodated as determined by the available exits... Those of us who know sprinkler efficiency and the remarkable freedom from loss of life in sprinklered buildings feel that, this

allowance might be doubled with safety-certainly as viewed comparatively. It is hoped that more and more legal recognition will be given the automatic sprinkler.

The Committee recommended a 100 per cent increase in the allowable number of occupants for sprinkler protection which increase from the former 50 percent has now been made by the New York Law.

The proceedings of the NFPA Twenty-Fifth Annual Meeting – Report of Committee on Building Construction¹⁶, 1921 suggested an increase in area of 66 ⅔ percent for office buildings. A discussion at the committee meeting, demonstrating the arbitrary nature of applying a factor for sprinklering, suggests:

MR. BOONE: On the subject of area, 66 ⅔% increase, I note, is allowed where sprinklers are installed. I feel that in a sprinklered office building cut up in small sections, with numerous partitions on each floor, the area could be very materially increased. As a matter of fact, I have always held the opinion that considerations of area are almost blotted out by standard automatic sprinkler protection, and in view of this light occupancy in offices with small sections and numerous partitions, I thought that, perhaps, the area might be increased to more than 66 ⅔%, possibly 100%.

MR. WOOLSON: The Chairman appreciates the significance of that criticism. May I ask if you make the suggestion of 100%?

MR. BOONE: I would make that suggestion as, a motion.

The motion was adopted.

No technical basis, other than what is written above, was provided to justify the increase from 66 ⅔% to 100% for building area where the building was sprinklered. The provision of an automatic sprinkler system for most occupancies in the US codes and NBC from this point forward allowed for an increase of 100% that permitted for a building without sprinklers. The NBC permitted a 100% increase in building area until the 1995 NBC, which permitted an increase of 200%.

An early version of the code change proposal to the 1985 NBC that permitted 4 storeys in building height for a combustible, unsprinklered residential building was based on the provision of 1-hour rated structural fire protection (sprinklers were not originally proposed). The basis for this change as indicated in the minutes of meetings of the Standing Committee on Fire Protection was as follows:

The NBC currently recognizes the safety of 1 hour rated construction for noncombustible buildings up to 6 storeys in building height and with areas ranging from 2000 m² for a 6 storey building to unlimited area for a 1 storey building.

In view of the fact that the basic tests for fire-resistance rating are not predicated on the type of construction but are performance based it is considered that the proposed change permitting combustible framing with equal fire-resistance rating but whose area would be approximately 20 percent of that for a noncombustible building is a conservative approach.

The model codes in the U.S.A. permit 4 storey residential buildings to be constructed with 1 hour rated wood frame construction. Studies of the fire death rate in multi-family residential buildings in the U.S.A. indicate that it is very low and that wood frame construction has not been identified as a problem.

A staff note at the end of the minutes for the proposed code change stated that there was not enough statistical information on fires in combustible construction to accept the change without the provision of sprinklers.

As outlined in the previous section of this report, a change between the 1990 and 1995 editions of the NBC removed the "streets facing" factor for sprinklered buildings, allowing all sprinklered buildings to have the same allowable area as permitted for a building facing three streets.

Sprinklering a residential building does not provide a new rationale for reconsidering the underlying assumptions affecting the height of a building. The original rationale was arbitrary, and not based on quantifiable scientific data. More recent changes to the NBC (1990 to 1995 editions) recognized the benefit of sprinklering by increasing the allowable building height from 3 to 4 storeys and allowing the building to be considered to be facing three streets (regardless of the actual number of streets facing). A new rationale for reconsidering the underlying height and area of a building should be based on an assessment of current sprinklering capabilities and statistics.

5.0 QUESTION 3: RELATION TO IBC

Question 3:

Is there a different rationale underlying the assumptions in the International Building Code (United States) vis-à-vis height and area compared to those in the BC Building Code and is it possible to use these IBC assumptions to reconsider the rationale for our height and area calculations?

The first International Building Code (IBC) was published in 1997 after three years of research and development by the International Code Council (ICC). The IBC was patterned after the three legacy codes, the BOCA National Building Code (BOCA NBC), Uniform Building Code (UBC), and Standard Building Code (SBC), in existence in the US at the time of the development of the first IBC. When developing the height and area limitations in the IBC, the ICC recognized the differences in the three legacy codes at that time, and didn't want to limit the construction of future buildings to less than was permitted by any one of the legacy codes. Thus, the ICC combined the building height and area requirements from the three legacy codes by selecting the maximum values. These are the values in use today.

The height and area limitations in the three legacy codes have the same origins as those of the NBC, developed in larger US cities in the early 1900's. These origins were studied by the committees developing the IBC and a task group formed by the National Fire Protection Association with the intention of developing NFPA 5000, "Building Construction and Safety Code". These groups identified that the height and area tables in the three legacy codes were derived from the same base document or simply traditional acceptance and there was no compelling fire data to support limiting height or area of a building beyond the mechanical properties of construction materials¹⁷. Building area limitations for different occupancies were based on modified versions of what was considered a standard building where area modifiers were multiplied by the standard building area having no relevance to fire risk, other than what was considered to be reasonable at the time of their development. It was argued that:

height and area requirements were the result of good science and contemporary fire protection engineering. However, contrary to popular belief, there is no technical justification for limiting building areas based upon fire risk. Further, there are no statistics to support the efficacy of current limitations. Rather, modern equipment to detect and control fire growth, limited travel distance, and protected exits have provided surprisingly good property protection. They have also provided exceptionally good life safety.

This statement is not completely accurate. As outlined for Question 1 in this report, building height and area limitations were based on the capabilities and perceived risk at the time of their development. Since that time, capabilities have increased and risk has decreased, and the committees have not had a comparable survey to reconsider the original basis

The committees developing NFPA 5000 came to a similar conclusion on the origins of the height and area limitations in the existing codes that the available information to support height and area limitations was controversial at best. The NFPA committee, made up of representatives of the construction industry, proposed creating a new form of the height and area limitations. However, they failed to achieve a member consensus on the matter and reverted to the conventional height and area limitations. Since that time a new approach to building height and area limitation has been implemented into the 2003 edition of NFPA 5000.

The current version of the IBC allows for an additional storey for combustible residential construction where the building is fully sprinklered, provided the building is no greater than 60 feet high. Above this height the building would be considered a "high building." Based on a conversation with a representative of the American Forest & Paper Association, the additional storey permitted for combustible residential construction is an artifact of the UBC based on a revision to the height and area requirements made by the City of Seattle in the 1970's. This revision was eventually incorporated into the UBC and ultimately into the IBC.

It is our understanding from a discussion with a representative from the City of Seattle that no real technical study was completed on the subject and was likely a result of the regulatory impact on buildings in "hilly" Seattle when Seattle transitioned from the Seattle Building Code to the UBC with Seattle amendments. Seattle incorporated the UBC definition of storey and dropped Seattle's definition of First Storey.

The additional storey of combustible construction is the most significant difference between the current IBC and BCBC for residential construction. However, other than the additional storey permitted, there is no difference underlying the assumptions in the International Building Code (IBC) vis-à-vis height and area compared to those in the BC Building Code that would allow for a reconsideration of the rationale for the height and area limitations. However, a statistical examination of the impact of the additional storey of building height in Seattle may provide a mechanism to establish whether risk associated with the additional storey has been increased.

6.0 DISCUSSION & SUMMARY

This report has outlined the basis and history of the requirements pertaining to building height and area requirements for combustible residential construction in the current edition of the British Columbia Building Code (2006 Edition), based on three questions:

1. What is the historical rationale for limiting the height and area of combustible residential construction to 3 storeys for an unsprinklered building and 4 storeys for a sprinklered building?
2. How has the building code, relative to the construction requirements for residential construction, adapted to recognize the benefits of sprinklering? And does sprinklering a residential building provide a new rationale for reconsidering the underlying assumptions affecting height and area of a building?
3. Is there a different rationale underlying the assumptions in the International Building Code (United States) vis-à-vis height and area compared to those in the BC Building Code and is it possible to use these IBC assumptions to reconsider the rationale for our height and area calculations?

The historical rationale for limiting the height and area of combustible residential construction to 3 storeys for an unsprinklered building and 4 storeys for a sprinklered building is based on an examination of risk and capability from the early 1900's. Advances in building regulation, construction materials and techniques, fire protection/detection and fire fighting techniques and equipment in addition to our current understanding of fire development and people behaviour provide a mechanism for re-examining fire risk associated with combustible residential construction and capabilities in mitigating that risk.

Sprinklering has permitted both an increase in building height for combustible residential construction and an increase in area. However, this increase has been based on simplified multiplication factors, with the most significant increase occurring in the 1990 and 1995 versions of the NBC allowing an additional storey of building height and tripled base building area. Early consideration of the protection afforded by sprinklers was made within the context of their effectiveness in factories and warehouses, where compartmentation was limited. Given:

- the changes in sprinkler technology and reliability;
- the larger pool of available sprinkler statistics;
- better understanding on theory and testing of sprinkler capabilities to control and suppress fires; and,
- increases in building compartmentation.

the benefit of sprinkler protection should be reconsidered relative to the underlying assumptions affecting height and area of a building.

A sprinkler system is an active fire protection system, expected to respond to a fire event. Passive fire protection (i.e., fire separation) does not require a specific response in order to achieve its objective. Active systems can fail to respond as intended due to poor installation or maintenance. Passive systems can fail to achieve their objective where installed inappropriately or compromised by installation of building services after occupancy of a building. A balance of both types of system help increase the reliability of a building in limiting growth and spread of fire.

Compartmentation was identified in early studies as an important consideration relative to the spread of fire and subsequently in the development of the height and area limitations, and was touched on at various points in the historical development of the US and Canadian codes^{8,9,13,16}. The NBC has more recently recognized the benefit of compartmentation by allowing an increase in building height and area where a building is provided with 1-hour protected construction. However, the increase was an arbitrary estimation of the protection afforded by the increase in the fire rating.

The effects of compartmentation have not been studied recently within the context of revisiting building height and area limitations given new construction materials and methodologies, which have changed significantly over the past 100 years. These advances in compartmentation raise the question of what is the difference between a combustible and a noncombustible structural element (column, beam, floor assembly) having the same fire-resistance rating? If they pass the same test standard for fire endurance, does the combustible construction provide a greater level of risk?

The assumptions underlying the rationale for limiting building height and area in the International Building Code are the same as those in the BC Building Code. Changes to the UBC based on City of Seattle amendments and subsequently changes to the IBC incorporating these requirements have allowed for an additional storey in height for combustible residential construction. An examination of the fire statistics in Seattle may provide a mechanism to establish whether risk associated with the additional storey has been increased.

The underlying answer to all of these questions is a re-evaluation of risk and capability: what is the current risk to life and property and what are the current capabilities in dealing with the risk. The basis for the height and area limitations in the 2006 BCBC were developed nearly 100 years ago when city conflagration or large life loss were prominent considerations. The means for dealing with these risks, in part, was to limit the height and area of buildings to what the fire department of the time could reasonably handle. The statistical fire record has shown that the number of fires is decreasing, loss of life in fires has decreased, and the relationship of city-wide conflagrations to interior building design is not correlated in a reasonable way to building height and area.

In summary, there is a lack of definition to correlate the building area and height to the overall construction, compartmentation, and fire and life safety systems. The process can be summarized as follows:

- Building area and heights were based on a survey of fire services capabilities in the early 19th century. During this era,
 - The methods of construction were vastly different and methods of determining fire-resistance of structures were in their infancy.
 - The degree of building compartmentation that was factored into the reviews is not representative of residential construction in today's code.
 - Interior finishes were less controlled and flame-spread concepts were in their infancy. Wood was a more predominant ceiling finish, whereas gypsum board is a more common material for walls and ceilings in residences today.
 - Exiting, fire alarm systems, and evacuation plans were less regulated and less effective. Concepts on evacuation relative to building height were based on buildings with open or unprotected stairs and not fire separated stair shafts as required by today's codes.

- The behaviour of people during a fire had not been studied and was therefore not understood.
- To the extent that it exists today, fire services did not have breathing apparatus, fire fighter's stairs, aerial ladder trucks, addressable fire alarm systems, and floor plans. Hence, the building area and height rationalization based on hose stream penetration is not representative of today's capabilities.
- Over time, the NBC was revised to adapt to different formats, and, only in the later editions of the code was it modified based on fire research. However, the modifications were incremental and today's BCBC still coincides with the premise from early 1900's relative to allowable building height and area.
- Although the compartmentation of a building into several fire compartments was recognized to reduce fire development, its correlation to height and area was never fully addressed. The height and area requirements are essentially premised on the building being one fire compartment.
- The capabilities in analyzing overall fire growth and spread using test data, empirical correlations, and modern computer tools is not factored into methods of considering compartmentation relative to building height and area.
- Building height and area can be better correlated in a risk-based context using performance-based methodologies that address the potential fire development scenarios for a building. In buildings of combustible construction, this would include fires in a floor area, concealed spaces, and exterior to the building.

7.0 FUTURE RESEARCH

The following future research considerations are suggested based on the review summarized in this report:

- Examine fire statistics in combustible wood framed residential structures for sprinklered and unsprinklered buildings.
- Survey fire departments to establish capabilities.
- Review research relative to contribution of combustible wood framing in fire separations to the total energy.
- Examine height and area limitations and their historical basis in European Codes.
- Examine height and area limitations for noncombustible construction and other occupancies, particularly the use of unprotected steel where for the same building a ¾-hour fire resistance-rating would be required for combustible construction.

8.0 SOURCES OF INFORMATION

The following sources of information have been used in the preparation of this report:

1. Associate Committee on the National Building Code, National Research Council of Canada, "Short History of the National Building Code," Memorandum No. 1, 1948.
2. Gill, A.F., National Research Council, "A Model Building Code," 1937.
3. Legget, R.F., National Research Council Canada, "The National Building Code of Canada: A General Review," The Engineering Journal, Vol. 49, No. 3, March 1966, pp. 38-41.
4. Malhatra, "Fire Safety in Buildings."
5. National Board of Fire Underwriters, "Building Code Recommended by the National Board of Fire Underwriters," New York, Fourth Edition, 1922.
6. Building Code Committee, Department of Commerce, "Recommended Minimum Requirements for Fire Resistance in Buildings," 1931.
7. Associate Committee on the National Building Code, National Research Council of Canada, "Commentary on Part 3 (Use and Occupancy) of the National Building Code of Canada 1980," NRCC 20657, 1982.
8. National Fire Protection Association, "The Baltimore Conflagration," Report of the Committee on Fire-Resistive Construction, 1904.
9. Freitag, J.K., "Fire Prevention and Fire Protection as Applied to Building Construction: a handbook of theory and practice," J. Wiley & sons, 1912.
10. Department of Buildings, City of New York, "The Building Code of the City of New York," 1901.
11. I.H., Woolson, "Allowable Heights and Areas For Factory Buildings," The American Society of Mechanical Engineers, Baltimore, 1913.
12. National Fire Protection Association, Proceedings of the Twenty-Fourth Annual Meeting, "Report of Committee on Building Construction," 1920.
13. National Research Council of Canada, "User's Guide – NBC 1995 Fire Protection, Occupant Safety and Accessibility (Part 3)," NRCC 40383, 1996.
14. Gorham Dana, S.B., "Automatic Sprinkler Protection," Second Edition, New York, John Wiley & Sons, 1919.
15. Factory Investigating Commission, "Preliminary Report of the Factory Investigating Commission," Volume I, 1912.
16. National Fire Protection Association, Proceedings of the Twenty-Fifth Annual Meeting, "Report of Committee on Building Construction," 1921.
17. S. Francis, "The Chronology and Background of Height and Area Limits in the International Building Code and a Historic Perspective on that Development," American Forest & Paper Association, 2004.

STAFF REPORT

DATE: 29 January 2008 **REPORT NO.** DEV-08-111
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: **NEXT STEPS IN THE REVIEW OF THE OFFICIAL COMMUNITY PLAN**

FOR INFORMATION

Public Perception: From correspondence recently received concerning the review of the OCP, it appears that there is some confusion as to the process we are going to follow and what is involved.

Following Council's decision of January 12th, 2009 to approve funds for the hiring of a consultant to assist with a review of the OCP, if it's found to be necessary, the municipality has received several letters expressing concerns with:

- the potential cost of a review,
- why a review needs to be undertaken at all, and
- what form the review process might take.

Why is a Review needed at this time?

While at first glance it may appear unreasonable to be reviewing a portion of the OCP when it was adopted less than two years ago, there are valid reasons for doing this. Regardless of whether Council chooses to consider amending the maximum allowable building height or not, there are several other issues that need to be resolved or added to the OCP including:

- adding sections relating to climate change as required by provincial regulations enacted since the OCP was adopted,
- addressing the issue of amenities and density bonusing so that staff can work effectively with the development community,
- adding the Pedestrian Charter, and

An Official Community Plan is meant to be a living document which means that from time to time sections may need to be added or revised to address current issues.

Next Steps: Prior to initiating an OCP review, staff are organizing a 'Community Forum' to take place in mid-March. The purpose of the forum would be to provide information through a panel made up of planners, developers, architects and economists. Following their presentations plus a question and answer session, public feedback would be received.

The panel would provide information on:

- the form and massing of buildings at varying densities and heights;
- how the size of the building floorplate affects the types of units that can be built;
- the economics of the development industry [i.e. what would encourage development and what would deter developers from investing in the community].

This information would allow Council to make an informed decision as to whether the allowable building height should be increased. If Council's decision is that the maximum height should remain at 10 storeys, that particular portion of the OCP would not be reviewed further. However, if after hearing from the panel and the public Council chooses to considering increasing the permitted heights, a full review of this section of the OCP would be undertaken. That review would determine what maximum heights and densities would be acceptable and also quantify the acceptable degree of variances to multi-unit residential developments [i.e. density bonuses] for various types of amenities. The 'degree of variance' does not necessarily mean a variance to height; it is also possible to increase the density [i.e. the ratio of built floor area to parcel area].

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 '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. Without having a value attached to these amenities, it's difficult for planning staff to realistically discuss development opportunities with property owners and developers. The amenities need to be quantified or, if no variances for amenities are to be considered, then this section should be removed from the OCP.

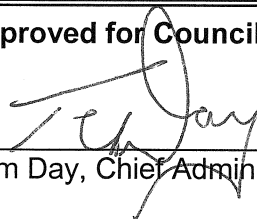
Climate Action: The municipality will also need to amend the OCP to add sections relating to the reductions of GHG emissions, achieving carbon neutrality, identifying possible offsets and reporting out as required by Bill 27.

"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."



Barbara Snyder
Director of Development Services

Approved for Council's consideration:



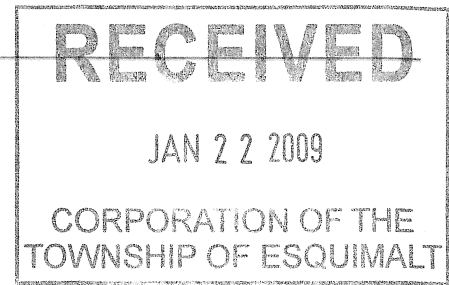
Tom Day, Chief Administrative Officer

Dated: Jan 29/09

Diane Knight

From: Joanne Kimm [jkimm@shaw.ca]
 Sent: January 22, 2009 08:09 AM
 To: Council
 Cc: Ali Gaul
 Subject: The OCP issue

Agenda
Barb!



Good evening:

I understand from Monday night's council meeting (which, regretfully, I missed due to prior commitments) that there has been a recommendation to have public consultation (by March) regarding the height issue and other components of the Official Community Plan. I'm not sure if this is a firm time frame, and please feel free to correct me if I've erred in some of my assumptions here, but I am concerned with this timing, as I feel that council needs to get as much information as possible before a public consultation can proceed.

While thinking about this situation, I feel that perhaps a committee should be formed to discuss changes to the OCP. The committee should comprise a representative of the Esquimalt Residents Association, a member of town staff, the consultant (or staff member dedicated to this project) and a few members of the public (from varying areas of the community) who would be interested to assisting in the development of the framework to present to council, which would later be part of the public consultation. This committee can discuss impacts that height may play in various neighbourhoods (thus the ERA's valuable input), staff can present information regarding height impacts regarding services (ie. sewage and other amenities impacts) and the members of the public can provide input on logistics of the areas in which they live, giving valuable insight on current developments and how those developments impact(ed) their neighbourhoods.

In providing information from this committee to council, it would assist in giving a good overview of the different areas of the community, while providing a liaison with those areas in providing feedback on what they feel is important. By having the ERA involved, it would provide a good representation of the association that may be able to provide their views on development heights. And by having staff members present, it would provide a liaison between the committee and council, and would also give some insight on the town's point of view (budgetary considerations, etc.).

This process should not be rushed. In order to present a recommendation to the public, there must be discussions from varying parties to council. It is understandable that developments will continue to be presented to council; therefore, in order for council to make a clear decision on whether to allow developments to be built in the community (ie. height, DCC, etc.), it needs to be assured that all aspects have been taken into consideration, discussed thoroughly, and the best outcome for the community has been proposed.

I understand that developers are anxious to have the OCP height rectified so that they may know their limitations. However, we must be wary in rushing this process. If we want to have a strong community OCP, we must be willing to ensure that each part of the OCP has been discussed and agreed upon, and mostly importantly, abided by for the duration of the OCP. This will prevent developers presenting proposals to council that far exceed what is allowable in the OCP. It would give council a firm leg to stand on. If council wants to have the continued support of the community, it must be prepared to take the time needed to ensure that the outcome is for the betterment of the whole community.

I would be interested if council would consider forming such a committee, and would be very interested in participating. I feel that there needs to be an indepth examination, discussion, research, and final proposal before presenting any suggestions to the public. The public must have options to choose from, options which have been chosen based on facts from varying parties. By providing them with options, it shows that council has done their due diligence.

Respectfully,

Joanne Kimm

Deborah Liske

From: Muriel Dunn [ski--mom@shaw.ca]
Sent: January 23, 2009 21:14
To: Council
Subject: Fw: Mayor & Council Re: \$\$\$ for the OCP REVIEW

Agenda
Barb S.

Subject: Fw: Mayor & Council Re: \$\$\$ for the OCP REVIEW

Esquimalt Mayor & Council

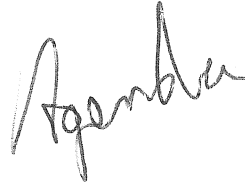
Re: OCP Review at Council meeting January 19, 2009

After attending the above mentioned meeting, it is of concern that Esquimalt Council would consider spending tax dollars to review the OCP of 2007. To think that this plan is considered obsolete less than 2 years after being put into effect, would make one assume that the energy and money spent to put the plan in place, has been a waste! Tax payers spoke very clearly with a resounding NO, at the meeting concerning the Esquimalt legions request to exceed the 10 level development plan of the OCP. It appears as tho Council & Staff are attempting to bring about changes to the OCP by ignoring the tax payers wishes? What must tax payers do to have Council and Staff acknowledge their will?

Sincerely , Muriel Dunn 1193 Old Esquimalt Road

Deborah Liske

From: David and Carol-Ann Staples [daveandcarolann@shaw.ca]
Sent: January 24, 2009 10:33
To: Council
Subject: re: OCP



Firstly thank you all for your dedication to the well-being and further development of our community,

I see no reason, in these *delicate economic times*, to be reinventing the wheel! The money was spent, the information collected and decisions put to paper stating the plan acceptable to the voters. Isn't this plan the guidelines to be used when making decisions? Just because something that comes before council, doesn't fit the mold, do we start all over again to accommodate that request? No! A plan that is acceptable has to be arrived at that does fit the community's wishes. I hope two years does not make the OCP obsolete.

Carol-Ann Staples
1153 Hadfield Ave

Deborah Liske

From: PAUL FREEMAN [beaubix@shaw.ca]
Sent: January 24, 2009 3:50 PM
To: Barbara Desjardins
Subject: Re: Esquimalt City Plan

Dear Barb & Esquimalt Councillors.

Thank you for your response to my concerns. Your offer to meet to discuss the issues is appreciated, but unnecessary. It seems unreasonable that the 2007 city plan is obsolete in January 2009 unless the process was flawed. Were councilors ill advised in passing the present plan?

It is also unreasonable to believe that a reasonably priced building can not be built within the present guidelines. It would be of interest to know the source of facts and figures supporting that statement. How is it that developers have been and still are profiting from the building of individual houses and three story apartment buildings? Is it possible that there is an element of greed at work in that the developers will make much more money building the larger developments and the city can also collect more tax dollars! Do we really want to allow the atmosphere of our community to be altered by huge buildings and dense population along with which will come greater amounts of crime and social problems. It must be remembered that the developer makes his profit and walks away from all future problems that his development causes for the community! It also seems possible that the Legion development plans are behind the push to alter the city plan and one feels sorry for their members, however their executive decisions should not require the community to revisit the city plan. Once changes are made for one developer, a precedent has been set and all others may expect allowances to be made for them. Esquimalt may as well not have guidelines as they will have shown that they can be circumvented with a little effort and pressure.

With reference to counsel seeking public input, this is a manner in which council can justify its decision but the residents will never know the amount of support in favour or against. Let us remove any doubt. Put the issue to a public vote.

Paul Freeman

----- Original Message -----

From: Barbara Desjardins <bdesjardins@shaw.ca>
Date: Wednesday, January 21, 2009 4:53 pm
Subject: Re: Esquimalt City Plan
To: PAUL FREEMAN <beaubix@shaw.ca>

> Paul:

> I would be pleased to meet and discuss this issue with you. I
 > too do not want to see unnecessary studies done. That being
 > said, there are many issues with the OCP as it stands with
 > regards to our height and density guidelines. The most important
 > one being they are obsolete based on today's market. You cannot
 > build a reasonably priced building within these guidelines. We
 > also do not have any mechanism to get the developer to pay for
 > infrastructure costs associated with a development because we
 > don't have the development cost charges worked out for our

> municipality which are calculated on what densities we allow.
 > I am looking for an information sharing process between the
 > public, council and the development community to resolve this
 > log jam. We need development so that we might have the
 > opportunity to provide you with tax relief. At the end of the
 > day council will make a decision and we can move forward.
 > Please contact Diane Knight at city hall, 250-414-7101 if
 > you would be interested in further discussion. thank you for
 > your email.
 > Barb Desjardins
 > Mayor, Esquimalt

> ----- Original Message -----

> From: PAUL FREEMAN
 > To: bdesjardins@shaw.ca
 > Sent: Wednesday, January 21, 2009 11:54 AM
 > Subject: Esquimalt City Plan

> Dear Mayor & Council Members.

> With regards to your
 > council meeting of January 19th., 2009, it is incredible that
 > this council feels the need for further public input with
 > regards to establishing a city plan for Esquimalt. A sizable
 > amount of money was spent several years ago to have public input
 > in establishing an Esquimalt city plan which limits building
 > height to 10 stories. When the legion developer's plans exceeded
 > that, there was a huge expression of displeasure from Esquimalt
 > residents and the former Mayor, Chris Clements suffered a
 > resounding loss in large part due to this issue. The residents
 > wishes are very clear without adding further expenses in
 > reviewing the present plan of two years. Esquimalt's residents'
 > taxes are rising steadily without spending unnecessarily as a
 > new study will produce similar results to the recently
 > established one. The members of council have been elected to
 > office to make decisions for Esquimalt. Make your decision and
 > vote.

> In my opinion,
 > the present city plan allows for the construction of far too
 > tall buildings. Four stories of height would be appropriate and
 > developers should be required to cover all costs to Esquimalt
 > for necessary infrastructure like roads, signs, sewers and water
 > incurred due to their development. Any developer offering the
 > municipality benefits such as cash payments, open space or
 > parklands as part of approving their plans should be turned
 > down. That is my opinion and it didn't cost you \$35,000 to get it!

> Yours truly,
 > Paul Freeman
 > 778 Hutchinson Ave.

101
Deborah Liske

From: Peter & Karen [pandk@shaw.ca]
Sent: January 28, 2009 12:28 PM
To: Council
Cc: Saunders Karen
Subject: Municipal plan in general. Legion building in particular.

Agenda
Barb S

Your Worship and Councillors,

It appears some people around here have got their shirts in knots. They think you want to re-study the municipal plan with the intent of changing it. You also want to allow the new building on the Legion property to rival the CN tower in height.

I don't believe you would do these things unless you had good reason. So ... do you want to change the Municipal Plan? If so for what reasons? Do you want to allow the new Legion property building to be higher than previously planned? If so for what reasons?

I should like to say that I am impressed by our new mayor and ALL our new councillors and I hope that none of you will be harassed in your attempts to serve our community.

Sincerely, Peter Saunders

Deborah Liske

From: Karol Sanderson [karolsanderson@shaw.ca]

Sent: January 30, 2009 7:35 AM

To: Council

Subject: Re:OCP review at Council Jan.19/09

Esquimalt Mayor and Council

Why are we spending another \$35,000.00 on a OCP review regarding high rises?

Did we not already do this last fall? Have the taxpayers of Esquimalt not already spoken on this?

Please use the money for other things we need so desperatly in Esquimalt.

An unhappy taxpayer

Karol and Warren Sanderson
1157A Heald Ave.
Esquimalt, B.C.
V9A 5J7

DRAFT



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION
MINUTES
HELD ON
JANUARY 20, 2009
COUNCIL CHAMBERS**

MEMBERS PRESENT:	Paulette Flannagan, Chairperson Brian Gordon Gerald Froese Ramona Scott
REGRETS:	Talya Cohen Terry Eckstein
TECHNICAL STAFF:	Trevor Parkes, Senior Planner
COUNCIL LIAISON:	Randall Garrison
SECRETARY:	Marie Letham

Two members of the public in attendance

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

It was moved and seconded that the agenda be amended to move the adoption of the minutes to the end of the meeting and hear the presentation as the first order of business.

The motion **CARRIED**.

III. STAFF REPORT

- (1) **Development Permit with Variance**
Vladi Vagels [V2 Designs Ltd.] owner/applicant
900 Esquimalt Road

DRAFT

Vladi Vagels, owner, attended to outline the proposal to build a split face concrete wall to replace an existing chain link fence, which he commented was an “eyesore” in order to separate the private property from the public realm and to enhance the streetscape along the Esquimalt Road frontage.

The applicant outlined the history of the property and the problems encountered with vandalism, loitering, and garbage problems.

Vladi Vagels stated that the new split face concrete wall and the addition of greenery further enhance his building and the intersection.

The applicant produced an illustrated board of the wall with an overlay showing the Commission members the location and rendering of the proposed bus shelter. He then explained to the members the type of structure he would like to install, displaying another overlay detailing his alternate design.

The Chair asked Trevor Parkes, Senior Planner for clarification of the proposal.

Trevor Parkes informed the Chair and members that the rock wall is triggering the variance; the bus shelter is not part of the application.

Brian Gordon asked the applicant if the wall could be moved back.

Vladi Vagels responded “no” it would not be moved back as it would cut into the parking.

Paulette Flannigan commented that she has concerns about the split face rock wall being targeted for graffiti, that it is very hard to clean off.

Vladi Vagels commented that their garbage container is split face and they have no trouble removing the graffiti.

Public Input

There was no public input.

RECOMMENDATION

Moved by Brian Gordon, seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Lot 1, Section 1, Esquimalt District, Plan 34638 (900 Esquimalt Road) including the variance listed below be forwarded to Council with a **recommendation of approval**

Section 28 – Major Road Setback – waiver of the requirement that all Buildings and Structures shall be sited a minimum of 3 metres from the boundaries of Esquimalt Road and Admirals Road (north of Lyall Street).

The APC also recommended that if funds for the installation of a bus shelter located at 900 Esquimalt Road are considered, then those funds should be donated to the applicant to offset the cost of constructing the shelter.

Motion **CARRIED:** 3 For

- 1 Against [opposed to public funds being offered to private individuals

IV. ADOPTION OF MINUTES –

September 16, October 21, November 18, and December 16, 2008

Moved by Ramona Scott, seconded by Brian Gordon that the minutes of the regular meetings of September 16th, October 21st, November 18th, and December 16th, 2008 be adopted.

V. PLANNER'S STATUS REPORT

Trevor Parkes, Senior Planner presented the following status report:

- Council authorized staff to send out notices for the following applications:
 - Development Variance Application - 939 Mesher Place
 - Development Permit with Variance - 630 Head Street
- Rezoning Application (for panhandle lot) - 1191 Munro Avenue
Applicant has asked this go forward to February's Committee of the Whole Meeting. The APC recommended that the application be denied.
- Development Permit Application – 1190 Rhoda Lane
Council approved the Development Permit. Council denied the applicant's proposal to provide funds in-lieu of Park, they required the 5% Park dedication.

Trevor Parkes advised, that at the request of the Commission members that he had done some research relating to the height and density statement contained in the Official Community Plan and reported as follows:

- historical documents dated back to April, 2005 flagged the height issues;
- draft OCP January 2006 outlined the height requirement and it is verbatim in the current OCP. There had been no comments expressed by the public regarding the height statement until the receipt of the application for 669 Constance Avenue.
- the consultant calculated the FAR as it exists in the current OCP, there was no feedback provided by anyone at the time the OCP was under review.

VI. COUNCIL LIAISON

Councillor Garrison advised the Commission Members that :

- the 1190 Rhoda Lane application the developer created a “red herring” regarding the walkway. Council was unanimous in its decision that parkland (greenspace) be provided and that the public not be denied access to the waterfront. Council directed that letters be sent to owners along the Gorge Waterway to clarify the issue.
- Preliminary budget approval was granted to begin the OCP review. Greenhouse gas reduction will definitely be part of the review of the OCP. Height and density will only be reviewed if there is public support to revisit the issue. Staff will hold open houses to gauge public opinion on the issue and report back to Council. Further discussion took place regarding the process of an OCP review seeking public input, hiring of a consultant, and how much work would be undertaken by municipal staff.
- Craigflower Road Project- work for Phase 1 to commence Spring 2009. The municipality received 100% funding for Phase 2 of this project. Councillor Garrison commented that this project will have a large impact on the desirability of Esquimalt.
- Council approved a part-time administrative support position within the Administrative Department and time has been assigned to this position for the taking of APC minutes to reduce the workload of the APC secretary.
- 357 Kinver Street – preliminary budget approval was given for the relocation of the storm drain pipe. The municipality has negotiated an agreement with the owner for a right-of-way through this property for the municipal storm drain which services five residences.

Councillor Garrison reported that Council is reviewing the merits of instituting a “Green Check List” for Development Permit applications.

VII. NEW BUSINESS

VIII. NEXT REGULAR MEETING
Tuesday, February 17, 2009

IX. ADJOURNMENT
On motion the meeting adjourned at 8:30 p.m.

Certified Correct

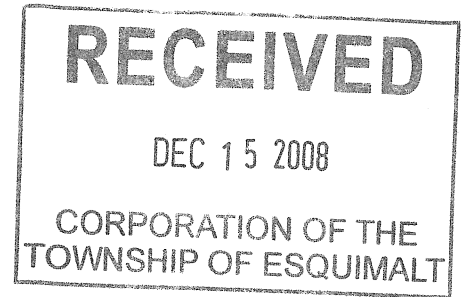
Paulette Flanagan, Chairperson

December 15/ 2008

To the Mayor and Council
Municipality of Esquimalt

Marlene → Agandra

Your Worship and Honored Council



Please find enclosed a letter from the mayor of Manzanillo Colima Mexico. I am also providing a translation of Mayor Mendoza's letter. As you will see he has expressed a direct interest in "an agreement of friendly twinning" between our communities. Herein I am humbly requesting that your worship and council give serious thought to the proposal of twinning with this lovely port town. Manzanillo, located on the west coast of Mexico, has a long maritime history and is also home to the Mexican navy facilities. We have many things in common and I feel that this opportunity may be mutually beneficial both in cultural exchange and tourism. I thank you, in advance, for your consideration of this unique proposal. Muchisimo Gracias.

Yours Sincerely
David Wilkinson
474 Foster St.
Esquimalt B.C
V9A-6R7

e-mail dayewilk@telus.net

A handwritten signature in black ink, appearing to read "David Wilkinson", written over a horizontal line.



Presidencia Municipal



OFICIO P.M. N° 531/2008

MAYOR BARB DESJARDINS
ALCALDE DE ESQUIMALT BRITISH COLUMBIA
CANADA

Estimada Alcaide:

Anteponiendo un cordial saludo me es grato tener la oportunidad de iniciar una comunicacion directa entre la Ciudad de Esquimalt, British Columbia, Canada y nuestro Puerto de Manzanillo, Colima.

Estoy convencido que el intercambio de experiencias entre las ciudades que presentan características similares ya sea en el orden de gestion publica, seguridad, politica, medio ambiente, educacion, cultura, actividades portuarias y turisticas y asuntos generales de interes comun conllevan a beneficios para los habitadnes de ambas comunidades.

En merito de lo anterior y a nombre del Ayuntamiento que me honro en presidir, deseo manifestarle la propuesta para lleva a cabo la firma de un Acuerdo de Hermanamiento Amistoso entre la Ciudad de Esquimalt, British Columbia, Canada y Manzanillo, Colima.

Sea el amable conducto de unfraterno saludo a cada uno de los integrantes de su Cabildo, a los integrantes de su administracion y a los ciudadanos de esa prospera ciudad.

Sin otra particular y en espera de saludarle personalmente y signar en breve dicho hermanamiento, le reitero mi mas alta y distinguida consieracion.

Atentamente
SUFRAGIO EFECTIVO. NO REELECCION
Manzanillo, Col., a 18 de Julio de 2008
EL PRESIDENTE MUNICIPAL


VIRGILIO MENDOZA AMEZCUA



c.c.p. – Archivo
VMAA/miam

Dear Mayor :

Before making a cordial greeting it is my pleasure to have the opportunity to initiate a direct communication between the city of Esquimalt BC Canada and our port of Manzanillo, Colima.

I am convinced that the exchange of experiences between cities that present similar characteristics regarding public management, security, politics, environment, education, culture, activities of the harbour and tourism and general matters of common interest helps benefit the inhabitants of both communities.

With merit to the previous and in the name of the city council over which it is my honour to preside, I wish to declare a proposal to carry out a signing of an **Agreement of Friendly Twinning** between the city of Esquimalt B.C., Canada and Manzanillo, Colima.

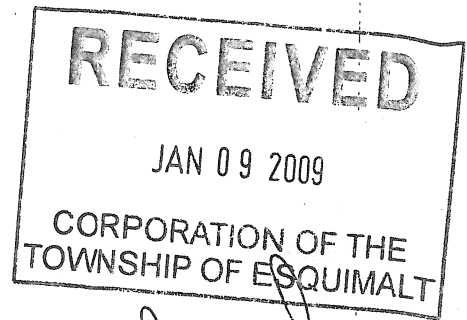
Kindly give a brotherly greeting to each of the members of your city council and to the members of your administration and to the citizens of this prosperous city.

Without other matters and while waiting to personally greet you and to sign a brief statement of twinning may I reiterate my highest and distinguished consideration.

Sincerely,
Vegilio Mendoza Amecua



MEMBER NOTICE



TO: Mayor and Council
Chair and Regional District Board

FROM: UBCM Secretariat

DATE: January 9, 2009

RE: REGULATION OF HOME AND PROPERTY INSPECTION

Attached is a copy of a letter from Solicitor General John Van Dongen that was forwarded to the UBCM outlining that the province is looking at proposed regulations for home inspectors.

UBCM has been made aware of information that you may have received from an organization related to the regulation of property and home inspections. We have not been approached by this organization regarding this recent issue or had any discussions with them.

UBCM policy on the regulation of home and property inspection, based on a resolution (B55) adopted at the 2005 UBCM Convention, is that "the Province be urged to join with other provinces in investigating the regulation of qualified 'home inspectors' and to implement those regulations as soon as possible."



BRITISH
COLUMBIA

December 19, 2008

DEC 23 2008

Mr. Robert Hobson
President
Union of BC Municipalities
60 - 10551 Shellbridge Way
Richmond BC V6X 2W9

Dear Mr. Hobson:

It has come to my attention that Mr. Owen Dickie, President of the Canadian Association of Home and Property Inspectors (British Columbia), has written to all mayors and members of councils regarding his concerns with proposed regulations for home inspectors. I am writing to provide you with factual information on our proposed regulatory requirements.

The Province is committed to strengthening consumer protection for those who use home inspection services. Over the past few years, a great deal of consultation and research about the home inspection industry has been completed.

In our proposed model, home inspector licensing will be administered by the Business Practices and Consumer Protection Authority, an independent agency delegated responsibility for administering consumer protection legislation in the province. Every effort will be made to keep licence fees and added paperwork to a minimum.

British Columbia will not be authorizing low standards for home inspectors. We will be relying on professional home inspector associations to set and maintain high standards of qualifications for its members. We will want to see a level of training and supervised experience that gives reasonable assurance to consumers that the home inspector they hire is qualified to do the job.

With regard to regulating payday lenders, government is not allowing self-governance in this industry. Legislation on payday lenders was approved in the Legislature in 2007, and we are presently developing regulations which will require licensing of payday lenders. Licensing will be administered by the Business Practices and Consumer Protection Authority.

I would appreciate it if you would share this information with your members. I hope to be in a position to provide greater details of the regulatory framework in the new year.

Ministry of
Public Safety
and Solicitor General

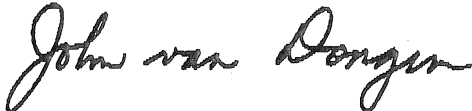
Office of the
Minister

Mailing Address:
PO Box 9053 Stn Prov Govt
Victoria BC V8W 9E2

Mr. Robert Hobson
Page 2

If you or your members have questions, please contact Mr. Toby Louie, Executive Director,
Corporate Policy and Planning Office, Ministry of Public Safety and Solicitor General at
250 356-6389.

Yours sincerely,

A handwritten signature in cursive script that reads "John van Dongen".

John van Dongen
Solicitor General

pc: Mr. Toby Louie

Diane Knight

From: CivicInfo BC [info@civicinfo.bc.ca]
Sent: January 12, 2009 12:21 PM
To: info@civicinfo.bc.ca
Subject: 2009 Order of British Columbia Promotion
Attachments: OBC_poster_web.pdf; Recipients by City 2009.pdf

This message is being sent by CivicInfo BC to all municipalities in British Columbia on behalf of the Honours and Awards Secretariat.

Subject: Call for Nominations for the 2009 Order of British Columbia
Intended Recipient(s): Mayors/Chief Administrative Officers
Attachments: Two (2). **See message below.**

If you have received this message in error, we ask that you forward it along to the appropriate person in your office.

If you have any questions about this message, or the attachment, please contact Karen Felker, Coordinator, Honours and Awards Secretariat.
Phone: 250.356.1139, Fax: 250.356.2814, email: Karen.Felker@gov.bc.ca

MESSAGE:

Nominations for the Order of British Columbia, the province's highest recognition of excellence and achievement, are now being accepted by the Honours and Awards Secretariat.

It is time once again to "call for nominations" for the Order of British Columbia, the Province's highest award for excellence and outstanding achievement. I seek your assistance in informing your municipality about this opportunity to take part in the public recognition of its outstanding citizens. Could you bring this up at your next meeting?

The Order of British Columbia will be presented this year by Lieutenant Governor Steven Point to outstanding British Columbians who have excelled in any field of endeavour – such as community leadership, the arts, labour, business, volunteer service, research and education – benefiting the people of the province or elsewhere.

Recipients are chosen by an independent advisory council headed by the Honourable Lance Finch, Chief Justice of British Columbia. The deadline for receiving nominations is **5 p.m. March 10, 2009.**

Nomination forms are available at government agents' offices or by contacting the Honours and Awards Secretariat in Victoria at (250) 387-1616. Further information on the Order and past recipients is available at www.protocol.gov.bc.ca on the Internet.

A poster and list of past recipients have been attached for your convenience and distribution.

Please accept our warmest thanks for your support of the Order of British Columbia.

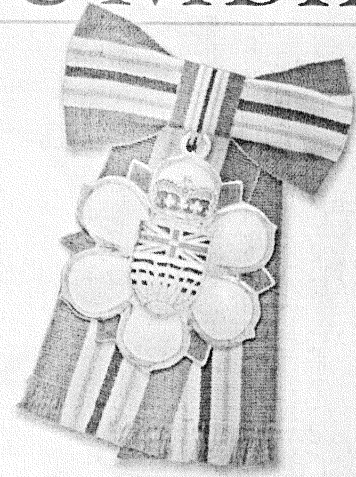
Karen Felker, Coordinator
Order of British Columbia

The information transmitted herein is confidential and may contain privileged information. It is intended solely for

NOMINATE AN OUTSTANDING BRITISH COLUMBIAN FOR THE:

Order of
BRITISH COLUMBIA

THE ORDER OF BRITISH COLUMBIA is the Province's highest award for excellence and outstanding achievement.



Nominations to the Order, received from around the Province, are considered by an independent Advisory Council chaired by the Chief Justice of British Columbia.

If you would like to nominate someone for this prestigious award, forms are available at www.protocol.gov.bc.ca, Honours and Awards Secretariat or contact your nearest Government Agents' office.

NOMINATIONS

If you would like to nominate someone for this prestigious award, nomination forms are available at www.protocol.gov.bc.ca or please write or call:

Honours and Awards Secretariat
PO Box 9422, Stn Prov Govt
1st Floor, 548 Michigan St
Victoria, British Columbia
V8V 1S2

Phone: (250) 387-1616

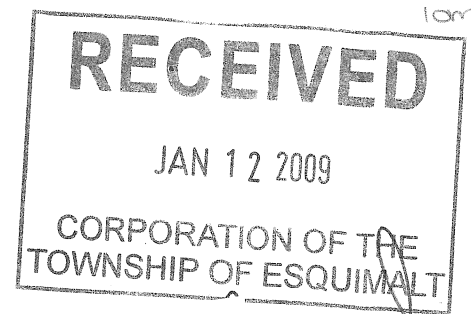
Fax: (250) 356-2814



NOMINATION MUST BE RECEIVED BY MARCH 10TH

302 Uganda Ave.
Victoria, B. C.
V9A 5X7

January 12, 2009



Dear Madam Mayor and Councillors:

Re: Continuous linear pathways on the Gorge Waterway

A handwritten signature in cursive script, appearing to read "Agender".

I have read Jane Robson's letter regarding trails with interest and at the outset I would like to say that I share her concerns .

The focus of my comments at this time have to do with the protection and restoration of the natural environment along the Gorge Waterway for which DPA #4 was created. I believe that environmental protection and linear public trails are in conflict with one another. Environmental protection means assuring that the delicate ecosystem of the waterway is not interfered with. It means restoring where necessary, the natural vegetation which serves as habitat for shorebirds and other wildlife.

Public trails pose a threat to the delicate balance of nature of the waterway and its shoreline. Their intrusive nature diminishes the natural buffer zone at the water's edge. Wildlife is threatened and displaced. Unfortunately, there are those using such areas who show little respect for the environment, causing a negative impact.

I urge Council to reconsider the concept of linear pathways on the Gorge Waterway and to seriously examine proposals which would rectify any existing damage to the shoreline and restore native growth, providing a safe haven for wildlife, thus promoting the health of the waterway for future generations.

Yours truly,

A handwritten signature in cursive script, appearing to read "Fern Spring".

Fern Spring



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

20 January 2009

Jane Robson
920 Sioux Place
Victoria, B.C.
V9A 6L7

Dear Ms Robson :

Re: **Gorge Waterway Trail**

Thank you for taking the time to make your views on a continuous trail along the Gorge Waterway known to staff and Council.

This issue has caused a lot of anxiety for residents and the purpose of this letter is to clarify that the municipality is not looking to acquire land from waterfront property owners unless one or both of the following situations occur:

- 1) the property is to be subdivided and the subdivision would create three or more new parcels;
- 2) the property is to be rezoned to a different use [for example, from single family residential to multiple family residential].

Many properties that border on the Gorge Waterway are already too small to be further subdivided or could only be subdivided into two parcels at most, in which case park dedication would not be required. This means that most of the waterfront parcels are unaffected by the requirement for park dedication.

Years ago there was the idea of creating a continuous waterfront walkway, however, the municipality realized that that concept was not feasible. The current Official Community Plan focuses on providing public access, to the marine shoreline and the Gorge Waterway, in a way that minimizes impacts to the native vegetation and shoreline habitat. The idea is to acquire waterfront land for greenspace and small neighbourhood parks, not necessarily for a continuous waterfront trail. Eventually some of those parks may be



connected and there may be paths, viewing points or other features depending on the characteristics of the individual sites.

Should you have any questions regarding the contents of this letter, please contact me at 250-414-7146.

Your truly,

A handwritten signature in cursive script, appearing to read "B. Snyder".

Barbara Snyder, MCIP
Director of Development Services

- c Mayor and Council
 - Tom Day, Chief Administrative Officer
 - Andy Katschor, A/Director of Parks and Recreation Services
 - Larry Randle, Corporate Officer

20 January 2009

[Same letter sent to owners of waterfront properties between Esquimalt Gorge Park and Admirals Road]

Dear Resident:

Re: **Gorge Waterway Trail**

During Council's recent consideration of a potential park dedication at 1190 Rhoda Lane, many of you sent letters expressing your disagreement with the notion of having a waterfront trail along the Gorge Waterway.

This issue has caused a lot of anxiety for residents and the purpose of this letter is to clarify that the municipality is not looking to acquire land from waterfront property owners unless one or both of the following situations occur:

- 1) the property is to be subdivided and the subdivision would create three or more new parcels;
- 2) the property is to be rezoned to a different use [for example, from single family residential to multiple family residential].

Many properties that border on the Gorge Waterway are already too small to be further subdivided or could only be subdivided into two parcels at most, in which case park dedication would not be required. This means that most of the waterfront parcels are unaffected by the requirement for park dedication.

Years ago there was the idea of creating a continuous waterfront walkway, however, the municipality realized that the concept was not feasible. The current Official Community Plan focuses on providing public access, to the marine shoreline and the Gorge Waterway in a way that minimizes impacts to the native vegetation and shoreline habitat. The idea is to

- 2 -

acquire water-front land for greenspace and small neighbourhood parks, not necessarily for a continuous waterfront trail. Eventually some of those parks may be connected and there may be short paths, viewing points or other features depending on the characteristics of the individual sites.

Should you have any questions regarding the contents of this letter, please contact me at 250-414-7146.

Yours truly,

Barbara Snyder, MCIP
Director of Development Services

c Mayor and Council
Tom Day, Chief Administrative Officer
Andy Katschor, A/Director of Parks and Recreation Services
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

22 January 2009

Fern Spring
302 Uganda Ave.
Victoria, B.C.
V9A 5X7

Dear Ms Spring:

Re: **Gorge Waterway Trail**

Thank you for your letter of January 12th expressing your concerns regarding a continuous linear pathway on the Gorge and the conflict this may pose with the goal of restoring the shoreline's natural ecosystems.

Council's recent consideration of the potential park dedication at 1190 Rhoda Lane has resulted in a number of comments from property owners with concerns similar to yours and has caused a lot of anxiety for waterfront residents.

Years ago there was the idea of creating a continuous waterfront walkway, however, the municipality realized that that concept was not feasible. The current Official Community Plan focuses on providing public access, to the marine shoreline and the Gorge Waterway in a way that minimizes impacts to the native vegetation and shoreline habitat. The idea is to acquire waterfront land for greenspace and small neighbourhood parks, not necessarily for a continuous waterfront trail. Eventually some of those parks may be connected and there may be short paths, viewing points or other features depending on the characteristics of the individual sites.

Please be advised that the municipality is not looking to acquire land from waterfront property owners unless one or both of the following situations occur:

- 1) the property is to be subdivided and the subdivision would create three or more new parcels;

.../2



- 2) the property is to be rezoned to a different use [for example, from single family residential to multiple family residential].

Many properties that border on the Gorge Waterway are already too small to be further subdivided or could only be subdivided into two parcels at most, in which case park dedication would not be required. This means that most of the waterfront parcels are unaffected by the requirement for park dedication.

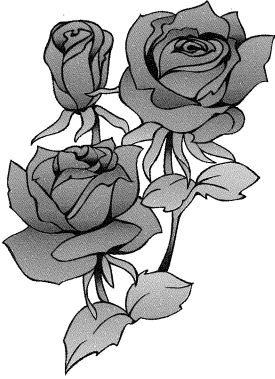
Should you have any questions regarding the contents of this letter, please contact me at 250-414-7146.

Your 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
Andy Katschor, A/Director of Parks and Recreation Services
Larry Randle, Corporate Officer



Agenda

**Joan Kerley
905 Aral Street
VICTORIA, B.C.
V9A 6R9**

**'Phone (250) 384-1274
E-mail <joananddon@shaw.ca>**

January 24, 2009

Barbara Snyder,

Re: Gorge Waterway Trail

I wish to thank you for your letter of 20 January 2009. It is a letter we appreciate receiving because we were anxious about the stories we have been hearing about the notion of a trail along the waterside of our property. Due to our advanced age we are not able to get to the meetings in the evenings.

This is a load off our minds because, if you could see the situation of our property I am sure you would agree that it would be inappropriate to have a public trail cutting across the bottom of our garden and swimming pool.

Thank you again, in appreciation, yours truly, Joan D. Kerley

Joan D. Kerley



Office of the City Clerk

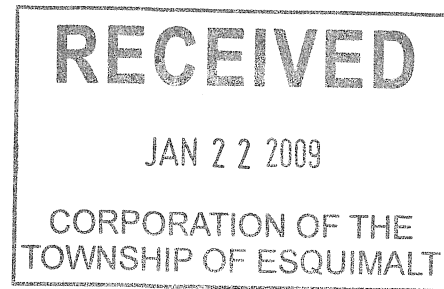
D.R. Comis, City Clerk
A. Skipsey, Deputy City Clerk

2009 January 14

FILE: 02165-11

Mayor and Councillors
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC V9A 3P1

Agenda



Dear Mayor and Councillors:

SUBJECT: Burnaby School Lands
Item 01, Manager's Report, Council 2009 January 12

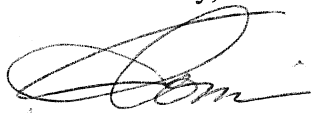
Burnaby City Council, at the Open Council meeting held on 2009 January 12, received the above noted report from the Director Planning and Building. Council adopted the following recommendation contained within the staff report:

1. **“THAT** Council, through the Office of the Mayor, write to the Provincial Government through the Minister of Education to request amendment of the Ministerial Order titled “Disposal of Lands or Improvement Order”, as outlined in this report, to:
 - a) require consultation with and agreement of local government for school lands and facilities to be listed as surplus to school and community needs;
 - b) make all surplus lands and facilities available for purchase by the local government prior to making the properties available for Provincial uses;
 - c) seek local government agreement to proposed future uses of surplus school lands prior to the sale, disposal or transfer of the school lands to the Province or other interested private parties;
 - d) require consultation with the local government to determine and document local government and community contributions made towards the creation of school land and facility assets considered for disposal;
 - e) ensure that the proceeds from disposals attributable to local taxpayers are either vested directly in new local school lands and facilities, as originally intended, or returned to the local government;

- f) recognize lands contributed to School Districts 'in trust' for school purposes, and maintain those lands for school purposes or return the lands to the local government as appropriate; and
 - g) remove the discretion for the Minister to arbitrarily allocate funds generated from the sale of school assets to the Provincial Government.
2. **THAT** Council authorize staff to pursue implementation of the actions outlined in Section 4.0 of this report to protect the City's financial, legal and Community Plan interests in Burnaby School lands.
 3. **THAT** Council authorize staff to draft a UBCM resolution regarding the protection of local Municipal interests in school lands and assets for consideration at the 2009 UBCM convention.
 4. **THAT** a copy of this report be sent to:
 - the Burnaby Board of Education, School District #41
 - the LANDS Group (Attn: Jessica Van der Veen, 2465 Hamiota Street, Victoria, BC V8R 2N1)
 - Burnaby MLA's
 - The Minister responsible for Labour and Citizens Services (ARES)
 - The Minister of Education
 - All Members of the Union of B.C. Municipalities.”

As directed by Council, a copy of the staff report has been attached for your information.

Yours truly,



for Anne Skipsey
Deputy City Clerk

AS:dp

Copied to: Director Planning & Building

RCBC



**RECYCLING
COUNCIL OF
BRITISH
COLUMBIA**

Suite 10
119 West Pender St
Vancouver, BC
V6B 1S5
Canada

phone:
(604) 683-6009

fax:
(604) 683-7255

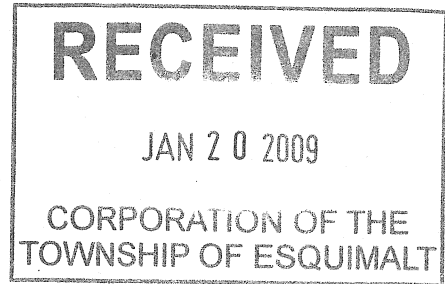
email:
rcbc@rcbc.bc.ca

web:
www.rcbc.bc.ca

January 15, 2009

Mayor and Council
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC V9A 3P1

*Agenda
Marlene*



Dear Mayor and Council:

Last year the Recycling Council of British Columbia (RCBC) Recycling Hotline answered more than 100,000 calls from people in B.C. about recycling and waste reduction. That's a 40 percent increase over the previous year. Many of those questions from the public were about municipal services such as garbage, recycling and garden waste pick-up schedules, transfer station hours, landfill bans and recycling and waste-diversion options. Those were all calls your staff didn't have to handle. We did it for you, and we think we did a good job on your behalf.

B.C.'s province-wide hotline is available six days a week, and is funded by the members we serve. You can help ensure that this valuable and in-demand service continues to be available to your residents by joining RCBC, as other B.C. communities have. A municipal membership is only \$290 annually.

As well as all the regular benefits of an RCBC membership, we're offering new first-time municipal members a special bonus. If your municipality joins RCBC by April 1, 2009 we will provide one full registration to our 35th annual Zero Waste Conference this May at the Whistler Chateau Fairmont for only \$99. Our conference is an invaluable tool for council members or senior staff to gain insight into sustainability issues that impact your municipality and its residents.

This year's conference theme is ***ECONomics: The Green Economy Summit***, and we'll explore the oncoming transition to a greener and more sustainable economy. A timely theme, to be sure. We'll cover such topics as carbon footprint reduction, cap and trade, commodity markets and their impacts, sustainable purchasing, environmental regulations, best practices and a variety of other workshops and presentations that will enable you to stay informed on the latest information.

Municipalities across B.C. have found RCBC to be an invaluable partner in delivering pollution prevention, waste reduction and sustainability information to residents. So, let's keep working together to keep B.C. green. Join RCBC today and become a partner in preventing pollution and conserving our resources for the future.

Please feel free to contact me if you require additional information. Or visit our web site at rcbc.bc.ca.

Sincerely,

Brock Macdonald
Executive Director



Recycling Council of BC Membership Form 2009

Company/Organization _____

Contact person _____

Address _____

City _____ Province _____ Postal code _____

Phone (____) _____ Fax (____) _____

Email _____ Website _____
(Required for electronic news service) (Required for webpage link to www.rcbc.bc.ca)

- Please renew my membership
- Please sign me up as a new member (if new member, please fill out question below)

Tell us about your organization: _____

How did you hear about RCBC?: _____

Membership Categories and Annual Fees (please check box)

- Federal and provincial governments and agencies \$ 465
- Businesses (20 + employees) \$ 420
- Local governments (regional districts, municipalities, townships, etc) \$ 290
- Industry associations \$ 290
- Businesses (5 - 19 employees) \$ 240
- Institutions (hospitals, universities, colleges) \$ 240
- Non-profit organizations and societies (5 + employees) \$ 160
- Non-profit organizations and societies (1 - 4 employees) \$ 105
- Businesses (1 - 4 employees) \$ 105
- Individuals & Students \$ 60

Payment

Please make cheques payable to the **Recycling Council of BC**

- Payment enclosed
- Charge to my VISA or M/C (please circle one)

Name _____

Card # _____ Exp. Date _____

Signature _____

RCBC does not sell its mailing list. All information will be kept confidential. By becoming a member of RCBC, you agree to receive regular communications, event invitations and RCBC publications from RCBC. In addition, a link to your organization's website will be posted under our website's membership listing at www.rcbc.bc.ca. If you wish to opt-out of any of these membership features, please advise Ben Ramos, Privacy Policy Officer at ben@rcbc.bc.ca.

NOTE: Membership is valid for each calendar year (January to December).

Membership Acknowledgment

This is to confirm that I have received and agree, as a member of the Recycling Council of British Columbia, to comply with and be governed by the Constitution and Bylaws of this organization.

Signature (print name beside signature) _____

Date _____

For more information:



RECYCLING COUNCIL OF BRITISH COLUMBIA

"ECONomics: The Green Economy Summit"

May 27-29, 2009

Fairmont Chateau Whistler Resort
4599 Chateau Boulevard RR 4, Whistler, BC

Registration Form

To register, return form and payment to: Recycling Council of British Columbia
Suite 10 - 119 W. Pender Street, Vancouver, BC V6B 1S5
Phone: 604-683-6009 Fax: 604-683-7255 Email: conference@rcbc.bc.ca

Name _____ Primary Contact

Name (2) _____

Name (3) _____

Organization _____

Address _____

City _____ Prov / State _____

Postal Code _____ Country _____

Phone _____ Fax _____

Email(s) _____

Diet Restrictions _____

Method of Payment

- Check payable to Recycling Council of BC
- Mastercard
- Visa

Card Number: _____

Expiration Date: _____

Cardholder Name: _____

Receipt Required? (pick up at registration)

Fairmont Booking Reference _____

Payment Instructions

Note: Pre-registration cut-off will be at 5 p.m., May 22, 2008.
On-site registration will be available.

Please submit payment with your registration form to RCBC. Make cheques payable to the **Recycling Council of BC**. Money orders and cheques will be accepted in CDN dollars.

Registrations received without payment will be considered incomplete and will not be processed until full payment is received.

Refund and Cancellation Policy

Registration cancellations WILL NOT be accepted by phone. All cancellations MUST be in writing to RCBC. The following cancellation penalties will apply:

- Prior to April 24:** full registration refunded
less \$50 administration charge
- Between April 25-May 15:** full registration refunded
less \$100 administration charge
- After May 16:** no refund given

Value

In addition to 2.5 days of tours and sessions, a full registration includes 2 breakfasts, 2 lunches, the Gala Dinner, 3 receptions and refreshment breaks. The single day registration includes all activities, meals, and receptions scheduled for the day.

Other Information

Subsidies are available for students and non-profit organizations. For more information and general conference inquiries, pcontact **Ben Ramos** at 604.683.6009 ext. 314 or email conference@rcbc.bc.ca or visit www.rcbc.bc.ca.

Sponsorship Opportunities

If you are interested in sponsoring this year's conference, please contact Brock Macdonald, Executive Director, at brock@rcbc.bc.ca or at 604.683-6009 ext. 307.

For more information

For more information and general conference inquiries, please contact **Ben Ramos** at 604.683.6009 ext. 314 or email conference@rcbc.bc.ca or visit www.rcbc.bc.ca.

Registration Fees

(please check appropriate box and indicate quantity (max. 3) GST Exempt

	RCBC	Non-
Qty	Member	Qty Member

1 - \$99 Special Conference Registration Rate

Must be submitted with this form along with your member application.

Total Amount \$ _____ \$ _____

Optional Activities (Please select the items you are interested in.)

- Tours (To Be Announced)
- Friday Packed Lunch (May 29) Qty _____

*To register with discounted Fairmont Early Bird and Fairmont Single Day Registration Rates **you must book at the Fairmont Chateau Whistler Resort for 2 nights for a full-conference registration and 1 night for single day registration. Please quote your booking reference number above.** If no booking reference quoted, your registration will be processed at the normal rates.

Accommodation

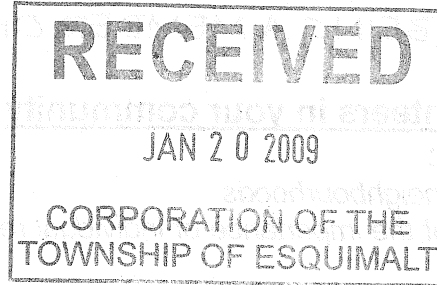
Delegates are responsible for making their own reservations and payments. RCBC is offering special rates at the Fairmont Chateau Whistler Resort starting as low as **\$169/night**. Rates and availability are not guaranteed as rooms may sell out. Reserve now to ensure you receive the conference rate, valid only before **April 26, 2009** providing room block does not sell out. For your enjoyment, the special rates are also available 3 days before and 3 days after the conference. Book ASAP to ensure your special rates. Limited space is available. To reserve:
1. Online: <https://resweb.passkey.com/go/recyc9>
2. Phone: 1-800-441-1414, quote recyc9

PITCH-IN BRITISH COLUMBIA

Volunteers *in Action!*

Box 45011, Ocean Park R.P.O.
White Rock, B.C., V4A 9L1
Website: www.pitch-in.ca

1 877 474 8244
pitch-in@pitch-in.ca



Patron, PITCH-IN CANADA
The Governor General of Canada

*Agenda
change*

January 15, 2009

Mayor and Council
Township of Esquimalt
1229 Esquimalt Road
Esquimalt BC V9A 3P1

Dear Head and Members of Council

Thank you very much for your financial support as a Member of PITCH-IN BRITISH COLUMBIA, the non-profit, province-wide organization providing litter, waste management, and beautification programs to British Columbians for 40 years. Your support of our organization and the PITCH-IN volunteers in your community is very much appreciated.

Please note

- ✓ Member communities have **exclusive annual access** to the **MUNICIPAL PATRON RESOURCE CENTRE** of the PITCH-IN CANADA website, www.pitch-in.ca; the current user name and password for the calendar year 2009 are *patron* and *ourhero* (case sensitive).
- ✓ Member communities of PITCH-IN CANADA receive a number of cost-saving benefits – **see the reverse of this letter** for a complete list of benefits for your community!
- ✓ Your current **Member's Certificate** is enclosed. Please display it in your Town Hall or Civic Centre so that your residents can see their community's commitment to, and support of, a clean environment.
- ✓ You will receive an invitation to renew your support annually in October and an invitation to the annual Meeting of PITCH-IN BRITISH COLUMBIA in the fall.

Thanks again for your support of PITCH-IN BRITISH COLUMBIA and the many volunteers in your community who participate in our programs every year.

Sincerely
PITCH-IN BRITISH COLUMBIA

Alice M. Johnson
Alice M. Johnson
Chair



www.pitch-in.ca

A reminder:

Member communities are NOT automatically registered for PITCH-IN Week.
Please have your PITCH-IN Coordinator register your community online at pitch-in.ca after January 19, 2009



CivicPride



THE BENEFITS OF BEING A MEMBER OF PITCH-IN

***You are helping us help the volunteers in your community who use our free year-round programs and materials to:**

- *clean up and beautify your neighbourhoods*
- *educate your children about the importance of individual responsibility for taking care of their environment*
- *undertake projects and campaigns to reduce, reuse, and recycle – cell phones, lunch scraps, old clothes*
- *participate all year round in projects that save your Council money and invests in your community's future*

***These EXCLUSIVE Benefits for your Council, PITCH-IN Coordinator and Staff:**

- ✓ access to our **Municipal Secure webpages** to download free materials including
 - detailed Action + Communications Plan for PITCH-IN CANADA Week
 - Communications and Action Plan for *The 20-Minute Makeover*
 - The Civic Pride Program, a comprehensive, year-round, litter control and waste management program (manual, workshop materials, DVD, use of logo, etc...)
- ✓ right to use the **PITCH-IN trademarks** including the PITCH-IN, CIVIC PRIDE and *The 20-Minute Makeover* logos
- ✓ purchase the official **SEMAINE PITCH-IN WEEK flag** for only \$75 (a \$125 saving)
- ✓ **free application** (save \$750) for *The National Civic Pride Recognition Program*
- ✓ **listing** on the PITCH-IN CANADA Website as a Member and a link from our website to your community's website
- ✓ **reduced registration fee** for PITCH-IN CANADA workshops
- ✓ **access to PITCH-IN CANADA** staff as you design local litter control + beautification programs

***For Your Local Volunteers**

- ★ **Guaranteed + Priority** access to free PITCH-IN Week garbage/recycling bags for volunteers (must apply by March 15)
- ★ **Ensure** that PITCH-IN Week can continue as a resource for your community groups

***You might also want to check out these other PITCH-IN CANADA materials and programs for your staff, your Council and the volunteers in your community, all available as FREE downloads from pitch-in.ca**

- **ecoActive Schools**
- **Green Shopper**
- **Shoreline Clean-up**
- **Fastest Broom Contest** (a great kick-off for PITCH-IN Week!)
- **Tra\$h-A-Thons**
- **Pollution Counts**
- **Re-THINK Educational Unit**
- **Posters, Colouring Books, Action Projects for the Environment**

THANK YOU!!!



This certifies that

TOWNSHIP OF ESQUIMALT

is a member of PITCH-IN CANADA



2009

Alvie M. Johnson
Chair, PITCH-IN CANADA



**Esquimalt Photography
Club**

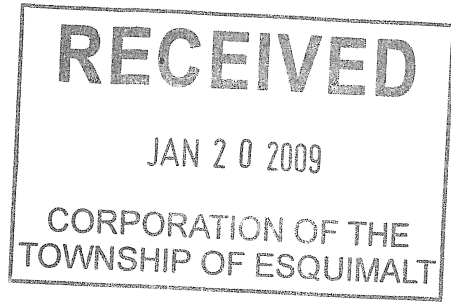
PHONE

Contact: 250 382 4994

EMAIL

wralff@shaw.ca

*Agendas
Shaw*



January 19, 2009

The Corporation of the Township of Esquimalt

Attention: Town Council

Ladies and Gentlemen,

Further to our previous correspondence with reference to your generous grant in the amount of One Thousand, Five Hundred (\$1,500.00) dollars, I am pleased to update you on what we have achieved to date as well as some of our ongoing plans for the future.

With your support, we have been able to purchase some of the much needed equipment outlined in our request. Our club equipment now includes a projector and screen as well as associated software (PC and Mac compatible). Our plans to purchase a laptop for the club has been tabled for future discussion at upcoming meetings.

This club's aim is to try and continue to provide services free of charge which would be of benefit to Esquimalt. As mentioned earlier, these would include audio-visual presentations available to non-profit groups within the township, digital images for the archives, sharing our expertise at workshops and providing photographic displays such as the two presentations we did at the Esquimalt Branch of the Public Library and the April presentation at the Rec. Centre. I have recently been in touch with Ms. Marlene Lagoa, Manager of Communications and Sustainability with regard to providing photographs for the Esquimalt web-site. These photos would provide the web-administrator with a file of our parks, interesting buildings, marinas and so forth and I think would help promote Esquimalt as a great place to live and visit.

Lastly, our club is always open to guests. We meet at the Church Hall of Esquimalt United Church on the second and fourth Monday of the month. Start time is 7:30 pm. Our membership at the present time consists of approximately thirty members. As digital photography is becoming the norm, we have seen a greater mix in age groups at our meetings.

Thank you again for your assistance in helping the Photography Club upgrade and maintain what we feel is a plus for the Township of Esquimalt.

Sincerely yours,

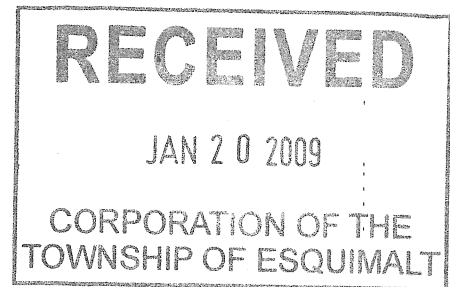
John Scratchley,

Club President



Agenda
Do X
Lanver

MEMBER NOTICE



**TO: Mayor and Council
Chair and Regional District Board**

FROM: UBCM Secretariat

DATE: January 19, 2009

RE: MUNICIPAL PENSION: GROUP HEALTH BENEFITS

At the 2008 Convention in Penticton the following resolution was referred to the UBCM Executive.

B120 MUNICIPAL PENSION RETIREES GROUP HEALTH BENEFITS

THEREFORE BE IT RESOLVED that the provincial government and the Union of BC Municipalities be requested to increase funding of 1/2 of 1% of payroll for an account specifically designated for Group Health Benefits to assist Municipal Pension retirees to continue with their efforts to maintain and support good health.

The UBCM Executive considered this resolution at their December meeting and did not endorse the resolution. At that time the Executive also instructed that additional background information on this decision be provided to the membership.

By way of background, group benefits are not pre-funded as part of the pension plan. The present group benefits that are provided are actually funded from two sources – premiums paid by retirees and subsidies funded from employer contributions to a separate account that was established to provide pension indexing. This pension indexing account was set up not to provide group health benefits but to ensure that pensions keep pace with the cost of living.

Group benefits are not guaranteed and are provided only if adequate funding is available and may adjusted at any time. There is no fund accumulated to pay for post-retirement group benefits and no retiree has paid in advance for these non-pension benefits.

The resolution proposed that employers increase funding by .5% of salaries to be dedicated to retiree group benefits. The additional .5% of salary contribution would cost employers (if not shared with existing active employees) about \$32 million in 2008. If

UBCM agreed to the increase about 25%, of the \$32 million would fall on local government employers.

Furthermore, the additional .5% of salary from employer contributions (whether in a separate fund as proposed in the resolution or not) would support the existing post retirement group benefits for only a few more years. A direct additional contribution might extend the subsidies for 3 to 4 years (2016). Investing relatively small amounts of money needed to fund group benefits in a separate fund would not produce sufficient returns to offset the rapidly increasing costs of post-retirement group benefits and the anticipated increase in retirees who could draw from it. The cost of group benefits are increasing at a significant rate as a result of the rising cost of drugs and the increased use of prescription drugs, MSP premiums, PharmaCare coverage, the number of retirees and the fact that retirees are living longer.

The current .8% of salary contributions made by employers will only support the existing level of post retirement group benefits subsidies to retirees for dental and extended health benefits until about 2011 or 2012.

The issue is further complicated by the fact that local government through UBCM is a partner of the Municipal Pension Plan. Under the terms of joint trusteeship any increase would be shared by current employees and employers - for the .5 increase to be assumed by local government employers alone might require an amendment to the Joint Trust Agreement - a process that could involve referral to all UBCM members or at least at a UBCM convention. Such a change would also require the approval of the provincial government and the representatives of the employees.

Municipal Pension Plan

Local governments are employer members of the Municipal Pension Plan. The Plan is a multi-employer plan, governed by a joint board of trustees appointed by employer and member organizations in accordance with the Municipal Pension Plan Joint Trust Agreement (JTA).

The JTA gives the Board the authority to make most decisions affecting the Plan but, significantly, does not permit the Board to increase contribution rates, except where an actuarial valuation determines that there is a funding deficit. The Board is not permitted to make plan amendments that would give rise to or increase a funding deficit. These powers are reserved to the Plan Partners. The Plan Employer Partner is the Government of British Columbia and the Union of British Columbia Municipalities. The Plan Member Partner is the Municipal Employees' Pension Committee.

Over the course of 2004-06, the Board of Trustees gave careful consideration to the challenges of rising costs and limited funding for post-retirement group benefits, and the balance between funding for post-retirement group benefits and inflation protection.

The Board reviewed its options based on three priorities:

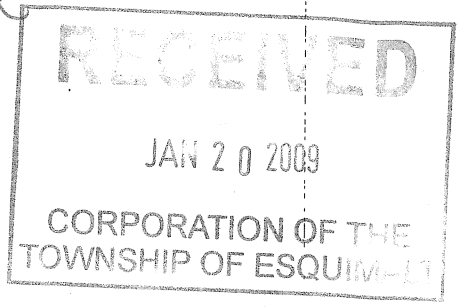
1. ensure the basic pension;
2. maximize the capacity to provide inflation protection; and
3. continue to offer group benefits.

As a result, at its September 18, 2006 meeting, the Board made the following decisions:

- The plan will provide post-retirement group benefits subsidies for retirees only. Coverage for spouses and dependants will be available at full premium cost.
- Subsidies will be determined each year, based on the money projected to be available (up to 0.8 per cent of active members' salaries). The balance of Employer Inflation Adjustment Account contributions (not less than 0.2 per cent) will go to the IAA.
- There will be an annual cap of \$2,000 per person per year for dental coverage. This limit will be reviewed in three years.

At the December UBCM Executive meeting the resolution to increase funding for Group Health Benefits was not endorsed. The Executive concurred with the position taken by the Board of Trustees that the primary emphasis must be to ensure that the basic pension plan is maintained and that there is capacity to provide inflation protection. While the desire for improved retiree health benefits is a laudable goal the available resources should be directed to plan stability and indexing, particularly in these tumultuous financial times.

*Agenda
Kaurie*



TO: Mayor and Council
Chair and Board
UBCM Member Local Governments

FROM: Chair Robert Hobson, UBCM President

DATE: January 19, 2009

RE: UBCM MEMBERSHIP

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Suite 60
10551 Shellbridge Way
Richmond
British Columbia
Canada V6X 2W9
604.270.8226
Fax 604.270.9116
ubcm@civicnet.bc.ca

It is my pleasure on behalf of UBCM to write to all local governments requesting that you renew your membership in our organization.

As I pen this letter we are preparing to attend the six seminars for Newly Elected Officials that are scheduled around the Province. As always, I am struck by the rich and successful history of UBCM. We are now in our 104th year and while we continue to adapt to the changing times, we never lose sight of what has brought us success in the past.

Our greatest attribute is strength in numbers and the provision of a common voice for all local governments in British Columbia. For the past 30 years UBCM has maintained 100% membership and this unity has worked to the betterment of all.

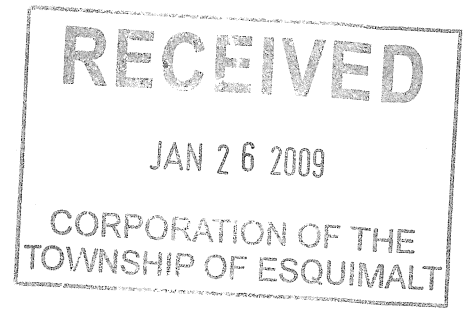
Because of your ongoing support UBCM was able to achieve many significant outcomes in 2008. Here are a few examples:

1. Secured \$1 Billion in Gas Tax funding from 2011 - 2014.
2. Municipal House - construction nearing completion on this Gold LEED building.
3. Agreement signed with Knowledge Network to produce Picture BC website.
4. Negotiations led to signed Communities Component under Build Canada.
5. Initiated Regional District Task Force.
6. Developed policy paper on the Fiscal Balance issue.
7. Held a well attended and highly successful Community Safety Conference.

In closing it is essential that we continue to work collectively to advance the issues important to local government. Please renew your membership in UBCM.

910:10:UBCM Membership-2009

Tom



January 22, 2009

Agenda Mayor

Her Worship Barbara Desjardins
Mayor of the Township of Esquimalt
1229 Esquimalt Road
Esquimalt BC V9A 3P1

Dear Mayor Desjardins:

On October 30, 2008, I received a letter from the former Mayor of Esquimalt, Mr. Chris Clement, requesting that my office conduct an audit of whether the funding and service model of the Victoria Police Department provides an appropriate level of service to the taxpayers of Esquimalt.

I understand that both you and His Worship Dean Fortin, Mayor of Victoria, have met with Mr. Kevin Begg, Assistant Deputy Minister and Director of Police Services, to discuss the need for an audit of the Victoria Police Department.

I also understand from Mr. Begg that there was agreement from both you and Mayor Fortin for the need to conduct an audit of three areas: First, general department audit of compliance with provincial police standards and the efficient and effective operation of the department; second, analysis of service delivery between Victoria and Esquimalt and the resource requirements for both communities; and third, examine the CREST services level and determine if coverage meets required standards.

Mr. Begg indicated to you that once the new Chief of Police was in place that he would meet with the Chief, and following that meeting, they would meet with the Police Board to provide an overview of the terms of reference for the audit.

.../2

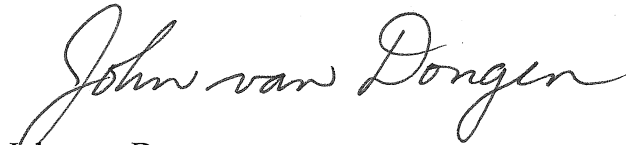
Her Worship Barbara Desjardins
Page 2

Should you have any further questions, I encourage you to follow up directly with Mr. Begg as follows:

Mr. Kevin Begg
Assistant Deputy Minister and
Director of Police Services
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7
Telephone: 250 387-1100

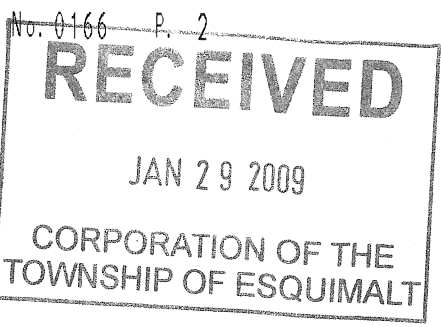
Thank you for your interest in this important matter. I would also like to take this opportunity to wish you well in your new position.

Yours sincerely,

A handwritten signature in cursive script that reads "John van Dongen". The signature is written in black ink and is positioned above the typed name and title.

John van Dongen
Solicitor General

pc: Mr. Kevin Begg



January 28, 2009
Ref: 370798

✓ Mayor
- Agenda

Her Worship Mayor Barbara Desjardins
Vice Chair, Victoria Police Board
Township of Esquimalt Municipal Hall
1229 Esquimalt Rd
Esquimalt BC V9A 3P1

Dear Mayor Desjardins:

Re: Audit of Policing Services in Victoria and Esquimalt

At the request of Solicitor General John van Dongen, and under the authority of Section 40 of the *Police Act*, Police Services Division is undertaking an audit of policing services in Victoria and Esquimalt.

The overall mandate of the audit is to ensure that the citizens of Victoria and Esquimalt receive consistent and accountable high quality police services.

The scope of the audit includes, but is not limited to, the following:

1. **Focused Inspection:** of the Victoria Police Department, including:
 - a. An inspection of compliance with the *Provincial Standards*;
 - b. A survey of officer morale;
 - c. A public confidence survey;
 - d. An analysis of the department's use of force reporting, training, and relevant public complaints; and,
 - e. Interviews with Victoria Police Board members and senior members of the department.

2. **Service Delivery:** A review of the department's resource deployment, call load, response times, and associated costs.

3. **CREST Review:** An analysis of the effectiveness and suitability of the existing communications system.

.../2

Her Worship Mayor Barbara Desjardins

Page 2

Three main procedures will be used to collect the information required for this audit:

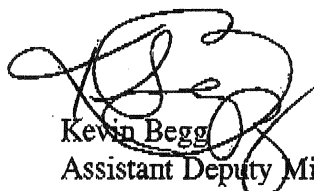
- Analysis of key documents;
- Surveys of sworn members and a sample of residents; and,
- Interviews with select sworn members, union representatives and Police Board members.

Police Services Division, Standards and Evaluation Unit staff will conduct the audit. Senior staff members assigned to this project include: Lynne McNally, Director, Standards and Evaluation; Tanya Allen, Program Manager, Audits and Inspections; and, Dr. Gabi Hoffmann, Program Manager, Use of Force.

For your interest, I have included a copy of the Terms of Reference for the audit.

Thank you in advance for your cooperation.

Yours truly,



Kevin Begg
Assistant Deputy Minister and
Director of Police Services

Enclosure

cc: Lynne McNally, Director, Standards and Evaluation, Police Services Division
His Worship Mayor Dean Fortin, City of Victoria
Chief Constable Jamie Graham, Victoria Police Department

TERMS OF REFERENCE FOR THE AUDIT OF THE VICTORIA POLICE DEPARTMENT

Pursuant to Section 40 of the *Police Act*, the Honourable John van Dongen, Minister of Public Safety and Solicitor General, directs Police Services Division to inspect and report on the quality and standard of policing and law enforcement services in Victoria and Esquimalt, British Columbia.

A. The audit will include the following components:

1. **Focused Inspection:** An inspection of the Victoria Police Department, including:
 - a. Inspection of compliance with specific *Provincial Standards*;
 - b. A survey of member morale;
 - c. A public confidence survey;
 - d. An analysis of the department's use of force reporting, training, and relevant public complaints; and,
 - e. Interviews with Victoria Police Board members and senior members of the department.
2. **Service Delivery:** A review of the department's resource deployment, call load, response times, and associated costs.
3. **CREST Review:** An analysis of the effectiveness and suitability of the existing communications system.

B. It is further directed that the review be conducted in the manner specified below:

1. The audit team is comprised of employees of the Ministry and Public Safety and Solicitor General and other consultants, experts or specialists retained by the Director of Police Services (the Director).
2. The audit team will develop an appropriate project plan, including the methodology to be used, for approval by the Director.
3. An advisory committee will be established to provide general advice to the audit team. Committee members will be selected by the Director.
4. In conducting the review, the audit team:
 - a. shall have access to all of the records, operations and systems of administration as per s.40 (3) of the *Police Act*; and,
 - b. may receive and obtain information from any person in the manner they consider appropriate including, without limitation, interviewing and taking statements from any person with information which is relevant to the review.
5. Following completion of the audit, the audit team will prepare a report (or a series of reports) that the Director will submit to the Solicitor General. The Director may also distribute a copy of the report to those persons the Director considers appropriate, as per s. 40 (2) of the *Police Act*.

MEMBER RELEASE

UNION
BRITISH
COLUMBIA
MUNICIPALITIES

60-10551 SHELLBRIDGE WAY
RICHMOND, B.C. V6X 2W9
Ph (604) 270-8226 Fax (604) 270-9116
E-mail: ubcm@cityvancouver.bc.ca

RECEIVED
JAN 23 2009
CORPORATION OF THE
TOWNSHIP OF ESQUIMALT

Prime Minister and Premiers Agree to Accelerate Infrastructure Funding

As a result of meetings between the Prime Minister and Premiers a series of actions have been agreed upon in an effort to stimulate the Canadian economy. One of the key actions in the January 16th announcement of specific interest to local governments relates to infrastructure investments.

The Prime Minister's January 16th news release states: "The need for immediate infrastructure investments is critical. This Government has proposed to the provinces and territories to jointly accelerate planned spending to ensure that this money gets into the economy when it is most needed."

The First Ministers have agreed on an action plan in an effort to speed up the delivery of funding under the Building Canada Fund (BCF), including both accelerated funding approvals and cutting red-tape.

Of most direct significance to local governments is the federal government's indication that it is prepared to approve projects this year using the entire funding available under the BCF Communities Component. We understand that the Province of BC is also supportive of expediting approvals. In practical terms, we expect that this will mean approvals based on the first round of Communities Component applications soon and a second call for applications in the near future.

Funding under the other two components of the BCF is also being accelerated, as

follows:

- Under the Major Infrastructure Component, the federal and provincial governments are jointly discussing priority infrastructure projects that could be approved, resulting in construction starting in 2009 and 2010; and
- Under the BCF Base Fund, \$25 million per year was to be delivered to BC over a 7 year period from 2007/08 to 2013/14. The federal government has announced that it is prepared to give the entire remaining funding over the next two years, subject to matching provincial contributions.

The federal government has indicated that these initial actions will accelerate approval of a combined \$1.9 billion nationally in infrastructure projects beyond what was planned for the next two years.

In addition to accelerating approvals, the First Ministers agreed to cutting red tape on infrastructure projects. Of key significance to local governments are plans, over the next two construction seasons, to reduce the number of federal assessments and regulatory reviews, to simplify and develop a more efficient review process to help get projects started, and to provide clarity and predictability for Aboriginal consultation on projects.

This January 16th announcement follows a series of national consultation meetings

that federal Transport, Infrastructure and Communities Minister John Baird held with provincial, territorial, and local government leaders from across Canada. UBCM President Robert Hobson was represented at a western provincial local government associations meeting held in Vancouver on December 15, 2008.

For further details on the January 16th announcement please go to:
www.pm.gc.ca/eng/media.asp?id=2383

UBCM will also be monitoring the January 27 Federal Budget and will issue an "In the House" bulletin on any financial measures of interest to local governments.

UBCM Environment Conference Postponed

Due to changing economic circumstances, UBCM will not be in a position to hold the environment conference on February 24/25, 2009 as previously scheduled. The conference has been tentatively rescheduled to June of 2009 at which time we hope our partners will be in position to financially contribute and participate in the event.

Further updates related to the conference will be posted on the UBCM website and in the UBCM newsletter.

The provincial government has provided UBCM with the following reminder notice:

The B.C. budget will be released on February 17, 2009.

New this year, Budget 2009 will be distributed on CD as well as posted online. Electronic distribution is greener, more cost-effective and makes finding information easier.

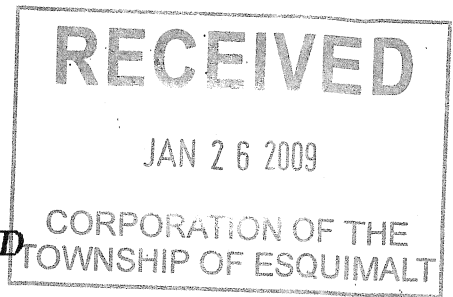
Sign up now to be automatically notified when the budget documents are released by visiting <http://www.bcbudget.gov.bc.ca/>

Please make copies of this circular and distribute to Council/Board Members /Staff.



**ASSOCIATION OF VANCOUVER ISLAND
AND COASTAL COMMUNITIES**

545 Superior Street, Victoria, B.C. V8V 1T7



Telephone: (250) 356-5133
Fax: (250) 356.5119

Email: efraser@civicnet.bc.ca
Website: www.avicc.ca

TO: Mayors and Councils
Chairs and Boards

FROM: Mayor Barry Janyk, AVICC President

DATE: January 23, 2009

RE: **FORESTRY FORUM – FEBRUARY 27, 2009 –NANAIMO, BC**

Agenda

As announced at the Area Association Luncheon at UBCM back in September the AVICC will be hosting a one-day forum on forestry issues on Friday, February 27, 2009 in Nanaimo.

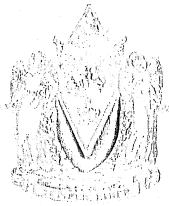
Director Joe Stanhope and Past President Rod Sherrell have been working hard on finalizing presenters for this forum. The AVICC Executive met with Minister Pat Bell in November to discuss the concerns of local governments impacted by the downturn in the forestry industry. Minister Bell indicated that it was anticipated that the recommendations from the Roundtable on Forestry should be released prior to the forum and it is hoped that we could build on those recommendations.

MLA Ron Cantelon and Minister Blair Lekstrom were also in attendance at the meeting with Minister Bell. Minister Bell and Minister Lekstrom were both invited to attend and participate in the forum. Since that meeting Minister Lekstrom has moved to the Ministry of Energy and Mines and the Honourable Kevin Krueger has been appointed Minister of Community Development. An invitation will be extended to Minister Krueger to attend the forum.

Details of presenters will be circulated as they are confirmed. Please continue to check the website at www.avic.ca for confirmed presenters. A registration form will be circulated with an agenda and confirmed presenters early in February. We are pleased to advise that the Truck Loggers Association is a co-sponsor of the forum.

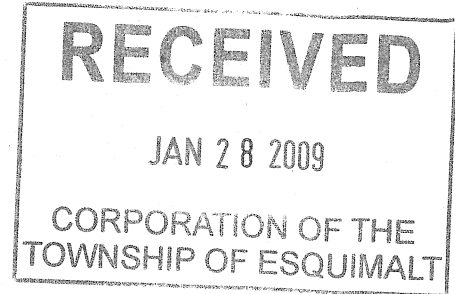
Please mark Friday, February 27th on your calendars and plan to attend.

Representing Local Government on Vancouver Island, Sunshine Coast, Powell River and the Central Coast



January 23, 2009

Mayor
Agenda



Honourable Kevin Falcon, Minister
Ministry of Transportation and Infrastructure
PO Box 9055, Stn Prov Gov
Victoria, BC V8W 9E2

Dear Minister Falcon:

I am writing on behalf of the Mayors of Nanaimo, Duncan, Esquimalt, Colwood, Langford, Sooke, Metchosin and View Royal to request a meeting with you. We are all interested in renewing the E & N as both a commercial and commuter rail line.

We are excited that you have committed \$500,000 to fund a business case analysis for expanded rail services in our communities. Having already done some preliminary examination of this transportation option, we are hopeful that a triple bottom line assessment of this initiative will indicate that it can be truly sustainable.

Our communities have been working collectively to find solutions to the transportation challenges facing the region. We feel commercial rail can be a positive strategic infrastructure investment for Vancouver Island. Further, commuter rail service from Langford to Victoria may offer an opportunity for an affordable, green transportation option into downtown Victoria. This will reduce carbon emissions, helping local governments to fulfill their commitment under the Climate Action Charter to achieve more sustainable, energy efficient communities. This will also help the Province meet its greenhouse gas reduction target.

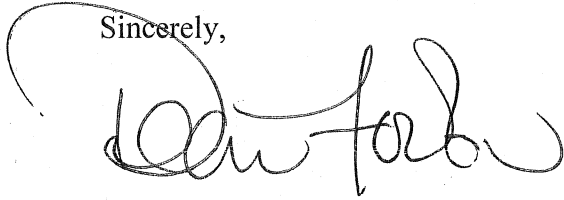
.../2

Honourable Kevin Falcon, Minister
Page 2

We would like to make this project a reality, and look forward to working with you and your ministry on this initiative. As such, we would like to meet with you at your earliest convenience. The City of Victoria is happy to make the arrangements as directed by your office.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Fortin". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

Dean Fortin
MAYOR

c: Mayor Desjardins, Township of Esquimalt
Mayor Saunders, City of Colwood
Mayor Young, City of Langford
Mayor Hill, Town of View Royal
Mayor Evans, District of Sooke
Mayor John Ranns, District of Metchosin
Mayor Ruttan, City of Nanaimo
Mayor Kent, City of Duncan