



Corporation of the Township of Esquimalt

REGULAR COMMITTEE OF THE WHOLE

Monday, July 13, 2009

Esquimalt Municipal Hall – Council Chambers

5:45 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Don Linge, Councillor Bruce McIlldoon, Councillor Alison Gaul, Councillor Lynda Hundleby

STAFF: Laurie Hurst, Chief Administrative Officer
Barbara Snyder, Director of Development Services
Scott Hartman, Director of Parks and Recreation
Gord Anderson, Deputy Fire Chief
Carollyne Evans, Manager of Corporate Services

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 5:45 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

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

4. PRESENTATION

(1) Paul Brookes, Victoria Police, Youth Combating Intolerance

Paul Brookes, Victoria Police Department #61, gave a brief overview of the Youth Combating Intolerance program conducted at Thetis Lake over a four day period in the spring, which has run successfully for the past six years. Mr. Brookes stated there were 55 participants this year comprising teachers, police officers, and students, with guest speakers from residential schools, holocaust survivors, immigrants, refugees, and victims of intolerance. The camp engages youth to make a difference. Mr. Brookes noted that the organizing committee is working towards connecting schools regionally.

Mr. Brookes introduced Lily Cheatly, an Esquimalt High School student, who is spearheading the leadership of the regional committee. She stated she has noticed the biggest impact on students is their increased confidence, and they have the tools to stand up and be upfront rather than confrontational when

dealing with intolerance. Ms. Cheatly showed a five minute DVD on highlights of the camp.

Ms. Cheatly would like the program to be in every school. Mr. Brooke advised the cost of the program is \$40 per student and the budget for the entire camp is \$15,000 not including wages paid. Students are chosen by their teachers and develop an action plan on how they will make a difference in their school after returning from camp.

Mayor Desjardins thanked Mr. Brookes and Ms. Cheatly for an inspiring presentation on a wonderful program.

5. MINUTES

- (1) Minutes of the Regular Committee of the Whole, May 11, 2009
- (2) Minutes of the Special Committee of the Whole, May 25, 2009
- (3) Minutes of the Special Committee of the Whole, June 15, 2009

Correction noted: Page 3 of May 11th Minutes: Change Gail to Gaul

Moved by Councillor Linge, seconded by Councillor Brame that the Minutes of the Regular Committee of the Whole held May 11th, 2009, and the Special Committees of the Whole held May 25th and June 15th, 2009, be adopted with change made.

The motion **CARRIED**.

6. STAFF REPORTS

Parks and Recreation

- (1) Review of Revenue and Cost Allocations at the Archie Browning Sports Centre, Staff Report No. P&R-09-026

Mr. Gordon Gunn, Associate Partner with KPMG Advisory Services, provided a power point presentation on the results of the review of revenue and cost allocations at the Archie Browning Sports Centre. Mr. Gunn explained the analyses performed and objectives reviewed.

Mr. Gunn explained the Sports Centre is a single profit centre with two primary profit centres within it, the Ice Arena and Curling Rink. Ancillary profit centres are Food Services and Room Rentals. Key findings show the Ice Arena and Curling Rink are recovering their direct costs and contributing towards indirect costs, Food Services are not recovering direct costs, and Room Rentals have few direct costs and are making a small contribution toward indirect costs. Mr. Gunn added the analysis did not factor in certain corporate costs of accounting for staff time at the Sports Centre nor capital expenditures or replacement of capital.

Key recommendations of the review included

- restructuring the Chart of Accounts for the Sport Centre to enhance future cost management,

- Increasing direct contribution from the Curling Rink by revising rental charges,
- offering off-peak time rental of the Curling Rink and Ice Arena,
- reducing deficit from Food Services by considering increasing product pricing, changing/outsourcing scope of operations.

Council commented this is a solid first step. Mayor Desjardins thanked Mr. Gunn for his presentation and noted the report should be forwarded to the Food Services Audit Committee.

Moved by Councillor Linge, seconded by Councillor Gaul

1. That Council receive Staff Report No. P&R-09-026, Review of Revenue and Cost Allocations at the Archie Browning Sports Centre as information; and
2. That staff prepare an operational report for presentation to Council in the Fall 2009 to discuss the future planning opportunities and strategies to the Parks and Recreation Department.

The motion **CARRIED**.

Administration

- (2) Policy No. 53 Amendment to Existing Liquor Licence, Staff Report No. ADM-09-034

Council requested Staff look into the process for applications for brewery licences and that the Manual on Role of Local Government in the Liquor Licencing Process be attached to each application that goes to Council.

Under "Site and Community Assessment", Council requested that the reference to consultation with School District No. 61 also include School District #93 and private schools.

Moved by Councillor Hundleby, seconded by Councillor Gaul that Policy No. 53 *Amendment to Existing Liquor Licence* by approved with changes noted.
The motion **CARRIED**.

Fire Services

- (3) Emergency Social Services (ESS), Staff Report No. FIRE-09-005

Deputy Fire Chief Gord Anderson stated the staff recommendation should have included direction from Council to enter into a short-term contract agreement with the City of Victoria for interim coverage support.

Deputy Chief Anderson advised it is expected there would be no increase to the 2009 and 2010 ESS budget. He clarified the alternatives are limited in that the City of Victoria and other municipalities are already taxed with resources to provide a Level 3 response team. The Township should have its own Level 1 and 2 response teams and build towards a Level 3.

Deputy Chief Anderson stated there is no anticipated loss of service from the province. ESSA [the provincial non profit Emergency Social Services

Association] will be taking over training and funding from PEP [Provincial Emergency Program], which will remain in a support position. There would also be no effect on the Township's Emergency Preparedness Program. Response teams are manned by volunteers and there is no requirement to live within the municipal boundaries.

Deputy Fire Chief Anderson's response to the question about partnering with First Nations is that they already partner with View Royal. Esquimalt will look to work cooperatively with neighbouring municipalities.

Moved by Councillor Brame, seconded by Councillor Hundleby

1. That the Esquimalt Emergency Program take over the responsibility to provide its own Emergency Social Services (ESS) team; and
2. That the Township of Esquimalt enter into a short-term contract agreement with the City of Victoria for interim coverage support.

The motion **CARRIED**.

Development Services

- (4) Secondary Suites, Staff Report No. DEV-09-045

Director of Development Services, Barb Snyder, stated staff recommendation is for Council to

1. Give two readings to OCP Bylaw 2007, No 2646, Amendment Bylaw [No.3], 2009, No. 2707 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 1850, 2009, No. 2708; and
2. Schedule a Public Hearing for Bylaws No. 2707 and 2708 for September

Ms. Snyder added that Council could also discuss and resolve the contentious business licence issue of whether to treat secondary suites as a home occupation or permit or to create a registry for them.

Discussion

Registry:

- Council was generally in favour of creating a registry of secondary suites.
- Provide incentives. Staff to consider options for incentives and bring back to Council. Staff to look at what other municipalities have done, including the City of Victoria. Are there any budgetary implications to the municipality? Suggest permit for the first year is free.

Bylaw Enforcement

- Bylaw enforcement review required over specific period of time to ascertain compliance with BC Building Code.
- Don't want enforcement complaint based. Bylaw Enforcement Officer could accept anonymous calls.
- After initial inspection, follow up review in 3 – 5 year range.
- Police and Fire Departments need to know how many people living in house for safety of residents.
- Suggest keep the bylaw simple, easier to enforce

Code Compliance

- Benefit of two tiered system is it takes a while to bring a home up to code; provide permit for no more than 3 years.

- It is costly to bring a home into compliance – look at incentives to owners of existing secondary suites; huge costs not intent of policy.
- View Royal's 2-tier system automatically notifies tenants that the suite is not up to Code.
- Most of the suites are 1950's style and could never meet Code. Bylaw 2707 2 (d) states all secondary suites are required to upgrade to Code if they are non-compliant. People will be put in hardship. How will we deal with non-compliant existing suites?
- A definition of what non-compliance is. Does it mean being a safe and clean place to live? Does it mean meeting all BC Building Codes with respect to plumbing, electrical, fire?
- Safety is paramount for owners and occupants.
- Registry should list why a suite is non-compliant.
- There is a housing crisis and the municipality has a legal and moral obligation to allow housing without registering suites that are non compliant.
- Is there federal grant funding to assist converting space into secondary suite?
- Temporary registration only if need to bring up to Code.

Owner/Occupier

- Absolutely necessary to start with owner/occupier who can apply for rezoning as a duplex with exceptions owner is on extended leave of absence and for medical reasons.
- Philosophically an owner/occupier will stay in home for longer period of time; will not support owner buying to rent out home for profit.

Business Licence

- Definition of a secondary suite is it is a mortgage helper. Two suites in a home is a business.
- Suite on second floor of garage/carriage house was felt to be a separate discussion worth having.
- Uncomfortable with Bylaw 2708, 2(12) "any home occupation that attracts customers or clients to the site is not permitted within a secondary suite.
- Clarification of wording in Bylaw 2708, 3(19) "secondary suites are considered to be a home occupation of the principal dwelling unit and a business licence will be required.
- Question on Bylaw 2708 2(12) and having two businesses in one home.

Parking

- Parking should not be required for environmental reasons; should not convert green space. It's a huge cost to people.
- Council should consider parking space required for secondary suite; could charge for parking on the street; residential parking stickers.
- Don't want to make Esquimalt into a parking lot.
- Parking is a huge issue for residents.
- Supports definition in Bylaw 2708, 3 (9) "one off-street parking stall for the single family residence and one off-street parking stall for the secondary suite.

Private Space

- Question on the necessity of Bylaw 2708 3(6) a minimum of 15 m² of private open space shall be provided for the use of the residents of the

secondary suite.

- Can't use the open space if open space is not to be shared, then private space is to be provided.

Secondary Suite Floor Area

- Bylaw 2708, 3 (5) states a secondary suite may be 90 m², or 40% of the total floor area of the principal building, whichever is less. Should be whichever is more. Staff will clarify with Building Code.

Council agreed generally that there is still much discussion to be had around the issues of liability and solutions around safety aspects, funding options, the Township making it easier for residents to convert their homes, and developing a process to transfer slowly into a program of compliance.

Moved by Councillor Brame, seconded by Councillor Hundleby that Council receive Staff Report No. DEV-09-045 "Secondary Suites".
The motion **CARRIED**.

Staff was directed to incorporate the discussion points into the draft bylaw and to return the bylaw to Council for consideration, as well as to get a legal opinion on the liability of non inspected suites.

(5) Temporary Accessory Buildings, Staff Report No. DEV-09-046

Director of Development Services Barb Snyder advised temporary structures are often sited in contravention of Zoning Bylaw No. 2050 and installed without a building permit. They are often seen in the residential front yard setback to cover boats, recreation vehicles or cars. The structures often do not enhance the appearance of the neighbourhood, particularly as they age.

Ms. Snyder noted that the purpose of the information was to make Council aware that staff would like to expand bylaw enforcement activity to non conforming structures, with a time limit for conformance of 90 days. Ms. Snyder added that the pictures attached to the Staff Report represented various temporary structures in residential areas in Esquimalt and were not identified by address so as to not single out any residence.

Councillor Gaul stated residents should have been notified that a picture of their house would be taken by staff and placed on an open Council agenda.

Council favoured notification of non compliance of temporary structures to be done in a friendly manner through advertising and on the web, and giving residents time to remove their structure or apply for a permit.

Moved by Councillor Brame, seconded by Councillor Gaul that the public be invited to provide input.
The motion **CARRIED**.

Rod Lavergne of 485 Fraser Street asked why the Township was so concerned about these structures all of a sudden, this is Esquimalt, not Oak Bay. He added people should be allowed to live in Esquimalt and not be

ashamed to live here.

Fern Spring of 302 Uganda Avenue stated she is in favour of secondary suites and the adoption of Bylaws 2707 and 2708 without change. Ms. Spring noted the recommendations of the Advisory Planning Commission were watered down. She referred to APC recommendation #2 and agreed with "delete owner/occupier" requirement stating other jurisdictions want owner/occupier. With respect to recommendation #3, "create a registry", she agrees. With respect to recommendation #5, "flexibility in parking requirements", she noted the parking requirements are clearly stated in item (9) of Bylaw No. 2708. Ms. Spring added if the bylaw is clear cut it will not be open to misinterpretation.

Gwen Bavin of 1160 Greenwood stated there are 3 triplexes owned by one person and one owner of a duplex and triplex in Esquimalt. She said this is exploitation of lax bylaws.

Sandi Rozon of 819 Old Esquimalt Road stated some temporary structures are quite nice and asked which structures would be taken down, the ones in the front yard and/or the ones in the back yard.

Beth Burton-Krahn of 1101 Hadfield Avenue is in favour of a two tiered system for secondary suites and no requirement to supply off street parking.

Emmy Labonte of 873 Dunsmuir Road asked that the secondary suite regulations be kept simple and that the rates be reasonable. She added that the home owner benefits from a suite by making a profit and street parking slows down traffic.

Mayor Desjardins thanked the public for their input.

7. ADJOURNMENT

Moved by Councillor Hundleby, seconded by Councillor Brame to adjourn the Regular Committee of the Whole meeting at 7:57 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS 17th DAY OF AUGUST, 2009

CERTIFIED CORRECT:

CAROLLYNE EVANS
CORPORATE ADMINISTRATOR