



Corporation of the Township of Esquimalt

REGULAR COMMITTEE OF THE WHOLE

Monday, December 14, 2009

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

MINUTES

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

STAFF: Laurie Hurst, Chief Administrative Officer
Barbara Snyder, Director of Development Services
Scott Hartman, Director of Parks and Recreation
Jeff Miller, Director of Engineering and Public Works
Marlene Lagoa, Sustainability Coordinator
Paul Nelson, Fire Chief
Diane Knight, Executive Assistant

1. CALL TO ORDER

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

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Mayor Desjardins requested that under Section 131 of the *Community Charter*, Council reconsider the motion made at the November 16th meeting regarding Agenda Item 5(1) Solar Hot Water System – Municipal Hall, Staff Report No. ADM-09-073.

She advised that as one of the Councillors had brought up questions and concerns regarding the details in the staff report on the agenda tonight, it would be appropriate for the Councillor to sit down with staff and the Chief Administrative Officer to go through the report before the matter is returned to the Regular Council meeting in January.

The following changes were made to the Agenda:

- (1) Item 4(2) Darlene Gait, Peace Mural was removed from the agenda as Ms. Gait is unable to attend due to weather conditions. She will be attending a future Council meeting to introduce the Peace Mural.
- (2) Item 5(1) was removed from the Agenda.

- (3) Public Input will be added to the Agenda as Item 5.

Mayor Desjardins noted that there were a number of residents at the meeting wishing to speak to 1190 Rhoda Lane. As public input normally occurs at the end of the meeting, she suggested that it occur before the agenda item. She advised that there will also be an opportunity for public input with the hearing process for this item.

Moved by Councillor Linge, seconded by Councillor Brame to permit public input on 1190 Rhoda Lane and have a limit of three people speaking. The motion **CARRIED**. Councillor Garrison **OPPOSED**.

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

4. PRESENTATIONS

- (1) Vicki Klyne and Mike Reed, ETAG (Esquimalt Together Against Graffiti)
(a) Letter from Nogra Network Inc., received December 8, 2009, Re: TAGS 2009 Symposium Recognition

Vicki Klyne thanked Council for the opportunity to report on the TAGS Symposium held on October 21st and 22nd 2009. She advised that the Symposium was hosted by the Township of Esquimalt in partnership with the Victoria Police Department. There were a total of 208 delegates attending from many countries including the United States, Australia, New Zealand, Netherlands and Sweden.

Ms. Klyne noted that graffiti has been reduced by 90% in Esquimalt as a result of ETAG involvement. ETAG was originally created as a result of a Council resolution in 2005. She reported on the future direction of ETAG which includes redesigning the website to use as a resource, to recruit ETAG volunteers, and for keeping the public informed of updates on graffiti.

Mayor Desjardins presented certificates of appreciation from the Township of Esquimalt to ETAG volunteers Peter Justo and Emmy Labonte for their hard work and dedication to the community. She also recognized Rachelle Perry and Sheila Fiorin, who were unable to attend the meeting, for their volunteer commitment to ETAG.

Mayor Desjardins also presented certificates of appreciation on behalf of Randy Campbell, President and Executive Director of Nogra Network to Vicki Klyne, Mike Reed, Scott Hartman, Jeff Miller, and Laurie Hurst for their support in helping to fight graffiti vandalism in our communities and for their contribution to the TAGS Symposium. A certificate of appreciation was also presented to Mayor Desjardins for her role in the fight against graffiti.

Mayor Desjardins also recognized Constable Chantal Zeigler, Victoria Police Department, for her role in the TAGS Symposium and the ETAG program.

- (2) Jennifer Kay, Norm Hotson and Peter Hume, Hotson, Bakker, Boniface, Haden and Landeca, Esquimalt Village Plan

Norm Hotson presented information from the public open house held on November 24th regarding the lands surrounding the Municipal Hall, the old Municipal Hall site and the Public Works building. The consultants have developed some ideas regarding development potential and kick-starting the civic core. He reported on the two options; Option 1, introduces more retail, residential by Carlisle, potential for two storey civic use site. He also indicated the idea of creating a town square or plaza on Esquimalt Road and the beginning of a greenway from Carlisle Street to the Sports Centre. This would transform the area into a walking, cycling town centre which would include underground parking.

Option 2, is the same basic use with the big difference being that civic space is part of a bigger building with residential use. The main difference is how space is delivered built and leased back or strataed. The retail component would be brought up to the street.

Jennifer Kay thanked Council for allowing them to come back and engage with the public and have an opportunity to speak to the community. She reported that there was high interest from the community on the project, with high engagement and input. The Open House drew over 100 people, with most of them filling in the comment forms. The results of the comments have been provided to staff. She reviewed the key themes from the public input which included the following:

- Strong support for mixed use concept and revitalization of the old Hall and Public Works Yard;
- Strong support for an enhanced Town Square or plaza fronting on Esquimalt Road;
- General preference for Option 2, which integrates civic use within a mixed-use building;
- General support for the form, density and height of development – some would prefer lower buildings while others encourage consideration of higher buildings; strong support to see the project move forward.

Copies of the Community Feedback Summary were provided to Council. The results will be posted to the website tomorrow.

Mayor Desjardins thanked Jennifer Kay, Norm Hotson and Peter Hume for their presentation and advised that she looks forward to having them come back to Council with more information.

5. PUBLIC INPUT

- (1) Mr. John Noyes, 928 Garthland Road
Mr. Noyes spoke regarding Item 5(5) Rhoda Lane. He presented the residents opinion on the variance on Lot 6, opposing the development permit which reduces the setback from 20 meters as well as encroaching on a public park. He noted that the public strongly believes that this is compromising the validity

of the OCP. The reviews by staff do not mention any effect on the park. If this variance is approved the house could be 4500 square feet. This would have an impact on the ambiance of the park. The developer has built a fence not permitting access to the waterfront. He respectfully requests that the variance be denied.

- (2) Kathleen Barlee, 924 Garthland Place
Ms. Barlee advised that she concurred with Mr. Noyes.

6. STAFF REPORTS
Engineering and Public Works

- (1) Update on Sanitary Sewer Rehabilitation Works, Staff Report No. EPW-09-044

The Director of Engineering and Public Works gave an overview of the Sanitary Sewer upgrades initiated in 2005 noting that the majority of the network has been re-lined. The assumption is that public works staff will do all the work required. With a new wastewater treatment system Esquimalt may have to pay a higher rate. He talked about the separation of combination manholes and the poor working conditions in these manholes. Mr. Miller noted that the Township will explore funding to help with the costs to upgrade the system. Discussion took place regarding Inflow and Infiltration and wastewater. He spoke about developing a strategy to address payment to upgrade sewers and who would be responsible to pay; Township, resident or cost share. The Director will research what it would cost the average homeowner to upgrade the sewer system and bring back approximate costs to the next meeting where this is addressed.

Mayor Desjardins advised that Esquimalt has one of the highest Inflow and Infiltration systems and she is pleased this upgrade is coming forward. There is still more to do and anything to reduce flows will decrease household costs. She advised that staff be cognizant of the timelines as CRD will bill to current flow not future flow.

Comments from Council include:

- Questions were raised as to how the combination system was allowed to happen and response was that there were few regulations to follow when many were installed and they were done by the homeowners themselves;
- Concerns were raised regarding the health hazards of having the combined systems and that it is important to remedy;
- Question was raised regarding what the costs would be for the average homeowner to upgrade their system;
- As homeowners bought their homes in good faith, it does not seem fair to charge them to make upgrades to the system.

Moved by Councillor Linge, seconded by Councillor Brame that Council approves the utilization of the remaining Sewer Upgrade Project funds for:

- (i) Catch basin separation from the sanitary collection system.
- (ii) Carry out dye testing on the possible 470 cross connected properties.
- (iii) Separate approximately 20 combined manholes; and

That Council directs staff to provide a program with a schedule and costs for the correction of service cross connections and the separation of the remaining combined manholes.

The motion **CARRIED UNANIMOUSLY** .

- (2) Update on Transit Shelters on Craigflower Road, Phase 1, Staff Report No. EPW-09-0045

Councillor Garrison commended staff on the innovative way they handled the issue of the transit shelters.

Moved by Councillor Garrison, seconded by Councillor Hundleby to receive the update on information requested by Council. No action is necessary from Council.

The motion **CARRIED UNANIMOUSLY**.

Development Services

- (3) Official Community Plan Review Building Heights and Densities, Staff Report No. DEV-09-079

Moved by Councillor Gaul, seconded by Councillor Brame to consider the following two recommendations in Staff Report No. DEV-09-079 separately:

1. That Council choose one of the alternatives described in pages 3 through 6 below to amend the Building Height and Density restrictions in Section 2 of the Official Community Plan so that an amending bylaw can be brought forward:
2. and that Council consider the recommendations regarding Density Bonusing and Amenities set out in pages 6 through 8.

The motion **CARRIED UNANIMOUSLY** .

The Director of Development Services reported on the pros and cons of having a ten storey limit in the OCP. Discussion took place regarding this issue. The Director stated that developers like the certainty of having a number in the OCP therefore knowing what is acceptable. There may be areas where 14 stories are acceptable. The current zoning bylaw was developed in 1993.

Comments from Council include:

- Suggestions were made to create a higher density core around Esquimalt Road;
- Suggestion that limit of four storeys be increased to six storey's;
- What is meant by moderate densities;
- Currently could lose density bonusing in buildings between 10-14 storey's;
- Shadowing would be an issue;
- Why change one number for another;
- Suggestion to consider each application separately;

- Lose ability to acquire amenities from 10-14 storey's;
- Development creates density, which creates a tax base;
- Concerns were raised with higher density meaning that there is a maximum capacity for amenities; response was that the developers would pay for increases to amenities;
- Suggestion to put map on the website to show where higher densities may be acceptable;
- Making changes to height in OCP triggers changes to zoning. Would this zoning change impact taxes?
- How do we encourage development and increase tax base?
- Residents have provided input encouraging development and increased height and density;
- How do we get increased density?
- Changes do not benefit community or residents; municipality needs to look at the whole picture holistically, OCP, Zoning and DCC's.

Mayor Desjardins suggested that the municipality continue with the current parameters. She does not support changing one number for another. The OCP needs to be changed to indicate flexibility in height and zoning bylaws need to be redone. Why not make changes to OCP, Zoning Bylaw and DCC's at the same time. She suggested that specifics be identified in the Zoning Bylaw, not in the OCP which allows more flexibility in the OCP.

Mayor Desjardins recognized that this process has been hard on the community. They have indicated that they support increased height and density. She does not feel that there is enough information to support this change and would like to see how the changes could be more flexible.

The Director of Development Services stated that the OCP needs to be changed before the Zoning Bylaw. She suggested resolving OCP issues, and then redoing the Zoning Bylaw. Planning documents have parameters, whereas the OCP is broader, and zoning makes more specific guidelines.

The suggestion was made to move on to the second resolution. Concern was raised with discussing the second resolution before making a decision on the first resolution.

Moved by Councillor Garrison, seconded by Councillor Brame that Council choose Alternative 2: Amend the Official Community Plan to allow moderate increases to permitted Building Heights and Densities [FAR] for only those properties currently designated

- Multi-Unit, High-Rise Residential, and
- Commercial Mixed-Use;

And that the List of amendments to effect Alternative 2 noted on pages 5-6 of Staff Report DEV-09-079 be amended to revise floor area ratios up to 3.5 (g);

And that the Building Height and Density restrictions in Section 2 of the Official Community Plan be amended so that an amending bylaw can be brought forward.

The motion was **DEFEATED**. Councillors McIlldoon, Linge, Gaul and Mayor Desjardins **OPPOSED**.

Comments from Council include:

In favour of density bonusing, would like to see the cash option, gives developers the incentive to carry out the projects.

Moved by Councillor McIlldoon, seconded by Councillor Hundleby that Council consider the recommendations regarding Density Bonusing and Amenities set out in pages 6 through 8 of Staff Report DEV-09-079.

The motion **CARRIED UNANIMOUSLY**.

- (4) Development Variance Permit, #6 – 1190 Rhoda Lane, [Strata Lot 6, Esquimalt District, Strata Plan VIS6883], Staff Report No. DEV-09-080

The Director of Development Services advised that the variance has been requested because of the statutory right-of-way through the property. The applicant wishes to increase the square footage of the lot to make it comparable to adjacent lots. The variance does not affect the park.

Comments from Council include:

- Support the variance as the only reason it is being requested is because of a municipal right-of-way;
- Question was raised regarding liability issue if the area is flooded;
- Do not support this change as is currently part of OCP.

The Mayor invited the proponent to come forward.

Mr. Large advised that he is trying to make the lot consistent with the other two lots in the subdivision. He reported that he has put up temporary fencing as he has been instructed to restore and rehabilitate the area. There is an explanation for the fencing at the site to inform the public. The fencing will be removed once the restoration is complete.

Moved by Councillor Linge, seconded by Mayor Desjardins that the application for a Development Variance Permit reducing the required setback from the Gorge Waterway for a principal building as detailed on the site survey for the Strata Lot 6, prepared by Robert Hartnell Land Surveyor, stamped "Received September 3, 2009", and including the following relaxations to Official Community Plan Bylaw No. 2646, be forwarded to Council with a recommendation of approval.

Official Community Plan Bylaw No. 2646, Section 9.6.5(a) – a reduction in the required 20 metre setback between any building or structure and the High Water Mark of the Gorge Waterway to 15.6 metres.

Official Community Plan Bylaw No. 2646, Section 9.6.5(a) – a waiver of the requirement that new buildings and structures not be located within 20 metres of the High Water Mark of the Gorge Waterway to permit construction within the area shown hatched on the site survey for the Proposed Lot 6, prepared by Robert Hartnell Land Surveyor stamped "Received September 3, 2009" attached hereto as Schedule 'A'

The motion **CARRIED**. Councillors Hundleby, Gaul and Garrison **OPPOSED**.

- (5) Recovery Homes, Staff Report No. DEV-09-081

Moved by Councillor Brame, seconded by Councillor Garrison that the amendments to Zoning Bylaw, 1992, No. 2050 detailed in Schedule 'A', including the definition of a "Recovery Home" and the requirements for permitting Recovery Homes within the Township, be forwarded to Council with a recommendation of approval.

The motion **CARRIED UNANIMOUSLY**.

- (6) Rezoning, OCP Amendment and Development Permit, 924 Esquimalt Rd, [Lot 2, Section 11, Esquimalt District, Plan 13060], 928 Esquimalt Rd, [Lot 1, Section 11, Esquimalt District, Plan 13060], 912 Carlton Terrace, [Lot 3, Section 11, Esquimalt District, Plan 13060], 914 Carlton Terrace, [Lot 4, Section 11, Esquimalt District, Plan 13060], Staff Report No. DEV-09-082

The Director of Development Services presented the application for rezoning for the 62 Unit, 6 storey multi family residence. There have been two public meetings and the Advisory Planning Committee has recommended approval of the application. She advised that the proponents were in the audience to answer questions.

The architect, Pradip Misra, was invited to answer questions from Council. He noted that the outside walls will be made up of non combustible material therefore the building is not a fire hazard. Mr. Misra advised that there is only one elevator as that is all that is required for 62 units. He stated that they are providing car share and bus passes will also be proposed as an incentive.

Comments from Council include:

- Concerns raised with shadowing with the additional stories and response was that a study has been done and most of the shadowing will be on the building itself;
- Question was asked regarding whether they are proposing to have any accessible units and the response was no;
- Question regarding open yard and play and response indicated yes, there will be a playground with fencing;
- Question was directed to the Fire Chief regarding fire safety. He responded that there is a fire safety plan to deal with this type of building. The biggest concern with fire is while the building is under construction and access to a water supply. The architect noted that the sprinkling system has been addressed.
- Mayor Desjardins recommended that the developer consider installing an additional elevator;
- Council would like more clarification on a "green roof".

Moved by Councillor Garrison, seconded by Councillor Brame that the application for Rezoning, OCP Amendment and Development Permit, authorizing a 20 metre, 62 unit multi-family residence and limiting the form and character of development to that shown on architectural plans prepared by Misra Architect, stamped "Received November 12th, 2009", and a landscape plan prepared by Lombard North Group stamped "Received November 13th, 2009" to be located on Lots 1,2,3, and 4 Section 11, Esquimalt District, Plan 13060 [924 and 928

Esquimalt Road, 912 and 914 Carlton Terrace] be forwarded to Council with a recommendation of approval.

The motion **CARRIED**. Councillor McIldoon **OPPOSED**.

Parks and Recreation

(7) 2010 Global Rhythms Music Festival, Staff Report No. P&R-09-035

The Director of Parks and Recreation advised that he is seeking approval in principle to work on hosting the Global Rhythms Music Festival. He has presented the idea at the Parks and Recreation Committee meeting. The community will be involved after staff have explored the idea further. He noted that members of the Society were present at the meeting to answer questions from Council.

Comments from Council include:

- Concerns were raised with noise levels and whether the community has been consulted;
- The suggestion was made to have the Global Rhythm Society make a presentation to Council regarding the proposed Festival.

Moved by Councillor Brame, seconded by Councillor Garrison that Council approve in principle the Global Rhythm Music Society hosting a music festival in Esquimalt Gorge Park in July of 2010.

That staff continue to work with the Global Rhythm Music Society to assist in event preparations and hosting negotiations.

The motion **CARRIED UNANIMOUSLY**.

Moved by Councillor Linge, seconded by Councillor Garrison to extend the Committee of the Whole meeting until all items have been addressed.

The motion **CARRIED UNANIMOUSLY**.

7. REPORTS FROM COMMITTEES

(1) Memorandum from the Environmental Advisory Committee, dated November 27, 2009, Re: Plastic Shopping Bag Resolution

Edwin Hubert spoke briefly to the Resolution.

Moved by Councillor Brame, seconded by Councillor Hundleby that staff refer the Memorandum from the Environmental Advisory Committee, dated November 27, 2009, Re: Plastic Shopping Bag Resolution to the Esquimalt Chamber of Commerce for their input and comments.

The motion **CARRIED UNANIMOUSLY**.

(2) Memorandum from the Environmental Advisory Committee, dated December 8, 2009, Re: Bottled Water Resolution

The Director of Parks and Recreation advised that if water bottles are not provided in vending machines or at the Recreation and Sports Centre, it would be up to the municipality to provide drinking water. This would be a

capital expense as drinking water fountains would have to be installed. He advised that the contract with Ryan vending has lapsed and that the municipality has a right to control what products they sell.

Council commented that there may be hygienic reasons for not providing drinking fountains.

Moved by Councillor Linge, seconded by Councillor Brame that staff forward the Memorandum from the Environmental Advisory Committee, dated December 8, 2009, Re: Bottled Water Resolution to the Director of Parks and Recreation for further direction and impact on the municipality and bring that information back to Council.

The motion **CARRIED UNANIMOUSLY**.

8. PUBLIC INPUT

- (1) Muriel Dunn, 1193 Old Esquimalt Road
Ms. Dunn noted that she really appreciated the Mayor's position on the height and density issue. She is disappointed that 14 storeys was the number chosen. We should have rules in Esquimalt, do not have to accept everything.

9. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby that the Committee of the Whole meeting be adjourned at 10:20 p.m.
The motion **CARRIED UNANIMOUSLY**.

10. MOTION TO GO *IN CAMERA*

Moved by Councillor Linge, seconded by Councillor Brame, that the meeting reconvene In Camera.
The motion **CARRIED UNANIMOUSLY**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS 8TH DAY OF FEBRUARY, 2010

CERTIFIED CORRECT:

LAURIE HURST
DEPUTY CORPORATE ADMINISTRATOR