



## **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

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

File 0550-06

May 22, 2013

### **NOTICE**

**A REGULAR MEETING OF COUNCIL WILL BE HELD ON  
MONDAY, MAY 27, 2013 AT 7:00 PM, 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** **REGULAR MEETING OF COUNCIL**

Monday, May 27, 2013

7:00 p.m.

Esquimalt Council Chambers

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1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **MINUTES**

- |   |             |
|---|-------------|
| (1) Minutes of the Special Meeting of Council, May 6, 2013  | Pg. 1 – 3   |
| (2) Minutes of the Regular Meeting of Council, May 6, 2013  | Pg. 4 – 10  |
| (3) Minutes of the Special Meeting of Council, May 13, 2013 | Pg. 11 - 13 |
| (4) Minutes of the Special Meeting of Council, May 22, 2013 | Pg. 14 – 15 |

5. **PRESENTATIONS**

- |  |        |
|--|--------|
| (1) Gillian Petrini, Play Victoria, The Child in the City Project    | Pg. 16 |
| (2) Joy Huebert, Esquimalt Neighbourhood House Early Years Committee | Pg. 17 |

6. **PUBLIC INPUT (On items listed on the Agenda)**

*Excluding items which are or have been the subject of a Public Hearing.*

7. **DELEGATION**

- |  |        |
|--|--------|
| (1) Tina Neale and Jodi Dong, Ecole Macaulay Elementary School Parent's Advisory Council, Re: Traffic Safety and Air Quality Concerns Near School Due to Construction of Proposed CRD Sewage Treatment Plant | Pg. 18 |
|--|--------|

8. **PUBLIC HEARING**

The Public Hearing is to afford all persons who deem their interest in property affected by the Bylaw an opportunity to be heard or to present written submissions before the Municipal Council on matters contained in the Bylaw.

(1) **PUBLIC HEARING – REZONING APPLICATION [622 ADMIRALS ROAD]**

- |  |             |
|--|-------------|
| i) Notice of Hearing   | Pg. 19 – 20 |
| ii) Background Information – <i>Available for Viewing Separately</i> |             |

**PUBLIC INPUT**

**ADJOURNMENT OF HEARING**



9. **PUBLIC HEARING STAFF REPORT**

- (1) Rezoning Application, 622 Admirals Road, [Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL], Staff Report No. DEV-13-020 Pg. 21 – 226

**RECOMMENDATION:**

1. That Council consider comments made at Public Hearing and direct staff to return a report addressing all issues raised prior to considering Amending Bylaw [No. 207], 2013, No. 2798 for 3<sup>rd</sup> reading.
2. That prior to the adoption of Bylaw No. 2798, the owner enter into a Housing Agreement pursuant to Section 905 of the Local Government Act in a form consistent with that found in Schedule “C” of Staff Report No. DEV-13-020.
3. That prior to the adoption of Bylaw No. 2798, the owner register a Section 219 Covenant on the titles to the properties in favour of the Township of Esquimalt, as detailed in Schedule “D” of this report, to:
  - (i) Ensure the consolidation of the 4 subject parcels into one,
  - (ii) Ensure the provision of approximately 217 square metres across the frontage of the Lands is dedicated as road,
  - (iii) Ensure that the proposed development is consistent with the Green Building Project Checklist, and
  - (iv) Require a project completion report detailing the implementation of the green building practices.

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10. **STAFF REPORTS**

*Administration*

- (1) Liquor Licence Amendment – Gorge Vale Golf Club, Staff Report No. ADM-13-023 Pg. 227 – 247

**RECOMMENDATION:**

That the Council of the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for a Permanent Change to a Liquor Licence by Gorge Vale Golf Club, to add a Food-primary entertainment endorsement.

- (2) Liquor Licence Amendment – The English Inn, Staff Report No. ADM-13-024 Pg. 248 – 264

**RECOMMENDATION:**

That Council:

1. Direct staff to proceed with a public process to gather the views of residents and consider regulatory criteria,
2. Require the additional information to be submitted by the Applicant,

- as set out in Staff Report No. ADM-13-024, and
3. Direct staff to prepare a report to Council summarizing the public comments and additional information, together with a draft Resolution to forward to the LCLB, for Council's consideration; regarding the Application for an Amendment to the Existing Liquor Licence by Rosemeade Dining Room, The English Inn, for a Food-primary entertainment endorsement and to extend the hours of sale of liquor.

*Finance*

- (3) Shaw Wi-Fi, Staff Report No. FIN-13-002 Pg. 265 – 267

**RECOMMENDATION:**

That Council approves the non-exclusive license for Shaw Communications Inc. to attach Wi-Fi equipment to Municipal facilities in exchange for free, unlimited access to the Shaw Wi-Fi for all residents and visitors.

*Engineering and Public Works*

- (4) Recommendation for the Award of Solid Waste Management Truck Contract, Staff Report No. EPW-13-011 Pg. 268 – 270

**RECOMMENDATION:**

That the Township of Esquimalt enters in to a contractual agreement with Rollins Machinery – Bid 2 for the delivery of two, new solid waste management trucks.

- (5) Award of Dunsmuir Road Corridor Upgrade Contract, Staff Report No. EPW-13-012 Pg. 271 – 274

**RECOMMENDATION:**

That the Township enters into a contractual agreement with Allterra Construction Ltd. for the scope of work, cost, and schedule detailed in the tender package.

*Development Services*

- (6) Development Variance Permit, 1151 Lockley Road, [Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240], Staff Report No. DEV-13-021 Pg. 275 – 291

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00007 authorizing construction as shown on the photos, stamped "Received March 15, 2013", and sited as detailed on the survey plan prepared by J.E. Anderson and Associates, stamped "Received March 1, 2013", and including the following relaxation to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240 [1151 Lockley Road].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (ii) – Side Setback** A 0.77 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any interior lot line. [i.e. from 1.5 metres to 0.73 metres].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (iii) Rear Setback** - A 0.76 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any rear lot line. [i.e. from 1.5 metres to 0.74 metres].

- (7) Development Variance Permit, 511 Constance Avenue, [Lot K (DD EH50220, Suburban Lot 38, Section 11, Esquimalt District, Plan 2854), Staff Report No. DEV-13-022 Pg. 292 – 311

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00008, authorizing construction as shown on the architectural plans provided by Oceanian Design Inc., stamped “Received March 21, 2013” and sited as detailed on the surveyors site plan prepared by Island Land Surveying Ltd, stamped “Received March 21, 2013, and including the following relaxation to Zoning Bylaw, 1992, No. 2050, and to Parking Bylaw 1992, No. 2011 **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854 [511 Constance Avenue].

**Zoning Bylaw, 1992, No. 2050, Section 58(4)(c) – Siting Requirements – Rear Setback** - a 6.0 metre reduction to the requirement no building shall be located within 7.5 metres of a Rear Lot Line. [i.e. from 7.5 metres to 1.5 metres].

**Parking Bylaw, 1992, No. 2011, Section 13(1)(d) – Parking Requirements – Number of Off-Street Parking Spaces** – a reduction to the number of required off-street Parking Spaces, from 11 spaces to 9 spaces.

- (8) Development Variance Permit, 1103 Hadfield Avenue, [The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050], Staff Report No. DEV-13-023 Pg. 312 – 327

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00010 authorizing the construction as shown on the photos, stamped “Received April 05, 2013, and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped “Received April 05, 2013”, and including the following relaxation to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050 [1103 Hadfield Avenue].

**Zoning Bylaw, 1992, No. 2050, Section 17. – Special Siting Requirements** – A 1.5 metre reduction to the requirement that heat pumps shall not be located within 6.0 metres of any property line [i.e. from 6.0 metres to 4.5 metres].

11. **BYLAWS**

For Adoption

- (1) Smoke Alarm Bylaw, 2013, No. 2800 Pg. 328 – 330
- (2) Sewer Connection Bylaw, 2013, No. 2801 Pg. 331 – 333

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

- (1) Report from Councillor David Schinbein, Re: 100<sup>th</sup> Anniversary of the Elks in Victoria and Battle of the Atlantic Service Pg. 334 – 335

13. **REPORTS FROM COMMITTEES**

- (1) Adopted minutes from the Advisory Planning Commission Design Review Committee meeting, April 10, 2013 Pg. 336 – 339
- (2) Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, May 1, 2013 Pg. 340 – 341

14. **COMMUNICATIONS**

- (1) Letter from R. Blain Lawson, BC Liquor Distribution Branch, dated April 30, 2013, Re: BC Liquor Stores Esquimalt Location Pg. 342

15. **PUBLIC QUESTION AND COMMENT PERIOD**

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

16. **ADJOURNMENT**



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**MINUTES  
SPECIAL MEETING  
OF MUNICIPAL COUNCIL  
MONDAY, MAY 6<sup>TH</sup>, 2013**

**5:45 P.M.  
WURTELE ROOM, MUNICIPAL HALL**

**PRESENT:**

Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Dave Hodgins  
Councillor Lynda Hundleby  
Councillor Robert McKie  
Councillor Tim Morrison  
Councillor David Schinbein

**STAFF:**

Laurie Hurst, Chief Administrative Officer  
Ian Irvine, Director of Financial Services & IT  
Anja Nurvo, Manager of Corporate Services/Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the Special Meeting of Council to order at 5:45 pm.

2. **LATE ITEMS**

A late item was added as follows:

- Add Section 90(1)(k) of *Community Charter* to Item 4. Motion to Go *In Camera*.

3. **APPROVAL OF THE AGENDA**

**MOTION:** Moved by Councillor McKie/Councillor Hundleby:  
That the Agenda be approved as amended.

**CARRIED UNANIMOUSLY.**

4. **MOTION TO GO *IN CAMERA***

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss:

- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
- The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- Discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (*annual municipal report*); and
- Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

in accordance with Section 90 (1) (a), (i), (k), and (l) of the *Community Charter*, and that the general public be excluded.

**CARRIED UNANIMOUSLY.**

5. **ADJOURNMENT**

**MOTION:** Moved by Councillor Hundleby/Councillor Brame:  
That the Special Meeting of Council be adjourned at 5:46 pm.

**CARRIED UNANIMOUSLY.**

\_\_\_\_\_  
MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS DAY OF \_\_\_\_\_, 2013

CERTIFIED CORRECT:

\_\_\_\_\_  
ANJA NURVO, CORPORATE OFFICER



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES  
**REGULAR MEETING**  
OF MUNICIPAL COUNCIL  
MONDAY, MAY 6<sup>TH</sup>, 2013  
7:00 P.M.  
COUNCIL CHAMBERS

**PRESENT:**

Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Dave Hodgins  
Councillor Lynda Hundleby  
Councillor Robert McKie  
Councillor Tim Morrison  
Councillor David Schinbein

**STAFF:**

Laurie Hurst, Chief Administrative Officer  
Jeff Miller, Director of Engineering & Public Works  
Bill Brown, Director of Development Services  
David Ward, Fire Chief  
Ian Irvine, Director of Financial Services & IT  
Anja Nurvo, Manager of Corporate Services  
Louise Payne, Recording Secretary



1. **CALL TO ORDER**

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

2. **LATE ITEMS**

The Agenda was amended as follows:

- Delete Item 5. Presentations (2) Eleanor Calder, Bruce Cuthbert and Nick Kovacs, Esquimalt Residents Association, Building Resilient Neighbourhood Project and Community Engagement;
- Add Item 9. (2) Mayor's and Councillors' Reports – Verbal Report from Councillor McKie on Victoria/Esquimalt Harbour Society; and
- Add as new Item 12 – Rise and Report.

3. **APPROVAL OF THE AGENDA**

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

**CARRIED UNANIMOUSLY.**

4. **MINUTES**

(1) Minutes of the Special Meeting of Council, April 22, 2013

**MOTION:** Moved by Councillor Brame/Councillor Schinbein:  
That the minutes of the Special Meeting of Council held April 22, 2013 be adopted as amended.

**CARRIED UNANIMOUSLY.**

5. **PRESENTATIONS**

(1) Marg Evans, Acting Manager of Planning and Protective Services and Jeff Weightman, Project Manager, Capital Regional District - Regional Deer Management Strategy

Marg Evans, Acting Manager of Planning and Protective Services, and Jeff Weightman, Project Manager, Capital Regional District made a PowerPoint presentation on Regional Deer Management Strategy and answered questions from Council.

Council agreed to consider the issues and possible municipal options at a Committee of the Whole meeting, with input from staff. CRD staff will also be invited to attend to answer questions.

**MOTION:** Moved by Councillor Brame/Councillor Morrison:  
That Council supports in principle partnering with the Capital Regional District to expand public education regarding use of deer repellants, deer resistant plants and other conflict reduction measures as part of a Regional Deer Management Strategy.

**CARRIED** (Councillors Hodgins, McKie and Schinbein opposed).

6. **PUBLIC INPUT**

*Muriel Dunn, resident,* expressed her concerns with the deer population in the region. She also expressed her support for the Navy League Cadet Corps.

*Curtis Sankey, business owner at 624 Admirals Road,* updated Council on his business's recent towing policy, pointing out that he would have to consider his options for his business at this address.

7. **DELEGATION**

- (1) Michele Gill, Lt (NL) and Chris Flaro, Lt (NL), 1 Navy League Cadet Corps Admiral Rayner, Support for Rezoning 622 Admirals Road

Michele Gill, Lt. (NL) and Chris Flaro, Lt (NL) spoke in support of the rezoning application for 622 Admirals Road and for the Royal Canadian Legion, and answered questions from Council.

8. **STAFF REPORTS**

*Administration*

- (1) Grant of Easement for Greater Victoria Public Library's Loading Bay at 735 Broughton Street over 716 Courtney Street, City of Victoria, Staff Report No. ADM-13-018

**MOTION:** Moved by Councillor Morrison/Councillor Brame:

That Council approve the registration of a Volumetric Easement on legal title to the property described as 735 Broughton Street, in the City of Victoria, to remedy the existing encroachment of the loading bay access ramp for 735 Broughton Street, which is co-owned by the Township of Esquimalt, onto the adjoining property described as 716 Courtney Street; and that the Mayor and Corporate Officer be authorized to execute the required documentation.

**CARRIED UNANIMOUSLY.**

*Finance*

- (2) 2013 Financial Plan and Tax Rates Bylaws, Staff Report No. FIN-13-003

**MOTION:** Moved by Councillor Hodgins/Councillor Morrison:

That Financial Plan Bylaw, 2013, No. 2802 be read a first, second and third time.

**CARRIED UNANIMOUSLY.**

**MOTION:** Moved by Councillor Hodgins/Councillor Morrison:

That Tax Rates Bylaw, 2013, No. 2803 be read a first, second and third time.

**CARRIED UNANIMOUSLY.**

*Engineering and Public Works*

- (3) Desktop Study for Potential Resource Recovery Opportunities from Waste Water Treatment Plan, Staff Report No. EPW-13-007

The Director of Engineering and Public Works presented Staff Report No. EPW-13-007 and answered questions from Council.

**MOTION:** Moved by Councillor Brame/Councillor Morrison:  
That Council receive Staff Report No. EPW-13-007 for information.

**CARRIED UNANIMOUSLY.**

- (4) Update of Sanitary Sewer and Storm Drain Connection Requirement Bylaw, Staff Report No. EPW-13-008

**MOTION:** Moved by Councillor Schinbein/Councillor McKie:  
That Sewer Connection Bylaw, 2013, No. 2801 be read a first, second and third time.

**CARRIED UNANIMOUSLY.**

- (5) Recommendation of Esquimalt Village Project Brownfield Remediation Consultant Contract, Staff Report No. EPW-13-009

The Director of Engineering and Public Works presented Staff Report No. EPW-13-009 and answered questions from Council.

**MOTION:** Moved by Councillor Brame/Councillor Morrison:  
That the Township of Esquimalt enter into a contractual agreement with SNC Lavalin for the scope of work, cost, and schedule detailed in their proposal and not seek external funding at this time.

**CARRIED UNANIMOUSLY.**

*Fire Rescue*

- (6) Smoke Alarm Bylaw, 2013, No. 2800, Staff Report No. FIRE-13-004

The Fire Chief presented Staff Report No. FIRE-13-004 and answered questions from Council. He noted an error on page 59 of the Agenda package under "11. Offence and Penalty" the words "a fine of not less than \$2,000.00" should read "a fine of not less than \$200.00".

**MOTION:** Moved by Councillor Hodgins/Councillor McKie:  
That Smoke Alarm Bylaw, 2013, No. 2800 be read a first, second and third time.

**CARRIED UNANIMOUSLY.**

*Development Services*

- (7) Additions to the Esquimalt Community Heritage Register, Staff Report No. DEV-13-018

**MOTION:** Moved by Councillor McKie/Councillor Hodgins:  
That the following properties be added to the Esquimalt Community Heritage Register:

- 1376 Esquimalt Road;
- 1382 Esquimalt Road

And that the Statements of Significance be approved as presented.

**CARRIED UNANIMOUSLY.**

9.

### **MAYOR'S AND COUNCILLORS' REPORTS**

- (1) Report from Councillors Meagan Brame, Dave Hodgins, Bob McKie and Tim Morrison, Re: Association of Vancouver Island Coastal Communities (AVICC)

**MOTION:** Moved by Councillor Hodgins/Councillor McKie:

That the report from Councillors Brame, Hodgins, McKie and Morrison regarding their attendance at the Association of Vancouver Island Coastal Communities Conference in Sooke, BC be received for information.

**CARRIED UNANIMOUSLY.**

- (2) Verbal Report from Councillor McKie on Victoria/Esquimalt Harbour Society

Councillor McKie presented a verbal report on his attendance at the April 17, 2013 meeting of the Victoria/Esquimalt Harbour Society.

**MOTION:** Moved by Councillor Brame/Councillor Morrison:

That the verbal report from Councillor McKie on the Victoria/Esquimalt Harbour Society meeting be received.

**CARRIED UNANIMOUSLY.**

10.

### **REPORTS FROM COMMITTEES**

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:

That the following minutes be received:

- (1) Draft minutes from the Advisory Planning Commission meeting, April 16, 2013; and
- (4) Draft minutes from the Environmental Advisory Committee meeting, April 25, 2013.

**CARRIED UNANIMOUSLY.**

- (2) Draft minutes from the Heritage Advisory Committee, dated April 17, 2013

**MOTION:** Moved by Councillor Brame/Councillor McKie:

That the draft minutes from the Heritage Advisory Committee dated April 17, 2013 be received.

**CARRIED UNANIMOUSLY.**

- (3) Memorandum from the Heritage Advisory Committee, dated April 30, 2013, Re: Proposal to Support and Protect Heritage Values of Fort Macaulay

A discussion ensued on Mr. Bates' proposal to support and protect the heritage values of Fort Macaulay, noting that these properties were not within the Township of Esquimalt's jurisdiction.

**MOTION:** Moved by Councillor Hodgins/Councillor Schinbein:  
That Council write a letter to DND indicating their support of Jack Bates' proposal to support and protect the heritage values of Fort Macaulay, which seeks the encouragement and support of DND for the proposal.

**MOTION:** Moved by Councillor Hundleby/Councillor Schinbein:  
That Council **table** further discussion of Mr. Bates' proposal to support and protect the heritage values of Fort Macaulay pending completion of a Statement of Significance for both Macaulay Point and Fort Macaulay, complete with maps and a more detailed proposal and plan, comes forward from the Heritage Advisory Committee.

**DEFEATED** (Mayor Desjardins, Councillors Morrison, Brame, and Hodgins opposed).

The question was called on the main motion and declared **DEFEATED** (Mayor Desjardins and Councillors Brame, Morrison, Schinbein, McKie and Hundleby opposed).

**MOTION:** Moved by Councillor Morrison/Councillor Hundleby:  
That the memorandum from the Heritage Advisory Committee dated April 30, 2013 regarding a proposal to support and protect the heritage values of For Macaulay be received.

**CARRIED** (Councillor Hodgins opposed).

11.

## **COMMUNICATIONS**

- (1) Letter from Mayor Yoshiaki Suda, Onagawa, Japan, dated April 9, 2013 Re: Letter of Appreciation

**MOTION:** Moved by Councillor Morrison/Councillor Hundleby:  
That the letter from Mayor Yoshiaki Suda, Onagawa, Japan dated April 9, 2013 regarding a letter of appreciation be received; and  
That the Mayor write a letter to acknowledge Mayor Suda's letter, emphasizing Esquimalt's continued support and friendship, with a copy to "Youth With A Mission".

**CARRIED UNANIMOUSLY.**

- (2) Letter from Crystal Dunahee, President, Child Find BC, dated April 17, 2013, Re: Proclamation for National Missing Children's Month and Missing Children's Day

**MOTION:** Moved by Councillor Hodgins/Councillor Hundleby:  
That the letter from Crystal Dunahee, President, Child Find BC dated April 17, 2013 regarding a Proclamation for National Missing Children's Month and Missing Children's Day be received.

**CARRIED UNANIMOUSLY.**

12. **RISE AND REPORT**

- (1) Resolution from the Special *In Camera* Meeting of Council, May 6, 2013 Re: Youth Representative on Parks and Recreation Advisory Committee

At the Special *In Camera* meeting of Council held on May 6, 2013, Council passed the following resolution:

*That Council appoints Matteo Ferri as Youth Representative on the Parks and Recreation Advisory Committee for the term ending December 31, 2013*

13. **PUBLIC QUESTION AND COMMENT PERIOD**

*Jack Bates, resident of Colwood, advised that he had been in touch with Esquimalt's Director of Parks and Recreation Services as well as with Parks Canada regarding his proposal for Fort Macaulay.*

14. **ADJOURNMENT**

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That the Regular Meeting of Council be adjourned at 9:00 pm.

**CARRIED UNANIMOUSLY.**

\_\_\_\_\_  
MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS DAY OF \_\_\_\_\_, 2013

CERTIFIED CORRECT:

\_\_\_\_\_  
ANJA NURVO  
CORPORATE OFFICER



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES  
**SPECIAL MEETING**  
OF MUNICIPAL COUNCIL  
MONDAY, MAY 13<sup>TH</sup>, 2013

5:45 P.M.  
COUNCIL CHAMBER, MUNICIPAL HALL

**PRESENT:** Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Dave Hodgins  
Councillor Lynda Hundleby  
Councillor Robert McKie  
Councillor David Schinbein

**REGRETS:** Councillor Tim Morrison

**STAFF:** Laurie Hurst, Chief Administrative Officer  
Scott Hartman, Director of Parks and Recreation Services  
Anja Nurvo, Manager of Corporate Services/Recording Secretary



1. **CALL TO ORDER**

Mayor Desjardins called the Special Meeting of Council to order at 5:45 pm.

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. **MOTION TO GO *IN CAMERA***

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss:

- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
- Labour relations or other employee relations; and
- Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

in accordance with Section 90 (1) (a), (c), and (k) of the *Community Charter*, and that the general public be excluded.

**CARRIED UNANIMOUSLY.**

5. **RECESS SPECIAL MEETING OF COUNCIL TO GO *IN CAMERA***

**MOTION:** Moved by Councillor McKie/Councillor Schinbein:  
That the Special Meeting of Council recess at 5:46 pm.

**CARRIED UNANIMOUSLY.**

6. **RECONVENE SPECIAL MEETING OF COUNCIL FOLLOWING THE REGULAR MEETING OF COMMITTEE OF THE WHOLE**

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That the Special Meeting of Council reconvene at 8:08 pm.

**CARRIED UNANIMOUSLY.**

7. **PUBLIC INPUT**

There was no input from the public.



**RECESS AND RECONVENE SPECIAL MEETING OF COUNCIL**

The Special meeting recessed at 8:09 pm and reconvened at 8:14 pm, with all members of Council present, except Councillor Morrison.

**8. STAFF REPORTS**

*Finance*

(1) 2012 Audited Financial Statements, Staff Report No. FIN-13-005

**MOTION:** Moved by Councillor Brame/Councillor McKie:  
That Council receive and approve the Township's audited financial statements for the year ended December 31, 2012 as attached to Staff Report No. FIN-13-005.

**CARRIED UNANIMOUSLY.**

**9. BYLAWS**

*For Adoption*

(1) Financial Plan Bylaw, 2013, No. 2802

**MOTION:** Moved by Councillor Brame/Councillor McKie:  
That Financial Plan Bylaw, 2013, No. 2802 be adopted.

**CARRIED UNANIMOUSLY.**

(2) Tax Rates Bylaw, 2013, No. 2803

**MOTION:** Moved by Councillor Hodgins/Councillor Brame:  
That Tax Rates Bylaw, 2013, No. 2803 be adopted.

**CARRIED UNANIMOUSLY.**

**10. PUBLIC QUESTION AND COMMENT PERIOD**

There were no questions or comments from the public.

**11. ADJOURNMENT**

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That the Special Meeting of Council be adjourned at 8:15 pm.

**CARRIED UNANIMOUSLY.**

\_\_\_\_\_  
MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS DAY OF , 2013

CERTIFIED CORRECT:

\_\_\_\_\_  
ANJA NURVO, CORPORATE OFFICER



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES  
**SPECIAL MEETING**  
OF MUNICIPAL COUNCIL  
WEDNESDAY, MAY 22<sup>ND</sup>, 2013

5:00 P.M.  
COUNCIL CHAMBER, MUNICIPAL HALL

**PRESENT:**

Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Dave Hodgins  
Councillor Lynda Hundleby  
Councillor Robert McKie  
Councillor David Schinbein

**REGRETS:**

Councillor Tim Morrison

**STAFF:**

Laurie Hurst, Chief Administrative Officer  
Jeff Miller, Director of Engineering & Public Works  
Bill Brown, Director of Development Services  
Anja Nurvo, Manager of Corporate Services/Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the Special Meeting of Council to order at 5:00 pm.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

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

**CARRIED UNANIMOUSLY.**

4. **MOTION TO GO *IN CAMERA***

**MOTION:** Moved by Councillor Hundleby/Councillor Schinbein:  
That Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss:

- The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

in accordance with Section 90 (1) (i) and (k) of the *Community Charter*, and that the general public be excluded.

**CARRIED UNANIMOUSLY.**

5. **ADJOURNMENT**

**MOTION:** Moved by Councillor McKie/Councillor Hundleby:  
That the Special Meeting of Council be adjourned at 5:01 pm.

**CARRIED UNANIMOUSLY.**

\_\_\_\_\_  
MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS DAY OF \_\_\_\_\_, 2013

CERTIFIED CORRECT:

\_\_\_\_\_  
ANJA NURVO, CORPORATE OFFICER



Corporation of the Township of Esquimalt  
 Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1 Phone: (250) 414-7100  
 Website: www.esquimalt.ca Email: info@esquimalt.ca Fax: (250) 414-7111

RECEIVED  
 2013 APR 27  
 ANIJA

## APPLICATION TO MAKE PRESENTATION TO THE MUNICIPAL COUNCIL

Pursuant to *Council Procedure Bylaw, No. 2715, 2009*, Section 20, Delegations and Petitions, (**see reverse side**) Council may allow an individual or a delegation to address Council at the meeting provided written application has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Each address must be limited to five minutes unless a longer period is agreed to by unanimous vote of those members present.

May 6th 2013

DATE OF COUNCIL MEETING: April 2nd, 2013

NAME: Gillian Petrini

ORGANIZATION: The Child in the City Project - PLAY VICTORIA

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

REASONS FOR APPEARING: \_\_\_\_\_

The Child in the City Project has gathered children's perspectives on how they experience living in the city. This will be used to understand their viewpoint, share their capacities and include their voice in community planning processes. Gillian would like to share the process and outcomes, as well as impacts of this project.

Date April 2nd, 2013

Signature [Handwritten Signature]

Power point: ✓ yes



Corporation of the Township of Esquimalt

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1 Phone: (250) 414-7100  
Website: www.esquimalt.ca Email: info@esquimalt.ca Fax: (250) 414-7111

RECEIVED  
APR 02 2013  
Anja

LH

APPLICATION TO MAKE PRESENTATION TO THE MUNICIPAL COUNCIL

Pursuant to Council Procedure Bylaw, No. 2715, 2009, Section 20, Delegations and Petitions, (see reverse side) Council may allow an individual or a delegation to address Council at the meeting provided written application has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Each address must be limited to five minutes unless a longer period is agreed to by unanimous vote of those members present.

DATE OF COUNCIL MEETING: May ~~6th~~ 27th, 2013

NAME: Joy Huebert

ORGANIZATION: Early years Committee

ADDRESS: Esquimalt Neighbourhood House  
Esquimalt library jhuebert@gvpl.ca

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

REASONS FOR APPEARING: \_\_\_\_\_

To make Esquimalt Council aware of the Early Years Committee, working to improve Esquimalt for children and families since 1999, as a coalition.

April 2, 2013  
Date

Joy Huebert  
Signature





# Corporation of the Township of Esquimalt

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1  
Website: www.esquimalt.ca

Phone: (250) 414-7100  
Fax: (250) 414-7111

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

For Information:  For Action:  For Report:

RECEIVED: MAY 14 2013

Reference: Arija

For Action  For Information  For Report

Council Agenda  C88W  Cc

## APPLICATION FOR DELEGATION TO MUNICIPAL COUNCIL MEETING

Pursuant to *Council Procedure Bylaw, No. 2715, 2009, Section 20, Delegations and Petitions, (see reverse for further information)* Council may allow an individual or a delegation to address Council at the meeting provided written application has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Applications can be submitted in person, by mail (1229 Esquimalt Road, V9A 3P1), Fax (250) 414-7111 or Email: [council@esquimalt.ca](mailto:council@esquimalt.ca). Applicants will be contacted to confirm the Council meeting date and their attendance at that meeting. Please contact 250-414-7136 for further information.

Delegations are limited to five (5) minutes unless a longer period is agreed to by unanimous vote of those members present.

NAME: Tina Neale and Jodi Dong  
(Please Print)

ORGANIZATION: École Macaulay Elementary School Parents' Advisory Council

DAYTIME TELEPHONE:

EMAIL:

PREFERRED DATE OF APPEARANCE AT COUNCIL MEETING: May 27/13

REASONS FOR APPEARING AS DELEGATION (Please specify):

The Macaulay Parents' Advisory Council is very concerned about traffic along Lyall St. related to construction of the proposed ERD Sewage Treatment Plant at McLoughlin Pt. We would like to present our concerns about traffic safety and reduced air quality in the vicinity of the school to Council.

May 13, 2013  
Date of Application

Tina Neale  
Signature Past Chair



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

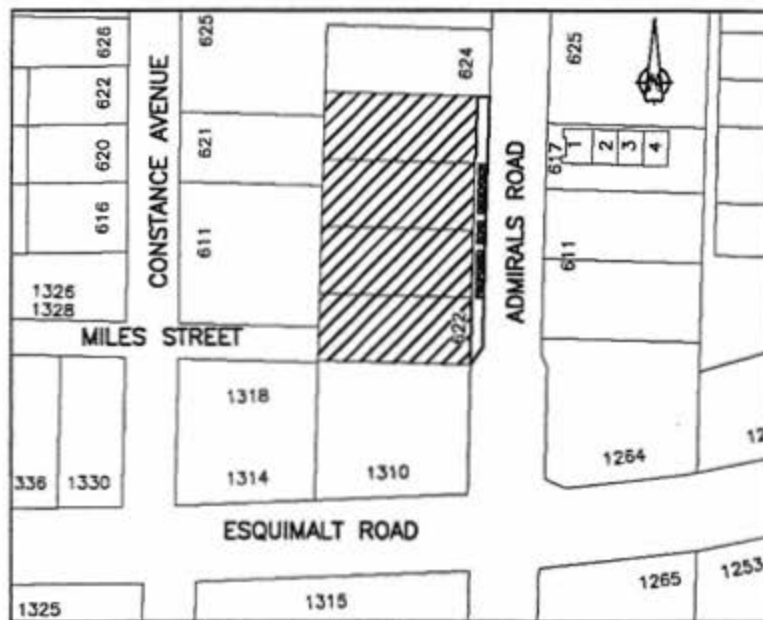
May 9, 2013

# NOTICE OF PUBLIC HEARING

An application for a change in zoning has been received from Praxis Architecture Inc., on behalf of Esquimalt Dockyard Branch 172 of the Royal Canadian Legion, the registered owner of 622 Admirals Road, and their partner Monimos Equities and Development.

### Purpose of the Application:

Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 207], 2013, No. 2798 provides for a change in the zoning designation of 622 Admirals [legal descriptions below] shown hatched on the map below from C-3 [Core Commercial] to CD No. 82 [Comprehensive Development District No. 82].



**Site Location:** Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854  
Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854  
Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; and  
Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL

The general purpose of this Bylaw is to facilitate redevelopment of the site for a commercial and residential mixed-use development, currently proposed as a 12-storey building consisting of 152 seniors' independent living units and approximately 575m<sup>2</sup> of commercial area including a Legion facility and general commercial space. Consistent with the Official Community Plan, base residential density of 3.0 floor area ratio ("FAR") would be permitted, with a density bonus up to

"Please turn over"

3.5 FAR on the provision of amenities (Base 3.2 and Bonus 3.7 FAR, respectively when combined with commercial space).

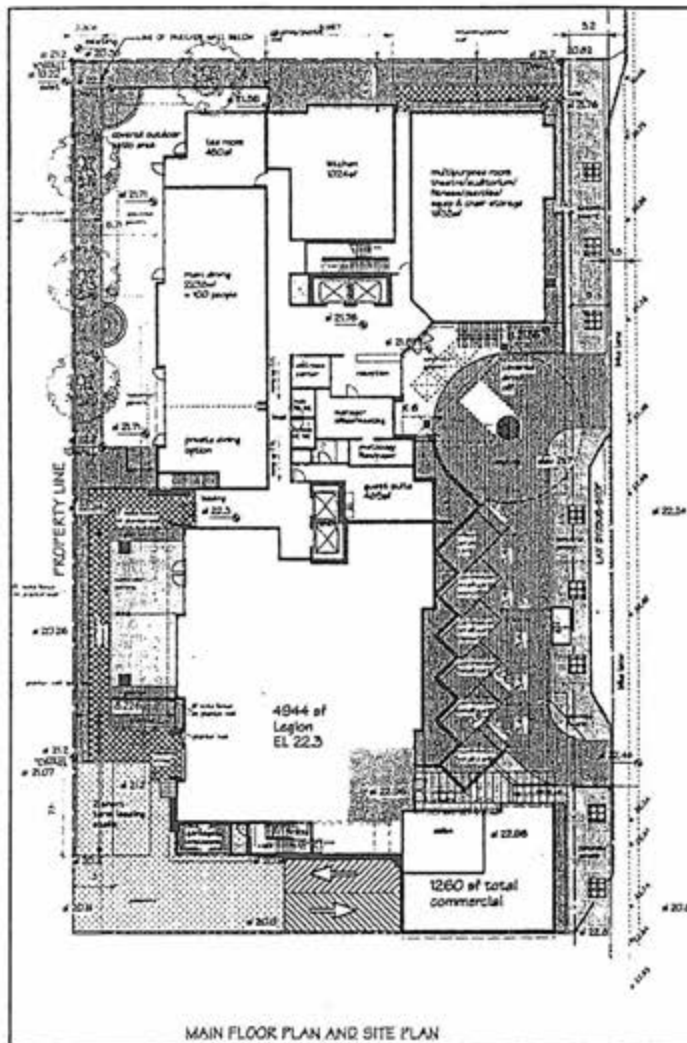
The Municipal Council will consider this application at the **Regular Meeting of Council commencing at 7:00 p.m., Monday, May 27, 2013, in the Council Chambers, Esquimalt Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until May 27, 2013.

**BILL BROWN**  
**DIRECTOR OF DEVELOPMENT SERVICES**

*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.*

**622 Admirals Road – Proposed Main Floor Plan and Site Plan**







## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. DEV-13-020

### REQUEST FOR DECISION

**SUBJECT: REZONING APPLICATION**

**622 Admirals Road**

**[Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854]**

**[Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854]**

**[Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854]**

**[Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part  
in Red on Plan 312 BL]**

**RECOMMENDATION:**

1. That Council consider comments made at Public Hearing and direct staff to return a report addressing all issues raised prior to considering Amending Bylaw [No. 207], 2013, No. 2798 for 3<sup>rd</sup> reading.
2. That prior to the adoption of Bylaw No. 2798, the owner enter into a Housing Agreement pursuant to Section 905 of the Local Government Act in a form consistent with that found in Schedule "C" of Staff Report No. DEV-13-020.
3. That prior to the adoption of Bylaw No. 2798, the owner register a Section 219 Covenant on the titles to the properties in favour of the Township of Esquimalt, as detailed in Schedule "D" of this report, to:
  - (i) Ensure the consolidation of the 4 subject parcels into one,
  - (ii) Ensure the provision of approximately 217 square metres across the frontage of the Lands is dedicated as road,
  - (iii) Ensure that the proposed development is consistent with the Green Building Project Checklist, and
  - (iv) Require a project completion report detailing the implementation of the green building practices.

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2006, No. 2646  
Zoning Bylaw, 1992, No. 2050  
Parking Bylaw, 1992, No. 2011  
Development Approval Procedures Bylaw, 2003, No. 2562  
Advisory Planning Commission Bylaw, 2012, No. 2792  
Subdivision and Development Control Bylaw, 1997, No. 2175  
Council Policy No. Plan- 25 [Public Input on Rezoning and OCP Amendment Applications]  
Green Building Checklist

**STRATEGIC RELEVANCE:**

This Request For Decision does not directly relate to a specific strategic objective.

Submitted by: Writer Bill Brown

Reviewed by: CAO [Signature] Date: May 23, 2013

## STAFF REPORT

**DATE:** May 17, 2013 Report No. DEV-13-020

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Trevor Parkes, Senior Planner  
Bill Brown, Director of Planning Services

**SUBJECT: REZONING APPLICATION**  
**622 Admirals Road**  
**[Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854]**  
**[Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854]**  
**[Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854]**  
**[Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except**  
**Part in Red on Plan 312 BL]**

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### RECOMMENDATION:

1. That Council consider comments made at Public Hearing and direct staff to return a report addressing all issues raised at the Public Hearing prior to Council considering Amending Bylaw [No. 207], 2013, No. 2798 for 3<sup>rd</sup> reading.
2. That prior to the adoption of Bylaw No. 2798, the owner enter into a Housing Agreement pursuant to Section 905 of the Local Government Act in a form consistent with that found in Schedule "C" of Staff Report No. DEV-13-020.
3. That prior to the adoption of Bylaw No. 2798, the owner register a Section 219 Covenant on the titles to the properties in favour of the Township of Esquimalt, as detailed in Schedule "D" of this report, to:
  - (i) Ensure the consolidation of the four subject parcels into one,
  - (ii) Ensure the provision of approximately 217 square metres across the frontage of the Lands is dedicated as road,
  - (iii) Ensure that the proposed development is consistent with the Green Building Project Checklist, and
  - (iv) Require a project completion report detailing the implementation of the green building practices.

### BACKGROUND:

#### Context

**Applicant:** Praxis Architects Inc. [Michael Levin]

**Owner:** Royal Canadian Legion, Branch No. 172

**Property Size [Total]:** Metric: 3045 m<sup>2</sup> Imperial: 32,776 ft<sup>2</sup>

**Existing Land Use:** Commercial [Royal Canadian Legion]

**Surrounding Land Uses:**

North: Commercial Retail [marine/ automotive parts dealer]  
South: Commercial [British Columbia Liquor Store]  
East: Multi-Family Residences  
West: Multi-Family Residences

**Existing Zoning:** C-3 [Core Commercial]

**Proposed Zoning:** CD No. 82 [Comprehensive Development District No. 82]

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

**Schedules:**

- "A" Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 207], 2013, No. 2798 [as amended];
- "B" Cost estimates coordinated by McElhanney Consulting Services Ltd., stamped "Received April 3, 2013" detailing costs associated with delivery of amenities proposed by the applicant;
- "C" Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799;
- "D" Draft Section 219 Covenant;
- "E" Key plan showing location of the subject site;
- "F" Copy of newspaper notifications for the applicant's open houses;
- "G" Letter from the Royal Canadian Legion regarding the October 2, 2012 open house;
- "H" Letter from the Royal Canadian Legion regarding the October 23, 2012 open house;
- "I" Background report from the Royal Canadian Legion;
- "J" Summary of the results of the applicant's open houses;
- "K" Minutes of the December 18, 2012 meeting of the Advisory Planning Commission;
- "L" Project Summary from Monimos Equities and Developments;
- "M" Summary of the Monimos "Supply and Demand" study;
- "N" Traffic Impact Assessment study from Boulevard Transportation Group;
- "O" Senior's Housing Parking study – Comparative Requirements;
- "P" Statistical Summary of Driving Habits of Seniors;
- "Q" Letter from the International Institute of Criminal Justice Research regarding S.A.F.E. Design Standard Certification for the proposed project;
- "R" Wittich Environmental Services Ltd. Preliminary Site Investigation Stage 1;
- "S" Ryzuk Geotechnical – Geotechnical Report;
- "T" Green Building Checklist; and
- "U" Site Plan and architectural drawings.

**Purpose of the Application**

The applicant is requesting a change in zoning from the current C-3 Core Commercial to a Comprehensive Development zone [CD] to facilitate redevelopment of the site for a commercial and residential mixed-use development, currently proposed as a 12-storey building consisting of 152 seniors' independent living units and approximately 575m<sup>2</sup> of commercial area including a Legion facility and general commercial space. Consistent with the Official Community Plan, base residential density of 3.0 floor area ratio ("FAR") would be permitted, with a density bonus up to 3.5 FAR on the provision of amenities (Base 3.2 and Bonus 3.7 FAR, respectively when combined with commercial space).

### **Zoning**

A detailed review of the building design will occur when a development permit application is submitted. At the rezoning stage, project review is limited to: appropriateness of proposed land use, traffic impacts, environmental impacts, building height, massing, setbacks, and parking requirements.

Since the proposed residential Floor Area Ratio is 3.5, which is 0.5 greater than allowed under the Official Community Plan, this bylaw is in the form of an amenity bylaw. Proposed amenities can be reviewed in Amending Bylaw [No. 207], 2013, No. 2798, Section 2(a)(ii), attached as Schedule "A" of this report.

**Proposed Land Use:** The proposed rezoning would allow for a mixed-use building containing 140 seniors independent living apartments and 12 "veterans dwelling units" managed by the Legion. Ancillary to the seniors' independent living apartments would be a multi-purpose "events" room, a kitchen, common dining room, offices, roof top patios, a lounge, and laundry facilities. The building would also contain a Legion and a small commercial space for retail or professional services. The Official Community Plan supports this type of use at this location. Increasing the density in the traditional business core of Esquimalt should help boost local businesses and services that cater to the needs of seniors. The proposed project is also within easy walking distance of several major bus lines that provide easy access to downtown Victoria and other destinations that are significant to seniors.

**Traffic Impacts:** A traffic impact study has been completed for the project and concluded that the additional impacts will be minimal.

**Environmental Impact:** The site has been significantly disturbed. There will be no net loss of habitat. Because of the increased densities compared to the existing use, significant reductions in greenhouse gas emissions could be anticipated.

**Height:** The building is proposed to be 12 storeys in height which is within the acceptable height limit in this area and consistent with the OCP amendment adopted by Council in May of 2010. A series of shadow diagrams is included in the drawing package. Due to the location of the subject property, significant view corridors will not be impacted.

**Massing:** A floor space ratio of up to 3.0 for the residential portion of a building is acceptable in this area. The proposed floor space ratio is 3.5 after the road dedication is granted. While this exceeds the permitted floor space ratio contained within the OCP the project provides special needs housing [seniors housing] therefore a density increase can be considered. The massing of the building is relatively evenly distributed across the site with slightly more massing at the northern end of the building. The proposed building represents a significant increase in massing relative to the existing building.

### **Setbacks:**

**Front:** Portions of the lower floor of the proposed building will be located within 0.8 m of Admirals Road. Through detailed design features such as articulating the building face adjacent to Admirals Road and judicious use of landscaping, the building would create a warm and animated interface with the street.

**North Side:** The proposed building will be set back 3.5 m from the north side yard allowing space for landscaping that will help buffer the building from the adjacent property.

**South Side:** The front portion of the south side of the proposed building will be built to the lot line. This is a standard practice for buildings in commercial cores. The rear portion of the south side of the building is off-set from the property line to allow for access to the underground parking.

**Rear:** The proposed building is set back approximately 5.5 m from the rear property line. This allows for the provision of a loading area, outdoor amenity space, and a landscape buffer between the proposed development and the adjacent development. Roof projections covering entrances and outdoor seating areas project further into the rear setback resulting in a 3.6 m rear setback.

**F.A.R., Lot Coverage, Setbacks, Height and Parking:**

The following chart details the setbacks, lot coverage and floor area ratio and parking requirements of this proposal.

*Note: All values based on a 2827.5m<sup>2</sup> Lot Area after road dedication land grant*

	<b>Comprehensive Development Zone</b>	Zoning Bylaw, 1992, No. 2050 does not contain a zone that could accommodate this commercial mixed-use proposal.  Staff present this summary table as the basis for a site specific zone written to accommodate this proposal.
<b>Floor Area Ratio</b>	3.5 [Residential]	
<b>Lot Coverage</b>	67%	
<b>Setbacks</b>	0.5 m	
• <b>Front</b>	5.5m [Building]	
• <b>Rear</b>	3.5 m [roof projections - grade]	
• <b>Interior Side</b>	0m/ 2.8 m	
<b>Building Height</b>	42 m (12 Floors)	
<b>Off Street Parking</b>	Total required for all uses = 116 spaces Total proposed = 116 spaces [plus 2 dedicated loading spaces]	
<b>Screening/Landscaping</b>	2 m of fencing or vegetation on property line adjacent to residential development consistent with Zoning Bylaw, 1992 No. 2050.	

**Parking:** Based on the mixture of uses proposed, staff have calculated that a total of 116 off-street parking stalls are required. The applicant proposes to meet all the commercial retail, Legion, office, and disabled and residential parking requirements while also providing needed loading spaces at the rear of the building.

**Official Community Plan**

The Official Community Plan contains policy directives that highlight some issues associated with this proposal:

OCP Section 2.3.2 (j) states that building heights of up to 12 storeys with a Floor Area Ratio of 3.0 can be considered for areas designated for Commercial Mixed-Use on 'Schedule A' of the plan. The subject property is designated Commercial Mixed-Use, therefore it is a candidate site



for increased density. The property is located on a major road and is within Commercial Node - Number 1, Esquimalt Village, where residents can access many needed services within walking distance.

OCP Section 2.3.2 (k) states that development proposal 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 are provided for the benefit of the community.

OCP Section 2.2.4.1(j) states that in new multiple unit residences, bicycle storage spaces should be provided in a ratio of 1.5 spaces per dwelling unit. Due to the nature of the tenants, no bicycle parking has been provided, however, 6 "scooter" stalls will be provided.

OCP Section 2.3.2 (f) states that to encourage the use of bicycles, provision should be made in new commercial buildings for bicycle parking for employees and visitors. Bicycle racks will be provided.

OCP Section 2.3.3.2 (a) states the Esquimalt Village will continue to be the principal commercial area within Esquimalt and that a range of uses are encouraged to promote activity throughout the day and evening.

OCP Section 2.3.3.2 (c) states that higher density mixed commercial/ residential complexes are encouraged in Esquimalt Village.

OCP Section 9.4.5(c) identifies the need for new development to minimize shadowing impact on neighbouring public spaces. The applicant has prepared a shadow analysis that reveals how this tower would impact public space both on and off the subject property site during the shoulder seasons.

**Fit with Neighbourhood:** The subject property is located in proximity to the Esquimalt Road/ Admiral Road intersection. Properties on both sides of Admirals Road as well as those west and north of the subject property are designated to accommodate either Commercial Mixed Use, High-Rise or Multi-Unit, High-Rise Residential Development. This project would represent a significant departure from the established local development however it would also be the first development within the Esquimalt Village that achieves a design consistent with the direction set forth in the Official Community Plan.

**Green Features:** The applicant has updated the Esquimalt Green Building Checklist stamped "Received March 13, 2013" (Schedule "T") The sustainable initiatives contained in this list have been included in a restrictive covenant that would be registered on the titles to the properties to ensure these features are included in the final building design.

**Landscaping:** Landscaping has been proposed to help buffer the building from adjacent development, to augment certain architectural features, and to soften the effect of the building at grade.

**Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of APC held on December 18, 2012 (Appendix "K"). Members were complimentary of the design stating that the project represented a significant improvement over the existing building. Members noted that the proposal meets the

height requirements contained in the Official Community Plan. Concerns were raised about the requested reduction in parking with members stating that the building should not overly impact the surrounding neighbourhood with overflow parking. The APC forwarded the application to Council with a recommendation that it be approved subject to provision of a detailed parking study indicating that the proposed parking variances are acceptable.

The applicant responded to the APC comments by increasing the number of parking spaces by adding 13 additional underground spaces and providing a parking review of similar projects in Metro Vancouver as well as parking criteria for other CRD jurisdictions.

### **Council**

Staff presented Amendment Bylaw [No.207], 2013, No. 2798 to Esquimalt Council on March 4, 2013. Council granted first and second reading of the amending bylaw and directed staff to schedule a Public Hearing for this application. In their review of this application, Council members expressed concerns, questioning the appropriateness of the proposed parking reduction. Council also questioned the adequacy of the proposed amenities offered in return for bonus density and the adequacy of the green building features proposed for inclusion in the building. A request was made that the applicants provide a valuation of the proposed amenities prior to the Public Hearing.

In response to the comments received at the March 4, 2013 Council meeting, the applicants revised their proposal by agreeing to provide the following architectural changes and additional amenities:

1. Amend architectural plans to comply with all municipal parking requirements therefore this application no longer contains any parking variances.
2. Installation of 34 metres of curb, gutter and enhanced sidewalk [3.2m wide stamped concrete] across the Admirals Road frontage of 1310 Esquimalt Road [Extension of custom patterned sidewalk fronting 622 Admirals Road].
3. Removal of two existing utility poles located to the north and south of the existing Legion facility, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the west side of Admirals Road from the north property line of 622 Admirals Road to the intersection with Esquimalt Road [i.e. the 622 Admirals Road frontage and the 1310 Esquimalt Road, Admirals Road frontage].
4. Provide a \$30,000 contribution to the Esquimalt Recreation Centre for the purchase and installation of a Wheel Chair Lift in the swimming pool.

The applicants also agreed to the following changes to the Green Building Checklist:

1. Increase the LEED rating from Bronze to Silver (this will not be certified).
2. They will consult with a Green Building consultant.
3. They will consider installation of wall mounted photovoltaic panels on the building.

The applicants provided staff with cost estimates, coordinated by McElhanney Consulting Services Ltd., stamped "Received April 3, 2013" [Schedule "B"] detailing costs associated with delivery of the proposed amenities. When one includes the proposed \$30,000 contribution to the Esquimalt Recreation Centre, the streetscape, landscaping, electrical and community amenities are valued at nearly \$450,000.



The proposed amenities address infrastructure, aesthetic and safety issues which would enhance the local area while addressing the needs of the senior citizen residents of the proposed development. Improved sidewalks, underground utilities and street lighting would facilitate safe pedestrian access to and from both sides of the building. Provision of a transit shelter would enhance access to the Capital Region through the existing transit system. Contributing an accessible lift to the Esquimalt Recreation Centre pool benefits the entire community while specifically addressing the needs of local seniors with mobility issues wishing to access this community facility.

In addition to the amenities listed in Amendment Bylaw No. 2798, the applicants also agreed to provide the Township with 217 square metres of land fronting 622 Admirals Road as a roadway dedication. This land is offered to the Township as a condition of rezoning regardless of whether or not the bonus density is constructed and will be secured through inclusion in a restrictive covenant. This road dedication would facilitate the installation of a transit bus lay-by and improve traffic conditions in front of the site. Based on the current assessed land value of 622 Admirals Road [2013 BC Assessment Property Assessment Notice] this road dedication, representing approximately 7% of the current site area, has a value of approximately \$100,000.

In response to the substantial changes proposed by the applicant, staff revised Amendment Bylaw [No.207], 2013, No. 2798 and presented the updated bylaw to Esquimalt Council on April 15, 2013. Council rescinded 2<sup>nd</sup> reading, amended the bylaw and read the revised bylaw a second time. Council also directed staff to schedule a Public Hearing, send required notification to local residents and owners and advertise as required in the local newspaper.

#### **Amendment Bylaw Review**

After the March 4, 2013 Council Meeting, additional information relating to the following issues was requested from staff:

- Permitted uses on the property.
- Potential for restriction of hours of operation for the Royal Canadian Legion portion of the building and the impact on potential future owners.
- The relationship of Strata Councils within the proposed building.
- Parking standards in relation to other jurisdictions in the CRD for commercial spaces.

**Permitted Uses:** Concern regarding the potential uses for the Royal Canadian Legion strata unit, should the Royal Canadian Legion choose to divest the asset in the future, has been raised as certain uses might not be sympathetic to the adjoining seniors residences. Staff re-evaluated the "Permitted Uses" contained in Amendment Bylaw [207], 2013, No. 2798 and found that while a pub would not be permitted, a night club, a pool hall, or a theatre could be installed in either the Legion strata unit or the other commercial unit under the "Entertainment" use. In response to this finding, staff amended the list of permitted uses in Amendment Bylaw [207], 2013, No. 2798 by removing "Entertainment" as a permitted use.

**Restriction to Hours of Operation:** It is possible to place restrictions relating to the hours of operation of a portion of the proposed building. It should be noted that placing restrictions on a strata unit within the building could impact the value of the unit as it may restrict the viability of other uses permitted in the zone. Should the Royal Canadian Legion choose to divest their commercial unit in the future, it would not be unreasonable to expect that the Council of the day would receive a request to amend or discharge any restrictive covenant limiting hours of operation. Setting specific operation hour restrictions on the Royal Canadian Legion strata unit would negatively impact the ability of the Legion to hold special events which might extend past the operational hours laid out in the covenant.

**Relationship of individual Strata Councils:** The four proposed strata councils will operate independent of one another, coordinating only on issues relating to such things as building maintenance. Each strata would influence its portion of the building while having very limited input relating to its neighbours activities.

**Commercial Parking Standard [Restaurants]:** Staff completed an audit of the Core Area municipalities of View Royal, Victoria, Saanich and Oak Bay parking standards. Results revealed that Esquimalt's parking requirement for Restaurant use [closest use to Club House in various municipal parking bylaws] was identical in both Victoria and Oak Bay [1 space/ 5 seats] while View Royal and Saanich were slightly more restrictive [1 space/ 3 seats].

## **ISSUES:**

### **1. Rationale for Selected Option**

This application is consistent with the policy direction contained within the OCP for new development within the Esquimalt Village and would represent the first building to achieve the objectives envisioned for this area. The proposed density does exceed the 3.0 floor area ratio stated in Section 2.3.2 (j) of the OCP. In response to this the applicant has provided a suite of amenities that would substantially improve both infrastructure and aesthetics in the immediate area of the development as well as provide desired accessibility to the Esquimalt Recreation Centre pool.

As this proposal represents a significant change to the Esquimalt Village it is prudent to consider all input from the community and clearly address any issues raised by local residents. Ensuring there is a clear understanding of both the impacts and the benefits this development represents for Esquimalt is critical to the integrity of the zoning process therefore staff request the opportunity to return an additional report to Council in the near future.

### **2. Organizational Implications**

This Request for Decision has no organizational implications.

### **3. Financial Implications**

The bylaw would require the delivery of a minimum of \$400,000 worth of amenities and land for road widening worth approximately \$100,000..

### **4. Sustainability/Environmental Implications**

Consistent with the direction provided by Council on March 4, 2013, the applicant provided staff an updated Green Building Checklist, stamped "Received March 13, 2013". Staff have included these requirements in a restrictive covenant, to be registered on the titles to the properties, that would ensure that the proposed development would be constructed consistent with these criteria. Additionally, this covenant would require the developer to provide a project completion report detailing the implementation of the green building practices.

### **5. Communication**

In accordance with the recently amended Council Policy PLAN-25 the applicant consulted with neighbouring residents and property owners within 100 metres of the subject properties to solicit their opinion, and where practical to incorporate comments and suggestions in the final proposal prior to finalizing and submitting the application. The applicant delivered

notices to local residents [see attached map], and advertised in the Victoria News, for the consultation events held at the subject properties on Tuesday October 2, 2012 and Tuesday October 23, 2012.

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject properties on May 13, 2013 advising them that Council will be considering the requested rezoning on Monday, May 27, 2013. Notice of the Public Hearing was printed in the May 15<sup>th</sup> and May 22<sup>nd</sup> editions of the Victoria News and the signs, installed on the frontages of the subject properties, indicating that the properties are under consideration for a change in zoning were updated to show the date, time and location of the Public Hearing.

Written submissions received prior to the public hearing will be distributed to Council members at the start of the public hearing.

**ALTERNATIVES:**

1. That Council consider comments made at Public Hearing and direct staff to return a report addressing all issues raised prior to considering Amending Bylaw [No. 207], 2013, No. 2798 for 3rd reading.
2. Council directs staff to amend Bylaw No. 2798 to accommodate issues raised at the public hearing and return to Council for consideration.
3. Council resolves to read Bylaw No. 2798 a third time and directs staff to coordinate registration of the restrictive covenant on the titles to the properties and return Housing Agreement Bylaw No. 2799 to Council for consideration.
4. Council **defeats** Amending Bylaw [No. 297], 2013, No. 2798.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2798

A Bylaw to amend Bylaw No. 2050, cited as the  
"Zoning Bylaw, 1992, No. 2050"

**IN PROGRESS**

THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO. 207], 2013, NO. 2798".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
  - (1) by adding the following words and figures after 'Comprehensive Development District No. 81' in Section 31 – Zone Designations of PART 5 - Zoning Districts:

"Comprehensive Development District No. 82"

- (2) by adding the following text as Section 67.69:

**67.69 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 82**  
**[CD NO. 82]**

In that Zone designated as CD No. 82 [Comprehensive Development District No. 82] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Congregate Care Senior Citizens' Apartments
- (b) Business and Professional Office
- (c) Financial Institution
- (d) Personal Service Establishment
- (e) Retail Store
- (f) Restaurant
- (g) Club House
- (h) Group Children's Daycare
- (i) Food service for Congregate Care residents

(2) **Floor Area Ratio**

(a) **Residential Uses**

- (i) The Floor Area Ratio shall not exceed 3.0;



- (ii) On the provision of all of the following amenities, the Floor Area Ratio may be increased up to, but shall not exceed, 3.5:

**Streetscape Amenities:**

- (1) Enhanced sidewalk [1.5m wide stamped concrete] across frontage of 622 Admirals Road. [Enhanced sidewalk refers to the custom patterned sidewalk].
- (2) Additional Enhanced sidewalk [1.7m wide stamped concrete] across frontage of 622 Admirals Road resulting in sidewalks totalling 3.2 metres in width.
- (3) Two decorative poles including functional street lighting on 622 Admirals Road frontage.
- (4) Transit Shelter, in accordance with BC Transit specifications.
- (5) 34 metres of curb, gutter and enhanced sidewalk [3.2m wide stamped concrete] installed across the Admirals Road frontage of 1310 Esquimalt Road [Extension of custom patterned sidewalk fronting 622 Admirals Road].
- (6) 38 metres of curb, gutter, and sidewalk on north side of Miles Street between west property line of 622 Admirals Road and Constance Avenue.
- (7) 38 metres of barrier curb and gutter on the south side of Miles Street between the west property line of 622 Admirals Road and Constance Avenue.

**Landscaping Amenities**

- (8) Seven engineered tree vaults for proposed boulevard trees.
- (9) Seven irrigation supply lines from building to tree vaults.
- (10) Seven street trees.
- (11) Two street benches.

**Electrical Amenities**

- (12) Electrical power outlets provided in tree vaults, decorative poles, and in BC Transit Shelter.
- (13) Removal of two existing utility poles located to the north and south of the existing Legion facility, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the west side of Admirals Road from the north property line of 622 Admirals Road to the intersection with Esquimalt Road [including the Admirals Road frontage of 1310 Esquimalt Road].

**Integration into Community Amenities**

- (14) Cash contribution of \$30,000 to the Esquimalt Recreation Centre for the purchase and installation of a Wheel Chair Lift in the swimming pool.

The value of amenities (1) to (13) must cost no less than \$400,000 (prior to taxes), and confirmed by independent

professional auditor provided by property owner in accordance with the following procedure:

- A. An independent auditor shall determine the actual value of the Amenities provided further to subsections (1)-(13) above ("Actual Value"). For certainty, management, administrative and report costs shall not be included in the calculation of Actual Value.
- B. The report of the Auditor must be made available to the Township and the Owner at the same time, and neither party shall be permitted to review drafts of the report.
- C. Where the Actual Value of the amenities provided is less than \$400,000, the Owner must, within thirty (30) days of the Auditor's report, make an additional cash contribution equivalent to the shortfall plus 25% to the Township.
- D. The Owner acknowledges that such additional cash amenity contribution does not relieve of the provision of the amenities listed above.

**(b) Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 3.2 if the above amenities are not provided or 3.7 if the above amenities are provided.

**(3) Unit Size**

Dwelling Units shall not be less than 40.0 square metres.

**(4) Commercial Space & Mixed Use Ground Level**

(a) The minimum Floor Area dedicated to Commercial Uses shall not be less than 575.0 square metres.

(b) Commercial Uses are not permitted on any floor other than the ground floor.

(c) Commercial Uses are not permitted to exceed 50% of the total ground floor area.

(d) The maximum Floor Area dedicated to uses accessory to 67.69(1)(a) shall not be less than 350.0 square metres of the ground floor.

**(5) Design Guideline**

South side of the building shall incorporate an artistic or creative motif and/or green building design.

**(6) Building Height**

(a) No Principal Building shall exceed a Height of 42.0 metres.

(b) No Accessory Structure shall exceed a Height of 3.6 metres.

(7) **Lot Coverage**

(a) All Principal Buildings and Accessory Structures combined shall not cover more than 67% of the Area of a Parcel.

(b) No Principle Building shall cover more than 65% of the Area of the Parcel.

(c) All Accessory Structures combined shall not cover more than 2% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Buildings:**

(i) Notwithstanding Section 28 of Zoning Bylaw, 1992, No. 2050, no Principal Building shall be located within 0.5 metres of the Front Lot Line.

(ii) No Principal Building shall be located within 2.8 metres of the northern Interior Side Lot Line.

(iii) No setback shall be required from the southern Interior Side Lot Line.

(iv) No Principal Building shall be located within 5.5 metres of the Rear Lot Line.

(v) Notwithstanding Section 7(a)(iv), roof structures, attached to the Principal Building no higher than the ceiling height of the first floor, shall not be located within 3.5 metres of the Rear Lot Line.

(b) **Accessory Structures:**

No Accessory Structure shall be located within 3.0 metres of the Rear Lot Line.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be provided as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

(3) by changing the zoning designation of each of the following parcels, collectively known as 622 Admirals Road, shown cross-hatched on

Schedule 'A', attached hereto, from C-3 [Core Commercial] to CD No. 82 [Comprehensive Development District No. 82]:

- (a) Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854;
  - (b) Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854;
  - (c) Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; and
  - (d) Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL.
- (4) by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" to show the changes in zoning classification effected by this bylaw.

READ a first time by the Municipal Council on the 4<sup>th</sup> day of March, 2013.

READ a second time by the Municipal Council on the 4<sup>th</sup> day of March, 2013.

Second Reading rescinded, bylaw amended and read anew a second time by the Municipal Council on the 15<sup>th</sup> day of April, 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the --- day of -----, 2013.

READ a third time by the Municipal Council on the --- day of -----, 2013.

**ADOPTED** by the Municipal Council on the --- day of -----, 2013.

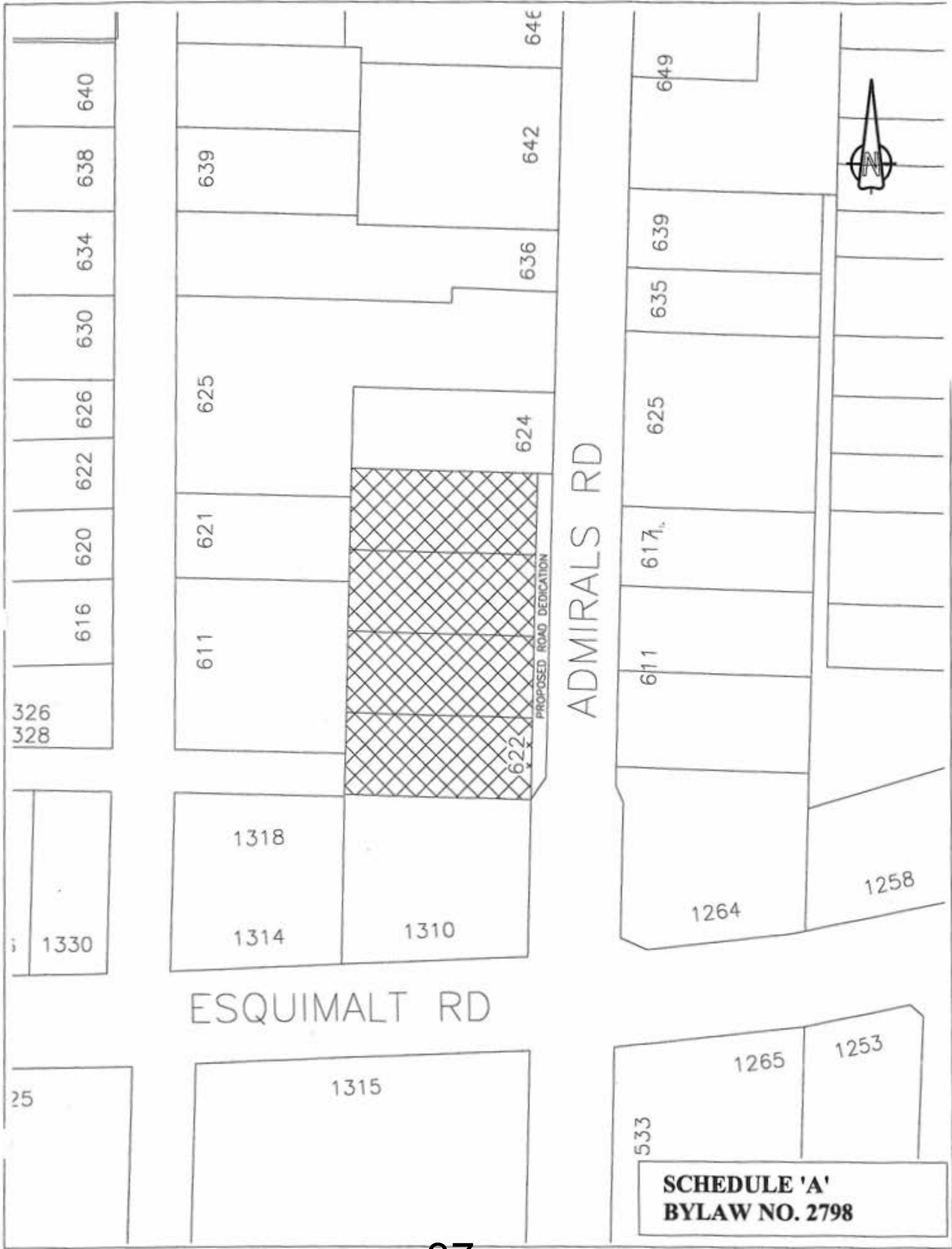
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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER





326  
328

640

638

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622

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616

1330

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1318

1314

ESQUIMALT RD

1315

1310

639

625

621

611

622

624

PROPOSED ROAD DEDICATION

636

642

646

ADMIRALS RD

533

1265

1253

**SCHEDULE 'A'**  
**BYLAW NO. 2798**

1264

611

617<sub>1/2</sub>

625

635

639

649

1258





Project: Legion Rise, Esquimalt, BC  
Client: Praxis Architects Inc.

File #: 12-199 (11)  
Date Prepared: April 3, 2013

COMMENTS					
-This estimate is based on drawings from Praxis Architects Inc. dated July 2012 -This estimate does not include the cost of items normally included in frontage improvements by the Esquimalt Engineering Dept. -Cost for landscaping items provided by Lombard North -Cost for electrical items provided by Applied Engineering Solutions Ltd. -This estimate does not include any contingency or taxes					
DIRECT CONSTRUCTION COSTS					
ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT
<b>ROAD - (McElhanney)</b>					
1.0	Enhanced sidewalk (stamped, 1.5m wide) along property frontage (along Admirals Road)	sq.m.	105	\$20.00	\$2,100.00
1.1	Additional 1.7m wide Enhanced sidewalk (stamped) along property frontage (along Admirals Road)	sq.m.	120	\$140.00	\$16,800.00
1.2	Sawcut asphalt along 1310 Esquimalt Road property frontage (along Admirals Road)	l.m.	34	\$10.00	\$340.00
1.3	Remove existing curb, sidewalk and asphalt along 1310 Esquimalt Road property frontage (along Admirals Road)	l.s.	1	\$2,000.00	\$2,000.00
1.4	Re-instate Asphalt pavement along 1310 Esquimalt Road property frontage (along Admirals Road)	sq.m.	50	\$45.00	\$2,250.00
1.5	Enhanced Sidewalk (concrete) along 1310 Esquimalt Road property frontage (along Admirals Road) - 3.2m wide	sq.m.	109	\$140.00	\$15,260.00
1.6	Concrete curb along 1310 Esquimalt Road property frontage (along Admirals Road)	l.m.	34	\$110.00	\$3,740.00
1.7	Sawcut and remove asphalt and curb on north side of Miles Street between property line and Constance Avenue	l.s.	1	\$1,500.00	\$1,500.00
1.8	Sidewalk (concrete) on north side of Miles Street between property line and Constance Avenue - 1.5m wide	sq.m.	55	\$120.00	\$6,600.00
1.9	Concrete curb on north side of Miles Street between property line and Constance Avenue	l.m.	38	\$110.00	\$4,180.00
1.10	Re-instate Asphalt pavement along north side of Miles Street between property line and Constance Avenue	l.m.	55	\$30.00	\$1,650.00
1.11	Sawcut and remove asphalt and curb on south side of Miles Street between property line and Constance Avenue	l.s.	1	\$1,500.00	\$1,500.00
1.12	Concrete curb on south side of Miles Street between property line and Constance Avenue	l.m.	38	\$110.00	\$4,180.00
1.13	Re-instate Asphalt pavement along south side of Miles Street between property line and Constance Avenue	l.m.	55	\$30.00	\$1,650.00
<b>LANDSCAPE - (Lombard North)</b>					
2.0	Engineered tree vaults for purposed boulevard trees	l.s.	1	\$3,200.00	\$3,200.00
2.1	Irrigation supplied from building to tree vaults	l.s.	1	\$1,500.00	\$1,500.00
2.2	Street trees	l.s.	1	\$10,800.00	\$10,800.00
2.3	Street benches	ea	2	\$1,500.00	\$3,000.00
<b>ELECTRICAL - (Applied Engineering Solutions Ltd.)</b>					
3.0	Electrical power outlets provided in tree vaults, decorative poles and BC Transit Shelter	l.s.	1	\$35,000.00	\$35,000.00
3.1	Removal of existing utility pole and provision of underground utility lines on the west side of Admirals Road from the south property line to the intersection with Esquimalt Road	l.s.	1	\$300,000.00	\$300,000.00
<b>MISCELLANEOUS</b>					
4.0	Esquimalt Recreation Center contribution	l.s.	1	\$30,000.00	\$30,000.00
<b>TOTAL</b>					<b>\$487,250.00</b>
<small>                         LIMITATION OF LIABILITY - THE MATERIAL WITHIN THIS ESTIMATE REFLECTS MCELHANNNEY CONSULTING SERVICES LTD.'S JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE AT THE TIME OF PREPARATION. THIS ESTIMATE WAS PREPARED FOR THE SOLE USE OF THE CLIENT NAMED ABOVE AND ANY USE WHICH A THIRD PARTY MAKES OF THIS ESTIMATE OR ANY RELIANCE ON DECISIONS TO BE MADE BASED ON IT ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES. ALL PARTIES AGREE THAT THE CONSULTANT CANNOT AND DOES NOT WARRANT OR REPRESENT THAT BIDS OR NEGOTIATED PRICES WILL NOT VARY FROM THE ESTIMATE. THE PARTIES FURTHER AGREE THAT NOTHING IN THEIR AGREEMENT SHALL BE DEEMED TO BE A COST CONDITION OR REPRESENTATION THAT THE PROJECT CAN BE COMPLETED FOR THE AMOUNTS WITHIN THE ESTIMATE. THE CLIENT WAIVES ITS RIGHTS TO WITHHOLD THE CONSULTANT'S FEES, EITHER IN WHOLE OR IN PART, OR TO MAKE ANY CLAIM OR COMMENCE ANY ACTION OR BRING ANY OTHER PROCEEDINGS IN ANY COURT OF LAW AGAINST THE CONSULTANT IN CONNECTION WITH THE ADVICE OR INFORMATION RELATING TO THE ESTIMATE WHETHER IN CONTRACT, TORT OR OTHERWISE.                     </small>					



**CORPORATION OF THE TOWNSHIP OF ESQUIM**

**BYLAW NO. 2799**

A Bylaw to authorize a Seniors Housing Agreement  
under section 905 of the *Local Government Act*

THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ESQUIMALT, in open  
meeting assembled, enacts as follows:

1. This bylaw may be cited as the "*HOUSING AGREEMENT (622 Admirals Road) BYLAW, 2013, NO. 2799*".
2. The Mayor and the City's Corporate Officer are authorized to execute the Housing Agreement:
  - (a) set out in Schedule A,
  - (b) between the Township and Royal Canadian Legion, Branch No. 172, and
  - (c) that applies to the land known as 622 Admirals Road, legally described as:
    - (i) Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854;
    - (ii) Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854;
    - (iii) Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; and
    - (iv) Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL.

READ a first time by the Municipal Council on the 4<sup>th</sup> day of March, 2013.

READ a second time by the Municipal Council on the ---- day of -----, 2013.

READ a third time by the Municipal Council on the ---- day of -----, 2013.

**ADOPTED** by the Municipal Council on the ---- day of -----, 2013.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER

**SCHEDULE A to Bylaw No. 2799  
HOUSING AGREEMENT**

# HOUSING AGREEMENT

(Pursuant to Section 905 of the *Local Government Act*)

THIS AGREEMENT is made the \_\_\_\_ day of \_\_\_\_\_, 2013.

## BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 Esquimalt Road  
Esquimalt, BC V9A 3P1

(the "TOWNSHIP")

AND

ROYAL CANADIAN LEGION, BRANCH NO. 172

622 Admirals Road  
Esquimalt, B.C. V9A 2N7

(the "OWNER")

## RECITALS:

- A. Under section 905 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the Agreement, including but not limited to terms and conditions referred to in section 905(2) of the *Local Government Act*;
- B. The Owner is the registered owner in fee-simple of those lands with a current civic address of 622 Admirals Road in the Township of Esquimalt in Province of British Columbia, and legally described as:

PID: 006-390-897

Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854;

PID: 006-386-865

Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854;

PID: 006-387--098

Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; and





PID: 006

Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL

(collectively, the "Lands").

- C. The Owner has submitted an application to the Township to rezone the Lands from C-3 [Core Commercial] to CD No. 82 [Comprehensive Development District No. 82] further to ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO. 207], 2013, NO. 2798 ("**Rezoning Bylaw**"), and acknowledging that it is in the public interest that the use of the Lands be limited, in particular given the intent to provide congregate care housing for seniors.
- D. The Owner proposes to develop the Lands under four strata lots as follows:
- a. Proposed Strata Lot A - Commercial Uses;
  - b. Proposed Strata Lot B - Legion Facility (club house)
  - c. Proposed Strata Lot C - 12 non-profit Legion Veteran Senior Housing Units; and
  - d. Proposed Strata Lot D - 140 (1 and 2 bedroom) Senior Independent Living Units;
- (collectively, the "**Proposed Development**");
- E. The Owner and the Township wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the *Local Government Act*, to secure the agreement of the Owner that all the proposed units on Proposed Strata Lot C and Proposed Strata Lot D of the Lands may only be used for congregate care housing for seniors (the "**Agreement**" or "**Housing Agreement**"), the parties acknowledging that the Notice of this Housing Agreement shall be placed on title to the Lands until stratification and then the Proposed Strata Lot C and Proposed Strata Lot D at which time it may be removed from Proposed Strata Lot A and Proposed Strata Lot B (*or as such lots may be respectively named at time of subdivision*).

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

## 1. DEFINITIONS

- 1.1. Unless otherwise stated, the definitions of the Township's ZONING BYLAW, 1992, NO. 2050 ("**Zoning Bylaw**"), apply to this Agreement.
- 1.2. The following words and terms have the following meanings:
  - (a) "**Non-Commercial Units**" means all those parts of the Proposed Development other than on Proposed Strata Lot A and Proposed Strata Lot B;
  - (b) "**Owner**" includes "Strata Corporation" following stratification of the Lands.
  - (c) "**Senior Person**" means a person of the age of fifty five (55) years or older;
  - (d) "**Strata Corporation**" includes the entity in control of the respective Proposed Strata Lots should subdivision or other division proceed by means other than stratification;
  - (e) "**Strata Lot**" includes such other form of subdivision or property division would, for example, development proceed by way of air space parcel subdivision or other division;

## 2. USE AND OCCUPATION

- 2.1. Subject to this Agreement, the Owner covenants and agrees that it must only use or permit the use and occupancy of the Non-Commercial Units on the Lands to affordable congregate care apartment units for Senior Persons, or accessory uses to such residential use and occupation.
- 2.2. Within Proposed Strata Lot C and Proposed Strata Lot D only, use and occupancy of a Non-Commercial Unit by a Senior Person may include residential occupancy by a Senior Person together with his or her spouse or partner who may be less than 55 years of age.

## 3. RENTAL UNITS ONLY

- 3.1. The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever the effect of which would be to sell or transfer the Non-Commercial Units on the Lands other than for rental purposes.
- 3.2. Without limiting the generality of Section 3.1,
  - (a) the Owner covenants and agrees that it will not make application to deposit a strata plan to stratify the individual Non-Commercial Units, the parties acknowledging this Agreement does not restrict the creation of the Proposed Strata Lots A, B, C and D respectively;



- (b) the tenancy agreements or leases for the Non-Commercial Units must not be of a term inconsistent with rental tenure and must not permit assignment, sub-tenancy or sub-leasing.
- 3.3. The Strata Corporation further covenants and agrees:
- (a) that the Strata Corporation will not pass bylaw(s) that would restrict the availability for rental of any Non-Commercial Units unless this Agreement is amended accordingly, and
  - (b) to notify the Township of any proposed amendments to its strata bylaws that pertain to use or occupancy.
- 3.4. The Owner and Strata Corporation acknowledge that it is within the Township's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

#### **4. ADMINISTRATION & MANAGEMENT - REPORTING**

- 4.1. Within thirty (30) days of receipt of request from the Township, the Owner or Strata Corporation must provide a report in writing that identifies the following for the portions of the development or Strata Lot, respectively:
- (a) Total number of Non-Commercial Units on the Lands;
  - (b) Number and Age of Occupants of each Non-commercial Unit;
  - (c) Name and Contact information of all companies and/or societies that manage or operate the Non-Commercial Units;
  - (d) Copy of the standard form(s) of tenancy or occupancy agreement for the Non-Commercial Unit, including term of that agreement (but without the personal information of each individual agreement);
  - (e) If applicable, any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Housing Agreement; and
  - (f) Such further information identified in the request from the Township, provided such is relevant to the interpretation, administration or enforcement of this Housing Agreement.
- 4.2. The parties acknowledge that reporting requirements will not be imposed more than once per year, unless there are reasonable grounds to believe that there may be a breach, in fact or in spirit, of this Housing Agreement (as determined in the Township's sole discretion, for the purposes of reporting).
- 4.3. For greater certainty, there are no reporting requirements unless the Township so requests.

## 5. NOTICE IN LAND TITLE OFFICE

- 5.1. Notice of this Agreement will be filed in the Land Title Office by the Township at the cost of the Owner in accordance with section 905 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after filing of the Notice.
- 5.2. Upon stratification in accordance with the Proposed Development, the Notice need not run with Proposed Strata Lot A and Proposed Strata Lot B, and the Township agrees to file a cancellation in that limited regard on request of the Owner.

## 6. RELEASE AND INDEMNITY

- 6.1. The Owner and Strata Corporation covenant and agree to indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which anyone has or may have against the Township or which the Township incurs as a result of any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.
- 6.2. The Owner and Strata Corporation release and forever discharge the Township of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which the Owner or Strata Corporation can or may have against the Township for any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.

## 7. GENERAL PROVISIONS

- 7.1. **NOTICE:** Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
- 7.2. **CONFLICT:** In the event of a conflict between the terms of this Agreement and the provisions of Township bylaws in relation to use or density, the bylaws will prevail in accordance with section 905(3) of the *Local Government Act*.

- 7.3. **BINDING EFFECT:** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees, and in accordance with section 905(6) of the *Local Government Act*.
- 7.4. **TIME:** Time is to be the essence of this Agreement.
- 7.5. **WAIVER:**
- (a) No provision of this Agreement is to be considered to have been waived by a party unless the waiver is expressed in writing by the party.
  - (b) The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.6. **CUMULATIVE REMEDIES:** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 7.7. **RELATIONSHIP OF PARTIES:**
- (a) No provision of this Agreement may be construed to create a partnership or joint venture relationship, an employer-employee relationship, a landlord-tenant, or a principal-agent relationship.
  - (b) The Owner is solely responsible for all costs and expenditures required to fulfill its obligations under this Agreement, whether those costs and expenses are specifically referred to in this Agreement.
- 7.8. **FURTHER ASSURANCES:** The Owner will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.9. **ENTIRE AGREEMENT:**
- (a) This Agreement contains the entire agreement and understanding of the parties with respect to the matters contemplated by this Agreement and supersedes all prior and contemporaneous agreements between them with respect to such matters.
  - (b) No representations, warranties or conditions, express or implied, oral or otherwise, have been made other than those expressed in this Agreement.
- 7.10. **NO RESTRICTION ON TOWNSHIP AUTHORITY:** Except as required by section 905 of the *Local Government Act*, nothing contained or implied in this Agreement:

- (a) prejudices or affects the rights, powers or discretion of the Township in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Owner;
- (b) imposes any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement or the breach of any provision in this Agreement; or
- (c) imposes any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Township with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.

7.11. **SEVERABILITY:** Each article of this Agreement is severable. If any provision of this Agreement is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity must not affect the validity of the remainder of this Agreement.

7.12. **ACKNOWLEDGEMENT:** The Owner acknowledges having been directed to obtain independent legal advice and having read and fully understood all the terms and conditions of this Agreement. The Owner confirms that this Agreement has been entered into voluntarily.

7.13. **COUNTERPARTS:** This Agreement may be executed in counterpart with the same effect as if both parties had signed the same document. Each counterpart is deemed to be an original. All counterparts are construed together and constitute one and the same Agreement.

7.14. **APPLICABLE LAW:** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF the parties have set their hands and seals as of the day and year first above written.

**TOWNSHIP OF ESQUIMALT**

by its authorized signatories

\_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Chief Administrative Officer )

**ROYAL CANADIAN LEGION, BRANCH NO. 172**

by its authorized signatories )  
 )  
 \_\_\_\_\_ )  
 Name: )  
 )  
 \_\_\_\_\_ )  
 Name: )

**PRIORITY:** FISGARD CAPITAL CORPORATION, INC NO. C00603095 (the "Chargeholder") is the registered holder of a charge by way of MORTGAGE and ASSIGNMENT OF RENTS against each of parcels that comprise the Lands, registered under No. CA2240906 AND CA2240907 respectively (the "Charges"), agrees with the Township, in consideration of the sum of Ten Dollars (\$10.00) paid by the Township to the Chargeholder (receipt and sufficiency acknowledged), that the Agreement shall be an encumbrance upon the Lands in priority to the Charges in the same manner and to the same effect as if the Agreement had been dated and registered prior to the Charge.

**FISGARD CAPITAL CORPORATION, INC NO. C00603095**

by its authorized signatories )  
 )  
 \_\_\_\_\_ )  
 Name: )  
 )  
 \_\_\_\_\_ )  
 Name: )



TERMS OF INSTRUMENT - PART 2

---

**RECITALS:**

- A. The Transferor is the registered owner in fee-simple of those lands with a current civic address of 622 Admirals Road, more particularly described in Item #3 of Form C, in the Township of Esquimalt in Province of British Columbia, namely:

PID: 006-390-897

Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854;

PID: 006-386-865

Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854;

PID: 006-387--098

Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; and

PID: 006

Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL

(collectively the "**Lands**").

- B. The Transferee is the Township of Esquimalt ("**Transferee**" or "**Township**").
- C. The Transferor has submitted an application to the Township to rezone the Lands from C-3 [Core Commercial] to CD No. 82 [Comprehensive Development District No. 82] further to ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO. 207], 2013, NO. 2798 ("**Rezoning Bylaw**"), and acknowledging that it is in the public interest that the use and development of the Lands be limited, in particular given:
- (a) the intent to consolidate the Lands prior to development and dedicate a portion as road, and
  - (b) the Transferor's commitment to build in accordance with the Township's "Green Building Checklist" (the clauses in this Covenant reflective of the Checklist completed by the Transferor for the proposed development, a copy of which is on file at the Township's Municipal Hall),

the Transferor has volunteered and wishes to grant this covenant to the Transferee, and the Transferee has accepted this covenant and required its registration as a condition of rezoning (the "**Agreement**").

- D. Section 219 of the *Land Title Act* gives authority for a covenant and indemnity, whether of a negative or positive nature, to be registered against the Lands and granted in favour of the Transferee with provisions:
- in respect of the use of land or the use of a building on or to be erected on land;
  - that land is to be built on in accordance with the covenant;

- that land is not to be built on or subdivided except in accordance with the covenant;
- that land is not to be used, built on or subdivided; and
- that parcels of land designated in the covenant and registered under one or more indefeasible titles are not to be sold or otherwise transferred separately.

**NOW THEREFORE** in consideration of the payment of the sum of \$10.00 by the Transferee to the Transferor (receipt and sufficiency acknowledged), the mutual covenants and agreements contained in this Agreement, and for other good and valuable consideration, the parties covenant and agree as to the following, including under Section 219 of the *Land Title Act*:

### **Restrictions and Requirements – Consolidation & Dedication**

1. Notwithstanding broader or greater uses, density or other regulations in the Transferee's zoning bylaw, the Transferor covenants and agrees the Lands must not be:
  - (a) subdivided (including under the *Strata Property Act*),
  - (b) further built upon, or
  - (c) used for any use other than continuation of the uses existing at the time of registration of this agreement,

until the Transferor has, at its sole cost and without expectation of compensation from the Transferee, satisfied all of the following conditions:

- (i) the four parcels that comprise the Lands are consolidated as one; and
  - (ii) approximately 217 square metres across the frontage of the Lands (3.2 metres in width at the north portion of the boundary) is dedicated as road, generally as shown on the Site Plan prepared by James Worton and dated January 9, 2013, a copy of which is attached as Schedule "A" to this Agreement.
2. The Transferor further covenants and agrees that the parcels that comprise the Lands must not be sold or transferred separately from one another until the conditions of paragraph 1 of this Agreement are satisfied. For certainty, this restriction on alienation does not apply once the Lands are consolidated and further subdivided following consolidation.

### **Restrictions and Requirements – Green Building, Landscaping and Use**

3. The Transferor covenants and agrees the Lands must not be built upon or used except in compliance with the following ongoing requirements and restrictions:

#### ***Green Building Standards***

- (a) Building to achieve a standard equivalent to LEED® Silver;
- (b) Building to incorporate use of high-performance building envelope materials,



rainscreen siding, durable interior finish materials and safe to re-use materials;

- (c) Building to incorporate use of materials which have a recycled content (e.g. roofing materials, interior doors, ceramic tiles and carpets);

#### ***Water Management***

- (d) Building to exceed BC Building Code requirements for public lavatory faucets and have automatic shut offs;
- (e) Building and use of Lands to eliminate or reduce inflow and infiltration between storm water and sewer pipes;
- (f) Building and use of Lands to incorporate oil interceptors to mitigate surface pollution into storm drains;
- (g) No less than 7% of the Lands to remain and be maintained as naturally permeable surfaces;

#### ***Natural Features and Landscaping***

- (h) No less than 27 new trees will be planted on the Lands prior to use in accordance with the Rezoning Bylaw, and perpetually maintained, including replaced;
- (i) New landscaped areas to incorporate plant species native to southern Vancouver Island, including xeriscaping (i.e. the use of drought tolerant plants) to be utilized in dry areas;
- (j) Irrigation systems installed must include high-efficiency features such as drip irrigation and 'smart' controls;

#### ***Energy Efficiency***

- (k) Building to incorporate use of passive solar design principles for space heating and cooling or planned for natural day lighting;
- (l) No less than 60% of interior space within buildings to be illuminated by sunlight;
- (m) Building to incorporate wall mounted photovoltaic panels to convert solar energy to electricity;
- (n) Building to incorporate only Energy Star® certified appliances;
- (o) Each unit within the building to incorporate unit controls over thermal, ventilation and light levels;
- (p) Outdoor areas and underground parking areas must have automatic lighting (e.g. motion sensors or time set);

#### ***Air quality***

- (q) Building ventilation systems must be protected from contamination during construction and certified clean post construction;
- (r) Building to incorporate use of natural, non-toxic water soluble and low-VOC [volatile organic compound] paints, finishes and other products;
- (s) Building windows must be able to be opened by occupants;
- (t) Building fresh air intakes must be located away from air pollution sources;

### ***Solid Waste***

- (u) Demolition of existing building and structure to include recycling of materials;
- (v) Construction of new building and structure to include recycling of materials;
- (w) Building and use of Lands to incorporate enhanced waste diversion facilities, (e.g. on-site recycling for cardboard, bottles, cans and other recyclables; on-site composting);
- (x) Commercial uses on the Lands to provide waste and recycling receptacles for customers;

### ***Green Mobility***

- (y) Pedestrian lighting must provided in the pathways through parking and landscaped areas and at the entrances to building[s] on the Lands;
  - (z) Commercial development on the Lands to incorporate safe pedestrian paths through the parking areas and across vehicles accesses;
  - (aa) Building and development of the Lands to incorporate access for those with assisted mobility devices;
  - (bb) Building and development of the Lands to incorporate accessible bike racks at the main entrance to the building for use by visitors;
  - (cc) No less than three (3) plug-ins for electrical vehicles to be provided on the Lands for use by residents or employees of businesses on the Lands.
4. Prior to occupancy or use of any units on the Lands, the Transferor further covenants and agrees to provide, at its sole cost, to the Township the report of an independent professional identifying the specifics of how each of the requirements and restrictions has been satisfied.

### **Indemnity and Release**

5. The Transferor covenants and agrees to indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which anyone has or may have against the Transferee or which the Transferee incurs as a

result of any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.

6. The Transferor releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which the Transferor can or may have against the Transferee for any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.

### Registration

7. The restrictions and requirements in this Agreement are covenants running with the Lands in favour of the Transferee and intended to be perpetual, and shall continue to bind all of the Lands when subdivided.
8. At the Transferor's sole cost, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all encumbrances of a financial nature.
9. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement. However, the Transferee acknowledges that if the Rezoning Bylaw is not adopted, then this Agreement shall be discharged from the Lands.
10. The Transferor, as a personal covenant between the parties, agrees to pay the legal fees and land title office costs of the Transferee in connection with the preparation and registration of this Agreement.

### General

11. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement.
12. It is mutually understood, acknowledged and agreed by the parties that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
13. Nothing contained or implied in this Agreement:
  - (a) prejudices or affects the rights, powers or discretion of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor;

- (b) imposes any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement or the breach of any provision in this Agreement; or
  - (c) imposes any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Transferee with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity
14. The Transferor covenants and agrees that the Transferee may withhold development permits, building permits and other approvals related to the use, building or subdivision of land as necessary to ensure compliance with the covenants in this Agreement, and that the issuance of a permit or approval does not act as a representation or warranty by the Transferee that the covenants of this Agreement have been satisfied.
15. The Transferor covenants and agrees that:
- (a) if the Transferee advises of a breach of this Agreement, as determined in its reasonable discretion, the Transferor must promptly remedy that breach at its sole cost;
  - (b) if the Transferor has not remedied the breach to the reasonable satisfaction of the Transferee within fifteen (15) days of notice or other time longer period specified by the Transferee, the Transferee may, but is under no obligation to, remove or rectify the breach at the expense of the Transferor without further notice; and
  - (c) any costs to the Transferee of such removal or rectification is a debt due from the Transferor to the Transferee together with interest at a rate of 3% per annum in excess of the Prime Lending Rate of the Royal Bank of Canada in effect from time to time, and:
    - (i) the Transferor shall pay such costs and interest to the Transferee forthwith upon demand; and
    - (ii) failing payment, the Transferee may add such costs to property taxes for the Lands.
16. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
17. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver is effective unless it is written and signed by both parties.
18. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.



19. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

**Priority**

20. FISGARD CAPITAL CORPORATION, INC NO. C00603095 (the "**Chargeholder**") is the registered holder of a charge by way of MORTGAGE and ASSIGNMENT OF RENTS against each of parcels that comprise the Lands, registered under No. CA2240906 AND CA2240907 respectively (the "**Charges**"), agrees with the Transferee, in consideration of the sum of Ten Dollars (\$10.00) paid by the Transferee to the Chargeholder (receipt and sufficiency acknowledged), that the Agreement shall be an encumbrance upon the Lands in priority to the Charges in the same manner and to the same effect as if the Agreement had been dated and registered prior to the Charge.

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached.

DRAFT

**SCHEDULE A**

**SITE PLAN**

**DRAFT**

SCHEDULE "E"  
KEY PLAN SHOWING  
LOCATION OF SUBJECT SITE

**622 Admirals Road**



Subject Property Boundary: 



## **NOTICE OF MEETING**

Tuesday, October 2, 7 - 8 pm  
Esquimalt Legion upper hall

A public meeting will be held on Tuesday, October 2, 2012 in the upper hall of the Esquimalt Legion (622 Admirals Rd.) between 7 and 8 pm, to inform the public about the current rezoning application for the Esquimalt Legion property.

The proposed project is a 12-storey building, which consists of 152 seniors independent living units, a new Legion, and commercial space. Please contact Chris Fitzpatrick at 250.885.4481 with any questions.



## UVic labour peace a work in progress

Edward Hill  
News staff

One down, four more to go. The University of Victoria has reached a tentative agreement on a contract with the Professional Employees Association, a union which represents counsellors, instructors, system analysts, fundraisers, scientific technicians and engineers.

The deal includes a two-per-cent wage hike retroactive to July, and another two-per-cent hike next July. The agreement is subject to ratification by both parties over the coming weeks.

"The fact an agreement was reached without job action within that short time is a really

good sign of how well things went at the table," said Bruce Kilpatrick, the university's director of communications.

Negotiations haven't gone as well with CUPE locals 917 and 951 - representing some 1,500 non-teaching jobs on campus such as tradespeople, food service staff, child-care workers, and office and library staff. They held rotating strikes over a few days in early September.

All sides were back at the bargaining table last week and talks continue this week. CUPE 917 and 951 aren't picketing during talks and neither side is commenting on the negotiations, other than to say they are ongoing.

editor@saanichnews.com

## COMMUNITY NEWS IN BRIEF

### Electoral boundaries hearing tonight

Federal representatives are in town tonight (Oct. 17) to gain public input on proposed changes to electoral boundaries. In Victoria, the change would mostly affect Vic West, which is proposed to be carved off from the rest of the city to join Esquimalt and parts of the West Shore in a new riding.

It is too late to submit a request to speak, but anyone is welcome to listen to the hearing. It starts at 7 p.m. at the Victoria Conference Centre.

### Teens talk autism at new centre

CBI Health Group launches its new centre for autism in Victoria with an open house and teen panel discussion on Saturday (Oct. 20).

The teens start the event at 12:30 p.m. with an interactive conversation about what it's like to live with autism. The open house continues until 3:30.

CBI's Monarch House is located at 611 Discovery St. Visit monarchhouse.ca for more information.


## NOTICE OF PUBLIC MEETING

Tuesday, October 23,  
7 - 8 pm, Esquimalt Legion

A public meeting will be held on Tuesday, October 23, 2012 in the Esquimalt Legion (622 Admirals Rd.) between 7 and 8 pm, to inform the public about the current rezoning application for the Esquimalt Legion property.

The proposed project is a 12-storey building, which consists of 152 seniors independent living units, a new Legion, and commercial space. Please contact Chris Fitzpatrick at 250.885.4481 with any questions.

Preliminary plans can be viewed at  
[www.monimos.com](http://www.monimos.com)



**MAARTEN SCHADDELEE  
FINE ART SHOW**  
OCT. 20, 21, 2012  
10:00 AM - 4:00 PM

"MY HANDS MAKE THE VOICE OF MY HEART VISIBLE"

4635 Vantreight Drive - Victoria BC - 250 477-1651  
[www.maarnada.ca](http://www.maarnada.ca) - other times by appointment

THE CANADIAN SCOTTISH REGIMENT  
(PRINCESS MARY'S)



1912 - 2012

## Join us in celebrating our 100th Anniversary

19-21 Oct 2012 in Victoria

The Canadian Scottish Regiment (Princess Mary's) whose roots are from the 88th Regiment (Victoria Fusiliers) and the 50th Regiment (Gordon's) both established in Victoria BC on September 3, 1912 and August 15, 1913 respectively is celebrating its 100th year of service to the communities on Vancouver Island and Canada.

**The Public are invited to attend  
the following events:**

Sunday, October 21 at 11:00 AM at Christ Church Cathedral where members of the Regimental Family will participate at a Church Service and followed at Noon by a Memorial service at Pioneer Square (beside Christ Church Cathedral).

Sunday, October 21 at 12:45 PM at Royal Athletic Park, 1014 Caledonia Ave, where Honourable Steven Point, Lieutenant Governor of BC will review The Canadian Scottish Regiment (Princess Mary's) at a formal military parade.

Sunday, October 21 at 3:45 PM in front of the Victoria City Hall on Douglas Street where the Regiment will exercise its Right to the Freedom of the City challenged by the Mayor, City Council and Chief of Police.

**Deas Gu Cath - Ready For The Fray  
COME AND SEE  
THIS PROUD REGIMENT**

[www.cscotr100.ca](http://www.cscotr100.ca)

# COURAGE REMEMBERED

**A Special Section  
November 9<sup>th</sup>, 2012**

Featuring historic photos of local residents and family members who served.

Bring us your photos of WWI, WWII, Korea, Vietnam, Gulf War, Afghanistan, Iraq & Peacetime.

- Tell us their story
- A special section to honour the memory of local residents who served
- Submit a max. 75 word write up and photo (black & white or colour)
- Email to [admhassist@vicnews.com](mailto:admhassist@vicnews.com) or drop off at 818 Broughton Street Victoria BC
- Entries due Wednesday, October 31st 2012

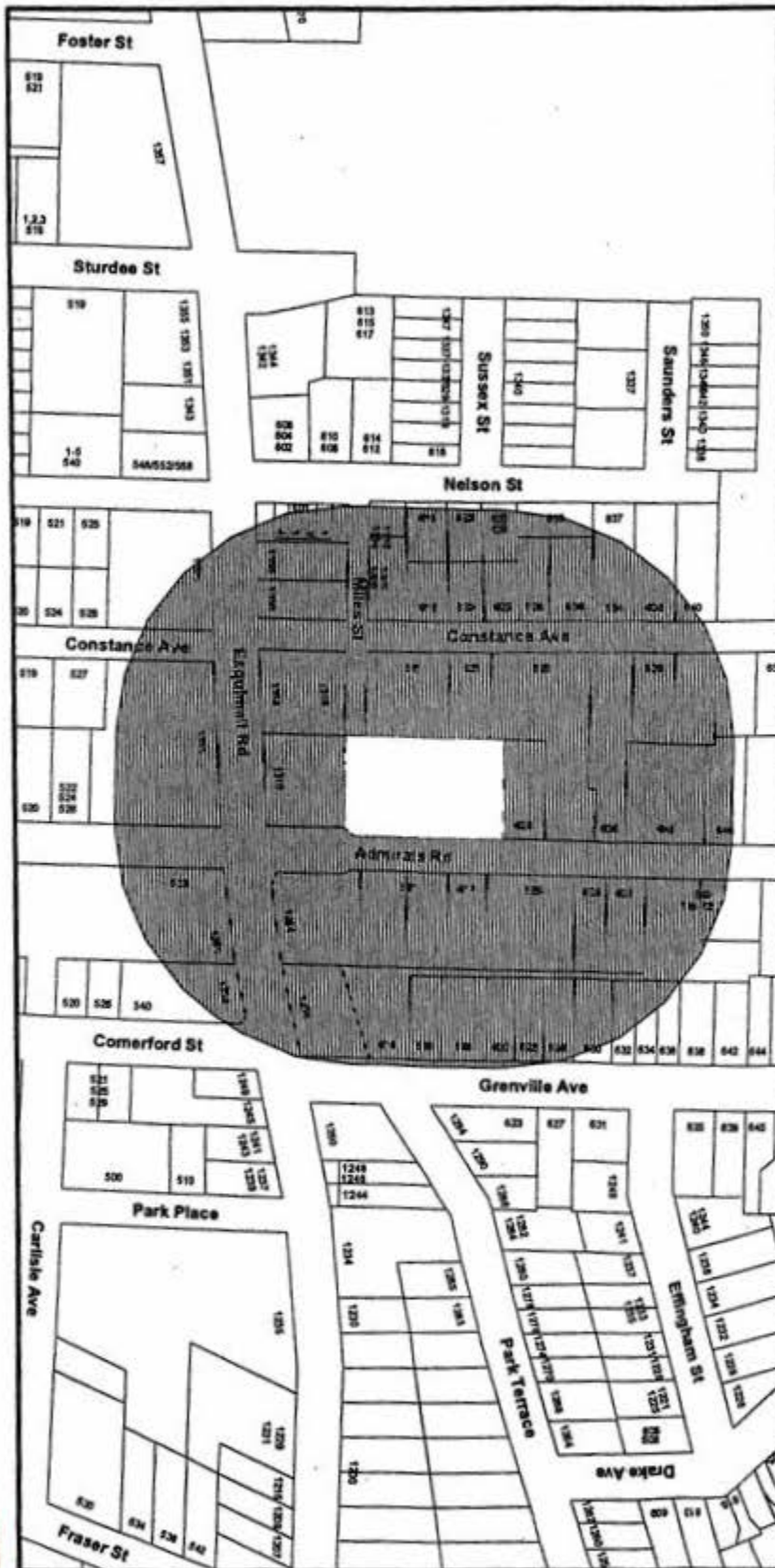


**Publishing  
November 9<sup>th</sup> 2012**

OAKBAYNEWS VICTORIANEWS GOLDSTREAMNEWS SAANICHNEWS



622 Admirals Road - Notification Sites



Note: Distance used in Buffer = 100m





## The Royal Canadian Legion

ESQUIMALT DOCKYARD BRANCH No. 172

622 ADMIRALS ROAD, VICTORIA, B.C. V8A 2N2  
E-MAIL: rcl@esquimalt@shaw.ca • WEB: www.legion172.com

	PHONES
SECRETARY	(250) 385-7833
LOUNGE	(250) 385-0713
FAX	(250) 385-7826

September 25, 2012

Re: Public Information Meeting  
Tuesday, October 2, 2012 at 622 Admirals Rd. (Esquimalt Legion) 7-8 pm

Dear Occupant,

Please be advised that you are invited to attend a public meeting regarding the rezoning and development of the Esquimalt Legion Dockyard Branch 172 property, located at 622 Admirals Rd. The meeting will be held on Tuesday, October 2, 2012 in the upper hall of the Esquimalt Legion, between 7 and 8 pm. The purpose of the meeting is to inform the public about the current rezoning and development application for this property.

The developer is proposing a 12-storey building, which consists of 140 seniors independent living units and associated common areas, 12 Veteran Housing units, a new 5,000 sq. ft. Legion, and 1,200 sq. ft. of commercial space.

Preliminary designs and renderings will be available for public viewing, and the developer, project architect, and Legion representative will be on hand to answer questions. For more information, and to view the preliminary plans online, visit [www.monimos.com](http://www.monimos.com). If you have any questions please contact Chris Fitzpatrick at 250.885.4481.

Yours truly,

Chris Fitzpatrick  
CEO Monimos Equities and Developments Inc.



## The Royal Canadian Legion

ESQUIMALT DOCKYARD BRANCH No. 172

622 ADMIRALS ROAD, VICTORIA, B.C. V8A 2N7  
E-MAIL: rclesquimalt@shaw.ca · WEB: www.legion172.com

	PHONES
SECRETARY	(250) 386-7833
LOUNGE	(250) 386-0715
FAX	(250) 386-7836

**Re: Public Information Meeting  
Tuesday, October 23, 2012 at 622 Admirals Rd. (Esquimalt Legion) 7-8 pm**

Dear Occupant,

Please be advised that you are invited to attend a public meeting regarding the rezoning and development of the Esquimalt Legion Dockyard Branch 172 property, located at 622 Admirals Rd. The meeting will be held on Tuesday, October 23, 2012 at the Esquimalt Legion, between 7 and 8 pm. The purpose of the meeting is to inform the public about the current rezoning and development application for this property.

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Preliminary designs and renderings will be available for public viewing, and the developer, project architect, and Legion representative will be on hand to answer questions. For more information, and to view the preliminary plans online, visit [www.monimos.com](http://www.monimos.com). If you have any questions please contact Chris Fitzpatrick at 250.885.4481 or Robert Schmidt at 250.213.5668.

Yours truly,

Chris Fitzpatrick  
CEO Monimos Equities and Developments Inc.





## The Royal Canadian Legion

ESQUIMALT DOCKYARD BRANCH No. 172

822 ADMIRALS ROAD, VICTORIA, B.C. V8A 2N7  
E-MAIL: rcl.esquimalt@shaw.ca • WEB: www.legion172.com

PHONES	
SECRETARY	(250) 386-7626
LOUNGE	(250) 386-0219
FAX	(250) 386-7626

### BACKGROUND

While security and safety are primary concerns for seniors who live alone, one of the greatest risks to a senior's good health and well-being is the isolation. Isolated seniors tend to develop physical as well as mental health issues, and many suffer from poor nutrition, which can contribute to or aggravate serious health problems. Then there is the cost of living alone, which can hit many older adults quite hard. Finally, ask the family members of an aging parent living alone and chances are their response will betray more than a trace of worry.

Assisted living has emerged as a senior living option for those who are in need of some assistance with daily living yet aim to live as independently as possible. Assisted living residences provide help with things such as housekeeping, transportation, meal preparation, even personal care. Along with the comforts of home, assisted living communities offer residents a wide range of assistance while allowing them to enjoy companionships and maintain a normal social lifestyle.

Assisted living, is recognized by experts in gerontology and the health care system as a viable, cost-effective and dignified option for seniors who need assistance with everyday activities. Studies have shown that having access to even the most basic support can keep seniors living on their own and, as a consequence, improve their quality of life. Assisted living addresses a very real need in our society and in our community.

This housing initiative will support a variety of needs of its residents, including market and below market rental units, in some instances nutritional assistance, safety, companionship, and opportunities for socialization and learning. The assisted living services will allow both residents and surrounding community seniors to retain their health and remain in their homes as long as possible.

We cannot wait. Change is already upon us, and with every passing year we are being called upon to provide increasingly complex health care and varying degrees of care to more and more people. Already there is a waiting list for units. This not only reminds us of the urgency to complete our building goals, but it also tells us that the need is out there.



## **HONOURING OUR VETERANS**

From World War I, World War II and the Korean War to the war-torn areas of conflict around the world today, such as Afghanistan, Canadian Forces troops and peacekeepers have courageously stepped up to participate on the world stage as a force for peace and security, defending freedoms, protecting the vulnerable and the innocent, and bringing honour to our nation. To this day, our Forces continue to provide training, equipment, troops, assistance, as well as peacekeeping and humanitarian support when and where needed. Already many of our modern-day veterans are 65 and over, and it is their turn to need assistance, support and care.

## **WHY SUPPORT THIS HOUSING PROJECT?**

Seniors' housing, affordable seniors' housing and assisted living services are part of an up-to-date provincial vision for long-term care. Indeed, long-term care beds are licensed and controlled by the province.

That said, however, the most important reason for supporting this Seniors' housing initiative is...our senior citizens and our senior veterans! At a time in their lives when they most need care, many older adults find themselves with fewer resources and even fewer options. This housing initiative will address a number of the difficulties many middle and low income seniors face, by making life safer and more comfortable through assisted living.

For the elderly widow who lives alone and is afraid of falling, assisted living provides her with ease of mind.

For the aging couple no longer able to look after a home, assisted living will allow them to enjoy their senior years together, even if one individual is increasingly frail or infirm.

For the widower struggling with small everyday chores he can no longer manage on his own due to arthritis, assisted living offers a welcome solution.

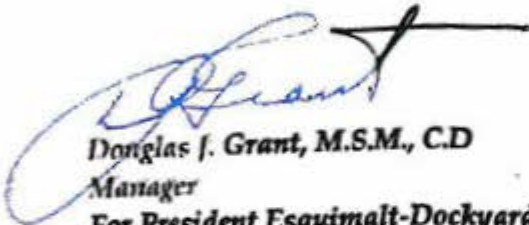
To the senior veteran who is still active and able but just a little frailer these days, assisted living residence will be the perfect home, where friends old and new can be found, good memories kept alive, and pride restored.

And, if we were to pause and think selfishly for just a moment, we would realize that we too are aging, and that one day "the senior" in need might very well be one of us. We do not know what our future holds, but if we know that there are facilities like this project in our midst, then the future seems a little brighter and less frightening after all.

This is a good idea whose time has come. It is the right thing to do at the right time, for our seniors and for our vets.

*Won't you help?*

*Building Choices, Changing Lives*



**Douglas J. Grant, M.S.M., C.D**  
**Manager**

**For President Esquimalt-Dockyard Branch 172**  
**(250) 386-7635**

I support this development project.

Name: \_\_\_\_\_

Please Print

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Please sign and date

Or

I do not support this development project.

Name: \_\_\_\_\_

Please Print

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Please sign and date

**622 Admirals Rd. Rezoning Application**  
**Public Meetings**

Monimos Equities and Developments hosted two public meetings in the fall of 2012, regarding the redevelopment of 622 Admirals Rd., in Esquimalt. The meetings were held at the Royal Canadian Legion – Dockyard Branch 172, and were advertised as follows:

**October 2, 2012 Public Meeting**

- A public notice of the meeting was placed in the Victoria News on September 28, 2012 (see attached).
- Letters of invitation were hand-delivered to every address within the required 100m radius (see attached map), on September 28, 2012.
- There were approximately 30 attendees at the meeting.
- 11 letters of support were signed at the meeting, none opposed (see attached).

**October 23, 2012 Public Meeting**

- A public notice of the meeting was placed in the Victoria News on October 17, 2012 (see attached).
- Letters of invitation were hand-delivered to every address within the required 100m radius (see attached map), on October 16, 2012.
- There were approximately 20 attendees at the meeting.
- 3 letters of support were signed at the meeting, none opposed (see attached).





**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**ADVISORY PLANNING COMMISSION  
MINUTES  
HELD ON  
DECEMBER 18, 2012  
ESQUIMALT COUNCIL CHAMBERS**

---

<b>MEMBERS PRESENT:</b>	Nick Kovacs, Chair	
	Lorne Argyle	Blair Bouchier
	Heidi Bada	James Harada-Down
	Bill Lang	Joy Palmeter
	Paul Newcombe	Mark Salter
<b>STAFF LIAISON:</b>	Trevor Parkes, Senior Planner	
<b>COUNCIL LIAISON:</b>	Councillor Robert McKie - Regrets Councillor David Schinbein	
<b>SECRETARY:</b>	Marie Letham	

---

There were 6 members of the Public in attendance.

**I. CALL TO ORDER**

The meeting was called to order by the Chair at 7:00 p.m. The Chair advised that the Advisory Planning Commission is a public meeting, but there is no opportunity for any public input at the meeting. All public input on applications can be presented at Council.

**II. LATE ITEMS**

There were no late items.

**III. ADOPTION OF AGENDA**

Moved Joy Palmeter, seconded by Bill Lang that the agenda be adopted as distributed.  
The Motion **CARRIED UNANIMOUSLY**.

**IV. ADOPTION OF MINUTES – Regular Meeting held October 16, 2012**

Staff Liaison advised that the minutes of the October 16, 2012 were not available for adoption this evening, they were prepared by the Secretary, but due to his absence resulting from an illness, he did not have an opportunity to review them in time for inclusion in the agenda. Staff intend to include these minutes in the January agenda for adoption.

**V. BUSINESS FROM MINUTES**

There was no outstanding business from the Minutes.

**VI. STAFF REPORTS**

The Chair excused himself from the presentation of the application, citing a conflict of interest. Blair Bouchier acted as Chair for the consideration of this application.

(1) **DEVELOPMENT VARIANCE PERMIT**  
**963 Shearwater Street**  
**Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044**

Trevor Parkes, Staff Liaison, gave an overview of this application for a variance. The owner has converted the existing garage into a combination multi-purpose room and storage space without obtaining a building permit, and without relocating the required parking space to another area of the property. The owner is requesting a Development Variance Permit to authorize the parking situation that currently exists on site; which is one parking space located in the front yard.

Paula McHale, owner/applicant was in attendance to present the application. The applicant presented a power point presentation. She pointed out the damage done to the garage by a dryer vent not being properly hooked up [i.e. damaged roof, moisture built up over several years] causing damage to the garage, mold, etc., which they were compelled to fix. As repair work had to be done, they decided to use the space as a multi-purpose family room.

The applicant indicated to the Commission members that she canvassed the neighbourhood with a letter explaining the project. She indicated that several of the properties had tenants, and she was not able to contact all the owners. She indicated that she had received 17 letters in support.

Paula McHale showed pictures of the driveway, which she stated was a large driveway. She indicated that there is no negative effect on parking on the cul-de-sac and that parking on the driveway meets the intent of the parking bylaw, except for the location.

The applicant indicated that she had commissioned a survey which showed a distance of 2.4 m on the north side of the building which fails to meet the minimum width for a residential parking space.

The applicant outlined the gain to the neighbourhood if variance allowed:

- neighbourhood parking remains the same as is;
- their family continues to enjoy their family room;
- meets intent of bylaw;
- no practical parking changes.

In response to a question from a Commission member, Trevor Parkes advised that no survey had been provided with the application. The plans presented indicated a north setback of 3 metres. He advised the Commission members that there were 3 options: grant the variance; applicant provided parking behind the front face of the building; convert the garage back to a garage.

**RECOMMENDATION:**

Moved by Lorne Argyle, seconded by Bill Lang, that the application for a Development Variance Permit including the following relaxation to Parking Bylaw, 1992, No. 2011, for the proposed development including located at Strata Lot A, Section 11, Esquimalt District, Plan VIS1044 [963 Shearwater Street], be forwarded to Council with a **recommendation of approval.**

The Motion Carried Unanimously.

**Parking Bylaw No. 2011, Section 9(4) – Provision and Maintenance of Off-Street Parking and Loading Areas** – an exemption from the requirement that "Parking Spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building."



The Chair also excused himself from the presentation of this application, citing a conflict of interest.

**2. REZONING APPLICATION AND DEVELOPMENT PERMIT APPLICATION**

**622 Admirals Road**

**[Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854]**

**[Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854]**

**[Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854]**

**[Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL]**

Trevor Parkes, Staff Liaison, stated that this application was for the rezoning of the site, therefore issues surrounding siting of the building, massing, height, density and parking should be considered. Should the rezoning be approved, a Development Permit application would be presented at a later date. He commented that the project "Legion Rise" consisted of 3 separate stratas. The application is to rezone the property to permit a 12-storey mixed-use building incorporating 140 "seniors supportive housing" units and assorted ancillary uses, a retail commercial unit and 12 "veterans" units and a new Legion facility.

The proposal is consistent with the Official Community Plan policy regarding height, however the proposed density exceeds the OCP stated 3.0 FAR for Commercial Mixed use Developments. As the project would provide special needs [seniors] and accessible housing units the proposed density can be considered.

Michael Levin, Architect, and Christ Fitzpatrick, Developer, were in attendance to outline the proposal.

Michael Levin, using a power point presentation explained the aspects of the project including location, surrounding uses, commercial component height and massing. He advised that the project is on the edge of the Esquimalt Village Project, well served by public transit. He outlined the survey and the site plan for the members demonstrating the intend flow of uses on the site. He also advised that there will be a dedication to the Township of a 3.2 metre strip for road widening and a bicycle path.

He also expanded on the street trees, bus lay-by and underground parking layout. The underground parking has 11 scooter spaces for the residents' use. He also explained the visitors parking area for the new Legion.

He explained the multi-use space, dining area, kitchen, and outdoor space. Loading zone will be off Miles Street.

Michael Levin outlined the landscape details of the roof garden, and the Legion patio area.

Using the shadow study plan, the architect further expanded on the shadow impacts of the proposed building.

**APC Discussion**

In response to a question from a Commission member, as to the type of commercial activity would go in on the ground floor. Mike Levin responded, probably businesses like, hair salon or doctor's office. Tenancy has not yet been determined.

A brief discussion took place regarding parking when the Legion has entertainment and functions, where would everyone park.

The Commission members were advised that the parking study would clarify where everyone would park.



In response to a question regarding parking facilities for accessibility. Mike Levin stated that there is disabled parking allotted, and that, yes, if persons wanted to put their scooters in their suites they would fit.

Upon request from the Chair, the Staff Liaison explained the parking requirements for disabled and seniors housing.

Concern was expressed by members of the Commission regarding the traffic pattern and concerns that the parking will be pushed back into the surrounding neighbourhood. Also questioned where staff would park.

In response to a question regarding electric vehicle parking, the architect responded that there were 3 spots provided.

In response to questions regarding how deliveries would be managed with large trailers bringing supplies, Mike Levin responded that the timing of services and garbage pickup would have to be set up, many business arrange for these services to be early in the business day.

Chris Fitzpatrick, developer, advised the Commission of some parking and driving statistics, of seniors. He also advised that the cost of underground parking is expensive. It all comes down to an economy of scale.

In response to questions regarding emergencies and fire fighting, Trevor Parkes responded that the plans have been reviewed by the Esquimalt Fire Department.

The Commission members advised that they liked the project, concern was expressed about the lack of parking information.

**RECOMMENDATION:**

Moved by Joy Palmeter, seconded by Bill Lang that the Advisory Planning commission resolves to recommend to Council that the application to rezone Lots 155 to 157, Suburban Lot 43, Plan 2854, and Lot 158 Suburban Lot 43, Plan 2854 except part in red on Plan 312 BL to allow for a 12 storey mixed-use building incorporating 140 "seniors supportive housing" units and 12 "veterans" units as well as a new Legion facility and assorted ancillary uses that the application be **"approved subject to provision of a detailed parking study indicating that the proposed parking variances are acceptable"**.

Nick Kovas, Chair returned to the meeting and resumed the Chair.

**VII. PLANNER'S STATUS REPORT**

Trevor Parkes reported that it was quiet at the moment, no updates at this time.

In response to a question regarding the project at the Cambie (856 Esquimalt), Trevor Parkes responded that since the approval of the rezoning, there has been no discussions with the owner and no application for a Building Permit has been received for this project.

**VIII. COUNCIL LIAISON**

Councillor Schinbein commented that there has been some good discussions this evening, commented to the members they were doing a good job.

IX. NEW BUSINESS

(i) Amendment to Minutes – Special Meeting October 2, 2012

Trevor Parkes advised the Commission members that the Director of Development Services has requested an amendment to Item 2) Public Input at APC Meeting, which reads:

*"Trevor Parkes clarified that the current APC bylaw prohibits public input at APC meetings and the proposed bylaw will also prohibit public input. He also stated that recent legal review of the APC bylaw and procedures resulted in municipal lawyers recommending the practice of allowing public comments at APC meetings end immediately."* be amended by removing the word "immediately".

Moved by Bill Lang, seconded by Blair Bouchier that Item 2) Public Input at APC meetings be amended to read: *"Trevor Parkes clarified that the current APC bylaw prohibits public input at APC meetings and the proposed bylaw will also prohibit public input. He also stated that recent legal review of the APC bylaw and procedures resulted in municipal lawyers recommending the practice of allowing public comments at APC meetings end."*  
The Motion **CARRIED UNANIMOUSLY**.

(ii) Appointments

Trevor Parkes reminded the membership that new appointments for Commission and Committee membership would be advertised shortly, and those members who wish to continue servicing should notify the Corporate Administrator.

X. NEXT REGULAR MEETING

The next regularly scheduled meeting is January 15, 2013.

XI. ADJOURNMENT

On motion the meeting adjourned at 9:35 P.M.

\_\_\_\_\_  
CHAIR, ADVISORY PLANNING COMMISSION  
THIS DAY OF \_\_\_\_\_, 2013

CERTIFIED CORRECT:

\_\_\_\_\_  
ANJA NURVO, CORPORATE OFFICER



## **Seniors Supportive Housing -Project Summary-**

622 Admirals Rd., Esquimalt BC  
Canada, V9A 2N7

Monimos Equities and Developments Inc.  
chris@monimos.com | www.monimos.com | 250.885.4481



## Introduction

According to the February 2011 edition of Senior Living Magazine "The seniors population in BC is increasing at almost twice the rate of the general population. Right now, there are more than half a million people over the age of 65. That will increase to nearly 1.4 million people, almost a quarter of BC's population, in the next 25 years". This is significant to the landscape of real estate development as these numbers forecast a much greater need for infrastructure, amenities, and services that are geared toward an ageing population.

The Capital Regional District (CRD) is located on the southern tip of Vancouver Island, and includes 13 municipalities, the largest of which is the City of Victoria. According to BC Stats and CivicInfo BC, the 75+ senior population in the CRD will increase by 119% in the next 25 years (Bob Papau, Supply & Demand Study, 2011). This represents an increase of approximately 37,000 elderly seniors in the CRD.

Not only is Vancouver Island expecting a huge increase in its senior population, it is also ranked among the best places to retire in Canada according to a recent study from MoneySense - Canada's Personal Finance website (2012).

Table 1.0 - Best Places to Retire in Canada

Overall Rank	City	Walk/Bike To Work	Affordable Housing	Taxes	Pop. Growth	Health	Crime	Climate	Sports/Hospitals
<b>A</b>									
1	Kingston, Ont.	12	113	5	65	66	4	43	41
2	Halifax, N.S.	24	94	11	65	116	10	41	16
3	Saanich, B.C.	26	186	3	122	33	22	1	17
4	Victoria, B.C.	1	180	3	104	167	21	2	8
5	Ottawa, Ont.	39	134	5	14	27	46	66	4
6	Courtenay, B.C.	18	160	3	4	125	36	23	95
7	Burlington, Ont.	163	136	5	17	3	79	3	27
8	Joliette, Que.	31	62	12	6	85	5	81	143
9	Rimouski, Que.	16	47	12	81	30	7	110	70
10	Moncton, N.B.	66	13	7	35	98	17	161	61

Best Places to Retire compiles municipal data and information from Statistic Canada and other sources. Numbers above represent rankings out of 190 cities.





We propose to build a supportive housing project at 622 Admirals Rd. in Esquimalt, BC. The property currently houses The Royal Canadian Legion -Esquimalt Dockyard Branch 172. Monimos has entered into a joint venture partnership with the Legion. The Legion is providing the land in return for a new Legion facility, 12 Veteran Senior Housing units, and access to potential new members in the building. This partnership reduces the initial development costs considerably, and gives the Legion recurring revenue once construction is complete.

The project will be a 12-storey, 152-unit, supportive housing high-rise. The completed building will consist of:

- 140 (1 and 2 bedroom) senior independent living units
- Independent living common areas
- 1,200 sq. ft. of commercial space
- 5,000 sq. ft. Legion Facility
- 12, non-profit (455 sq. ft. bachelor) Legion Veteran Senior Housing units.
- The building will be comprised of three separate strata titles; the commercial space, the Legion and Veteran Senior Housing Units, and the senior supportive housing units.

Lot

Lot square footage: 32,360 sq. ft.  
Floor Area Ratio (FAR): 3.4:1

High-rise

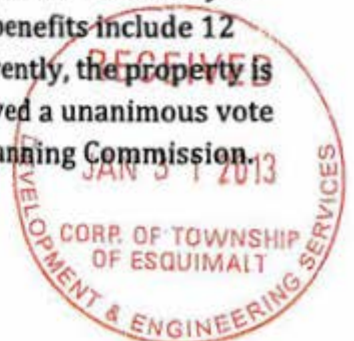
Total high-rise square footage: 145,897 sq. ft.

Parking

Total Parking spaces: 94 spaces

**Zoning**

In Esquimalt's Official Community Plan (OCP), the property is designated as Commercial Mixed Use. The Commercial Mixed Use zoning will allow up to a 12-storey high-rise, with a 3:1 Floor Area Ratio (FAR), with municipal provisions for density bonusing. Density bonusing is the right to increase the profitable density of the building in return for community benefits. In this case, the benefits include 12 non-profit veteran housing units and a 5,000 sq. ft. Legion. Currently, the property is zoned C-3 (Core Commercial). On December 18, 2012 we received a unanimous vote of approval to proceed to council from Esquimalt's Advisory Planning Commission.



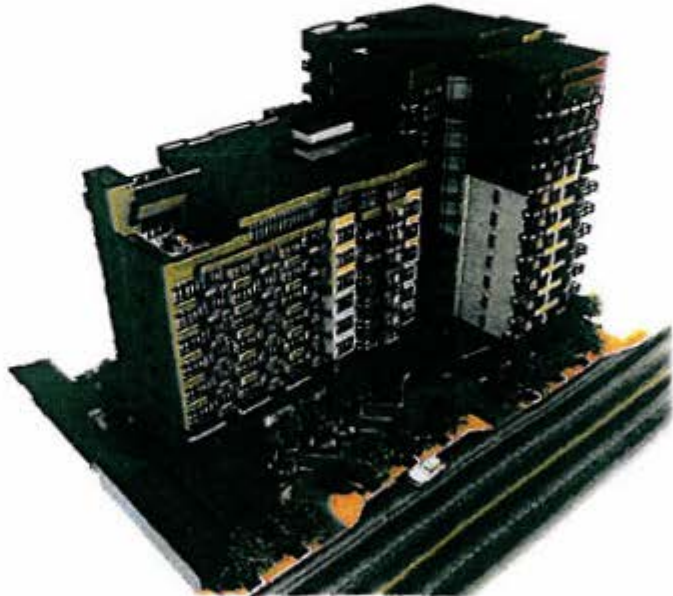
## *Projected Timeline*

Rezoning Process	3 months
Working Drawings /Works & Services	3 months
<u>Construction / Marketing and Lease Up</u>	<u>18 months</u>
<b>Total:</b>	<b>24 months</b>

## *The Project*

This high quality, modern facility will offer residents luxury as well as functionality. The 12-storey, 152-unit independent living high-rise will provide a full complement of services and amenities tailored toward the needs of a maturing population.

The spacious, covered main entrance off of Admirals Rd. provides comfortable access to the building through all seasons. On the main floor, residents will enjoy gourmet meals served in a large dining room that opens to a covered patio area. An additional private dining area can be reserved for special occasions and gatherings. A tearoom also opens onto a covered patio and will provide continental breakfast and snacks.



Recreational and entertainment programs will be offered in the high-tech auditorium / multi-purpose room and an in-house commercial laundry facility will provide linen service for residents. A salon and retail space will be easily accessible on the main floor and a guest suite can be reserved for visitors. The state-of-the-art Legion is located on the main floor, separate from the resident's facilities.

There is a main bus stop directly in front of the building and a shuttle service for residents will also be available. Secure underground parking is accessible to residents, Legion patrons and guests. Four full-size elevators provide easy access





from the parkade, to the rest of building.

The ninth-floor will offer residents a wide variety of amenities such as a fireside piano bar, lounge, library, computer and media room, greenhouse, and two rooftop gardens. Outdoor patio spaces on the ninth-floor, allow all residents to enjoy the breathtaking panoramic views of the ocean, Olympic Mountains, Naden Naval Base, and surrounding communities.

### *Location - The Municipality of Esquimalt*

The unique West Coast location of Esquimalt makes it an ideal retirement community. It is located close to downtown Victoria and the Victoria General Hospital. Parks, walkways, and the close proximity to the ocean, inspire active outdoor living. Esquimalt offers residents a vibrant lifestyle, with shops, cafes, and restaurants as well as its many community events, and recreational facilities. Construction of the new Johnson Street Bridge and the upgrade of main arterial roads provide easy access to downtown Victoria and surrounding communities.

Greater Victoria is a community where people like to age in place. As people get older they prefer to stay in an area they know well and are comfortable with. This project will provide for the needs of local seniors, allowing them to continue to live in their community. As seniors make this transition, more homes become available for young families. This existing market will provide a valuable source of lease-ups for the project.

The Ministry of Health recently recognized Esquimalt as an Age-friendly Community. The following article was posted on the website of the Township of Esquimalt this fall:

*'Esquimalt has been recognized by the Ministry of Health as an Age-friendly Community. The recognition goes to local governments that support older residents to remain healthy and active in their community. Esquimalt was one of nine municipalities province-wide that received the recognition.*

*"We are pleased to be recognized in this way and will continue in our efforts to make Esquimalt an accessible and healthy community for residents of all ages," said Mayor Barbara Desjardins.*

*Examples of recent age-friendly improvements in the Township include Esquimalt Active Park, an outdoor fitness park for all ages and abilities, and accessibility improvements to its recreation facilities.'*



The Esquimalt Official Community Plan lays out a vision for the revitalization of the existing downtown core, called the Esquimalt Village Project. Improved overall infrastructure, as well as the new village town style, lends itself well to our project in that it provides new services and amenities that are all within walking distance. Having the Legion as a part of the facility is an added benefit for the residents, as it will provide numerous social and recreational activities. The Esquimalt Legion is an integral part of local history, and has been providing much needed services to members, veterans and the community for over one hundred years.

Esquimalt recently upgraded the storm, sanitary, and water systems to allow for extensive multifamily and commercial development in the areas designated for high-density. With the new OCP and infrastructure upgrades, Esquimalt has created a positive climate for development. Many new, large-scale projects are transforming the face of Esquimalt.

In addition, Esquimalt Road was recently upgraded to a boulevard, and a \$35.5 million emergency response centre was recently completed. There is also a new \$18 million wellness and recreation centre under construction. Both of these projects are within a one-minute drive from our site.

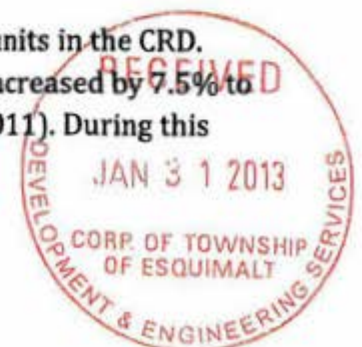
The replacement of the Johnson St. bridge with a new \$92.8 million bridge will bring approximately 900 new jobs. The new bridge will provide easy access from Esquimalt and Victoria West to downtown Victoria. With the awarding of new shipbuilding contracts and the upgrading of the graving yards and docks in Esquimalt, numerous paying jobs are being brought into the community.

## **Current Environment**

There are 3 types of facilities for seniors to choose from depending on their needs:

1. *Supportive housing* – Also known as independent living, meals, recreational activities, wellness programming, and housekeeping are provided.
2. *Assisted living* – Includes above services, as well as licensed care.
3. *Extended care* – Includes all of the above, plus treatment rooms and medical professionals on staff.

There are currently 28 independent living facilities with 2,171 units in the CRD. Between 2010 and 2011, the occupancy rate in these facilities increased by 7.5% to 90% overall occupancy (Bob Papau, Supply & Demand Study, 2011). During this



period, 38.5% of the vacant units became occupied. The facilities with higher vacancies are generally:

- Not offering a full spectrum of services and amenities
- Aging and in need of upgrade
- Under renovation
- In poor locations

These buildings lose residents to competitors who can provide new facilities or have recently invested in major upgrades. Modern full service facilities have higher occupancy rates.

## Project Cost Structure

### *Estimated Construction Costs*

Table 2.0

Total Hard Costs	\$28,262,000
Total Soft Costs	\$6,470,000
Total Project Costs (excluding financing costs)	<b>\$34,732,000</b>

These costs are based upon recent construction quotes. It is also important to note that construction costs in Victoria are currently at a 10-year low.





Table 4.0

<b>Comparable Independent Living Facilities</b>					
<b>Building / Year</b>	<b>Year</b>	<b>Location</b>	<b># of Units</b>	<b>Occupancy Rate (Dec 2011)</b>	<b>Monthly Rental Rate</b>
Carlton House	2006	Oak Bay	88	100%	1-Bed = \$3335 2-Bed = \$5382
Berwick (Shelbourne)	1987	Gordon Head	100	95%	1-Bed = \$3435 2-Bed = \$4445
Amica (Douglas St.)	1970	Victoria	63	84.1%	1-Bed = \$4295 2-Bed = \$4295
Amica (Somerset)	1990	Victoria	134	95.5%	1-Bed = \$4200 2-Bed = \$5600
Amica (Beechwood)	1990	Sidney	104	100%	1-Bed = \$3795 2-Bed = \$4660
Parkwood Place	1989	Gordon Head	102	96.1%	1-Bed = \$3900 2-Bed = \$4900
The Wellesley	1988	Victoria	141	89.4%	1-Bed = \$3420 2-Bed = \$4680
Shannon Oaks	2007	Oak Bay	101	100%	1-Bed = \$3300 2-Bed = \$4300
<b>Average Rental Rates</b>				<b>1-Bed = \$3,710 2-Bed = \$4,783</b>	

### Contact Information

If you would like more information, please contact:

Chris Fitzpatrick  
 President  
 Cell: 250.885.4481  
 chris@monimos.com

For more details about Monimos Equities and Development Ltd., please visit

[www.monimos.com](http://www.monimos.com).



## Sources

- Senior Living Magazine, February, 2011.
- <http://list.moneysense.ca/rankings/best-places-to-live/2012/for-retire/Default.aspx?sp2=1&sc1=0&d1=a>
- "Supply and Demand Study: Seniors Supportive Housing Project, Esquimalt, British Columbia." Bob Papau, Dom Santi Management Inc., 2011.





**Summary of 'Supply & Demand Study: Seniors Supportive  
Housing Project Esquimalt, British Columbia'  
622 Admirals Rd., Esquimalt BC**



**Monimos Equities and Developments Inc.  
chris@monimos.com | www.monimos.com | 250.885.4481**



## **Background**

Monimos and their joint venture partner, the Esquimalt Legion – Dockyard Branch 172, have applied to the Municipality of Esquimalt to rezone the Legion property for a seniors independent living facility. The proposed project will be a 12-storey, 152-unit, independent living high-rise. The facility will consist of 140 (1 and 2 bedroom) senior independent living units, the independent living common areas, 1,200 sq. ft. of commercial space, a new 5,000 sq. ft. Legion Facility and 12, non-profit (455 sq. ft. bachelor) Legion Veteran Senior Housing units.

In December of 2011, Bob Papau of Dom Santi Consulting, a seniors housing consultant, was commissioned to complete a market supply and demand study to determine the viability of the project. The consultant obtained data from personal visits to other facilities in the Victoria area, BC Stats, CivicInfo BC, PEOPLE36, Canada Mortgage and Housing Corporation (CMHC), BC Housing, Capital Regional District (CRD), and other sources. The following is a summary of the results of this report.

## **Demand**

Seniors 75 and older are the prime target market for this facility. Data from BC stats and CivicInfo BC indicate that, between 2011 and 2036, there will be a 119% increase in the 75+ senior population in the target market area, the Capital Regional District (CRD). This represents an increase of over 37,000 elderly seniors. In the report, the consultant states that, "It is apparent that from 2016 to 2036 there will be a strong demand from elderly seniors for supportive housing in the Capital Region."

## **Supply**

There are currently 28 independent living facilities, with 2,171 units, in the CRD. Between 2010 and 2011, the occupancy rate in these facilities increased by 7.5% to 90% overall occupancy. The facilities with higher vacancies are generally:

- not offering a full spectrum of services and amenities
- aging, and in need of upgrade
- under renovation
- in poor locations

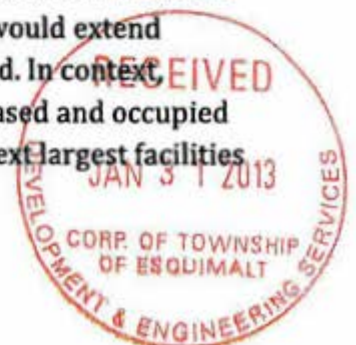
The following table highlights comparable facilities in the CRD:



<b>Comparable Independent Living Facilities</b>					
<b>Building</b>	<b>Year</b>	<b>Location</b>	<b># of Units</b>	<b>Occupancy Rate (Dec 2011)</b>	<b>Monthly Rental Rate</b>
Carlton House	2006	Oak Bay	88	100%	1-Bed = \$3335 2-Bed = \$5382
Berwick (Shelbourne)	1987	Gordon Head	100	95%	1-Bed = \$3435 2-Bed = \$4445
Berwick (Royal Oak)	2008	Royal Oak	203	70%	1-Bed = \$4080 2-Bed = \$5435
Amica (Douglas St.)	1970	Victoria	63	84.1%	1-Bed = \$4295 2-Bed = \$4295
Amica (Somerset)	1990	Victoria	134	95.5%	1-Bed = \$3800 2-Bed = \$5450
Amica (Beechwood)	1990	Sidney	104	100%	1-Bed = \$3795 2-Bed = \$4660
Parkwood Place	1989	Gordon Head	102	96.1%	1-Bed = \$3900 2-Bed = \$4900
The Wellesley	1988	Victoria	141	89.4%	1-Bed = \$3420 2-Bed = \$4680
Shannon Oaks	2007	Oak Bay	101	100%	1-Bed = \$3300 2-Bed = \$4300
<b>Average Rental Rates</b>	-	-			<b>1-Bed = \$3,723.90</b> <b>2-Bed = \$4,955.50</b>

The newest, and largest facility in BC is Berwick at Royal Oak. Here are the consultant's comments about this facility:

"Opened in 2008 Berwick Royal Oak is the largest and perhaps grandest of all supportive housing facilities in British Columbia. In addition to its 203 supportive housing units it also provides residential care to residents in 27 care units. The residential care component was more recently opened and developed as a 2nd phase. The large capital investment in Berwick Royal Oak attests to the confidence the owners of Berwick Retirement Communities have in the long-term strength and financial viability of the supportive housing market in the Capital Region. Having opened during a time when financial and real estate markets were under duress it should be expected that the lease-up period for the new facility would extend beyond what may be considered the normal 18 - 24 month period. In context, Berwick Royal Oak's 70.0% occupancy rate transposes to 142 leased and occupied units, which is equal to the total number of units in each of the next largest facilities





in the target market area. All in, this represents a remarkable marketing achievement. In a recent interview with the facility manager it was learnt that management had grown its business 20% - 25% in the past half year. Taking into consideration that the approximate annual turnover rate of units is 24%, the growth in Berwick Royal Oak's business serves as an indication of the capacity in the target market area to absorb high quality units that are reasonably priced."

### **Project Location**

The West Victoria site is located on a high point in Esquimalt (approximately 40 ft. above sea level). This unique location will provide unobstructed, 360° views from the 3<sup>rd</sup> floor and up. It will be the only facility in the CRD to offer its residents views of the Olympic Mountains, the Strait of Juan de Fuca, the Western Communities, the Naden Naval Base, downtown Victoria, and Greater Victoria.

The site is located within easy access to all amenities and to downtown Victoria. The consultant noted the following about the location:

"Esquimalt has picturesque waterfront parks at Esquimalt Gorge Park, Saxe Point, Macauly Point and in West Bay. In the Village, and within 3 blocks of the RCL Branch 172 site, are situated the municipal library, Esquimalt Recreation Centre, Archie Browning Sports Centre, and Bullen, Memorial and Rockcrest Parks. The small commercial core is anchored by the Esquimalt Plaza."

Esquimalt has a progressive vision for the future. The consultant made the following comments about its development plans:

"In 2007, the municipality of Esquimalt initiated a planning process to create a lively and sustainable town centre, the Esquimalt Village Project. Planning work including amendments to the Official Community Plan [OCP], and form and character and landscape design guidelines were completed and adopted. However, once new developments within the town centre, such as those proposed by the municipality and by RCL Branch 172 and Monimos begin to take form, the ambiance of the Village will change for the better, attracting new residents and businesses to it. Further population growth is expected from new and large residential developments in other neighborhoods in the municipality that are either in the municipal approval process or are being constructed. And, one of the other catalysts for population growth in the municipality will be the recently announced Government of Canada shipbuilding contract award of \$8 billion to Seaspan Marine. Seaspan Marine is expected to perform approximately 20% of the work under this contract in its Victoria Shipyards [located in Esquimalt] and will be making substantial



investments in its infrastructure and work force.”

Since the completion of this study, Seaspan Marine has been awarded new shipbuilding contracts that will employ numerous highly skilled workers. Esquimalt’s naval base is also embarking upon an \$18.7 million upgrade to their docking facilities. These projects will bring long term, high paying jobs and investment into Esquimalt. The Legion supportive housing facility will be an integral part of this growing and thriving community.

### **Keys to Success**

The consultant believes that a viable and functional working design is vital to the success of the project. He recommends bringing an experienced operator on board early in the design stage. He suggests that focus groups be conducted with people in the target market in order to develop a successful marketing and lease up strategy. The consultant also recommends a risk analysis be undertaken which includes a financial feasibility study of the project.

All of these recommendations have been implemented.

The following quote, taken directly from the study, highlights southern Vancouver Island as a premiere retirement destination:

“It is commonly acknowledged that Victoria, and other municipalities on the southeast coast of Vancouver Island are a magnet for retirees from across Canada. During the field work it was confirmed that the composition of residents in supportive housing facilities in the Capital Region are a mix of local residents and those from other parts of British Columbia or Canada.”

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**TRAFFIC IMPACT ASSESSMENT  
FOR 622 ADMIRALS ROAD LEGION  
DEVELOPMENT**

**Esquimalt, BC**



**Nov 27 2012**

**File: 1469**



TRAFFIC IMPACT ASSESSMENT FOR 522 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT, BC

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TRAFFIC IMPACT ASSESSMENT FOR 622 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT, BC

## 1.0 INTRODUCTION

Boulevard Transportation Group Ltd. was retained by *Monimos Equities and Developments* to undertake a traffic impact study for the proposed development for the West Victoria Seniors Independent Living and Legion project on Admirals Road in the Township of Esquimalt, BC. The study identifies the development impacts to the surrounding roadway network and evaluates the need for improvements required at the access points and adjacent intersections on Admirals Road and Esquimalt Road. Study recommendations and conclusions are intended to provide safe and efficient movement of pedestrians, bicycles and vehicular traffic to/from the proposed development site while minimizing the impact to non-site trips.

The study area includes Admirals Road and Esquimalt Road, and Constance Avenue and the site accesses. The intersection of Admirals Road/Esquimalt Road is of great interest due to close proximity of the site. See **Figure 1** for the study area and site location.

## 2.0 BACKGROUND INFORMATION

### 2.1 Roadway Network

The proposed development site is located at 622 Admirals Road, 50m north of Esquimalt Road. Admirals Road is a 4-lane major road running north-south and connecting Esquimalt Road to Craigflower Road and Hwy 1 (McKenzie Ave). Esquimalt Road is also a major road running east-west through the centre of Esquimalt and connecting to downtown Victoria. Constance Avenue is a local road running north-south one block (80m) west of Admirals Road and is an access road leading to the site access (Miles Street) for the proposed underground parking. The intersection of Constance Avenue/Admirals Road is stop controlled with no separate turn lanes.

The intersection of Admirals Road/Lampson Street is signalized and the signal turn type is left-turn protected-permissive for the eastbound and southbound movements and left-turn permissive for the northbound and westbound movements. At the intersection, existing lane configuration is as follows: the eastbound movement is a left turn lane and a through/right lane, and the westbound movement is a left turn lane and a through lane and a through/right lane, the southbound/northbound movements are a left/through and a through right lane for each direction.

### 2.2 Land Use

The proposed site is currently a legion building (Royal Canadian Legion, Esquimalt Branch, No. 172) with a parking lot (60 stalls) and a total area of the development is approximately 0.3 hectares. The land use within the surrounding area of the site is commercial and residential with multi/single-family







TRAFFIC IMPACT ASSESSMENT FOR 622 ADMIRALS ROAD LEGION  
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mixed. The DND area (CFB Esquimalt) is located at the west end of Esquimalt Road (approximately 0.5km west of Admirals Road).

The proposed development is oriented to retirement housing. The land use of the development site will be an independent living high-rise (12-storey) building with legion facility and commercial space. The building will consist of 140, one and two bedroom, senior independent living units, 1,200 ft<sup>2</sup> of commercial space, a new 5,000 ft<sup>2</sup> Legion Facility and 12 Legion Veteran Senior Housing units. The building will offer residents a full complement of services and amenities including dining rooms (gourmet meal service), auditorium/multi-purpose room, eight-floor fireside lounge, library, computer and games room, workshop, two rooftop gardens and decks.

### 2.3 Site Access

For the development site access, a covered main entrance is proposed on Admirals Road and this ground floor access would be used for drop-off/pick-ups or short time period visitors. The proposed ground level access would operate as a one-way southbound loop. Resident/guest underground parking is accessed from the rear of the building and this access is located at the east end of Miles Street via Constance Avenue from Esquimalt Road. It was assumed that new development trips will use the rear side access connected to Miles Street for the analysis as this is the main parking area.

### 2.4 Traffic Counts

Traffic counts were undertaken during the AM and PM peak hours at the key intersection of Admirals Road/Esquimalt Road by Boulevard Transportation Group on October 31 (Wednesday), 2012. At the intersection, the peak hour times were found to be slightly earlier than typical urban intersections due to the DND commuter traffic. The AM peak hour was found to be from 7:30–8:30 AM and the PM peak hour was 3:45–4:45 PM.

Existing parking counts were also undertaken during the AM and PM peak time periods. On the existing Legion Parking lot, four (4) vehicles were observed at 8:30 AM and 29 vehicles at 3:45 PM (Oct 31, 2012). Based on the existing parking counts, existing site trips were estimated: 4 trips in the AM peak hour and 12 vehicles (assumed three-times of AM) per the PM peak hour.

## 3.0 EXISTING TRAFFIC CONDITIONS

### 3.1 Synchro Modelling Software Description

Synchro and SimTraffic form a two-part software program that model and simulate traffic conditions. Synchro uses the Highway Capacity Manual methodology, while SimTraffic integrates established



driver behaviours and characteristics to simulate actual conditions by randomly assigning vehicle travelling through the road network. Synchro analysis results yield measures of effectiveness – Level of Service (LOS), queue lengths and delays. Delays and the type of traffic control are used to determine the LOS letter grade, from LOS A (excellent operations) to LOS F (unstable/failing). LOS C or better is considered acceptable operations, while LOS D is considered to be on the threshold between acceptable and unacceptable operations. A full description of Synchro and SimTraffic is included as **Appendix A**.

### 3.2 Characteristics of Traffic Pattern at Admirals Rd/Esquimalt Rd

At the intersection of Admirals Road/Esquimalt Road, the DND commuter traffic is dominant during the peak hours. Based on the traffic counts, the commuter traffic concentrates for specific time periods of AM and PM peak hours: 7:30–8:00 AM and 3:45–4:30 PM. After these congested time periods, traffic volumes at the intersection abruptly dropped to a level half of that at the peak 15-minute intervals.

Turning volume changes were very noticeable at the intersection due to the characteristics of commuter traffic. The southbound right turning volumes (from Admirals Road to Esquimalt Road) were 135 vehicles during the 7:30–7:45 AM time period while 35 vehicles during the 8:00–8:15 AM. The westbound through volumes (Esquimalt Road) were 102 vehicles during the 7:30–7:45 AM time period while 40 vehicles during the 8:00–8:15 AM.

At the intersection, the percentages of heavy vehicles was found to be higher than typical urban numbers. Particularly, the eastbound through movement was 14% during the AM peak hour and 6% during the PM; the westbound through movement was 8% during the AM peak hour and 12% during the PM. More than 70% of the heavy vehicles observed were Transit Buses. It was observed that traffic flows were sometimes blocked by Transit buses stopped at the intersection particularly for the PM peak time period (4:00–4:30 PM).

### 3.3 Existing Peak Hour Conditions

The existing traffic volumes, road geometry and traffic control were entered into the Synchro software to analyze the existing peak hour traffic conditions. 2012 existing traffic conditions were investigated in order to provide a base point for post development and future traffic conditions.

The intersection of Admirals Road/Esquimalt Road was analyzed to identify the current conditions. The results of the Synchro analysis found that the signalized intersection of Admirals Road/Esquimalt

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Road is currently operating at a LOS C or better during the AM peak hour and at a LOS C or better during the PM peak hour.

However, the intersection traffic conditions were occasionally busy for short periods, due to short-term commuter traffic changes. As the DND traffic would concentrate for very short time intervals (for example, for three to five minutes) rather than relatively steady flow, for the congestion periods the actual queues/delays were observed longer than the simulation analysis (95<sup>th</sup> queue lengths/delays from the model). After the congestion periods (for irregular several minutes), the intersection conditions reverted to lower delay / queue conditions.

Based on the Synchro results, the eastbound left 95<sup>th</sup> queue length is 44m and this exceeds the existing left turn storage length (30m) at the intersection. No queuing issues were found at any other turn lanes except the eastbound left turn lane.

See **Figure 2** for the 2012 existing traffic volumes and levels of service in the AM and PM peak hours. Complete Synchro results for the existing conditions are included in **Appendix B**.

## 4.0 2012 POST DEVELOPMENT CONDITIONS

### 4.1 Trip Generation

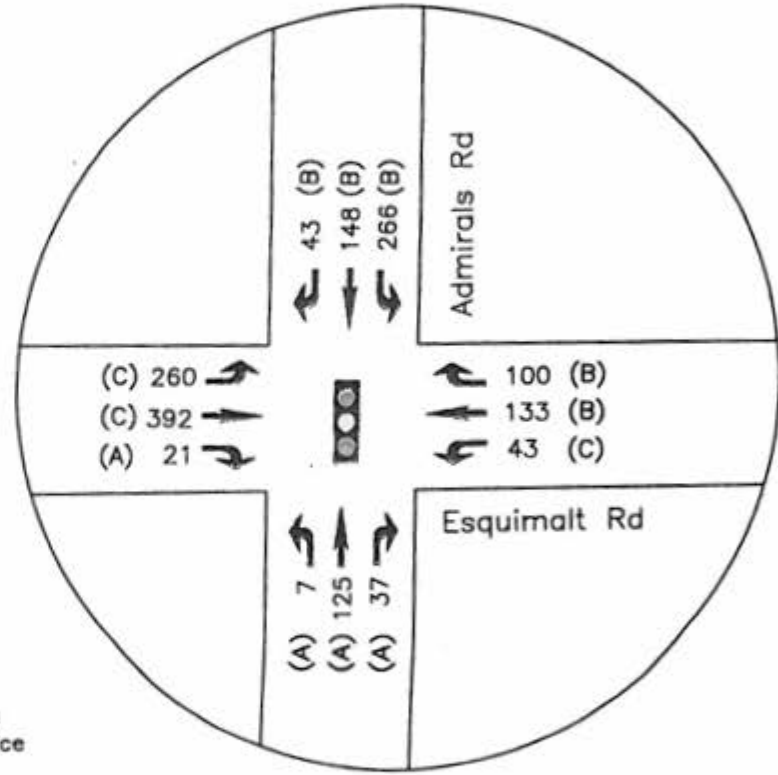
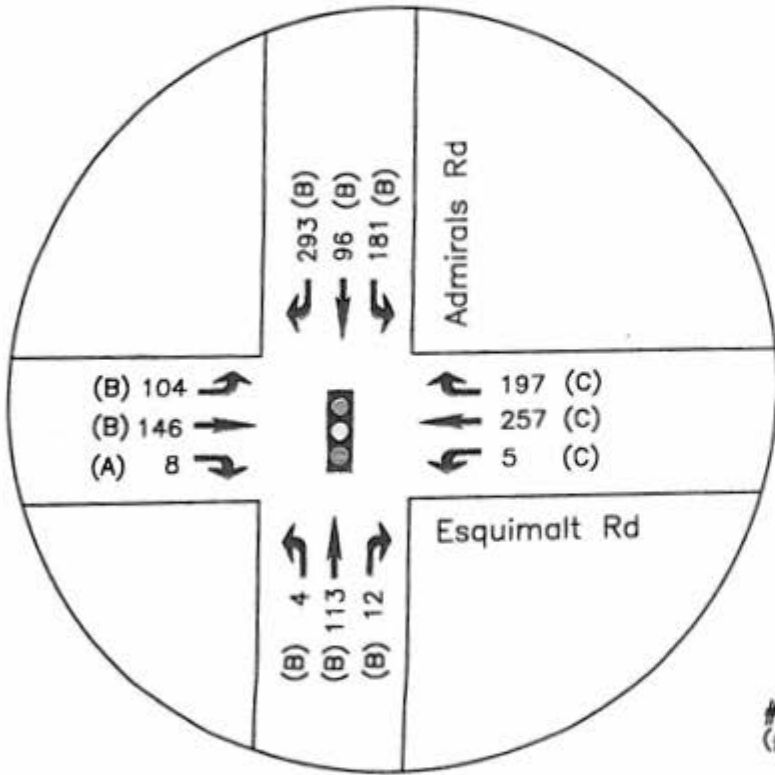
Trips were estimated for the site based on the proposed land use and the Institute of Transportation Engineers (ITE) *Trip Generation Manual (9th Edition)*. The proposed land use type is a mixed use of senior independent living, commercial and legion facility. However, as the legion facility already exists on-site, the future legion facility will not add new trips at the adjacent intersection.

Senior retirement housing typically generates lower trips than other residential homes such as single/multi-family. The proposed independent living community (building) provides centralized dining service and various recreational facilities. In addition, the peak hour of senior adult housing typically does not coincide with the peak hour of the adjacent street traffic. According to the ITE's survey data, the AM peak hour of senior adult housing typically ranged from 8:30 AM to 12:00 PM and the PM peak hour typically ranged from 1:00 PM to 6:00 PM. Shuttle bus service will be also provided for the residents.

Based on the ITE's trip rates, the proposed development will generate a total of 35 vehicles per hour (Trip-In 15; Trip-Out 20) including the existing legion trips during the AM peak hour and 53 vehicles (Trip-In 26; Trip-Out 27) during the PM peak hour. The following tables outline the peak hour trip generation with full build-out for the proposed development.

# AM Peak Hour

# PM Peak Hour



##: Traffic Volumes  
 (#): Levels of Service

93



TITLE: ADMIRALS RD LEGION DEVELOPMENT		
2012 EXISTING CONDITIONS		
TRAFFIC VOLUMES & LEVELS OF SERVICE		
DESIGNED: MJ	DRAWN: mjo	SCALE: NOT TO SCALE
DATE:		

FIGURE 2

TRAFFIC IMPACT ASSESSMENT FOR 822 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT BC

**Table 1: Weekday AM Peak Hour Trip Generation**

ITE Code	Land Use	Quantity	Trip Rate	Trips		
				Total	IN	OUT
252	Senior Independent Living	152 units	0.20 / unit	30	10 (34%)	20 (66%)
826	Commercial (Specialty Retail)	1,200 ft <sup>2</sup>	0.96 / 1000 ft <sup>2</sup>	1	1 (62%)	0 (38%)
n/a	Legion Facility*	5,000 ft <sup>2</sup>	4 * (existing)	4	4	0
<b>Total:</b>				<b>35</b>	<b>15</b>	<b>20</b>

\*Note: Based on the existing trips observed on-site (AM).

**Table 2: Weekday PM Peak Hour Trip Generation**

ITE Code	Land Use	Quantity	Trip Rate	Trips		
				Total	IN	OUT
252	Senior Independent Living	152 units	0.25 / unit	38	21 (54%)	17 (46%)
826	Commercial (Specialty Retail)	1,200 ft <sup>2</sup>	2.71 / 1000 ft <sup>2</sup>	3	1 (44%)	2 (56%)
n/a	Legion Facility	5,000 ft <sup>2</sup>	12 *	12	4	8
<b>Total:</b>				<b>53</b>	<b>26</b>	<b>27</b>

\*Note: Assumed three times of the AM trips on-site.

#### 4.2 Trip Modifications

The proposed development is primarily senior residential homes. There are commercial and legion facility spaces in the proposed development site. There might be some internal trips on the proposed development site due to the mixed land use type. Internal trips are typically excluded in the ultimate trip generation estimate for a development site. However, for the proposed site it is assumed that there





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DEVELOPMENT, ESQUIMALT, BC

are no internal trips between the senior residential housing and commercial/legion facility as a worst case scenario. Therefore, the analyses were undertaken without any trip modifications.

#### 4.3 Trip Assignment

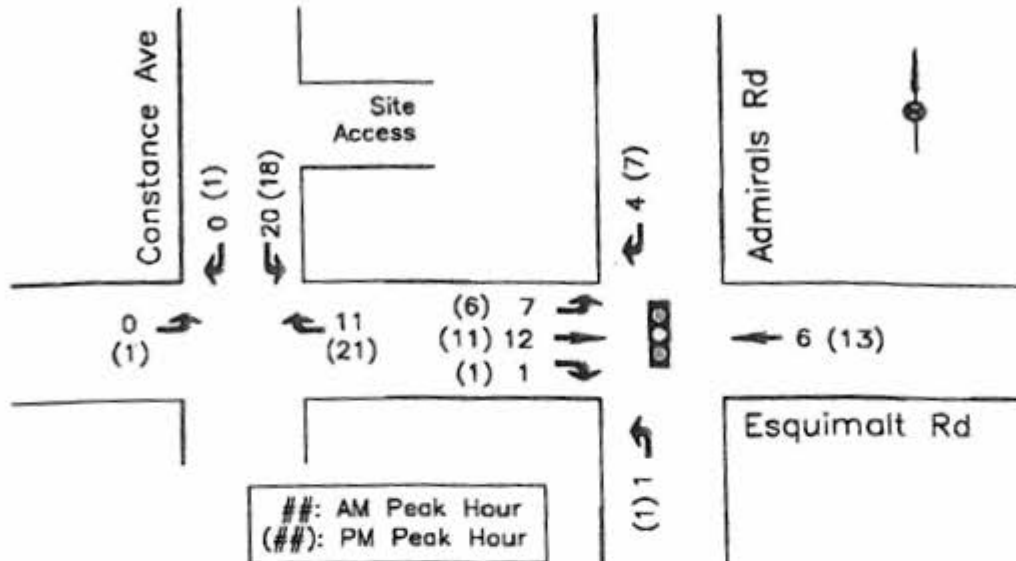
The development trips were assigned to the key intersection and access point based on a worst case scenario. It is expected that there will be limited site trips from/to the west and south due to the existing land use characteristics. The trip assignment was based on the existing directional split of traffic at the intersection of Admirals Road/Esquimalt Road. It is assumed that all site trips use the rear underground access (Constance Avenue-Miles Street) via the Admirals Road/Esquimalt Road intersection.

As there are no significant differences for the trip distributions between the AM peak hour and the PM, the same split percentages are applied to the development trip assignment during the AM and PM peak hours. See Figure 3 for the development trip assignment. The following is the directional split for the full build-out development trips:

##### Destination Splits of Site Trips

- 58% of trip are from/to East
- 34% of trip are from/to North
- 3% of trip are from/to West
- 5% of trip are from/to South

Figure 3: Development Trips Assigned (Vehicles per Hour)



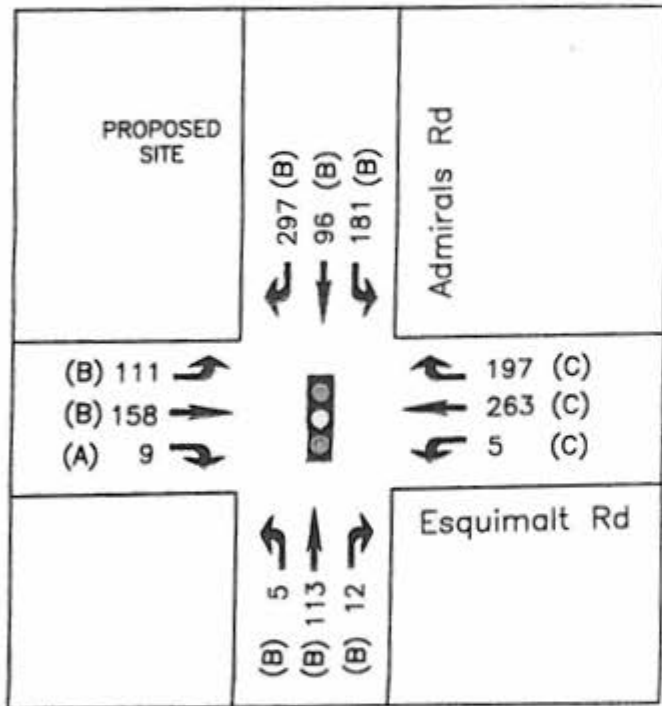
#### 4.4 2012 Post Development Conditions

The purpose of the post development analysis is to evaluate the need for improvements required due to the development. The post development traffic volume data (existing plus new site trips) was entered into the Synchro software model to analyze the post development conditions. SimTraffic results were also provided for queues, as SimTraffic provides more accurate queuing results.

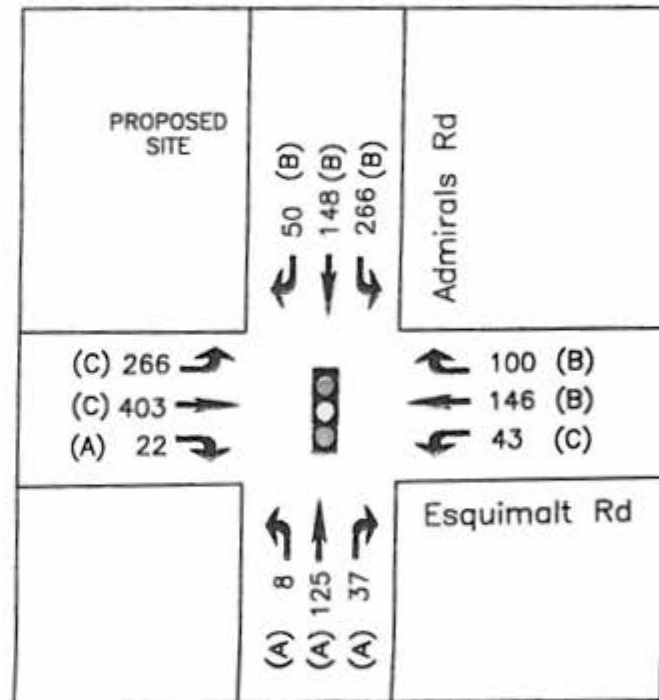
The results of the Synchro analysis indicate that all movements at the signalized intersection of Admirals Road/Esquimalt Road will continue to operate at the same levels of service (LOS C or better) as the existing during the AM and PM peak hours. Additional delays will be minor. With the development, the longest additional delay will be 1.0 second for the eastbound left movement during the PM peak hour and the longest additional queue length will be 2.4m for the eastbound through movement. The eastbound left queuing issue occurs due to existing turning volumes and the development will add a 0.9m queue length to the existing. The eastbound left turn storage length would be extended to 45m from current 30m.

The intersection of Constance Avenue/Esquimalt Road (stop controlled) will continue to operate at acceptable levels of service (LOS C or better) for all movements with the development. At the proposed site accesses (the main entrance access on Admirals Road and the underground parking access on Miles Street), no capacity issues were found. See Figure 4 for the 2012 post development

# AM Peak Hour



# PM Peak Hour



##: Traffic Volumes  
 (#): Levels of Service

76



TITLE: ADMIRALS RD LEGION DEVELOPMENT		
2012 EXISTING CONDITIONS		
TRAFFIC VOLUMES & LEVELS OF SERVICE		
DESIGNED: MJ	DRAWN: mjo	SCALE: NOT TO SCALE
DATE: NOV 7 2012	DRAWING NO: 11111111	REV: 1

FIGURE 4

TRAFFIC IMPACT ASSESSMENT FOR 622 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT, BC

conditions during the AM and PM peak hours. Complete Synchro results for the post development conditions are included in **Appendix C**.

The following tables are a comparison summary between the existing conditions and post development at the intersection of Admirals Road/Esquimalt Road.

**Table 3: AM Peak Hour Traffic Conditions at Admirals Rd/Esquimalt Rd**

Movement	LOS		Delay (Sec)		Queue Length 95 <sup>th</sup> (m)	
	Existing	Post D*	Existing	Post D*	Existing	Post D*
Eastbound Left	B	B	18.4	19.0	20.9	21.9
Eastbound Thru	B	B	16.0	16.3	27.2	29.3
Eastbound Right	A	A	7.0	7.4	1.9	2.1
Westbound Left	C	C	21.8	21.8	2.5	2.5
Westbound Thru/Right	C	C	23.3	23.8	31.5	32.5
Northbound	B	B	10.8	10.9	10.6	10.6
Southbound	B	B	12.1	12.4	28.7	29.5 (49.1**)

\* Post D: Post Development, \*\* SimTraffic Result

**Table 4: PM Peak Hour Traffic Conditions at Admirals Rd/Esquimalt Rd**

Movement	LOS		Delay (Sec)		Queue Length 95 <sup>th</sup> (m)	
	Existing	Post D*	Existing	Post D*	Existing	Post D*
Eastbound Left	C	C	23.8	24.8	43.4	44.3
Eastbound Thru	C	C	20.5	20.8	70.7	73.1
Eastbound Right	A	A	8.9	8.9	4.2	4.2
Westbound Left	C	C	29.2	29.2	13.7	13.7
Westbound Thru/Right	C	C	14.1	14.8	17.2	18.3
Northbound	A	A	8.7	8.9	13.1	13.6
Southbound	B	B	18.2	18.7	31.4	32.6 (101.5**)

\* Post D: Post Development, \*\* SimTraffic Result



## 5.0 LONG TERM CONDITIONS

### 5.1 10 Year Horizon

During peak hours at the intersection of Admirals Road/Esquimalt Road, the DND commuter traffic (from/to Esquimalt Road) has been prevalent since a long time ago. Based on the CRD's 24 Hour Traffic Count Report, daily volume data were compared using historical data measured (1992, 1995, and 2007) on Esquimalt Road west of Admirals Road. The following daily volumes were computed based on an average volume of three weekdays (Tuesday/Wednesday/Thursday) measured in October or November of each year.

Table 5: Daily Volumes Change on Esquimalt Rd

Year	1992	1995	2007
Eastbound	5632	3705	4161
Westbound	5858	3954	4297
Total	11489	7658	8458

\*Data Source: CRD Traffic Counts

On Esquimalt Road west of Admirals Road, traffic volumes decreased by 33.3% between 1992 and 1995 and increased by 10.5% between 1995 and 2007. It was identified that an average annual growth rate was less than 0.9% between the two past time periods (1995 and 2007).

Based on the historical data analysis, future traffic volumes are not expected to increase significantly on streets adjacent to the proposed site. However, a long term (10 year horizon) analysis was undertaken as a worst case scenario. To obtain 2022 background traffic volumes, the 2012 existing traffic volumes were grown by 1.0 percent per year. The proposed development traffic was then added to the 2022 background traffic to obtain the 2022 post development conditions.

### 5.2 2022 Background Results

In 2022, the intersection of Admirals Road/Esquimalt Road will operate at a LOS C or better for all movements during the AM and PM peak hours with projected volumes. Based on the Synchro analysis, at the intersection, a maximum V/C (volume to capacity) ratio will be 0.79 for the westbound through/right movements during the AM peak hour.

### 5.3 2022 Post Development Conditions

At the intersection of Admirals Road/Esquimalt Road, all movements will remain at a LOS C or better the same as without development conditions during the 2022 post development AM and PM peak hours under the current signal turn type. At the intersection, a maximum V/C ratio will remain at 0.80

TRAFFIC IMPACT ASSESSMENT FOR 622 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT, BC

during the AM and PM peak hours. No queuing issues were found at the intersections after the development. See **Figure 5** for 2022 post development traffic volumes and levels of service. See **Appendix D** for the 2022 Synchro results.

## 6.0 SAFETY AND GEOMETRICS

### 6.1 Turn Lanes

Based on the traffic modelling analysis, the 95<sup>th</sup> percentile peak hour left turn queues on Admirals Rd at Esquimalt Rd were found to exceed the current storage length, for existing conditions (48m queue vs. 30m storage length). This could be addressed by extending the left turn lane by 20m (50m total length), and this could likely be done by line marking modifications without requiring any widening or other geometric work.

A northbound left turn lane is not warranted on Admirals Road at the proposed site access (main entrance) based on the 2022 post development peak hour volumes.

### 6.2 Access Spacing and Geometrics

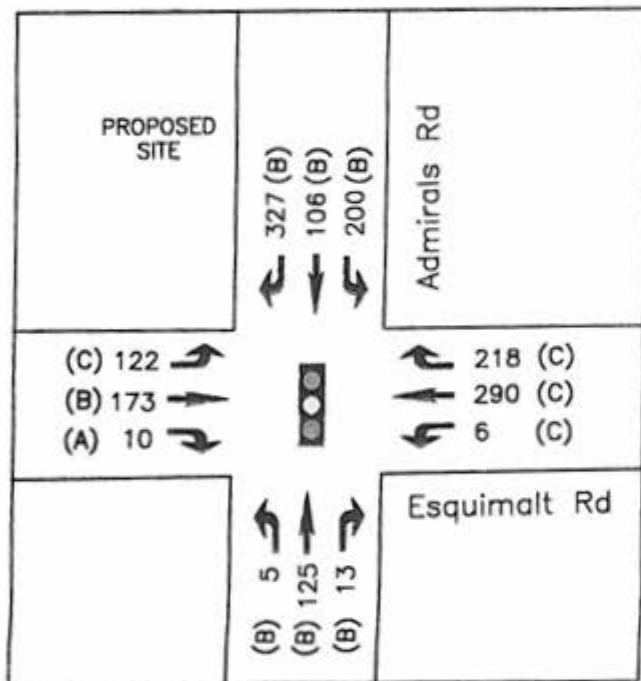
The main entrance access is located on Admirals Road 75m north of Esquimalt Road (southbound stop line) and the driveway exit is 43m north of the intersection. Based on the TAC's Geometric Design Guide, the recommended corner spacing to accesses at major intersections is 70m for arterial and 55m for collector road. The proposed main access (entrance) location meets the 75m spacing for arterial. The driveway exit location does not meet the recommended 75m intersection spacing, but it would not make any operational issues due to low volumes anticipated for exit only.

Note that southbound 95<sup>th</sup> queues are 49m during the AM peak hour and 101.5m during the PM peak hour, which could temporarily block potential northbound-lefts in, or lefts out, from the drop-off loop for the site. However these blocking queues occur in rare instances only for short time periods, and would not prevent right-in / right-out operations. Due to the low volume of traffic using the drop-off loop and short duration of peak queuing events, mitigation for this issue, such as prohibiting turns by time-of-day, is not necessary and would require enforcement to be effective.

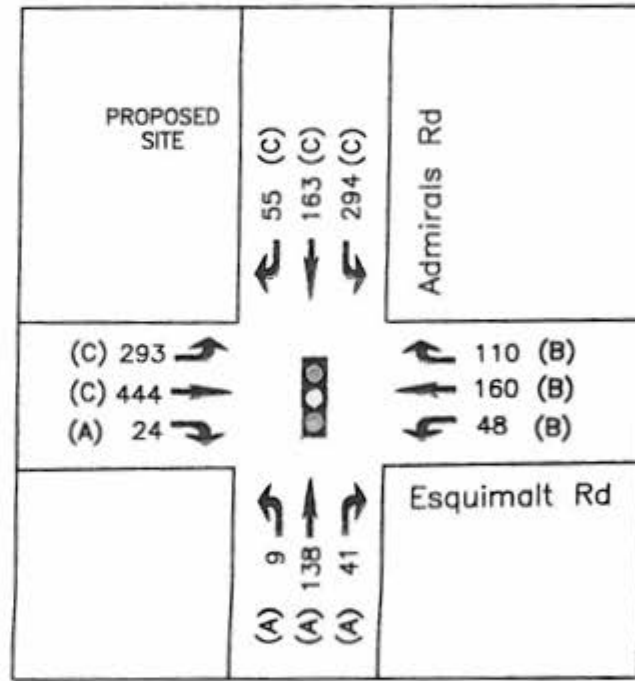
The proposed main access on Admirals Road is one-way circulation control. The driveway is proposed to be 6.0m wide at the entrance and 3.7m wide at the exit. The proposed main access will accommodate the design vehicle (HandyDART vehicle or small delivery truck) which is a largest vehicle expected to use the driveway. The proposed underground parking access is 6.3 wide for two-



### AM Peak Hour



### PM Peak Hour



##: Traffic Volumes  
 (#): Levels of Service



TITLE: ADMIRALS RD LEGION DEVELOPMENT		
2022 POST DEVELOPMENT CONDITIONS TRAFFIC VOLUMES & LEVELS OF SERVICE		
DESIGNED: MJ	DRAWN: mjo	SCALE: NOT TO SCALE
DATE: .....	DRAWING NO.:	

FIGURE 5

TRAFFIC IMPACT ASSESSMENT FOR 622 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT, BC

way traffic. The proposed driveway design will meet the requirements for a two-way residential driveway.

## 7.0 OTHER TRANSPORTATION MODES

### 7.1 Pedestrians

There are existing sidewalks on both sides of Admirals Road. According to the site plan, a 3.2 new sidewalk is proposed with frontage improvements including 18m bus bay. The new sidewalk will connect the existing sidewalk and is properly designed for pedestrians and bus users.

### 7.2 Cyclists

There are currently no bike lanes on Admirals Road and adjacent roads of the site. Bike lanes are installed on Esquimalt Road east of Lampson Street. Based on the CRD Cycling Mater Plan (March 2011), Admirals Road is classified as a primary on-street bikeway route, although there are no current bike facilities along the roadway. In the longer term there is potential to introduce bicycle facilities along this corridor. Depending upon the options, vehicle operations and capacity on Admirals Rd may be impacted. It should, however, be noted that the impacts due to this development, should any re-laning of Admirals Rd occur, will be minimal, and that the traffic delays and queues would primarily be a function of background traffic volumes.

### 7.3 Transit

The site is well served by BC Transit. There are four bus routes with stops within 100m of the site. The buses are the 6, 10, 25, and 26 which provide service by various routes to Royal Jubilee Hospital, UVic, Downtown, Esquimalt and Saanich. Generally these routes provide bus service from 7am to 10pm.

Currently the #25 bus has service along the site frontage of Admirals Road. The nearest transit stop is along the site frontage on Admirals Road. The development site plan is proposing an 18m (two transit buses) full bus bay with a 3.2m new sidewalk (waiting pad with non-slip finishes) on the site frontage. The proposed bus bay plan meets BC Transit's design guidelines for accessible bus stops.

## 8.0 CONCLUSIONS

The proposed development is a 152 unit senior independent living building with legion facility. The proposed site is located close proximity of the Admirals Road/Esquimalt Road intersection. The development is expected to generate 35 trips during the AM peak hour and 53 trips during the PM based on the proposed land use. The peak hour of senior adult housing typically does not coincide with



TRAFFIC IMPACT ASSESSMENT FOR 622 ADMIRALS ROAD LEGION  
DEVELOPMENT, ESQUIMALT, BC

the peak hour of the adjacent street traffic, and are generally spread out throughout the day rather than occur for concentrated peak hours of a week day.

The development impacts to the signalized intersection will be minimal. It is expected that the longest additional delay will be just 1.0 second for the eastbound left movement during the PM peak hour with the development. With the development, the intersection of Admirals Road/Esquimalt Road will continue to operate at acceptable levels of service (LOS C or better) for all movements during the AM and PM peak hours in the short and long term. At the intersection, the eastbound left queues exceed the existing turn lane length (30m) during the peak hours, but this is due to the existing traffic volumes. The left turn lane storage would be extended to 50m based on the 2022 traffic conditions.

At the proposed main access and the rear underground parking access, no capacity issues are expected with the development. However, the proposed main access is located close to the intersection of Admirals Road/Esquimalt Road, and for short periods the queues may block left turns in or out of the drop-off access on Admirals Rd. However as these queues are of short duration and infrequent in occurrence, and since the front access is of low traffic volume, there is not a need to enact any turn restrictions.

The site is well served by transit, is connected by sidewalks. Admirals Rd is designated as a bicycle route, which in the longer term may include enhanced bicycle facilities.

## 9.0 RECOMMENDATIONS

The following recommendations are made:

- No mitigation measures are required due to traffic resulting from the proposed site
- The Township of Esquimalt consider extending the eastbound left turn lane on Esquimalt Rd at Admirals Rd to 50m by paint marking alterations, to mitigate existing peak hour queuing conditions.

# APPENDIX A

## Synchro Background

## MODELLING SOFTWARE DESCRIPTION

The traffic analysis was completed by using a software program called Synchro and SimTraffic, and the results were measured in delay, Level of Service (LOS) and 95th percentile queue length. Synchro is based on the Highway Capacity Manual (HCM) methodology. SimTraffic integrates established driver behaviours and characteristics to simulate actual conditions by randomly "seeding" or positioning vehicles travelling throughout the network. The simulation, is run five times (five different random seedings of vehicle types, behaviours and arrivals) to obtain statistical significance of the results.

### Levels of Service

Traffic operations are typically described in terms of Levels of Service (LOS) which rates the amount of delay per vehicle for each movement and the entire intersection. Levels of service range from LOS A (representing best operations) to LOS E/F (LOS E being poor operations and LOS F being unpredictable/disruptive operations). LOS E/F are generally undesirable operations for every day conditions.

The hierarchy of criteria for grading an intersection or movement not only includes delay times, but also takes into account traffic control type (stop signs or traffic signal). For example, if a vehicle is delayed for 19 seconds at an unsignalized intersection, it is considered to have an average operation, and would therefore be graded as an LOS C. However, at a signalized intersection, a 19 second delay would be considered a good operation and therefore it would be given an LOS B. The two tables below indicate the ranges of delay for LOS for signalized and unsignalized intersections.

Table A1: LOS Criteria

Level of Service	Average Control Delay (seconds/vehicle)	
	Unsignalized Intersection	Signalized Intersection
A	Less than 10	Less than 10
B	11 to 15	11 to 20
C	16 to 25	21 to 35
D	26 to 35	36 to 55
E	36 to 50	56 to 80
F	More than 51	More than 81

## APPENDIX B

### Synchro Results - 2012 Existing Conditions





Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

07/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.97		0.94	0.98	0.96		0.96		0.95		0.95	
Frnt			0.850		0.925			0.962			0.986	
Flt Protected	0.950			0.950				0.997			0.975	
Satd. Flow (prot)	1805	1771	1538	1805	3019	0	0	3278	0	0	3359	0
Flt Permitted	0.400			0.485				0.906			0.669	
Satd. Flow (perm)	736	1771	1451	903	3019	0	0	2974	0	0	2214	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			13		172			52			18	
Headway Factor	1.00	1.02	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		282.7			77.7			47.1			257.1	
Travel Time (s)		20.4			5.6			3.4			18.5	
Volume (vph)	260	392	21	43	133	100	7	125	37	266	148	43
Confl. Peds. (#/hr)	42		27	27		42	55		46	46		55
Confl. Bikes (#/hr)			11			1			1			4
Peak Hour Factor	0.76	0.80	0.66	0.67	0.77	0.58	0.58	0.87	0.71	0.72	0.55	0.63
Heavy Vehicles (%)	0%	6%	5%	0%	12%	1%	0%	3%	0%	2%	3%	2%
Bus Blockages (#/hr)	0	3	0	0	0	0	0	0	0	0	0	0
Adj. Flow (vph)	342	490	32	64	173	172	12	144	52	369	269	68
Lane Group Flow (vph)	342	490	32	64	345	0	0	208	0	0	706	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4				8			2		1	6
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1	6	
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0	8.0	
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0	25.0	
Total Split (s)	17.0	42.0	42.0	25.0	25.0	0.0	25.0	25.0	0.0	13.0	38.0	0.0
Total Split (%)	21.3%	52.5%	52.5%	31.3%	31.3%	0.0%	31.3%	31.3%	0.0%	16.3%	47.5%	0.0%
Maximum Green (s)	12.0	37.0	37.0	20.0	20.0		20.0	20.0		8.0	33.0	
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0	1.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None	None	None	None		Max	Max		None	Max	
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0			5.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0			11.0	
Pedestrian Calls (#/hr)		30	30	30	30		30	30			30	
Act Effct Green (s)	29.0	29.0	29.0	12.2	12.2			34.1			34.1	
Actuated g/C Ratio	0.41	0.41	0.41	0.17	0.17			0.48			0.48	



Lanes, Volumes, Timings  
 3: Esquimalt Rd & Admirals Rd

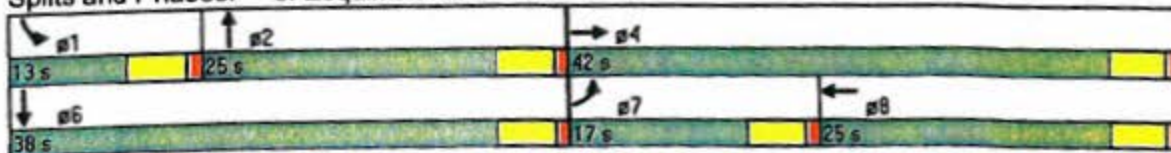
07/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.70	0.68	0.05	0.41	0.52			0.14			0.66	
Uniform Delay, d1	15.4	17.2	7.5	26.2	13.0			7.6			13.6	
Control Delay	23.4	20.4	8.9	29.2	14.1			8.7			18.2	
Queue Delay	0.4	0.0	0.0	0.0	0.0			0.0			0.0	
Total Delay	23.8	20.5	8.9	29.2	14.1			8.7			18.2	
LOS	C	C	A	C	B			A			B	
Approach Delay		21.4			16.5			8.7			18.2	
Approach LOS		C			B			A			B	
Queue Length 50th (m)	33.8	54.2	1.5	8.1	11.3			5.8			35.5	
Queue Length 95th (m)	43.4	70.7	4.2	13.7	17.2			13.1			31.4	
Internal Link Dist (m)		258.7			53.7			23.1			233.1	
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	495	841	696	238	921			1453			1071	
Starvation Cap Reductn	0	0	0	0	0			0			0	
Spillback Cap Reductn	0	0	0	0	0			0			0	
Storage Cap Reductn	17	12	0	0	44			0			0	
Reduced v/c Ratio	0.72	0.59	0.05	0.27	0.39			0.14			0.66	

Intersection Summary

Area Type: Other  
 Cycle Length: 80  
 Actuated Cycle Length: 71.1  
 Natural Cycle: 80  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.70  
 Intersection Signal Delay: 18.2  
 Intersection Capacity Utilization 68.7%  
 Analysis Period (min) 15  
 Intersection LOS: B  
 ICU Level of Service C

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

06/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.99		0.97	0.99	0.98			0.99			0.97	
Frt			0.850		0.944			0.986			0.915	
Flt Protected	0.950			0.950				0.998			0.986	
Satd. Flow (prot)	1736	1667	1170	1805	3129	0	0	3407	0	0	3126	0
Flt Permitted	0.194			0.640				0.910			0.745	
Satd. Flow (perm)	352	1667	1137	1201	3129	0	0	3105	0	0	2331	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			12		147			13			390	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		282.7			77.7			47.1			257.1	
Travel Time (s)		20.4			5.6			3.4			18.5	
Volume (vph)	104	146	8	5	257	197	4	113	12	181	96	293
Confl. Peds. (#/hr)	22		11	11		22	17		27	27		17
Confl. Bikes (#/hr)						8			1			4
Peak Hour Factor	0.90	0.78	0.67	0.42	0.63	0.82	0.50	0.74	0.75	0.67	0.67	0.54
Heavy Vehicles (%)	4%	14%	38%	0%	8%	5%	0%	4%	0%	2%	5%	1%
Adj. Flow (vph)	116	187	12	12	408	240	8	153	16	270	143	543
Lane Group Flow (vph)	116	187	12	12	648	0	0	177	0	0	956	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1	6	
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1	6	
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0	8.0	
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0	25.0	
Total Split (s)	13.0	39.0	39.0	26.0	26.0	0.0	28.0	28.0	0.0	13.0	41.0	0.0
Total Split (%)	16.3%	48.8%	48.8%	32.5%	32.5%	0.0%	35.0%	35.0%	0.0%	16.3%	51.3%	0.0%
Maximum Green (s)	8.0	34.0	34.0	21.0	21.0		23.0	23.0		8.0	36.0	
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0	1.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None	None	None	None		Max	Max		None	Max	
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0			5.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0			11.0	
Pedestrian Calls (#/hr)		30	30	30	30		30	30			30	
Act Effct Green (s)	28.2	27.7	27.7	17.9	17.9			37.7			37.7	
Actuated g/C Ratio	0.37	0.38	0.38	0.24	0.24			0.51			0.51	
v/c Ratio	0.39	0.30	0.03	0.04	0.74			0.11			0.69	



Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

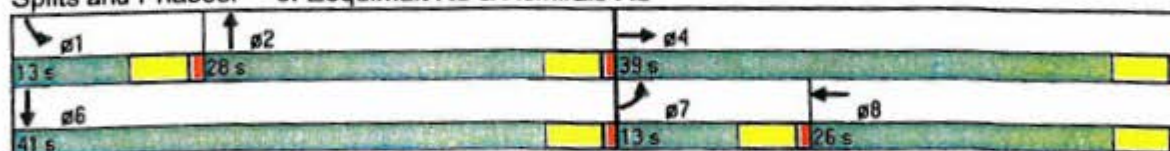
06/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Uniform Delay, d1	15.0	15.7	0.0	21.8	20.0			8.9			7.6	
Control Delay	18.3	16.0	7.0	21.8	23.3			10.8			12.1	
Queue Delay	0.1	0.0	0.0	0.0	0.0			0.0			0.0	
Total Delay	18.4	16.0	7.0	21.8	23.3			10.8			12.1	
LOS	B	B	A	C	C			B			B	
Approach Delay		16.6			23.2			10.8			12.1	
Approach LOS		B			C			B			B	
Queue Length 50th (m)	10.8	18.3	0.0	1.4	37.2			7.0			34.6	
Queue Length 95th (m)	20.9	27.2	1.9	2.5	31.5			10.6			28.7	
Internal Link Dist (m)		258.7			53.7			23.1			233.1	
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	294	729	504	343	999			1598			1385	
Starvation Cap Reductn	0	0	0	0	0			0			0	
Spillback Cap Reductn	0	0	0	0	0			0			0	
Storage Cap Reductn	5	0	0	0	0			0			0	
Reduced v/c Ratio	0.40	0.26	0.02	0.03	0.65			0.11			0.69	

Intersection Summary

Area Type: Other  
 Cycle Length: 80  
 Actuated Cycle Length: 73.6  
 Natural Cycle: 80  
 Control Type: Semi Act-Uncoord  
 Maximum v/c Ratio: 0.74  
 Intersection Signal Delay: 16.1  
 Intersection Capacity Utilization 65.9%  
 Analysis Period (min) 15  
 Intersection LOS: B  
 ICU Level of Service C

Splits and Phases: 3: Esquimalt Rd & Admirals Rd



## APPENDIX C

### Synchro Results - 2012 Post Development



Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

07/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.97		0.94	0.98	0.96			0.96			0.95	
Frnt			0.850		0.929			0.963			0.983	
Flt Protected	0.950			0.950				0.997			0.975	
Satd. Flow (prot)	1805	1771	1538	1805	3030	0	0	3283	0	0	3344	0
Flt Permitted	0.386			0.478				0.895			0.670	
Satd. Flow (perm)	712	1771	1451	890	3030	0	0	2942	0	0	2209	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			13		172			52			21	
Headway Factor	1.00	1.02	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		94.3			77.7			47.1			257.1	
Travel Time (s)		6.8			5.6			3.4			18.5	
Volume (vph)	266	403	22	43	146	100	8	125	37	266	148	50
Confl. Peds. (#/hr)	42		27	27		42	55		46	46		55
Confl. Bikes (#/hr)			11			1			1			4
Peak Hour Factor	0.76	0.80	0.66	0.67	0.77	0.58	0.58	0.87	0.71	0.72	0.55	0.63
Heavy Vehicles (%)	0%	6%	5%	0%	12%	1%	0%	3%	0%	2%	3%	2%
Bus Blockages (#/hr)	0	3	0	0	0	0	0	0	0	0	0	0
Adj. Flow (vph)	350	504	33	64	190	172	14	144	52	369	269	79
Lane Group Flow (vph)	350	504	33	64	362	0	0	210	0	0	717	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1	6	
Permitted Phases	4		4	8			2		6			
Detector Phases	7	4	4	8	8		2	2	1	6		
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0	8.0	8.0		
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0	13.0	25.0		
Total Split (s)	17.0	42.0	42.0	25.0	25.0	0.0	25.0	25.0	0.0	13.0	38.0	0.0
Total Split (%)	21.3%	52.5%	52.5%	31.3%	31.3%	0.0%	31.3%	31.3%	0.0%	16.3%	47.5%	0.0%
Maximum Green (s)	12.0	37.0	37.0	20.0	20.0		20.0	20.0	8.0	33.0		
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0		
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0	3.0		
Recall Mode	None	None	None	None	None		Max	Max	None	Max		
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0		5.0		
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0		11.0		
Pedestrian Calls (#/hr)		30	30	30	30		30	30		30		
Act Effct Green (s)	29.3	29.3	29.3	12.5	12.5			34.1			34.1	
Actuated g/C Ratio	0.41	0.41	0.41	0.17	0.17			0.48			0.48	



Lanes, Volumes, Timings  
 3: Esquimalt Rd & Admirals Rd

07/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.72	0.69	0.05	0.41	0.54			0.15				0.67
Uniform Delay, d1	15.4	17.3	7.6	26.2	13.6			7.7				13.9
Control Delay	24.4	20.8	8.9	29.2	14.7			8.9				18.7
Queue Delay	0.5	0.0	0.0	0.0	0.1			0.0				0.0
Total Delay	24.8	20.8	8.9	29.2	14.8			8.9				18.7
LOS	C	C	A	C	B			A				B
Approach Delay		22.0			17.0			8.9				18.7
Approach LOS		C			B			A				B
Queue Length 50th (m)	34.8	56.4	1.6	8.1	12.5			5.8				36.3
Queue Length 95th (m)	44.3	73.1	4.2	13.7	18.3			13.6				32.6
Internal Link Dist (m)		70.3			53.7			23.1				233.1
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	490	841	696	234	924			1432				1066
Starvation Cap Reductn	0	0	0	0	0			0				0
Spillback Cap Reductn	0	0	0	0	0			0				0
Storage Cap Reductn	17	12	0	0	44			0				0
Reduced v/c Ratio	0.74	0.61	0.05	0.27	0.41			0.15				0.67

Intersection Summary

Area Type: Other

Cycle Length: 80

Actuated Cycle Length: 71.5

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.72

Intersection Signal Delay: 18.7

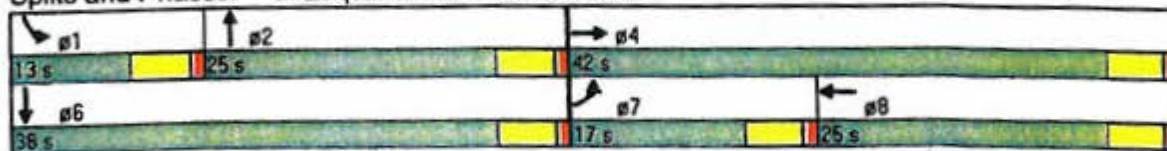
Intersection LOS: B

Intersection Capacity Utilization 69.3%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

07/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↙	↑	↗	↙	↑	↗		↑	↗		↑	↗
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.99		0.97	0.99	0.98			0.99			0.97	
Frnt			0.850		0.945			0.987			0.914	
Flt Protected	0.950			0.950				0.997			0.986	
Satd. Flow (prot)	1736	1667	1170	1805	3132	0	0	3408	0	0	3123	0
Flt Permitted	0.189			0.630				0.897			0.745	
Satd. Flow (perm)	343	1667	1137	1182	3132	0	0	3065	0	0	2329	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			12		141			13			386	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		92.3			77.7			47.1			257.1	
Travel Time (s)		6.6			5.6			3.4			18.5	
Volume (vph)	111	158	9	5	263	197	5	113	12	181	96	297
Confl. Peds. (#/hr)	22		11	11		22	17		27	27		17
Confl. Bikes (#/hr)						8			1			4
Peak Hour Factor	0.90	0.78	0.67	0.42	0.63	0.82	0.50	0.74	0.75	0.67	0.67	0.54
Heavy Vehicles (%)	4%	14%	38%	0%	8%	5%	0%	4%	0%	2%	5%	1%
Adj. Flow (vph)	123	203	13	12	417	240	10	153	16	270	143	550
Lane Group Flow (vph)	123	203	13	12	657	0	0	179	0	0	963	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1		6
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1		6
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0		8.0
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0		25.0
Total Split (s)	13.0	39.0	39.0	26.0	26.0	0.0	28.0	28.0	0.0	13.0	41.0	0.0
Total Split (%)	16.3%	48.8%	48.8%	32.5%	32.5%	0.0%	35.0%	35.0%	0.0%	16.3%	51.3%	0.0%
Maximum Green (s)	8.0	34.0	34.0	21.0	21.0		23.0	23.0		8.0		36.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0		4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0		1.0
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0		3.0
Recall Mode	None	None	None	None	None		Max	Max		None		Max
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0				5.0
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0				11.0
Pedestrian Calls (#/hr)		30	30	30	30		30	30				30
Act Effct Green (s)	28.4	27.9	27.9	18.1	18.1			37.7				37.7
Actuated g/C Ratio	0.37	0.38	0.38	0.25	0.25			0.51				0.51
v/c Ratio	0.42	0.32	0.03	0.04	0.75			0.11				0.70



Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

07/11/2012

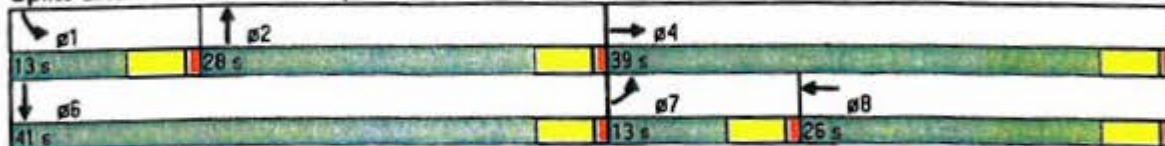
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Uniform Delay, d1	15.0	15.9	1.1	21.7	20.4			9.0				7.8
Control Delay	18.9	16.3	7.4	21.8	23.8			10.9				12.4
Queue Delay	0.1	0.0	0.0	0.0	0.0			0.0				0.0
Total Delay	19.0	16.3	7.4	21.8	23.8			10.9				12.4
LOS	B	B	A	C	C			B				B
Approach Delay		16.9			23.8			10.9				12.4
Approach LOS		B			C			B				B
Queue Length 50th (m)	11.5	20.1	0.1	1.4	38.4			7.2				36.0
Queue Length 95th (m)	21.9	29.3	2.1	2.5	32.5			10.6				29.5
Internal Link Dist (m)		68.3			53.7			23.1				233.1
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	292	729	504	338	996			1573				1379
Starvation Cap Reductn	0	0	0	0	0			0				0
Spillback Cap Reductn	0	0	0	0	0			0				0
Storage Cap Reductn	6	2	0	0	0			0				0
Reduced v/c Ratio	0.43	0.28	0.03	0.04	0.66			0.11				0.70

Intersection Summary

Area Type: Other  
 Cycle Length: 80  
 Actuated Cycle Length: 73.8  
 Natural Cycle: 80  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.75  
 Intersection Signal Delay: 16.5  
 Intersection Capacity Utilization 66.2%  
 Analysis Period (min) 15

Intersection LOS: B  
 ICU Level of Service C

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





# APPENDIX D

## Synchro Results - 2022 Conditions



Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

09/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.97		0.94	0.98	0.96			0.96			0.95	
Frnt			0.850		0.928			0.963			0.984	
Flt Protected	0.950			0.950				0.997			0.975	
Satd. Flow (prot)	1805	1771	1538	1805	3027	0	0	3283	0	0	3348	0
Flt Permitted	0.357			0.456				0.884			0.658	
Satd. Flow (perm)	660	1771	1451	850	3027	0	0	2906	0	0	2175	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			13		190			54			21	
Headway Factor	1.00	1.02	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		282.7			77.7			47.1			73.9	
Travel Time (s)		20.4			5.6			3.4			5.3	
Volume (vph)	293	444	24	48	160	110	9	138	41	294	163	55
Confl. Peds. (#/hr)	42		27	27		42	55		46	46		55
Confl. Bikes (#/hr)			11			1			1			4
Peak Hour Factor	0.76	0.80	0.66	0.67	0.77	0.58	0.58	0.87	0.71	0.72	0.55	0.63
Heavy Vehicles (%)	0%	6%	5%	0%	12%	1%	0%	3%	0%	2%	3%	2%
Bus Blockages (#/hr)	0	3	0	0	0	0	0	0	0	0	0	0
Adj. Flow (vph)	386	555	36	72	208	190	16	159	58	408	296	87
Lane Group Flow (vph)	386	555	36	72	398	0	0	233	0	0	791	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1	6	
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1	6	
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0	8.0	
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0	25.0	
Total Split (s)	17.0	42.0	42.0	25.0	25.0	0.0	25.0	25.0	0.0	13.0	38.0	0.0
Total Split (%)	21.3%	52.5%	52.5%	31.3%	31.3%	0.0%	31.3%	31.3%	0.0%	16.3%	47.5%	0.0%
Maximum Green (s)	12.0	37.0	37.0	20.0	20.0		20.0	20.0		8.0	33.0	
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0	1.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None	None	None	None		Max	Max		None	Max	
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0			5.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0			11.0	
Pedestrian Calls (#/hr)		30	30	30	30		30	30			30	
Act Effct Green (s)	30.4	30.4	30.4	13.4	13.4			34.1			34.1	
Actuated g/C Ratio	0.42	0.42	0.42	0.18	0.18			0.47			0.47	



Lanes, Volumes, Timings  
 3: Esquimalt Rd & Admirals Rd

09/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.80	0.75	0.06	0.46	0.56			0.17			0.97dl	
Uniform Delay, d1	15.5	17.8	7.9	26.3	13.6			8.3			15.4	
Control Delay	30.0	22.1	8.9	30.2	14.7			9.6			23.0	
Queue Delay	1.0	0.1	0.0	0.0	0.1			0.0			0.0	
Total Delay	31.0	22.2	8.9	30.2	14.8			9.6			23.0	
LOS	C	C	A	C	B			A			C	
Approach Delay		25.2			17.2			9.6			23.0	
Approach LOS		C			B			A			C	
Queue Length 50th (m)	39.3	64.7	1.9	9.3	13.8			6.9			43.8	
Queue Length 95th (m)	49.2	82.7	4.5	15.0	19.5			15.3			37.7	
Internal Link Dist (m)		258.7			53.7			23.1			49.9	
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	483	841	696	223	935			1395			1034	
Starvation Cap Reductn	0	0	0	0	0			0			0	
Spillback Cap Reductn	0	0	0	0	0			0			0	
Storage Cap Reductn	17	11	0	0	46			0			0	
Reduced v/c Ratio	0.83	0.67	0.05	0.32	0.45			0.17			0.76	

Intersection Summary

Area Type: Other

Cycle Length: 80

Actuated Cycle Length: 72.6

Natural Cycle: 80

Control Type: Semi Act-Uncoord

Maximum v/c Ratio: 0.80

Intersection Signal Delay: 21.5

Intersection LOS: C

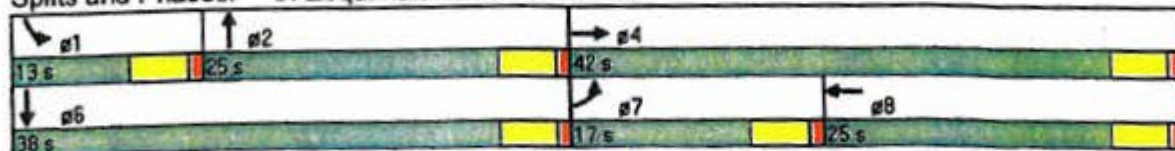
Intersection Capacity Utilization 73.0%

ICU Level of Service C

Analysis Period (min) 15

dl Defacto Left Lane. Recode with 1 though lane as a left lane.

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

09/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.99		0.97	0.99	0.98			0.99			0.97	
Frt			0.850		0.945			0.987			0.914	
Flt Protected	0.950			0.950				0.997			0.986	
Satd. Flow (prot)	1736	1667	1170	1805	3132	0	0	3408	0	0	3123	0
Flt Permitted	0.154			0.620				0.895			0.740	
Satd. Flow (perm)	280	1667	1137	1164	3132	0	0	3058	0	0	2314	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			12		142			13			370	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		282.7			77.7			47.1			105.9	
Travel Time (s)		20.4			5.6			3.4			7.6	
Volume (vph)	122	173	10	6	290	218	5	125	13	200	106	327
Confl. Peds. (#/hr)	22		11	11		22	17		27	27		17
Confl. Bikes (#/hr)						8			1			4
Peak Hour Factor	0.90	0.78	0.67	0.42	0.63	0.82	0.50	0.74	0.75	0.67	0.67	0.54
Heavy Vehicles (%)	4%	14%	38%	0%	8%	5%	0%	4%	0%	2%	5%	1%
Adj. Flow (vph)	136	222	15	14	460	266	10	169	17	299	158	606
Lane Group Flow (vph)	136	222	15	14	726	0	0	196	0	0	1063	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1	6	
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1	6	
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0	8.0	
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0	25.0	
Total Split (s)	13.0	39.0	39.0	26.0	26.0	0.0	28.0	28.0	0.0	13.0	41.0	0.0
Total Split (%)	16.3%	48.8%	48.8%	32.5%	32.5%	0.0%	35.0%	35.0%	0.0%	16.3%	51.3%	0.0%
Maximum Green (s)	8.0	34.0	34.0	21.0	21.0		23.0	23.0		8.0	36.0	
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0	1.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None	None	None	None		Max	Max		None	None	
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0			5.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0			11.0	
Pedestrian Calls (#/hr)		30	30	30	30		30	30			30	
Act Effct Green (s)	28.2	27.9	27.9	18.3	18.3			32.3			32.3	
Actuated g/C Ratio	0.40	0.41	0.41	0.27	0.27			0.47			0.47	
v/c Ratio	0.45	0.33	0.03	0.05	0.77			0.14			0.83	



Lanes, Volumes, Timings  
 3: Esquimalt Rd & Admirals Rd

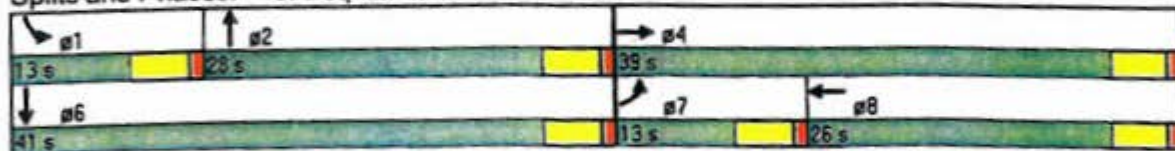
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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Uniform Delay, d1	12.6	13.4	2.3	19.0	18.8			9.9			10.1	
Control Delay	18.4	15.1	8.0	21.7	23.2			11.7			16.6	
Queue Delay	0.3	0.0	0.0	0.0	0.0			0.0			0.0	
Total Delay	18.7	15.1	8.0	21.7	23.2			11.7			16.6	
LOS	B	B	A	C	C			B			B	
Approach Delay		16.1			23.2			11.7			16.6	
Approach LOS		B			C			B			B	
Queue Length 50th (m)	12.2	21.2	0.3	1.6	43.3			8.4			50.6	
Queue Length 95th (m)	24.0	31.9	2.4	2.7	37.2			11.5			38.6	
Internal Link Dist (m)		258.7			53.7			23.1			81.9	
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	299	785	542	363	1075			1444			1363	
Starvation Cap Reductn	0	0	0	0	0			0			0	
Spillback Cap Reductn	0	0	0	0	0			0			0	
Storage Cap Reductn	18	2	0	0	0			0			0	
Reduced v/c Ratio	0.48	0.28	0.03	0.04	0.68			0.14			0.78	

Intersection Summary

Area Type: Other  
 Cycle Length: 80  
 Actuated Cycle Length: 68.7  
 Natural Cycle: 80  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.83  
 Intersection Signal Delay: 18.2  
 Intersection LOS: B  
 Intersection Capacity Utilization 69.5%  
 ICU Level of Service C  
 Analysis Period (min) 15

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

09/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.97		0.94	0.98	0.96			0.96			0.95	
Frnt			0.850		0.925			0.962			0.985	
Flt Protected	0.950			0.950				0.997			0.975	
Satd. Flow (prot)	1805	1771	1538	1805	3019	0	0	3278	0	0	3355	0
Flt Permitted	0.370			0.462				0.895			0.658	
Satd. Flow (perm)	683	1771	1451	861	3019	0	0	2938	0	0	2179	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			12		190			55			18	
Headway Factor	1.00	1.02	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		282.7			77.7			47.1			257.1	
Travel Time (s)		20.4			5.6			3.4			18.5	
Volume (vph)	287	433	23	48	147	110	8	138	41	294	163	48
Confl. Peds. (#/hr)	42		27	27		42	55		46	46		55
Confl. Bikes (#/hr)			11			1			1			4
Peak Hour Factor	0.76	0.80	0.66	0.67	0.77	0.58	0.58	0.87	0.71	0.72	0.55	0.63
Heavy Vehicles (%)	0%	6%	5%	0%	12%	1%	0%	3%	0%	2%	3%	2%
Bus Blockages (#/hr)	0	3	0	0	0	0	0	0	0	0	0	0
Adj. Flow (vph)	378	541	35	72	191	190	14	159	58	408	296	76
Lane Group Flow (vph)	378	541	35	72	381	0	0	231	0	0	780	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1	6	
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1	6	
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0	8.0	
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0	25.0	
Total Split (s)	17.0	42.0	42.0	25.0	25.0	0.0	25.0	25.0	0.0	13.0	38.0	0.0
Total Split (%)	21.3%	52.5%	52.5%	31.3%	31.3%	0.0%	31.3%	31.3%	0.0%	16.3%	47.5%	0.0%
Maximum Green (s)	12.0	37.0	37.0	20.0	20.0		20.0	20.0		8.0	33.0	
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0	1.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None	None	None	None		Max	Max		None	Max	
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0			5.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0			11.0	
Pedestrian Calls (#/hr)		30	30	30	30		30	30			30	
Act Effct Green (s)	30.2	30.2	30.2	13.2	13.2			34.1			34.1	
Actuated g/C Ratio	0.42	0.42	0.42	0.18	0.18			0.47			0.47	



Lanes, Volumes, Timings  
 3: Esquimalt Rd & Admirals Rd

09/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.77	0.73	0.06	0.46	0.54			0.16				0.97dl
Uniform Delay, d1	15.5	17.6	8.2	26.3	13.0			8.2				15.2
Control Delay	28.1	21.7	9.1	30.1	14.1			9.4				22.3
Queue Delay	0.8	0.1	0.0	0.0	0.1			0.0				0.0
Total Delay	28.9	21.8	9.1	30.1	14.1			9.4				22.3
LOS	C	C	A	C	B			A				C
Approach Delay		24.1			16.7			9.4				22.3
Approach LOS		C			B			A				C
Queue Length 50th (m)	38.3	62.3	1.9	9.3	12.6			6.8				43.1
Queue Length 95th (m)	48.2	79.8	4.5	15.0	18.3			15.1				37.2
Internal Link Dist (m)		258.7			53.7			23.1				233.1
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	488	841	696	226	933			1414				1037
Starvation Cap Reductn	0	0	0	0	0			0				0
Spillback Cap Reductn	0	0	0	0	0			0				0
Storage Cap Reductn	17	11	0	0	45			0				0
Reduced v/c Ratio	0.80	0.65	0.05	0.32	0.43			0.16				0.75

Intersection Summary

Area Type: Other

Cycle Length: 80

Actuated Cycle Length: 72.4

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.77

Intersection Signal Delay: 20.7

Intersection LOS: C

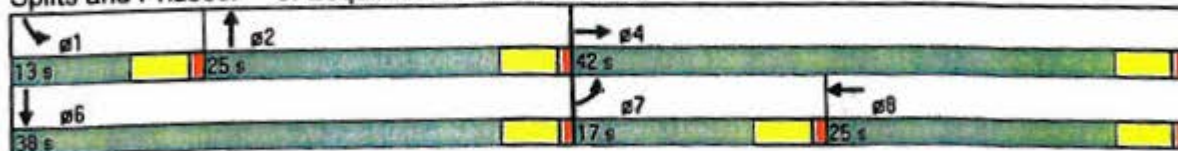
Intersection Capacity Utilization 72.4%

ICU Level of Service C

Analysis Period (min) 15

dl Defacto Left Lane. Recode with 1 though lane as a left lane.

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





Lanes, Volumes, Timings  
3: Esquimalt Rd & Admirals Rd

09/11/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (m)	30.0		10.0	22.0		0.0	0.0		0.0	0.0		0.0
Storage Lanes	1		1	1		0	0		0	0		0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (m)	15.0	15.0	15.0	15.0	15.0		15.0	15.0		15.0	15.0	
Trailing Detector (m)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Turning Speed (k/h)	25		15	25		15	25		15	25		15
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Ped Bike Factor	0.99		0.97	0.99	0.98			0.99			0.97	
Frt			0.850		0.944			0.987			0.915	
Flt Protected	0.950			0.950				0.998			0.986	
Satd. Flow (prot)	1736	1667	1170	1805	3129	0	0	3410	0	0	3126	0
Flt Permitted	0.155			0.629				0.908			0.740	
Satd. Flow (perm)	281	1667	1137	1180	3129	0	0	3102	0	0	2316	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			11		149			13			373	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (k/h)		50			50			50			50	
Link Distance (m)		282.7			77.7			47.1			257.1	
Travel Time (s)		20.4			5.6			3.4			18.5	
Volume (vph)	115	161	9	6	284	218	4	125	13	200	106	323
Confl. Peds. (#/hr)	22		11	11		22	17		27	27		17
Confl. Bikes (#/hr)						8			1			4
Peak Hour Factor	0.90	0.78	0.67	0.42	0.63	0.82	0.50	0.74	0.75	0.67	0.67	0.54
Heavy Vehicles (%)	4%	14%	38%	0%	8%	5%	0%	4%	0%	2%	5%	1%
Adj. Flow (vph)	128	206	13	14	451	266	8	169	17	299	158	598
Lane Group Flow (vph)	128	206	13	14	717	0	0	194	0	0	1055	0
Turn Type	pm+pt		Perm	Perm			Perm			pm+pt		
Protected Phases	7	4			8			2		1	6	
Permitted Phases	4		4	8			2			6		
Detector Phases	7	4	4	8	8		2	2		1	6	
Minimum Initial (s)	8.0	8.0	8.0	8.0	8.0		8.0	8.0		8.0	8.0	
Minimum Split (s)	13.0	25.0	25.0	25.0	25.0		25.0	25.0		13.0	25.0	
Total Split (s)	13.0	39.0	39.0	26.0	26.0	0.0	28.0	28.0	0.0	13.0	41.0	0.0
Total Split (%)	16.3%	48.8%	48.8%	32.5%	32.5%	0.0%	35.0%	35.0%	0.0%	16.3%	51.3%	0.0%
Maximum Green (s)	8.0	34.0	34.0	21.0	21.0		23.0	23.0		8.0	36.0	
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0		1.0	1.0		1.0	1.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?	Yes			Yes	Yes		Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None	None	None	None		Max	Max		None	Max	
Walk Time (s)		5.0	5.0	5.0	5.0		5.0	5.0			5.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0		11.0	11.0			11.0	
Pedestrian Calls (#/hr)		30	30	30	30		30	30			30	
Act Effct Green (s)	29.3	28.9	28.9	19.1	19.1			37.7			37.7	
Actuated g/C Ratio	0.38	0.39	0.39	0.26	0.26			0.50			0.50	
v/c Ratio	0.46	0.32	0.03	0.05	0.79			0.12			0.78	



Lanes, Volumes, Timings  
 3: Esquimalt Rd & Admirals Rd

09/11/2012

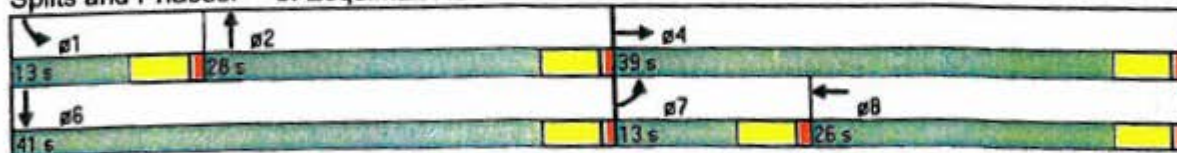
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Uniform Delay, d1	14.9	15.7	2.2	21.4	20.7			9.5			9.5	
Control Delay	20.0	16.2	7.9	21.8	25.2			11.2			16.1	
Queue Delay	0.1	0.0	0.0	0.0	0.0			0.0			0.0	
Total Delay	20.1	16.2	7.9	21.8	25.2			11.2			16.1	
LOS	C	B	A	C	C			B			B	
Approach Delay		17.3			25.1			11.2			16.1	
Approach LOS		B			C			B			B	
Queue Length 50th (m)	12.0	20.4	0.2	1.6	43.4			8.3			49.4	
Queue Length 95th (m)	22.8	29.7	2.2	2.7	36.0			11.5			37.6	
Internal Link Dist (m)		258.7			53.7			23.1			233.1	
Turn Bay Length (m)	30.0		10.0	22.0								
Base Capacity (vph)	277	729	504	337	1001			1570			1353	
Starvation Cap Reductn	0	0	0	0	0			0			0	
Spillback Cap Reductn	0	0	0	0	0			0			0	
Storage Cap Reductn	5	2	0	0	0			0			0	
Reduced v/c Ratio	0.47	0.28	0.03	0.04	0.72			0.12			0.78	

Intersection Summary

Area Type: Other  
 Cycle Length: 80  
 Actuated Cycle Length: 74.7  
 Natural Cycle: 80  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.79  
 Intersection Signal Delay: 18.7  
 Intersection Capacity Utilization 69.1%  
 Analysis Period (min) 15

Intersection LOS: B  
 ICU Level of Service C

Splits and Phases: 3: Esquimalt Rd & Admirals Rd





## Legion – Seniors' Housing



### *Seniors' Housing Parking Comparative Requirements*

Prepared For:



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FINALIZED ON JANUARY 15, 2013



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# Context

As part of their approval process for their seniors' housing project in Esquimalt, BC, Monimos Equities and Developments (Monimos) requested a comparative parking review for seniors housing in Metro Vancouver.

Three municipalities that house successful seniors' housing were selected as a reference:

- Pitt Meadows, BC
- New Westminster, BC
- Burnaby, BC

Below is a table summarizing seniors' housing parking requirements for the abovementioned municipalities:

Table 1: Metro Vancouver Seniors' Housing Parking Requirements

MUNICIPALITY	ZONING	DISABLED PARKING	PARKING PER UNIT
Pitt Meadows	Assisted Living	in accordance with the requirements of the current Building Code	0.25
	Visitors	Car - 1 parking space for every 30 parking spaces after 45 regular spaces are Provided.	0.3
New Westminster	Seniors Supportive or Assisted Housing for residential units 50 square metres in size or greater.	Van - 1 dedicated Van Lay-by when more than 45 parking spaces are required.	0.25
Burnaby	Senior Citizens Housing	In accordance with the requirements of the current Building Code	0.2
Esquimalt	Senior Citizens Apartments	1 for every 6 required Parking Spaces	0.5



## Findings

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- Average parking required for Senior's Housing complexes for the Metro Vancouver cities is 0.25 per unit
- Due to the reduced traffic, lower car ownership, and provision of a shuttle service, Seniors' Housing complexes for the three Metro Vancouver cities likely reduce carbon emissions from travel by 75% as compared with non-seniors housing

## Recommendation

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That Monimos request the Township of Esquimalt provide a variance to their existing Seniors' Housing parking requirements to match Metro Vancouver cities' so the Legion project will be more economically and environmentally sustainable.



Table II: CRD Municipalities Seniors' Housing Parking Requirements

MUNICIPALITY	HOUSING	PARKING PER UNIT
Central Saanich	Assisted Seniors' [Bylaw 1512]	0.6
Colwood	Congregate Housing	0.5
Esquimalt	Senior Citizens Apartments	0.5
Highlands	N/A	
Langford	Seniors' Care Facility (rental) 1 space per 2 dwellings units (i.e., 0.5 spaces per d/u)	0.5
Metchosin	Group Homes, Rest Homes, and Community Care Facilities Congregate Care	0.33 1.25
North Saanich	N/A	
Oak Bay	Special Needs Multiple Residential Use	0.5
Saanich	Buildings Containing three or more dwelling units for senior citizen housing and approved by the BC Housing Management Commission under the Non-profit Housing Program	0.5
Sidney	Congregate Care Housing or Life lease Units	0.5
Sooke	Assisted Living	0.5
Victoria	Senior Citizens' Residences	0.35
View Royal	Senior Citizens Multiple-Family Dwellings 0.5 space per dwelling unit where an established bus transit route and commercial facilities are located within 0.4 km (0.25 mile) of the development	0.5





## Driving Habits of Seniors

The average age of seniors living in supportive housing (independent living) residences is 85 (Bob Papau, Dom Santi).<sup>1</sup> In general, 74% of independent living assisted living residents are women.<sup>2</sup>

Statistics Canada profile of seniors transportation habits shows the following<sup>3</sup>:

- **Seniors aged 75-79:** 90% of men and 64% of women have a valid driver's license. Of these 87% of the men and 54% of the women drove in the previous month.
- **Seniors aged 80-84:** 81% of men and 46% of women have a valid driver's license. Of these 78% of the men and 42% of the women drove in the previous month.
- **Seniors aged 84-89:** 72% of men and 30% of women have a valid driver's license. Of these 68% of the men and 24% of the women drove in the previous month.
- **Seniors aged 90+:** 45% of men and 16% of women have a valid driver's license. Of these 37% of the men and 11% of the women drove in the previous month.

Statistics for residents of supportive housing buildings are not shown, however, seniors living in apartment buildings had the fewest number of driver's licenses, and also drove the least amount in the previous month (compared to seniors living in single or semi-detached houses).

These statistics indicate that as seniors age, fewer and fewer have valid driver's licenses, and they are driving less frequently. In addition, most seniors only drive because they need access to amenities and recreation (i.e. groceries, doctors, family, etc.). When seniors are residents of an independent living facility, most of their needs are met onsite, and various transportation options are provided.

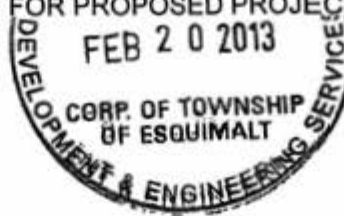
In the proposed development, seniors will have their meals provided, wellness, recreation, and social activities onsite, as well as a daily shuttle service, and a covered bus stop right in front of the building. There will also be ready access to HandyDART, and taxi services. The building will be located within easy walking distance to many amenities.

These statistics show a reduced requirement for the use of vehicles and parking for the future residents of the building.

1. "Supply and Demand Study: Seniors Supportive Housing Project, Esquimalt, British Columbia." Bob Papau, Dom Santi Management Inc., 2011.
2. <http://www.ahcancal.org/ncal/resources/Pages/ResidentProfile.aspx>
3. <http://www.statcan.gc.ca/pub/11-008-x/2012001/t/11619/tbl01-eng.htm>



SCHEDULE "Q"  
LETTER FROM THE INTERNATIONAL  
INSTITUTE OF CRIMINAL JUSTICE  
RESEARCH REGARDING S.A.F.E.  
DESIGN STANDARD CERTIFICATION  
FOR PROPOSED PROJECT



Kelly W. Sundberg, PhD  
President & CEO  
200 – 931 Fort Street  
Victoria, British Columbia  
V8V 3K3 | CANADA

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8 February, 2013

**Bill Brown** – Senior Planner  
Township of Esquimalt | Development Services  
3<sup>rd</sup> Floor, 1229 Esquimalt Road  
Esquimalt, BC, V9A 3P1

**RE: S.A.F.E. Design Standard™ Certification of the Monimos Senior Housing Project –  
622 Admirals Road, Victoria, BC**

Dear Mr. Brown,

I write to inform you our institute has been retained to conduct a S.A.F.E. Design Standard™ certification assessment of the Monimos Senior Housing Project located at 622 Admirals Road, Esquimalt, BC. The International Institute of Criminal Justice Research Ltd. (IICJR) established in 2000, is a private research and consultancy group comprised of leading criminologists, legal scholars, and security experts. Drawing from over four decades of environmental criminology scholarship, the S.A.F.E. Design Standard™ (*Security Achieved through Functional Environmental Design*) constitutes the most significant advancement in environmental crime prevention since 1971 when Crime Prevention Through Environmental Design (CPTED) was first introduced.

The key aims of the S.A.F.E. Design Standard™ are to create functional and attractive properties that mitigate the risk of crime, complement surrounding neighbourhood, and ultimately promote safer communities.

Dr. Nikki Filipuzzi has been selected to oversee the review and certification of this project. Dr. Filipuzzi holds a PHD in Environmental Criminology from Simon Fraser University, is a tenured Associate Professor, and has an impressive record of scholarship focused on environmental crime prevention. Dr. Filipuzzi will ensure the design and landscaping of the Monimos Senior Housing Project promotes the maximum level of safety and security possible while also being an attractive and functional addition to your community. Dr. Filipuzzi will oversee a fulsome review of the surrounding neighbourhood, private open spaces, as well as exterior and interior spaces of the Monimos Senior Housing Project to ensure:

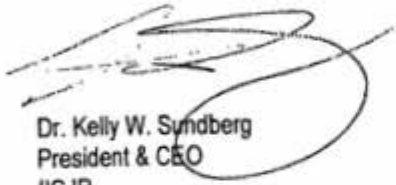
- property boundaries are clearly identified and public to private transitional access points designed to prevent unauthorised access;
- pedestrian and vehicle movements are strategically controlled to ensure access is achieved in the most visible and functional way possible;
- lines of sight, illumination, elevations, and exterior contours promote a maximum level of natural surveillance, limit possible spaces of isolation, and prevent unauthorised access;
- interior spaces are as open as possible, isolating spaces have been minimised, and access points controlled yet highly functional;
- all exterior access points, stairwells, and below-grade spaces are expressly designed to safeguarded against unauthorised access, property crime, vandalism, and potential violence; and,
- systems and processes are in place that ensure legitimate property usage, controlled visitor access, and prompt identification of possible unauthorised access, criminal activity, or violence.



Once Dr. Filipuzzi has established that the Monimos Senior Housing Project meets the rigorous S.A.F.E. Design Standard™, the IICJR will formally certify the property for a period of eight years. The IICJR requires all certified properties to undergo periodic reviews and re-assessments to ensure the integrity of the S.A.F.E. Design Standard™ as well as account for future changes to the surrounding neighbourhood and property.

Should you require further information regarding the S.A.F.E. Design Standard™ or our institute, kindly contact me at your convenience by emailing [sundberg@iicjr.com](mailto:sundberg@iicjr.com).

Sincerely,



Dr. Kelly W. Sundberg  
President & CEO  
IICJR





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## Preliminary Site Investigation Stage I

**622 Admirals Road  
Esquimalt, BC**

***Prepared for:***

Royal Canadian Legion  
Esquimalt Dockyard Branch 172  
c/o Monimos Equities & Developments

***Prepared by:***

Wittich Environmental Services Ltd.  
6958 Grant Road West,  
Sooke, BC  
V0S 1N0

January 27<sup>th</sup>, 2012



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# Preliminary Site Investigation Stage I Report

622 Admirals Road  
Esquimalt, BC

Prepared for:

Royal Canadian Legion  
Esquimalt Dockyard Branch 172  
c/o Monimos Equities & Developments

January 27<sup>th</sup>, 2012

Prepared by Douglas J. Wittich and Colleen Delaney in accordance with the British Columbia Environmental Management Act (EMA) - Contaminated Sites Regulation (CSR) Section 58(1a) and 58 (1b) and the Canadian Standards Association (CSA) Standards Z768-01 and Z769-00 Phase I and II Environmental Site Assessment (ESA) Guidelines

Douglas J. Wittich  
Environmental Consultant

Colleen Delaney, B.Sc. Env.  
Environmental Site Assessor

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## 1.0 INTRODUCTION

This report presents the results of a Preliminary Site Investigation (PSI) Stage I conducted for the subject property at 622 Admirals Road, Esquimalt, British Columbia, Canada. Wittich Environmental Services (WES) Ltd. (Assessor) was commissioned by The Royal Canadian Legion - Esquimalt Dockyard Branch 172 (Client) to complete a PSI Stage I, with the scope and limitations noted below, in order to assess the overall environmental risk potential of the subject site for mortgage and financing purposes. The recommendations and conclusions made within this report are based on the information furnished and available to the Assessor at the time of the investigation.

### 1.1 Purpose of PSI Stage I

A Preliminary Site Investigation (PSI) Stage I is a systematic process, in accordance with the BC Environmental Management Act and associated regulations, by which an assessor seeks to determine whether a particular property is or might be subject to actual or potential contamination. A PSI Stage I does not encompass the investigative procedures of sampling, analyzing and measuring, unless enhancements are agreed upon by the Client and Assessor, at which point the title of the report will include the words PSI Stage II.

### 1.2 Purpose of PSI Stage II

The purpose of a PSI Stage II is to establish the presence or absence of contamination on a site. A PSI Stage II may follow a PSI Stage I or it may be conducted based on existing information that suggests potential contamination. Samples of appropriate environmental media (i.e. air, soil, water, plants and/or animals) are systematically collected and analyzed for suspected contaminants in a laboratory. The contaminant concentrations determined in the laboratory analysis are compared with standards that indicate acceptable levels of contaminants in various situations. These standards have been established by government regulatory bodies to protect human health and the environment. Should the analytical results from the investigation indicate unacceptable levels of contaminants, British Columbia's Environmental Management Act provides the frame work for the remediation of the site.

### 1.3 Scope of Work

The scope of work for this PSI Stage I Report was limited to the following;

- Researching all available data and records pertaining to the current/previous activities of the subject and adjacent properties to assess the overall environmental risk potential to the subject site;
- Performing an on-site inspection of the subject property to identify any environmental hazards from current, and possibly historic, activities;
- Visually inspecting adjacent properties to assess potential environmental impacts to the subject site as a result of current and/or historic activities;
- Interpreting, reporting and recommending on the above findings.

This PSI Stage I was conducted in accordance with the Ministry of Environment (MOE) Environmental Management Act (EMA) - Contaminated Sites Regulation (CSR) Section 58(1a) Guidelines. Additionally, the Canada Mortgage and Housing Corporation (CMHC) Environmental Site Assessment (ESA) guidelines and the Canadian Standards Association (CSA) Standard Z768-01 Phase I ESA guidelines provide specific protocols, which have been followed, for conducting environmental assessments that are typically utilized for mortgage and financing purposes.

### 1.4 Limitations

This report has been prepared for financial purposes only. Additional details may be required to submit and satisfy regulatory authorities. A report for regulatory authorities/agencies may require greater technical detail. If requested, this report can be upgraded to meet the PSI Stage I Ministry of Environment (MOE) guidelines.

## 2.0 SITE DESCRIPTION

Civic Address:	622 Admirals Road, Esquimalt, BC
Legal Descriptions:	Lots 155, 156, 157, and 158, Suburban Lot 43 , Esquimalt District , Plan 2854
PIDs:	006-390-897, 006-386-865, 006-386-881 & 006-387-098
Current Zoning:	C-3 Core Commercial
GPS:	48° 25' 50.1" North Latitude 123° 25' 02.1" West Longitude
Lot Sizes:	763.2 m <sup>2</sup> (Lots 155, 156, 157) & 755.6 m <sup>2</sup> (Lot 158)
Site Size:	3045.2 m <sup>2</sup> (0.75 acres)
Elevation:	22 m (72 feet) above sea level

### 2.1 Site Setting & Location

The subject site is situated within the Town of Esquimalt, on the west side of Admirals Road, approximately fifty metres north of the intersection with Esquimalt Road. The shoreline of Esquimalt Harbour is 320 metres to the northwest of the site. A local area map can be referenced in Appendix A.

The site is comprised of four adjacent, rectangular city lots that front along Admirals Road. Together the lots are assigned the civic address 622 Admirals Street. A large two-storey building occupies the two southernmost subject lots. Asphalt surfacing covers the two northernmost subject lots.

The subject building was constructed in 1972 to accommodate the Royal Canadian Legion - Branch 172. The Legion presently remains the primary occupant of the building. Three offices, which are situated on the second level at the front or east end of the building, are occupied by the Chief & Petty Officers Association.

A location map, orthophotos and zoning map of the subject site are included in Appendix A, with detailed photographs of the subject site located in Appendix B.

### 2.2 Adjacent Properties

The subject site is situated within a commercial and multi-unit residential district of Esquimalt. The neighbourhood was originally developed with single-family homes in the early 1900s. A transition to denser residential living, with multi-unit complexes, apartment buildings and condominiums has taken place in the past fifty years. A commercial corridor exists along both sides of Esquimalt Road, approximately fifty metres south of the site.

The properties adjacent and west of the site are occupied by an apartment at 611 Constance Avenue and a single family home at 621 Constance Avenue. A small commercial lot borders the site to the north; an auto marine supply store occupies the single-storey structure on this property. Two apartment buildings exist east of the site, across Admirals Road. A Chevron Gas Station and is located southeast of the site, also across Admirals Road. Immediately south of the site is a commercial lot occupied by a Liquor Store and asphalted parking lot.

Each of the buildings adjacent and up-gradient of the site appears to rely on a combination of natural gas and/or electric heat. There is no evidence of active oil-fired heating systems, supplied by underground fuel tanks, within the local vicinity of the subject properties.

There are no industrial businesses currently operating within the immediate or up-gradient vicinity of the site.

### 2.3 Topography

The local topography is relatively uniform to very gently sloping, with a gradual descent in elevation evident across the site to the north, ultimately reaching sea level at the shoreline of Esquimalt Harbour, 320 metres northwest of the site.

### 2.4 Site Services

The subject site is serviced by CRD water, BCHydro, cable, telephone and municipal storm and sanitary sewers. Ambient heat to the entire building is provided via three electric heat pumps that are installed on the roof and supplemented by an oil-fired boiler, installed in the basement and supplied by an exterior 250 gallon above ground fuel storage tank. The boiler also provides domestic hot water to the building.

## 3.0 RECORDS REVIEW

Various sources were utilized in an effort to obtain past and present information regarding the activities on the subject site and adjacent properties. These resources include, but are not limited to the review of aerial photographs from the CRD Regional Community Atlas and the Integrated Land Management Bureau (ILMB) Aerial Photo Library, Geographic Data BC Division. Additionally, the Town of Esquimalt Building, Planning and Fire Department Records, as well as the local historical POLK directories are referenced. Finally, historical title searches and interviews with individuals and government agencies familiar with the site are completed. The following sections outline the results of this research.

### 3.1 City/Street Directories

*City/Street directories for the years of 1860 through to 1999 are available for viewing at the Local History Section of the Greater Victoria Public Library. These historic directory listings typically include the civic address and name of the occupants; however, city/street directories were not produced for all years between 1860 and 1999. The directories are subject to error and some street names and civic addresses have been changed and/or reconfigured over time.*

City/Street directories were reviewed for information regarding historical occupants and activities located in the subject site area. The results are summarized in Table 3.1.1.



Table 3.1.1 City/Street Directory Search

Year	622 Admirals Road
1905	<p>Subject site address is not listed                      Admirals Road begins at Esquimalt Road, with 11 residential listings in total                      Local block of Esquimalt Road is residential only</p>
1921	<p>Subject site address is listed as 622 Admirals Road - Johnson John Sailor's Club at 533 Admirals (south of Esquimalt Road) all other local listings on Admirals are residential                      north - 634 Admirals - Cummings L                      south - 1302 Esquimalt Rd - Esquimalt Water Works Co storehouse                      Local block of Esquimalt Road is both residential and service commercial, with several markets &amp; two banks listed</p>
1934	<p>Subject site address is listed as 622 Admirals Road - Kennedy J                      north - 634 Admirals - McGee C                      south - 1302 Esquimalt Rd - City of Vic (Storage)                      Local listings on Admirals are residential                      Local block of Esquimalt Road is both residential and service commercial, with several markets &amp; two banks listed</p>
1949	<p>Subject site address is listed as 622 Admirals Road - Can Legion (BESL)                      north - 624 Admirals - new house - Porter A J                      south - 1302 Esquimalt Rd - not listed                      Tudor House at 533 Admirals, further south of site, across Esquimalt, all other local listings on Admirals are residential                      Local block of Esquimalt Road is both residential and service commercial, with several markets, cafes &amp; two banks listed                      southeast of site - 1260 Esquimalt - Fashion Clnrs br office</p>
1959	<p>Subject site address is listed as 622 Admirals Road - Can Legion                      north - 624 Admirals - Porter A J                      south - 1302 Esquimalt Rd - not listed                      1310 Esquimalt Rd - Liquor Control Board                      Tudor House at 533 Admirals, south of site, across Esquimalt, all other local listings on Admirals are residential, several new apartment buildings established/listed on 500 &amp; 600 blk Admirals Rd                      Local block of Esquimalt Road is less residential and more service commercial, with several markets, cafes &amp; two banks listed                      southeast of site - 1260 Esquimalt - Fashion Clnrs br office                      1264 Esquimalt - Esquimalt Service gas and oil</p>

Year	622 Admirals Road
1969	<p>Subject site address is listed as 622 Admirals Road - Royal Canadian Legion  north - 624 Admirals - vacant  south - 1310 Esquimalt Rd - Liquor Control Board  Tudor House at 533 Admirals, south of site, across Esquimalt, all other local listings on Admirals are residential  Local block of Esquimalt Road is less residential and more service commercial, with several markets, cafes &amp; two banks listed  southeast of site - 1260 Esquimalt - Fashion Clnrs br office  1264 Esquimalt - Esquimalt Service Station</p>
1979	<p>Subject site address is listed as 622 Admirals Road - Royal Canadian Legion Esquimalt Branch 172  618 Esquimalt - Esq Insurance Center  620 Esquimalt - Centa Travel &amp; Income Tax Service  north - 624 Admirals - Steve's Donut House  south - 1310 Esquimalt Rd - BC Govt Liquor Adm Br  Tudor House at 533 Admirals, south of site, across Esquimalt  Transition to apartments and offices on local block of Admirals  Local block of Esquimalt Road is less residential and more service commercial, with several markets, cafes &amp; two banks listed  southeast of site - 1260 Esquimalt - not listed  1264 Esquimalt - Esquimalt Service Station</p>
1989	<p>Subject site address is listed as 622 Admirals Road - Royal Canadian Legion Esquimalt Branch 172  618 &amp; 620 Esquimalt - Chief's &amp; Petty Officers Association  north - 624 Admirals - China City Restaurant  south - 1310 Esquimalt Rd - BC Govt Liquor Adm Br  Tudor House at 533 Admirals, south of site, across Esquimalt  Transition to apartments and offices on local block of Admirals  Local block of Esquimalt Road is less residential and more service commercial, with several markets, cafes &amp; two banks listed  southeast of site -1264 Esquimalt - Seven-Eleven Food Store</p>
1999	<p>Subject site address is listed as 622 Admirals Road - Royal Canadian Legion Esquimalt Branch 172  618 &amp; 620 Esquimalt - Chief's &amp; Petty Officers Association  north - 624 Admirals - Red Ruby Restaurant  south - 1310 Esquimalt Rd - BC Govt Liquor Adm Br  Tudor House at 533 Admirals, south of site, across Esquimalt  Transition to apartments and offices on local block of Admirals  Local block of Esquimalt Road is less residential and more service commercial, with several markets, cafes &amp; two banks listed  southeast of site -1264 Esquimalt - Seven-Eleven Food Store</p>

The subject building that presently occupies the site was originally constructed in 1972. A smaller structure with the address 622 Admirals Road, was established as a single-family home prior to 1921. By 1949, this structure accommodated the Canadian Legion. All of the other properties

along the local block of Admirals Road were residentially developed at this time. The new Legion building, which was constructed in 1972, is assigned the civic addresses 618, 620 and 622 Admirals Road, to include the offices located at the east end.

Service commercial businesses, including banks, restaurants and markets primarily occupied the local block of Esquimalt Road, south of the site. A service station has operated from the property at 1264 Esquimalt Road since the 1950s.

In each of the historical directory listings, all of the properties immediately adjacent to the site are identified as residential or service commercial, none of which are considered environmentally deleterious.

### 3.2 Fire Insurance Maps

*Fire Insurance Maps generally indicate the construction materials used on each building, the number of storeys, the materials used to construct the roof, the position of and the use of primary and secondary buildings on the lot. The location of fuel storage tanks are also included on these maps.*

Fire Insurance Maps for this region were not available for review.

### 3.3 Title Transfers

Dye & Durham Ltd. were contracted to conduct title transfer searches for the subject property. Due to financial considerations, WES limits these searches to \$100 per legal description comprising the subject site, which typically permits a search of 50-60 years. The details of the title searches are presented in Appendix C, with the registered property owners summarized in the following table.

Table 3.3.1 Historical Title Transfers

Date	622 Admirals Road, Esquimalt
	<b>Lots 156, 157, 158 , Suburban Lot 43</b>
10 May 1949	Transferred from Carl Victor Gilbert to Esquimalt Dockyard Branch #172 of the Canadian Legion, British Empire Service League
1 April 1958	Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854 - Transferred from Juel Paul Albert Christensen to Canadian Legion Esquimalt Branch #172
19 Oct 2011	Royal Canadian Legion, Branch No. 172

### 3.4 Aerial Photographs

*The Integrated Land Management Bureau (ILMB) Aerial Photo Library holds aerial photography dating back to 1936; however, aerial photographs were not produced every year and/or do not necessarily include the subject site area. Orthophotographs are aerial photographs that have been processed (via a scanning and rectification process) in such a way as to eliminate image displacement resulting from camera tilt and terrain relief. An orthophotograph combines the visual*

*properties of a photograph with the geometric qualities of a map and offers a realistic visualization of the landscape.*

Aerial orthophotographs were scrutinized for information regarding occupants and activities within the subject site area. The results are summarized in Table 3.4.1.

**Table 3.4.1 Orthophotograph Review**

<b>Year</b>	<b>Aerial Orthophotograph ID</b>	<b>Review Results</b>
1968	BC 5284 - 211	The subject property appears to be largely vacant, with a small structure established at the north end. The three southern lots are gravel or asphalt surfaced, with parked vehicles visible. A large commercial building is developed to the south, with a second large structure to the east, across Admirals Road and a small structure visible to the southeast (along Esquimalt Rd). A small building, likely a house is also established on the lot adjacent and north of the site.
1976	BC 5708 - 270	A rectangular building is established within the southern extent of the site. The small house in the northern extent is no longer visible. The northern portion of the lot appears to be asphalt surfaced and used for parking. Several new sizable structures have been developed in the area, a new building (likely apartments) is evident to the southwest of the site, with another development seen to the northeast (across Admirals Rd.) and a third structure bordering the site to the west along Constance Avenue.
1980	BC 80005 - 146	There are no visible changes evident on the subject properties. The small building on the lot north of the site appears to have been moved eastward to the far end of the lot. The house that formerly border the site to the west has been demolished with a large structure established in its place. The property at the northeast corner lot of the Admirals & Esquimalt Rd intersection (southeast of site) appears to be an active gas station.
2003	Google Earth	The subject site appears to be unaltered from the 1980 aerial. New developments are evident along Esquimalt Rd, south of the site.
2011	CRD Community Regional Atlas	The subject site and immediately surrounding lots appear unaltered from the 2003 photo.

### 3.5 Previous Environmental Reports

There were no previous environmental reports presented for the subject site.



### 3.6 Government Agencies

The Town of Esquimalt Building and Planning Departments were contacted for the current zoning of the subject site as well as any relevant building permits. The subject site is presently classified as C-3 or Core Commercial District. A re-zoning application was submitted for the site in 2008, not immediately approved, a new application was to be submitted in 2010 for re-zoning to a CD or Comprehensive Development classification. This application remains pending.

The original building permit on record for the subject site is for a two storey commercial building in 1972. The structure was built for occupancy by the Canadian Legion. All of the subsequent building permits are relatively superficial, with no major additions or structural alterations made.

The Town of Esquimalt Fire Department was contacted regarding records for historic oil tank installations and/or removal permits. According to Assistant Fire Chief Gib Small there are no records of any underground oil tanks registered for 622 Admirals Road.

### 3.7 Geology

The British Columbia Geological 2005 Survey indicates that the local region of the site is underlain by undivided intrusive rocks of the West Coast Crystalline Complex from the Paleozoic to Jurassic period. Surficial geology consists of Lag (glacio)marine sediments that were deposited during the Holocene period.

According to the Soils of Southern Vancouver Island British Columbia Soil Survey Report No. 44 (1985), the native soil type predominant within the subject site area is classified as **Saanichton**. These soils have developed in deep, silty and/or clayey marine deposits occupying level to gently sloped areas. The upper horizon of **Saanichton** soils is commonly clay loam or silty clay loam, with clay or silty clay at depth. Coarse fragment content is very low, and dense compact subsoil layers restrict perviousness. Unweathered parent material (bedrock) is often encountered within one meter of the ground surface. Soils within the **Saanichton** class are typically well drained.

### 3.8 Hydrogeology & Hydrology

*Confirmation of the depth to groundwater and hydraulic gradient (i.e. direction of flow) via groundwater modeling and hydrogeological characterization studies are beyond the scope of this PSI Stage I investigation.*

The subject site is situated approximately 320 metres southeast and 22 metres up-gradient of the southern shoreline of Esquimalt Harbour. The local groundwater flow is presumed to closely convey surficial topography, in a down-gradient northerly direction at the site, which becomes northwesterly approaching the water. Groundwater flow directions, however, may be influenced by additional factors such as building foundations, underground services and variations in soil types.

According to the BC Water Resources Atlas, there are no known domestically used water wells located within 1000 metres of the site. The properties within the general vicinity of the site have been connected to the CRD water main for many years.

### 3.9 Contaminated Site Registry Search

The BC Ministry of Environment (MoE) maintains a database called the BC MoE Site Registry that contains environmental information pertaining to contaminated or potentially contaminated sites. WES conducted a BC Online Site Registry 500 metre Area Search for the subject site (situated at 48° 25' 50.1" North Latitude 123° 25' 02.1" West Longitude). Although the local area has been developed for over a century, much of that development has remained low-impact residential and service commercial. Consequently, only three (3) registered lots are located within a 500 metre radius of the subject site.

Both the relative proximity and gradient positioning of a potential contaminant source are crucial when determining the risk of subsurface impacts to the site. The nearest registered lot is identified as *1264 Esquimalt Road*. This is the gas station property located at the northeast corner of the Admirals and Esquimalt intersection, approximately 50 metres southeast of the subject site. Based on its nearby positioning, the Detail Report for this lot has been acquired for more information and can be referenced in Appendix D.

A Chevron gas station presently occupies the property at *1264 Esquimalt Street*. According to the Detail Report, a Contaminated Soil Relocation Agreement was submitted in September, 1998. The material was relocated to the Ralmax Sand and Gravel lot. The gas station appears to have been upgraded at or since that time, with new tanks installed. There are no later notations for this registered property. The record status has remained *Active - Under Remediation* since 1998.

Based on the fact that registered lot is situated 50 metres south-east and cross-gradient from the subject site, with Admirals Road between the properties, it is very unlikely that migration of potential contaminants from 1998 or more recent years, has taken place in the direction of the site. Furthermore, the compact, relatively impermeable clay soils that are found throughout the local area, greatly reduce the potential for any significant lateral migration of contaminants.

Both of the other two registered properties (1229 Esquimalt Road & 525 Nelson Street) are located sufficiently distant and/or cross/down-gradient of the site. Based on their proximity to the subject parcels, it is considered improbable that either of these registered lots is in a position to introduce environmental impacts to the site, via lateral migration of potential contaminants.

It should be noted that the information on the Site Registry has been filed in accordance with the provisions of the Environmental Management Act. While the information is believed to be reliable, the province of British Columbia makes no warranties as to the accuracy or completeness. Therefore, persons using this information do so at their own risk.

#### 4.0 SITE INVESTIGATION

An on site investigation of the subject property was conducted on January 26<sup>th</sup>, 2012 by Colleen Delaney, representing WES Ltd. This portion of the investigation focused on visual clues of potential sources of contamination (i.e. aboveground and/or underground storage tanks (AST's/UST's), stained or odorous soils, stressed vegetation, hazardously stored materials etc.). A visual inspection of adjacent properties was also completed at this time to assess the overall risk potential to the subject property as a result of any current, or possibly historic, activities on these sites.

#### 4.1 Exterior Investigation

*Access to each of the main rooms within the subject building was acquired for the purposes of the site inspection. The assessor's view was obstructed by parked motor vehicles on the asphalted northern lots, restricting the visual exterior inspection.*

The subject site is comprised of four adjacent rectangular lots located along the west side of Admirals Road, fifty metres north of the intersection with Esquimalt Road. All four subject lots are assigned the civic address 622 Admirals Road.

The two southernmost subject lots are occupied by a large commercial two-storey structure that was built in 1972. The building contains a sub-grade basement and full concrete foundation. The exterior is predominantly finished with stucco siding. There is no evidence of significant staining or discolouration of the stucco exterior.

Since construction in 1972, the building has accommodated the Royal Canadian Legion - Esquimalt Branch #172. The building encompasses the entire width of the site from Admirals Road to the property line shared with 611 Constance Avenue. There is a narrow strip of asphalt that borders the subject building to the south, where a bulk propane tank is installed, supplying a gas stove in the Legion kitchen. A stairwell to the upper floor is located within this narrow space, as well as the enclosed smoking area for the Legion members.

Three individual offices are located on the first floor at the east end of the building, with frontage along Admirals Road. The offices are occupied by the Chief & Petty Officers Association.

The main entrance to the Legion is along the north side of the building. Asphalt surfaced parking for Legion members, visitors and employees is provided within the northern extent of the subject site. The two northernmost subject lots are entirely paved. Metal fencing encloses the parking lot to the north and west. Two driveways off of Admirals Road to the east provide a separate entrance and exit for the site.

A 250 gallon above ground fuel storage tank is installed along the north wall of the subject building, adjacent and west of the main entrance to the Legion. This fuel tank supplies an oil-fired boiler that is installed in the basement level boiler room located immediately east of the entrance. No evidence of tank failure, overflow or leaking, seen as stains on the wall or underlying concrete pad, were noted anywhere near the fuel tank.

## 4.2 Interior Investigation

*Access to each of the main rooms within the subject building was acquired for the purposes of the site inspection. The assessor's view was obstructed by parked motor vehicles on the asphalted northern lots, restricting the visual exterior inspection.*

The main entry along the north side of the building provides access to the Legion lounge on the ground floor. A kitchen exists at the south end of the lounge. The stairwell to the basement boiler room is located left (east) of the lounge entrance. The oil-fired boiler was installed upon construction of the building in 1972. Regular maintenance and service records were noted on the boiler, indicating that two of the three burners were replaced in 2010. Two electric hot water tanks are installed next to the boiler, providing domestic hot water for the entire building. The concrete slab floor within the boiler room exhibited limited staining beneath the burners; however, the floors were in sound condition, with no evidence of cracking or fissures, capable of infiltrating spilled fluids.

The second storey, which is accessed via a stairwell at the main entry, is largely occupied by the Legion hall. A floor curling game was being played at one end of the hall at the time of this inspection. An electric, commercial grade kitchen is located along the south side of the hall. Access to an upper storage room and the ceiling hatch to the roof is via a stairwell at the corner of the hall. Three relatively modern electric heat pumps are installed on the roof of the building, providing ambient heat to the interior. A cell tower is also mounted on the Legion roof.

The entire building relies on a combination of electric wall heaters, supplied by the three roof-mounted heat pumps, supplemented by the forced-air, oil-fired boiler system.

## 4.3 Storage Tanks

*No magnetic survey or other electronic instruments were used during the site investigation.*

Some of the indicators the Assessor looks for during the on site inspection are existing fill and vent pipes (possibly protruding from the ground), evidence of previous fill and vent pipes, current and/or previous boilers/furnaces, chimneys, existing AST's, staining, depressions in the ground and concrete/asphalt patches.

A thorough, though non-intrusive inspection of the subject site found no on-site evidence of underground fuel storage tanks (USTs) on the asphalt surfaced, northern subject lot. In particular, there were no distinct patches in the parking lot asphalt to suggest the installation or removal of an historic UST.

A 250 gallon above ground fuel storage tank is installed along the north exterior wall, adjacent and west of the main entrance to the Legion. This fuel tank supplies the oil-fired boiler that is installed in the basement level boiler room located immediately east of the entrance. The tank appears intact and of sound integrity, with no evidence of failure, overflow or leaking, commonly seen as stains on the wall or underlying concrete pad, noted anywhere in the vicinity.

The Legion lounge kitchen is fitted with a propane stove that is supplied by a bulk propane tank installed along the southern exterior wall of the building. Inactive connections for an historic propane tank are also located in this area.



A search of the Town of Esquimalt Fire Department records and permits for fuel tank installations and removals was completed. According to Assistant Fire Chief Gib Small, there are no records of any underground fuel tanks registered for 622 Admirals Road.

#### **4.4 Asbestos Containing Materials (ACM)**

*Access to each of the main rooms within the subject building was acquired for the purposes of the site inspection. The assessor's view was obstructed by parked motor vehicles on the asphalted northern lots, restricting the visual exterior inspection.*

An asbestos containing material (ACM) is any material containing 1% or more of asbestos fibre (by weight at the time of manufacture) or any other material that contains 1% or more asbestos as defined by approved analytical methods. The use of ACMs was discontinued in Canada in the late 1970's/early 1980's. Given that the subject building was constructed in 1972, it is possible that some of the original building materials contained asbestos. Common asbestos containing materials include, but are not limited to, wall and ceiling joint compounds, vinyl floor tiles, ceiling tiles, pipe insulation and roof shingles.

Due to the age of the subject building, the presence of asbestos containing materials throughout the structure cannot be discounted without further testing and investigation. It should be noted that removal of such materials is a matter of "abatement" rather than a significant subsurface contaminant factor, thus outside the primary mandate of a Stage I PSI.

#### **4.5 Chemicals**

*Inspection for chemicals was limited to those out in the open.*

Small volumes of cleaning products and paints are stored on shelves in a ground-floor closet off the Legion lounge. No evidence of significant staining or spills were noted on the concrete slab floor in this room.

#### **4.6 Non-Hazardous and Hazardous Wastes**

*Access to each of the main rooms within the subject building was acquired for the purposes of the site inspection. The assessor's view was obstructed by parked motor vehicles on the asphalted northern lots, restricting the visual exterior inspection.*

Domestic waste and recyclable materials from the Legion and the offices of the Chief & Petty Officers Association are collected regularly by municipal contractors. The bins and dumpsters are accessed from the southwestern corner of the subject building, off of Miles Street.

There was no evidence of hazardous waste storage anywhere on the site. The entire property appeared to be relatively clean and well maintained.

#### **4.7 Polychlorinated Biphenyls (PCB's)**

*Access to each of the main rooms within the subject building was acquired for the purposes of the site inspection. The assessor's view was obstructed by parked motor vehicles on the asphalted northern lots, restricting the visual exterior inspection.*

PCBs are chlorinated hydrocarbon compounds that have excellent electrical insulation properties. They were generally utilized in electrical equipment such as transformers, fluorescent light ballasts and capacitors. PCBs were prohibited in Canada for general usage around 1980, with only specialized and highly sensitive sites still authorized permits for PCB use.

Aside from the potential for very small quantities of PCB to exist within the ballasts of any overhead fluorescent lights (noted in several rooms in the building), there are no presumed PCBs present on-site. The only method of determining whether these ballasts contain PCBs is to cross reference the serial number with the manufactures data/information sheet.

#### **4.8 Lead Containing Materials**

The use of lead-based paints in buildings was limited in Canada in 1976 to a lead concentration of 0.5% by weight. The fact that the subject building was constructed in 1972, indicates a possibility that the paint utilized on the structure originally contained lead in excess of the 0.5% by weight ratio. Based on the assumption that the entire building would have been repainted, likely several times since 1976, the potential for any exposed lead-based paints to remain in excess of the 0.5% by weight ratio is considered low. As such, lead-based paints in excess of the 0.5% are deemed a low environmental risk at this time.

#### **4.9 Ozone Depleting Substances**

Ozone depleting substances (ODS), which include freons and halons, are commonly used in refrigeration and air-conditioning units and are regulated in BC under the "Ozone Depleting Substances and other Halocarbons Regulation B.C. Reg. 387/99 and B.C. Reg 4/2010 amendments.

The ODSs that could typically be present on a site such as this would be within any air-conditioning and/or refrigeration units installed in the building. Provided that the units are regularly serviced and maintained by a qualified company or personnel, ODSs are considered a low environmental risk to the subject site.

#### **4.10 Microbial Contamination (Mould)**

*An investigation for mould on the subject property was not completed as part of this investigation as such inspections are carried out under a specific contract.*

#### **4.11 Urea Formaldehyde Foam Insulation (UFFI)**

*Access to each of the main rooms within the subject building was acquired for the purposes of the site inspection. The assessor's view was obstructed by parked motor vehicles on the asphalted northern lots, restricting the visual exterior inspection.*

Urea Formaldehyde Foam Insulation became popular as a residential retrofit insulation in the mid to late 1970's, during the Canadian Home Insulation Program (CHIP) and as a suspected health hazard, UFFI was subsequently banned in Canada in 1980. At the time of the site inspection there was no visual evidence (i.e. unique plugged holes in exterior siding) of the existence of urea formaldehyde foam insulation on the subject site.

#### **4.12 Radon**

Radon is an odourless and colourless radioactive gas, which is commonly found in nature in association with granite rocks and shales. The Government of Canada recommends that radon levels above 200 becquerels per cubic meter (Bq/m<sup>3</sup>) may pose a human health risk. A B.C. Centre for Disease Control (BCCDC) Radon Terrestrial Map of B.C., dated February 14, 2007, shows Southern Vancouver Island in an area of low radon concentration (i.e. <50 Bq/m<sup>3</sup>). Based on this previously collected scientific data, radon is considered to be a low environmental risk to the subject site.

#### **4.13 Air Emissions and Odours**

No obnoxious odours were noted emanating on or from the subject site or subject building during the course of our investigation.

#### **4.14 Liquid Effluents and Site Runoff**

Significant volumes of liquid effluent are not produced on-site or discharged from the property. The entire site, where not improved by the subject building, is made relatively impervious with asphalt surfacing. Consequently, most runoff and incidental precipitation does not infiltrate naturally to the subsurface, instead it is diverted to storm drain catchments installed on the site and neighboring properties, where it discharges to the municipal storm sewer system, with ultimate outflow to the nearby ocean.

#### **4.15 Fill Material**

There are no known government files with specific details pertaining to fill material used on-site. It is considered likely that imported road base and/or rock materials were added to prepare and support the asphalt surfaced parking areas on the site.

#### **4.16 Radiation Fields**

*An investigation for radiation fields on the subject property was not completed as part of this investigation as such inspections are carried out under a specific contract. No signage or public notices were posted within the boundaries of the subject property.*

## 5.0 INTERVIEWS

Trevor - Town of Esquimalt Development Services - was contacted regarding the current zoning classification for the site. Presently, the four subject parcels are zoned C-3 or Core Commercial. A re-zoning application for a Comprehensive Development classification was submitted in 2008. The proposed development of a 17 storey building was not permitted. A revised application for a 12 storey building, with residential units for veterans on the upper levels and the Canadian Legion on the ground floor remains active.

Gib Small - Assistant Fire Chief - Town of Esquimalt Fire Rescue - completed a search of all permits for fuel tank installations and/or removals on record for the subject site. A summary of his findings can be referenced in Section 4. 3.

Doug Grant - Royal Canadian Legion - 172 - accompanied WES on the site inspection and addressed questions related to land use history, building operations, ambient heating systems and the proposed new building development.

## 6.0 HISTORICAL OVERVIEW

According to historical title searches, three of the subject parcels (Lots 156, 157 and 158) have been registered to the Canadian Legion since purchase in 1949. The northernmost lot 155 was later purchased in 1958. All four subject lots remain registered to the Royal Canadian Legion, Branch No. 172.

A search of the Town of Esquimalt historic building permits confirms that the two-storey subject building was completed in 1972. Based on historic titles, directories and a conversation with Doug Grant, the Canadian Legion has occupied 622 Admirals Road since 1949. From 1949 until 1972, the Legion was housed in a smaller building, which was located on Lot 156. This structure had been originally established as a single-family home in the very early 1900s (pre-1921). Based on review of the historic aerial photos, the southern subject lots remained vacant and asphalt surfaced for parking, prior to 1972. The house at 622 Admirals was demolished when the new Legion building was developed. The two northernmost subject lots were then asphalt surfaced and used for parking.

Upon construction in 1972, the subject building was fitted with an oil-fired boiler for ambient heat. The boiler was consistently supplied by an above ground fuel tank, with no known record or evidence of an underground system ever having been installed. Today, the building primarily relies on an electric heating system, powered by three electric heat pumps that are mounted on the roof. Supplemental heat continues to be provided by the original oil-fired boiler, installed within the basement and supplied by a 250 gallon AST, which is mounted on a concrete pad along the northern exterior wall.

There are only three registered properties on the BC Site Registry, located within a 500 metre radius of the subject site. The nearest of these is identified as *1264 Esquimalt Road*, which is the Chevron Gas Station property situated 50 metres southeast of the site. The Detail Report for this lot was acquired for additional information and can be referenced in Appendix C.



A single notation exists on the Registry for 1264 Esquimalt Road. In 1998 a Soil Relocation Agreement was submitted and contaminated material was transported to Ralmax Sand and Gravel. No later notations have been added to the file. The gas station appears to have undergone a relatively recent upgrade, with new fuel tanks installed; however, the Registry status remains *Active - Under Remediation*.

Based on the fact that registered lot is situated 50 metres south-east and cross-gradient from the subject site, with Admirals Road running between the properties, it is very unlikely that migration of potential contaminants from 1998 or more recent years, has taken place in the direction of the site. Furthermore, the compact, relatively impermeable marine clay soils that are found throughout the local area, greatly reduce the potential for any significant lateral migration of contaminants. Both of the other two registered lots within the local area are located sufficiently distant and/or cross/down-gradient, therefore, not in a position to introduce environmental impacts to the site.

Through the past century of residential and service commercial development within the local vicinity of the subject site, there have been no known operations, land uses or activities in an immediate, up-gradient proximity, that would be considered an environmental risk to the site.

## 7.0 SUMMARY OF CONCERNS

Historical review and records research, in conjunction with the site inspection and interviews, attest to the fact that the subject site and immediately adjacent / up-gradient lots have well-documented histories of residential and service commercial occupation, which is considered relatively environmentally benign. Accordingly, there are no Areas of Potential Environmental Concern (APECs) identified for this site.

## 8.0 RECOMMENDATIONS

The following should be addressed if and when the need becomes applicable.

- If and when demolition or renovation of the on-site structure occurs, all sub-contractors should be made aware and responsible for identifying and disposing of any potential or actual hazardous building materials that may pose environmental and/or human health risks (i.e. asbestos, lead-based paint, etc.) in accordance and compliance with guidelines and regulations set out by the British Columbia Workers' Compensation Board (Worksafe BC) and the British Columbia Ministry of Environment (MOE);
- Ongoing maintenance and eventual disposal of refrigeration, coolant and air-conditioning equipment must be carried out by licensed personnel in order to prevent the release of Ozone Depleting Substances (ODS) into the environment, in accordance with regulatory requirements.
- During any future demolition or development of the subject site, if there are any concerns regarding suspect soils (based on visual or olfactory evidence), WES Ltd. should be contacted in order to recommend a course of action based on current legislation and regulations.

## 9.0 CLOSURE

The findings and recommendations of this report are based upon data and information obtained in accordance with the procedures set out in the report, on conditions in evidence at the time of any site inspection and on the basis of information provided to us by the client. We have relied in good faith upon the representations, information and instructions provided by the client and others concerning the site. Accordingly, we do not accept responsibility for any deficiency, mis-statement or inaccuracy contained in the report as a result of mis-statements or omissions of persons providing information to us.

This report was prepared by an environmental site assessor who has professional experience in environmental assessments of this nature. Based on the on-site investigation, records review and interviews with personnel familiar with the subject property, while taking into consideration the recommendations, limitations and the disclaimer noted within the subject report, the site legally described as Lots 155, 156, 157 and 158, Suburban Lot 43, Esquimalt District, Plan 2854 , and municipally known as 622 Admirals Road, Esquimalt, British Columbia is identified as a low environmental risk and no further investigation is deemed warranted.

## 10.0 REFERENCES & SUPPORTING DOCUMENTATION

- BC Environmental Management Act (EMA), Contaminated Site Regulations (CSR) Section 58(a),
- Canadian Standards Association (CSA) Standard Z768-01, Phase I Environmental Site Assessment Guidelines
- Town of Esquimalt Fire Department
- Town of Esquimalt Planning Department and Development Services
- ViHistory website: <http://www.vihistory.ca>
- Dye & Durham Ltd., Historical Title Search,
- The Geological Survey of Canada Map 1553A, Geology of Victoria
- The British Columbia Ministry of Energy and Mines, Geological Survey Branch, Geoscience Open File 1993-25, Surficial Geology of the Victoria Area.
- CRD's "Regional Community Atlas" website, <http://www.crdatlas.ca>
- Ministry of Environment (MOE) Contaminated Sites Registry <http://www.bconline.com>
- Ministry of Environment Aerial Photographs - Various Years

### Personal Communications

Trevor - Town of Esquimalt Developments Services Department

Gib Small - Town of Esquimalt Fire Department

Doug Grant - Royal Canadian Legion Esquimalt Branch #172

## 11.0 DISCLAIMER

Wittich Environmental Services (WES) Ltd. provides Preliminary Site Investigations Stage I and Stage II in accordance with the British Columbia Environmental Management Act (EMA), Contaminated Site Regulations (CSR) Sections 58(1a) and 58 (1b) and the Canadian Standards Association (CSA) Standards Z768-01 and Z769-00 Phase I and II Environmental Site Assessment (ESA) guidelines with scope of work and limitations noted within the body of the document.

The findings and recommendations contained in this report are based on the expertise and experience of Wittich Environmental Services Ltd. in conducting similar site investigations. **No other party may use or rely upon the report or any portion thereof without Wittich Environmental Services Ltd. written consent. We will consent to any reasonable request by the client to approve the use of this report by other parties as "Approved Users".** In assessing the subject site WES has also relied upon representations and information furnished by individuals noted in the report with respect to existing operations and property conditions and the historic uses of the properties to the extent that the information obtained has not been contradicted by data obtained from other sources. Wittich Environmental Services Ltd. accepts no responsibility for any deficiency, misstatements or inaccuracy contained in this report as a result of misstatements, omissions, misrepresentations or fraudulent information provided by the persons interviewed.

It should be recognized that this study was not intended to be a definitive investigation of contamination at the site. Given that the scope of services for this investigation did not include magnetic tank location or groundwater sampling it is possible that currently unrecognized in-ground tanks may exist at the site and, if present, that the levels of contamination may vary across the site. Opinions and recommendations presented herein apply to site conditions existing at the time of our investigation and those foreseeable. It is expressly agreed by the party contracting the services of Wittich Environmental Services Ltd. that any judgement against Wittich Environmental Services Ltd. will not exceed the total cost of the contract. Our professional liability is limited to \$1,000,000.00 any one claim \$1,000,000.00 annual aggregate. Our commercial general liability including cross liability is limited to \$3,000,000.00 for each accident or occurrence.



## 12.0 QUALIFICATIONS OF ASSESSOR

### Professional Statement

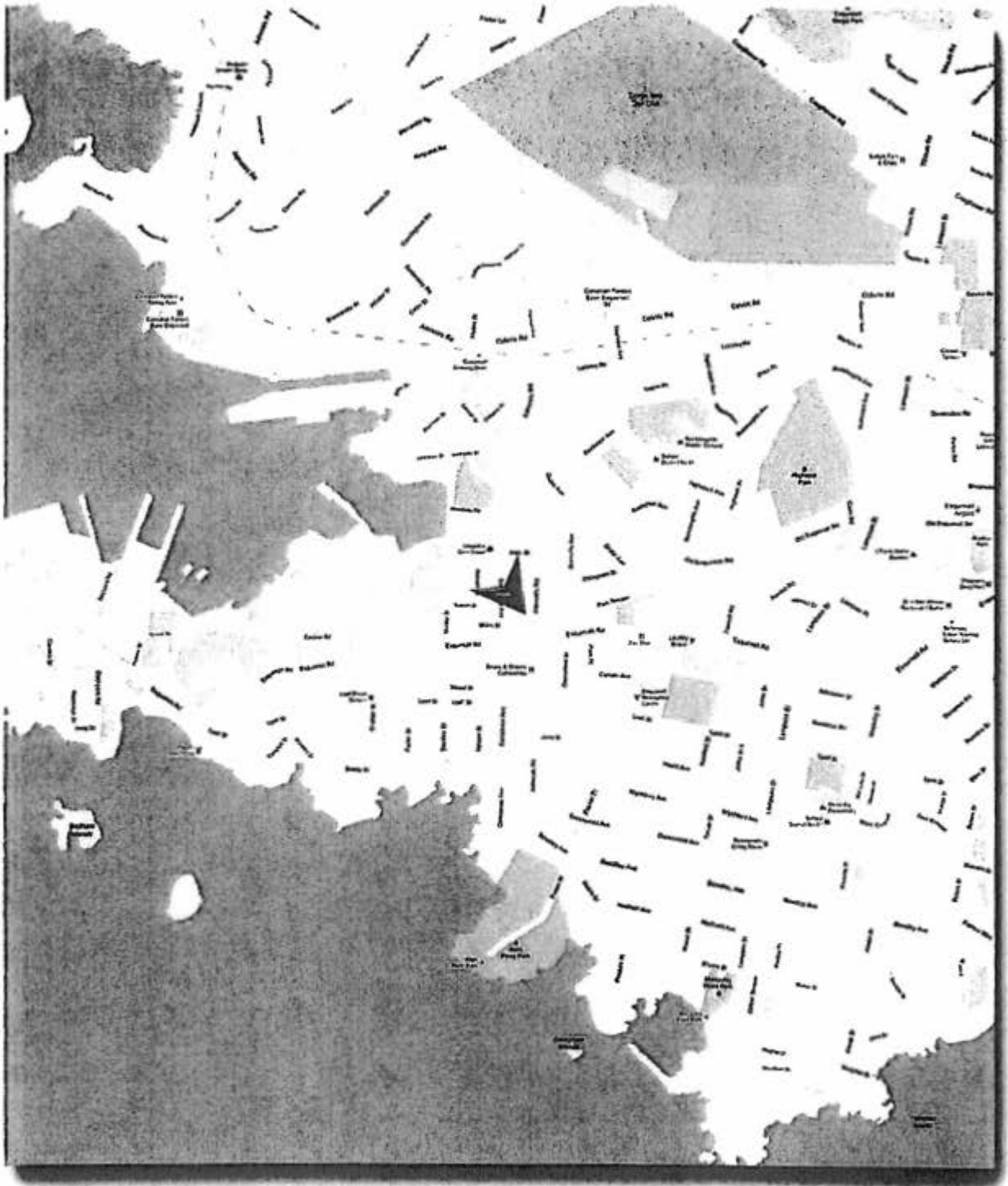
**Mr. Douglas J. Wittich** and his associates have conducted over 600 Preliminary Site Investigation's and related Environmental work over the past fourteen years. Past member of Associated Environmental Site Assessors of Canada and Certified Environmental Site Assessor of Canada Wittich Environmental Services Ltd. (WES) continue to provide high levels of expertise and service within the environmental field.

**Fleur Harvey-Kelly** has been actively involved in the study of marine geology for the past twenty years. She has also done detailed research for Environment Canada on the impact of oil spills on the Pacific Northwest Coast. Ms. Harvey-Kelly has a technical diploma in Resource Engineering from the Northern Institute of Technology and a Bachelor of Science in Geology (High Honours) from Carleton University. She is a registered Professional Geoscientist with the Association of Professional Engineers and Geoscientists of British Columbia and has been a member since 1993.

**Colleen Delaney** has over twelve years of experience within the field of environmental and analytical chemistry. For the past four years she has been focusing on contaminated sites in BC, conducting Stage I & II PSI's and subsurface remediation projects. Colleen has a Bachelor of Science in Environmental Science from the University of Guelph.

**APPENDIX A - SUPPORTING MAPS &  
ORTHOPHOTO**

Google maps  
Canada



GOOGLE MAPS CANADA - LOCAL AREA MAP

(RED ARROW MARKS SITE)

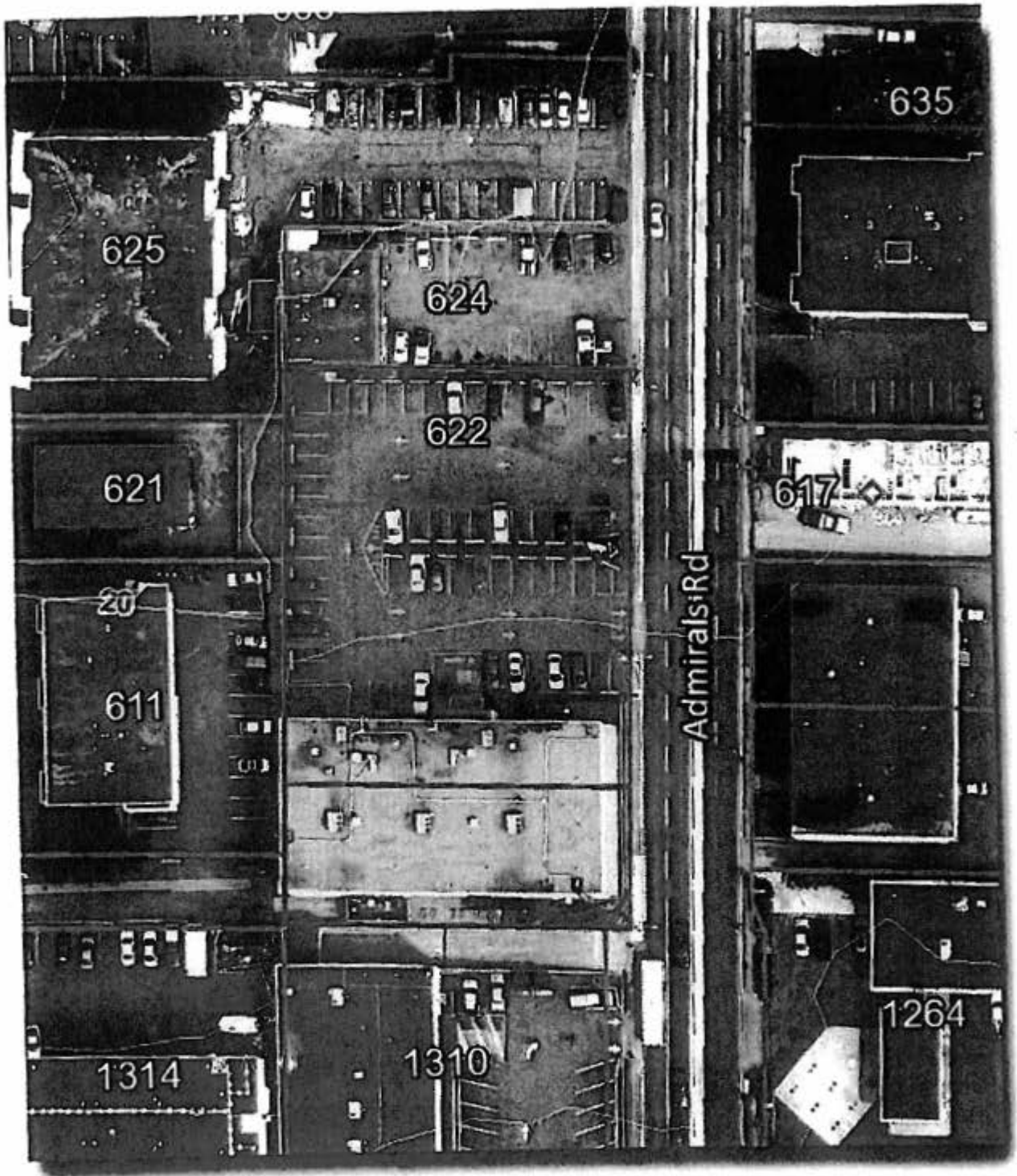




CRD REGIONAL COMMUNITY ATLAS  
ORTHOGRAPH (2011)  
(RED HIGHLIGHT & ARROW MARK SITE)





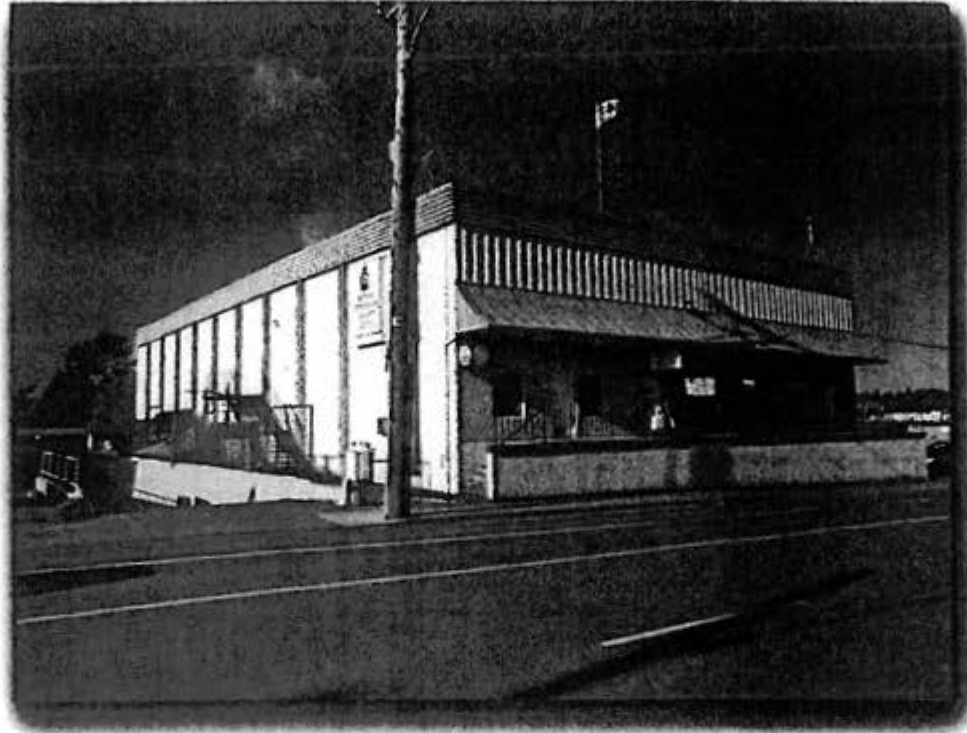


CRD REGIONAL COMMUNITY ATLAS  
ORTHOGRAPH (2011)  
(RED HIGHLIGHT MARKS SITE)

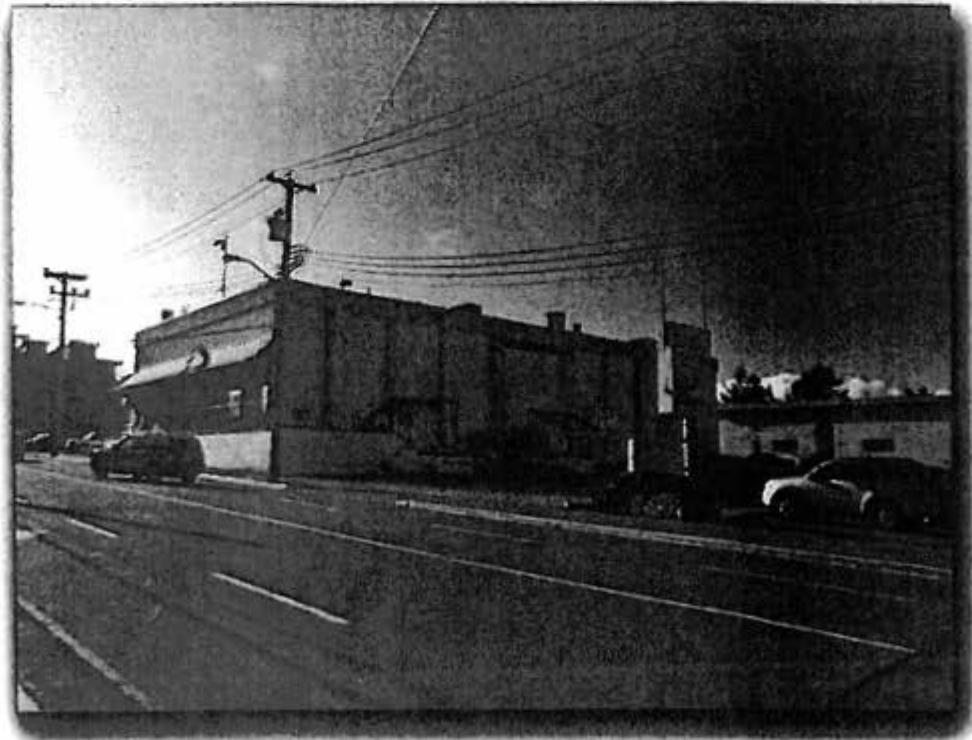


**APPENDIX B - SITE PHOTOGRAPHS**

## PHOTOS OF SUBJECT SITE

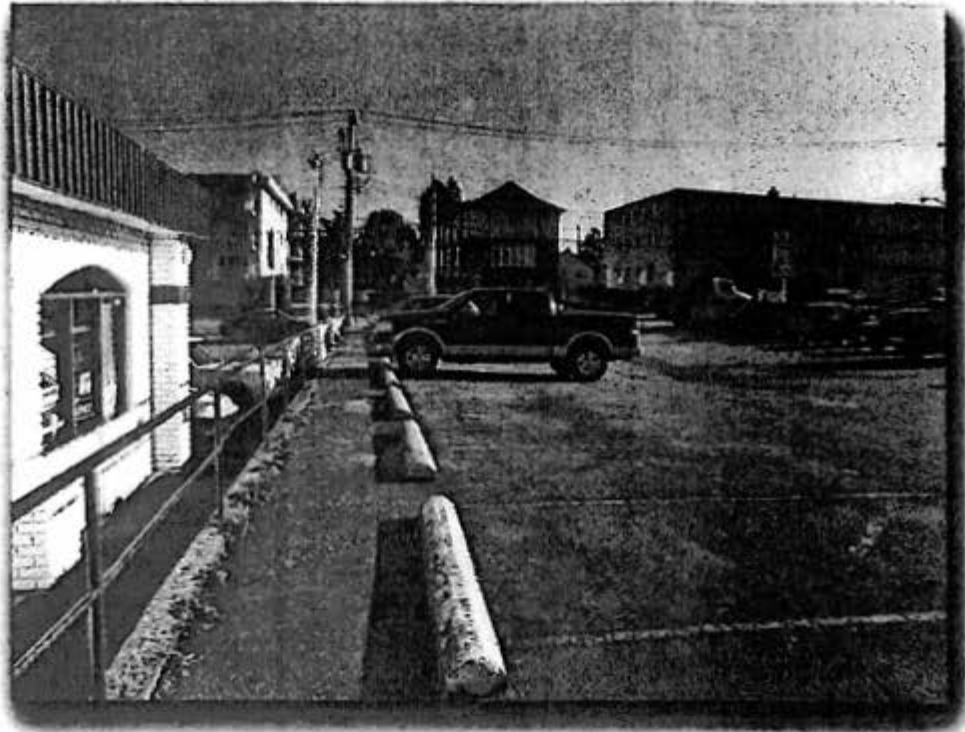


**FIG 1: THE TWO-STORY SUBJECT BUILDING AT 622 ADMIRALS ROAD IS OCCUPIED BY THE ROYAL CANADIAN LEGION - ESQUIMALT BRANCH #172**

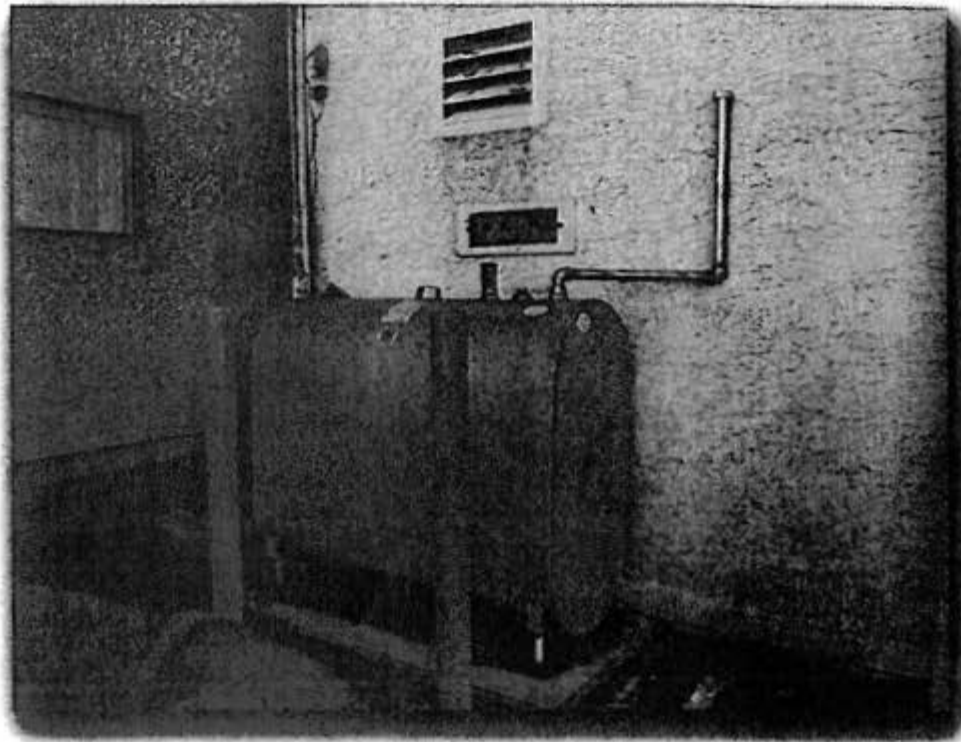


**FIG 2: NORTHERN VIEW OF THE SUBJEC BUILDING. THE SITE ENCOMPASSES THE ASPHALTED PARKING LOT TO THE NORTH OF THE LEGION BUILDING.**

## PHOTOS OF SUBJECT SITE



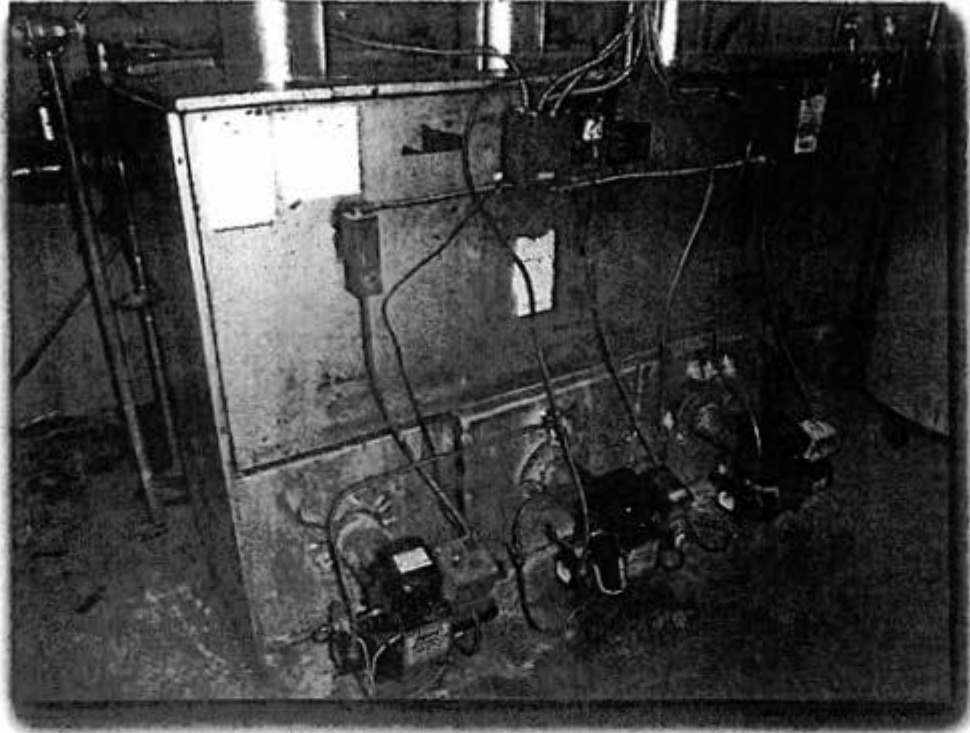
**FIG 3: NORTHERN SUBJECT SITE BOUNDARY VIEWED FROM THE NORTHWEST CORNER OF THE PARKING LOT.**



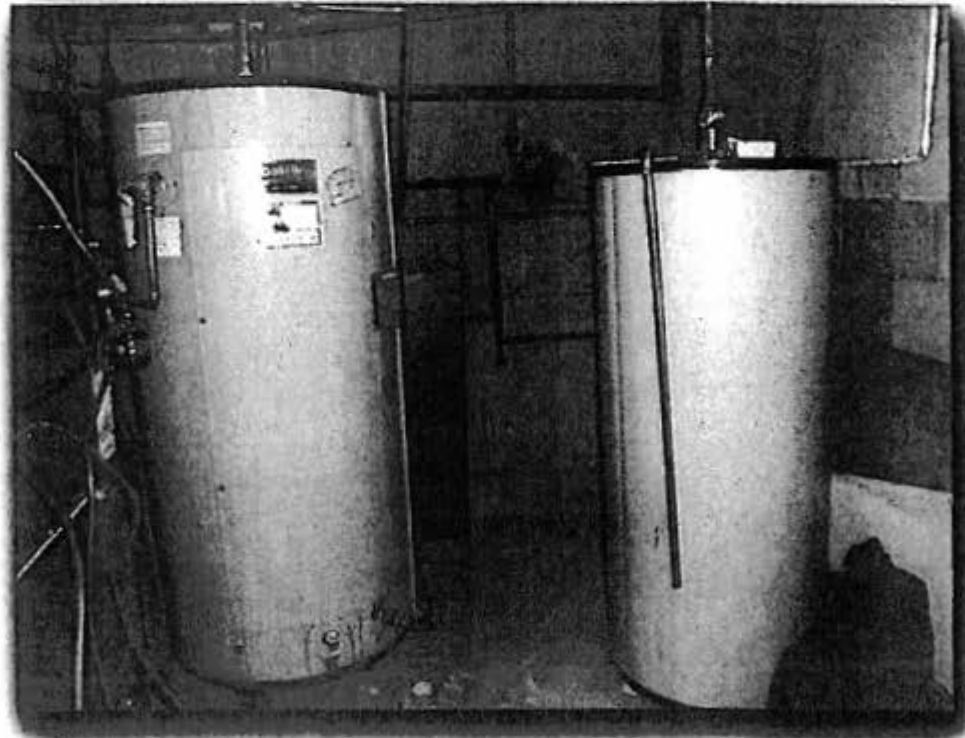
**FIG 4: THE 250 GALLON ABOVE GROUND FUEL TANK INSTALLED ALONG THE NORTHERN WALL OF THE LEGION TO THE RIGHT OF THE MAIN ENTRANCE. THE FUEL TANK SUPPLIES THE BASEMENT LEVEL BOILER INSTALLED WITHIN THE BUILDING.**



## PHOTOS OF SUBJECT SITE

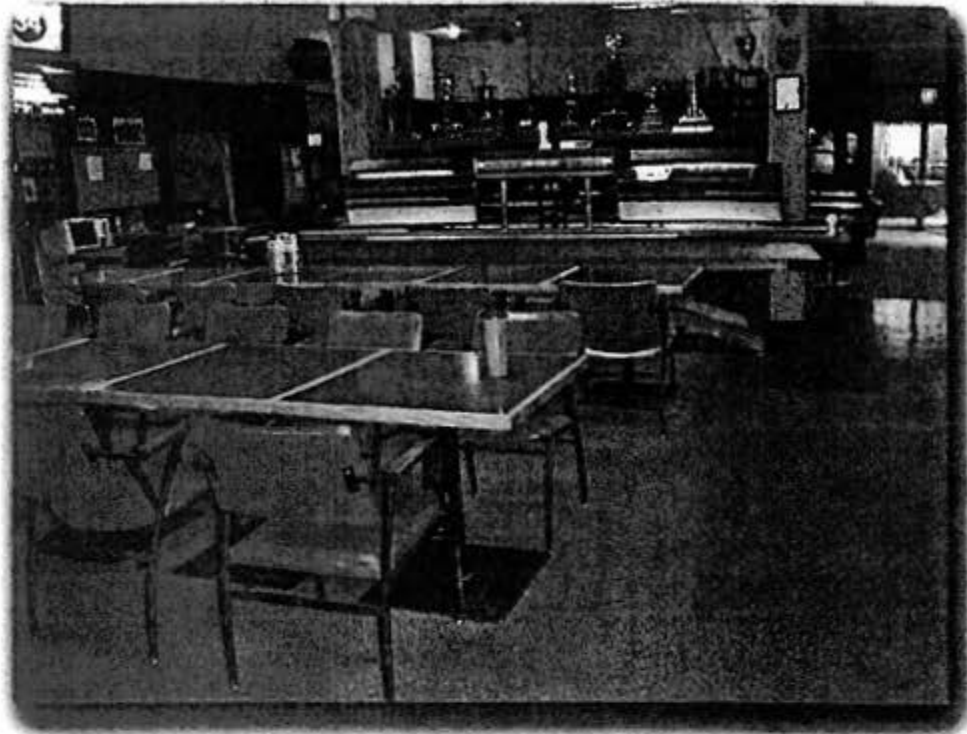


**FIG 5: THE OIL-FIRED BOILER IN THE BASEMENT, WHICH WAS ORIGINALLY INSTALLED UPON BUILDING CONSTRUCTION IN 1972, SUPPLIES SUPPLEMENTAL HEAT TO THE BUILDING.**

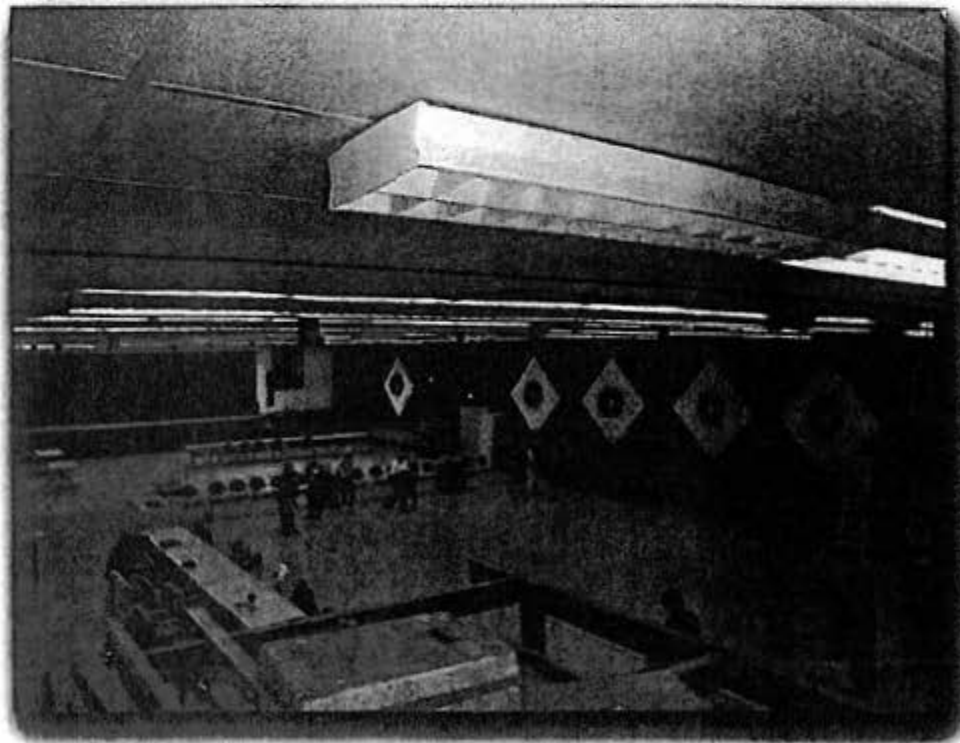


**FIG 6: DOMESTIC HOT WATER IS SUPPLIED BY A PAIR OF ELECTRIC HOT WATER TANKS THAT ARE INSTALLED IN THE BOILER ROOM.**

## PHOTOS OF SUBJECT SITE



**FIG 7: THE LEGION LOUNGE PREDOMINANTLY OCCUPIES THE FIRST FLOOR OF THE SUBJECT BUILDING.**

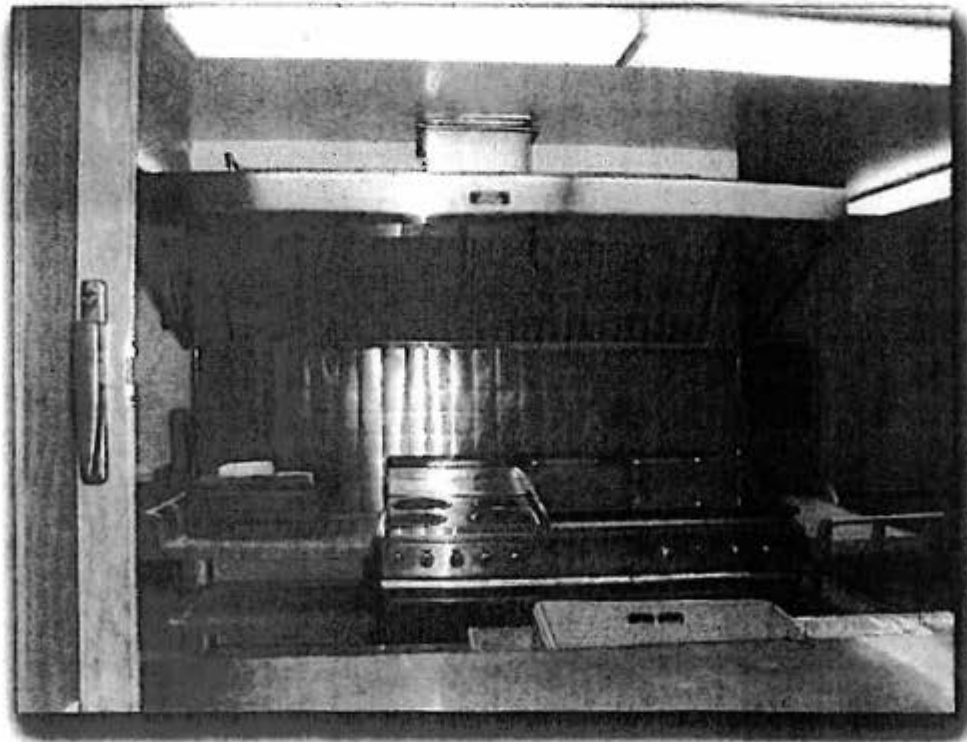


**FIG 8: THE SECOND LEVEL IS LARGELY OCCUPIED BY THE LEGION HALL, WHERE A GAME OF FLOOR CURLING WAS BEING PLAYED AT THE TIME OF THIS INVESTIGATION.**

## PHOTOS OF SUBJECT SITE

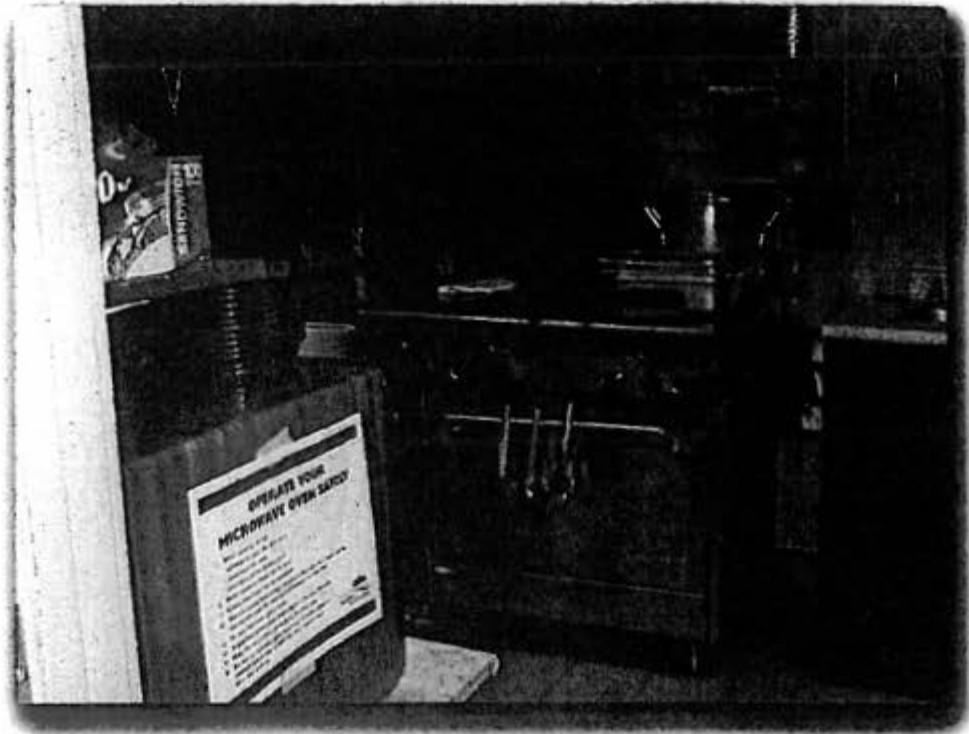


**FIG 9: CLEANING SUPPLIES AND SMALL VOLUMES OF PAINT ARE STORED IN A JANITOR'S CLOSET OFF OF THE LEGION LOUNGE.**

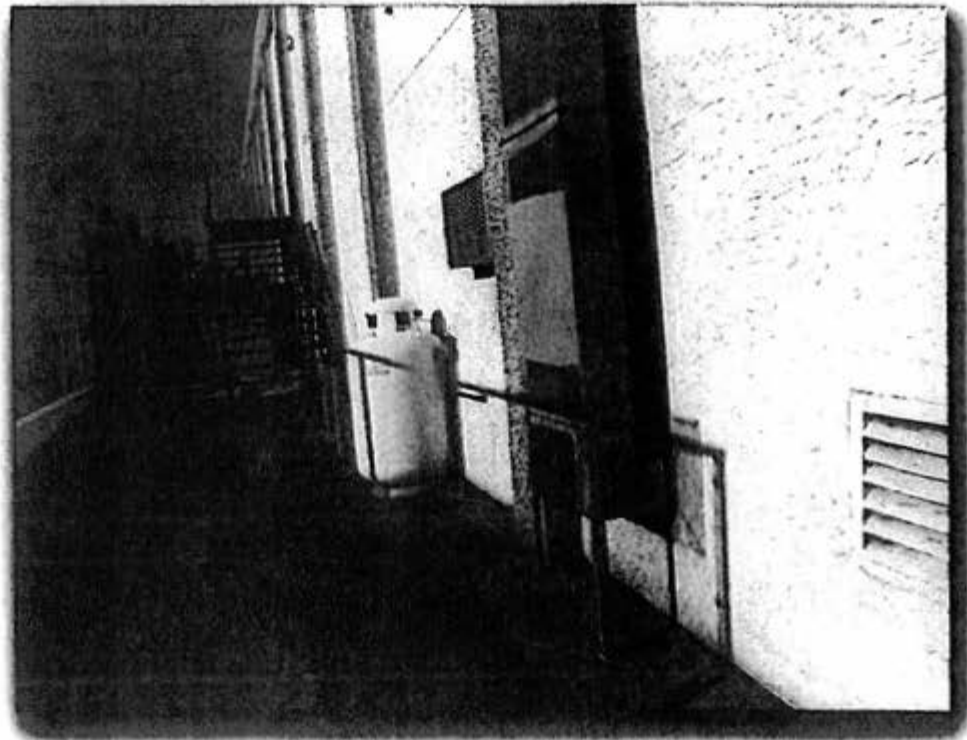


**FIG 10: THE LEGION HALL IS FITTED WITH A COMMERCIAL KITCHEN WHICH IS FULLY ELECTRIC.**

## PHOTOS OF SUBJECT SITE



**FIG 11: A PROPANE STOVE IS USED IN THE KITCHEN WITHIN THE GROUND FLOOR LEGION LOUNGE.**



**FIG 12: SOUTHERN BOUNDARY OF THE SUBJECT SITE. THE BULK PROPANE TANK THAT SUPPLIES THE LEGION'S KITCHEN STOVE IS INSTALLED ALONG THE SOUTHERN EXTERIOR WALL.**



**APPENDIX C - HISTORICAL RECORDS &  
TITLE TRANSFERS**

Date: 27-Jan-2012 TITLE SEARCH PRINT Time: 15:42:53  
Requestor: (PA11036) WITTICH ENVIRONMENTAL SERVICES LTD. Page 001 of 001  
Folio: TITLE - CA2237515

VICTORIA LAND TITLE OFFICE TITLE NO: CA2237515  
FROM TITLE NO: 2949111

APPLICATION FOR REGISTRATION RECEIVED ON: 19 OCTOBER, 2011  
ENTERED: 21 OCTOBER, 2011

REGISTERED OWNER IN FEE SIMPLE:  
ROYAL CANADIAN LEGION, BRANCH NO. 172  
622 ADMIRALS ROAD  
ESQUIMALT, BC  
V9A 2N7

TAXATION AUTHORITY:  
MUNICIPALITY OF ESQUIMALT

DESCRIPTION OF LAND:  
PARCEL IDENTIFIER: 006-390-897  
LOT 155, SUBURBAN LOT 43, ESQUIMALT DISTRICT, PLAN 2854

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:  
NATURE OF CHARGE  
CHARGE NUMBER DATE TIME

MORTGAGE  
CA2240906 2011-10-21 13:11  
REGISTERED OWNER OF CHARGE:  
FIGGARD CAPITAL CORPORATION  
INCORPORATION NO. C0603095  
CA2240906  
REMARKS: INTER ALIA

ASSIGNMENT OF RENTS  
CA2240907 2011-10-21 13:11  
REGISTERED OWNER OF CHARGE:  
FIGGARD CAPITAL CORPORATION  
INCORPORATION NO. C0603095  
CA2240907  
REMARKS: INTER ALIA

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

\*\*\* CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN \*\*\*







Date: 27-Jan-2012 TITLE SEARCH PRINT Time: 15:46:56  
Requestor: (PA11036) WITTICH ENVIRONMENTAL SERVICES LTD. Page 001 of 001  
Folio: TITLE - CA2237514

VICTORIA LAND TITLE OFFICE TITLE NO: CA2237514  
FROM TITLE NO: 195948I

APPLICATION FOR REGISTRATION RECEIVED ON: 19 OCTOBER, 2011  
ENTERED: 21 OCTOBER, 2011

REGISTERED OWNER IN FEE SIMPLE:  
ROYAL CANADIAN LEGION, BRANCH NO. 172  
622 ADMIRALS ROAD  
ESQUIMALT, BC  
V9A 2N7

TAXATION AUTHORITY:  
MUNICIPALITY OF ESQUIMALT

DESCRIPTION OF LAND:  
PARCEL IDENTIFIER: 006-387-098  
LOT 158, SUBURBAN LOT 43, ESQUIMALT DISTRICT, PLAN 2854, EXCEPT PART IN RED  
ON PLAN 312 B.L.

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE  
CHARGE NUMBER DATE TIME

MORTGAGE  
CA2240906 2011-10-21 13:11  
REGISTERED OWNER OF CHARGE:  
FISGARD CAPITAL CORPORATION  
INCORPORATION NO. C0603095  
CA2240906  
REMARKS: INTER ALIA

ASSIGNMENT OF RENTS  
CA2240907 2011-10-21 13:11  
REGISTERED OWNER OF CHARGE:  
FISGARD CAPITAL CORPORATION  
INCORPORATION NO. C0603095  
CA2240907  
REMARKS: INTER ALIA

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

\*\*\* CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN \*\*\*



Date: 27-Jan-2012                    TITLE SEARCH PRINT                    Time: 15:48:33  
Requestor: (PA11036)                WITTICH ENVIRONMENTAL SERVICES LTD.    Page 002 of 002  
Folio:                                TITLE - S14882

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:  
2011-10-21  
ALL.....CA2237513

\*\*\* CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN \*\*\*



**Dye & Durham Corporation**  
 Information & Legal Support Services  
 #10 - 620 Royal Avenue  
 New Westminster, BC V3M 1J2

Vancouver: (604) 257-1850  
 New West: (604) 257-1800  
 Victoria: (250) 953-1700  
 Fr. George: (250) 564 0616  
 Facsimile: (604) 257-1888  
 Toll Free: 1-800-661-1811

Invoice Date: 01/26/12 13:46

Order Date: 01/26/12 10:49

Completed by: NO TUT  
 Team : VIC LAND

**INVOICE**  
**5598488**

**ORDER**  
**7443809-1**

www.dyedurhambc.com

<b>Client Reference:</b> 622 ADMIRALS	<b>Solicitor:</b>
--	-------------------

Account No. : 172960  
**WITTICH ENVIRONMENTAL SERVICES**  
 6958 GRANT ROAD WEST  
 SOOKE, BC V9Z 0P4

Attention: COLLEEN  
 TELEPHONE: (250)642-4859  
 LOCAL:  
 FAX PHONE: ( ) -

Service	Qty	Non-Taxble Disb.	Taxable Disb.	Taxable Fees
<b>HISTORICAL SEARCH PACKAGE</b>		.00		.00
<b>RESEARCH TITLE HISTORY- 1/4 HR</b>	1		.00	30.00
622 ADMIRALS ROAD, VICTORIA, BC LOTS 155,156,157 & 158, ESQUIMALT DISTRICT, PLAN 2854 ONLY PROVIDE MANUAL INFO TIME SPENT ON SEARCH- 15 MINUTES				
<b>COMPUTER TITLES</b>	1			
<b>MANUAL TITLES</b>	1			
<b>IMAGED COPIES</b>	1			
<b>MICROFILM COPIES</b>	12		13.44	
<b>COMPUTER SCREENS</b>	1			
<b>PLAN COPIES</b> # OF PAGES	1			
<b>Sub Totals:</b>		.00	13.44	30.00
GST/HST Registration #: 81426 3745		<b>Total Taxable:</b>		43.44
VISIT OUR NEW WEBSITE: WWW.DYEDURHAMBC.COM		<b>GST/HST:</b>		5.21
ORDER ONLINE SEARCH & REGISTRATION SERVICES - VISA/MASTERCARD		<b>P.S.T.:</b>		.00
E-TRAY PORTAL AVAILABLE 24/7		<b>Total Non-Taxable:</b>		.00
		<b>INVOICE TOTAL:</b>		48.65

THANK YOU - WE APPRECIATE YOUR BUSINESS



622 Animals Road, Victoria  
Lots 155, 156, 157 & 158, Esquimalt District, Plan 2854

Pid 006 390 897  
Lot 155

CA 2237515

294911 ± (1960)

Pid 006 386 865  
Lot 156

CA 2237512

514881

195948 ± (1949)

Pid 006 386 881  
Lot 157

CA 2237513

514882

195948 ± (1949)

Pid 006 387 098  
Lot 158

CA 2237514

195948 ± (1949)

☒ Search by PID 006-390-897:

☒ 006-390-897 S/2854/////155

☒ PENDING APPLICATIONS:NONE

☒ ☐ CA2237515 VI REGISTERED ROYAL CANADIAN LEGION,  
BRANCH NO. 172

☒ ☐ 294911I VI CANCELLED THE ESQUIMALT DOCKYARD  
BRANCH NO. 172, OF THE CANADIAN LEGION OF THE



THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA  
LAND REGISTRY ACT  
FORM A

No. 294911-1

1:50 PM 8 PM 2:50

Application for Registration of Fee-Simple

(To be completed in triplicate in all cases where a tax certificate is required, in duplicate in other cases)

Date March 30th. 1960

I, Albert Isaac Thomas, solemnly declare

that I am ~~the~~ the duly authorized Agent of Esquimalt Dockyard Branch, Canadian Legion, British Empire Service League that they are entitled to be registered as the owner in fee-simple of the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration accordingly.

The full name, address, and occupation of the person so entitled to be registered as owner is Esquimalt Dockyard Branch, Canadian Legion, British Empire Service League, 622 Admirals Road, Victoria, B.C.

\* Not applicable where the applicant is a corporation. Strike out words not applicable.  
† For use where the application is made by a solicitor or agent.

I am a British subject\* [Or] born in the British Empire  
I am informed by Applicant and

very believe, that the person so entitled to be registered as owner is a British subject

The fee-simple is registered in Vol. Fol. of the Register  
DESCRIPTION OF LANDS

Municipality or Assessment District	Lot or Section	Admeasurement or Acreage
Municipality of Esquimalt	Lot 155 Suburban Lot 42 Plan 2854 Municipality of Esquimalt	19/506

LIST OF INSTRUMENTS

Date	Parties	Character of Deed
March 30th. 1960	Juel Paul Albert Christensen to Esquimalt Dockyard Branch, Canadian Legion, British Empire Service League, (Certificate of title on file) Tax Certificate Attached	conveyance

one and the same as contained in an assignment of an agreement of sale, under registered number 138832-G deposited in the Land Registry Office, Victoria, B.C. Letter attached from S. C. Command, of Canadian Legion, British Empire Service League.

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected, is \$2300.00

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Oaths Statute Act.

Declared before me this 30th day of March 1960 at Victoria, British Columbia.

IMPORTANT. In all cases where a tax certificate is required, the particulars on the reverse side shall be completed by the vendor or purchaser, or his solicitor or agent, otherwise the application may be rejected.

294911-1

# This Indenture

made the First day of April in the year of our Lord one thousand nine hundred and fifty-eight in pursuance of the "Short Form of Deeds Act,"

Between

JUEL PAUL ALBERT CHRISTENSEN of the City of Victoria, in the Province of British Columbia

And

(hereinafter called "the Grantor") of the one part  
ESQUIMALT  
CANADIAN LEGION DOCKYARD BRANCH No. 172,  
British Empire Service League, of 622  
Admiral Road, in the City of Victoria,  
Province of British Columbia.

(hereinafter called "the Grantee") of the other part

Witnesseth, that in consideration of the sum of -----

----- One Dollar and other Considerations -----

----- Dollars (\$ 1.00 )

of lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby by him acknowledged), the said grantor Doth Grant unto the said Grantee, his heirs and assigns FOREVER All and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Esquimalt, in the Province of British Columbia and more particularly known and described as Lot One Hundred and fifty-five (155) Suburban Lot Forty-three (43) Esquimalt District according to a Registered Map or Plan deposited in the Land Registry Office at Victoria, British Columbia and there numbered 2854.

Together with all buildings, fixtures, commons, ways, profits, privileges, rights, easements, and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto; and all the estate, right, title, interest, property, claim and demand of him the said Grantor in, to, or upon the said premises.

REGISTERED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ IN \_\_\_\_\_

APPL. CALG. 19\_\_\_\_ BY \_\_\_\_\_



To Have and to Hold unto the said Grantee, his heirs and assigns, to and for his and their sole and only use forever.

Subject nevertheless to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown.

And the said Grantor Covenants with the said Grantee that he has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor and the said Grantee shall have quiet possession of the said lands, free from all encumbrances.

And the said Grantor Covenants with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenants with the said Grantee that he has done no acts to encumber the said lands.

And the said Grantor Releases to the said Grantee All His Claims upon the said lands.

And it is further agreed that the words in this indenture which import the singular number shall be read and construed as applied to each and every Grantor or Grantee, male or female, and to his or her heirs, executors, administrators and assigns, and in the case of a corporation, to such corporation and its successors, and assigns, and that in case of more than one Grantor the said covenants, provisos, conditions and agreements shall be construed and held to be several as well as joint.

In Witness Whereof the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered

In the presence of  
*M. J. ...*  
 (Signature of Witness)  
 117 Esquimalt Rd  
 (Street Address)  
 Victoria B.C.  
 (City or Town)  
 (Occupation)

*Just Paul Albert  
Christman*

X



294911-1

**THE CANADIAN LEGION**  
*of the British Empire Service League*

BRITISH COLUMBIA AND NORTHWESTERN STATES COMMAND

1531 WEST PENDER ST.  
VANCOUVER 5, B.C.

April 6, 1960.

TO WHOM IT MAY CONCERN:

This is to certify that the Esquimalt Dockyard Branch No. 172 of the Canadian Legion, British Columbia and Northwestern States Command, is in good standing as of this date, under its Charter dated the Sixth Day of October A.D. 1944.

Dated in the City of Vancouver in the Province of British Columbia this Sixth Day of April 1960.

D. MacLennan,  
Provincial Secretary,  
British Columbia and Northwestern  
States Command,  
The Canadian Legion.

DM/db

⊕ Search by PID 006-386-865:

⊕ 006-386-865 S/2854/////156

± PENDING APPLICATIONS:NONE

⊕ CA2237512 VI REGISTERED ROYAL CANADIAN LEGION,  
BRANCH NO. 172

⊕ S14881 VI CANCELLED THE ESQUIMALT DOCKYARD  
BRANCH NO. 172, OF THE CANADIAN LEGION OF THE BRITIS

195948I

Issuance of New Certificate of Title Under Section

188 (5) Land Title Act

S 14881

LAND TITLE ACT

FORM 17

SECTION 188 (5)

NATURE OF INTEREST

(1) FEE SIMPLE

Address of person entitled to be registered if different from that shown:

CT 195948 I

006-386-865

Legal Description

Lot 156

PLAN 2854

APPLICANT

New Certificate of Title issued under Section 188 (5) Land Title Act

Date:

26-2-87

K. D. Jacques  
Registrar of the  
Victoria Land Title District.

Per:

*H Paul*

02/26/87 02185 FEE FREE .00

NEW  
LAND TITLE  
ACT  
26 FEB 87 11 28

FORM 17 Section 201  
MÉMOIRE DE REGISTRATION  
Registre des propriétés foncières de  
la Cité and Territoire de la  
K.D. JACQUES Registrar of the  
Victoria Land Title District

*HP*



⊕ Search by PID 006-386-881:

⊕ 006-386-881 S/2854/////157

⊕ PENDING APPLICATIONS:NONE

⊕ CA2237513 VI REGISTERED ROYAL CANADIAN LEGION,  
BRANCH NO. 172

⊕ S14882 VI CANCELLED THE ESQUIMALT DOCKYARD  
BRANCH NO. 172, OF THE CANADIAN LEGION OF THE BRITIS

195948 I

Issuance of New Certificate of Title Under Section

S 14883

188 (5) Land Title Act

LAND TITLE ACT

FORM 17

SECTION 188 (5)

NATURE OF INTEREST

(1) FEE SIMPLE

Address of person entitled to be registered if different from that shown:

CIT 195948 F

PID 006-386-881

Legal Description

LOT 157

PLAN 2854

APPLICANT

New Certificate of Title issued under Section 188 (5) Land Title Act

Date:

26-2-87

K. D. Jacques  
Registrar of the  
Victoria Land Title District.

Per:

H Paul

REGISTERED  
LAND TITLE ACT  
VICTORIA

26 FEB 87 11 29

26/02/87 fee

FORM 17 (Section 188)  
REGISTERED BY REGISTRATION  
Registered in duplicate/retained on  
the day and time which was  
JED JACQUES, Registrar of the  
Victoria Land Title District

100

☒ Search by PID 006-387-098:

☒ 006-387-098 S/2854/////158 REM

☒ PENDING APPLICATIONS:NONE

☒ CA2237514 VI REGISTERED ROYAL CANADIAN LEGION,  
☒ BRANCH NO. 172

☒ 195948I VI CANCELLED THE ESQUIMALT DOCKYARD  
☒ BRANCH NO. 172, OF THE CANADIAN LEGION OF THE

2649  
MAY 19 1949  
LAND REGISTRY OFFICE



LAND REGISTRY ACT  
FORM A (Section 124)

No. 195948

3/5/49

Application for Registration of Fee-simple

Date May 14th 1949

I, Charles Gordon Callin, solemnly

declare that I am ~~the~~ the duly authorized Agent of Esquimalt Dockyard Branch Number 172, Canadian Legion of British Empire Service League, entitled to be registered as the owner in fee-simple of the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration accordingly.

The full name, address, and occupation of the person so entitled to be registered as owner is Esquimalt Dockyard Branch Number 172, Canadian Legion, of British Empire Service League, 622 Admirals Road, Esquimalt, B.C.

\* Not applicable where the applicant is a corporation. Strike out words not applicable.

I am a British subject.\* [Or]

~~an incorporated company~~

I am informed by The Purchasers

(As last to well circumstances)

verily believe, that the person so entitled to be registered as owner is a British subject

~~(an incorporated company)~~

The fee-simple is registered in Vol. Fol. of the Register.

DESCRIPTION OF LAND.

MUNICIPALITY OR ASSESSMENT DISTRICT.	LOT OR SECTION.	MEASUREMENT OR AREA.
Municipality of Esquimalt	Lots 156, 157 and 158 (excepting thereout that portion of Lot 158 described in C of T #169807-1) Sub Lot 43, Map 2854	25/1000

LIST OF INSTRUMENTS.

DATE.	PARTIES.	CHARACTER OF INSTRUMENT.
May 10th 1949	Carl Victor Gilbert, Walter Benson & Joseph Bowney. IN TRUST. L.D.154898 vs Esquimalt Dockyard Branch # 172, of Canadian Legion, British Empire Service League.	Deed of Land.
14/1/49 19/5/49	Secretary BC Command Resolutions of Branch	Certificate of Title # 154898-1 on file. Tax Certificate herewith.

Do not write outside the side-line. Space reserved for binding.

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this declaration, including all buildings and improvements thereon erected, is Four thousand dollars, and that the said market value herein set out is all that is my estate, possession, or power, whether to the said land, (in the case of a Seller or Agent, etc.) and in the case of the said land there are no other tax deeds in the custody, possession, or charge of the owner, relating to the same; and I am duly authorized by the same named owner to make this application, (in the case of an Agent, etc.) and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

DECLARED before me this 14th day of May 1949 at Victoria, British Columbia. (Signature) Arthur Halladay Clerk B.C.

(Full post-office address) 576 Yates St. Victoria, B.C.

Arthur Halladay  
Clerk B.C.



# This Indenture

Made the Tenth day of May in the year of our Lord one thousand nine hundred and Forty nine

In Pursuance of the "Short form of Deeds Act"

Between

CARL VICTOR GILBERT, of 602 Pool Bay Road, in the City of Victoria, MALTER REZNICH of 239 Storkont Road, View Royal District, and JOSEPH DOWNEY, of 342 Michigan Street, in the City of Victoria, all of the Province of British Columbia, IN TRUST

Insert Full Name, Street Address and Occupation of Grantor and of Grantee.

(hereinafter called the "Grantor")

AND

ESQUIMALT DOCKYARD BRANCH Number 172, of Canadian Legion, British Empire Service League, 622 Admirals Road, in the Municipality of Esquimalt and Province of British Columbia, (hereinafter called the "Grantee")

Witnesseth that, in consideration of One Dollar ----- (\$1.00) -----

Dollars of the lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby by him acknowledged) he, the said Grantor, Both Grant unto the said Grantee, his heirs and assigns FOREVER:

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Esquimalt, in the Province of British Columbia, and more particularly known and described as Lots One hundred and fifty six (156) One hundred and fifty seven (157) and One hundred and fifty eight (158) (saving and excepting thereout that portion of Lot One hundred and fifty eight (158) shown on Certificate of Title Number 169607-1) of Suburban Lot Forty three (43) Registered Map Number 2854.

NO. 15944  
REGISTERED THE 31 DAY OF May 1949  
IN BOOK VOL. 770 ON  
APPL. NO. 169607-1  
18-11-1949  
REGISTRAR

195901

And the said Grantor Covenants with the said Grantee that he has done no acts to encumber the said lands.

And the said Grantor Releases to the said Grantee All His Claims upon the said lands.

Wherever the singular or masculine is used throughout this Indenture, the same shall be construed as meaning the plural or the feminine or body corporate or politic where the context or the parties hereto so require.

In Witness Whereof the said parties hereto have hereunder set their hands and seals on the date first above mentioned.

Signed, Sealed and Delivered

IN THE PRESENCE OF

Signature of Witness

*Th. Sewell*

Street Address

3489 Bethune Ave

City or Town

Victoria B.C.

Occupation of Witness

Technician

as to all Signatures.

*Carl Victor Gilbert*

*Walter Benson*

*Joseph Downey*

FOR MAKER

I Hereby Certify that, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ in the Province of British Columbia,

(whose identity has been proved by the evidence on oath of \_\_\_\_\_, who is personally known to me, appeared before me and acknowledged to me that \_\_\_\_\_ the person mentioned in the annexed instrument as the maker thereof, and whose name \_\_\_\_\_ subscribed thereto as part that know the contents thereof, and that \_\_\_\_\_ executed the same voluntarily, and of the full age of twenty-one years

IN TESTIMONY WHEREOF I have hereunto set my hand and Seal of Office, at \_\_\_\_\_ in the Province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_ of our Lord one thousand nine hundred and \_\_\_\_\_

A Notary Public in and for the Province of British Columbia, A Commissioner for taking Affidavits within British Columbia.

NOTE.—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.

FOR WITNESS

PROVINCE OF BRITISH COLUMBIA  
To-Wit:

1. Theodore George Sewell  
of Victoria

\_\_\_\_\_ of the City \_\_\_\_\_ in the Province of British Columbia.

make oath and say:

- I was personally present and did see the within instrument duly signed and executed by Carl Victor Gilbert, Walter Benson & Joseph Downey the parties thereto, for the purposes named therein.
- The said instrument was executed at Victoria, B.C.
- I know the said parties; and that they are \_\_\_\_\_ of the full age of twenty-one years.
- I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at Victoria in the province of British Columbia, this 12th day of May, 1949

A Notary Public in and for the Province of British Columbia

*Th. Sewell*

# WARRANT

Together with all buildings, fixtures, commons, ways, profits, privileges, rights, easements and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto, and the estate, rights, title, interest, property, claim and demand of him, the said Grantor, in, to, or upon the said premises.

To have and to hold unto the said Grantee, his heirs and assigns, to and for his and their sole and only use forever; Subject nevertheless to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown, and subject to all taxes, rates and local improvement assessments whether already or hereafter assessed.

The said Grantor Covenants with the said Grantee that he has the right to convey the said lands to the said Grantee, notwithstanding any act of the said Grantor and that the said Grantee shall have quiet possession of the said lands, free from all encumbrances, save as aforesaid.

And the said Grantor Covenants with the said Grantee that he will execute such further assurances of the said lands as may be requisite.



GENERAL OFFICE AND ADJUSTMENT OFFICER  
PACIFIC 4633  
SECRETARY PACIFIC 6646



SUITE 210, DOMINION BUILDING  
207 W. HASTINGS STREET, VANCOUVER, B.C.

PRESIDENT: S. M. ISMAN

EXECUTIVE SECRETARY: DAVID MCKEE

**THE CANADIAN LEGION**, of the British Empire Service League  
BRITISH COLUMBIA COMMAND AND PERSONAL SERVICES BUREAU  
SUITE 210, DOMINION BUILDING, 207 WEST HASTINGS STREET  
*Vancouver, B.C.*

TO WHOM IT MAY CONCERN:

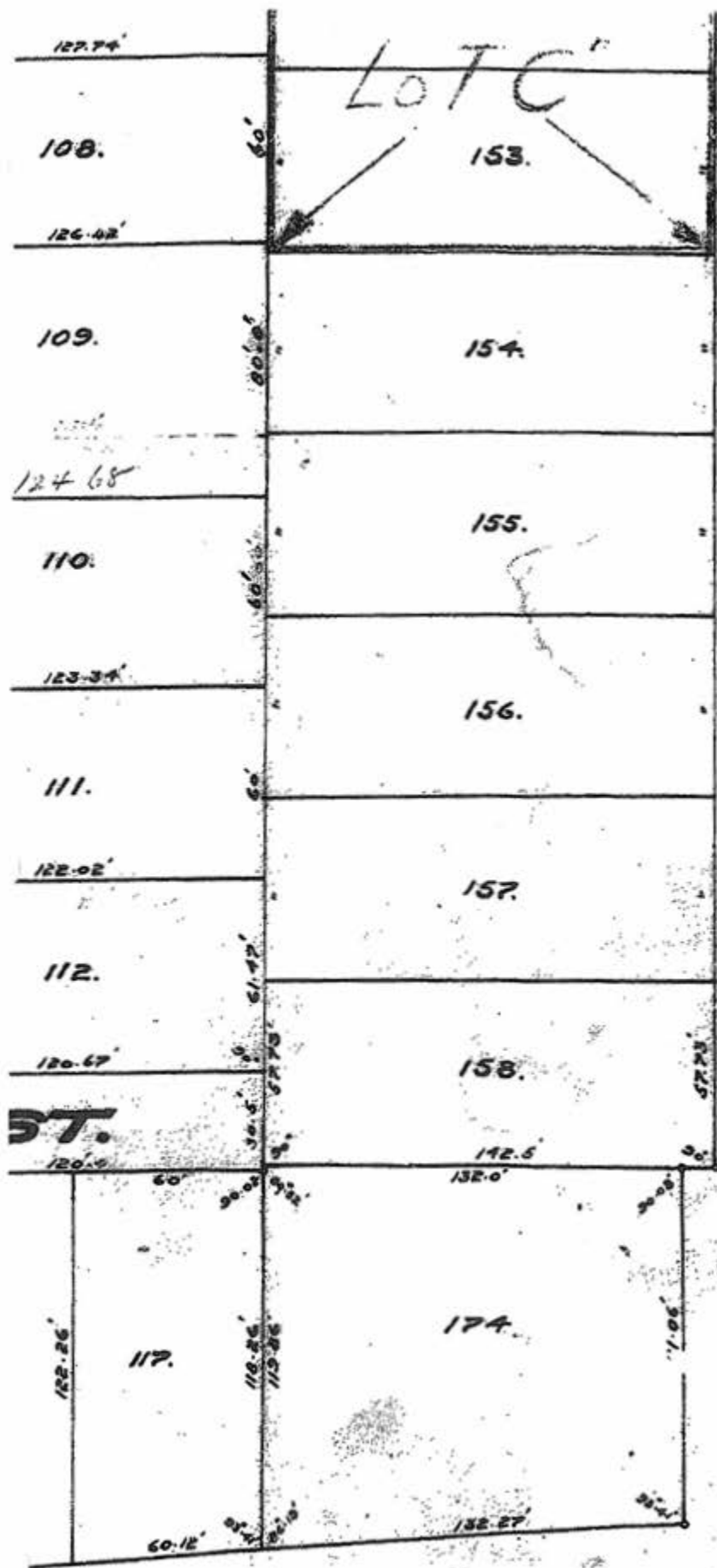
This is to certify that Esquimalt Dockyard  
Branch Number 172, is a Branch of the Canadian Legion, of  
the British Empire Service League, in good standing as of  
this date, under its Charter dated the Sixth day of October,  
A. D., 1944.

Dated at the City of Vancouver, in the Province  
of British Columbia, this fourteenth day of April . . . D. 1949.

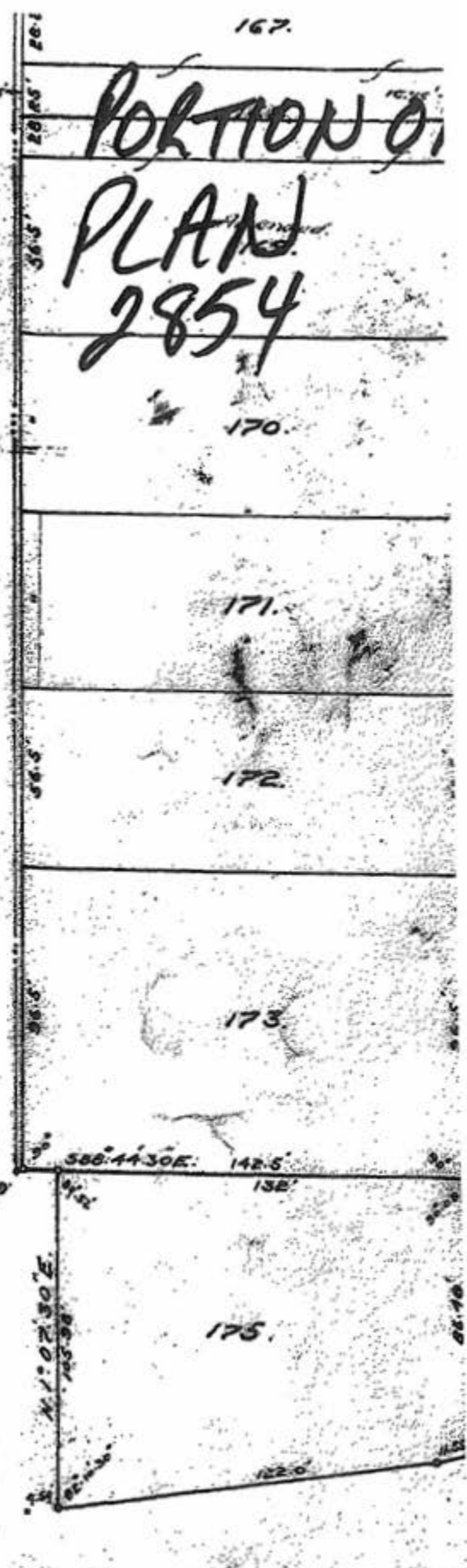
*David McKee*

David McKee,  
Executive Secretary,  
B. C. Command,  
Canadian Legion, B.E.S.L.





ADMIRALS



USQUIMALT



**APPENDIX D - MoE SITE REGISTRY SEARCH**

# Site Registry

# Selection List

For: [ PA11036 ] [ WITTICH ENVIRONMENTAL SERVICES LTD. ]

Jan 24, 2012

As Of: JAN 22, 2012

05:32:22 PM

Main Menu	Return	Page Back	Page Forward	Help ?
-----------	--------	-----------	--------------	--------

Folio:	Display	Send to Mailbox	BC OnLine Mailbox
--------	---------	-----------------	-------------------

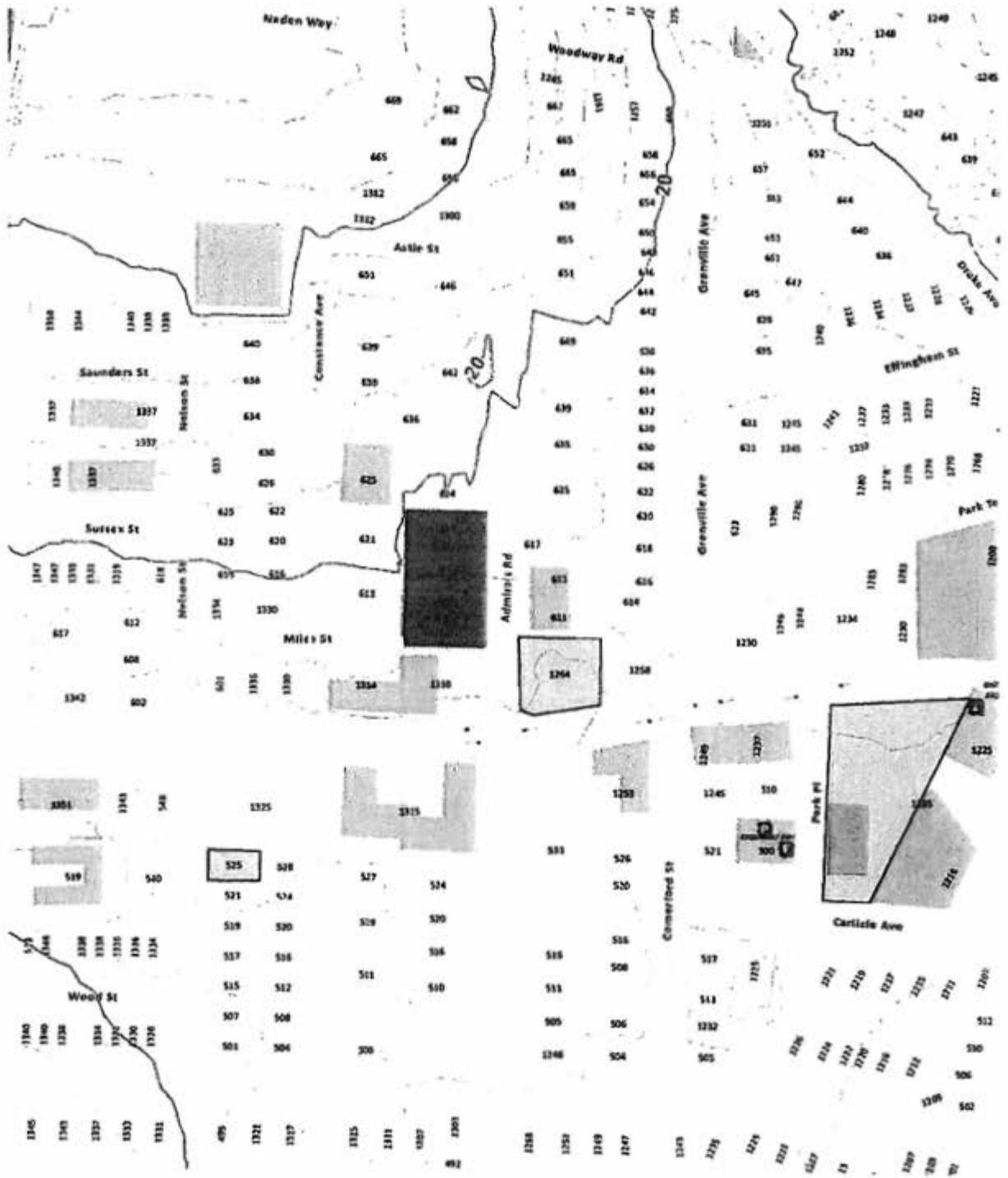
OLSRDL32B-Screen Info sent to BC OnLine Mailbox. Select reports by selecting Synopsis or Detail

3 records selected for 0.5 km from latitude 48 deg, 25 min, 50.1 sec and Longitude 123 deg, 25 min, 02.1 sec

**FEES ARE APPLICABLE FOR EACH SELECTION, SYNOPSIS AND DETAIL REPORT  
PLEASE REFER TO PRICE LIST**

Select Report:	Site ID	Updated	Address/City
	0005422	04MAR19	1264 ESQUIMALT ROAD ESQUIMALT
	0005739	01JUL27	1229 ESQUIMALT ROAD VICTORIA
	0011922	10MAR19	525 NELSON STREET ESQUIMALT

Display	Send to Mailbox
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**CRD REGIONAL COMMUNITY ATLAS & CONTOUR INTERVAL MAP**

PROPERTIES LISTED ON BCONLINE SITE REGISTRY ARE IN RED  
 BLUE HIGHLIGHT MARKS SUBJECT SITE





**From:** BC.OnLine  
**To:** cdeaney@wes@td.net  
**Subject:** FW: Site Reg Detail: SiteID:5422 Lat:48 Long:12 UID=PA11036  
**Date:** Thursday, January 26, 2012 2:11:57 PM

---

As of: JAN 22, 2012 BC Online: Site Registry 12-01-26  
For: PA11036 WITTICH ENVIRONMENTAL SERVICES LTD 14:10:54  
Folio: Page 1

Detail Report

SITE LOCATION

Site ID: 5422 Latitude: 48d 25m 47.8s  
Victoria File: Longitude: 123d 25m 00.3s  
Regional File: 26250-20/5422  
Region: NANAIMO, VANCOUVER ISLAND

Site Address: 1264 ESQUIMALT ROAD  
City: ESQUIMALT Prov/State: BC  
Postal Code: V9A 3T4

Registered: NOV 20, 1998 Updated: MAR 19, 2004 Detail Removed: MAR 10, 2004

Notations: 3 Participants: 5 Associated Sites: 1  
Documents: 0 Susp. Land Use: 0 Parcel Descriptions: 1

Location Description: LAT/LONG CONFIRMED USING GOAT BY MINISTRY STAFF  
(APPROXIMATE)

Record Status: ACTIVE - UNDER REMEDIATION  
Fee category: UNRANKED

=====  
NOTATIONS

Notation Type: CONTAMINATED SOIL RELOCATION AGREEMENT SUBMITTED  
Notation Class: WASTE MANAGEMENT ACT: CONTAMINATED SITES NOTATIONS  
Initiated: SEP 29, 1998 Approved: SEP 29, 1998

Ministry Contact: FUNK, MARILYN

Notation Participants Notation Roles  
CHEVRON CANADA LIMITED (VANCOUVER) SUBMITTED BY

-----  
Notation Type: CONTAMINATED SOIL RELOCATION AGREEMENT APPROVED  
Notation Class: WASTE MANAGEMENT ACT: CONTAMINATED SITES NOTATIONS  
Initiated: SEP 29, 1998 Approved: SEP 29, 1998

Ministry Contact: BOLLANS, RON A

Notation Participants Notation Roles  
SEACOR ENVIRONMENTAL ENGINEERING INC (VICTORIA SUBMITTED BY  
(WHITTIER AVENUE))

Note: SOIL RELOCATED FROM SITE 5422 TO 669, RALMAX SAND AND GRAVEL.



No activities were reported for this site

End of Detail Report

## RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

April 27, 2012  
File No: 8-6362-1

The Esquimalt Dockyard Branch of the Royal Canadian Legion  
622 Admirals Road  
Esquimalt, BC  
V9A 2N7

Attn: Mr. Doug Grant, MSM, CD

Re: Proposed Legion Rise Development  
622 Admirals Road – Esquimalt, B.C.

As requested, we have completed a geotechnical investigation of the subsurface soil conditions at the referenced site. The following letter summarizes the results of our investigation and presents our associated recommendations as they relate to the proposed development. Our work in this regard has been carried out in accordance with our email proposal of February 27, 2012, and our attached Terms of Engagement.

### PROPOSED DEVELOPMENT

The site is rectangular in shape and encompasses the existing Esquimalt Legion at the southern end of the site and paved parking areas to the north. The site is approximately 43 m by 70 m in plan and is bounded by Admirals Road to the east, commercial properties to the north and south and residential structures to the west. We understand that the proposed development would consist generally of construction of a twelve storey residential tower with one or two possible levels of underground parking, extending generally to property lines.

### SURFACE AND SUBSURFACE CONDITIONS

The site is generally flat to gently sloping down to the north, creating a roughly 1 to 2 m elevation drop across the site. There are concrete retaining walls along the northern and western borders of the property which reach a max height of 1 and 2 m respectively. Similarly, the southern border consists of a roughly 3 m deep concrete retaining wall for a down ramp on the neighboring property.

Our subsurface investigation involved use of a track mounted rock drill rig to advance 11 test holes down to refusal upon inferred bedrock on April 25, 2012 at the locations shown on the attached drawing 8-6362-1-1, Location Plan. In addition, we conducted a geophysical micro tremor survey on the bottom floor of the existing legion as well as the parking lot in order to assist in determining seismic site classification. No soil samples were visually examined during our investigation,



## RYZUK GEOTECHNICAL

The Esquimalt Dockyard Branch of The Royal Canadian Legion  
622 Admirals Road – Esquimalt, BC

April 27, 2012

however based on our general knowledge of the soil conditions in the area and our interpretation of the drilling advancement, we have inferred what we believe to be a relatively accurate stratigraphy.

The results from our investigation indicate that the stratigraphy within the areas tested consists of:

- 2.5 - 3.0 m of variable granular fill associated with past site development.
- 3.5 - 4.5 m of stiff to very stiff brown silty clay transitioning to firm grey silty clay
- Firm to soft grey silty clay
- A thin intermittent veneer of hard/very dense silty sand with gravel (glacial till) over bedrock.

The bedrock profile is considerably variable, in general it slopes moderately to steeply down from the northeast to the southwest. Depth to bedrock varies from 28 m along the southwest corner of the parking lot decreasing to as shallow as 12.2 m along the northeastern limits of the development.

No long term water table monitoring was conducted on site. However, based on our knowledge of the surrounding area, we expect the water table to be between 6-8 m below ground, fluctuating seasonally.

## GEOTECHNICAL ASSESSMENT AND RECOMMENDATIONS

On the basis of our investigation, we consider the proposed development feasible and do not consider any unique geotechnical conditions to be present. The firm to soft silty clay (normally consolidated) underlying the site to maximum depths of 28 m is prone to consolidation in response to significant increased load conditions if not properly considered.

### Excavation Considerations

Excavations for the proposed development will be in the order of 3.5 to 4 m in depth (assuming one level of underground parking). Provided adequate space is available, we consider temporary cutslopes to be stable at the following configurations:

- Fill materials – between 0.75H:1V and 1H:1V (Horizontal:Vertical)
- Stiff to very stiff brown silty clay – between 0.25 and 0.5H:1V (Horizontal:Vertical)
- Firm to soft grey silty clay – 1H:1V (Horizontal:Vertical)

All excavations deeper than 1.2 m and steeper than 0.75H:1V must be assessed by a geotechnical professional in accordance with WorkSafeBC guidelines.

Where there is insufficient room, or encroachment cannot be granted to accommodate such cutslopes, the use of additional shoring measures or sequential slot cut excavation, for phased footing/wall construction will be required.

Where neighboring buildings/structures are located on property line, such as the parking garage to the west and the commercial buildings to the north and south, underpinning or sequential slot cut

excavation will be required to support their foundations during construction. This will be dependent on the depth to foundation of the adjacent structures, and if such structures are to remain. This will require further assessment and recommendations as the design stage progresses.

**Settlement Considerations**

As previously noted, the firm soft clay underlying the site is prone to consolidation in response to significant increased loading conditions. It is crucial that the weight of the building is fully compensated by unloading (removal of equivalent weight of soil). With the current building design, it is unclear if enough unloading has been achieved and this will need to be further discussed with the structural engineer. If additional soil weight removal is required, the addition of a second level of underground may be required. To avoid the expense of costly shoring, keeping the second level of underground in from the property lines should be considered. As an alternative, a pile foundation maybe considered, which would negate any concern of settlement.

**Seismic Considerations**

Greater Victoria is situated in a region of very high seismicity. Considerable earthquake risk exists, stemming from our proximity to the Cascadia subduction zone and numerous more local faults in southwestern BC and northwestern Washington State.

Given soil conditions and depth to bedrock encountered during our investigation, it is reasonable to expect the shear wave velocity in the upper 30 m ( $V_s^{30}$ ) to be in the range of 180 - 360 m/s. This corresponds to a Site Classification for Seismic Site Response of 'D', in accordance with the current BC Building Code.

Information from Natural Resources Canada indicates response spectral accelerations for 'firm' ground (site class 'C') as follows, for a 2% in 50 year probability of exceedance:

<b>Period (sec)</b>	<b>PGA</b>	<b>0.2</b>	<b>0.5</b>	<b>1.0</b>	<b>2.0</b>
<b>Response (g)</b>	<b>0.60</b>	<b>1.20</b>	<b>0.80</b>	<b>0.37</b>	<b>0.18</b>

These values are for site class "C", accordingly adjustment to these values for site class "D" is recommended.

**Foundation Considerations**

We anticipate that that native soils exposed at footing elevation will consist of either very stiff brown clay or stiff grey clay; depending on the desired number of underground parking levels. It is our experience that a fully compensated raft foundation may be the most economical alternative for support of the building, provided the total weight of the building is compensated by equivalent soil weight removal, and that the raft slab is designed to accommodate possible differential settlement. As an alternative, steel piles, end bearing on the dense/very dense soils and/or bedrock, could be considered.

In the case of a compensated raft foundation, a unit weight for excavated material of  $19 \text{ kN/m}^3$  could be considered assuming the groundwater table to be about 6 - 8 m below the present ground surface. A raft foundation can be designed assuming a subgrade modulus of  $150 \text{ MPa/m}$  for raft slabs bearing on the brown clay and  $100 \text{ MPa/m}$  for raft slabs bearing on the grey clay.

Steel pipe piles, 300 mm diameter, end bearing on the dense native soils and/or bedrock are commonly used in the Greater Victoria area. Because of the irregular surface of the bedrock, and sometimes intermittent presence of the overlying denser soils, hardened pile tips are used, carefully chiseled into the rock to achieve suitable bearing. Commonly used tips are 100 mm in diameter with an associated allowable load of  $800 \text{ kN/pile}$ .

In the case of piled foundations, it may be possible that the perimeter of the parkade be supported on conventional spread footing or raft foundations. In that instance, we expect that the soils at design subgrade level may be suitable for support, and can be dimensioned assuming an allowable bearing capacity value of  $145 \text{ kPa}$  for foundation elements bearing on brown clay, and  $100 \text{ kPa}$  for those bearing on grey clay.

With regard to limit state design (LSD), ultimate limit state (ULS) values of  $150$  and  $220 \text{ kPa}$  is considered appropriate for the firm grey clay and stiff brown clay, respectively, using a geotechnical resistance factor of  $0.5$  as per the current Canadian Foundation Engineering Manual. For serviceable limit state (SLS), a bearing resistance of  $72$  and  $150 \text{ kPa}$  can be used for firm grey clay and stiff brown clay, respectively. Actual bearing capacity will need to be confirmed once footing subgrade is exposed.

Our experience indicates that in the case of a raft foundation it is often possible to resist uplift loading by mobilizing the weight of the building by way of the raft. In the case of pile foundations, it is often most economical to resist the uplift loading by first mobilizing the dead weight of the building as much as possible, addressing additional strength requirements with the use of high tensile rock anchors, installed through the piles. The embedment length for the rock anchors is usually dictated by the weight of the pullout cone of rock, assuming a cone with an apex angle of  $90^\circ$ , and a buoyant unit weight of the rock of about  $16 \text{ kN/m}^3$ . Depending on the spacing of the rock anchors, the lengths would need to be further increased due to overlapping cones of influence.

#### Foundation Backfill Considerations

Foundation walls should be backfilled with clean, well graded granular material, compacted in maximum  $300 \text{ mm}$  lifts to at least  $95\%$  of Standard Proctor Maximum Density. Where the grade elevation differs significantly between the two sides of a perimeter wall and the wall is free to rotate in order to develop the active earth pressure state (rotation of  $0.1\%$  of the wall height, non rigid wall), the wall should be designed to resist a lateral earth pressure (due to granular backfill) similar in magnitude and distribution to that of a fluid having a unit weight of  $6.3 \text{ kN/m}^3$ . Lateral earth pressures due to floor loadings and/or foundation loads from adjacent portions of the building can be calculated assuming a lateral coefficient of  $0.35$ . Where the wall cannot rotate (rigid wall), it should be designed to resist an at rest lateral earth pressure loading, similar in magnitude and distribution to

## RYZUK GEOTECHNICAL

The Esquimalt Dockyard Branch of The Royal Canadian Legion  
622 Admirals Road, – Esquimalt, BC

April 27, 2012

that of a fluid having a unit weight of  $8.6 \text{ kN/m}^3$ . In this case, lateral earth pressure due to floor loadings and/or foundation loads from adjacent buildings can be calculated assuming a lateral coefficient of 0.45. Equipment larger than a bobcat should not be allowed within 1.5 m of the foundation walls during backfilling.

Lateral earth pressures resulting from seismic activity can be calculated according to the following equations:

$$\text{Non Rigid Wall : } P_E = 0.375 k_h \gamma H^2$$

$$\text{Rigid Wall : } P_E = 0.5 k_h \gamma H^2$$

where:

- $P_E$  is the resultant force per unit length of wall;
- the coefficients of 0.375 and 0.5 are dimensionless;
- $k_h$  is the design peak horizontal ground acceleration coefficient;
- $\gamma$  is the moist unit weight of the backfill material, which is approximately  $20.4 \text{ kN/m}^3$  for most granular backfill;
- $H$  is the height of the wall

In the case of the non rigid wall, the backfill pressure distribution resulting from the earthquake loading can be assumed to be triangular, increasing from zero at the base of the wall to a maximum of  $0.75 k_h \gamma H$  at the top of the wall, with the resultant force acting at  $0.67H$  above the base of the wall.

In the case of the rigid wall, the backfill pressure distribution resulting from the earthquake loading can be assumed to be parabolic, with the resultant force acting at  $0.5H$  above the base of the wall.

For design purposes, the pressure distribution resulting from earthquake loading on the backfill should be added to either the active or at rest pressure distribution depending on whether or not the noted wall rotation can occur.

### Floor Slab

Below the raft a minimum 150 mm of free draining medium to coarse sand is recommended immediately beneath the slab, as well as a conventional subslab moisture barrier to minimize capillary rise of moisture into the slab. All subslab fill material should be compacted to at least 95% of SPMDD.

### Construction Considerations

If two levels of underground parking are chosen, firm grey silty clays are anticipated at design subgrade level. Such materials may not support bearing truck or machine traffic. The possibility of associated problems can be minimized by planning earthworks so as to avoid equipment having to



**RYZUK GEOTECHNICAL**

The Esquimalt Dockyard Branch of The Royal Canadian Legion  
622 Admirals Road – Esquimalt, BC

April 27, 2012

enter the completed excavation, possibly sub-excavating during the initial excavation and placement of a medium weight woven geotextile fabric and suitable thickness of blast rock. As well, it would be necessary to ensure that fill placement at the site is carried out in a manner where steep fill slopes, coupled with significant heights of fill are avoided.

**Foundation Drainage**

Conventional perimeter foundation drainage consisting of perforated drain pipe surrounded by free draining granular material containing low fines, tied into the recommended free draining backfill material is recommended. To prevent the migration of fine-grained soil particles into the drainage system, a layer of heavy weight, non-woven geotextile should be placed between the clean drain rock around the perforated pipe and the granular backfill material. The geotextile should encompass the entire drain rock/drain pipe system.

We hope the preceding is suitable for your purposes at the moment Please don't hesitate to contact our office if we can be of further assistance.

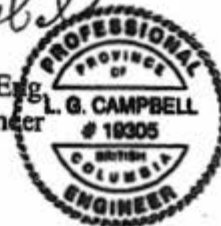
Yours very truly,  
Ryzuk Geotechnical



Matt Mueller, EIT  
Project Engineer



Lane Campbell, P.Eng.  
Geotechnical Engineer



Attachments: Terms of Engagement  
Drawing 8-6362-1-1 – Location Plan

Cc: Robert Schmidt (by email: robert@monimos.com)  
Bruce Johnson (by email: bjohnson@rjc.ca)  
Mike Levin (by email: prax@telus.net )



## TERMS OF ENGAGEMENT

### GENERAL

Ryzuk Geotechnical (the Consultant) shall render the Services, as specified in the agreed Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage sub-consultants to perform all or any part of the Services.

Ryzuk Geotechnical is a wholly owned subsidiary of C. N. Ryzuk & Associates Ltd.

### COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

### REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

### TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

### ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

### PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

### INSURANCE

Ryzuk Geotechnical is covered by Professional Indemnity Insurance as follows:

1. \$ 2,000,000 each and every claim
2. \$ 4,000,000 aggregate
3. \$ 5,000,000 commercial/general liability coverage

### LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

1. the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
2. the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
3. any cross-contamination resulting from subsurface investigations;
4. any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
5. any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
6. the unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client
7. Subsurface structures and utilities



The Consultant will make all reasonable efforts prior to and during subsurface site investigations to minimize the risk of damaging any subsurface utilities/mains. If, in the unlikely event that damage is incurred where utilities were unmarked and/or undetected, the Consultant will not be held responsible for damages to the site or surrounding areas, utilities/mains or drilling equipment or the cost of any repairs.

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.

#### DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant review and revise these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a miss-statement or receipt of fraudulent information.

#### JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

#### FIELD SERVICES

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work or a contractor retained by the Client is being carried out in general conformity with the intent of the Services. Any reduction from the level of services recommended will result in the Consultant providing qualified certifications for the work.

#### DISPUTE RESOLUTION

If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the arbitrator appointed by agreement of the parties or by reference to a Judge of the British Columbia Court.



Township of  
**ESQUIMALT**



## GREEN BUILDING CHECKLIST

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

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

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

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

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

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



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

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

*Adopted on January 10th, 2011*



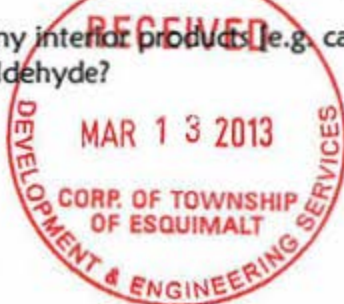
"One-third of Canada's energy use goes to running our homes, offices and other buildings. The federal government's Office of Energy Efficiency (Natural Resources Canada) reports that a corresponding one-third of our current greenhouse gas (GHG) emissions come from the built environment."  
 [Green Building and Development as a Public Good, Michael Buzzelli, CPRN Research Report June 2009]

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

### Green Building Standards

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

- 1 Are you building to a recognized green building standard?  
 If yes, to what program and level? WE WILL BUILD TO A LEED SILVER STANDARD (BUT NOT CERTIFY)  Yes  No
- 2 ~~If not,~~ have you consulted a Green Building or LEED consultant to discuss the inclusion of green features?  Yes  No
- 3 Will you be using high-performance building envelope materials, rainscreen siding, durable interior finish materials or safe to re-use materials in this project?  
 If so, please describe them.  Yes  No
- 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.  
WHERE POSSIBLE - TOO EARLY IN PROCESS TO BE SPECIFIC
- 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? NO
- For which parts of the building (e.g. framing, roof, sheathing etc.)? \_\_\_\_\_
- 8 Can alternatives to Chlorofluorocarbon's and Hydro-chlorofluorocarbons which are often used in air conditioning, packaging, insulation, or solvents] be used in this project? If so, please describe these. \_\_\_\_\_ Yes  No
- 9 List any products you are proposing that are produced using lower energy levels in manufacturing. \_\_\_\_\_
- 10 Are you using materials which have a recycled content [e.g. roofing materials, interior doors, ceramic tiles or carpets]? N/A  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?  Yes  No
- 13 For commercial buildings, do flushes for urinals exceed BC Building Code requirements?  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. \_\_\_\_\_  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? ±7% %

### Waste water

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

## Natural Features/Landscaping

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

- 25 Are any healthy trees being removed? If so, how many and what species?  Yes  No  N/A
- \_\_\_\_\_
- Could your site design be altered to save these trees?  
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? 27  Yes  No  N/A
- 27 Are trees [existing or new] being used to provide shade in summer or to buffer winds?  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?  Yes  No  N/A
- 30 Will xeriscaping (i.e. the use of drought tolerant plants) be utilized in dry areas?  Yes  No  N/A
- 31 Will high efficiency irrigation systems be installed (e.g. drip irrigation; 'smart' controls)?  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?  
*(No Existing Topsoil)*  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?  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? 60 %  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 wall 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. APPLIANCES WITH ENERGYGUIDE RATINGS (ENERGY STAR)  Yes  No  N/A
- 42 Will high efficiency light fixtures be used in this project?  
If so, please describe. \_\_\_\_\_  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?	<input checked="" type="radio"/> Yes	<input type="radio"/> 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>WHERE EVER POSSIBLE.</u>	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
48	Will the building have windows that occupants can open?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
49	Will hard floor surface materials cover more than 75% of the liveable floor area?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A
50	Will fresh air intakes be located away from air pollution sources?	<input checked="" type="radio"/> Yes	<input type="radio"/> 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>WE WILL RECYCLE WHERE WE CAN. DEMOLITION TEAM MAY USE RECYCLABLES OFF SITE</u>	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
52	Will materials be recycled during the construction phase? If so, please describe. <u>PER LOCAL GOV'T REQUIREMENTS (OFF SITE)</u>	<input checked="" type="radio"/> Yes	<input type="radio"/> 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?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
54	For new commercial development, are you providing waste and recycling receptacles for customers?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A

### Green Mobility

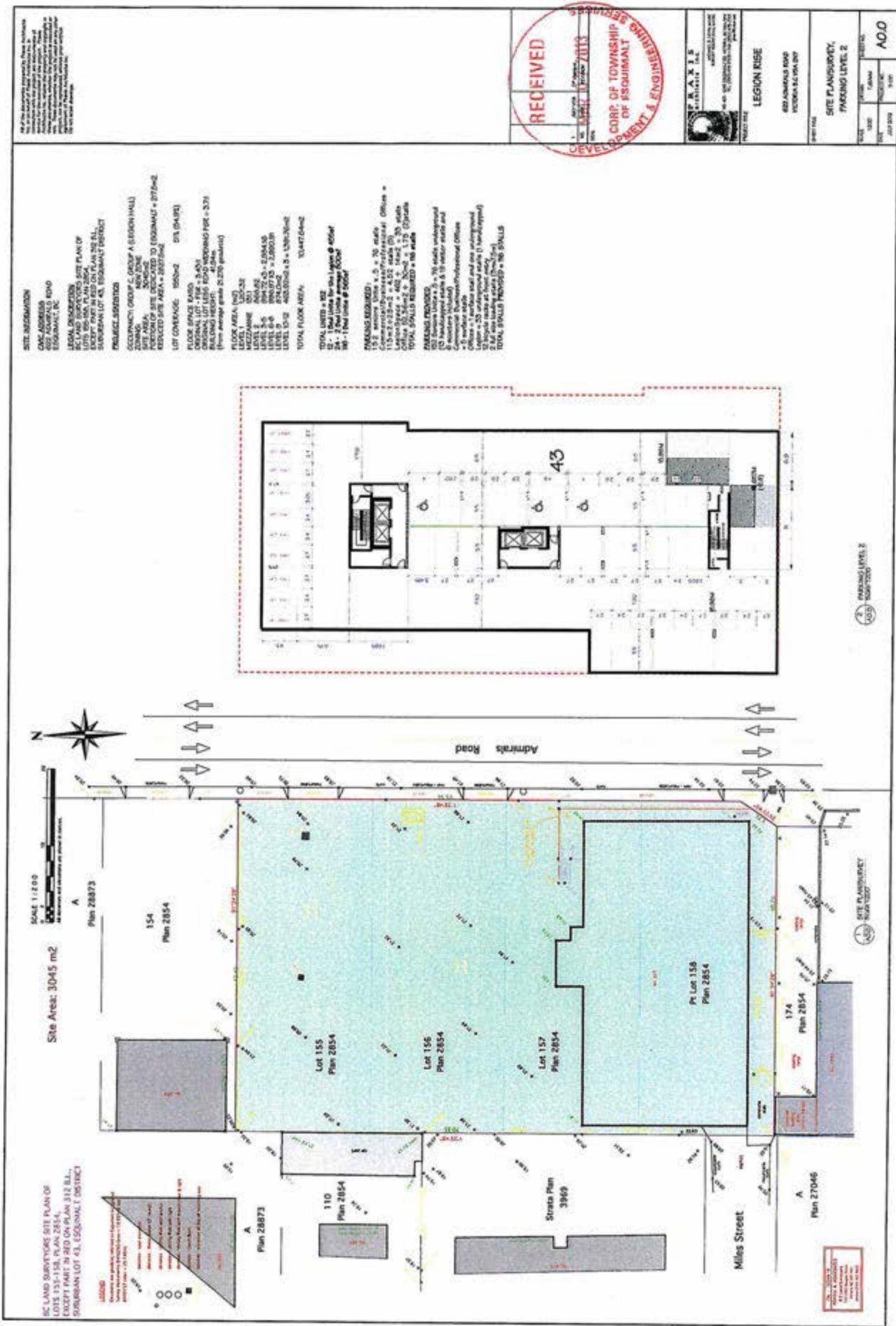
The intent is to encourage the use of sustainable transportation modes and walking to reduce our reliance on personal vehicles that burn fossil fuels which contributes to poor air quality.

55	Is pedestrian lighting provided in the pathways through parking and landscaped areas and at the entrances to your building[s]?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
56	For commercial developments, are pedestrians provided with a safe path[s] through the parking areas and across vehicles accesses?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
57	Is access provided for those with assisted mobility devices?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
58	Are accessible bike racks provided for visitors? <u>AT MAIN ENTRY TO BUILDING</u>	<input checked="" type="radio"/> Yes	<input type="radio"/> No	N/A
59	Are secure covered bicycle parking and dedicated lockers provided for residents or employees?	<input type="radio"/> Yes	<input checked="" type="radio"/> 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 type="checkbox"/> transit passes <input type="checkbox"/> car share memberships <input type="checkbox"/> shared bicycles for short term use <input checked="" type="checkbox"/> weather protected bus shelters <input checked="" type="checkbox"/> plug-ins for electric vehicles (3)			

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.







**SITE INFORMATION**  
 CLIENT: [REDACTED]  
 PROJECT: [REDACTED]  
 LEGAL DESCRIPTION: [REDACTED]  
 PROJECT SURVEYOR: [REDACTED]  
 PROJECT ENGINEER: [REDACTED]

**GENERAL NOTES**  
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.  
 2. THE SITE PLAN IS TO BE CONSIDERED AS A GUIDE ONLY.  
 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA.  
 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE STRUCTURE OR THE SERVICES TO BE PROVIDED THEREON.

**PROPOSED DEVELOPMENT**  
 TOTAL FLOOR AREA: 10,000 m<sup>2</sup>  
 TOTAL LOT AREA: 30,450 m<sup>2</sup>  
 TOTAL GARAGE SPACES: 43  
 TOTAL STAIRS: 2  
 TOTAL RAMP: 1  
 TOTAL SERVICE AREAS: 1,000 m<sup>2</sup>

**PROPOSED PARKING**  
 TOTAL SPACES: 43  
 TOTAL STAIRS: 2  
 TOTAL RAMP: 1  
 TOTAL SERVICE AREAS: 1,000 m<sup>2</sup>

**PROPOSED STRUCTURE**  
 TOTAL FLOOR AREA: 10,000 m<sup>2</sup>  
 TOTAL LOT AREA: 30,450 m<sup>2</sup>  
 TOTAL GARAGE SPACES: 43  
 TOTAL STAIRS: 2  
 TOTAL RAMP: 1  
 TOTAL SERVICE AREAS: 1,000 m<sup>2</sup>

**PROPOSED SERVICES**  
 TOTAL FLOOR AREA: 10,000 m<sup>2</sup>  
 TOTAL LOT AREA: 30,450 m<sup>2</sup>  
 TOTAL GARAGE SPACES: 43  
 TOTAL STAIRS: 2  
 TOTAL RAMP: 1  
 TOTAL SERVICE AREAS: 1,000 m<sup>2</sup>

**PROPOSED UTILITIES**  
 TOTAL FLOOR AREA: 10,000 m<sup>2</sup>  
 TOTAL LOT AREA: 30,450 m<sup>2</sup>  
 TOTAL GARAGE SPACES: 43  
 TOTAL STAIRS: 2  
 TOTAL RAMP: 1  
 TOTAL SERVICE AREAS: 1,000 m<sup>2</sup>



LEGION RISE	
PROJECT NO.	432 ADMIRALS ROAD
DATE	17/07/2013
SITE PLAN SURVEY, PARKING LEVEL 2	
SCALE	A0.0

SCHEDULE "U"  
 SITE PLAN AND  
 ARCHITECTURAL DRAWINGS

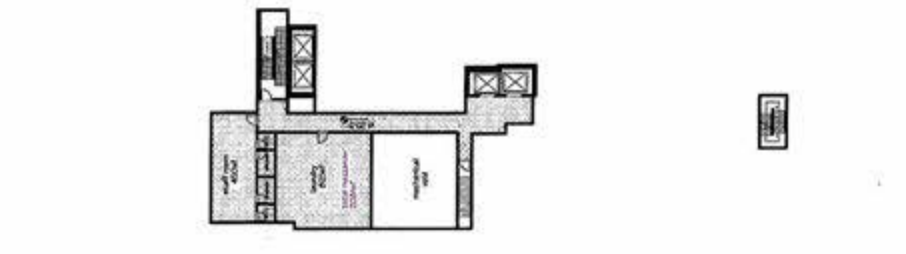
NOTES:  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

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 COUNTY OF TOWNSHIP OF BRIMMALL  
 DEVELOPMENT & ENGINEERING

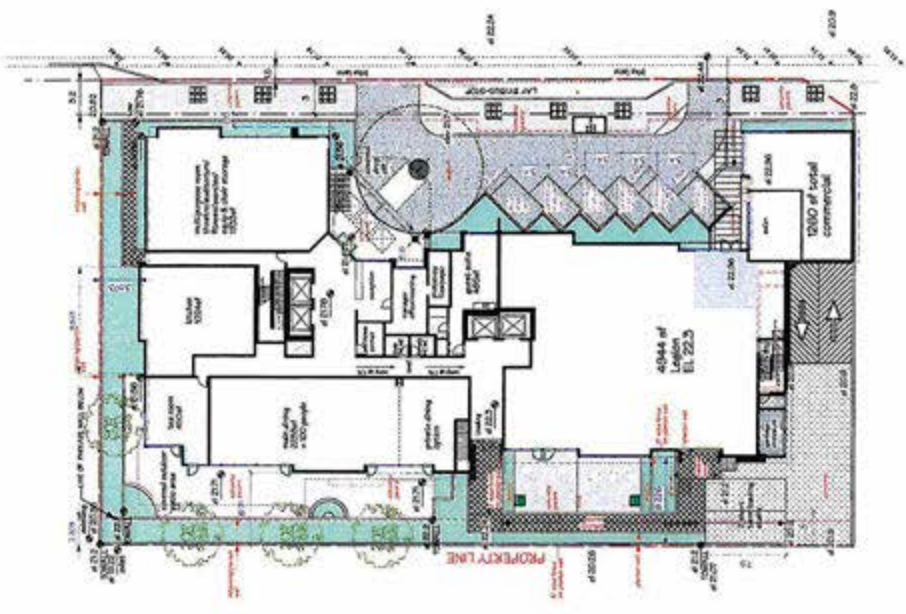
P. R. A. S. I. S.  
 ARCHITECTURAL FIRM  
 1234567890  
 1234567890  
 1234567890

LEGION RIDGE  
 852 AMARAS ROAD  
 VICTORIA, B.C.

PARKING 1, MAIN FLOOR & MEZZANINE  
 SCALE: 1/8" = 1'-0"  
 SHEET NO. A1.0



MEZZANINE PLAN



MAIN FLOOR PLAN AND SITE PLAN



F-1 UNDERGROUND PARKING



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NOTES:



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800 ANIMALS ROAD  
ACRORA, N.C.

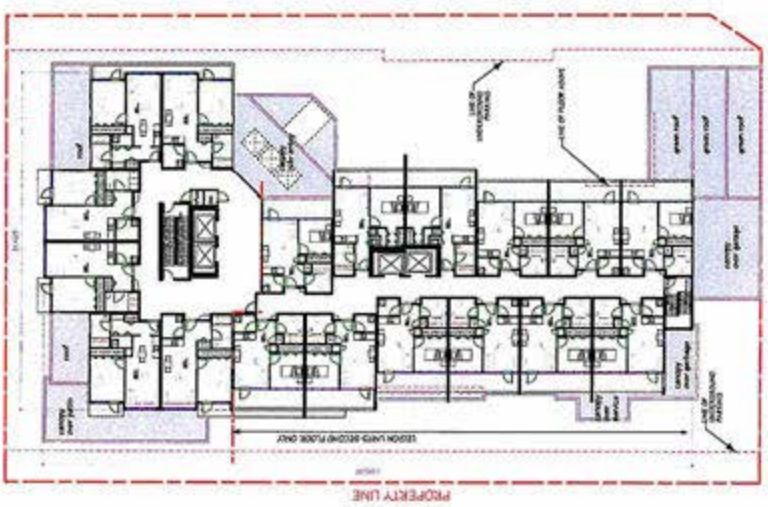
2nd Floor & Floors 3 through 6  
A11



6th, 7th AND 8th FLOOR PLAN



3rd, 4th, AND 5th FLOOR PLAN



SECOND FLOOR PLAN (LEGION)



ALL THE ABOVE INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS INFORMATION. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM. THE ARCHITECT'S LIABILITY DOES NOT EXTEND TO ANY OTHER PARTY. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM. THE ARCHITECT'S LIABILITY DOES NOT EXTEND TO ANY OTHER PARTY.

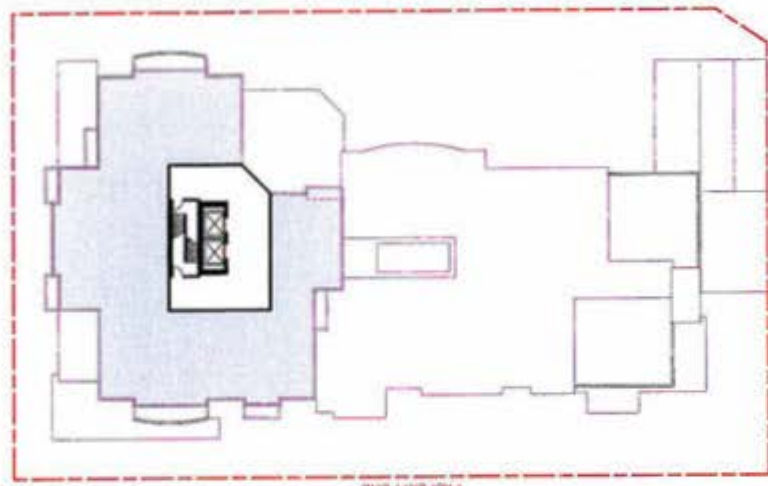
NOTES:

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 DEVELOPMENT & ENGINEERING SERVICES

P. R. A. S. I. N.  
 ARCHITECTS, P.A.  
 145 W. JEFFERSON STREET, SUITE 202  
 FAYETTEVILLE, NC 27803  
 PHONE: 919.886.1111  
 FAX: 919.886.1112  
 WWW.PRASINARCHITECTS.COM

LEGION RISE  
 800 ARNOLD ROAD  
 VICTORIA, S.C.

9TH FLOOR & 10/11E  
 SHEET NO. A12



MECHANICAL PENTHOUSE PLAN



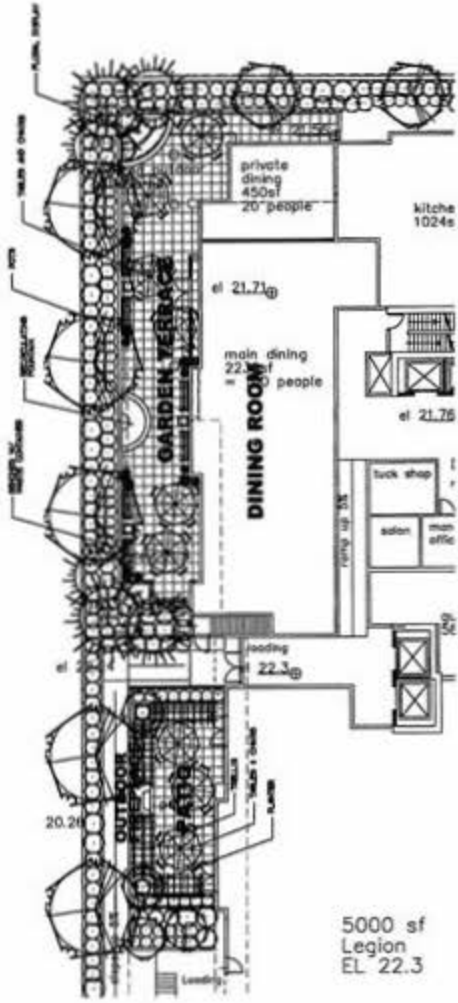
10th, 11th AND 12th FLOOR PLAN



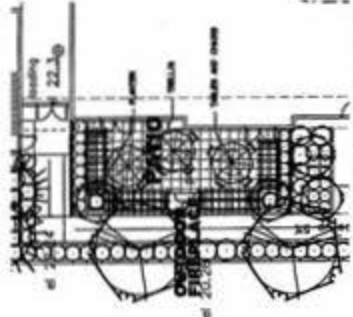
9th FLOOR PLAN



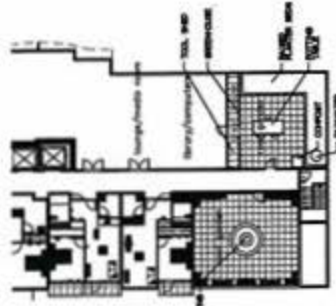




**WEST GARDEN TERRACE**  
MAP 1024



**LEGION PATIO**  
MAP 1024



**ROOF GARDEN**  
MAP 1024

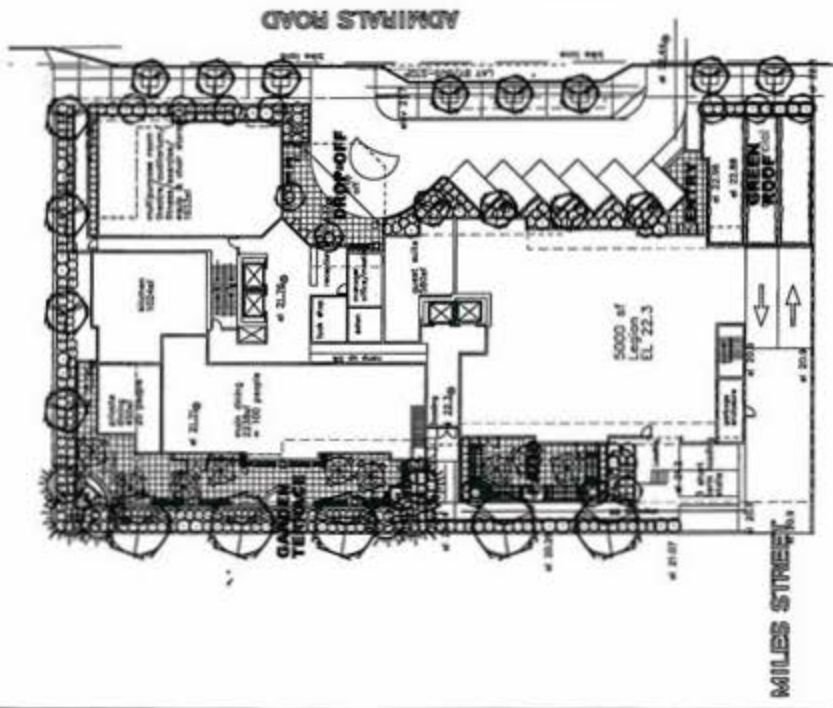
**NOTES**

- 1. ALL PLANTING SHALL BE PERMANENT.
- 2. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR.
- 3. SEE NOTES TO THE SPECIFICATIONS.

**LEGEND**

- 1. 10' x 10' PLANTING
- 2. 12' x 12' PLANTING
- 3. 14' x 14' PLANTING
- 4. 16' x 16' PLANTING
- 5. 18' x 18' PLANTING
- 6. 20' x 20' PLANTING
- 7. 22' x 22' PLANTING
- 8. 24' x 24' PLANTING
- 9. 26' x 26' PLANTING
- 10. 28' x 28' PLANTING
- 11. 30' x 30' PLANTING
- 12. 32' x 32' PLANTING
- 13. 34' x 34' PLANTING
- 14. 36' x 36' PLANTING
- 15. 38' x 38' PLANTING
- 16. 40' x 40' PLANTING
- 17. 42' x 42' PLANTING
- 18. 44' x 44' PLANTING
- 19. 46' x 46' PLANTING
- 20. 48' x 48' PLANTING
- 21. 50' x 50' PLANTING

5000 sf  
Legion  
EL 22.3

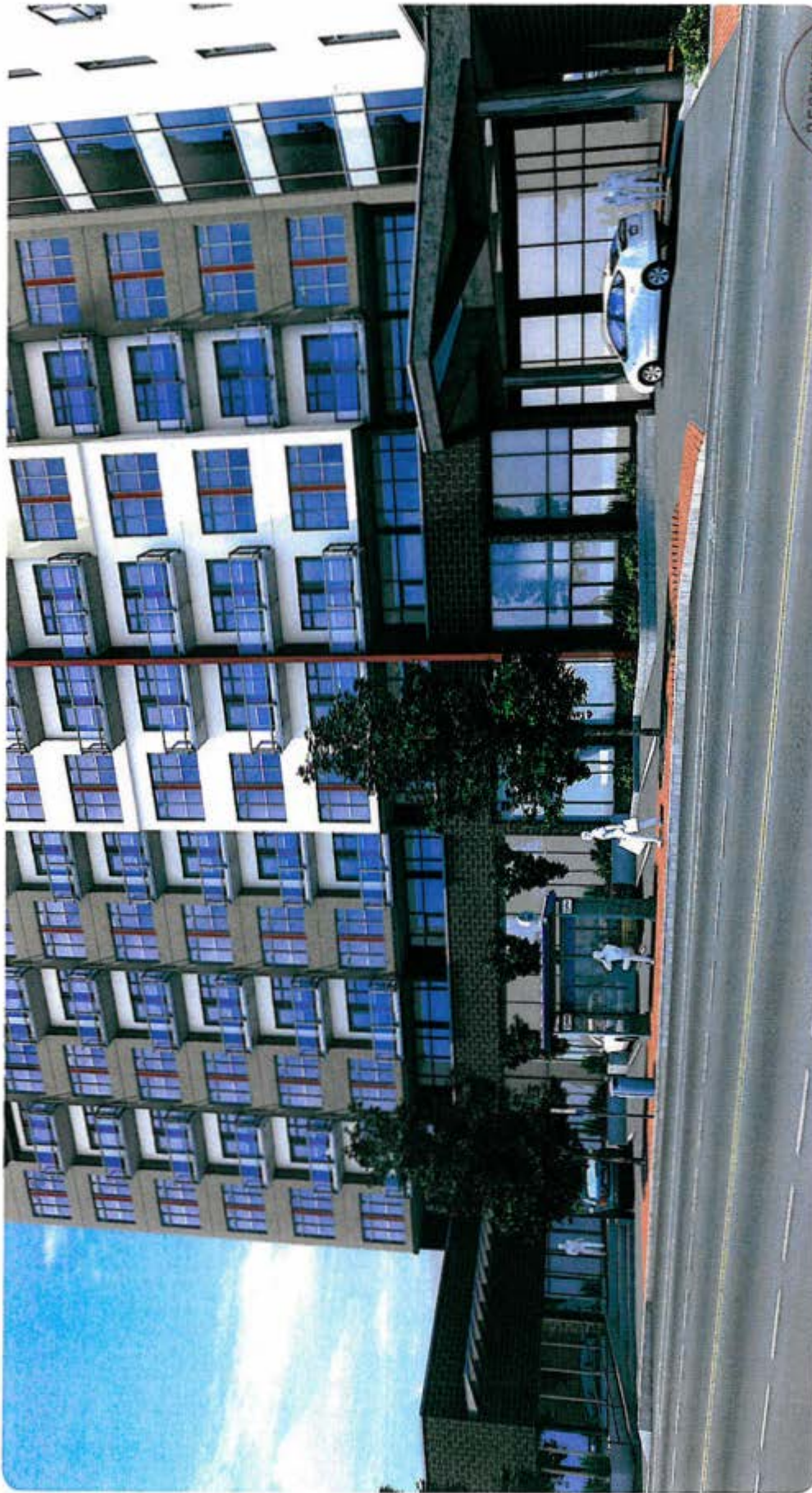


**PLAN**  
MAP 1024



**ESQUIMALT LEGION**  
VICTORIA, B.C.

DATE: 10/20/11	BY: [Signature]
SCALE: 1/8" = 1'-0"	PROJECT: [Signature]
AS SHOWN	



View From Across Admirals Road

Legion Rise - Street View







ENQUINAT

Legion Rise - Street Level





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View From Esquimalt Road



Legion Rise - Street View





View From Admiral Road near Astle St.

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Legion Rise - Street View



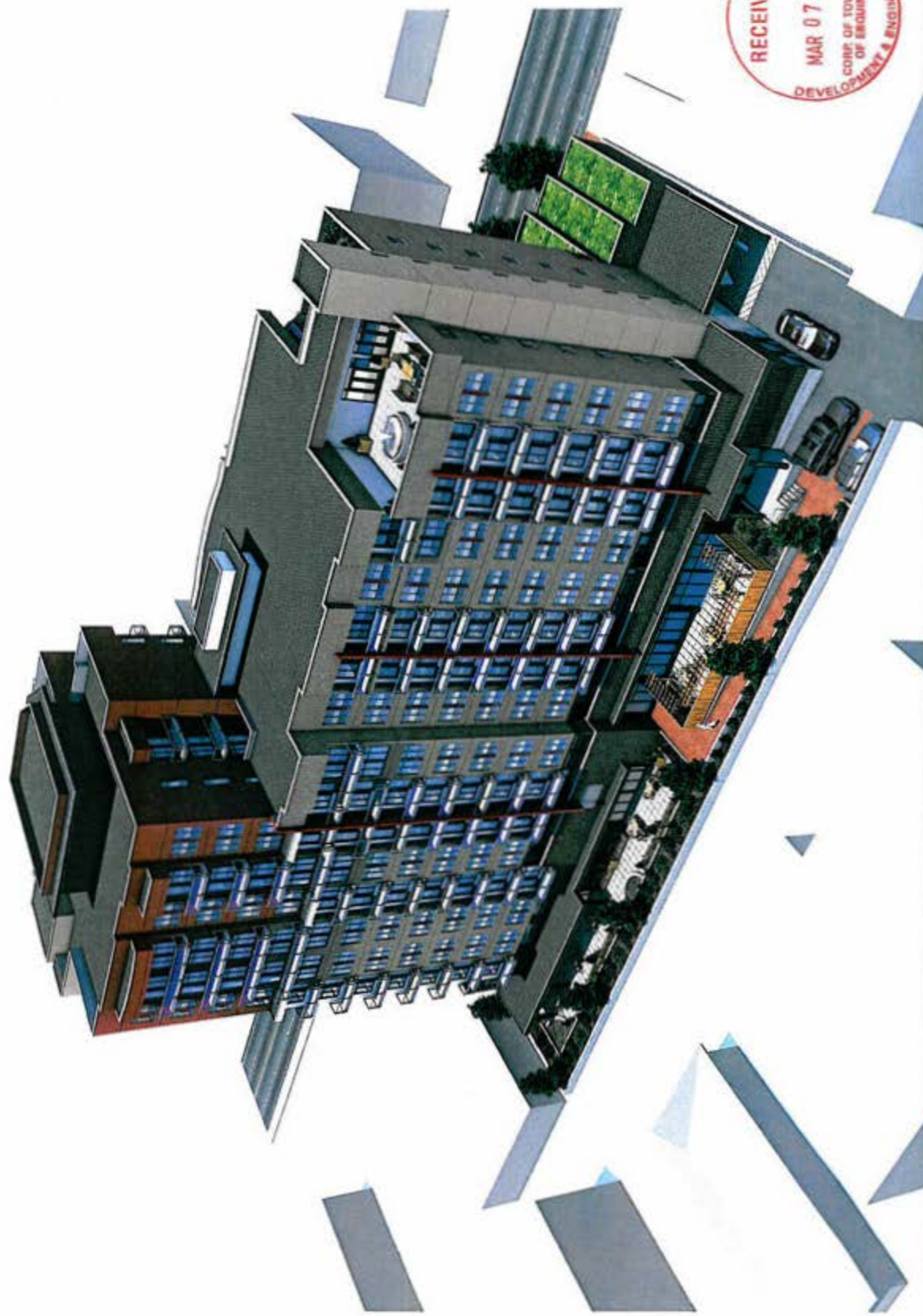


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Legion Rise - Aerial 1









622 Admirals Road Victoria BC

Legion Rise - Shadow Study





## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. ADM-13-023

### REQUEST FOR DECISION

**SUBJECT:** Liquor Licence Amendment – Gorge Vale Golf Club

**RECOMMENDATION:**

That the Council of the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for a Permanent Change to a Liquor Licence by Gorge Vale Golf Club, to add a Food-primary entertainment endorsement.

**RELEVANT POLICY:**

Council Policy No. ADMIN-53 Amendment to Existing Liquor Licence  
*Local Government and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: A guide for local governments and First Nations*, issued by the BC Liquor Control and Licensing Branch, Ministry of Energy and Mines

**STRATEGIC RELEVANCE:**

This Request for Decision does not relate directly to any of Council's Strategic Priorities.

Submitted by: Writer



Reviewed by: CAO



Date:





## STAFF REPORT

**DATE:** May 21, 2013 Report No. ADM-13-023  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Anja Nurvo, Manager of Corporate Services  
**SUBJECT:** Liquor Licence Amendment – Gorge Vale Golf Club

---

### RECOMMENDATION:

That the Council of the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for a Permanent Change to a Liquor Licence by Gorge Vale Golf Club, to add a Food-primary entertainment endorsement

### BACKGROUND:

We have received an Application from Gorge Vale Gold Club to the Liquor Control and Licensing Branch (LCLB) for a Permanent Change to amend their existing Licence to add a Food-primary entertainment endorsement. The letter from the Club dated April 16, 2013, which forms part of the Application, states that the amendment would allow for the use of a portable dance floor for special occasion events at the Club. No other changes are requested. A copy of the Application is attached.

The Province issued new Guidelines in 2012 titled "Local Government and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: A guide for local governments and First Nations." In accordance with the Guidelines, Local Governments may pass one of two Resolutions (templates attached):

- 1) Choose to not provide input into the application – The Local Government must provide the LCLB with a Resolution according to the appropriate template. In this case, the LCLB will gather the views of residents if it is of the opinion that the application may affect them, and will consider the regulatory criteria by requesting additional information from the Local Government.
- 2) Choose to provide input into the application – The Local Government must gather the views of residents that may be affected and provide the LCLB with the appropriate Resolution within 90 days of receipt of the application.

The Guidelines state that if the Local Government wishes to provide input, it may use one or more of the following methods to gather public input:

- Receiving written comments in response to a public notice posted at the site and/or advertised in local newspapers;
- Conducting a public hearing; or,
- Any other similar process.



Attached is a copy of Council Policy ADMIN-53 "Amendment to Existing Liquor Licence." The sample Resolution was not included since the new Guidelines by LCLB set out the required form of Resolutions. In accordance with the Policy, staff from Development Services and Fire Department have reviewed the application. Staff has no concerns regarding potential impacts on the community arising from this Application, and recommends that Council pass a Resolution to advise the LCLB that it does not wish to provide input into this Application.

**ISSUES:**

## 1. Rationale for Selected Option

Due to the location of the Gorge Vale Golf Club and the distance from the residential areas, staff is of the opinion that there will be minimal impact on the community arising from this Application. There are no other changes proposed, and the hours of operation and size of the licenced facility will remain as it currently is under the existing Licence.

## 2. Organizational Implications

There are no organizational implications.

## 3. Financial Implications

There are no financial implications arising from Staff Recommendation. However, if Council were to determine that it wishes to provide input into this Application, staff would proceed with the public process to gather the views of residents and the community that may be impacted. Pursuant to the *Fees and Charges (Miscellaneous) Bylaw, 2001, No. 2484*, the Applicant would be charged the following fees:

- Application for revisions to existing licences - \$300.00
- Applications that require public notification - \$175.00 additional plus cost of advertising, notices and postage

## 4. Sustainability/Environmental Implications

There are no sustainability or environmental implications.

## 5. Communication

If Council passes the Resolution indicating it does not wish to provide input into this Application, staff will provide a certified copy of the Resolution to LCLB in accordance with the Guidelines.

If Council determines that it wishes to provide input into this Application, staff will proceed with the public process, in accordance with Council Policy ADMIN-53, including notification on our website, and will bring this matter back to Council for further consideration, summarizing the public comments received. A certified copy of the subsequent Resolution will be provided to LCLB.

**ALTERNATIVES:**

1. That the Council of the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for a Permanent Change to a Liquor Licence by Gorge Vale Golf Club, to add a Food-primary entertainment endorsement.
2. That Council direct staff to proceed with a public process to gather the views of residents and consider regulatory criteria, and provide a Report to Council summarizing the public comments received.



# Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

### FILLING OUT THIS FORM:

Complete all applicable fields then submit with payment as outlined in Part 9 of this application form.

- If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111.
- LCLB forms and supporting materials referred to in this document can be found at: [www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

### Licensee Information

Licensee name [as shown on licence]:

Establishment name [as shown on licence]:

Establishment Location address [as shown on licence]:

(as shown on licence): Street City Province Postal Code

Mailing address: [All correspondence will go to this address]

(All correspondence will go to this address): Street City Province Postal Code

Business Tel with area code:  Business Fax with area code:

Business e-mail:

Contact Name:  Title/Position:

last / first / middle

### Type of Change Requested

Please check () appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. **An incomplete application will be held for a maximum of thirty (30) days.** If still incomplete after the thirty (30) day period, the application may be terminated.

Type of change requested	Licence numbers affected MANDATORY	JOB NUMBER Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)	<input type="text"/>	(C2-LIC) (sub)
<input checked="" type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)	102413	(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 6. Change to hours of sale (p.3)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)	<input type="text"/>	(C3-LIC) (sub)

**REFER TO PART 11 TO SEE THE APPROVAL PROCESS FOR THE TYPE OF CHANGE YOU HAVE REQUESTED**

### Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).

**PART 1: Establishment or Business Name Change and/or Licence Name Change** C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x [ ] licences = \$ [ ]

**Establishment or business name change:**

Current establishment or business name as shown on licence: [ ]

Proposed name: [ ]

**Licence name changes:**

Licence #: [ ] Current licence name: [ ]

Proposed licence name: [ ]

Licence #: [ ] Current licence name: [ ]

Proposed licence name: [ ]

**Attach the following:**

Sketch or picture of the proposed establishment or business signage.

Also complete Parts 8 and 9

**PART 2. Entertainment Endorsement (Food Primary licenses only)** C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

**A) Patron non-participation entertainment endorsement (e.g., musicians)**

Note: Patron non-participation entertainment must end by 1:00 a.m. Fee: \$220 per licence x [ ] licences = \$ [ ]

Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

**B) Patron participation entertainment endorsement (e.g., dance floor):**

Note: Patron participation entertainment must end by midnight. Fee: \$330 per licence x 1 licences = \$ 330

Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

Request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form. For further information on local government resolutions, read Part 10).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria (see contact information on page 5 of this form).

NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application?  Yes  No

Also complete Parts 8 and 9

**PART 3. Request of Change in Terms and Conditions** C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x [ ] licences = \$ [ ]

**Attach:**

A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

Also complete Parts 8 and 9

**PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts** C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 8 and 9

**PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only)** C3 - LIC

Fee: \$220 per licence x  licences = \$

As of March 1, 2013, licensed manufacturers may own or have an association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

Attach a signed letter for each manufacturing licence that you are applying for above, stating the following:

- Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three).
- Disclose the manufacturer's production amount (minus spillage) for the previous year.

For more information on requests for exemption, see Policy Directive 13-03.

*Also complete Parts 8 and 9*

**PART 6. Change to Hours of Sale** C3 - LIC

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check () the appropriate change, and provide the requested information and documents:

**A) Food Primary**

- (i) Request to change hours of liquor sales before midnight **Fee: \$220 per licence x  licences = \$** 
    - complete proposed hours of sale table below
  - (ii) Request to extend hours of liquor sales later than midnight **Fee: \$330 per licence x  licences = \$** 
    - complete proposed hours of liquor sale table below, and
    - request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form; for further information on local government/First Nations resolutions, read Part 10).
- Note: if you have patron participation entertainment, it must end by midnight**

**B) Liquor-Primary, Liquor-Primary Club, Winery Special Event Area or Winery Lounge**

- (i) Request to change the hours of liquor sales within the hours currently approved:
  - complete proposed hours of sale table below **Fee: \$220 per licence x  licences = \$**
- (ii) Request to change the hours of liquor sales outside the hours currently approved:
  - complete proposed hours of liquor sale table below, and **Fee: \$330 per licence x  licences = \$**
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form; for further information on local government/First Nation resolutions, read Part 10).

Complete the table below, indicating proposed hours of liquor sales:

**Current Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>CLOSED</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Proposed Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>CLOSED</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**NOTE – When relocating a Food-Primary establishment:** An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application?  Yes  No

*Also complete Parts 8 and 9*



## PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary Licences only)

Food primary and liquor primary licensees (excluding liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x  licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

Please provide the following information:

1. Your kitchen should be equipped with commercial appliances including a range, oven, refrigerator and dishwasher and also have food storage and food preparation areas. Describe the kitchen equipment you have at your establishment for catering services.

2. Equipment must also be available to transport and serve food to catered events away from your establishment (off-site). Describe the equipment you have to provide catering services off-site.

3. Who are the target clients for your catering service? Provide examples.

4. What types of events do you plan on providing catering services for? Provide examples.

5. Catered events cannot be held within the licensed areas of the establishment. What type of locations (venues) do you anticipate providing catering services at? Provide examples.

**NOTE:** If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop ([www.bcbusinessregistry.ca](http://www.bcbusinessregistry.ca)). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering endorsement. A fee of \$200 will be charged if a second (2<sup>nd</sup>) inspection is required.

*Also complete Parts 8 and 9*

**PART 8: Declaration**

My signature (the licensee's) below indicates that I understand and acknowledge:

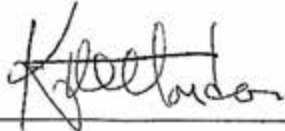
All of the information given is true and complete to the best of my knowledge. Section 15(2) of the *Liquor Control and Licensing Act* states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below:

**Note:** An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

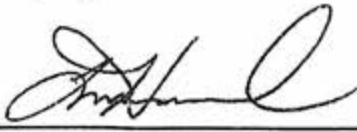
Name of Official: Moulson, Ken  
(last / first / middle)

Position: Club President Date: 16/04/2013  
(Day/Month/Year)

Signature: 

Name of Official: Howard, Tim  
(last / first / middle)

Position: Director Date: 16/04/2013  
(Day/Month/Year)

Signature: 

Name of Official: Fraser, Sandy  
(last / first / middle)

Position: Director Date: 16/04/2013  
(Day/Month/Year)

Signature: 

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

Signature: \_\_\_\_\_

**PART 9: Application Fees**

Fees may be paid by cheque, money order, debit or credit card and are non-refundable. Debit transactions can only be made in person at the Victoria Head Office. Submit the payment with the application form. Do not mail cash.

**Fee: (non-refundable):**

TOTAL FEE Submitted: \$ \_\_\_\_\_

Payment is by (check  one):

- cheque, payable to Minister of Finance (if cheque is returned, non-sufficient funds, a \$30 fee will be charged)
- money order, payable to Minister of Finance
- VISA     MasterCard     AMEX

*If paying by credit card, please provide credit card details below ...*

Credit Card Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ / \_\_\_\_\_

Name of Cardholder (as it appears on card): \_\_\_\_\_

Signature of cardholder: \_\_\_\_\_

*...Or you may send in the application without credit card information, but you must telephone LCLB Head Office directly to provide the credit card number details. If so, please confirm by checking the box  below:*

I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 to provide credit card information and understand that ***no action can proceed with my application until the application fee is paid in full.***

**Liquor Control and Licensing Branch**

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

**For Mail Only:** PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

April 16, 2013



Liquor Control and Licensing Branch  
4<sup>th</sup> Floor, 3350 Douglas St.  
Victoria, BC  
V8W 9J8

Reference: Food Primary License #102413

Re: Application for permanent change, form LCLB0005b

To whom it may concern,

This is a letter of intent as required in form LCLB0005b. The Gorge Vale Golf Club is hereby requesting a permanent change to our liquor license #102413 to allow for use of a portable dance floor for special occasion events at the Club. The dance floor would be located in the dining room or in the adjacent coffee shop, depending on the event. It will be used for special occasions only such as weddings and member social events.

If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Chury". The signature is stylized and fluid.

Patrick Chury  
General Manager  
Gorge Vale Golf Club

## PART 10: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

### Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- **Request your local government/First Nation to sign and date Part 11 of this form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

## PART 11: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): Township of Esquimalt

Name of Official: NURVO ANITA EILA (last / first / middle) Title/Position: Manager of Corporate Services

Date of receipt of application: 21/05/2013 (Day/Month/Year) Phone Number: 250-414-7135

Signature of Official: 

The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

### To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
  - the potential for noise if the application is approved;
  - the impact on the community if the application is approved; and
  - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
  - the views of the residents;
  - the method used to gather the views of the residents; and
  - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.



## PART 12: Application and Approval Process – What happens next?

For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).

**The process is:**

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

**The process is:**

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change request:

- Part 7 Catering Endorsement (all C1)

**The process is:**

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.  
**Note:** The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering licence. **A fee \$200 will be charged if a second (2<sup>nd</sup>) inspection is required**
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

**Freedom of Information and Privacy Act** - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066



JK

LCB 2.03

DRAWING #

CHECKED BY

A. Ferguson

DRAWN BY

SCALE

1:50

DATE

4 Mar 2008

TITLE

LCB PLAN

PROJECT

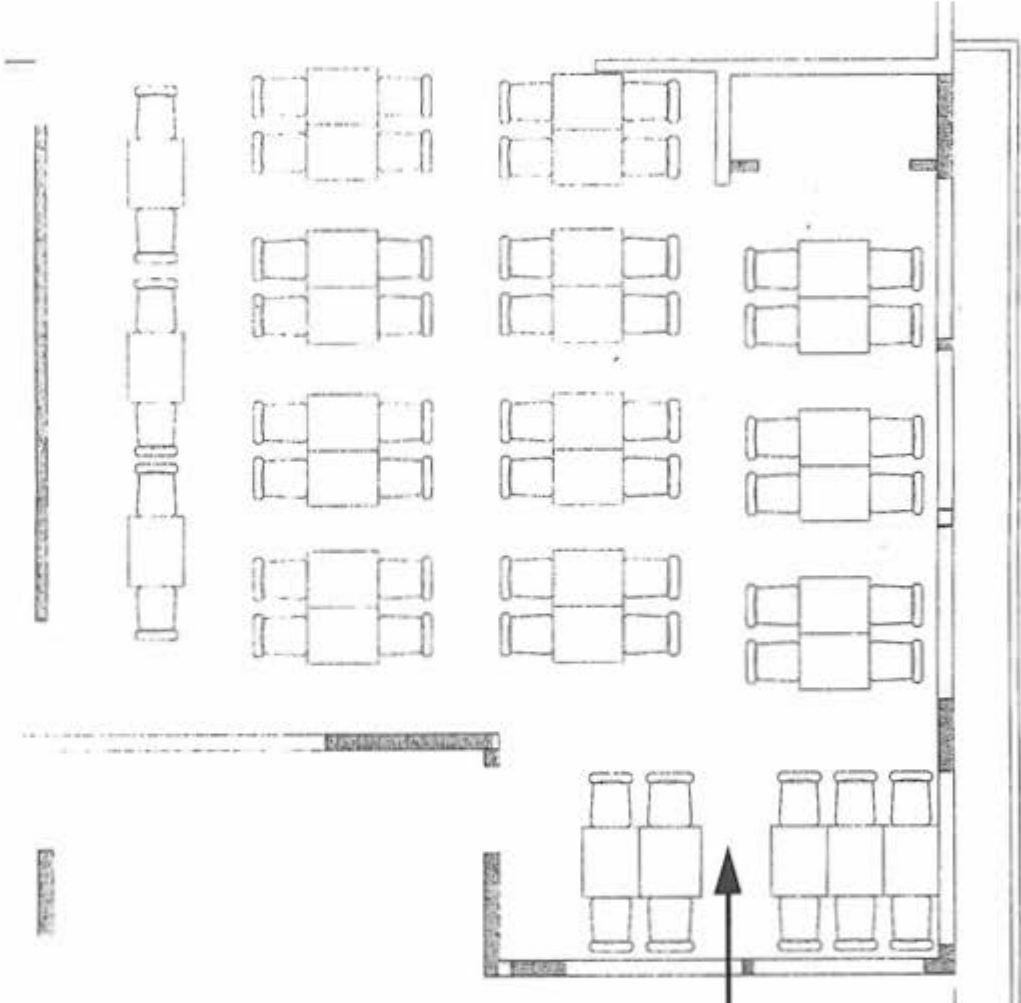
GORDE VILLE G.C.

DESIGN ASSOCIATES  
**JC Scott**  
 17 1/2 Fair Tim Alley, Victoria, BC V8W 3G9  
 P(250) 385-9545 F(250) 385-9575  
 E:jscott@jscott.com W: www.jscott.com

REVISIONS

**DISCLAIMER:**  
 It is the responsibility of the contractor to check and confirm all drawings, details and specifications prior to the commencement of any work and report any and all errors, omissions and discrepancies to the Designer. In addition, all measurements must be confirmed on site.

UPPER FLOOR - DETAIL PLAN - COFFEE SHOP  
 SCALE 1:50



**DISCLAIMER:**  
It is the responsibility of the contractor to check and confirm all drawings, details and specifications prior to the commencement of any work and report any and all errors, omissions and discrepancies to the designer. In addition, all measurements must be confirmed on site.

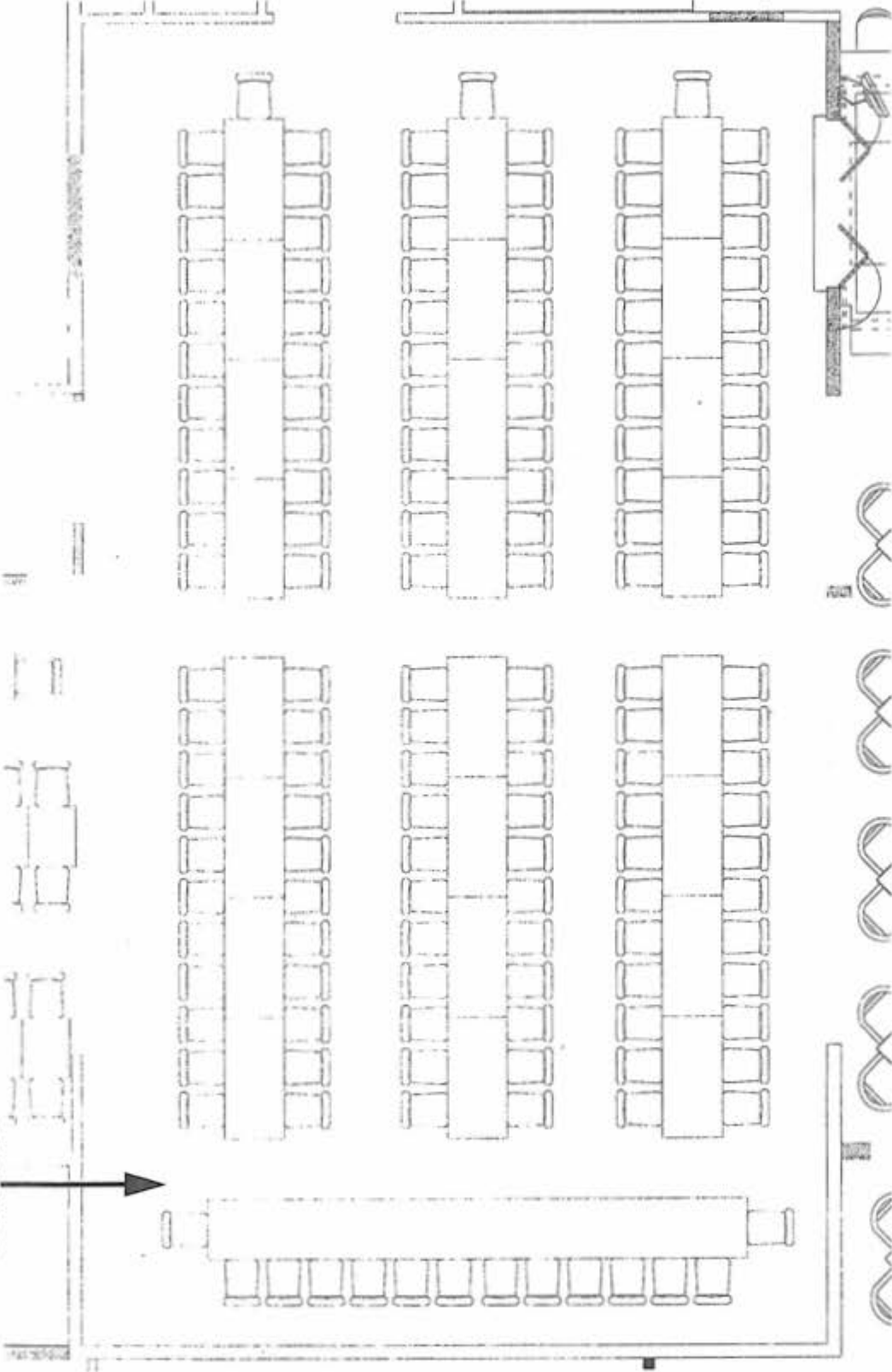
REVISIONS

NO.	DESCRIPTION

**JC Scott**  
DESIGN ASSOCIATES  
17 1/2 Pan Tan Alley, Victoria, BC V8W 3G9  
P(250) 385-9545 F(250) 385-9575  
E: j.scott@jcscoot.com W: www.jcscoot.com

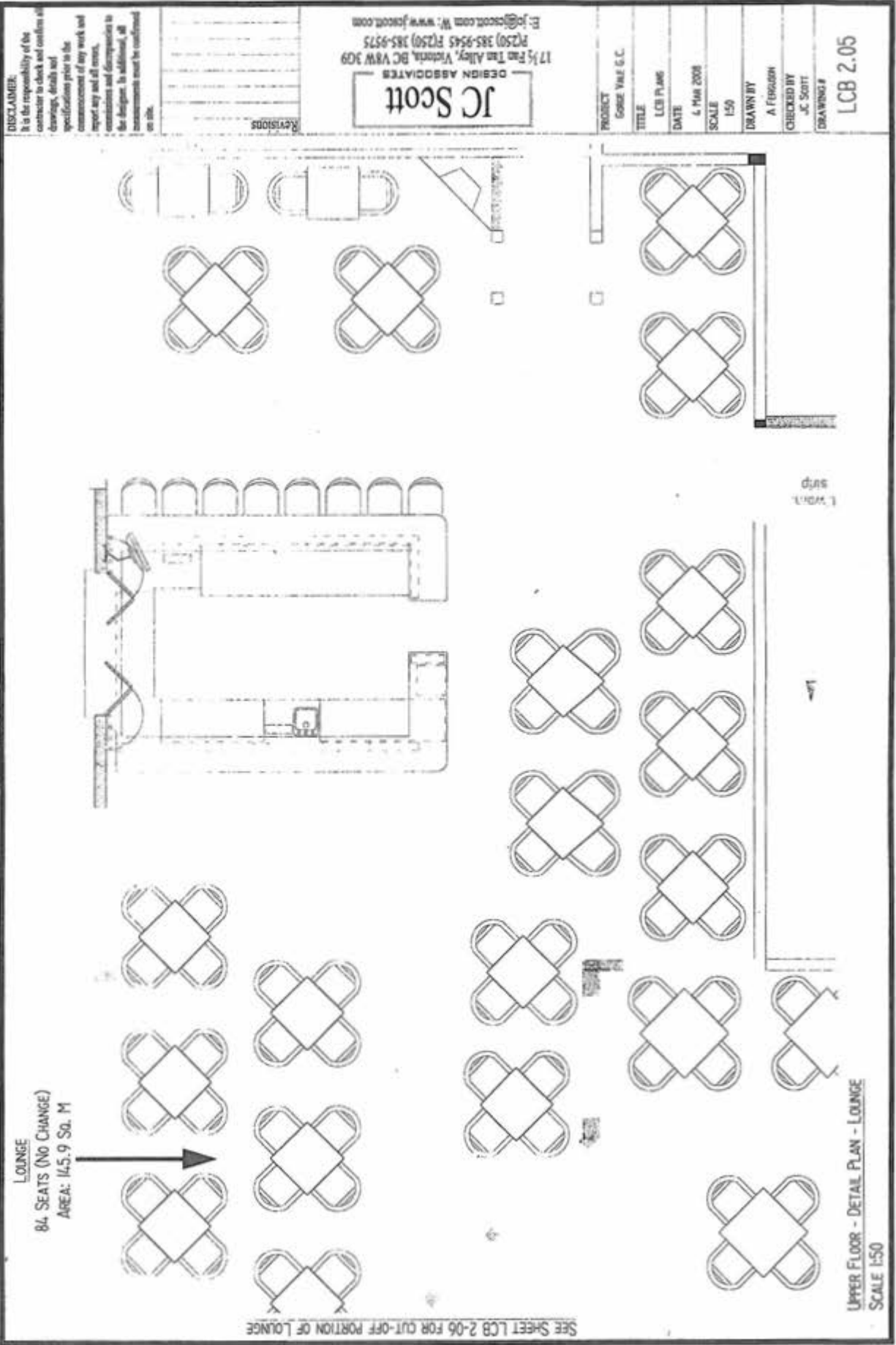
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TITLE	LCB PLAN
DATE	4 MAR 2008
SCALE	1:50
DRAWN BY	A FERGUSON
CHECKED BY	J.C. SCOTT
DRAWING #	LCB 2.04

DINING ROOM  
14,9 SEATS (NO CHANGE)  
AREA: 152.9 SQ. M



UPPER FLOOR - DETAIL PLAN - DINING ROOM  
SCALE 1:50





104

LCB 2.06

DRAWING #

CHECKED BY  
J.C. SCOTT

DESIGNED BY  
A. FERGUSON

SCALE  
1:50

DATE  
4 MAR 2008

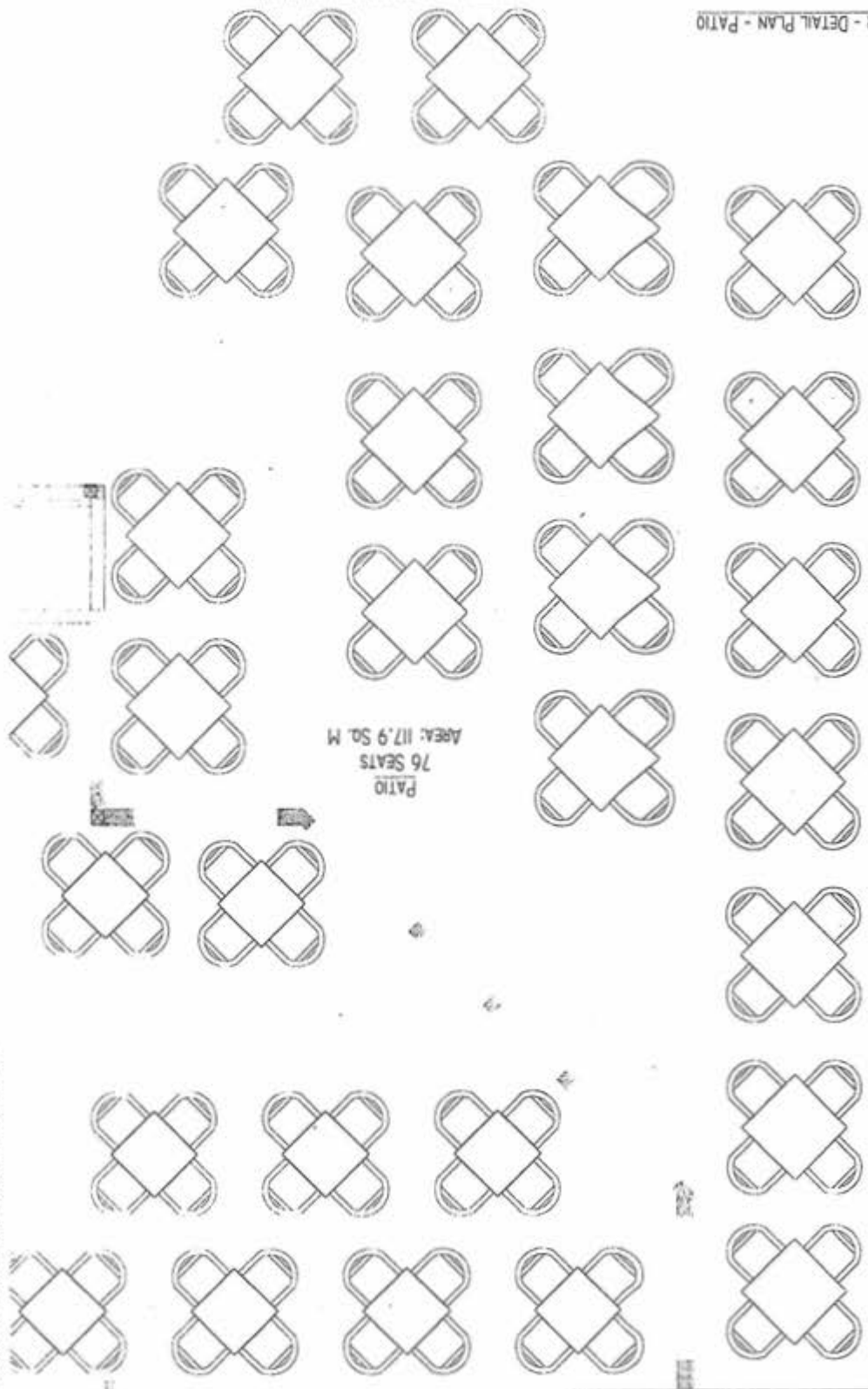
TITLE  
LCB PLANS

PROJECT  
GEORGE VALE G.C.

**JC Scott**  
 DESIGN ASSOCIATES  
 17 1/2 Pan Tan Alley, Virginia, BC V8W 3G9  
 P(250) 385-9545 F(250) 385-9575  
 E: jscott@jcsd.com W: www.jcsd.com

**DISCLAIMER**  
 It is the responsibility of the contractor to check and confirm all drawings, details and specifications prior to the commencement of any work and report any and all errors, omissions and discrepancies to the designer. In addition, all measurements must be confirmed on site.

UPPER FLOOR - DETAIL PLAN - PATIO  
 SCALE 1:50



REMAINDER OF LOUNGE FROM SHEET LCB 2-05

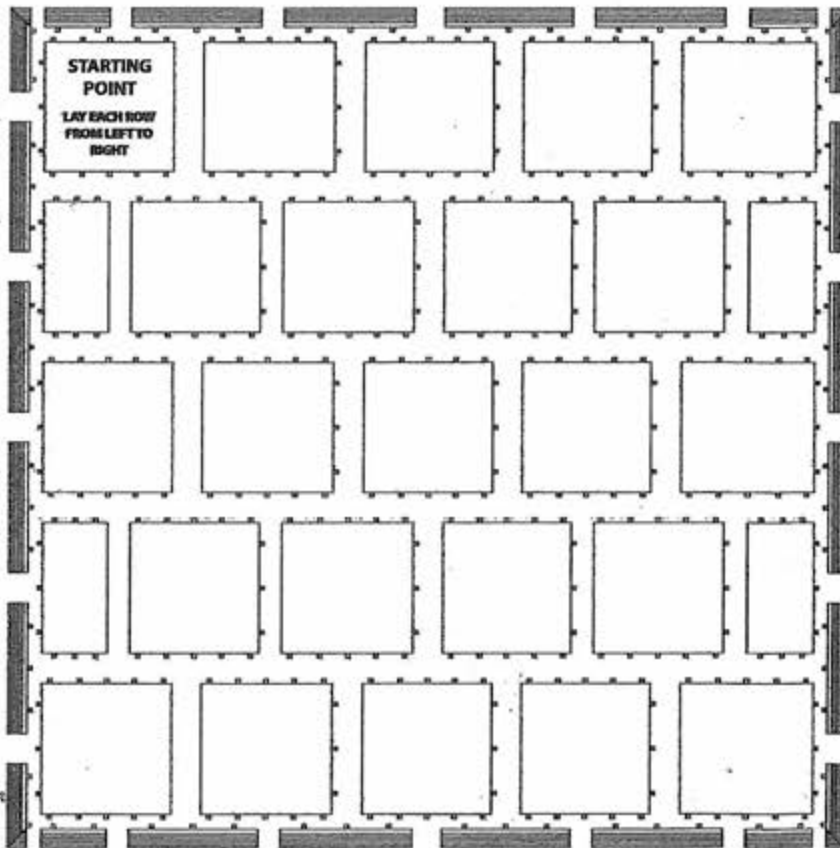
# Portable Dance Floor



The portable dance floor utilized by the Gorge Vale Golf Club is made up of 27 individual panels when assemble encompasses 15' X 15' (4.57m X 4.57m) and 225 sq/f. (20.9 sqm). The configuration of the dance floor maybe altered but the maximum square footage required remains the same. *Note - the dance floor can be utilized in a smaller form by eliminating a row(s).*

## 15' X 15' FLORLOK/OUTLOK

This Layout is for a 15ft x 15ft floor. You may have a different size to lay. Use this plan for guidance



COMPONENTS: 23 FULL PANELS, 4 HALF PANELS, 16 FULL EDGES, 4 HALF EDGES, 2 LEFT CORNERS 2 RIGHT CORNERS

### PORTABLE Floormaker Ltd

Unit 4, Sycamore Road, Trent Lane Ind Estate,  
Castle Donington, Derbyshire, DE74 2NP  
Tel: 0044 (0) 1332 814080  
Fax: 0044 (0) 1332 814443  
e-mail: enquiries@portablefloormaker.co.uk



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CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

<b>TITLE: Amendment to Existing Liquor Licence</b>	<b>NO. ADMIN – 53</b>
--	-----------------------

**POLICY:**

The process will be consistent with the process outlined by the Liquor Control and Licensing Branch (LCLB) of the Ministry of Public Safety and Solicitor General in the *"Role of Local Government and First Nations in the Provincial Liquor Licensing Process"*.

Local Government must consider the following applications for both permanent and temporary licence amendments:

- An extension of hours of liquor service (either earlier or later) of a liquor-primary licence or winery licence endorsement;
- An increase in the person capacity of a liquor-primary licence or winery licence endorsement (except where an applicant held, or had preliminary site and applicant approval for, a licence on December 2, 2002 and the size of the establishment is not being increased);
- The addition of a patio to a liquor-primary licence or winery lounge endorsement; an extension of hours of liquor service past 12:00 a.m. of a food primary licence; and
- The addition of patron participation entertainment to a food-primary licence.

**PROCESS GUIDELINES:**

**1. Application for a Licence Amendment**

- The applicant submits to Corporate Services a completed "Application for Permanent Change to a Liquor Licence" obtained from the Liquor Control and Licensing Branch.
- Corporate Services date stamps the application form.
- The application fee is paid per the current *Administration Fees and Charges Bylaw*.
- A copy of the application is retained by Corporate Services which serves as notice from the LCLB of an amendment to a licence within the Township.
- The applicant submits the original application to the LCLB.

**2. Processing of Application**

- Corporate Services refers the application for comments to
  - ✓ Development Services (parking, zoning, business licence, bylaw enforcement)
  - ✓ Fire Department

<b>EFFECTIVE DATE:</b> July 13, 2009	<b>APPROVED BY:</b> Council	<b>REFERENCE</b>	<b>AMENDS NO.</b> Original	<b>PAGE 1 OF 4</b>
---	--------------------------------	------------------	-------------------------------	--------------------



**TITLE: Amendment to Existing Liquor Licence**

**NO. ADMIN – 53**

- A staff report to Council is prepared outlining Council's options, with recommendation:
  - ✓ Council passes a "no comment" resolution to LCLB; or
  - ✓ Council directs staff to collect the views of residents and consider regulatory criteria.

**3. Site and Community Assessment**

- Corporate Services gathers the views of the residents if the amendment will affect them by:
  - giving notice of a public hearing in the newspaper per section 892 of the *Local Government Act*; and/or
  - receiving written comments in response to a public notice posted at the site and in local newspapers;
    - If the applicant is required to post a sign on the property, it shall be 6 ft high x 3 ft wide and state that an application for an amendment to a liquor licence has been made, and anyone with an interest in the matter may forward their comments to the Township within 30 days; and/or
  - delivering notices to owners and occupiers of property located within a 45 metre radius of the applicant's property; and/or
  - any other method that is fair to residents and applicant, provides a reasonable notice, avoids a perception of bias and is appropriate to local circumstances.
- Corporate Services refers the application for comments to the Victoria Police Department West Division and schools within the proximity radius: School District No. 61, School District No. 93 and private schools.
- Esquimalt Council considers the regulatory criteria
  - The potential for noise; and
  - The impact on the community; and
  - Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose

**4. Recommendation to LCLB**

- Council must provide either
  - ✓ a "no comment" resolution to LCLB, or
  - ✓ a resolution, with reasons, recommending / not recommending the amendment to the licence within 90 days of receipt of application.
  - ✓ The Township may request an extension from LCLB.

Attachment: Sample Council Resolution

EFFECTIVE DATE:	APPROVED BY:	REFERENCE	AMENDS NO.	PAGE 2 OF 4
July 13, 2009	Council		Original	

## APPENDIX 2: Resolution template for opting out of comment on an individual application

General Manager, Liquor Control and Licensing Branch

RE: (describe type of application)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the above named application:

"Be it resolved that the (council/board) does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for (describe type of application and applicant).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)

(name and title of official)

(local government/First Nation)

## APPENDIX 7: Resolution Template for a Licence Amendment Application

General Manager,  
Liquor Control and Licensing Branch

RE: Application for (addition of a patio/increase in person capacity/extension of hours of liquor service/patron participation entertainment) as an amendment to (liquor-primary/liquor-primary club/winery/food-primary) licence number: (licence number)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named amendment:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the amendment of the licence for the following reasons: (detail and explain reasons for recommendation)

2. The (council's/board's) comments on the prescribed considerations are as follows: (the council or board may refer to the contents of any report attached to the resolution for further information with respect to any of the considerations)

- (a) The potential for noise if the application is approved (provide comments)
- (b) The impact on the community if the application is approved (provide comments)
- (c) In the case of a food primary: if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of service past midnight or the addition of patron participation entertainment)

3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

### Note:

All of the items outlined above in points 1 and 2(a) through (c) and 3 must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation.

• Any report presented by an advisory body or sub-committee to the council or board referenced in the resolution must be attached to the resolution.

### Operating contrary to primary purpose

Operating contrary to primary purpose is a shift in the focus of the purpose of the establishment from the service of food to the service of liquor.



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. ADM-13-024

### REQUEST FOR DECISION

**SUBJECT:** Liquor Licence Amendment – The English Inn

**RECOMMENDATION:**

That Council:

1. direct staff to proceed with a public process to gather the views of residents and consider regulatory criteria,
  2. require the additional information to be submitted by the Applicant, as set out in Staff Report No. ADM-13-024, and
  3. direct staff to prepare a report to Council summarizing the public comments and additional information, together with a draft Resolution to forward to the LCLB, for Council's consideration;
- regarding the Application for an Amendment to the Existing Liquor Licence by Rosemeade Dining Room, The English Inn, for a Food-primary entertainment endorsement and to extend the hours of sale of liquor.

**RELEVANT POLICY:**

Council Policy No. ADMIN-53 Amendment to Existing Liquor Licence  
*Local Government and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: A guide for local governments and First Nations*, issued by the BC Liquor Control and Licensing Branch, Ministry of Energy and Mines

**STRATEGIC RELEVANCE:**

This Request for Decision does not relate directly to any of Council's Strategic Priorities.

Submitted by: Writer

Reviewed by: CAO

Date:



## STAFF REPORT

**DATE:** May 21, 2013 Report No. ADM-13-024  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Anja Nurvo, Manager of Corporate Services  
**SUBJECT:** Liquor Licence Amendment – The English Inn

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### RECOMMENDATION:

That Council:

1. direct staff to proceed with a public process to gather the views of residents and consider regulatory criteria,
2. require the additional information to be submitted by the Applicant, as set out in Staff Report No. ADM-13-024, and
3. direct staff to prepare a report to Council summarizing the public comments and additional information, together with a draft Resolution to forward to the LCLB, for Council's consideration;

regarding the Application for an Amendment to the Existing Liquor Licence by Rosemeade Dining Room, The English Inn, for a Food-primary entertainment endorsement and to extend the hours of sale of liquor.

### BACKGROUND:

We have received an Application from The English Inn to the Liquor Control and Licensing Branch (LCLB) for a Permanent Change to amend their existing Licence for the Rosemead Dining Room to add a Food-primary entertainment endorsement and to extend the hours of sale of liquor. The letter from the Applicant dated May 3, 2013, which forms part of the Application, states that the amendment is for the addition of a dance floor for the Rosemeade Dining Room to allow for wedding guests to have a dance in their establishment. In addition, the Applicant wishes to extend liquor sales from the current hours of 11:00 a.m. to midnight daily, to the proposed hours of 11:00 a.m. to 1:00 a.m. daily. A copy of the Application is attached.

The Province issued new Guidelines in 2012 titled "Local Government and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: A guide for local governments and First Nations." In accordance with the Guidelines, Local Governments may pass one of two Resolutions (templates attached):

- 1) Choose to not provide input into the application – The Local Government must provide the LCLB with a Resolution according to the appropriate template. In this case, the LCLB will gather the views of residents if it is of the opinion that the application may affect them, and will consider the regulatory criteria by requesting additional information from the Local Government.
- 2) Choose to provide input into the application – The Local Government must gather the views of residents that may be affected and provide the LCLB with the appropriate Resolution within 90 days of receipt of the application.

The Guidelines state that if the Local Government wishes to provide input, it may use one or more of the following methods to gather public input:

- Receiving written comments in response to a public notice posted at the site and/or advertised in local newspapers;
- Conducting a public hearing; or,
- Any other similar process.

Attached is a copy of Council Policy ADMIN-53 "Amendment to Existing Liquor Licence." The sample Resolution was not included since the new Guidelines by LCLB set out the required form of Resolutions. In accordance with the Policy, staff from Development Services and Fire Department has reviewed the application. Staff has concerns regarding potential impacts on the community arising from this Application, and recommends that Council pass a Resolution to direct staff to proceed to obtain public input into this Application.

In addition, staff recommends that Council require the following, in order to provide Council with additional information to better assess the Application and its potential impacts and to provide its Resolution and recommendation to the LCLB:

- 1) Posting of an information sign on-site in a conspicuous location outlining the proposed changes, who to contact if anyone has any concerns, and inviting comments to be submitted in writing to the Municipal Office;
- 2) Publication of a Notice in two consecutive issues of the Vic News explaining the proposed changes, who to contact if anyone has any concerns, and inviting comments to be submitted in writing to the Municipal Office;
- 3) The Applicant be requested to submit a report from an acoustic engineer stating whether or not noise from a DJ or band will be carried throughout the building disrupting other guests at the Inn;
- 4) The Applicant be requested to submit an analysis of how many incremental room nights will be generated with the proposed amendments to their Licence;
- 5) The Applicant be requested to submit an analysis of what other businesses in Esquimalt may benefit from the proposed amendments to their Licence;
- 6) The Applicant be requested to submit a report explaining what mitigation measures will be taken to ensure that there will be no additional impacts on the neighbourhood due to noise or patron disruption if the hours are extended and patron participation is approved;
- 7) A report from the VicPD be requested indicating whether they feel any additional police resources will be required as a result of the proposed amendments to the Licence;
- 8) The Applicant agree that if the application is approved, that the Applicant enter into a good neighbourhood agreement which will require that their Licence be suspended immediately if there are any verified complaints from the neighbourhood due to the amendments to the current Licence – the LCLB would need to add this as a condition on the amended Licence; and
- 9) That the LCLB be advised that if the amendments are approved, the Licence contain a condition that all doors and windows must be kept shut while an event is taking place.

Once the public process has been completed and the additional information requested by Council has been received and reviewed by staff, staff will prepare a report to Council summarizing the public comments and additional information, together with a draft Resolution to forward to the LCLB, for Council's consideration.

**ISSUES:**

1. Rationale for Selected Option  
Due to the proximity of The English Inn to adjoining residential areas, staff is of the opinion that there may be impacts on the community arising from this Application.
2. Organizational Implications  
There are no organizational implications.
3. Financial Implications  
If Council were to determine that it wishes to provide input into this Application, staff would proceed with the public process to gather the views of residents and the community that may be impacted. Pursuant to the *Fees and Charges (Miscellaneous) Bylaw, 2001, No. 2484*, the Applicant would be charged the following fees:  
Application for revisions to existing licences - \$300.00  
Applications that require public notification - \$175.00 additional plus cost of advertising, notices and postage
4. Sustainability/Environmental Implications  
There are no sustainability or environmental implications.
5. Communication  
If Council determines that it wishes to provide input into this Application, staff will proceed with the public process, in accordance with Council Policy ADMIN-53, including posting a sign on site, publication of a notice, and posting a notice on our website. Staff will bring this matter back to Council for further consideration, summarizing the public comments and additional information received, and including potential conditions on the amended Licence. A certified copy of the subsequent Resolution will be provided to LCLB.

**ALTERNATIVES:**

1. That Council:
  - 1) direct staff to proceed with a public process to gather the views of residents and consider regulatory criteria,
  - 2) require the additional information to be submitted by the Applicant, as set out in Staff Report No. ADM-13-024, and
  - 3) direct staff to prepare a report to Council summarizing the public comments and additional information, together with a draft Resolution to forward to the LCLB, for Council's consideration;  
regarding the Application for an Amendment to the Existing Liquor Licence by Rosemeade Dining Room, The English Inn, for a Food-primary entertainment endorsement and to extend the hours of sale of liquor.
2. That Council does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for a Permanent Change to a Liquor Licence by Rosemeade Dining Room – The English Inn, to add a Food-primary entertainment endorsement and extend the hours of sale of liquor from midnight to 1:00 a.m.
3. That Council provide alternative direction to staff.

**FILLING OUT THIS FORM:**

Complete all applicable fields then submit with payment as outlined in Part 9 of this application form.

- If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: **1 866 209-2111**.
- LCLB forms and supporting materials referred to in this document can be found at: **www.pssg.gov.bc.ca/lclb**

**Licensee Information**

Licensee name [as shown on licence]: Rosemeade Dining Room

Establishment name [as shown on licence]: Rosemeade Dining Room

Establishment Location address [as shown on licence]:  

<u>429 Lampson Street</u> <small>Street</small>	<u>Victoria</u> <small>City</small>	<u>BC</u> <small>Province</small>	<u>V9A 5Y9</u> <small>Postal Code</small>
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Mailing address: [All correspondence will go to this address]:  

<u>429 Lampson Street</u> <small>Street</small>	<u>Victoria</u> <small>City</small>	<u>BC</u> <small>Province</small>	<u>V9A 5Y9</u> <small>Postal Code</small>
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Business Tel with area code: 250-388-4353 Business Fax with area code: N/A

Business e-mail: gm@englishinn.ca

Contact Name: ~~SE~~ Friesen/Jennifer/Ryanne Title/Position: General Manager  
last / first / middle

**Type of Change Requested**

Please check (☑) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. **An incomplete application will be held for a maximum of thirty (30) days.** If still incomplete after the thirty (30) day period, the application may be terminated.

Type of change requested	Licence numbers affected <b>MANDATORY</b>	JOB NUMBER <i>Office Use ONLY</i>
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input checked="" type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)	<u>301246</u>	(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	<u>301246</u>	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)		(C3-LIC) (sub)

**REFER TO PART 11 TO SEE THE APPROVAL PROCESS FOR THE TYPE OF CHANGE YOU HAVE REQUESTED**
**Applying for other permanent changes to your licence?**

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).



**PART 1: Establishment or Business Name Change and/or Licence Name Change** [C1 - LIC]

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x [ ] licences = \$ [ ]

**Establishment or business name change:**

Current establishment or business name as shown on licence: \_\_\_\_\_

Proposed name: \_\_\_\_\_

**Licence name changes:**

Licence #: \_\_\_\_\_ Current licence name: \_\_\_\_\_

Proposed licence name: \_\_\_\_\_

Licence #: \_\_\_\_\_ Current licence name: \_\_\_\_\_

Proposed licence name: \_\_\_\_\_

**Attach the following:**

Sketch or picture of the proposed establishment or business signage.

*Also complete Parts 8 and 9*

**PART 2. Entertainment Endorsement** (Food Primary licenses only)

C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

**A) Patron non-participation entertainment endorsement** (e.g., musicians)

Note: Patron non-participation entertainment must end by 1:00 a.m. Fee: \$220 per licence x [ ] licences = \$ [ ]

Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

**B) Patron participation entertainment endorsement** (e.g., dance floor):

Note: Patron participation entertainment must end by midnight. Fee: \$330 per licence x [ 1 ] licences = \$ [ 330 ]

Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

Request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form. For further information on local government resolutions, read Part 10).

**There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria** (see contact information on page 5 of this form).

*NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).*

Are you submitting an application to transfer the location of a Food Primary licence with this application?  Yes  No

*Also complete Parts 8 and 9*

**PART 3. Request of Change in Terms and Conditions**

C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x [ ] licences = \$ [ ]

**Attach:**

A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

*Also complete Parts 8 and 9*

**PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts**

C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

*Also complete Parts 8 and 9*

**PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only)** C3 - LIC

Fee: \$220 per licence x  licences = \$

As of March 1, 2013, licensed manufacturers may own or have an association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

Attach a signed letter for each manufacturing licence that you are applying for above, stating the following:

- Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three).
- Disclose the manufacturer's production amount (minus spillage) for the previous year.

For more information on requests for exemption, see Policy Directive 13-03.

**Also complete Parts 8 and 9**

**PART 6. Change to Hours of Sale** C3 - LIC

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check  the appropriate change, and provide the requested information and documents:

**A) Food Primary**

- (i) Request to change hours of liquor sales before midnight **Fee: \$220 per licence** x  licences = \$ 
  - complete proposed hours of sale table below
- (ii) Request to extend hours of liquor sales later than midnight **Fee: \$330 per licence** x  licences = \$  330
  - complete proposed hours of liquor sale table below, and
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form; for further information on local government/First Nations resolutions, read Part 10).

**Note: if you have patron participation entertainment, it must end by midnight**

**B) Liquor-Primary, Liquor-Primary Club, Winery Special Event Area or Winery Lounge**

- (i) Request to change the hours of liquor sales within the hours currently approved:
  - complete proposed hours of sale table below **Fee: \$220 per licence** x  licences = \$
- (ii) Request to change the hours of liquor sales outside the hours currently approved:
  - complete proposed hours of liquor sale table below, and **Fee: \$330 per licence** x  licences = \$
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form; for further information on local government/First Nation resolutions, read Part 10).

Complete the table below, indicating proposed hours of liquor sales:

**Current Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	11 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
<b>CLOSED</b>	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

**Proposed Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
<b>CLOSED</b>	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM

**NOTE - When relocating a Food-Primary establishment:** An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application?  Yes  No

**Also complete Parts 8 and 9**

## PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (excluding liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x  licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

Please provide the following information:

1. Your kitchen should be equipped with commercial appliances including a range, oven, refrigerator and dishwasher and also have food storage and food preparation areas. Describe the kitchen equipment you have at your establishment for catering services.

2. Equipment must also be available to transport and serve food to catered events away from your establishment (off-site). Describe the equipment you have to provide catering services off-site.

3. Who are the target clients for your catering service? Provide examples.

4. What types of events do you plan on providing catering services for? Provide examples.

5. Catered events cannot be held within the licensed areas of the establishment. What type of locations (venues) do you anticipate providing catering services at? Provide examples.

**NOTE:** If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop ([www.bcbusinessregistry.ca](http://www.bcbusinessregistry.ca)). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering endorsement. A fee of \$200 will be charged if a second (2<sup>nd</sup>) inspection is required.

*Also complete Parts 8 and 9*

**PART 8: Declaration**

My signature (the licensee's) below indicates that I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 15(2) of the *Liquor Control and Licensing Act* states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below:

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: Chelin / Brian  
(last / first / middle)

Position: DIRECTOR Date: 02/05/2013 Signature:   
(Day/Month/Year)

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Day/Month/Year)

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Day/Month/Year)

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Day/Month/Year)

**PART 9: Application Fees**

Fees may be paid by cheque, money order, debit or credit card and are non-refundable. Debit transactions can only be made in person at the Victoria Head Office. Submit the payment with the application form. Do not mail cash.

Fee: (non-refundable):

TOTAL FEE Submitted: \$ 660.00

Payment is by (check  ) one:

- cheque payable to Minister of Finance (if cheque is returned, non-sufficient funds, a \$30 fee will be charged)
- money order, payable to Minister of Finance
- VISA  MasterCard  AMEX

If paying by credit card, please provide credit card details below...

Credit Card Number: 5493 9140 0031 4505 Expiry Date: 03 / 2013

Name of Cardholder (as it appears on card): Jennifer Freiden

Signature of cardholder: 

...Or you may send in the application without credit card information, but you must telephone LCLB Head Office directly to provide the credit card number details. If so, please confirm by checking the box  below:

I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 to provide credit card information and understand that no action can proceed with my application until the application fee is paid in full.

**Liquor Control and Licensing Branch**  
 Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1  
 For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V6W 9J8  
 Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca



## PART 10: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

### Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 11 of this form.
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

## PART 11: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): Township of Esquimalt.

Name of Official: NURVO / ANJA / EILA. (last / first / middle) Title/Position: Manager of Corporate Services.

Date of receipt of application: 21/05/2013. (Day/Month/Year) Phone Number: 250-414-7135.

Signature of Official: 

The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

### To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
  - the potential for noise if the application is approved;
  - the impact on the community if the application is approved; and
  - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
  - the views of the residents;
  - the method used to gather the views of the residents; and
  - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

## PART 12: Application and Approval Process – What happens next?

### For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).

#### **The process is:**

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

### For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

#### **The process is:**

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

### For the following change request:

- Part 7 Catering Endorsement (all C1)

#### **The process is:**

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.  
**Note:** The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering licence. **A fee \$200 will be charged if a second (2<sup>nd</sup>) inspection is required**
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

*Freedom of Information and Privacy Act* - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066

Friday, May-03-13

Liquor Control and Licensing Branch,  
Freedom of Information Officer,  
PO Box 9292  
STN PROV GOVT,  
Victoria, B.C. V8W 9J8

To Whom it may Concern,

Re: Rosemead Dining Room, English Inn, 429 Lampson Street, Esquimalt, B.C.

We would like to establish a patron participation entertainment endorsement, in the form of a dance floor, for the Rosemead Dining Room located at the captioned property. This would allow for our wedding guests to have a dance in our establishment. It would take place in the Rosemead Dining Room, with or without dinner tables on the outer edges.

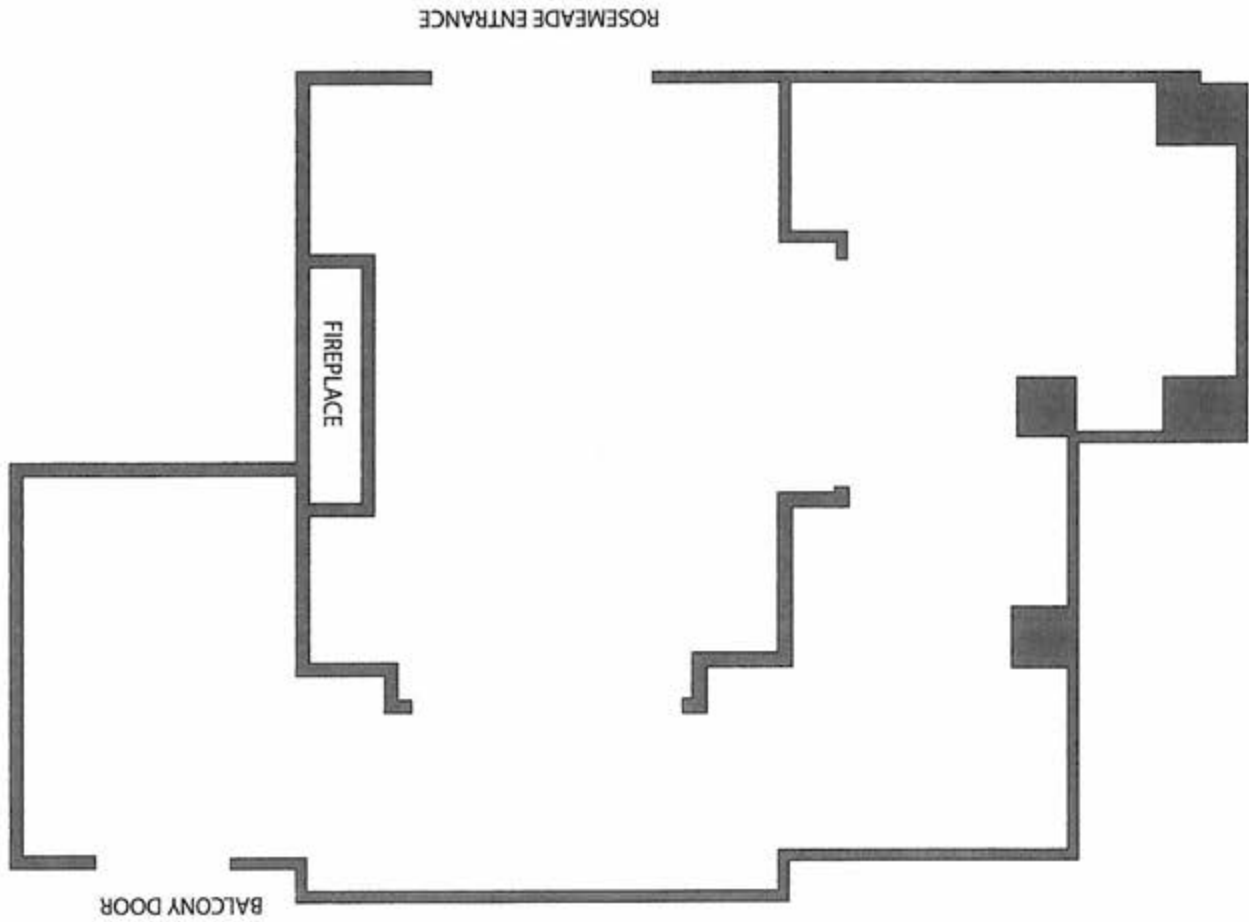
Sincerely,

Rosemeade Dining Room

per:

Jennifer Friesen  
General Manager

A handwritten signature in black ink, appearing to be 'Jennifer Friesen', written over the printed name. The signature is somewhat stylized and includes a horizontal line extending to the right.







CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

<b>TITLE: Amendment to Existing Liquor Licence</b>	<b>NO. ADMIN – 53</b>
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**POLICY:**

The process will be consistent with the process outlined by the Liquor Control and Licensing Branch (LCLB) of the Ministry of Public Safety and Solicitor General in the *"Role of Local Government and First Nations in the Provincial Liquor Licensing Process"*.

Local Government must consider the following applications for both permanent and temporary licence amendments:

- An extension of hours of liquor service (either earlier or later) of a liquor-primary licence or winery licence endorsement;
- An increase in the person capacity of a liquor-primary licence or winery licence endorsement (except where an applicant held, or had preliminary site and applicant approval for, a licence on December 2, 2002 and the size of the establishment is not being increased);
- The addition of a patio to a liquor-primary licence or winery lounge endorsement; an extension of hours of liquor service past 12:00 a.m. of a food primary licence; and
- The addition of patron participation entertainment to a food-primary licence.

**PROCESS GUIDELINES:**

1. Application for a Licence Amendment

- The applicant submits to Corporate Services a completed "Application for Permanent Change to a Liquor Licence" obtained from the Liquor Control and Licensing Branch.
- Corporate Services date stamps the application form.
- The application fee is paid per the current *Administration Fees and Charges Bylaw*.
- A copy of the application is retained by Corporate Services which serves as notice from the LCLB of an amendment to a licence within the Township.
- The applicant submits the original application to the LCLB.

2. Processing of Application

- Corporate Services refers the application for comments to
  - ✓ Development Services (parking, zoning, business licence, bylaw enforcement)
  - ✓ Fire Department

<b>EFFECTIVE DATE:</b> July 13, 2009	<b>APPROVED BY:</b> Council	<b>REFERENCE</b>	<b>AMENDS NO.</b> Original	<b>PAGE 1 OF 4</b>
---	--------------------------------	------------------	-------------------------------	--------------------

- A staff report to Council is prepared outlining Council's options, with recommendation:
  - ✓ Council passes a "no comment" resolution to LCLB; or
  - ✓ Council directs staff to collect the views of residents and consider regulatory criteria.

**3. Site and Community Assessment**

- Corporate Services gathers the views of the residents if the amendment will affect them by:
  - giving notice of a public hearing in the newspaper per section 892 of the *Local Government Act*; and/or
  - receiving written comments in response to a public notice posted at the site and in local newspapers;
    - If the applicant is required to post a sign on the property, it shall be 6 ft high x 3 ft wide and state that an application for an amendment to a liquor licence has been made, and anyone with an interest in the matter may forward their comments to the Township within 30 days; and/or
  - delivering notices to owners and occupiers of property located within a 45 metre radius of the applicant's property; and/or
  - any other method that is fair to residents and applicant, provides a reasonable notice, avoids a perception of bias and is appropriate to local circumstances.
- Corporate Services refers the application for comments to the Victoria Police Department West Division and schools within the proximity radius: School District No. 61, School District No. 93 and private schools.
- Esquimalt Council considers the regulatory criteria
  - The potential for noise; and
  - The impact on the community; and
  - Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose

**4. Recommendation to LCLB**

- Council must provide either
  - ✓ a "no comment" resolution to LCLB, or
  - ✓ a resolution, with reasons, recommending / not recommending the amendment to the licence within 90 days of receipt of application.
  - ✓ The Township may request an extension from LCLB.

Attachment: Sample Council Resolution

<b>EFFECTIVE DATE:</b>	<b>APPROVED BY:</b>	<b>REFERENCE</b>	<b>AMENDS NO.</b>	<b>PAGE 2 OF 4</b>
July 13, 2009	Council		Original	

## APPENDIX 2: Resolution template for opting out of comment on an individual application

General Manager, Liquor Control and Licensing Branch

RE: (describe type of application)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the above named application:

"Be it resolved that the (council/board) does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for (describe type of application and applicant).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)

(name and title of official)

(local government/First Nation)

## APPENDIX 7: Resolution Template for a Licence Amendment Application

General Manager,  
Liquor Control and Licensing Branch

RE: Application for (addition of a patio/increase in person capacity/extension of hours of liquor service/patron participation entertainment) as an amendment to (liquor-primary/liquor-primary club/winery/food-primary) licence number: (licence number)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named amendment:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the amendment of the licence for the following reasons: (detail and explain reasons for recommendation)

2. The (council's/board's) comments on the prescribed considerations are as follows: (the council or board may refer to the contents of any report attached to the resolution for further information with respect to any of the considerations)

- (a) The potential for noise if the application is approved (provide comments)
- (b) The impact on the community if the application is approved (provide comments)
- (c) In the case of a food primary: if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of service past midnight or the addition of patron participation entertainment)

3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

### Note:

All of the items outlined above in points 1 and 2(a) through (c) and 3 must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation.

• Any report presented by an advisory body or sub-committee to the council or board referenced in the resolution must be attached to the resolution.

### Operating contrary to primary purpose

Operating contrary to primary purpose is a shift in the focus of the purpose of the establishment from the service of food to the service of liquor.





## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. FIN-13-002

### REQUEST FOR DECISION

**SUBJECT:** Shaw Wi-Fi

**RECOMMENDATION:**

That Council approves the non-exclusive license for Shaw Communications Inc. to attach Wi-Fi equipment to Municipal facilities in exchange for free, unlimited access to the Shaw Wi-Fi for all residents and visitors.

**RELEVANT POLICY:**

None

**STRATEGIC RELEVANCE:**

This Request for Decision relates to the Economic Development Strategy.


Submitted by: Jon Woodland



Reviewed by: CAO



Date:



## STAFF REPORT

**DATE:** May 22, 2013 Report No. FIN-13-002  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Jon Woodland, Information Technology Manager  
**SUBJECT:** Shaw Wi-Fi

---

### RECOMMENDATION:

That Council approves the non-exclusive license for Shaw Communications Inc. to attach Wi-Fi equipment to Municipal facilities in exchange for free, unlimited access to the Shaw Wi-Fi for all residents and visitors.

### BACKGROUND:

We provide "Esquimalt Public Wi-Fi" for residents and visitors to access free wireless Internet at the Municipal Hall, Recreation Centre, and Archie Browning Sports Centre. The IT Department maintains this system, and there are no immediate plans for expansion.

Shaw Communications Inc. ("Shaw") has been working with B.C. Municipalities to deploy their Shaw Wi-Fi access points across western Canada since December 2011. Normally, only Shaw customers have unlimited access to the Shaw Wi-Fi network, and those who are not Shaw Customers may access the network for two 20-minute sessions per month. Many Municipalities, including Victoria, Whistler, Calgary, Edmonton and Winnipeg, have signed agreements with Shaw allowing them to deploy their Wi-Fi equipment on Municipal infrastructure in buildings, parks and gathering places.

Shaw has put forward an offer to install Shaw Wi-Fi in Esquimalt under a five year contract. In compensation for deploying Wi-Fi access points on Municipal Infrastructure, Shaw is offering a choice of either:

1. Free, unlimited access for all residents and visitors to Shaw Wi-Fi in Esquimalt; or
2. \$5,000 per year, to be paid up front as a lump sum total of \$25,000, in which case only Shaw customers have free, unlimited access to Shaw Wi-Fi, and all others can use the service twice a month for up to 20 minutes each time.

Shaw plans to deploy the network to the following locations:

- |                                 |                    |
|---------------------------------|--------------------|
| • Archie Browning Sports Centre | • Captain Jacobson |
| • Esquimalt Library             | • Esquimalt Gorge  |
| • Esquimalt Municipal Hall      | • Lugin            |
| • Esquimalt Recreation Centre   | • Macaulay Point   |
| • Esquimalt Teen Centre         | • Memorial         |
| <b>Sports Fields:</b>           | • Paradise         |
| • Bullen Field                  | • Propeller        |
| • Brodeur Field                 | • Saxe Point       |
| • Lampson Park                  | • Town Square      |
| <b>Parks:</b>                   | • West Bay Walkway |
| • Anderson                      |                    |

## **ISSUES:**

### **1. Rationale for Selected Option**

This recommended option provides uniform, free access to Shaw Wi-Fi for all residents and visitors to Esquimalt. It greatly expands the locations that free public Wi-Fi would be available from what is currently accessible. As well, Esquimalt would no longer need to provide free Wi-Fi access at Municipal facilities, thus saving operational and IT support costs.

The "Esquimalt Public Wi-Fi" network would be supplanted by the "Shaw Open" network. This could be considered a loss of "branding".

### **2. Organizational Implications**

Once the Shaw Wi-Fi is implemented in the Municipal Hall, Recreation Centre and Archie Browning Sports Centre, the "Esquimalt Public Wi-Fi" network will be removed. This will free up IT staff time on supporting, troubleshooting and upgrading the existing "Esquimalt Public Wi-Fi" network. Shaw will be responsible for the support of the Shaw Wi-Fi network.

### **3. Financial Implications**

There is no cost to Esquimalt for the implementation of Shaw Wi-Fi. Removal of the current "Esquimalt Public Wi-Fi" will result in an operational savings of \$1,400 per year on public internet connectivity, for a total of \$7,000 over the 5 year term of the agreement.

### **4. Sustainability/Environmental Implications**

There are no sustainability or environmental implications.

### **5. Communication**

Once approved, information regarding the new Shaw Wi-Fi service will be posted on our website to inform the public.

## **ALTERNATIVES:**

1. That Council approves the non-exclusive license for Shaw Communications Inc. to attach Wi-Fi equipment to Municipal facilities in exchange for free, unlimited access to the Shaw Wi-Fi for all residents and visitors.
2. That Council approves the non-exclusive license for Shaw Communications Inc. to attach Wi-Fi equipment to Municipal facilities in exchange for monetary compensation from Shaw, in the amount of \$25,000, and use the funding to support the continued operation of "Esquimalt Public Wi-Fi" at the existing locations.
3. That Council does not approve a license for Shaw Communications Inc. to attach Wi-Fi equipment to any Municipal facilities.



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. EPW-13-011

### REQUEST FOR DECISION

**SUBJECT:**

Recommendation for the award of Solid Waste Management Trucks Contract

**RECOMMENDATION:**

That the Township enters into a contractual agreement with Rollins Machinery – Bid 2 for the delivery of two, new solid waste management trucks.

**RELEVANT POLICY:**

Garbage Disposal Bylaw, 2006, No. 2630

**STRATEGIC RELEVANCE:**

Strategic goal – Waste Resource Management

Submitted by: Director, Engineering and Public Works

Jeff Miller

Reviewed by: CAO

R. Hurst

Date:

May 21/13



## STAFF REPORT

**DATE:** May 22, 2013 Report No. EPW-13-011  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Jeff Miller, Director, Engineering and Public Works  
**SUBJECT:** Recommendation of Solid Waste Collection Trucks Contract

---

### RECOMMENDATION:

That the Township enters into a contractual agreement with Rollins Machinery – Bid 2 for the delivery of two, new solid waste management trucks.

### BACKGROUND:

In order to accommodate changes in the acceptable materials that will be received by Hartland Landfill, the Township has been reviewing solid waste collection activities and equipment. This review has produced the decision to move from backyard pickup to curbside pickup and the separation of current waste stream into two waste streams: garbage and household organics. A review of the equipment utilized to carry out collection was undertaken.

The equipment review determined that current units would not be adequate to carryout curbside collection and multiple streams. As well the current units have reached the end of their operational life. Approval was sought and given for the replacement of the units.

Solid waste management is currently carried out by two tandem trucks with a single storage compartment. Under the new collection methodology, these units would be tandem trucks with split compartments for the two waste streams. Loading would occur off each side of the truck instead of the rear of the truck.

Budgetary approval was obtained in 2012 and 2013 for the units' replacement. The Machinery and Equipment Reserve will be the funding source for this purchase. A budget amount of \$350,000 has been allotted to each unit for a total budget of \$700,000.

A tender was released on April 16<sup>th</sup>, 2013 and closed on May 2, 2013. A total of three bids were received. The selection of the winning bid was based on weighted evaluation criterion. The evaluation criterion was broken down into various categories and weights:

- Cost - 40 points
- Specifications – 25 points
- Delivery - 20 points
- Service location - 10 points
- Warranties – 5 points

Based on the evaluation, the following results were determined:

<b>Tender</b>	<b>Ranking</b>	<b>Cost (c/w taxes)</b>
Rollins Machinery - Bid 2	1	595,357.00
Rollins Machinery - Bid 1	2	600,509.00
Harbour International	Disqualified	-

Of the bids received, one was disqualified. The disqualification of the bid was due to how the bid was presented and the conflict with Instruction to Tenders. No evaluation was carried out on this bid.

#### **ISSUES:**

##### 1. Rationale for Selected Option

The recommendation from Public Works is that the contract be awarded to Rollins Machinery – Bid 2. This bid scored the highest in the evaluation. The main difference between the two accepted bids was in the type of truck chassis being offered. This had an influence in the cost and delivery time. The recommended bid met the requirements of the specifications.

##### 2. Organizational Implications

The delivery time for these units is in the range expected for the supply of these units. If no delays occur, the trucks will be received within the month of January, 2014.

##### 3. Financial Implications

The bids received were below the estimated cost for the replacement of the units. The surplus funds will remain in the Machinery and Equipment Reserve.

##### 4. Sustainability/Environmental Implications

The new trucks are equipped with diesel engines. These engines meet the current standards for emissions and will lower the output of carbon emissions when compared to the old units. The engines also have the capability of operating on B20 diesel fuel (20% biodiesel and 80% diesel). The Township currently utilizes B5 diesel fuel.

##### 5. Communication

The bidder with the highest scoring tender will be notified of the success of their bid. Other bidders will be notified of the tender evaluation.

#### **ALTERNATIVES:**

1. That the Township enters into a contractual agreement with Rollins Machinery – Bid 2 for the delivery of two, new solid waste management trucks.
2. That the Township does not enter into a contractual agreement with Rollins Machinery – Bid 2 for the delivery of two, new solid waste management trucks.
3. That the Township does not enter into a contractual agreement with any of the bidders and cancels the tender process.



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. EPW-13-012

### REQUEST FOR DECISION

**SUBJECT:**

Award of Dunsmuir Road Corridor Upgrade Contract

**RECOMMENDATION:**

That the Township enters into a contractual agreement with Allterra Construction Ltd. for the scope of work, cost, and schedule detailed in the tender package.

**RELEVANT POLICY:**

None applicable

**STRATEGIC RELEVANCE:**

This Request for Decision relates to Council's Strategic Priorities and Operational Strategies for Multi-modal transportation and Infrastructure Priorities

Submitted by: Director, Engineering and Public Works

*Jeff Miller*

Reviewed by: A/CAO

*Jeff Miller*

Date:

*May 23, 2013*

## STAFF REPORT

**DATE:** May 23, 2013 Report No. EPW-13-012  
**TO:** Jeff Miller, Acting Chief Administrative Officer  
**FROM:** Jeff Miller, Director, Engineering and Public Works  
**SUBJECT:** Award of Dunsmuir Road Corridor Upgrade Contract

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### RECOMMENDATION:

That the Township enters into a contractual agreement with Allterra Construction Ltd. for the scope of work, cost, and schedule detailed in the tender package.

### BACKGROUND:

In 2012, a significant depression was noted in the asphalt in the North direction travel lane. The depression was located approximately in front of 855 Dunsmuir Road. Engineering and Public Works initiated a monitoring and investigation program to determine the cause of the depression. Funding in the amount of \$450,000 was also approved in case the collapse of the road proved to be a significant event.

The monitoring program recorded that after the initial depression formed, the area continued to sink but at a much slower rate. In order to determine what was the possible cause for the depression, Engineering and Public Works carried out a test pit in conjunction with a geotechnical review. Based on this work, no apparent causes for the depression could be determined. A design to rectify the depression was formulated.

Prior to the implementation of the design, a review of the underground and surface works for both the Township and other stakeholders was undertaken. The review concluded that additional works needed to be undertaken in this area prior to completing the road rebuild. The additional work included:

- Installation of new water main and services from Head Street to Garrett Place (Victoria Water);
- Installation of new gas main and services from Head Street to Esquimalt Road (Fortis BC);
- Installation of new bus stop complete with re-grading of the existing sidewalk on the north west end of the corridor;
- Installation of 62 metres of new storm water main;
- Replacement of catch basin leads and catch basins;
- Installation of inspection chambers on storm and sanitary services with replacement of these lines where necessary;
- Replacement of asphalt sidewalks with concrete sidewalks (south side);
- Paving of the street.



The work noted above will be carried out from Head Street to Garrett Place except where it has been noted otherwise.

Based on the new scope of work, a detailed design for the project was carried out by Engineering. From this design, a tender package was developed and released on May 9, 2013. The tender closed on May 22, 2013. A total of three bids were received. The project was evaluated on cost and meeting the required insurance and bonding requirements.

Based on the evaluation, the following results were determined:

<b>Bidder</b>	<b>Ranking</b>	<b>Cost (no taxes)</b>
Allterra Construction Ltd.	1	\$283,747.60
Excel Contracting Ltd.	2	\$375,800.00
Brunnell Construction Ltd.	3	\$385,982.20

#### **ISSUES:**

##### 1. Rationale for Selected Option

The bids were reviewed on cost and the ability to meet the required insurance and bonding requirements. Based on this criterion Allterra Construction was determined to be successful bid. The Township had a preferred completion date of September 20, 2013. This date was met by the successful bidder.

##### 2. Organizational Implications

This project has been scheduled into the Engineering Department work plan for 2013.

##### 3. Financial Implications

The budgeted amount for this project was \$450,000 from the Capital Project Reserve. The successful tender cost is \$283,747.60. Surplus funds from this project will remain with the Capital Project Reserve.

##### 4. Sustainability/Environmental Implications

The upgrading of the road corridor will improve delivery of the various services in the area. The work to date has also confirmed that the existing infrastructure is in good shape.

##### 5. Communication

Residents have been notified of the construction project along with a notice being posted on the Township's website. Further updates will be issued as the project progresses. A project summary will also be included on the website.

**ALTERNATIVES:**

1. That the Township enters into a contractual agreement with Allterra Construction Ltd. for the scope of work, cost, and schedule detailed in the tender package.
2. That the Township does not enter into a contractual agreement with Allterra Construction Ltd.



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. DEV-13-021

### REQUEST FOR DECISION

**SUBJECT: DEVELOPMENT VARIANCE PERMIT**  
1151 Lockley Road  
[Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240]

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00007 authorizing construction as shown on the photos, stamped "Received March 15, 2013", and sited as detailed on the survey plan prepared by J.E. Anderson and Associates, stamped "Received March 1, 2013", and including the following relaxation to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240 [1151 Lockley Road].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (ii) – Side Setback** A 0.77 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any interior lot line. [i.e. from 1.5 metres to 0.73 metres].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (iii) Rear Setback** - A 0.76 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any rear lot line. [i.e. from 1.5 metres to 0.74 metres].

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2006, No. 2646  
Zoning Bylaw, 1992, No. 2050  
Development Approval Procedures Bylaw, 2003, No. 2562  
Advisory Planning Commission Bylaw, 2012, No. 2792

**STRATEGIC RELEVANCE:**

This Request For Decision does not directly relate to a specific strategic objective.

Submitted by: Writer Karen Hay

Reviewed by: CAO [Signature]

Date: May 22/13

## STAFF REPORT

**DATE:** May 21, 2013 Report No. DEV-13-021  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Karen Hay, Planner  
Bill Brown, Director of Development Services  
**SUBJECT: DEVELOPMENT VARIANCE PERMIT**  
**1151 Lockley Road**  
**[Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240]**

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### RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00007 authorizing construction as shown on the photos, stamped "Received March 15, 2013", and sited as detailed on the survey plan prepared by J.E. Anderson and Associates, stamped "Received March 1, 2013", and including the following relaxation to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title of Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240 [1151 Lockley Road].**

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (ii) – Side Setback** A 0.77 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any interior lot line. [i.e. from 1.5 metres to 0.73 metres].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (iii) Rear Setback** - A 0.76 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any rear lot line. [i.e. from 1.5 metres to 0.74 metres].

### BACKGROUND:

#### Context

**Applicant/Owners:** Darryl Draper and Marion Draper  
**Property Size:** Metric: 481.88 m<sup>2</sup> Imperial: 5187.1 ft<sup>2</sup>  
**Existing Land Use:** Single Family Dwelling  
**Surrounding Land Uses:** South: Single Family Residential  
East: Single Family Residential  
North: Single Family Residential  
West: Single Family Residential  
**Existing Zoning:** Single Family Residential [RS-1]



**Purpose of the Application:**

The applicant has built an accessory building [garage] without the benefit of a building permit. The building official has confirmed that the owner must now make application for a building permit to have the construction approved or remove the building from the property.

The location of the building is within the rear setback and the interior side setback. The building could potentially be located to meet the setbacks, but the location of a retaining wall on the property would create a challenge in adhering to the rear yard setback requirement. The north wall of the building is sitting on a retaining wall. The building is not on a concrete poured foundation so could be shifted over to comply with the interior side setback.

Many of the accessory buildings in the alley behind Lockley Road do not meet the current zoning requirements. Prior to the 1992 zoning bylaw there were minimal requirements for the siting of accessory buildings. The majority of the houses along Lockley Road date to the 1940 and 1950's.

**Comments from Other Departments**

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

**Building Services:** Construction must conform to BC Building Code and Municipal Building Code Bylaw, 2002, No. 2538.

**Engineering Services:** Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the proposed construction. Staff confirms that the proposed construction does not impact the engineering aspects of the property.

**Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on April 16, 2013. Members inquired into the chosen location and how the building came about. The building evolved over time from a tent structure that was repeatedly damaged by wind, to the more permanent structure that exists today. The location was chosen by the constraints of the property (retaining wall). The application was forwarded to Council with a **recommendation of approval**.

**ISSUES:**

1. Rationale for Selected Option

The siting of this accessory building is not out of character for the area, and is similar to other accessory buildings in the area also backing onto the alley. The nature of the property would make it challenging to site the building differently. The APC has supported the location of the building.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability/Environmental Implications

This Request for Decision has minimal sustainability/environments implications.  
Deconstructing and rebuilding a structure does represent a net increase in energy usage.

5. Communication

As this is a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. On May 14, 2013 notices were mailed indicating that Council would be considering the requested Development Variance Permit application on Monday, May 27, 2013. To date, no responses have been received from the public as a result of these notifications.

**ALTERNATIVES:**

1. Council **approve** Development Variance Permit No. DVP00007 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00007.

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**DEVELOPMENT VARIANCE PERMIT**

**NO. DVP00007**

**Owners:** Darryl Draper and Marion Draper

**Lands:** Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240

**Address:** 1151 Lockley Road, Esquimalt, B.C.

**Conditions:**

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Zoning Bylaw, 1992, No. 2050 as follows:

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (ii) – Side Setback A**  
0.77 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any interior lot line. [i.e. from 1.5 metres to 0.73 metres].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (iii) Rear Setback** - A 0.76 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any rear lot line. [i.e. from 1.5 metres to 0.74 metres].

3. Approval of this Development Variance Permit has been issued in general accordance with the photos, stamped "Received March 15, 2013", and sited as detailed on the survey plan prepared by J.E. Anderson and Associates, stamped "Received March 1, 2013", all of which are attached hereto as Schedule 'A'.
4. The terms, conditions and covenants contained herein shall enure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case maybe or their successors to title in the lands.
5. This Development Variance Permit is not a Building Permit.
6. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.

7. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_\_<sup>th</sup> DAY OF MAY, 2013.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Director of Development Services

\_\_\_\_\_  
Corporate Officer  
Corporation of the Township  
of Esquimalt



ATTN: MARIE J. E. Anderson and Associates  
 B.C. Land Surveyors & Consulting Engineers  
 4212 Glenford Avenue  
 Victoria, B.C. V8Z 4B7  
 727-2214

FRAMING CERTIFICATE



CLIENT: Mr. Darryl Draper

Dear Sir:

Re: Improvements on : LOT 20, BLOCK 5, PLAN 5240, SECTION 10, ESQUIMALT DISTRICT

AT : 1151 Lockley Road, Victoria, B.C.

I hereby certify that I have inspected the above described location and that the foundation walls of the improvements shown are as shown on the sketch below. This sketch uses registered plan dimensions to define lot boundaries. This sketch is for building inspection purposes only. It does not constitute a redefinition of the legal boundaries herein described and is not to be used in a manner which would assume some

Certified Correct According to Land Title & Survey Authority Records and Field Surveys. Unregistered interests have not been included or considered.

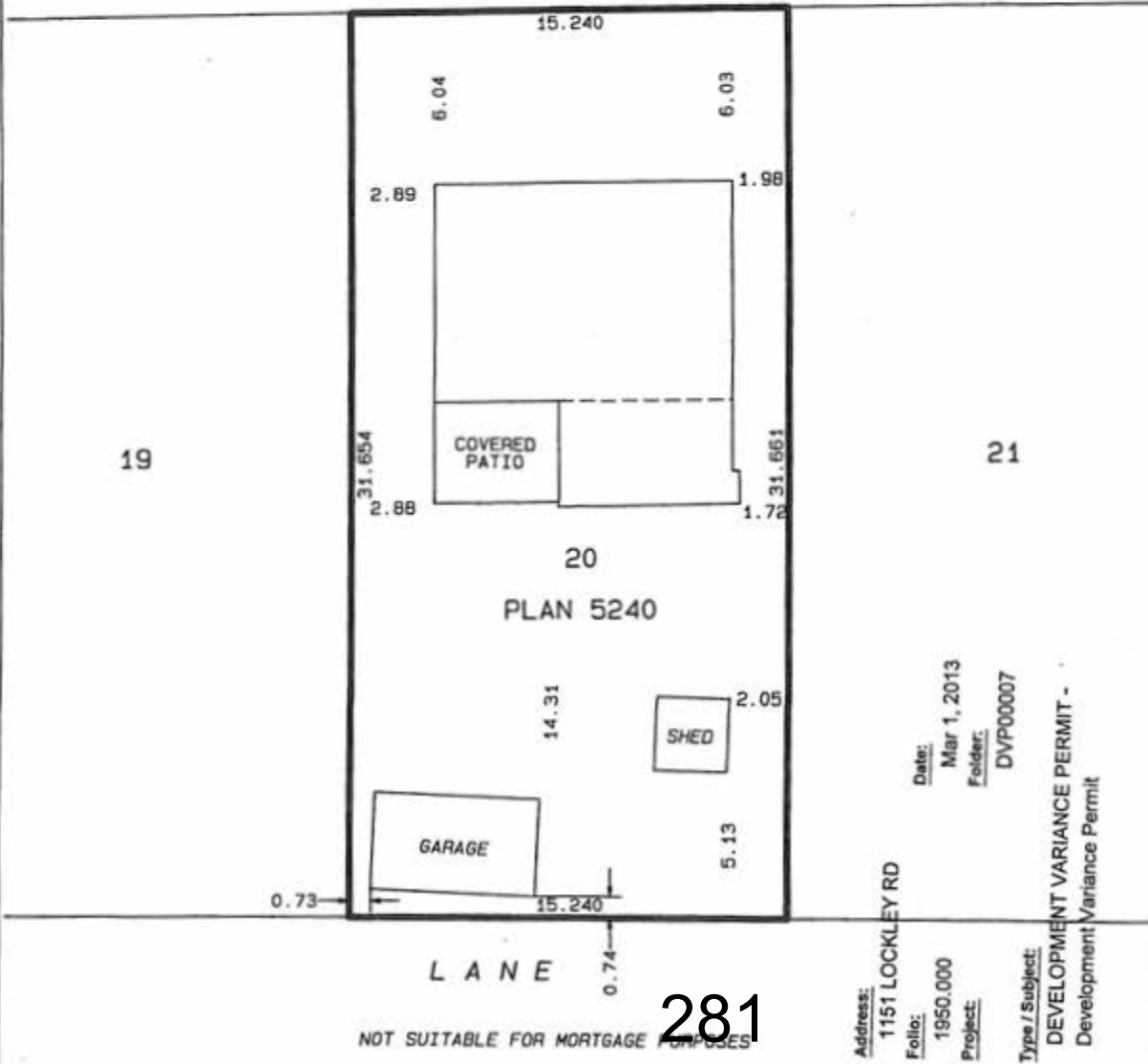
*[Signature]*  
 G.J. Anderson B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS  
 ORIGINALLY SIGNED AND SEALED

Dec 17, 2012  
 Inspected

(c)

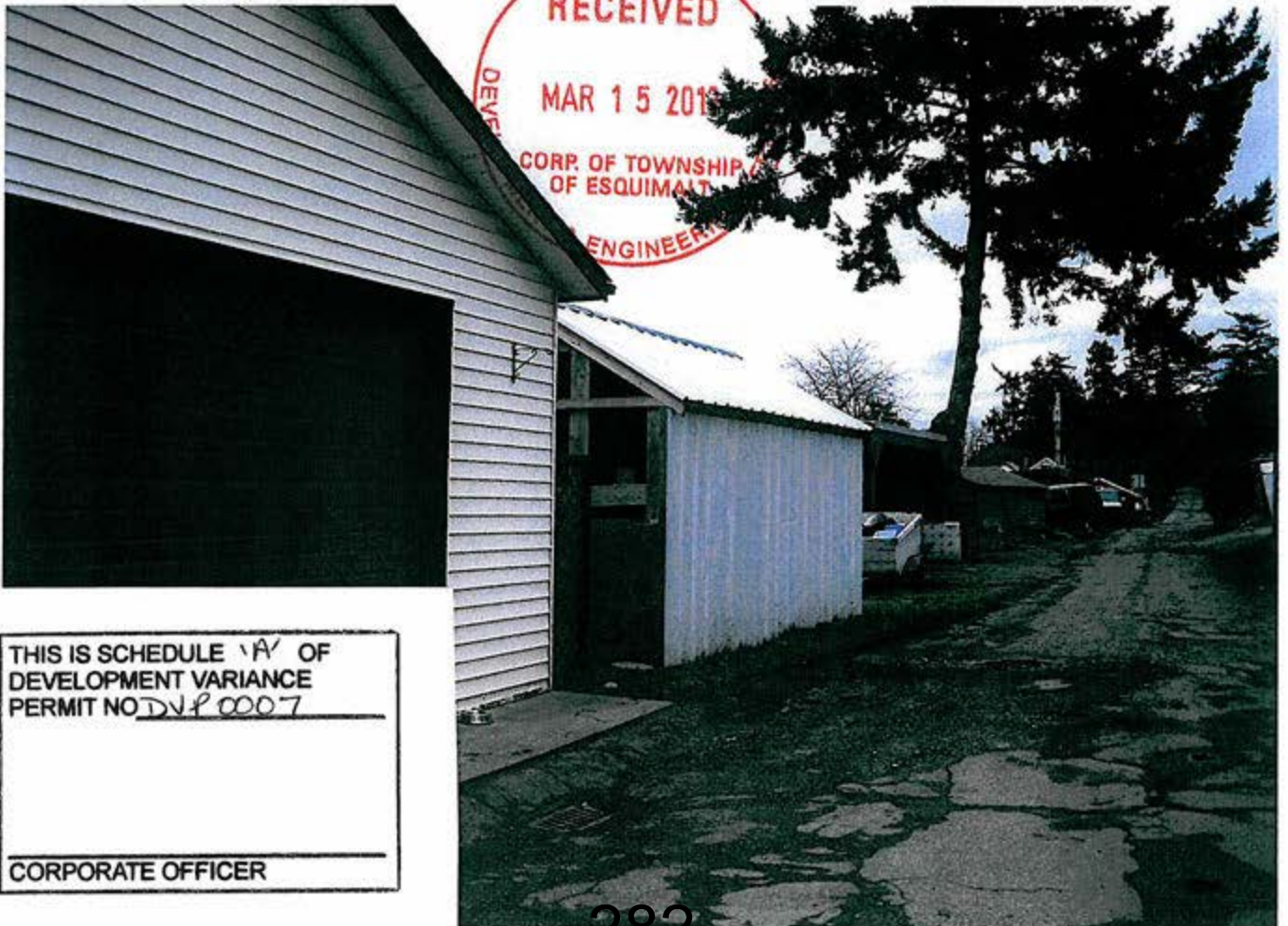
LOCKLEY ROAD



Date: Mar 1, 2013  
 Folder: DVP00007

Address: 1151 LOCKLEY RD  
 Folio: 1950.000  
 Project:  
 Type / Subject: DEVELOPMENT VARIANCE PERMIT - Development Variance Permit

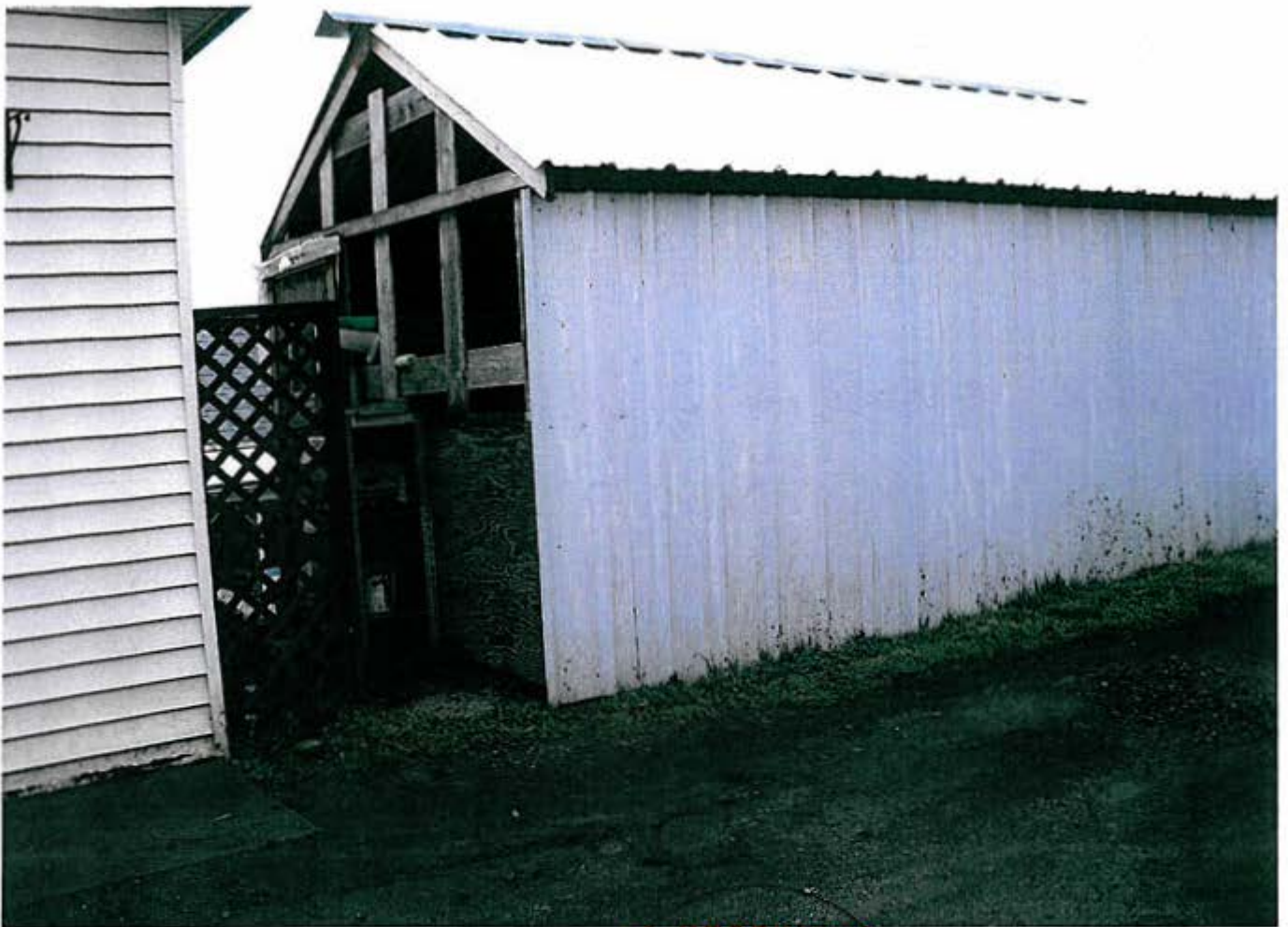
THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT VARIANCE  
 PERMIT NO DVP 0007  
 CORPORATE OFFICER



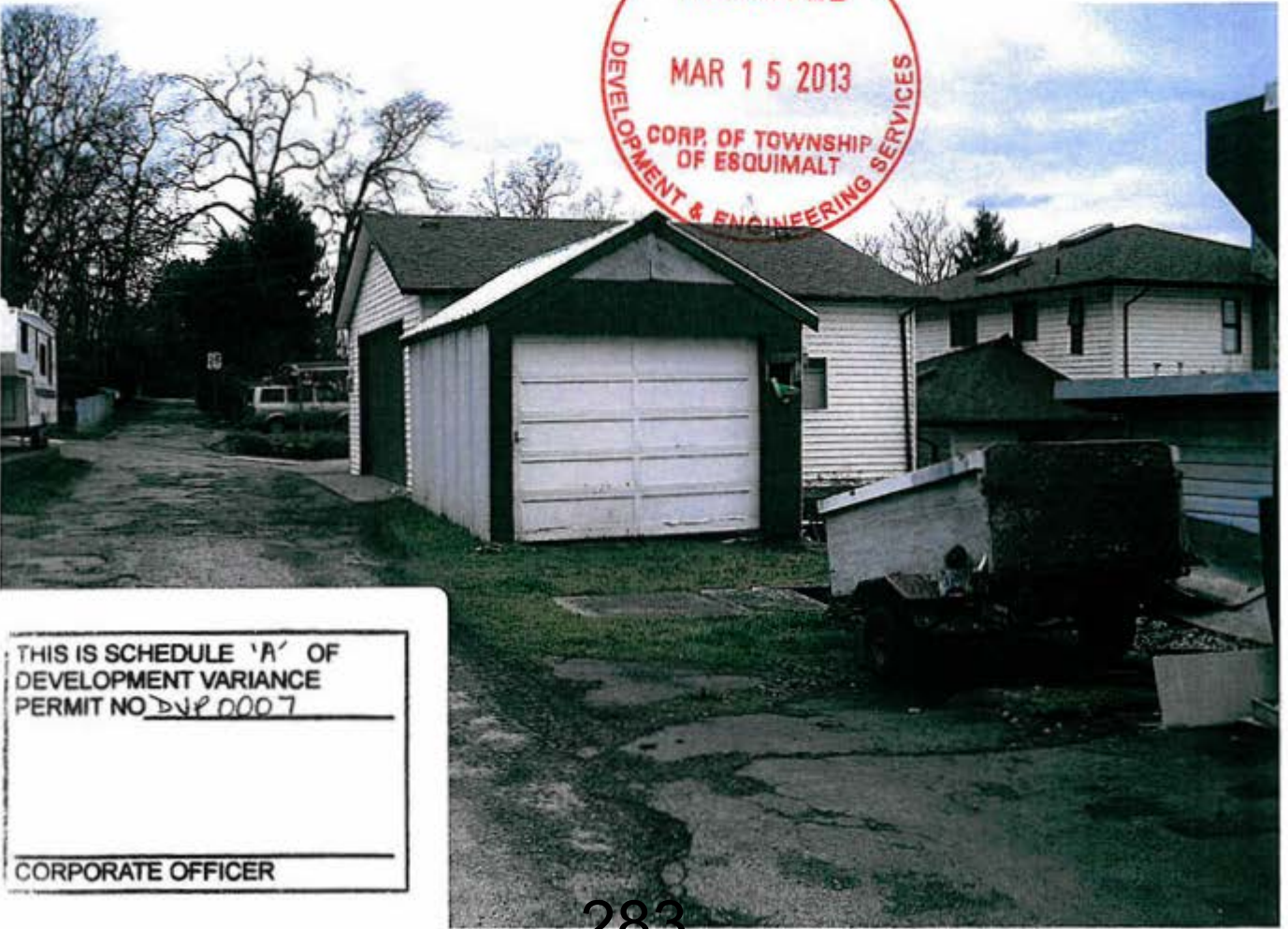
RECEIVED  
MAR 15 2019  
CORP. OF TOWNSHIP OF ESQUIMALT  
ENGINEERING

THIS IS SCHEDULE 'A' OF  
DEVELOPMENT VARIANCE  
PERMIT NO. DVP 0007  
  
CORPORATE OFFICER





RECEIVED  
MAR 15 2013  
CORP. OF TOWNSHIP  
OF ESQUIMALT  
DEVELOPMENT & ENGINEERING SERVICES

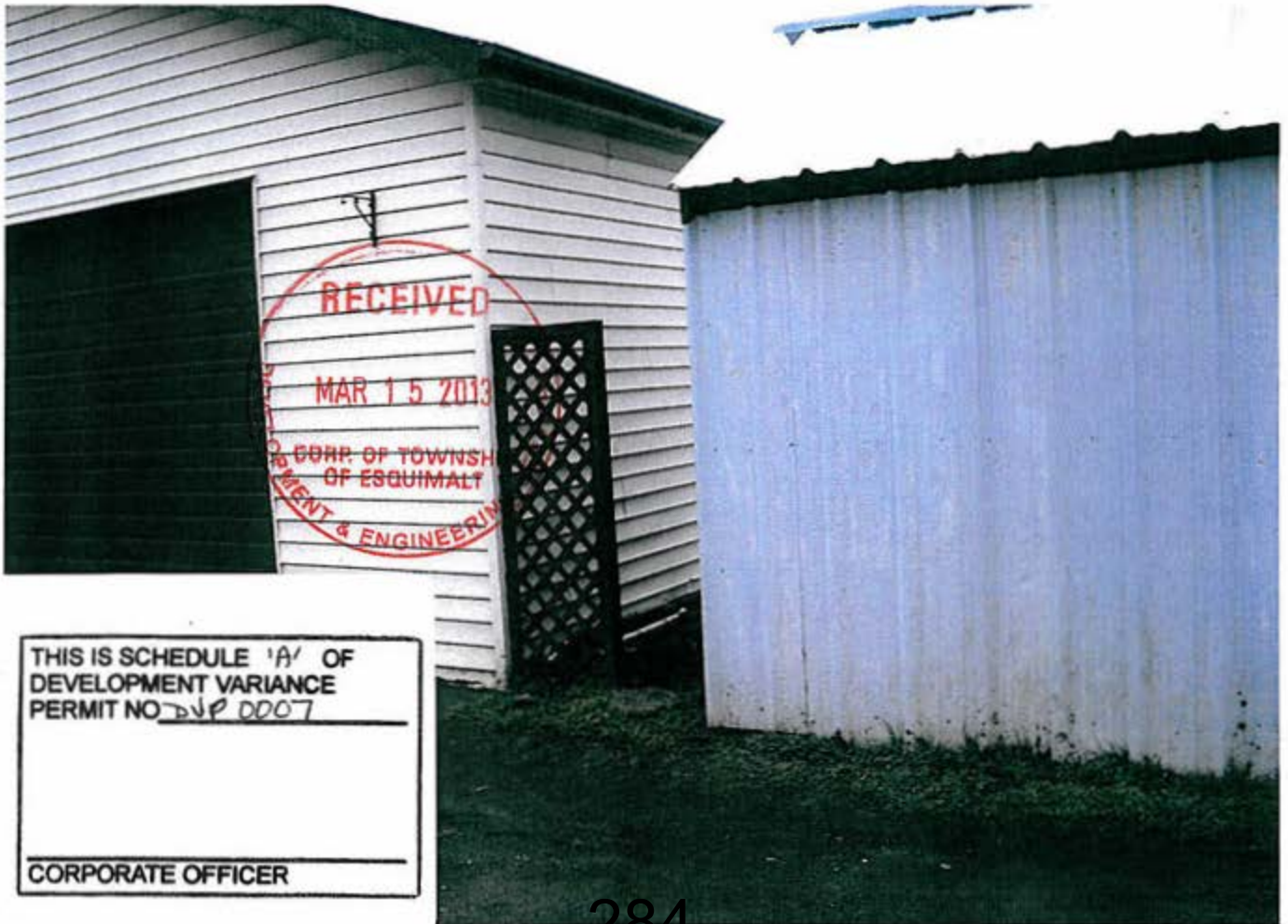


THIS IS SCHEDULE 'A' OF  
DEVELOPMENT VARIANCE  
PERMIT NO DVP 0007

---

CORPORATE OFFICER









## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

May 14, 2013

### DEVELOPMENT VARIANCE PERMIT NOTICE

An application for a Development Variance Permit has been received from Darryl and Marion Draper, the registered owners of 1151 Lockley Road [Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240].

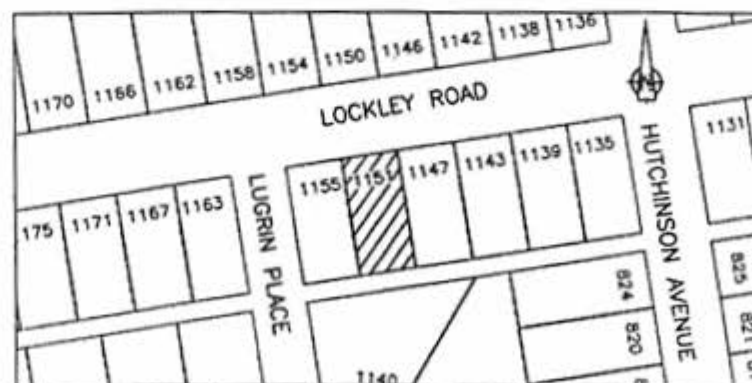
**Purpose of the Application:**

The applicants have built an accessory building [garage] without the benefit of a building permit. Review of the application revealed that this construction requires relaxation of both the required rear and interior side setbacks. Should approval of these variances be granted, the owners would be required to secure a building permit and the Building Official would inspect the building for BC Building Code compliance.

Authorization of the following variances to Zoning Bylaw, 1992, No. 2050 is required:

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (ii) – Side Setback** A 0.77 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any interior lot line. [i.e. from 1.5 metres to 0.73 metres].

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b) (iii) Rear Setback** - A 0.76 metre reduction to the requirement that no accessory building shall be located within 1.5 metres of any rear lot line. [i.e. from 1.5 metres to 0.74 metres].



**Site Location:** 1151 Lockley Road [Lot 20, Block 5, Section 10, Esquimalt District, Plan 5240]

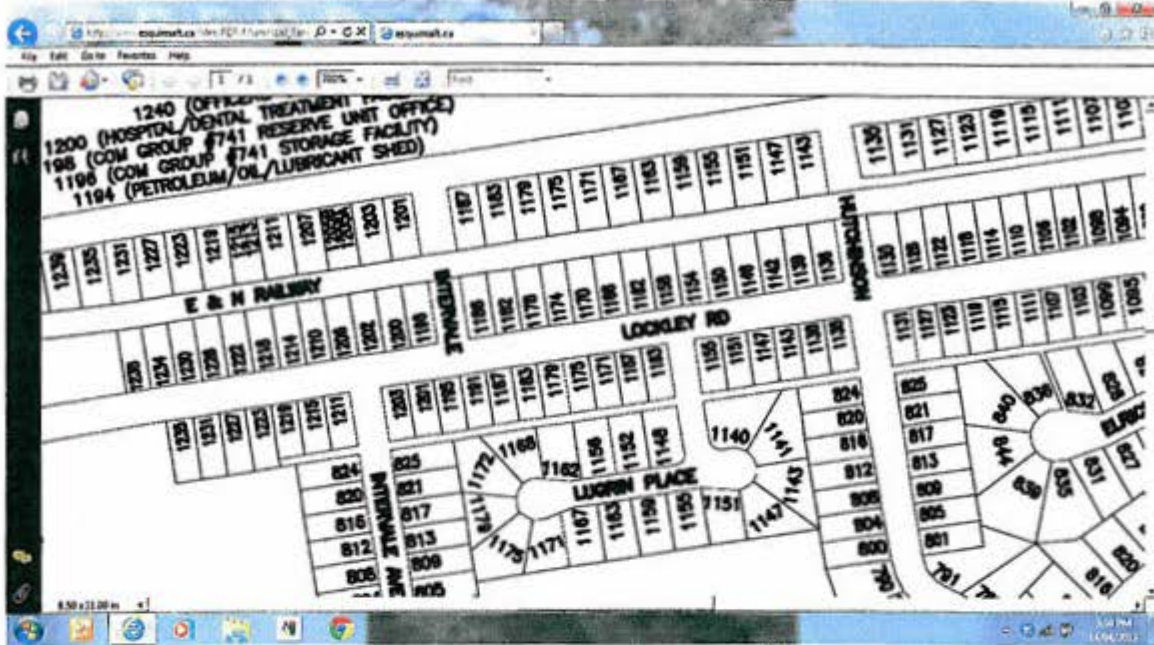
The Municipal Council will consider this application at the **Regular Meeting of Council commencing at 7:00 p.m., Monday, May 27, 2013, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that meeting or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until May 27, 2013.

**BILL BROWN,  
DIRECTOR OF DEVELOPMENT SERVICES**

*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.*

Back at  
 tipc with  
 april 10/13  
 ML



I see no problems with the garage located at 1151 Lockley rd. alley way.

- 1140 Lugrin Place Donald Anderson
- 1141 Lugrin Place Normand Francoeur
- 1155 Lockley rd. Renters live there
- 1147 Lockley rd. Bianca Lepitre
- 1146 Lockley rd. Bill Harrison
- 1150 Lockley rd. JOHN MACDONALD
- 1154 Lockley rd. Mike Fisher

I Talked with Burt Wams on the phone  
 the owner of 1155 Lockley  
 and he is also fine with the  
 garage located at 1151 Lockley Back alleyway.  
 His Cell # is

## DIVISION 1 - RESIDENTIAL ZONES

### 34. SINGLE FAMILY RESIDENTIAL [RS-1]

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

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) keeping of up to a maximum of no more than two [2] Roomers or Boarders
- (d) Secondary Suite: subject to the requirement of Section 30.6  
[Amd. No. 185, Bylaw No. 2709, adopted 9 October, 2009]

(2) **Parcel Size**

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

(3) **Minimum Lot Width**

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

(4) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(5) **Floor Area**

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

(6) **Building Height**

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

(7) **Building Width**

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

(8) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall



not cover more than 30% of the Area of a Parcel.

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

(9) **Siting Requirements**

(a) **Principal Building**

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

(b) **Accessory Building**

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

(10) **Fencing**

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

(11) **Off Street Parking**

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

1175 1171 1167 1163 1159 1155 1151 1147

E & N RAILWAY

3 1174 1170 1166 1162 1158 1154 1150 1146 1142 1138 1136



LOCKLEY RD

HUTCHINSON AVE

1179 1175 1171 1167 1163

1155 1151 1147 1143 1139 1135

1162 1156 1152 1148

LUGRIN PL

1171 1167 1163 1159 1155 1151

1140

1141

1143

1147

824 820 816 812 808 804 800

**SUBJECT PROPERTY MAP  
1151 LOCKLEY AVE**



1151 Lockley Road







## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. DEV-13-022

### REQUEST FOR DECISION

**SUBJECT: DEVELOPMENT VARIANCE PERMIT**

511 Constance Avenue

[Lot K (DD EH50220, Suburban Lot 38, Section 11, Esquimalt District, Plan 2854)]

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00008, authorizing construction as shown on the architectural plans provided by Oceanian Design Inc., stamped "Received March 21, 2013" and sited as detailed on the surveyors site plan prepared by Island Land Surveying Ltd, stamped "Received March 21, 2013, and including the following relaxation to Zoning Bylaw, 1992, No. 2050, and to Parking Bylaw 1992, No. 2011 **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854 [511 Constance Avenue].

**Zoning Bylaw, 1992, No. 2050, Section 58(4)(c) – Siting Requirements – Rear Setback** - a 6.0 metre reduction to the requirement no building shall be located within 7.5 metres of a Rear Lot Line. [i.e. from 7.5 metres to 1.5 metres].

**Parking Bylaw, 1992, No. 2011, Section 13(1)(d) – Parking Requirements – Number of Off-Street Parking Spaces** – a reduction to the number of required off-street Parking Spaces, from 11 spaces to 9 spaces.

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No. 2050

Development Approval Procedures Bylaw, 2003, No. 2562

Advisory Planning Commission Bylaw, 2012, No. 2792

**STRATEGIC RELEVANCE:**

This Request For Decision does not directly relate to a specific strategic objective.

Submitted by: Writer Karen Hay

Reviewed by: CAO R. Stewart

Date: May 22/13



## STAFF REPORT

**DATE:** May 21, 2013 Report No. DEV-13-022  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Karen Hay, Planner  
Bill Brown, Director of Development Services  
**SUBJECT:** **DEVELOPMENT VARIANCE PERMIT**  
**511 Constance Avenue**  
**[Lot K (DD EH50220, Suburban Lot 38, Section 11, Esquimalt District, Plan 2854)]**

---

### RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00008, authorizing construction as shown on the architectural plans provided by Oceanian Design Inc., stamped "Received March 21, 2013" and sited as detailed on the surveyors site plan prepared by Island Land Surveying Ltd, stamped "Received March 21, 2013, and including the following relaxation to Zoning Bylaw, 1992, No. 2050, and to Parking Bylaw 1992, No. 2011 **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854 [511 Constance Avenue].

**Zoning Bylaw, 1992, No. 2050, Section 58(4)(c) – Siting Requirements – Rear Setback** - a 6.0 metre reduction to the requirement that no building shall be located within 7.5 metres of a Rear Lot Line. [i.e. from 7.5 metres to 1.5 metres].

**Parking Bylaw, 1992, No. 2011, Section 13(1)(d) – Parking Requirements – Number of Off-Street Parking Spaces** – a reduction to the number of required off-street Parking Spaces, from 11 spaces to 9 spaces.

### BACKGROUND:

#### Context

**Applicant:** Mary Lynn McKenna, Executive Director

**Owners:** Esquimalt Neighbourhood House Society [ENHS]

**Property Size:** Metric: 929.6 m<sup>2</sup> Imperial: 10006.5 ft<sup>2</sup>

**Existing Land Use:** Public Institution [Esquimalt Neighbourhood House]

**Surrounding Land Uses:** South: Public/Institutional [Church]  
East: Single Family and Multiple Family Residential  
North: Multiple Family Residential  
West: Single Family and Multiple Family Residential

**Existing Zoning:** Public/Institutional [P-1]

### **Purpose of the Application**

The applicant is proposing to add a one-storey building to the property which would 'house new non-medical services targeting seniors living in Esquimalt. Additional space to expand ENHS' overall services is required.' The two variances are required; as the location of the proposed building would be within the required rear setback and would displace two parking spaces.

### **Comments from Other Departments**

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

**Building Services:** Construction must conform to BC Building Code and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol and adhere to Noise Control Bylaw No. 2677. The number and design of the washrooms may not meet minimum code requirements. Exterior wall construction adjacent to the property line must meet requirements for limiting distance. Proof of compliance must be provided at time of building permit application. [The applicant has been made aware of these issues and will configure the building's interior to meet the Building Code requirements.]

**Engineering Services:** Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the proposed construction. Staff confirms that the proposed construction does not impact the engineering aspects of the property.

**Fire Services:** New building must meet the requirements of the BC Building and Fire Code.

### **Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on April 16, 2013. Members inquired into whether the applicant anticipated having any difficulty with the reduced number of parking spaces and the configuration of the parking spaces. The applicant explained that the majority of their clients cannot afford a car, the existing spaces tend to be used by a few service providers (staff, VIHA nurse), and therefore the lot is rarely filled to capacity. The application was forwarded to Council with a **recommendation of approval**.

### **ISSUES:**

#### 1. Rationale for Selected Option

Staff worked with the applicant to find an optimum location for the proposed building so as to provide a maximum number of parking spaces on the property and the fewest variances in the siting of the new building. The Public/Institution zone does not contain regulations for 'accessory' buildings. The proposed one-storey building is very much like an accessory building (garage/workshop) that a home owner might build on a residential property. The proposed siting would meet the requirements for an accessory building in a single family or multi-family residential zone.

The ENHS has been operating with eleven parking spaces for many years, with 1 space in the past being used for the garbage dumpster. The proposed building and new parking layout

would provide nine legal spaces with an adequate maneuvering isle. The ENHS no longer has a large garbage dumpster, having changed to rolling bins that they locate on the south side of the main building.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability/Environmental Implications

The provision of additional services for seniors in Esquimalt assists seniors to age in place, adds to the quality of life of local residents, and creates a healthier sustainable community.

5. Communication

As this is a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. The first set of notices mailed on April 24, 2013 and indicating that Council would consider the application on May 6, 2013, contained an error. This error caused some confusion for at least one property owner. On May 14, 2013 new notices were mailed indicating that Council would be considering the requested Development Variance Permit application on Monday, May 27, 2013. To date, one letter has been received from the public as a result of these notifications and is attached to this report.

**ALTERNATIVES:**

1. Council **approve** Development Variance Permit No. DVP00008 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00008.

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**  
**DEVELOPMENT VARIANCE PERMIT**  
**NO. DVP00008**

**Owners:** Esquimalt Neighbourhood House Society (Soc. No. 12270)

**Lands:** Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854

**Address:** 511 Constance Avenue, Esquimalt, B.C.

**Conditions:**

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Zoning Bylaw, 1992, No. 2050 and Parking Bylaw 1992, 2011 as follows:

**Zoning Bylaw, 1992, No. 2050, Section 58(4)(c) – Siting Requirements – Principal Building – Rear Setback** - a 6.0 metre reduction to the requirement no building shall be located within 7.5 metres of a Rear Lot Line. [i.e. from 7.5 metres to 1.5 metres].

**Parking Bylaw, 1992, No. 2011, Section 13(1)(d) – Parking Requirements – Number of Off-Street Parking Spaces** – a reduction to the number of off-street Parking Spaces required from 11 spaces to 9 spaces.

3. Approval of this Development Variance Permit has been issued in general accordance with the architectural plans provided by Oceanian Design Inc., stamped "Received March 21, 2013" and sited as detailed on the survey plan prepared by Island Land Surveying Ltd, stamped "Received March 21, 2013, all of which is attached hereto as Schedule 'A'.
4. The terms, conditions and covenants contained herein shall enure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
5. This Development Variance Permit is not a Building Permit.
6. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.



7. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

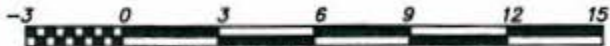
ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_<sup>th</sup> DAY OF MAY, 2013.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Director of Development Services

\_\_\_\_\_  
Corporate Officer  
Corporation of the Township  
of Esquimalt

**SITE PLAN OF PROPOSED SENIORS BUILDING UPON LOT K (DD EH50220), SUBURBAN LOT 38, ESQUIMALT DISTRICT, PLAN 2854.**



SCALE=1:150. All distances are in metres.

**LEGEND**

Bearings, areas and distances may vary upon completion of a Legal Survey.

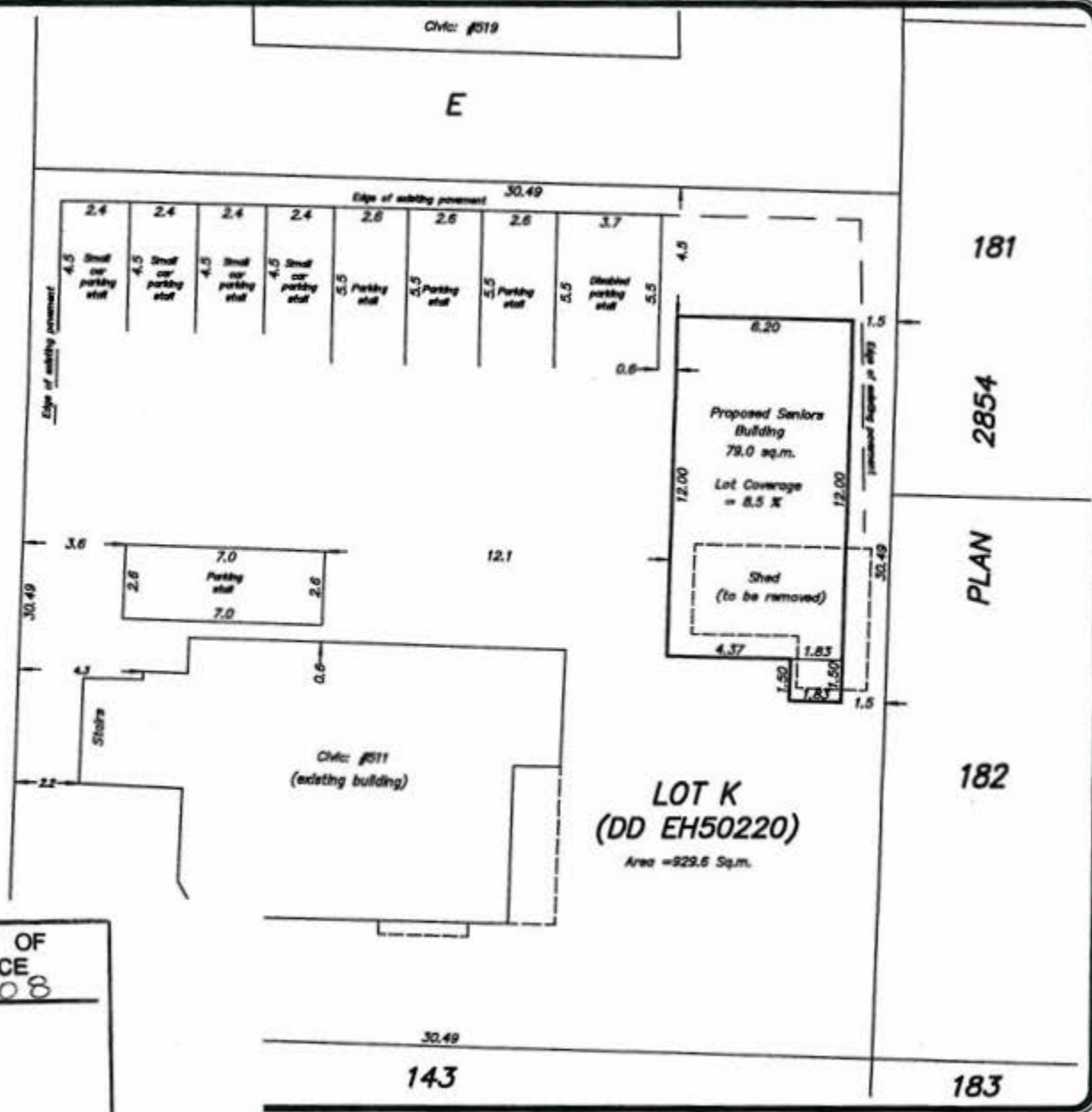
Field survey dated February 13, 2008.

Proposed building area and footprint derived from Aspire Custom Designs Ltd. drawing dated March 5, 2013.

298



CONSTANCE AVENUE



Dated on the 14th day of March, 2013.

*P. Broeren*

Peter L. M. Broeren

File: 19-ENHS-SPI  
Date: March 14, 2013  
Island Land Surveying Ltd.  
1-15 Coalbrook Avenue  
Victoria, B.C. V8Z 1T3  
TEL 250.478.1913 FAX 250.478.1516  
www.IslandSurveying.ca

THIS IS SCHEDULE 'A' OF DEVELOPMENT VARIANCE PERMIT NO. DVP 00008

CORPORATE OFFICER



RECEIVED  
MAR 21 2013  
CORP. OF TOWNSHIP  
OF ESQUIMAULT  
DEVELOPMENT & ENGINEERING SERVICES

299

THIS IS SCHEDULE 'A' OF  
DEVELOPMENT VARIANCE  
PERMIT NO. DVP 00008

CORPORATE OFFICER

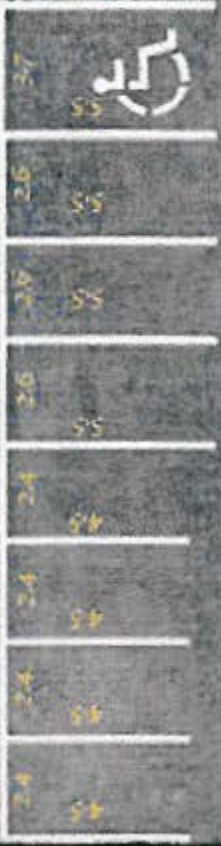




ESQUIMAULT NEIGHBOURHOOD HOUSE  
SENIORS' CENTRE

1.5m

4.5m

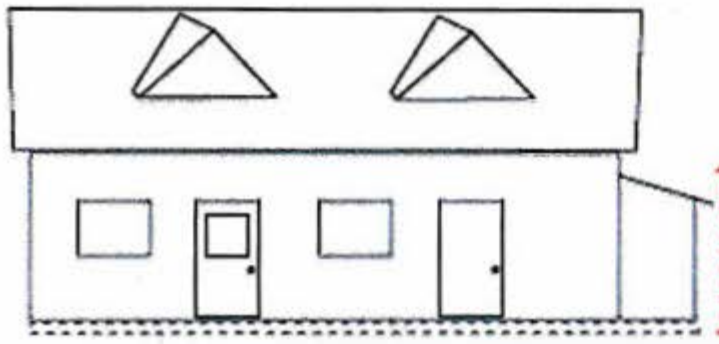


RECEIVED  
 MAR 2 1 2015  
 CORP. OF TOWNSHIP  
 OF ESQUIMAULT  
 DEVELOPMENT & ENGINEERING SERVICES

THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT VARIANCE  
 PERMIT NO. DVP 00008  
 \_\_\_\_\_  
 CORPORATE OFFICER

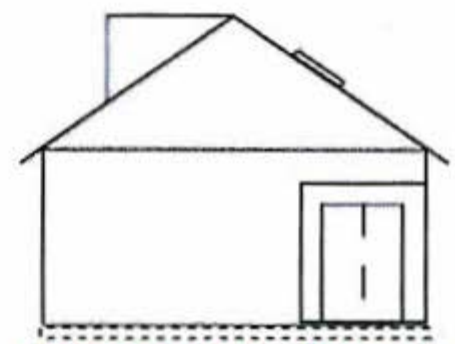


# Seniors' Centre, Esquimalt Neighbourhood House Society



2.14  
4.0  
12.00  
1.50  
13.5

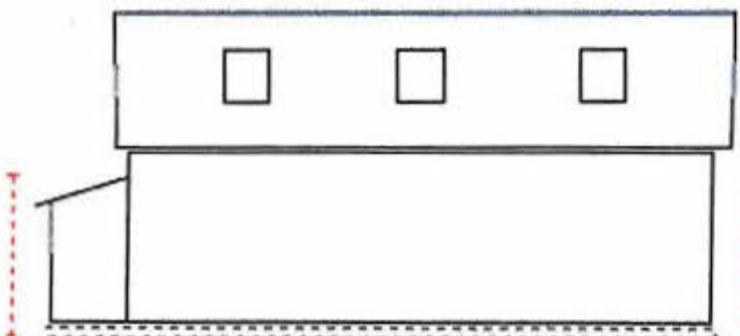
West Elevation



4.0  
4.37  
1.83  
6.20

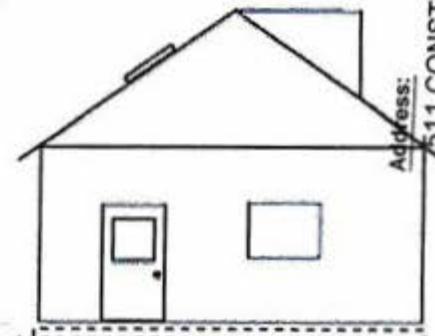
South Elevation

Date: Mar 26, 2013  
Folder: DVP00008



2.14  
4.0  
1.50  
12.00  
13.5

East Elevation



4.0  
6.20

North Elevation

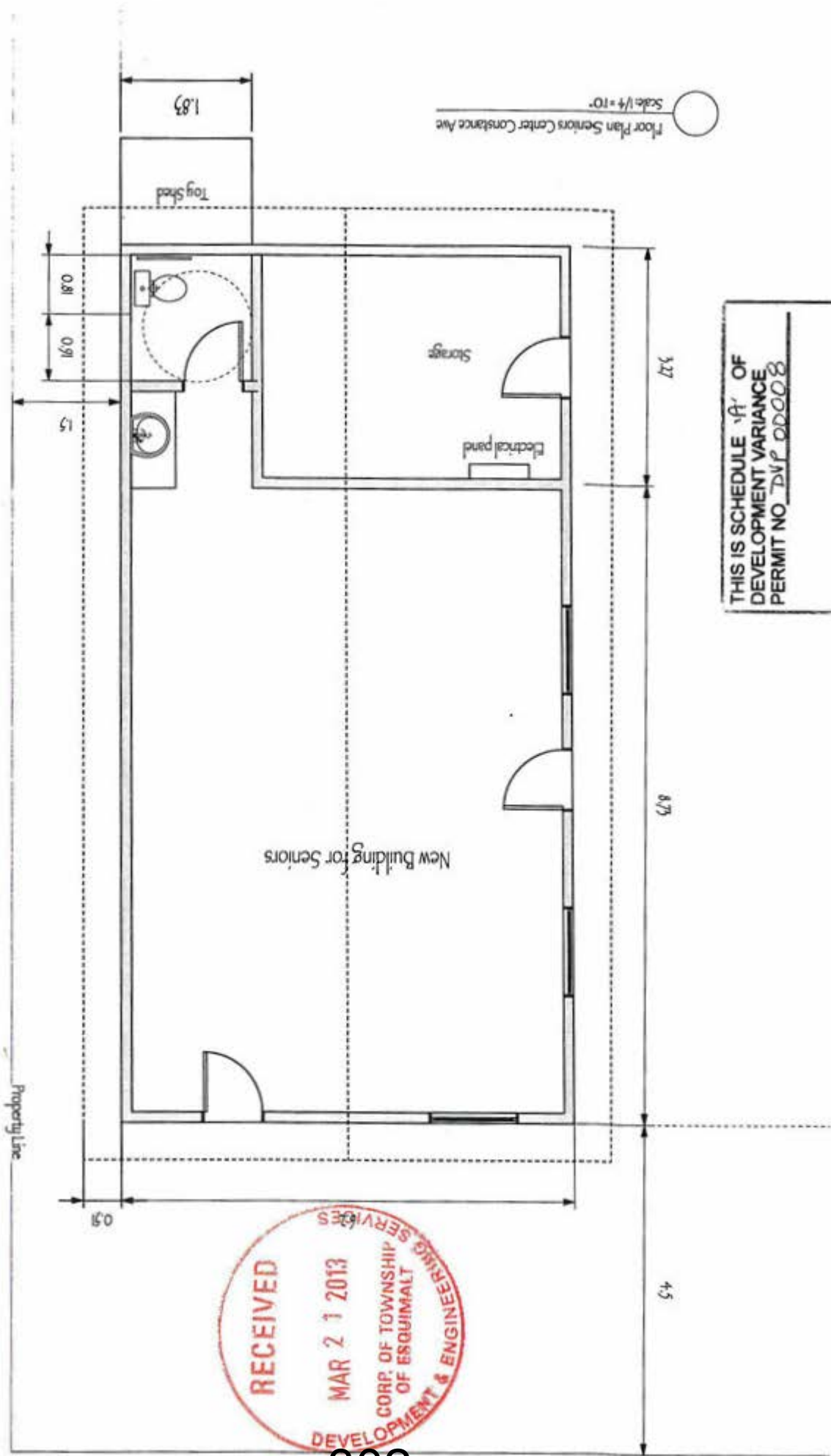
Address: 511 CONSTANCE AVE  
Folio: 3928.000  
Project: 4.1

THIS IS SCHEDULE 'A' OF  
DEVELOPMENT VARIANCE  
PERMIT NO. DVP 00008  
  
CORPORATE OFFICER

Type / Subject:  
DEVELOPMENT VARIANCE PERMIT -  
Development Variance Permit



301



THIS IS SCHEDULE 'A' OF  
 DEVELOPMENT VARIANCE  
 PERMIT NO. DIV 00008

CORPORATE OFFICER

RECEIVED  
 MAR 21 2013  
 CORP. OF TOWNSHIP  
 OF ESQUIMAULT  
 DEVELOPMENT & ENGINEERING SERVICES

## **DIVISION 4 - INSTITUTIONAL AND CIVIC ZONES**

### **58. PUBLIC/INSTITUTIONAL [P-1]**

The intent of this Zone is to accommodate public and institutional facilities.

#### **(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Library
- (b) Government office
- (c) Sports Centre
- (d) Recreation Centre
- (e) Group Children's Day Care Centre
- (f) Group home
- (g) Rest home
- (h) Community Care Facility
- (i) Schools (public and private)
- (j) Hospital
- (k) Public Health Clinic or facility
- (l) Church
- (m) Fire hall
- (n) Police station
- (o) Parks nursery
- (p) Archive
- (q) Museum
- (r) Cemetery
- (s) Charitable organization office
- (t) Counselling 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 40% of the Area of a Parcel.

#### **(4) Siting Requirements**

- (a) Front Setback: No Building shall be located with 7.5 metres of a Front Lot Line.
- (b) Side Setback: No Building shall be located within 4.5 metres of an Interior or Exterior Side Lot Line.

(c) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

(5) **Screening and Landscaping**

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

(b) Landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall also be landscaped except for points of ingress and egress.

(6) **Off Street Parking**

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







511 Constance Avenue



306



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

May 14, 2013

### DEVELOPMENT VARIANCE PERMIT NOTICE

(Correction to Previous Notice and New Council Meeting Date)

An application for a Development Variance Permit has been received from Esquimalt Neighbourhood House Society, the registered owners of 511 Constance Avenue [Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854].

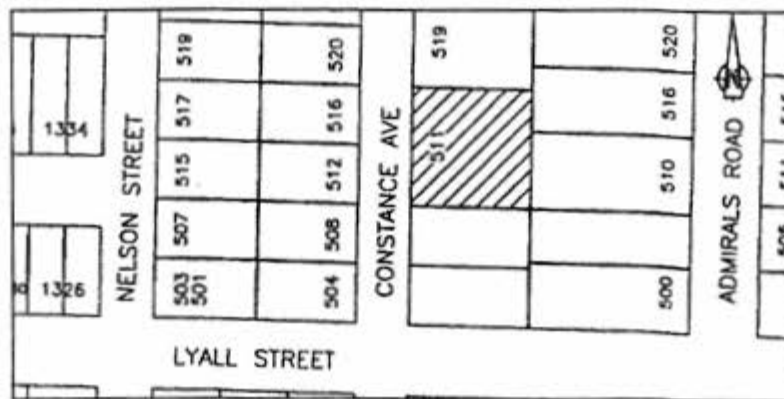
**Purpose of the Application:**

The applicant is proposing to add a one-storey building to the property which would 'house new non-medical services targeting seniors living in Esquimalt.' The two variances are required; as the location of the proposed building would be within the required rear setback for a building on a Public Institution zoned property and would displace two existing parking spaces.

Authorization of the following variances to Zoning Bylaw, 1992, No. 2050 and to Parking Bylaw 1992, No. 2011 is required:

**Zoning Bylaw, 1992, No. 2050, Section 58(4)(c) – Siting Requirements – Rear Setback** - a 6.0 metre reduction to the requirement that no building shall be located within 7.5 metres of a rear lot line. [i.e. from 7.5 metres to 1.5 metres].

**Parking Bylaw, 1992, No. 2011, Section 13(1)(d) – Parking Requirements – Number of Off-Street Parking Spaces** – a reduction to the number of required off-street parking spaces from 11 spaces to 9 spaces.



**Site Location:**

511 Constance Avenue [Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854]

The Municipal Council will consider this application at the **Regular Meeting of Council commencing at 7:00 p.m., Monday, May 27, 2013, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that meeting or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until May 27, 2013.

**BILL BROWN,  
DIRECTOR OF DEVELOPMENT SERVICES**

*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.*



Bill Brown

Corporation of the Township of Esquimalt

1229 Esquimalt Rd

Victoria, B.C.

V9A 3P1



Dear Mr. Brown:

Re: Development Variance Permit Notice dated April 24, 2013 – 511 Constance St

We are the owners of 519 Constance St which is adjacent to the North of the applicant's property.

As per my email of April 30, 2013 (copy attached) we feel that the notice for this meeting is sufficiently confusing that it could affect the outcome of the public hearing. We request that this meeting be postponed until such time as a clear notice of the applicant's request can be distributed to the neighborhood.

As owners of the property beside the applicant's property we are not in favor of the applicant's requests for the following reasons:

- 1) Increase in traffic to the site due to the additional facilities being added combined with the reduction in onsite parking will place a burden on the surrounding neighbors where on street parking is permitted.
- 2) The additional structure on the site will increase the shading effect onto our property and will impact our tenants use and enjoyment of the property.

Thank you for your attention to this matter.

Sincerely

Geoff McLean



4440 Chatterton Way, Victoria, British Columbia V8X 5J2

250.744.3301 1.800.663.2121 Facsimile 250.744.3904

Email: geoff@geoffmclean.com www.geoffmclean.com



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-71 00  
Fax: (250) 414-71 11

April 24, 2013

## DEVELOPMENT VARIANCE PERMIT NOTICE

An application for a Development Variance Permit has been received from Esquimalt Neighbourhood House Society, the registered owners of 511 Constance Avenue [Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854].

### Purpose of the Application:

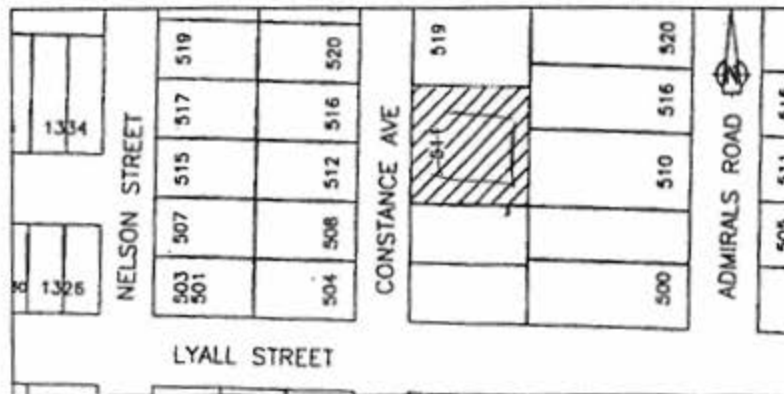
The applicant is proposing to add a one-storey building to the property which would 'house new non-medical services targeting seniors living in Esquimalt.' The two variances are required; as the location of the proposed building would be within the required rear setback for a Public Institution zoned property and would displace two existing parking spaces.

Authorization of the following variances to Zoning Bylaw, 1992, No. 2050 and to Parking Bylaw 1992, No. 2011 is required:

**Zoning Bylaw, 1992, No. 2050, Section 58(4)(c) – Siting Requirements – Principal Building – Side Setback** - a 6.0 metre reduction to the requirement no building shall be located within 7.5 metres of a rear lot line. [i.e. from 7.5 metres to 1.5 metres].

**Parking Bylaw, 1992, No. 2011, Section 13(1)(d) – Parking Requirements – Number of Off-Street Parking Spaces** – a reduction to the number of required off-street parking spaces from 11 spaces to 9 spaces.

4.5 m



### Site Location:

511 Constance Avenue [Lot K (DD EH50220), Suburban Lot 38, Section 11, Esquimalt District, Plan 2854]

2/3

**Geoff Mclean Assoc**

---

**From:**  
**Sent:** April-30-13 9:16 AM  
**To:** Geoff Mclean  
**Subject:** Fw: Geoff McLean Re: Development Variance Permit Notice dated April 24, 2013 - 511 Constance

**From:**  
**Sent:** Tuesday, April 30, 2013 9:11 AM  
**To:** [info@esquimalt.ca](mailto:info@esquimalt.ca)  
**Subject:** Geoff McLean Re: Development Variance Permit Notice dated April 24, 2013 - 511 Constance

To: Corporation of the Township of Esquimalt

We are the owners of 519 Constance and received the above captioned notice that our neighbor at 511 Constance is seeking a relaxation in the setback requirements to accommodate an additional building on site. This notice is confusing and may influence the public input. Under Purpose of the Application it talks about a "rear setback" under the Zoning definition it talks about a "side setback".

When I spoke to the planning department Monday April 29, 2013 they were surprised and acknowledged that a typing error had been made.

I feel that this hearing date should be set aside until correct notices can be delivered so the neighborhood can accurately determine if they'll effected.

Geoff McLean  
Catherine McLean

Victoria, B.C.  
V8E 2H7



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: May 27, 2013  
Staff Report No. DEV-13-023

### REQUEST FOR DECISION

**SUBJECT: DEVELOPMENT VARIANCE PERMIT**

1103 Hadfield Avenue

[The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050]

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00010 authorizing the construction as shown on the photos, stamped "Received April 05, 2013, and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received April 05, 2013", and including the following relaxation to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title of The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050 [1103 Hadfield Avenue].**

**Zoning Bylaw, 1992, No. 2050, Section 17. – Special Siting Requirements – A 1.5 metre reduction to the requirement that heat pumps shall not be located within 6.0 metres of any property line [i.e. from 6.0 metres to 4.5 metres].**

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No. 2050

Development Approval Procedures Bylaw, 2003, No. 2562

Advisory Planning Commission Bylaw, 2012, No. 2792

**STRATEGIC RELEVANCE:**

This Request For Decision does not directly relate to a specific strategic objective.

Submitted by: Writer Karen Hay

Reviewed by: CAO R. Hurst

Date: May 22/13



## STAFF REPORT

**DATE:** May 21, 2013 Report No. DEV-13-023  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Karen Hay, Planner  
Bill Brown, Director of Development Services  
**SUBJECT: DEVELOPMENT VARIANCE PERMIT**  
**1103 Hadfield Avenue**  
**[The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050]**

---

### RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00010 authorizing the construction as shown on the photos, stamped "Received April 05, 2013, and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received April 05, 2013", and including the following relaxation to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050 [1103 Hadfield Avenue].

**Zoning Bylaw, 1992, No. 2050, Section 17. – Special Siting Requirements – A**  
1.5 metre reduction to the requirement that heat pumps shall not be located within 6.0 metres of any property line [i.e. from 6.0 metres to 4.5 metres].

### BACKGROUND:

#### Context

**Applicant/Owners:** Sandra Eggleton and Kenneth Mackenzie  
**Property Size:** Metric: 1150 m<sup>2</sup> Imperial: 12379 ft<sup>2</sup>  
**Existing Land Use:** Single Family Dwelling  
**Surrounding Land Uses:** South: Two Family/Single Family Residential  
East: Two Family/Single Family Residential  
North: Two Family/Single Family Residential  
West: Two Family/Single Family Residential  
**Existing Zoning:** Two Family/Single Family Residential [RD-3]

#### Purpose of the Application:

The owners are requesting a Development Variance Permit to allow a heat pump to remain where it is currently sited. The Special Siting Requirements section of the zoning bylaw requires heat pumps to be located no closer to a property line than 6.0 metres. This heat pump is located 4.5 metres from the front property line and over 6.0 metres from the side property lines.

## ISSUES:

### 1. Rationale for Selected Option

Although this application is the result of a bylaw complaint, there has been no indication that there is any issue with noise emanating from the heat pump. Modern heat pumps create little noise compared to those that were available in the 1990's, when the bylaw requirement was created. The complainant indicated a concern with the look of the heat pump in the front yard. The zoning bylaw does not prohibit heat pump placement within a front yard.

### 2. Organizational Implications

This Request for Decision has no organizational implications.

### 3. Financial Implications

This Request for Decision has no financial implications.

### 4. Sustainability/Environmental Implications

Heat pumps are recognized as a very energy efficient method of heating and cooling buildings. They generally use less energy than conventional heating and cooling equipment thereby increasing the sustainability of existing buildings.

### 5. Communication

As this is a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. On May 14, 2013 notices were mailed indicating that Council would be considering the requested Development Variance Permit application on Monday, May 27, 2013.

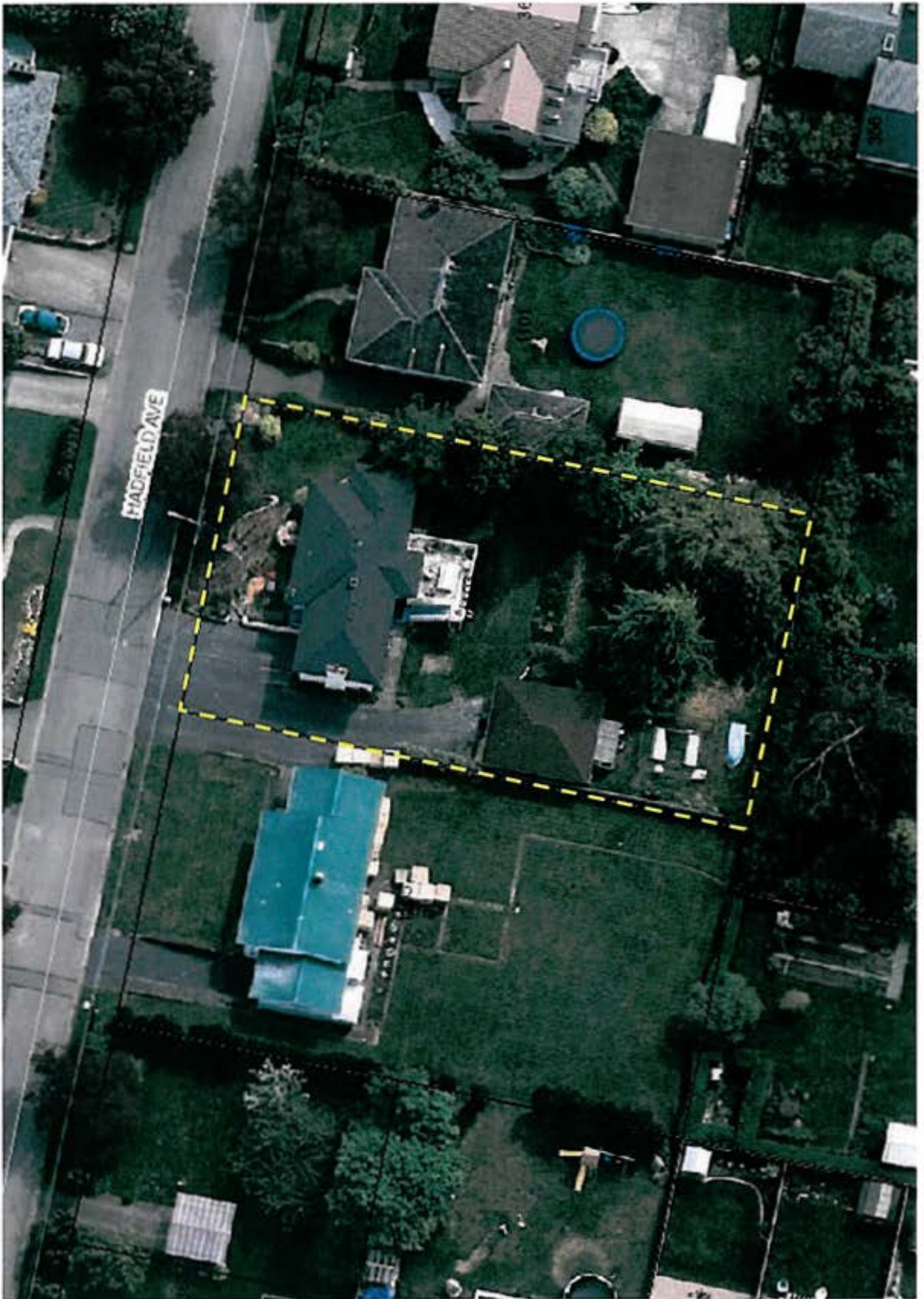
On May 22, 2013 the owner provided five letters of support, collected from the adjacent neighbours [attached].

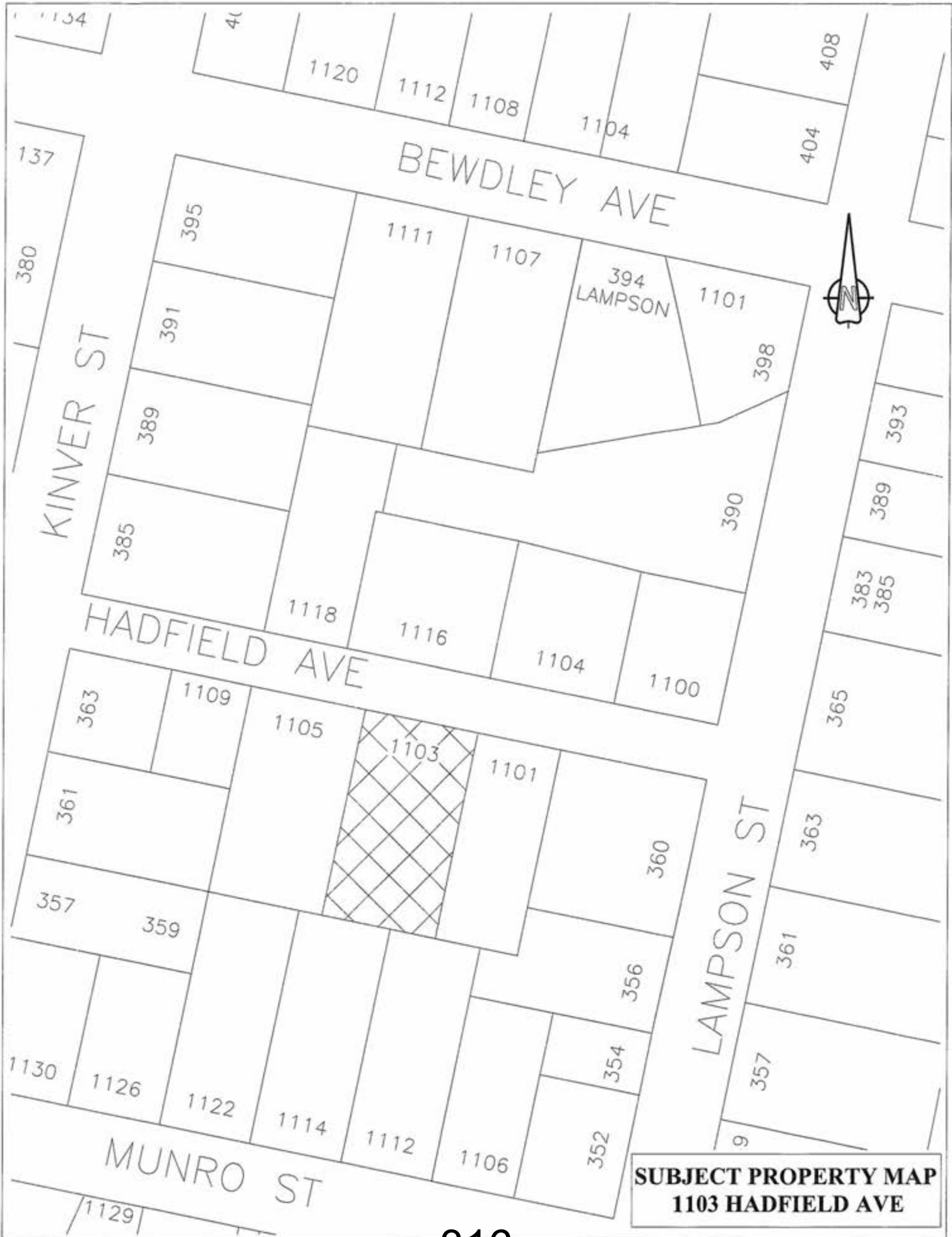
## ALTERNATIVES:

1. Council **approve** Development Variance Permit No. DVP00010 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00010.



1103 Hadfield Avenue





**SUBJECT PROPERTY MAP  
1103 HADFIELD AVE**





## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100  
Fax: (250) 414-7111

May 14, 2013

### DEVELOPMENT VARIANCE PERMIT NOTICE

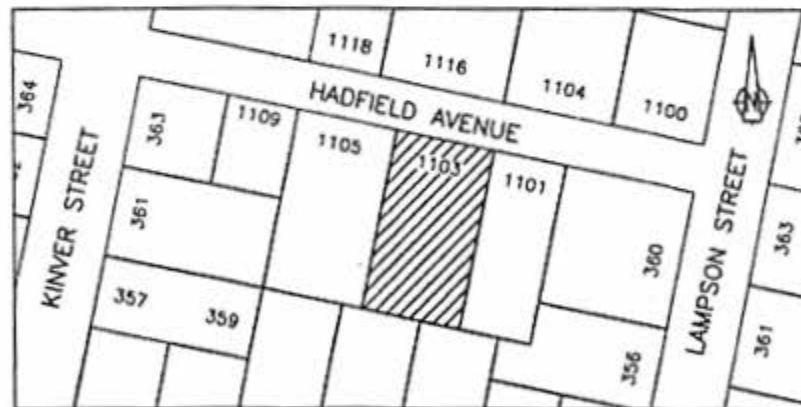
An application for a Development Variance Permit has been received from Sandra Eggleton and Kenneth MacKenzie, the registered owners of 1103 Hadfield Avenue [The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050].

**Purpose of the Application:**

The owner is requesting a Development Variance Permit to allow a heat pump to remain where it is currently sited. The Special Siting Requirements section of the zoning bylaw requires heat pumps to be located no closer to a property line than 6.0 metres. This heat pump is located 4.5 metres from the front property line.

Authorization of the following variance to Zoning Bylaw, 1992, No. 2050 is required:

**Zoning Bylaw, 1992, No. 2050, Section 17. – Special Siting Requirements – A 1.5 metre reduction to the requirement that heat pumps shall not be located within 6.0 metres of any property line [i.e. from 6.0 metres to 4.5 metres].**



**Site Location: 1103 Hadfield Avenue**

The Municipal Council will consider this application at the **Regular Meeting of Council commencing at 7:00 p.m., Monday, May 27, 2013, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that meeting or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until May 27, 2013.

BILL BROWN,  
DIRECTOR OF DEVELOPMENT SERVICES

*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.*

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**  
**DEVELOPMENT VARIANCE PERMIT**

**NO. DVP00010**

**Owners:** Sandra Eggleton and Kenneth Mackenzie

**Lands:** The Easterly ½ of Lot 9, Section 11, Esquimalt District, Plan 5050

**Address:** 1103 Hadfield Avenue, Esquimalt, B.C.

**Conditions:**

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Zoning Bylaw, 1992, No. 2050 as follows:

**Zoning Bylaw, 1992, No. 2050, Section 17. – Special Siting Requirements – A 1.5 metre reduction to the requirement that heat pumps shall not be located within 6.0 metres of any property line [i.e. from 6.0 metres to 4.5 metres].**

3. Approval of this Development Variance Permit has been issued in general accordance with the photos, stamped "Received April 05, 2013, and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received April 05, 2013", all of which is attached hereto as Schedule 'A'.
4. The terms, conditions and covenants contained herein shall enure to the benefit of and be binding upon the owners, their executors, heirs or administrators, successors and assigns as the case maybe or their successors to title in the lands.
5. This Development Variance Permit is not a Building Permit.
6. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
7. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE \_\_\_<sup>th</sup> DAY OF MAY, 2013.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Director of Development Services

\_\_\_\_\_  
Corporate Officer  
Corporation of the Township  
of Esquimalt





RECEIVED  
APR 05 2013  
CORP. OF TOWNSHIP  
OF ESQUIMALT  
DEVELOPMENT & ENGINEERING SERVICES

THIS IS SCHEDULE 'A' OF  
DEVELOPMENT VARIANCE  
PERMIT NO. DVP 00010  
CORPORATE OFFICER



**B.C. Land Surveyor's Sketch Plan  
of Proposed Building on:**

The Easterly 1/2 of Lot 9,  
Section 11, Esquimalt District,  
Plan 5050

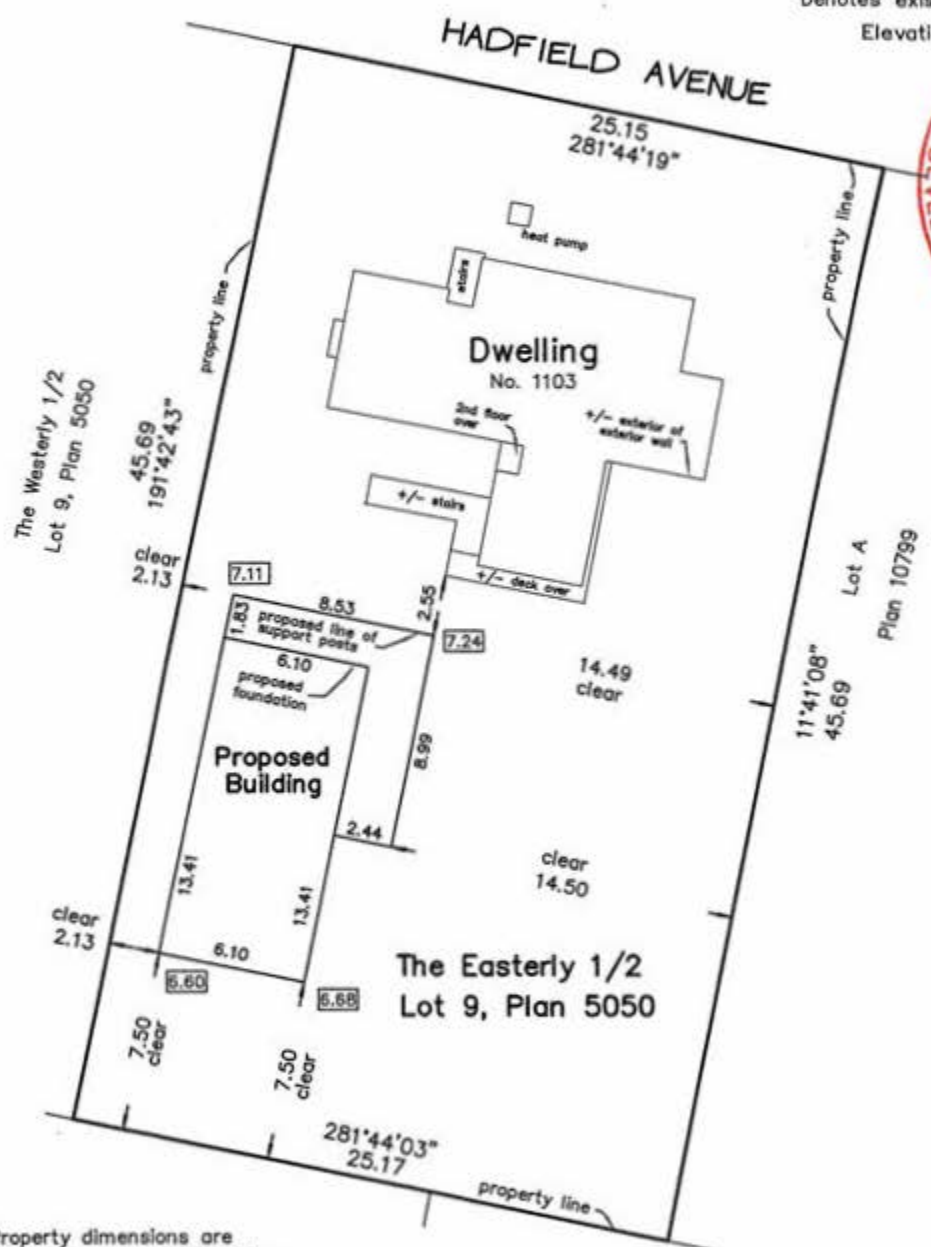
Civic address: 1103 Hadfield Avenue  
Victoria, B.C.  
Parcel Identifier Number 006-028-799



Scale 1:200  
All distances are in metres

site area = +/-  
1149 square metres

**Legend**  
Denotes existing geodetic elevation 0.00  
Elevations are GEODETIC



THIS IS SCHEDULE 'A' OF  
DEVELOPMENT VARIANCE  
PERMIT NO. D10010  
CORPORATE OFFICER

Property dimensions are derived from Land Title Plans and field survey.  
This plan was prepared for the exclusive use of our client.

Glen Mitchell  
Land Surveying Inc.  
1030 North Park Street  
Victoria, B.C.  
V8T 1C6  
tel 250-385-1712  
email glen @ mitchellsurvey.ca



This plan is certified correct this 19th day of December, 2012  
Glen Mitchell  
H7B5G2  
Digitally signed by Glen Mitchell H7B5G2  
DN: c=CA, cn=Glen Mitchell H7B5G2, o=BC  
Land Surveyor, ou=Verify ID at  
www.juricert.com/LKUP.cfm?id=H7B5G2  
Date: 2012.12.19 10:17:54 -0800

B.C.L.S.

321 This document is not valid unless signed & sealed or electronic signature is attached.



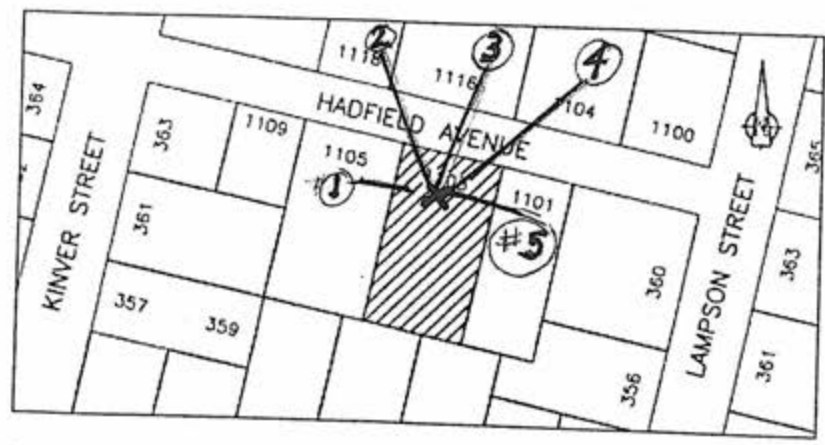
To The Esquimalt Council and Variance Committee

Over 2 years ago, when Columbia Fuels informed us that our oil tank needed to be replaced, we thought it was time to find a better more ecologically friendly heating system. We did our research and arranged for a heat pump to be installed. We hired a reputable company, Island Energy, who did a great job, and the system has been working very well. We even got an Eco grant from the Federal Government for choosing this ecologically sound heating method.

Last fall, we received notice from the by law officer that our heat pump might be in violation of a by law. In fact, further investigation showed that it is 1.2 metres too close to the property line. The company we hired had no idea that there was such a by law.

There are many reasons why it is in the best place now, especially, that the sound does not impact anyone. Therefore, we are seeking a Variance from the Township. We would not do this if there was actually a neighbour who was being bothered by it. We value the neighbours on our street very much and enjoy excellent relationships with them. All those who could be affected, have written letters in support of our application. (see attached)

Yours truly, Sandi Eggleton and Ian MacKenzie



Attached Support Letters are from Neighbours 1-5

please note Kim is Ian's nickname.



#1

To the Variance Committee  
Regarding 1103 Hadfield Avenue/heat pump

We are neighbours of Kim and Sandi's, on their block and in view of the heat pump. We have no objections to the location of the heat pump and have not been bothered by it in any way.

Please allow their variance application.

Yours truly,

ALAN HAINES  
1105 HADFIELD AVE

#2



To the Variance Committee  
Regarding 1103 Hadfield Avenue/heat pump

We are neighbours of Kim and Sandi's, on their block and in view of the heat pump. We have no objections to the location of the heat pump and have not been bothered by it in any way.

Please allow their variance application.

Yours truly,

DAN & JACKY WEBER  
1118 HADFIELD AVE

APRIL 12, 2013

*[Handwritten signatures]*





To the Variance Committee  
Regarding 1103 Hadfield Avenue/heat pump

We are neighbours of Kim and Sandi's, on their block and in view of the heat pump. We have no objections to the location of the heat pump and have not been bothered by it in any way.

Please allow their variance application.

Yours truly,

Debra Scott

Debra & Murray Scott  
1116 Hadfield Ave  
(directly across the street)

#4

Tim Richards  
1104 Hadfield Ave.  
Victoria, B.C.  
V9A 5N5



Variance Committee  
Township of Esquimalt

April 25, 2013

Dear Variance Committee:

I am writing this letter in support of Kim and Sandi's application for a variance in order to avoid relocating their heat pump. Kim and Sandi live at 1103 Hadfield Ave. My family has lived at 1104 Hadfield Avenue for the past six years and is able to see the heat pump from our front yard. At no time since its installation has the operation of the heat pump caused us a disturbance of any sort, and the operation of the heat pump has not led to any noise or emissions that we are able to detect. Relocation of the heat pump would lead to no benefits to us, and would be of considerable inconvenience and expense to Kim and Sandi.

I would be happy to be contacted if I can provide any further information for your decision making, and my phone number at home is [REDACTED] and at work it is [REDACTED]

Thank you for the work of your Committee, and best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Richards".

Tim Richards



To the Variance Committee  
Regarding 1103 Hadfield Avenue/heat pump

We are neighbours of Kim and Sandi's, on their block and in view of the heat pump. We have no objections to the location of the heat pump and have not been bothered by it in any way.

Please allow their variance application.

Yours truly,

Beth Burton-Kuh  
1101 Hadfield Ave & Neil Bert A/K/A  
~~250-382-5907~~

# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## BYLAW NO. 2800

A bylaw for the installation and maintenance of  
Smoke Alarms in Dwelling Units

WHEREAS pursuant to Section 63 of the *Community Charter*, Council may pass bylaws relating to smoke alarms and Council is of the opinion that it is expedient and in the public interest to adopt smoke alarm regulations,

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

1. **Citation**

This Bylaw may be cited as the "SMOKE ALARM BYLAW, 2013, NO. 2800."

2. **Definitions**

In this Bylaw:

- (a) "CAN/ULC-S531" means the National Standard of Canada designation for the standard for smoke alarms issued under the auspices of the Underwriters' Laboratories of Canada;
- (b) "CAN/ULC-S553" means the National Standard of Canada designation for the standard for the installation of smoke alarms issued under the auspices of the Underwriters' Laboratories of Canada;
- (c) "Dwelling Unit" means one or more habitable rooms used for residential accommodation when such rooms contain or provide for the installation of only one set of cooking facilities and one or more sets of sanitary facilities;
- (d) "Inspector" includes the Fire Chief and any other member of the Fire Department of the Municipality.
- (e) "Institutional Occupancy" means the occupancy of a building or part thereof by persons who require special care or treatment because of age, mental or physical limitations;
- (f) "Smoke Alarm" means a combined smoke detector and audible alarm device which:
  - i) is designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within the room or suite; and
  - ii) conforms to the CAN/ULC-S531 Standard for smoke alarms.

3. **Severability**

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

4. **Duty of Care**

This Bylaw does not create any duty of care whatsoever on the Municipality, the Council members, officers, inspectors or any employees or agents of the Municipality in respect of:



- (a) inspections made by the Inspector or failure to make such inspections, or
- (b) the enforcement or failure to enforce the provisions of this Bylaw.

5. **Cause of Action**

Neither the failure to administer or enforce, nor the incomplete or inadequate administration or enforcement of this Bylaw or inspections made by the Inspector, shall give rise to a cause of action in favour of any person including the owner.

6. **Installation of Smoke Alarms Required**

- (a) The owner of a building shall install and maintain at least one smoke alarm in every dwelling unit, unless the dwelling unit is located in an institutional occupancy which is served by a functioning fire alarm system;
- (b) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit and where the sleeping areas are served by a hallway, the smoke alarm shall be installed in the hallway;
- (c) Smoke alarms shall be installed on or near the ceiling;
- (d) Where the dwelling unit consists of more than one storey at least one smoke alarm shall be installed on each storey;
- (e) The owner shall install smoke alarms in conformance with the CAN/ULC-S553 Standard for the installation of smoke alarms.

7. **Smoke Alarm Requirements**

- (a) Smoke alarms installed pursuant to this Bylaw must be connected to an electrical circuit;
- (b) An individually battery powered smoke alarm will not be installed in any dwelling unit unless it is installed in conjunction with and in addition to a smoke alarm which is connected to an electrical circuit;
- (c) Battery powered smoke alarms are permitted in garages, workshops and other outbuildings and structures that do not contain dwelling units;
- (d) Battery powered smoke alarms shall be equipped with an alarm pause button which, when used, will temporarily reduce the alarm's sensitivity to smoke;
- (e) Smoke alarms connected to an electrical circuit shall not be equipped with a disconnect switch between the overcurrent device and the smoke alarm.

8. **Testing**

- (a) The owner of the dwelling unit or room in which a smoke alarm is installed shall test, or have the smoke alarm tested, at least once every twelve months to ensure it is functioning correctly.
- (b) The owner of the dwelling unit or room in which an individually battery powered smoke alarm has been installed shall install new batteries in the alarm at least once every twelve months.
- (c) The owner of the dwelling unit which a smoke alarm is installed shall immediately replace or repair any smoke alarm which, upon testing, fails to perform correctly.

9. **Inspectors**

- (a) The Inspector is authorized to enter onto any property that is subject to this Bylaw, at all reasonable times, in order to ascertain whether the requirements of this Bylaw are being met.
- (b) Notwithstanding clause (a), where the property that is subject to inspection is an occupied dwelling unit, the Inspector shall first obtain the consent of the occupant, or the occupant shall first have been given 24 hours written notice of the Inspector's intention to inspect the dwelling unit.
- (c) All Inspectors entering private property shall be in possession of credentials to identify them as duly authorized representative(s) of the Municipality.
- (d) No person shall obstruct or prevent the entry of the Inspector onto any property or dwelling unit pursuant to this Bylaw.

10. **Other Provincial Requirements**

- (a) Orders for upgrading or repair issued by the Local Assistant to the Fire Commissioner, shall take precedence over this Bylaw.
- (b) Nothing contained in this Bylaw shall be construed to alter or vary the provisions of the *British Columbia Building Code* governing the installation of smoke alarms.

11. **Offence and Penalty**

- (a) A person who contravenes a provision of this Bylaw is guilty of an offence and shall be liable upon conviction to a fine of not less than \$200.00.
- (b) A person commits a separate offence on each day that an offence under subsection (a) continues.

12. **Repeal**

The Smoke Alarm Bylaw, 1995, No. 2190 and all amendments thereto, are hereby repealed

Read a first time on the 6<sup>th</sup> day of May, 2013.

Read a second time on the 6<sup>th</sup> day of May, 2013.

Read a third time on the 6<sup>th</sup> day of May, 2013.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**BYLAW NO. 2801**

A Bylaw to require owners of real property to connect their buildings and structures to the municipal sanitary sewer and storm drainage systems

WHEREAS it is deemed desirable and expedient that owners of real property be required to connect their buildings and structures to the Municipality's sanitary sewer system and storm drainage system;

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

1. This Bylaw may be cited as the "SEWER CONNECTION BYLAW, 2013, No. 2801."

**Definitions**

2. For the purposes of this Bylaw:

"connection" means the act of connecting a property's sanitary sewer system to the Municipality's sanitary sewer system or the property's storm drainage system to the Municipality's storm drainage system;

"Director of Engineering and Public Works" means the person appointed to the position of Director of Engineering and Public Works, and includes any person designated as an alternate;

"Municipality" means The Corporation of the Township of Esquimalt;

"sanitary sewer system" means a system for the collection and disposal of sewage; and

"storm drainage system" means a system for the collection and disposal of surface water runoff.

**Requirement to Connect to Sanitary Sewer**

3. Every property owner must ensure that all sewage originating from any building or structure located on the owner's property is connected to and discharged into the Municipality's sanitary sewer system, where the Municipality's sanitary sewer system is available for connection to the property, in a manner provided by this Bylaw, any other pertinent bylaw of the Municipality and the *British Columbia Plumbing Code*.
4. (1) Any connection required under clause 3 shall be made within 180 days of receipt of written notice to do so from the Municipality.  
(2) Notwithstanding clause 4(1), such connection shall be completed within three days of receipt of written or other reasonable notice given by the Vancouver Island Health Authority, if, in the opinion of the Vancouver Island Health Authority, a nuisance or health hazard exists as a result of any building or structure not being connected to the Municipality's sanitary sewer system.

### **Requirement to Connect to Storm Drainage**

5. Every property owner must ensure that all surface water originating from the owner's property is contained entirely on that property and connected to and discharged into the Municipality's storm drainage system, where the Municipality's storm drainage system is available for connection to the property, in a manner provided by this Bylaw, any other pertinent bylaw of the Municipality and the *British Columbia Plumbing Code*.
6. Any connection required under clause 5 shall be made within one year of receipt of written notice to do so from the Municipality.

### **Notice**

7. Any notice required to be given by the Municipality pursuant to any provisions of this Bylaw may be delivered by personal service to the owner or to the occupant of the property that appears to be at least 18 years of age, or sent by registered mail to the last known address of the owner, in which case the notice is deemed to have been received immediately upon delivery if personally delivered or 3 business days from the date of mailing, if sent by pre-paid registered mail. For the purposes of this clause 7, business day means a day other than a Saturday, Sunday or statutory holiday in the Province of British Columbia.

### **Connection Charges**

8. Every property owner must pay the connection charges for making a connection to the sanitary sewer system or the storm drainage system, as the case may be, as set out in the *Building Code Bylaw, 2002, No. 2538*, as may be amended or replaced from time to time. The connection charges do not cover the cost of any works required to be done within the property for the purposes of making such a connection, which costs are the sole responsibility of the owner.

### **Municipal Action at Defaulter's Expense**

9.
  - (1) If an owner fails to perform any work required by this Bylaw within the time specified, the Municipality may enter upon the property and cause the work to be performed at the owner's expense and recover the cost of doing so from the owner as a debt that is due and payable to the Municipality within 30 days of the Municipality performing the work. Any amounts payable by the owner, if unpaid on the thirty-first (31st) day of December in any year shall be added to and form part of the taxes payable in respect of the property and shall be deemed as taxes in arrears.
  - (2) Every owner of property shall at all reasonable times allow, suffer and permit the officers and employees of the Municipality and other persons authorized by the Director of Engineering and Public Works to enter on any property for the purpose of inspecting and enforcing this Bylaw and causing a connection to be made under 9(1).
  - (3) No person shall obstruct or interfere with any person engaged in the administration or enforcement of this Bylaw.



**Offence**

- 10. (1) Every person who contravenes any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or neglects to do or refrains from doing anything to be done by this Bylaw commits an offence and is liable to a fine of not more than \$2,000.00 per offence.
- (2) Where an offence is continuous, each day that the offence is continued shall constitute a separate offence.
- (3) This Act may be enforced by the issuing of a ticket for contravention in accordance with the Township of Esquimalt *Ticket Information Utilization Bylaw*, 2005, No. 2619, as may be amended or replaced from time to time.

**Severability**

- 11. If any portion of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, then the portion so held invalid shall be severed and not affect the validity of the remaining portions of this Bylaw.

**Repeal**

- 12. The Sewer Connection Bylaw, 1981, No. 1687 is hereby repealed.

Read a first time on the 6<sup>th</sup> day of May, 2013.

Read a second time on the 6<sup>th</sup> day of May, 2013.

Read a third time on the 6<sup>th</sup> day of May, 2013.

ADOPTED on the                    day of                    , 2013.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER

May 4, 2013

## BPOE Victoria #2

Tonight we are all here to celebrate the 100th Anniversary of the Elks in Victoria. We may not be as old, but we have a heritage almost as rich as the city itself. The Elks traditions of benevolence and brotherhood continue today just as with our forefathers of yesteryear.

The Elks of Canada was founded in January 1912, with Victoria's Lodge being established on the 23rd of January 1913. The first Exalted Ruler was Joshua Kingham, a name of little note today, but an important part of our history. When we read in our historical documents of the activities over the past 100 years we find that we have been invoiced with many important facets of Victoria's development and enduring charm.

We have, from the beginning, been involved in fund-raisers for our charitable pursuits in helping children in need, which remains today our main focus.

But the Elks also like to have fun and had been involved with the Victoria Day Parade for the past 60 years, not only the marshalling of it but in 1913 we entered a float drawn by four horses which was considered the most magnificent float ever seen in the city.

The Elks sponsored parties and galas and many sporting events. In the early years the Elks has a swim club on the Gorge and sponsored many water festivals and produced some excellent national competitors. They were a hearty bunch ... How many of us would be swimming in the Gorge?

Over the years we have seen many changes around us, and we have had to change along with it. We have come a long way from the beginning, but the Elks members of the 21st century are determined to continue the rich tradition set for us and leave a legacy to the Elks of tomorrow as we enter the pages of history.





## **BATTLE OF THE ATLANTIC SERVICE**

At the Cenotaph at the  
Legislative Buildings, 5 May 2013



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**ADVISORY DESIGN REVIEW COMMITTEE**

**MINUTES**

**MEETING HELD**

**APRIL 10, 2013**

**ESQUIMALT COUNCIL CHAMBERS**

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**MEMBERS PRESENT:**

Wendy Kay	Paul NewCombe
Zelig Alec Katz	Jill Singleton
Paul De Greeff [departed at 4:20 pm]	Carl Rupp
Richard Iredale	

**REGRETS:** Cst. Kristin Greffard

**STAFF LIAISON:** Bill Brown, Director of Development Services

**COUNCIL LIAISON:** Councillor David Schinbein  
Councillor Tim Morrisison [regrets]

**SECRETARY:** Marie Letham

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One member of the public in attendance.

**I. CALL TO ORDER**

The Chair called the meeting to order at 3:00 p.m.

**II. LATE ITEMS**

There were no late items presented.

**III. ADOPTION OF AGENDA**

Moved and seconded that the Agenda as distributed be adopted.  
The Motion **CARRIED UNANIMOUSLY**.

Prior to the adoption of the Minutes, Mike Dillistone, Consultant, advised the Committee that he did not feel that the Minutes of March 20<sup>th</sup>, 2013, reflected the flavor of the meeting. He thought that the comments on page 3 were too vague.

**IV. ADOPTION OF MINUTES – March 20, 2013**

Moved by Richard Iredale, seconded by Carl Rupp, that the Minutes of the Regular Meeting of March 20, 2013 be adopted as distributed.  
The Motion **CARRIED UNANIMOUSLY**.

**V. BUSINESS FROM MINUTES**

No business from minutes.



VI. STAFF REPORTS

(1) HERITAGE REVITALIZATION AGREEMENT  
429 LAMPSON STREET [ENGLISH INN]  
[LOT B, SECTION 11, ESQUIMALT DISTRICT, PLAN VIP60066]

Michael Dillistone, (Michael Dillistone Consulting), Paul Merrick, Architect, (Paul Merrick Consulting) and Brian Chelin, representing owners LFC Lampson Holdings Inc., were in attendance, to present an update of their proposed Heritage Revitalization Agreement. The agreement would govern the future development of the site and would include design guidelines. They also wish to allow for a possible two lot subdivision in the future.

Michael Dillistone gave an summary of the application as it has proceeded this far. The property is in a Development Permit Area. He explained that the Heritage Revitalization Agreement acts like a Land Use Contract. The Design Guidelines form an integral part of the Agreement and provide a high level of specific design control on the site.

Paul Merrick, Architect, commented that the minutes concur with his notes. The language of the minutes was not discussed.

He commented on water management on site- this has not been managed well at present; the stormwater has to be managed on the whole site.

Paul Merrick, reviewed the Design Guidelines, outlining the amendments that have been made since the March 20<sup>th</sup>, presentation. He commented on the buildings setbacks, and the topography of the site. He reviewed the access to the site and the driveway in front.

Michael Dillistone, in reference to comments regarding parking, stated that Boulevard Transportation had done a parking study. He commented that they are comfortable providing parking in the front in a sensitive way. There are 8 parking spaces in the front at present.

Committee Discussion:

Paul De Greff commented that the trees are an important part of the site, the edge trees define the character of that site. There is not sufficient information regarding tree protection and the identify of trees to be protected. A covenant should be required for tree protection.

Members of the Design Review Committee outlined the following:

- concern expressed regarding the density;
- concerned expressed that the boundary allotted for the Manor House does not respect its significance importance, needs to be looked at very carefully towards the trees and site topography and the protected areas identified;
- not strong heritage tools in the document;
- there is not a clear reference in the Design Guidelines how a new road will be created into the site to respect and the trees and landscaping around the Manor House; encourage the Municipality to find language to ensure protection as the development pushes forward;
- concerned that 11 parking spaces for the Inn is not sufficient for guests, staff and any special functions being held, especially if the proposed new lot Site B is completely separate from Site A;
- stormwater management should be considered in the Agreement.

The committee, in summary, agreed with the concept of the HRA with the provision that there is tree protection, landscape character protection, no build zones are identified, attention paid to the percentage of impervious surfaces, and stormwater management is considered in the agreement.

**RECOMMENDATION:**

Moved by Carl Rupp, seconded by Jill Singleton that the Esquimalt Design Review Committee recommends to Council, that the Municipality continues down the road with the Heritage Revitalization Agreement with further negotiations. The Committee also recommended that the following items be further considered and addressed:

- That stronger language be considered in the Agreement regarding the retention of the existing mature trees and landscaping; and that the historical landscape context of the McClure House Site [Site A] be maintained in its scale of plantings and garden details;
- That the parking be designed with reference to the permeable areas of open space;
- That a Stormwater Management Plan be considered in the Agreement;
- That the proposed two sites [Site A & Site B] be treated independently;
- That restrictive areas should be identified by a "No Build Zone"

The Motion **CARRIED UNANIMOUSLY**

**(2) WEST BAY NEIGHBOURHOOD URBAN DESIGN GUIDELINES**

This item was postponed from the March 20<sup>th</sup>, 2013 meeting.

Bill Brown, Director of Development Services, advised the Committee that the Draft West Bay Neighbourhood Urban Design Guidelines, February 1, 2013- Version 2.1 were forwarded to them for their input and comments.

The Committee members made the following comments/observations:

- The document has lots of ideas, but has a cold feeling;
- Like that comments are very generic, like the encouragement of wood signs (very perceptive)
- Should provide more examples, photos;
- Emphasize more elements that the Municipality could provide [i.e. post boxes, benches, waste containers];
- Uniformity needs some help, signage, lighting, trees, landscaping, samples of buildings;
- Need to broaden the examples;
- Be more open-minded;
- Document is very well illustrated;
- Ideas should be proactive;
- Need an engineer to address Tsunami;
- Great work with the waterfront, need urban design guidelines, strengthen waterfront guidelines;
- Streetscape, need more pedestrian, more examples;
- Document is "animated-wish-washy" needs more;
- What real access does the Municipality own?;
- Esquimalt does need help, terrific guidelines, don't see anything precedent setting;
- Not much included on accessibility, and for individuals with vision impairment. Need to pay attention to street obstructions, sandwich boards, obstructions on sidewalks
- Needs a vision statement;
- Encourage infrastructure money;
- Create advantages around water relationship, could attract people to nice places to walk, cafes like the Cook Street village area in Oak Bay;
- This area is a distinct, recognizable neighbourhood;
- Protect view corridors, not only from Esquimalt, but looking over from the Victoria Side and from the water;
- Development site, very important, can create a "hub", distinct and special area;

- Good document.

Director Brown, in response to a question from a member, if there were any comments from citizens what was lacking from this area, he responded, yes public washrooms.

In response to a question from a member, Director Brown advised that originally there was a Local Neighbourhood Plan for West Bay area, Council directed that that an amendment be made to the Official Community Plan to create a new Development Permit area as the West Bay area has a different character than other areas.

**RECOMMENDATION:**

Moved Richard Ireland, seconded by Wendy Kay, that the West Bay Guidelines be extended to the McLoughlin Point area.

The Motion **CARRIED: 6 For 1 Abstention**

**VII. STAFF LIAISON STATUS REPORT**

No status report to present.

**VIII. SEWAGE TREATMENT PLANT UPDATE**

Bill Brown informed the Committee members that a rezoning application has been received from the CRD for a waste water treatment plant at McLoughlin Point. The application has been circulated to various government agencies, First Nations, Neighbourhood Associations, in accordance with the Local Government Act.

He also advised that a Charette is being held on the week-end, being conducted by City Spaces.

Bill Brown advised that at the next meeting of the Design Review Committee a tour of McLoughlin Point will take place.

**IX. NEXT REGULAR MEETING**

The next meeting is scheduled for Wednesday, May 8<sup>th</sup>, 2013.

**X. ADJOURNMENT**

The meeting adjourned at 5:10 p.m.

CERTIFIED CORRECT:

\_\_\_\_\_  
CHAIR, DESIGN REVIEW COMMITTEE  
THIS DAY OF , 2013

\_\_\_\_\_  
ANJA NURVO, CORPORATE OFFICER



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## MINUTES

### ARTS, CULTURE AND SPECIAL EVENTS ADVISORY COMMITTEE

Wednesday, May 1, 2013

6:30 p.m.

Wurtele Room, Municipal Hall

**PRESENT:** Moira Tait, Vice Chair  
Councillor Lynda Hundleby  
Meagan Duncan  
Morlene Tomlinson  
Sandi Best (Arrived 6:40 p.m.)

**STAFF:** Karen Hay – Planner (Staff Liaison)  
Deborah Liske – Recording Secretary

**REGRETS:** Bill Percival, Chair  
Councillor Dave Hodgins

#### 1. CALL TO ORDER

Vice Chair Tait called the meeting to order at 6:31 p.m.

#### 2. LATE ITEMS

The following late item was introduced:

1. Add to Agenda item **9. NEXT MEETING** (1) Meeting Schedule and Notification

#### 3. APPROVAL OF THE AGENDA

Moved by Meagan Duncan, seconded by Morlene Tomlinson that the agenda of the Arts, Culture and Special Events Advisory Committee meeting of May 1, 2013 be approved as amended with the inclusion of the late agenda item.

The motion **CARRIED**.

#### 4. INTRODUCTIONS

Committee members provided brief introductions.

#### 5. MINUTES

Moved by Sandi Best, seconded by Meagan Duncan that the minutes of the Arts, Culture and Special Events Advisory Committee meeting of April 3, 2013 be approved as presented.

The motion **CARRIED**.

#### 6. WORK PLAN ITEMS / REPORTS FROM SUB-COMMITTEES

- (1) Senior's Tea

Committee members discussed having an outside organization take over organizing and hosting the Senior's tea. A letter has been forwarded to the Lions Club to enquire if they may be interested. Financial implications, such as expenses, funding and who would pay for the tea were also discussed.



(2) Public Art Policy Review

Committee members discussed reviewing the municipal Public Art Policy. It was noted the policy is more than 10 years old and requires updating. Committee members discussed having a workshop to review the policy. Date to be determined (sometime in May).

Moved by Meagan Duncan, seconded by Morlene Tomlinson that if the workshop to review the public art policy goes ahead that an honorarium in the amount of \$150 be approved to hire a facilitator specializing in art policy for the workshop.  
The motion **CARRIED**.

Vice Chair Tait will contact a possible facilitator.

(3) Archie Browning Sports Centre Sign Management

Karen Hay, Staff Liaison reported the Archie Browning Sports Centre is scheduled for exterior upgrades that include signage.

(4) Local Event Promotion / Stakeholder Input

This item was deferred to the next meeting.

(5) Esquimalt Arts Festival

This item was deferred to the next meeting.

7. **REPORT FROM STAFF LIAISON**

No report.

8. **COMMITTEE MEMBER ANNOUNCEMENTS / REPORTS**

No reports.

9. **NEXT MEETING**

(1) Meeting Schedule and Notification

Committee meeting dates and times were reviewed. The committee will meet on the following dates at 7:00 p.m. except where noted:

- June 5<sup>th</sup> 6:30 p.m.
- September 4<sup>th</sup>
- October 2<sup>nd</sup>
- November 6<sup>th</sup>

10. **ADJOURNMENT**

The meeting adjourned at 7:30 p.m.

\_\_\_\_\_  
Bill Percival, Chair  
This 5<sup>th</sup> day of June, 2013

Certified Correct:  
\_\_\_\_\_  
Anja Nurvo, Corporate Officer



**LIQUOR  
DISTRIBUTION  
BRANCH**

Office of the  
General Manager

April 30, 2013

Her Worship Barbara Desjardins  
Mayor of the Corporation of the Township of Esquimalt  
Municipal Hall  
1229 Esquimalt Road  
Esquimalt BC V9A 3P1

CORPORATION OF THE TOWNSHIP OF ESQUIMALT  
For Information:

CAO  Mayor/Council

RECEIVED: MAY 06 2013

Referred:

For Action  For Response  COTW  
 For Report  Council Agents  IC

Dear Mayor Desjardins:

I am responding to your April 22, 2013 letter regarding the presence of BC Liquor Stores in Township of Esquimalt.

The Liquor Distribution Branch (LDB) is always assessing its retail operations throughout the province to ensure our locations meet our customers' needs and our business objectives. The LDB has long made its intention clear to close the current BC Liquor Stores Esquimalt location. The date of this closure is not known at this time.

The LDB appreciates your Council's desire to have a BC Liquor Store within the Township's boundaries, however, I can tell you there is currently no business plan to open a BC Liquor Store at an alternate site in the Township. With respect to the LDB previously stating the store would be relocating within the community, regrettably that was the result of an LDB communications employee mis-speaking to a reporter.

I appreciate you taking the time to write and allowing me the opportunity to respond to your questions.

Sincerely yours,

R. Blain Lawson  
General Manager and Chief Executive Officer  
BC Liquor Distribution Branch  
[www.bclldb.com](http://www.bclldb.com)

492545