



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, April 11, 2011

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

MINUTES

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

STAFF: Laurie Hurst, Chief Administrative Officer
Barbara Snyder, Director of Development Services
Pat Mulcahy, Manager of Human Resources

REGRETS: Councillor Alison Gaul, Councillor Randall Garrison

OTHER: Carla Venter, Recording Secretary

1. CALL TO ORDER

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

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

MOTION: That the agenda be approved. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

4. MINUTES

(1) Minutes of the Regular Committee of the Whole, March 14, 2011

Amendments to the Minutes:

- Item (5), second last paragraph to read as follows; 'During the community forum meeting, it has come forward that the Block Watch Program is a very valued service to the safety of the community.'
- Item (8), first paragraph to include the name of resident at 1325 Esquimalt Road, Apt # 511.
- Item (8), third paragraph to read 'Mrs. Dunn, Old Esquimalt Road'

MOTION: That the Minutes of the Regular Committee of the Whole, March 14, 2011, be adopted as amended. **MOVED/SECONDED.** Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

5. PRESENTATIONS

- (1) Patrick Simpson, SAFERhome Standards Society

Presentation was cancelled due to a late ferry arrival and will be rescheduled.

- (2) Bryan Wallich, WorkSafe BC and Jim Bennett, Victoria Real Estate Board, WorkSafe Occupational Health and Safety Guidelines Affecting Building Permit Applications

Presenters included Bryan Wallich, WorkSafe BC, Dave Rosa, Safety Officer, and Ray Merriman, Senior Regional Officer and Certified Industrial Hygienist from WorkSafe BC.

Mr. Wallich spoke to the position of Worksafe BC on worker safety during demolition and renovation of building structures and exposure. WorkSafe BC has met with chief building inspectors throughout the province on ensuring safety of all workers at demolition and renovation sites from exposure to hazardous materials.

Discussion ensued on building demolition and renovation safety for workers, including:

- Buildings should have an assessment completed by an environmental agency to ensure safety for both the workers and the family that lives in the home
- Home owners who complete their own renovations are primary contractors and therefore become responsible for subcontractors on the property
- WorkSafe BC guideline is for homes built before 1990 to be subject to environmental assessments

Concerns were raised about the necessity and cost of environmental assessments as the majority of homes in Esquimalt were built prior to 1990. The average cost of assessment and disposal of hazardous material, if any is found, is between \$10,000 and \$20,000 or lower as not all material would need to be disposed of. Industry standard is for environmental assessments to be completed in 3-4 days.

WorkSafe BC education programs on demolition, renovations and hazardous materials include Kindergarten to Grade 12 programs for children; information at homeowner/builder shows; information packages which the municipality can distribute to builders/homeowners; and bulletins on the WorkSafe BC website specifically targeted to homeowners.

Jim Bennett, Victoria Real Estate Board, presented Gary McInnis, realtor and previous president of the Victoria Real Estate Board, to the Committee.

Mr. McInnis stated his concern that the proposed WorkSafe BC guidelines will discourage homeowners from applying for building permits. He believes the guidelines do not give a one size fits all solution. Mr. McInnis noted that various factors will have to be considered in finding a balance between safety and that proper avenues are being followed when planning renovations.

Mayor Desjardins stated that the regulation is still in its early stages and suggested an internal discussion between the Victoria Real Estate Board, WorkSafe BC and staff.

6. STAFF REPORTS

Development Services

(1) Temporary Accessory Buildings, Staff Report No. DEV-11-022

Director Snyder spoke to the report on temporary accessory buildings and noted that the size and location of many of these structures on properties would not be allowed a building permit.

Discussion ensued on allowing temporary structures. Temporary structures are fairly new and are not allowed unless the homeowner applied for and received a variance permit. The municipality has not been enforcing the zoning bylaw regarding temporary structures and no written complaints have been received since 2009. The process of reviewing the zoning bylaw to deal with temporary structures is slow and the process of dealing with individual complaints about unsightly temporary structures is time consuming. Concerns moving forward include health and safety implications of temporary structures and receiving public input on the matter.

Director Snyder recommended that enforcement begin when complaints are received from the public and also when a health or safety concern is identified by the building inspectors.

MOTION:

1. That Option 3) which would allow temporary structures only if they were sited in accordance with the terms of Zoning Bylaw No. 2050 and if a Building Permit has been obtained be adopted.
2. That staff be directed to provide information to property owners through the municipal website, community newsletter and other media that Temporary Structures are not permitted unless they are sited in accordance with the zoning bylaw and a building permit has been issued; and
3. That staff be directed to begin enforcement of the removal of those Temporary Structures which are clearly in violation of the zoning bylaw, particularly those which are unsafe or unsightly and situated within front yard setbacks.

MOVED/SECONDED. Councillor McIldoon/Councillor Brame.
DEFEATED (Councillors Brame and McIldoon in favour; Mayor Desjardins, Councillors Linge and Hundleby opposed).

MOTION: That Council give Staff direction on how to revise Zoning Bylaw No. 2050 to be more acceptable to the current needs of the community in reference to temporary structures and also to start with public input on this matter. MOVED/SECONDED. Councillor Brame/Councillor Hundleby.
CARRIED (Mayor Desjardins, Councillors Brame, Linge and Hundleby in favour; Councillor McIldoon opposed).

Mayor Desjardins declared herself in conflict and left Council Chambers at 8:20 p.m. Councillor Linge was Acting Chair.

- (2) Road Closure Application, Closure of Southern Portion of Head Street Adjacent to Lot A, Section 11, Esquimalt District, Plan 26076 [453 Head Street], Staff Report No. DEV-11-026

MOTION: That Mark Lindholm be allowed make a presentation to the Road Closure Application of the Southern portion of Head Street. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

Mr. Lindholm spoke to his application and presented a map of the streets and properties in question and a model of the proposed development.

The scope of the development includes residential condominiums, suite hotel, office and retail space. For the development to go forward, the lands in question need to be divested by the Township of Esquimalt to form part of the development. The primary reason for the road closure would be the traffic delays that will be caused over time in the area.

Nadine King, Transportation Engineer, Boulevard Transportation Group, presented a summary of the Draft Traffic Impact Assessment. The study's finding was that closing off the southernmost portion of Head Street, and re-directing that traffic, will have no significant impact and that the current traffic flow shows no major delays. The road closure would also have no impact on Paradise Road. Ms. King noted that emergency vehicles will still be able to access Lyall Street and the cul de sac on Head Street.

Discussion ensued on the impact of construction on neighbouring roads, who is responsible for the costs of proposed road changes, the additional vehicular traffic resulting from the proposed development, and the need for more public input on the development. The committee commended Mr. Lindholm for the innovation behind the development proposal.

MOTION:

1. That, in recognition of the difficulty of considering the requested road closure [which would be a divestiture of municipal land] without knowing the full details of the proposed development, the current application be closed; and
2. That the information received to date be kept on file; and
3. That the proponent be asked to submit a new application for a change of zoning and development permit; and
4. That the fees paid for the current application be applied towards any new application fees.

MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

Mayor Desjardins returned to Council Chambers at 9:14 p.m.

RECESS Council took a brief recess at 9:15 p.m.

RECONVENE Council reconvened the meeting at 9:20 p.m.

Councillor Linge declared himself in conflict and left Council Chambers at 9:22 p.m.

- (3) Development Variance Permit, 1130 Munro Street, [Lot 1, Section 11, Esquimalt District, Plan VIP85403], Staff Report No. DEV-11-028

The applicant, Garry Bromley, spoke to the Development Variance Permit application and addressed questions from Council regarding parking space and storing of a boat and motor home in the driveway towards the back of the property.

MOTION: That the application for a Development Variance Permit authorizing construction as shown on architectural plans provided by Mesa Design Group Inc., stamped "Received February 15, 2011" and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received March 1, 2011", and including the following relaxations to Zoning Bylaw, 1992, No. 2050, be forwarded to Council with a **recommendation of approval** subject to appropriate notification and a variance hearing being held.

Zoning Bylaw, 1992, No. 2050, Section 40(9)(a)(ii) – Side Setback – a 2.2 meter reduction to the required 3.6 meter setback from an Exterior Side Lot Line [i.e. from 3.6 meters to 1.4 meters].

MOVED/SECONDED. Councillor Hundleby/Councillor Brame.

CARRIED UNANIMOUSLY.

Councillor Linge returned to Council Chambers at 9:30 p.m.

- (4) Development Permit, 819 Condor Avenue, [Lot 4, Block 20, Section 10, Esquimalt District, Plan 2546], Staff Report No. DEV-11-029

Architect Ron McNeil spoke to the proposed construction of a strata titled duplex at 819 Condor Avenue and addressed questions from the Committee. Mr. McNeil noted that the storm sewer will be separated from the sanitary sewer.

Discussion ensued on there being room for improvement on the Green Building Checklist, grading the interlocking brick driveway to the garden, the parking of construction vehicles, and future rail traffic in the area.

MOTION: That the application for a Development Permit, limiting the form and character of development to that shown on architectural plans provided by McNeil Building Designs Limited, stamped "Received March 9, 2011", and on the landscape plan prepared by Koi Dragon Enterprises Ltd. , stamped "Received March 9, 2011", and sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors, stamped "Received February 9, 2011", for the proposed development located at Lot 4, Block 20, Section 10, Esquimalt District, Plan 2546 [819 Condor Avenue], be forwarded to Council with a **recommendation of approval**, subject to staff completing appropriate notification and returning Development Permit No. 01/2011 to Council for consideration. MOVED/SECONDED. Councillor Brame/Councillor Hundleby.
CARRIED UNANIMOUSLY.

- (5) Changes to Council Policy Plan-25, Public Input on Rezoning and OCP Applications, Staff Report No. DEV-11-030

Director Snyder noted that various municipalities were contacted to obtain information on their public input process. Staff found that the average radius for notification of rezoning and OCP applications was 100m. Smaller projects impacting only immediate neighbours would fall in the 45m radius whereas bigger projects would fall in the 100m radius.

Discussion ensued on the importance of public meetings to give residents the opportunity to see the physical characteristics of the proposal and the use of round numbers for notification radius, 50m radius instead of 45m.

MOTION: That Staff Report No. DEV-11-030, Changes to Council Policy Plan-25, Public Input on Rezoning and OCP Applications, be received. MOVED/SECONDED Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

7. PUBLIC QUESTION AND COMMENT PERIOD

Muriel Dunn, Old Esquimalt Road, commented on Mr. Lindholm's comment that he was not aware of the sewer pipe running under his property. She noted that everyone else in the neighbourhood had always known.

Emmy Labonte, Dunsmuir Road, was happy to see that Mr. Lindholm is willing to have an open house hearing for the public about the proposed West Bay Development.

Muriel Dunn, Old Esquimalt Road, noted the importance of ensuring that there is sufficient parking space for construction vehicles so people can continue to travel in the area. She also noted that Mr. Lindholm was looking at a five year period for the development and suggested monetary compensation for Esquimalt.

8. ADJOURNMENT

MOTION: That the meeting be adjourned at 10:00 pm. MOVED/SECONDED. Councillor Hundleby/Councillor McIldoon. **CARRIED UNANIMOUSLY.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 9TH DAY OF MAY, 2011

CERTIFIED CORRECT:

LAURIE HURST
DEPUTY CORPORATE ADMINISTRATOR