



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

February 9, 2012

NOTICE

**A REGULAR MEETING OF COMMITTEE OF THE WHOLE
WILL BE HELD ON MONDAY, FEBRUARY 13, 2012, 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, February 13, 2012

7:00 p.m.

Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

- | | |
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| (1) Minutes of the Regular Committee of the Whole, January 9, 2012 | Pg. 1 – 4 |
| (2) Minutes of the Special Committee of the Whole, January 16, 2012 | Pg. 5 – 7 |
| (3) Minutes of the Special Committee of the Whole, January 23, 2012 | Pg. 8 – 11 |

5. STAFF REPORTS

Administration

- | | |
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| (1) Posting of Agendas on Website, Staff Report No. ADM-12-012 | Pg. 12 – 17 |
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RECOMMENDATION:

That staff continue with their current practice of posting complete agenda packages for Council and Committee of the Whole meetings on the Township's website, severing personal information as appropriate in compliance with the *Freedom of Information and Protection of Privacy Act*.

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| (2) Tabled Item: Limiting Certain Types of Commercial Businesses –
Cheque Cashing Facilities, Staff Report No. ADM-12-013 | Pg. 18 – 25 |
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RECOMMENDATION:

That the Committee of the Whole (COTW) consider the Motion made at the COTW meeting held on January 9, 2012, as recommended in Staff Report DEV-12-002, which was tabled.

Fire Rescue

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| (3) Fire Services Mutual Aid Agreement with DND, Staff Report No. FIRE-12-003 | Pg. 26 – 33 |
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RECOMMENDATION:

That Council approve entering into a Memorandum of Understanding (MOU) between the Department of National Defence (As Represented by Canadian Forces Base Esquimalt) (DND) and the Township of Esquimalt, and authorizes the execution of the MOU substantially in the form attached to Staff Report FIRE-11-009.

Development Services

- (4) Amendment to Subdivision and Development Control Bylaw No. 2175, Pg. 34 – 36
Staff Report No. DEV-12-008

RECOMMENDATION:

1. That Bylaw 2175 cited as ‘Subdivision and Development Control Bylaw 1997’ be amended by the addition of the following words and figures in Part 4 – Approvals:

“7.04 Each application for Subdivision shall include Civil Engineering drawings showing the proposed location of any required works and services and demonstrating that the servicing can be achieved in accordance with the Municipality’s standards. This requirement for Civil Engineering drawings also applies to building permit applications where any new works and services are required.”

2. That staff be directed to prepare the necessary amending bylaw, information brochure and policy document described on page 2.

- (5) Development Permit, 521 – 529 Comerford Street [Lot 266, Suburban Lot 40, Esquimalt District, Plan 2854], [Lot 267, Suburban Lot 40, Esquimalt District, Plan 2854], Staff Report No. DEV-12-012 Pg. 37 – 86

RECOMMENDATION:

That the application for a Development Permit limiting the form and character of development to that shown on architectural plans provided by Vic Davies Architect stamped “Received January 10, 2012”, and sited as detailed on the survey plan prepared by Powell and Associates, BC Land Surveyors, stamped “Received December 2, 2011”, and including the following relaxations to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, for the proposed development located at Lot 266, Suburban Lot 40, Esquimalt District, Plan 2854 and Lot 267, Suburban Lot 40, Esquimalt District, Plan 2854 [521-529 Comerford Street], be forwarded to Council with a **recommendation of approval** subject to appropriate notification being completed, a Variance Hearing being held, and a Development Permit being returned to Council for consideration.

Zoning Bylaw, 1992, No. 2050, Section 24 (1) – Visibility at Intersections – an exemption from the requirement that there shall be no obstruction to the line of vision by Buildings, Structures or vegetation between the heights of 1 metre and 3 metres above the established grade of streets within an area bounded by the centre lines of intersecting streets and a line joining a point on each of the centre lines 25 metres from their intersection.

Parking Bylaw, 1992, No. 2011, Section 11(1) – Visitor Parking – a reduction in the required number of dedicated visitor parking spaces from 1 of every 4 to 1 of every 8 [i.e. from a total of 12 visitor spaces to 6 visitor spaces]

Parking Bylaw, 1992, No. 2011, Section 13(1)(a)(v) – Number Of Off-Street Parking Spaces – a reduction in the required number of parking spaces from 1.3 spaces per dwelling unit to 0.64 spaces per dwelling unit [i.e. from a total of 45 spaces to 22 spaces].

- (6) Esquimalt Village Plan – Discussion of Option for Sale or Retention, Pg. 87 – 89
Staff Report No. DEV-12-0013

RECOMMENDATION:

1. That Council determine the preferred method of following through with development of the Esquimalt Village Plan [i.e. retaining ownership, selling the site or developing it as a P-3];
2. That a public meeting be held prior to the official Public Hearing to convey factual information and provide an update of the EVP to residents and property owners; and
3. That, following the public meeting noted above, a Public Hearing be scheduled.

6. PUBLIC QUESTION AND COMMENT PERIOD

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

7. ADJOURNMENT



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, January 9, 2012

Esquimalt Municipal Hall – Council Chambers

7:03 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Dave Hodgins, Councillor Lynda Hundleby, Councillor Robert McKie, Councillor Tim Morrison, Councillor David Schinbein

STAFF: Laurie Hurst, Chief Administrative Officer
Barbara Snyder, Director of Development Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

OTHERS: Inspector Keith Lindner, West Division, Police Services

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:03 p.m.

2. LATE ITEMS

Mayor Desjardins welcomed Inspector Keith Lindner as the newly appointed leader of the West Division, Police Services.

3. APPROVAL OF THE AGENDA

MOTION: Moved by Councillor Morrison/Councillor McKie:
That the Agenda be approved as circulated.

CARRIED UNANIMOUSLY.

4. MINUTES

(1) Minutes of the Regular Committee of the Whole, December 12, 2011

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the minutes of the Regular Committee of the Whole, December 12, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY.

5. STAFF REPORTS

Administration

(1) Voting on Motions, Staff Report No. ADM-12-001

Mayor Desjardins advised that she had brought this matter forward as it may not be clear to Councillors how to vote on motions.

Moved by Councillor Schinbein to table consideration of voting on motions. There was no seconder.

MOTION: Moved by Councillor Hundleby/Councillor Hodgins:
That the Committee of the Whole recommends to Council that it continue to vote on motions in the manner set out in the Council Procedure Bylaw No. 2715, 2009.

CARRIED UNANIMOUSLY.

Development Services

- (2) Report on Development Permits Issued by the Director, Staff Report No. DEV-12-001

The Director of Development Services presented Staff Report No. DEV-12-001 and was available to answer questions from Council.

MOTION: Moved by Councillor Hundleby/Councillor Brame:
That the Director of Development Services continue to review and issue Development Permits for projects that fall within the scope of the work authorized by Bylaw No. 2751.

CARRIED UNANIMOUSLY.

- (3) Limiting Certain Types of Commercial Businesses, Staff Report No. DEV-12-002

The Director of Development Services presented Staff Report No. DEV-12-002 and Mayor Desjardins advised that the Esquimalt Chamber of Commerce will be meeting to discuss these types of commercial businesses. Also, a representative of "Payday Loans" has requested to make a presentation to Council prior to a decision.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That Council direct staff to prepare the bylaws necessary to amend Zoning Bylaw No. 2050 to define "commercial use", "cheque cashing facility", and "financial institution" so as to prohibit additional cheque cashing businesses from locating in Esquimalt's commercial core.

Council comments:

- Issue of our relationship with the business community; these businesses make a negative contribution to our community; want to make Esquimalt a more desirable community to live;
- Main street is littered with these types of businesses, which discourage other types of businesses;
- Time (2012) to get serious about rebranding Esquimalt, in its centennial year;
- If limit/push these businesses downtown, people cashing cheques will spend their money downtown;
- Concerned about labeling people who use this service - includes students, military personnel, and families;

- Direct request from Esquimalt Chamber of Commerce for an opportunity to comment on this issue;
- Believe the market will dictate if these businesses succeed or fail;
- Cannot disenfranchise members of our community who need this service;
- Not banning this type of business, just limiting additional ones.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That the motion regarding limiting certain types of commercial businesses, as outlined in Staff Report No. DEV-12-002, **be tabled.**

CARRIED UNANIMOUSLY.

(4) Esquimalt Village Plan (EVP) Update, Staff Report No. DEV-12-003

The Director of Development Services presented Staff Report No. DEV-12-003 and answered questions from Council.

Council comments:

- Need another public information meeting to discuss whether the site should be retained, sold or developed prior to the Public Hearing;
- Want public to be more engaged in this process;
- Important to clarify where we left off with this issue;
- Timelines? *Next Committee of the Whole meeting discuss site issues; then to Regular meeting of Council for public input.*

MOTION: Moved by Councillor Brame/Councillor McKie:

That Staff Report No. DEV-12-003 regarding the Esquimalt Village Plan (EVP) Update be received for information;

That discussion take place around whether the site should be retained by the Township, sold outright, or developed in partnership with one or more developers;

That a public meeting be held prior to the official Public Hearing to convey factual information and hear concerns; and

That a Public Hearing be scheduled.

CARRIED UNANIMOUSLY.

(5) Development Permit, 880-D Esquimalt Road, [Lot 2, Section 11, Esquimalt District, Plan 47946], Staff Report No. DEV-12-004

The Director of Development Services introduced the applicant who made a presentation to Council and answered questions.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That the application for a Development Permit limiting the form and character of development to that shown on architectural plans provided by Graphvette Design and Drafting, stamped "Received December 5, 2011", for the proposed tenant improvements and signage located at Lot 2, Section 11, Esquimalt District, Plan 47946 [880-D Esquimalt Road], be forwarded to Council with a **recommendation of approval.**

CARRIED UNANIMOUSLY.

6. PUBLIC QUESTION AND COMMENT PERIOD

John Birdbush, resident, requested clarification on what matters could be discussed, and inquired about Council's definition of a "village" and stated his opposition to any development over 4-storeys on the Esquimalt Village site. He invited members of Council to visit his property to see the impact this proposed development would have on the neighbourhood.

Muriel Dunn, resident, thanked Inspector Keith Lindner for the care and concern he showed to her mother following a recent break and enter at her home. She also expressed her disappointment with Council's postponement of a decision on limiting cheque cashing businesses in the community. She also stated that, with respect to the Esquimalt Village Plan, that a 12-storey or 8-storey building was not part of a "village" plan. She suggested that Council think carefully to whom they may sell the land.

Corey Payne, resident, spoke in favour of the Esquimalt Village development plan, pointing out that there is no money (for developers) in 4-storey buildings.

7. ADJOURNMENT

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That the Regular Committee of the Whole Meeting of January 9, 2012 be adjourned at 7:59 p.m.

CARRIED UNANIMOUSLY.

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF JANUARY, 2012



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Monday, January 16, 2012

Esquimalt Municipal Hall – Council Chambers

6:31 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Dave Hodgins, Councillor Lynda Hundleby, Councillor Robert McKie, Councillor Tim Morrison, Councillor David Schinbein

STAFF: Laurie Hurst, Chief Administrative Officer
Barb Snyder, Director of Development Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 6:31 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

MOTION: Moved by Councillor McKie/Councillor Hundley:
That the Agenda be approved as circulated.

CARRIED UNANIMOUSLY.

4. **MAYOR'S AND COUNCILLORS' REPORTS**

(1) Report from Mayor Barbara Desjardins, Re: Committees – 2012 Structure and Terms of Reference

Mayor Desjardins reported on an extensive review of the Terms of Reference of committees commencing in the fall of 2010. Meetings were held with Committee Chairs to provide information regarding the Terms of Reference, and to find out what was working with each committee.

Council comments/questions:

- Concerned about “two tiers” of members – voting and non-voting members of a committee (i.e. Advisory Planning Commission); *The Mayor stated that a Commission is a different creature (than committee) which requires bylaw changes to change the number of members;*

wanted to move this process forward without delay, and Council can review the changes with the idea of making these changes permanent in the future;

- Needs to be clearly defined where/when non-voting members are allowed to speak (i.e. on Agenda);
- How will EAC member be appointed to the APC? *The Mayor advised that applicants will indicate that they want to be considered as the APC member for the EAC.*

MOTION: Moved by Councillor McKie/Councillor Morrison:

That the Committee of the Whole recommend that Council approve the following:

1. That with the revisions set out below, Council confirms the existing Committee structure and the following Committee Terms of Reference:
 - ADMIN-47 Environmental Advisory Committee
 - ADMIN-48 Arts, Culture and Special Events Advisory Committee
 - ADMIN-50 Heritage Advisory Committee
 - ADMIN-51 Parks and Recreation Advisory Committee
 - ADMIN-63 Centennial Celebrations Select Committee
2. Access Awareness Advisory Committee: that the Access Awareness Advisory Committee be dissolved and Council Policy No. ADMIN-49 Terms of Reference for the Access Awareness Advisory Committee be repealed.
3. Parks and Recreation Advisory Committee: that Council Policy No. ADMIN-51 Terms of Reference for the Parks and Recreation Advisory Committee be revised so that one of the community representatives (being a Full Voting Member) is to be appointed by Council for the purpose of providing an accessibility focus to the Committee.
4. Environmental Advisory Committee (EAC): that Council Policy No. ADMIN-47 Terms of Reference for the EAC be revised so that one of the community representatives (being a Full Voting Member) is to be appointed by Council to also participate in the Advisory Planning Commission as a non-voting member for the purpose of providing an environmental focus to the Committee.
5. Advisory Planning Commission (APC): that the membership of the APC is to be revised, on a trial basis, to include three additional non-voting members: two members to be appointed by Council from the community for the purpose of providing an accessibility focus to the APC, and one member to be appointed by Council from the membership of the EAC for the purpose of providing an environmental focus to the APC. These changes to the APC will remain in effect during 2012, and at the end of the year will be re-evaluated by Council. If Council is of the opinion that the new members and cross-appointment is working well and that such revisions should be permanent, then the Bylaw establishing the APC will need to be formally amended.

CARRIED (with Councillor Hodgins opposed).

Mayor Desjardins explained that in the past it had been difficult to get all members of Council together for two nights to interview candidates for committee appointments, and a quorum of Council would be required.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That Council conduct interviews for Committee memberships and make appointments to Committees.

CARRIED UNANIMOUSLY.

5. PUBLIC QUESTION AND COMMENT PERIOD

There were no questions or comments from the public.

6. ADJOURNMENT

MOTION: Moved by Councillor Schinbein/Councillor McKie:
That the Special Committee of the Whole Meeting of January 16, 2012 be adjourned at 6:50 p.m.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF _____, 2012

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Monday, January 23, 2012

Esquimalt Municipal Hall – Council Chambers

5:45 p.m.

MINUTES

PRESENT: Acting Mayor Lynda Hundleby (Chair), Councillor Meagan Brame, Councillor Dave Hodgins, Councillor Robert McKie, Councillor Tim Morrison, Councillor David Schinbein

STAFF: Laurie Hurst, Chief Administrative Officer
Barb Snyder, Director of Development Services
Jeff Miller, Director of Engineering & Public Works
Fire Chief David Ward, Fire Rescue
Inspector Keith Lindner, West Division, Victoria Police Department
Mary Turner, Deputy Director of Financial Services
Anja Nurvo, Manager of Corporate Services
Jeff Bryon, Recreation Manager
Louise Payne, Recording Secretary

1. CALL TO ORDER

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

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY.

**4. DEPARTMENTAL REPORTS – 2011 THIRD PERIOD REPORTS
(September – December)**

The following third period reports for September 1, 2011 through December 31, 2011 were presented by department representatives. Highlights of the reports were verbally reviewed, and questions from Council were addressed.

- (1) CAO's Third Period Report, Staff Report No. ADM-12-005
- (2) Corporate Services Third Period Report, Staff Report No. ADM-12-006

The Manager of Corporate Services was present to answer questions from Council.

Council comments:

- How can the municipality promote “subscription button” on the website? Suggestion to add, in printed ads legally required, “Did you know you can subscribe to us online?” *CAO suggested that this be added to the Community Newsletter.*

- (3) Financial Services Third Period Report, Staff Report No. FIN-12-001
- (4) Development Services Third Period Report, Staff Report No. DEV-12-005

The Director of Development Services was present to answer questions from Council.

Council comments (Response in italics):

- Bylaw Enforcement staffing? *Have a .6 position for Bylaw Enforcement;*
- Total Building Permits? *Same number of Building Permits as last year; however total dollars collected was smaller;*
- Temporary Structures? *Last summer, conducted a survey of residents and this issue will be coming back to Council;*
- Illegal suites? *Asking owners of illegal suites to come forward to legalize them;*
- How many Business Licences issued in Esquimalt? *Will be included in next report.*

- (5) Engineering and Public Works Third Period Report, Staff Report No. EPW-12-002

The Director of Engineering and Public Works was present to answer questions from Council.

Council comments (Response in italics):

- How to achieve increasing accessibility in Parking Strategy with committee being disbanded? *Public Works staff constantly out in the community, and identify concerns as well as citizens call our office; once every 3 years, PW staff walk every street in Esquimalt to check sidewalks, tripping hazards, etc.*
- Concern regarding cross-connections – any incentives for homeowners to do the dye testing? *Is a committee at CRD as this is not a localized problem; working with CRD to come up with a strategy for the whole region;*
- When have a report back on truck traffic? *No set timeline to do this traffic study yet;*
- Concern with number of signs on Craigflower Road; *Is compliant with “industry standards”;*
- Do we have a maintenance plan for street lighting? *One aspect of this maintenance plan involves low energy lights (will look at this type of bulbs); however concerned about “frosted-over” lights;*
- What about an underground service plan? *Could go underground with street lights; however the municipality uses BC Hydro poles at a nominal rate.*

- (6) Parks and Recreation Services Third Period Report, Staff Report No. P&R-12-002

The Recreation Manager was present to answer questions from Council.

Council comments (*Response in italics*):

- Social media has worked very well for events at Parks & Recreation;
- What is uptake for Youth Services with Esquimalt First Nation? *Parameters are in place; however none in attendance yet.*

- (7) Fire Rescue and Emergency Program Third Period Report, Staff No. FIRE-12-002

The Fire Chief commented that the Emergency Program Manager had been very busy with this program in the third quarter. He also noted that the number of outstanding Company inspections (performed by fire crews) was very low, and the inspection rate from 2010 to 2011 has improved substantially.

Council comments (*Response in italics*):

- What is the average time spent on a medical callout? *Medical aide calls average 15-18 minutes as Fire Rescue provides First Response service;*
- Why does Fire Department not have a smaller vehicle for medical call outs, instead of the pumper truck? *Fire Chief suggested that BC Fire Chiefs could lobby the Province for a combined Fire/Ambulance response service;*
- With respect to Oct. 2nd incident, what took BC Hydro so long to respond? *BC Hydro does not have standby crews in the evening; therefore they have no emergency response team;*
- Concern expressed for fire access/turning lane at 5-lot subdivision on Caroline Road; *Fire Department has not test driven this yet; however with parking allowed, may not have required turning radius.*

- (8) Victoria Police Department Policing Services Third Period Report

Inspector Lindner was present to answer questions from Council.

Council comments (*Response in italics*):

- Concerns expressed with ongoing graffiti issues; *ETAG program in good hands with Cst. Ziegler; officers have graffiti kits in their police vehicles to clean up graffiti when they find it;*
- Concern regarding Rainbow Kitchen complaints; *Concerns expressed to Inspector Lindner following January 16th Council meeting; police are reviewing issues and trying to alleviate potential problems before they arise;*
- Appreciation for "Cop Shop" program sponsored by Hillside Mall;
- Requested information on new "Block Watches"; *Inspector Lindner agreed to put this information in the next Departmental report.*

MOTION: Moved by Councillor Hodgins/Councillor McKie:

That the 2011 Departmental Third Period Reports from the CAO, Corporate Services, Financial Services, Development Services, Engineering and Public Works, Parks and Recreation Services, Fire Rescue and Emergency Program, and Victoria Police Department Policing Services be received.

CARRIED UNANIMOUSLY.

5. **PUBLIC QUESTION AND COMMENT PERIOD**

There were no questions or comments from the public.

6. **ADJOURNMENT**

MOTION: Moved by Councillor Brame/Councillor McKie:

That the Special Committee of the Whole Meeting of January 23, 2012 be adjourned at 6:39 p.m.

CARRIED UNANIMOUSLY.

ACTING MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF FEBRUARY, 2012

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

COTW Meeting: February 13, 2012

STAFF REPORT

DATE: February 6, 2012 Report No. ADM-12-012
TO: Laurie Hurst, Chief Administrative Officer
FROM: Anja Nurvo, Manager of Corporate Services
SUBJECT: POSTING OF AGENDAS ON WEBSITE

RECOMMENDATION:

That staff continue with their current practice of posting complete agenda packages for Council and Committee of the Whole meetings on the Township's website, severing personal information as appropriate in compliance with the *Freedom of Information and Protection of Privacy Act*.

BACKGROUND:

While there have been several positive comments received from members of the public, some concerns have also been raised by some members of Council and the public regarding staff's current practice of posting complete agenda packages on the municipal website. This report is for the purpose of advising Council of staff's rationale for this procedure and requesting direction from Council to continue with the current practice.

In staff's opinion, the current practice complies with the requirements of the *Community Charter*, the *Freedom of Information and Protection of Privacy Act* (FOIPPA), the Council Procedure Bylaw, and current Council Policies. It is also in keeping with the common practice of other municipalities in the Capital region.

The following is a summary of the relevant requirements and history of this issue.

1. Current Staff Practice

Since the 2011 local government election, staff has been posting complete agenda packages on the municipal website and has blocked out personal information as appropriate in compliance with FOIPPA. We currently block out home telephone numbers and personal email addresses.

Reasons for undertaking this procedure include: a change in staff; a thorough review of relevant requirements under FOIPPA, the *Community Charter*, the Council Procedure Bylaw and Council Policies; a review of common practice in other neighbouring municipalities; and Council direction as set out in the Strategic Plan.

2. Council Resolution dated August 17, 2009

At the regular meeting of Council on August 17, 2009, Council reviewed Staff Report No. ADM-09-038 and passed the following Resolution:

“That Council Agendas posted on the Notice Board at Municipal Hall and website contain the Agenda outline with staff recommendations only, and that Council Procedure Bylaw No. 2585, 2004 be amended accordingly.”

Staff at that time posted only the agenda covering pages, which included staff recommendations. The entire agenda package was only available to the public at the Council meeting and upon request through the Municipal Office.

3. Council Procedure Bylaw

The previous Council Procedure Bylaw, 2004, No.2585 required the Corporate Officer to post a copy of the agenda on the Public Notice Posting Place and leave copies at the reception counter for members of the public. The Bylaw defined “Public Notice Posting Place” as being only the Notice Board at the Municipal Hall.

The current Council Procedure Bylaw No. 2715, 2009 was passed on January 18th, 2010, which repealed the previous Bylaw No. 2585. Section 15 of the current Bylaw states that the Corporate Officer must prepare an agenda “setting out all the items for consideration at that meeting” and must make the agenda available to members of the public by: (i) posting a copy at the Public Notice Posting Place, and (ii) leaving copies at the reception counter. “Public Notice Posting Place” is defined in the Bylaw as being BOTH the Notice Board at the Municipal Hall AND the municipal website.

In staff’s opinion, the previous Resolution passed at the August 17, 2009 meeting is no longer valid, and was replaced by the clear direction set out in the new Council Procedure Bylaw. A Resolution cannot override the provisions of a Bylaw, especially one passed previous to the adoption of the Bylaw. In staff’s opinion, the clear wording of the current Bylaw requires posting on the municipal website of the entire agenda, including all background material that will be considered by Council at that meeting, and not just the cover page.

4. Council Policies

Council has passed several Policies dealing with public input and the release of information to the public. Council Policy No. ADMIN-65 entitled “Recorded Public Input”, passed on May 16, 2011 (copy attached), is the most relevant to this issue.

Policy ADMIN-65 contains the following statements:

- that all communication addressed to Council will become part of the public record and may be placed on a public agenda
- the presumption is in favour of openness, subject to compliance with privacy legislation
- email addresses are to be blacked out; however the persons name and home address will not be obscured
- when writing or addressing Council, the full name and address of the citizen must be given for recording purposes

The Policy also states that when the Township is requesting public input on our website, we should include a “notice of collection of personal information.”

5. Community Charter

Section 124 of the Charter requires a council to pass a procedure bylaw addressing several mandatory requirements, including providing for advance public notice of council and committee meetings and identifying places that are to be public notice posting places for the purposes of providing such notice. One of the specified duties of the Corporate Officer under the Charter is to ensure access is provided to records of the council and council committees, including minutes and agendas, as required by law or authorized by the council.

6. Freedom of Information and Protection of Privacy Act (FOIPPA)

The Act attempts to strike a balance between ensuring access to information for the public while protecting confidentiality and personal information from being disclosed. The onus is on the public body which is in possession of personal information to ensure that it is not disclosed contrary to the requirements of the Act.

Currently, staff includes the following clause in all our advertisements, notices and letters requesting public input on any issue:

“Personal information contained in communications to Council and its Committees is collected under the authority of the Community Charter and Local Government Act and will be used to assist Council members in decision making. Please note that your comments relating to this matter will form part of the Township’s public record and may be included in a public agenda and posted on our website.”

Regardless of providing the above notice, if the municipality obtains any personal information, the obligation is on us to ensure it is not improperly disclosed to any third party. The Act defines “personal information” as “recorded information about an identifiable individual other than contact information.” The Act defines “contact information” as being business contact information only.

Staff has attended recent workshops on amendments to FOIPPA and have further discussed the issue of posting of agenda packages on municipal websites with staff from the Office of the Privacy Commissioner. The Office staff recognized the unique position of local governments due to the onus placed upon them in the *Community Charter* for openness and transparency. Their staff’s advice was that while an address and business contact information is not considered to be personal information, a home telephone number and personal email address would be. They advised that all confidential information be severed from any material that is published on the website, to ensure compliance with the Act.

7. Practice in other Capital Regional District Municipalities

Staff has consulted with the other local governments located within the region. The common practice (10 out of 13) is to post entire agenda packages on the website but exclude any personal information. Several municipalities do not include any correspondence from individual residents on an agenda.

However, at a recent meeting, the regional Corporate Officers identified the need for further review of this practice with the Privacy Commissioner, to ensure a consistent practice that complies with the requirements of FOIPPA. Further meetings on this specific issue are planned for the near future.

8. Strategic Plan

The 2009-2011 Strategic Plan for the Township contains several statements encouraging meaningful community participation and consultation, to provide open and responsible decision-making, and being open and transparent with our information, process, and communication to our customers, community, and the public, except where clearly prohibited. The Plan states that Council believes that a multi-pronged approach to communication will maximize awareness of community issues, with specific direction to staff to continue to improve the website and to amend processes and procedures in order to be more open to additional public input at Council and COTW meetings.

During the 2012 Strategic Planning workshop, Council's strategic priorities again included public communication, in particular refreshment of the municipal website as a means of enhancing public engagement.

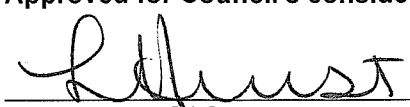
ISSUES:

The issue to be addressed is to find the appropriate balance between the principles of openness, transparency, providing complete information to the public and improved communications with the public, with the protection of personal information in compliance with the mandatory requirements under FOIPPA.

ALTERNATIVES:

1. Confirm the current practice of posting complete agenda packages on the Township's website with severing of personal information in compliance with FOIPPA.
2. Direct staff to amend the Council Procedure Bylaw so that only the cover pages of the agendas which include staff recommendations is posted on the website and that complete packages of agendas are only made available to members of the public at the Municipal Office. (Note that any amendment of the Bylaw requires advance publication of notice to the public.)


Anja Nurvo
Manager of Corporate Services

<p>Approved for Council's consideration:</p> <p> Laurie Hurst, CAO</p> <p>Dated: <u>Feb 9/12</u></p>



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

TITLE: RECORDED PUBLIC INPUT	NO. ADMIN - 65
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PURPOSE

This policy identifies the opportunities for public input and how personal information will be protected and recorded for the public. Personal information is defined as “recorded information about an identifiable individual”. How personal information is collected, protected, and retained is governed by the *Freedom of Information and Protection of Privacy Act*. Other governing legislative documents are:

1. The Local Government Act
2. The Community Charter
3. Council’s Procedure Bylaw

This policy pertains to open Council meetings and does not include *In Camera* meetings. References to Council include its Committee of the Whole, Committees, Commissions and Boards.

PRINCIPLES

1. Meetings of Council are public, therefore, oral and written communication received from the public is considered public information unless the correspondent requests confidentiality. Communication addressed to Township Council will become part of the public record and may be placed on a public agenda.
2. The presumption shall be in favour of openness and publication [to the extent permitted by law and subject to valid privacy, confidentiality, security or other restrictions].
 - a) For example, an Email address is not public information unless the sender has given permission to release his/her Email address and/or user name. Where approval has not been given or implied, an Email address and/or user name will be blacked out. The sender’s first and last name and home address, however, will not be obscured.
3. The collection of personal information is to be used only for the purpose for which it was collected and
 - (a) has a reasonable and direct connection to that purpose; and
 - (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information or causes the information to be used or disclosed.
4. A public body must ensure that an individual from whom it collects personal information or causes personal information to be collected is told
 - (a) the purpose for collecting it;
 - (b) the legal authority for collecting it; and
 - (c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual’s questions about the collection.

EFFECTIVE DATE: May 16, 2011	APPROVED BY: Council	REFERENCE ADM-11-029	AMENDS NO.	PAGE 1 OF 2
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TITLE: RECORDED PUBLIC INPUT	NO. ADMIN - 65
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DISCUSSION

Public input may be received by the Township that is initiated from a member of the public directly, or submitted in response to a request from the Township seeking public feedback. Written submission includes by mail, Email, website, and fax.

Information given at a public meeting may be oral and/or may have been previously submitted in writing. When writing or addressing Council, the full name and address of the citizen must be given for recording purposes.

Generally the information collected in surveys and questionnaires will be summarized with no information identifying the respondents unless specifically stated. Petitions will be presented in their entirety, with the inclusion of email addresses.

1. Public Input opportunities include:

- (a) Oral Communication- given in a duly convened public meeting and which is transcribed into a record:
 - (1) Making presentations at Public Hearings held to receive public input into rezoning and official community plan applications, and other significant decisions concerning discretionary land use applications.
 - (2) Making presentations at Council meetings.
 - (3) Providing input at Council meetings regarding items on the Agenda during public input opportunities that are not the subject of a public hearing.
 - (4) Appearing as a delegation or petitioner.
 - (5) Providing input at Town Hall meetings and Open Houses.

- b) Written Communication – includes items 1 – 5 above as well as:
 - (6) Writing to Council with comments and/or concerns about reports or proposed bylaws.
 - (7) Presenting a written petition to Council in support or against a proposed action.
 - (8) Writing to Council, the Chief Administrative Officer or Department Heads with issues of concern requesting Council decision and/or action.
 - (9) Writing to the Township with suggestions, ideas and opinions on municipal matters.
 - (10) Responding to surveys and questionnaires.
 - (11) Responding to a call for public feedback on matters under deliberation by Council and its Committees.

2. Written requests for public input by the Township on its website should include a “notice of collection of personal information” such as:

The personal information contained in communications directed to City Council and its appointed Committees is collected under the authority of the Community Charter and Local Government Act, as amended, and will be used to assist Council members in their decision making processes. Your name and address may form part of a public agenda. Your email address and/or user name will be blacked out unless you give consent to release it. Questions about this collection should be addressed to the Corporate Administrator at 1229 Esquimalt Road, Esquimalt, BC V9A 3P1 or by telephone at 250-414-7135.

EFFECTIVE DATE: May 16, 2011	APPROVED BY: Council	REFERENCE ADM-11-029	AMENDS NO.	PAGE 2 OF 2
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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: February 13, 2012

STAFF REPORT

DATE: February 7, 2012 Report No. ADM-12-013
TO: Laurie Hurst, Chief Administrative Officer
FROM: Anja Nurvo, Manager of Corporate Services
SUBJECT: TABLED ITEM: LIMITING CERTAIN TYPES OF COMMERCIAL BUSINESSES – CHEQUE CASHING FACILITIES

RECOMMENDATION:

That the Committee of the Whole (COTW) consider the Motion made at the COTW meeting held on January 9, 2012, set out below as (1), which was tabled.

BACKGROUND:

The following material is provided by way of background:

1. Attached is a copy of Staff Report No. DEV-12-002, which was reviewed at the COTW meeting held on January 9th, 2012.
2. The draft Minutes of the COTW meeting of January 9, 2012 dealing with this item reads as follows:

“The Director of Development Services presented Staff Report No. DEV-12-002 and Mayor Desjardins advised that the Esquimalt Chamber of Commerce will be meeting to discuss these types of commercial businesses. Also, a representative of “Payday Loans” has requested to make a presentation to Council prior to a decision.

(1) MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That Council direct staff to prepare the bylaws necessary to amend Zoning Bylaw No. 2050 to define “commercial use”, “cheque cashing facility”, and “financial institution” so as to prohibit additional cheque cashing businesses from locating in Esquimalt’s commercial core.

Council comments:

- Issue of our relationship with the business community; these businesses make a negative contribution to our community; want to make Esquimalt a more desirable community to live;
- Main street is littered with these types of businesses, which discourage other types of businesses;
- Time (2012) to get serious about rebranding Esquimalt, in its centennial year;
- If limit/push these businesses downtown, people cashing cheques will spend their money downtown;

- Concerned about labeling people who use this service - includes students, military personnel, and families;
- Direct request from Esquimalt Chamber of Commerce for an opportunity to comment on this issue;
- Believe the market will dictate if these businesses succeed or fail;
- Cannot disenfranchise members of our community who need this service;
- Not banning this type of business, just limiting additional ones.

(2) MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That the motion regarding limiting certain types of commercial businesses, as outlined in Staff Report No. DEV-12-002, **be tabled.** **CARRIED UNANIMOUSLY "**

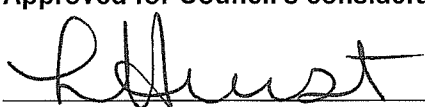
3. A copy of Submission to the Township of Esquimalt by the Canadian Payday Loan Association, dated January 27, 2012 is attached.
4. The Esquimalt Chamber of Commerce reviewed this issue at its recent meeting and has unofficially provided the following statement of its position: *"The Esquimalt Chamber promotes healthy robust competition in the community. We are proud to work with our local council to promote the overall vision and future of Esquimalt."*
5. Several members of the community have provided their individual comments on this issue to the Township, and copies of these have been distributed to Council as they have been received.

ALTERNATIVES:

The alternatives are as set out on page 3 of Staff Report No. DEV-12-002, attached.


Anja Nurvo
Manager of Corporate Services

Encl.

<p>Approved for Council's consideration:</p> <p> Laurie Hurst, CAO</p> <p>Dated: <u>Feb 9/12</u></p>



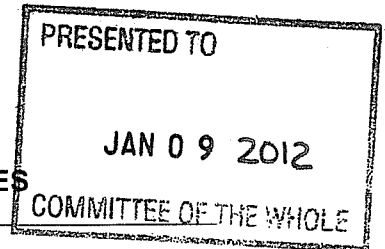
CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

COTW Meeting: January 9, 2012

STAFF REPORT

DATE: December 30, 2011 Report No. DEV-12-002
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: LIMITING CERTAIN TYPES OF COMMERCIAL BUSINESSES



RECOMMENDATION:

1. That Council direct staff to prepare the bylaws necessary to amend Zoning Bylaw No. 2050 to define "commercial use", "cheque cashing facility", and "financial institution" so as to prohibit additional cheque cashing businesses from locating in Esquimalt's commercial core.

BACKGROUND:

During the recent consideration of an application for a Development Permit for a new business providing loans, cheque cashing and other financial services, Council questioned whether there should be a limit on the number of these businesses [Esquimalt currently has 5] or whether they could be prohibited. Staff was directed to provide a report on possible means of limiting certain types of businesses and encouraging others to create a more diverse commercial retail sector in Esquimalt.

Several smaller communities in BC which have developed diverse commercial cores that are attractive to local shoppers and tourists were consulted to see how they attract unique retail businesses and how they have restricted money marts and fast food restaurants. The municipalities contacted were: Tofino, Qualicum, Sidney, Ladysmith, Langley [city and township] and Abbotsford.

Some of the ideas gained from that research are:

- Township of Langley limited cheque cashing facilities by altering their definition of "commercial use" in their Zoning Bylaw to exclude them and adding a definition of "cheque cashing facility".

Commercial Use means the retail sale of goods and services, servicing and repair of goods, offices, medical clinic, veterinary clinics, restaurants, financial institutions, education, recreation, entertainment and instruction uses. Excludes a highway commercial use, medical marijuana dispensary use, amusement machines unless accessory to a permitted use, arcades, pool halls, service stations, gas bars, vehicle servicing, vehicle repair shops, vehicle storage

compounds, vehicle body shops, wrecking and salvaging yards, and uses that are primarily manufacturing and warehousing, and casino halls, pawnbrokers, tattoo shop and cheque cashing facilities. Includes a U-Brew, "Food Primary Use" where licensed as a Food Primary Use by the Liquor Control Licensing Branch in accordance with the Liquor Control Licensing Act and Regulations.

Cheque Cashing Facilities means a business other than a bank or credit union regulated under the Financial Institutions Act or the Bank Act that cashes cheques for a fee or for less than the face value of the cheque.

- City of Langley made a similar distinction between banks and cheque cashing businesses. They also created a Specific Commercial Zone – C3 which permits a cheque-cashing business provided that it is located within a shopping centre and customer access to and from the premises is restricted to the enclosed pedestrian mall. This avoids having the cheque cashing facility fronting on the street.

Current licensed cheque cashing businesses in other commercial zones are now non-conforming and new cheque-cashing businesses are only able to locate within the C3 – Specific Commercial Zone.

- Tofino also defines a Financial Institution in their Zoning Bylaw,

Financial Institution means a bank, credit union, acceptance corporation, trust company, finance company or similar establishments, but excludes a stand-alone bank machine.

Within the Core Commercial District, which is oriented to the hospitality industry/tourism, Tofino does not allow drive-in restaurants. The Official Community Plan encourages locally owned small businesses but discourages large format retail chains and fast food chains.

- Ladysmith does not allow drive-thru restaurants in the downtown area and this has prevented A & W moving from their highway location to the downtown. Ladysmith does have a 'cash store' in the downtown area but required them to tone down their corporate colours and decrease the size of their signs to comply with the town's heritage theme.

Ladysmith also has a Revitalization Tax Exemption program for their downtown. When businesses make physical improvements, they are taxed at the pre-improvement value for up to ten years.

- Qualicum has successfully restricted fast food outlets by requiring that every restaurant provide table service [i.e. is serviced by waiters]. Their definition of restaurant is

Restaurant means an eating establishment providing only for the sale of unpackaged prepared foods and beverages which are consumed on the premises and which provide table service to customers seated in the premises, specifically excludes neighbourhood pubs and fast food outlets.

This restaurant definition would also prohibit pizza outlets where the food is produced on site but is not consumed on the premises.

- Sidney restricts the type of businesses that can locate on Beacon Avenue [the main

commercial street]. Offices [with the exception of real estate firms], child care facilities, and adult education facilities are prohibited on the first storey of a building abutting Beacon Ave. This ensures that the streetscape is composed of retail shops and services. Fast food restaurants are permitted but they cannot have drive-thru service.

Sidney also has detailed Development Permit guidelines for their Downtown, West Sidney and Neighbourhood commercial areas.

- Central Saanich has recently undertaken improvements to the Brentwood Bay community on West Saanich Road. The project included enhanced sidewalks, bike lanes, a roundabout and extensive lighting and landscaping in the main commercial area. These are similar to the improvements Esquimalt made several years ago to the downtown core [1100 – 1200 blocks of Esquimalt Road] and the Head/Esquimalt commercial area.

Central Saanich has also established strict design guidelines for new and existing businesses in Brentwood Bay which have resulted in several existing commercial premises changing their colour schemes to create a more modern look.

- Abbotsford has excluded cheque cashing facilities from the C7-Downtown Zone in response to concerns of the merchants and city.

ISSUES:

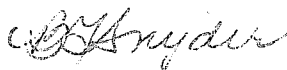
Grandfathered Businesses: If Esquimalt made changes to the Zoning Bylaw to define and exclude cheque cashing facilities, fast food or drive-thru restaurants, the existing businesses would be able to continue indefinitely as they would be “non-conforming” and protected by Section 911 of the *Local Government Act*. However, it is still worth considering limiting cheque cashing businesses as there are two other chains which are not yet located in Esquimalt.

ALTERNATIVES:

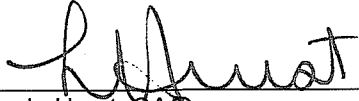
1. Amend Zoning Bylaw No. 2050 to define “commercial use”, “cheque cashing facility”, and “financial institution” so as to prohibit additional cheque cashing businesses locating in Esquimalt.
2. Do nothing and let the market decide what types of businesses, including cheque cashing facilities, will locate in Esquimalt’s commercial areas.

Alternative No. 1 is recommended.

Respectfully submitted,



Barbara Snyder
Director of Development Services

Approved for Council's consideration:

Laurie Hurst, CAO
Dated: <u>Jan 4/11</u>



Canadian Payday
Loan Association

Association canadienne
des prêteurs sur salaire

SUBMISSION TO THE TOWNSHIP OF ESQUIMALT BY THE CANADIAN PAYDAY LOAN ASSOCIATION

JANUARY 27, 2012

The Canadian Payday Loan Association ("CPLA") appreciates the opportunity to make submissions to City Council regarding your consideration to limit the number of cheque cashing and loan outlets in Esquimalt. There are many misconceptions and incorrect stereotypes about our industry. If you have never used our services, it is important that you have accurate information on our industry for your discussions.

The first misconception about the services our members offer, whether they are a cheque casher or a payday lender. These are in fact retail financial services centres. They are located where their customers work and live and are open during convenient hours unlike other financial institutions. They offer a wide range of services including:

- Cheque cashing services
- Money orders
- Money transfer
- Payday loans
- Private mailbox rentals
- Bill Payments
- Pre-paid Mastercards and Visa Cards
- Consumer loans
- Stored value Debit Cards
- Tax Preparation and Refund Services

We wish to invite each of you to have a tour of the Money Mart Outlet at 1149 Esquimalt Road Victoria, BC V9A 3N8 which was the subject of your discussion last fall.

Cheque Cashing Services

Cheque cashing is a very distinct service from payday loans.

The company will take an assignment of a customer's cheque in exchange for immediate cash for which they charge a fee.

A cheque cashing fee is on average 2.5% to 3% of the amount of the cheque. On a \$300.00 cheque that would amount to \$7.50 to \$9.00. Often there is a per item service fee of approximately \$3.00 as well.

Cheque cashing is an important financial service for those who do not have a bank account or do not wish to utilize banking services. The local employee, whether he or she works in a Starbucks or a restaurant, that receives their pay cheque on Friday afternoon may not wish to maintain a bank account at a bank and pay a monthly account fee of \$15.00 a month for the sole purpose of depositing their cheque the following Monday only to have the bank place a 10 day hold on withdrawal of the funds. They appreciate and value cheque cashing services.

Customers tend to spend their funds or a portion there of in the local area where they cash their cheques. If Esquimalt employees are forced to go into Victoria to cash their cheques that's where they will spend their funds.

Payday Loans

A payday loan is a small sum short term loan, typically \$300.00 advanced for a period on average of 10 days to coincide with the payday loan customer's next payday. These loans are unsecured and are repayable on the payday loan customers next pay date. Customers can obtain a payday loan quickly without having established a long term financial relationship as would be required by a bank, trust company or credit union.

Consumers say they value the convenience of payday loans. They are used in the case of an emergency or unexpected expense such as a car repair. If a person writes a cheque to a business such as Canadian Tire or Safeway which is sent back n.s.f. they are faced with a \$40.00 charge to the business as well as a \$45.00 n.s.f. charge from their bank regardless of the amount of that cheque. Where a customer has written cheques and because of an unexpected cash shortfall there are not funds to cover those cheques, obtaining a payday loan is an important option.

Who Uses Payday Loans and Cheque Cashing Services

There are many misconceptions about who uses this service and where outlets are located.

There have been several studies conducted on the demographics. The last extensive demographic study done on payday loan customers in British Columbia was conducted in Pollara Research in 2007¹. The study found that the average payday loan customer is 40 years old. 77% of customers were currently employed full time, more than half (53%) have completed post-secondary education (which is higher then the Canadian average) and the overall household income reported for payday loan customers in British Columbia tended to be on par with the British Columbia population.

It is important for you to be aware that unlike pawn shops, payday lenders do not target low income neighbourhoods. Financial service outlets are located in all demographic areas. You will find lenders in new retail developments. A study conducted by the City of Vancouver² found optional locations for payday lenders "are in downtown areas or other commercial nodes in proximity to other high traffic uses such as Starbucks, Blockbuster, 7-11 stores and large pizza chains, the target customer is younger and values convenience."

¹ Payday Loan Customer Survey. October, 2007 by Pollara Research – This was a survey of 400 borrowers randomly selected from a database of over 8200 names.

² City of Vancouver Payday Lending Report by Director of City Plans dated August 8, 2005.

Stores are located on Yonge Street in Toronto, St. Catharines Street in Montreal and Robson Street in Vancouver which has the highest retail rental rates in Canada. There is a lender located on the main floor of the Federal Department of Finance Building in Ottawa and their customers are employees of the Department of Finance. As stated, you find outlets in these locations because that is where their customers are.

Regulation

You may not be aware that the federal and provincial governments have recognized payday lending as a necessary financial service and have moved to regulate the industry. The CPLA very much supports this action.

On November 1, 2009 the Government of British Columbia brought into force the Business Practice and Consumer Protection (Payday Loans) Act which proscribes maximum lending rates and sets out disclosure and advertising requirements and lending conditions. Today every lender operating in British Columbia is licensed by Consumer Protection B.C.

We believe the effect of regulation is that the “bar to entry” into the industry is raised and therefore the quality and standard of operations due to competition is higher. That is certainly in evidence with the newest location in Esquimalt. The market should determine the appropriate number of outlets in your community. But furthermore we believe you should view as a “positive” these retail financial businesses that service part time and full time employed professionals, construction workers and students who not only live or work in Esquimalt but pass through your community to or from work.

About the CPLA

The CPLA was formed in 2004 by responsible financial service providers who offer the payday loan product. Because at that time the payday loan product was unregulated, members of the CPLA recognized that it was important to create industry standards of Best Business Practices to protect consumers and the reputation of the industry. It was also important to have a voice to represent the interest of the industry to sectors of government. Today the CPLA has 18 member companies representing approximately 631 stores across Canada. We have extensive research about the industry on our website at: www.cpla-acps.ca

Best regards,

Stan

Hon. Stan Keyes, P.C.
President
Canadian Payday Loan Association
Association canadienne des prêteurs sur salaire
25 Main Street West, Suite 1600
Hamilton, ON L8P 1H1
Tel: 905-522-CPLA (2752) / Cell: 905-645-4434
Fax: 905-522-2310



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: February 13, 2012

STAFF REPORT

DATE: February 7, 2012 **REPORT NO.** FIRE-12-003
TO: Laurie Hurst, Chief Administrative Officer
FROM: David Ward, Fire Chief
SUBJECT: Fire Services Mutual Aid Agreement with DND

RECOMMENDATION:

That Council approve entering into a Memorandum of Understanding (MOU) between the Department of National Defence (As Represented by Canadian Forces Base Esquimalt) (DND) and the Township of Esquimalt, and authorizes the execution of the MOU substantially in the form attached to Staff Report FIRE-11-009.

BACKGROUND:

In past years Esquimalt Fire Rescue and DND had Fire Services Mutual Aid arrangements for the provision of reciprocal mutual aid in the event of an emergency occurring in the other jurisdiction. This arrangement was modified because of an administrative decision by DND local command that CFB Esquimalt should be available 100% of the time to meet their emergencies. Although assistance from CFB Esquimalt was reduced, it was still available in an emergency where there was a threat to life safety.

Esquimalt Fire Rescue presently has mutual aid agreements in place with Saanich and Victoria Fire Departments. Because of the longer response times from each of these Departments, it makes sense to enter into a mutual aid arrangement with a Department with a strong resource base and a response time that is equal to ours.

DISCUSSION:

The main objective of the MOU is to promote an enhanced and coordinated effort to minimize loss of life and property as well as damage to the environment. This goal is accomplished through efficient use of fire services resources, in the event of mutual aid activation in response to a natural or human-made emergency.

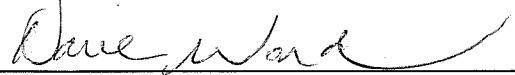
The proposed MOU will supersede and replace all previous mutual aid and fire assistance agreements between the Township of Esquimalt and DND. Further, this MOU allows for joint training at intervals predetermined by respective Fire Chiefs in order to better achieve a coordinated response. It also addresses financial liability issues and ensures that any assistance provided or reciprocated is done so on a cost neutral basis. As our staff are not trained in the complexities of ship board fire fighting, the MOU clearly identifies that Esquimalt Fire Rescue will provide support only to DND for this type of operation.

The proposed agreement has been reviewed by MIA and legal counsel who have determined that the MOU is sound and that there is no risk to the Township by entering into this Fire Services Mutual Aid Agreement with the Department of National Defence.

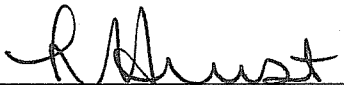
ALTERNATIVES:

1. That Council approve entering into the MOU with DND, in the form attached, as recommended by staff.
2. That Council does not support the MOU for fire fighting and that arrangements between Esquimalt Fire Rescue and DND remain as they currently are.

Submitted by:



Dave Ward
Fire Chief

Approved for Council's consideration:


Laurie Hurst, CAO

Dated: Feb 9/12

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF NATIONAL DEFENCE
(As Represented by Canadian Forces Base Esquimalt)

AND

THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT

CONCERNING

FIRE SERVICE MUTUAL AID ARRANGEMENTS

1. INTRODUCTION, PURPOSE AND SCOPE.

1.1 This Memorandum of Understanding (MoU) is an arrangement between the Department of National Defence (DND), as represented by Canadian Forces Base (CFB) Esquimalt, and the Township of Esquimalt, hereinafter referred to as the "Participants." The MoU describes an arrangement for the provision of reciprocal mutual aid in the event of an emergency occurring in the other's jurisdiction when that Participant requests assistance.

1.2 The objective of this MoU is to promote an adequate and coordinated effort to minimize loss of life and property, as well as minimize the damage to the environment through efficient utilization of fire service resources, in the event of mutual aid activation in response to natural and/or man-made emergencies.

1.3 The MoU will also assist in providing the organizational framework necessary to effectively manage mutual aid resources within a unified incident management system.

1.4 This MoU supersedes and replaces all previous Mutual Aid and Fire Fighting Assistance Agreements between DND and the Township of Esquimalt.

1.5 This MoU is intended to record the concurrence and provide the authority of the Participants for their respective Fire Services to cooperate and support each other in the event of a mutual aid activation.

1.6 The Participants will conduct joint training at intervals to be determined by their respective Fire Chiefs throughout the year, in order to achieve a coordinated fire response in the event of any mutual aid activation.

1.7 In the event of a mutual aid activation by CFB Esquimalt Fire Department for a ship board emergency, the Township of Esquimalt Fire Department will only provide dock side firefighting support.

2. LEGAL DISCLAIMER.

2.1 The Participants concur that they will fully respect the scope, intent and meaning of all sections of this MoU. This MoU is not intended to create any binding legal or contractual obligations.

2.2 The Participants acknowledge that this MoU is not legally binding and places no legal obligation on the Participants.

2.3 For the purposes of this MoU, any reference to DND is a reference to the Crown.

3. ASSISTANCE NOTIFICATION PROCEDURE

3.1 In an emergency occurring in the other's jurisdiction, the Participants will respond to mutual aid requests with such fire service support and resources as may be made available without undue prejudice to their own jurisdiction.

3.2 The Participants will cooperatively develop and maintain detailed Standard Operating Guidelines (SOGs) particular to the needs of the Participants and in keeping with the spirit and intent of the of this arrangement.

3.3 The Senior Fire Officers, or designates, may refuse to supply the requested response for assistance, if such response personnel, apparatus or equipment are required to provide fire protection or other emergency services in their own jurisdiction.

3.4 Similarly, the Senior Fire Officers, or designates, may order the return of such apparatus, equipment or personnel that is responding to, or is at the scene of a mutual aid activation, if it is required to provide fire protection or other emergency services in their own jurisdiction.

4. RESPONSIBILITIES

4.1 At the emergency site, the responding Fire Department will remain under the direction of its own Senior On-scene Fire Officer who will place himself or herself at the disposal of the Senior On-scene Fire Officer of the requesting Fire Department.

4.2 Where practical, reasonable and authorized, the Participants will provide each other with information copies of Mutual Aid Activation and Fire Reports as soon as practicable after any emergency response to the other's jurisdiction.

4.3 Where there may be any conflict between the Township of Esquimalt Fire Department regulations and DND regulations, DND regulations will have precedence for DND, and Township of Esquimalt Fire Department regulations will have precedence for Township of Esquimalt Fire Department personnel.

4.4 Where either Participant may be involved in a labour strike or lock-out, nothing in this MoU will require the other to provide fire-fighting services outside their own jurisdiction.

5. FINANCIAL PROVISIONS

5.1 This MoU will not impose any financial responsibilities on the Participants, except that each Participant will be responsible for the funding costs it incurs in its own interest related to the support of the MoU.

5.2 Mutual assistance will be provided on a reciprocal, no cost basis.

6. LIABILITY

6.1 Each Participant waives all claims against the other Participant for injury to or death of its personnel and for damage to or loss of its property caused by personnel or agents (which do not include contractors) of the other Participant. If, however, such injury, death, damage, or loss results from reckless acts or reckless omissions, willful misconduct, or gross negligence of a Participant's personnel or agents, the cost of any liability will be borne by that Participant alone.

6.2 Claims from any other persons for injury, death, damage, or loss of any kind will be processed by the most appropriate Participant, as determined by the Participants. Any costs determined to be owed to the claimant(s) will be borne by the Participants in such proportions as determined by the Participants at that time. If, however, such injury, death, damage, or loss results from reckless acts or reckless omissions, willful misconduct, or gross negligence of a Participant's personnel or agents (which do not include contractors), the cost of any liability will be borne by that Participant alone.

7. REPRESENTATIVES

7.1 The Participants' representatives for all matters pertaining to this MoU will be the Fire Chief, CFB Esquimalt and the Fire Chief, Township of Esquimalt. Their names and contact information is:

Steve E. Mullen
Fire Chief
CFB Esquimalt
P.O. Box 17000, Station Forces
Victoria, BC, V9A 7N2
Phone: 250-363-5854
Fax: 250-363-4722
E-mail: Steve.Mullen@forces.gc.ca

David Ward
Fire Chief
Township of Esquimalt
500 Park Place
Esquimalt BC V9A 6Z9
Phone: 250-414-7125
Fax: 250-414-7115
David.ward@esquimalt.ca

8. SETTLEMENT OF DISPUTES

8.1 Any disputes concerning the interpretation or implementation of this MoU will be resolved only through consultation between the Participants and will not be referred to a court, tribunal or any other third party for settlement.

9. AMENDMENT

9.1 This MoU may be amended only with the mutual written consent of the Participants.

10. REVIEW, DURATION, WITHDRAWAL AND TERMINATION

10.1 This MoU will be reviewed periodically as mutually determined by the Participants and will remain in effect until 1 November 2021.

10.2 Either Participant may withdraw from this MoU on presentation of a 30-day written notice to the other Participant.

10.3 This MoU may be terminated, effective immediately, with the mutual written consent of the Participants.

10.4 Notwithstanding paragraphs 10.2 and 10.3, DND may withdraw from this MoU, without notice, at the sole discretion of DND, when military requirements so demand.

10.5 Any responsibilities incurred by a Participant during the active period of this MOU will remain that Participant's responsibility until fulfilled, notwithstanding withdrawal from, termination or expiry of this MOU.

11. EFFECTIVE DATE AND SIGNATURE

11.1 This MoU becomes effective on the date of the later signature.

For The Municipality of Esquimalt, British Columbia,

Barbara Desjardins
Mayor of the Township of Esquimalt

D. Ward, Fire Chief

Date: _____

Date: _____

For The Department of National Defence,

C.A. Baines
Captain (Navy)
Commander
CFB Esquimalt

S.E. Mullen, Fire Chief

Date: _____

Date: _____



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: February 13, 2012

STAFF REPORT

DATE: February 7th, 2012 Report No. DEV-12-008
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: Amendment to Subdivision and Development Control Bylaw No. 2175

RECOMMENDATION:

1. That Bylaw 2175 cited as 'Subdivision and Development Control Bylaw 1997' be amended by the addition of the following words and figures in Part 4 – Approvals:

"7.04 Each application for Subdivision shall include Civil Engineering drawings showing the proposed location of any required works and services and demonstrating that the servicing can be achieved in accordance with the Municipality's standards. This requirement for Civil Engineering drawings also applies to building permit applications where any new works and services are required."

2. That staff be directed to prepare the necessary amending bylaw, information brochure and policy document described on page 2.

BACKGROUND:

Over the past year, there have been several instances where the owners/developers of small infill projects have not been aware that, once their rezoning or development permit applications are approved, they are required to provide works and services such as sanitary sewer and storm drain connections, water and hydro services before their property can be subdivided and in some cases, before a building permit can be issued. New services may also be required where a residence is being relocated or extensively renovated.

Where services are required, the owner/developer must provide civil engineering drawings showing how and where those services will be installed. Those drawings are then reviewed by Esquimalt's engineering staff to ensure the servicing will meet municipal standards.

The intent is that the owner/developer who benefits from the rezoning and subdivision of their land pays the costs of servicing the new parcels [i.e. that these costs do not become the responsibility of other residents].

There are three steps in realizing new development:

1. Rezoning / Development Permit application
 - controls the land use, exterior appearance of the buildings and landscaping of the site.
 - architectural drawings, landscape plans, and site plans are required.
 - Council approves these applications.
2. Subdivision application
 - ensures that the size and shape of new parcels comply with the zoning regulations and that required services such as sewers, storm drains, water, and hydro are provided and that road improvements are completed.
 - new survey of the property and civil engineering drawings for services are required.
 - Approving Officer approves these applications.
3. Building Permit application
 - ensures that new buildings and renovations comply with the BC Building and Plumbing Codes.
 - detailed architectural plans are required.
 - Building Inspector approves these applications.

ISSUES:

The Subdivision and Servicing Bylaw [No. 2175] establishes standards for the works and services that must be installed to serve subdivisions and building projects. Including schedules and appendices, Bylaw No. 2175 is 200 pages in length which means that owners/developers do not read it thoroughly before making applications for development. Firms who have previously done development, whether with Esquimalt or other municipalities, are familiar with the need to provide engineered drawings, but smaller, first time developers often are not aware of this requirement.

As the cost of servicing a small infill project can be substantial, this is something property owners need to consider to determine whether their rezoning proposal is actually feasible should it be approved, and to alert them that they are responsible for hiring an engineer to provide civil drawings.

Development Services and Engineering staff have discussed how we could bring the need for civil engineering drawings to the attention of property owners and developers earlier in the development approval process, and the following actions are being considered:

1. Staff to mention this requirement during the initial conversations about potential developments [this is taking place already].
2. Information brochure and flow chart highlighting this requirement could be prepared and given to developers.
3. New policy that clearly identifies the requirement for civil engineering drawings and at what stage in the development process they are required to be submitted. Also included in this policy would be the internal process for reviewing these drawings.

4. Amendment to Part 4 – Approvals of the Subdivision and Development Bylaw by adding the following clause:

“7.04 Each application for Subdivision shall include Civil Engineering drawings showing the proposed location of any required works and services and demonstrating that the servicing can be achieved in accordance with the Municipality’s standards. This requirement for Civil Engineering drawings also applies to building permit applications where any new works and services are required.”

Having this clause near the front of the Subdivision and Development Control Bylaw and specifically on the “Approvals” page is intended to alert readers to this requirement.

ALTERNATIVES:

1. Prepare the documents identified above for distribution to prospective developers and amend Bylaw No. 2175 as noted above to create a greater awareness of the need for civil engineering drawings earlier in the application process.
2. Maintain the status quo and mention the need for drawings and hope that developers remember this when it comes time to subdivide their property or apply for building permits.

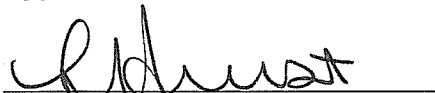
Alternative 1) is recommended.

Respectfully submitted,



Barbara Snyder
Director of Development Services

Approved for Council’s consideration:



Laurie Hurst, CAO

Dated: Feb 9/12



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: February 13, 2012

STAFF REPORT

DATE: February 7, 2012 Report No. DEV-12-012

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner
Barbara Snyder, Director, Development Services

SUBJECT: DEVELOPMENT PERMIT
521-529 Comerford Street
[Lot 266, Suburban Lot 40, Esquimalt District, Plan 2854]
[Lot 267, Suburban Lot 40, Esquimalt District, Plan 2854]

RECOMMENDATION:

That the application for a Development Permit limiting the form and character of development to that shown on architectural plans provided by Vic Davies Architect stamped "Received January 10, 2012", and sited as detailed on the survey plan prepared by Powell and Associates, BC Land Surveyors, stamped "Received December 2, 2011", and including the following relaxations to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, for the proposed development located at Lot 266, Suburban Lot 40, Esquimalt District, Plan 2854 and Lot 267, Suburban Lot 40, Esquimalt District, Plan 2854 [521-529 Comerford Street], be forwarded to Council with a **recommendation of approval** subject to appropriate notification being completed, a Variance Hearing being held, and a Development Permit being returned to Council for consideration.

Zoning Bylaw, 1992, No. 2050, Section 24 (1) – Visibility at Intersections – an exemption from the requirement that there shall be no obstruction to the line of vision by Buildings, Structures or vegetation between the heights of 1 metre and 3 metres above the established grade of streets within an area bounded by the centre lines of intersecting streets and a line joining a point on each of the centre lines 25 metres from their intersection.

Parking Bylaw, 1992, No. 2011, Section 11(1) – Visitor Parking – a reduction in the required number of dedicated visitor parking spaces from 1 of every 4 to 1 of every 8 [i.e. from a total of 12 visitor spaces to 6 visitor spaces]

Parking Bylaw, 1992, No. 2011, Section 13(1)(a)(v) – Number Of Off-Street Parking Spaces – a reduction in the required number of parking spaces from 1.3 spaces per dwelling unit to 0.64 spaces per dwelling unit [i.e. from a total of 45 spaces to 22 spaces].

BACKGROUND:

Context

Applicant: Urban Core Ventures [Leonard Cole]
Owner: Robert and Marlene Lewis
Property Size: Metric: 685 m² Imperial: 7373 ft²
Existing Land Use: Three Family Dwelling
Surrounding Land Uses: South: Two Family/ Single Family Residential
East: Institutional [Public Safety Building]
North: Commercial
West: Commercial
Existing Zoning: C-3 [Core Commercial] [No change required]

Existing OCP Designation: Commercial Mixed-Use [No change required]

Purpose of the Application

The applicant is proposing to assemble two parcels and build a new 35 unit [34 residential, 1 commercial], 4 storey, mixed-use, building at the northeast corner of Comerford Street and Carlisle Avenue including 9 accessible residential units. This site is located within Development Permit Area No. 2 – Commercial; therefore a development permit is required to ensure the application meets the intent of the guidelines contained in Section 2.3 and Section 9.4 of the Township's Official Community Plan.

Comments from Advisory Planning Commission

This application was considered at the regular meeting of APC held on January 17, 2012. Members indicated the form and character of the building was acceptable however, the majority of members raised concerns relating to the proposed reduction to the parking requirement. Members commented that the area currently has limited on-street parking available. Members indicated that it was overly optimistic to hope that buyers would not require parking and that vehicles associated with this building would add congestion to the local streets and create conflicts with existing residents. Concerns regarding the effect parking congestion would have on the economic development of the area were also raised. The application was forwarded to Council with a **recommendation of denial**.

Comments from Other Departments

The plans for this proposal were circulated to other departments and the following comments were received:

Parks Services: Parks staff have reviewed the updated streetscape plan. Tree removal permits will be required for three municipal boulevard trees. Tree removal must be completed by the municipal arborist. Tree replacement with species approved by the Parks Manager in the locations identified on the approved site plan will be required.

Police Services: Victoria Police have no objections to the proposed development, however, Police staff have confirmed that the Victoria Police Canine Unit resides within the Esquimalt Public Safety Building and there are no plans to move this unit in the foreseeable future. Police staff recommend appropriate noise mitigation measures be taken as part of the proposed design and that the applicant be made aware that the dogs are exercised at night.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the 35 unit, commercial mixed use building, proposed to be located at 521-529 Comerford 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 should the application be approved and detailed civil engineering drawings are submitted as part of a building permit application.

Note: All projects are subject to compliance with the building, electrical and plumbing codes; Subdivision and Development Control Bylaw No. 2175; and fire and safety standards.

ISSUES:

Zoning

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 C-3 [Core Commercial] zone.

	C-3 Zone	521-529 Comerford Street
Lot Coverage	100% [80% above 2 nd Floor]	100% [80%]
Building Height	13 m	13 m
Setbacks		
• Front	0 m [Subject to Visibility at Intersection Requirement]	0 m
• Rear	0 m	0 m
• Side	0 m	0 m
Minimum Unit Size	30 sqm	30 sqm
Off Street Parking	46 spaces	23 spaces

The parking analysis revealed that the proposed commercial unit would require 1 dedicated parking space and the 34 residential units would require 45 dedicated spaces [34 x 1.3 parking ratio = 45]. The applicant has met the commercial requirement as well as the Disabled Persons parking requirement however, provided residential parking is at a ratio of only 0.64 [22 spaces] therefore a variance is required.

Official Community Plan

The Official Community Plan contains policies in Sections 2.3 and 9.4 encouraging a vibrant Esquimalt Village which successfully integrates commercial, public and residential activity as well as encouraging the growth in the tax base through the redevelopment of commercial sites with a mix of ground level commercial and upper level residential uses. Furthermore, OCP Section 2.2.1(a) states that the Township will work toward a more “complete community” by maintaining a healthy mixture of housing types, accommodating people with a wide range of

income levels. This proposal is focused toward singles and couples who often require less space than families with children. The inclusion of 9 accessible housing units expands the potential client base and provides a needed housing option for local area residents.

Building Design: The building design is for a 35 unit, 4 storey mixed-use building incorporating a combination of hardie panel, hardie plank and corrugated metal cladding combined with numerous vinyl clad windows, and metal flashing. The commercial space is differentiated by slate tile cladding and commercial glazing. Other building features include metal grill fencing securing the grade level parking garage and a roof top patio for the use of residents. Bicycle storage and storage lockers would be available for every unit.

This proposal is consistent with the land use designation of properties located to the south, as development up to 4 storeys could be supported on properties located between Carlisle Avenue and Lyall Street if existing lands were consolidated creating lots big enough to support the multiple family residential siting requirements.

Fit with Neighbourhood: The subject property is located in a neighbourhood of mixed architectural styles of commercial, and institutional, single family homes, and duplexes. The proposed mixed-use building compliments the character of the neighbouring commercial building located at 1245 Esquimalt Road and creates a definitive edge between the commercial and residential uses within the Esquimalt Village.

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

Landscaping: OCP policy 2.3.3.1 (g) states it is the Township's intention to create a clearly defined, well landscaped and well lit pedestrian network throughout the Esquimalt Village. As the proposed building covers virtually 100% of the site, the only opportunity for landscaping enhancement occurs in the public realm adjacent to the building. Should this proposal be approved, the applicant would be responsible for installing new sidewalk along both the Comerford Street and Carlisle Avenue frontages. The applicant is proposing the installation of replacement street trees in grass boulevards separating the pedestrian and vehicular realms. Planting beds and shrubs adjacent to the building would soften the two street facades and enhance the aesthetics of the corner.

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

Public Notification

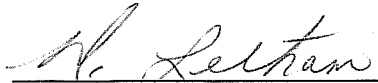
As this proposal involves variances, should this be forwarded to Council, notices would be mailed to owners and tenants of properties within 50 metres [164 ft.] of the subject property advising them of the date, time and location when Council would consider the application.

ALTERNATIVES:

1. Forward the application for Development Permit to Council with a recommendation of approval.
2. Postpone consideration of the application to allow the applicant to make changes to the proposal or provide additional information.

3. Forward the application for Development Permit to Council with a recommendation of denial.

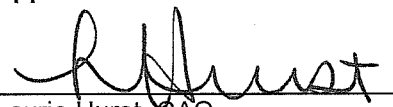
Alternative 1) is recommended.



for Trevor Parkes
Senior Planner



Barbara Snyder
Director of Development Services

Approved for Council's consideration:


Laurie Hurst, CAO
Dated: Feb 9/12



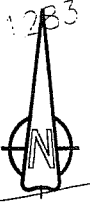
1264

1258

GRENVILLE AVE

1294 1290

1285 1283



1250

1248
1246
1244

1234

1230

ESQUIMALT ROAD

1265

1253

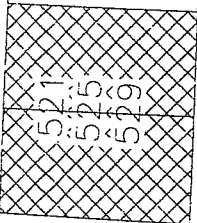
COMERFORD ST

1249

1245

1241
1243

1237
1239



521
525
529

POLICE
FIRE
500

510

PARK PLACE

1235

520 526 540

506 508 516

505 511 517

1225
1227

1223A
1223B

1221

1219

1217

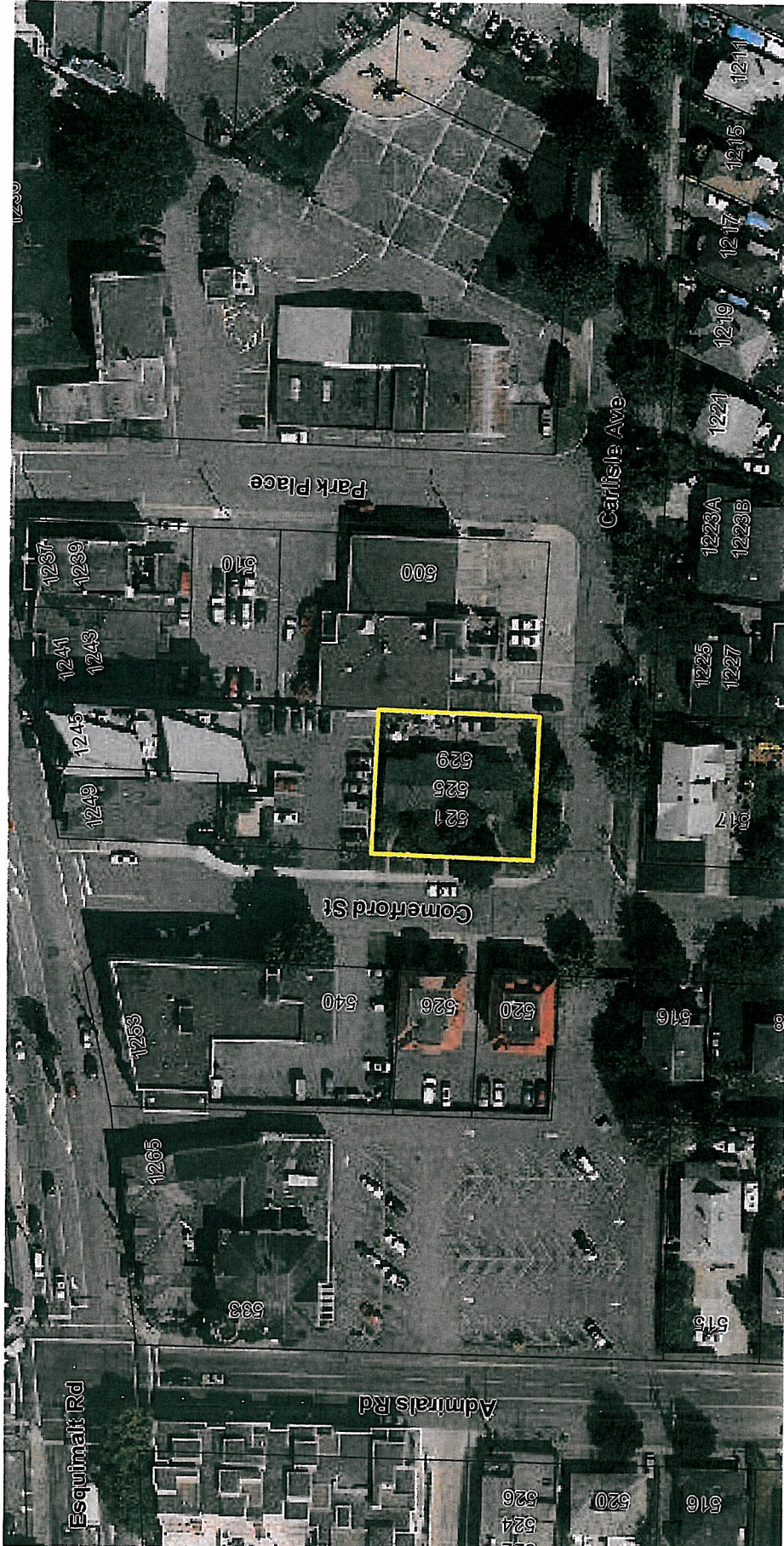
1215

CARLISLE

42

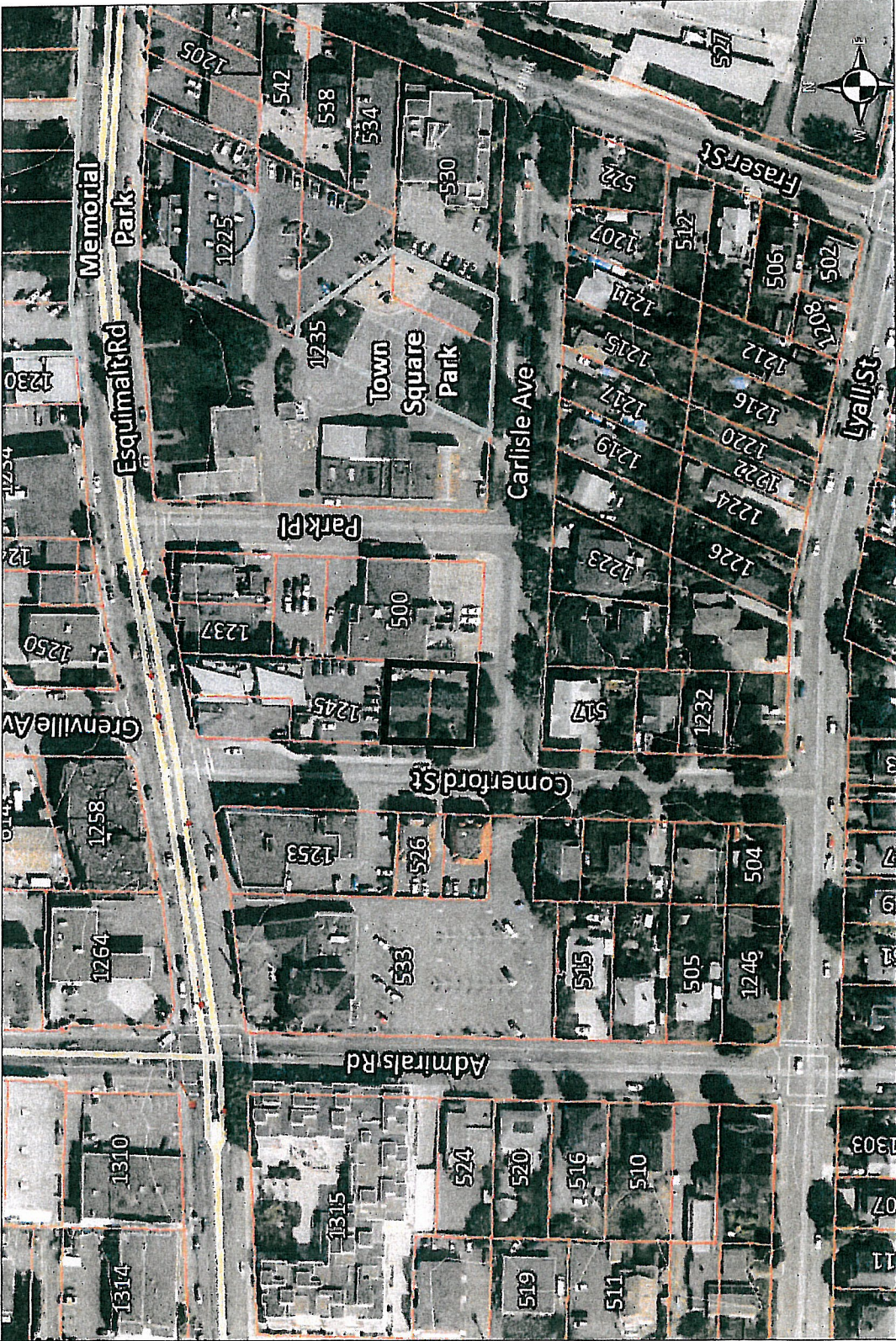
**SUBJECT PROPERTY MAP
529 COMERFORD STREET**

521-529 Comerford Street



Subject Property Boundary: 

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 OF ESQUIMALT
 DEVELOPMENT & ENGINEERING SERVICES

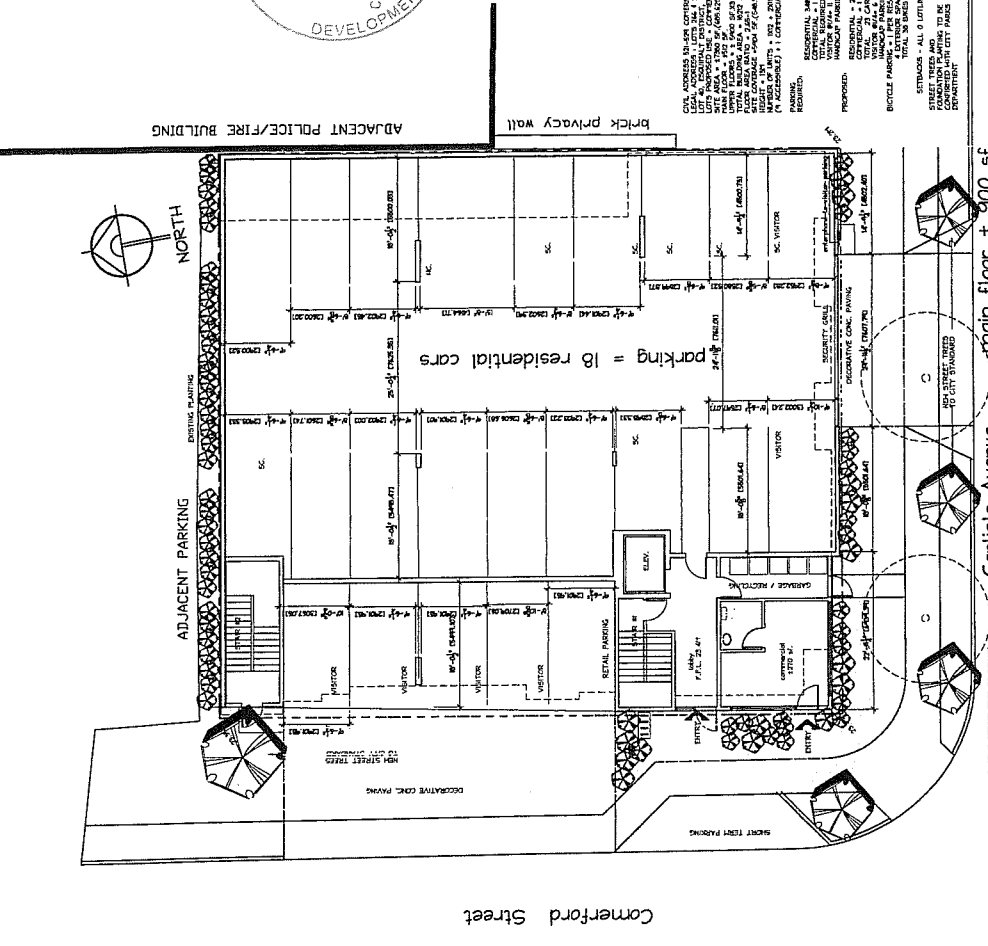


Project: ESQUIMALT COMMERCIAL RESIDENTIAL
 Drawing: AERIAL PLAN
 Scale: 1/8" = 100'
 Date: 08/27/11
 Drawn By: [Blank]
 Job No.: 2011-5
 Rev.: [Blank]
 Eng. No.: [Blank]
 AIJ

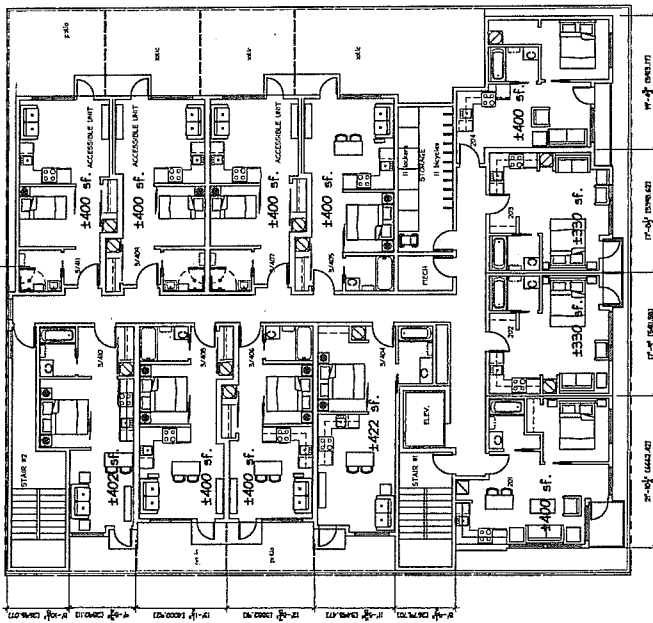
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① MAIN FLOOR PLAN SCALE 1/8" = 1'-0"

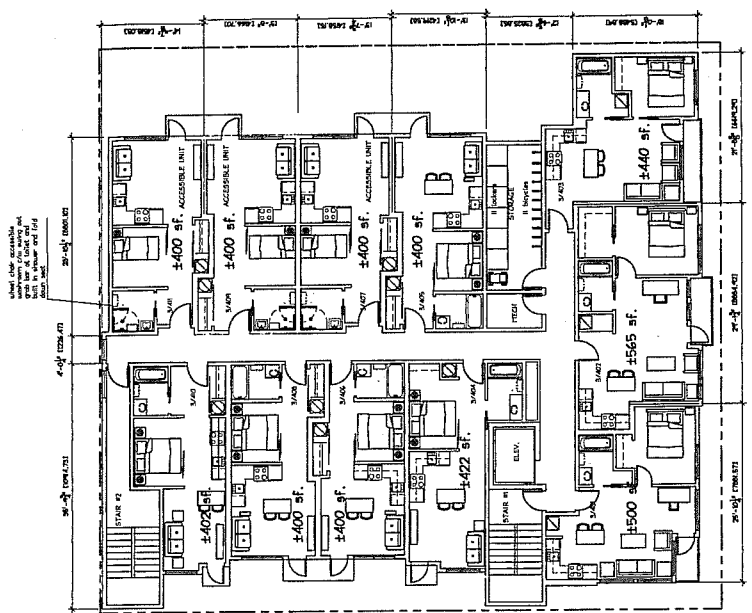


② SECOND FLOOR PLAN SCALE 1/8" = 1'-0"

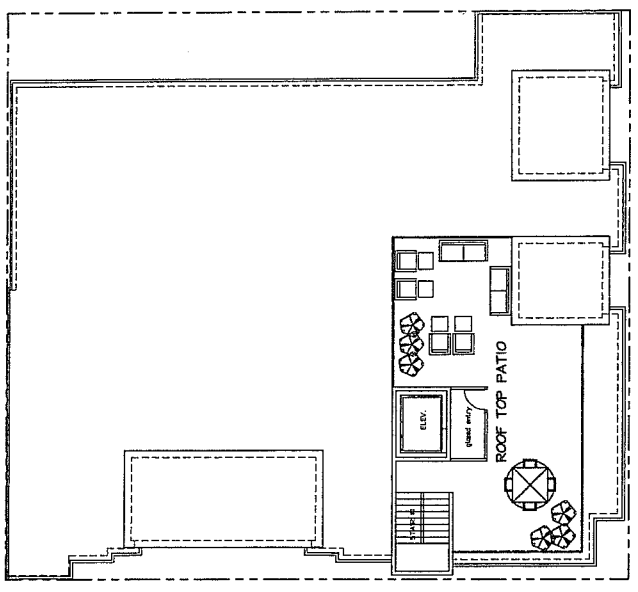
DATE APPROVED: 11/16/11
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 UNIT #1005-1008 (4 UNITS)
 UNIT #1009-1012 (4 UNITS)
 UNIT #1013-1016 (4 UNITS)
 UNIT #1017-1020 (4 UNITS)
 TOTAL UNITS: 20
 UNIT #1000-1004: 3,400 SF (5 UNITS)
 UNIT #1005-1008: 3,400 SF (4 UNITS)
 UNIT #1009-1012: 3,400 SF (4 UNITS)
 UNIT #1013-1016: 3,400 SF (4 UNITS)
 UNIT #1017-1020: 3,400 SF (4 UNITS)
 TOTAL AREA: 68,000 SF
 UNIT #1000-1004: 12,200 SF
 UNIT #1005-1008: 13,600 SF
 UNIT #1009-1012: 13,600 SF
 UNIT #1013-1016: 13,600 SF
 UNIT #1017-1020: 13,600 SF
 TOTAL AREA: 68,000 SF
 UNIT #1000-1004: 12,200 SF
 UNIT #1005-1008: 13,600 SF
 UNIT #1009-1012: 13,600 SF
 UNIT #1013-1016: 13,600 SF
 UNIT #1017-1020: 13,600 SF
 TOTAL AREA: 68,000 SF

ESQUIMAULT COMMERCIAL RESIDENTIAL
 PROJECT: ESQUIMAULT COMMERCIAL RESIDENTIAL
 DRAWING: MAIN FLOOR SECOND FLOOR PLANS
 SCALE: 1/8" = 1'-0"
 DATE: 12/21/11
 DESIGNED BY: DEAN BISHOP
 CHECKED BY: A2.1
 TITLE: A2.1

No.	Date	Issue
1	11/16/11	ISSUED FOR DEVELOPMENT PERMIT
2	11/16/11	ISSUED FOR DEVELOPMENT PERMIT
3	11/16/11	ISSUED FOR DEVELOPMENT PERMIT
4	11/16/11	ISSUED FOR DEVELOPMENT PERMIT

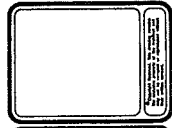


1 THIRD/FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

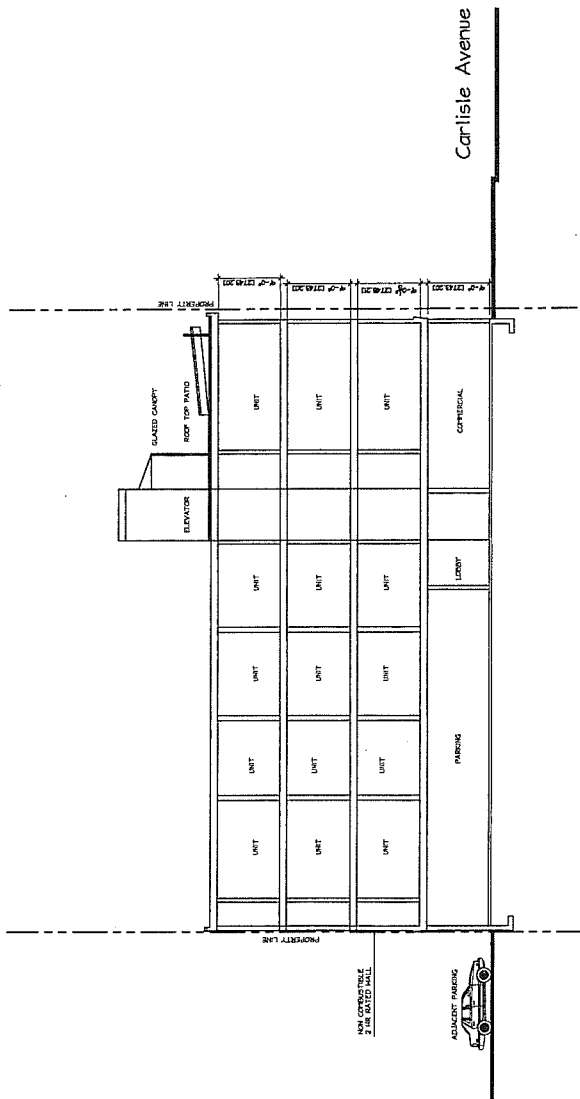


2 ROOF PLAN
SCALE: 1/8" = 1'-0"

Project: ESQUIMAULT COMMERCIAL/RESIDENTIAL
 Drawing: THIRD/FOURTH FLOOR PLANS
 Title: ROOF PLAN
 Date: 08/27/10
 Drawn By: JTB
 Checked By: JTB
 Scale: 1/8" = 1'-0"
 No. Date Issue
 1 08/27/10 ISSUED FOR DEVELOPMENT PERMIT
 2 01/10/12 REVISION FOR DEVELOPMENT PERMIT



No.	Date	Issue
1	08/27/10	ISSUED FOR DEVELOPMENT PERMIT
2	01/10/12	REVISION FOR DEVELOPMENT PERMIT



1 BUILDING SECTION
SCALE: 1/8"=1'-0"

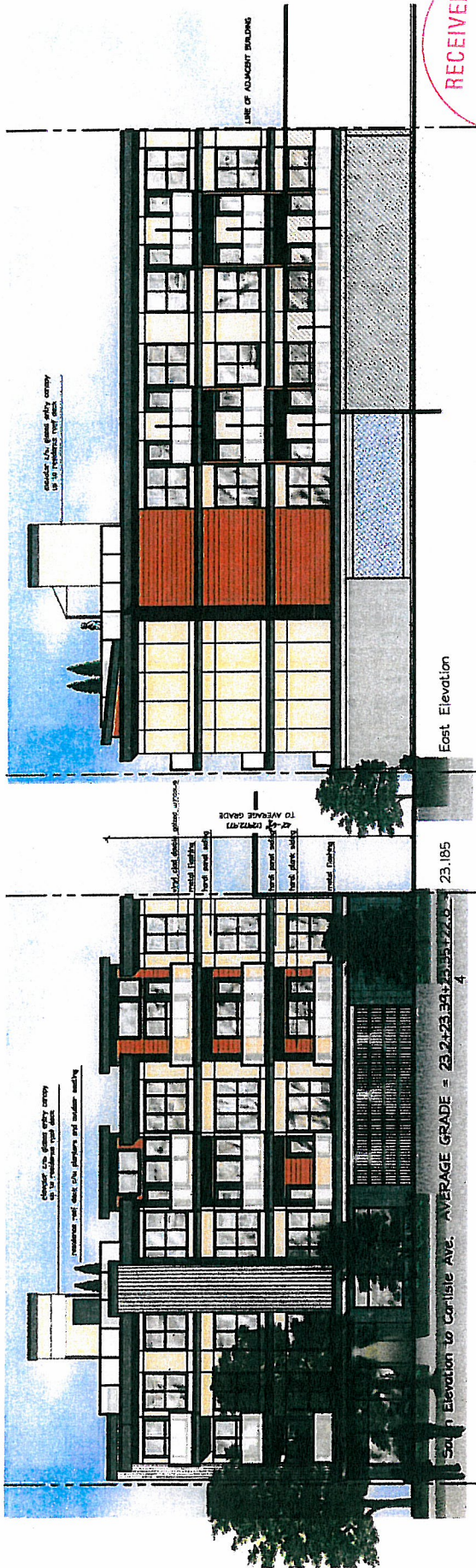


PROJECT ESQUIMAULT COMMERCIAL/RESIDENTIAL		Date: 08/11/09	Drawn: JBCB
Drawing SECTION		Job No.: 2011-05	Rev:
Scale: 1/8"=1'-0"		Comp. No.	A23

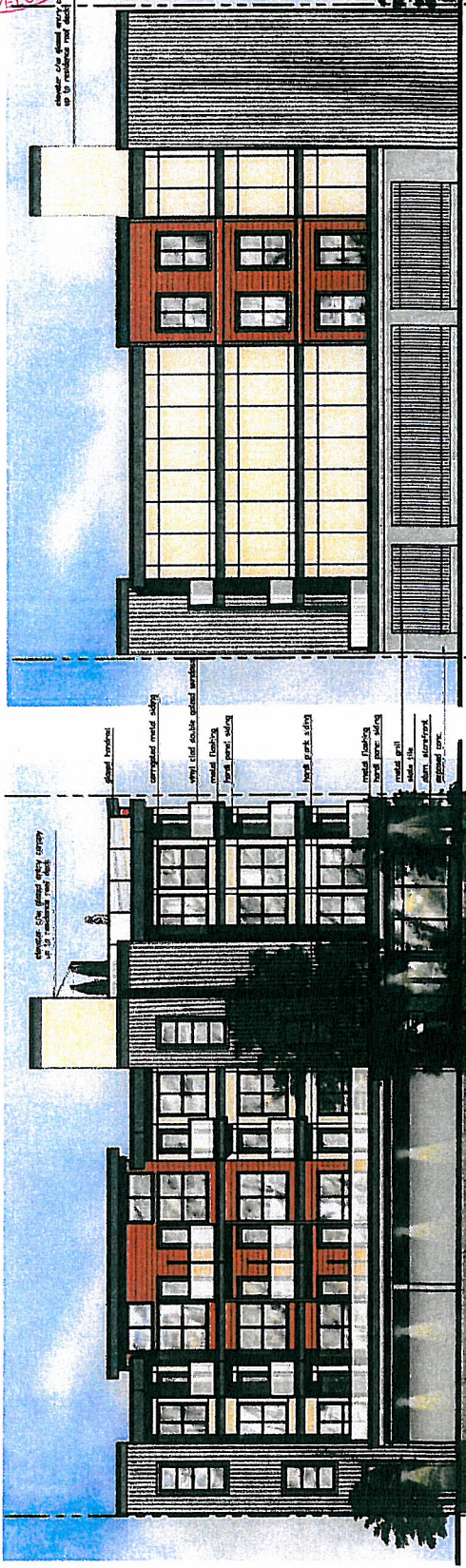
1. 1024 REQUESTED FOR D.P. 2. 1024 REQUESTED FOR DEVELOPMENT PERMIT		
No.	Date	Issue

1. 1024 REQUESTED FOR D.P. 2. 1024 REQUESTED FOR DEVELOPMENT PERMIT		
No.	Date	Issue

1. 1024 REQUESTED FOR D.P. 2. 1024 REQUESTED FOR DEVELOPMENT PERMIT		
No.	Date	Issue



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 OF ESQUIMALT
 DEVELOPMENT & ENGINEERING SERVICES



Vida
 Vic Davies Architects Ltd.
 1581 Church Avenue, Victoria, BC
 Canada, V8P 2H2
 Tel: (250) 477-4255
 Fax: (250) 477-8411
 Email: mail@vida.ca Website: www.vidavies.com

Comerford and Carlisle Development

December 15, 2011

BC LAND SURVEYORS SITE PLAN:

Showing the location of proposed new building on
Lots 266 and 267, Suburban Lot 40, Esquimalt District, Plan 2854

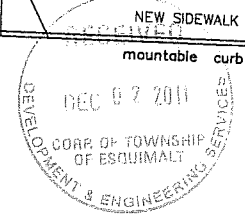
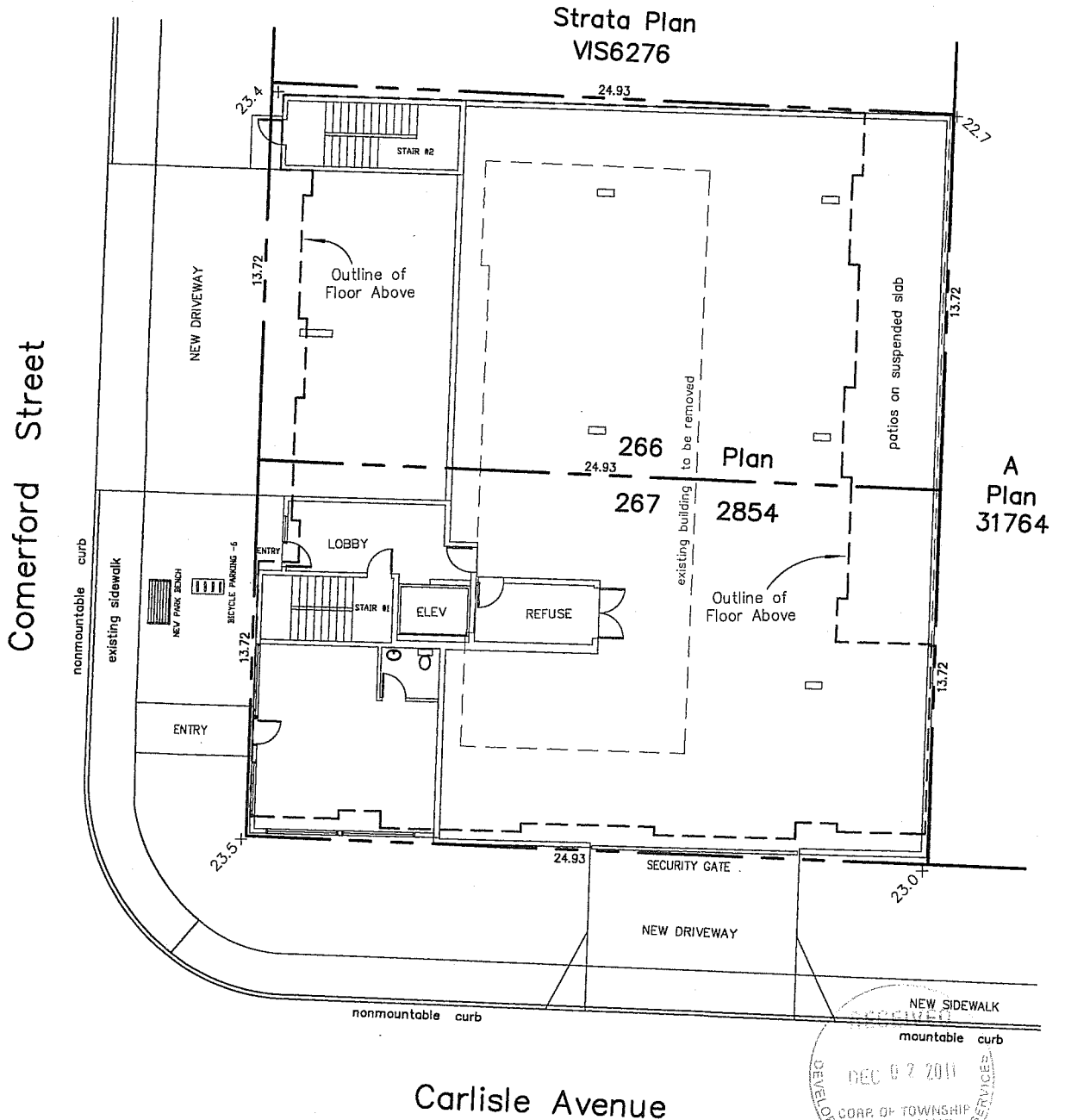
521-529 Comerford Street

Geodetic elevations, shown +00.0 (in Meters)

SCALE 1 : 150 (11x17 sheet)



All distances are shown in metres.



POWELL & ASSOCIATES
B C Land Surveyors
File: 11227-19
1227 SITE 02B.DWG

CERTIFIED CORRECT
This 14th day of September, 2011.

Alan M. Powell, BCLS



“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.”

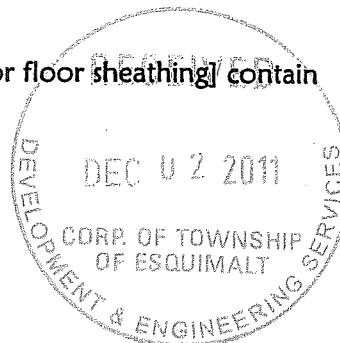
[Green Building and Development as a Public Good, Michael Buzzelli, CPRN Research Report June 2009]

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 |
| 2 | If not, have you consulted a Green Building or LEED consultant to discuss the inclusion of green features?
CANADIAN BUILT GREEN PROGRAM SILVER | 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.
BUILT USING RAINSCREEN TECHNOLOGY, ALL EXTERIOR MATERIAL ARE LOW MAINTENANCE | Yes
* | No |
| 4 | What percentage of the existing building[s], if any, will be incorporated into the new building? | 0 | % |
| 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.
ALL MATERIALS WILL BE LOCALLY SOURCED WHERE POSSIBLE | | |
| 6 | Have you considered advanced framing techniques to help reduce construction costs and increase energy savings? | Yes | No |
| 7 | Will any wood used in this project be eco-certified or produced from sustainably managed forests? If so, by which organization?
WOOD PRODUCTS WILL BE FROM SUSTAINABLE FORESTW WHERE POSSIBLE
For which parts of the building (e.g. framing, roof, sheathing etc.)? FRAMING | | |
| 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 WHERE POSSIBLE | Yes
* | No |
| 9 | List any products you are proposing that are produced using lower energy levels in manufacturing.
LOCALLY SOURCED WHERE POSSIBLE | | |
| 10 | Are you using materials which have a recycled content [e.g. roofing materials, interior doors, ceramic tiles or carpets]? | Yes
* | No |
| 11 | Will any interior products [e.g. cabinets, insulation or floor sheathing] contain formaldehyde? | Yes | No
* |



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? <small>N/A</small> | Yes | No |
| 13 | For commercial buildings, do flushes for urinals exceed BC Building Code requirements? <small>N/A</small> | Yes | No |
| 14 | Does your project use dual flush toilets and do these exceed the BC Building Code requirements? | Yes
* | No |
| 15 | Does your project exceed the BC Building Code requirements for maximum flow rates for private showers? | Yes
* | No |
| 16 | Does your project exceed the BC Building Code requirements for flow rates for kitchen and bathroom faucets? | Yes
* | No |

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. _____ | 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. <u>OIL INTERCEPTOR</u> | 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? | <table border="0" style="margin-left: auto;"> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">%</td> </tr> </table> | | | 0 | % |
| 0 | % | | | | | |

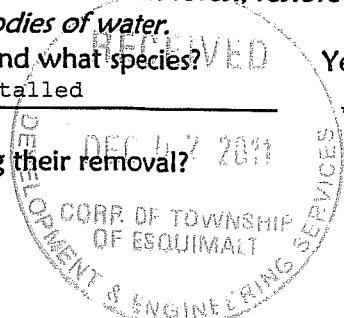
Waste water

- | | | | | |
|----|--|-----|----|----------|
| 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?
<u>1 street tree will be removed and 4 new trees installed</u> | Yes | No | N/A |
| | Could your site design be altered to save these trees? | | | |
| | Have you consulted with our Parks Department regarding their removal? | | | |

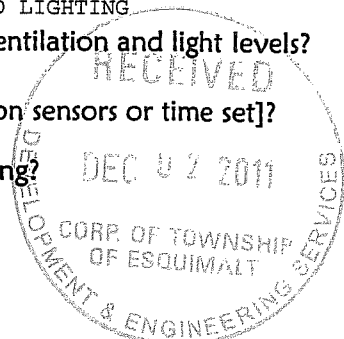


- | | | | | |
|----|--|----------|----|----------|
| 26 | Will this project add new trees to the site and increase our urban forest?
If so, how many and what species? <u>4 new street trees to parks req't</u> | Yes
* | No | N/A |
| 27 | Are trees [existing or new] being used to provide shade in summer or to buffer winds?
SHADE PEDESTRIAN WALKWAYS | Yes
* | No | N/A |
| 28 | Will any existing native vegetation on this site be protected?
If so, please describe where and how. _____ | Yes
* | No | N/A |
| 29 | Will new landscaped areas incorporate any plant species native to southern Vancouver Island?
BOULEVARD LANDSCAPING TO PARKS REQUIRMENTS | Yes
* | No | N/A |
| 30 | Will xeriscaping (i.e. the use of drought tolerant plants) be utilized in dry areas?
BOULEVARD LANDSCAPINT TO PARKS REQUIRMENTS | Yes
* | No | N/A |
| 31 | Will high efficiency irrigation systems be installed (e.g. drip irrigation; 'smart' controls)?
DRIP SYSTEM TO PARKS REQUIRMENTS | Yes
* | No | N/A |
| 32 | Have you planned to control invasive species such as Scotch broom, English ivy, Himalayan and evergreen blackberry growing on the property? | Yes | No | N/A
* |
| 33 | Will topsoil will be protected and reused on the site? | Yes | No | N/A
* |

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
* | No | N/A |
| 35 | Have you considered passive solar design principles for space heating and cooling or planned for natural day lighting?
ALL UNITS HAVE LARGE WINDOWS FOR NATURAL LIGHTING | Yes
* | No | N/A |
| 36 | Does the design and siting of buildings maximize exposure to natural light?
What percentage of interior spaces will be illuminated by sunlight? <u>80</u> % | Yes
* | No | N/A |
| 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 | No | N/A
* |
| 38 | Has the building been designed to be solar ready? | Yes
* | No | N/A |
| 39 | Have you considered using roof mounted photovoltaic panels to convert solar energy to electricity? | Yes | No | N/A
* |
| 40 | Do windows exceed the BC Building Code heat transfer coefficient standards? | Yes
* | No | N/A |
| 41 | Are energy efficient appliances being installed in this project?
If so, please describe. ALL APPLIANCES ARE ENERGY STAR | Yes
* | | |
| 42 | Will high efficiency light fixtures be used in this project?
If so, please describe. COMPACT FLUORESCENT AND LED LIGHTING | Yes
* | No | N/A |
| 43 | Will building occupants have control over thermal, ventilation and light levels? | Yes
* | No | N/A |
| 44 | Will outdoor areas have automatic lighting [i.e. motion sensors or time set]? | Yes
* | No | N/A |
| 45 | Will underground parking areas have automatic lighting? | Yes
* | No | N/A |



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 *	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>LOW VOC PAINTS USED</u>	Yes *	No	N/A
48	Will the building have windows that occupants can open?	Yes *	No	N/A
49	Will hard floor surface materials cover more than 75% of the liveable floor area?	Yes *	No	N/A
50	Will fresh air intakes be located away from air pollution sources?	Yes *	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.

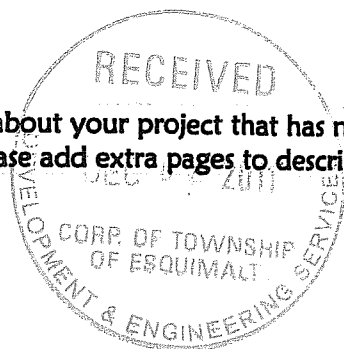
51	Will materials be recycled during demolition of existing buildings and structures? If so, please describe. <u>EXISTING BUILDING MOVED OR RECYCLED</u>	Yes *	No	N/A
52	Will materials be recycled during the construction phase? If so, please describe. <u>RECYCLING PROGRAM DURING CONSTRUCTION TO BUILT GREEN STANDARDS</u>	Yes *	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 *	No	N/A
54	For new commercial development, are you providing waste and recycling receptacles for customers?	Yes *	No	N/A

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
56	For commercial developments, are pedestrians provided with a safe path[s] through the parking areas and across vehicles accesses?	Yes *	No	N/A
57	Is access provided for those with assisted mobility devices? AUTO OPENER TO FRONT DOOR. 10 ACCESSIBLE UNITS	Yes *	No	N/A
58	Are accessible bike racks provided for visitors?	Yes *	No	N/A
59	Are secure covered bicycle parking and dedicated lockers provided for residents or employees?	Yes *	No	N/A
60	Does your development provide residents or employees with any of the following features to reduce personal automobile use [check all that apply]: <input checked="" type="checkbox"/> transit passes 3 months per unit <input type="checkbox"/> car share memberships <input type="checkbox"/> shared bicycles for short term use <input type="checkbox"/> weather protected bus shelters <input checked="" type="checkbox"/> plug-ins for electric vehicles			

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.



February 7, 2012

Township of Esquimalt
1229 Esquimalt Rd
Esquimalt, BC



Mayor and Council:

RE: Development Permit Application - 521, 525, 529 Comerford St.

I respectfully request Council's consideration of my application for a Development Permit for the above-noted property, zoned C-3 - Commercial and currently occupied by a non-conforming triplex.

Since my last application, I have reworked the project to address the concerns I heard from the Mayor, Council and the community. At the same time I have been struggling to maintain the economic viability of the project. The new proposed building is still 4 storeys with a small ground floor commercial space however I have reduced the overall number of residential units to **35** from 43 units in the first application. I have increased the size of the units and increased the number of parking stalls substantially increasing the parking ratio to **0.65** spaces per unit from 0.43 spaces per unit.

The Esquimalt Planning Department fully supports the project and it is consistent with Official Community Plan policies, the C-3 zoning and the Development Permit Area guidelines for the property. While the Advisory Planning Commission supported my original application, with the greater parking variance and number of units, they have decided not to support my new application. They have made it clear they have no issue with the building design the decision is based on parking. This is a confusing and mixed message. As I have included in this new application a support letter from a parking engineer. I have attached their original letter of support to this letter for your information.

The building, with its attractive modern aesthetic, small commercial space and housing will be a positive addition to the ongoing revitalization of Esquimalt's Village Centre and the commercial core. The project incorporates:

URBAN CORE VENTURES
12-747 PRINCESS AVE, VICTORIA BC, V8T 1K5
TEL: (250) 885 - 0190 FAX: (250) 595-0190

- Excellent design with good quality and durable materials;
- A commitment to a *Built Green*™ "Silver" certification;

- Enhanced boulevards including and new sidewalk, landscaping and irrigation;
- A roof top amenity terrace; and
- 9 units will be fully accessible for those with disabilities.
- The bulk of the units and there open concept cater to accessibility
- Price point Starting at \$139 000

My research indicates that there is a market for smaller attainable housing units in this location to address the housing needs of a variety of potential residents, including young first time owners and those wanting to downsize but stay in the community.

The project requires two variances:

1. *Relaxation of the number of parking stalls from 1.3 stalls per unit to 0.657 stalls per unit with 6 spaces designated visitor parking, note the 1 commercial space will also be available for visitor parking after office hours.*

This is critical to the viability of the project to ensure that I can achieve an affordable price point for the units. I have reworked the plans from the original submission and have been able to reduce the cost of the building so that I can still meet this objective. Neither the project economics nor the configuration of the site will support the construction of underground parking.

A number of factors support the parking variance:

- The proposed building is within the Esquimalt Village and within easy walking distance of services, businesses and public transit;
- The building design incorporates ample bicycle parking (35 secure interiors stalls and an additional 6 exterior visitor stalls) and scooter parking for residents and visitors; and
- Less parking and fewer cars support a lower carbon footprint for the building.

URBAN CORE VENTURES
12-747 PRINCESS AVE, VICTORIA BC, V8T 1K5
TEL: (250) 885 – 0190 FAX: (250) 595-0190



I have also submitted a Report from Boulevard Transportation Group the project Transportation Engineers that updates the original Traffic report and based on the unit size and nature of the This project they supports the proposed residential parking supply of 0.65 spaces per unit as appropriate for this site as the small unit size, location, and alternative travel options are expected to result in significantly decreased parking demand for this development.

As I noted in my previous application I have just completed a similar project on Fort Street, to the east of Cook Street, which has 5 parking spaces for 25 units. In my experience many residents of smaller units do not have or choose not to have private automobiles; they rely on other modes of transportation.

2. Relaxation of the technical requirement regulating obstructions to vision at street intersections.

The visibility at the corner of Carlisle and Comerford Streets will be maintained by the fact that this property has 5.48 m (18 ft) boulevards on both frontages. This ensures that good visibility will be maintained at the street corner.

I look forward to discussing my project with Council and welcome the opportunity to add to the vitality of Esquimalt's commercial core. It is my intention to begin development as soon as possible.

Sincerely,

Leonard Cole

URBAN CORE VENTURES
12-747 PRINCESS AVE, VICTORIA BC, V8T 1K5
TEL: (250) 885-0190 FAX: (250) 595-0190



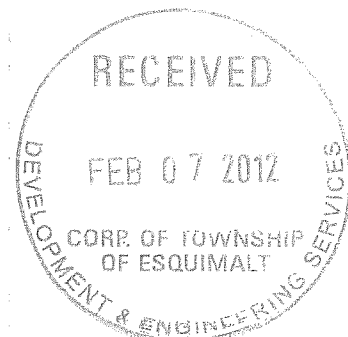
Original Advisory Planning Commission Recommendation September 20, 2011

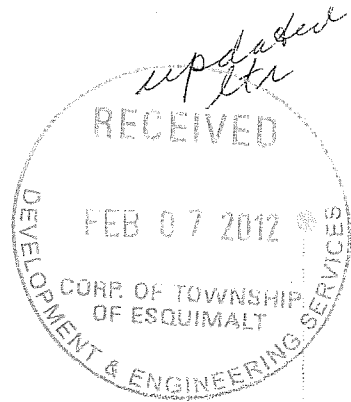
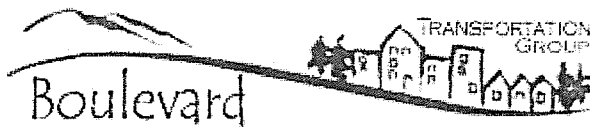
RECOMMENDATION:

Moved by Lorne Argyle, second by Wes Nelson, that the Esquimalt Advisory Planning Commission [APC] resolves that the application for a Development Permit, limiting the form and character of development to that shown on architectural plans provided by Vic Davies Architect stamped "Received September 14, 2011", and sited as detailed on the survey plan prepared Powell and Associates, BC Land Surveyors, stamped "Received September 14, 2011", and including the following relaxations to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, for the proposed development located at Lot 266, Suburban Lot 40, Esquimalt District, Plan 2854 and Lot 267, Suburban Lot 40, Esquimalt District, Plan 2854 [521-529 Comerford Street], be forwarded to Council with a **recommendation of approval**.

The Motion **CARRIED. 3 For 1 Against**

URBAN CORE VENTURES
12-747 PRINCESS AVE, VICTORIA BC, V8T 1K5
TEL: (250) 885-0190 FAX: (250) 595-0190





14 December 2011
File No. 1324

Township of Esquimalt
1229 Esquimalt Rd
Esquimalt BC V9A 3P1

Attention: Barb Snyder, Director of Development Services

Dear Madame:

RE: COMERFORD STREET PARKING STUDY, UPDATE

Boulevard Transportation Group was retained by Urban Core Ventures to undertake a parking study for a proposed development at 521/529 Comerford Street. Our initial report was dated 14 October 2011 and concluded that the development characteristics warrant a significant reduction in parking but that inconclusive data is available for outright support of the proposed residential parking variance.

The development proposal has since been revised to reflect comments from Township staff and Council, as well as suggestions related to parking from our initial study. This letter is an update to the initial report to address the revised development proposal.

Land Use

The initial proposal included 42 residential units ranging from 330 to 410 square feet and 515 square feet of retail. The updated proposal includes 34 residential units (8 fewer), but unit sizes have increased to 330 to 518 square feet. Retail land use has decreased to 270 square feet.

Parking Supply

The initial proposal included 20 parking spaces - 16 resident, two visitor, and two retail spaces. This provided for residential parking at a rate of 0.43 spaces per unit. The updated proposal includes a total of 23 parking spaces, an increase of three spaces. Parking is assigned as 16 spaces for residents, six for visitors, and one for the retail land use. This provides for commercial parking that meets the Bylaw requirement and residential parking at a rate of 0.65 spaces per unit.



Discussion

Our initial study suggested that the proposed development is appropriate for a significant parking reduction from the Bylaw requirement, all of which still apply to the revised development proposal.

- **Small Units** - Residential units are significantly smaller than typical multi-family units, which is expected to attract fewer occupants per unit and lower income occupants with lower average vehicle ownership rates.
- **Alternative Modes** - High rates of walking are expected as a result of the site's location adjacent the Esquimalt Village, and high rates of cycling and transit are expected as a result of the site's proximity to cycling routes and transit service, primarily on Esquimalt Road.
- **Proximity** - The site's location in the "Esquimalt Village" area provides for employment and shopping destinations in close proximity, as well as the likelihood of further intensification of this area as suggested in the OCP and Esquimalt Village project.
- **TDM** - Transportation demand management (TDM) elements are included beyond the Bylaw requirements to encourage alternative travel modes.
- **Accessibility** - Nine units are designed as accessible and intended for disabled and seniors. The Township requires significantly less parking for seniors units than typical multi-family.

The initial study reviewed opportunities for parking reductions offered in other communities to better reflect the parking demand characteristics of an individual site, rather than the community as a whole.

- **Downtown Location** - Of communities reviewed, a 42-70% reduction is offered for site's in a downtown area. Applied to the Township's requirement of 1.3 spaces per unit, this results in a requirement for the site of 0.39 to 0.73 spaces per unit or 13 to 25 residential spaces. The proposed parking supply is within this range.
- **Bachelor Units** - Of communities with a requirement specific to bachelor units, requirements range from 0.52 to 1.0 space per unit. Applied to the proposed development, this would result in 18 to 34 parking spaces. The proposed parking supply is within this range.
- **Saanich Example** - A recently approved multi-family development in Saanich was reviewed which provides parking at a rate of 0.60 spaces per unit. The proposed parking supply exceeds this rate slightly, although the site characteristics vary slightly in that the Saanich example is rental (lower demand) and includes two and three-bedroom units (higher demand).

Summary

The discussion is summarized from the initial parking study which suggested that the proposal's small unit sizes, location, and alternative travel options would result in significantly reduced parking demand, but could not provide quantifiable research to support a supply as low as 0.43 spaces per unit.

PAGE 2



The revised proposal includes an increase in residential parking supply to 0.65 spaces per unit, which is consistent with the recent example from Saanich and within the range of quantified rates supportable based on the large number of bachelor suites and reduction for downtown location. This study supports the proposed residential parking supply rate as appropriate for the site and land use proposed.

It should also be noted that the Township's Bylaw requirement that one of every four residential spaces is assigned for visitors is being met in order to avoid an additional variance, resulting in six visitor parking spaces. The short-term parking space located along the Comerford Street frontage may also be used by visitors of the building, particular outside of business hours. We believe this is more visitor parking than is needed at this site and will result in fewer spaces available to residents of the building. Consideration should be given to reducing the number of visitor parking spaces and adding to the supply available to residents.

Recommendations

This study supports the proposed residential parking supply of 0.65 spaces per unit as appropriate for this site as the small unit size, location, and alternative travel options are expected to result in significantly decreased parking demand. Additional consideration should also be given to reducing the number of visitor parking spaces.

Please do not hesitate to contact me if you have questions/comments with regard to this update.

Yours truly,

BOULEVARD TRANSPORTATION GROUP LTD.

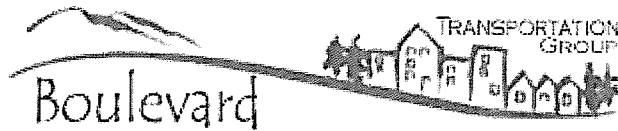
per,

Daniel Casey, MCIP, M. Plan
Transportation Planner

CC: Leonard Cole - Urban Core Ventures

PAGE 3

Unit 201 – 791 Goldstream Ave | Victoria, BC | V9B 2X5 | Ph. (250) 388-9877 | Fax. (250) 388-9879



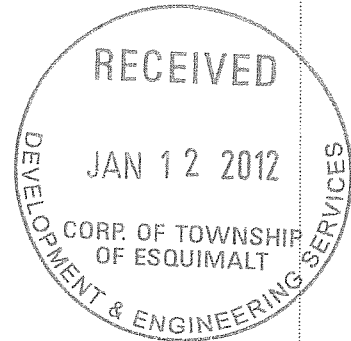
14 December 2011

File No. 1324

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1229 Esquimalt Rd
Esquimalt BC V9A 3P1

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PAGE 1



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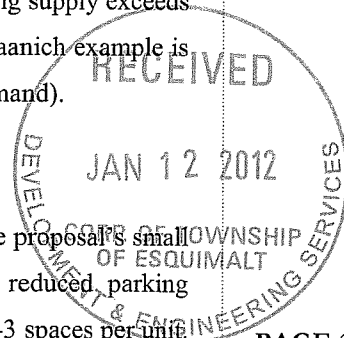
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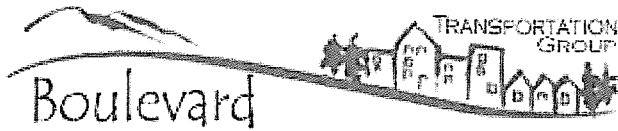
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PAGE 2



The revised proposal includes an increase in residential parking supply to 0.65 spaces per unit, which is consistent with the recent example from Saanich and within the range of quantified rates supportable based on the large number of bachelor suites and reduction for downtown location. This study supports the proposed residential parking supply rate as appropriate for the site and land use proposed.

It should also be noted that the Township's Bylaw requirement that one of every four residential spaces is assigned for visitors is being met in order to avoid an additional variance, resulting in six visitor parking spaces. The short-term parking space located along the Comerford Street frontage may also be used by visitors of the building, particular outside of business hours. We believe this is more visitor parking than is needed at this site and will result in fewer spaces available to residents of the building. Consideration should be given to reducing the number of visitor parking spaces and adding to the supply available to residents.

Recommendations

This study supports the proposed residential parking supply of 0.65 spaces per unit as appropriate for this site as the small unit size, location, and alternative travel options are expected to result in significantly decreased parking demand. Additional consideration should also be given to reducing the number of visitor parking spaces.

Please do not hesitate to contact me if you have questions/comments with regard to this update.

Yours truly,

BOULEVARD TRANSPORTATION GROUP LTD.

per,

Daniel Casey, MCIP, M. Plan
Transportation Planner

CC: Leonard Cole - Urban Core Ventures



FINAL DRAFT

COMERFORD STREET PARKING STUDY
TOWNSHIP OF ESQUIMALT, BC

Project no. 1324
14 October 2011



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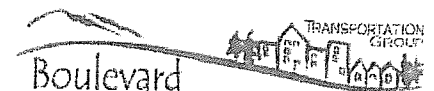
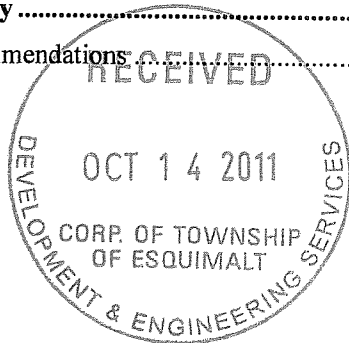
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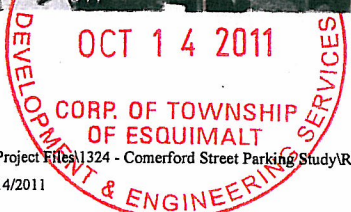
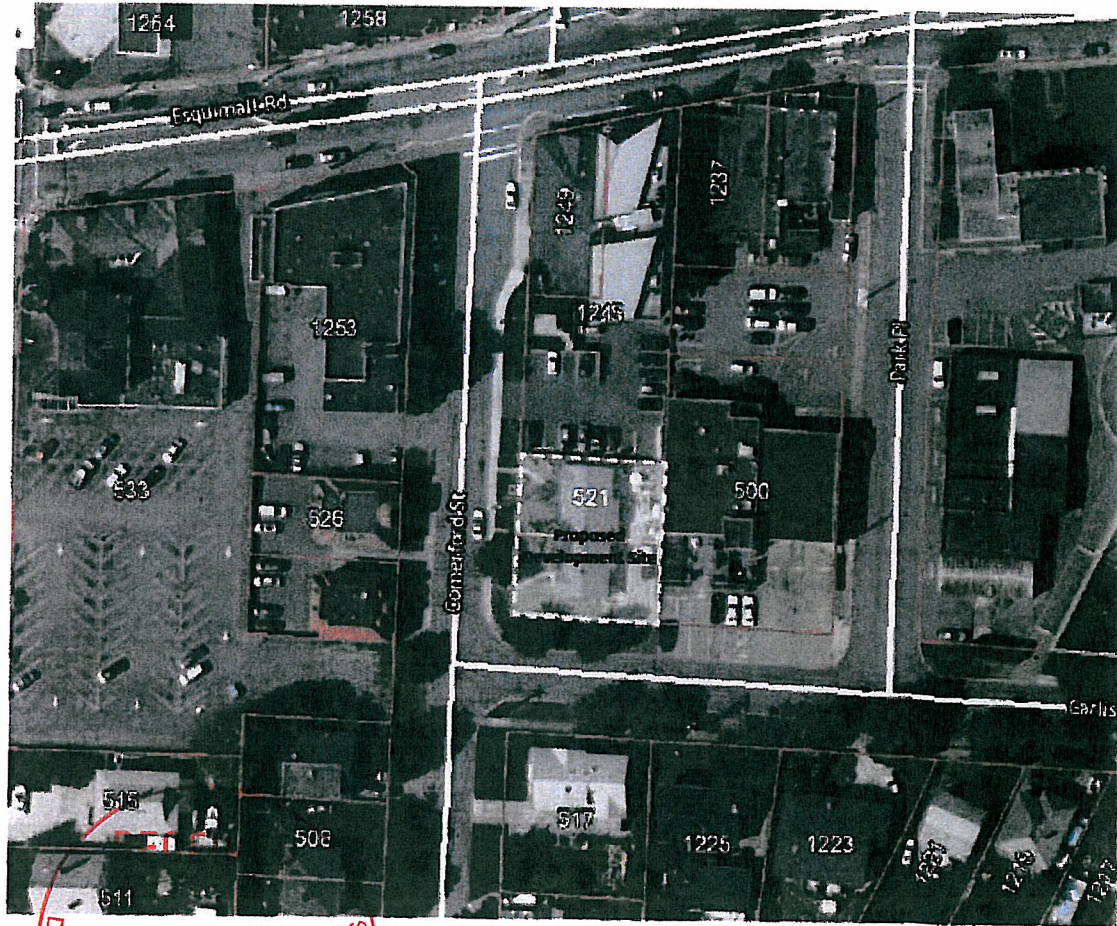
1.0 INTRODUCTION

Boulevard Transportation Group was retained by Urban Core Ventures to undertake a parking study for the proposed mixed use multi-family and commercial development on Comerford Street in Esquimalt, BC. This study reviews the proposed land use, parking supply, and provides discussion on the expected parking demand, bylaws from other communities and transportation demand management strategies (TDM).

1.1 Location

The development site is located in the Township of Esquimalt on the northeast corner of Comerford Street and Carlisle Avenue. See **Figure 1**. The surrounding area includes a commercial area, shopping centre, library, recreation centre, and restaurants. The site is easily accessed from Esquimalt Road, bus routes, and cycling routes.

Figure 1 - Study Area



2.0 PROPOSED DEVELOPMENT

2.1 Proposed Land Use

The proposed development includes 42 bachelor suites that are significantly smaller than typical multi-family units, ranging from 330 to 410 square feet. The proposal also includes 515 square feet of ground-floor commercial uses. **Table 1** outlines the floor space of the building.

Table 1 – Proposed Development Building Area

Land Use	Units	Square Footage	Square Meters
Residential	42	16,080	1,493.9
Retail	1	515	47.8
Total		16,595	1,541.7

2.2 Proposed Parking Supply

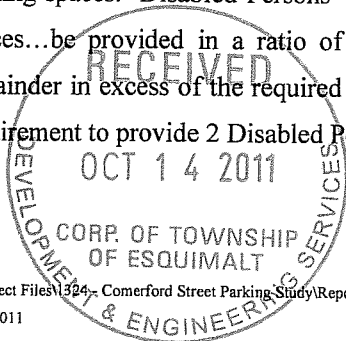
The developer is proposing 20 parking spaces, 16 for residential uses including 2 visitors parking spaces, 2 for the retail unit and 2 Disabled Persons' spaces. See **Table 2**. The developer is proposing 42 Class I bicycle parking spaces, 6 Class II parking spaces, and scooter parking.

Table 2 – Proposed Parking Supply

Area	Supply
Residential Parking (inc 2 visitors parking)	16
Retail Parking	2
Disabled Persons' Parking	2
Site Total	20

3.0 REQUIRED PARKING SUPPLY

The Township of Esquimalt's Parking Bylaw, 1992, No. 2011 requires multi-family residential land use to provide off-street parking at a rate of 1.30 spaces per unit and 1 space per 25m² for retail uses. The Township requires visitors parking to be designated at a rate of 1 space per 4 of the residential parking spaces. Disabled Persons' parking must "In any Development requiring 25 or more parking spaces...be provided in a ratio of 1 for every 50 required Parking Spaces, plus 1 space for any remainder in excess of the required number of spaces divided by 50." For this development there is a requirement to provide 2 Disabled Persons' parking spaces.



The proposed development according to the bylaw is required to provide 55 residential parking spaces, 14 of these must be designated for visitors parking, 2 retail parking spaces, and 2 Disabled Persons' parking spaces for a site total of 59. Esquimalt has a policy of reducing the parking requirement by two spaces for developments that meet the following conditions:

- 2 or more secure bicycle parking spaces are provided on-site
- Shower and change rooms are provided within the building
- 6 visitor bicycle parking spaces are provided on-site
- The building is located within 200 metres of a regional bus route.

The proposed development meets three of the four requirements. The commercial space will have a washroom facility for changing but no shower and all residents will have access to in-unit showers. The developer should receive a two space reduction for meeting these conditions. See **Table 3**.

Table 3 - Zoning Bylaw Parking Requirement

Land Use	Rate	Required Supply
Multi-family residential	1.30 spaces per unit	55
Retail Parking	1 per 25 m ²	2
Disabled Person's Parking	1 per 50 spaces + 1 for remainder	2
Alternative Modes Reduction		- 2
Total		57

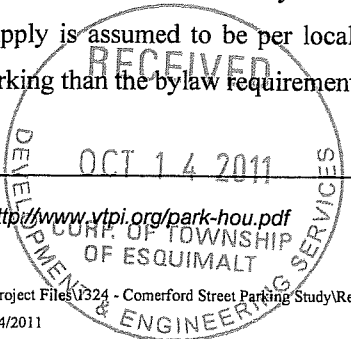
The developer is proposing 20 spaces for the site, 37 spaces fewer than the bylaw.

4.0 ESTIMATING PARKING DEMAND

4.1 Victoria Transport Policy Institute Study

A study completed in February 2011 by the Victoria Transport Policy Institute (VTPI)¹ reviewed the parking conditions of 27 multi-family residential developments in Saanich and Victoria. The sites range from 120 parking spaces to as few as fifteen parking spaces, and buildings have a variety of unit sizes and tenures. The study determined the average peak occupancy rate 54% of available supply. Supply is assumed to be per local requirements, but the study also notes that many sites supply less parking than the bylaw requirement.

¹ <http://www.vtpi.org/park-hou.pdf>



Applied to the site, 54% occupancy on the required 55 spaces (residential only) suggests peak demand will be for 30 residential parking spaces. The proposal includes 16 residential parking spaces. This presents a “worst case”, as the study also notes that supply is less than required rates for many sites.

4.2 Boulevard Observations

Boulevard Transportation Group completed a survey of seven multi-family residential rental sites in Victoria, Saanich, and Esquimalt in May 2010, to determine the peak occupancy rates. The study determined that peak period parking demand ranged from 0.52 to 0.86 vehicles per unit, with an average of 0.56 vehicles per unit. These findings suggest that the site’s peak demand will be approximately 24 vehicles, possibly lower because the proposed unit sizes are smaller and location is more central than the majority of sites observed. Summary of local observations is in **Table 4**.

Table 4 – Estimated Demand based on Local Observations

	Average Occupancy	Average Demand	Resulting Vehicles
VTPI Study	54%	-	~30
Blvd Study	-	0.56 per unit	24
Proposed Resident Parking			16

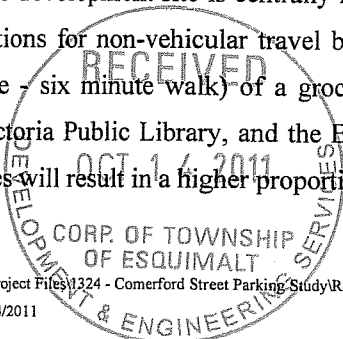
4.3 Factors Contributing to Lower Parking Demand

4.3.1 Unit Size

The units proposed in the development are small bachelor suites most suitable for only one occupant. In the unlikely event that two residents live in a single unit it would likely be a couple apt to share a vehicle, rather than two independent roommates. Additionally, as smaller suites are more affordable the unit owners often have lower incomes and are less likely to own a vehicle. The small size of the units is expected to attract fewer occupants per unit than might otherwise occupy a multi-family dwelling and lower income occupants less likely to own a vehicle, contributing to lower overall parking demand.

4.3.2 Travel Options

The development site is centrally located, with adjacent land uses that facilitate walking and attractive options for non-vehicular travel beyond Esquimalt. The development site is located within 500m (a five - six minute walk) of a grocery store, banks, restaurants, the Esquimalt branch of the Greater Victoria Public Library, and the Esquimalt Recreation Centre. See **Figure 2**. Proximity to these land uses will result in a higher proportion of walking trips.



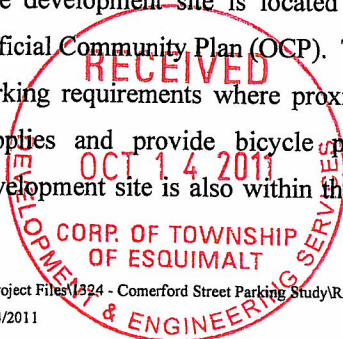
The site is also within 200m (a two – three minute walk) of regional bus #6, 10, 25, 26 which provide service to downtown Victoria, UVIC, and other locations in Esquimalt, Saanich and Victoria. The buses run regularly between approximately 6:30am and midnight Monday to Saturday, and 7am to 11pm Sunday. The site is also located on several commuter and recreational bike routes in Esquimalt, providing connections to downtown Victoria, Department of National Defence bases, and Saanich. These factors all help residents to reduce their demand for parking by allowing them to use alternative transportation for commuting, and personal trips.

Figure 2 – Site Location relative to Services and Amenities



4.3.3 Community Planning Context

The development site is located within the Esquimalt Village neighbourhood, as outlined in the Official Community Plan (OCP). The OCP supports higher density development in this area and lower parking requirements where proximate to transit. It also encourages opportunities to share parking supplies and provide bicycle parking as means to encourage alternative transportation. The development site is also within the Esquimalt Village Project study area and directly adjacent to the



Phase I section of the Esquimalt Village Project². The Esquimalt Village Project is a town centre visioning and planning exercise seeking to enhance the town centre area through development intensification, mixed land use, improved pedestrian connections, and solidifying the town centre as the heart of the community. The development and reduction in parking supply being proposed are generally consistent with objectives for this area sought in the OCP and the Esquimalt Village project. The commitment to developing the town centre shown in these two documents also suggests that the area adjacent the site will continue to intensify, providing pedestrian-supportive land uses and further improvements to alternative transportation options.

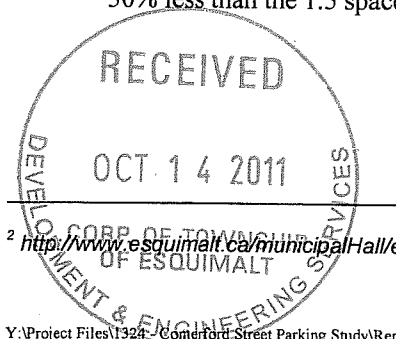
5.0 REDUCED PARKING RATES IN OTHER COMMUNITIES

A number of communities have adopted more progressive parking requirements that better reflect actual parking demand by offering reductions for locations and development types that are known to result in reduced automobile ownership. The following is a review of parking reductions offered in other communities for sites located downtown or for multi-family developments with bachelor units.

5.1 Requirement for Downtown Locations

Many communities have decreased parking requirements in their downtown areas in an effort to promote walking, reduce urban land dedicated to parking, and recognizing the reduced automobile ownership rates typical of urban areas. The following is a review of multi-family parking requirements in communities where a reduction is offered in downtown locations, as summarized in **Table 5**.

- The City of Nanaimo has a tiered parking requirement based on proximity to downtown. A bachelor unit is required to provide 0.5 spaces per unit, as opposed to 1.66 for multi-family residential outside the downtown. This represents a 70% reduction.
- In one of the downtown zones, the City of Victoria requires only 0.55 spaces per unit compared to a rate of 1.3 vehicles per unit in other areas, a 58% reduction.
- The City of Langford typically requires 1.75 parking spaces per unit for multi-family residential uses, but only one space per unit in the town centre, a 43% reduction.
- The District of Sooke has a Town Centre multi-family residential rate of 0.75 spaces per unit, 50% less than the 1.5 spaces per unit required throughout the rest of the District.



² <http://www.esquimalt.ca/municipalHall/esquimaltVillageProject/>

Table 5 –Reduced Multi-family Requirements for Downtown Sites

Community	Standard Rate	Downtown Rate	% Reduction
Nanaimo	1.66 / unit	0.50 / unit	70%
Victoria	1.30 / unit	0.55 / unit	58%
Langford	1.75 / unit	1.00 / unit	43%
Sooke	1.50 / unit	0.75 / unit	50%

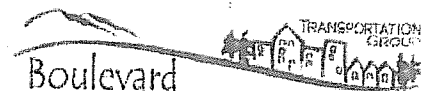
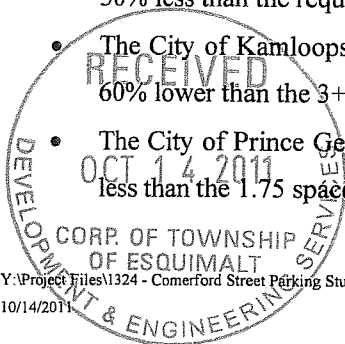
The Township does not offer a reduced parking requirement for downtown sites, however the OCP and general planning objectives suggest reductions are appropriate. The review of other communities suggests a reduction ranging from 42% to 70% is common practice. This means a parking supply rate of 0.39 to 0.74 when applied to the Township’s multi-family requirement of 1.3 spaces per unit, which would result in 17 to 32 residential parking spaces at the development site.

It is also noted that sites in downtown Victoria and Harris Green do not have a residential parking requirement and instead rely on market conditions to determine parking supply. Parking supply rates have varied among developments in these areas, but have been in the range being proposed.

5.2 Requirement Based on Unit Size

Certain municipalities have tiered multi-family parking requirements based on the number of bedrooms in a unit, recognizing that smaller units typically exhibit reduced automobile ownership. The Township does not have tiered requirements, but the following is a sample from other communities.

- The City of Langford’s requirement for a bachelor or one bedroom unit is 1 space per unit, 23% less than the 2+ bedroom requirement of 1.3 spaces per unit.
- The City of Coquitlam requires 1 space per unit for a unit smaller than a 1 bedroom, 33% lower than the 1.5 spaces per unit required for a unit with more than two bedrooms.
- The City of New Westminster requires 1 space per unit for a bachelor unit, 28% lower than the 1.4 spaces per unit required for a two bedroom unit.
- The City of Langley requires parking supplied for studios, 1 and 2 bedroom units at 1.2 spaces per unit, 40% lower than the 3+ bedroom unit requirement of 2 spaces per unit.
- The City of Nanaimo requires 0.5 spaces per bachelor or one bedroom unit in the downtown, 50% less than the requirement of 1 space per unit for 2+ bedroom units.
- The City of Kamloops requires parking for a bachelor unit at a rate of 0.85 spaces per unit, 60% lower than the 3+ bedroom rate of 2.15 spaces per unit.
- The City of Prince George requires 1 parking space per unit for a studio or 1 bedroom, 43% less than the 1.75 spaces per unit required for a 3+ bedroom unit.



The reduced requirement for a bachelor or one-bedroom as compared to a two- or three-bedroom range from 23% to 60%, and average approximately 40%. See **Table 6**. If the Township offered reductions from the general multi-family parking requirement for bachelor units, the parking requirement for bachelor units could range from 0.52 to 1.0 space per unit based on the reductions in other communities. This would result in a residential parking supply of 22 to 42 spaces. It should also be reiterated that the proposed units are smaller than even a typical bachelor suite.

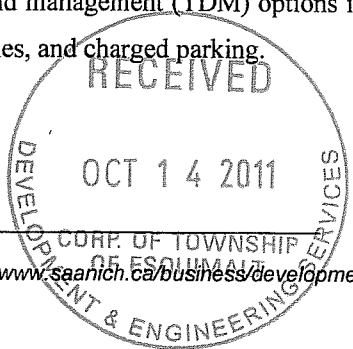
Table 6 – Parking Requirements based on Number of Bedrooms

Community	Bachelor Unit	2 / 3+ Bedroom Unit	Rate	% Reduction
Langford	1.00 spaces / unit	3 + bedroom	1.30 spaces / unit	23%
Coquitlam	1.00 spaces / unit	2 + bedroom	1.50 spaces / unit	33%
New Westminster	1.00 spaces / unit	2 bedrooms	1.40 spaces / unit	28%
Langley	1.20 spaces / unit	3 + bedrooms	2.00 spaces / unit	40%
Nanaimo	0.50 spaces / unit	2 + bedrooms	1.00 spaces / unit	50%
Kamloops	0.85 spaces / unit	3 + bedrooms	2.15 spaces / unit	60%
Prince George	1.00 spaces / unit	2 bedroom 3 + bedroom	1.50 spaces / unit 1.75 spaces / unit	43%
Average				40%

6.0 CASE STUDY: SMALL UNIT DEVELOPMENT IN SAANICH

Small units, sometimes known as micro-units, are becoming more popular as housing and land costs increase and communities aim to increase density in urban areas. A recent example was observed in Saanich where a development proposal was received and supported by staff for a 104-unit development with 33 studios (as small as 325 square feet), 36 one-bedrooms, 36 two-bedrooms and 9 two-bedroom with den units³. The proposal includes 62 residential parking spaces, a rate of 0.6 spaces per unit which is 60% lower than Saanich’s requirement. However, it was determined through a study of parking characteristics at similar sites in Greater Victoria that 0.6 spaces per unit would satisfy the site’s parking demand given the sites urban location and if coordinated with a series of transportation demand management (TDM) options including resident transit passes, bicycle parking and end-of-trip facilities, and charged parking.

³ http://www.saanich.ca/business/development/reports/dpr00441_sr.pdf



The example from Saanich is in a similar context adjacent a major commercial centre (Tillicum Centre) and served by frequent transit. Units sizes are in fact larger in the Saanich example, suggesting that perhaps a more aggressive reduction may be appropriate at the proposed Comerford Street development. While this development only recently received approval and cannot be observed to verify parking conditions are adequate, it demonstrates that aggressive reductions in parking supply are being permitted in urban locations with alternative travel options.

7.0 DEMAND MANAGEMENT

Demand management or transportation demand management (TDM) is the strategic provision of options, programs, and infrastructure that encourage individuals to travel more efficiently. The successful implementation of TDM at the development site will decrease parking demand and facilitate more sustainable travel habits by residents, employees and customers of the site. The following sections highlight demand management strategies for consideration.

7.1 Transit

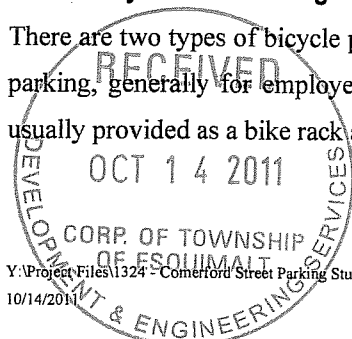
The proposed development is located on bus routes #6, 10, 25, and 26 which provide service to downtown Victoria and throughout the CRD. Transit will be particularly viable for building residents travelling to downtown or the University of Victoria, as direct, frequent service is provided.

The developer is proposing free transit passes for all residents for the first three months. This is an amenity contribution that will allow residents to try transit initially and potentially encourage them to use transit as their primary travel mode. The developer should also consider providing transit information in a move-in package to increase familiarity with BC Transit service and promote ridership.

BC Transit has developed a Residential Transit Pass program for use in new multi-family residential developments. This program may be considered as an opportunity to extend the length of the transit passes offered to residents, perhaps with a reduction in the developer subsidy over time.

7.2 Bicycle Parking

There are two types of bicycle parking - Class I and Class II. Class I are secure facilities for long-term parking, generally for employees or residents of a site. Class II bike parking is short-term parking, usually provided as a bike rack at the front entrance to a building intended for visitors and customers.



While many communities have bicycle parking requirements in their Zoning Bylaw, the Township doesn't. However the OCP includes bicycle parking as an objective, stating that 1.5 Class I bike parking spaces per multi-family unit are sought. The proposed development includes 42 Class I bike parking spaces, a rate of 1.0 per unit, as well as 6 Class II bike parking spaces at the front entrance. The Class I provision exceeds the requirement in the Zoning (ie. zero), but does not meet the rate sought in the OCP. As a comparison, a number of communities in the CRD have Class I requirements, which are most typically 1.0 spaces per unit.

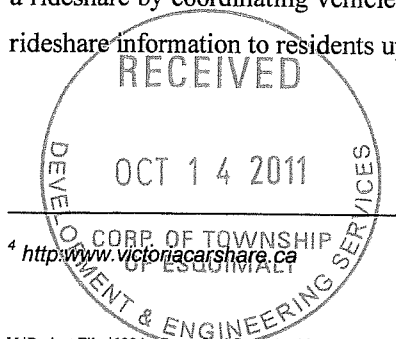
7.3 Car Share

Carshare services involve a vehicle parked at a central location where members purchase membership into the program and pay a fee each time they use the vehicle. Many carshare services operate as a cooperative and include a fleet of vehicles stationed at various locations. A carshare service currently operates in Greater Victoria.⁴

The developer may consider approaching the carshare for the potential to station a vehicle on or near the site. This would likely involve an up-front financial contribution from the developer to purchase a vehicle to station at the site, the purchase of memberships for each residential unit, as well as a contribution to advertising the vehicle to encourage other users in the area. The carshare would also have to decide if locating a vehicle in Esquimalt would be an opportunity they are willing to support. While this may not be a feasible option at current, in the future with the development and revitalization of Esquimalt Village it maybe more realistic to place a carshare vehicle in village area with the support of developers and the Township. If a carshare vehicle is not feasible at present, the Township and developer may consider earmarking funds as part of this development to put toward the carshare in future. A carshare vehicle stationed on or near the site would provide another travel option to residents of the site, facilitating a reduction in vehicle ownership.

7.4 Rideshare Information

Ridesharing allows an individual to be picked up and dropped off at work or university rather than having to have a vehicle for commuting. The Jack Bell Foundation helps individuals to become part of a rideshare by coordinating vehicles and drivers. To promote ridesharing, the developer could provide rideshare information to residents upon move in.



7.5 Unbundling Parking

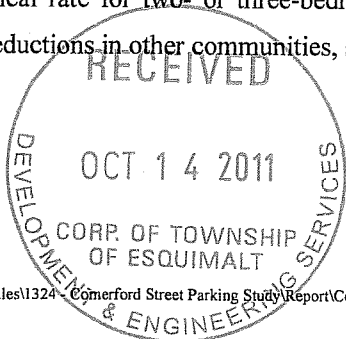
Unbundling parking is the practice of selling condominium units without an associated parking space. In this situation if the unit's owner requires a parking space one can be purchased for an additional cost or rented on a monthly basis. This decreases the cost of the unit for those who do not require parking and gives financial incentive to reduce vehicle demand. In the case of the proposed development on Comerford Street unbundled parking will be required because there is insufficient supply for each unit to have a reserved space.

8.0 SUMMARY

This study reviews a proposed mixed use development at the corner of Comerford Street and Carlisle Avenue. The proposal includes 42 bachelor units ranging from 330 to 410 square feet, and 515 square feet of ground-floor commercial floor space. 20 parking spaces are proposed, a variance of 37 spaces from the Bylaw requirement. The proposal also includes 42 Class I and 6 Class II bike parking spaces, and three-months free transit use for residents.

Two studies of similar sites were reviewed to understand parking demand characteristics. The first suggests that of the 27 multi-family sites surveyed, peak parking demand averages only 54% of total supply. Applied to the Township's requirement, these findings suggest a residential parking supply of approximately 30 spaces is appropriate. A second study was reviewed which determined that seven multi-family residential sites in Saanich, Victoria and Esquimalt exhibit average peak demand of 0.56 vehicles per unit, suggesting that parking for a maximum of 24 resident vehicles is required at the site. Both these studies are based on observations of "typical" multi-family sites, not necessarily those in urban locations or with small unit sizes as is proposed. It is reiterated that this site is expected to exhibit significantly lower parking demand as a result of the small unit size, adjacency to shopping, recreation, and employment land uses, and strong cycling and transit options.

Examples of parking supply reductions from other communities were presented. The review suggested that sites in a downtown setting are granted reductions of 42% to 70% below typical rates. Additionally, it was demonstrated that bachelor suites are offered supply reductions of up to 60% from the typical rate for two- or three-bedroom units. The development would meet the requirement for these reductions in other communities, suggesting they may also be appropriate in this case.



In short, the proposed parking variance is an aggressive reduction from what is typically required and cannot be conclusively supported using conventional parking demand generation calculations. However, the small unit sizes, location, and availability of alternative travel options at this site dictates that parking demand will be considerably lower than typically observed at multi-family sites. The provision of transportation demand management (TDM) options will further encourage travel by alternative modes and reduce parking demand, to include a transit pass program, bicycle parking, and carshare programs. Further, the Township's planning directions are generally in support of intensification in the town centre and the resulting reductions in parking supply, and the recent example from Saanich demonstrates that communities in the region are permitting lower parking supplies in urban areas.

8.1 Recommendations

Although the Township does not grant parking supply reductions for developments with urban characteristics through its regulations, this review has demonstrated numerous precedents in Greater Victoria where significant reductions in parking supply are permitted for developments in a town centre, with smaller unit sizes, or where TDM measures are provided.

It is recommended that further consideration is given to the following:

- The developer should consider TDM options beyond those proposed, including potential extension of transit pass program, opportunity for carshare on or near the site, and providing transit and rideshare information.
- The Township should consider a review of the off-street parking requirements in the Zoning Bylaw for consistency with OCP objectives and to incorporate regulations that encourage sustainable transportation in new development.



48. **CORE COMMERCIAL [C-3]**

The intent of this Zone is to accommodate commercial establishments usually found in the major commercial Area.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Business and Professional Office
- (b) Financial institution
- (c) Hotel
- (d) Mixed commercial/residential subject to Section 48(6)
- (e) Personal Service Establishment
- (f) Retail Store
- (g) Restaurant
- (h) Entertainment and Theatre
- (i) Club House
- (j) Video Store
- (k) Assembly Use
- (l) Group Children's Day Care Centre

(1.1) **Prohibited Uses**

- (a) Adult Entertainment Uses;
- (b) Adult Motion Picture Studio;
- (c) Adult Theatre;
- (d) Adult Video Store; and
- (e) Escort Services

(2) **Building Height**

No Building shall exceed a Height of 13 metres

(3) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 80% of the Area of the Parcel for each Storey of a Building that is above the second Storey.

(4) **Siting Requirements**

- (a) Front Setback: Subject to Section 24 and 28, no front Setback shall be required.
- (b) Side Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.
- (c) Exterior Side Lot Line: Subject to Section 24 and 28, no Exterior Side Yard Setback shall be required.

(d) Rear Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.

(5) **Screening and Landscaping**

Screening and Landscaping shall be provided in accordance with Section 23.

(6) **Mixed Commercial/Residential**

Where a Parcel is used for combined residential and Commercial Use,

(a) the residential Use shall:

(i) be contained in the same Building as the Commercial Use;

(ii) have a separate entrance from outside;

(b) the Commercial Use shall be limited to those Uses specified in Section 48(1); and

(c) Dwelling Units shall not be less than 30 square metres

(7) **Off Street Parking**

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

2.3 Commercial–Mixed Land Use

Commercial activity in Esquimalt is clustered in four main groupings:

- Esquimalt Village;
- Esquimalt Road/Head Street;
- Craigflower Road/Tillicum Road; and
- West Bay Harbour.

2.3.1 General Commercial - Mixed Use Objectives

- a) To create a diversified commercial and employment sector that provides a wide range of goods and services to residents of Esquimalt.
- b) To foster the creation of an identifiable and vibrant Esquimalt Village that successfully integrates commercial, public and residential activity.
- c) To encourage growth through revitalization and redevelopment of commercial areas.
- d) To encourage a mix of ground-level commercial and upper-level(s) residential.

2.3.2 General Commercial - Mixed Use Policies

- a) The Township encourages a mix of commercial and multi-unit residential developments in all commercial-mixed use areas denoted on “Schedule A”. These will have commercial uses on the ground floor and residential uses above.
- b) All commercial-mixed use areas are designated Development Permit Areas, as shown on “Schedule C” in order to ensure that future development and infill contributes positively to the visual and aesthetic character of its site, setting and surrounding properties.
- c) The Township encourages public and private sector initiatives to improve streetscapes and accessibility for pedestrians and cyclists to all commercial areas.
- d) The Township will develop signage guidelines for each commercial area, as part of design guidelines for these areas. The Township, in partnership with interested members of the community, will take the initiative to design and install entrance signage at key street locations, including entrances to Esquimalt.
- e) The Township encourages the provision of amenities such as mini-parks/plazas, street furniture, public art and decorative lighting on private lands in all commercial areas. The Township is amenable to using density bonusing, or providing variances to zoning or parking regulations for redevelopment proposals.
- f) To encourage the use of bicycles, provision should be made in new commercial buildings for bicycle parking for employees and visitors. Secure bicycle parking for employees should be provided in the ratio of one (1) parking space per ten (10) full-time employees with a minimum of one (1) space for each new building. In all new commercial buildings, six (6) bicycle parking spaces should be available for the use of temporary visitors.
- g) End of trip facilities for cyclists such as secure bicycle parking/storage, lockers, change rooms and showers, should be provided to encourage cycling as a viable form of transportation.

- h) Where all of the following criteria are met in a commercial building, Council may reduce the off-street parking requirement through the Development Permit:
 - i) Two (2) or more secure bicycle storage spaces are provided;
 - ii) Shower and change rooms are provided;
 - iii) Six (6) visitor bicycle parking spaces are provided; and
 - iv) The building is located within 200 metres of a regional bus route.
- i) Lands outside the Commercial–Mixed Use designation on “Schedule A” will not be considered for commercial zoning unless the following criteria are met:
 - i) The project is needed to serve tourists or local residents and cannot be appropriately located within established commercial areas;
 - ii) The density and scale of the project is sensitive to the prevailing character of surrounding lands;
 - iii) The project, through its exterior finishes enhances the aesthetics of the neighbourhood;
 - iv) The project’s parking requirements can be satisfied on-site and will not unduly affect neighbouring residences; and
 - v) The proponent demonstrates that the neighbourhood has been consulted and residents have had an opportunity to express their concerns.

[Amendment Bylaw [No. 6], 2010, No. 2730 - Adopted May 25, 2010]

- j) In mixed commercial and multi-unit residential developments, buildings up to 12 storeys in height and with a floor area ratio of up to 3.0 for the residential portion of the building may be acceptable.
- k) Development proposals with heights and/or densities greater than those set out in Section 2.3.2 (j) may be considered, where appropriate, through variances to zoning and/or parking regulations and density bonusing of floor space where new commercial buildings provide affordable, accessible, or special needs housing units or amenities for the benefit of the community.

9.4 Development Permit Area No. 2 – Commercial

9.4.1 Scope

All lands designated Commercial on Schedule “C” are part of DPA No. 2.

9.4.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character, commercial.

9.4.3 Justification

Traditionally, Esquimalt’s commercial areas have not been developed on the basis of a particular theme or concept. The design and form of commercial development has been rather haphazard and, as a result, the Esquimalt Village and other local commercial areas do not have the cohesiveness nor the attractiveness they could have.

When asked in a recent questionnaire to identify what they disliked most about Esquimalt, an overwhelming number of respondents identified the lack of a downtown commercial area, with appropriate shops and services, and the appearance of Esquimalt Road in the village core.

Where new development is to occur within Esquimalt’s commercial core, that development should add to the pedestrian appeal and overall appearance of the street through features such as easily accessible entrances, street furniture and public art, landscaping and attractive exterior finishing materials, and by their orientation to the street rather than to a parking lot or internal square.

The goals for Development Permit Area No. 2 are:

- a) to enhance the aesthetic image of Esquimalt’s commercial district, particularly those areas that are considered community focal points, such as the Village, the Head Street/Esquimalt Road intersection and major entrance points to the municipality;
- b) to revitalize existing commercial areas by encouraging a variety of businesses;
- c) to encourage growth in the tax base through diversified commercial development and redevelopment of existing commercial areas; and
- d) to encourage integrated residential/institutional/commercial uses in commercial areas.

9.4.4 Requirements of Owners of Land within the Development Permit Area

- a) Owners of land within Development Permit Area No. 2 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
 - i) subdivide lands; or
 - ii) construct or alter a building or structure;without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area.
- b) Exemptions:

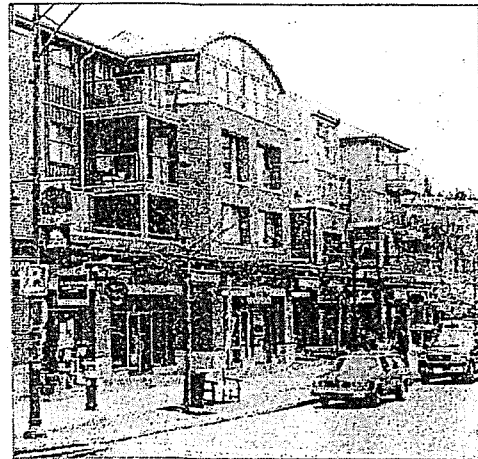
The following do not require a development permit:

 - i) construction of buildings or structures less than 10 square metres in area;

- ii) minor additions to existing structures where the floor area of the addition does not exceed 10 percent of the ground floor area of the structure;
- iii) emergency repairs to existing structures and public walkways where a potential safety hazard exists;
- iv) fences;
- v) the cutting of trees as permitted by the municipal tree protection bylaw; and
- vi) replacement or changing of existing signs, provided the sign area is not to be increased.

9.4.5 Guidelines for Owners of Land within the Development Permit Area

- a) Commercial building facades should be appropriate to a pedestrian shopping area with windows facing the street and doors opening onto the street rather than onto a courtyard or laneway. (See image)
- b) Ornamental lighting that not only highlights the building but also increases the amount of light falling onto pedestrian areas should be used wherever possible. However, commercial lighting should not create unnecessary glare or shine directly into neighbouring residential properties.
- c) Buildings should be designed and sited to minimize the creation of shadows on public spaces.
- d) Where possible, weather protection (i.e. awnings and canopies) should be provided above all pedestrian walkways including walkways to on-site parking areas.
- e) Off-street parking areas should be located either at the rear of commercial buildings or underground. Surface parking should be screened with landscaping. Large parking areas should contain additional islands of landscaping.
- f) The design of new commercial buildings, including areas use for parking, should incorporate Crime Prevention through Environmental Design (CPTED) principles.
- g) Buildings may be located at the front property line in order to create a pedestrian-oriented environment, except where vehicle visibility is affected and on those streets that have been identified as requiring future road widening.
- h) Landscape screening and fencing should be located around outdoor storage areas and garbage and recycling receptacles.
- i) Retention and protection of trees and the natural habitat is encouraged wherever possible.





RECEIVED
 JAN 10 2012
 CORP OF TOWNSHIP
 OF ESQUIMALT
 DEVELOPMENT & ENGINEERING SERVICES

PROJECT ESQUIMALT COMMERCIAL/RESIDENTIAL	
DRAWING GENERAL AERIAL PLAN	
Scale: 1/8" = 1'	Date: 08/11/09
Drawn By: [Blank]	Job No: 2011-09
Checked By: [Blank]	Drawn No: [Blank]
	
VICTORIA DEVELOPMENT ASSOCIATION 1000 BAYVIEW AVENUE, SUITE 100 VICTORIA, BC V8W 2E3 TEL: 250-383-3333 FAX: 250-383-3334	

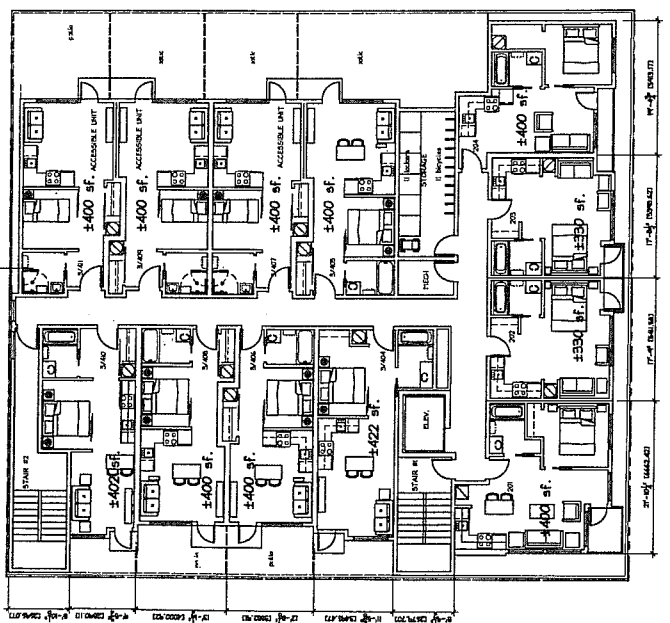
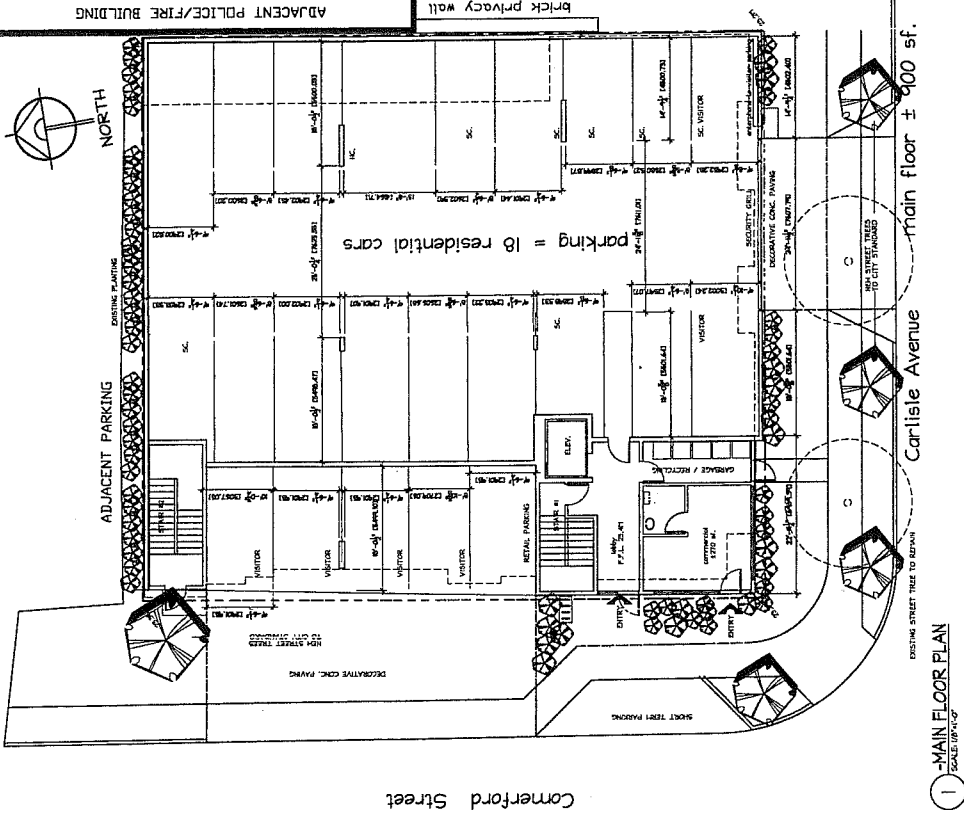
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CIVIL ADDRESS NOT YET CONSIDERED
 LOT #10, ESQUIMALT COUNTY, PLAN 2008-0030
 ZONING DISTRICT: R-10 RESIDENTIAL
 ZONING AREA: 7.85 (1.25/100)
 UPPER FLOOR: 2 BDR, 2 BATH, 2 WC
 LOWER FLOOR: 2 BDR, 2 BATH, 2 WC
 TOTAL AREA: 2100 SQ FT (2100 SQ FT)
 PROPOSED: 2 BDR, 2 BATH, 2 WC
 TOTAL AREA: 2100 SQ FT (2100 SQ FT)
 (1 ACCESSIBLE), 1 CONVENTIONAL
 RESIDENTIAL UNIT
 PROPOSED: 2 BDR, 2 BATH, 2 WC
 TOTAL AREA: 2100 SQ FT (2100 SQ FT)
 (1 ACCESSIBLE), 1 CONVENTIONAL
 RESIDENTIAL UNIT
 PROPOSED: 2 BDR, 2 BATH, 2 WC
 TOTAL AREA: 2100 SQ FT (2100 SQ FT)
 (1 ACCESSIBLE), 1 CONVENTIONAL
 RESIDENTIAL UNIT



ESQUIMALT COMMERCIAL RESIDENTIAL
 SECOND MAIN FLOOR SECOND FLOOR PLANS
 DATE: 08/14/12
 DRAWN BY: BJS
 PROJECT NO.: A2.1
 SHEET NO.: 014

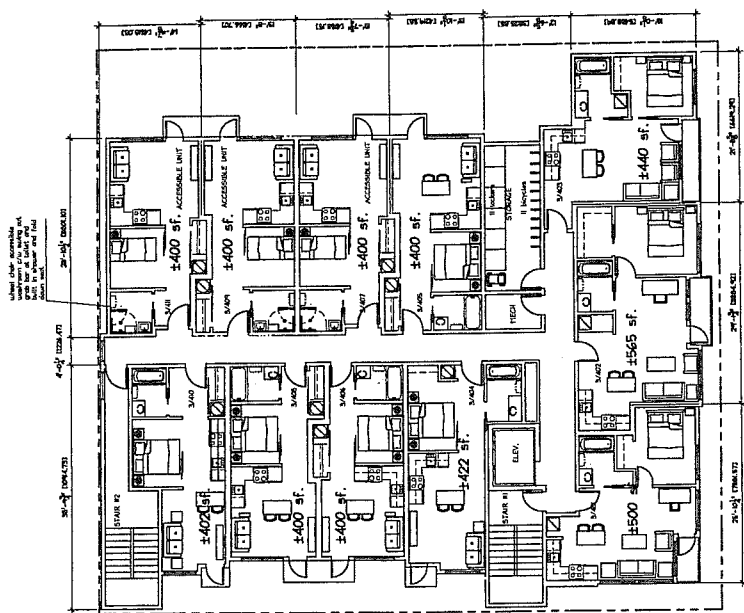
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REVISIONS FOR DEVELOPMENT PERMIT
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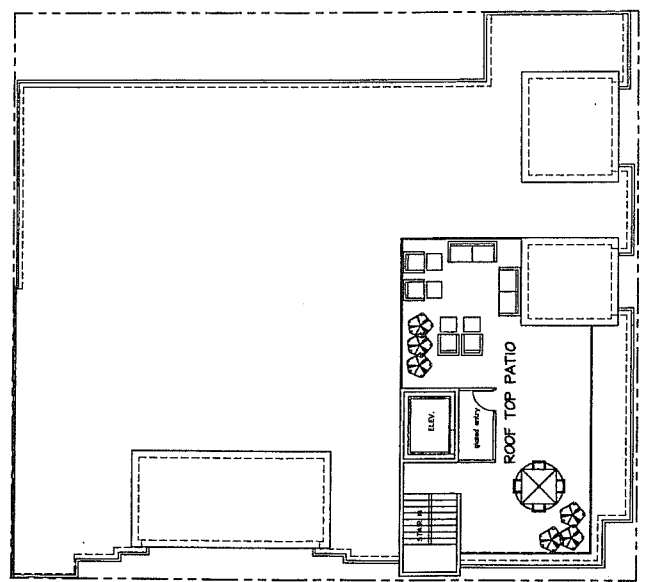
NO. DATE REVISION

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 OF ESQUIMALT
 DEVELOPMENT & ENGINEERING SERVICES

PROJECT: ESQUIMALT COMMERCIAL/RESIDENTIAL
 DRAWING: THIRD/FOURTH FLOOR PLANS
 DATE: 08-14-10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1/8" = 1'-0"
 SHEET NO.: A-22
 OF: [Total Sheets]



1 THIRD/FOURTH FLOOR PLAN
 SCALE: 1/8" = 1'-0"



2 ROOF PLAN
 SCALE: 1/8" = 1'-0"

REVISIONS

No.	Date	Issue

REVISIONS

3	1/10/12	ISSUED FOR DEVELOPMENT PERMIT
2	1/10/12	ISSUED FOR DEVELOPMENT PERMIT
1	1/10/12	ISSUED FOR DEVELOPMENT PERMIT

REVISIONS



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: February 13, 2012

STAFF REPORT

DATE: February 7th, 2012 Report No. DEV-12-013
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: Esquimalt Village Plan – Discussion of Option for Sale or Retention

RECOMMENDATIONS:

1. That Council determine the preferred method of following through with development of the Esquimalt Village Plan [i.e. retaining ownership, selling the site or developing it as a P-3];
2. That a public meeting be held prior to the official Public Hearing to convey factual information and provide an update of the EVP to residents and property owners; and
3. That, following the public meeting noted above, a Public Hearing be scheduled.

BACKGROUND:

At the January 16th meeting of Council, an update on the Esquimalt Village Project [EVP] was presented. One of the recommendations of that report was that further discussion take place around the issue of ownership of the EVP lands.

The objectives of the EVP are:

- Create a lively and sustainable town centre with a mix of uses;
- Revitalize Esquimalt's town core and enhance economic development, while providing residents with a wider range of amenities and services;
- Capitalize on and enhance the value of public and private assets in the core;
- Enhance sustainability of municipal facilities and infrastructure.

Bylaw No. 2756 would amend the Official Community Plan to create a new Development Permit Area [DPA No. 6] including Guidelines for buildings and the public realm. Lands within Phase 1 of the EVP would be designated as part of that DPA. The intent of this DPA is to ensure that the eventual development of these lands is consistent with the EVP concept plan.

Bylaw No. 2757 would amend the Zoning Bylaw by adding a new zone - Esquimalt Village – Mixed Use Multiple Residential [RM-EVP], to accommodate high density Mixed Use Apartment, Commercial and Institutional development and this zoning would apply to the lands within Phase 1 of the EVP. This zone would have a specific list of permitted uses and would specify a

maximum building height, maximum lot coverage, maximum floor area ratio, as well as required setbacks and off-street parking requirements.

ISSUE:

Ownership of the Land:

In June 2011, when Bylaws 2756 and 2757 were given a public hearing, Council had not made a decision as to whether the land would continue to be owned by the Township, sold to a private party or developed in partnership with one or more private interests.

Many people had the mistaken idea that a developer has already been selected and has acquired an interest in the land and the rezoning is being done to accommodate them. Other persons felt that the Township should retain ownership as there is so little municipally owned land. Others seemed to think that the overall concept, developed with public consultation, might be lost if private interests acquired the lands.

In reality, whether the municipality, a private land owner or a public-private partnership develops the site, the terms of the zoning bylaw and the design guidelines created specifically for this site, will shape the form and character of the buildings and public spaces.

ALTERNATIVES:

The following three options are suggested as possible means of developing the Esquimalt Village Plan.

1. Sale to a private developer

While there could be some concern that selling the property to a private party may result in a loss of control over the project, the changes to the zoning bylaw and EVP design guidelines of the OCP were intended to ensure that the eventual development of the Village meets the concept and vision created through 4 years of public consultation.

Should a private developer wish to change any feature of the Village concept, they could request a variance. Applications for variances are approved or denied by Council following a hearing. Therefore, Council would maintain control of the form and character and residents would be involved in any proposed changes to the exterior form of the buildings and public realm.

Although this option may not be popular with the entire community, it would put the project in the hands of people whose job it is to realize development [i.e. they already have the necessary expertise and professional contacts].

2. Public Private Partnership [P-3]

Public Private Partnerships [P-3s] are cooperative ventures between the public and private sectors, built on the expertise of each partner that best meets clearly defined public needs through the appropriate allocation of resources, risks and rewards. The “partnership” is a contractual relationship that spells out the roles, responsibilities and accountabilities of both the public and private sector parties. The contract sets out the allocation of project risks between the parties to the contract.¹

P-3s are used for projects that are large enough to attract private sector interest and market

¹ Appendix E – Glossary, P3 Canada Fund: Application Guide

financing. They are usually complex projects that may be outside the core competency of the local government. They allow for risks associated with some of the components of the project [design, building, financing, and operation/maintenance] to be transferred to the private sector. P-3s may offer a better value to taxpayers compared with traditional procurement methods and they are performance-based contracts.

P-3s are sometimes referred to as: Alternative Financing and Procurement [AFP] or Strategic Infrastructure Partnerships.

Should Council wish to enter into this type of contract, a Request for Expression of Interest [RFEOI] would need to be prepared. This would allow potential bidders to submit non-binding documentation stating their intention to build the project and offering their ideas.

3. Township retains ownership

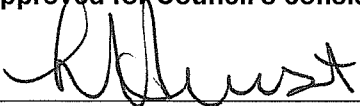
Should Council decide that the land will continue to be publically owned, the Township would become the developer. Municipal staff would be responsible for writing requests for proposals and expressions of interest, monitoring site preparation, negotiating contracts, preparing legal documents, contracting with building trades, supervising the installation of landscaping, and marketing the commercial and residential spaces once built.

This option would occupy a large amount of staff time which may make it difficult to complete other elements of the new Strategic Plan and may impact the level of customer service that developers and residents of Esquimalt currently receive. Staff may not have the appropriate skills to manage this type of project as efficiently as a private developer could. While the Township could hire consultants to assist with these tasks, that would further increase the cost of the project and municipal staff would still be spending time dealing with the consultants.

Respectfully submitted,



Barbara Snyder
Director of Development Services

<p>Approved for Council's consideration:</p>  Laurie Hurst, CAO
<p>Dated: Feb 9/12</p>