



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES REGULAR MEETING OF MUNICIPAL COUNCIL MONDAY, MAY 27, 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:

Jeff Miller, Acting Chief Administrative Officer/Director of
Engineering & Public Works
Bill Brown, Director of Development Services
Jon Woodland, Information Technology Manager
Trevor Parkes, Senior Planner, Development Services
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

There were no late items.

3. APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY.

4. MINUTES

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That the following minutes be adopted as circulated:

- (1) Special Meeting of Council, May 6, 2013
- (2) Regular Meeting of Council, May 6, 2013
- (3) Special Meeting of Council, May 13, 2013
- (4) Special Meeting of Council, May 22, 2013

CARRIED UNANIMOUSLY.

5. PRESENTATIONS

- (1) Gillian Petrini, Play Victoria, The Child in the City Project

Joanne Royal and Gillian Petrini of Play Victoria presented a PowerPoint presentation on "The Child in the City Project" and answered questions from Council.

- (2) Joy Huebert, Esquimalt Early Years Coalition

Joy Huebert made a presentation to Council on the Esquimalt Early Years Coalition and answered questions from Council.

6. PUBLIC INPUT

There was no public input.

7. DELEGATION

- (1) Tina Neale and Jodi Dong, Ecole Macaulay Elementary School Parents' Advisory Council re: Traffic Safety and Air Quality Concerns Near School Due to Construction of Proposed CRD Sewage Treatment Plant

Tina Neale and Jodi Dong from the Ecole Macaulay Elementary School Parents' Advisory Council made a presentation regarding traffic safety and air quality concerns near the school due to the construction of the proposed CRD Sewage Treatment Plant.

8. PUBLIC HEARING – REZONING APPLICATION (622 ADMIRALS ROAD)

Mayor Desjardins called the Public Hearing to order at 7:25 pm and gave an Opening Statement of the Public Hearing process.

The Manager of Corporate Services advised that thirty-two (32) written comments had been received between March 18 and May 27, 2013, with twenty-seven (27) expressing concerns/opposition and five (5) expressing their support for the project. She added that Council had been given copies of all the written comments received, for their information.

The Director of Development Services gave a brief overview of the proposed rezoning application, including a PowerPoint presentation.

The applicant, Chris Fitzpatrick, submitted one hundred and eighty-seven (187) letters in support of the development proposal at 622 Admirals Road to Council, and outlined his seniors/affordable housing development proposal. The applicant's architect also reviewed the rezoning application process completed to date.

PUBLIC INPUT

Lori King, resident, expressed her support for the rezoning application, noting that the development would add to the tax base and provide community services.

Curtis Sankey, resident and business owner, stated his opposition to the project, expressing concerns with parking and the design of the building.

Emily Ski, agent for Lorna Sankey (resident), gave a history of the Sankey's communications with the developer, and noted Mrs. Sankey's three main concerns: parking, building massing and bylaw requirements in exchange for amenities.

Aurora Faulkner-Killam, lawyer for the Sankey's, expressed her legal opinion - that Council may be impacting her clients' property and business in allowing variances to the developer - as well as her clients' concerns with parking requirements and access to the proposed development. She submitted a "Google Map" street view of Miles Street at Constance Avenue, the proposed access to the development.

Mark Lindholm, resident, stated his support for the development, noting that twelve storeys were appropriate for this location, and that the parking requirements have been met.

Anna Appleby, Treasurer for the Dockyard Branch No. 172, Royal Canadian Legion, pointed out that monies have been donated by the Legion into community organizations.

James McMillan-Murphy, resident, stated that as a veteran, he was supportive of the project.

Sylvia Bank, Legion member, expressed her support for the project, noting that parking would not be a problem.

Don Barr, President of the Dockyard Branch No. 172, Royal Canadian Legion, stated that the goal of the Legion is to help the community and that this branch of the Legion will die without this development.

Sue Donaldson, resident, stated her opposition to the proposed use of land and the height of the proposed building.

Muriel Dunn, resident, expressed her opposition to the proposed development, noting that it was too large for the site, not enough green space, the proposed amenities were too few in relation to the cost of the development and did not address Esquimalt's need for affordable family housing.

Lt. Michele Gill and Lt. Chris Flaro, Navy League Cadet Corps, expressed their support for the development proposal, noting that the project was an opportunity to show "mixed use" in Esquimalt.

Ian Wiggs, resident, expressed his support for the project, noting that Esquimalt needs to start looking at (12 storey) this type of development to increase the tax base and maintain services.

Doug Scott, resident, expressed his opposition for the project, noting that Constance Avenue cannot support more traffic from this development, parking issue and size of the building.

Neil Townsend, resident, expressed his support for the development, noting that it would revitalize the community and enhance the economic development plan.

Rod Lavergne, resident, expressed his concern for a Legion in a seniors building and possible noise problems.

Lisa Edwards read and submitted letters from Jacqueline Ross ("area run down, tax relief, responsible development, option for seniors") and Lou and Melodie Villeneuve ("is step forward in population and investment").

Eric Pittman, resident, stated his support for the project, pointing out that if this development could not be built for seniors and veterans, it would discourage any development in Esquimalt.

Karol Sanderson, resident, stated her opposition for the project, noting that the developer should buy the property at 624 Admirals Road for parking.

Katherine Townsend, resident, spoke in support of the proposed development, noting that Esquimalt needs more accommodation for seniors.

Muriel Dunn, resident, urged Council to scrutinize the 187 letters submitted by the applicant for residency. She pointed out that this project is not a Legion development and was not suitable for Esquimalt.

Aurora Faulkner-Killam, lawyer for the Sankey's, reiterated that the current parking plan was not adequate for seniors housing with "home care" and will place a burden on others.

Todd Meurault, resident, commented on building shadowing – that if permitted 4 storeys, already gives shadow; what is problem with allowing 12 – and that others should permit overflow parking for funerals and other Legion events.

Chris Fitzpatrick, applicant, summarized by stating that the development offers "affordable housing" for seniors and Esquimalt.

ADJOURNMENT OF PUBLIC HEARING

Mayor Desjardins declared the Public Hearing closed at 9:02 pm.

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

MOTION: Moved by Councillor Hodgins/Councillor McKie:

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. 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.

CARRIED UNANIMOUSLY.

RECESS AND RECONVENE

The Regular Meeting of Council recessed at 9:10 pm and reconvened at 9:17 pm with all members of Council present.

10. STAFF REPORTS

Administration

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

MOTION: Moved by Councillor Hodgins/Councillor Brame:
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.

CARRIED UNANIMOUSLY.

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

MOTION: Moved by Councillor Hodgins/Councillor McKie:
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 Liquor Control Licensing Branch, 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.

CARRIED UNANIMOUSLY.

Finance

- (3) Shaw Wi-Fi, Staff Report No. FIN-13-002

The Manager of Information Technologies presented Staff Report No. FIN-13-002 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Brame:
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.

CARRIED UNANIMOUSLY.

Engineering and Public Works

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

MOTION: Moved by Councillor Hodgins/Councillor McKie:

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

CARRIED UNANIMOUSLY.

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

MOTION: Moved by Councillor Brame/Councillor Hundley:

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

CARRIED UNANIMOUSLY.

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

Mayor Desjardins called for public input on the Development Variance Permit application and there was none.

MOTION: Moved by Councillor Hodgins/Councillor Morrison:

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].

CARRIED (Councillor McKie opposed).

- (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

Mayor Desjardins called for public input on the Development Variance Permit application.

Mary Lynn McKenna, Executive Director of Esquimalt Neighbourhood House and applicant, pointed out that with respect to the requested parking variance, from 11 spaces to 9 spaces, only 9 spaces are used.

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:

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 subject to the registration of a Section 219 covenant on the subject property that restricts the use of the accessory building to services provided to seniors by the Esquimalt Neighbourhood House Society; 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.

CARRIED UNANIMOUSLY.

- (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

MOTION: Moved by Councillor Hodgins/Councillor Brame:

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].

CARRIED UNANIMOUSLY.

11. BYLAWS

For Adoption

(1) Smoke Alarm Bylaw, 2013, No. 2800

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That Smoke Alarm Bylaw, 2013, No. 2800 be adopted.

CARRIED UNANIMOUSLY.

(2) Sewer Connection Bylaw, 2013, No. 2801

MOTION: Moved by Councillor McKie/Councillor Schinbein:
That Sewer Connection Bylaw, 2013, No. 2801 be adopted.

CARRIED UNANIMOUSLY.

12. MAYOR'S AND COUNCILLORS' REPORTS

(1) Report from Councillor David Schinbein, Re: 100th Anniversary of the Elks in Victoria and Battle of the Atlantic Service

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That the report from Councillor Schinbein on the 100th Anniversary of the Elks in Victoria and Battle of the Atlantic Service be received for information.

CARRIED UNANIMOUSLY.

13. REPORTS FROM COMMITTEES

(1) Adopted minutes from the Advisory Planning Commission Design Review Committee meeting, April 10, 2013

Mayor Desjardins requested staff to clarify procedural rules with respect to "abstentions" during committee voting.

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the adopted minutes from the Advisory Planning Commission Design Review Committee meeting held April 10, 2013 be received.

CARRIED UNANIMOUSLY.

(2) Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, May 1, 2013

MOTION: Moved by Councillor Hundleby/Councillor McKie:
That the draft minutes from the Arts, Culture and Special Events Advisory Committee meeting held May 1, 2013 be received.

CARRIED UNANIMOUSLY.

14. COMMUNICATIONS

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

MOTION: Moved by Councillor Hundleby/Councillor Hodgins:
That the letter from R. Blain Lawson, BC Liquor Distribution Branch, dated April 30, 2013 regarding BC Liquor Stores Esquimalt Location be received.

CARRIED UNANIMOUSLY.

15. PUBLIC QUESTION AND COMMENT PERIOD

Peter Ryan, resident, expressed concern with noise at English Inn with amendment to their liquor licence because of the residential area. He suggested that the municipality request a report from the Victoria Police Department for these liquor licence amendment applications.

Muriel Dunn, resident, expressed concern with public participation and attendance at Council meetings, and conflict of interest issues with Council members.

16. ADJOURNMENT

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the Regular Meeting of Council be adjourned at 9:58 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 17TH DAY OF JUNE, 2013

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER