



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

File 0550-06

December 8, 2011

NOTICE

**A REGULAR MEETING OF COMMITTEE OF THE WHOLE
WILL BE HELD ON MONDAY, DECEMBER 12, 2011, AT
7:00 P.M., IN THE COUNCIL CHAMBERS, ESQUIMALT
MUNICIPAL HALL, 1229 ESQUIMALT ROAD.**

**ANJA NURVO
CORPORATE OFFICER**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A **COMMITTEE OF THE WHOLE** Monday, December 12, 2011 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 Committee of the Whole, November 14, 2011 Pg. 1 – 3

5. PRESENTATION

- (1) Presentation to Peter Justo, E-TAG Volunteer Coordinator

6. STAFF REPORTS

Fire Rescue

- (1) Fire Protection and Control Bylaw Revision, Staff Report No. FIRE-11-008 Pg. 4 – 30

RECOMMENDATION:

That the Committee of the Whole refer the Fire Protection and Control Bylaw, 2011, No. 2783 to Council with a recommendation that Council give 1st, 2nd and 3rd readings to the Bylaw.

Development Services

- (2) Rezoning Application and Development Permit, 616 Lampson Street, [Lot 5, Section 11, Esquimalt District, Plan 4618], Staff Report No. DEV-11-102 Pg. 31 – 77

RECOMMENDATION:

That the application for rezoning authorizing a new single family dwelling and development permit limiting the form and character of development to that shown on architectural plans provided by Key and Associate, Architecture Ltd., stamped "Received October 25, 2011", and on the landscape plan prepared by LADR Landscape Architects, stamped "Received October 25, 2011", be forwarded to Council with a **recommendation of approval**.

-
- (3) Recommendations Regarding Saferhomes, Staff Report No. DEV-11-104 Pg. 78 – 80

RECOMMENDATION:

That the Township of Esquimalt not purchase a membership in the SAFERhomes Standards Society but that staff investigate the use of universal design standards and compile a list of materials to be provided to developers and builders and discussed with applicants at the time new construction is proposed.

7. PUBLIC QUESTION AND COMMENT PERIOD

*Excluding items which are or have been the subject of a Public Hearing.
Limit of two minutes per speaker.*

8. ADJOURNMENT



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, November 14, 2011

Esquimalt Municipal Hall – Council Chambers

7:01 p.m.

MINUTES

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

STAFF: Laurie Hurst, Chief Administrative Officer
Barbara Snyder, Director of Development Services
Jeff Miller, Director of Engineering and Public Works
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:01 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

MOTION: Moved by Councillor Brame/Councillor Gaul:
That the Agenda be approved as circulated.

CARRIED UNANIMOUSLY.

Mayor Desjardins expressed appreciation to the organizers of the "All Candidates" meeting last week. One concern, an oversight, that arose was that they had not acknowledged that the Township of Esquimalt was within the territory of the Coast Salish Nation.

4. MINUTES

(1) Minutes of the Regular Committee of the Whole, October 24, 2011

MOTION: Moved by Councillor Linge/Councillor Brame:
That the minutes of the Regular Committee of the Whole, October 24, 2011 be approved.

CARRIED UNANIMOUSLY.

5. STAFF REPORTS

Engineering and Public Works

- (1) Request for Capital Project Funds for Purchase of GPS Survey Equipment, Staff Report No. EPW-11-024

The Director of Engineering and Public Works answered questions from Council.

MOTION: Moved by Councillor Hundleby/Councillor Gaul:
That Council approve:

1. The allocation of \$20,000 from the Capital Project Reserve for the purchase of the GPS survey equipment; and
2. That Staff proceed with discussions with CRD for the purchase of the GPS survey equipment currently on loan.

CARRIED UNANIMOUSLY.

Development Services

- (2) Development Permit, 1054 Colville Road [Lot 8, Block 13, Section 10, Esquimalt District, Plan 2546], Staff Report No. DEV-11-099

The Director of Development Services introduced the applicant who answered questions from Council.

MOTION: Moved by Councillor Gaul/Councillor Hundleby:

That the application for a Development Permit, limiting the form and character of development to that shown on architectural plans provided by Hartmann's Drafting and Design, stamped "Received November 3, 2011", and on the landscape plan prepared by Silverleaf Landscapes, stamped "Received November 3, 2011", and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received October 28, 2011", for the proposed duplex located at Lot 8, Block 13, Section 10, Esquimalt District, Plan 2546 [1054 Colville Road], be forwarded to Council with a **recommendation of approval**, subject to staff completing appropriate notification and a Development Permit being returned to Council for consideration.

CARRIED UNANIMOUSLY.

- (3) Graffiti in the Community, Staff Report No. DEV-11-100

Council discussed the graffiti issue and offered the following comments:

- ETAG have worked to keep graffiti at bay in the community;
- Idea of a brochure is good but no money allocated (*Staff advised that can create a brochure in-house*);
- Need to make people aware of the ETAG service;

Staff agreed to bring back an action plan and initiatives included in the report to the Budget discussions.

MOTION: Moved by Councillor Linge/Councillor Hundleby:
That Staff Report No. DEV-11-100 be received for information.

CARRIED UNANIMOUSLY.

6. PUBLIC QUESTION AND COMMENT PERIOD

Peter Justo, of ETAG, expressed his appreciation for the background documents included in the Agenda package. With respect to enforcement issues with graffiti, he suggested that the municipality continue to talk to people in order to keep the Township clean of graffiti.

7. ADJOURNMENT

MOTION: Moved by Councillor Hundleby/Councillor Brame:
That the Regular Committee of the Whole Meeting of November 14, 2011 be adjourned at 7:26 p.m.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF DECEMBER, 2011

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER



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: November 22, 2011 **REPORT NO.** FIRE-11-008
TO: Laurie Hurst, Chief Administrative Officer
FROM: Fire Chief David Ward
SUBJECT: Fire Protection and Control Bylaw Revision

RECOMMENDATION:

That the Committee of the Whole refer the Fire Protection and Control Bylaw, 2011, No. 2783 to Council with a recommendation that Council give 1st, 2nd and 3rd readings to the Bylaw.

BACKGROUND:

Since the original Fire Protection and Regulation Bylaw, 1989, No. 1898 was passed, there have been five amendment Bylaws enacted by Council. These amendments were to address changing legislation, addition of fees for services, permits and inspections, and to clarify definitions. A copy of the existing Bylaw is attached for Council's information.

Several definitions set out in the current Bylaw have been misinterpreted by some residents over the years. It is therefore recommended that new and revised definitions be added to the Bylaw to reduce confusion and instances of non-compliance.

DISCUSSION:

The current Bylaw does not define "open air burning" and some residents have wrongfully interpreted that burning in a concrete or masonry incinerator with a metal flu outside of their home is legal. The revised Bylaw defines open air burning as "any burning of any kind, of any material, for any purpose that takes place outside a dwelling, commercial establishment, structure or accessory building."

Other definitions which have been added to the revised Bylaw and are crucial to the control of illegal burning include: animal organic waste, chiminea, construction and demolition waste, dangerous goods which relate to Hazardous Materials response, domestic Incinerator, gas regulatory authority, opacity, peace officer, permit, solid fuel burning device, and treated wood.

Part 1 - Administration now clearly identifies which functions the Fire Department is authorized to perform. Clause No. 13 refers to "Delegation of Inspection Duty to the Fire Chief" to provide for a regular system of inspections for hotels and public buildings in the Municipality as contained in Section 26(1) of the *Fire Services Act*, R.S.B.C 1996, C144.

Clause No. 36 refers to "Fire Safety Plans" which is a critical component for any new six storey wood frame construction, and adds the associated fee for review of any fire safety plan to Schedule A.

Clause No. 47 refers to the "Investigation of Fires" pursuant to the *Fire Services Act* and the appropriate fee of \$100.00 per hour, per fire investigator for any investigation exceeding a two staff hour's duration, has been added to Schedule A.

Schedule A - Fees has been significantly amended to reflect the various inspections, responses and other time consuming activities. Time has been spent by Fire Prevention Officers to ensure that the proposed fees are consistent with neighbouring jurisdictions and furthermore the new fees are not intended to be a revenue generating initiative but rather cost recovery for services provided.

This proposed Fire Protection and Control Bylaw is the first of other pending recommended fire related Bylaws but should be considered as a necessary component of future Bylaws. In 2012, the Fire Department will be introducing a False Alarm Bylaw, a Lock Box Program Bylaw and a Schedule B to the Fire Prevention and Control Bylaw to enhance enforcement by means of issuing tickets for non-compliance of various sections of the Bylaw. This would also require an amendment to the Municipal Ticketing Bylaw.

In conclusion, the recommended changes, if approved, will have a positive impact on the ability and authority of the Fire Department to perform its duties in a consistent and cost effective manner.

ALTERNATIVES:

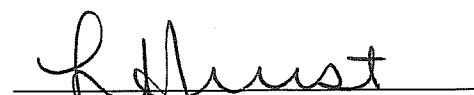
1. That the Committee of the Whole refer the Fire Protection and Control Bylaw, 2011, No. 2783 to Council with a recommendation that Council give 1st, 2nd and 3rd readings to the By-law.
2. That the Committee of the Whole direct staff to revise the draft Bylaw prior to further consideration by Council.

Submitted by:



David Ward
Fire Chief

Approved for Council's consideration:


Laurie Hurst, CAO

Dated: Nov 22/11

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2783

A Bylaw to provide for fire protection and control

The Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as the "FIRE PROTECTION AND CONTROL BYLAW, 2011, NO. 2783."

Definitions

2. In this Bylaw, unless the context otherwise requires:

"animal organic waste" means solid organic waste material of animal origin and includes flesh, carcass, offal, hides and feathers.

"apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

"approved" means approved and acceptable to the Fire Chief of the Municipality.

"building" means a structure that is used or intended to be used for supporting or sheltering persons or animals or property, except those prescribed by regulation as exempted from the Building Code.

"chiminea" means a container made of pottery or metal containing a fire box and flu in a design for the purposes of burning a solid fuel.

"construction or demolition waste" means woodcuttings, sawdust, packaging, building materials and other waste items or discarded materials produced in the construction, repair, renovation, or demolition of a building or structure.

"Council" means the Council of the Corporation of the Township of Esquimalt.

"dangerous goods" means any product, substance or organism which is of a highly combustible and flammable, or explosive nature, all as set out in the Fire Code and the National Fire Protection Association (N.F.P.A.) codes and any other material which, because of the toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life safety or health and without restricting the generality of the foregoing:

- (1) Includes liquid chlorine, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and

- (2) For the purposes of this Bylaw and in conformity with the classification of the dangerous good in an Act to Promote Public Safety in the Transportation of Dangerous Goods, as classified as follows:

Class 1 Explosives, including explosives within the meaning of the *Explosives Act*.

Class 2 Gases, including compressed gases, liquefied petroleum, liquefied natural gas, liquefied or dissolved gases under pressure.

Class 3 Flammable liquids and combustible liquids.

Class 4 Flammable solids, including substances liable to spontaneous combustion, substances that on contact with water emit flammable gases.

Class 5 Oxidizing substances, including organic peroxides, chlorates, nitrates.

Class 6 Poisonous (toxic) and infectious substances.

Class 7 Radioactive materials, including prescribed substances within the meaning of the *Atomic Energy Control Act*.

Class 8 Corrosives.

Class 9 Miscellaneous dangerous goods or organisms not included in any of the above classes.

"domestic incinerator" means a container used in the burning of material in the open air and serving any dwelling unit occupied by a single-family or two-family dwelling unit.

"equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

"Fire Chief" means the person duly appointed as such from time to time by Council and includes any person appointed by Council as Deputy Fire Chief and also includes any person appointed by the Fire Chief as Assistant Chief to act on his/her behalf on a temporary basis from time to time.

"Fire Code" means the B.C. Fire Code and Regulations adopted thereto, and any amendments as adopted by Order in Council.

"Fire Department" means and includes any member, or officer of the Police Department authorized by the Fire Chief to act for him and the Fire Department and members of any other municipal corporation, or of any member of the Fire Department of the Government of Canada attending at fires within the Municipality.

"Fire Services Act" means the *Fire Services Act*, R.S.B.C. 1996, C.144 and all Regulations passed thereunder, and amendments thereto as adopted by the Province of British Columbia.

"foreshore" means the area of land lying between the low water mark and the high water mark of the ocean.

"garbage" means refuse from a household including meat, vegetable matter, egg shells, plastics and packaging.

"garden refuse" means refuse from the garden, including decaying vegetable matter, leaves or branches.

"gas regulatory authority" means the Ministry which provides for an inspection service and has the authority to require an inspection of regulated work in respect of gas in an area of British Columbia.

"incident" means a fire, building collapse, or a situation where a fire, building collapse or explosion is imminent, and includes a rescue, a threat to life situation and a call for assistance.

"member" means any person or officer that is duly appointed by the Fire Chief as a member of the Fire Department and is an employee of the Municipality.

"Municipality" means the Corporation of the Township of Esquimalt.

"Officer" means Assistant Fire Chief or Lieutenant of the Fire Department.

"Officer in Command" means the highest ranking officer in attendance at an incident, or in the absence of an officer, the most senior member in attendance at the incident.

"opacity" is the degree to which the visibility of the background, viewed through the plume of smoke, is reduced.

"owner" means, in respect of any real property, the registered owner of an estate in fee simple, and in the event of there being registered a life estate includes the tenant for life. In the event that there is registered an agreement for sale and purchase, "owner" shall mean the registered holder of the last registered agreement for sale and purchase.

"open air burning" and "in the open air" means any burning of any kind, of any material, for any purpose that takes place outside of a building, structure, accessory building or commercial establishment.

"peace officer" means the Fire Chief or any person employed by the Municipality as a Bylaw Enforcement Officer or any Municipal Police Officer or member of the RCMP.

"permit" means a document issued pursuant to this Bylaw authorizing a person to carry on a procedure or undertaking under specified terms and conditions.

"person" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to the law.

"premises" means a building together with its grounds and appurtenances.

“solid fuel burning device” means a device that burns wood, coal or any other non-gaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space heating purposes within a private residence or commercial establishment or accessory building, and includes a fireplace, wood stove, chiminea, fireplace insert or wood heater.

“treated wood” means wood of any species that has been chemically impregnated, painted or similarly modified, or milled or processed lumber.

PART I - ADMINISTRATION

Application

3. This Bylaw and the provisions contained herein, as may be amended from time to time, shall apply throughout the boundaries of the Municipality.

Fire Department

4. The Fire Department of the Municipality as established by the Council is hereby confirmed and continued pursuant to Section 8 of the *Community Charter*.

Fire Department Responsibilities

5. The Fire Department is authorized to:
 - (1) Take all proper measures to prevent, control and extinguish fires;
 - (2) Provide assistance in response to:
 - (i) medical emergencies
 - (ii) land rescue operations
 - (iii) requests for aid from other fire services and rescue operations
 - (iv) hazardous materials incidents; and
 - (v) requests for public service.

Fire Chief

6. The position of Fire Chief as established by the Council is hereby confirmed.

Responsibilities and Duties of Fire Chief

7. The Fire Chief is responsible for the efficient management of the Fire Department including the members, property, apparatus and equipment and for the provision of fire prevention and protection services to the Municipality.
8. The Fire Chief shall ensure that the Fire Department is staffed with trained members in accordance with Council policy and direction and applicable legislation and regulations.
9. The Fire Chief shall establish rules, regulations and policies necessary for the proper organization, administration and operation of the Fire Department including but not

limited to:

- (1) the use, care and protection of Fire Department property, apparatus and equipment;
 - (2) the safe and efficient operation of the Fire Department; and
 - (3) the recruitment, training, conduct, discipline and, subject to prior approval by the Municipality's Chief Administrative Officer, termination of Officers and members of the Fire Department.
10. The Fire Chief is responsible for all fire protection and prevention matters including the enforcement of this Bylaw and of the *Fire Services Act*, and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
11. In accordance with Section 66 of the *Community Charter*, the Fire Chief is hereby authorized to exercise the following powers:
- (1) enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
 - (2) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
 - (3) require an owner or occupier of real property to undertake any actions directed by the Fire Chief for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire; and
 - (4) exercise the powers of the fire commissioner under section 25 of the *Fire Services Act*.
12. The Fire Chief is responsible for reviewing applications for building and development permits to ensure compliance with the Fire Code.

Delegation of Inspection Duty to Fire Chief

13. Council hereby delegates to the Fire Chief the duty to provide for a regular system of inspection of hotels and public buildings in the Municipality in accordance with Section 26(1) of the *Fire Services Act*.

System of Inspection of Buildings and Premises

14. In addition to the inspections required by Section 26 of the *Fire Services Act*, the Fire Chief may institute and maintain a regular system of inspection of buildings and premises within the Municipality in order to discover and order the removal or correction of any conditions constituting a fire hazard.

Appointment and Accountability of Officers and Members

- 15. (1) The Fire Chief and Deputy Fire Chief shall be appointed by Council.
- (2) Officers shall be appointed by the Fire Chief, as vacancies occur or as needs dictate, and subject to compliance with the approved Municipal financial plan.
- 16. All Officers are responsible for ensuring that all applicable Municipal Bylaws and Fire Department policies, procedures, rules and regulations are complied with by members.

Fire Chief May Appoint Assistant Chiefs

- 17. The Fire Chief may appoint any Officer as Assistant Chief on a temporary basis from time to time to act on his/her behalf in his/her absence.

Jurisdiction of Fire Department

- 18. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department, will extend to the area and boundaries of the Municipality, and no part of the Fire Department apparatus shall be used beyond the limits of the Municipality without:
 - (1) the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the Municipal boundaries;
 - (2) the approval of Council; or
 - (3) in an emergency, the approval of the Mayor or Acting Mayor.

PART 2 - FIRE PROTECTION

Control, Direction and Management at Incident

- 19. The Fire Chief, or any Officer in Command, shall have control, direction and management of all Fire Department apparatus, equipment, and members assigned to an incident and, where an Officer in Command is in charge, he/she shall continue to act until relieved by a senior officer.

Authorization to Enter onto Premises and Property

- 20. The Fire Chief, or any Officer in Command, is empowered to enter in or upon premises or property where an incident occurred or where an alarm of an incident has been received or which the Fire Chief or Officer in Command has reasonable grounds to suspect that an incident exists, with or without permission from the owner or occupier and to cause any member, apparatus or equipment of the Fire Department to enter and to take whatever action or measures he/she deems necessary in order to investigate, combat, control or deal with the incident.
- 21. The Fire Chief and any Officer in Command is empowered to enter, pass through or

over buildings or property adjacent to an incident and to cause any member and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where he/she deems it necessary to gain access to the incident or to protect any person or property.

Obstruction of Fire Department in Performance of its Duties

22. No person shall impede, obstruct, abuse or in any way hinder the Fire Chief, any Officer in Command, or any Officer or member of the Fire Department in attendance at any incident, or any other person under the direction of the Fire Chief or Officer in Command in the performance of their duties.
23. No person shall refuse to permit the Fire Chief or anyone under the direction of the Fire Chief from entering upon any building or property for the purpose of:
 - (1) making an inspection or investigation for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons, or
 - (2) making an inspection to ensure any flammable matter is rendered harmless or suitably safeguarded against fire.

Orders and Direction

24. The Fire Chief and any Officer or Command may make such orders or give such direction as are deemed in his/her discretion to be reasonably necessary to ensure any flammable matter is rendered harmless or suitably safeguarded against fire.

Failure to Comply with Order or Direction

25. Any person who fails to comply with an order or direction of the Fire Chief, any Officer in Command, or any Officer or member of the Fire Department engaged at any incident, may be forcibly removed from the scene of any such incident by a peace officer, Officer or member of the Fire Department.

Evacuation of Buildings

26.
 - (1) The Officer in Command is empowered to order the evacuation of any building that is directly involved with fire or other risk to life.
 - (2) The Fire Chief is empowered to order the evacuation of any building, structure, property or area which in his/her opinion is endangered by fire or other risk to life.
 - (3) In such case no person, other than the Fire Chief, the Officer in Command, an Officer or member of the Fire Department, peace officer, or other person authorized by the Fire Chief or Officer in Command, shall remain in or shall enter such building, structure, property or area.

Demolition of Adjacent Buildings

27. The Fire Chief at any incident, is empowered to cause a building, structure or thing to be pulled down, demolished, or otherwise removed if he/she deems it necessary to prevent the spread of an incident to any other building, structure or thing, or to protect any person.

Commandeering of Privately Owned Equipment

28. The Fire Chief at any incident is empowered to commandeer privately owned equipment which he/she considers necessary in order to deal with such incident.

Access for Fire Fighting

29. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

Duty to Provide Assistance

30. The Fire Chief or any Officer in Command may order any person to assist in the fighting of any fire or in the preserving of any property threatened by an incident, or to assist in the salvaging and safeguarding of property so threatened.

Impeding Fire Department Equipment

31. No person shall obstruct, impede or interfere with any Fire Department apparatus or equipment while responding to or while engaged in the prevention, control or extinguishment of an incident.

Interference with Access to Buildings or Premises

32. No person shall sit or stand or place or leave any article, thing or matter, in such a manner as to interfere with the means of ingress or egress within or outside any building or premises.

Duty of Owners or Occupiers

33. The owners or occupiers of any real property shall remove any matter or thing from a building or premises which constitutes a fire hazard and shall maintain and clean chimneys, flues and other apparatus or things in order to reduce the risk of fire.

Vacant Buildings

34. The owner of any vacant building in the Municipality shall at all times keep the building free from debris and flammable material, and shall keep all openings in the building securely closed and fastened so as to prevent the entry of unauthorized persons.

Containers for Collection of Combustible Refuse

35. (1) All containers used for the collection of combustible refuse in quantities exceeding 140 litres shall be constructed entirely of solid sheet non-combustible material.
- (2) Each container shall have easy closing lids that must be operational at all times.
- (3) Containers shall be located at least 3 metres from any building or fuel supply tank unless otherwise approved by the Fire Chief.
- (4) Containers equipped with self-closing lids may be located within 1 metre of a building or fuel supply tank.

Fire Safety Plans

36. Where the Fire Code requires the owner of a property to establish fire emergency procedures and prepare and maintain a fire safety plan, the owner shall submit to the Fire Department a detailed fire safety plan, together with a record of emergency systems installed within a building and the applicable fee as set out in Schedule A hereof, for review and approval prior to implementation of such plan.

False Alarms

37. No person shall, without reasonable cause, make or circulate or cause to be made or circulated, any alarm of fire by outcry, ringing of bells, sounding of alarms or otherwise.

PART 3 – CONTROL OF BURNING

Burning Restrictions

38. (1) No person shall at any time within the Municipality light, ignite, start or maintain, or knowingly permit, allow or cause to be lit, ignited, started or maintained, any fire of any kind whatsoever in the open air or in an appliance, container or device in the open air, without first having obtained a permit from the Fire Chief.
- (2) Except as provided in this Bylaw, no person shall burn any of the following materials in a solid fuel burning device, a domestic incinerator or in an open air fire:
- (i) treated wood
 - (ii) plastic or rubber products
 - (iii) garbage
 - (iv) garden refuse
 - (v) construction or demolition waste
 - (vi) animal organic waste
 - (vii) paints or solvents
 - (viii) paper products, other than to start a fire; or
 - (ix) dangerous goods.

- (3) The burning of construction or demolition waste is prohibited.
- (4) The Fire Chief may issue a permit on such terms and conditions he/she feels are reasonably necessary for the protection of safety for open air fires for the purpose of:
 - (i) disease and pest control;
 - (ii) fire suppression training;
 - (iii) ethnic and cultural observances; and
 - (iv) special events.
- (5) The Fire Chief may, where he/she deems it expedient to do so, order that no burning is to occur within the Municipality for an indefinite or a specified period of time, and any previously issued permits cease to be effective as of the date of such order.
- (6) Notwithstanding clause (1), an outdoor appliance that uses charcoal briquettes or is fueled by and burns natural gas or propane, for residential use only is permitted without a permit provided that it sits on a firm non-combustible base.
- (7) This Bylaw shall not apply to burning by the Municipality for municipal purposes or Fire Department training, or to the burning of natural gas or propane in an appliance or device that is regulated by the gas regulatory authority.

Supervision and Control

39. Any person in the possession of a valid and existing permit issued by the Fire Chief shall ensure that a competent person is at all times in charge of and supervising such fire until the fire is completely extinguished, and shall provide such person with sufficient labour, apparatus and equipment to effectively prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property.

Distance Requirement

40. No person shall permit any fire to be located within 6 metres of any building or within 1 metre of any shrubbery, tall grasses, fence, or other combustible material.

Nuisances from Emission of Smoke and Ash

41.
 - (1) No person shall cause or allow burning to continue where such burning constitutes an interference with, or obstruction of, a person's reasonable and comfortable use and enjoyment of property through the emission of offensive, annoying, unpleasant or obnoxious smoke or ash.
 - (2) No person shall permit the emission of smoke of such opacity as to obscure an observer's view of the background through the smoke to a degree of greater than 20%.
 - (3) The Fire Chief may order the suppression of any fire, and in the event such person to whom the order was issued fails to comply with such order to the

satisfaction of the Fire Chief, the Fire Chief may cause such fire to be immediately suppressed and the costs of doing so shall be paid by the person to whom the order was issued.

Fires on the Foreshore

42. (1) No person shall ignite or maintain any fire on the foreshore without first having obtained a permit from the Fire Chief.
- (2) It shall be a condition of every permit for a fire on the foreshore that:
- (i) the fire not be located within 45 metres (150 feet) of any building; or
 - (ii) the fire not be located within 3 metres (10 feet) of any driftwood, dry vegetation, grass or any other combustible material unless the fire is contained within a receptacle approved in design and location by the Fire Chief;
 - (iii) the fire shall be completely extinguished by 11:00 p.m.; and
 - (iv) the permit holder personally attends the fire until it is completely extinguished by water.
- (3) A permit for any fire on the foreshore shall be valid only on the date specified on the permit.

Dangerous Goods

43. Where the Fire Chief or Officer in Command is satisfied on reasonable and probable grounds that a discharge, emission or escape of dangerous goods has occurred and that immediate action is necessary in order to carry out any reasonable emergency measures, he/she may take any such measures or request that any such measures be taken by any person he/she considers qualified to do so.
44. It is the duty of the occupier, or if none, the owner of the property, building, premises, motor vehicle, vessel or railway rolling stock, to report immediately to the Fire Chief when an explosion, discharge, emission, escape or spill of dangerous goods occurs and to similarly report to the Fire Chief where the potential for an explosion or a discharge, emission, escape or spill of dangerous goods exists by reason of abnormal or unusual circumstances.

PART 4 – PERMITS, INSPECTIONS AND FEES

Schedule of Fees

45. The fees as set out in Schedule A hereof, which forms part of this Bylaw, shall be applicable to the provision of services and issuance of permits as set out in this Bylaw, and such applicable fees shall be payable at the time of application for permits or immediately upon receipt of an invoice from the Municipality.

Oil Burning Equipment

46. (1) No person shall install, alter or remove an oil burner, oil burning equipment or oil tank without first having obtained a permit to do so issued by the Fire Chief.

- (2) No permit required by this Bylaw shall be issued to any person, tenant, occupier or owner of any premises or any installer for the installation, removal or alteration of any oil burner, oil burning equipment or oil tanks until the permit fees and applicable inspection charges set out in Schedule A have been paid to the Municipality.

Investigation of Fires

47. Pursuant to the *Fire Services Act*, in every instance that a fire investigator conducts a fire investigation, the applicable fee set out in Schedule A hereof will be charged to the owner for fire investigation services.

PART 5 - ENFORCEMENT

48. The Fire Chief may remove or seize any item that in his/her opinion will prevent the continuation of any non-compliance with any terms of this Bylaw.

Issuance of Order

49.
 - (1) Where the Fire Chief finds that any provision of this Bylaw has been contravened or has not been complied with or that conditions exist in or upon a building, premises or property and which, in his/her opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he/she may make such order as deemed necessary to ensure compliance with this Bylaw or the elimination of the hazard.
 - (2) An order under this Bylaw shall be in writing and shall be directed to either the owner, occupier or lessee of the building, premises or property in respect of which the order is made, or to both.
 - (3) Where an owner or occupier or lessee fails to comply with any order made pursuant to this Bylaw, the Municipality may cause the order to be carried out and the costs of such shall be paid by the owner, occupier or lessee to whom the order was issued.
 - (4) Any expenses incurred by the Municipality in carrying out an order, if not paid by the owner, occupant or lessee to whom the order was issued within 30 days of being invoiced therefore by the Municipality, may be recoverable in the manner provided by Sections 258 and 259 of the *Community Charter*.

Service of Order

50. An order made under this Bylaw shall be served by:
 - (1) Delivering or causing it to be delivered personally to the person to whom it is directed;
 - (2) Sending the order by registered mail to the last known address of the person to whom it is directed; or

FIRE PROTECTION AND REGULATION BYLAW, 2011, NO. 2783**SCHEDULE A****FEES**

(1)	Permit for installation, alteration or removal of oil burner, oil burning equipment or oil tank, including inspection fees	\$50.00
(2)	Any required re-inspection of permit issued under clause (1)	\$25.00
(3)	Written report requested for oil burner, oil burning equipment or oil tank inspections	\$50.00
(4)	Review of a new fire safety plan	\$100.00
(5)	Review of an existing or amended fire safety plan	\$50.00
(6)	Review of plans for building and development permit	\$200.00
(7)	Inspections requested for the purposes of purchase, sale, financing or refinancing of any building or property	\$100.00
(8)	Written report requested for the purposes of purchase, sale, financing or refinancing of any building or property	\$50.00
(9)	Request for research/creation of document	\$100.00
(10)	Fire Investigation – for each fire investigator, in excess of initial 2-person hours	\$100.00/hour
(11)	Permit for fire on the foreshore	\$10.00

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

FIRE PROTECTION AND REGULATION BYLAW, 1989, NO. 1898

CONSOLIDATION - FEBRUARY 2003

Consolidated for convenience. In case of discrepancy,
the original Bylaw and amending Bylaws must be consulted.

Consolidates amendments authorized by:
Amendment Bylaw (No. 1), 1995, No. 2215
Amendment Bylaw (No. 2), 1996, No. 2258
Amendment Bylaw (No. 3), 2000, No. 2446
Amendment Bylaw (No. 4), 2002, No. 2541
Amendment Bylaw (No. 5), 2002, No. 2544

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 1898 [CONSOLIDATION]

A Bylaw to regulate fire protection and control.

WHEREAS the Council may, by bylaw pursuant to Section 699 of the Municipal Act, establish a fire department and make provision for appointing, controlling and regulating a fire chief and members of the fire department; and

WHEREAS the Council may, by bylaw pursuant to Sections 739 and 934 of the Municipal Act, and subject to the Fire Services Act and the regulations thereto, establish regulations for the protection of persons and property from fire.

THEREFORE BE IT RESOLVED the Municipal Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

TITLE:

1. This bylaw may be cited as the "FIRE PROTECTION AND REGULATION BYLAW NO. 1989, NO. 1898".

INTERPRETATION:

2. In this Bylaw, unless the context otherwise requires,

"apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

"approved" means approved and acceptable to the Fire Chief of the Municipality.

"authorized incinerator" means a structurally sound non-combustible incinerator equipped with adequate ventilation holes to ensure proper combustion and covered by a heavy mesh screen with screen openings no larger than 1 cm x 1 cm (.5 inches x .5 inches) to restrict sparks and flying debris.

"B,C, Fire Code and/or Regulations" means the B,C, Fire Code and Regulations adopted thereto, and amendments as adopted by Order in Council.

"building" means a structure that is used or intended to be used for supporting or sheltering persons or animals or property, except those prescribed by regulation as exempted from the Building Code.

"Council" means the Council of the Corporation of the Township of Esquimalt.

- “equipment” means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- “Fire Chief” means the person duly appointed as such from time to time by the Council and includes any person appointed or designated by the "Fire Chief" to act on his behalf.
- “Fire Department” means, and includes any member, or officer of the Police Department authorized by the Fire Chief to act for him and the Fire Department and members of any other municipal corporation, or of any member of the Fire Department of the Government of Canada attending at fires within the Municipality.
- “Fire Services Act” means the B.C. Fire Services Act and amendments thereto as adopted by the Province of British Columbia.
- “garbage” means refuse from a kitchen consisting of meat,, vegetable matter, egg shells and other like matter, including plastics.
- “garden refuse” means refuse from the garden, including decaying vegetable matter, leaves or branches.
- “incident” means a fire, building collapse, or a situation where a fire, building collapse or explosion is imminent, and includes a rescue, a threat to life situation and a call for assistance.
- “member” means any person or officer that is duly appointed by the Fire Chief as a member of the Fire Department and is registered as an employee of the Municipality.
- “Municipality” means the Corporation of the Township of Esquimalt.
- “occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
-
- “owner” means, in respect of any real property, the registered owner of an estate in fee simple, and in the event of there being registered a life estate includes the tenant for life. In the event that there is registered an agreement for sale and purchase, “owner” shall mean the registered holder of the last registered agreement for sale and purchase.
- “person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to the law.
- “premises” means a house or building together with its grounds and appurtenances.

“Officer in Command” means the highest ranking officer in attendance at an incident. In the event that an officer is not in attendance at an incident the most senior member in attendance at that incident will assume command in accordance with Section 13 hereto.

PART I - ADMINISTRATION

Application

3. This bylaw and the provisions contained herein, as may be amended from time-to-time, shall apply within the boundaries of the Corporation of the Township of Esquimalt.

Confirmation of Fire Department

4. The Fire Department as established is hereby confirmed and shall be known as the Esquimalt Fire Department.

Confirmation of Fire Chief

5. The position of Fire Chief as established is hereby confirmed.

Responsibilities and Duties of Fire Chief

6. The Fire Chief is responsible for the efficient management of firefighters apparatus, equipment and the provision of fire prevention and protection services to the Municipality. The Fire Chief shall ensure that the Fire Department is manned with trained members in accordance with Council policy and direction.
7. The Fire Chief shall establish rules, regulations and policies necessary for the proper organization, administration and operation of the Fire Department including but not limited to:
 - (1) the use, care and protection of Fire Department property;
 - (2) the conduct and discipline of officers and members of the Fire Department;
 - (3) the safe and efficient operation of the Fire Department; and
 - (4) the duties and responsibilities of officers and members.
8. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of this bylaw and of the Fire Services Act and regulations thereunder, and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.

Appointment and Accountability of Officers and Members

9. (1) The Fire Chief and Deputy Fire Chief shall be appointed by the Board *[should read “Council”]*.

- (1) Career officers shall be appointed by the Fire Chief, as vacancies occur or as needs dictate, from members meeting the qualifying standards.
- (2) All officers are accountable to the Fire Chief for the actions and affairs of the members under their command.
- (3) All officers are responsible for ensuring that any and all applicable Municipal and Fire Department policies, procedures, rules and regulations are adhered to by members.

Fire Chief May Appoint Designate

10. The Fire Chief may appoint or designate other officers of the Fire Department to act as Fire Chief on his behalf.
11. [deleted]

Jurisdiction of Fire Department

12. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department, will extend to the area and boundaries of the Municipality, and no part of the fire apparatus shall be used beyond the limits of the municipality without:
 - (1) the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the municipal boundaries; or
 - (2) the approval of the Council; or
 - (3) in an emergency, the approval of the Mayor or Acting Mayor.

PART 2 - FIRE PROTECTION

Control, Direction and Management at Incident

13. The Fire Chief, or any Officer in Command at an incident, shall have control, direction and management of all Fire Department apparatus, equipment, or manpower assigned to an incident and, where an Officer in Command is in charge, he shall continue to act until relieved by a senior officer.

Authorization to Enter onto Premises and Property

14. The Fire Chief, or any Officer in Command at an incident, is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.

15. The Fire Chief, or any Officer in Command at an incident, is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where he deems it necessary to gain access to the incident or to protect any person or property.

Obstruction of Fire Department in Performance of its Duties

16. No person shall impede, obstruct, abuse or in any way hinder the Fire Chief, or any officer in Command, or any officer or member of the Fire Department in attendance at any incident.' or any other person in attendance at any incident under the direction of the Fire Chief or officer in Command.

Failure to Comply with Order or Direction of Fire Department

17. Anyone who fails to comply with an order or direction of the Fire Chief, or any Officer in Command, or any officer or member of the Fire Department engaged at any incident, may be forcibly removed from the scene of any such incident by a peace officer or officer or member of the Fire Department.

Evacuation of Buildings

18. The Officer in Command is empowered to order the evacuation of any building that is directly involved with fire or other risk to life. The Fire Chief, or his designate, is empowered to order the evacuation of a building, structure, or area which in his opinion is endangered by fire or other risk to life. In such cases no person, other than the Fire Chief, the Officer in Command, an officer or member of the Fire Department, peace officer, or other person authorized by the Fire Chief or Officer in Command shall remain in or shall enter those buildings, structures or areas.

Demolition of Adjacent buildings

19. The Fire Chief, at an incident, is empowered to cause a building, structure or thing to be pulled down, demolished, or otherwise removed if he deems it necessary to prevent the spread of an incident to other buildings, structures or things, or to protect any person.

Commandeering of Privately Owned Equipment

20. The Fire Chief at any incident is hereby empowered to commandeer privately owned equipment which he considers necessary to deal with such incident.

Interference with Free Access to Fire Hydrants

21. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

Assistance in the Fighting of Fires

22. The Fire Chief, or any Officer in Command, may require any person to assist in the fighting of any fire or in the preserving of any property threatened by an incident, or to assist in the salvaging and safeguarding of property so threatened.

Impeding of Fire Department Equipment

23. No person shall obstruct, impede or interfere with any apparatus or equipment belonging to or being part of the Fire Department, while responding to, or while engaged in, the prevention or extinguishment of an incident.

Interference with Egress or Access to Buildings

24. No person shall sit, stand, place or leave any article, thing or matter in such a manner as to interfere with the means of egress or access within or outside any building or premises.

Removal of Articles from Building or Yard which Constitute a Fire Hazard

25. The owners or occupiers of any real property shall remove anything and everything from a building or yard which in the opinion of the Fire Chief constitutes a fire hazard or increases the danger of fire.

Vacant Buildings

26. The owner of any vacant building in the Municipality shall at all times keep the building free from debris and flammable material, and shall keep all openings in the building securely fastened and closed so as to prevent the entry of unauthorized persons.

Containers for Collection of Combustible Refuse

27.
 - (1) All containers used for the collection of combustible refuse in quantities exceeding five (5) cubic feet shall be constructed entirely of solid sheet noncombustible material.
 - (1) Each container shall have easy closing lids that must be operational at all times.
 - (2) Containers shall be located at least ten (10) feet from any building or fuel supply tank unless otherwise approved by the Fire Chief.
 - (3) Containers equipped with self-closing lids may be located within three (3) feet of a building or fuel supply tank.

System of Inspection of Buildings and Premises

28. In addition to the inspections required by Sections 26 and 38 of the Fire Services Act, the Fire Chief may institute and maintain a regular system of inspection of buildings and premises within the Municipality in order to discover and correct any conditions constituting a fire hazard.

Impeding of Fire Prevention Activities

29. No person shall impede, or in any way hinder, an officer or member of the Fire Department while operating in the interest of fire prevention in the Municipality.

PART 3 - PERMISSION TO BURN

Burning Restrictions

30. (1) It shall be unlawful for any person at any time within the Municipality to light, ignite, start, maintain, or knowingly permit, allow or cause to be lighted, ignited, started or maintained, any fire of any kind whatsoever in the open air.
- (2) Notwithstanding the provisions of this Part, the Fire Chief may issue a Permit with terms and conditions he feels are reasonably fit for the protection of safety for the following specific types of open air fires for the purpose of:
- (a) disease and pest control;
 - (b) fire suppression training;
 - (c) ethnic and cultural observances; and
 - (d) special events.
- (3) The Fire Chief may, at his discretion, cancel any or all burning within the Municipality.

Supervision and Control

31. Any person whom is in the possession of a valid and subsisting Permit issued by the Fire Chief shall place a competent person at all times in charge of such fire while the fire is burning or smouldering, and shall provide such person with sufficient apparatus and equipment to effectively prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property. Such competent person shall be kept in charge of such fire at all times until the fire is completely extinguished.

Distance Requirement

32. Fires shall not be located within 6 metres (19.7 feet) of any building or within 1 metre (3.3 feet) of any shrubbery, tall grasses, fence, or other combustible material.

Nuisances from Emission of Smoke and Ash

- 33. No person shall allow burning to continue where such burning constitutes an interference with, or obstruction of, a person’s reasonable and comfortable use and enjoyment of property through the emission of offensive, annoying, unpleasant or obnoxious smoke or ash. In the event such person fails to suppress any fire to the satisfaction of the Fire Chief, the Fire Chief may cause such fire to be immediately suppressed.

PART 4 - PERMIT AND INSPECTION FEES

Permit Fee - oil burning equipment

- 34. No permit required by this bylaw shall be issued to any person, tenant, occupier or owner of any premises or any installer for the installation, renewal or alteration of any Oil Burning Equipment or fuel tanks until the permit fees and inspections charges levied by this bylaw have been paid to the Treasurer of the Corporation of the Township of Esquimalt. For any re-inspection, there shall be an additional charge.

Schedule of Fees

- 35. There are hereby levied and there shall be paid at the time of applying by every applicant for a permit to install any Oil Burner, Oil Burning Equipment, or fuel tanks the fees and charges as specified in Schedule A attached hereto.

PART 5 - ENFORCEMENT AND PENALTIES

False Representation

- 36. No person shall falsely represent themselves as an officer or member of the Fire Department.

Penalty

- 37. Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrains from doing any act or thing which is required by any of the provisions of this bylaw, shall be deemed to have violated the provisions of this bylaw.
- 38. Every person guilty of an infraction under this bylaw shall be liable upon summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00).

Action in the Case of Default

- 39. In the event that a person is in default of complying with a direction made under this Bylaw, the Municipal Council may order the direction to be carried out at the expense of the person in default, and may recover the expense, with interest and costs, in the same manner as Municipal taxes as authorized by the Municipal Act.

Repeal

40. "FIRE REGULATION BYLAW 1971 NO. 1332", and "OIL BURNER SYSTEM PERMIT AND INSPECTION BYLAW, 1985, NO. 1796", and amendments thereto, are hereby repealed.

Read a first time by the Municipal Council on 26th June, 1989.

Read a second time by the Municipal Council on 26th June, 1989.

Read a third time by the Municipal Council on 26th June, 1989.

RECONSIDERED, and FINALLY ADOPTED by the Municipal Council on 28th June, 1989.

W. R. WARDER
MAYOR

SANDY T. GRAY
CLERK-ADMINISTRATOR

SCHEDULE A

Forming part of "FIRE PROTECTION AND REGULATION BYLAW, 1989, NO. 1898".

Installation Fee Schedule

The following fees are applicable and shall be charged and collected at the time of issuance of a Permit:

Installation - Oil Burners

A combined permit/inspection fee of \$25.00 shall be charged for the installation of new or replacement oil burners.

Installation - Supply and Storage Tank

A combined permit/inspection fee of \$25.00 shall be charged for the installation or replacement of any supply or storage tank having a capacity less than 1,137 litres (250 gallons). Any tank greater than 1,137 litres shall be levied an additional charge of 50 cents for every 100 litres (or portion thereof).

Re-Inspection

An inspection fee of \$25.00 shall be charged for re-inspecting the installation of any oil burning equipment or supply and storage tanks.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

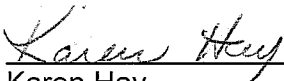
STAFF REPORT

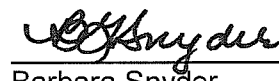
December 12, 2011
Committee of the Whole

Date: December 7, 2011 **REPORT NO.** DEV-11-102
To: Laurie Hurst, Chief Administrative Officer
From: Karen Hay, Planning Technician
Barbara Snyder, Director, Development Services
Subject: **REZONING APPLICATION and DEVELOPMENT PERMIT**
616 Lampson Street
[Lot 5, Section 11, Esquimalt District, Plan 4618]

RECOMMENDATION

That the application for rezoning authorizing a new single family dwelling and development permit limiting the form and character of development to that shown on architectural plans provided by Keay and Associate, Architecture Ltd., stamped "Received October 25, 2011", and on the landscape plan prepared by LADR Landscape Architects, stamped "Received October 25, 2011", be forwarded to Council with a **recommendation of approval**.


Karen Hay
Planning Technician


Barbara Snyder
Director, Development Services

SUMMARY

The applicant is requesting a change in zoning from the current RD-3 [Two Family/ Single Family Residential] zone to a Comprehensive Development zone [CD] to allow one additional Single Family Residence to be constructed on the front portion of this site. The existing residence would be retained on a separate strata lot.

BACKGROUND

Owner/Applicant: Ron Warrington [Van-Isle Project Management Ltd]

Property Size: Metric: 1161.3m² Imperial: 12,500 ft²

Existing Land Use: Single Family Residence

Surrounding Land Uses: North: Single Family Residential
South: Single Family Small Lot Residential
West: Single Family Residential
East: Two Family Residential

Existing Zoning: RD-3 [Two Family/Single Family Residential]

Proposed Zoning: CD [Comprehensive Development Zone]

Existing OCP Designation: Single and Two Unit Residential [No change required]

Purpose of the Application: To amend the zoning to accommodate two [2] detached single family dwellings, each on its own strata lot.

COMMENTS FROM ADVISORY PLANNING COMMISSION

This application was considered at the regular meeting of APC held on November 15, 2011. Members were complimentary of the proposed design and supported the panhandle concept as it had already been achieved on the property to the south. Two neighbouring property owners presented their concerns to the Commission at the meeting. [Attached] The loss of the neighbours' view was discussed by the members and it was noted that the heavy vegetation on the site currently obstructs views for the greater part of the year. There was also a concern about the strength of an existing retaining wall. The applicant indicated he would work with the neighbouring property owners to address their concerns. The application was forwarded to Council with a **recommendation of approval**.

COMMENTS FROM OTHER DEPARTMENTS

The following comments were received prior to preparation of the staff report:

Building Inspection: Construct to BC Building Code 2006 and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol.

Fire Department: No concerns relating to this proposal.

Parks and Recreation: Landscaping is suitable. Parks staff agrees with the identified impacts listed in the arborist report prepared by Talbot Mackenzie & Associates. Tree removal permits are required for any trees outside the building envelope protected by Tree Protection Bylaw, 2007, No. 2664. Tree protection barriers for trees shown to be retained must be erected before construction may begin.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the new single family house proposed to be located at 616 Lampson Street. Staff confirm that the design appears achievable on the site and that appropriate works and services are available in the immediate area. Additional comments will be provided if detailed engineering drawings are submitted as part of a building permit application.

Development Services: The Director notes that the proposal makes use of an underutilized parcel and is similar to the development which was done on the adjacent lot to the south.

Note: All projects are subject to compliance with the BC Building Code, Esquimalt Subdivision and Servicing Bylaw, Esquimalt Zoning Bylaw and other Regulations and Policies set by Council.

ZONING CONSIDERATIONS

Density, Lot Coverage, Siting and Setbacks:

The following chart compares the setbacks, lot coverage and floor area ratio of this proposal with the requirements of the RD-3 Two Family/ Single Family Residential Zone:

	RD-3 (Two Family)	Proposed CD Zone	
		Lot A [Existing]	Lot B [New]
Minimum Parcel Size	668 m ²	561 m ²	483m ²
Floor Area Ratio	0.35 (SFD) 0.35 (TFD >800m ²)	0.26	0.34
Lot Coverage	30%	23%	16%
Setbacks			
• Front	7.5 m	6.4 m	9.4 m
• Rear	7.5 m	13.7 m	11.5 m
• Interior Side	3.0 m/1.5 m	6.7 m/1.8 m	3.0 m/1.5
Building Height	7.3 m	7.3 m	7.3 m
Off Street Parking	2 spaces (1 per unit)	2 spaces	2 spaces

The combined F.A.R of the proposal is 0.27 which is substantially less than the 0.35 maximum allowable for duplexes in the RD-3 zone on properties exceeding 800m² in area. The combined Lot Coverage is 17% which is significantly less than the 30% maximum permitted in the Two Family/ Single Family Residential zone.

OFFICIAL COMMUNITY PLAN CONSIDERATIONS

Building Design: The proposed home is a two storey dwelling built on a crawl space incorporating a hipped fibreglass shingle roof, board and batten hardie-panel siding wrapping the upper floor and cement shingle siding covering the lower floor. Generous windows permit ample natural light from the east and south, and are complimented by the broad fascia trim dividing the upper and lower floors. The existing home has had a number of refurbishments with additional work proposed; including new gutters and downspouts, repair of fascia, new windows, and new exterior paint. The applicant has provided a detailed list of work already completed and work proposed [attached].

The applicant will be required to register a Section 219 Covenant against the title of the property limiting the development to only two [2] dwelling units to ensure that neither of the units can convert space to secondary suites.

Fit with Neighbourhood: Section 2.2 of the Official Community Plan recognizes that modest residential growth will occur through the infilling of vacant or under-utilized parcels and states that this growth should occur in a manner that maintains and enhances individual neighbourhoods and the community as a whole.

The subject property is located in a mixed single family, two family and multiple family residential neighbourhood. The proposed dwelling is complimentary to the era of architecture located adjacent to the site while the massing does not overpower the site.

Compliance with Esquimalt's Infill Housing Guidelines: The proposal meets the intent of the infill housing guidelines contained in the Township of Esquimalt Official Community Plan [attached].

Landscaping: The applicant is proposing to remove of a number of trees and clean out significant invasive weed growth as to offer the healthiest trees the best opportunity for longevity.

The landscape plan calls for a mix of existing and new plantings in a well groomed, compact landscape. The mature hedge located on the north property line would be retained as would a number of mature shrubs and trees adjacent to the existing home. The existing home will have new sawcut concrete patios in both the front and rear yards as well as new stairs linking the rear patio to the existing lawn area and a combination of concrete pavers and permeable pavers would be used to improve the aesthetic, and break up the massing of the existing asphalt driveway.

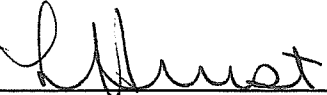
The new home will feature a large sawcut concrete patio located in the front yard to capitalize on the morning sun. Separation from Lampson Street would be achieved by a mixed planting bed of shrubs which will provide some screening and offer an attractive treatment along the street frontage. A concrete paver driveway is proposed for the side yard with an additional parking space and level turf lawn proposed for the rear yard. Staff recommends a hardscape pathway be installed on the north side of the home linking the front and rear outdoor amenity areas. This would encourage pedestrian flow between these spaces away from the primary traffic lane and ensure residents have viable connection across what is likely soggy ground in the winter months.

A landscape bond of 125% of the estimated value of all landscaping will be required if this application is approved.

Green Building Features: The applicant has completed the Esquimalt Green Building Checklist [attached].

PUBLIC NOTIFICATION

As this is a Rezoning application, should it proceed to a Public Hearing, notice will be mailed to tenants and owners of properties within 100 m (328 ft) of the subject property. A sign indicating that the property is under consideration for a change in Zoning, has been in place since November on the Lampson Street frontage of each property and would be updated to show the date, time and location of the Public Hearing. To date comments have been received from neighbours to the north and south. [Attached]

<p>Approved for Council's consideration:</p> <p> _____ Laurie Hurst, CAO</p> <p>Dated: <u>Dec 7/11</u></p>
--

*Received APC
1/15/11*

My name is Howard R. East, owner and occupant of 620 Lampson Street. I am 93 years old and have limited mobility (I use a walker). My kitchen and wood-working shop windows look southward over gardens on 616 and 612 Lampson properties.

I have the following concerns with the rezoning application:

- Loss of views (currently enjoy views of ocean and mountains)
- Loss of natural light
- Loss of privacy
- Increased noise

Signed Howard R East Phone: 250-382-6482

I have read Sarah Cook and Charles Burnett concern with the rezoning of 616 Lampson and I agree that rezoning with the points that they made.

Howard R East

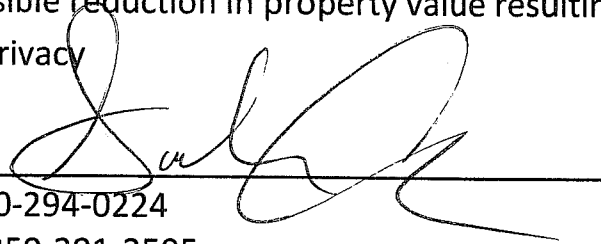
If possible, please build at the west end so that I can maintain a view and as much sunlight as possible.

Howard R East

Burnett
APC M+8
NW 15/2011
MC

My name is Sarah Cook, owner and occupant of 612 Lampson Street. My partner Charles Burnett and I have the following concerns with the rezoning application for 616 Lampson. As adjacent property owners, we would like some formal assurance that if this proposal is approved, any development actions that may negatively affect our property values (as outlined below) will be avoided where possible, or mitigated through improvements (i.e. installation of new hedging along property line, replacement of trees, construction of more robust retaining wall).

- Loss of privacy
- Increased noise (construction, street traffic)
- Loss of green space, native species, mature trees and hedging, that currently provide bird habitat, lovely views, significant privacy and mitigation of noise from Lampson Street
- Further collapse of existing retaining wall with increase in use
- Maintenance of property as a non-owner-occupied development
- Possible reduction in property value resulting from increase in density, loss of privacy

Signed 
Phone: 250-294-0224
Daytime: 250-391-2595



Tuesday, November 22, 2011

To: Trevor Parkes, Senior Planner
CC: Meagan Brame, APC Council Liaison
Barb Desjardins, Major

Dear Mr. Barnes,

We, Sarah Cook, owner of 612 Lampson Street and Charles Burnett, her partner, are concerned with the *process* and the *potential impact* of the proposal described in the development permit for 616 Lampson Street (Lot 5, Section 11, Esquimalt District, Plan 4619). The proposal was examined in the Esquimalt Advisory Planning Commission meeting of November 15th, chaired by Ms. Brame.

Please respond in writing to the following questions before December 7th. Your timely response will allow us to resolve these issues in advance of the next Council Meeting.

Our concerns:

The application is dated October 25th but the first time resident home owners beside the property in question heard about the application was when a sign board was posted at or after noon on Thursday 10th of November. This was the Thursday before the Remembrance Day long weekend, or in other words, 2 business days before the Advisory Commission meeting. Bylaw 2562 states "SIGN PLACED ON SUBJECT PROPERTY WHEN APC MTG DATE SCHEDULED".

Question 1. Why were residents neighbouring this application not informed in a timely fashion?

The arborist report lists a small but healthy Garry Oak on the property, beside the drive, stating "One Garry oak is located near the existing residence on proposal Lot A, which is unlikely to be impacted by the proposal." However, the landscaping plan does not mapⁱ nor make a plan for fencing to protect this tree. In fact, this appears to be the only tree excluded from the landscape plan, but will certainly be impacted if the drive is widened or resurfaced, which sounds likely.

Question 2. Do you think the Proposal should be accepted by Council without an amendment explicitly protecting this tree?

We noted in our submission to the Commission the issue of the decaying retaining wall along the north side of our property which supports the 616 Lampson drive. This drive will see more traffic, especially during construction.

Question 3. Do you not think it appropriate to have in writing a commitment from the developer to ensure that the retaining wall is sound? And if it is not considered sound, is it fair that we must carry the financial burden of rebuilding this?

We noted in our submission to the Commission the issue of loss of privacy in our cozy front yard due to the new dwelling, and especially due to its height and windows.

Question 4. The new dwelling will be considerably taller than the existing building on the lot, and that dwelling is atop a rock. Does the roof need to be so peaked?

Question 5. Shouldn't the use of dormer windowsⁱⁱ be strongly encouraged?

Question 6. Will you to get from the developer a commitment in writing that the front yard privacy issue will be addressed through the planting of hedges and/or the building of a fence on the 616 Lampson side of the drive?ⁱⁱⁱ

We noted in our submission to the Commission that the other neighbouring property owner is a 93 year old who has mobility challenges - he uses a walker. As of November 21st he, Howie East, has never seen the Proposal. He has not been approached by the developer or by Esquimalt planning staff.

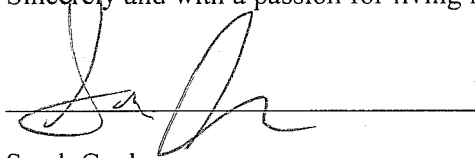
Question 7. Does Esquimalt have a plan as to how to consult with senior resident owners?

Question 8. Will you bring Howie East the plans and sit in his kitchen and show him how much of his south-facing sea view and sunlight^{iv} will remain after the new dwelling is completed?

Please note:

- It may seem from these questions that we are ‘against’ in-fill development. We are not.
- We see these issues as being small but significant issues that could impact our quality of life and the property value of our house.
- We look forward to working with Esquimalt to make sure the potential impacts to our home are addressed.
- If we do not receive responses to these issues, in writing and before December 7th, we will seek a more formal, legal language, way to have them heard.

Sincerely and with a passion for living in beautiful Esquimalt,



Sarah Cook
612 Lampson St
Esquimalt, BC V9A 6A1



Charles Burnett
612 Lampson St
Esquimalt, BC V9A 6A1

ⁱ Re: 9.8 Esquimalt Official Community Plan Guidelines for Single-unit Infill Housing: 9.8.4.4 Landscaping J) Proposals for single-unit infill housing must include a landscape plan showing.... trees, shrubs, planting area and proposed species; k) retention and protection of trees and the natural habitat is encouraged wherever possible.

ⁱⁱ Re: 9.8 Esquimalt Official Community Plan Guidelines for Single-unit Infill Housing: 9.8.4.2 Massing: e) “new structures for lots other than corner or double frontage lots should be limited to one and one half stories” and f) use of dormers...preferred to peaked roof set over second story.

ⁱⁱⁱ Re: 9.8 Esquimalt Official Community Plan Guidelines for Single-unit Infill Housing: 9.8.4.3 Privacy/Screening/Shadowing: g) Proposed infill dwellings should have only minimal impact on adjacent homes and be separated from neighbouring residences by vegetation, screening, natural elevation differences

^{iv} Re: 9.8 Esquimalt Official Community Plan Guidelines for Single-unit Infill Housing: 9.8.4.3 Privacy/Screening/Shadowing g) Proposed infill dwellings should have only minimal impact on adjacent homes and be separated from neighbouring residences by vegetation, screening, natural elevation differences and i) Infill dwellings should be sited to minimize the casting of shadows onto the private outdoor space of adjacent residential dwellings.

25 November 2011

Sarah Cook
Charles Burnett
612 Lampson Street
Victoria, B.C.
V9A 6A1

Dear Ms Cook and Mr. Burnett:

Re: **Proposed development at 612 Lampson Street**

The following information is provided in response to your letter of November 22, 2011 addressed to Mr. Barnes. Please note that we do not have a Mr. Barnes employed with the Township.

Signage

Regarding the notice of development posted on the property, Esquimalt's Development Procedures Bylaw No. 2562 requires that once an application has been received and the date of the Advisory Planning Commission meeting at which it will be considered is known, a sign is to be posted on the property. The only timing requirement is that the sign be posted before the meeting, therefore posting it on November 10th for a meeting on November 15th more than meets the requirements of the bylaw.

A review of the application by the Advisory Planning Commission is only the first step in the processing of a development application. These meetings are open to the public so that interested persons can learn about the proposed development, however, there are several other steps in the application review where residents can learn about the proposal including the Committee of the Whole and Council meetings leading up to the Public Hearing.

Garry Oak Tree

The Garry oak tree mentioned in Talbot Mackenzie & Associates report is located on the north property line of the subject property in the vicinity of the existing house and is well away from any driveways or new construction. Even if construction was anticipated near this tree, Esquimalt's Tree Protection Bylaw [No. 2664] requires that tree protection be put in place and maintained throughout construction. It is not necessary for Council to specifically protect the Garry oak tree.

Retaining Wall

Regarding the retaining wall between your property and 616 Lampson Street, usually the developer will commit to repairing retaining walls and fences as these are an enhancement to their project as well as the neighbouring property. For this development the landscape architect has indicated on the Landscape Plan that a new fence will be constructed on the property just to the north of your fence [which is not on the property line] and the retaining wall will be retained. Should this project be approved, the developer would have to provide the Township with a security to guarantee that plantings and hard landscaping features [paths, walls, fences] are completed as shown on the plan.

Height and Siting of New Home

With regard to the siting of the proposed new home, it meets the required front yard setback of 7.5 metres, the side setbacks of 1.5 and 3.0 metres on the north and south sides respectively, and maintains an 11.5 metre rear yard. The proposed building height is also in compliance with requirements of the single family residential and duplex zones. While the guidelines for infill housing do recommend that developers use dormers to reduce the height this is not an outright requirement.

Although I appreciate that construction of a new home in this location represents a change for you and Mr. East, the proposed design meets the municipality's criteria regarding height and siting. Should the existing home be removed and replaced with a single family residence or a duplex, these could be much larger than what is currently being proposed and could be sited much closer to the north and south property lines. The proposed distance between the new residence at 616 Lampson and Mr. East's lot is 3.0 metres and as his home is approximately 3.0 metres from the lot line the separation between buildings would be approximately 6.0 metres [19.6 ft.]. The separation between the proposed home and yours is 8 metres [26 feet].

Privacy

In order to create a sense of privacy, existing shrubs in the front yard are proposed to be retained with red current, ocean spray and mock orange added. The existing hedge, as well as many existing trees near the north property line, will be retained to protect Mr. East's privacy. Cedar fencing is proposed for the portion of the north property line that does not have a hedge. On the south side of the property, a cedar fence 1.8 metres in height, stepping down to 1.2 metres in the front yard, is proposed.

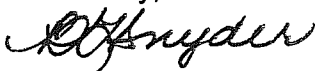
Additional Notification

Once a rezoning application has been presented to Council and the amending bylaw has received first and second readings, a public hearing will be scheduled and notification will be mailed to owners and residents of properties within 100 metres of the subject property. This is our normal procedure as set out in Bylaw No. 2562 referred to above. It is not our usual practice to meet with neighbours individually in their homes to review development proposals. We do encourage developers to contact neighbouring residents to familiarize them with their projects and receive feedback. I have contacted the applicant, Ron Warrington, and asked him to call Mr. East.

The information which you and Mr. East provided to the Advisory Planning Commission will be included in future staff reports to Council and you are welcome to provide additional written comments at any time during the application process.

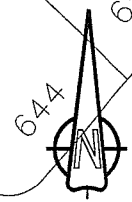
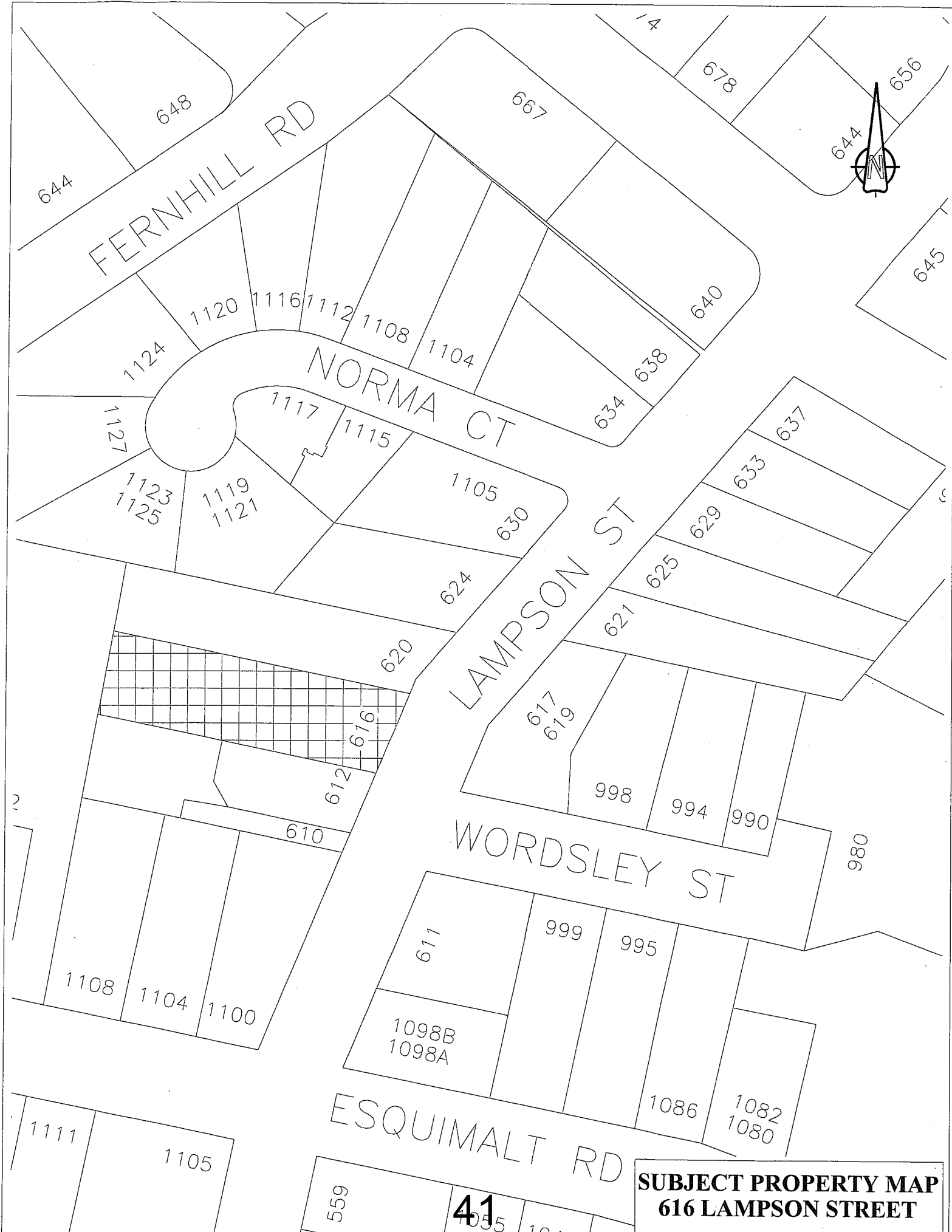
I hope that this information is sufficient to address your concerns, if you need more information please contact me at 250-414-7146.

Yours truly,



Barbara Snyder
Director of Development Services

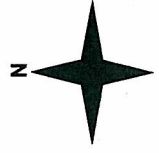
c Laurie Hurst, CAO
Trevor Parkes, Senior Planner




**SUBJECT PROPERTY MAP
616 LAMPSON STREET**

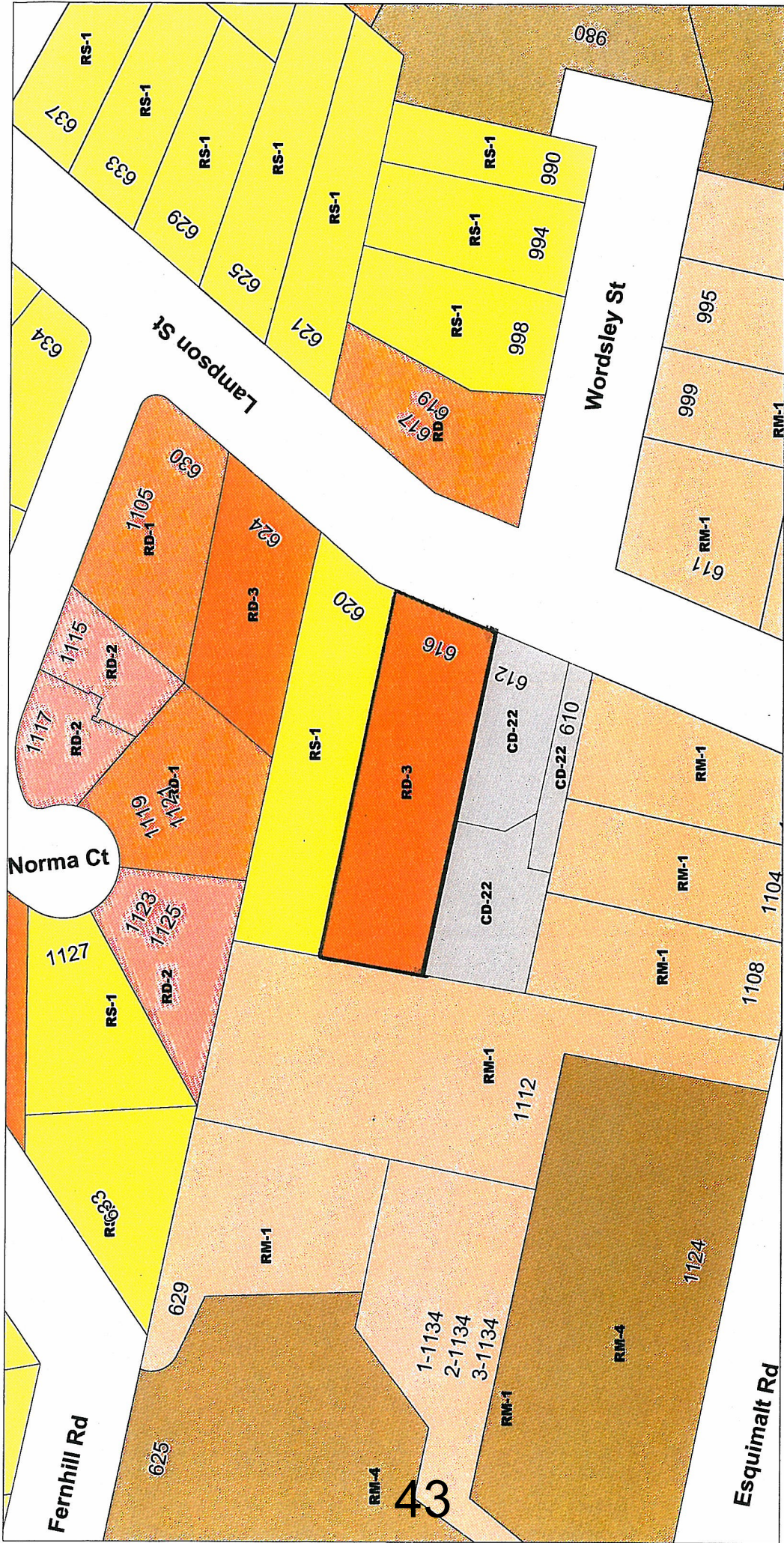
41

616 Lampson Street



Subject Property Boundary: 

616 Lampson Street



DIVISION 1 - RESIDENTIAL ZONES

34. SINGLE FAMILY RESIDENTIAL [RS-1]

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land.

(1) Permitted Uses

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) keeping of up to a maximum of no more than two [2] Roomers or Boarders
- (d) Secondary Suite: subject to the requirement of Section 30.6

(2) Parcel Size

The minimum Parcel Size for Parcels created by subdivision shall be 530 square metres.

(3) Minimum Lot Width

The minimum width of Parcels created by subdivision shall be 16 metres measured at the Front Building Line.

(4) Floor Area Ratio

The Floor Area Ratio shall not exceed 0.35.

(5) Floor Area

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(6) Building Height

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(7) Building Width

The minimum width for any Single Family Dwelling shall be 7 metres.

(8) Lot Coverage

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel.

- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of Parcel.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) **Front Setback:** No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) **Side Setback:** No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one [1] Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line
- (iii) **Rear Setback:** No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) **Front Setback:** No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) **Side Setback:** No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) **Rear Setback:** No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) **Building Separation:** No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(11) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw No. 2011.

9.8 Guidelines for Single-unit Infill Housing

9.8.1 Definition

Single-unit infill housing is development that provides for new single-unit homes on land that is surplus to the needs of existing housing. This could be in the form of separate dwellings on one lot (strata-titled or otherwise), or dwellings on separate small lots created through subdivision of larger lots.

9.8.2 Purpose

The purpose of these guidelines is provide guidance for proponents, the public, municipal staff, Advisory Committees and Council for the evaluation of applications for rezoning to permit the construction of single-unit Infill Housing.

9.8.3 Guidelines

9.8.3.1 Preferred Locations/Site Characteristics

The following characteristics define the general suitability of a property for Single-unit Infill Housing:

- a) Lots currently zoned RD-1 (Two-unit Residential) and RD-3 (Two-unit / Single-unit Residential), especially those with extra width and lot area;
- b) Lots with a frontage on more than one street (including corner lots);
- c) Properties that are transitional between lower density and higher density housing or other land uses;
- d) The demolition of existing housing is discouraged (unless in exceptional circumstances) however moving of houses is considered acceptable; and
- e) These criteria are general in nature. Each project will be considered on its own merit.

9.8.4 Design

9.8.4.1 Context

- a) Where an existing single-unit residence is to be retained and a second residence placed on the parcel, the existing dwelling is to be upgraded and made to blend with the new construction.
- b) Where two or more new separate dwellings are situated within a comprehensive development zone, the buildings shall be designed as part of a comprehensive scheme with all buildings being finished in complementary materials and incorporating similar architectural details.
- c) Where new infill single houses are proposed, the design of the new houses should be complementary in scale, size, exterior finishes, rooflines, and colours to the predominant styles of housing in the neighbourhood. It is important to ensure that the new construction fits with the overall scale and character of existing houses.
- d) The intent of this guideline is not to encourage the replication or imitation of surrounding buildings but rather the design of structures that complement the streetscape.

9.8.4.2 Massing

- e) New structures should be designed so that the overall massing is in keeping with other single-unit residences in the immediate area. New structures for lots other than corner or double frontage lots should be limited to one and one half storeys.
- f) New structures, which are two storeys in height, should be designed so that the second storey is partially concealed within the slope of the roof to minimize the height of the building. The use of dormers set into the roof is preferred to a flat roof or a peaked roof set over the second storey.

9.8.4.3 Privacy/Screening/Shadowing

- g) Proposed infill dwellings should have only a minimal impact on adjacent homes and be separated from neighbouring residences by vegetation, screening, natural elevation differences, or a combination of these features.
- h) Windows, decks and patios should be located so as to minimize intrusion onto the privacy of adjacent properties.
- i) Infill dwellings should be sited to minimize the casting of shadows onto the private outdoor space of adjacent residential dwellings.

9.8.4.4 Landscaping

- j) Proposals for single-unit infill housing must include a landscape plan showing hard landscaping (i.e., parking areas, fences, and patios) as well as lawns, trees, shrubs, planting areas and proposed plant species.
- k) Retention and protection of trees and the natural habitat is encouraged wherever possible.

9.8.4.5 Private Open/Yard Space

- l) Any proposal for single-unit infill housing should provide for useable, private outdoor areas for each dwelling, at grade.

9.8.5 Process

9.8.5.1 Rezoning

- a) Single-unit infill housing will only be permitted through a rezoning process. Each application will be considered on its own merit.
- b) As well as the typical rezoning information, an application for a single-unit infill housing should include:
 - i) a summary of the proposal (prepared by the applicant) showing how it differs from the regular zoning requirements in terms of site coverage, floor area ratio, building envelope, number of parking spaces, amount of useable open space and common areas; and
 - ii) an illustration of the streetscape (to scale) showing the relationship of the proposed building to the five (5) adjacent buildings on either side of it and of the same buildings from the rear is required. For corner lots, the streetscape drawing must be provided for both street frontages.

NOTE: THE MUNICIPALITY DOES NOT HAVE TO SIGN
THIS COVENANT OR THE FORM C - GENERAL INSTRUMENT

SAMPLE

SINGLE FAMILY COVENANT

SECTION 219 COVENANT

This Covenant made the _____ day of _____ 200

BETWEEN:

SAMPLE

(the "Owner")

OF THE FIRST PART

AND:

CORPORATION OF THE TOWNSHIP OF ESQUIMALT,
1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1

(the "Corporation")
OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner of the lands described herein.
- B. The building on the said lands is a single family dwelling.
- C. Section 219 of the *Land Title Act* permits the registration of a Covenant in favour of the Corporation in respect of the use of land.

NOW THEREFORE IN CONSIDERATION of the sum of One Dollar (\$1.00) of lawful money of Canada paid by the Corporation to the Owner (the receipt and sufficiency of which is hereby acknowledge by the Owner) the Owner and the Corporation agree as follows:

- 1. That parcel of land described as:

(the "Lands") shall be used only in accordance with this Covenant.

SAMPLE

2. The lands shall not be used for more than one Single Family Dwelling. "Single Family Dwelling" means a detached building consisting of one dwelling unit containing only one kitchen with cooking facilities, which is occupied or intended to be occupied as a permanent residence by one family only. "Family" means one or more persons related by blood, marriage, adoption, or foster parenthood; or not more than four unrelated persons sharing one Dwelling Unit.
3. This Covenant runs with the Lands.
4. Nothing in this Covenant shall affect the Corporation in the exercise of its statutory powers.
5. The parties hereto each covenant to and agree with the other that the _____ being the holder of mortgages on the lands of the Grantor registered under number _____ at the Victoria Land Title Office do hereby consent to and approve the granting of the Covenant herein and do hereby grant priority to the said Covenant over the said mortgages such that the Covenant shall constitute and rank as a prior charge against the lands affected thereby.
6. These presents shall enure to the benefit of and be binding upon the parties hereto and upon their respective proper signing officers in that behalf as of the day and year first above written.

IN WITNESS WHEREOF, the parties hereto have signed, or being corporations have caused their officers to sign, the attached Form C General Instrument in execution of this Agreement.



GREEN BUILDING CHECKLIST

The purpose of this Checklist is to make property owners and developers aware of specific green features that can be included in new developments to reduce their carbon footprints to help create a more sustainable community.

Creating walkable neighbourhoods, fostering green building technologies, making better use of our limited land base and ensuring that new development is located close to services, shops and transit are some of the means of achieving sustainability.

The Checklist which follows focuses on the use of **Green Technologies** in new buildings and major renovations. The Checklist is not a report card, it is a tool to help identify how your project can become 'greener' and to demonstrate to Council how your project will help the Township of Esquimalt meet its sustainability goals. It is not expected that each development will include all of the ideas set out in this list but Council is looking for a strong commitment to green development.

There are numerous green design standards, for example, Built Green BC; LEED ND; Living Building Challenge; Green Shores; Sustainable Sites Initiative. Esquimalt is not directing you to follow any particular standard, however, you are strongly encouraged to incorporate as many green features as possible into the design of your project .

As you review this checklist, if you have any questions please contact **Development Services** at **250.414.7108** for clarification.

**New development is essential to Esquimalt.
We look forward to working with you
to ensure that development is
as green and sustainable as possible.**

Other documents containing references to building and site design and sustainability, which you are advised to review, include:

- Esquimalt's Official Community Plan
- Development Protocol Policy
- Esquimalt's Pedestrian Charter
- Tree Protection Bylaw No. 2664
- A Sustainable Development Strategic Plan for the Township of Esquimalt

Adopted on January 10th, 2011



“One-third of Canada’s energy use goes to running our homes, offices and other buildings. The federal government’s Office of Energy Efficiency (Natural Resources Canada) reports that a corresponding one-third of our current greenhouse gas (GHG) emissions come from the built environment.”

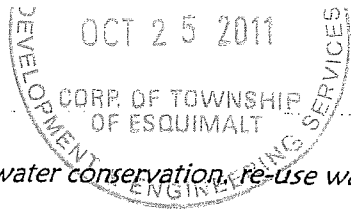
[Green Building and Development as a Public Good, Michael Buzzelli, CPRN Research Report June 2009]

Please answer the following questions and describe the green and innovative features of your proposed development. Depending on the size and scope of your project, some of the following points may not be applicable.

Green Building Standards

Both energy use and emissions can be reduced by changing or modifying the way we build and equip our buildings.

1	Are you building to a recognized green building standard? If yes, to what program and level?	Yes	No
	<u>BUILT GREEN BRONZE</u>	<input checked="" type="checkbox"/>	
2	If not, have you consulted a Green Building or LEED consultant to discuss the inclusion of green features?	Yes	No
3	Will you be using high-performance building envelope materials, rainscreen siding, durable interior finish materials or safe to re-use materials in this project? If so, please describe them.	Yes	No
		<input checked="" type="checkbox"/>	
4	What percentage of the existing building[s], if any, will be incorporated into the new building?		<u>0</u> %
5	Are you using any locally manufactured wood or stone products to reduce energy used in the transportation of construction materials? Please list any that are being used in this project.		
6	Have you considered advanced framing techniques to help reduce construction costs and increase energy savings?	Yes	No
			<input checked="" type="checkbox"/>
7	Will any wood used in this project be eco-certified or produced from sustainably managed forests? If so, by which organization? _____ For which parts of the building (e.g. framing, roof, sheathing etc.)? _____		
8	Can alternatives to Chlorofluorocarbon's and Hydro-chlorofluorocarbons which are often used in air conditioning, packaging, insulation, or solvents] be used in this project? If so, please describe these. _____	Yes	No
	<u>INSULATION & SOLVENTS</u>	<input checked="" type="checkbox"/>	
9	List any products you are proposing that are produced using lower energy levels in manufacturing.		
10	Are you using materials which have a recycled content [e.g. roofing materials, interior doors, ceramic tiles or carpets]?	Yes	No
		<input checked="" type="checkbox"/>	
11	Will any interior products [e.g. cabinets, insulation or floor sheathing] contain formaldehyde?	Yes	No
			<input checked="" type="checkbox"/>



Water Management

The intent of the following features is to promote water conservation, re-use water on site, and reduce storm water run-off.

Indoor Water Fixtures

12	Does your project exceed the BC Building Code requirements for public lavatory faucets and have automatic shut offs?	Yes	No	N/A
13	For commercial buildings, do flushes for urinals exceed BC Building Code requirements?	Yes	No	N/A
14	Does your project use dual flush toilets and do these exceed the BC Building Code requirements?	Yes	No	X
15	Does your project exceed the BC Building Code requirements for maximum flow rates for private showers?	Yes	No	X
16	Does your project exceed the BC Building Code requirements for flow rates for kitchen and bathroom faucets?	Yes	No	X

Storm Water

17	If your property has water frontage, are you planning to protect trees and vegetation within 60 metres of the high water mark? [Note: For properties located on the Gorge Waterway, please consult Sections 7.1.2.1 and 9.6 of the Esquimalt Official Community Plan.]	Yes	No	N/A
18	Will this project eliminate or reduce inflow and infiltration between storm water and sewer pipes from this property?	Yes	No	N/A
19	Will storm water run-off be collected and managed on site (rain gardens, wetlands, or ponds) or used for irrigation or re-circulating outdoor water features? If so, please describe. <u>rain barrels</u>	Yes	No	N/A
20	Have you considered storing rain water on site (rain barrels or cisterns) for future irrigation uses?	Yes	No	N/A
21	Will surface pollution into storm drains will be mitigated (oil interceptors, bio-swales)? If so, please describe. _____	Yes	No	N/A
22	Will this project have an engineered green roof system or has the structure been designed for a future green roof installation?	Yes	No	N/A
23	What percentage of the site will be maintained as naturally permeable surfaces?	<u>60 %</u>		

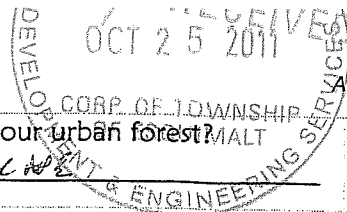
Waste water

24	For larger projects, has Integrated Resource Management (IRM) been considered (e.g. heat recovery from waste water or onsite waste water treatment)? If so, please describe these. _____	Yes	No	N/A
----	--	-----	----	-----

Natural Features/Landscaping

The way we manage the landscape can reduce water use, protect our urban forest, restore natural vegetation and help to protect the watershed and receiving bodies of water.

25	Are any healthy trees being removed? If so, how many and what species?	Yes	No	N/A
	Could your site design be altered to save these trees?		X	
	Have you consulted with our Parks Department regarding their removal?			

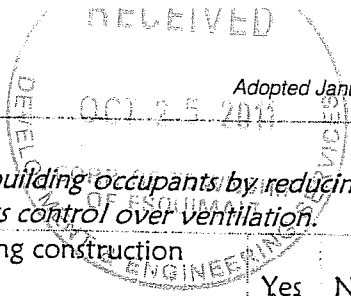


26	Will this project add new trees to the site and increase our urban forest? If so, how many and what species? <u>SEE LANDSCAPE</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
27	Are trees [existing or new] being used to provide shade in summer or to buffer winds?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
28	Will any existing native vegetation on this site be protected? If so, please describe where and how. _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
29	Will new landscaped areas incorporate any plant species native to southern Vancouver Island? <u>SEE LANDSCAPE</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
30	Will xeriscaping (i.e. the use of drought tolerant plants) be utilized in dry areas?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
31	Will high efficiency irrigation systems be installed (e.g. drip irrigation; 'smart' controls)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
32	Have you planned to control invasive species such as Scotch broom, English ivy, Himalayan and evergreen blackberry growing on the property? <u>UNKNOWN</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
33	Will topsoil will be protected and reused on the site?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Energy Efficiency

Improvements in building technology will reduce energy consumption and in turn lower greenhouse gas [GHG] emissions. These improvements will also reduce future operating costs for building occupants.

34	Will the building design be certified by an independent energy auditor/analyst? If so, what will the rating be? _____	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
35	Have you considered passive solar design principles for space heating and cooling or planned for natural day lighting?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
36	Does the design and siting of buildings maximize exposure to natural light? What percentage of interior spaces will be illuminated by sunlight? <u>50</u> %	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
37	Will heating and cooling systems be of enhanced energy efficiency (ie. geothermal, air source heat pump, solar hot water, solar air exchange, etc.). If so, please describe. _____ If you are considering a heat pump, what measures will you take to mitigate any noise associated with the pump? _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
38	Has the building been designed to be solar ready?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
39	Have you considered using roof mounted photovoltaic panels to convert solar energy to electricity?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
40	Do windows exceed the BC Building Code heat transfer coefficient standards?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
41	Are energy efficient appliances being installed in this project? If so, please describe. <u>Refr.</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
42	Will high efficiency light fixtures be used in this project? If so, please describe.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
43	Will building occupants have control over thermal, ventilation and light levels?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
44	Will outdoor areas have automatic lighting [i.e. motion sensors or time set]?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
45	Will underground parking areas have automatic lighting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>



Air Quality

The following items are intended to ensure optimal air quality for building occupants by reducing the use of products which give off gases and odours and allowing occupants control over ventilation.

46	Will ventilation systems be protected from contamination during construction and certified clean post construction?	Yes <input checked="" type="checkbox"/>	No	N/A
47	Are you using any natural, non-toxic, water soluble or low-VOC [volatile organic compound] paints, finishes or other products? If so, please describe. <u>PAINT, VARNISHES</u>	Yes <input checked="" type="checkbox"/>	No	N/A
48	Will the building have windows that occupants can open?	Yes <input checked="" type="checkbox"/>	No	N/A
49	Will hard floor surface materials cover more than 75% of the liveable floor area?	Yes <input checked="" type="checkbox"/>	No	N/A
50	Will fresh air intakes be located away from air pollution sources?	Yes <input checked="" type="checkbox"/>	No	N/A

Solid Waste

Reuse and recycling of material reduces the impact on our landfills, lowers transportation costs, extends the life-cycle of products, and reduces the amount of natural resources used to manufacture new products.

51	Will materials be recycled during demolition of existing buildings and structures? If so, please describe. _____	Yes	No	N/A <input checked="" type="checkbox"/>
52	Will materials be recycled during the construction phase? If so, please describe. <u>SEPARATE WOOD, GARBAGE DRYWALL</u>	Yes <input checked="" type="checkbox"/>	No	N/A
53	Does your project provide enhanced waste diversion facilities i.e. on-site recycling for cardboard, bottles, cans and or recyclables or on-site composting?	Yes <input checked="" type="checkbox"/>	No	N/A
54	For new commercial development, are you providing waste and recycling receptacles for customers?	Yes	No	N/A <input checked="" type="checkbox"/>

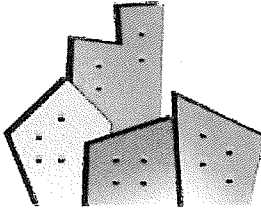
Green Mobility

The intent is to encourage the use of sustainable transportation modes and walking to reduce our reliance on personal vehicles that burn fossil fuels which contributes to poor air quality.

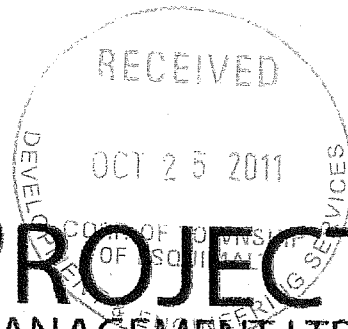
55	Is pedestrian lighting provided in the pathways through parking and landscaped areas and at the entrances to your building[s]?	Yes	No	N/A <input checked="" type="checkbox"/>
56	For commercial developments, are pedestrians provided with a safe path[s] through the parking areas and across vehicles accesses?	Yes	No	N/A <input checked="" type="checkbox"/>
57	Is access provided for those with assisted mobility devices?	Yes	No	N/A <input checked="" type="checkbox"/>
58	Are accessible bike racks provided for visitors?	Yes	No	N/A <input checked="" type="checkbox"/>
59	Are secure covered bicycle parking and dedicated lockers provided for residents or employees?	Yes	No	N/A <input checked="" type="checkbox"/>
60	Does your development provide residents or employees with any of the following features to reduce personal automobile use [check all that apply]: <input type="checkbox"/> transit passes <input type="checkbox"/> car share memberships <input type="checkbox"/> shared bicycles for short term use <input type="checkbox"/> weather protected bus shelters <input type="checkbox"/> plug-ins for electric vehicles	N/A		

Is there something unique or innovative about your project that has not been addressed by this Checklist? If so, please add extra pages to describe it.

VAN-ISLE



PROJECT
MANAGEMENT LTD.



Township of Esquimalt
Planning Department

Attention: Trevor Parkes

Re: 616 Lampson

The subject property and existing house has had the following items recently upgraded

1. New Roof
2. New Hot Water Tank
3. New electrical 200 amp service
4. Recent new furnace
5. New kitchen countertops
6. New Bathtub surround
7. New bathroom flooring
8. New paint throughout

The following areas will be upgraded prior to selling the existing house.

1. Remove old carpeting to expose wood floors
2. New re - paint complete
3. New Kitchen cabinetry
9. New Gutters and downspouts
10. Repair existing wood windows to incorporate sealed units
11. Sealing the exposed rock in the basement.
12. Replace or repair facia.
13. Paint exterior as required
14. Upgrade roof insulation to R-40
15. Repair or replace flower boxes

This house is a very quaint older cottage with the charm of character windows, original antique light fixtures, and built in kitchen and fireplace cabinets suiting the age of the home. It is surrounded by mature and extensive (albeit, overgrown) landscaping including heritage plantings typical of an English style garden.

It is our intention to maintain the charm and character of this home and still provide affordable housing.

Yours truly,

Ron Warrington
President

3280 Woodburn Ave. Victoria, B.C.V8P 5B9 Tel:727-8997



RECEIVED

Talbot Mackenzie & Associates

Consulting Arborists



October 17, 2011

Van -Isle Project Management Ltd.
3280 Woodburn Avenue
Victoria, BC V8P 5B9

Attention: Ron Warrington

Re: Tree Retention Impact and Report for 616 Lampson Street

Assignment: Prepare a tree impact and retention report to be used during the proposed subdivision of the 616 Lampson Street property into two single-family lots.

Methodology: For this purpose, we reviewed the concept plan supplied that included a suggested building footprint location. Each tree within the anticipated area of impacts for proposed Lot B and the front of Lot A was identified onsite using a numeric metal tag attached to its lower trunk. Information such as tree species, size (d.b.h.), crown spread, protected root zone (PRZ), critical root zone (CRZ), health and structural condition, relative tolerance to construction impacts and general remarks and recommendations was recorded in the attached Tree Resource Spreadsheet.

Note: We are not aware of any construction plans for the existing residence on the property (proposed Lot A). If construction is planned on the existing residence, we recommend that the remaining bylaw-protected trees on the property be inventoried.

Tree Resource: The bylaw-protected tree resource consists primarily of elm trees, with several smaller ornamental tree species interspersed. One Garry oak is located near the existing residence on proposed Lot A, which is unlikely to be impacted by the proposal.

Potential impacts: We anticipate that the highest onsite impacts will occur during excavation for the proposed building footprint, and excavation to upgrade or connect the underground services.

- Elm #0262 has an existing defect at the union of its main stems, and is located where its critical root zone and canopy will be heavily impacted by the construction on this lot.
- Flowering cherry #0264 is located where its critical root zone and canopy will also be heavily impacted by the footprint location. It is unlikely that these two trees will survive these impacts; therefore, we recommend that they be removed prior to the construction commencing.

Box 48153
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net

..../2

- This would also result in the loss of plum tree #0281, a poorly structured tree that depends on elm #0262 for its support.
- We also anticipate the removal of elm trees numbered 0248, 0249 and 0266, Hawthorn #0263, and Crabapple #0265 if the underground hydro service is located along the northern property boundary.

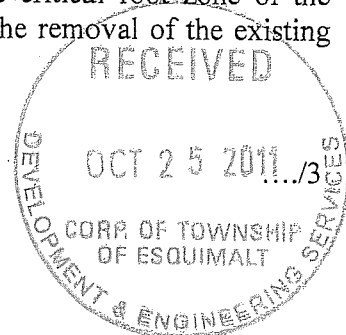
Mitigation of impacts: To reduce the impacts on the subject trees, we have outlined the following procedures to be implemented during the development of this property.

Barrier fencing: Areas, surrounding the trees to be retained, should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones. The barrier fencing to be erected must be a minimum of 4 feet in height and constructed of solid material or flexible safety fencing that is attached to wooden or metal posts. If a flexible fencing material is used, the top and bottom of the fencing must be secured to the posts by a wire or board that runs between these posts. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose. Solid hording material may also be required to protect the trunks of trees from mechanical injury if vehicles or machinery are permitted close to tree trunks and where blasting is required.

Building footprint: The proposed building footprint, as outlined on the plans supplied, encroaches within the protected root zones of the grove of elm trees along the Lampson Street frontage and several of the ornamental flowering trees surrounding this footprint. The north side and northeast corner of the proposed building footprint encroaches into the critical root zones of elm tree #0262 and Flowering Cherry tree #0264. It is unlikely that these two trees will survive these impacts; therefore, we recommend that these two trees, along with plum tree #0281 be removed prior to the construction commencing.

We recommend that the footprint of the proposed house be excavated under the supervision of the project arborist. The arborist can expose and properly prune the root structures that are encountered, before the excavation equipment damages these roots.

Driveway footprint: The driveway easement is located along the southern property line, away from the main grove of trees. Due to the existing grade change between the driveway and the garden area, it is unlikely that significant root structures will be encountered within the driveway, near the Lampson Street frontage. Root structures from crabapple tree #0280, and laburnum tree #0279 may be encountered beneath the driveway as the change in grade in this location is less pronounced. If the driveway is to be re-surfaced, we recommend that excavation be sensitive to the critical root zone of the bylaw-protected trees. The project arborist should supervise the removal of the existing driveway surface and any excavation required.



It is our understanding that it may be necessary to widen the driveway on its northerly side by approximately one half to one metre. This will result in the loss of the shrub border along the edge of the driveway and the required excavation will encroach closer to the grove of elm trees. The project arborist must also supervise the excavation in this location.

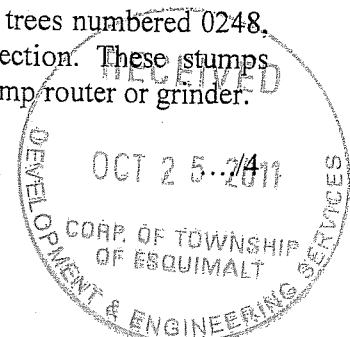
Servicing: We recommend that all of the underground services be located within the existing driveway footprint where there is less risk of encountering roots from the large elm trees. It is our understanding that given the location of the nearest hydro utility pole, a corridor must be created along the northern property boundary to accommodate underground hydro and communications services for both the existing house and for the proposed lot. In this location there will be a conflict with the root structures of the adjacent elm trees along the front of the property, as well as several of the ornamental trees that are located along this property line. We anticipate the removal of elm trees numbered 0262, 0248, 0249 and 0266, Hawthorn #0263, Flowering cherry #0264, Crabapple #0265 and plum #0281. The excavation to accommodate these lines could also impact the root structures of elm tree #0250. To reduce the impacts on the trees that are to be retained in this location, we recommend that all of the excavation required be completed under the direct supervision of the project arborist.

The hydro corridor should be located against the northern property boundary and, if possible, run between the stumps of the trees that have been removed and the northern property boundary while retaining these stumps as a buffer between the excavation and the trees that are to be retained. If the removal of one or more of the stumps is required, we recommend grinding the main part of the stump below grade using a mechanical stump router or grinder. The root structures that remain in the ground, following the stump grinding, can be removed by excavation under the supervision of the project arborist. Due to the mass of roots that will extend from the removed trees, we do not see a good opportunity for the use of hydro excavation equipment or other low impact techniques.

The exact location, depth and width of the trench, and any kiosks that may be required must be laid out onsite and reviewed by the project arborist prior to their installation to determine if the precautions, as outlined above, can be implemented successfully without additional impacts and the removal of additional trees.

Encountering bedrock within the trench, that must be removed, may increase the impacts on the adjacent trees. Where excavation is required within the critical root zones of bylaw-protected trees, we recommend that it be performed under the supervision of the project arborist. If it is determined that the services can be installed aboveground, the location of the meter and mast must be carefully located to avoid conflicts with the trunks of trees that are to be retained. An ISA Certified Arborist must complete any pruning of limbs required for clearances from the lines.

Stump Removal: It may be necessary to remove the stump of elm trees numbered 0248, 0249 and 0251 to accommodate the underground service connection. These stumps should be removed by grinding them in place with a mechanical stump router or grinder.



If the entire stump must be removed, this must be completed carefully under the supervision of the project arborist. Similarly, if elm #0262 is removed and the removal of its stump is required, the stump should be removed by grinding it in place with a mechanical stump router or grinder. If the entire stump must be removed this must also be completed carefully under the supervision of the project arborist.

Building/Canopy conflicts: We do anticipate that some clearance pruning will be required for the proposed building. The removal of a large portion of the canopies of elm tree #0262, and Flowering cherry #0264 would be required if these trees are retained. We have recommended that these two trees be removed due to the extensive pruning that would be required and the additional impacts of the excavation on their root structures. Pruning for clearance from hydro and communication lines will be required if these services are run above ground. Once detailed building plans and elevations are made available, we can comment further on pruning specifics. An ISA Certified arborist must complete the pruning of any bylaw-protected trees.

Blasting and Rock Removal: If areas of bedrock are encountered, the blasting to level these rock areas should be sensitive to the root zones located at the edge of the rock. Care must be taken to assure that the area of blasting does not extend into the critical root zones beyond the building and road footprints. The use of small low-concussion charges, and multiple small charges will reduce fracturing, ground vibration, and reduce the impact on the surrounding environment. Only explosives of low phytotoxicity, and techniques that minimize tree damage, are to be used. Provisions must be made to store blast rock, and other construction materials and debris away from critical tree root zones. Should bedrock be encountered within service trenches that are located within the critical root zones of trees that are to be retained, alternate methods of removal that do not include explosive charges may be required.

Work area and Material Storage: On restricted sites such as this, it may be difficult to find sufficient space for soil and material storage onsite without using portions of the defined critical root zone. If access within the critical root zone area is required for construction or material storage, the project arborist must be contacted to propose appropriate mitigation measures based on the degree of encroachment required.

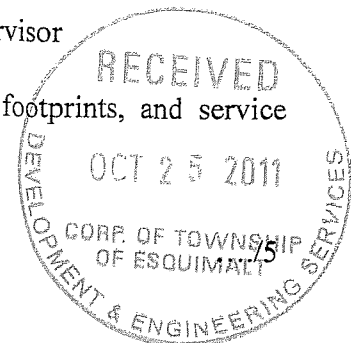
Review and Site Meeting: Once the building permit is approved, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site clearing or other construction activity occurs.

Arborists Role: It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:

- Locating the barrier fencing or hording for tree protection
- Reviewing the report with the project foreman or site supervisor
- Locating work zones, where required
- Supervising excavation for the driveway and sidewalk footprints, and service corridor

Box 48153
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net

59



Please do not hesitate to call us at 250-479-8733 should you have any further questions.
Thank You.

Yours truly,
Talbot Mackenzie & Associates

Tom Talbot & Graham Mackenzie
ISA Certified, & Consulting Arborists

Enclosures: Tree Resource Spreadsheet,
Barrier Fencing Specifications
Tree Location Diagram

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

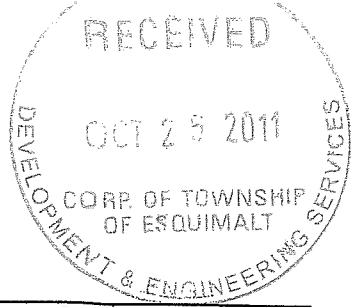
Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure or can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Box 48153
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net



TREE RESOURCE
for
616 Lampson Street



Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
0248	30	5.4	3.0	Elm	10.0	Fair	Fair	Good	Ivy covered, suckering. Young tree
0249	38	6.8	4.0	Elm	8.0	Fair	Poor	Good	Ivy covered, suckering. Topped for hydro clearance
0250	70, 60	19.0	10.0	Elm	20.0	Fair	Fair	Good	Co-dominant tree with 2 main stems. Ivy covered, suckering, deadwood.
0251	N/A	N/A	N/A	Elm	N/A	N/A	N/A	N/A	2 stumps of trees that were recently removed.
0252	24	N/A	3.0	Elm	10.0	Fair	Poor	Good	Heavily pruned for hydro clearance. Not bylaw protected size.
0259	28, 35	9.3	5.2	Elm	12.0	Fair	Fair	Good	Co-dominant, one stem grows horizontally, ivy covered.
0260	50	9.0	5.0	Elm	10.0	Fair	Fair	Good	Leaning, young tree.
0261	20	N/A	3.0	Elm	10.0	Fair	Poor	Good	Suppressed by adjacent trees. Not bylaw protected size.
0262	40, 70	16.9	9.5	Elm	20.0	Fair	Fair	Good	Ivy covered, deadwood, epicormic growth, co-dominant. Weakness at union between co-dominant stems (brace if retained). We anticipate that it will be difficult to retain this tree due to the proposed location of the building footprint.
0263	8, 14, 14, 18	7.0	4.0	Hawthorne	10.0	Fair	Fair	Good	Ivy covered, 4 stems.
0264	34	6.1	3.5	Flowering Cherry	10.0	Fair	Fair	Good	Measured at 1 metre. Removal recommended due to impacts within crz and pruning requirements.

Prepared by:
Talbot Mackenzie & Associates
 ISA Certified, and Consulting Arborists
 Phone: (250) 479-8733
 Fax: (250) 479-7050
 email: Treehelp@telus.net

TREE RESOURCE
for
616 Lampson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
0265	10, 12, 18	5.6	3.0	Flowering Crabapple	10.0	Fair	Fair	Good	Ivy covered.
0266	25	4.5	2.5	Elm	10.0	Fair	Fair	Good	Non-bylaw protected size.
0267	17, 18, 20	7.4	4.0	Flowering Cherry	10.0	Fair	Fair	Good	
0268	52	9.4	5.5	Garry oak	16.0	Fair	Fair	Good	Located at edge of driveway.
0269	8, 9, 10, 14	5.4	4.0	Cherry	10.0	Fair	Fair	Good	Included bark, growing on embankment.
0279	10, 12, 18, 20	7.9	6.0	Laburnum	8.0	Fair	Fair	Good	Growing at edge of pathway.
0280	8, 14, 19	5.8	4.0	Flowering Crabapple	10.0	Fair	Fair	Good	Located at edge of driveway.
0281	8, 12, 20, 26	9.0	5.0	Plum	8.0	Fair	Fair	Good	Ivy covered, suppressed. One stem grows between co-dominant stems of the adjacent elm tree #0262.



Prepared by:
Talbot Mackenzie & Associates
ISA Certified, and Consulting Arborists
Phone: (250) 479-8733
Fax: (250) 479-7050
email: Treehelp@telus.net



1" = 100'
 CITY ZONING
 R0-3

Integrated Survey Monument 9440200 (Elev. = 116.63')
 contours are descriptive, and only accurate to 1/2" intervals.
 grade spot are shown at the point marked X.
 grade sheets at 1" contour line are in gutter.

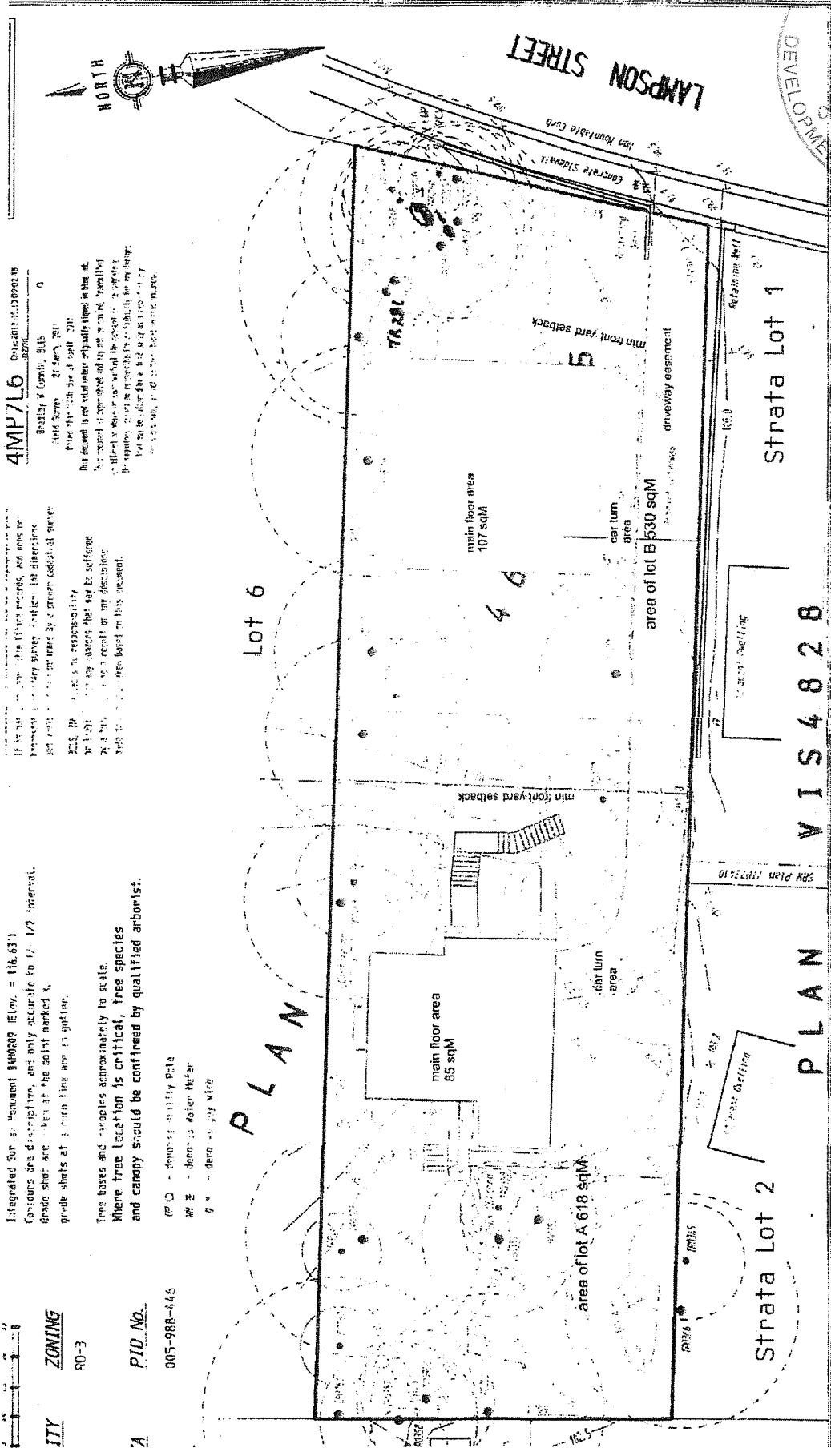
Tree bases and trunks approximately to scale.
 Where tree location is critical, tree species
 and canopy should be confirmed by qualified arborist.

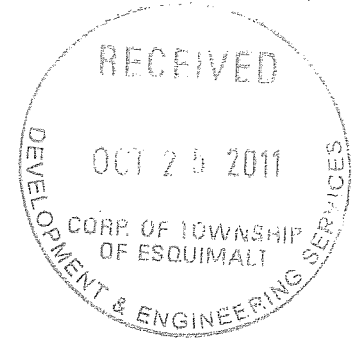
(P) = proposed utility pole
 (M) = manhole
 (S) = sewer
 (W) = water meter
 (V) = vent
 (M) = manhole
 (S) = sewer
 (W) = water meter
 (V) = vent

P.I.D. No.
 005-988-445

4MP/L6
 Date: 01/12/2011
 Drawn by: [Name]
 Checked by: [Name]

This document is not valid unless original stamp is present.
 All dimensions are in feet and inches unless otherwise specified.
 All dimensions are to the centerline of the road unless otherwise specified.
 All dimensions are to the centerline of the road unless otherwise specified.
 All dimensions are to the centerline of the road unless otherwise specified.





Key to Headings in Resource Table

d.b.h. – **diameter at breast height** - diameter of trunk, measured in centimetres at 1.4 metres above ground level

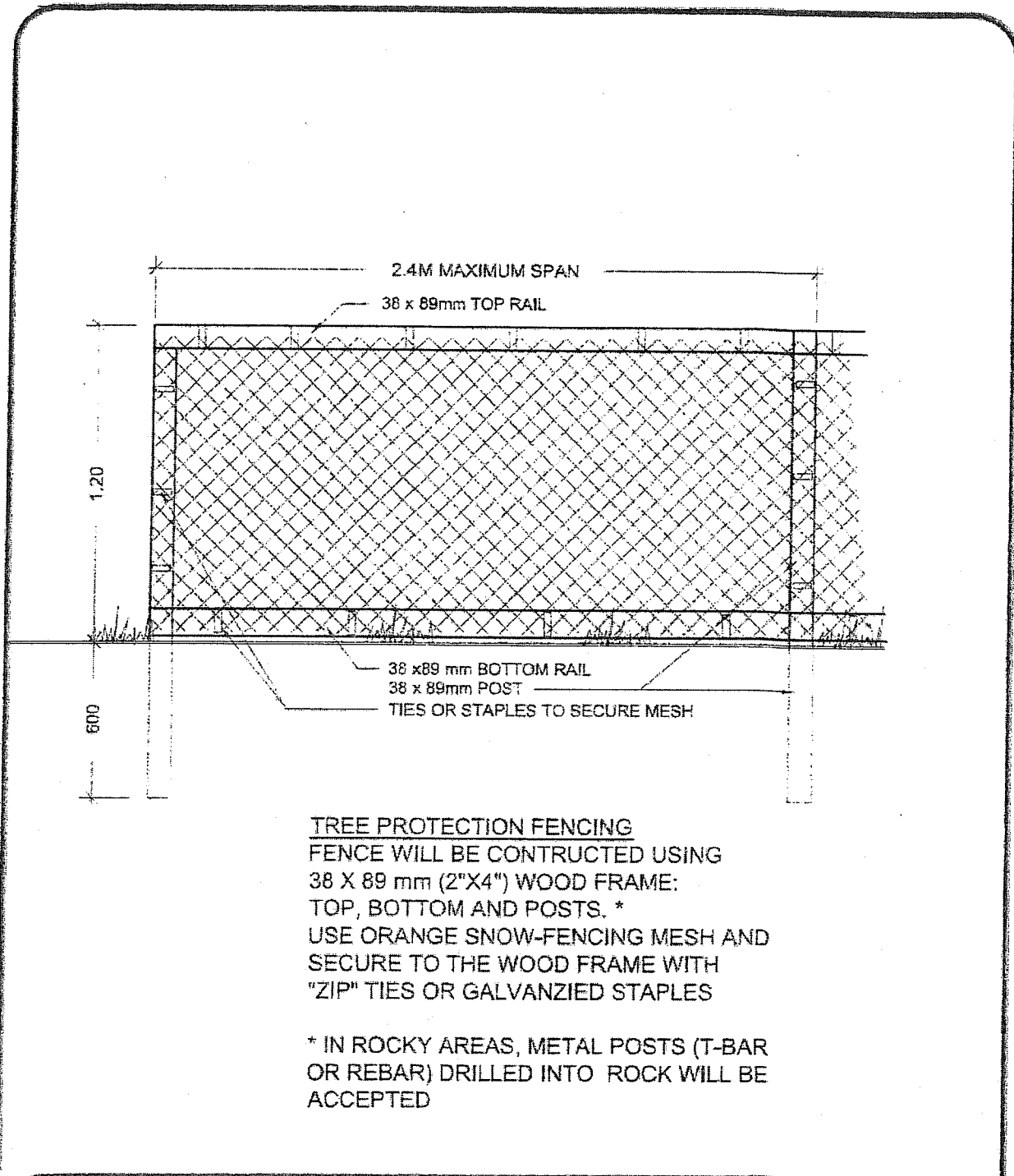
PRZ – **protected root zone** - the area of land surrounding a bylaw-protected tree that contains the bulk of the critical roots of the tree. Indicates the radius of a circle of protected land, measured in metres, calculated by multiplying the diameter of the tree by 18.

CRZ – **critical root zone** - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Condition health/structure –

- Good – no visible or minor health or structural flaw
- Fair – health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor – significant health or structural defects that compromise the long-term survival or retention of the specimen.

Relative Tolerance – relative tolerance of the selected species to development impacts.



DETAIL NAME:

TREE PROTECTION FENCING

DATE:	Oct 30/07
DRAWN:	DM
APP'D:	RR
SCALE:	N.T.S.

E105
DRAWING

RECEIVED
 OCT 25 2011
 DEVELOPMENT & ENGINEERING SERVICES
 CORP. OF TOWNSHIP
 OF ESQUIMALT

B. C. LAND SURVEYOR'S PLAN OF:

LOT 5, SECTION 11, ESQUIMALT DISTRICT, PLAN 4618

SCALE = 1 : 200



All distances are in metres AND decimals thereof.

Elevations are geodetic based on The District of Esquimalt Integrated Survey Monument 8440209 (Elev. = 116.63')

Contours are descriptive, and only accurate to +/- 1/2 interval.

Grade shot are taken at the point marked 'x', grade shots at a curb line are in gutter.

LEGEND

MUNICIPALITY
Esquimalt

ZONING
RD-3

SITE AREA
1158.8 m²
12473.5 s. f.

PID No.
005-988-446

Tree bases and canopies approximately to scale.
Where tree location is critical, tree species and canopy should be confirmed by qualified arborist.

UP O - denotes Utility Pole
M W - denotes Water Meter
g o - denotes guy wire

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the written consent of BCLS Inc.

This document was prepared for the exclusive use of our client, Ron Harrington.

This document is intended for use as a Subdivision Application Plan. It is based on Land Title Office records, and does not represent a boundary survey. Critical lot dimensions and areas must be confirmed by a proper cadastral survey.

BCLS, INC., accepts no responsibility on liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document.

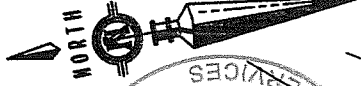
CERTIFIED CORRECT

Bradley M. Cumlin

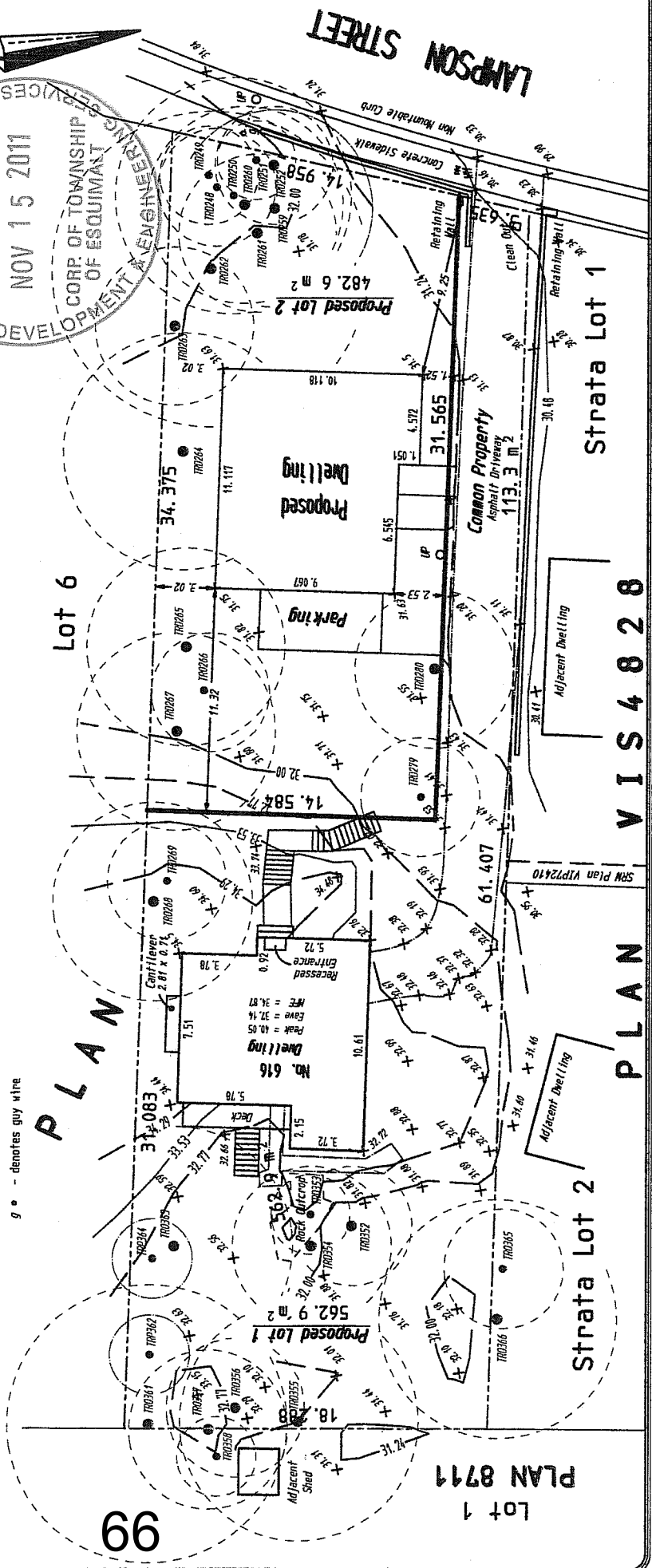
Bradley M. Cumlin, BCLS
Field Survey - 21 March, 2011.
Dated this 5th day of November, 2011.

This document is not to be used or relied upon in any way, in whole or in part, without the consent of the signatory. The signatory accepts no responsibility for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

FILE: 10534 - 19
DATE: 19/11/11
Brad Cumlin Land Surveying
4100 - 407 Swift Street
Victoria, BC V8M 1S2
ph. 381-8257/381-2289



RECEIVED
NOV 15 2011
CORP. OF TOWNSHIP OF ESQUIMALT
DEVELOPMENT & ENGINEERING SERVICES



**PLANNING SUBMISSION CHECKLIST,
EXISTING RESIDENCE (A)**

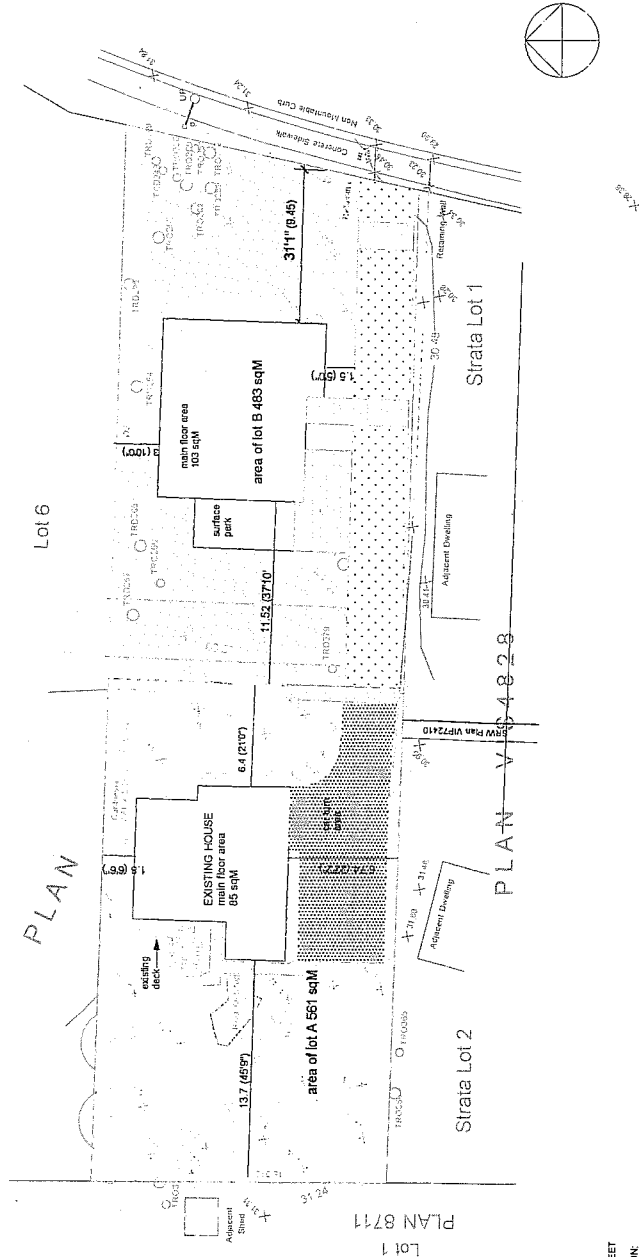
1. VAN ISLE PROJECTS
2. LOT 5, SECTION, ESQUIMALT DISTRICT, PLAN 4618
3. 616 LAMPSON STREET
4. JOHN KEAY, KEAY & ASSOC. ARCHITECTURE LTD.
382-3823 FAX: 382-0413 john@keayarchitecture.com
5. ZONING: NEW SITE SPECIFIC ZONE
6. SITE AREA: 6,041 SQ. FT. (561.2 SQ.M)
7. SITE COVERAGE: 15.4%
8. TOTAL FLOOR AREA: 1836 SQ. FT. 170.5 SQM
9. FLOOR SPACE RATIO: 3.3
10. GRADE: PER EXISTING
11. HEIGHT: PER EXISTING
12. NUMBER OF STOREYS: TWO
13. SETBACKS:
FRONT (EAST): 6.4 (21'0")
SOUTH: 6.74 (22'2") PER EXISTING
NORTH: 1.8 (6'6") PER EXISTING
REAR YARD: 13.7 (45'9")
14. OPEN SPACE: 98%
15. FLOOR PLAN: PROVIDED
16. SITE PLAN: PROVIDED
17. ELEVATIONS: FRONT & SIDE PROVIDED
18. EXTERIOR FINISHES: EXISTING
19. LANDSCAPE PLAN: PROVIDED
20. SECTIONS: N/A
21. PARKING: PROVIDED
22. ROOF PLAN: N/A
23. OFF SITE INFORMATION: N/A
24. STREET ELEVATIONS: PER EXISTING

**PLANNING SUBMISSION CHECKLIST,
NEW RESIDENCE (B)**

1. VAN ISLE PROJECTS
2. LOT 5, SECTION, ESQUIMALT DISTRICT, PLAN 4618
3. 616 LAMPSON STREET
4. JOHN KEAY, KEAY & ASSOC. ARCHITECTURE LTD.
382-3823 FAX: 382-0413 john@keayarchitecture.com
5. ZONING: NEW SITE SPECIFIC ZONE
6. SITE AREA: 5,196 SQ. FT. (482.91 SQ.M)
7. SITE COVERAGE: 19.6%
8. TOTAL FLOOR AREA: 1780.6 SQ. FT. 165 SQM
9. FLOOR SPACE RATIO: 0.34
10. GRADE: PER EXISTING
11. HEIGHT: PER EXISTING
12. NUMBER OF STOREYS: TWO
13. SETBACKS:
EAST (LAMPSON STREET): 9.45 (31'1")
SOUTH: 1.5 (6'0")
NORTH: 3 (10'0")
REAR YARD: 11.52 (37'10")
14. OPEN SPACE: 64%
15. FLOOR PLANS: PROVIDED
16. SITE PLAN: PROVIDED
17. ELEVATIONS: PROVIDED
18. EXTERIOR FINISHES: PROVIDED
19. LANDSCAPE PLAN: PROVIDED
20. SECTIONS: PROVIDED
21. PARKING: PROVIDED
22. ROOF PLAN: PROVIDED
23. OFF SITE INFORMATION: N/A
24. STREET ELEVATIONS: DRAWING PROVIDED

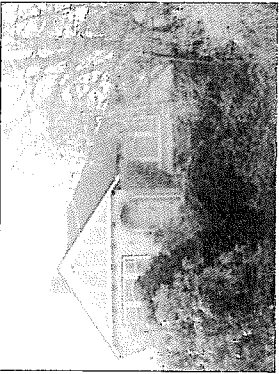


CONTEXT PHOTO



LEGAL ADDRESS:
616 LAMPSON STREET
LEGAL DESCRIPTION:
LOT 5, SECTION 11, ESQUIMALT DISTRICT, PLAN 4618

	<p>SITE PLAN</p> <p>PROPOSED RESIDENCE 616 LAMPSON STREET, ESQUIMALT</p>	<p>SCALE: 1/4" = 10' UNITS DATE: OCTOBER 2011 RECEIVED OCT 25 2011</p>	<p>KEY & ASSOCIATE ARCHITECTURE LTD. 1124 FORT STREET, VICTORIA, VAN. V8W 3A8 FAX: 250-382-0413 email: john@keayarchitecture.com</p>
<p>PLOT OCT-24, 2011</p>		<p>A-01</p>	



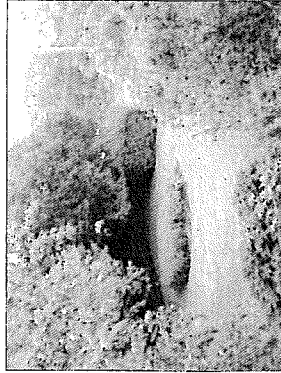
Front (East) of Existing House (616 Lampson)



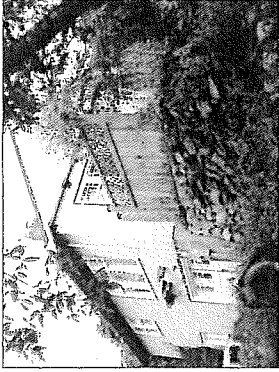
Proposed location for New Residence



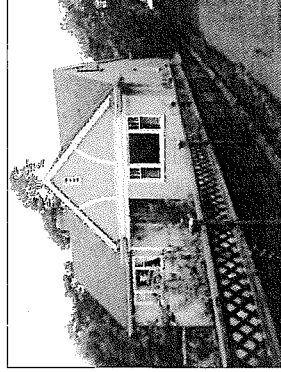
Front (East) of Existing House (616 Lampson)



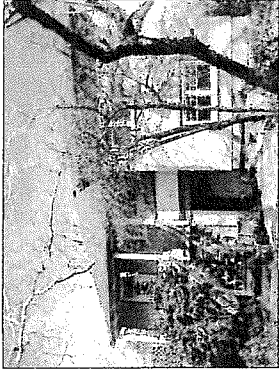
Proposed location for New Residence



Side (South) of Existing House (616 Lampson)



Neighbouring House - 612 Lampson



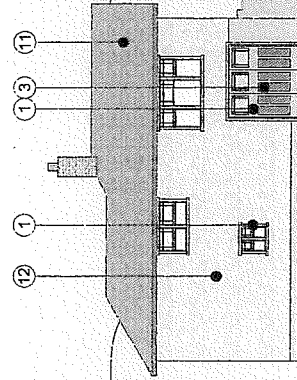
Rear (West) of Existing House (616 Lampson)



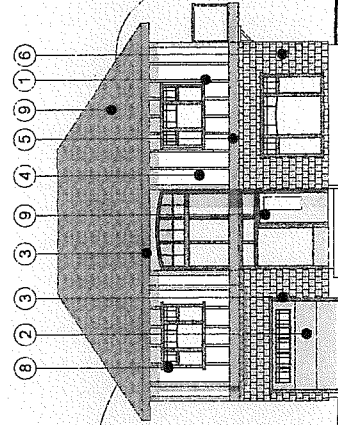
Neighbouring House - 620 Lampson

LEGEND

①	TRIM (COPLEY GREY: HC-104)	⑦	CEMENT SHINGLES (COPLEY GREY: H-104)
②	GARAGE DOOR (COPLEY GREY: HC-104)	⑧	WINDOW TRIM (HOT APPLE SPICE: 2005-20)
③	TRIM & FASCIA HINK (2112-10)	⑨	FIBRE-GLASS SHINGLES
④	HARDY PANEL (COLLINGWOOD: OC-28)	⑩	FRONT DOOR (K.D. FIR, CETOL FINISH)
⑤	WATER TABLE (HOT APPLE SPICE: 2005-20)	⑪	EXISTING SHINGLES
⑥	CEMENT SHINGLES (COPLEY GREY: H-104)	⑫	EXISTING SHELL STUCCO



Context Elevation from West



CONTEXT PHOTOS
& ELEVATION

PROPOSED RESIDENCE
616 LAMPSON STREET,
ESQUIMALT

JOHN KEAY ARCHITECT
VICTORIA, BC

SCALE: 1/8" = 1'-0" (IND.)
DATE: OCTOBER 24, 2011; RE-ZONING

OCT 25 2011

LOUISIANA

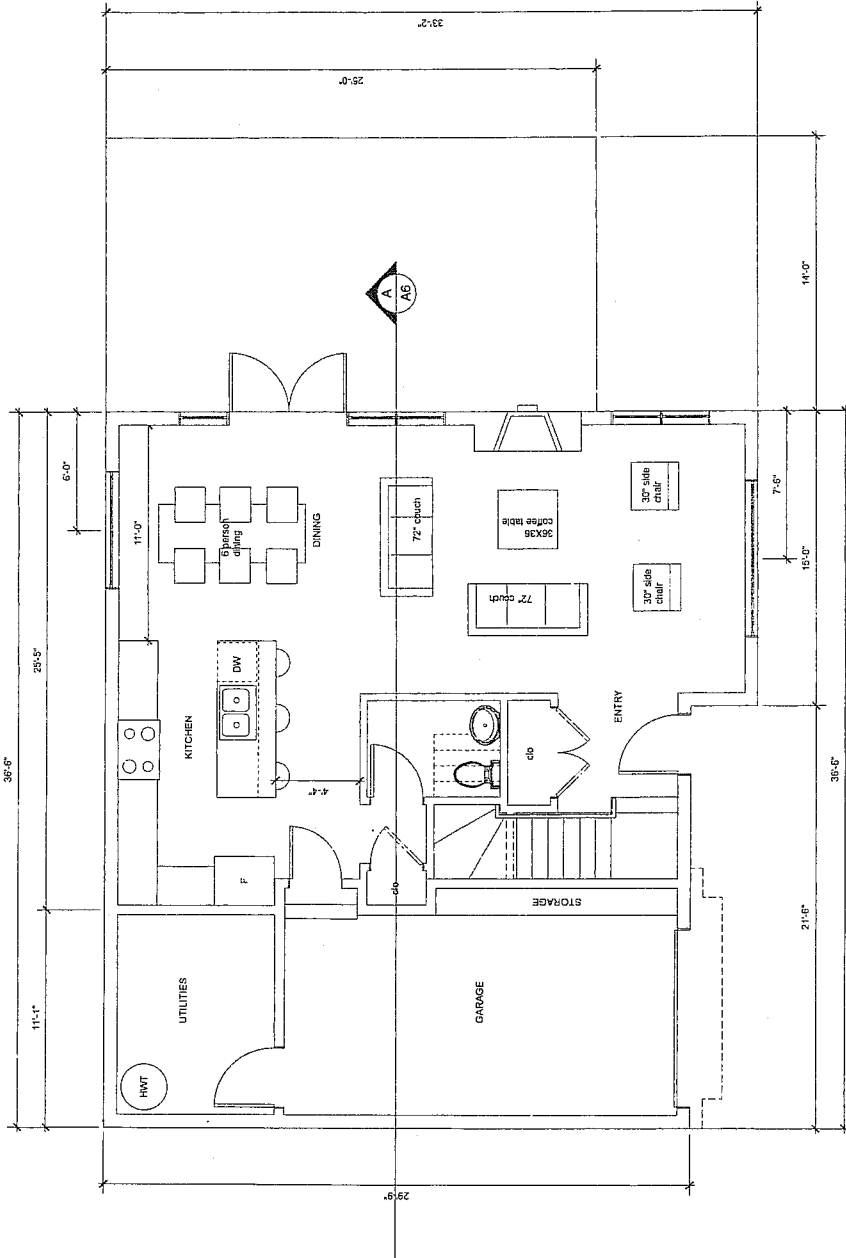
KEAY & ASSOCIATE ARCHITECTURE LTD
250 382 3823 - TEL: 250 382 3047 JIB
250 382 3823 - FAX
email: john@keayarchitecture.com

PLOT: OCT 24, 2011

A-02



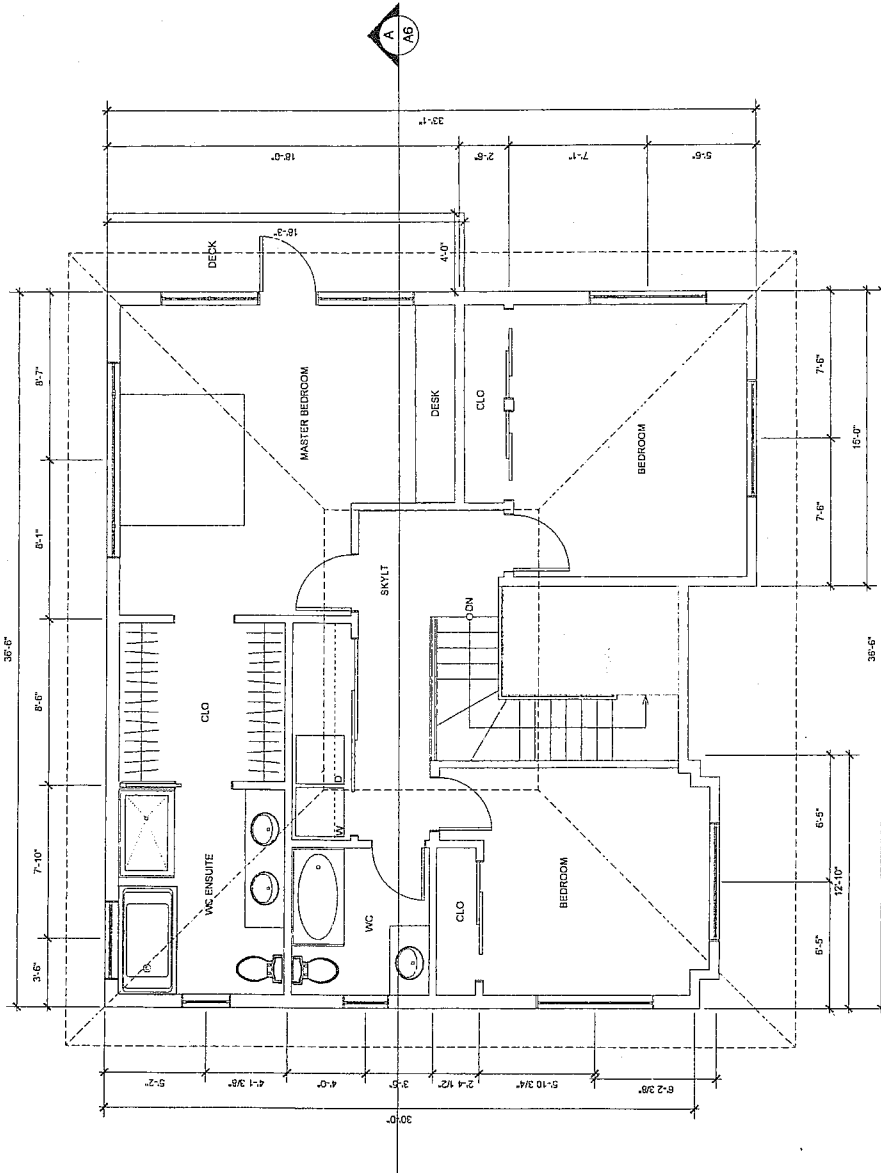
MAIN FLOOR PLAN PROPOSED RESIDENCE 616 LAMPSON STREET, ESQUIMALT		SCALE: 1/4" = 1'-0" UNO DATE: OCTOBER 24, 2011: REZONING	KEY & ASSOCIATE ARCHITECTURE LTD 7700 LAMPSON STREET, VICTORIA, V8V 3K8 TEL: 250 382 0433 FAX: 250 382 0413 email: jkeay@keyarchitect.com	A-03
				PLOT OCT 24, 2011



MAIN FLOOR
 Scale: 1/4" = 1'-0"



UPPER FLOOR PLANS PROPOSED RESIDENCE 616 LAMPSON STREET, ESQUIMALT		SCALE: 1/4" = 1'-0" LIND DATE: OCTOBER 24, 2011: REZONING	KEY & ASSOCIATE, ARCHITECTURE LTD 11674 BUCHANAN STREET, VICTORIA, V8V 3K8 TEL: 250 382 0413 FAX: 250 382 0413 email: john@keyarchitecture.com	A-04
				PLOT OCT 24, 2011



UPPER FLOOR
Scale: 1/4" = 1'-0"

RECEIVED
 OCT 25 2011
 CORP. OF TOWNSHIP
 OF ESQUIMALT
 KERRY & ENGINEERING SERVICES

- LEGEND**
- 1 TRIM (COPLEY GREY: HC-104)
 - 2 GARAGE DOOR (COPLEY GREY: HC-104)
 - 3 TRIM & PASCIA MINK (212-10)
 - 4 HARDY PANEL (COLLINGWOOD: OC-28)
 - 5 WATER TABLE (HOT APPLE SPICE: 2005-20)
 - 6 CEMENT SHINGLES (COPLEY GREY: H-104)
 - 7 CEMENT SHINGLES (COPLEY GREY: H-104)
 - 8 WINDOWN TRIM (HOT APPLE SPICE: 2005-20)
 - 9 FIBRE GLASS SHINGLES
 - 10 FRONT DOOR (K.D. FR. CETO: FINISH)
 - 11 EXISTING SHINGLES
 - 12 EXISTING SHELL STUCCO

ELEVATIONS

PROPOSED RESIDENCE
 616 LAMPSON STREET,
 ESQUIMALT

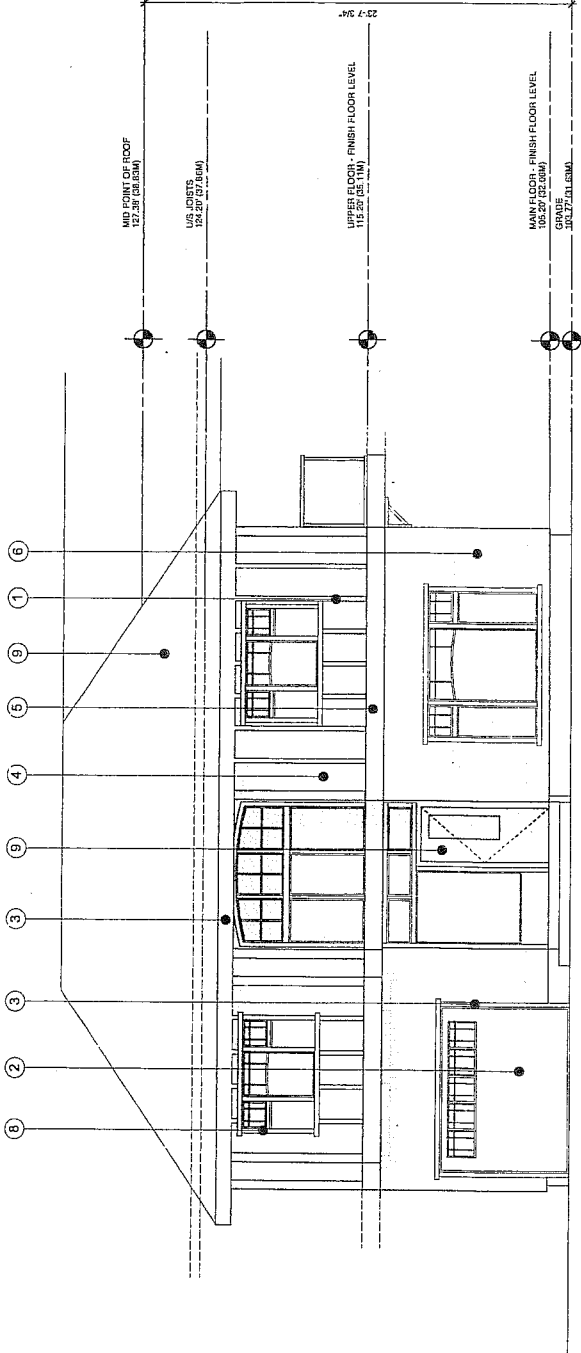
REGISTERED ARCHITECT • VICTORIA B.C.

SCALE: 1/4" = 1'-0"
 DATE: OCTOBER 24, 2011; REZONING

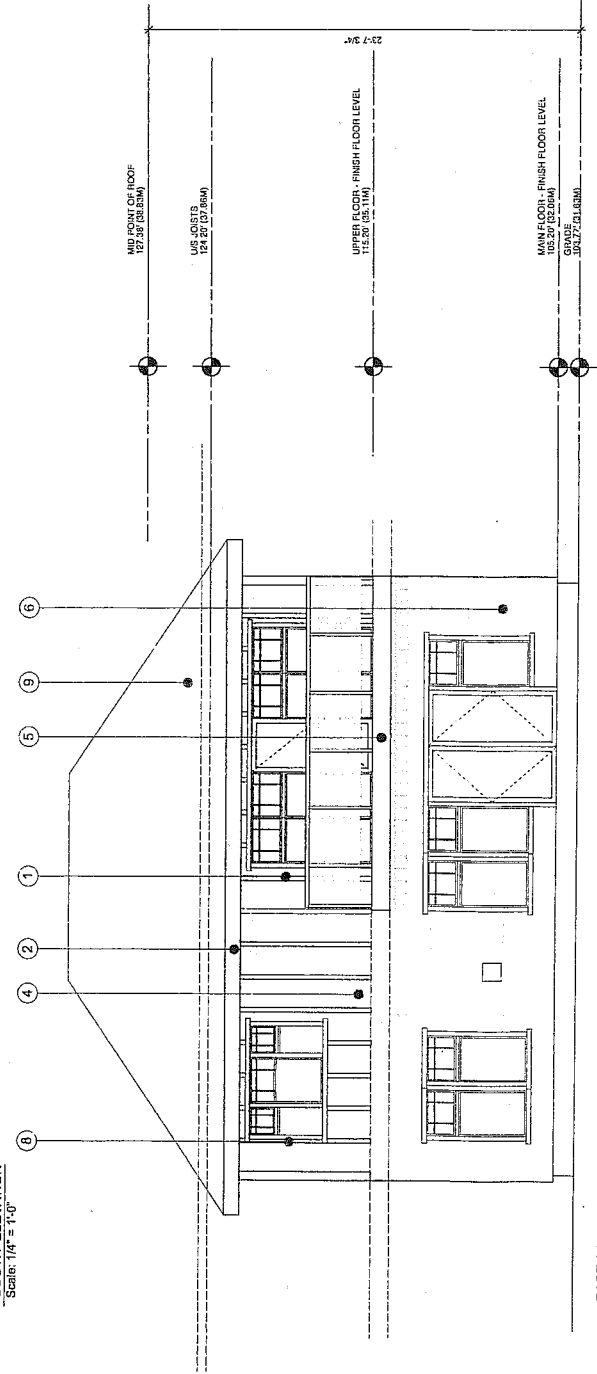
KERRY & ASSOCIATE ARCHITECTURE LTD
 250 352 3923
 250 352 3923
 FAX: 250 302 0413
 email: jph@kerryarchitectus.com

A-05

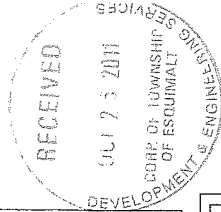
PLOT OCT 24, 2011



SOUTH ELEVATION
 Scale: 1/4" = 1'-0"



EAST ELEVATION
 Scale: 1/4" = 1'-0"



LEGEND

- 1 TRIM (CORPSELY GREY, NC-104)
- 2 GARAGE DOOR (CORPSELY GREY, NC-104)
- 3 TRIM & PASCIA MINK (2-112-10)
- 4 HARDY PANEL (COLLINGWOOD, OC-28)
- 5 WATER TABLE (HOT APPLE SPICE, 2005-20)
- 6 CEMENT SHINGLES (CORPSELY GREY, H-104)
- 7 CEMENT SHINGLES (CORPSELY GREY, H-104)
- 8 WINDOW TRIM (HOT APPLE SPICE, 2005-20)
- 9 FIBRE-GLASS SHINGLES
- 10 FRONT DOOR (K.D. FIRE CERAM. FINISH)
- 11 EXISTING SHINGLES
- 12 EXISTING SHELL STUCCO

ELEVATIONS

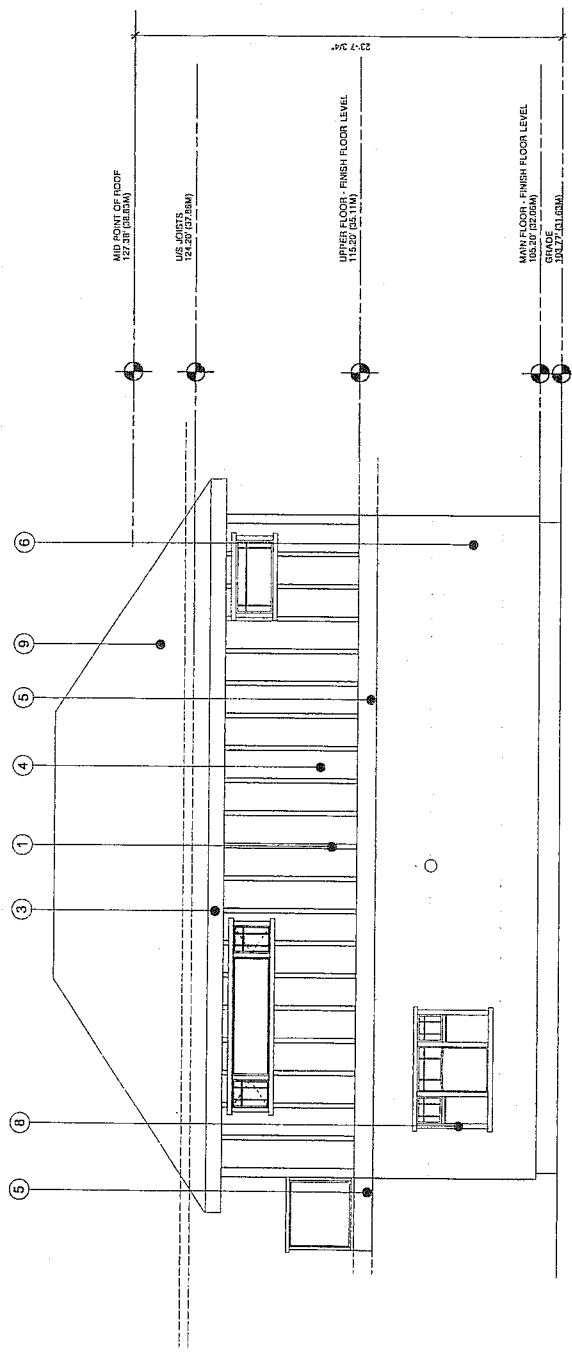
**PROPOSED RESIDENCE
616 LAMPSON STREET,
ESQUIMALT**

SCALE: 1/4" = 1'-0"
DATE: 06/08/2011, REVISION

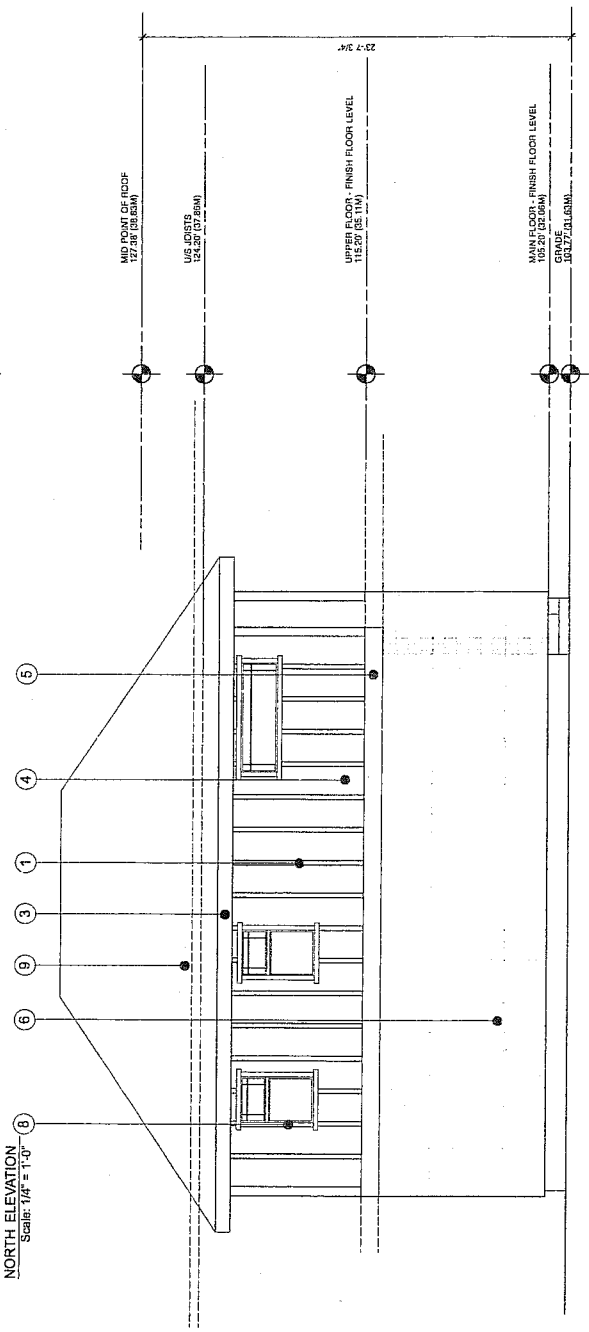
KEAY & ASSOCIATE, ARCHITECTURE LTD
2100 LAMPSON STREET, VICTORIA, BC V8W 2K6
TEL: 250-382-3883
FAX: 250-382-0419
email: jpm@keayarchitecture.com

PLOT OCT 24, 2011

A-06



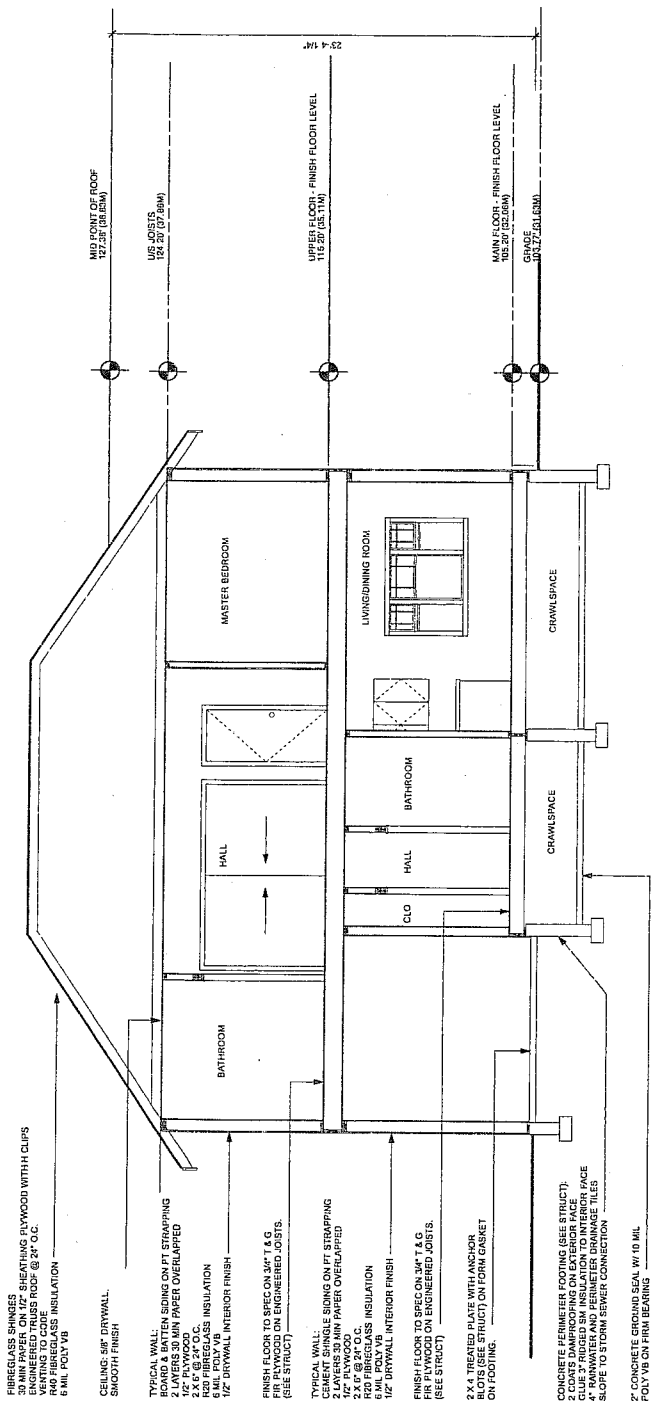
NORTH ELEVATION
Scale: 1/4" = 1'-0"



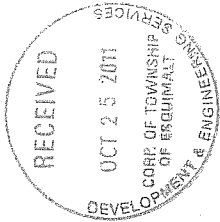
WEST ELEVATION
Scale: 1/4" = 1'-0"



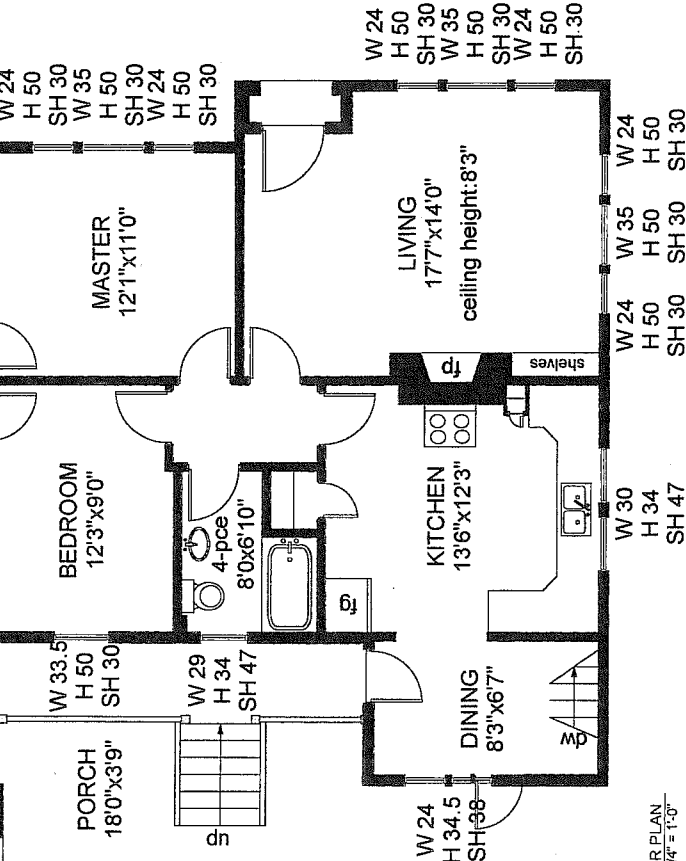
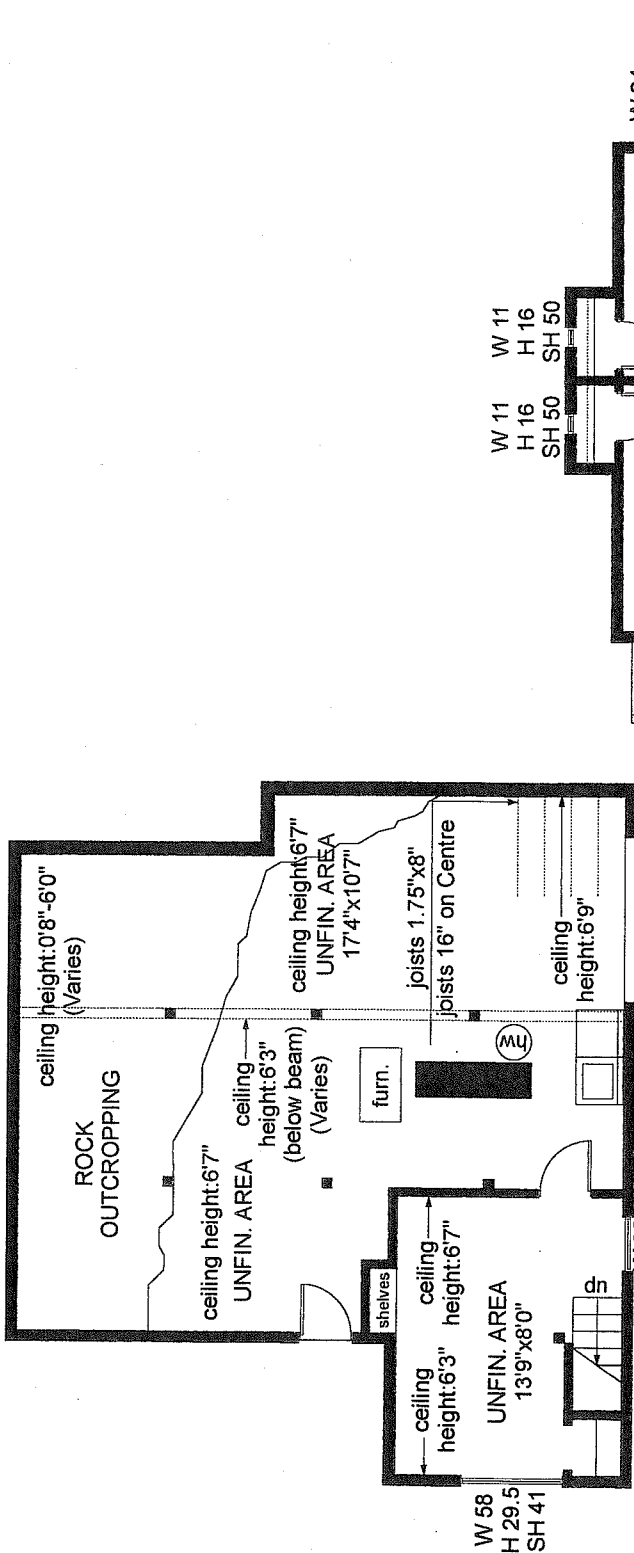
SECTION		SCALE: 1/4" = 1'-0" DATE: OCTOBER 24, 2011; REVISION	KEAY & ASSOCIATE, ARCHITECTURE LTD 250 LAMPSON STREET, VICTORIA, V8V 3K6 TEL: 250 382 3823 FAX: 250 382 0413 email: john@keayarchitecture.com	A-07
PROPOSED RESIDENCE 616 LAMPSON STREET, ESQUIMALT				PLOTT OCT 24, 2011



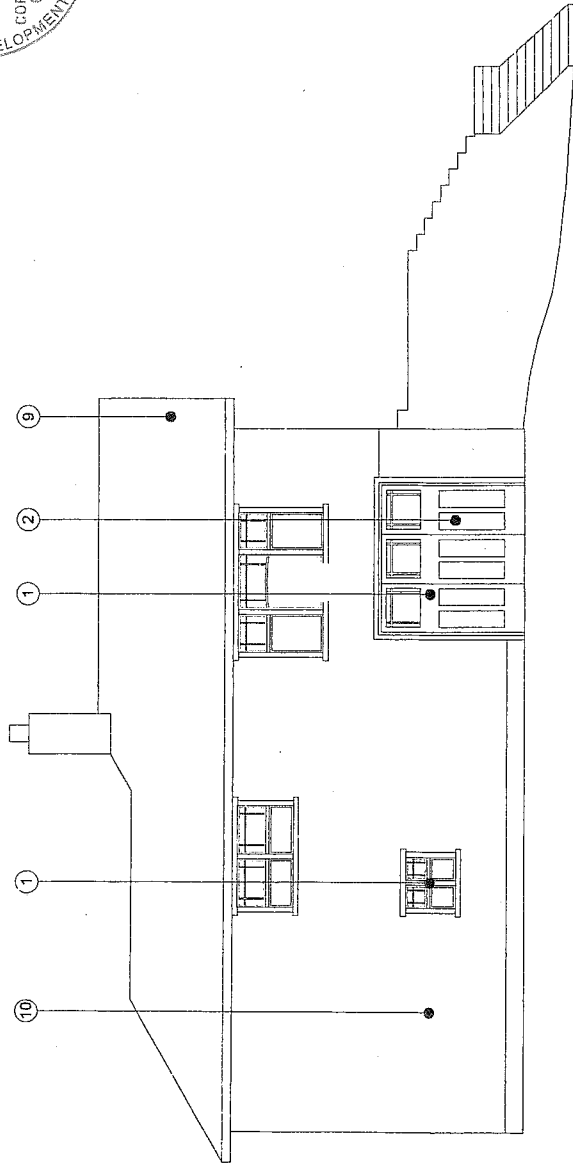
SECTION
 Scale: 1/4" = 1'-0"



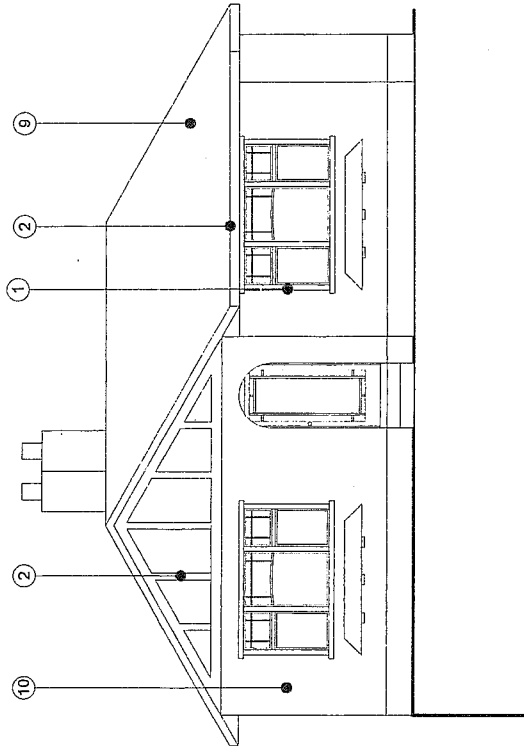
EXISTING HOUSE MAIN & UPPER FLOOR PLANS		SCALE: 1/4" = 1'-0" UNO DATE: OCTOBER 24, 2011: REZONING	KEAY & ASSOCIATE, ARCHITECTURE LTD 1124 FORT STREET, VICTORIA, B.C. V8W 2K6 TEL: 250.382.0413 FAX: 250.382.0413 email: john@keayarchitecture.com	A-08
PROPOSED RESIDENCE 616 LAMPSON STREET, ESQUIMALT		PLOT OCT 24, 2011		



OCT 25 2011
 CORP OF TOWNSHIP
 OF ESQUIMALT
 DEVELOPMENT & ENGINEERING SERVICES



EXISTING HOUSE - NORTH ELEVATION
 Scale: 1/4" = 1'-0"



EXISTING HOUSE - WEST ELEVATION
 Scale: 1/4" = 1'-0"

LEGEND

①	TRIM (CORLEY GREY: HC-104)
②	GARAGE DOOR (CORLEY GREY: HC-104)
③	TRIM & PASCIA MINK (AT12-10)
④	HARDY PANEL (COLLINGWOOD: OC-28)
⑤	WATER TABLE (HOT APPLE SPICE: 2005-20)
⑥	CEMENT SHINGLES (CORLEY GREY: H-104)
⑦	CEMENT SHINGLES (CORLEY GREY: H-104)
⑧	WINDOW TRIM (HOT APPLE SPICE: 2005-20)
⑨	FIBRE-GLASS SHINGLES
⑩	FIBRE-GLASS (K.O. FIB. CEROL FINISH)
⑪	EXISTING SHINGLES
⑫	EXISTING SHELL STUCCO

EXISTING HOUSE
 ELEVATIONS

PROPOSED RESIDENCE
 616 LAMPSON STREET,
 ESQUIMALT

SCALE: 1/4" = 1'-0"
 DATE: 16 OCTOBER 2011; REVISION

KEAYA ASSOCIATE ARCHITECTURE LTD
 2560 WEST STREET, VICTORIA, BC V8S 3K6
 TEL: 250 382 0413
 FAX: 250 382 0413
 email: john@keayaarchitecture.com

PLOT OCT 24, 2011

A-09

Copyright Reserved. These drawings are at all times the property of the Landscape Architect. No part of these drawings may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written consent of the Landscape Architect. It is prohibited to use these drawings for any other project without the prior written consent of the Landscape Architect.

OCT 23 2011

DEVELOPMENT & ENGINEERING SERVICES

CORP. OF TOWNSHIPS OF ESQUIMAULT

NO.	DATE	DESCRIPTION
1	10/24/2011	Issued for Development Permit

REVISIONS

DATE: 10/24/2011

PROJECT: 616 Lampson Street Subdivision

SCALE: 1:100

DRAWN: RC

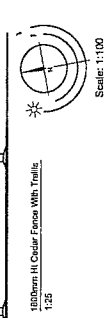
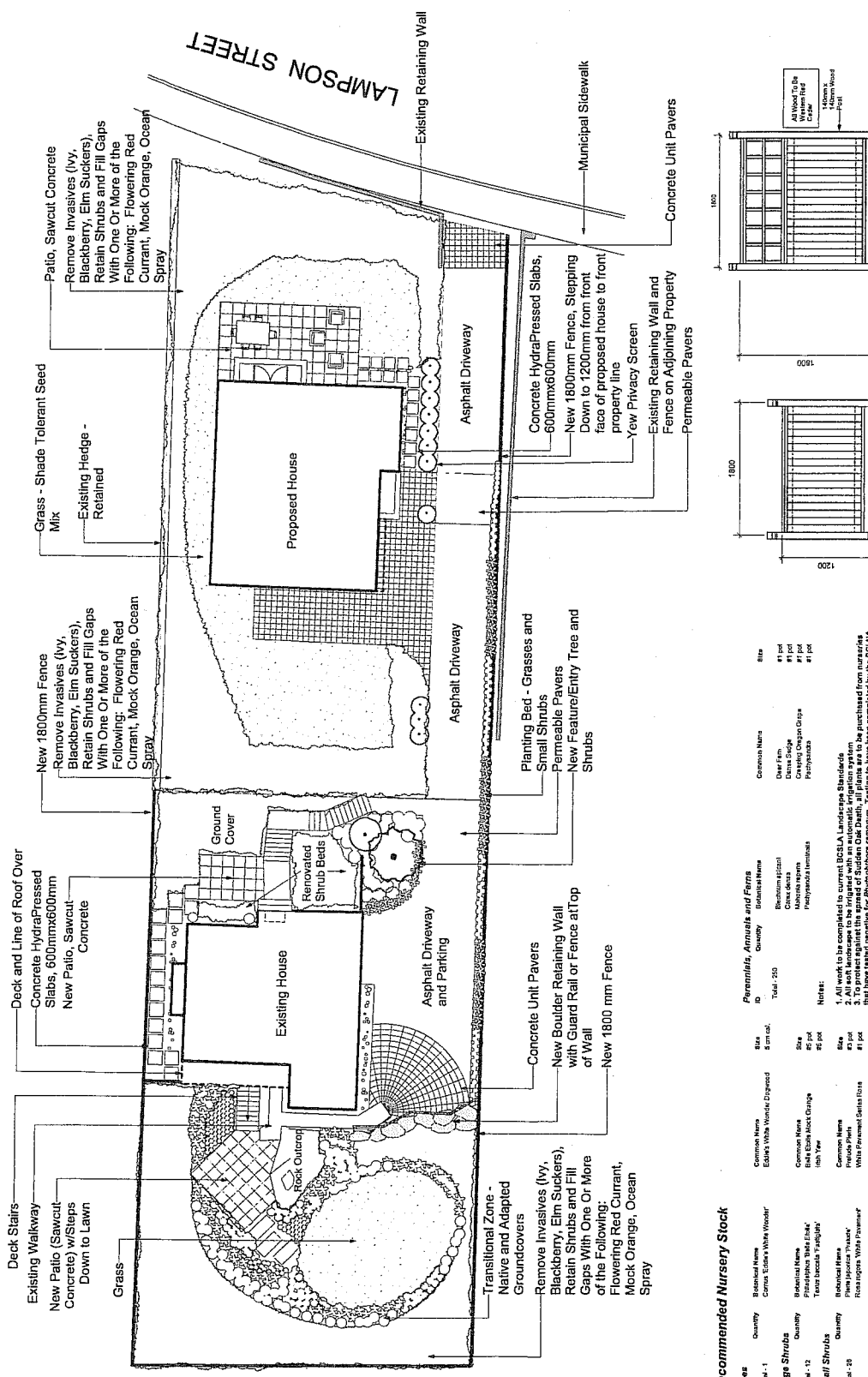
CHECKED: BW

PROJECT NO.: 1134

DATE: Oct. 24, 2011

SHEET: 1 of 2

TITLE: Landscape Layout



Recommended Nursery Stock

ID	Quantity	Botanical Name	Common Name	Size	Perennials, Annuals and Ferns	Quantity	Common Name	Size
Trees	Total: 1							
Large Shrubs	Total: 12							
Small Shrubs	Total: 28							
Groundcovers	Total: 214							

Notes:

- All work to be completed to current BCCLA Landscape Standards.
- All soil landscapes to be irrigated with an automatic irrigation system that has a timer and a pressure regulator. All plants are to be purchased from nurseries that are members of the BCCLA.
- All plants are to be purchased from nurseries that are members of the BCCLA.
- Planting to be completed within the first 12 months.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: December 12, 2011

STAFF REPORT

DATE: December 6, 2011 **REPORT NO.** DEV-11-104
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: RECOMMENDATIONS REGARDING SAFERHOMES

RECOMMENDATION:

That the Township of Esquimalt not purchase a membership in the SAFERhomes Standards Society but that staff investigate the use of universal design standards and compile a list of materials to be provided to developers and builders and discussed with applicants at the time new construction is proposed. [Alternative 1 from page 2]

BACKGROUND:

At the May 9th, 2011 meeting of the Committee of the Whole, a representative from the SAFERhome Standards Society made a presentation on their 19-point SAFERhome Standards Manual. The presentation focused on the changing demographics of many communities, particularly the increasing number of seniors. The Committee of the Whole referred this item to the Advisory Planning Commission and Access Awareness Advisory Committee for review and comment.

The SAFERhome Standards Society was established in 2004 as a not for profit, public interest organization, advocating a safer home environment and a better standard of living through its certified building standards. SAFERhome identifies many universal design and construction features that can be included in new buildings to make units more accessible or make them easier to convert to accessible units when needed [e.g. providing extra reinforcement in walls to allow grab bars to be installed; considering wider door openings to accommodate walkers and wheelchairs; having doors that open using a lever rather than a doorknob].

SAFERhome Standards offers municipalities the opportunity to purchase memberships in the Society for a fee of \$1300. This first year fee includes a training session for staff; a 25% discount on additional training and seminars; municipal recognition on the SAFERhome website; and a 25% discount on the SAFERhome Standards manual. In subsequent years the membership fee would be \$800.

The Advisory Planning Commission first considered the SAFERhomes presentation at the meeting of June 21st and moved to postpone a decision pending receipt of additional information and clarification as to why an ongoing membership fee is necessary and the nature of the training provided.

This item was returned to the August meeting when it was explained that the ongoing membership fee entitles the Township to a discount on presentation/ training fees and this could be valuable as it opens up the possibility of holding education seminars for developers, staff, Council, and committee members. Additionally, it allows a discount on manuals for Building Department staff as well as including Esquimalt's logo on the SAFERhomes website. To date, only two municipalities are identified on the SAFERhomes Society webpage, Maple Ridge and the Township of Langley. SAFERhome Certified Inspectors are required to be members of the Applied Science Technologists and Technicians of BC [ASTTBC]. They are independent private contractors, not municipal Building Officials and must complete additional training provided by the SAFERhome Standards Society.

Following receipt of this information, the following resolution was passed:

Moved by Pete Hartman, seconded by Amy Higginbotham, that the Esquimalt Advisory Planning Commission (APC) resolves that the request for Municipal Membership in the SAFERhome Standards Society be forwarded to council with a recommendation of denial.

The Access Awareness Committee reviewed the Safer Homes material at the September 14th, 2011 meeting and provided the following comment:

That the Access Awareness Advisory Committee endorses a concept of universal access for all people in developments in the Township of Esquimalt.

There was no specific direction as to whether to acquire a membership in SAFERhomes.

ALTERNATIVES:

- 1) Not purchase a membership in the Society but compile a list of universal design features and similar resources to be provided to developers and builders and used in discussions regarding proposed developments.
- 2) Not purchase a membership in the Society and let the market determine what gets built.
- 3) Purchase a membership in the SAFERhome Standards Society.

Alternative 1)

Council could provide information to builders, residents and developers to encourage the creation of adaptable housing in new construction or renovation projects without buying a membership in the SAFERhomes Society. There are a number of sources of similar information which could be collated and packaged independent of the SAFERhomes Standards Manual. The information contained in this manual is not new to the building industry, in fact, many of these methods have been previously documented and presented by other organizations.

- *Flexhousing: Houses that Adapt to Life's Changes, 1999, Canada Mortgage and Housing Corporation*
- *The Adaptable House, 2002, Avi Friedman, McGraw-Hill Ryerson Publications*
- *Building Access Handbook, 1998, BC Ministry of Community, Aboriginal and Women's Services*
- *Adaptable Housing Requirements and Design Guidelines, 2004, District of Saanich*

Alternative 2)

The Township could decline the membership in SAFERhome and wait until customer demand for universal design features causes developers to include these in their projects.

Alternative 3)


Should Council purchase a \$1300 membership, the only real benefits would be the initial two hour training session for staff and use of the SAFERhome Standards Manual. As this Society is based on the mainland, accessing additional training sessions may require travel time and costs. Having the Esquimalt logo on the Society's webpage is a benefit to them not to the Township.

Alternative 1) above is recommended.

Respectfully submitted,



Barbara Snyder
Director of Development Services

<p>Approved for Council's consideration:</p> <p> _____ Laurie Hurst, CAO</p> <p>Dated: <u>Dec 7/11</u></p>
--