



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

File 0550-06

January 16, 2014

N O T I C E

**A REGULAR MEETING OF COUNCIL WILL BE HELD ON
MONDAY, JANUARY 20, 2014 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, January 20, 2014
7:00 p.m.
Esquimalt Council Chambers

1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **MINUTES**

- | | |
|--|-----------|
| (1) Minutes of the Special Meeting of Council, January 6, 2014 | Pg. 1 – 2 |
| (2) Minutes of the Regular Meeting of Council, January 6, 2014 | Pg. 3 – 8 |

5. **PRESENTATION**

- | | |
|---|-------|
| (1) McLoughlin Point Revised Rezoning Application | Pg. 9 |
|---|-------|

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) Tim Dumas, The Tudor Redevelopment | Pg. 10 |
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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 [448 ADMIRALS ROAD]**

- | | |
|--|-------------|
| i) Notice of Hearing | Pg. 11 – 12 |
| ii) Background Information – <i>Available for Viewing Separately</i> | |

PUBLIC INPUT

ADJOURNMENT OF HEARING

9. **PUBLIC HEARING STAFF REPORT**

- (1) Rezoning Application, 448 Admirals Road, [Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772]; and [The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772], Staff Report No. DEV-14-007 Pg. 13 – 55

RECOMMENDATION:

1. That Council, upon considering comments made at Public Hearing, resolves that Amending Bylaw [No. 213], 2013, No. 2818, attached to Staff Report DEV-14-007 as Schedule “A”, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772 and The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772 [448 Admirals Road] shown cross hatched on Schedule ‘A’ of Amending Bylaw No. 2818 from RS-1 [Single Family Residential] to CD No. 87 [Comprehensive Development District No. 87] be considered for **third reading**; and
2. That, as the applicant wishes to assure Council that the proposed development will not contain secondary suites and has voluntarily agreed to register a Section 219 covenant on the title to the subject property in favour of the Township of Esquimalt, as detailed in Schedule “B” of Staff Report DEV-14-007, Council direct staff to coordinate with the property owner to ensure a S.219 covenant, prohibiting secondary suites, is registered against the property title prior to returning the bylaw to Council for consideration of adoption.

10. **STAFF REPORTS**

Administration

- (1) Taxi Application – Island 250 Cab, Staff Report No. ADM-14-007 Pg. 56 – 59

RECOMMENDATION:

That Council provide any comments to staff to be forwarded to the Passenger Transportation Board relating to the Taxi Application by Island 250 Cab.

Finance

- (2) Local Grant – L'Ecole Victor Brodeur, Staff Report No. FIN-14-002 Pg. 60 – 69

RECOMMENDATION:

It is accepted procedure that staff not make recommendations on local grant funding applications. Options available to Council are listed below under Alternatives.

- (3) Local Grant – Société radio communautaire Victoria, Staff Report No. FIN-14-003 Pg. 70 – 87

RECOMMENDATION:

It is accepted procedure that staff not make recommendations on local grant funding applications. Options available to Council are listed below under Alternatives.

Engineering and Public Works

- (4) Admirals Road Corridor Upgrade – Traffic Separation Design Options, Staff Report No. EPW-14-003 Pg. 88 – 94

RECOMMENDATION:

That Council:

- (1) Directs staff to include Option S6 (c/w with banner holders and ornamental lighting) in the final design of the Admirals Road Corridor Upgrade Project; and
 - (2) Directs staff to include, within the 2014 budget discussions, a request for an additional FTE position to accommodate the maintenance requirements of Option S6.
- (5) Solid Waste Collection and Disposal Bylaw Update, Staff Report No. EPW-14-004 Pg. 95 – 107

RECOMMENDATION:

That Council gives first, second and third readings to the Solid Waste Collection and Disposal Bylaw, 2014, No. 2815.

Development Services

- (6) Development Variance Permit, 927 Forshaw Road, PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066, Staff Report No. DEV-14-004 Pg. 108 – 124

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00022 authorizing the construction as shown on architectural plans provided by Hartmann's Drafting and Design, stamped "Received November 19, 2013" and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Ltd., stamped "Received November 25, 2013, and including the following relaxations to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066 [927 Forshaw Road].

Zoning Bylaw No. 2050, Section 36(9)(b)(i) – Siting Requirements – Accessory Building – Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building, [i.e. one accessory building may be located in front of the front face of the principal building].

Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) Provisions and Maintenance of Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building, [i.e. the one required parking space will be located in the new accessory building].

- (7) Development Variance Permit, 505 Macaulay Street, PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F, Section 11, Esquimalt District, Plan 292, Staff Report No. DEV-14-005 Pg. 125 – 137

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00020 authorizing the construction as shown on architectural

plans provided by Mesa Design Group, stamped “Received October 9, 2013” and sited as detailed on the survey plan prepared by J. E. Anderson and Associates, stamped “Received December 4, 2013, and including the following relaxations to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F, Section 11, Esquimalt District, Plan 292 [505 Macaulay Street].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.52 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.98 metres].

- (8) Rezoning Application, 1108 Craigflower Road, [Lot 9, Section 10, Esquimalt District, Plan 6105], Staff Report No. DEV-14-006 Pg. 138 – 164

RECOMMENDATION:

That Council resolves that Amending Bylaw [211], 2013, No. 2812, attached to Staff Report DEV-14-006 as Schedule “A”, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 9, Section 10, Esquimalt District, Plan 6105 [1108 Craigflower Road] shown cross hatched on Schedule ‘A’ of Bylaw No. 2812, from RD-3 [Two Family/ Single Family Residential] to CD No. 85 [Comprehensive Development District No. 85], be considered for **adoption**.

- (9) Rescind Second Reading and Give a New Second Reading to Bylaw No. 2805, Staff Report No. DEV-14-008 Pg. 165 – 331
(Pertaining to Proposed Waste Water Treatment Facility at McLoughlin Point)

RECOMMENDATION:

As per Report No. DEV-14-008:

That Council consider rescinding second reading of Bylaw No. 2805 and give second reading to Bylaw No. 2805 as amended (Appendix “B”);

That Council authorize the Corporate Officer to schedule a public hearing for Bylaw No. 2805, including consideration of the proposed “Host Community Impact 5-Year Agreement” and “Community Impact Mitigation & Operating Agreement”.

11. BYLAWS

For Adoption

- (1) Revenue Anticipation Borrowing Bylaw, 2014, No. 2820 Pg. 332 – 333

12. MAYOR’S AND COUNCILLORS’ REPORTS

13. REPORTS FROM COMMITTEES

- (1) Draft minutes from the Environmental Advisory Committee meeting, December 11, 2013 Pg. 334 – 336

14. **COMMUNICATIONS**

- (1) Letter from Robert Lapham, CAO, Capital Regional District, dated Pg. 337
January 8, 2014, Re: Request for a 3-Dimensional, Digital, Colour,
Animated Model Demonstrating the Heights, Setbacks and Site
Coverage in the Proposed Bylaw Amendments for McLoughlin Point

15. **RISE AND REPORT**

- (1) Report from the *In Camera* Meeting of Council, January 6, 2014, Re: Pg. 338
Committee Appointments for 2014

16. **PUBLIC QUESTION AND COMMENT PERIOD**

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

17. **ADJOURNMENT**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
SPECIAL MEETING
OF MUNICIPAL COUNCIL
MONDAY, JANUARY 6, 2014**

**5:45 PM
COUNCIL CHAMBER, 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
Anja Nurvo, Director 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 McKie/Councillor Brame:
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
- 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; and
- 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*)

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

CARRIED UNANIMOUSLY.

6. **ADJOURNMENT**

MOTION: Moved by Councillor McKie/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 , 2014

CERTIFIED CORRECT:

ANJA NURVO, CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES REGULAR MEETING OF MUNICIPAL COUNCIL MONDAY, JANUARY 6, 2014 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
Ian Irvine, Director of Financial Services
Anja Nurvo, Director of Corporate Services
Louise Payne, Recording Secretary

OTHERS:

Keith Lindner, Inspector, Victoria Police Department, West Division
Frank Elsner, Chief Constable, Victoria Police Department

1. CALL TO ORDER

Mayor Desjardins called the Regular Meeting to order at 7:00 pm. Mayor Desjardins identified members of the Victoria Police Board in the audience and introduced Chief Constable Frank Elsner.

Chief Constable Elsner commented that, in his role as Police Chief, he saw a need to focus on the community.

Mayor Desjardins expressed her appreciation to Acting Mayor Hundleby and members of Council for their support through the month of December, 2013.

2. LATE ITEMS

The following changes were made to the Agenda:

- Add to Agenda Item 10. Communications
 - (3) Memorandum from Barbara Desjardins, Secretary, Greater Victoria Harbour Authority, dated December 5, 2013, Re: Special General Meeting
- Move Agenda Items 10. (1) and (3) to be discussed after Agenda Item 6. Public Input.

3. APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY.

4. MINUTES

MOTION: Moved by Councillor Morrison/Councillor Schinbein:
That the following minutes be adopted as circulated:

- (1) Special Meeting of Council, December 16, 2013;and
- (2) Regular Meeting of Council, December 16, 2013.

CARRIED UNANIMOUSLY.

5. PRESENTATION

- (1) Chief Frank Elsner and Scott Seivewright, Controller, Victoria Police Department Budget Presentation

Chief Constable Elsner and Controller Seivewright presented an overview of the 2014 Victoria Police Department Budget and answered questions from Council.

6. PUBLIC INPUT

Greg Hill, Saanich resident, inquired if the new Police Chief believed in property rights, protection of the individual, and to explain the difference between statutory law and common law. Mr. Hill was directed to provide his contact information to staff.

Kim Bellafontaine, resident, stated that she was looking forward to a second Public Hearing on the McLoughlin rezoning. She noted that there was concern with information in the package – she didn't understand the proposed setbacks and heights and how they would apply to public access to the site, and requested that clear visuals come forward to the Public Hearing.

Fil Ferri, resident, stated his support for Ms. Bellafontaine's comments and concerns, and was also looking forward to a second Public Hearing on the McLoughlin rezoning.

10.

COMMUNICATIONS

- (1) Letter from Bill Wellburn, Greater Victoria Harbour Authority Board Chair, dated November 15, 2013, Re: GVHA's Governance Review Report from Sierra Systems

Mayor Desjardins advised that on January 17, 2014 there will be a Special General Meeting of the GVHA, and Councillor Schinbein, as Esquimalt's Member Representative, requires the direction of Council on how to vote on the proposed amendment to the GVHA Bylaws. Mayor Desjardins invited Mr. Wellburn to speak to Council on the issue.

Bill Wellburn, Greater Victoria Harbour Authority Board Chair, advised that the governance review come out of a Special Meeting in April, 2014 and whether representatives should be nominated or appointed to the Board.

MOTION: Moved by Councillor Hodgins/Councillor Brame:

That Council receive the letter from Bill Wellburn, Greater Victoria Harbour Authority Board Chair dated November 15, 2013 regarding GVHA's Governance Review Report from Sierra Systems.

CARRIED UNANIMOUSLY.

- (3) Memorandum from Barbara Desjardins, Secretary, Greater Victoria Harbour Authority, dated December 5, 2013, Re: Special General Meeting

Bill Wellburn, GVHA Board Chair, explained that the bylaws were revised to provide for nominations rather than appointments to the Board, which allows member agencies to choose members who would add certain skills to the Board. One member has now requested that the bylaws be revised to return to the previous appointment process.

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the Township of Esquimalt uphold the current Bylaw of the Greater Victoria Harbour Authority for the nomination process.

CARRIED UNANIMOUSLY.

7.

STAFF REPORTS

Administration

- (1) Flag Protocol and Additional Flagpole, Staff Report No. ADM-14-003

MOTION: Moved by Councillor Hodgins/Councillor Schinbein:

That Council:

1. Directs staff to include into the 2014 draft budget the replacement of the existing flagpole at Municipal Hall with a yard arm type flagpole to fly three flags concurrently: the Canadian, the Provincial and the Township flags;
2. Determines that all remaining flagpoles at the Township's other locations continue to fly only the Canadian flag;
3. Determines that the Township flag containing the official crest be reserved for Municipal Hall, to denote official municipal business being conducted; and
4. Directs staff to include into the 2014 draft budget the production of municipal flags and banners containing the Township's logo to be available for purchase by members of the public, at cost.

CARRIED UNANIMOUSLY.

- (2) Revisions to Committee Terms of Reference, Staff Report No. ADM-14-004

MOTION: Moved by Councillor McKie/Councillor Morrison:

That Council approve the following:

1. Council Policy ADMIN-48 Terms of Reference: Arts, Culture and Special Events Advisory Committee be rescinded;
2. Council Policy ADMIN-51 Terms of Reference: Parks and Recreation Advisory Committee be revised to provide that the Committee consists of up to ten (10) full voting members including up to nine (9) Community representatives and one (1) Youth representative appointed by Council.

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That the motion be amended by the addition of the following:

"3. And that the Terms of Reference for the Parks and Recreation Advisory Committee be brought back by staff with the inclusion of the mandate of the former Arts, Culture and Special Events Advisory Committee."

CARRIED UNANIMOUSLY.

The question was called on the motion as amended and declared carried unanimously.

Finance

- (3) 2014 Revenue Anticipation Borrowing Bylaw, 2014, No. 2820, Staff Report No. FIN-14-001

MOTION: Moved by Councillor Hundleby/Councillor Hodgins:
That the Revenue Anticipation Borrowing Bylaw, 2014, No. 2820, in
the amount of \$2,500,000 be given first, second and third reading.
CARRIED UNANIMOUSLY.

Engineering and Public Works

- (4) Update on Solid Waste Materials Collection Programs, Staff
Report No. EPW-14-001

The Director of Engineering and Public Works presented Staff Report
No. EPW-14-001 and answered questions from Council.

MOTION: Moved by Councillor Schinbein/Councillor McKie:
That Council receive Staff Report No. EPW-14-001 for information.
CARRIED UNANIMOUSLY.

Development Services

- (5) Core Area Liquid Waste Management Plant Rezoning Update,
Staff Report No. DEV-14-001

The Director of Development Services presented Staff Report No.
DEV-14-001 and answered questions from Council.

MOTION: Moved by Councillor Hundleby/Councillor Morrison:
That Council receive Staff Report No. DEV-14-001 for information; and
That prior to Council's consideration of rescinding second reading of
Bylaw No. 2805 and giving it second reading as amended, the Capital
Regional District submit a 3-dimensional, digital, colour, animated
model demonstrating the heights, setbacks and site coverage in the
proposed Bylaw amendments.

CARRIED UNANIMOUSLY.

8. BYLAWS

Adoption

- (1) Development Application Procedures and Fees Bylaw, 2012, No.
2791

MOTION: Moved by Councillor Schinbein/Councillor McKie:
That Development Application Procedures and Fees Bylaw, 2012, No.
2791 be adopted.

CARRIED UNANIMOUSLY.

9. MAYOR'S AND COUNCILLORS' REPORTS

Mayor Desjardins expressed her appreciation for an excellent New
Year's Levee, and stated that she would provide a report with numbers
of residents who participated in the free skate/swim.

10. **COMMUNICATIONS**

- (2) Letter from Cynthia Day, Chair, Victoria Family Court and Youth Justice Committee, dated December 9, 2013, Re: Support for Funding for PEERS to Provide Services for Victims of Child Abuse

MOTION: Moved by Councillor Schinbein/Councillor Morrison:
That the letter from Cynthia Day, Chair, Victoria Family Court and Youth Justice Committee dated December 9, 2013 regarding support funding for PEERS to provide services for victims of child abuse be received.

CARRIED UNANIMOUSLY.

11. **RISE AND REPORT**

There was no Rise and Report.

12. **PUBLIC QUESTION AND COMMENT PERIOD**

Muriel Dunn, resident, expressed her appreciation for the New Year's Levee format (free swim/skate), her distrust of the Capital Regional District, and her concerns for raccoons and the new refuse containers.

Lorne Argyle, resident, expressed his appreciation for the New Year's Levee format and commented that he, his daughter and granddaughter had enjoyed a free swim.

13. **ADJOURNMENT**

MOTION: Moved by Councillor Hundleby/Councillor Morrison:
That the Regular Meeting of Council be adjourned at 9:11 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT

THIS DAY OF , 2014

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER

PRESENTATION FORM

APPLICATION TO MAKE A PRESENTATION TO COUNCIL

Pursuant to *Council Procedure Bylaw, 2009, No. 2715, Section 19 – Presentations*, Council may allow up to two (2) Presentations (*from outside organizations*) at any Council meeting.

Each presentation (*by representative(s) of an organization*) will be **limited to a time period of ten (10) minutes**, after which will be followed by questions period, at the discretion of Council.

Name of Organization: CRD - SEATERRA Program

Name(s) and Title(s) of Presenter(s): Project Director CRD Project Manager WWTP CRD
ALBERT Sweetman, Mike Peckham

Bob Latham CAO CRD, Tony Blac Proj. mgr RRC CRD, Deane Strongithorn

Daytime Phone No. _____ Email: mpeckham@crd.bc.ca

Preferred Date of Presentation to Council: Present at JAN. 20 Council mtg
(An email will be sent to confirm the scheduled meeting date of your Presentation to Council)

Nature/Subject of Presentation: _____

PRESENT McLoughlin Pt. REVISED Rezoning Application

We request additional time to cover this important topic

Making a PowerPoint presentation? ☒ YES ☐ NO

If YES, please email your PowerPoint presentation to louise.payne@esquimalt.ca by **Noon of the Thursday prior to the Monday (Council) meeting** where you will be presenting.

Do you have handouts for Council? If so, please bring at least ten (10) copies to the Council meeting, and give to the Recording Secretary, Louise Payne, prior to the start of the meeting at 7:00 p.m.

14 Jan 2014
Date of Application

[Signature]
Signature of Applicant



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
Email: info@esquimalt.ca

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. 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:

(Please Print)

Tim Dumas

ORGANIZATION:

The Tudor Redevelopment

DAYTIME TELEPHONE:

EMAIL:

PREFERRED DATE OF APPEARANCE AT COUNCIL MEETING:

JAN 20/2014

REASONS FOR APPEARING AS DELEGATION (Please specify):

- to give council an update on the project and
some of the issues that are slowing down
our project.

Date of Application

JAN 15/2014

Signature



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

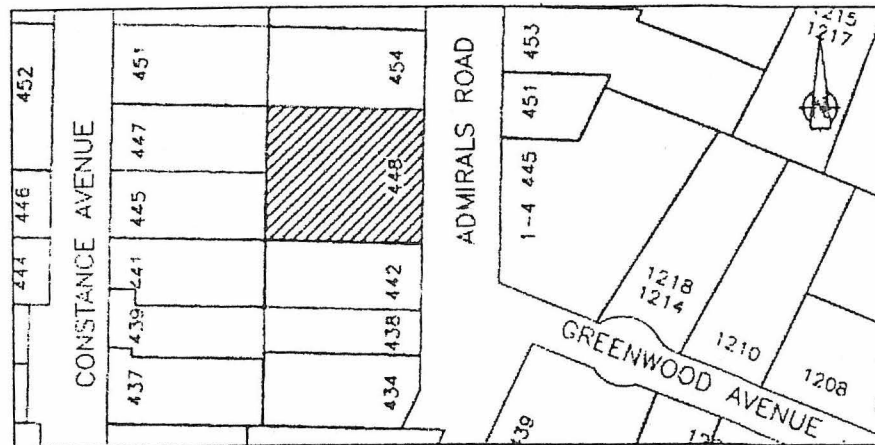
January 3, 2014

NOTICE OF PUBLIC HEARING

An application for a change in zoning has been received from Rus Collins, representing Zebra Design, on behalf of Shaun Wedick, the registered owner of 448 Admirals Road.

Purpose of the Application:

Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 213], 2013, No. 2818 provides for a change in the zoning designation of 448 Admirals Road [legal description below] shown hatched on the map below from RS-1 [Single Family Residential] to CD No. 87 [Comprehensive Development District No. 87].



Site Location: Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772; and
The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District
Plan 772

The general purpose of this Bylaw is to facilitate redevelopment of the site as three detached single family homes, each situated on a narrow frontage parcel.

The Municipal Council will consider this application at the **Regular Meeting of Council commencing at 7:00 p.m., Monday, January 20, 2014, 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 January 20, 2014.

ANJA NURVO
DIRECTOR OF CORPORATE SERVICES

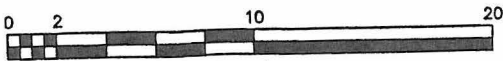
Personal information contained in communications to Council and its Committees is collected under the authority of the Community Charter and Local Government Act and will be used to assist Council members in decision making. Please note that your comments relating to this matter will form part of the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

BC LAND SURVEYORS SITE PLAN OF:

Civic: 448 Admirals Road

Legal - Lot 26 & The Northerly 25 Feet of Lot 28,
Block C, Suburban Lots 49 & 51,
Esquimalt District, Plan 772

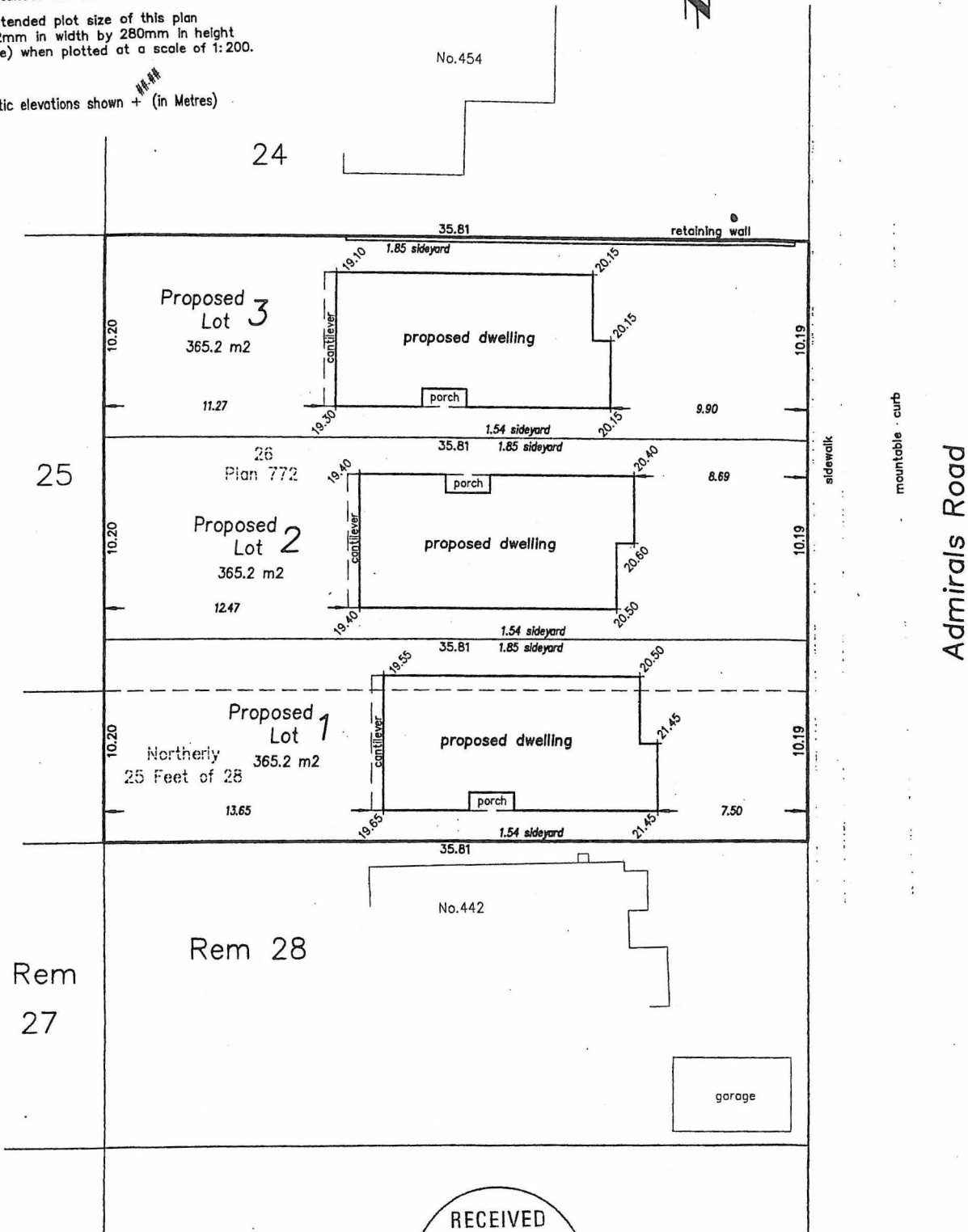
Parcel Identifiers: 008-531-293 & 008-531-358



All distances are shown in metres.

The intended plot size of this plan
is 432mm in width by 280mm in height
(B size) when plotted at a scale of 1:200.

Geodetic elevations shown + (in Metres)



File : 11636-19
POWELL & ASSOCIATES
B C Land Surveyors
250-2950 Douglas Street
VICTORIA, BC V8T 1Y4



Certified correct
this 27th day of September, 2013

N.C.V.4



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: January 20, 2014
Staff Report No. DEV-14-007

REQUEST FOR DECISION

SUBJECT: REZONING APPLICATION

448 Admirals Road

[Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772]; and
[The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51,
Esquimalt District Plan 772]

RECOMMENDATION:

1. That Council, upon considering comments made at Public Hearing, resolves that Amending Bylaw [No. 213], 2013, No. 2818, attached to Staff Report DEV-14-007 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772 and The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772 [448 Admirals Road] shown cross hatched on Schedule 'A' of Amending Bylaw No. 2818 from RS-1 [Single Family Residential] to CD No. 87 [Comprehensive Development District No. 87] be considered for **third reading**; and
2. That, as the applicant wishes to assure Council that the proposed development will not contain secondary suites and has voluntarily agreed to register a Section 219 covenant on the title to the subject property in favour of the Township of Esquimalt, as detailed in Schedule "B" of Staff Report DEV-14-007, Council direct staff to coordinate with the property owner to ensure a S.219 covenant, prohibiting secondary suites, is registered against the property title prior to returning the bylaw to Council for consideration of adoption.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw No. 2791, 2012

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

Green Building Checklist

STRATEGIC RELEVANCE:

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

Submitted by: Writer *Tina Parker*

Reviewed by: CAO *R. H. Rust*

Date: *Jan 16/14*

STAFF REPORT

DATE: January 15, 2014 **Report No.** DEV-14-007
TO: Laurie Hurst, Chief Administrative Officer
FROM: Trevor Parkes, Senior Planner
SUBJECT: REZONING APPLICATION
448 Admirals Road
[Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772]
and [The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51,
Esquimalt District Plan 772]

RECOMMENDATION:

1. That Council, upon considering comments made at Public Hearing, resolves that Amending Bylaw [No. 213], 2013, No. 2818, attached to Staff Report DEV-14-007 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772 and The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772 [448 Admirals Road] shown cross hatched on Schedule 'A' of Amending Bylaw No. 2818 from RS-1 [Single Family Residential] to CD No. 87 [Comprehensive Development District No. 87] be considered for **third reading**; and
2. That, as the applicant wishes to assure Council that the proposed development will not contain secondary suites and has voluntarily agreed to register a Section 219 covenant on the title to the subject property in favour of the Township of Esquimalt, as detailed in Schedule "B" of Staff Report DEV-14-007, Council direct staff to coordinate with the property owner to ensure a S.219 covenant, prohibiting secondary suites, is registered against the property title prior to returning the bylaw to Council for consideration of adoption.

BACKGROUND:

Context

Applicant: Zebra Design [Rus Collins]

Owner: Shaun Wedick

Property Size: Metric: 1095.6 m² Imperial: 11793 ft²

Existing Land Use: Single Family Residence

Surrounding Land Uses:

North:	Single Family Residential
South:	Single Family Residential
West:	Single Family Residential
East:	Single Family Residential, Infill [CD-14]

Existing Zoning: RS-1 [Single Family Residential]

Proposed Zoning: CD [Comprehensive Development District]

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

Schedules:

- "A" Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 213], 2013, No. 2818;
- "B" Draft Section 219 Covenant – 448 Admirals Road;
- "C" Key plan showing location of the subject property;
- "D" 2011 air photo of the subject property;
- "E" Public Hearing Mail Notice;
- "F" Single Family Residential [RS-1] zone;
- "G" Zebra Design - Green Initiatives List;
- "H" Talbot and Mackenzie Arborist Report;
- "I" Neighbourhood Consultation Signature Sheets;
- "J" Site Plan, Architectural Drawings and Landscaping Plan; and
- "K" BCLS Site Plan of Proposed Subdivision.

Purpose of the Application:

The applicant is requesting a change in zoning from the current RS-1 [Single Family Residential] zone to a Comprehensive Development zone [CD] which would allow three [3] new single family residences, each on a fee simple parcel. The existing house would be demolished and three new homes would be constructed. Should the rezoning be approved, the form and character of the buildings and landscaping would be controlled by a development permit that would be considered by Council at a future date.

Comments From Other Departments

The plans for this proposal were circulated to other departments and the following comments were received by the Council report submission deadline:

Building Inspection: Construct to BC Building Code 2012 and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol should application be approved. Plans will be reviewed for compliance with BC Building Code upon submission of a Building Permit.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the three new single family houses proposed to be located at 448 Admirals Road. Staff confirms that the design appears achievable on the site and that appropriate works and services are available in the immediate area. If approved the development must be serviced in accordance with bylaw requirements including, but not limited to, new sewer and drain connections and underground hydro, telephone and cable services. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a subdivision application.

Parks Services: The proposed tree removals seem reasonable to facilitate the new houses but it is recommended that native tree species be used if possible to replace the mature native trees being removed for the proposed development. The tree cutting bylaw lists protected trees to choose from for replacement trees if that option is considered.

The proposed landscape plan outlines very small trees (3 meters tall only) with limited tree canopy cover. Staff suggest changing these tree species to something that will provide more canopy cover for the future. Perhaps medium sized trees instead of small trees near the houses and larger native tree(s) to replace the large native trees being removed elsewhere on the property.

Official Community Plan Section 7.1.2.2 states, in part, *“Often large native trees, growing within productive soils and plant communities are replaced with small, exotic ornamental trees and lawns. The Township will work to enhance its urban forest by focusing on an ecosystem based approach to local landscaping”*.

The protected root radius of the large specimen *Arbutus menziesii* (*Arbutus*) tree and *Acer macrophyllum* (big leaf maple) tree appears to extend into the proposed building envelope and although the trees do not appear to be under significant stress now this development will likely impact tree health long term. Consequently it is recommended that the owner / developer be asked to provide a consulting arborist report outlining how the proposed construction can be mitigated and how, or if, it will seriously impact the protected root zone.

Tree protection should be installed where required on private property as per tree bylaw and tree protection is required for protection of the municipal boulevard tree extending to the drip line.

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

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on October 15, 2013. Members were complimentary of the design stating that the streetscape rendering of the proposal demonstrated a significant improvement to the neighbourhood. Several members indicated that they liked the proposal, commenting that they agreed this was an appropriate infill approach for this site. Members stated they supported preservation of existing trees where possible and were encouraged the applicant intended to engage an arborist to evaluate the site. Members stated the stepped approach to front setback siting the homes, south to north, was desirable as it complimented the siting of existing homes on the street. The APC resolved that the application be forwarded to Council with a **recommendation of approval** with the condition that an arborist report be provided, detailing tree protection requirements for protected trees identified as being retained and tree valuations for protected trees proposed to be removed.

The applicant engaged a professional arborist after the APC meeting and has provided a report regarding tree protection requirements and tree removal recommendations [Schedule “H”].

Zoning

Density, Lot Coverage, Siting and Setbacks: The following chart compares the setbacks, lot coverage and floor area ratio of this proposal with the requirements of the RS-1 [Single Family Residential Zone]:

	RS-1 (Single Family)	Proposed CD Zone		
		Lot 1 [South]	Lot 2 [Centre]	Lot 3 [North]
Minimum Parcel Size	530 m ²	365.2 m ²	365.2 m ²	365.2 m ²
Floor Area Ratio	0.35	N/A	N/A	N/A
Lot Coverage	30%	30%	30%	30%
Setbacks				
• Front	7.5 m	7.5 m	8.6 m	9.9 m
• Rear	7.5 m	13.6 m	12.4 m	11.2 m
• Side	3.0 m/1.5 m	1.8/1.5 m	1.8 m/1.5 m	1.8 m/1.5 m
Building Height	7.3 m	7.3 m	7.3 m	7.3 m
Off Street Parking	1 space	1 space	1 space	1 space

The combined Lot Coverage is 30% which is consistent with the 30% maximum permitted in the RS-1 [Single Family Residential] zone.

Single family homes in Esquimalt are limited to a height of 7.3 metres measured to the mid-height of the roof from average grade. The applicant proposes buildings with a height measured to 7.3 metres consistent with this established standard.

Esquimalt requires one parking space “behind the front face of the principle building” for a single family residence. The proposal incorporates a single car garage in each unit thereby meeting this regulation.

At the recommendation of staff, and in an effort to improve the likelihood this application for rezoning will be approved, the property owner has volunteered to register a Section 219 covenant against the title of the existing property limiting the development to only three [3] dwelling units to ensure that none of the proposed homes can convert space for use as secondary suites.

Official Community Plan

This proposal is consistent with the current Land Use Designation applied to the subject Property, “Single and Two Unit Residential”.

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

Section 2.2.1(a) states the Township should work toward a more complete community by maintaining a healthy mixture of housing types, accommodating people with a wide range of income levels.

Section 2.2.1(b) states the Township should encourage new residential development with high

design standards for building and landscaping and which enhance existing and new neighbourhoods.

Section 9.8 of the Official Community Plan contains Guidelines for Single-Unit Infill Housing. As the Development Permit is not being considered at this time it would be inappropriate to address many of these guidelines with the following exception that is relevant to the discussion of zoning issues:

- Section 9.8.4.2(e) states that new structures should be designed so that the overall massing is in keeping with other single unit residences in the immediate area. As detailed on Sheet SK4.1 of the Zebra Design drawing package [Schedule "J"], the proposed homes, when viewed from the street, satisfy this policy.

ISSUES:

1. Rationale for Selected Option

This application is consistent with the policy direction contained within the OCP for single unit infill development. The current RS-1 zoning permits the owner to construct a single family home including a legal secondary suite on this property, however, based on the large parcel size, this building would likely be significantly larger than existing homes in the area. This proposal for three single unit infill homes is a more elegant development solution which integrates into the existing streetscape rather than dominating it. The proposed homes are substantially consistent with existing single family residential zoning criteria and promise enhanced building performance for long term sustainability.

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 applicant has provided a list of 'Green Initiatives' for consideration in place of the Esquimalt Green Building Checklist [Schedule "G"].

5. Communication

The applicant has solicited feedback regarding this proposal from neighbouring property owners and residents and has provided a sheet of signatures indicating that many local residents do not object to the proposal [Schedule "I"].

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property on January 6, 2014 advising them that Council will be considering the requested rezoning on Monday, January 20, 2014. Notice of the Public Hearing was printed in the January 10th and January 15th editions of the Victoria News and a sign indicating that the property is under consideration for a change in zoning, that has been in place on the Admirals Road frontage since October 2013, has been updated to show the date, time and location of the Public Hearing.

To date, no correspondence has been received by staff relating to this application. Staff have fielded two local resident inquiries at the Development Services counter.

ALTERNATIVES:

1. That Council, upon considering comments made at Public Hearing, resolves that Amending Bylaw [No. 213], 2013, No. 2818 be **read a third time**, and direct staff to coordinate with the property owner to ensure registration of the S. 219 covenant on the title to the subject property prior to returning Amending Bylaw [No. 213], 2013, No. 2818 to Council for consideration of adoption.
2. Council directs staff to amend Amending Bylaw [No. 213], 2013, No. 2818 to accommodate issues raised at the public hearing and return it to Council for further consideration including scheduling a new public hearing if required by the *Local Government Act*.
3. Council **defeats** Amending Bylaw [No. 213], 2013, No. 2818.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2818

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

THE MUNICIPAL COUNCIL OF THE CORPORATION 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. 213], 2013, NO. 2818"*.
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 in Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development No. 87 (448 Admirals Road) CD No. 87"

- (2) by adding the following text as Section 67.74 (or as other appropriately numbered subsection within Section 67):

67.74 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 87 [CD NO. 87]

In that Zone designated as CD No. 87 [Comprehensive Development District No. 87] 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) Single Family Residential
- (b) Home Occupation

(2) **Parcel Size**

- (a) The minimum Parcel Size of Parcels created by subdivision shall be 365 square metres.
- (b) The maximum Parcel Size of Parcels created by subdivision shall be 370 square metres.

(3) **Lot Width**

The width of parcels created by subdivision shall be 10.19 metres measured at the Front Lot Line.

(4) **Density**

The number of Dwelling Units permitted in this CD-87 Zone shall be limited to three [3] for a density of one [1] unit per 365 square metres.

(5) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a parcel.

(6) **Floor Area**

(a) The Floor Area of the First Storey of a Principal Building shall not exceed 84 square metres.

(b) The total Floor Area of a Principal Building shall not exceed 149 square metres.

(c) Notwithstanding Section 6(a), the Floor Area of the First Storey of a Principal Building, not including a Private Garage, shall not exceed 63 square metres.

(d) In this zone, Floor Area located in any Basement, or portion thereof, within of a Principal Building, where the ceiling is less than 1.2 metres above the natural Grade at any point, shall be exempt from the requirements of Section 6(b).

(7) **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.

(8) **Building Width**

The maximum width for a Principal Building shall be 6.8 metres

(9) **Lot Coverage**

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

(b) Notwithstanding Section 9(a) Principal Buildings shall not cover more than 27% of the Area of a parcel

(10) **Siting Requirements**

(a) **Principal Buildings:** Where lands in this CD-87 zone have been subdivided into three parcels:

(i) The northernmost Principal Building shall not be located within 9.9 metres of the Front Lot Line.

- (ii) The centremost Principal Building shall not be located within 8.6 metres of the Front Lot Line
- (iii) The southernmost Principal Building shall not be located within 7.5 metres of the Front Lot Line.
- (iv) No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3.3 metres.
- (v) The northernmost Principal Building shall not be located within 11.2 metres of the Rear Lot Line.
- (vi) The centremost Principal Building shall not be located within 12.4 metres of the Rear Lot Line.
- (vii) The southernmost Principal Building shall not be located within 13.6 metres of the Rear Lot Line.
- (viii) The separation between Principal Buildings within Comprehensive Development District No. 87 [CD No. 87] shall not be less than 3.3 metres.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

(b) Accessory Buildings:

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 5.0 metres of any Principal Building.

(11) Fencing

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(12) Landscaping and Open Space

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

(13) **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 Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District, Plan 772 and the Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District, Plan 772. [448 Admirals Road] shown cross-hatched on Schedule "A" attached hereto from RS-1 [Single Family Residential] to CD No. 87 [Comprehensive Development District No. 87].
- (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 2nd day of December, 2013.

READ a second time by the Municipal Council on the 2nd day of December, 2013.

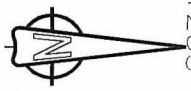
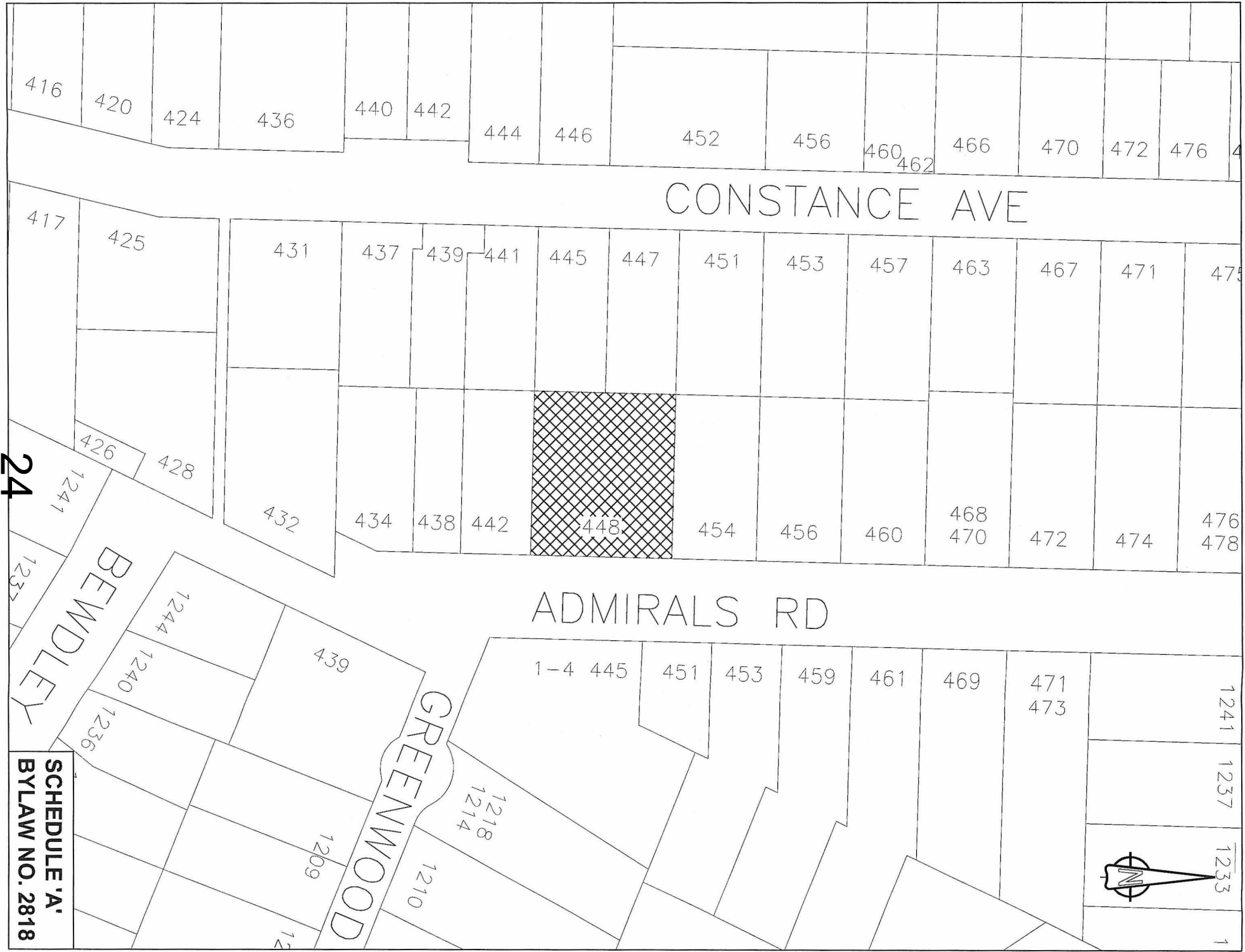
A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2014.

READ a third time by the Municipal Council on the ---- day of ----, 2014.

ADOPTED by the Municipal Council on the ---- day of ----, 2014.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER



SCHEDULE 'A'
BYLAW NO. 2818

TERMS OF INSTRUMENT - PART 2

RECITALS:

- A. The Transferor is the registered owner in fee-simple of those lands with civic address of 448 Admirals Road, more particularly described in Item #2 of Form C, in the Township of Esquimalt in Province of British Columbia, namely (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 (the "**Rezoning Bylaw**") to permit infill housing, and acknowledging that it is in the public interest that the use and density of development of the Lands be limited, 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

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 subdivided, built upon or used except in accordance with the BC Land Surveyors Site Plan prepared by James Worton BCLS of Powell and Associates, dated September 27, 2013, a copy of which is attached as Schedule A to this Agreement ("the **Site Plan**"), and the Lands must not be:
 - (a) subdivided (including under the *Strata Property Act*), except for three (3) new single family residential fee simple lots each a minimum parcel size of 365 square metres, minimum frontage of 10.1 metres, and with similar rectangular dimensions, as shown on the Site Plan;

- (b) be built upon or used for more than two (3) dwellings units (representing one per lot created from the Lands), also as shown on the Site Plan; and
 - (c) be built upon, contain or be used for secondary suite(s), roomers, boarding use or tourist accommodation uses.
2. The Transferor and Transferee agree that this Agreement shall be interpreted in accordance with the definitions in the Transferee's zoning bylaw, as amended from time to time.

Indemnity and Release

3. 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.
4. 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

5. 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.
6. At the Transferor's sole cost, the Transferor will register this Agreement and must do everything necessary to secure priority of registration and interest for this Agreement over all encumbrances of a financial nature.
7. 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 (or any variation of it that permits the subdivision and uses under this Agreement), is not adopted, then this Agreement shall be discharged from the Lands.

General

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Priority

16. [REDACTED] (the "**Chargeholder**") is the registered holder of a charge by way of [REDACTED] against the Lands, registered under No. [REDACTED] (the "**Charge**"), and 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 Charge 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.

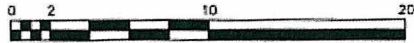
SCHEDULE "A" - SITE PLAN

BC LAND SURVEYORS SITE PLAN OF:

Civic: 448 Admirals Road

Legal - Lot 25 & The Northerly 25 Feet of Lot 28,
Block C, Suburban Lots 49 & 51,
Esquimalt District, Plan 772

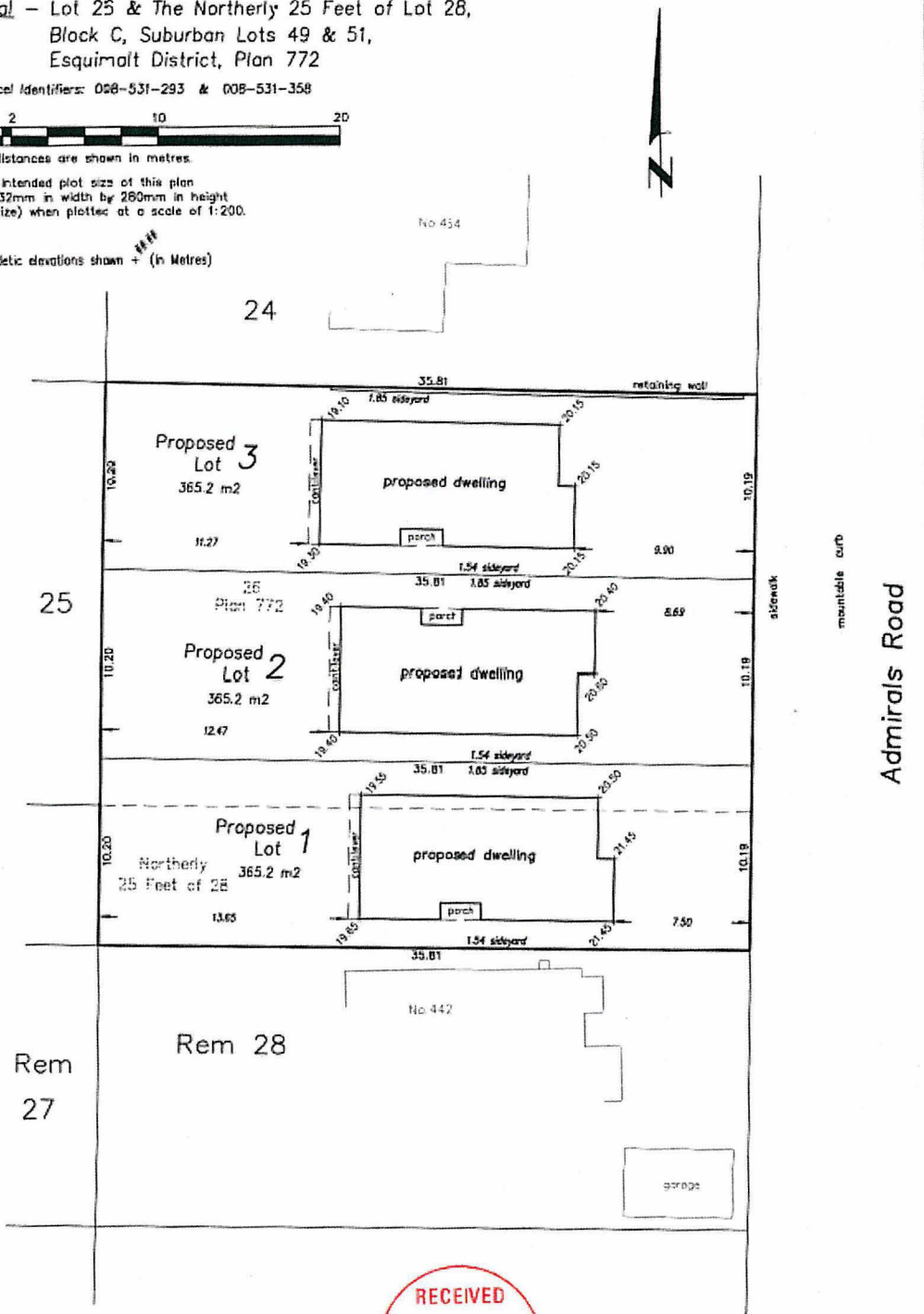
Parcel Identifiers: 008-531-293 & 008-531-358



All distances are shown in metres.

The intended plot size of this plan
is 432mm in width by 260mm in height
(B size) when plotted at a scale of 1:200.

Geodetic elevations shown + (in Metres)

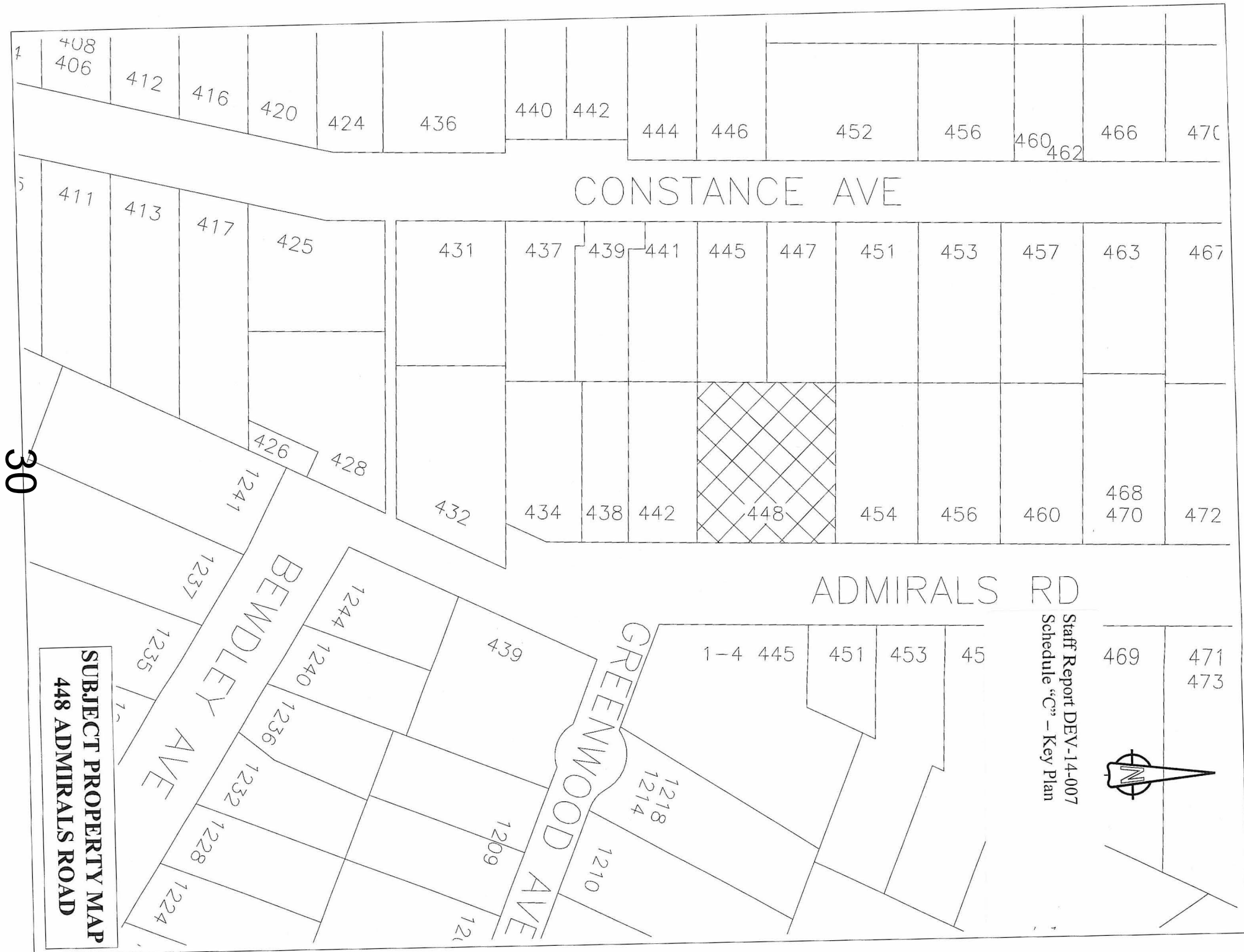


File : 11636-19
POWELL & ASSOCIATES
B C Land Surveyors
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8555



Certified correct
this 27th day of September, 2013

James Norton
James Norton, B.C.L.S.



**SUBJECT PROPERTY MAP
448 ADMIRALS ROAD**

448 Admirals Road



Subject Property Boundary:



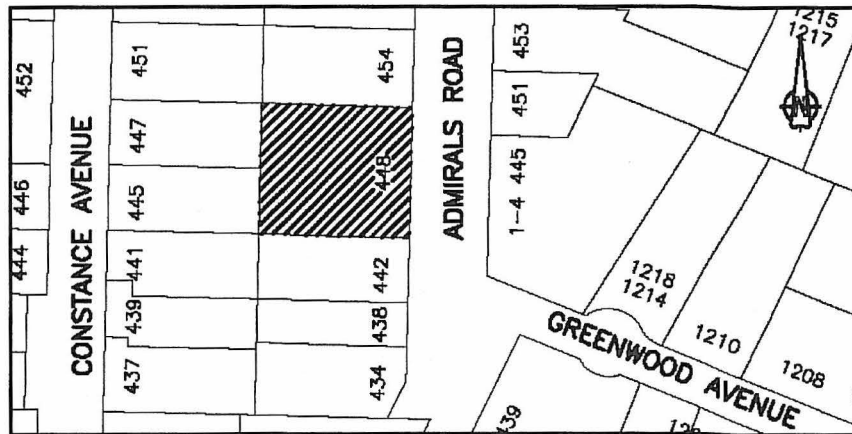


CORPORATION OF THE TOWNSHIP OF ESQUIMALT NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT A PUBLIC HEARING will be held on Monday, January 20, 2014 at 7:00 p.m. in the Council Chambers, Esquimalt Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., to allow the Public to make representations to the Municipal Council respecting matters contained in the following amending bylaw:

Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 213], 2013, No. 2818

Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 213], 2013, No. 2818 provides for a change in the zoning designation of 448 Admirals Road [legal description below] shown hatched on the map below from RS-1 [Single Family Residential] to CD No. 87 [Comprehensive Development District No. 87].



Site Location: Lot 26, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772; and The Northerly 25 Feet of Lot 28, Block C, Suburban Lots 49 and 51, Esquimalt District Plan 772.
[448 Admirals Road]

The general purpose of this Bylaw is to facilitate redevelopment of the site as three detached single family homes, each situated on a narrow frontage parcel.

AND FURTHERMORE TAKE NOTICE that copies of the proposed Bylaw and relevant background documents may be inspected at the offices of Development Services, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., anytime between the hours of 8:30 a.m. and 4:30 p.m. [excluding Saturdays, Sundays and Statutory Holidays] until January 20, 2014.

ANJA NURVO
DIRECTOR OF CORPORATE SERVICES

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) The keeping of no more than two (2) Roomers or Boarders
- (d) Secondary Suite: subject to the requirements of Section 30.6

(2) Parcel Size

The minimum Parcel Size for Parcels created by subdivision shall be 530.0 square metres.

(3) Minimum Lot Width

The minimum width of Parcels created by subdivision shall be 16.0 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 7.0 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 3.0 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 2.0 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, 1992, No. 2011 (as amended).



Date: October 10, 2013

To: The Corporation of the Township of Esquimalt
Municipal Hall - 1229 Esquimalt Road
Victoria, B.C. V9A 3P1

RE: Rezoning Application – 448 Admirals Road, Esquimalt B.C.

Attn: Township of Esquimalt Development Services

The proposed rezoning and development will strive to incorporate 'Green Initiatives' in an effort to increase the energy efficiency, to improve indoor air quality and reduce the impact of construction on our environment. We are currently working through the Green Building Checklist and as the project progresses and we are more accurately able to define project specifications, we will be able to give you those details as well.

The 'Green Initiatives' focus on:

- Energy efficiency
- Indoor air quality
- Resource use
- Overall environmental impact.

The following list contains items the builder will be encouraged to employ:

Operational Systems:

- Installation of high efficiency, direct vent, gas fuelled fireplaces with electronic ignition
- All windows to be Energy Star labelled
- All appliances to be Energy Star labelled
- Homes to be built 'Solar Ready' providing for a rough-in of 3"(75mm) thermal run from mechanical room to attic
- Minimum 50% of recess lights to use halogen, LED or compact fluorescent bulbs
- Use of Air tight contact insulation on recessed lights to prevent air leakage

Building Materials:

- Use of finger-jointed non structural framing material
- Use of advanced sealing non HCFC expanding foam around window and door openings

Interior and Exterior Finishes:

- Natural cementitious exterior siding; wood siding; stone cladding; cedar shingles; wood trim and details
- Minimum 30 year manufacturer warranty of roofing material
- MDF casing and baseboard trim (reducing reliance on old growth forest products)

Indoor Air Quality:

- Installation of hardwired carbon monoxide detector
- Central Vac system vented to exterior
- All insulation in homes to be third party certified with low formaldehyde
- Low formaldehyde subfloor sheathing, exterior sheathing, insulation, carpet underlayment and cabinetry (less than 0.18 ppm)
- All wood or laminate flooring to be factory finished
- Interior paints to have low VOC (Volatile Organic Compounds) content (less than 250 grams/litre)

Ventilation:

- Programmable Energy Star thermostats
- Ventilation fans to meet or exceed Energy Star Requirements

Waste Management:

- Trees and natural features to be protected during construction
- Install into new homes built-in recycling centres with two or more bins
- Provide composter to each home

Water Conservation:

- CSA approved single flush toilet averaging 1.6 GPF (gallons per flush) or less installed in all bathroom locations
- Insulate hot water lines with pipe insulation on all hot water lines
- Install hot water recirculation line
- Install low flow faucets in kitchen, on lavatories and shower valves
- Plant drought tolerant vegetation
- Supply a minimum of 8" (200mm) of topsoil or composted yard waste at finish grade throughout the site

Sincerely Yours,

Kristin Scott
Per Rus Collins





Talbot Mackenzie & Associates

Consulting Arborists

November 7, 2013

Zebra Design Group
1161 Newport Avenue
Victoria, BC V8S 5E6

Attention: Rus Collins



Re: Tree Impact and Retention Report - 448 Admirals Road

Assignment: Provide arborist services to review the site plan and visually examine and document the resource of bylaw-protected trees on the property at 448 Admirals Road, and along the municipal frontage, as required by the Municipality of Esquimalt, for the purpose of obtaining a development permit for the property. Prepare a Tree Impact and Retention report for the lot subdivision.

Method: For this purpose, we reviewed a site plan indicating the proposed three lot subdivision. During our October 25, 2013 site visit, the health and structure of each tree was visually examined and the information compiled regarding the bylaw-protected trees on the property and trees on the municipal frontage was entered into a tree resource spreadsheet, which you will find attached to this report. The information compiled includes: tree tag numbers, size (d.b.h.), protected root zone (PRZ), critical root zone (CRZ), species, crown spread, health condition, structural condition, relative tolerance to construction impacts and remarks and comments regarding each tree.

Tree Resource: The resource of bylaw-protected trees on the property is composed of a mixture of native and exotic tree species that includes:

- Two Grand fir trees #049 and 050
- Two Big Leaf maple trees #047 and 048
- One arbutus tree #046
- Three Lombardy poplar trees #041, 042 and 044
- One Western Red cedar tree #040
- There is one flowering crabapple located on the municipal frontage (on the site plan but not identified onsite with a numbered tag).

..../2

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

The two Grand fir trees have been topped as mature trees resulting in the formation of heavily weighted multiple growth leaders that are weakly attached at their union with the main trunk. These are trees that we consider to be high risk and trees that we recommend be removed even if the project does not proceed.

The two Big Leaf maple trees are showing evidence of health decline and indicators of internal trunk decay. The decay associated with maple tree #048 is extensive within the lower trunk and root collar. We consider this tree to be high risk and recommend it be removed even if the project does not proceed. The decay associated with maple #047 appears to be less extensive, however, given the decline symptoms and decay cavities it is one that is likely to have limited longevity in the landscape. We recommend that a closer examination of its structure be conducted, should you decide to retain it.

Arbutus #046 appears reasonably healthy. There is a significant lean with some soil humping at the back side of the trunk lean. Although there are no indicators of root instability at this time, we recommend monitoring the tree during high wind conditions for any indicators of lower trunk or root plate movement or any other indicators of root instability.

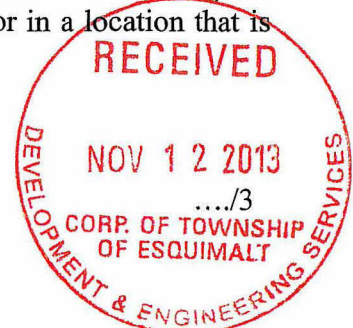
The Lombardy poplars are young trees that appear to be relatively healthy and structurally sound; however, problems and conflicts with buildings and hardscape features are often associated with trees of this species as they mature.

Western Red cedar #040 has a healthy canopy although it was also heavily topped historically.

Potential Impacts: The trees on the site could potentially be impacted by the location of the building footprints. Grand fir trees #049 and 050, and Big Leaf maple #048 are trees that have structural defects that make them unsuitable for retention; therefore, we are recommending that they be removed. Western Red cedar #040 is located within a proposed driveway access and where its removal will be required. The remainder of the bylaw-protected trees are located where, in our opinion, they can be successfully isolated from the construction impacts and retained

Mitigation of Impacts: We recommend the following procedures be implemented, to reduce the impacts on the trees to be retained.

Barrier fencing: The areas, surrounding the trees to be retained on this property and on the municipal frontage must be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones as defined in our Tree Resource Spreadsheet. Where the building or driveway footprint and other features encroach within the critical root zone area, the fencing should be erected one metre off the edge of the footprint or in a location that is determined by the project arborist.



The barrier fencing to be erected must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

Driveway footprint: The plans supplied indicate that the driveway accesses for Lot 2 and Lot 3 are located on either side of the existing municipal flowering crabapple tree. This tree must be isolated from the associated impacts of the driveway construction by erecting barrier fencing at the edges of the driveways and along the sidewalk and the street edge.

Building footprints: The building footprint for Lot 2 will encroach within the defined critical root zone of arbutus tree #046. Most of the area of encroachment is covered presently by the existing house on this site. We recommend that the arborist supervise the excavation on this lot, where the footprint encroaches within the critical root zone of arbutus tree. The canopy of this tree may conflict with the house to be constructed on Lot 2 and possibly Lot 1.

Pruning: The project arborist must review the pruning requirements for arbutus #046 and direct the pruning work required for building clearance. All pruning required must be completed by an ISA Certified Arborist.

Landscape Screening: The planting along the rear property boundary is composed of a row of Lombardy poplar and Douglas-fir trees. In our opinion, this row of trees provides a suitable screening to most of the site, and is located far enough from the building units that it will not conflict with the building sites. There is a gap in this screening near the north west corner of the site that could be filled by planting a single Douglas-fir tree to provide consistency to the existing plantings, or with another lower growing species such as Port Laurel or a similar broadleaf evergreen that would not outgrow this location in future years. This may be a suitable location to plant replacement trees for ones that have been removed for risk or health reasons or that must be removed to accommodate the construction activity. The area to the south west is screened by smaller growing plants and trees that are planted on the neighbouring property but may also be a suitable location to plant replacement trees.

Servicing: The location of the aboveground and underground services was not reviewed prior to the preparation of this report. We anticipate that the service connections will be along the front of the property where they will not be in conflict with the trees that are to be retained other than the municipal crabapple tree. The project arborist must review any proposal to locate services within the critical root zone areas of trees that are to be retained.



Offsite work: The plans did not show, and we are not aware of any upgrades or replacements of offsite municipal infrastructures e.g. sidewalks, curbs or services. The project arborist must review any changes to the municipal infrastructure or additional offsite requirements prior to their installation to determine the impacts on the bylaw-protected or municipal trees that are to be retained.

Work Area and Material Storage: It is important that the issue of storage of excavated soil, construction material, and site parking be reviewed prior to the start of construction; where possible, these activities should be kept outside of the critical root zones of trees that are to be retained. If there is insufficient room for onsite storage and working room, the arborist must determine a suitable working area within the critical root zone, and outline methods of mitigating the associated impacts (i.e. mulch layer, bridging etc).

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

- Locating the barrier fencing
- Reviewing the report with the project foreman or site supervisor
- Locating work zones, where required
- Supervising excavation for the building footprints
- Reviewing and advising of any pruning requirements for building clearances.

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

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

Yours truly,

Tom Talbot & Graham Mackenzie
ISA Certified, & Consulting Arborists

Enclosures: Tree Resource spreadsheet, Barrier fencing specifications, replacement tree value.

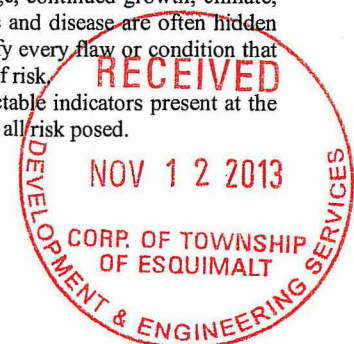
Disclosure Statement

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

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

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

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



**TREE RESOURCE
for 448 Admirals Road**

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
No tag	18	n/a	3.0	Flowering crabapple	8.0	fair	fair	moderate	Located on municipal frontage
050	69	12.4	8.0	Grand fir	12.0	good	poor	poor	Heavily topped as a mature tree. Weakly attached stems and limbs arise from the location of the topping wound. High risk of failure. Arbutus seedling grows from base of trunk.
049	64	11.5	8.0	Grand fir	10.0	good	poor	poor	Heavily topped as a mature tree. Weakly attached stems and limbs arise from the location of the topping wound. High risk of failure.
048	124	22.3	12.0	Big Leaf maple	11.0	poor	poor	good	Extensive internal trunk decay. Weakly attached scaffold limbs. Target canker. Declining tree.
047	56	10.1	5.6	Big Leaf maple	11.0	poor	poor	good	Declining health. Internal decay visible in trunk.
046	71	12.8	7.0	arbutus	10.0	fair	fair	moderate	Corrected trunk lean. May have uprooted historically and later stabilized. Some canker infection on trunk.
045	24	n/a	4.0	Douglas-fir	5.0	good	good	poor	
044	45	8.1	4.5	Lombardy poplar	5.0	good	good	good	
043	19	3.4	3.0	Douglas-fir	6.0	good	good	poor	
042	43	7.7	4.5	Lombardy poplar	3.0	good	good	good	

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



October 25, 2013

**TREE RESOURCE
for 448 Admirals Road**

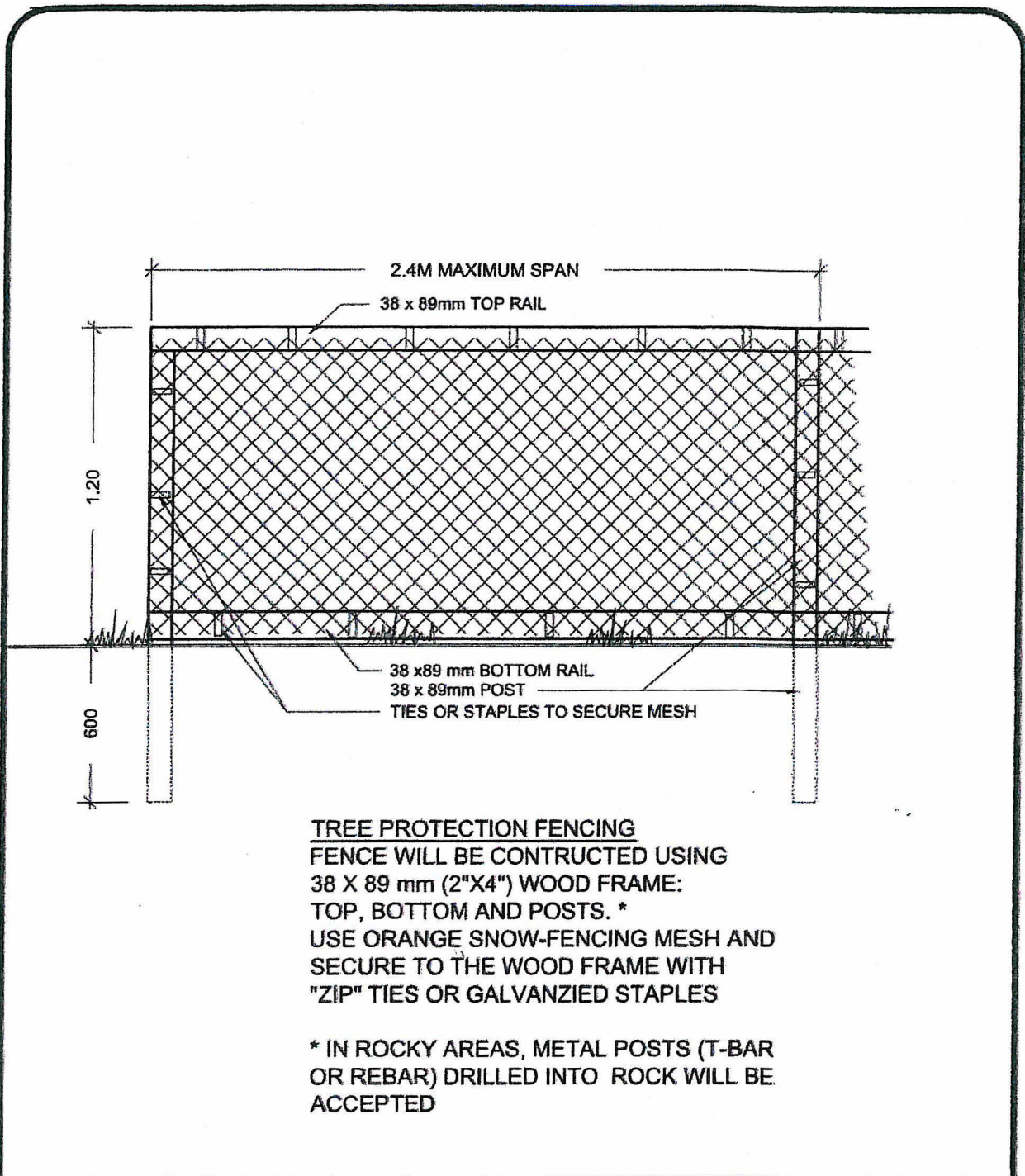
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Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
041	48	8.6	4.5	Lombardy poplar	5.0	good	good	good	
040	51	9.2	7.0	Western Red cedar	8.0	good	fair/poor	poor	Topped as a mature tree.

42

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





DETAIL NAME:

TREE PROTECTION FENCING

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

RECEIVED
E105
 DRAWING

NOV 12 2013
 CORP. OF TOWNSHIP
 OF ESQUIMALT
 DEVELOPMENT & ENGINEERING SERVICES

Key to Headings in Resource Table

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

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

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

Condition health/structure –

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

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



Township of Esquimalt
1229 Esquimalt Road
Esquimalt, B.C.
V9A 3P1

Staff Report DEV-14-007
Schedule "I" – Neighbourhood
Consultation Signatures



Re: 448 Admirals Road – Rezoning Application

I have seen the proposed design for the three proposed lots @ 448 Admirals Rd. and have no objection to the rezoning application.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
Margie Zimmer	453 Admirals Rd.	Oct 5/13
Glenn Whiteley	459 Admirals Road	Oct 5/13
GLENN WHITELEY		
VICTORIA WHITELEY	459 Admirals Rd	Oct 5/13
M Whiteley		
Barbara McQueen Wilson	442 Admirals Rd.	Oct. 11/13
Barbara McQueen Wilson		
Ed Wiebe	4-445 Admirals Rd	Oct 12/13
R. Moss	3-445 Admirals Rd	Oct. 12/13
ROSE MOSS		

Township of Esquimalt
1229 Esquimalt Road
Esquimalt, B.C.
V9A 3P1



Re: 448 Admirals Road – Rezoning Application

I have seen the proposed design for the three proposed lots @ 448 Admirals Rd. and have no objection to the rezoning application.


SIGNATURE/ PRINT NAME	ADDRESS	DATE
<i>[Signature]</i> DON MOSS	3-445 Admirals Rd	Oct 12/13
<i>[Signature]</i> ND	438 ADMIRALS RD	OCT/12/13
<i>[Signature]</i> HENRY BENNETT	441 CONSTANCE AVE	OCT. 12/13
<i>[Signature]</i> D. M. James	756 ADMIRALS RD.	30 OCT/13
DONIS M. JAMES		
Mario Pouliot	451 Admirals Rd.	Nov 2 nd /13
MARIO Pouliot		
<i>[Signature]</i> PETER HOWORTH	445 Constance Ave.	Nov. 2/13
PETER HOWORTH		

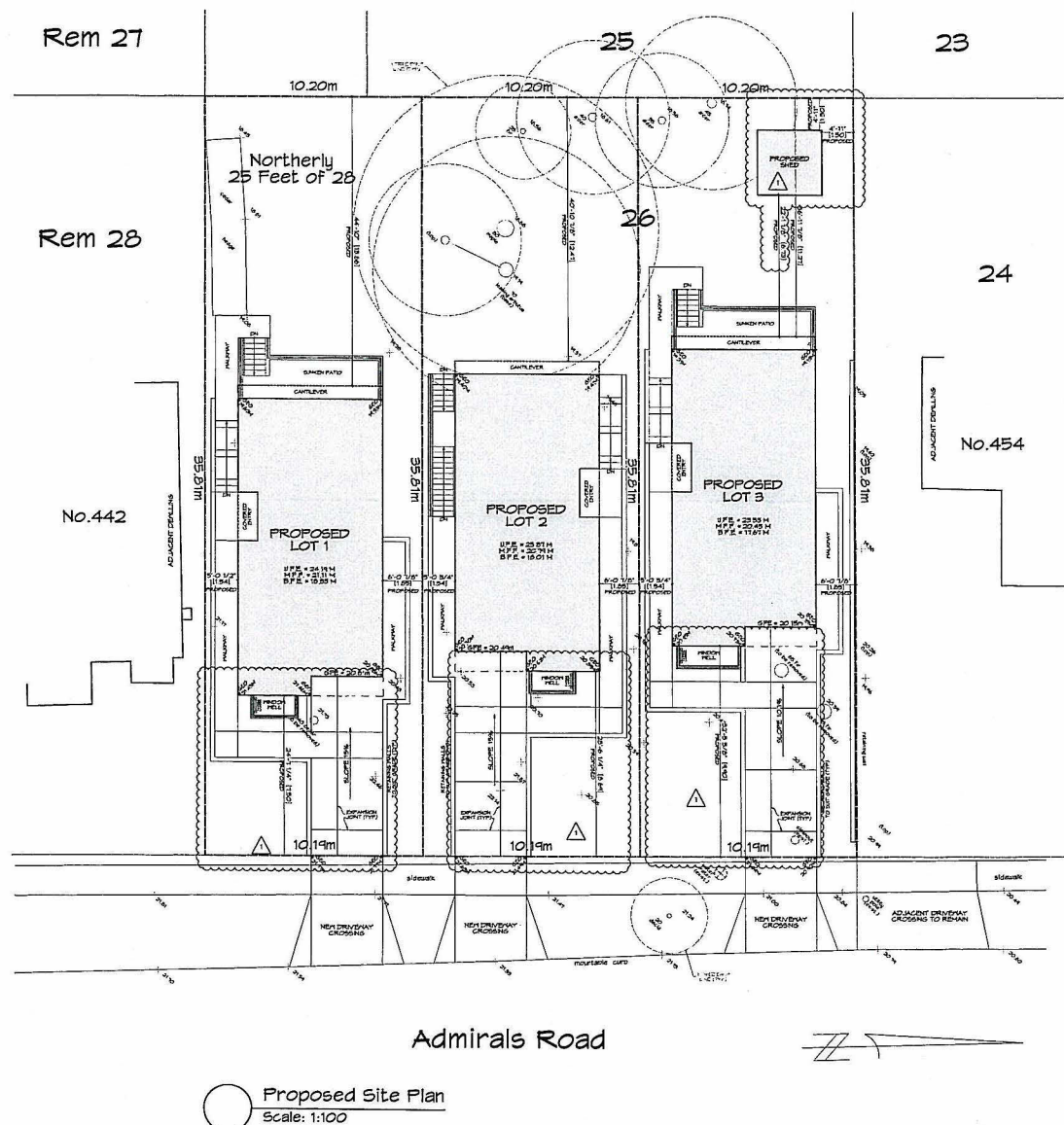
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, B.C.
V9A 3P1



Re: 448 Admirals Road – Rezoning Application

I have seen the proposed design for the three proposed lots @ 448 Admirals Rd.
and have no objection to the rezoning application.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
ws Bates	454 Admirals Rd	6 NOV 13
		



SITE DATA - PROPOSED 3-LOT SUBDIVISION @ 448 ADMIRALS ROAD

LEGAL DESCRIPTION - LOT 26 & NORTHERLY 25' OF LOT 25, BLOCK C, SUBURBAN LOTS 44 & 51, ESQUIMALT DISTRICT, PLAN T12			
CURRENT ZONING - RS-1			
PROPOSED ZONING - CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)			
	PROPOSED LOT 1	PROPOSED LOT 2	PROPOSED LOT 3
LOT AREA	365.21 M ² (931.07 FT ²)	365.20 M ² (930.96 FT ²)	365.14 M ² (930.85 FT ²)
LOT WIDTH	10.14 M (33.43')	10.14 M (33.43')	10.14 M (33.43')
LOT DEPTH	35.81 M (117.49')	35.81 M (117.49')	35.81 M (117.49')
BUILDING WIDTH	6.75 M (22.24')	6.75 M (22.24')	6.75 M (22.24')
SETBACKS			
FRONT	7.50 M (24.61')	8.64 M (28.51')	9.90 M (32.48')
REAR	13.66 M (44.82')	12.47 M (40.91')	11.27 M (36.98')
SIDE (SOUTH)	1.54 M (5.05')	1.54 M (5.05')	1.54 M (5.05')
SIDE (NORTH)	1.55 M (5.07')	1.55 M (5.07')	1.55 M (5.07')
AVG. GRADE	20.53 M (67.36')	20.06 M (65.83')	19.75 M (64.40')
BUILDING HEIGHT	7.14 M (23.43')	7.24 M (23.72')	7.22 M (23.64')
FLOOR AREA			
UPPER FLOOR	59.55 M ² (640.21 FT ²)	59.55 M ² (640.21 FT ²)	59.55 M ² (640.21 FT ²)
MAIN FLOOR	61.75 M ² (666.82 FT ²)	61.75 M ² (666.82 FT ²)	61.75 M ² (666.82 FT ²)
GARAGE (INCLUDED)	20.91 M ² (225.04 FT ²)	20.91 M ² (225.04 FT ²)	20.91 M ² (225.04 FT ²)
LOWER FLOOR (NON-BASMT)	1.05 M ² (11.31 FT ²)	0.00 M ² (0.00 FT ²)	0.00 M ² (0.00 FT ²)
LOWER FLOOR (BASEMENT)	56.53 M ² (608.41 FT ²)	56.71 M ² (613.32 FT ²)	57.55 M ² (614.14 FT ²)
TOTAL FLOOR AREA	121.55 M ² (1308.33 FT ²)	120.50 M ² (1291.02 FT ²)	120.50 M ² (1291.02 FT ²)
TOTAL, NON-BASMENT AREA	170.00 M ² (1816.82 FT ²)	171.24 M ² (1828.34 FT ²)	170.00 M ² (1816.82 FT ²)
TOTAL, INCL. BASEMENT	121.55 M ² (1308.33 FT ²)	120.50 M ² (1291.02 FT ²)	120.50 M ² (1291.02 FT ²)
FLOOR AREA RATIO (FAR)	0.333	0.330	0.330
SITE COVERAGE	28.87 %	28.87 %	28.87 %
PARKING	1 SPACE	1 SPACE	1 SPACE
FUTURE ACCESSORY BUILDING			
SETBACKS			
FRONT	7.50 M (24.61')	7.50 M (24.61')	31.26 M (102.56')
REAR	1.50 M (4.92')	1.50 M (4.92')	1.50 M (4.92')
SIDE (SOUTH)	1.50 M (4.92')	1.50 M (4.92')	5.25 M (17.39')
SIDE (NORTH)	1.50 M (4.92')	1.50 M (4.92')	1.50 M (4.92')
TO PRINCIPAL BLDG	2.50 M (8.20')	2.50 M (8.20')	6.75 M (22.08')
AVG. GRADE	TBD	TBD	TBD
BUILDING HEIGHT	3.60 M (11.81')	3.60 M (11.81')	3.60 M (11.81')
FOOTPRINT	4.24 M ² (100.00 FT ²)	4.24 M ² (100.00 FT ²)	4.24 M ² (100.00 FT ²)
SITE COVERAGE	2.54 %	2.54 %	2.54 %

GRADE CALCULATIONS			
GRADE	LOT 1	LOT 2	LOT 3
A	14.63M	14.40M	14.31M
B	14.59M	14.41M	14.13M
C	20.50M	20.39M	20.13M
D	21.46M	20.62M	20.13M
E	21.48M	20.50M	20.13M
TOTAL	102.10M /5	100.90M /5	98.81M /5
AVG	20.59M	20.06M	19.76M

DRAWING LIST:

- SK0.1 PROPOSED SITE PLAN
- # SITE DATA
- SK0.2 EXISTING SITE PLAN
- SK1.1 LOT 1 FLOOR PLANS
- # ELEVATIONS
- SK2.1 LOT 2 FLOOR PLANS
- # ELEVATIONS
- SK3.1 LOT 3 FLOOR PLANS
- # ELEVATIONS
- SK4.1 STREETSCAPE
- SK5.1 LANDSCAPE PLAN

ISSUED FOR
REZONING
SEPT. 20, 2013

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E5
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY
Date: SEPT. 20, 2013
Scale: AS NOTED

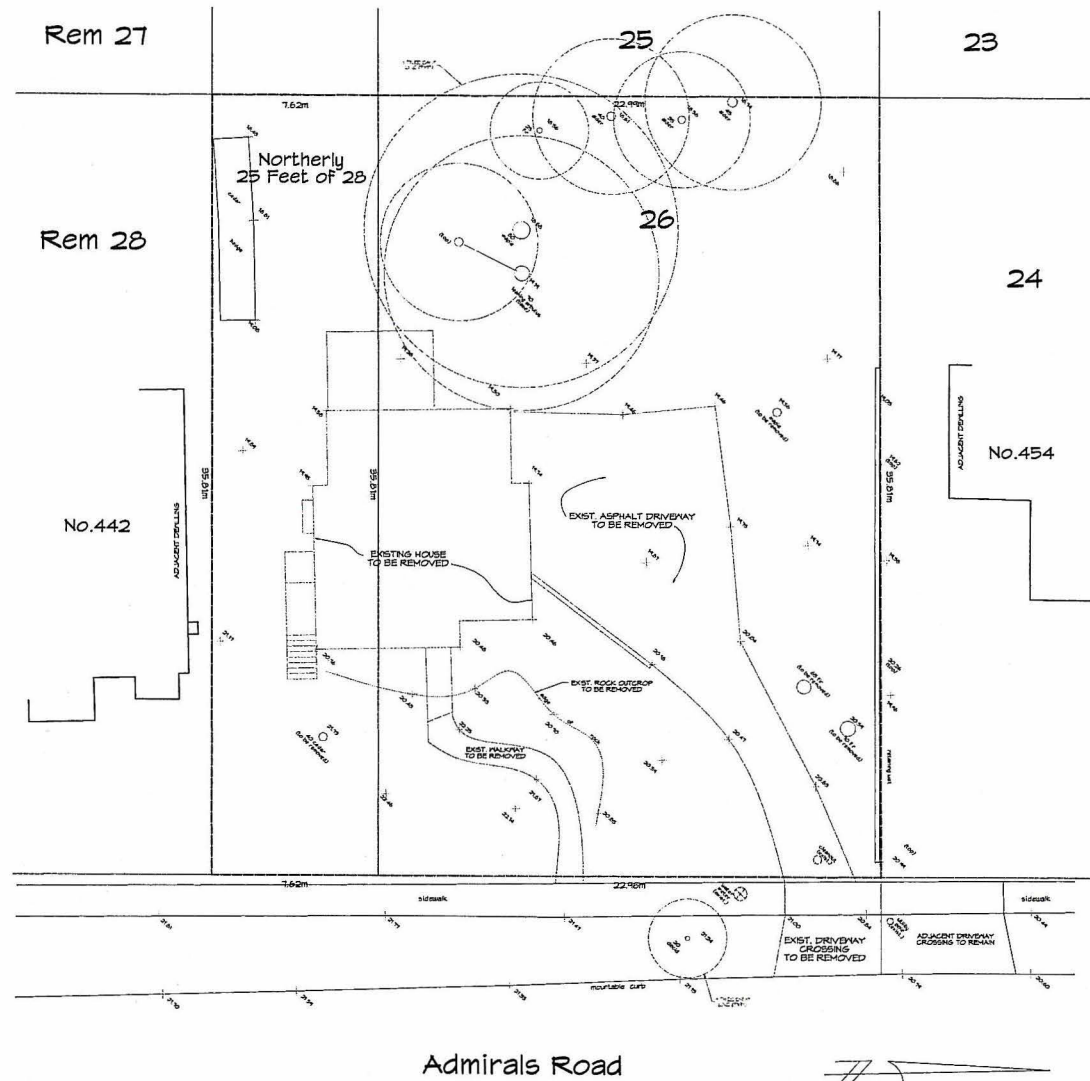
Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

Title:
PROPOSED SITE
PLAN & SITE DATA

REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	REMOVE PROPOSED WALKWAYS & STAIRS TO EXISTING LOT 1 PROPOSED LOCATION FOR ACCESSORY BLDG TO LOT 1. REMOVE SITE DATA FOR LOT 1. ACCESSORY BUILDING: REMOVE DRIVEWAY & EXISTING CONCRETE WALKWAYS & EXISTING STAIRS	NOV. 06/13	1 - NOV. 06/13	SK 0.1
				Proj. No. TBD



Staff Report DEV-14-007
Schedule "J" – Architectural Drawings
and Landscape Plan



Existing Site Plan
Scale: 1:100



ISSUED FOR
REZONING
SEPT. 20, 2013

ZEBRADESIGN

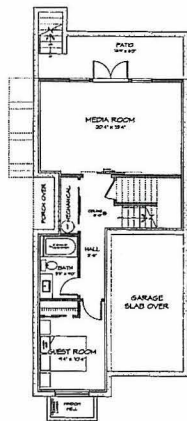
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY
Date: SEPT. 20, 2013
Scale: AS NOTED

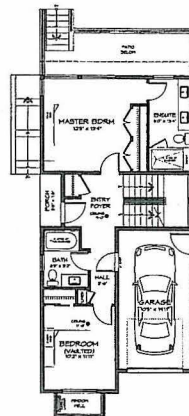
Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

Title:
EXISTING
SITE PLAN

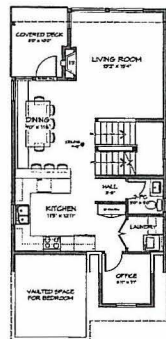
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				Proj. No. TBD



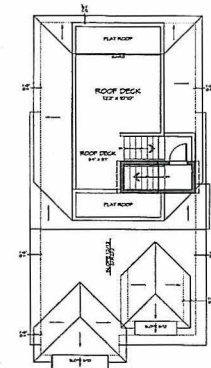
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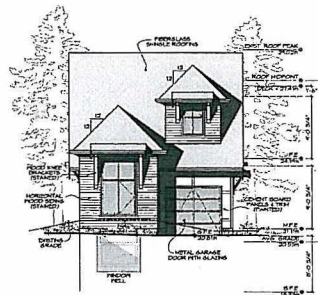
Main Floor
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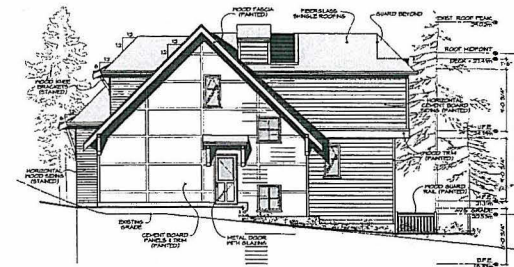
Upper Floor
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Roof Deck
Scale: 1/8" = 1'-0"



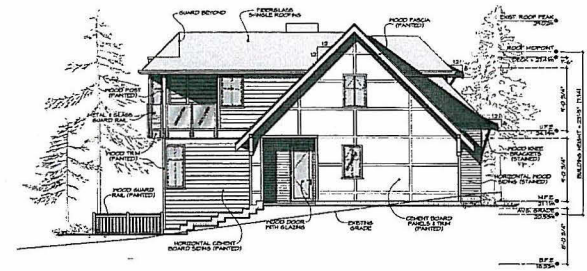
Front Elevation
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North Side Elevation
Scale: 1/8" = 1'-0"



Rear Elevation
Scale: 1/8" = 1'-0"



South Side Elevation
Scale: 1/8" = 1'-0"



REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	NO CHANGES	NOV. 26/13	1-NOV. 26/13	SK 1.1
				Proj. No. TBD

ISSUED FOR
REZONING
SEPT. 20, 2013

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

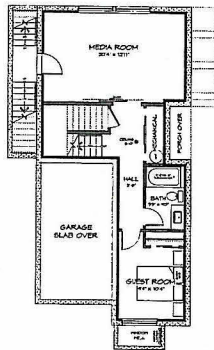
Drawn By: K. BELFRY

Date: SEPT. 20, 2013

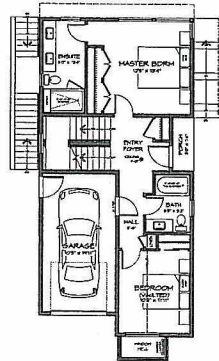
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Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

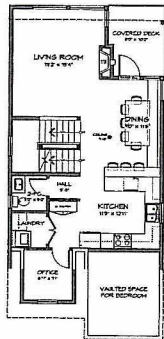
Title:
LOT 1 PLANS &
ELEVATIONS



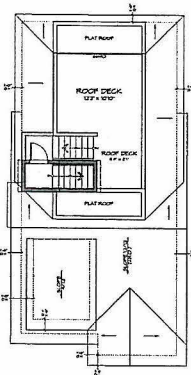
Lower Floor
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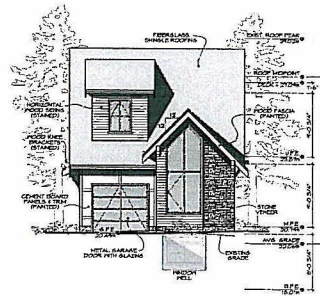
Main Floor
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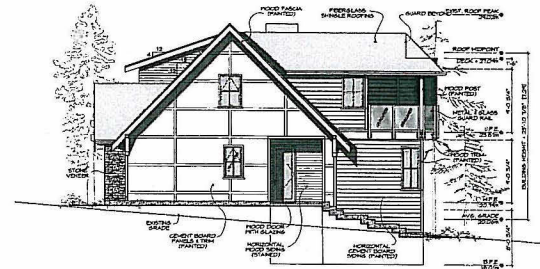
Upper Floor
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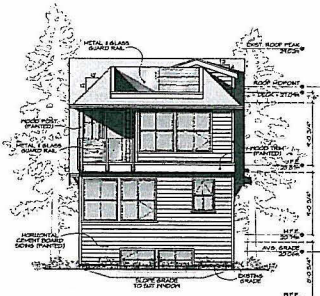
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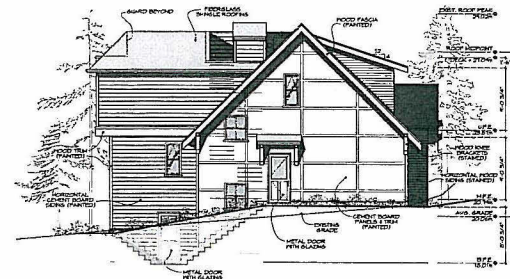
Front Elevation
Scale: 1/8" = 1'-0"



North Side Elevation
Scale: 1/8" = 1'-0"



Rear Elevation
Scale: 1/8" = 1'-0"



South Side Elevation
Scale: 1/8" = 1'-0"



ISSUED FOR
REZONING
SEPT. 20, 2013



1161 NEWPORT AVE
Victoria, B.C. V8S 5E9
Phone: (250) 360-2144
Fax: (250) 360-2115

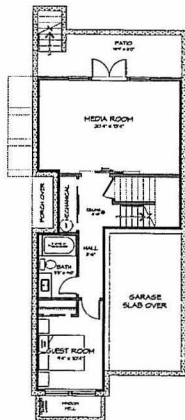
Drawn By: K. BELFRY
Date: SEPT. 20, 2013

Scale: AS NOTED

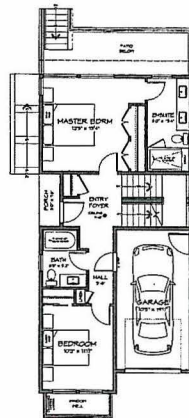
Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

Title:
LOT 2 PLANS &
ELEVATIONS

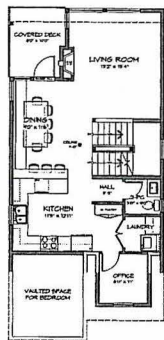
REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	NO CHANGES	NOV. 06/13	1-NOV. 06/13	SK 2.1
				Proj.No. TBD



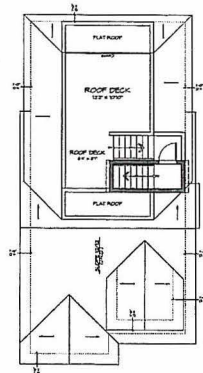
Lower Floor
Scale: 1/8" = 1'-0"



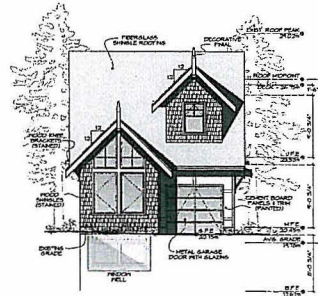
Main Floor
Scale: 1/8" = 1'-0"



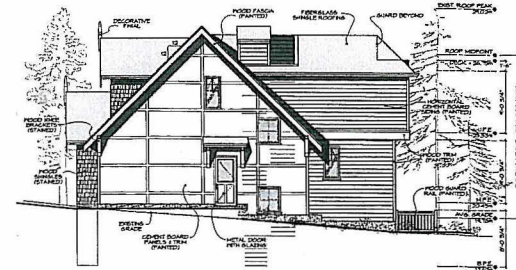
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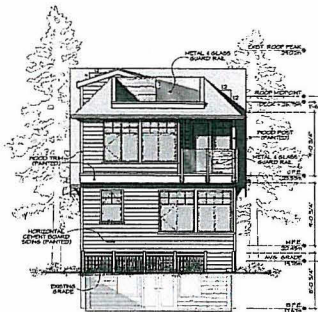
Roof Deck
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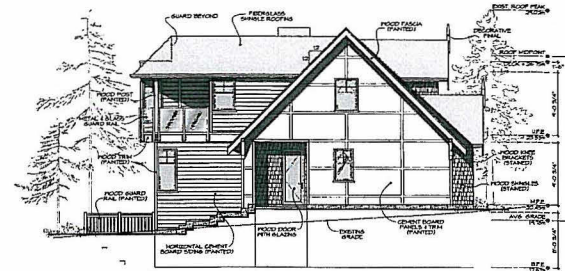
Front Elevation
Scale: 1/8" = 1'-0"



North Side Elevation
Scale: 1/8" = 1'-0"



Rear Elevation
Scale: 1/8" = 1'-0"



South Side Elevation
Scale: 1/8" = 1'-0"



REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	NO CHANGES	NOV. 06/13	1 - NOV. 06/13	SK 3.1
				Proj. No. TBD

ISSUED FOR
REZONING
SEPT. 20, 2013

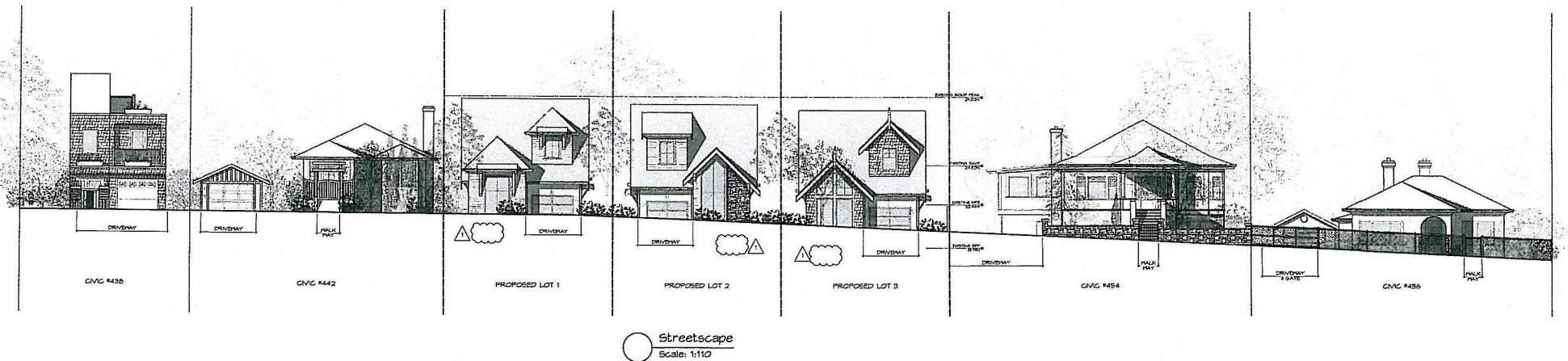
ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 2E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY
Date: SEPT. 20, 2013
Scale: AS NOTED

Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

Title:
LOT 3 PLANS &
ELEVATIONS



ISSUED FOR
REZONING
SEPT. 20, 2013

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E5
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY

Date: SEPT. 20, 2013

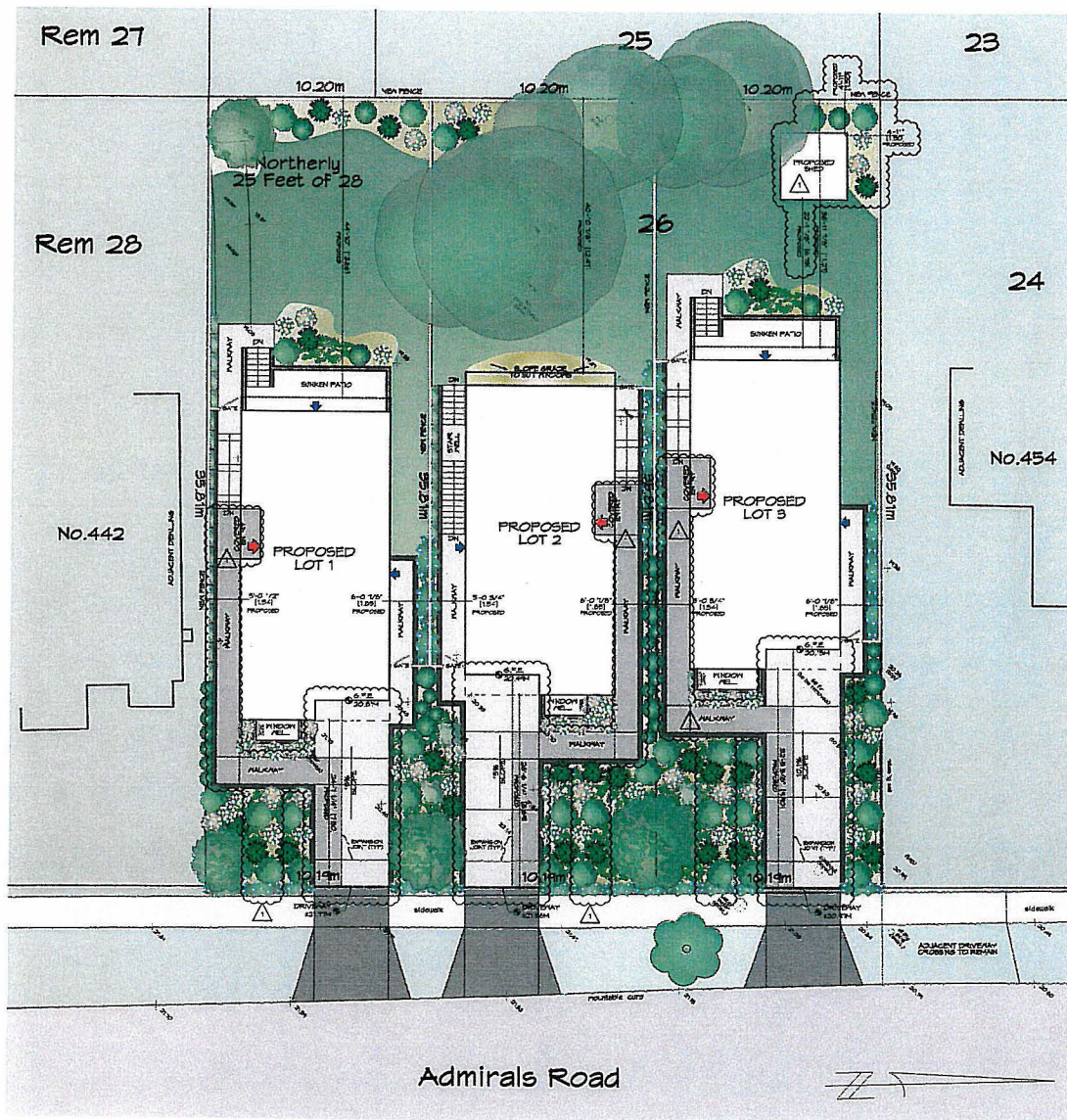
Scale: AS NOTED

Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

Title:
STREETSCAPE



REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	REMOVE PROPOSED PAVKWAYS	NOV. 06/13	1 - NOV. 06/13	SK 4.1
				Proj No. TBD



LANDSCAPE PLAN LEGEND

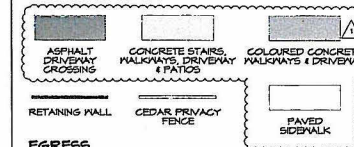
TREES/SHRUBS



GROUND COVER



HARD LANDSCAPING

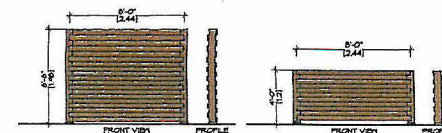


NOTES:

1. LANDSCAPING INDICATED IS CONCEPTUAL ONLY AND REQUIRES INSTALLATION BY A QUALIFIED LANDSCAPING CONTRACTOR.
2. CONTRACTOR TO IDENTIFY UTILITIES PROVIDED THROUGH UNDERGROUND PIPES AND AVOID CONTACT WITH EXCAVATIONS.
3. ALL LANDSCAPING SHALL BE PERFORMED TO BCSLA, BCMA STANDARDS.
4. ALL EXISTING TREES TO REMAIN, UNLESS NOTED OTHERWISE.
5. CEDAR FENCE TO BE MAX HEIGHT OF 1.50M (4'-0") BETWEEN FRONT PROPERTY LINE AND FRONT OF BUILDING 2.00M (6'-6") BETWEEN FRONT OF BUILDING AND REAR PROPERTY LINE.

Suggested Plant List

Trees	Botanical Name	Common Name	Size
	Cornus Florida	Flowering Dogwood	2.5m height, B&B
	Camellia Japonica specimen	Evergreen Camellia	3.0m height, B&B
	Phellodendron Amurense	Cork Tree	2.5m height, B&B
Shrubs			
	Arbutus unedo Compacta	Strawberry Tree	#5
	Berberis Thunbergii Atropurpurea	Barberry	#2
	Buxus Microphylla	Dwarf Boxwood	#2
	Camellia Japonica	Red Camellia	#5
	Cistus Ladanifer	Crimson Rock Rose	#3
	Ceanothus Gloriosus Inconspicue	Prostrate Mountain Lilac	#1
	Erica Carnea Springwood	White Heather	#1
	Erica x Darleysiae Purtye	Pink Heather	#1
	Escallonia Neuport Dwarf	Dwarf Escallonia	#2
	Habe 'Platy's Purple'	Hebe	#2
	Lavandula Angustifolia Hidcote	Hidcote Lavender	#1
	Ribes Sanguineum King Edward	Pink Flowering Currant	#5
	Rhododendron	White Rhododendron	#5
	Spiraea Prunifolia	Bridal Veil Spiraea	#5
	Viburnum Davidii	Evergreen Viburnum	#3
Groundcovers			
	Parthenocleus quinquefolia	Virgin Creeper	#1
	Thymus Pink Ripple	Creeper Thyme	SPS, 30cm o.c.



Fence Design
Scale: 1/4" = 1'-0"

REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	REMOVE PROPOSED WALKWAYS & STAIRS TO FENCED, ADD PROPOSED LOCATION FOR ACCESSORY BUILDING LOT 1, REMOVE DRIVEWAY MATERIAL, ADD COLOURED CONCRETE WALKWAYS & EXPANSION JOINTS	NOV. 08/15	1 - NOV. 08/15	SK 5.1
				Proj.No. TBD



ISSUED FOR REZONING
SEPT. 20, 2013

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E9
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY

Date: SEPT. 20, 2013

Scale: AS NOTED

Project:
448 ADMIRALS RD
INFILL HOUSING
3 SFD'S

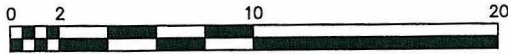
Title:
PROPOSED
LANDSCAPE PLAN

BC LAND SURVEYORS SITE PLAN OF:

Civic: 448 Admirals Road

Legal - Lot 26 & The Northerly 25 Feet of Lot 28,
Block C, Suburban Lots 49 & 51,
Esquimalt District, Plan 772

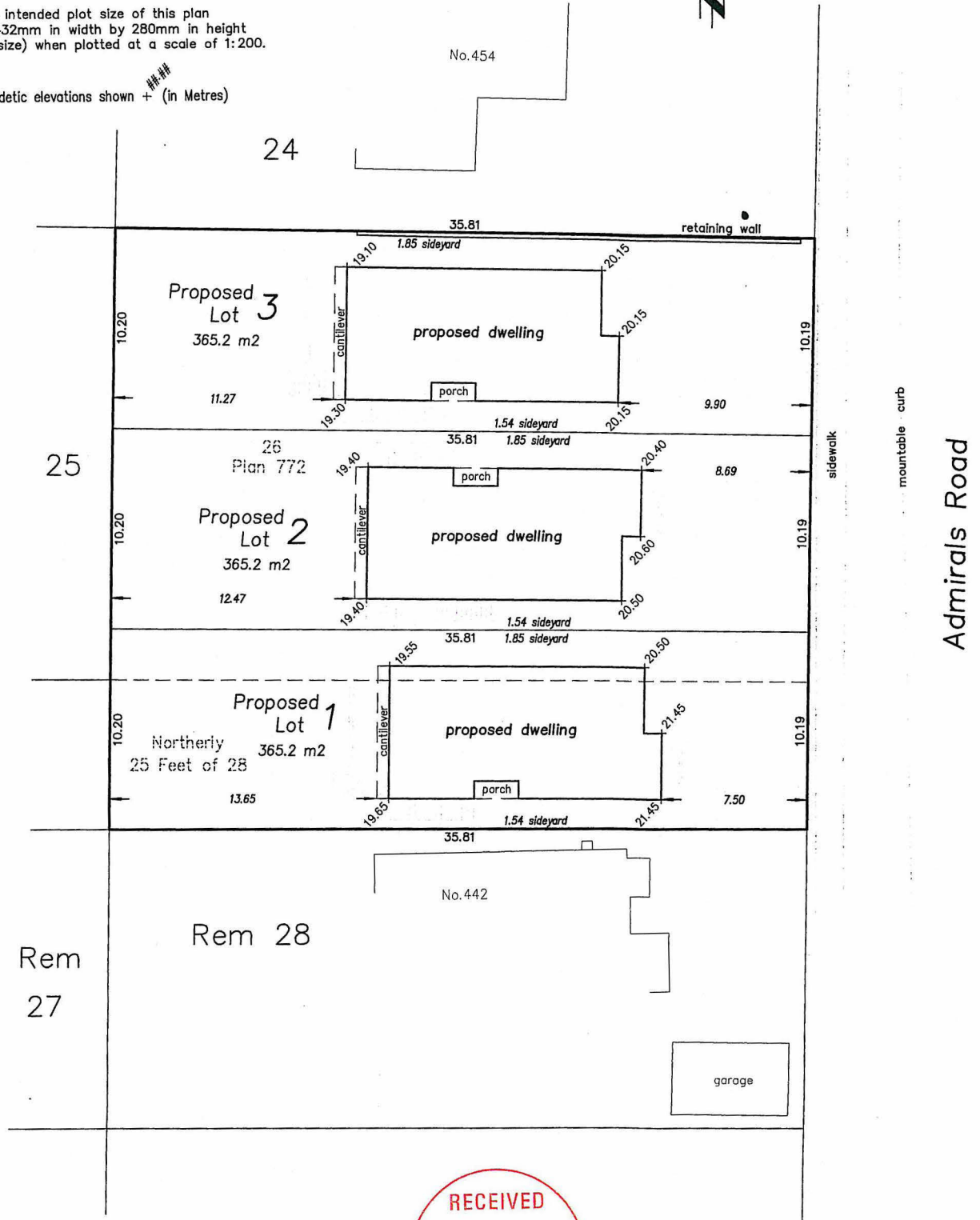
Parcel Identifiers: 008-531-293 & 008-531-358



All distances are shown in metres.

The intended plot size of this plan
is 432mm in width by 280mm in height
(B size) when plotted at a scale of 1:200.

Geodetic elevations shown + (in Metres)



File : 11636-19
POWELL & ASSOCIATES
B C Land Surveyors
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855

55



Certified correct
this 27th day of September, 2013
J. Worton
James Worton, B.C.L.S.



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: January 20, 2014
Staff Report No. ADM-14-007

REQUEST FOR DECISION

SUBJECT: Taxi Application – Island 250 Cab

RECOMMENDATION:

That Council provide any comments to staff to be forwarded to the Passenger Transportation Board relating to the Taxi Application by Island 250 Cab.

RELEVANT POLICY:

Not applicable.

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to any of Council's Strategic Priorities.

Submitted by: Writer

Reviewed by: CAO

Date:

Jan 16/14

STAFF REPORT

DATE: January 15, 2014 **Report No.** ADM-14-007
TO: Laurie Hurst, Chief Administrative Officer
FROM: Anja Nurvo, Director of Corporate Services
SUBJECT: Taxi Application – Island 250 Cab

RECOMMENDATION:

That Council provide any comments to staff to be forwarded to the Passenger Transportation Board relating to the Taxi Application by Island 250 Cab.

BACKGROUND:

Attached is a Municipal Notice from the Passenger Transportation Board giving notice of an application for a taxi licence to operate within the Township of Esquimalt. The Board is requesting comments from the Township within 30 days of receipt of the notice (i.e. by February 9th, 2014), in order to be able to consider the Township's comments prior to making a decision.

ISSUES:

1. Rationale for Selected Option
The applicant is requesting approval to add 3 additional 6-passenger taxis to its existing fleet of 247 vehicles, of which only 3 are 6-passenger vehicles. The taxi service currently operates in all of the 13 municipalities located in the region.
2. Organizational Implications
There are no organizational implications.
3. Financial Implications
There are no financial implications.
4. Sustainability/Environmental Implications
There are no sustainability or environmental implications.
5. Communication
Once Council has provided its comments, if any, on the application, staff will provide those to the Passenger Transportation Board within the time-frame requested.

ALTERNATIVES:

1. That Council provide any comments to staff to be forwarded to the Passenger Transportation Board relating to the Taxi Application by Island 250 Cab.
2. That Council request further information from staff.



TRANSPORTATION BOARD

202- 940 BLANSHARD STREET - PO BOX 9850 STN PROV GOVT

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
For Information:
CAO VICTORIA BC V8W 9T5 Mayor/Council

Municipal Notice | Taxi Applications PT Board Form 4

RECEIVED: JAN 09 2014

About this Form:

The form has 2 pages. It must be completed by:

- ✓ Licensees applying to operate a taxi in a new municipality (see Part 1)
- ✓ Licensees applying to add more taxis to their fleet (see Part 1)
- ✓ New applicants applying to start a taxi service (see Part 2)

Applicants must:

- (a) send completed forms to each municipality where they are licensed (or seek a licence) to pick up passengers, and
- (b) include copies of the forms in their application package.

Note: The Passenger Transportation Board sends applicants a copy of any negative comments it receives from a municipality. Applicants will have a chance to send their comments to the Board.

Retained: CAO
☒ For Action
☐ For Response
☐ For Report
☐ For Agenda
☐ COTW
☐ IC

NOTICE

To: Chief Administrative Officer

Esquimalt
Name of Municipality

07-01-14
Date

Please be advised that the Licensee or New Applicant listed on page 2 of this Notice is applying to the **Passenger Transportation Board** to provide taxi service in your municipality.

A municipality may send comments about this application or taxi services in general to the Passenger Transportation Board by:

Fax: (250) 953-3788
 E-mail: ptboard@gov.bc.ca
 Mail: PO Box 9850 STN PROV GOVT
 Victoria British Columbia V8W 9T5

We recommend that municipalities comment **within 30 days** of receipt of this notice. This should ensure that comments are received on time.

After an applicant sends its municipal notices and submits its application, the Board publishes the application in the Board's "Weekly Bulletin." Bulletins are published on Wednesdays. They may be viewed online at: <http://www.th.gov.bc.ca/ptb/bulletins.htm>. The Board will consider any comments received up until 15 days after publication in the "Weekly Bulletin".

To confirm whether the comment period is still open, municipal representatives can call the Board office at 250-953-3777 or email ptboard@gov.bc.ca.

Part 1: To be completed by PT Licensees

Applicant

Legal Name: Djamel Kremba

Trade Name: Island 250 Cab

PT Licence Number: _____

Fleet Size (Taxis only)

Current Number of Conventional Taxis:

247 only 3 cabs for 6 passengers

Current Number of Accessible Taxis

19

Number of Additional Conventional Taxis Requested:

03 (6 passengers Cab.)

Number of Additional Accessible Taxis Requested

/

Operating Area (check one)

☐ I operate in this municipality _____

☒ I am applying to operate in this municipality Esquimalt

My total originating area is: 13 Municipalities

Part 2: To be completed by new applicants

Applicant

Legal Name: Djamel Kremba

Trade Name: Island 250 Cab

Fleet Size Requested

Number of Conventional Taxis: (6 passengers cab) 03

Number of Accessible Taxis: /

Operating Area

The originating area I'm applying for is:
(please list all municipalities and areas)

Transportation of passengers may only originate from points on the Saanich peninsula and any other point ON Vancouver Island that is East of Jordan River (including Jordan River) and South of the intersection of Highway 1 and the Southern turnoff to Shawinigan lake.

(ie Highway 1 and Shawinigan lake Road.)

• Victoria, Saanich, Oak Bay, Esquimalt, Metchesin, Colwood, Central Saanich, Langford, North Saanich, Sooke, Sidney, View Royal, District of Highland.



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: January 20, 2014
Staff Report No. FIN-14-002

REQUEST FOR DECISION

SUBJECT:

Local Grant – L'Ecole Victor Brodeur

RECOMMENDATION:

It is accepted procedure that staff not make recommendations on local grant funding applications. Options available to Council are listed below under **ALTERNATIVES**.

RELEVANT POLICY:

Council Policy No. ADMIN-32 Local Grants

STRATEGIC RELEVANCE:

This Request for Decision does not directly align with any specific strategic priority

Submitted by: Director of Financial Services

Reviewed by: CAO

Date:

Jan 8/14

STAFF REPORT

DATE: January 3, 2014 **Report No.** FIN-14-002
TO: Laurie Hurst, Chief Administrative Officer
FROM: Ian Irvine, Director of Financial Services
SUBJECT: Local Grant – L'Ecole Victor Brodeur

RECOMMENDATION:

It is accepted procedure that staff not make recommendations on local grant funding applications. Options available to Council are listed below under **ALTERNATIVES**.

BACKGROUND:

L'Ecole Victor Brodeur is seeking financial support for the "Hearts of the World Project". This project will involve the creation of a large permanent sculpture made entirely from British Columbia red cedar. The project is intended to promote a passion for ecology and health as well as learning about collaboration, mutual aid and support between the Anglophone, Francophone, and First Nations communities.

ISSUES:

1. Rationale for Selected Option

Council Policy – Local Grants No. ADMIN-32 allows unallocated local grant funds to be issued throughout the year as determined by Council in response to formal requests. The determination of the actual amount granted remains at the discretion of Council.

2. Organizational Implications

There are no organizational implications.

3. Financial Implications

Within the 2013 Financial Plan, an amount of \$95,033 was allocated for the issuance of local grants. To date, local grants totalling \$64,830 have been issued leaving an unallocated balance of \$30,203 in the account.

Each year, as part of the approved Financial Plan, an amount is allocated for local grants. For local grant requests received prior to approval of the 2014 Financial Plan, there is the ability to carry forward any unallocated local grant funds from 2013 in order to support these applications.

Based on the current remaining balance in the 2013 local grants account, there are sufficient funds available for carry forward to satisfy this request.

4. Sustainability/Environmental Implications

There are no sustainability or environmental implications.

5. Communication

A letter of support would be drafted and a cheque issued to L'Ecole Victor Brodeur upon approval by Council. This letter would also remind the society of the conditions of funding as identified in Council Policy – Local Grants Policy No. ADMIN-32.

ALTERNATIVES:

1. Approve funding in full by using remaining local grant budget
2. Approve the request for funding in an amount less than requested
3. Deny the request for funding

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

LOCAL GRANT APPLICATION

For Year: 2013Name of Organization: École Victor Brodeur + Ass. des parentsAddress of Organization: 637 Head St.Victoria, BC. V9A 5S9Phone: 250-220-6010 Fax: 250-220-6014 email: ecole_brodeur@CSF.BC.CA
pauline@freger.caContact Person: Danièle Dupuis (teacher), Pauline GobeilPosition(s) with Organization: Teacher, parent Phone: 250-220-6010Amount Requested: \$ 1500.⁰⁰Total Project Budget: \$ 10,000.⁰⁰Have you applied before? No. When? _____ Grant Received: \$ _____If yes, have you submitted a final report for previous year funding?
(note: report must be submitted to receive consideration for further funding)

Yes [] No []

Fiscal year of organization: From September 1st To August 30thAre you currently receiving benefit from a Property Tax Exemption
from the Township of Esquimalt? N/A

Yes [] No []

Incorporation number and date of incorporation: S-43235 May 31, 2001Registered Canadian Charitable Organization number: 87500 4607 RR0001
(Applicants must be not-for-profit organizations or be otherwise publicly accountable)

Is your organization based in Esquimalt

Yes [☒] No []

Is the project for which you are requesting funding based in Esquimalt?

Yes [☒] No []If yes, please provide the location/address: 637 Head St., Victoria.Describe your organization, its mandate and program(s): to support and encourage
the best possible education by.d) promoting all issues of interests ... see attached by-laws.

Describe the project for which funds are being sought. Please indicate why you think it should receive municipal funding. Feel free to use additional sheets of paper.

Project Description: Hearts of the World Project - Esquimalt.

French Visual Artist, Francois Michaud will come to the school & sculpt a Heart from a massive piece of Red Cedar. this heart will be part of a world project.
* see attached documents.

Purpose of this project:

Teachers: Danielle Dupuis, Denise Branter, Sonia Chabat, Cecile Guillemot.
parents: Sylvie Rochette, Pauline Gobeil, Marie Pierre Lavoie
Administration: Bertrand Dupain.

The names of those involved in carrying out the project: The purpose of this project is to promote a passion for health, with physical activities, ecology (heart of the Earth), learning about collaboration, mutual aid and mutual support. the heart is the center of emotions. As such, it become a pulse & this pulse is worldwide - part of a bigger piece!

Date and Place of Project:

creation of Heart sculpture: February 2014
official ceremony: March 7th. 2014.

Benefit to Esquimalt: Esquimalt will become a pulse point on the planet. Every point (heart) is unique. This heart will be the first Canadian point on the map. With the publicity attached to the project, Esquimalt will benefit of higher visibility as well as promoting health, communication and solidarity.

For more information
* see attached documents.

PROJECT BUDGET

Please give details on revenue and expenditure projections. Indicate which revenue is secure and which is speculative. (note: Expenditures must NOT exceed Revenues)

REVENUE (Please state source)		EXPENDITURE (Please itemize)	
Description	Amount	Description	Amount
SECURE		wood	3000.-
Conseils rd. Franco.	2000.-	tools + rentals.	600.-
Fundraising activities	2000.-	official ceremony	800.-
Private donations	1000.-	Educative activities	300.-
Société Franco-Victoria	600.-	w) students	
volunteer hours		Transportation + lodging	1600.-
Subtotal	5600.-	Artist fees.	2800.-
SPECULATIVE		permanent installation	800.-
Township of Esquimalt.	1500.-	of sculpture	
Private donations	1400.-		
Fundraising Activities	1500.-		
Subtotal	4,400.-		
TOTAL	10,000.-	TOTAL	10,000.-

Authorized Signature: _____

G. Sobell

Date: _____

Dec. 3, 2013.

Please enclose your last annual report and financial statements, if applicable. Include any supporting material that would assist the Corporate Administrator in assessing your project.

Please mail or fax this application to:

Department of Financial Services
Corporation of the Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC
V9A 3P1

Phone: 414-7142
Fax: 414-7111

Association des parents de l'école Victor-Brodeur

SOCIETY ACT

CONSTITUTION

1) The name of the Association is l'Association des parents de l'école Victor-Brodeur.

→ 2) The purpose of the Association is to support and encourage the best possible education for all students of l'école Victor-Brodeur by contributing to the advancement of the school by:

a) Facilitating communication between parents, students, staff and administration of the school;

b) Ensuring a liaison with the Federation des parents francophones de la Colombie-Britannique (F.P.F.C.B.) and the regional francophone communities;

c) Participating in the development and implementation of the School Initiated Project (SIP) established by the school;

* → d) Promoting all issues of interests relevant to education and well-being of the children in their school life and make related recommendations to the school's administration;

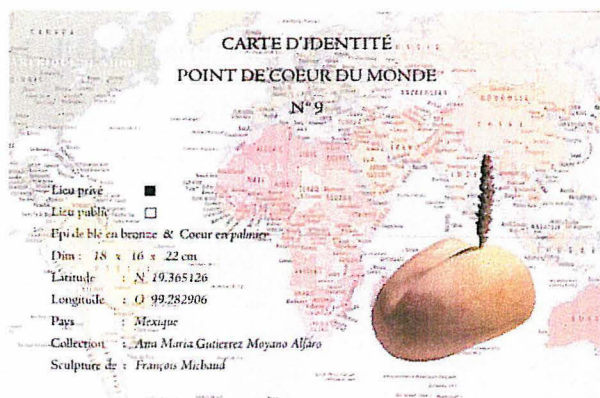
e) Encouraging participation of parents and other members of the community in the affairs of the school;

f) Assisting, helping and promoting communication among Francophone Education Authority of British Columbia (CSF), other Parent Associations and other School Districts;

g) Organizing curricular and extracurricular activities including fundraising, volunteer programs or any other special events;

h) Doing all that may be considered necessary and conducive to attaining the above purposes.

3) In the event of dissolution of the Association, funds and assets of the Association remaining after payment of its debts and liabilities shall be given or transferred to Conseil scolaire francophone de la Colombie-Britannique (Francophone Education Authority) . This provision may not be altered.



“Hearts of the World Project”

Who? François Michaud, visual artist from Sète, France and creator of international project” Hearts of the world”

Where? At L'école Victor-Brodeur, francophone school, part of the Francophone District # 93 of British Columbia, on Head Street, Victoria

What? Creation of a permanent sculpture of a heart using wood as a material from British Columbia. This heart project, part of the worldly “Heart Project” will give a pulse of the world as the other hearts already installed around the planet! At the school level, many other educational projects will be born with the participation of teachers and students from Kindergarten to grade twelve: such as themes of the heart like physical activities=health of the heart, ecology=health of our planet, .collaboration, mutual aid and support of relations at school between the anglophone, francophone and first nations communities. **This project was globally acclaimed and was featured in a documentary produced by ARTE (German TV Channel) as well as received many reviews by international medias. For complementary information you can view the artist web site at the following address: [www. FrançoisMichaud.fr](http://www.Francoismichaud.fr)**

Why? To further and increase the standing of artistic expression, cultural diversity, human values of the heart and put the school in a project of international nature.

How can you contribute? By making a monetary donation or giving services(see annex)

What will you receive as a donor?

-A receipt of charity deductible from your income taxes;

-Accrued visibility of your service or product towards the 500 francophone families in the school publications and the Francophone School board (CSF) of all of BC as soon as you decide to make a donation and throughout the construction of the heart.(web sites, articles, publishing of any information, etc);

When we will have the unveiling of the art project on March 7 2014 with the parents, teachers representatives of the CSF and the medias you will have:

- a first row seat
- an official certificate attesting your donation
- a thank you from the artist that will be published and diffused internationally
- a superb opportunity to give back to your community;

Thank You in advance for your generosity!

The team responsible for “**Hearts of the World Project**” and all the students!

François Michaud *plasticien*
[Home](#)
[♥ Hearts of the world](#)
[Exhibitions](#)
[Bio](#)
[Portfolio](#)
[Contact](#)


The points of the heart in the world

Position of the hearts of the world



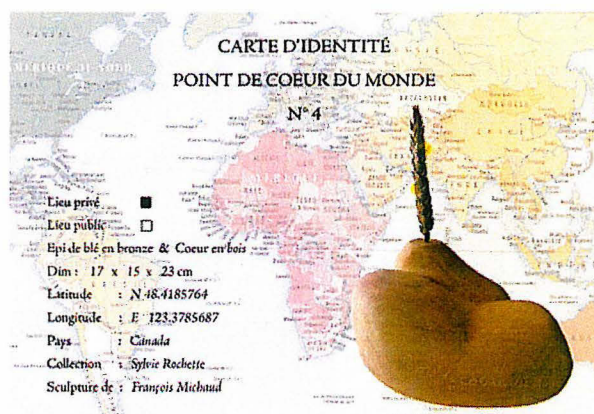
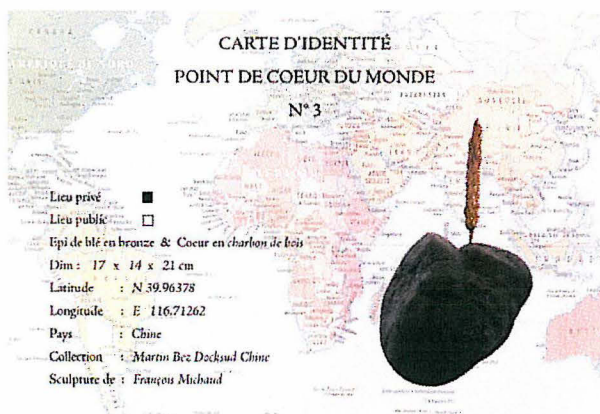
Every point of heart is unique: volume in the shape of heart, and ear of corn. Every point of heart to a highly symbolic value, it is a jewel. The majority of the points of heart are small sizes, certain hearts will be very big sizes.

Every point of heart is symbolized by a heart of the size of the space of hands, they are surmounted by a bronze ear of corn.

The earth having a multitude of materials, it's the same for the realization of hearts. Heart in enamelled Earth. Massive wooden heart, oak, exotic, other wood... Stone Heart, marble, quartz, limestone poured bronze and skated. Cœur. Heart in diverse materials, palm tree, charcoal, other ... According to materials, the points of heart will have a different colorimetry. They will be realized as possible in materials and in country of installation. Every heart is signed, with the mention "no heart of the World"

Every point of heart possesses an index card of identity with photo and position. GPS position Latitude and longitude.

Les cartes des points de coeur dans le monde



Design ab7

Haut de page

7



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: January 20, 2014
Staff Report No. FIN-14-003

REQUEST FOR DECISION

SUBJECT:

Local Grant – Société radio communautaire Victoria

RECOMMENDATION:

It is accepted procedure that staff not make recommendations on local grant funding applications. Options available to Council are listed below under **ALTERNATIVES**.

RELEVANT POLICY:

Council Policy No. ADMIN-32 Local Grants

STRATEGIC RELEVANCE:

This Request for Decision does not directly align with any specific strategic priority

Submitted by: Director of Financial Services

Reviewed by: CAO

Date:

Jan 8/14

STAFF REPORT

DATE: January 3, 2014 **Report No.** FIN-14-003
TO: Laurie Hurst, Chief Administrative Officer
FROM: Ian Irvine, Director of Financial Services
SUBJECT: Local Grant – Société radio communautaire Victoria

RECOMMENDATION:

It is accepted procedure that staff not make recommendations on local grant funding applications. Options available to Council are listed below under **ALTERNATIVES**.

BACKGROUND:

Société radio communautaire Victoria ("SrcV") manages and administers innovative and quality community radio, answering to the needs of francophones and francophiles through information, entertainment and education. SrcV is seeking support in order to coordinate the first francophone film festival in Greater Victoria. In addition to increasing community cohesion, the purpose of the event is to demonstrate the diversity of the "francophonie" and showcase the francophone cultures.

ISSUES:

1. Rationale for Selected Option

Council Policy – Local Grants No. ADMIN-32 allows unallocated local grant funds to be issued throughout the year as determined by Council in response to formal requests. The determination of the actual amount granted remains at the discretion of Council.

2. Organizational Implications

There are no organizational implications.

3. Financial Implications

Within the 2013 Financial Plan, an amount of \$95,033 was allocated for the issuance of local grants. To date, local grants totalling \$64,830 have been issued leaving an unallocated balance of \$30,203 in the account.

Each year, as part of the approved Financial Plan, an amount is allocated for local grants. For local grant requests received prior to approval of the 2014 Financial Plan, there is the ability to

carry forward any unallocated local grant funds from 2013 in order to support these applications. Based on the current remaining balance in the 2013 local grants account, there are sufficient funds available for carry forward to satisfy this request.

4. Sustainability/Environmental Implications

There are no sustainability or environmental implications.

5. Communication

A letter of support would be drafted and a cheque issued to Société radio communautaire Victoria upon approval by Council. This letter would also remind the society of the conditions of funding as identified in Council Policy – Local Grants Policy No. ADMIN-32.

ALTERNATIVES:

1. Approve funding in full by using remaining local grant budget
2. Approve the request for funding in an amount less than requested
3. Deny the request for funding

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

LOCAL GRANT APPLICATION

For Year: 2014

Name of Organization: Societe radio communautaire Victoria (SrcV)

Address of Organization: #200 -535 Yates Street, Victoria, BC V8W 2Z6

Phone: 250.220.4139 Fax: email: contact@francocentre.com

Contact Person: Fadia Saad

Position(s) with Organization: Executive Director Phone: 250.858.3473

Amount Requested: \$1,000 Total Project Budget: \$6,000

Have you applied before? No When? NA Grant Received: \$ NA

If yes, have you submitted a final report for previous year funding? Yes [] No []
(note: report must be submitted to receive consideration for further funding)

Fiscal year of organization: From April 1 To March 31

Are you currently receiving benefit from a Property Tax Exemption from the Township of Esquimalt? Yes [] No [x]

Incorporation number and date of incorporation: S-47272, Feb 26, 2004

Registered Canadian Charitable Organization number: Not a charity
(Applicants must be not-for-profit organizations or be otherwise publicly accountable)

Is your organization based in Esquimalt Yes [] No [x]

Is the project for which you are requesting funding based in Esquimalt? Yes [x] No []

If yes, please provide the location/address:

Victor Brodeur school, 637 Head St, Esquimalt, BC V9A 5S9

Describe your organization, its mandate and program(s): The mission of the SrcV is to manage and administer an innovative, quality community radio, answering to the needs of the local community of francophones and francophiles, through information, entertainment and education.

Describe the project for which funds are being sought. Please indicate why you think it should receive municipal funding. Feel free to use additional sheets of paper.

Project Description: The first francophone film festival in Greater Victoria is intended as a fundraising activity for the SrcV. Its first goal however, is to provide francophones and francophiles of Greater Victoria with a rich cultural experience. After our fundraising concert last May (2013), we were approached by a number of people from the community asking us about organizing francophone cultural events. The film festival idea came about after talking to many parties in the community. It seemed like a perfect activity: francophone films from diverse parts of the world showcasing the diversity of francophones, and all films have English subtitles to reach unilingual francophiles.

This project is scheduled very timely, just a few days prior to the “Festival de la Francophonie” and other events related to francophones (March of every year) such as the annual proclamation of the “Francophonie”, held in March of every year. The intent is to have this event be some sort of opening to all Francophone activities happening in March 2014.

This film festival would be the first of its kind in the Greater Victoria and, as such, will no doubt help in promoting the township of Esquimalt. Esquimalt houses the only French school in Greater Victoria as well as the naval base –which is also rich in Francophones. Mayor Barb Desjardins is a close friend of Francophones, and attends events such as the aforementioned proclamation. Holding such an event will solidify the ties that Esquimalt has with the Francophone and Francophile community and would most certainly benefit the township by increasing understanding between community members and enhancing the community spirit, thus augmenting the sense of belonging.

There is also a competition of short movies tied to the festival –and we’ve already received 3 short movies from France. Please find attached details of competition.

Purpose of this project: The ultimate goal really is to increase community cohesion by demonstrating the diversity of the “francophonie” and showcasing the francophone cultures.

The names of those involved in carrying out the project: Fadia Saad, Exec. Director SrcV, working closely with the administration of Victor-Brodeur school and a 6 member-committee formed by Ana DeLara (local film producer), Dr Sada Niang (UVic professor), Sophie Rousseau (French CBC journalist), and members of the community (including a student of Victor-Brodeur). Event has so far been sponsored by:

- The Conseil scolaire francophone (CSF)
- University of Victoria
- Audio Cine Films
- Bureau des Affaires francophones et francophiles (BAFF), Simon Fraser University

Date and Place of Project: Feb 28 to March 2, 2014, at Victor-Brodeur school

Benefit to Esquimalt: This project is scheduled a few days prior to the “Festival de la Francophonie” and other events related to francophones such as the annual proclamation of the “Francophonie”, held in March of every year. The intent is to have this event be some sort of opening to all Francophone activities happening in March 2014.

This film festival will be the first of its kind in Esquimalt and, as such, would help in promoting the township. Esquimalt houses the only French school in the Greater Victoria as well as the naval base –which is also rich in Francophones. Mayor Barb Desjardins is a close friend of Francophones, and attends events such as the aforementioned proclamation. Holding such an event will solidify the ties that Esquimalt has with the Francophone and Francophile community

and would most certainly benefit the township by increasing understanding between community members and enhancing the community spirit, thus augmenting the sense of belonging.

And last but not least, a big promotion of the event and its sponsors is planned on the community radio (107,9FM). We know, from statistics of our internet livestreaming, that, for the period of 2011-2013, we reached 42 localities in BC, 94 IP addresses across Canada (without BC), and 80 different countries around the world (stats have been compiled for IP addresses that connect for >10min). This would represent an incredible showcase for the Township of Esquimalt. Also, since the competition is international (already 3 short movies have been received from France), the visibility of the township of Esquimalt will be increased significantly.

PROJECT BUDGET

Please give details on revenue and expenditure projections. Indicate which revenue is secure and which is speculative. (note: Expenditures must NOT exceed Revenues)

REVENUE (Please state source)		EXPENDITURE (Please itemize)	
Description	Amount	Description	Amount
SECURE		Authorship rights	4,480.00
UVic	250.00	Cost of room rental (2.5 days)	1,250.00
CSF	2,000.00	Posters, tickets, booklets	500.00
ACF	2,880.00	Equipment rental (2.5 days)	1,000.00
		On-site technician (2.5 days)	1,000.00
		Cost of DVDs	400.00
Subtotal	\$4,880.00	Community snack (at end of event)	250.00
SPECULATIVE			
BAFF	250.00		
Township of Esquimalt	1,000.00		
Tickets sold (100 x \$25/ticket)	2,500.00		
Subtotal	\$3,750.00		
TOTAL	\$8,880.00	TOTAL	\$8,880.00

Authorized Signature: _____

Date: Dec 20, 2013

Please enclose your last annual report and financial statements, if applicable. Include any supporting material that would assist the Corporate Administrator in assessing your project.

Please mail or fax this application to:

Department of Financial Services
Corporation of the Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC
V9A 3P1

Phone: 414-7142
Fax: 414-7111



**CILS FM
107.9**



**SOCIÉTÉ RADIO
COMMUNAUTAIRE
VICTORIA**

ETATS FINANCIERS

au 31 mars 2013

FINANCIAL STATEMENTS

to 31 March 2013

- couverture
- vérification
- bilan
- état des résultats
- notes
- sommaire brut

- cover
- audit
- balance sheet
- statement of revenues & expenses
- notes
- gross summary

Chicoutimi, P.Q., le 30 avril 2013

Objet : Rapport de vérification

Aux : membres de la *Société radio communautaire Victoria (SrcV)*,

Je, soussigné, Anne-Marie Breton, déclare que j'ai pu accéder librement au documents et aux dossiers financiers de la Société, et j'ai pu constater que :

- un système comptable et d'archivage est en place pour gérer les transactions de la Société, y compris un journal et un livre détaillant tous les comptes nécessaires à sa gestion ;
- les revenus et dépenses sont dûment comptabilisés et les obligations de la Société honorées d'après les montants comptabilisés dans les livres de l'organisme ; et
- des états financiers composés d'un Bilan et d'un État des revenus et dépenses ont été produits pour l'exercice allant du 1^{er} avril 2012 au 31 mars 2013.

La SrcV est une société incorporée sans but lucratif, et donc non imposable.

La responsabilité du Bilan annuel, des Amortissements annuels, et des rapports financiers mensuels incombe légalement à la Trésorerie de la SrcV et ceux-ci ont été montés au niveau interne par les membres du Bureau de direction, selon des principes comptables généralement reconnus au Canada. Le Bureau de direction effectue le contrôle interne nécessaire pour permettre la préparation d'états financiers exempts d'anomalies significatives.

Comme vérificateur, veuillez noter que j'exprime par la présente une « opinion » sur ces états financiers, et je peux fournir l'assurance raisonnable qu'ils sont exempts d'inexactitudes importantes.

Je ne suis toutefois pas « comptable agréé » et en conséquence ne suis pas en mesure de me fonder sur une vérification approfondie en exacte conformité aux normes reconnues pour la profession comptable agréé.

Le choix des procédures de vérification relève du jugement de l'auditeur, de son évaluation des risques d'anomalies et du contrôle interne de l'organisme. Nous estimons que les éléments probants que nous avons obtenus sont suffisants et appropriés.

Tenant en compte ce qui est mentionné, les états financiers de la SRCV donnent à mon avis et à tous les égards importants, une image fidèle de la situation financière et des résultats des activités de la Société pour l'exercice terminé au 31 mars 2013.

Veuillez agréer mes sincères salutations.


Anne-Marie Breton, comptable



Société Radio communautaire Victoria

Bilan annuel

Balance Sheet

au 2013 Mar. 31 au 2012 Mar.31
end 2013 Mar. 31 end 2012 Mar.31

ACTIF

ASSETS

Actif à court terme

Current assets

Petite caisse
Compte de caisse - c101 chèques
BC Gaming Acct - c102 chèques
compte d'épargne - c203
Compte d'épargne- c701
Total

cash
account 101
account 102
account 203
account 701
total

97	50
10975	6550
0	0
447	124
2628	2593
14147	9317

Placements

Investments

Investors
Comptes à recevoir
Avances de salaires
TPS
Charges payées d'avance
Total

Investors
amount receiving
salary advance
GST
advance fees
Total

59	59
0	0
0	0
0	0
0	0
59	59

Immobilisations corporelles

Capital assets

Immobilisations (exerc. préc.)
ordinateurs
meubles
radio FM

Immobil. (last yr)
computers
furniture
FM radio

2940	4278
6650	10920
22661	29240

Achats équipements

Equipments bought

ordinateurs
meubles
radio FM

computers
furnitures
FM radio

3342	448
354	0
493	0

Amortissement

Amortization

ordinateurs
meubles
radio FM

computers
furnitures
FM radio

-2889	-1786
-1837	-4270
-5155	-6579

Total

Total

26559	32251
--------------	--------------

Contingence Affectée (Note 4)

Contingency account (Note 4)

CRTC contingency- c700
CRTC contingency - c702
CRTC contingency - c208
IC contingency 2x puiss. - c202
Total

CRTC Contingency
CRTC Contingency
CRTC Contingency - renewal
IC Contingency - 2x power
Total

49177	47744
15000	15000
21374	21046
4944	4941
90495	88731

TOTAL ACTIF

Total Assets

131260	130358
---------------	---------------

PASSIF**Passif à court terme**

Comptes à payer
Prêt court terme
A-E, RPC, WCB à payer
TVH perçue sur les pubs
Total

Passif à long terme

Emprunts bancaires
Total

TOTAL PASSIF

Engagement contractuel (Note 5)
- Camosack, ISDN

AVOIR

Total Contingence affectée CRTC/IC
Total Immobilisations corporelles
Bénéfice annuel net
Bénéfices non répartis
TOTAL AVOIR

PASSIF ET AVOIR**LIABILITIES****Current liabilities**

Account payable
Short-term loan
E-I, CPP, WCB to pay
HST on pub products
Total

Long-term Liabilities

Bank loans
Total

TOTAL LIABILITIES

Commitments (Note 5)
-Camosack, ISDN

NET ASSETS

CRTC/IC Contingency
Net immobilisation
Excess revenues over expenses
Unrestricted
TOTAL NET ASSETS

LIABILITIES + NET ASSETS

100	0
0	0
0	0
1405	0
<hr/> 1505	<hr/> 0

0	0
<hr/> 0	<hr/> 0

<hr/> 1505	<hr/> 0
------------	---------

90495	88731
26559	32251
2274	725
10427	8651
<hr/> 129755	<hr/> 130358

<hr/> 131260	<hr/> 130358
--------------	--------------

Approuvé par les Administrateurs




Approved by the Directors

Jacques P Vallée

Président

Julie Gagnon

Vice-présidente



Société Radio communautaire Victoria

État des résultats

Statement of Revenue & Expenses

au 2013 mars 31 au 2012 mars 31
ended 2013 Mar. 31 end 2012 Mar. 31

PRODUITS

REVENUES

Subventions

Patrimoine canadien
DRHC - Service Canada
Ville de Victoria
RevCan (miTPS&Tprov sur achats)
Total

Subsidies

Canadian Heritage
Service Canada - HRSDC
Victoria City
RevCan (half GST&ProvT on expenses)
Total

59064 41726
0 0
0 0
3461 3366
62525 **45092**

Membriete et Dons

Cotisations volontaires
Club 300
Dons -Mousquetaire
Total membership

Membership & Donations

Dues
Club 300
Donations - Mousqueteers
Total

90 100
0 0
728 999
818 1099

Autres revenus

Publicité vendue (inc. TVH)
vente de service
Revenu d'intérêts
Radiothon - nov
Revenus divers
Total - Autres revenus

Other revenues

Pubs sold (inc. HST)
fees for services
Bank interests
Radiothon - Nov.
Others
Total

17078 33330
0 0
2111 1676
5502 3613
0 250
24691 **38869**

TOTAL PRODUITS

TOTAL REVENUES

88034 85060

CHARGES

EXPENSES

Charges administratives

Salaires/benefices/AE/RPC
Loyer studio, bureau, installati
Loyer Antenne,salle tech, electricite
Taxes municipales site Antenne
Assurance WCB
Assurance feu-vol; D&O; Oper
Entretien réparation
Téléphone & ISDN cables
Photocopies /papeterie
Frais de poste/transport/douar
Frais comité-rencontres
Adhésions autres prg/AGA
Licences
Droits d'auteurs
équipement \$250. et moins
Equip. \$250+ (transf en amortis.)
RevCan (envoi TVH collectee pubs)
Honor. Prof radio comptab, inf
Honor. Prof. Nouvelles Educ
Site WEB / streaming NetroM, Web site streaming

Administration expenses

Salaries/benefits
Rent, studio-bureau, install
Rent Antenna, tech.room, electric
Municipal taxes on Antenna site
WCB Insurances
Insurances fire-theft; D&O; Oper
Repairs
Telephones & ISDN cables
Photocopies
Postal fees/transport fees, import fees
Meeting expenses
Memberships / AGA
Licences
Copyrights
Equipments costing less than \$250
Equip. \$250+ (transfer to amortiz)
RevCan (send HST collected on pubs so
Honor. Radio, account, comput prof services
News Educ prof services
427

11131 1371
7239 6000
8067 7066
503 475
143 208
2450 1820
1528 304
3756 3760
143 0
0 0
0 100
1120 1000
125 25
2252 2000
213 606
0 0
0 4656
33820 40235
1449 1522
427 427

AGA	AGA	0	0
<i>Total coordination du projet</i>	<i>Total</i>	<u>74366</u>	<u>71575</u>
Formation, Etudes, Devis	Training, Studies, Program.		
Honoraires professionnels	Professional Honoraries	0	0
Frais de déplac. voyage	Travel fees	0	0
Formation des bénévoles	Training of volunteers	0	0
<i>Total de formation</i>	<i>Total</i>	<u>0</u>	<u>0</u>
Promotion	Promotion		
Frais déplacement régional	Regional travel costs	0	0
Levée de fonds	Fundraising	126	0
Pubs en ondes - commission vendeur	Onair pubs - seller's commission	882	0
Frais de representation	Representation fee	505	0
Promotion campagne/adv	Promotional campaign/adv	0	125
<i>Total campagne de promotion</i>	<i>Total</i>	<u>1513</u>	<u>125</u>
Dépenses Amortissement	Amortization		
Amortissement	Amortization	9881	12635
<i>Total Amortissement</i>	<i>Total</i>	<u>9881</u>	<u>12635</u>
TOTAL CHARGES	TOTAL EXPENSES	85760	84335
BÉNÉFICE ANNUEL NET	EXCESS REVENUES OVER EXPENSE	2274	725



NOTES AUX ETATS FINANCIERS au 31 mars 2013

1. OBJECTIF DE L'ORGANISME

"La mission de la Société est de gérer et d'administrer une radio communautaire innovatrice et de qualité, répondant aux besoins de l'ensemble de la communauté locale des francophones et francophiles, par le biais de l'information, du divertissement et de l'éducation." La Société est à but non lucratif et incorporée sous la Loi des Corporations de la Colombie Britannique le 26 février 2004 et, comme telle, n'est pas imposable.

2. CONVENTIONS COMPTABLES

a) Amortissement: les équipements de bureau, d'ordinateur, et de radio FM sont comptabilisés 'au coût d'origine' et amortis chaque année sur la 'durée d'utilisation probable', selon la méthode de l'amortissement dégressif annuel comme suit: ordinateurs/logiciels int. 30%; meuble/bureau 20%; FM radio/broadcast 22.5%. Lors de l'année de l'achat, la Société comptabilise seulement la moitié de l'amortissement annuel. Selon les conventions comptables, les exclusions sont les logiciels externes et les items de moins de \$250.

b) Bénévolat: les bénévoles consacrent beaucoup d'heures chaque année à aider la Société à la prestation des services et au fonctionnement. Ces apports ne sont pas constatés dans les Etats financiers, dû à la difficulté de déterminer la 'juste valeur comptable' de ce bénévolat.

c) Estimations: lors de la préparation des Etats financiers, l'administration de la Société fait preuve de jugement avec des estimés et des hypothèses qui touchent les montants présentés ici. Avec le temps, les résultats réels peuvent légèrement différer de ces estimations.

d) Dons: la SrcV reçoit gratis des logiciels et des CD; nous ne pouvons pas comptabiliser cela.

e) Pubs payantes: les produits commerciaux sont comptabilisés lorsque perçus et encaissés. La taxe de vente est collectée et envoyée à Revenu Canada.

3. SUBVENTIONS

Les subventions reçues de Ministères des Gouvernements ne peuvent être dépensées que sur des programmes approuvés par eux au préalable. Chaque subvention du gouvernement a déjà fait l'objet d'une vérification par le Ministère subventionnaire, une fois terminée (Patrimoine Canadien, avril-juin). Ces Ministères peuvent effectuer à leurs frais une 2e vérification; dans cette éventualité, les ajustements seront affectés si constatés et à ce moment-là.

Tous les documents financiers sont fait à l'interne par le comité de finance avec le logiciel Excel. Une vérification comptable externe fut faite en avril 2013 par Mme Anne-Marie Breton avec le logiciel Simple Comptable (voir rapport).

4. CONTINGENCE AFFECTÉE

La Société a conclut une entente, lors de sa demande de license et son octroi par le CRTC, de mettre de côté chaque année 10% du coût de son infrastructure (10% de \$150 000) pendant 10 ans, pour tout ré-acheter après 10 ans d'opération. CILS-FM émet 24h par jour depuis le 7 novembre 2007. Les valeurs cumulatives sont:

2007-2008 \$15 000; 2008-2009 \$30 000; 2009-2010 \$45 000; 2010-2011 \$60 000; 2011-2012 \$75 000; 2012-2013 \$90 000; 2013-2014 \$105 000; 2014-2015 \$120 000; 2015-2016 \$135 000; 2016-2017 \$150 000.

En 2004, la SrcV a demandé à Industrie Canada le pouvoir de doubler sa puissance émettrice plus tard, pour couvrir Sooke et Sidney. Nos estimés se montent à \$25 000 pour ce faire (10 ans à \$2 500/an).

5. ENGAGEMENTS CONTRACTUELS

La SrcV a contracté une location de locaux de 15 ans à Camosack Manor, jusqu'au 1 juin 2022. Le montant pour la prochaine année est env. \$7728 incl. taxes, ainsi que la facture d'électricité (env. \$339 incl. taxes), et les impôts fonciers municipaux (env. \$503 incl. taxes). Voir Art. 16.1 du contrat debutant le 1 juin 2007.

La SrcV s'est engagée à louer deux cables souterrains ISDN de Telus pour 5 ans, pour relier nos équipements à Camosack Manor à nos équipements sur la rue Yates, jusqu'au 18 juin 2012. Le renouvellement du contrat se fait automatiquement à chaque mois. Le montant pour la prochaine année est d'env. \$2952 incl. taxes.

La SrcV a signé une 1^{re} entente multi-annuelle avec le CRTC pour une license expirant le 2011 août 31, et une 2e entente similaire expirant le 2019 août 31 (renouvelable). Des pénalités s'appliquent pour non-conformité.

La SrcV a signé une 1^{re} entente multi-annuelle avec Industrie Canada pour un permis expirant le 2011 août 31, et une 2e entente identique expirant le 2018 août 31 (renouvelable). Des pénalités s'appliquent pour non-conformité.



NOTES TO FINANCIAL STATEMENTS as of 31 March 2013

1. OBJECTIVE

"The mission of the Société radio communautaire Victoria is to operate and manage a quality, innovative radio, answering to the needs of the local community of francophones and francophiles, via information, entertainment, and education." The not-for-profit Société was incorporated under the BC Corporations Law on 26 Feb. 2004, and as such does not pay income taxes.

2. ACCOUNTING CONVENTIONS

a) Amortization: equipments for furnitures and fixtures, computers and such, FM electronics, are recorded 'at costs', and amortized annually on the 'declining balance' over their 'useful lives' as follows: computers & int. software 30%; furnitures & fixtures 20%; FM radio/broadcast 22.5%. In the year that an asset is bought, the Société takes only half of the annual amortization value. According to accounting conventions, we exclude external softwares & items costing less than \$250.

b) Volunteering: members volunteer many hours each year to help the Société in its operations. Since these services are not normally purchased by the Société, and because of the difficulty in estimating their 'fair market' value, these services are not recorded in the financial statements.

c) Estimates: In preparing these financial Statements, the Société must use estimates and some hypotheses that affect the values presented. Actual results could differ from management's best estimates as additional information becomes available in the future.

d) Donations: the Société receives free software & CDs as donations, which cannot be recorded.

e) Paid pubs: commercial products are accounted when received and deposited (retail tax collected and sent to Revenue Canada).

3. SUBSIDIES

Subsidies received from Governmental Ministries cannot be employed except on programs pre-approved by them. Each governmental subsidy has been internally audited by the Ministry giving the subsidy, after completion of the project (Canadian Heritage, April-June). Each subsidizer can operate another audit at their cost; in that case, adjustments will be made if needed, at that time.

All financial documents are made internally by the Finance Committee with the Excel software. An outside audit was performed in April 2013 by Mme Anne-Marie Breton with Simply Accounting (report attached).

4. CONTINGENCY ACCOUNT

The Société has entered into an agreement, with its FM Licensing Application and Agreement to the CRTC, to set aside each year 10% of its capital assets at costs (10% of \$150 000 equipments) over 10 years, so as to start over after 10 years of operation. CILS-FM emits continuously 24h/day since 7 Nov. 2007. Cumulative values are:

2007-2008 \$15 000; 2008-2009 \$30 000; 2009-2010 \$45 000; 2010-2011 \$60 000; 2011-2012 \$75 000; 2012-2013 \$90 000; 2013-2014 \$105 000; 2014-2015 \$120 000; 2015-2016 \$135 000; 2016-2017 \$150 000.

In 2004, the SrcV had asked Industry Canada the possibility to double its emitting power later, to cover Sooke & Sidney. Our estimates to do so reach \$25 000 (10 years at \$2 500 / year).

5. COMMITMENTS

SrcV has entered into a 15-year written agreement to rent at Camosack Manor, until 1 June 2022. For the coming year, the amount is est. \$7728 incl. taxes, plus the electricity bill (est. \$339 incl. taxes), and the municipal property taxes (est. \$503 incl. taxes). See Art. 16.1 of contract started 1 June 2007.

SrcV has entered into an agreement to rent two ISDN underground from Telus for 5 years, to link our equipments in Camosack Manor and our equipments on Yates St., until 18 June 2012. An automatic monthly renewal ensues. For the coming year, the amount involved is est. \$2952 incl. taxes.

SrcV has entered into a 1st multi-year agreement with CRTC for a licence expiring 2011 Aug.31, then into a 2nd similar agreement for a licence expiring 2019 Aug.31 (renewable). There are penalties for non-conformity.

SrcV entered into a 1st multi-year agreement with Industry Canada for a permit expiring 2011 Aug.31, then into a 2nd identical agreement for a permit expiring 2018 Aug.31 (renewable). There are penalties for non-conformity.

Société radio communautaire Victoria

Sommaire des revenus et dépenses depuis 1 avril 2012 au 31 mars 2013

		Total du																
		Budget	Avril 2012 :	2012											2012	2013		
		année 12-13	31 mars 20	AVRIL	MAI	JUIN	JUILLET	AOÛT	SEPT	OCT	NOV	DEC	JAN	FEV	MAR			
REVENUS																		
Subventions																		
Patrimoine Canadien			\$59,064		2,064	42,750	14,250											
Service Canada, Ville Victoria			\$0															
Revenu Can -rembours mITPS&Tprov sur achats			\$3,461				3,461											
Total subventions			\$62,525	\$0	\$2,064	\$42,750	\$17,711	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
Membership & dons																		
Cotisation membership			\$90										90					
Club 300			\$0															
Dons / Mousquetaires			\$728	10	50	208					302	129	9	20				
Total membership			\$818	\$10	\$50	\$208	\$0	\$0	\$0	\$0	\$302	\$129	\$99	\$20	\$0			
Autres revenus																		
Publicité vendues (incl. TVH/TPS)			\$17,078	1,548	3,428	2,516	4,958	309					1,977	1,342	1,000			
Vente de service			\$0															
Revenus d'intérêts / banques			\$2,111	66	7	69	49	27	71	70	113	70	41		1,528			
Radiothon - nov; concert printemps			\$5,502								5,502							
Divers			\$0															
Total des autres revenus			\$24,691	\$1,614	\$3,435	\$2,585	\$5,007	\$336	\$71	\$70	\$5,615	\$70	\$2,018	\$1,342	\$2,528			
TOTAL REVENUS			\$88,034	\$1,624	\$5,549	\$45,543	\$22,718	\$336	\$71	\$70	\$5,917	\$199	\$2,117	\$1,362	\$2,528			

CHARGES:

Coordination

Salaires/charges sociales	\$11,131							1,122	1,544	1,122	2,570	1,284	1,285	2,204	
Loyer Yates/ Installation	\$7,239	600	600	600	600	639	600	600	600	600	600	600	600	600	
Loyer Belmont/ Antenne/Elect	\$8,067		7,728								339				
Taxes municipales Belmont/Property taxes	\$503								503						
Assurance WCB	\$143												143		
Assurance Oper/Directors/Feu-vol/WCB	\$2,450	2,450													
Entretien réparation	\$1,528				45			158		333	392			600	
Téléphones et cables ISDN	\$3,756	313	313	313	313	313	313	313	313	313	313	313	313	313	
Papeterie / photocopies	\$143								143						
Frais de poste/transport/douane	\$0														
Frais de comites, rencontres internes	\$0														
Adhésions autres org/ AGA	\$1,120	300			820										
Licence & ministre des finances	\$125			25						100					
Droits d'auteurs	\$2,252											2,252			
Équipement de bureau & radio (m\$250.)	\$213		52						72	89					
Equipement de plus de \$250.	\$4,189			3,342		493		354							
Ag.Revenu Can - envoi collecte TVH/TPS pubs	\$0														
Honor Prof radio, comptabil, informat, form, org	\$33,820	2,185	3,818	2,866	4,123	3,257	2,666	2,343	2,016	3,854	2,123	2,015	2,554		
Honor Prof Educom	\$1,449									1,449					
Site Web /Netro /CIRA	\$427									407	20				
Total de coordination du projet	\$78,555	\$5,848	\$12,511	\$7,146	\$5,901	\$4,702	\$4,701	\$5,815	\$4,266	\$10,054	\$6,984	\$4,356	\$6,271	\$0	\$0

Formation, études et devis

Honoraires professionnels

Frais de déplac. voyage

Formation des bénévoles

Total formation/études techniques	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
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Promotion du projet

Frais déplacement régional	\$0														
Levées de fonds	\$126								61	65					
Publicité en ondes - commission vendeur	\$882											882			
Frais de représentation	\$505	195						185				125			
Campagne promo / adv	\$0														
Total campagne de promotion	\$1,513	\$195	\$0	\$0	\$0	\$0	\$0	\$185	\$61	\$65	\$1,007	\$0	\$0	\$0	\$0

TOTAL CHARGES	\$80,068	\$6,043	\$12,511	\$7,146	\$5,901	\$4,702	\$4,701	\$6,000	\$4,327	\$10,119	\$7,991	\$4,356	\$6,271	\$0	\$0
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au 31 mars 2013

Banque:	compte courant c101 - cheques	\$ 10,975.36	
	Gaming Account c102 - cheques	\$ 0.06	
	Ind-Can conting- 500watts-c202	\$ 4,943.88	(depot à \$2 500 chaque année)
	interet de 702 ici - c203	\$ 446.54	
	CRTC conting - c208	\$ 21,374.48	(depot à \$15,000 chaque année)
	CRTC Conting - c700	\$ 49,176.64	(depot à \$15,000 chaque année)
	Ind-Can conting-500watts c701	\$ 2,627.68	(depot à \$2 500 chaque année)
	CRTC Conting - c702	\$ 15,000.00	(depot à \$15,000 chaque année)

Investor \$ 59.39

\$ 104,604.03

Petite caisse: \$97.00

Radio communautaire - Etats financiers annuels

Creation au CA de la SFV: 1999 oct 26

Incorporation Gouv. CB: 2004 fev 26

Ouverture en ondes: 2007 nov 7 (24 heures par jour)

License CRTC: 14 juin 2005 - Avis 2005-243

License Industrie Canada - 2007 nov Permission test prolonge - juin 2008 Certificat F6588

Renouvellement de licence CRTC Avis 2012-683 - 2012 dec

Renouvellement de licence Ind Can: F-6588 - 2011 aout

		Revenus Tot.		subv/rev		pub/rev		Dépenses Tot.	dep / rev	Audit
	source	réels bruts	subv féd	%	pub tot	%		réelles brutes	%	
1999-2000	SFV	0	0					0		
2000-2001	SFV	5740	4543	79				5740	100	Miller
2001-2002	SFV	26975	26618	99				25725	95	Miller
2002-2003	SFV	21475	17070	79				16810	78	Miller
2003-2004	SFV	21987	19220	87				17810	81	Miller
2004-2005	SrcV	45969	23000	50				32638	71	Poulin
2005-2006	SrcV	35957	24000	67				34683	96	Tregurtha
2006-2007	SrcV	103720	98366	95				102825	99	Tregurtha
2007-2008	SrcV	86242	82628	96	1035	1		92784	108	Tregurtha
2008-2009	SrcV	111815	63053	56	14055	13		103082	92	Bussiere
2009-2010	SrcV	90481	58245	64	25986	29		60504	67	Bussiere
2010-2011	SrcV	96389	67054	70	23985	25		72062	75	Bussiere
2011-2012	SrcV	85060	41726	49	33330	39		72003	85	Bussiere
2012-2013	SrcV	88034	62525	71	17078	19		80068	91	Breton
totaux		819844						716734		
moyennes				74		21			88	

NB: année fiscale du 1 avril au 31 mars



Compétition de courts/moyens métrages!! (Short movies competition! -English follows):

Dans le cadre du premier festival de films francophones de Victoria qui se tiendra du 28 février au 2 mars 2014 à Victoria en Colombie-Britannique, la Société radio communautaire Victoria (SRCV) lance une compétition de courts métrages. Si vous réalisez vos courts métrages (moins de 12 **minutes**) en **français**, nous vous invitons à partager vos réalisations avec nous!

Critères :

- Films en français / prévalence du français
- Durée :
 - o moins de 12 min

Catégories :

- Action
- Fiction
- Comédie
- Drame
- Documentaire

Catégories d'âge : Les soumissions de personnes de tout âge sont acceptées. Nos catégories sont les suivantes :

- Étudiant
- Non-étudiant

Pour participer, il vous suffit de partager votre fichier avec competitioncilsfm@gmail.com via <https://www.wetransfer.com/> avant le 13 février 2014 à minuit heure du pacifique. Les détails sur les prix et catégories de prix vont suivre.

Short films competition!



In the context of our first francophone film festival in Victoria scheduled Feb 28 to March 2, 2014, the Société radio communautaire Victoria (SRCV) is opening a competition for short movies.

Criteria:

- Movies are in French/French most prevalent language
- Length:
 - o less than 12 min

Categories :

- Action
- Fiction
- Comedy
- Drama
- Documentary

Age categories: Open to all ages. Competitors will be classified as follows:

- Students
- Non-students

To participate, please share your film with competitioncilsfm@gmail.com via <https://www.wetransfer.com/> before midnight (PST) on Feb 13 2014. Details on prizes will be following.



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: January 20, 2014
Staff Report No. EPW-14-003

REQUEST FOR DECISION

SUBJECT:

Admirals Road Corridor Upgrade – Traffic Separation Design Options

RECOMMENDATION:

That Council:

- (1) directs staff to include Option S6 (c/w with banner holders and ornamental lighting) in the final design of the Admirals Road Corridor Upgrade Project; and
- (2) directs staff to include, within the 2014 budget discussions, a request for an additional FTE position to accommodate the maintenance requirements of Option S6.

RELEVANT POLICY:

N/A

STRATEGIC RELEVANCE:

Multi-modal Transportation
Infrastructure Priorities
Sustainability Implementation

Submitted by: Director, Engineering and Public Works

Reviewed by: CAO

Date:

Jan 16/14

STAFF REPORT

DATE: January 15, 2014 **Report No.** EPW-14-003
TO: Laurie Hurst, Chief Administrative Officer
FROM: Jeff Miller, Director, Engineering and Public Works
SUBJECT: Admirals Road Corridor Upgrade – Traffic Separation Design Options

RECOMMENDATION:

That Council:

- (1) directs staff to include Option S6 (c/w with banner holders and ornamental lighting) in the final design of the Admirals Road Corridor Upgrade Project; and
- (2) directs staff to include, within the 2014 budget discussions, a request for an additional FTE position to accommodate the maintenance requirements of Option S6.

BACKGROUND:

On December 2, 2013, Staff provided Council with recommendations to various design aspects of the Admirals Road Corridor Upgrade project. Council accepted the road cross sections as proposed and detailed design would proceed based on these cross sections.

With respect to the traffic separation options, Council directed that this design component be referred to the Design Review Panel for comments. Once these comments were received, the information would then be brought before Council for a final decision on the option that will be implemented into the upgrade.

The Design Review Panel met on January 8, 2014. The seven options for the traffic separation were presented and discussed. The options are the same ones as presented on December 2, 2013. The recommendation from the Panel was that Option 6 be implemented with attention being paid to the type of irrigation system (high efficiency) that will be installed and that the plantings are of a variety that is low maintenance.

The seven options that are being brought forward are:

- ❖ **Option S1** - Painted islands
- ❖ **Option S2** - Raised islands with mountable curbs and hard surface (banner holders and ornamental lights possible)
- ❖ **Option S3** - Raised islands with non-mountable curbs and hard surface (banner holders and ornamental lights possible)
- ❖ **Option S4** - Raised islands with non-mountable curbs and low vegetation without irrigation, (banner holders and ornamental lights possible)

- ❖ **Option S5** - Raised islands with non-mountable curbs and high vegetation without irrigation (banner holders and ornamental lights possible)
- ❖ **Option S6** - Raised islands with non-mountable curbs and vegetation with irrigation (banner holders and ornamental lights possible)
- ❖ **Option S7** – Raised island with non-mountable curbs and planters (irrigation, banner holders and ornamental lights possible)

See Appendix A for pictures of the various options.

ISSUES:

1. Rationale for Selected Option

In the December 2, 2013 report, Option S6 was the recommended option. This option was also the recommendation of the Design Review Panel. Option S6 (c/w banner holders and ornamental lighting) is the standard that has been implemented on Craigflower Road and Esquimalt Road. This option provides the road corridor with traffic separation that will assist in traffic calming and a softening of the hardness of the street cross section with the inclusion of vegetation and aesthetically pleasing street fixtures.

2. Organizational Implications

The inclusion of option S6 for lane separation will require Parks and Recreation (P&R) to make a budget request for additional manpower. P&R has reached their capacity for the maintenance of vegetated fixtures (i.e. rain garden, Craigflower Road and Esquimalt Road islands). This option can be accommodated into the final design of the road corridor upgrade with no significant impact on the schedule.

3. Financial Implications

The operational budget of P&R will be impacted due to the requirement of increasing staffing levels to provide maintenance for the recommended option for lane separation. It is anticipated that staff levels would have to be increased by one FTE at cost of \$69,000 per annum.

4. Sustainability/Environmental Implications

There are no significant sustainability/environmental implications to the implementation of this option. The irrigation systems along with the plantings utilized in Craigflower Road and Esquimalt Road islands are very effective in providing water to the plants with little or no overflow on to the roadway.

5. Communication

Once a decision has been made on the type of traffic separation, this information will be added to project information that is on the Township's website and other communication packages that are being issued with respect to this project.

ALTERNATIVES:

1. That Council:
 - (1) directs staff to include Option S6 (c/w with banner holders and ornamental lighting) in the final design of the Admirals Road Corridor Upgrade Project; and
 - (2) directs staff to include, within the 2014 budget discussions, a request for an additional FTE position to accommodate the maintenance requirements of Option S6.
2. That Council:
 - (1) directs staff to not include Option S6 (c/w banner holders and ornamental lighting in the final design of the Admirals Road Corridor Upgrade Project, and provides direction to an alternative for the traffic separation design; and.
 - (2) directs staff to not include, within the 2014 budget discussions, a request for an additional FTE position to accommodate the maintenance requirements of Option S6.

Appendix A

Traffic Separation Design Options

TYPICAL ISLAND SECTIONS



OPTION S1: PAINTED ONLY



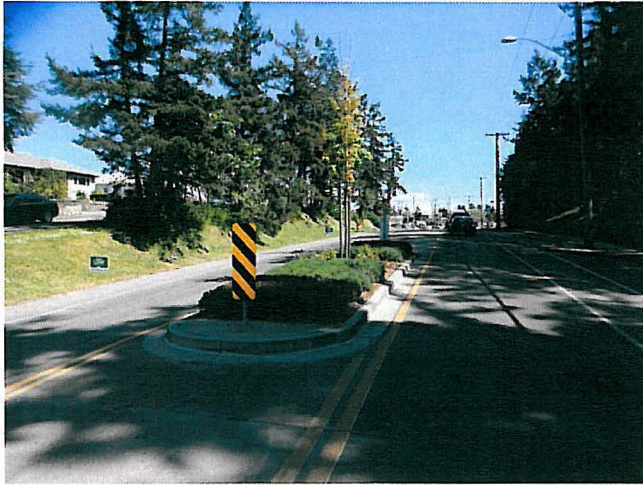
**Option S2: MOUNTABLE CURB
WITH HARDSCAPE**



**OPTION S3: NON-MOUNTABLE CURB
WITH HARDSCAPE**



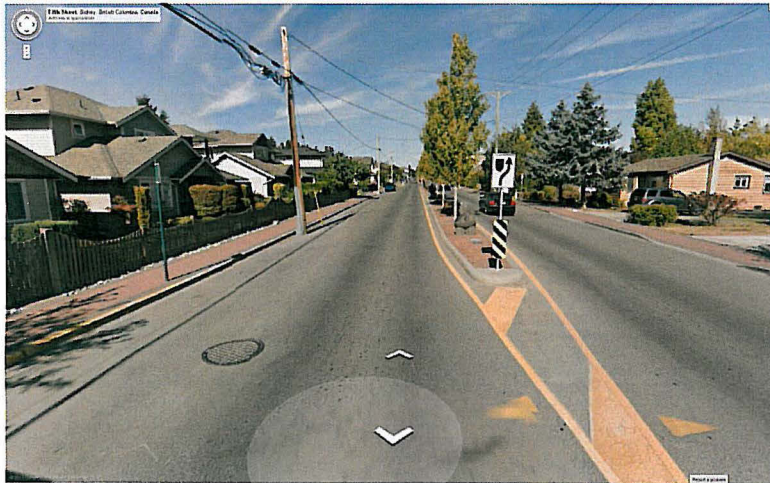
**OPTION S4: NON-MOUNTABLE CURB
AND VEGETATION WITHOUT IRRIGATION**



**OPTION S5: NON-MOUNTABLE CURB
WITH VEGETATION WITHOUT
IRRIGATION**



**OPTION S6: NON-MOUNTABLE CURB
WITH VEGETATION AND IRRIGATION
WITH DECORATIVE LIGHTS**



OPTION S7: NON-MOUNTABLE CURB AND PLANTERS





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: January 20, 2014
Staff Report No. EPW-14-004

REQUEST FOR DECISION

SUBJECT:

Solid Waste Collection and Disposal Bylaw Update

RECOMMENDATION:

That Council gives first, second and third readings to the Solid Waste Collection and Disposal Bylaw, 2014, No. 2815.

RELEVANT POLICY:

Recycling Bylaw, 1989, No 1910
Garbage Disposal Bylaw, 2006, No. 2630

STRATEGIC RELEVANCE:

Waste Resource Management

Submitted by: Director, Engineering and Public Works

Reviewed by: CAO

Date:

Jan 16/14

STAFF REPORT

DATE: January 15, 2014 **Report No.** EPW-14-004
TO: Laurie Hurst, Chief Administrative Officer
FROM: Jeff Miller, Director, Engineering and Public Works
SUBJECT: Solid Waste Collection and Disposal Bylaw Update

RECOMMENDATION:

That Council gives first, second and third readings to the Solid Waste Collection and Disposal Bylaw, 2014, No. 2815.

BACKGROUND:

The Township has two bylaws dealing with the management of solid waste. They are Garbage Disposal Bylaw, 2006, No. 2630 (GDB) and Recycling Bylaw, 1989, No. 1910 (RB). GDB deals with the collection of garbage along with yard/garden waste. RB deals with the collection of recyclable items. With the implementation of the kitchen scraps collection program and the move to curbside collection it was determined that various bylaws should be consolidated into one bylaw. This new bylaw will also incorporate the changes necessary for implementation of the kitchen scraps collection program and curbside collection.

Major highlights are:

❖ Garbage Collection

- Collection of this stream will be at curbside locations starting in 2014.
- Containers for collection will be supplied by the Township and remain the property of the Township.
- Cannot contain hazardous materials, kitchen scraps, recycling materials or yard/garden waste.
- Assistance program is available for qualifying individuals.
- Bi-weekly pickup.

❖ Kitchen Scraps Collection

- Collection of this stream will be at curbside locations starting in 2014.
- Containers for collection will be supplied by the Township and remain the property of the Township.
- Cannot contain hazardous materials, garbage, recycling materials or yard/garden waste.
- Assistance program is available for qualifying individuals.
- Bi-weekly pickup.

❖ Recycling Collection

- Collection of this stream will remain at curbside locations.
- Containers for collection of materials are purchased by residents.
- Cannot contain hazardous materials, garbage, kitchen scraps or

- yard/garden waste.
- Assistance program is available for qualifying individuals.
- Bi-weekly pickup.

❖ **Yard and Garden Waste Collection**

- Open to all residents of the Township.
- Residents required to collect and delivery materials in containers of their choosing to the transfer station.
- Cannot contain hazardous materials, garbage, kitchen scraps or recycling.
- No assistance program is available.
- Frequency of delivery is variable.

Bylaw No. 2815 is attached as Appendix A.

ISSUES:

1. Rationale for Selected Option

The collection methodologies that are going to be employed have been discussed in depth with Council during 2013 and Council has provided direction on the implementation of these methodologies. This Bylaw is the consolidation of these methodologies and their requirements.

An important value of a consolidated Bylaw will be that it will be easier to find information related to the services. The information will be located at a single source. This will eliminate the need to refer to several bylaws when reviewing the needs of a property and help ensure that all requirements are met.

2. Organizational Implications

There are no organizational implications for the consolidation of the various bylaws. Any organizational implications for the collection methodologies have been previously discussed.

3. Financial Implications

There are no financial implications for the consolidation of the various bylaws. Any financial implications for the collection methodologies have been previously discussed.

4. Sustainability/Environmental Implications

There are no significant sustainability/environmental implications for the consolidation of the various bylaws. Any sustainability/environmental implications for the collection methodologies have been previously discussed.

5. Communication

When the new Bylaw is approved, information on it will be posted on the Township's website and be made available at the Municipal Hall.

ALTERNATIVES:

1. That Council gives first, second and third readings to the Solid Waste Collection and Disposal Bylaw, 2014, No. 2815.
2. That Council does not give first, second and third readings to the Solid Waste Collection and Disposal Bylaw, 2014, No. 2815.

Appendix A

Solid Waste Collection and Disposal Bylaw, 2014, No. 2815

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2815

A Bylaw to Provide for the Regulation, Collection
and Removal of Solid Waste

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

PART 1 - INTERPRETATION

Title

- 1.1 This Bylaw may be cited as "*SOLID WASTE COLLECTION AND DISPOSAL BYLAW, 2014, NO. 2815.*"

Definitions

- 2.1 In this Bylaw, unless the context otherwise requires:

"BLUE BOX" means an acceptable container (i.e. Capital Regional District Blue Box) for use by residents for the collection of recyclables excluding paper pursuant to the Blue Box Recycling Program.

"BLUE BAG" means the bag as provided by the Capital Regional District for use by residents for the collection of paper waste pursuant to its Blue Box Recycling Program.

"WORSHIP CENTRE" means a building in which the primary use is religious assembly for the purpose of regular communal worship, and includes but is not limited to churches, temples, cathedrals, synagogues, and mosques, but does not include retreat centres, camps or similar uses.

"COLLECTOR" or **"GARBAGE COLLECTOR"** means any person or persons appointed by Council or designated by the Director to collect and remove garbage and kitchen scraps.

"CORPORATION" means the Corporation of the Township of Esquimalt, its Municipal Council and its servants or agents.

"CONSTRUCTION WASTE" means debris or building materials originating from demolition, renovation or construction.

"DIRECTOR" means the Director, Engineering and Public Works of the Corporation of the Township of Esquimalt and his/her representatives or designates who are authorized to act on his/her behalf.

"DWELLING UNIT" means any single family dwelling and any self-contained living unit but shall not include a secondary suite, hotel, motel, auto court, guest house or other living units operated for transient occupancy.

"GARBAGE" means waste, household garbage, litter, discarded material, paper, plastic materials, rubbish, and any noxious, offensive or unwholesome matter or substance, but does not include ashes, construction waste, kitchen scraps, hazardous waste, prohibited waste, recyclable materials, and yard waste.

“HAZARDOUS WASTE” means any gaseous, liquid and solid waste which, because of its inherent nature and quantity, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution, and includes toxins, poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods, asbestos, hypodermic needles, dead animals, animals parts or animal excrement, soiled diapers and used personal hygiene products. Flammable wastes exclude plastics, paper and paper products.

“KITCHEN SCRAPS” means organics, described by the Capital Regional District from time to time as being acceptable material for kitchen scraps collection, and

- (a) includes raw or cooked food waste such as fruit, vegetables, meat, fish, bones, dairy products, butter, mayonnaise, eggshells, bread, cereal, grains, pasta, baked goods, candy, nuts and shells, coffee filters and grounds, tea bags, solidified fat and grease, herbs, spices, nuts and shells, houseplants, flowers, and compostable paper products such as soiled paper towels, tissues, and food-spoiled paper products; but
- (b) excludes yard waste, garbage, recyclable materials, plastic bags, food wrappers, food containers, cotton pads, cotton swabs, cotton balls, dental floss, rubber bands, bandages, gauze, diapers, baby wipes, sanitary hygiene products, condoms, dryer sheets, lint, cigarette butts, vacuum bags and their contents, feces, and any material described by the Capital Regional District from time to time as not acceptable for kitchen scraps collection.

“OCCUPIER or OCCUPANT” shall have the meaning assigned to it in the *Community Charter*, S.B.C. 2003, C.26.

“OWNER” shall have the meaning assigned to it in the *Community Charter*, S.B.C. 2003, C.26.

“PROHIBITED WASTE” includes:

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicles tires, motor vehicle bodies, and farm tools or equipment;
- (c) ashes or anything that is on fire or is smouldering; and
- (d) dead animals or parts thereof, excluding food waste.

“RECYCLABLES or RECYCLABLE MATERIALS” includes paper and cardboard, plastics, cans, and glass items, and any other item that falls within a product category included in the Blue Box Recycling Program as defined in the Capital Regional District Recycling Bylaw No. 2290, as amended from time to time.

“REGULATION CONTAINER” means a wheeled, standardized container provided by the Corporation for the use of collecting garbage and for collecting kitchen scraps.

“RESIDENTIAL” means the use of a building or a part thereof as a dwelling unit or dwelling units.

“SECONDARY SUITE” means a dwelling unit that is ancillary to another dwelling unit, such as, for instance, a basement or attic suite.

“SOLID WASTE” means garbage, kitchen scraps and yard waste.

“YARD WASTE” means plant trimmings resulting from or produced by the landscaping or maintenance of lawns and gardens, and includes grass and hedge clippings, leaves, soil,

sod, and small parts of plants, shrubs, branches or trees less than 75 mm (3 inches) in diameter, but does not include:

- (a) inorganic materials (i.e. rocks, concrete), large root balls, large diameter wood, ashes, wood building materials, or sawdust;
- (b) plants that are identified by the Corporation or Capital Regional District as invasive species;
- (c) plant or tree material in municipal street sweepings; or
- (d) kitchen scraps.

PART 2 – COLLECTION SERVICE – GARBAGE AND KITCHEN SCRAPS

GENERAL COLLECTION SERVICE

- 3.1 The Corporation is responsible for the collection of garbage and kitchen scraps from residential properties and worship centres.
- 3.2 All properties that meet the conditions for collection services in Esquimalt may participate in the garbage and kitchen scraps collection programs.
- 3.3 A regulation garbage container and regulation kitchen scraps container together with a kitchen catcher (for temporary storage of kitchen scraps) shall be provided to residential properties containing less than six units and to worship centres.
- 3.4 Properties containing six or more units may participate in the garbage and kitchen scraps collection programs, and the owners and occupants shall be responsible for meeting the requirements of the collection programs.
- 3.5 The owner of a residential property with six or more residential units may arrange to have the garbage and kitchen scraps collection services provided by a private waste removal company at their cost, and where an owner makes such alternative arrangements, the owner shall provide the Director with proof of a contractual agreement within 60 days of the start of the service.
- 3.5 The owner or occupant of a commercial or non-residential property may arrange garbage and kitchen scraps collection services with the Corporation, to be provided under the same terms and regulations as the residential collection service, using regulation containers.
- 3.6 The owner of a property on which there is located six or more residential units may obtain, upon request to the Corporation, garbage and kitchen scraps collection services for the development using regulation containers, and in such case, each dwelling unit in the development shall be entitled to the same level of garbage and kitchen scraps collection services as provided to a single family dwelling under this Bylaw.
- 3.7 To ensure the collection of all garbage and kitchen scraps, all regulation containers must be accessible to the Collector between the hours of 7:00 am and 4:30 pm. on the designated collection day.
- 3.8 No person shall, at any time, place their own garbage or kitchen scraps into a municipal vehicle without the authorization of the Collector.
- 3.9 Occupants of any premises that receive collection under this Bylaw:
 - (a) shall, on their designated collection day, place the regulation containers in front of the premises by 7:00 am, as close to the curb as possible. Where no curb is present,

containers shall be placed as close to the roadway as possible without creating an obstruction to traffic.

- (b) must place the regulation containers so as not to interfere in any way with the ordinary and safe travel of vehicles, pedestrians, cyclists, or emergency vehicles or personnel.
- (c) shall place the regulation containers, positioned with the container fronts facing towards the roadway, in a location free from any obstructions at least one metre horizontally on all sides including the back,
- (d) shall not place the containers in a location where property damage is likely, or contact will be made with any object, including, but not limited to, fire hydrants, vehicles, street signs, branches, utility poles or wires.
- (e) shall remove all containers from the curbside to a secure location on their property by the end of the collection day.

EXTRA PICK UPS

- 4.1 Extra bags of garbage will be collected with a proof of payment sticker, issued by the Corporation, affixed to the bag. Each extra bag of garbage shall not exceed 25 kg. Fees for extra pickups shall be charged in accordance with Schedule "A" of this Bylaw.
- 4.2 Extra bags of garbage shall be contained within an acceptable container so as to provide protection from animals, birds and the weather.
- 4.3 The owner or occupant shall be responsible for placing of additional containers at the curb location for collection and returning the containers to the property by the end of the collection day.

USE OF REGULATION CONTAINERS

- 5.1 Regulation containers are the property of the Corporation and shall be provided by the Corporation to the owner or occupant.
- 5.2 The owner or occupier of any dwelling shall contact the Public Works Department of the Corporation to inform them in advance that they will be vacating the premises. The regulation containers shall be left with the residential property for the new owner or occupier, and failure to do so may result in fines.
- 5.3 No container shall be filled to a point where the lid cannot be fully closed, and the contents must be capable of emptying with no restriction.
- 5.4 No liquids or free water shall be put in, placed in, allowed to run into, or accumulate in any container and all containers shall, at all times, be kept closed.
- 5.5 No person shall deposit in a regulation garbage or kitchen scraps container:
 - (a) recyclable materials;
 - (b) yard waste;
 - (c) construction waste;
 - (d) prohibited waste; or
 - (e) hazardous waste.

MAINTENANCE OF REGULATION CONTAINERS

- 6.1 An occupier must at all times maintain the regulation containers provided by the Corporation so that they are operable, in a clean and sanitary condition, and with the lid securely closed so that the waste cannot spill or otherwise escape from the container..
- 6.2 Routine repairs of containers will be conducted by an employee of the Corporation upon notification by the owner or occupant.
- 6.3 Regulation containers shall be replaced by the Corporation if they become lost, stolen, unsafe to handle, no longer waterproof, damaged beyond repair, or otherwise unsuitable for continued use.
- 6.4 If the damage to a container is determined by the Director to be caused by misuse or abuse of the container, the cost of replacement of the container shall be borne by the owner or occupant.

ASSISTANCE PROGRAM

- 7.1 A modified assistance service is provided to residents who are medically or physically unable to place the regulation container(s) at the curb.
- 7.2 Requests for this service will be made to the Corporation and will be assessed on a case by case basis and are subject to the approval of the Director.

DISCONTINUED COLLECTION SERVICE

- 8.1 Where a condition exists on any property which prevents the Collector from carrying out his/her duties by virtue of hazard, potential danger, difficulty of access or other abnormal or dangerous condition, the Director shall give written notification to the owner or occupier that the condition must be abated and in default of abatement, shall direct that garbage and kitchen scraps collection services be discontinued until the condition is abated.
- 8.2 The Corporation may discontinue collection of garbage and kitchen scraps from any dwelling owned or occupied by a person who violates this Bylaw.
- 8.3 Responsibility for disposal of garbage and kitchen scraps during discontinuance of collection services as aforesaid shall rest with the owner or occupier.

PART 3 – RECYCLING

DISPOSAL OF RECYCLABLES PROHIBITED

- 9.1. No person shall place any recyclable material in any regulation garbage or kitchen scraps container for disposal.

USE OF BLUE BOX AND BLUE BAG

- 10.1. No person shall use a Blue Box or Blue Bag for any purpose other than the deposit and accumulation of recyclables as part of the Capital Regional District recycling program.
- 10.2. Blue Boxes and Blue Bags shall be left at curbside on the appointed collection day and shall be removed by the owner or occupant when emptied by the Contractor for the Capital Regional District no later than noon of the following day.

LANDLORD'S OBLIGATIONS

- 11.1 Every owner of a multiple family dwelling shall place and maintain on the premises recycling containers for the deposit of recyclable materials by the tenants of each dwelling unit within the complex.
- 11.2 The recycling containers shall be placed in a location on the premises which is accessible to the tenants for the purpose of depositing recyclable material and which is accessible for the purpose of pick-up by the Contractor for the Capital Regional District.

RECYCLABLE MATERIALS

- 12.1 No person shall remove, take or covert to his/her own use any materials placed on a road allowance, including the sidewalk or boulevard, for the purpose of recycling or disposal, unless he/she is:
- (a) The person who initially placed the materials on the road allowance; or
 - (b) An employee or member of an organization which has been duly authorized by the Capital Regional District to collect recyclable material on behalf of the Capital Regional District.

PART 4 – GARBAGE

- 13.1 No person shall place anything other than garbage into a regulation garbage container:
- 13.2 Garbage may be placed in the garbage container loose, wrapped in newspaper, or contained in paper, plastic, biodegradable or compostable bags.

PART 5 – KITCHEN SCRAPS

- 14.1 No person shall place anything other than kitchen scraps into a regulation kitchen scraps container.
- 14.2 Plastic or bio-degradable bags shall not be used to dispose of kitchen scraps.
- 14.3 Kitchen scraps may be placed in the organics container loose, or contained in paper bags or in certified compostable bags.

PART 6 – YARD WASTE

- 15.1 An occupier of property within the Township may utilize the yard waste transfer station for the disposal of yard waste.
- 15.2 An occupier of property within the Township may dispose of yard waste at the Corporation's transfer station located at 605 Canteen Road during the hours specified by the Corporation.
- 15.3 An individual or corporation must pay the fee for disposal of yard waste specified at the time of disposal unless they produce valid identification satisfactory to the Corporation confirming that they are a resident of the Municipality.
- 15.4 No person shall deposit yard waste in any regulation garbage or kitchen scraps container for disposal.

PART 7 – ENFORCEMENT, OFFENCES AND PENALTIES

IMPROPER WASTE

- 16.1 In addition to any other enforcement or penalty provisions pursuant to this Bylaw, containers containing any waste other than that permitted under this Bylaw to be disposed of in the regulation container will not be collected.

NO DUMPING ON MUNICIPAL PROPERTY

- 17.1 No person shall deposit or permit to be deposited in or upon any land, street, road or highway within the Municipal limits, or deposit or permit to be deposited on any foreshore or in waters adjacent to Municipal limits, any solid waste, kitchen scraps, recyclable materials, construction waste, prohibited waste or hazardous waste except with the permission in writing of the Director.

PENALTY FOR VIOLATION

- 18.1 Every person who contravenes this Bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction to penalties prescribed by the *Offence Act*.
- 18.2 Each day or part of a day that a contravention occurs or continues shall constitute a separate offence.
- 18.3 This Bylaw may be enforced by the issuing of a ticket for contravention in accordance with the *Ticket Information Utilization Bylaw, 2005, No. 2619*, as may be amended or replaced from time to time.
- 18.4 The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

PART 7 - MISCELLANEOUS

REPEAL

- 19.1 The *Recycling Bylaw, 1989, No. 1910* and the *Garbage Disposal Bylaw, 2006, No. 2630*, are hereby repealed.

SCHEDULE

- 20.1 **Schedule "A"** attached hereto forms part of this Bylaw.

Read a first time this day of , 2014.

Read a second time this day of , 2014.

Read a third time this day of , 2014.

ADOPTED this day of , 2014.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER

SOLID WASTE COLLECTION AND DISPOSAL BYLAW, 2014, NO. 2815

SCHEDULE "A"

Pursuant to Section 4.1 of the Bylaw, for the collection from any premises of the contents of each garbage bag that is in addition to the one regulation garbage container provided by the Corporation, a charge of \$2.00 per additional bag is payable. Tickets may be purchased from the Corporation in sheets of four at a cost of \$8.00 per sheet.



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: January 20, 2014
Staff Report No. DEV-14-004

REQUEST FOR DECISION

SUBJECT: DEVELOPMENT VARIANCE PERMIT

927 Forshaw Road

PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00022 authorizing the construction as shown on architectural plans provided by Hartmann's Drafting and Design, stamped "Received November 19, 2013" and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Ltd., stamped "Received November 25, 2013, and including the following relaxations to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066 [927 Forshaw Road].

Zoning Bylaw No. 2050, Section 36(9)(b)(i) – Siting Requirements – Accessory Building – Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building, [i.e. one accessory building may be located in front of the front face of the principal building].

Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) Provisions and Maintenance of Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building, [i.e. the one required parking space will be located in the new accessory building].

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: Jan 15/14

STAFF REPORT

DATE: January 14, 2014 Report No. DEV-14-004
TO: Laurie Hurst, Chief Administrative Officer
FROM: Karen Hay, Planner
Bill Brown, Director of Development Services
SUBJECT: DEVELOPMENT VARIANCE PERMIT
927 Forshaw Road
PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066

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Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) Provisions and Maintenance of Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building, [i.e. the one required parking space will be located in the new accessory building].

BACKGROUND:

Context

Applicants/ Owners: Greg Cline and W. Stephen leBel

Property Size: Metric: 690.8 m² Imperial: 2266.4 ft²

Existing Land Use: Single Family Dwelling

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

Existing Zoning: RS-3 [Single Family Waterfront Residential]

Purpose of the Application

The applicant is proposing to construct a new detached garage on this waterfront property. Zoning Bylaw, 1992, No. 2050 defines a property's frontage as 'the length of parcel boundary which immediately joins a highway'. Due to the position of the home on this sloped property it is unfeasible to create an attached garage, or to locate the one required parking space behind the front face of the principal building.

As the proposed accessory building would be located well outside the 20 metre no build area, the requirement for a Development Permit for foreshore rehabilitation has been waived.

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 the 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.

Parks and Recreation: Staff recommends protection for the trees located near the driveway be installed prior to the start of construction.

Engineering Services: No concerns.

Fire Services: No concerns

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on December 17, 2013. Commission members asked the applicant if any trees on the property would have to be removed in order to construct the garage. The applicant responded that all trees would be protected. The APC recommended forwarding the application to Council with a **recommendation of approval**.

ISSUES:

1. Rationale for Selected Option

The APC has recommend support of the application. There has been no opposition from the neighbourhood to the proposed addition. The garage would be an improvement to an existing residence.

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

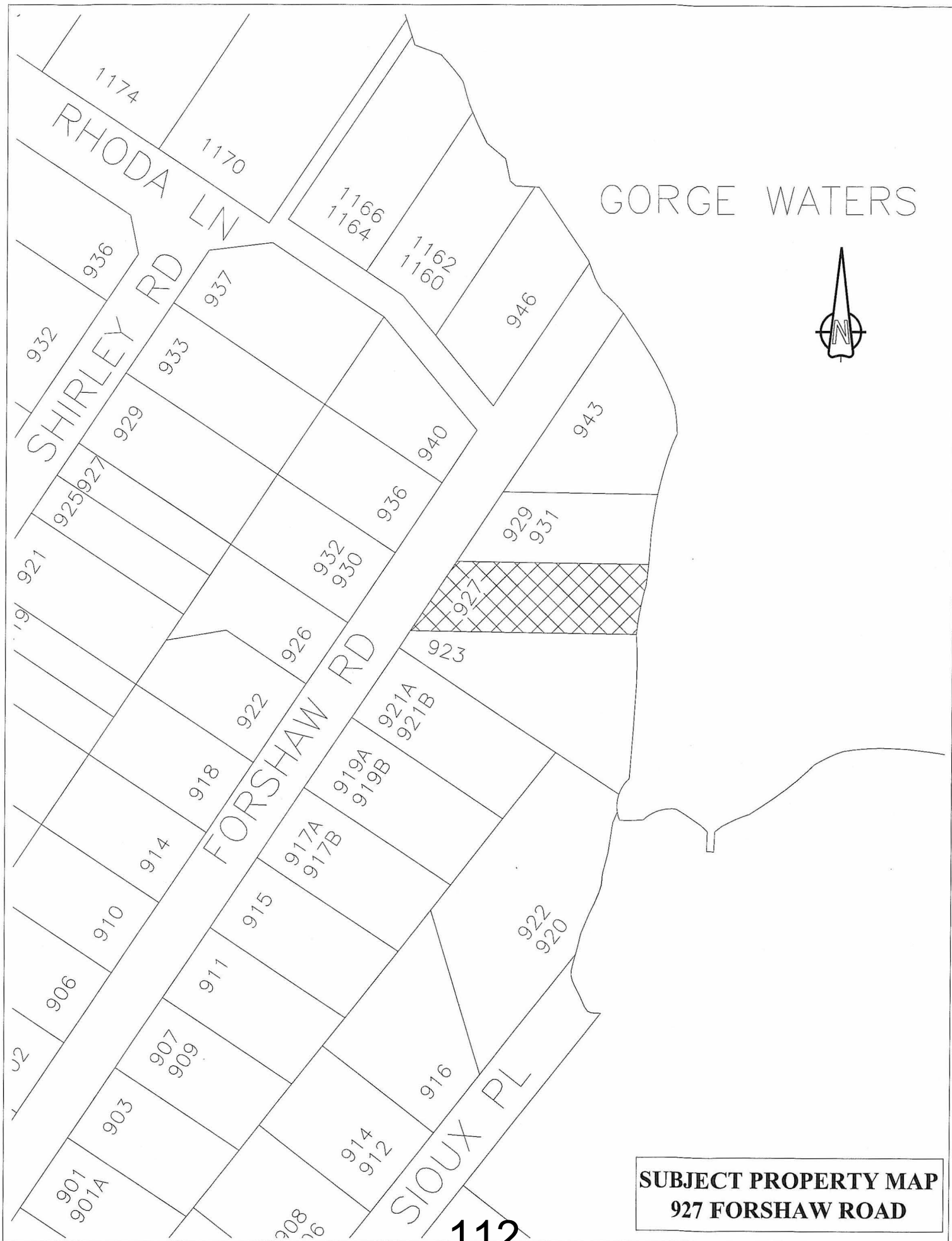
This Request for Decision has minimal sustainability/environmental implications. Renovating existing properties and increasing density in an established neighbourhood is believed to be a sustainable practice.

5. Communication

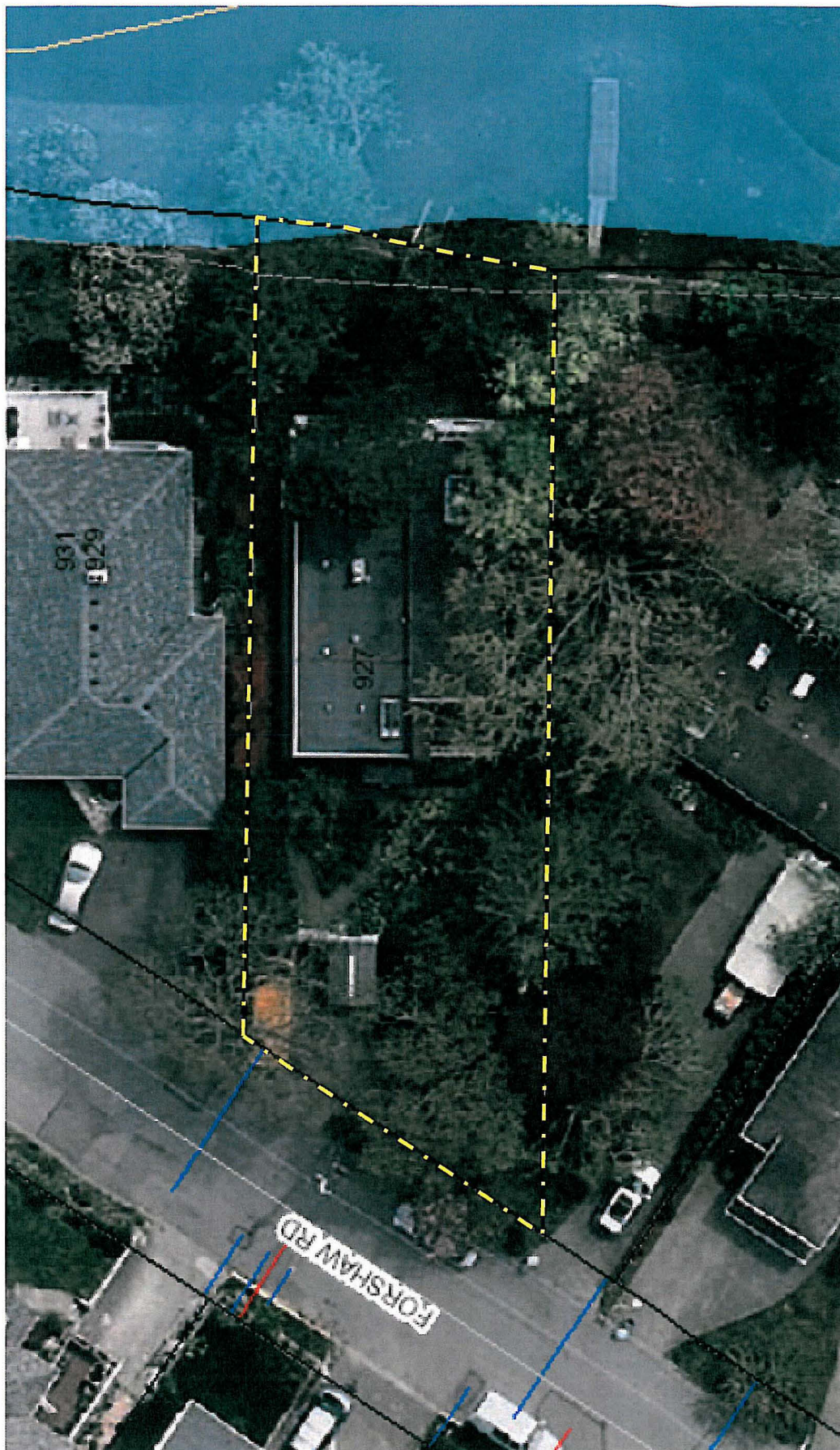
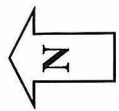
As this is a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on January 6, 2014 indicating that Council would be considering the requested Development Variance Permit on January 20, 2014. To date, no responses have been received from the public as a result of these notifications.

ALTERNATIVES:

1. Council **approve** Development Variance Permit No. DVP00022 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00022.



927 Forshaw Road



36. SINGLE FAMILY WATERFRONT RESIDENTIAL [RS-3]

The intent of this Zone is to accommodate Single Family Dwellings on properties that abut the Sea.

(1) Permitted Uses

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) the keeping of up to a maximum of two [2] Roomers or Boarders
- (d) Secondary Suite: subject to the requirement of Section 30.6

(2) Parcel Size

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

(3) Minimum Lot Width

The minimum width of a Parcel 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 a 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.
- (iv) Waterfront Setback: No Principal Building shall be located within 7.5 metres of the High Water Mark. The Setback shall follow a line drawn parallel to the indentations and sinuosities of the High Water Mark.

(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) Waterfront Setback: No Accessory Building shall be located within 4.5 metres of the High Water Mark. The Setback shall follow a line drawn parallel to the indentations and sinuosities of the High Water Mark.
- (v) 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 2 metres except that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres.

(11) **Off Street Parking**

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

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT VARIANCE PERMIT

NO. DVP00022

Owners: Gregory Alan Cline
Wilfrid Stephen leBel
927 Forshaw Road
Esquimalt, BC V9A 6M1

Lands: PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District,
Plan 5066

Address: 927 Forshaw 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 No. 2050, Section 36(9)(b)(i) – Siting Requirements – Accessory Building – Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building, [i.e. one accessory building may be located in front of the front face of the principal building].

Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) Provisions and Maintenance of Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building, [i.e. the one required parking space will be located in the new accessory building].

3. Approval of this Development Variance Permit has been issued in general accordance with the architectural plans provided by Hartmann's Drafting and Design, stamped "Received November 19, 2013" and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Ltd., stamped "Received November 25, 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 __th DAY OF
JANUARY, 2014

SIGNED THIS _____ DAY OF _____, 2014

Director of Development Services

Corporate Officer
Corporation of the Township
of Esquimalt

Civic address: 927 Forshaw Road
Victoria, B.C.
Parcel Identifier Number 002-140-926

**B.C. Land Surveyor's Sketch Plan
of Proposed Garage on:**

**Lot 11, Block 1, Section 2,
Esquimalt District, Plan 5066**

site area = +/-
677 square metres



Scale 1: 200
All distances are in metres

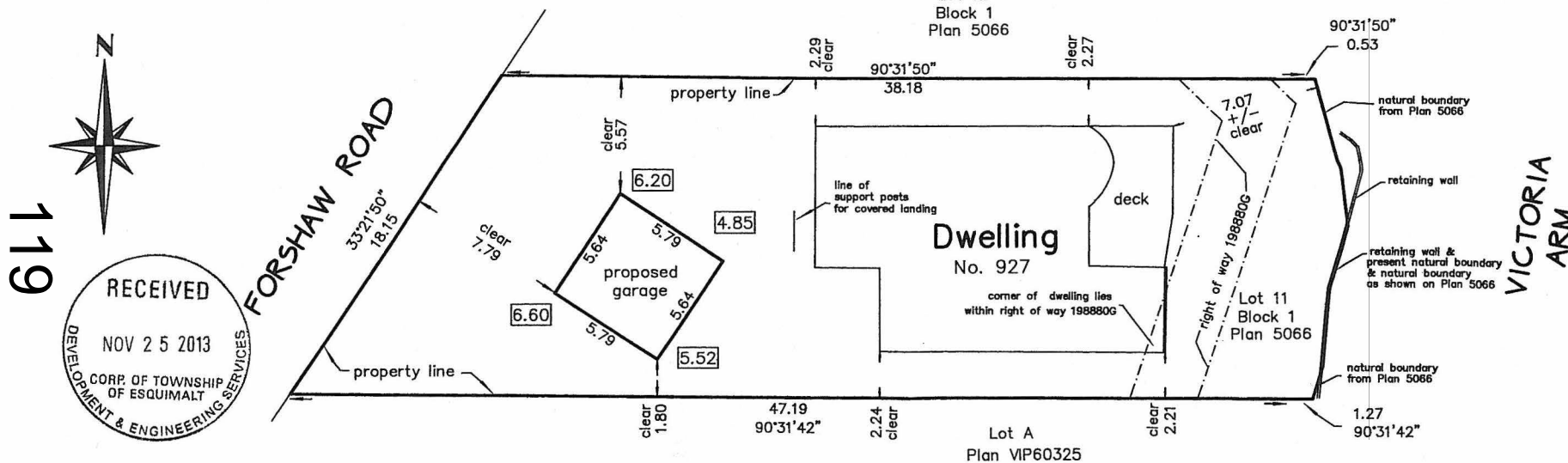
Legend

Denotes existing geodetic elevation [0.00]

Elevations are GEODETIC

Charged against the title:
right of way 198880G

Legal notation on title:
May be affected by a permit
pursuant to Part 26 of the Municipal Act.



119

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
email glen @ mitchellsurvey.ca

fb 276 file 13-35-8836 A sketch (c)

This drawing is prepared to indicate the
location (and existing grades at the corners)
of the proposed garage.

It is prepared to accompany a building permit for
the proposed garage and is not to be used for
any other purpose.

Certified correct this 21st day of November, 2013

Glen Mitchell
H7B5G2

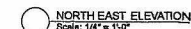
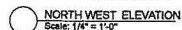
Digitally signed by Glen Mitchell
H7B5G2
DN: c=CA, ou=Glen Mitchell
H7B5G2, o=BC Land Surveyor,
ou=Verify ID at www.junicert.com/
UKUP.cfm?id=H7B5G2
Date: 2013.11.21 13:33:43 -08'00'

B.C.L.S.

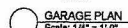
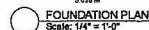
© This document is not valid unless originally signed and sealed
or electronic signature is attached.

THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO DVP 000 22

CORPORATE OFFICER



NOTE: FLASHING OVER ALL EXTERIOR WALL OPENINGS SHALL COMPLY TO ARTICLE 9 27.3.8 B C BUILDING CODE, 2012



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

SHEET

1 OF 1

1

PROPERTY TAX

1

1

1

1

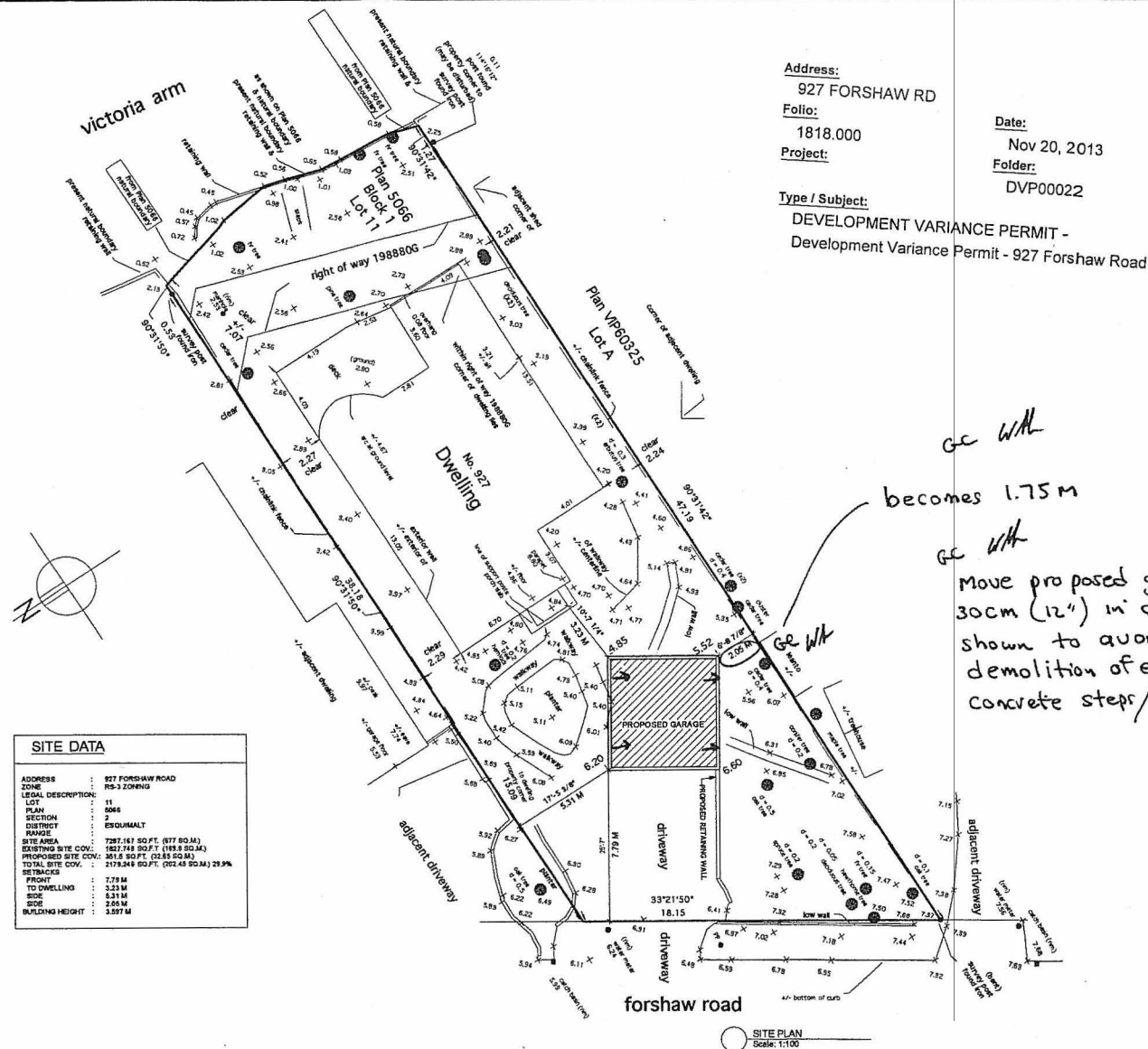
1

1

1

...and the ...

CORPORATE OFFICER



SCALE 1/4" = 1'-0"
DATE OCT 2013
DRAWN BY TMAH
CHK BY KMAH
PLAN # 1254

**PROPOSED GARAGE FOR
927 FORSHAW ROAD**

SHEET
OF 2
2

THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO DVP 000 22

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

January 6, 2014

DEVELOPMENT VARIANCE PERMIT NOTICE

An application for a Development Variance Permit has been received from Greg Cline and W. Stephen leBel, the registered owners of 927 Forshaw Road [PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066].

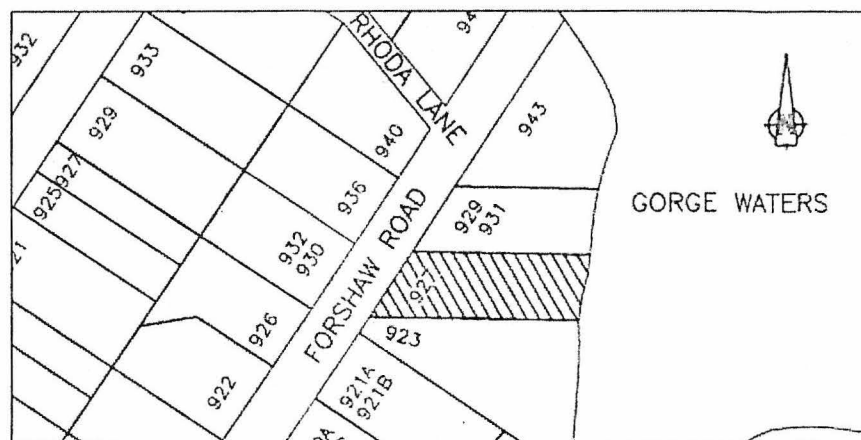
Purpose of the Application:

The applicant is proposing to construct a new detached garage on this waterfront property. Zoning Bylaw, 1992, No. 2050 defines a property's frontage as 'the length of parcel boundary which immediately joins a highway'. Due to the position of the home on this sloped property it is unfeasible to build an attached garage, or to locate the one required parking space behind the front face of the principal building.

Authorization of the following variances is required:

Zoning Bylaw No. 2050, Section 36(9)(b)(i) – Siting Requirements – Accessory Building – Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building, [i.e. one accessory building may be located in front of the front face of the principal building].

Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) Provisions and Maintenance of Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building, [i.e. the one required parking space would be located within the new accessory building].



Site Location: 927 Forshaw Road [PID 002-140-926, Block 1, Lot 11, Section 2, Esquimalt District, Plan 5066]

Mailed with Notification

123

Address: 927 Forshaw Road
Victoria, B.C.
Identifier Number 002-140-926



Scale 1: 200
All distances are in metres

1
Existing geodetic elevation 0.00

Elevations are GEODETIC

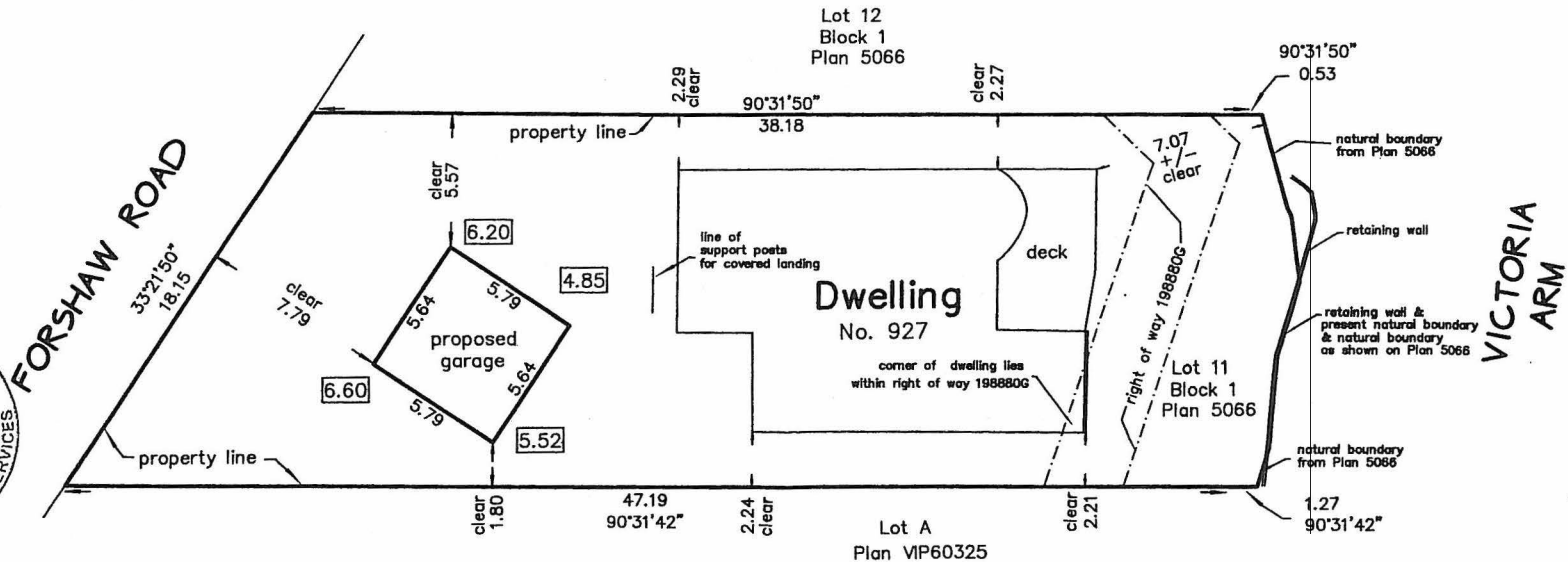
**B.C. Land Surveyor's Sketch Plan
of Proposed Garage on:**

**Lot 11, Block 1, Section 2,
Esquimalt District, Plan 5066**

site area = +/-
677 square metres

Charged against the title:
right of way 198880G

Legal notation on title:
May be affected by a permit
pursuant to Part 26 of the Municipal Act.



Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
email glen @ mitchellsurvey.ca

This drawing is prepared to indicate the location (and existing grades at the corners) of the proposed garage.

It is prepared to accompany a building permit for the proposed garage and is not to be used for any other purpose.

Certified correct this 21st day of November, 2013

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: 2013.11.21 13:33:43 -08'00'

[Signature] B.C.L.S.

© This document is not valid unless originally signed and sealed or electronic signature is attached.

TO: Townshio of Esquimalt
Planning Division

RE: Application for Permit to build a garage at 927 Forshaw Road,



I / we live near the house at 927 Forshaw Road, in Esquimalt.

I / we have seen the plans drawn up (by Hartmann's rafting & Design) for the building of a garage on that lot, in front of the house.

I / we have no objection to the granting of a permit by the Township of Esquimalt for the building of a garage as per the plans shown to me / us.

923 Forshaw Nov 6 2013
Address Date
JOHN D MACDONALD
Name(s)
Signature(s) JDMacdonald

936 FORSHAW ROAD NOV. 6 2013
Address Date
ROBERT SOLTOWSKI PATRICK CORRIE
Name(s)
Signature(s) [Signatures]

Address Date
931 Forshaw Nov 6, 2013
Name(s)
BARRY & JEAN ANDERSON
Signature(s) B Anderson

940 Forshaw Road Nov. 7/2013
Address Date
ROS RUSSELL 927 FORSHAW RD
Name(s) Folio: 1818.000 Date: Nov 20, 2013
Signature(s) Project: Folder: DVP00022

Type / Subject:

124 DEVELOPMENT VARIANCE PERMIT -
Development Variance Permit - 927 Forshaw 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: January 20, 2014
Staff Report No. DEV-14-005

REQUEST FOR DECISION

SUBJECT: DEVELOPMENT VARIANCE PERMIT

505 Macaulay Street

PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F,
Section 11, Esquimalt District, Plan 292

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00020 authorizing the construction as shown on architectural plans provided by Mesa Design Group, stamped "Received October 9, 2013" and sited as detailed on the survey plan prepared by J. E. Anderson and Associates, stamped "Received December 4, 2013, and including the following relaxations to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F, Section 11, Esquimalt District, Plan 292 [505 Macaulay Street].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.52 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.98 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: Jan 15/14

STAFF REPORT

DATE: January 14, 2014 Report No. DEV-14-005
TO: Laurie Hurst, Chief Administrative Officer
FROM: Karen Hay, Planner
Bill Brown, Director of Development Services
SUBJECT: DEVELOPMENT VARIANCE PERMIT
505 Macaulay Street
PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F,
Section 11, Esquimalt District, Plan 292

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00020 authorizing the construction as shown on architectural plans provided by Mesa Design Group, stamped "Received October 9, 2013" and sited as detailed on the survey plan prepared by J. E. Anderson and Associates, stamped "Received December 4, 2013, and including the following relaxations to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F, Section 11, Esquimalt District, Plan 292 [505 Macaulay Street].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.52 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.98 metres].

BACKGROUND:

Context

Applicants/ Owners: Ross Benton and Karen Hogg

Property Size: Metric: 555.16 m² Imperial: 1821.39 ft²

Existing Land Use: Single Family Dwelling

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

Existing Zoning: RS-1 [Single Family Residential]

Purpose of the Application

The applicant is proposing to construct a covered entrance for the front of the house which would be located within the front setback. When the home was constructed in 1956 it was built

with the foundation at the 7.5 metre setback, and without a roof over the front step. Before a building permit can be issued, the development variance permit would need to be approved.

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 the 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.

Engineering Services: No concerns.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on December 17, 2013. APC members were complimentary of the plans noting that the new entrance adds a more contemporary feel to the neighbourhood. The APC recommended forwarding the application to Council with a **recommendation of approval**.

ISSUES:

1. Rationale for Selected Option

The APC has recommended support of the application. There has been no opposition from the neighbourhood. The construction would be an improvement to the existing house.

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

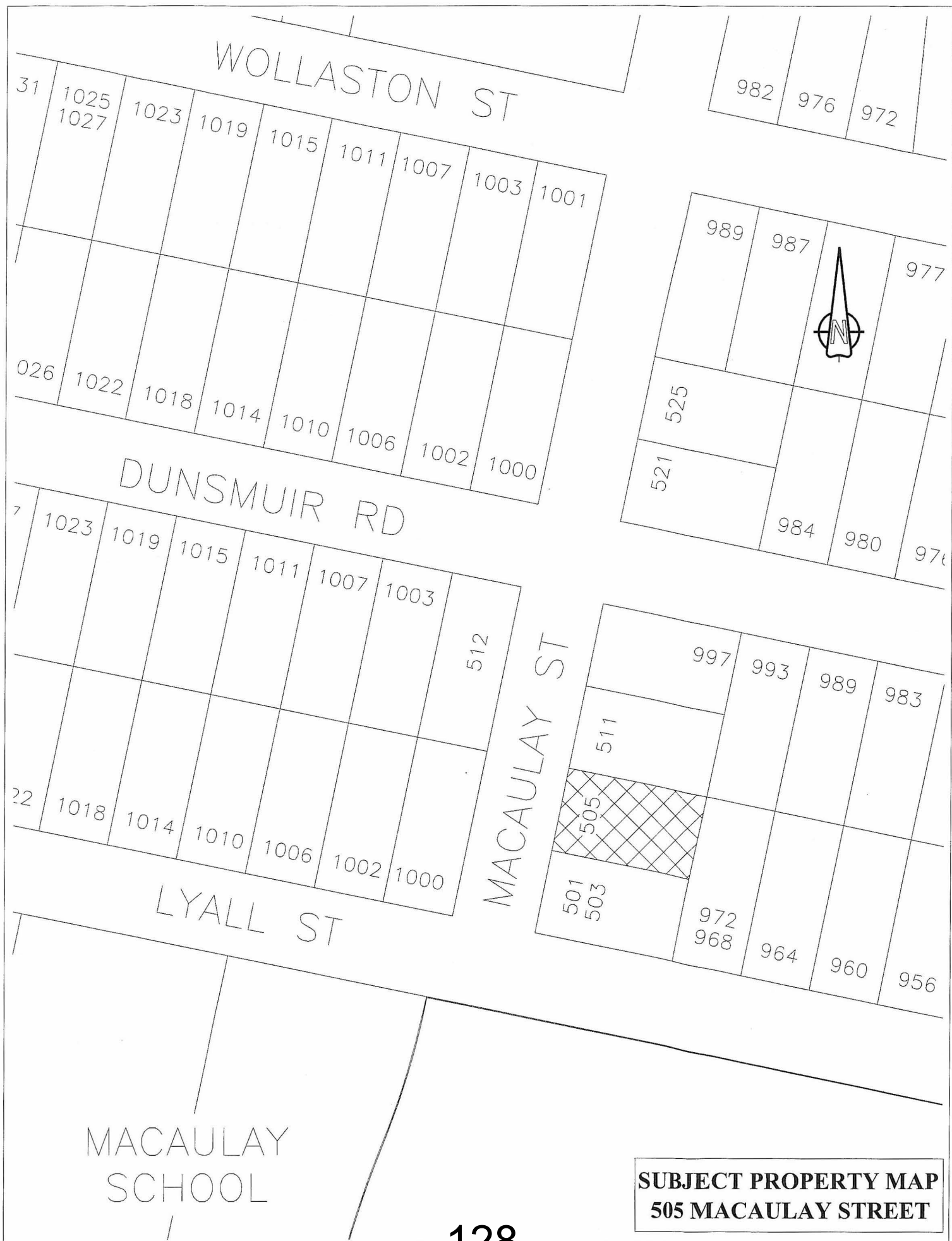
This Request for Decision has minimal sustainability/environmental implications. Renovating existing properties in an established neighbourhood is believed to be a sustainable practice.

5. Communication

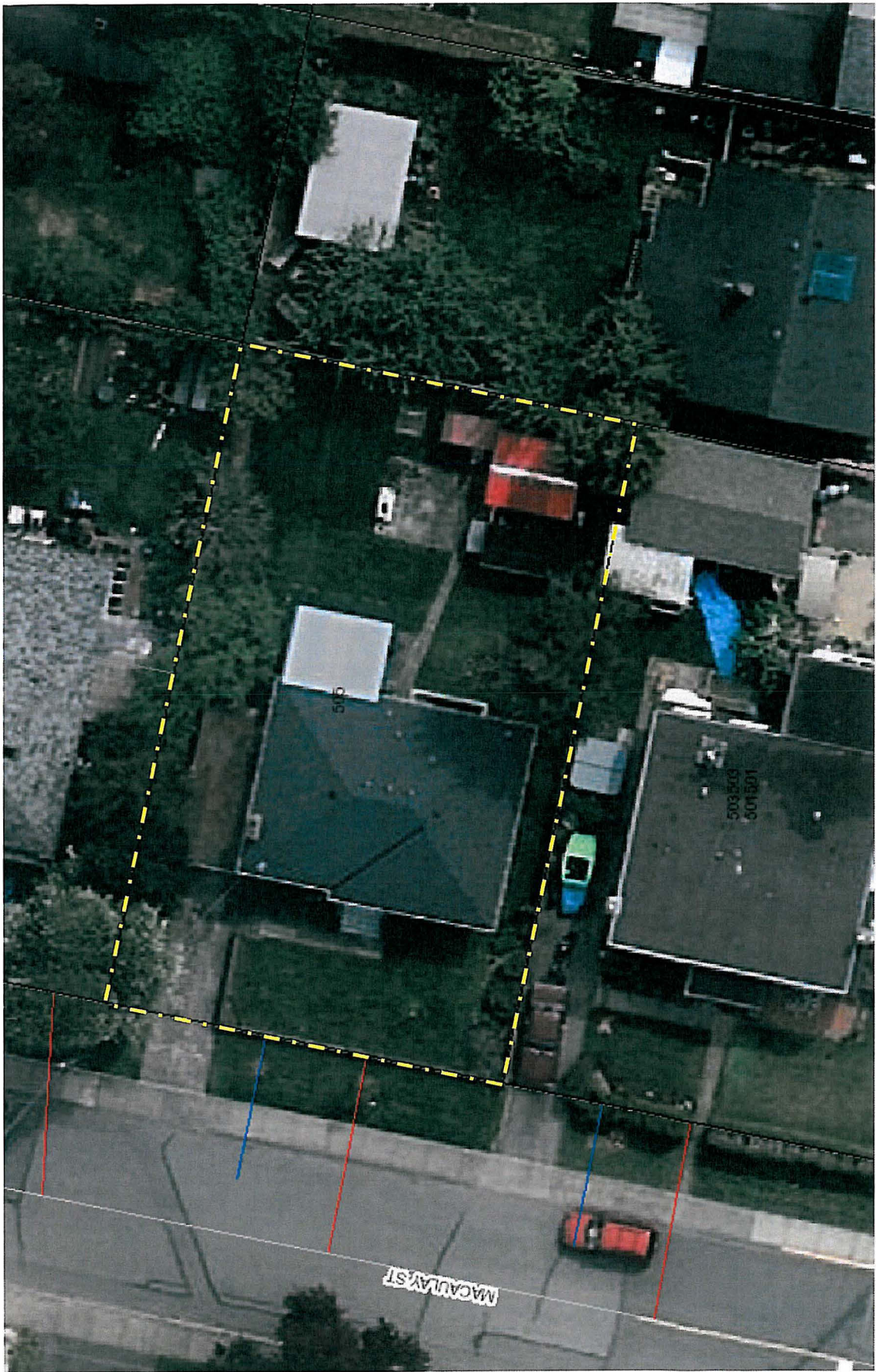
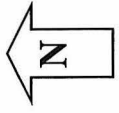
As this is a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on January 6, 2014 indicating that Council would be considering the requested Development Variance Permit on January 20, 2014. To date, no responses have been received from the public as a result of these notifications.

ALTERNATIVES:

1. Council **approve** Development Variance Permit No. DVP00020 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00020.



505 Macaulay Street



DIVISION 1 - RESIDENTIAL ZONES

34. SINGLE FAMILY RESIDENTIAL [RS-1]

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

(1) Permitted Uses

The following Uses and no others are permitted:

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

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT VARIANCE PERMIT

NO. DVP00020

Owners: Ross Andrew Benton
Karen Ethel Hogg
505 Macaulay Street
Esquimalt, BC V9A 5Y3

Lands: PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F,
Section 11, Esquimalt District, Plan 292

Address: 505 Macaulay Street, 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)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.52 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.98 metres].

3. Approval of this Development Variance Permit has been issued in general accordance with the architectural plans provided by Mesa Design Group, stamped "Received October 9, 2013" and sited as detailed on the survey plan prepared by J. E. Anderson and Associates, stamped "Received December 4, 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.

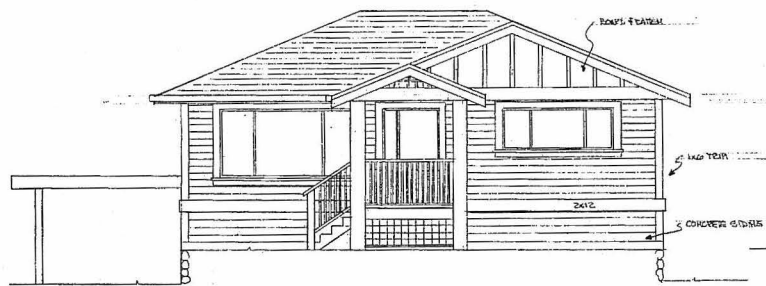
6. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
7. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE ____th DAY OF
JANUARY, 2014

SIGNED THIS _____ DAY OF _____, 2014

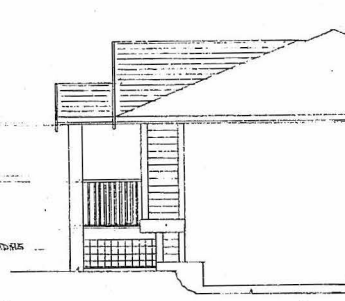
Director of Development Services

Corporate Officer
Corporation of the Township
of Esquimalt

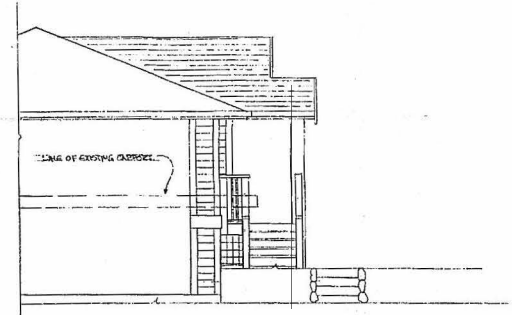


FRONT ELEVATION
74'-10"

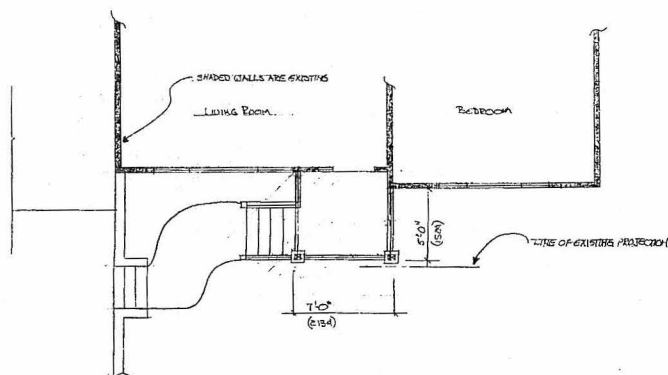
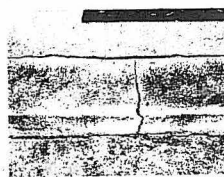
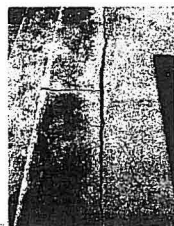
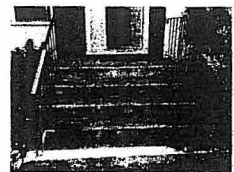
NOTE: ALL GRAPES ARE EXISTING



PARTIAL SIDE (SOUTH) ELEVATION
14'-10"



PARTIAL SIDE (NORTH) ELEVATION
74'-10"



MAIN FLOOR PLAN
14'-10"




Address:
505 MACAULAY ST

Folio:
0530.000

Project:

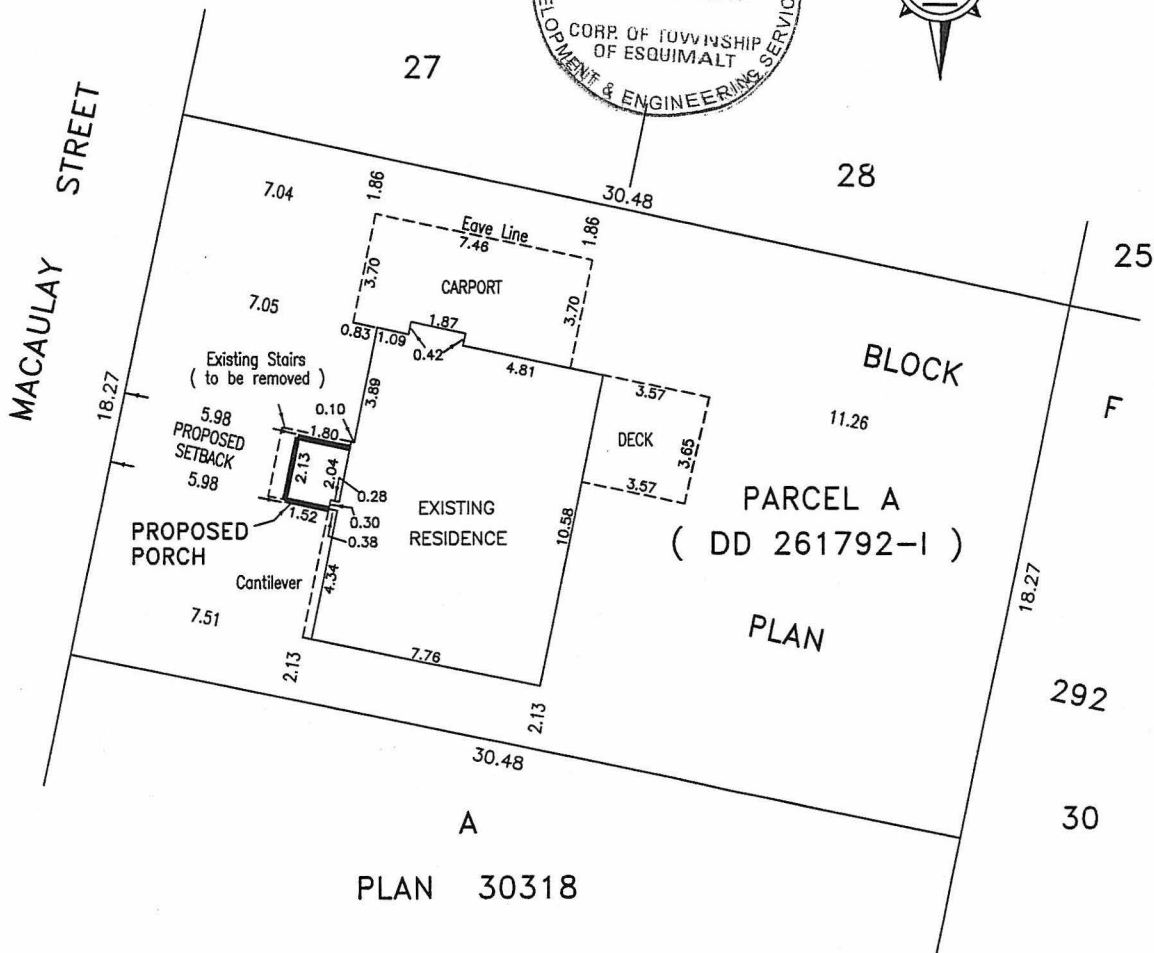
Date:
Oct 9, 2013
Folder:
DVP00020

Type / Subject:
DEVELOPMENT VARIANCE PERMIT -
Development Variance Permit

MR. & MRS. DITCH		MESA DESIGN GROUP INC. 2550 LAMARQUE DRIVE, VICTORIA, BC DESIGN CONSULTANTS 250-382-0280
		DATE: _____ DESIGNED BY: DL SCALE: AS SHOWN DRAWN BY: DL DRAWING NO: 7868

THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO. DVP00020

CORPORATE OFFICER



PLAN 30318

Certified correct, this 3rd day of December, 2013.

D.R. Carrier, BCLS

J. E. Anderson and Associates

SURVEYORS

ENGINEERS

VICTORIA

NANAIMO

SITE PLAN

AT 505 MACAULAY STREET

LEGAL : PARCEL A (DD 261792-1) OF LOTS 28 AND 29, BLOCK F, SECTION 11, ESQUIMALT DISTRICT, PLAN 292

DRAWN BY : DBL PROJECT SURVEYOR : D.R. CARRIER

SCALE : 1 : 200

DATE : NOV. 27, 2013.

CLIENT :

MR. ROSS BENTON

OUR FILE : 28296

REVISION : DEC. 2, 2013.

NOTE : BUILDING DIMENSIONS AND SETBACKS ARE CALCULATED TO EXTERIOR OF SIDING UNLESS OTHERWISE NOTED
ACCESSORY BUILDINGS HAVE NOT BEEN ADDRESSED ON THIS PLAN
LOT DIMENSIONS HAVE BEEN CALCULATED FROM CURRENT SURVEY AND EXISTING RECORDS
PROPOSED CONSTRUCTION SHOWN BOLD

CORPORATE OFFICER
THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO. D1900020

135

V:\DAN\L\ACAD2000_SERVER\28296SITE_PORCH.DWG DBL



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

January 6, 2014

DEVELOPMENT VARIANCE PERMIT NOTICE

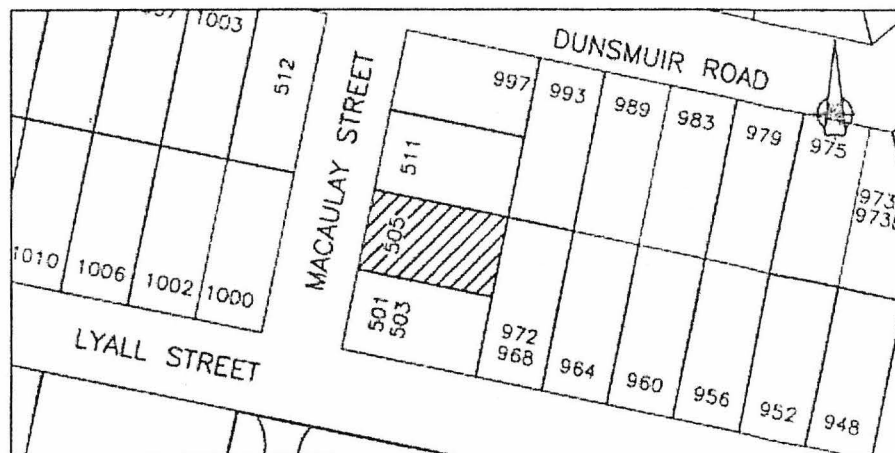
An application for a Development Variance Permit has been received from Ross Benton and Karen Hogg, the registered owners of 505 Macaulay Street [PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F, Section 11, Esquimalt District, Plan 292].

Purpose of the Application:

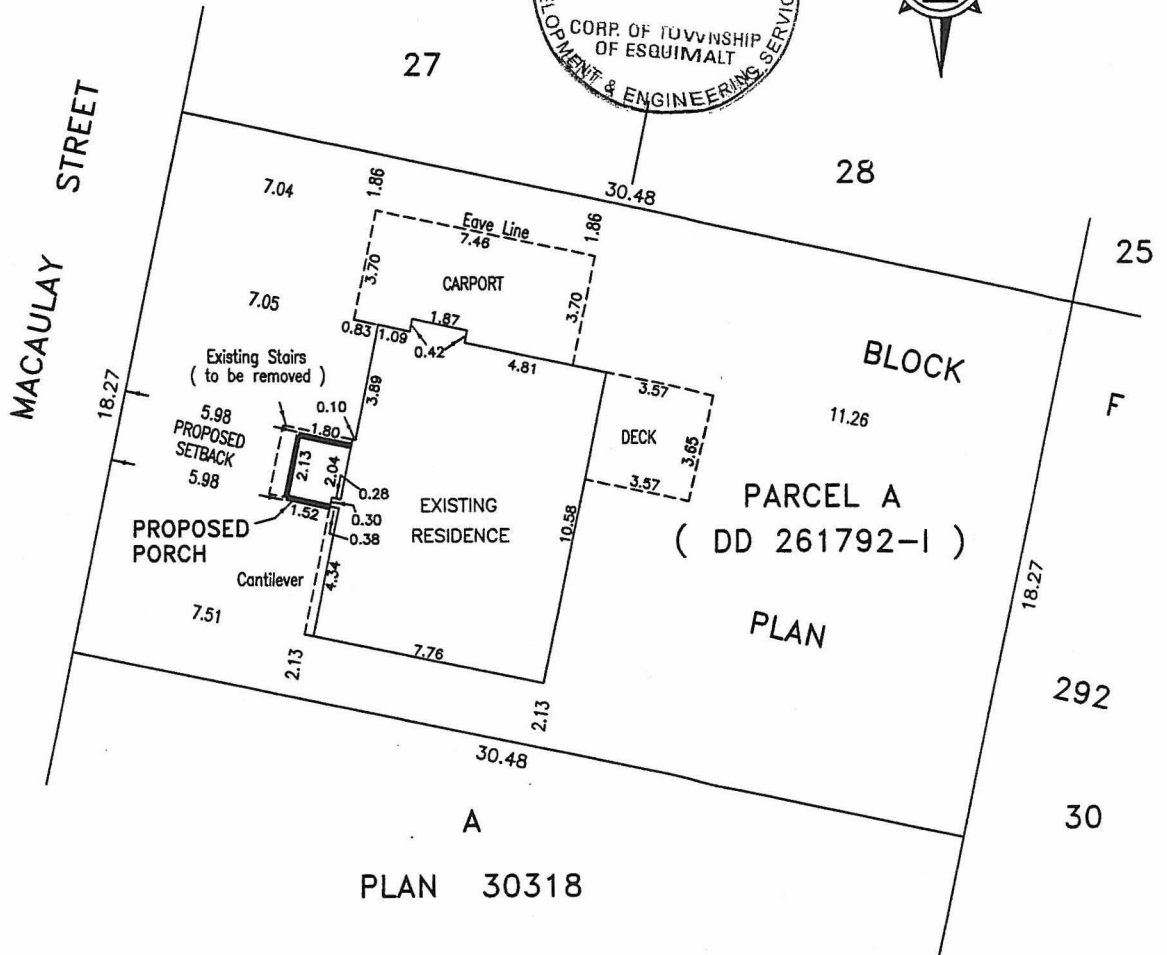
The applicant is proposing to construct a covered entrance at the front of the house which would be located within the required front setback. When the home was constructed in 1956 it was built with the foundation right at the 7.5 metre front setback, and without a roof over the front steps. Before a building permit can be issued, the development variance permit would need to be approved by Council.

Authorization of the following variance is required:

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 1.52 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.98 metres].



Site Location: 505 Macaulay Street [PID 009-174-095, Parcel A (DD 261792I) of Lots 28 & 29, Block F, Section 11, Esquimalt District, Plan 292]



Certified correct, this 3rd day of December, 2013.

[Signature]

D.R. Carrier, BCLS

J.E. Anderson and Associates

SURVEYORS

ENGINEERS

VICTORIA

NANAIMO

SITE PLAN

AT 505 MACAULAY STREET

LEGAL : PARCEL A (DD 261792-1) OF LOTS 28 AND 29, BLOCK F, SECTION 11, ESQUIMALT DISTRICT, PLAN 292

DRAWN BY : DBL PROJECT SURVEYOR : D.R. CARRIER

SCALE : 1 : 200 DATE : NOV. 27, 2013.

CLIENT :

MR. ROSS BENTON

OUR FILE : 28296

REVISION : DEC. 2, 2013.

NOTE : BUILDING DIMENSIONS AND SETBACKS ARE CALCULATED TO EXTERIOR OF SIDING UNLESS OTHERWISE NOTED

ACCESSORY BUILDINGS HAVE NOT BEEN ADDRESSED ON THIS PLAN

LOT DIMENSIONS HAVE BEEN CALCULATED FROM CURRENT SURVEY AND EXISTING RECORDS

PROPOSED CONSTRUCTION SHOWN BOLD

137



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: January 20, 2014
Staff Report No. DEV-14-006

REQUEST FOR DECISION

SUBJECT: REZONING APPLICATION
1108 Craigflower Road
[Lot 9, Section 10, Esquimalt District, Plan 6105]

RECOMMENDATION:

That Council resolves that Amending Bylaw [211], 2013, No. 2812, attached to Staff Report DEV-14-006 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 9, Section 10, Esquimalt District, Plan 6105 [1108 Craigflower Road] shown cross hatched on Schedule 'A' of Bylaw No. 2812, from RD-3 [Two Family/ Single Family Residential] to CD No. 85 [Comprehensive Development District No. 85], be considered for **adoption**.

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

STRATEGIC RELEVANCE:

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

Submitted by: Writer *Tina Parks*

Reviewed by: A/CAO *R. H. H. H. H.*

Date: *Jan 15/14*

STAFF REPORT

DATE: January 14, 2014 **Report No.** DEV-14-006
TO: Laurie Hurst, Chief Administrative Officer
FROM: Trevor Parkes, Senior Planner
SUBJECT: **REZONING APPLICATION**
1108 Craigflower Road
[Lot 9, Section 10, Esquimalt District, Plan 6105]

RECOMMENDATION:

That Council resolves that Amending Bylaw [211], 2013, No. 2812, attached to Staff Report DEV-14-006 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 9, Section 10, Esquimalt District, Plan 6105 [1108 Craigflower Road] shown cross hatched on Schedule 'A' of Bylaw No. 2812, from RD-3 [Two Family/ Single Family Residential] to CD No. 85 [Comprehensive Development District No. 85], be considered for **adoption**.

BACKGROUND:

Context

Owner/Applicant: Ravinder Gill

Property Size: Metric: 1054.4 m² Imperial: 11350 ft²

Existing Land Use: Single Family Residence

Surrounding Land Uses:

North:	Park [Esquimalt Gorge Park]
South:	Multiple Family Residential
West:	Single Family Residential [CD 21]
East:	Single Family Residential

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

Proposed Zoning: CD [Comprehensive Development District No. 85]

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

Schedules:

- "A" Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 211], 2013, No. 2812;
- "B" 2011 air photo of subject property;
- "C" Key Plan showing location subject property;
- "D" Statement of Title [December 11, 2013];
- "E" Section 219 Covenant – Registration Number CA3488427;
- "F" Site Plan and architectural drawings; and
- "G" BCLS Site Plan of Proposed Subdivision Plan.

Purpose of the Application:

The applicant is requesting a change in zoning from the current RD-3 [Two Family/ Single Family Residential] zone to a Comprehensive Development zone [CD] which would allow two new single family residences, each on a fee simple parcel. The existing house would be demolished and two new homes would be constructed. Should the rezoning be approved, the form and character of the buildings and landscaping would be controlled by a development permit that would be considered by Council at a future date.

Comments From Other Departments

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

Building Inspection: Construct to BC Building Code 2012 and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol should application be approved. Plans will be reviewed for compliance with BC Building Code upon submission of a Building Permit.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the two new single family houses proposed to be located at 1108 Craigflower Road. Staff confirms that the design appears achievable on the site and that appropriate works and services are available in the immediate area. Preliminary review indicates that the subject property is not connected to the storm drainage system. If approved the development must be serviced in accordance with bylaw requirements including, but not limited to, new sewer and drain connections and underground hydro, telephone and cable services. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a Building Permit application.

Fire Services: Review of this proposal yields no objections relating to fire protection.

Parks Services: Tree protection required for all trees proposed for retention. Cedar trees proposed for removal must be replaced on a 1:1 ratio as required by Tree Protection Bylaw.

Director of Development Services: Should this rezoning be approved, a Subdivision Development Permit as well as a Development Permit for form and character would be required. To allow the proposed subdivision, an exemption, approved by Council, to Section 944 of the *Local Government Act* would also be required.

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

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on August 20, 2013. Members were complimentary of the design stating that the project represented a significant improvement over the existing building and that the proposal integrates with the existing streetscape. Several members indicated that they liked the proposal, commenting that they agreed this was a preferable approach to creating a panhandle lot or, given the large size of the existing lot, constructing a large duplex. Members stated they supported preservation of existing trees and park views, that open spaces for each home appear generous and the design

effectively uses each property. Members did have concerns regarding the ambiguous responses contained in the Green Building Checklist and advised that sustainability features that are proposed for the project should be clarified prior to the application being considered by Council. The APC resolved that the application be forwarded to Council with a **recommendation of approval**.

In response to the APC members comments the applicant engaged a building performance consultant to review the proposal and subsequently committed to constructing the homes to a “Built Green – Gold” standard.

Zoning

Density, Lot Coverage, Siting and Setbacks: The following chart compares the setbacks, lot coverage and floor area ratio of this proposal with the requirements of the RS-1 [Single Family Residential Zone]:

	RS-1 (Single Family)	Proposed CD Zone	
		Lot 1 [East]	Lot 2 [West]
Minimum Parcel Size	530 m ²	527.2 m ²	527.2 m ²
Floor Area Ratio	0.35	0.30	0.26
Lot Coverage	30%	25%	25%
Setbacks			
• Front	7.5 m	11.8 m	14.9 m
• Rear	7.5 m	22.0 m	19.0 m
• Side	3.0 m/1.5 m	1.8/1.5 m	1.8 m/1.5 m
Building Height	7.3 m	7.3 m	7.3 m
Off Street Parking	1 space	1 space	1 space

Floor Area Ratio measures buildable space in ratio to the size of the lot on which a building sits. The combined F.A.R of this proposal is 0.28 which is less than the 0.35 maximum allowable for single family dwellings in Esquimalt. The combined Lot Coverage is 25% which is less than the 30% maximum permitted in the RS-1 [Single Family Residential] zone.

Single family homes in Esquimalt are limited to a height of 7.3 metres measured to the mid-height of the roof from average grade. The applicant proposes buildings with a height measured to 7.3 metres consistent with this established standard.

Esquimalt requires one parking space “behind the front face of the principle building” for a single family residence. The proposal incorporates a single car garage in each unit thereby meeting this regulation.

Should this request for rezoning be received favourably by Council, staff recommend the applicant be required to register a Section 219 covenant against the title of the existing property limiting the development to only two [2] dwelling units to ensure that neither of the proposed homes can convert space for use as secondary suites. This requirement has been discussed with the applicant who has indicated she has no issues with this requirement.

Official Community Plan

This proposal is consistent with the current Land Use Designation applied to the subject Property, “Single and Two Unit Residential”.

Section 2.2 of the Official Community Plan recognizes that modest residential growth will occur

through the infilling of vacant or under-utilized parcels and states that this growth should occur in a manner that maintains and enhances individual neighbourhoods and the community as a whole.

Section 2.2.1(a) states the Township should work toward a more complete community by maintaining a healthy mixture of housing types, accommodating people with a wide range of income levels.

Section 2.2.1(b) states the Township should encourage new residential development with high design standards for building and landscaping and which enhance existing and new neighbourhoods.

Section 9.8 of the Official Community Plan contains Guidelines for Single-Unit Infill Housing. As the Development Permit is not being considered at this time it would be inappropriate to address many of these guidelines with the following exceptions that are relevant to the discussion of zoning issues:

- Section 9.8.3.1(a) states that lots currently zoned RD-1 or RD-3, especially those with extra width or lot area are suitable for infill housing applications. The subject property satisfies all these characteristics.
- Section 9.8.4.2(e) states that new structures should be designed so that the overall massing is in keeping with other single unit residences in the immediate area. As detailed on Sheet SK3 of the Zebra Design drawing package, the proposed homes, when viewed from the street, satisfy this policy.

ISSUES:

1. Rationale for Selected Option

This application is consistent with the policy direction contained within the OCP for single unit infill development. The current RD-3 zoning permits the owner to construct a duplex on this property however, based on the large parcel size, this building would likely be significantly larger than existing homes in the area. This proposal for two single unit infill homes is a more elegant development solution which integrates into the existing streetscape rather than dominating it. The proposed homes are consistent with existing single family residential zoning criteria and promise enhanced building performance for long term sustainability.

On Monday, November 4, 2013, upon closure of the Public Hearing, Council read Amending Bylaw [No. 211], 2013, No. 2812 a third time and directed staff to coordinate with the property owner to ensure a S.219 covenant, prohibiting secondary suites, was registered against the property title prior to returning the bylaw to Council for consideration of adoption.

The applicant has voluntarily completed registration of the S.219 and provided staff with confirmation in the form of an update Statement of Title, stamped "Received December 11, 2013" [Schedule "D"], as well as a copy of the registered S.219 Covenant, stamped "Received December 11, 2013" [Schedule "E"].

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 applicant proposes to construct both homes to a “Built Green – Gold” standard and achieve an Energuide 80 standard for building performance.

5. Communication

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property on October 18, 2013 advising them that Council will be considering the requested rezoning on Monday, November 4, 2013. Notice of the Public Hearing was printed in the October 25th and October 30th editions of the Victoria News and a sign indicating that the property is under consideration for a change in zoning that has been in place on the Craigflower Road frontage since August 2013 was updated to show the date, time and location of the Public Hearing.

The Public Hearing occurred as scheduled on Monday, November 4, 2013. Consistent with the requirements of the *Local Government Act*, Council has been provided no further communication regarding this application.

ALTERNATIVES:

1. That Council, upon considering comments made at Public Hearing, resolves that Amending Bylaw [No. 211], 2013, No. 2812 be **adopted**.
2. Council **rescinds third reading** and directs staff to amend Bylaw No. 2812 to accommodate outstanding issues and return it to Council for further consideration, following a new Public Hearing as required by the *Local Government Act*.
3. Council **defeats** Amending Bylaw [No. 211], 2013, No. 2812.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2812

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

THE MUNICIPAL COUNCIL OF THE CORPORATION 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. 211], 2013, NO. 2812"*.
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 in Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development No. 85 (1108 Craigflower Road) CD No. 85"

- (2) by adding the following text as Section 67.72 (or as other appropriately numbered subsection within Section 67):

67.72 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 85 [CD NO. 85]

In that Zone designated as CD No. 85 [Comprehensive Development District No. 85] 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) Single Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 527 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 9, Section 10, Esquimalt District, Plan 6105 shall be limited to two [2] for a density of one [1] unit per 527 square metres.

(4) **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.

(5) **Lot Coverage**

- (a) All Principal Buildings and Structures combined shall not cover more than 25% of the Area Lot 9, Section 10, Esquimalt District, Plan 6105.
- (b) Notwithstanding Section 5(a) Principal Buildings shall not cover more than 22% of the Area Lot 9, Section 10, Esquimalt District, Plan 6105.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 9, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.28.

(7) **Siting Requirements**

(a) **Principal Buildings:**

- (i) The easternmost Principal Building shall not be located within 11.8 metres of the Front Lot Line.
- (ii) The westernmost Principal Building shall not be located within 14.9 metres of the Front Lot Line
- (iii) No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3.3 metres.
- (iv) The easternmost Principal Building shall not be located within 22.0 metres of the Rear Lot Line.
- (v) The westernmost Principal Building shall not be located within 19.0 metres of the Rear Lot Line.
- (vi) The separation between Principal Buildings within Comprehensive Development District No. 85 [CD No. 85] shall not be less than 3.3 metres.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.

- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 7.0 metres of any Principal Building.

(8) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be 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 Lot 9, Section 10, Esquimalt District, Plan 6105 [1108 Craigflower Road] shown cross-hatched on Schedule "A" attached hereto from RD-3 [Two Family/ Single Family Residential] to CD No. 85 [Comprehensive Development District No. 85].
- (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 30th day of September, 2013.

READ a second time by the Municipal Council on the 30th day of September, 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 4th day of November, 2013.

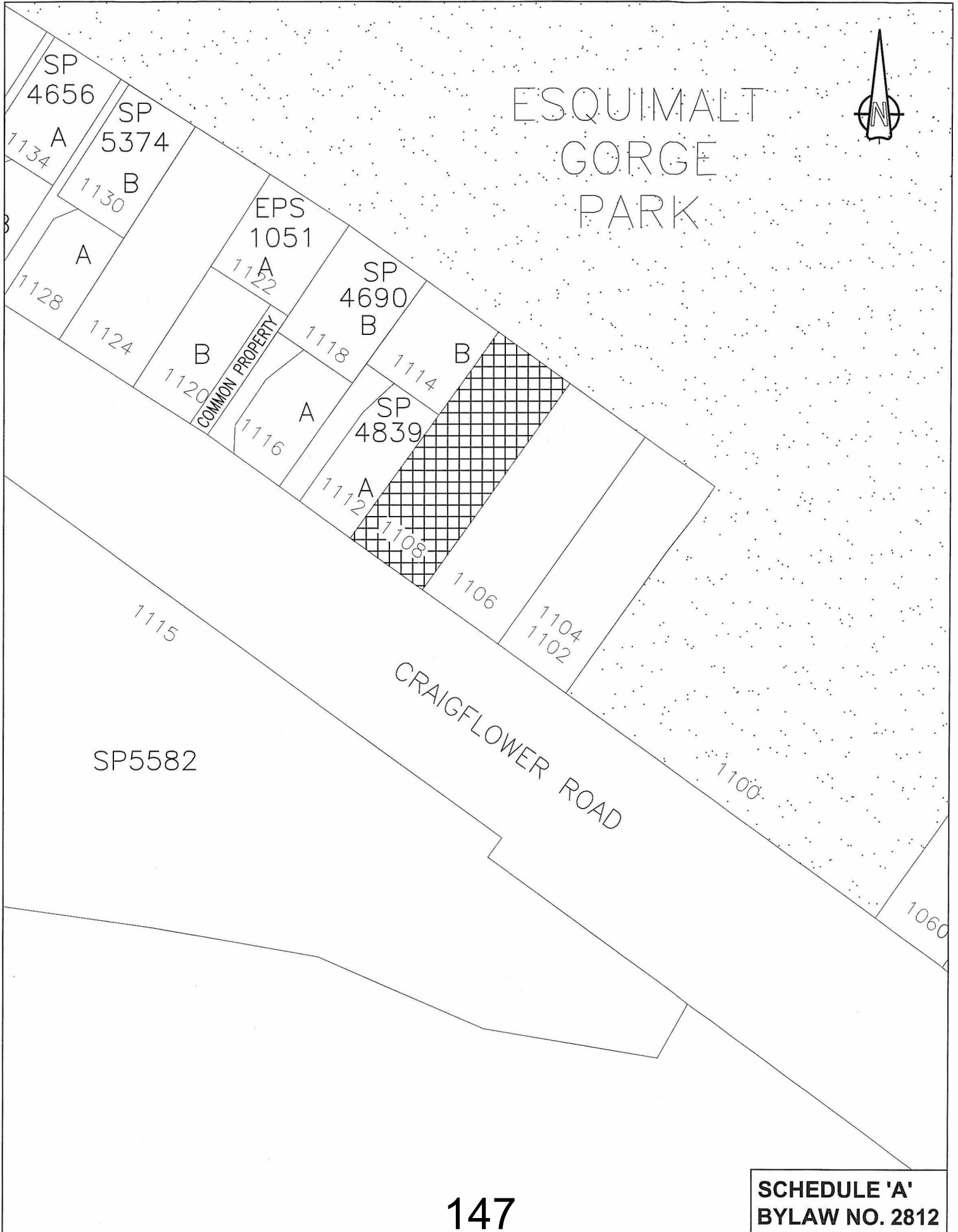
READ a third time by the Municipal Council on the 4th day of November, 2013.

ADOPTED by the Municipal Council on the ---- day of ----, 201.

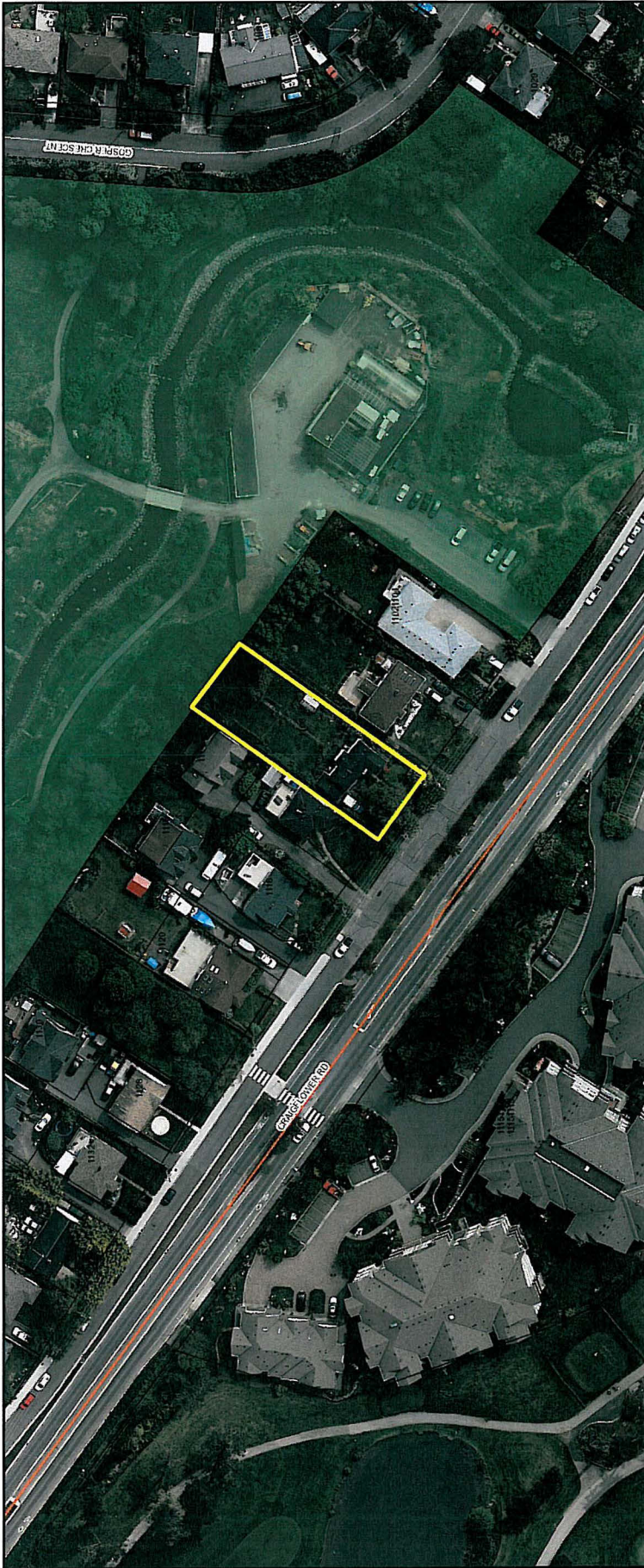
BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER

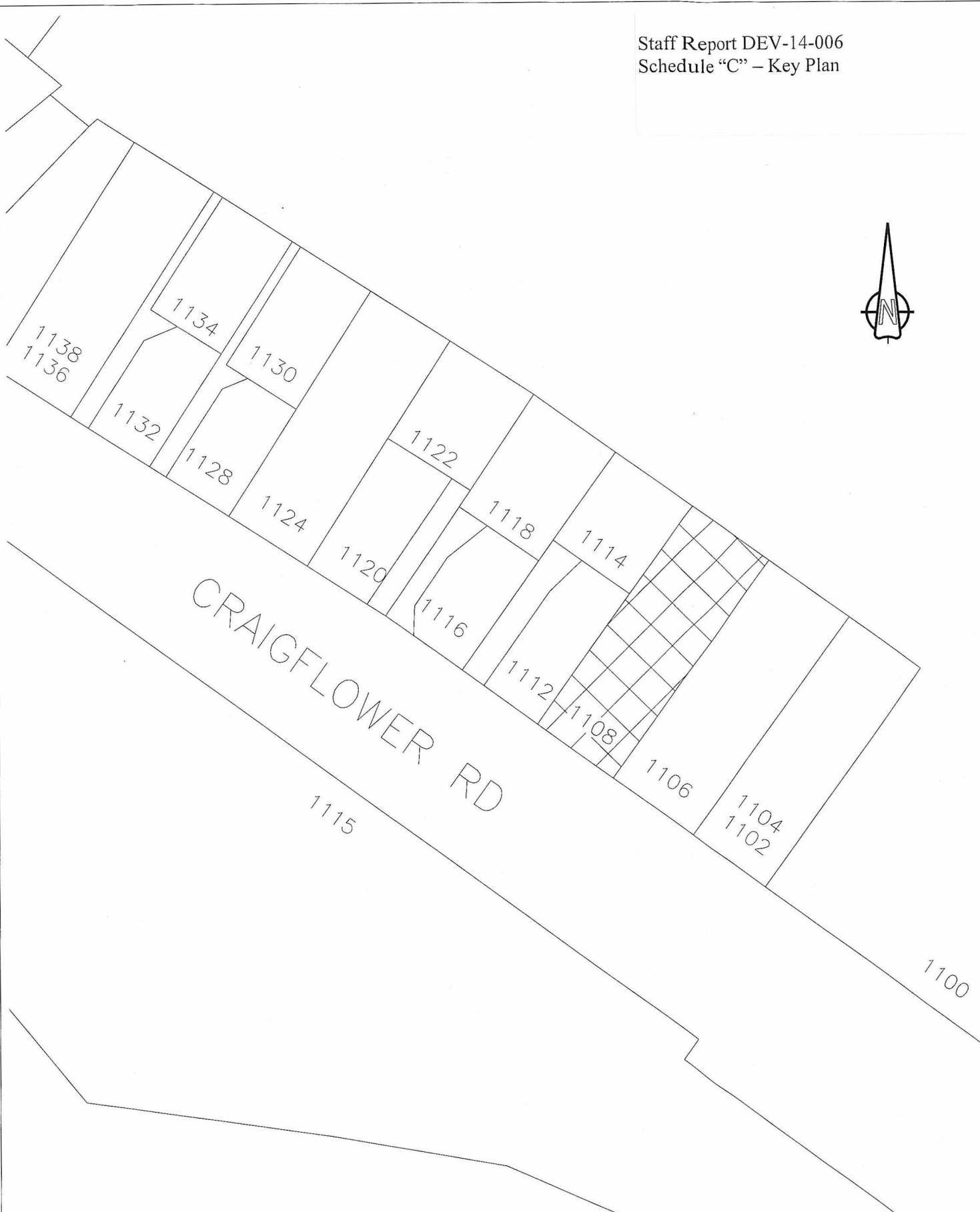
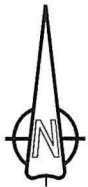
ESQUIMALT GORGE PARK



1108 Craigflower Road



Subject Property Boundary:



SUBJECT PROPERTY MAP
1108 CRAIGFLOWER RD

TITLE SEARCH PRINT

Requestor: PA98919

Folio/File Reference:419-1

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA3128911

FB435303

Application Received

2013-05-15

Application Entered

2013-05-22

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

RAVINDER KAUR GILL, CLIENT REPRESENTATIVE
JASPREET GILL, CUSTOMER SERVICE
568 HEATHERDALE LANE
VICTORIA, BC
V8Z 0A4
AS JOINT TENANTS

Taxation Authority

MUNICIPALITY OF ESQUIMALT

Description of Land

Parcel Identifier:

005-882-460

Legal Description:

LOT 9, SECTION 10, ESQUIMALT DISTRICT, PLAN 6105

Legal Notations

NONE

Charges, Liens and Interests

Nature:

UNDERSURFACE RIGHTS

Registration Number:

M76301

Registered Owner:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

Remarks:

A.F.B. 3.257.3685
INTER ALIA SECTION 172(3)
DD 289 OS & 909211

Nature:

MORTGAGE

Registration Number:

CA3128912

Registration Date and Time:

2013-05-15 16:08

Registered Owner:

THE TORONTO-DOMINION BANK



TITLE SEARCH PRINT

2013-12-11, 10:58:00

Requestor: PA98919

Folio/File Reference:419-1

Nature:	COVENANT
Registration Number:	CA3488427
Registration Date and Time:	2013-12-03 09:50
Registered Owner:	CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Nature:	PRIORITY AGREEMENT
Registration Number:	CA3488428
Registration Date and Time:	2013-12-03 09:50
Remarks:	GRANTING CA3488427 PRIORITY OVER CA3128912

Duplicate Indefeasible Title	NONE OUTSTANDING
-------------------------------------	------------------

Transfers	NONE
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Pending Applications	NONE
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FORM_C_V19 (Charge)

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1

Dec-03-2013 09:50:26.001

Province of British Columbia

CA3488427 CA3488428

PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Keyvan
Shojania
N4RVB7

Digitally signed by Keyvan Shojania
N4RVB7
DN: c=CA, cn=Keyvan Shojania
N4RVB7, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=N4RVB7
Date: 2013.12.03 09:48:43 -08'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

INFINITY LAW

BARRISTERS & SOLICITORS

200 - 931 FORT STREET

VICTORIA

BC V8V 3K3

250 385 6004

File No: 419-1

Gill

Document Fees: \$147.00

STC Fees: \$10.40

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

005-882-460

LOT 9, SECTION 10, ESQUIMALT DISTRICT, PLAN 6105

STC? YES ☒

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

RAVINDER KAUR GILL AND JASPREET GILL

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 ESQUIMALT ROAD

VICTORIA

BRITISH COLUMBIA

Incorporation No

000

V9A 3P1

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

KEYVAN SHOJANIA

Barrister & Solicitor

200 - 931 Fort Street

Victoria, BC V8V 3K3

Execution Date		
Y	M	D
13	11	28

Transferor(s) Signature(s)

RAVINDER KAUR GILL

DEC 11 2013

CORP. OF TOWNSHIP

OF ESQUIMALT

JASPREET GILL

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 7 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

SETH A. COOPER

Barrister & Solicitor

200 - 931 FORT STREET
VICTORIA, BC V8V 3K3

Y	M	D
13	11	27

THE TORONTO-DOMINION BANK by
its authorized signatory(ies):

Name: BOB LAMB

Name:

(as to priority only)

ANJA NURVO

Commissioner for Taking Affidavits in BC

1229 ESQUIMALT ROAD
ESQUIMALT, BC V9A 3P1

13	12	02
----	----	----

CORPORATION OF THE TOWNSHIP
OF ESQUIMALT by its authorized
signatory(ies):

Name: BARBARA DESJARDINS

Name: LAURIE HURST

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 7 PAGES

NATURE OF INTEREST
Covenant

CHARGE NO.

ADDITIONAL INFORMATION

Document Ref: entire instrument
person entitled to interest: TransfereeNATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Granting the Covenant herein priority over
Mortgage CA3128912
Document Ref: Page 7, paragraph 16
Person entitled to interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

TERMS OF INSTRUMENT - PART 2

RECITALS:

- A. The Transferor is the registered owner in fee-simple of those lands with civic address of 1108 Craigflower Road, more particularly described in Item #2 of Form C, in the Township of Esquimalt in Province of British Columbia, namely (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 (the "**Rezoning Bylaw**") to permit infill housing, and acknowledging that it is in the public interest that the use and density of development of the Lands be limited, 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

- 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*), except for two (2) single family residential fee simple lots each a minimum parcel size of 527 square metres, minimum frontage of 9.5 metres, and with similar rectangular dimensions,
 - (b) be built upon or used for more than two (2) dwellings units (representing one per lot created from the Lands), and
 - (c) be built upon, contain or be used for secondary suite(s), roomers, boarding use or tourist accommodation uses.

2. The Transferor and Transferee agree that this Agreement shall be interpreted in accordance with the definitions in the Transferee's zoning bylaw, as amended from time to time.

Indemnity and Release

3. 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.
4. 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

5. 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.
6. At the Transferor's sole cost, the Transferor will register this Agreement and must do everything necessary to secure priority of registration and interest for this Agreement over all encumbrances of a financial nature.
7. 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.

General

8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Priority

16. The Toronto-Dominion Bank (the "**Chargeholder**") is the registered holder of a charge by way of Mortgage against the Lands, registered under No. CA3128912 (the "**Charge**"), and 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 Charge 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.

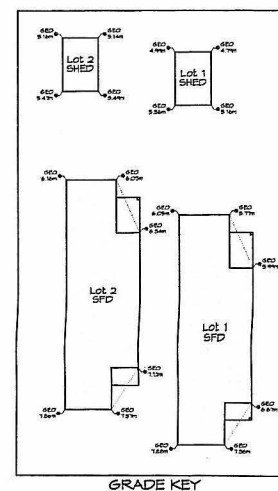
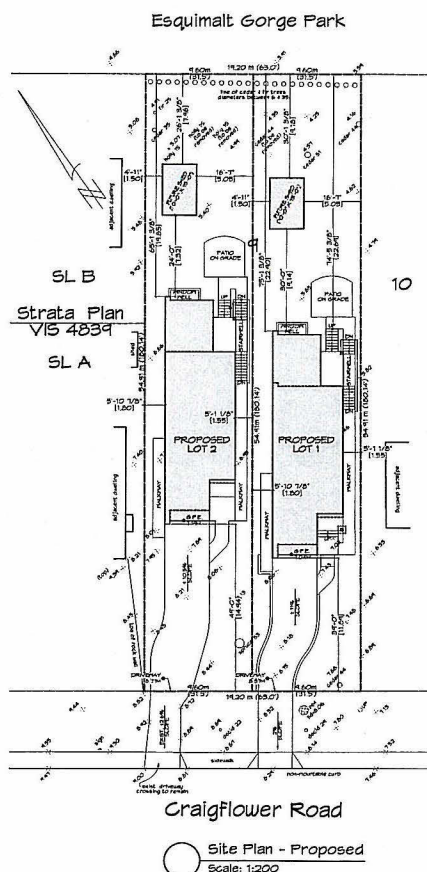
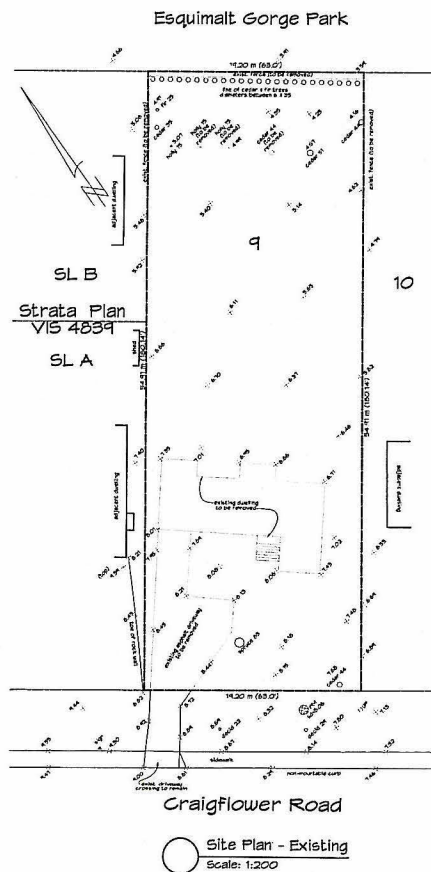
Staff Report DEV-14-006
Schedule "F" - Site Plan and
Architectural Drawings

Address:
1108 CRAIGFLOWER RD

Folio:
2292.000
Project:

Date:
Aug 6, 2013
Folder:
RZ000010

Type / Subject:
REZONING -
Rezoning Application for 1108 Craigflower Road



SITE DATA - Proposed Lot 1 & 2 - 1108 Craigflower Rd		
LEGAL DESCRIPTION - LOT 1, SECTION 10, ESQUIMALT DISTRICT, PLAN 6105		
CURRENT ZONING - RD-3		
PROPOSED ZONING - CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)		
PROPOSED LOT 1	PROPOSED LOT 2	
LOT AREA	527.17 M ² (5674.36 FT ²)	527.17 M ² (5674.36 FT ²)
LOT WIDTH	4.60 M (15.10')	4.60 M (15.10')
LOT DEPTH	54.91 M (180.15')	54.91 M (180.15')
BUILDING WIDTH	6.35 M (20.81')	6.35 M (20.81')
SETBACKS		
FRONT	11.84 M (39.00')	14.44 M (47.38')
REAR	22.64 M (74.44')	19.05 M (62.50')
SIDE (NORTHWEST)	1.80 M (5.91')	1.80 M (5.91')
SIDE (SOUTHEAST)	1.59 M (5.24')	1.59 M (5.24')
AVG. GRADE	6.62 M (21.72')	6.85 M (22.47')
BUILDING HEIGHT	7.30 M (23.95')	7.30 M (23.95')
FLOOR AREA		
UPPER FLOOR	68.96 M ² (742.29 FT ²)	68.96 M ² (742.29 FT ²)
MAIN FLOOR	10.30 M ² (110.87 FT ²)	10.30 M ² (110.87 FT ²)
GARAGE (EXCLUDED)	25.78 M ² (277.46 FT ²) EXCLUDED	25.78 M ² (277.46 FT ²) EXCLUDED
LOWER FLOOR (NON-BENT)	4.23 M ² (45.51 FT ²)	0.00 M ² (0.00 FT ²)
LOWER FLOOR (BASEMENT)	53.44 M ² (575.51 FT ²)	57.12 M ² (613.32 FT ²)
TOTAL, NON-BASEMENT AREA	149.44 M ² (1614.46 FT ²)	134.26 M ² (1448.95 FT ²)
TOTAL, INCL. BASEMENT	196.98 M ² (2120.28 FT ²)	196.98 M ² (2120.28 FT ²)
FLOOR AREA RATIO	0.27 EXCLUDED BASEMENT AREA	0.26 EXCLUDED BASEMENT AREA
SITE COVERAGE	24.45% INCLUDING FUTURE ACCESSORY BLDG	24.63% INCLUDING FUTURE ACCESSORY BLDG
PARKING	1 SPACE	1 SPACE
ACCESSORY BLDG		
SETBACKS		
FRONT	41.15 M (135.00')	42.37 M (139.00')
REAR	9.18 M (30.12')	7.95 M (26.12')
SIDE (NORTHWEST)	1.50 M (4.92')	1.50 M (4.92')
SIDE (SOUTHEAST)	5.05 M (16.57')	5.05 M (16.57')
TO PRINCIPAL BLDG	9.14 M (30.00')	7.32 M (24.02')
AVG. GRADE	5.05 M (16.57')	5.32 M (17.44')
BUILDING HEIGHT	3.60 M (11.81')	3.60 M (11.81')
FLOOR AREA	11.53 M ² (124.04 FT ²)	11.53 M ² (124.04 FT ²)
SITE COVERAGE	2.64%	2.64%

DRAWING LIST:
SK0 SITE PLAN & SITE DATA
SK1 LOT 1 FLOOR PLANS
& ELEVATIONS
SK2 LOT 2 FLOOR PLANS
& ELEVATIONS
SK3 STREETSCAPE
SK4 LANDSCAPE PLAN



ISSUED FOR
REZONING
JULY 30, 2013

ZEBRADesign

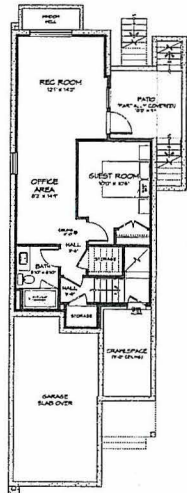
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY
Date: JULY 30, 2013
Scale: AS NOTED

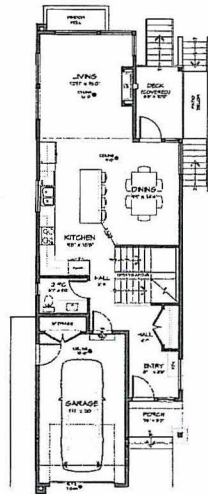
Project:
1108 CRAIGFLOWER RD
INFILL HOUSING
2 SFD'S

Title:
SITE PLAN AND
SITE DATA

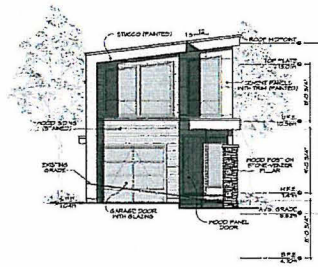
Revision: Sheet:
SK0
Proj. No. TBD



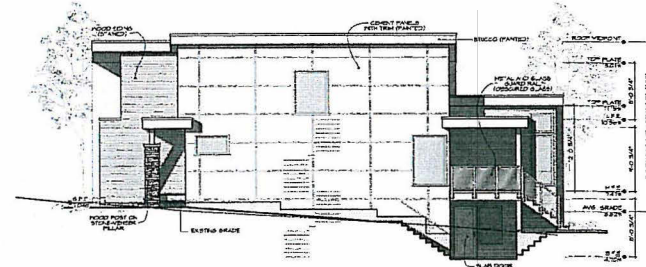
Lower Floor Plan
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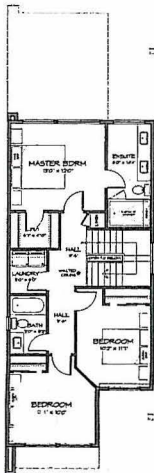
Main Floor Plan
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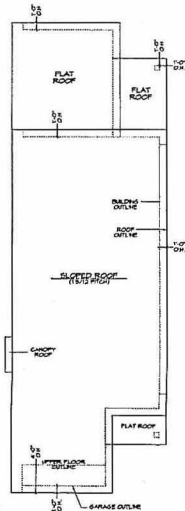
Front Elevation
Scale: 1/8" = 1'-0"



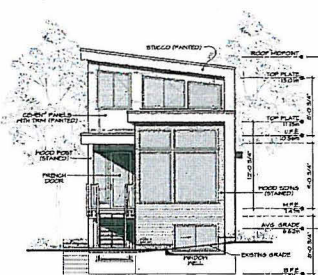
Side (Southeast) Elevation
Scale: 1/8" = 1'-0"



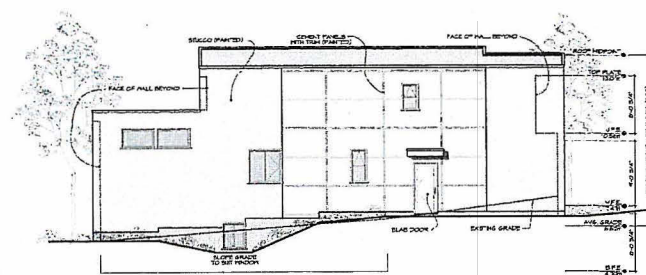
Upper Floor Plan
Scale: 1/8" = 1'-0"



Roof Plan
Scale: 1/8" = 1'-0"



Rear Elevation
Scale: 1/8" = 1'-0"



Side (Northwest) Elevation
Scale: 1/8" = 1'-0"

Address:
1108 CRAIGFLOWER RD

Folio:
2292.000

Project:

Date:
Aug 6, 2013
Folder:
RZ000010

Type / Subject:
REZONING -
Rezoning Application for 1108 Craigflower Road

ISSUED FOR
REZONING
JULY 30, 2013

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E5
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY

Date: JULY 30, 2013

Scale: AS NOTED

Project:
1108 CRAIGFLOWER RD
INFILL HOUSING
2 SFD'S

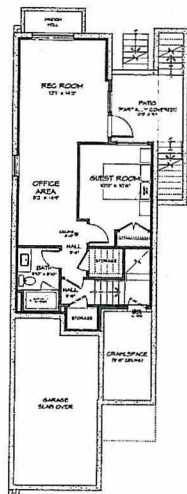
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LOT 1 PLANS &
ELEVATIONS

Revision: Sheet:

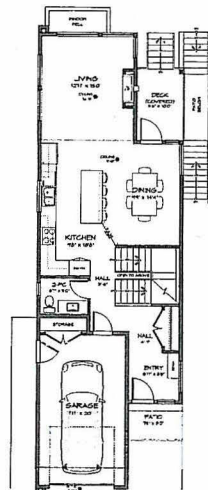
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Proj No. 1BD

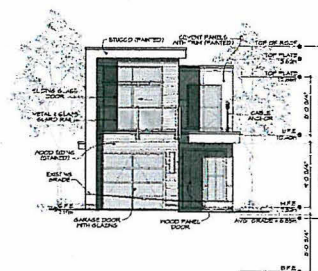




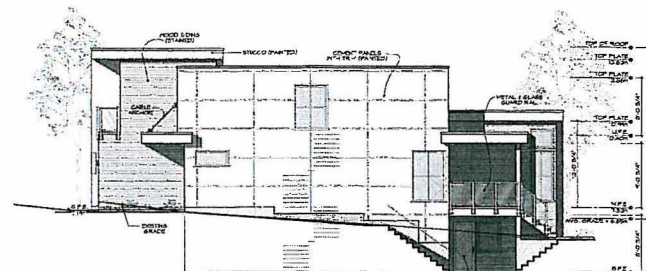
Lower Floor Plan
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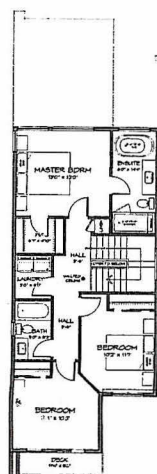
Main Floor Plan
Scale: 1/8" = 1'-0"



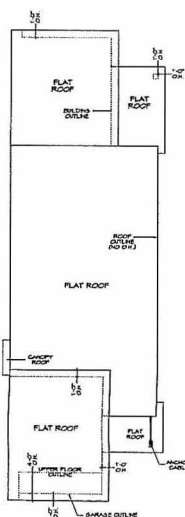
Front Elevation
Scale: 1/8" = 1'-0"



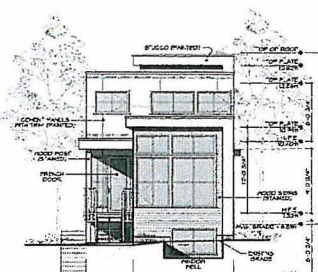
Side (Southeast) Elevation
Scale: 1/8" = 1'-0"



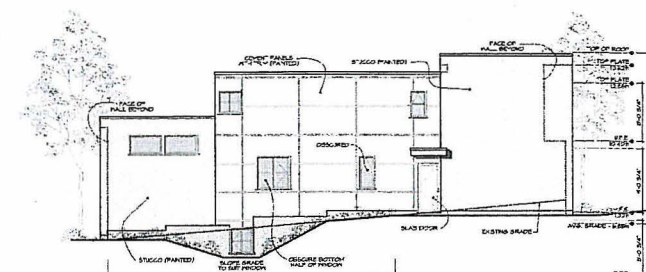
Upper Floor Plan
Scale: 1/8" = 1'-0"



Roof Plan
Scale: 1/8" = 1'-0"



Rear Elevation
Scale: 1/8" = 1'-0"



Side (Northwest) Elevation
Scale: 1/8" = 1'-0"

Address:
1108 CRAIGFLOWER RD
Folio:
2292.000
Project:
REZONING -
Rezoning Application for 1108 Craigflower Road

Date:
Aug 6, 2013
Folder:
RZ000010

Type / Subject:
REZONING -
Rezoning Application for 1108 Craigflower Road



ISSUED FOR
REZONING
JULY 30, 2013



1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY

Date: JULY 30, 2013

Scale: AS NOTED

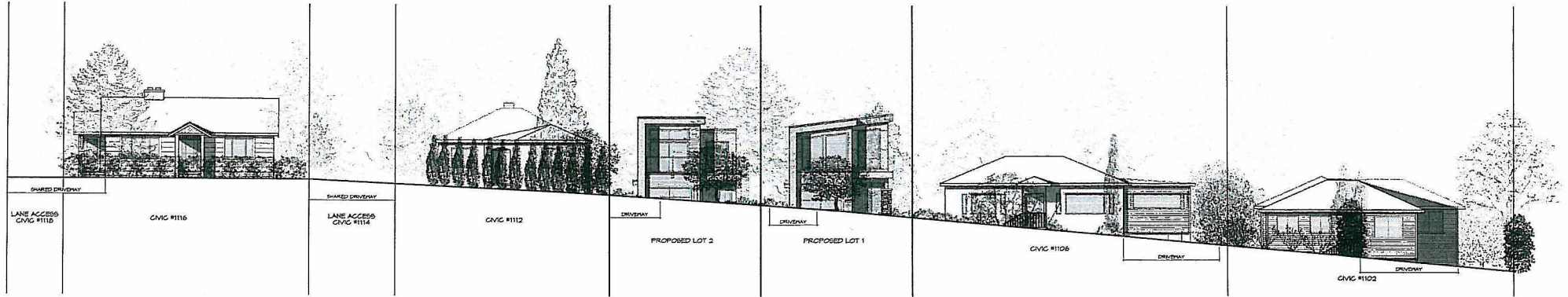
Project:
1108 CRAIGFLOWER RD
INFILL HOUSING
2 SFD'S

Title:
LOT 2 PLANS &
ELEVATIONS

Revision: Sheet:

SK2

Proj.No. TBD



Streetscape

Address:
 1108 CRAIGFLOWER RD
Folio:
 2292.000
Project:
 2292.000
Date:
 Aug 6, 2013
Folder:
 RZ000010
Type / Subject:
 REZONING -
 Rezoning Application for 1108 Craigflower Road



ISSUED FOR
REZONING
JULY 30, 2013

ZEBRADESIGN	
1161 NEWPORT AVE Victoria, B.C. V8S 5E6 Phone: (250) 360-2144 Fax: (250) 360-2115	
Drawn By: K. BELFRY	
Date: JULY 30, 2013	
Scale: AS NOTED	
Project: 1108 CRAIGFLOWER RD INFILL HOUSING 2 SFD'S	
Title: STREETSCAPE	
Revision:	Sheet:
	SK3
Proj.No. TBD	

Address:
1108 CRAIGFLOWER RD

Folio:
2292.000

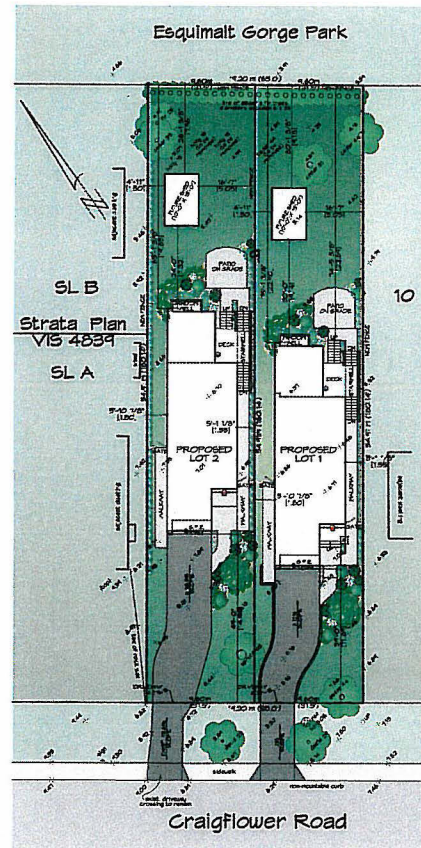
Project:

Date:
Aug 6, 2013
Folder:
RZ000010

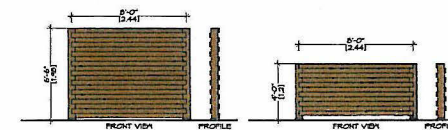
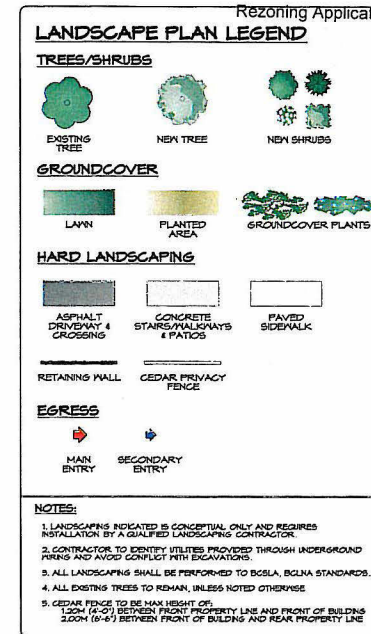
Type / Subject:
REZONING -

Rezoning Application for 1108 Craigflower Road

Suggested Plant List			
	Botanical Name	Common Name	Size
Trees	Cornus Florida	Flowering Dogwood	2.5m height, B4B
	Camelia Japonica specimen	Evergreen Camelia	3.0m height, B4B
	Phellodendron Amurensis	Cork Tree	2.5m height, B4B
Shrubs	Arbutus Unedo Compacta	Strauberry Tree	#5
	Berberis Thunbergii Atropurpurea	Barberry	#2
	Buxus Microphylla	Dwarf Boxwood	#2
	Camelia Japonica	Red Camelia	#5
	Gibbs Ladinifer	Crimson Rock Rose	#3
	Ceanothus Gloriosus Incrabre	Prostrate Mountain Lilac	#1
	Erica Carnea Springwood	White Heather	#1
	Erica x Darleysiae Purzey	Pink Heather	#1
	Escallonia Neuport Dwarf	Dwarf Escallonia	#2
	Hebe "Patty's Purple"	Hebe	#2
	Lavendula Angustifolia Hildcote	Hildcote Lavender	#1
	Ribes Sanguineum King Edward	Pink Flowering Currant	#5
	Rhododendron	White Rhododendron	#5
	Spiraea Prunifolia	Bridal Veil Spirea	#5
Groundcovers	Viburnum Davidii	Evergreen Viburnum	#3
	Parthenoclausus Guinefolia	Virgin Creeper	#1
	Thymus Pink Ripple	Creeper Thyme	Sp3, 30cm o.s.



○ Landscape Plan - Proposed
Scale: 1:200



○ Fence Design
Scale: 1/4" = 1'-0"



ISSUED FOR
REZONING
JULY 30, 2013

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY

Date: JULY 30, 2013

Scale: AS NOTED

Project:
1108 CRAIGFLOWER RD
INFILL HOUSING
2 SFD'S

Title:
LANDSCAPE PLAN

Revision: Sheet:

SK4

Proj.No. TBD

BC LAND SURVEYORS SITE PLAN OF:

Proposed Subdivision of 1108 Craighflower Road

Legal - Lot 9, Section 10,
Esquimalt District, Plan 6105

Parcel Identifier: 005-882-460



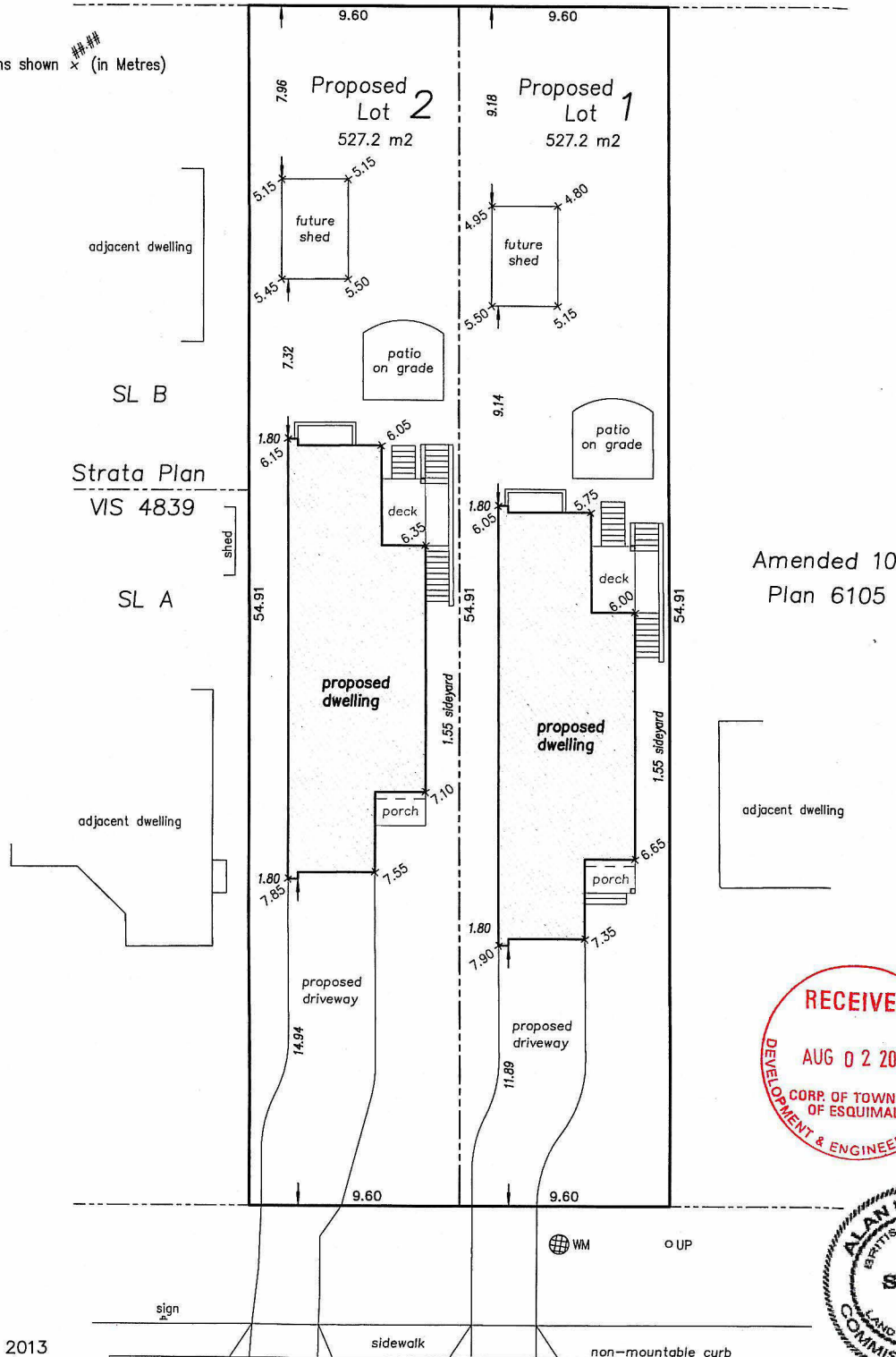
All distances are shown in metres.

The intended plot size of this plan
is 280mm in width by 432mm in height
(B size) when plotted at a scale of 1:200.

Esquimalt Gorge Park

Staff Report DEV-14-006
Schedule "G" - BCLS Site Plan

Geodetic elevations shown \times (in Metres)



Amended 10
Plan 6105



August 2, 2013

File : 11596-35
POWELL & ASSOCIATES
B C Land Surveyors
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855

Craighflower Road
164

Certified correct
this 2nd day of August, 2013

Digitally signed by Alan Powell CNP785
DN: cn=CA, cn=Alan Powell CNP785, o=BC Land Surveyor,
ou=Verify ID at www.juricert.com/LKUP.cfm?id=CNP785
Date: 2013.08.02 10:21:45 -07'00'

Alan M. Powell, B.C.L.S.



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: January 20, 2014
Staff Report No. DEV-14-008

REQUEST FOR DECISION

SUBJECT: Rescind Second Reading and give a new second reading to Bylaw No. 2805

RECOMMENDATION:

As per Report No. DEV-14-008:

That Council consider rescinding second reading of Bylaw No. 2805 and give second reading to Bylaw No. 2805 as amended (Appendix "B");

That Council authorize the Corporate Officer to schedule a public hearing for Bylaw No. 2805, including consideration of the proposed "Host Community Impact 5-Year Agreement" and "Community Impact Mitigation & Operating Agreement".

RELEVANT POLICY:

Official Community Plan
Regional Growth Strategy

STRATEGIC RELEVANCE:

The proposed Core Area Liquid Waste Management Plant has strategic relevance in that it provides a number of amenities and community benefits in return for hosting the facility.

Submitted by: Writer

Bill Brown

Reviewed by: CAO

R. Rust

Date:

Jan 17/14

STAFF REPORT

DATE: January 16, 2014 **Report No.** DEV-14-008

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT: Rescind second reading and give second reading to Bylaw No. 2805 as amended.

RECOMMENDATION:

As per Report No. DEV-14-008:

That Council consider rescinding second reading of Bylaw No. 2805 and give second reading to Bylaw No. 2805 as amended (Appendix "B");

That Council authorize the Corporate Officer to schedule a public hearing for Bylaw No. 2805 including consideration of the proposed "Host Community Impact 5-Year Agreement" and "Community Impact Mitigation & Operating Agreement".

REFERENCES:

Applicant: Capital Regional District

Owner: Capital Regional District

Legal Description:

- PID 000-336-491 Lot A, Section 11, Esquimalt District, Plan 35322
- PID 000-336-505 Lot B, Section 11, Esquimalt District, Plan 35322
- PID 000-336-513 Lot C, Section 11, Esquimalt District, Plan 35322
- PID 000-336-521 Lot D, Section 11, Esquimalt District, Plan 35322
- PID 000-336-530 Lot E, Section 11, Esquimalt District, Plan 35322

Street Address: 337 Victoria View Road

Property Size: 1.4 ha

Existing Land Use: Vacant

Surrounding Land Uses:

North: Department of National Defense, Residential
South: Strait of Juan de Fuca
West: Department of National Defense, Residential
East: Outer harbour of Victoria Harbour

Existing Zoning: McLoughlin Point Special Use [I-3]

Proposed Zoning: No Change to Zone Name; Regulations altered per Schedule "B"

Existing OCP Designation: Sewage or Waste Treatment

Schedules:

Schedule "A"	December 20, 2013 rezoning application from the CRD
Schedule "B"	Bylaw 2805 as amended
Appendix "C"	Proposed "Host Community Impact 5-Year Agreement"
Appendix "D"	Proposed "Community Impact Mitigation & Operating Agreement"
Appendix "E"	AECOM Tsunami Modelling Study 15 April 2013
Appendix "F"	Comparison of Amenities
Appendix "G"	Comparison of Other Zoning Regulations

BACKGROUND

On January 30, 2013 the Capital Regional District (CRD) submitted an application to amend both the Official Community Plan and the Zoning Bylaw in order to allow for the development of a sewage treatment plant at McLoughlin Point. Staff prepared amending bylaws for both the Official Community Plan and the Zoning Bylaw based on the application submitted to the Township. Bylaw 2804 would amend the Official Community Plan and Bylaw 2805 would amend the Zoning Bylaw. In addition, staff prepared Zoning Bylaw amending Bylaw 2806 which was based on information staff had gathered during the bylaw referral process to various advisory committees and its own understanding of what may be acceptable to the Township's citizens. Both rezoning bylaws included the amenity zoning provision provided for pursuant to Section 904 of the *Local Government Act*. The three bylaws are summarized below:

- Official Community Plan Bylaw, 2006, No. 2646, Amendment Bylaw [No. 14], 2013, No. 2804 (aka **Bylaw 2804**) amended the Official Community Plan by:
 - Designating the subject lands as an area for a sewage treatment plant,
 - Adding text to the plan explaining the history of the site and the development context associated with locating a sewage treatment plant on the site,
 - Designating the site as a variety of development permit areas, and
 - Incorporating design guidelines for the site into the plan.
- Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 208], 2013, No. 2805 (aka **Bylaw 2805**) was based on the Capital Regional District's rezoning application and included a variety of amenities proposed by the Capital Regional District.
- Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 209], 2013, No. 2806 (aka **Bylaw 2806**) was prepared by Township staff and reflected what they believed the citizens of the Township could accept based on an extensive consultation process prior to the public hearing. This bylaw differed from the Capital Regional District's Bylaw 2805 in that it:
 - Included more amenities reflective of what has been identified by the public,
 - Was more reflective of the costs such a facility would impose on the nearby community, and sought to mitigate those in a more equitable manner,
 - Identified multiple density bonus levels, including flexibility for the CRD to reconsider a fairer allocation of sewage treatment plants across the region,
 - Sought to mitigate the construction impacts through barging of materials, and
 - Better facilitated and promoted public access to this oceanfront site, including as offered by the CRD.

All three bylaws were given first and second reading on June 24, 2013 at which time Council also authorized the Corporate Officer to schedule a public hearing. At the public hearing held on July 8 and 9, 2013, there was significant public support for Bylaws 2804 and 2806, however, Bylaw 2805 received very little public support.

Council, having weighed the evidence before it and considered the alternatives available to them, determined that it was in the best public interest to give third reading and adoption to Bylaws 2804 and 2806 on July 15, 2013. These bylaws allowed for the use of McLoughlin Point as a sewage treatment plant, thereby eliminating conflict with the *Environmental Management Act* and the Provincially-approved Core Area Liquid Waste Management Plan. At the same time, Council also considered Zoning Bylaw 2805 but ultimately determined that the amenities, setbacks, height restrictions, and permitted uses in Bylaw 2806 more closely reflected the values of the Township and its residents. Council did, however, leave Bylaw 2805 at second reading in the event that the Capital Regional District wished to amend their application to more closely align it with the values of the Township and its residents.

On July 16, 2013, the Chair of the Capital Regional Board, Alastair Bryson, was quoted in a Capital Regional District Media Release as saying, "I will be asking for a meeting with the BC Minister of Environment and her officials to discuss where we go from here." The Township of Esquimalt was subsequently summoned by provincial staff to a meeting with both the Honourable Mary Polak, Minister of the Environment and the Honourable Coralee Oakes, Minister of Community, Sport, and Cultural Development. The meeting occurred at the Legislature building on the afternoon of July 22, 2013. In addition to the two ministers, senior ministerial staff were also in attendance. The Township was represented by Mayor Barbara Desjardins, Chief Administrative Officer, Laurie Hurst, and Director of Development Services, Bill Brown. The Ministers and their staff had met with the Capital Regional District earlier in the day. The Ministers conveyed their desire to see the Township of Esquimalt and the Capital Regional District get together to discuss outstanding issues and develop a mutually acceptable solution. The Ministers indicated that they did not wish to interfere with municipal decision-making processes and would prefer to have the two sides work things out without Provincial intervention. They did, however, offer to provide senior staff to work with both sides to help come to a mutually acceptable solution.

Negotiations between the CRD and the Township commenced on July 25, 2013. After a series of eight meetings, negotiations concluded on October 11, 2013 with an agreed upon series of amendments to Bylaw 2805 and two agreements:

1. "Host Community Impact 5 – Year Agreement", and
2. "Community Impact Mitigation & Operating Agreement".

Following the conclusion of negotiations both parties agreed to present the negotiated package to their respective elected authorities. Highly cognizant of the tight timelines faced by the CRD, the Township undertook to take the package to their Council at a Special Meeting scheduled for November 12, 2013. In addition, the Township staff booked a facility for December 4th and 5th for the public hearing. However, at their November 13, 2013 meeting, the CRD's Core Area Liquid Waste Management Committee did not endorse the negotiated package but rather instructed their staff to go back to the negotiating table and have bargaining removed from the agreement and negotiate for reduced setbacks and height restrictions¹.

CRD and Township staff, along with Provincial representatives, reconvened on November 19, 2013 at which time the issue of bargaining was discussed. The discussion included the following:

¹ Township staff were unable to find the minutes of this meeting on the CRD's website.

- Removing bargaining as a condition,
- A better traffic management plan,
- An illustration of potential upgrades to Lyall Street,
- A regional park between the highwater mark and the sewage treatment plant, and
- An enhanced system of crossing guards along Lyall Street.

Township staff stated that the no bargaining option was unlikely to be successful and encouraged the CRD's negotiating team to reconsider taking bargaining off the table.

On December 3, 2013 the parties met with the primary discussions revolving around setbacks and heights with CRD staff stating that they needed to reduce the setbacks for a certain portion of the site to 1.0m from the highwater mark, and other setback and height considerations in light of each of the various Proponents (explained further in their application background material attached as Appendix "A"). Township staff responded that they had no mandate to negotiate further reduced setbacks and CRD should consider a variance process specific to the future successful Proponent's actual requirements. However, in the interest of a transparent and accountable planning process, staff agreed to present the CRD's proposed bylaw with the reduced setbacks to the Township's Council with a recommendation that they move the proposed amended Bylaw 2805 forward to a public hearing in order to allow the citizens of Esquimalt and other affected citizens of the region to comment on the proposed Bylaw 2805 as amended and the two agreements.

At their December 11, 2013 meeting, the CRD Board endorsed the recommendation of the Core Area Liquid Waste Management Committee to submit a revision to their original rezoning application.

On December 20, 2013, staff received a revised rezoning application from the CRD (Appendix "A").

At their January 6, 2014 regular meeting, Council instructed staff to take the proposed bylaw amendments to both the Advisory Planning Commission and the Design Review Committee for review and to provide recommendations back to Council.

At their January 8, 2014 meeting, the Design Review Committee passed the following resolution:

That the Esquimalt Design Review Committee recommends that Esquimalt Council adhere to the 7.5 metres zoning regulations as existing in Bylaw No. 2806 for the rezoning application for 337 Victoria View Road.

The Committee also declined an opportunity to have CRD staff come to their next meeting to make a further presentation.

The Advisory Planning Commission received a presentation from the CRD's staff at their January 14, 2014 meeting. Following the presentation, the APC sought clarification on a number of points and then passed the following resolution:

That the Esquimalt Advisory Planning Commission [APC] recommends that the CRD's proposed amendments to Bylaw 2805, be forwarded to Council with a recommendation for denial.

ISSUES:

1) Zoning

Appendix "F" contains a comparison of the amenities and conditions of development in:

- the existing Zoning Bylaw
- the provisions of Bylaw 2805 as they stand at second reading,
- the staff negotiated changes to Bylaw 2805, and
- the CRD's latest proposal, being that submitted December 20, 2013, for amendments to Bylaw 2805.

Similarly, Appendix "G" contains a comparison of the other I-3 Zone regulations in:

- the existing Zoning Bylaw,
- the provisions of Bylaw 2805 as they stand at second reading,
- the staff negotiated changes to Bylaw 2805, and
- the CRD's latest proposal, being that submitted December 20, 2013, for amendments to Bylaw 2805.

Note in particular the potential uncertainty regarding the proposed pier as other approvals are required, and the lack of alternative if those approvals are not obtained. There are also environmental considerations given the OCP and Regional Context Statement and the potential impact of the proposed facility on the adjacent federal migratory bird sanctuary.

2) Official Community Plan

The Regional Context Statement in the Official Community Plan states in part:

The Township's outstanding natural amenity – its saltwater shoreline – is of regional significance and will be carefully protected through the municipality's land use and regulatory measures, while allowing for access and enjoyment by the region's residents and visitors.

Because all decisions of Council regarding zoning amendments must be consistent with the Official Community Plan, Council should put its mind to the issue of consistency and ask if the proposed building heights and setbacks are consistent with the OCP including its Regional Context Statement. The CRD were advised similarly and chose not to request a further OCP amendment, as explained in Appendix "A".

Furthermore, Section 6.1.1 (c) of the Official Community Plan contains the following objective:

To provide opportunities for public access to the saltwater shoreline, including that of the Gorge Waterway, by continuing to acquire land or easements.

There are numerous other relevant provisions as well.

3) Rationale for Selected Option

In order to provide the applicant with a fair and transparent process, staff recommend that Council rescind second reading and give the bylaw a new second reading as amended and then authorize the Corporate Officer to schedule a public hearing. Following the public hearing, Council will be in a position to render a decision on the the CRD's latest proposal, being that submitted December 20, 2013, for amendments to Bylaw 2805.

4) Organizational Implications

The process of negotiating with the CRD and managing the planning process for this application has and will continue to consume an inordinate amount of staff time and resources.

5) Financial Implications

The proposed bylaw and accompanying agreements contain financial benefits that will accrue to the Corporation of the Township of Esquimalt. These include:

- A \$55,000 annual contribution from the CRD to pay for costs incurred by the municipality related to the Core Area Liquid Waste Management Plant including but not limited to: increased fire protection, increased bylaw enforcement, and wear and tear on municipal infrastructure. Note that if the municipality accepts the heat loop it will no longer receive the \$55,000, once the heat loop is operational.
- Township staff will hire a consultant to do a cost-benefit analysis to help inform Council about the likelihood of generating revenue from the heat loop. If Council accepts the heat loop, it appears there is a reasonable chance of realizing a profit once a critical mass of users are connected to it.
- If the Township accepts the heat loop, the CRD will pay up to \$7.5 million to install the infrastructure. Having the infrastructure installed is likely to help the economics of the heat loop significantly.
- The Township will receive up to \$950,000 value for Lyall Street upgrades.
- If the shoreline trail adjacent to the Core Area Liquid Waste Management Plant is designated a "Regional Park" or "Regional Trail", the CRD will incur all maintenance costs.
- \$100,000 is required for public art.
- \$75,000 is required for on-site public open space improvements.

6) Sustainability/Environmental Implications

The heat loop represents a significant step towards local resilience in that it provides heat from a local source that would otherwise be dissipated into the environment as low grade heat energy.

7) Communication

If Council authorizes a public hearing, there will be notices put in the local newspaper as well as on the Municipality's website.

ALTERNATIVES:

- 1) RECOMMENDATION: That Council consider rescinding second reading of Bylaw No. 2805 and give second reading to Bylaw No. 2805 as amended (Appendix "B");

That Council authorize the Corporate Officer to schedule a public hearing for Bylaw No. 2805, including consideration of the proposed "Host Community Impact 5-Year Agreement" and "Community Impact Mitigation & Operating Agreement";

- 2) Council defeat Bylaw 2805.
- 3) Council leave Bylaw 2805 at second reading and direct further negotiations with the CRD.

Appendix “A”

CRD Rezoning Application Including:

“Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 208], 2013 No. 2805”

“Host Community Impact 5-Year Agreement”

“Community Impact Mitigation and Operating Agreement”

19 December, 2013

Bill Brown
Director of Development Services
Township of Esquimalt
1229 Esquimalt Rd
Esquimalt, BC, V9A 1P1

Re: McLoughlin Point Rezoning Revised Application - Transmittal Letter

Dear Bill Brown:

On behalf of the Capital Regional District and the Seatterra Program, we are pleased to submit revisions to the Zoning application for the McLoughlin Point Treatment Plant.

The attached submission proposes changes to the draft Zoning Bylaw 2805 terms, and explains proposed amenity contributions and impact mitigation measures as they differ from the original application. This submission responds to the concerns raised by the community, and which have been the subject of negotiations with representatives of the CRD and the Township over the past several months. The revisions, as submitted, have been approved by the Capital Regional District Board.

The Seatterra Program is on a very critical timeline and delays will have significant cost implications, affecting all core area residents. You have earlier provided to Mr. Bob Lapham a preliminary timeline to process the revisions to the application. Given the extent of understanding about the application and indeed, public information already provided regarding the proposed revisions, we would respectfully request consideration to expedite the preliminary schedule that would not see a public hearing until the third week in February 2014. We appreciate that the application must follow due process, but we would ask the Township to consider ways that could reduce the application process milestone dates.

Finally, would you kindly review the submitted material and let the writer know within two days of review if any further information is required or if clarification is needed, as we want to make sure you have all of the required information.

We look forward to working with you on this revised application.

Sincerely,



Deane Strongitharm,
CitySpaces Consulting Ltd.

cc Mr. Bob Lapham
Ms. Laurie Hurst
Mr. Albert Sweetnam

CitySpaces
Consulting Ltd.

5th Floor
844 Courtney St.
Victoria BC
V8W 1C4
250.383.0304 Tel
866.383.0304 Toll-free
250.383.7273 Fax
www.cityspaces.ca



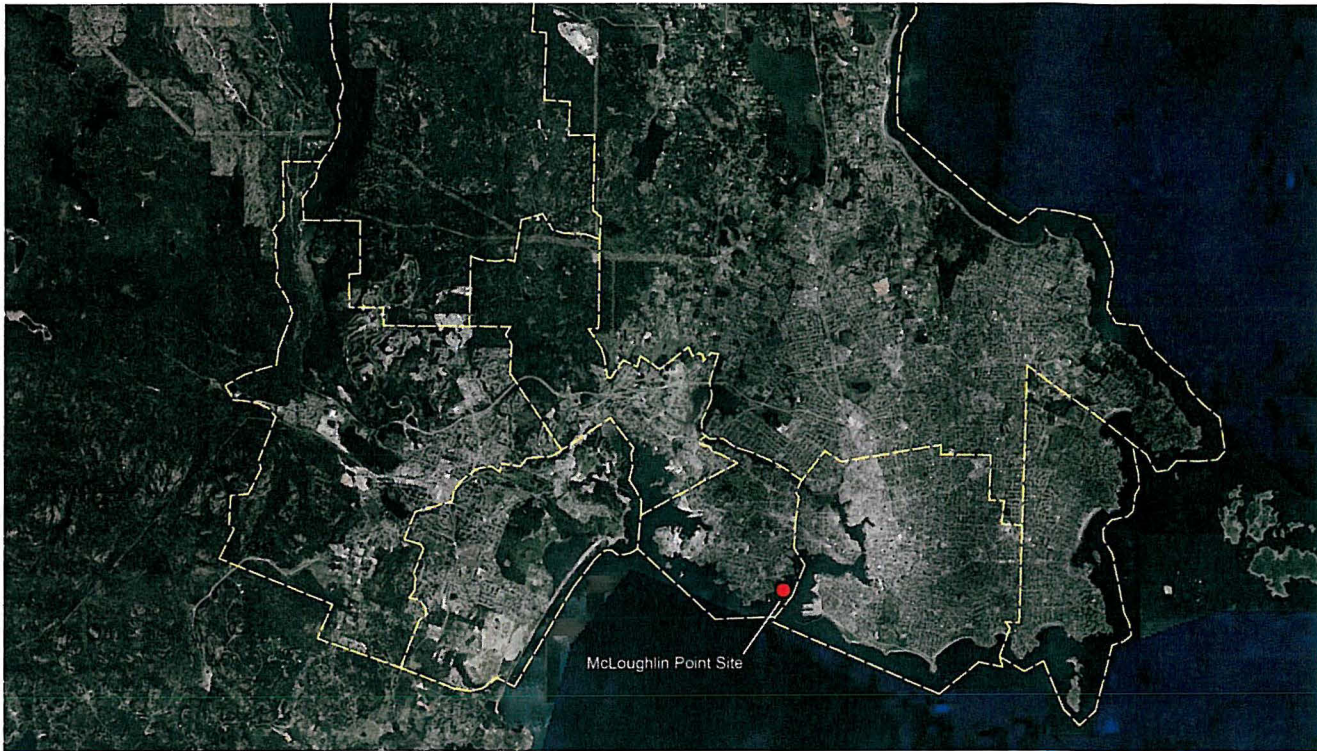
Victoria

Vancouver


Calgary

McLoughlin Point

Rezoning Application



Prepared for the
Corporation of the Township of Esquimalt

On behalf of the

Making a difference...together

Revisions December 2013 to the application
dated January 2013, revised June 2013

C I T Y  S P A C E S

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APPENDICES

Appendix A: Amended Bylaw 2805

Appendix B:

- i) Host Community Impact 5-Year Agreement
- ii) Community Impact Mitigation and Operating Agreement



INTRODUCTION & BACKGROUND

INTRODUCTION AND PURPOSE

This revised application is submitted, on behalf of the Capital Regional District (CRD), to the Township of Esquimalt to request a site specific zone that will permit construction of a Wastewater Treatment Plant and Marine Outfall at McLoughlin Point, as part of the Capital Regional District's Core Area Wastewater Treatment Program (CAWTP), now referred to as the "Seattera Program".

Specifically, this request is to consider revisions to Bylaw 2805, that currently sits at second reading.

The Wastewater Treatment Plant and Marine Outfall is one of Seattera's three main elements: McLoughlin Point Treatment Plant, Resource Recovery Centre, and Conveyance System Infrastructure. This revised application relates only to the treatment plant facility.

BACKGROUND

An application to rezone the former oil tank farm site at McLoughlin Point was submitted in January 2013, with revisions made in June 2013. The application included an Official Community Plan (OCP) amendment (Bylaw 2804) that was reviewed and adopted by Council at the same time as the Zoning Bylaw consideration. No further application to amend the OCP is contemplated.

The original amending Zoning Bylaw (2805) with terms requested by the Capital Regional District was forwarded to Council, along with an alternative Zoning Bylaw (2806), introduced by the Township. On July 15th, 2013 the Township adopted the Bylaw it initiated (2806) while holding the "CRD" Bylaw in abeyance, at the second reading stage. The terms of Bylaw 2806 were considered unworkable by the CRD to deliver the obligations required by Provincial and Federal mandates.



In late July 2013, CRD and Esquimalt staff were authorized to negotiate and make best efforts to reach an agreement on amending draft Bylaw 2805. That included consideration for the provision of host community amenities and mitigation measures, which the parties were prepared to recommend to their respective elected bodies.

Over the course of four months, from late July through November 2013, representatives for the Township of Esquimalt and the Capital Regional District met to seek solutions to the issues that had been raised with respect to the original submission that covered a variety of amenity and mitigation measures. The Province provided observers to the meetings held between the Township and CRD representatives. The outcome of those negotiations are reflected in the requested revisions to the application.

A copy of the requested amended Bylaw 2805 is attached as an Appendix to this revised application. In addition to the amendments to the Bylaw, there are two complementary agreements, the Host Community Impact 5-year Agreement and Community Impact Mitigation and Operating Agreement, that support the amendments to the revised Bylaw 2805 and provide additional descriptions of the bonus density amenity provisions and impact mitigation measures.

CRD ENDORSEMENT OF REVISED APPLICATION

The proposed revisions to draft Bylaw 2805, including the amenity provisions and mitigation measures outlined in the two additional agreements, were considered and adopted by the CRD Core Area Liquid Waste Management Committee at its December 11, 2013 meeting. The Board's endorsement of the proposed amendments to Bylaw 2805, along with the support agreements, provides the authorization to submit this revised application to be considered by the Township.

REVISED APPLICATION & RELATIONSHIP TO PREVIOUS MATERIAL SUBMITTED

The information provided in this revised application identifies and explains the changes to the application. Information previously provided that is not identified here-in should be considered as part of this revised submission. Such background information that has not changed includes, but is not limited to: (1) site context and description, (2) zoning rationale, (3) treatment plant and facilities operations, (4) risk assessment, (5) sustainability, (6) traffic, except as otherwise amended herein, (7) community impacts and mitigation report, except as otherwise amended herein, (8) site survey, (9) design guidelines, (10) site services report, (11) archeological review, and (12) property value impacts opinion letter.

REVISED INFORMATION

New or revised information submitted consists of the following:

1. Revisions to Bylaw 2805:
 - i. Building height, setback and site coverage provisions; and
 - ii. Amenity provisions.
2. Design Review Process and Design Approvals.
3. Additional Mitigation Measures.

AMENDMENTS TO BYLAW 2805

Bylaw 2805 as currently drafted and now sitting ready for third reading can be briefly summarized as follows:

1. Permitted only wastewater treatment and associated waste water treatment uses.
2. Density provision restricted to 108 ML/day of sewage treatment capacity
3. No setback requirements from all boundaries and a maximum height of 15m.



4. Amenities of: (1) design guidelines, (2) fire hydrant and support equipment upgrades, (3) underground conduit for future hydro, (4) reinstatement of roads affected by works associated with the treatment plant installation, (5) Lyall Street pathway and bikeway system amounting to \$950,000, (6) dedicated conference room, and (7) design for a future perimeter walkway.

The Bylaw as now submitted and amended (see appendix A) contains the following changes:

1. Permitted Uses: Allows for a mix of uses in addition to wastewater treatment and its ancillary uses, including: education and interpretive centre, commercial instruction and education, research, professional offices, high tech office, hotel, ancillary retail, entertainment, boat moorage, and park.
2. Density Provisions: The draft amended Bylaw contains a bonus density provision that permits the construction and operation of the required treatment facility.
3. Setbacks, Siting, and Height: The amendments provide for a complicated series of siting, setback and height restrictions that influence designs to step back from the water's edge, require a minimum of 20% natural landscape and open space, make reference to a "Low Height Area" within 20 m of the high water mark and allows for buildings to be no higher than 12 m except for up to 15% of the site area, outside of the "Low Height Area" that can go as high as 15 m, but only to accommodate mechanical equipment or one odour control tower associated with the treatment system (note: see next section).
4. Additional Design Guideline: In addition to the existing Design Guidelines adopted as part of the OCP amendment, the following additional guideline may be considered: "building design and finish and site design should establish a strong architectural and functional relationship between the building facade and the public pedestrian walkway through one or more of the architectural, creative, artistic or other similar elements intended to provide enhanced visual interest for users of the pedestrian walkway".
5. Walkway and Access: Design and construct a public waterfront walkway along the entire site and plan in a manner that can connect to a future walkway to West Bay, if access through DND lands is permitted.
6. Public Open Space: Plan and build a public observation point connected to the public walkway, including the provision of public benches.
7. Public Dock: Provide a dock to allow for emergency access and seasonal public access to the walkway.
8. Public Art: Provide public art, including heritage interpretive signage having a value of \$100,000.
9. Macaulay Pump Upgrades: Make exterior aesthetic upgrades to Macaulay Point pump station, to a finish equivalent to the Craigflower, Carey Road, and Trent Pump Station facilities.

In addition to these new provisions, the amenities provided earlier are contained in the amended Bylaw. To reiterate, those amenities include:



- A) Road Upgrades: Reinstates roads (and sidewalks or boulevards) impacted by the plant construction to an equal or better condition. The successful proponent will be required to work with the Township on existing road conditions before construction.
- B) Lyall Street Enhancement: During construction there will be additional traffic along Lyall Street that is also used for access to Macaulay Elementary school. Lyall Street is a designated active transportation route in the Official Community Plan and Bikeways Plan. Draft Bylaw 2805 commits to provision of an upgraded pathway and bikeway trail, connecting to West Bay walkway to a value of \$950,000.
- C) Education and Interpretive Centre: Provide space within the treatment plant site for a meeting room of 75m² that is made available for students and the public to learn about waste water treatment.

DESIGN CONSIDERATION

Draft Bylaw 2805 provides a complicated description of siting, heights and setback requirements.

1. All three proponent design solutions, as approved by the Township's Design Review Committee, meet draft Bylaw 2805 requirements relating to height, siting and setbacks.
2. Generally, the Bylaw allows for greater height the further buildings are located away from the water. For example, within 20 metres of the high water mark, the "amount" of building or structure that can be greater than 5 metres high is restricted to a maximum coverage of the site and any building permitted within 7.5 m must be compensated by providing an equivalent and extra amount of open space beyond the setback area.
3. Because height, siting and setback requirements in the draft Bylaw 2805 address the design solutions of three different approaches, the actual extent of site coverage, setbacks or height will inevitably be less than the flexibility needed in the Bylaw to capture the three design solutions.
4. The amended Bylaw requires a 4.5 m setback from the north property line and a minimum 20% natural or landscaped/open space requirement.

IMPLICATIONS – PROCUREMENT PROCESS AND DESIGN REVIEW

Construction procurement, as required by the Province, is design-build. At the end of June 2013, a shortlist of three proponents was selected from a Request for Qualification process and invited to submit a Request for Proposal (RFP). The submission date for the RFP is the end of February 2014. It is a competitive process that must adhere to very strict confidentiality protocol which includes the appointment of a fairness commissioner to ensure that the process is fair and equal to all three proponents.

Because of the mandatory procurement process, it is not possible to provide detailed design drawings including building siting, elevations or landscape plans at this time, until the proponents have submitted their final plans. The

siting, height and setback standards that are provided in the attached amendments to Bylaw 2805 are based on a protocol as described and followed below. The Bylaw lot coverage, setback and height requirements represent the maximum requirements to meet the building design work that has taken place to date so that all three proponent designs can meet the zoning Bylaw standards. The final, selected proponent will have a design solution with less encroachment, site coverage or height standards than the collective total of all three.

To address matters relative to design and the attendant complexities relating to requiring flexibility in the zoning Bylaw, the following six-step process has been established:

- Design Guidelines developed and refined through a design charrette process that included bringing in outside design experts, members of Victoria Design Panel and council member representatives on the CALWMC from Esquimalt, Victoria and Saanich shall be followed by all three proponents;
- The Design Guidelines are included in OCP amendment Bylaw 2804, adopted in July 2103 and now form part of the Township's design requirements;
- Proponents have carried out (confidentially) a peer review process with the Township's Design Review Committee (see design review outcome below);
- McLoughlin Point has been designated a Development Permit Area;
- Design criteria forms part of the proponent evaluation process in determining the successful contractor/builder of the treatment plant; and
- The successful proponent must submit and be issued a Development Permit from the Township.

DESIGN REVIEW COMMITTEE OUTCOME

All proponent design teams met independently with the Township's Design Review Committee on three separate occasions between September and November. Members of the City of Victoria's Design Panel were also invited and attended at least some of the meetings. At the conclusion of this process the Township's Design Review Committee concluded that all proponents provided supportable design solutions that met design criteria and were consistent with Design Guidelines.



IMPACT MITIGATION MEASURES

In addition to amenities, construction and operating mitigation measures have been developed and approved by the CRD Board, that are integral to the entire application “package” and comprise part of the overall resubmission.

Since the original submission, the CRD commissioned an Environmental Impact Study. The study, prepared by Tera Environmental Consultants (October 2013) was submitted to the Province to comply with requirements of the BC Municipal Wastewater Regulation. The EIS contents were accepted by the Ministry of Environment. A copy of the full report can be found on the CRD website.

The concluding comment in the report states that:

- “Environmental and community impacts resulting from construction and operation of treatment and ancillary facilities can be effectively mitigated. The nature of the impacts and recommended mitigation measures are described in the EIS. The impacts of building and operating wastewater treatment facilities need to be considered in the context of the substantial improvements in the quality of effluent released into the marine environment by the CRD’s wastewater facilities.”

MITIGATION MEASURES

Additional mitigation measures that are provided include:

- A. Barging: The most significant community impact identified by the Township and the CRD was the issue of truck traffic to the site through residential neighbourhoods during construction. The Traffic Considerations report prepared by Bunt and Assoc. (previously submitted) indicated that the majority of truck traffic is associated with excavation of materials from the site. The CRD has agreed to the mitigation measure of requiring that removal of excavation material and the provision of concrete and aggregates during excavation and major concrete phases be by barge or other marine transport. The Bunt reports shows that the vast majority of the heavy truck traffic will be eliminated with the implementation of this mitigation measure. An addendum to the RFP has been issued to the proponents based on those conditions. Barging has



been agreed to on the assumption that approvals to construct a temporary moorage or dock can be obtained from regulatory authorities.

- B. Other Traffic Management Mitigation Measures: In addition to the mitigation measure of requiring marine transport for the excavation and, major concrete phases, a Traffic Management Plan will be prepared and approved by the Township that will include but be not limited to: (1) specify the use of staging areas (2) specify use of supplementary crossing guards (3) require ongoing monitoring (4) provide a commitment to CRD enforcement of the Plan.
- C. Odour: Commitment to incorporate odour-reducing technology that will result in odour levels that will not exceed five (5) odour units (not detectable to humans).
- D. Sustainability:
 - i. Commitment to LEED Gold standards: the CRD commits to the Operations and Maintenance Building being constructed to a LEED Gold standard including a green roof.
 - ii. Resource Recovery: The CALWMP commits to resource recovery as part of its sustainability principles. In response to this principle, and in consideration of mitigation measures to the Township, the CRD commits to construction of a district energy system, delivered to the Township, at the CRD's expense, subject to the Township conducting its due diligence, confirming that it is a viable program that will benefit the Township. The agreement provides funding of up to \$200,000 toward due diligence engineering reports and start-up costs.
- E. Additional Traffic Integration Improvements: In cooperation with the Township, provide additional traffic calming, bicycle lanes, boulevard curbs etc and other improvements within the neighbourhoods of West Bay/ Lyall Street most affected by the construction.
- F. Community Impact Mitigation Fee: The CRD agrees to, under a Community Impact Mitigation and Operating Agreement, to the payment of a fee of \$55,000 to offset impacts resulting from being the host community for the treatment plant that are described in the agreement and include, but are not limited to: additional demand on municipal services, annual fire/safety/utility inspections, response to public enquiries, monitoring and enforcement, additional liaison with DND etc. The indexed fee is payable annually until the WWTP is replaced or decommissioned, but with the proviso that the fee will be forfeited should the Township accept and become owners of the heat loop/resource recovery system.
- G. Liaison Committee: During the construction period, once the successful proponent is chosen, the CRD will establish a Liaison Committee to include representatives from the Township, West Bay and Lyall Street neighbourhoods, DND, the contractor and CRD to discuss issues relating to the construction and operation of the WWTP.
- H. Biosolids Treatment Site: The CRD commits that it will not develop the biosolids treatment facility within the Township's municipal borders.



APPENDIX A:

AMENDED BYLAW 2805

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2805

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

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. 2__], 2013, NO. 2805*".

McLoughlin Point Special Use [I -3] Zone

2. That Bylaw No. 2050, cited as the Zoning Bylaw, 1992, No. 2050 be amended as follows:

- (1) By amending Section 30.1 to read as follows:

“(2) The prohibition in Section 30.1(1) shall not apply to those lands in the McLoughlin Point Special Use [I-3] Zone.”

- (2) By replacing the following words and figures “Bulk Petroleum Storage I - 3” in Section 31 – Zone Designations of PART 5 Zoning Districts with:

“McLoughlin Point Special Use [I – 3]”

- (3) By amending Section 55 to read as follows:

“McLoughlin Point Special Use [I-3]

The intent of this zone is to accommodate the Core Area Liquid Wastewater Treatment Plant, including potential accessory or additional commercial, high tech industrial, recreational and educational uses, or any combination thereof to create a mixed use development”.

- (4) By amending the uses permitted under Section 55 (1) to the following:

- (1) **Permitted Uses**

The following Uses are permitted:

- (a) Wastewater Treatment Plant, including, without limitation, any or all of the following additional uses:
 - (i) Educational and Interpretive Centre
 - (ii) Commercial Instruction and Education

- (iii) Research Establishment
 - (iv) Business and Professional Office
 - (v) Marine Outfall
 - (vi) Sewage Pumping Facility
 - (vii) Accessory Uses
 - (b) Business and Professional Office
 - (c) High technology uses
 - (d) Accessory Retail
 - (e) Entertainment and Theatre
 - (f) Hotel
 - (g) Assembly Use
 - (h) Boat Moorage Facility
 - (i) Park
 - (j) Accessory Uses
- (5) By deleting existing Section 55 (2) Density – Wastewater Treatment Plant, and replacing it with the following Section 55 (2):

“(2) Density – Wastewater Treatment Plant

In accordance with the provisions of section 904 of the *Local Government Act*, density for the Wastewater Treatment Plant Use is established by way of base density, for which no conditions apply, and bonus density on the provision or satisfaction of the conditions identified below. For greater certainty, the regulations of this section do not apply to other uses in this zone and the calculation of Floor Area Ratio and Floor Area shall not include any wastewater tank.

(a) Base Density:

- (i) The Floor Area Ratio shall not exceed 0.15;
- (ii) The Floor Area shall not exceed 675m², excluding processing tanks and generators completely enclosed within a Building;
- (iii) Site Coverage shall not exceed 15%;

(b) Bonus Density:

- (i) The Floor Area Ratio shall not exceed 0.35;
- (ii) The Floor Area shall not exceed 4,500m², excluding processing tanks and generators completely enclosed within a Building;
- (iii) Site Coverage shall not exceed 75%;

all on the provision or satisfaction of all of the conditions set out in section 55(2)(c).

(c) **Bonus Density Conditions**

The following conditions are applicable to the bonus density under section 55(2)(b):

- (i) **Design Guidelines:**
Development consistent with conditions identified in the document entitled "Design Guidelines – McLoughlin Point Wastewater Treatment Plant" prepared by CitySpaces Consulting Ltd. (Revised May 2013), (called the "Design Document") a copy of which is attached to Official Community Plan Bylaw 2006, Bylaw No. 2646 as Schedule H;
- (ii) **Road Upgrades:**
Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of a Wastewater Treatment Plant described in the Design Document to a condition equal to or better than that which existed before construction;
- (iii) **Lyall Street Enhancement:**
An upgraded pathway and bikeway system along Lyall Street, having a value of up to \$950,000, including upgrades and connection to the West Bay Walkway via the trailhead located at 537 Head Street;
- (iv) **Education and Interpretive Centre:**
Provision of a meeting room and interpretive space on-site having a minimum floor area of 75 m², to be available for students and the public to learn about wastewater treatment and management, made available at no charge to and for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation;
- (v) **Public Access and Public Walkway:**
Design of building and development of site to incorporate public pedestrian walkway secured through a statutory right of way of 2.25 metres average width and in any event not more than 3 metres nor less than 1.5 metres in width at any point along the waterfront in favour of Esquimalt for and on behalf of the public to the respective boundaries of the property to permit future public walkway connection to West Bay if access through abutting Department of National Defence lands is permitted;

(vi) **Boat Moorage:**

- (A) Temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the Wastewater Treatment Plant by barge or other marine transport; and
- (B) A dock or other similar watercraft landing structure to permit emergency and employee access to the site and at least seasonal public use secured by a statutory right of way in favour of Esquimalt for and on behalf of the public.

(vii) **Public Open Space:**

Public open space on the site to include a public observation point connected to the public pedestrian walkway;

(viii) **Public Art:**

Public art on the site having a value of \$100,000.00 to include heritage interpretive signage;

(ix) **Public Open Space Improvements:**

At least 3 benches to be installed in public open space referred to in paragraph (vii); and

(x) **CRD Facilities Visual Upgrade**

Aesthetic improvements to the exterior of the Macaulay Point Pump Station to a standard of quality and finish at least equivalent to the Craigflower Pump Station, the Currie Road Pump Station and the Trent Road Pump Station, recognizing the prominent location of the Macaulay Pump Station in an important waterfront park."

- (6) By deleting Section 55 (4) – **Lot Coverage**, and replacing it with the following:

"(4) **Site Coverage**

- (a) For the purposes of this Section 55, "Site Coverage" means the figure obtained using the sum of the areas of Building footprints, including covered wastewater tanks not located within a Building, measured from the outside of exterior walls, expressed as a percentage of the total area of all parcels in the McLoughlin Point Special Use [I-3] Zone covered by a Building;

- (b) For certainty, Site Coverage shall **not** include any surface parking area, seawall or pedestrian walkway or other paved public open space.
- (7) By replacing Section 55 (5) – **Building and Structure Height**, with the following:

“(5) **Building and Structure Height**

- (a) For the purposes of this I-3 Zone, Height shall be measured from the Grade at seven (7.0) metres above the High Water Mark as such is determined as of January 1, 2014 (or earlier). For clarity, the purpose of this unique interpretation provision is to allow for sufficient tsunami protection for the proposed development in this Zone.
- (b) On the portion of the lands in the I-3 Zone within the area measured inland 20 metres from the High Water Mark (the “Low Height Area”):
 - (i) No Building or Structure shall exceed a Height of 12.0 metres, but only up to a maximum of 35% coverage within the Low Height Area and the length of such a Building or Structure in the Low Height Area shall not exceed 35% of the length of the shoreline measured at the High Water Mark;
 - (ii) No Building or Structure shall exceed a Height of 5.0 metres for the remaining 65% coverage of the Low Height Area.
- (c) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant,
 - (i) No Building or Structure shall exceed a Height of 12.0 metres, but only up to a maximum of 35% coverage within the Low Height Area and the length of such a Building or Structure in the Low Height Area shall not exceed 35% of the length of the shoreline measured at the High Water Mark;
 - (ii) No Building or Structure shall exceed a Height of 5.0 metres for the remaining 65% coverage of the Low Height Area.
- (d) On the remaining portion of the lands in the I-3 Zone, no Building or Structure shall exceed a Height of 12.0 metres except that the maximum Height of a Building may be 15 metres provided that:
 - (i) Not more than 15% of the total area of the lands in the I-3 Zone is covered by a Building that exceeds 12.0 metres in Height; and
 - (ii) The sole purpose for exceeding 12.0 metres is to accommodate mechanical equipment or one odour control tower associated with the treatment of sewage.
- (e) In the case of a use of land other than a Wastewater Treatment Plant:

- (i) No Building or Structure shall exceed a Height of 10 metres;
- (ii) The Height of a Principal Building may be increased by 5 metres (to 15 m maximum) for uses under section 55(1)(f) [hotel] when such hotel includes convention facilities and if combined in a mixed-use development with one or more other uses under subsections 55(1)(b) through (h)."

(8) By replacing Section 55 (6) – **Siting Requirements**, with the following:

“(6) **Siting Requirements**

No setbacks are required except as follows:

- (a) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant, Buildings shall be set back an average of 7.5 metres from the High Water Mark provided that an encroachment into this Setback is permissible to no more than 1.0 metre from the High Water Mark but only on satisfaction of all of the following conditions:
 - (i) Such encroachment shall be no greater than 15% of the site area contained within the area of the entire 7.5 metre Setback;
 - (ii) For every square metre that a building encroaches into the Setback area, an equal area of extra open space associated with that building is set back behind the 7.5 metre Setback;
 - (iii) That no part of the Building encroaching within the 7.5 metre Setback is taller than 10.5 metres in Height; and
 - (iv) Such encroachment does not prevent the establishment of a public pedestrian walkway, as identified in this zone.
- (b) For certainty, paragraph (a) Setback does not apply to the seawall, public walkway or public open space, other landscaping or hard exterior surface areas such as parking or similar structures.
- (c) In the case of a use of land other than a use referred to in paragraph (a), no Building shall be located within 7.5 metres of the High Water Mark.
- (d) In all cases, no building shall be located within 4.5 m of the most northerly lot line, between the water and Victoria View Road.”

- (9) By replacing Section 55 (7) – **Screening and Landscaping**, with the following:

“(7) **Screening and Landscaping**

Screening and landscaping shall be provided generally in accordance with the locations and standards shown in the Design Guidelines, provided that at least 20% of the total area used to calculate Site Coverage is left in its natural state, hard or soft landscaping (including pedestrian walkway and other public open space) or covered with a green roof.”

- (10) By replacing Section 55 (8) – **Off-Street Parking**, with the following:

“(8) **Off-Street Parking**

Notwithstanding the Township's Parking Bylaws, as amended from time to time, the total number of off-street parking stalls required in this zone is 34.”

- (11) By inserting a new section 55(9) – **Development Permit Guidelines**, as follows:

“(9) **Development Permit Guidelines**

In the case of a development permit issued for a Building for a Wastewater Treatment Plant use that encroaches to a point less than 5 metres from the High Water Mark the following additional guideline may be considered in addition to the guidelines referred to in section 9.5.6 of the Official Community Plan:

- (a) building design and finish and site design should establish a strong architectural and functional relationship between the Building façade and the public pedestrian walkway through one or more of architectural, creative, artistic or other similar elements intended to provide enhanced visual interest for users of the pedestrian walkway,

- (12) By renumbering Section 55 (9) – **Severability and Satisfaction**, and replacing it with the following as Section 55(10) – **Severability**:

“(10) **Severability**

In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by a decision of a Court of competent jurisdiction, that measure of density, condition or amenity may be severed without affecting the validity of the density-bonusing scheme and other measures of density, conditions or amenities.”

- (13) By adding a new section 55 (11) – **Satisfaction**, as follows:

“(11) **Satisfaction**

- (a) For certainty, in the case of a condition under Section 55 (2), land may be developed and used for a Wastewater Treatment Plant even where all conditions have not been fulfilled or completed provided the property owner is proceeding with a reasonable plan to design, construct and install the amenities in accordance with the construction and proposed use of the Wastewater Treatment Plant, and such has been secured by agreement with the Township.
- (b) The Public Access and Public Walkway and Public Open Space referred to in Section 55 (2) shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the Wastewater Treatment Plant which may require the public walkway to be modified or relocated, but not eliminated entirely, to avoid impact on the inter-tidal zone.”

READ a first time by the Municipal Council on the 24th day of June, 2013.

READ a second time by the Municipal Council on the 24th day of June, 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 8th and 9th day of July, 2013.

READ a second time as amended on the day of , 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.

“DRAFT”

“DRAFT”

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER

APPENDIX B:

- I) HOST COMMUNITY IMPACT 5-YEAR AGREEMENT
- II) COMMUNITY IMPACT MITIGATION AND
OPERATING AGREEMENT

DRAFT

HOST COMMUNITY IMPACT 5-YEAR AGREEMENT

THIS AGREEMENT made this day of , 2013.

BETWEEN:

CAPITAL REGIONAL DISTRICT

625 Fisgard Street
Victoria, B.C.
V8W 1R7

(the "CRD")

OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 Esquimalt Road
Victoria, B.C.
V9A 3P1

(the "Township")

OF THE SECOND PART

W H E R E A S:

- A. The CRD is required under its liquid waste management plan to construct and operate a facility to provide sewage treatment for the residents of the Township and the municipalities of Victoria, Saanich, Oak Bay, Colwood, View Royal and Langford (collectively the "**Core Area**") and the CRD has identified the following lands at McLoughlin Point as the site for the Waste Water Treatment Plant (the "WWTP"):

P.I.D. 000-336-491 Lot A, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-505 Lot B, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-513 Lot C, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-521 Lot D, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-530 Lot E, Section 11, Esquimalt District, Plan 35322
P.I.D. 029-168-970 Lot 1 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823
P.I.D. 029-168-988 Lot 2 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823

(the "**Project Lands**")

- B. The Township has raised concerns as host community of the WWTP regarding the direct impacts on the community of the presence of the WWTP within its boundaries. The Township has permitted the land use with both a base density and bonus density, the

latter associated with the provision of amenities in accordance with section 904 of the *Local Government Act*;

- C. The CRD is mindful of those concerns and wishes to take reasonable measures to address such concerns;
- D. In order to address the impacts and consequences that the Township may experience in hosting the WWTP, the parties have agreed to the terms and conditions of this host community impact agreement.
- E. The CRD also acknowledges the significance of municipal zoning processes and has advised the proponents "to ensure that its design for the Plant complies with the applicable zoning and related Township of Esquimalt requirements".
- F. The CRD is seeking an amendment to the Zoning Bylaw through the adoption of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 208], 2013, No. 2805 (the "**Rezoning Bylaw**") which would incorporate a density bonusing framework under section 904 of the *Local Government Act* and the parties wish to address some additional issues relating to the amenities contemplated in the Zoning Bylaw in this Agreement .

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained in this Agreement and other good and valuable consideration, the CRD and the Township covenant and agree with each other as follows:

1.0 Term

This Agreement shall be for a period of five (5) years commencing on the calendar day following the date that the Rezoning Bylaw is adopted.

2.0 Construction Method and Standards

- 2.1 Recognizing that the construction phase of the WWTP will generate construction traffic, emissions associated with construction and noise in the Township, especially on adjacent residential neighbourhoods, the CRD agrees to do the following at its cost:

- (i) Use of Barges for Bringing Materials to the Site

The CRD shall amend the Request for Proposals dated the 12th day of July, 2013 entitled Capital Regional District – McLoughlin Point Wastewater Treatment Plant Project for the construction of the WWTP to require the successful proponent (the "WWTP Contractor") to construct temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the WWTP by barge or other marine transport, with the text of the addendum to the RFP to be substantially as set out in Schedule A attached to this Agreement (the "**Barging Requirements**").

(ii) Traffic Management Plan

Despite the significant reduction in heavy vehicle traffic expected to be achieved by the Barging Requirements, the CRD shall cause the WWTP Contractor to work with the Township, and the Township shall work with the WWTP Contractor in good faith on the preparation of a traffic management plan (the "Traffic Management Plan") to apply to the transport through the Township of those materials and equipment that are not subject to the Barging Requirements taking into account issues of community concern regarding the frequency, times and type of heavy vehicle traffic. The Traffic Management Plan shall be subject to the approval of the Township, acting reasonably.

Without limiting the generality or scope of what the Traffic Management Plan may address, the Traffic Management Plan may:

- (A) specify the use of a staging area in proximity to the WWTP site to reduce truck parking on roadways waiting to make deliveries of materials;
- (B) retain implement supplementary crossing guards where appropriate; and
- (C) include other measures acceptable to the Township, as the CRD and the WWTP Contractor develop to address the trucking of materials through the Township that are not subject to the Barging Requirements and other traffic associated with the WWTP Project.

(iii) Monitoring and Reporting of Traffic

The CRD shall monitor and report monthly, or cause the WWTP Contractor, to monitor and report monthly to the Township and in particular shall identify:

- (a) the number and frequency of trips to the Project Lands by truck; and
- (b) the purpose of truck trips and identification of materials and equipment.

(iv) CRD Contact

The CRD shall provide to Esquimalt the name and contact details of a contact person for complaints regarding non-compliance with the Barging Requirements.

(v) Exception

In exceptional circumstances explained with the advance provision of notice from the CRD to the Township, the Township may agree to permit additional truck traffic.

(vi) Enforcement

The CRD has committed to vigilant enforcement of the Barging Requirements, including the full array of contractual penalties to the WWTP Contractor, which

may be supplemented with bylaw enforcement either by the CRD or the Township. The parties however acknowledge that enforcement decisions remain at the discretion of the CRD Board and the Township Council. To evidence its commitment and in recognition that breaches of the Barging Requirements increase the negative effects on and costs to the Township (e.g. for enforcement, inspections, administration of complaints, additional wear and tear on roads, etc.), the CRD agrees to give due consideration to breaches of the Barging Requirements by the WWTP Contractor.

2.2 LEED® Standard for Operations and Maintenance Building

The CRD shall cause the operations and maintenance building of the WWTP to be constructed to the level of LEED® Gold standard.

2.3 Odour-Reducing Improvement

- (i) The CRD shall cause the WWTP to be designed and constructed to incorporate odour-reducing technology intended to result in odour levels that will not exceed five (5) odour control units as measured at the boundary of the Project Lands.
- (ii) The CRD will not accept the WWTP until the standard under paragraph 2.3(i) can be met.
- (iii) If, following commissioning, the WWTP emits odour in excess of 5 odour control units as measured at the boundary of the Project Lands, the CRD shall, expeditiously and in good faith, use best efforts to investigate and remediate the source of the odour in order to reduce odour to the agreed level.

2.4 Design Review Process

- (i) Recognizing the importance of the visual impact of the WWTP, and respecting the Development Permit requirements of the Township's Official Community Plan, the CRD agrees to involve the City of Victoria, along with the Township, in a collaborative design review process involving the three (3) shortlisted proponent teams relating to the exterior design and finish of the WWTP, with the intent that such discussions will result in concurrence among the CRD, the Township's staff and the City of Victoria. It is intended to hold the collaborative design review process during October and November 2013, in advance of the final submissions from the proponent teams.
- (ii) As the design review process will take place during the competitive RFP process, participants including those from the Township shall sign a confidentiality agreement prior to participating in the design review process. The parties acknowledge that such agreement cannot be applicable to the exercise of the Township's statutory powers in relation to the required development permit(s).
- (iii) The CRD recognizes that the Project Lands are designated a development permit area in accordance with the *Local Government Act* and therefore the final

decision on design and permit issuance rests with the Township's Council (subject however to appeals, judicial review and the authority of the Minister of Environment under the *Environmental Management Act*). The CRD will bring forward the final design as part of its development permit application for consideration by Township Council, but is free to seek input from Council in advance.

2.5 Restoration of Road Surfaces

- (i) The CRD shall cause the road surfaces affected by the construction of the WWTP, as determined by the Township acting reasonably, to be reinstated (including but not limited to affected paved areas, sidewalks and boulevards) to a condition that reflects current conditions or better, including the installation of sidewalks and curbs.
- (ii) The CRD, the Township and the WWTP Contractor shall, without cost to the Township, conduct pre-construction and post-construction assessments of the conditions of road surfaces referred to in section 2.5(a).

3.0 Resource Recovery System

- 3.1 **Heat Loop:** The CRD shall construct or cause to be constructed a district energy system as generally described in Resource Recovery and Use Plan Technical Memorandum by Kerr Wood Leidal dated September 20, 2013 to connect the WWTP to the intersection of Admirals Road and Esquimalt Road (collectively "**Heat Loop**").
- 3.2 **Licence:** The Township grants a licence to the CRD for the construction of the Heat Loop within the Township's streets, such licence to be formalized in writing in the Township's customary form prior to the commencement of construction of the Heat Loop.
- 3.3 **Infrastructure Costs:** The CRD shall be responsible for all infrastructure costs associated with the construction of the Heat Loop to/from the intersection of Admirals Road and Esquimalt Road.
- 3.4 **Transfer of Title:** Upon completion, inspection and commissioning of the Heat Loop, the CRD shall transfer title to the Heat Loop and related appurtenances to the Township for consideration of \$10.00 and following such transfer the Township shall thereafter be responsible for the operation and maintenance of the Heat Loop and for the use and distribution of the heat.
- 3.5 **Condition Precedent:** Despite this Section, if the CRD has not received written notice from the Township that the Township has reviewed the operation and maintenance costs associated with the proposed Heat Loop and all other studies regarding the Heat Loop (collectively the "**Heat Loop Studies**") and has satisfied itself on or before a date that is nine (9) months from receipt of a revised analysis of the financial viability of the Heat Loop prepared by Kerr Wood Leidal that it wishes

the Heat Loop to be constructed and transferred to the Township, the parties shall be under no further obligation to each other in relation to the Heat Loop, it being acknowledged and agreed that the notice under this section is a condition precedent to the obligations under this Section 3.0. The Township agrees that it shall expeditiously cause the review of the proposed Heat Loop Studies, with a view to determining whether it wishes to assume operational and financial responsibility for the operation and administration of the Heat Loop as a municipal service, and it may decide whether to proceed with acceptance of the Heat Loop or not, in its sole and unfettered discretion.

- 3.6 **Warranties:** At the time of transfer, the CRD shall assign the benefit of any warranties relating to the construction of the Heat Loop to the Township.
- 3.7 **Operation by the Township:** Following transfer of the Heat Loop to the Township, all subsequent costs associated with the operation and maintenance of the Heat Loop and the connection of individual parcels to the Heat Loop as shown substantially on Schedule "B" shall be borne by the Township.
- 3.8 **Heat Commitments:** The CRD commits to provide a sufficient amount of heat, or material for heat, in accordance with the assumptions and the equipment identified in the Heat Loop Studies to achieve the projected Heating Sales Revenues without exceeding the Operating and Maintenance costs so identified. The CRD agrees that there shall be no additional costs or charges imposed on the Township from the CRD or the operator of the WWTP, or the Project Lands generally, with respect to the provision of heat for the Heat Loop or otherwise in relation to the Heat Loop
- 3.9 **Other Users:** The parties acknowledge and agree that the WWTP will generate energy from the heat of its operations for use on the Project Lands. Provided that the heat delivered to the Township is sufficient to permit the Township to achieve the quantity of heat sufficient to achieve the projected heating sales revenues identified in the Heat Loop Studies, and provided the Township shall have exclusive rights to licence or sell the use of heat to the Department of National Defence Lands "DND"), the CRD may licence the use of heat to customers not within the boundaries of Esquimalt or DND.
- 3.10 **Transfer Agreement:** If the Township elects to accept the Heat Loop, the parties shall in good faith negotiate a transfer agreement for the transfer of title to that part of the Heat Loop required to permit the Township to operate a district energy utility within its boundaries and for the delivery of heat from the WWTP to the Township (the "Transfer Agreement").
- 3.11 **Reimbursement of Township Heat Loop Utility Costs:**
- (a) Notwithstanding section 3.5, if the Township elects to accept the Heat Loop the CRD shall, upon execution of the Transfer Agreement, allocate a budget of up to \$200,000 based on actual costs submitted by the Township for reimbursement in the construction budget relating to the Heat Loop to reimburse the Township's actual costs relating to:

- (i) its review of the Heat Loop Studies; and
- (ii) the establishment of a municipal service or utility for the purpose of providing heat, including without limitation, actual costs of legal, accounting, engineering and information technology services associated with the establishment of a municipal service or utility for the operation of the Heat Loop;

whether such costs are incurred prior to or after execution of the Transfer Agreement.

- (b) The CRD shall reimburse the costs incurred by the Township to a maximum of \$200,000 within 30 days of receipt of an invoice from the Township for such amounts.

4.0 Water System Upgrades

Recognizing that the WWTP will require the water service to be upgraded, the CRD agrees, as part of the water service upgrade, to provide fire hydrants and appurtenances as requested by the Township, to coincide with upgrades to the City of Victoria's water system located within the boundaries of the Township, as necessary for the proper operation of the WWTP.

5.0 Conduits

The CRD agrees that in connection with the excavation of highways in connection with construction of the WWTP, and the Heat Loop if accepted by the Township, the CRD shall install or cause to be installed a subsurface conduit to the standards of BC Hydro. It is acknowledged and agreed, however, that nothing in this Agreement obliges the CRD to install such underground wiring at the time of construction of the WWTP, the Heat Loop or otherwise.

6.0 Additional Traffic Integration Improvements

The CRD will, in good faith and in cooperation with the Township, design and install additional traffic calming and bicycle lane improvements on any streets between Lampson Road and Esquimalt Road and the Project Lands, which may include, as reasonably appropriate, speed bumps, speed cushions, enhanced boulevard curbing and landscaping, all at the sole cost of the CRD, and at the direction of the Township acting reasonably.

7.0 Emergency and Public Seasonal Access

In addition to the boat moorage identified in section 55(2)(c) of the Zoning Bylaw, the CRD shall construct a dock or other similar watercraft landing structure to permit emergency access and may include CRD employee access, and shall make reasonable efforts to provide for at least seasonal public use to be made of the dock, subject to Transport Canada approval, Department of Fisheries and Oceans Canada approval, and provided that the installation of a dock or similar facility does not trigger a requirement for an environmental impact assessment, other than in connection with the emergency and CRD employee access.

8.0 Building Permit Fees

The CRD agrees that it will apply to the Township for a building permit for the WWTP and pay an amount equal to the building permit fees that would be payable to the Township calculated in accordance with the Township's Building Bylaw, subject to any applicable deductions or reductions that would apply to complex projects of the nature of the WWTP under the Township's Building Bylaw, or in circumstances to which section 290 of the *Local Government Act* applies.

9.0 Amenity Conditions

The CRD acknowledges that the construction of the WWTP to a standard that permits the proper operation of the WWTP to meet the standards determined in the approved CRD liquid waste management plan will necessitate the CRD providing amenities under the Rezoning Bylaw.

With respect to the provision of those amenities, the parties agree as follows:

1. Lyall Street Enhancement: The CRD will work with the Township for the provision of the pathway and bikeway referred to in section 55(2)(c) of Rezoning Bylaw, along Lyall Street and Head Street to link West Bay to Admirals Road and having a value of approximately \$950,000 for the design and installation of the pathway and bikeway. The enhancement shall be of a design, materials and quality of construction and installation as directed by the Township acting reasonably, and shall be completed prior to the sooner of the commencement of WWTP operations or termination of this Agreement.
2. Public Access, Walkway and Open Space Improvements:
 - (a) The CRD will design and install a walkway system the length of the harbour side of the WWTP site and comprising a design that is consistent with the CRD Design Guidelines. A public observation deck will be installed at the end of the walkway. It is acknowledged and agreed that the improvements referred to in this section shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the WWTP. The CRD agrees that the value of the Open Space and Improvements will be at least \$75,000, and shall be completed prior to the sooner of the commencement of WWTP operations or termination of this Agreement.
 - (b) The statutory right of way referred to in section 55(2)(c) of the Zoning Bylaw shall be in a form acceptable to the Township, acting reasonably, under which the public will not have a right of access nor will the Township assume maintenance liability or operational responsibility unless or until the walkway to be provided under this section is connected to a public walkway providing public access from one or more boundaries of the Project Lands, or the Township elects to assume responsibility under subsection 2(c). The CRD shall make all reasonable efforts to ensure that the public walkway is 3 metres in width, and will only reduce the walkway to 1.5 metres in width where necessary because of physical constraints.

- (c) Notwithstanding section 9.2(b), upon the establishment of seasonal public use of the dock contemplated by section 7.0, the Township may, in its unfettered discretion, by written notice to the CRD elect to assume full responsibility for the dock, pedestrian walkway and observation area upon the opening of the dock to public use.
 - (d) If the Township does not elect to assume responsibility for the dock, pedestrian walkway and observation area under paragraph (c), the CRD shall establish a regional park or regional trail at McLoughlin Point to include the dock, pedestrian walkway and observation area.
- 3. Public Art and Interpretive Signage Improvements: In satisfaction of section 55(2)(c)(vii) of the Zoning Bylaw, the CRD will provide a cash allowance of \$100,000 to provide for public art and historical interpretive signage that may be internally or externally displayed. The historical interpretive signage shall be of a design, materials and quality of construction and installation as directed by the Township acting reasonably, and shall be completed prior to the termination of this Agreement. The public art shall be determined following a process that includes approval of both the CRD and the Township.
 - 4. Macaulay Point Pump Station and Related Facilities: The CRD will improve the aesthetics and operations, in particular to reduce odour, of the Macaulay Pump Station within Township boundaries to a standard of quality and finish at least equivalent to the Craigflower Road, Currie Road and Trent Road Pump Stations, recognizing the prominent location of Macaulay in an important waterfront park. The CRD shall also make aesthetic improvements to the appearance of the Lang Cove pump station in consideration of the visibility of its location.
 - 5. The CRD will in good faith consider extending access to the meeting room and interpretive space on weekends and evenings when booked through the CRD for educational purposes.

10.0 Satisfaction of Host Community Conditions

The Township agrees that the satisfaction of the Host Community Conditions in Sections 2 to 9 inclusive of this Agreement and the payment of the amount under the Community Impact Mitigation & Operating Agreement will be full satisfaction of the Township's concerns relating to the WWTP.

11.0 Dispute Resolution

Where a matter in dispute arises under this Agreement, the Chief Administrative Officers shall meet promptly to attempt to resolve the dispute.

Where the Chief Administrative Officers are unable to resolve the dispute, then the matter may, with the concurrence of both the CRD and the Township, be submitted for mediation to a mediator appointed jointly by the parties.

If the matter cannot be resolved by mediation, or if the parties are unwilling to submit the matter to mediation, then the dispute shall be resolved by arbitration, by an arbitrator appointed jointly by the parties. The decision of the arbitrator shall be final and may include a requirement for specific performance by one or both parties.

The parties shall share the costs of the mediation or arbitration equally.

If the parties are unable to agree on the selection of an arbitrator within thirty (30) days of the later of the meeting of the Chief Administrative Officers, or the failure of the mediation, then either party may, upon giving written notice to the other party, apply to the Ministry of Community, Sport and Cultural Development (or the Ministry then having responsibility for local government affairs) for dispute resolution by way of binding arbitration contemplated by Division 3 of Part 9 of the *Community Charter*.

12.0 General Provisions

(a) No Fettering of Discretion

Nothing in this Agreement shall be considered to fetter any statutory discretion of the Board of the CRD or the Council of the Township nor to impair or waive any power, right or authority of the CRD or the Township under the *Community Charter*, the *Local Government Act* or any other enactment as defined in the *Interpretation Act*.

(b) Modification

No modification or amendment to this Agreement shall be binding unless executed in writing by both parties.

(c) Entire Agreement

This Agreement, along with the **Community Impact Mitigation & Operating Agreement**, constitutes the entire agreement between the parties and supersedes all previous discussions, negotiations, understandings, expectations, agreements of the parties, whether oral or written regarding the subject matter of these Agreements.

(d) No Assignment

This Agreement may not be assigned by either party, without the express written consent of the other party, which consent shall not be unreasonably withheld where the assignment is to another public authority.

(e) Applicable Law

This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia and in particular is subject to the jurisdiction of the Minister of Environment under the *Environmental Management Act*.

(f) Notice

It is hereby mutually agreed that any notice required to be given under this Agreement will be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery; and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the CRD: 625 Fisgard Street
 Victoria, B.C.
 V8W 1R7

if to the Township: 1229 Esquimalt Road
 Victoria, B.C.
 V9A 3P1

Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed, 72 hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

(g) Waiver

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.

(h) Severability

Each article of this Agreement shall be 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 shall not affect the validity of the remainder of this Agreement.

(i) Interpretation

Wherever the singular or the masculine is used in this Agreement, this shall be deemed to include the plural, feminine or body politic or corporate as the context so requires.

(j) Counterparts

This Agreement may be executed in counterparts and when the counterparts have been executed by the parties, each originally executed counterpart, whether a facsimile, photocopy or original, will be effective as if one original copy had been executed by the parties to this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day, month and year first above written.

CAPITAL REGIONAL DISTRICT by its)
authorized signatories)
)
)
_____)
Name:)
)
_____)
Name:)

THE CORPORATION OF THE TOWNSHIP OF)
ESQUIMALT by its authorized signatories)
)
)
_____)
Name:)
)
_____)
Name:)

Schedule "A"

Addendum to specify Barging in Schedule 5

Section 4.8(a) and 4.8 (b) Schedule 5 (Design and Construction Protocols)

Sections 4.8(a) and 4.8(b) of Schedule 5 (Design and Construction Protocols) are deleted and replaced with the following:

"4.8 Barging, Access Roads; Laydown and Staging Areas

(a) **Barging.** Project Co:

- (1) will use marine barging for the supply and transportation of materials and waste associated with excavation, backfill and concrete works on the Plant Site (including work associated with the Harbour Crossing and Outfall);
- (2) may use the access roads to the Plant Site in connection with the initial mobilization and demobilization of construction equipment associated with excavation, backfill and concrete works on the Plant Site;
- (3) may install a temporary concrete batch plant at the Plant Site (or adjacent DND laydown area) provided all concrete materials, including aggregates and cement, are barged to the Plant Site;
- (4) will obtain all permits and approvals required for barging and any construction and operation of a temporary concrete batch plant; and
- (5) will not undertake any construction, operations or other activities which affect the intertidal zone adjacent to the Plant Site.

- (b) **Access Roads.** Without limiting the barging obligations set out in section 4.8(a), Project Co will maintain the access roads to the Project Sites throughout Construction and restore such roads to their pre-existing condition or better following construction of the Facilities and as a condition of Acceptance. Project Co assumes the risk of the sufficiency of the access roads to provide access to the Project Sites for the performance of Construction, including the transportation and delivery of materials and equipment required for the performance of Construction."

Schedule “B”

HEAT LOOP

DRAFT

COMMUNITY IMPACT MITIGATION & OPERATING AGREEMENT

THIS AGREEMENT made this day of , 2013.

BETWEEN:

CAPITAL REGIONAL DISTRICT

625 Fisgard Street
Victoria, B.C.
V8W 1R7

(the "**CRD**")

OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 Esquimalt Road
Victoria, B.C.
V9A 3P1

(the "**Township**")

OF THE SECOND PART

W H E R E A S:

- A. The CRD is required under its liquid waste management plan to construct and operate a facility to provide sewage treatment for the residents of the Township and the municipalities of Victoria, Saanich, Oak Bay, Colwood, View Royal and Langford (collectively the "**Core Area**") and the CRD has identified the following lands at McLoughlin Point as the site for the Waste Water Treatment Plant (the "**WWTP**"):

P.I.D. 000-336-491 Lot A, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-505 Lot B, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-513 Lot C, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-521 Lot D, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-530 Lot E, Section 11, Esquimalt District, Plan 35322
P.I.D. 029-168-970 Lot 1 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823
P.I.D. 029-168-988 Lot 2 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823

(the "**Project Lands**")

- B. The Township has raised concerns as host community of the WWTP regarding the impacts on the community of the presence of the WWTP within its boundaries, including, without limitation:

- a. demand on municipal services,
 - b. annual fire and safety inspections,
 - c. utility inspections,
 - d. inspections and repairs of road surfaces,
 - e. response to public inquiries and complaints, including with DND and Victoria residents
 - f. monitoring of operations and enforcement,
 - g. additional street cleaning,
 - h. additional liaison, including with DND;
 - i. additional wear and tear on recreational facilities, parks and other Esquimalt services;
 - j. additional economic development, tourism promotion, business recruitment and marketing required to overcome perceived negative influence of regional wastewater facility; ...
 - k. additional security, policing and enforcement services;
 - l. for other social, environmental, and economic impacts generally, (collectively the "**Impacts**")
- all caused by or contributed to by activity associated with the WWTP construction or operation and/or construction and installation of a district energy heat recovery system (the "**Heat Loop**");

- C. The CRD is mindful of those concerns and, in addition to undertaking certain actions under a host community impact agreement dated the ___ day of ___, 2013, (the "**Host Community Impact 5-Year Agreement**") has agreed to the payment of an annual amount by way of a community impact mitigation fee and other measures of an operational nature under, and in accordance with, this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained in this Agreement and other good and valuable consideration, the CRD and the Township covenant and agree with each other as follows:

PART A – COMMUNITY IMPACT MITIGATION FEE

1.0 Community Impact Mitigation Fee

Subject to section 3 of this Agreement, the CRD shall pay the Township FIFTY-FIVE THOUSAND (\$55,000.00) DOLLARS per year as adjusted annually under section 2.0 (the "**Community Impact Fee**") to compensate the Township for the Impacts.

2.0 Change in CPI

From 2015 and for the remainder of the Term, the amount of the fee payable under section 1 of this Agreement shall be changed to reflect the change in the Consumer Price Index for Victoria, British Columbia (all items) (the "CPI") for the previous year. If the change in the CPI is not known at the date of payment under section 4.2, the CRD may pay the amount paid the previous year and shall make any additional payment (or Esquimalt shall pay any refund where CPI has decreased) as required within 30 days of the change in CPI becoming known.

3.0 Exemption to Community Impact Fee

If Esquimalt elects to assume ownership of the Heat Loop referred to in Section 3.0 of the Host Community Impact 5-Year Agreement, the Community Impact Fee will not be payable and the obligations of the CRD to pay the Community Impact Fee under this Agreement shall thereafter be at an end following execution of the Transfer Agreement and upon the actual transfer of the constructed and operational Heat Loop infrastructure to the Township following execution of the Transfer Agreement referred to in section 3.10 of the Host Community Impact 5 Year Agreement. In the event of a transfer of the Heat Loop during a calendar year, the amount of the Community Impact Fee shall be pro-rated to represent that portion of the year prior to the transfer of the Heat Loop to Esquimalt.

4.0 Invoice and Payment of Community Impact Fee

- 4.1 The Township shall provide to the CRD as of the 31st day of December in each year an invoice for the sum of FIFTY-FIVE THOUSAND (\$55,000.00) DOLLARS (as adjusted annually under section 2.0) in relation to the impact on the Township of the WWTP for the previous calendar year.
- 4.2 The CRD shall cause the amount of the invoice to be paid to the Township on or before January 31 of the following year.
- 4.3 For greater certainty, the Township is not required to itemize or calculate the Impacts in any given year other than further to Section 2 of this Agreement, and there is no set-off or reduction other than further to Section 3 of this Agreement.

PART B – TERM

5.0 Term of Agreement

- 5.1 The obligations of the CRD under this Agreement shall be from January 1, 2014 until such time as the WWTP is replaced or decommissioned.
- 5.2 For greater certainty, the first payment is due by January 30, 2014 in the full amount of FIFTY-FIVE THOUSAND (\$55,000.00) DOLLARS.
- 5.3 If the WWTP is replaced on the Project Lands, the parties shall in good faith negotiate a replacement agreement, and notwithstanding section 5.1, this Agreement shall remain in effect until replaced.

PART C – LIAISON COMMITTEE & OTHER OPERATING MATTERS

6.0 Liaison Committee

- 6.1 To provide a forum for the discussion of issues relating to construction and operation of the WWTP and other related activities, the CRD shall establish and maintain a liaison committee (the “**Liaison Committee**”) to include representatives from the Township, the West Bay Neighbourhood Association, the Lyall Street Neighbourhood Association, Department of

National Defence, CRD and, until acceptance of the WWTP by the CRD, the CRD's WWTP contractor.

- 6.2 The Liaison Committee will meet within thirty (30) days of the CRD's WWTP Contractor commencing work on site and thereafter at times established in the first meeting, and at least twice annually while the WWTP is in operation.
- 6.3 At the first meeting of the Liaison Committee, the members shall elect a chair and vice chair.
- 6.4 The CRD shall not be considered to be in breach of this section if any person invited to participate in the Liaison Committee or to send representatives to the Liaison Committee fails to do so.

7.0 Biosolids Treatment Plant

- 7.1 The CRD acknowledges and agrees that it will not make use of land situated within the Township for the purpose of a biosolids treatment facility or any other purpose associated with the treatment of biosolids or recovery of energy from biosolids.
- 7.2 The CRD further agrees to consult with the Township prior to establishing any use of property within the Township.
- 7.3 For clarity, the Township includes all lands owned by the federal crown including the Graving Dock and lands commonly referred to as the "DND lands" including but not limited to: Work Point, Macaulay Point, Buxton Green, Dockyards, Naden, and Naden North.

8.0 Odour

If the WWTP emits odour in excess of 5 odour control units as measured at the boundary of the Project Lands, the CRD shall expeditiously and in good faith, use best efforts to investigate and remediate the source of the odour in order to reduce the odour to the agreed level.

PART D – DISPUTE RESOLUTION

9.0 Dispute Resolution

- 9.1 Where a matter in dispute arises under this Agreement, the Chief Administrative Officers shall meet promptly to attempt to resolve the dispute.
- 9.2 Where the Chief Administrative Officers are unable to resolve the dispute, then the matter may, with the concurrence of both the CRD and the Township, be submitted for mediation to a mediator appointed jointly by the parties.
- 9.3 If the matter cannot be resolved by mediation, or if the parties are unwilling to submit the matter to mediation, then the dispute shall be resolved by arbitration, by an arbitrator appointed jointly by the parties. The decision of

the arbitrator shall be final and may include a requirement for specific performance of the provisions of this Agreement by one or both parties.

9.4 The parties shall share the costs of the mediation or arbitration equally.

9.5 If the parties are unable to agree on the selection of an arbitrator within thirty (30) days of the later of the meeting of the Chief Administrative Officers, or the failure of the mediation, then either party may, upon giving written notice to the other party, apply to the Ministry of Community, Sport and Cultural Development (or the Ministry then having responsibility for local government affairs) for dispute resolution by way of binding arbitration contemplated by Division 3 of Part 9 of the *Community Charter*.

PART E – GENERAL PROVISIONS

10.0 General Provisions

(a) No Fettering of Discretion

Nothing in this Agreement shall be considered to fetter any statutory discretion of the Board of the CRD or the Council of the Township nor to impair or waive any power, right or authority of the CRD or the Township under the *Community Charter*, the *Local Government Act* or any other enactment as defined in the *Interpretation Act*.

(b) Capital Liabilities

Nothing in this Agreement shall be interpreted as imposing any obligation or liability of a capital nature on the CRD.

(c) Modification

No modification or amendment to this Agreement shall be binding unless executed in writing by both parties.

(d) Entire Agreement

This Agreement, along with the Host Community Impact 5-Year Agreement, constitute the entire agreement between the parties and supersede all previous discussions, negotiations, understandings, expectations, agreements of the parties, whether oral or written regarding the subject matter of these Agreements.

(e) No Assignment

This Agreement may not be assigned by either party, without the express written consent of the other party, which consent shall not be unreasonably withheld where the assignment is to another public authority.

(f) Applicable Law

This Agreement is to be construed in accordance with and governed by the laws

applicable in the Province of British Columbia and in particular is subject to the jurisdiction of the Minister of Environment under the *Environmental Management Act*.

(g) Notice

It is hereby mutually agreed that any notice required to be given under this Agreement will be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery; and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the CRD: 625 Fisgard Street
Victoria, B.C.
V8W 1R7

if to the Township: 1229 Esquimalt Road
Victoria, B.C.
V9A 3P1

Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed, 72 hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

(h) Waiver

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.

(i) Severability

Each article of this Agreement shall be 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 shall not affect the validity of the remainder of this Agreement.

(j) Interpretation

Wherever the singular or the masculine is used in this Agreement, this shall be deemed to include the plural, feminine or body politic or corporate as the context so requires.

(k) Counterparts

This Agreement may be executed in counterparts and when the counterparts have been executed by the parties, each originally executed counterpart, whether a facsimile,

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day, month and year first above written.

CAPITAL REGIONAL DISTRICT by its)
 authorized signatories)
)
)
 _____)
 Name:)
)
)
 _____)
 Name:)

THE CORPORATION OF THE TOWNSHIP OF)
ESQUIMALT by its authorized signatories)
)
)
 _____)
 Name:)
)
)
 _____)
 Name:)

Appendix "B"

Bylaw 2805 As Amended

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2805

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

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. 2__], 2013, NO. 2805"*.

McLoughlin Point Special Use [I -3] Zone

2. That Bylaw No. 2050, cited as the Zoning Bylaw, 1992, No. 2050 be amended as follows:

- (1) By amending Section 30.1 to read as follows:

"(2) The prohibition in Section 30.1(1) shall not apply to those lands in the McLoughlin Point Special Use [I-3] Zone."

- (2) By replacing the following words and figures "Bulk Petroleum Storage I - 3" in Section 31 – Zone Designations of PART 5 Zoning Districts with:

"McLoughlin Point Special Use [I – 3]"

- (3) By amending Section 55 to read as follows:

"McLoughlin Point Special Use [I-3]"

The intent of this zone is to accommodate the Core Area Liquid Wastewater Treatment Plant, including potential accessory or additional commercial, high tech industrial, recreational and educational uses, or any combination thereof to create a mixed use development".

- (4) By amending the uses permitted under Section 55 (1) to the following:

(1) Permitted Uses

The following Uses are permitted:

- (a) Wastewater Treatment Plant, including, without limitation, any or all of the following additional uses:
 - (i) Educational and Interpretive Centre
 - (ii) Commercial Instruction and Education
 - (iii) Research Establishment

- (iv) Business and Professional Office
- (v) Marine Outfall
- (vi) Sewage Pumping Facility
- (vii) Accessory Uses
- (b) Business and Professional Office
- (c) High technology uses
- (d) Accessory Retail
- (e) Entertainment and Theatre
- (f) Hotel
- (g) Assembly Use
- (h) Boat Moorage Facility
- (i) Park
- (j) Accessory Uses

- (5) By deleting existing Section 55 (2) Density – Wastewater Treatment Plant, and replacing it with the following Section 55 (2):

“(2) Density – Wastewater Treatment Plant

In accordance with the provisions of section 904 of the *Local Government Act*, density for the Wastewater Treatment Plant Use is established by way of base density, for which no conditions apply, and bonus density on the provision or satisfaction of the conditions identified below. For greater certainty, the regulations of this section do not apply to other uses in this zone and the calculation of Floor Area Ratio and Floor Area shall not include any wastewater tank.

(a) Base Density:

- (i) the Floor Area Ratio shall not exceed 0.15;
- (ii) the Floor Area shall not exceed 675m², excluding processing tanks and generators completely enclosed within a Building;
- (iii) Site Coverage shall not exceed 15%;

(b) Bonus Density:

- (i) the Floor Area Ratio shall not exceed 0.35;
- (ii) the Floor Area shall not exceed 4,500m², excluding processing tanks and generators completely enclosed within a Building;
- (iii) Site Coverage shall not exceed 75%;

all on the provision or satisfaction of all of the conditions set out in section 55(2)(c).

(c) Bonus Density Conditions

The following conditions are applicable to the bonus density under section 55(2)(b):

- (i) **Design Guidelines:**
Development consistent with conditions identified in the document entitled "Design Guidelines – McLoughlin Point Wastewater Treatment Plant" prepared by CitySpaces Consulting Ltd. (Revised May 2013), (called the "Design Document") a copy of which is attached to Official Community Plan Bylaw 2006, Bylaw No. 2646 as Schedule H;
- (ii) **Road Upgrades:**
Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of a Wastewater Treatment Plant described in the Design Document to a condition equal to or better than that which existed before construction;
- (iii) **Lyall Street Enhancement:**
An upgraded pathway and bikeway system along Lyall Street, having a value of up to \$950,000, including upgrades and connection to the West Bay Walkway via the trailhead located at 537 Head Street;
- (iv) **Education and Interpretive Centre:**
Provision of a meeting room and interpretive space on-site having a minimum floor area of 75 m², to be available for students and the public to learn about wastewater treatment and management, made available at no charge to and for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation;
- (v) **Public Access and Public Walkway:**
Design of building and development of site to incorporate public pedestrian walkway secured through a statutory right of way of 2.25 metres average width and in any event not more than 3 metres nor less than 1.5 metres in width at any point along the waterfront in favour of Esquimalt for and on behalf of the public to the respective boundaries of the property to permit future public walkway connection to West Bay if access through abutting Department of National Defence lands is permitted;
- (vi) **Boat Moorage:**

- (A) Temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the Wastewater Treatment Plant by barge or other marine transport; and
- (B) A dock or other similar watercraft landing structure to permit emergency and employee access to the site and at least seasonal public use secured by a statutory right of way in favour of Esquimalt for and on behalf of the public.

(vii) **Public Open Space:**

Public open space on the site to include a public observation point connected to the public pedestrian walkway;

(viii) **Public Art:**

Public art on the site having a value of \$100,000.00 to include heritage interpretive signage;

(ix) **Public Open Space Improvements:**

At least 3 benches to be installed in public open space referred to in paragraph (vii); and

(x) **CRD Facilities Visual Upgrade**

Aesthetic improvements to the exterior of the Macaulay Point Pump Station to a standard of quality and finish at least equivalent to the Craigflower Pump Station, the Currie Road Pump Station and the Trent Road Pump Station, recognizing the prominent location of the Macaulay Pump Station in an important waterfront park."

- (6) By deleting Section 55 (4) – **Lot Coverage**, and replacing it with the following:

"(4) **Site Coverage**

- (a) For the purposes of this Section 55, "Site Coverage" means the figure obtained using the sum of the areas of Building footprints, including covered wastewater tanks not located within a Building, measured from the outside of exterior walls, expressed as a percentage of the total area of all parcels in the McLoughlin Point Special Use [I-3] Zone covered by a Building;
- (b) For certainty, Site Coverage shall not include any surface parking area, seawall or pedestrian walkway or other paved public open space.

- (7) By replacing Section 55 (5) – **Building and Structure Height**, with the following:

“(5) **Building and Structure Height**

- (a) For the purposes of this I-3 Zone, Height shall be measured from the Grade at seven (7.0) metres above the High Water Mark as such is determined as of January 1, 2014 (or earlier). For clarity, the purpose of this unique interpretation provision is to allow for sufficient tsunami protection for the proposed development in this Zone.
- (b) On the portion of the lands in the I-3 Zone within the area measured inland 20 metres from the High Water Mark (the “Low Height Area”):
- (c) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant,
 - (i) No Building or Structure shall exceed a Height of 12.0 metres, but only up to a maximum of 35% coverage within the Low Height Area and the length of such a Building or Structure in the Low Height Area shall not exceed 35% of the length of the shoreline measured at the High Water Mark;
 - (ii) No Building or Structure shall exceed a Height of 5.0 metres for the remaining 65% coverage of the Low Height Area.
- (d) On the remaining portion of the lands in the I-3 Zone, no Building or Structure shall exceed a Height of 12.0 metres except that the maximum Height of a Building may be 15 metres provided that:
 - (i) not more than 15% of the total area of the lands in the I-3 Zone is covered by a Building that exceeds 12.0 metres in Height; and
 - (ii) the sole purpose for exceeding 12.0 metres is to accommodate mechanical equipment or one odour control tower associated with the treatment of sewage.
- (e) In the case of a use of land other than a Wastewater Treatment Plant:
 - (i) no Building or Structure shall exceed a Height of 10 metres;
 - (ii) the Height of a Principal Building may be increased

by 5 metres (to 15 m maximum) for uses under section 55(1)(f) [hotel] when such hotel includes convention facilities and if combined in a mixed-use development with one or more other uses under subsections 55(1)(b) through (h)."

- (8) By replacing Section 55 (6) – **Siting Requirements**, with the following:

"(6) **Siting Requirements**

No setbacks are required except as follows:

- (a) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant, Buildings shall be set back an average of 7.5 metres from the High Water Mark provided that an encroachment into this Setback is permissible to no more than ____ 1.0 metre from the High Water Mark but only on satisfaction of all of the following conditions:
 - (i) such encroachment shall be no greater than 15% of the site area contained within the area of the entire 7.5 metre Setback;
 - (ii) for every square metre that a building encroaches into the Setback area, an equal area of extra open space associated with that building is set back behind the 7.5 metre Setback;
 - (iii) that no part of the Building encroaching within the 7.5 metre Setback is taller than 10.5 metres in Height; and
 - (iv) such encroachment does not prevent the establishment of a public pedestrian walkway, as identified in this zone.
- (b) For certainty, paragraph (a) Setback does not apply to the seawall, public walkway or public open space, other landscaping or hard exterior surface areas such as parking or similar structures.
- (c) In the case of a use of land other than a use referred to in paragraph (a), no Building shall be located within 7.5 metres of the High Water Mark.
- (d) In all cases, no building shall be located within 4.5 m of the most northerly lot line, between the water and Victoria View Road."

- (9) By replacing Section 55 (7) – **Screening and Landscaping**, with the following:

"(7) **Screening and Landscaping**

Screening and landscaping shall be provided generally in accordance with the locations and standards shown in the Design Guidelines, provided that at least 20% of the total area used to calculate Site Coverage is left in its natural state, hard or soft landscaping (including pedestrian walkway and other public open space) or covered with a green roof.”

- (10) By replacing Section 55 (8) – **Off-Street Parking**, with the following:

“(8) **Off-Street Parking**

Notwithstanding the Township’s Parking Bylaws, as amended from time to time, the total number of off-street parking stalls required in this zone is 34.”

- (11) By inserting a new section 55(9) – **Development Permit Guidelines**, as follows:

“(9) **Development Permit Guidelines**

In the case of a development permit issued for a Building for a Wastewater Treatment Plant use that encroaches to a point less than 5 metres from the High Water Mark the following additional guideline may be considered in addition to the guidelines referred to in section 9.5.6 of the Official Community Plan:

- (a) building design and finish and site design should establish a strong architectural and functional relationship between the Building façade and the public pedestrian walkway through one or more of architectural, creative, artistic or other similar elements intended to provide enhanced visual interest for users of the pedestrian walkway,

- (12) By renumbering Section 55 (9) – **Severability and Satisfaction**, and replacing it with the following as Section 55(10) – **Severability**:

“(10) **Severability**

In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by a decision of a Court of competent jurisdiction, that measure of density, condition or amenity may be severed without affecting the validity of the density-bonusing scheme and other measures of density, conditions or amenities.”

- (13) By adding a new section 55 (11) – **Satisfaction**, as follows:

“(11) **Satisfaction**

- (a) For certainty, in the case of a condition under Section 55 (2), land may be developed and used for a Wastewater Treatment

Plant even where all conditions have not been fulfilled or completed provided the property owner is proceeding with a reasonable plan to design, construct and install the amenities in accordance with the construction and proposed use of the Wastewater Treatment Plant, and such has been secured by agreement with the Township.

- (b) The Public Access and Public Walkway and Public Open Space referred to in Section 55 (2) shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the Wastewater Treatment Plant which may require the public walkway to be modified or relocated, but not eliminated entirely, to avoid impact on the inter-tidal zone.”

READ a first time by the Municipal Council on the 24th day of June, 2013.

READ a second time by the Municipal Council on the 24th day of June, 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 8th and 9th day of July, 2013.

READ a second time as amended on the day of , 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.

“DRAFT”

“DRAFT”

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER

Appendix "C"

Host Community Impact 5-Year Agreement

HOST COMMUNITY IMPACT 5-YEAR AGREEMENT

THIS AGREEMENT made this day of , 2013.

BETWEEN:

CAPITAL REGIONAL DISTRICT

625 Fisgard Street
Victoria, B.C.
V8W 1R7

(the "**CRD**")

OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 Esquimalt Road
Victoria, B.C.
V9A 3P1

(the "**Township**")

OF THE SECOND PART

WHEREAS:

- A. The CRD is required under its liquid waste management plan to construct and operate a facility to provide sewage treatment for the residents of the Township and the municipalities of Victoria, Saanich, Oak Bay, Colwood, View Royal and Langford (collectively the "**Core Area**") and the CRD has identified the following lands at McLoughlin Point as the site for the Waste Water Treatment Plant (the "WWTP"):

P.I.D. 000-336-491 Lot A, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-505 Lot B, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-513 Lot C, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-521 Lot D, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-530 Lot E, Section 11, Esquimalt District, Plan 35322
P.I.D. 029-168-970 Lot 1 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823
P.I.D. 029-168-988 Lot 2 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823

(the "**Project Lands**")

- B. The Township has raised concerns as host community of the WWTP regarding the direct impacts on the community of the presence of the WWTP within its boundaries. The Township has permitted the land use with both a base density and bonus density, the

latter associated with the provision of amenities in accordance with section 904 of the *Local Government Act*;

- C. The CRD is mindful of those concerns and wishes to take reasonable measures to address such concerns;
- D. In order to address the impacts and consequences that the Township may experience in hosting the WWTP, the parties have agreed to the terms and conditions of this host community impact agreement.
- E. The CRD also acknowledges the significance of municipal zoning processes and has advised the proponents "to ensure that its design for the Plant complies with the applicable zoning and related Township of Esquimalt requirements".
- F. The CRD is seeking an amendment to the Zoning Bylaw through the adoption of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 208], 2013, No. 2805 (the "**Rezoning Bylaw**") which would incorporate a density bonusing framework under section 904 of the *Local Government Act* and the parties wish to address some additional issues relating to the amenities contemplated in the Zoning Bylaw in this Agreement .

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained in this Agreement and other good and valuable consideration, the CRD and the Township covenant and agree with each other as follows:

1.0 Term

This Agreement shall be for a period of five (5) years commencing on the calendar day following the date that the Rezoning Bylaw is adopted.

2.0 Construction Method and Standards

- 2.1 Recognizing that the construction phase of the WWTP will generate construction traffic, emissions associated with construction and noise in the Township, especially on adjacent residential neighbourhoods, the CRD agrees to do the following at its cost:

- (i) Use of Barges for Bringing Materials to the Site

The CRD shall amend the Request for Proposals dated the 12th day of July, 2013 entitled Capital Regional District – McLoughlin Point Wastewater Treatment Plant Project for the construction of the WWTP to require the successful proponent (the "WWTP Contractor") to construct temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the WWTP by barge or other marine transport, with the text of the addendum to the RFP to be substantially as set out in Schedule A attached to this Agreement (the "**Barging Requirements**").

(ii) Traffic Management Plan

Despite the significant reduction in heavy vehicle traffic expected to be achieved by the Barging Requirements, the CRD shall cause the WWTP Contractor to work with the Township, and the Township shall work with the WWTP Contractor in good faith on the preparation of a traffic management plan (the "Traffic Management Plan") to apply to the transport through the Township of those materials and equipment that are not subject to the Barging Requirements taking into account issues of community concern regarding the frequency, times and type of heavy vehicle traffic. The Traffic Management Plan shall be subject to the approval of the Township, acting reasonably.

Without limiting the generality or scope of what the Traffic Management Plan may address, the Traffic Management Plan may:

- (A) specify the use of a staging area in proximity to the WWTP site to reduce truck parking on roadways waiting to make deliveries of materials;
- (B) retain implement supplementary crossing guards where appropriate; and
- (C) include other measures acceptable to the Township, as the CRD and the WWTP Contractor develop to address the trucking of materials through the Township that are not subject to the Barging Requirements and other traffic associated with the WWTP Project.

(iii) Monitoring and Reporting of Traffic

The CRD shall monitor and report monthly, or cause the WWTP Contractor, to monitor and report monthly to the Township and in particular shall identify:

- (a) the number and frequency of trips to the Project Lands by truck; and
- (b) the purpose of truck trips and identification of materials and equipment.

(iv) CRD Contact

The CRD shall provide to Esquimalt the name and contact details of a contact person for complaints regarding non-compliance with the Barging Requirements.

(v) Exception

In exceptional circumstances explained with the advance provision of notice from the CRD to the Township, the Township may agree to permit additional truck traffic.

(vi) Enforcement

The CRD has committed to vigilant enforcement of the Barging Requirements, including the full array of contractual penalties to the WWTP Contractor, which may be supplemented with bylaw enforcement either by the CRD or the Township. The parties however acknowledge that enforcement decisions remain at the discretion of the CRD Board and the Township Council. To evidence its commitment and in recognition that breaches of the Barging Requirements increase the negative effects on and costs to the Township (e.g. for enforcement, inspections, administration of complaints, additional wear and tear on roads, etc.), the CRD agrees to give due consideration to breaches of the Barging Requirements by the WWTP Contractor.

2.2 LEED® Standard for Operations and Maintenance Building

The CRD shall cause the operations and maintenance building of the WWTP to be constructed to the level of LEED® Gold standard.

2.3 Odour-Reducing Improvement

- (i) The CRD shall cause the WWTP to be designed and constructed to incorporate odour-reducing technology intended to result in odour levels that will not exceed five (5) odour control units as measured at the boundary of the Project Lands.
- (ii) The CRD will not accept the WWTP until the standard under paragraph 2.3(i) can be met.
- (iii) If, following commissioning, the WWTP emits odour in excess of 5 odour control units as measured at the boundary of the Project Lands, the CRD shall, expeditiously and in good faith, use best efforts to investigate and remediate the source of the odour in order to reduce odour to the agreed level.

2.4 Design Review Process

- (i) Recognizing the importance of the visual impact of the WWTP, and respecting the Development Permit requirements of the Township's Official Community Plan, the CRD agrees to involve the City of Victoria, along with the Township, in a collaborative design review process involving the three (3) shortlisted proponent teams relating to the exterior design and finish of the WWTP, with the intent that such discussions will result in concurrence among the CRD, the Township's staff and the City of Victoria. It is intended to hold the collaborative design review process during October and November 2013, in advance of the final submissions from the proponent teams.
- (ii) As the design review process will take place during the competitive RFP process, participants including those from the Township shall sign a confidentiality agreement prior to participating in the design review process. The parties acknowledge that such agreement cannot be applicable to the exercise of the Township's statutory powers in relation to the required development permit(s).

- (iii) The CRD recognizes that the Project Lands are designated a development permit area in accordance with the *Local Government Act* and therefore the final decision on design and permit issuance rests with the Township's Council (subject however to appeals, judicial review and the authority of the Minister of Environment under the *Environmental Management Act*). The CRD will bring forward the final design as part of its development permit application for consideration by Township Council, but is free to seek input from Council in advance.

2.5 Restoration of Road Surfaces

- (i) The CRD shall cause the road surfaces affected by the construction of the WWTP, as determined by the Township acting reasonably, to be reinstated (including but not limited to affected paved areas, sidewalks and boulevards) to a condition that reflects current conditions or better, including the installation of sidewalks and curbs.
- (ii) The CRD, the Township and the WWTP Contractor shall, without cost to the Township, conduct pre-construction and post-construction assessments of the conditions of road surfaces referred to in section 2.5(a).

3.0 Resource Recovery System

- 3.1 **Heat Loop:** The CRD shall construct or cause to be constructed a district energy system as generally described in Resource Recovery and Use Plan Technical Memorandum by Kerr Wood Leidal dated September 20, 2013 to connect the WWTP to the intersection of Admirals Road and Esquimalt Road (collectively "**Heat Loop**").
- 3.2 **Licence:** The Township grants a licence to the CRD for the construction of the Heat Loop within the Township's streets, such licence to be formalized in writing in the Township's customary form prior to the commencement of construction of the Heat Loop.
- 3.3 **Infrastructure Costs:** The CRD shall be responsible for all infrastructure costs associated with the construction of the Heat Loop to/from the intersection of Admirals Road and Esquimalt Road.
- 3.4 **Transfer of Title:** Upon completion, inspection and commissioning of the Heat Loop, the CRD shall transfer title to the Heat Loop and related appurtenances to the Township for consideration of \$10.00 and following such transfer the Township shall thereafter be responsible for the operation and maintenance of the Heat Loop and for the use and distribution of the heat.
- 3.5 **Condition Precedent:** Despite this Section, if the CRD has not received written notice from the Township that the Township has reviewed the operation and maintenance costs associated with the proposed Heat Loop and all other studies regarding the Heat Loop (collectively the "**Heat Loop Studies**") and has satisfied

itself on or before a date that is nine (9) months from receipt of a revised analysis of the financial viability of the Heat Loop prepared by Kerr Wood Leidal that it wishes the Heat Loop to be constructed and transferred to the Township, the parties shall be under no further obligation to each other in relation to the Heat Loop, it being acknowledged and agreed that the notice under this section is a condition precedent to the obligations under this Section 3.0. The Township agrees that it shall expeditiously cause the review of the proposed Heat Loop Studies, with a view to determining whether it wishes to assume operational and financial responsibility for the operation and administration of the Heat Loop as a municipal service, and it may decide whether to proceed with acceptance of the Heat Loop or not, in its sole and unfettered discretion.

- 3.6 **Warranties:** At the time of transfer, the CRD shall assign the benefit of any warranties relating to the construction of the Heat Loop to the Township.
- 3.7 **Operation by the Township:** Following transfer of the Heat Loop to the Township, all subsequent costs associated with the operation and maintenance of the Heat Loop and the connection of individual parcels to the Heat Loop as shown substantially on Schedule "B" shall be borne by the Township.
- 3.8 **Heat Commitments:** The CRD commits to provide a sufficient amount of heat, or material for heat, in accordance with the assumptions and the equipment identified in the Heat Loop Studies to achieve the projected Heating Sales Revenues without exceeding the Operating and Maintenance costs so identified. The CRD agrees that there shall be no additional costs or charges imposed on the Township from the CRD or the operator of the WWTP, or the Project Lands generally, with respect to the provision of heat for the Heat Loop or otherwise in relation to the Heat Loop
- 3.9 **Other Users:** The parties acknowledge and agree that the WWTP will generate energy from the heat of its operations for use on the Project Lands. Provided that the heat delivered to the Township is sufficient to permit the Township to achieve the quantity of heat sufficient to achieve the projected heating sales revenues identified in the Heat Loop Studies, and provided the Township shall have exclusive rights to licence or sell the use of heat to the Department of National Defence Lands ("DND"), the CRD may licence the use of heat to customers not within the boundaries of Esquimalt or DND.
- 3.10 **Transfer Agreement:** If the Township elects to accept the Heat Loop, the parties shall in good faith negotiate a transfer agreement for the transfer of title to that part of the Heat Loop required to permit the Township to operate a district energy utility within its boundaries and for the delivery of heat from the WWTP to the Township (the "Transfer Agreement").
- 3.11 **Reimbursement of Township Heat Loop Utility Costs:**
- (a) Notwithstanding section 3.5, if the Township elects to accept the Heat Loop the CRD shall, upon execution of the Transfer Agreement, allocate a budget of up to \$200,000 based on actual costs submitted by the Township for

reimbursement in the construction budget relating to the Heat Loop to reimburse the Township's actual costs relating to:

- (i) its review of the Heat Loop Studies; and
- (ii) the establishment of a municipal service or utility for the purpose of providing heat, including without limitation, actual costs of legal, accounting, engineering and information technology services associated with the establishment of a municipal service or utility for the operation of the Heat Loop;

whether such costs are incurred prior to or after execution of the Transfer Agreement.

- (b) The CRD shall reimburse the costs incurred by the Township to a maximum of \$200,000 within 30 days of receipt of an invoice from the Township for such amounts.

4.0 Water System Upgrades

Recognizing that the WWTP will require the water service to be upgraded, the CRD agrees, as part of the water service upgrade, to provide fire hydrants and appurtenances as requested by the Township, to coincide with upgrades to the City of Victoria's water system located within the boundaries of the Township, as necessary for the proper operation of the WWTP.

5.0 Conduits

The CRD agrees that in connection with the excavation of highways in connection with construction of the WWTP, and the Heat Loop if accepted by the Township, the CRD shall install or cause to be installed a subsurface conduit to the standards of BC Hydro. It is acknowledged and agreed, however, that nothing in this Agreement obliges the CRD to install such underground wiring at the time of construction of the WWTP, the Heat Loop or otherwise.

6.0 Additional Traffic Integration Improvements

The CRD will, in good faith and in cooperation with the Township, design and install additional traffic calming and bicycle lane improvements on any streets between Lampson Road and Esquimalt Road and the Project Lands, which may include, as reasonably appropriate, speed bumps, speed cushions, enhanced boulevard curbing and landscaping, all at the sole cost of the CRD, and at the direction of the Township acting reasonably.

7.0 Emergency and Public Seasonal Access

In addition to the boat moorage identified in section 55(2)(c) of the Zoning Bylaw, the CRD shall construct a dock or other similar watercraft landing structure to permit emergency access and may include CRD employee access, and shall make reasonable efforts to provide for at least seasonal public use to be made of the dock, subject to Transport Canada approval, Department of Fisheries and Oceans Canada approval, and provided that the installation of a dock or similar

facility does not trigger a requirement for an environmental impact assessment, other than in connection with the emergency and CRD employee access.

8.0 Building Permit Fees

The CRD agrees that it will apply to the Township for a building permit for the WWTP and pay an amount equal to the building permit fees that would be payable to the Township calculated in accordance with the Township's Building Bylaw, subject to any applicable deductions or reductions that would apply to complex projects of the nature of the WWTP under the Township's Building Bylaw, or in circumstances to which section 290 of the *Local Government Act* applies.

9.0 Amenity Conditions

The CRD acknowledges that the construction of the WWTP to a standard that permits the proper operation of the WWTP to meet the standards determined in the approved CRD liquid waste management plan will necessitate the CRD providing amenities under the Rezoning Bylaw.

With respect to the provision of those amenities, the parties agree as follows:

1. Lyll Street Enhancement: The CRD will work with the Township for the provision of the pathway and bikeway referred to in section 55(2)(c) of Rezoning Bylaw, along Lyll Street and Head Street to link West Bay to Admirals Road and having a value of approximately \$950,000 for the design and installation of the pathway and bikeway. The enhancement shall be of a design, materials and quality of construction and installation as directed by the Township acting reasonably, and shall be completed prior to the sooner of the commencement of WWTP operations or termination of this Agreement.
2. Public Access, Walkway and Open Space Improvements:
 - (a) The CRD will design and install a walkway system the length of the harbour side of the WWTP site and comprising a design that is consistent with the CRD Design Guidelines. A public observation deck will be installed at the end of the walkway. It is acknowledged and agreed that the improvements referred to in this section shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the WWTP. The CRD agrees that the value of the Open Space and Improvements will be at least \$75,000, and shall be completed prior to the sooner of the commencement of WWTP operations or termination of this Agreement.
 - (b) The statutory right of way referred to in section 55(2)(c) of the Zoning Bylaw shall be in a form acceptable to the Township, acting reasonably, under which the public will not have a right of access nor will the Township assume maintenance liability or operational responsibility unless or until the walkway to be provided under this section is connected to a public walkway providing public access from one or more boundaries of the Project Lands, or the Township elects to assume responsibility under subsection 2(c). The CRD shall make all reasonable efforts to ensure that

the public walkway is 3 metres in width, and will only reduce the walkway to 1.5 metres in width where necessary because of physical constraints.

- (c) Notwithstanding section 9.2(b), upon the establishment of seasonal public use of the dock contemplated by section 7.0, the Township may, in its unfettered discretion, by written notice to the CRD elect to assume full responsibility for the dock, pedestrian walkway and observation area upon the opening of the dock to public use.
 - (d) If the Township does not elect to assume responsibility for the dock, pedestrian walkway and observation area under paragraph (c), the CRD shall establish a regional park or regional trail at McLoughlin Point to include the dock, pedestrian walkway and observation area.
- 3. Public Art and Interpretive Signage Improvements: In satisfaction of section 55(2)(c)(vii) of the Zoning Bylaw, the CRD will provide a cash allowance of \$100,000 to provide for public art and historical interpretive signage that may be internally or externally displayed. The historical interpretive signage shall be of a design, materials and quality of construction and installation as directed by the Township acting reasonably, and shall be completed prior to the termination of this Agreement. The public art shall be determined following a process that includes approval of both the CRD and the Township.
 - 4. Macaulay Point Pump Station and Related Facilities: The CRD will improve the aesthetics and operations, in particular to reduce odour, of the Macaulay Pump Station within Township boundaries to a standard of quality and finish at least equivalent to the Craigflower Road, Currie Road and Trent Road Pump Stations, recognizing the prominent location of Macaulay in an important waterfront park. The CRD shall also make aesthetic improvements to the appearance of the Lang Cove pump station in consideration of the visibility of its location.
 - 5. The CRD will in good faith consider extending access to the meeting room and interpretive space on weekends and evenings when booked through the CRD for educational purposes.

10.0 Satisfaction of Host Community Conditions

The Township agrees that the satisfaction of the Host Community Conditions in Sections 2 to 9 inclusive of this Agreement and the payment of the amount under the Community Impact Mitigation & Operating Agreement will be full satisfaction of the Township's concerns relating to the WWTP.

11.0 Dispute Resolution

Where a matter in dispute arises under this Agreement, the Chief Administrative Officers shall meet promptly to attempt to resolve the dispute.

Where the Chief Administrative Officers are unable to resolve the dispute, then the matter may, with the concurrence of both the CRD and the Township, be submitted for mediation to a

mediator appointed jointly by the parties.

If the matter cannot be resolved by mediation, or if the parties are unwilling to submit the matter to mediation, then the dispute shall be resolved by arbitration, by an arbitrator appointed jointly by the parties. The decision of the arbitrator shall be final and may include a requirement for specific performance by one or both parties.

The parties shall share the costs of the mediation or arbitration equally.

If the parties are unable to agree on the selection of an arbitrator within thirty (30) days of the later of the meeting of the Chief Administrative Officers, or the failure of the mediation, then either party may, upon giving written notice to the other party, apply to the Ministry of Community, Sport and Cultural Development (or the Ministry then having responsibility for local government affairs) for dispute resolution by way of binding arbitration contemplated by Division 3 of Part 9 of the *Community Charter*.

12.0 General Provisions

(a) No Fettering of Discretion

Nothing in this Agreement shall be considered to fetter any statutory discretion of the Board of the CRD or the Council of the Township nor to impair or waive any power, right or authority of the CRD or the Township under the *Community Charter*, the *Local Government Act* or any other enactment as defined in the *Interpretation Act*.

(b) Modification

No modification or amendment to this Agreement shall be binding unless executed in writing by both parties.

(c) Entire Agreement

This Agreement, along with the **Community Impact Mitigation & Operating Agreement**, constitutes the entire agreement between the parties and supersedes all previous discussions, negotiations, understandings, expectations, agreements of the parties, whether oral or written regarding the subject matter of these Agreements.

(d) No Assignment

This Agreement may not be assigned by either party, without the express written consent of the other party, which consent shall not be unreasonably withheld where the assignment is to another public authority.

(e) Applicable Law

This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia and in particular is subject to the jurisdiction of the Minister of Environment under the *Environmental Management Act*.

(f) Notice

It is hereby mutually agreed that any notice required to be given under this Agreement will be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery; and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the CRD: 625 Fisgard Street
 Victoria, B.C.
 V8W 1R7

if to the Township: 1229 Esquimalt Road
 Victoria, B.C.
 V9A 3P1

Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed, 72 hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

(g) Waiver

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.

(h) Severability

Each article of this Agreement shall be 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 shall not affect the validity of the remainder of this Agreement.

(i) Interpretation

Wherever the singular or the masculine is used in this Agreement, this shall be deemed to include the plural, feminine or body politic or corporate as the context so requires.

(j) Counterparts

This Agreement may be executed in counterparts and when the counterparts have been executed by the parties, each originally executed counterpart, whether a facsimile, photocopy or original, will be effective as if one original copy had been executed by the parties to this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day, month and year first above written.

CAPITAL REGIONAL DISTRICT by its)
authorized signatories)
)
)
_____)
Name:)
)
_____)
Name:)

THE CORPORATION OF THE TOWNSHIP OF)
ESQUIMALT by its authorized signatories)
)
)
_____)
Name:)
)
_____)
Name:)

Schedule "A"

Addendum to specify Barging in Schedule 5

Section 4.8(a) and 4.8 (b) Schedule 5 (Design and Construction Protocols)

Sections 4.8(a) and 4.8(b) of Schedule 5 (Design and Construction Protocols) are deleted and replaced with the following:

"4.8 Barging, Access Roads; Laydown and Staging Areas

(a) **Barging.** Project Co:

- (1) will use marine barging for the supply and transportation of materials and waste associated with excavation, backfill and concrete works on the Plant Site (including work associated with the Harbour Crossing and Outfall);
- (2) may use the access roads to the Plant Site in connection with the initial mobilization and demobilization of construction equipment associated with excavation, backfill and concrete works on the Plant Site;
- (3) may install a temporary concrete batch plant at the Plant Site (or adjacent DND laydown area) provided all concrete materials, including aggregates and cement, are barged to the Plant Site;
- (4) will obtain all permits and approvals required for barging and any construction and operation of a temporary concrete batch plant; and
- (5) will not undertake any construction, operations or other activities which affect the intertidal zone adjacent to the Plant Site.

- (b) **Access Roads.** Without limiting the barging obligations set out in section 4.8(a), Project Co will maintain the access roads to the Project Sites throughout Construction and restore such roads to their pre-existing condition or better following construction of the Facilities and as a condition of Acceptance. Project Co assumes the risk of the sufficiency of the access roads to provide access to the Project Sites for the performance of Construction, including the transportation and delivery of materials and equipment required for the performance of Construction."

Schedule “B”

HEAT LOOP

Appendix “D”

Community Impact Mitigation and Operating Agreement

COMMUNITY IMPACT MITIGATION & OPERATING AGREEMENT

THIS AGREEMENT made this day of , 2013.

BETWEEN:

CAPITAL REGIONAL DISTRICT

625 Fisgard Street
Victoria, B.C.
V8W 1R7

(the "**CRD**")

OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 Esquimalt Road
Victoria, B.C.
V9A 3P1

(the "**Township**")

OF THE SECOND PART

W H E R E A S:

- A. The CRD is required under its liquid waste management plan to construct and operate a facility to provide sewage treatment for the residents of the Township and the municipalities of Victoria, Saanich, Oak Bay, Colwood, View Royal and Langford (collectively the "**Core Area**") and the CRD has identified the following lands at McLoughlin Point as the site for the Waste Water Treatment Plant (the "**WWTP**"):

P.I.D. 000-336-491 Lot A, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-505 Lot B, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-513 Lot C, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-521 Lot D, Section 11, Esquimalt District, Plan 35322
P.I.D. 000-336-530 Lot E, Section 11, Esquimalt District, Plan 35322
P.I.D. 029-168-970 Lot 1 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823
P.I.D. 029-168-988 Lot 2 of the Bed of Victoria Harbour, Esquimalt District, Plan VIP87823

(the "**Project Lands**")

- B. The Township has raised concerns as host community of the WWTP regarding the impacts on the community of the presence of the WWTP within its boundaries, including, without limitation:

- a. demand on municipal services,
 - b. annual fire and safety inspections,
 - c. utility inspections,
 - d. inspections and repairs of road surfaces,
 - e. response to public inquiries and complaints, including with DND and Victoria residents
 - f. monitoring of operations and enforcement,
 - g. additional street cleaning,
 - h. additional liaison, including with DND;
 - i. additional wear and tear on recreational facilities, parks and other Esquimalt services;
 - j. additional economic development, tourism promotion, business recruitment and marketing required to overcome perceived negative influence of regional wastewater facility; ...
 - k. additional security, policing and enforcement services;
 - l. for other social, environmental, and economic impacts generally, (collectively the "**Impacts**")
- all caused by or contributed to by activity associated with the WWTP construction or operation and/or construction and installation of a district energy heat recovery system (the "**Heat Loop**");

- C. The CRD is mindful of those concerns and, in addition to undertaking certain actions under a host community impact agreement dated the ___ day of ___, 2013, (the "**Host Community Impact 5-Year Agreement**") has agreed to the payment of an annual amount by way of a community impact mitigation fee and other measures of an operational nature under, and in accordance with, this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained in this Agreement and other good and valuable consideration, the CRD and the Township covenant and agree with each other as follows:

PART A – COMMUNITY IMPACT MITIGATION FEE

1.0 Community Impact Mitigation Fee

Subject to section 3 of this Agreement, the CRD shall pay the Township FIFTY-FIVE THOUSAND (\$55,000.00) DOLLARS per year as adjusted annually under section 2.0 (the "**Community Impact Fee**") to compensate the Township for the Impacts.

2.0 Change in CPI

From 2015 and for the remainder of the Term, the amount of the fee payable under section 1 of this Agreement shall be changed to reflect the change in the Consumer Price Index for Victoria, British Columbia (all items) (the "CPI") for the previous year. If the change in the CPI is not known at the date of payment under section 4.2, the CRD may pay the amount paid the previous year and shall make any additional payment (or Esquimalt shall pay any refund where CPI has decreased) as required within 30 days of the change in CPI becoming known.

3.0 Exemption to Community Impact Fee

If Esquimalt elects to assume ownership of the Heat Loop referred to in Section 3.0 of the Host Community Impact 5-Year Agreement, the Community Impact Fee will not be payable and the obligations of the CRD to pay the Community Impact Fee under this Agreement shall thereafter be at an end following execution of the Transfer Agreement and upon the actual transfer of the constructed and operational Heat Loop infrastructure to the Township following execution of the Transfer Agreement referred to in section 3.10 of the Host Community Impact 5 Year Agreement. In the event of a transfer of the Heat Loop during a calendar year, the amount of the Community Impact Fee shall be pro-rated to represent that portion of the year prior to the transfer of the Heat Loop to Esquimalt.

4.0 Invoice and Payment of Community Impact Fee

- 4.1 The Township shall provide to the CRD as of the 31st day of December in each year an invoice for the sum of FIFTY-FIVE THOUSAND (\$55,000.00) DOLLARS (as adjusted annually under section 2.0) in relation to the impact on the Township of the WWTP for the previous calendar year.
- 4.2 The CRD shall cause the amount of the invoice to be paid to the Township on or before January 31 of the following year.
- 4.3 For greater certainty, the Township is not required to itemize or calculate the Impacts in any given year other than further to Section 2 of this Agreement, and there is no set-off or reduction other than further to Section 3 of this Agreement.

PART B – TERM

5.0 Term of Agreement

- 5.1 The obligations of the CRD under this Agreement shall be from January 1, 2014 until such time as the WWTP is replaced or decommissioned.
- 5.2 For greater certainty, the first payment is due by January 30, 2014 in the full amount of FIFTY-FIVE THOUSAND (\$55,000.00) DOLLARS.
- 5.3 If the WWTP is replaced on the Project Lands, the parties shall in good faith negotiate a replacement agreement, and notwithstanding section 5.1, this Agreement shall remain in effect until replaced.

PART C – LIAISON COMMITTEE & OTHER OPERATING MATTERS

6.0 Liaison Committee

- 6.1 To provide a forum for the discussion of issues relating to construction and operation of the WWTP and other related activities, the CRD shall establish and maintain a liaison committee (the "**Liaison Committee**") to include representatives from the Township, the West Bay Neighbourhood Association, the Lyall Street Neighbourhood Association, Department of

National Defence, CRD and, until acceptance of the WWTP by the CRD, the CRD's WWTP contractor.

- 6.2 The Liaison Committee will meet within thirty (30) days of the CRD's WWTP Contractor commencing work on site and thereafter at times established in the first meeting, and at least twice annually while the WWTP is in operation.
- 6.3 At the first meeting of the Liaison Committee, the members shall elect a chair and vice chair.
- 6.4 The CRD shall not be considered to be in breach of this section if any person invited to participate in the Liaison Committee or to send representatives to the Liaison Committee fails to do so.

7.0 Biosolids Treatment Plant

- 7.1 The CRD acknowledges and agrees that it will not make use of land situated within the Township for the purpose of a biosolids treatment facility or any other purpose associated with the treatment of biosolids or recovery of energy from biosolids.
- 7.2 The CRD further agrees to consult with the Township prior to establishing any use of property within the Township.
- 7.3 For clarity, the Township includes all lands owned by the federal crown including the Graving Dock and lands commonly referred to as the "DND lands" including but not limited to: Work Point, Macaulay Point, Buxton Green, Dockyards, Naden, and Naden North.

8.0 Odour

If the WWTP emits odour in excess of 5 odour control units as measured at the boundary of the Project Lands, the CRD shall expeditiously and in good faith, use best efforts to investigate and remediate the source of the odour in order to reduce the odour to the agreed level.

PART D – DISPUTE RESOLUTION

9.0 Dispute Resolution

- 9.1 Where a matter in dispute arises under this Agreement, the Chief Administrative Officers shall meet promptly to attempt to resolve the dispute.
- 9.2 Where the Chief Administrative Officers are unable to resolve the dispute, then the matter may, with the concurrence of both the CRD and the Township, be submitted for mediation to a mediator appointed jointly by the parties.
- 9.3 If the matter cannot be resolved by mediation, or if the parties are unwilling to submit the matter to mediation, then the dispute shall be resolved by arbitration, by an arbitrator appointed jointly by the parties. The decision of

the arbitrator shall be final and may include a requirement for specific performance of the provisions of this Agreement by one or both parties.

9.4 The parties shall share the costs of the mediation or arbitration equally.

9.5 If the parties are unable to agree on the selection of an arbitrator within thirty (30) days of the later of the meeting of the Chief Administrative Officers, or the failure of the mediation, then either party may, upon giving written notice to the other party, apply to the Ministry of Community, Sport and Cultural Development (or the Ministry then having responsibility for local government affairs) for dispute resolution by way of binding arbitration contemplated by Division 3 of Part 9 of the *Community Charter*.

PART E – GENERAL PROVISIONS

10.0 General Provisions

(a) No Fettering of Discretion

Nothing in this Agreement shall be considered to fetter any statutory discretion of the Board of the CRD or the Council of the Township nor to impair or waive any power, right or authority of the CRD or the Township under the *Community Charter*, the *Local Government Act* or any other enactment as defined in the *Interpretation Act*.

(b) Capital Liabilities

Nothing in this Agreement shall be interpreted as imposing any obligation or liability of a capital nature on the CRD.

(c) Modification

No modification or amendment to this Agreement shall be binding unless executed in writing by both parties.

(d) Entire Agreement

This Agreement, along with the Host Community Impact 5-Year Agreement, constitute the entire agreement between the parties and supersede all previous discussions, negotiations, understandings, expectations, agreements of the parties, whether oral or written regarding the subject matter of these Agreements.

(e) No Assignment

This Agreement may not be assigned by either party, without the express written consent of the other party, which consent shall not be unreasonably withheld where the assignment is to another public authority.

(f) Applicable Law

This Agreement is to be construed in accordance with and governed by the laws

applicable in the Province of British Columbia and in particular is subject to the jurisdiction of the Minister of Environment under the *Environmental Management Act*.

(g) Notice

It is hereby mutually agreed that any notice required to be given under this Agreement will be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery; and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the CRD: 625 Fisgard Street
Victoria, B.C.
V8W 1R7

if to the Township: 1229 Esquimalt Road
Victoria, B.C.
V9A 3P1

Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed, 72 hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

(h) Waiver

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.

(i) Severability

Each article of this Agreement shall be 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 shall not affect the validity of the remainder of this Agreement.

(j) Interpretation

Wherever the singular or the masculine is used in this Agreement, this shall be deemed to include the plural, feminine or body politic or corporate as the context so requires.

(k) Counterparts

This Agreement may be executed in counterparts and when the counterparts have been executed by the parties, each originally executed counterpart, whether a facsimile,

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day, month and year first above written.

CAPITAL REGIONAL DISTRICT by its)
 authorized signatories)
)
 _____)
 Name:)
)
 _____)
 Name:)

THE CORPORATION OF THE TOWNSHIP OF)
ESQUIMALT by its authorized signatories)
)
)
 _____)
 Name:)
)
 _____)
 Name:)

Appendix "E:

AECOM Tsunami Modelling Study 15 April 2013

Capital Regional District

Modelling of Potential Tsunami Inundation Limits and Run-Up

Prepared by:

AECOM
200 – 415 Gorge Road East 250 475 6355 tel
Victoria, BC, Canada V8T 2W1 250 475 6388 fax
www.aecom.com

Project Number: 60242933 **Task ID** #400.1

Date:

15 April, 2013

Statement of Qualifications and Limitations

The attached Report (the "Report") has been prepared by AECOM Canada Ltd. ("Consultant") for the benefit of the client ("Client") in accordance with the agreement between Consultant and Client, including the scope of work detailed therein (the "Agreement").

The information, data, recommendations and conclusions contained in the Report (collectively, the "Information"):

- is subject to the scope, schedule, and other constraints and limitations in the Agreement and the qualifications contained in the Report (the "Limitations");
- represents Consultant's professional judgement in light of the Limitations and industry standards for the preparation of similar reports;
- may be based on information provided to Consultant which has not been independently verified;
- has not been updated since the date of issuance of the Report and its accuracy is limited to the time period and circumstances in which it was collected, processed, made or issued;
- must be read as a whole and sections thereof should not be read out of such context;
- was prepared for the specific purposes described in the Report and the Agreement; and
- in the case of subsurface, environmental or geotechnical conditions, may be based on limited testing and on the assumption that such conditions are uniform and not variable either geographically or over time.

Consultant shall be entitled to rely upon the accuracy and completeness of information that was provided to it and has no obligation to update such information. Consultant accepts no responsibility for any events or circumstances that may have occurred since the date on which the Report was prepared and, in the case of subsurface, environmental or geotechnical conditions, is not responsible for any variability in such conditions, geographically or over time.

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AECOM
200 – 415 Gorge Road East
Victoria, BC, Canada V8T 2W1
www.aecom.com

250 475 6355 tel
250 475 6388 fax

15 April, 2013

Project No: 60242933 Task ID #400.1

Travis Whiting
CRD Protective Services
Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

Dear Mr. Whiting:

**Re: Modelling of Potential Tsunami
Inundation Limits and Run-Up**

AECOM Canada Ltd. (AECOM) is pleased to submit this FINAL report, "Modelling of Potential Tsunami Inundation Limits and Run-Up", summarizing the work performed, tsunami modelling results, and suggested next steps related to use of the information and emergency planning.

As you are aware, this project has been a collaboration between AECOM and Applied Research International (ARILLC), a sole proprietorship firm of Dr. K.F. Cheung, a professor of Ocean Engineering at University of Hawaii. ARILLC's involvement in this project has been a key to the tsunami modelling and the successful completion of the work.

This has been a very interesting, yet complex, project and we are confident that the CRD will find the project deliverables of significant value.

Sincerely,
AECOM Canada Ltd.

Mike Brady, P.Eng.
Manager, Victoria Office
mike.brady@aecom.com

MB/bl

Encl.

Distribution List


# of Hard Copies	PDF Required	Association / Company Name
	1	Travis Whiting, Capital Regional District, CRD Protective Services

Revision Log

Revision #	Revised By	Date	Issue / Revision Description

AECOM Signatures

Report Prepared By:



M. Brady, P.Eng. (BC)
Manager, Victoria Office

Report Reviewed By:



K. Coulton, P.E. (Ore)

Executive Summary

This report, "Modelling of Potential Tsunami Inundation Limits and Run-Up" summarizes the work performed and the results of modelling the tsunami impacts along the entire coastline within the Capital Regional District (CRD) that would result from a possible, predicted Cascadia Subduction Zone (CSZ) earthquake occurring off the west coast of Vancouver Island. Cascadia Subduction Zone earthquakes have occurred, on average, every 500 years and the most recent 1-in-500-year earthquake for this zone is thought to have occurred in the year 1700.

The US National Seismic Hazard Maps shows 12 possible combinations of earthquake magnitudes and rupture configuration scenarios that would each represent a 1-in-500-year earthquake. Amongst these, the combination having the highest joint probability, which comprises a magnitude Mw 9.0 and global analog (GA) rupture scenario, was selected as the event to be analyzed.

The model used to analyze the tsunami wave generation and their impacts when reaching land was NEOWAVE. It is a model developed by researchers at the University of Hawaii and University of Alaska led by Dr. Kwok Fai Cheung, who was the lead modeller for this project. In 2009, NEOWAVE competed and won against seven other tsunami numerical models and it has been validated against data obtained from a number of recent tsunami events, including the 2011 Tohoku tsunami in Japan. It is the official model for tsunami inundation mapping in Hawaii, American Samoa, the US Gulf of Mexico coastal states and Puerto Rico.

In order to perform the tsunami modelling, a complete and seamless digital elevation model (DEM) containing both topographic (land) and bathymetric (sea-floor) information was first required. To accurately model the propagation of the tsunami through the Strait of Juan de Fuca the area to be covered included shoreline areas of the entire CRD and, within the USA, the Olympic Peninsula, San Juan Islands and portions of Puget Sound. This whole process required the compilation of data from multiple original sources (sometimes overlapping), having varying accuracies and reliabilities that needed to be resolved. Some of the challenges encountered and overcome included differences in both coordinates and elevations used in Canada and USA; use of differing elevation datums within the various sources; overlapping data providing differing elevations; and shoreline discontinuities, all of which could have had a significant impact on the modelling results.

The NEOWAVE model was applied to the DEM in a series of nested grids, with increasing accuracy applied to smaller grid areas as follows:

- The complete CRD was modelled at a 90-m grid size
- Esquimalt Harbour, including the area from Albert Head to Clover Point was further modelled at an 18-m grid size; and
- Victoria Harbour including Inner Harbour, Upper Harbour and Selkirk Waterway was then further modelled at a 9-m grid size.

The models were run using the Higher High Water Mean Tide (HHWMT) at Victoria as the base water level, which is approximately 0.732 m above Mean Water Level (MWL). Modelling results are presented in a series of colour-scaled figures or maps showing:

- Maximum water level – this includes, and is not additive to, the HHWMT (i.e. this is not the wave height, which is smaller)
- Maximum Drawdown of Water - this value is relative to the base water level (HHWMT)
- Maximum water flow speed – similar to the water current
- Tsunami Arrival Time – time to first positive wave
- Time to Maximum Water Level – time that water reaches its maximum (impacted by resonating wave effects)

Table ES-1 provides a summary of these values for several selected locations within the CRD. The values in the tables have been inferred from Figures 5.1 through 5.5 – the reader is encouraged to refer to the figures for these and any other specific values.

Table ES1 – Summary of Tsunami Model Results at Selected Locations

Location	Maximum Water Level (m)	Maximum Drawdown of Water (m)	Maximum Water Flow Speed (m/s)	Tsunami Arrival Time (min)	Time to Maximum Water Level (min)
Port San Juan (entrance near Port Renfrew)	3.5	-1.0	0.7	35	50
Sooke Harbour (entrance)	2.5	-0.2	0.6	60	75
Esquimalt Harbour (entrance)	2.7	-1.2	2.0	77	96
Victoria Harbour (entrance)	2.5	-1.05	1.0	76	95
Cadboro Bay	2.0	-0.2	0.8	90	160
Sidney	2.0	-0.2	0.6	110	150

As can be seen from the figures in the report, for much of Greater Victoria, the maximum water level is predicted to be less than 3.5 m and the maximum flow speed is predicted to be in the order of 1 m/s, excluding areas with narrows or waterway constrictions. To provide a comparative reference, the 2011 Tohoku tsunami resulted in a maximum water level of 40 m (recorded at a cliff on the Iwate coast) and a maximum water flow speed of approximately 12 m/s (inferred from video images taken in Myagi).

Based upon the modelling results, a Tsunami Hazard Line has been prepared for all coastline areas within the CRD. The Tsunami Hazard Line has been developed based upon the model-predicted Maximum Water Level, with consideration for earthquake-induced land subsidence and a Factor for Public Safety, as follows:

- Maximum water level, plus
- Land subsidence (since lowering of the ground surface effectively adds to the water level), plus
- An allowance of 50% added to the total of maximum water level and subsidence.

The 50% allowance has been included as a Factor for Public Safety to account for a) uncertainty related to the magnitude of the earthquake event that occurs; b) possible variations in the initial tide condition; and c) variability of the available topographic information.

The resulting Tsunami Hazard Line has been created as a layer to be added to CRD's GIS mapping.

To further benefit from the model developed and its results, a series of potential next steps has been suggested. These include:

- Using the results and Tsunami Hazard Line for other emergency considerations, including:
 - Evacuation planning
 - Emergency response planning
 - Infrastructure design
 - Transportation planning

List of Acronyms

ARILLC	Applied Research International
BT	Base Transition
CD	Chart Datum
CGVD28	Canadian Geodetic Vertical Datum of 1928
CRD	Capital Regional District
CSZ	Cascadia Subduction Zone
CVN	US Nuclear Aircraft Carrier
DEM	Digital Elevation Model
ETOPO1	1 Arc-Minute Global Relief Model
GA	Global Analogs
GIS	Geographic Information System
HHWLT	Higher High Water Large Tide
HHWMT	Higher High Water Mean Tide (MMHW in USA)
ISEC	Inundation Science and Engineering Cooperative
LG EPAC	Local Government Emergency Program Advisory Commission
LiDAR	Light Detection And Ranging
LLWLT	Lower Low Water, Large Tide (MLLW in the USA)
LZ	Locked Zone
MHHW	Mean Highest High Water (HHWLT in Canada)
MLLW	Mean Lower Low Water (USA - LLWMT in Canada)
MSL	Mean Sea Level (USA - MWL in Canada)
MT	Midpoint Transition
MWL	Mean Water Level (MSL in the USA)
NAVD29	North American Vertical Datum 1929
NAVD88	North American Vertical Datum 1988
NAVFAC	Naval Facilities Engineering Command
NEOWAVE	Non-hydrostatic Evolution of Ocean WAVE
NOAA	National Oceanic and Atmospheric Administration
NRC	National Research Council
NTHMP	National Tsunami Hazard Mitigation Program
ODOT	Oregon Department of Transportation
TIN	Triangulated Irregular Network
UNESCO	United Nations Educational, Scientific and Cultural Organization
USGS	United States Geological Survey
UTM	Universal Transverse Mercator (Coordinate System)

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1. Background

The Capital Regional District (CRD) is located on the southern tip of Vancouver Island adjacent to the Cascadia Subduction Zone (CSZ) that runs from the coast of Northern California to Northern Vancouver Island and separates the Juan de Fuca and North America plates. This zone can produce very large earthquakes with magnitudes of 9.0 or greater which are known as Great Subduction Zone Earthquakes. This type of earthquake poses the largest tsunami threat to the area, and several studies and models have been completed in other areas adjacent to this zone using 9.0 magnitude CSZ earthquake scenarios. The importance of the 9.0 magnitude event was recognized at the project outset and identified as a requirement in the CRD's Request for Proposals.

Data from various studies shows a recurrence interval for great earthquakes of between 300 and 700 years with an average return period of 500 years. The last great rupture in 1700 generated a destructive tsunami reaching as far as Japan and reportedly produced extensive geological evidence on the west coast of North America. Despite the uncertainty associated with seismic activities, paleoseismic studies of tsunami deposits, tree rings, and coastal subsidence have established that at least seven great earthquakes might have occurred in the Cascadia Subduction Zone during the last 3500 years.

Many residents of the Capital Region live in coastal areas, and the region is also home to many parks and beaches that receive intensive recreational use from both residents and tourists. The combination of the high tsunami hazard, coastal habitation, and intensive recreational use creates the potential for very high tsunami hazard risk levels in the coastal regions in the Capital Region.

Previously the CRD had prepared simple mapping for a selected few areas within the region, including Greater Victoria, Saanich Peninsula and Port Renfrew/San Juan River estuary, which were considered to be at higher risk. However, these maps were based upon a single elevation for each area (4 m for Greater Victoria and Saanich Peninsula, and 20 m for Port Renfrew), and, in order to more properly help mitigate risk the CRD wanted tsunami mapping developed that would be based upon a more detailed, scientific approach and would specify potential tsunami inundation limits and run-up elevations. These could then be used for determining evacuation zones and for other emergency planning purposes.

Numerical modelling can provide an effective means to assess the impact of a great Cascadia tsunami for hazard mitigation and emergency planning. This report describes:

- selection of a 500-year earthquake scenario,
- numerical model used,
- development of digital elevation model (DEM) covering CRD,
- computed flow conditions along the CRD coasts,
- development of a continuous Tsunami Hazard Line, and
- other outputs and considerations for emergency planning and management.

2. Selection of 500-Year Earthquake Scenario

The Cascadia subduction zone extends 1100 km from Cape Mendocino in northern California to Vancouver Island in British Columbia. The US National Seismic Hazard Maps includes four rupture configurations at moment magnitude Mw 8.8, 9.0, and 9.2, each with a return period of 500 years.

Table 2.1 provides the joint probability distribution of the rupture configuration and magnitude in the event of a 500-year earthquake. Each configuration includes the entire locked zone (LZ), but may extend to the midpoint (MT) or the base (BT) of a plastic transition zone. In addition, global analogs (GA) of shallow-dipping subduction zones place the eastern boundary of the rupture at 123.8°W (near the Pacific coastline of Washington and Oregon states) around a depth of 30 km below the earth surface.

In all four configurations, the slip follows a uniform distribution in the locked zone and decreases linearly to zero across the respective transition zone (if present).

**Table 2.1 – Relative Probability of Rupture Scenarios for a 500-Year Earthquake
(from 2008 US National Seismic Hazard Maps)**

Rupture	Moment Magnitude Mw			Total
	8.8	9.0	9.2	
LZ	0.02	0.06	0.02	0.10
MT	0.04	0.12	0.04	0.20
BT	0.04	0.12	0.04	0.20
GA	0.10	0.30	0.10	0.50
Total	0.20	0.60	0.20	1.00

The logic tree in the Pacific Northwest seismic source model assigns the highest occurrence probability of 0.5 to the GA rupture configurations and a total probability of 0.6 to the magnitude of Mw 9.0. In addition, the GA rupture at Mw 9.0 has the highest occurrence probability of 0.3 among the 12 scenarios for tsunami modelling, thus representing the most likely magnitude and rupture for a 500-year earthquake. This then represents the rupture scenario selected for tsunami modelling.

Figure 2.1 shows the slip distribution over the rupture area and the vertical displacement of the earth surface. The rupture is modelled by 550 planar faults and the slip distribution is computed from the seismic moment using 3×10^{11} dyne/cm² for the rigidity. The 15.4 m slip in the locked zone is equivalent to 428 years of strain at the current subduction rate of 36 mm/year and is representative of a great Cascadia earthquake that might occur within the next 100 years.

Superposition of the planar fault solution provides the earth surface deformation. The rupture produces 6.2 m of uplift along the trench and up to 1.5 m of subsidence (sinking of land level) on the western side of Vancouver Island. **Figure 2.2** provides a close-up view of the earth surface deformation around Vancouver Island. The subsidence decreases from approximately 1 m at Port Renfrew to 0.2 m at Victoria. When considering tsunami impacts on ocean water level, subsidence of the land effectively acts to raise the water level due to tsunamis; that is, subsided lands will be more at risk to tsunami inundation than prior to the earthquake and land subsidence.

Judging from the uplift and subsidence, the tsunami modelled from the selected earthquake should cover the lower 50th percentile (half) of the 12 rupture scenarios in terms of the potential tsunami impact. It also produces the best agreement with the extent of 3,500 years of paleotsunami deposits in Siletz Bay, Oregon (Cheung et al., 2011).

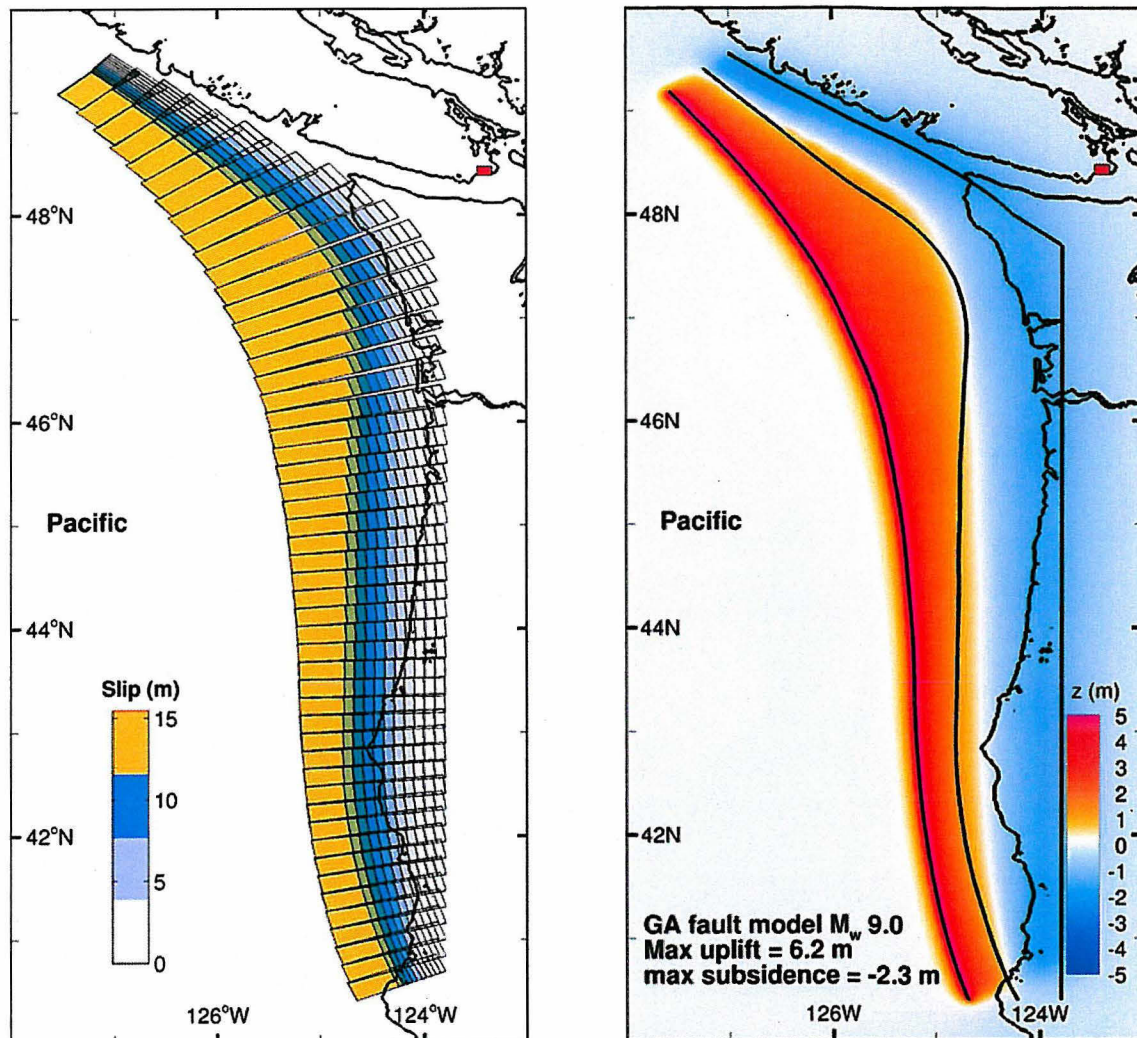


Figure 2.1 – Slip Distribution at the Rupture Plane and Vertical Displacement of the Earth Surface

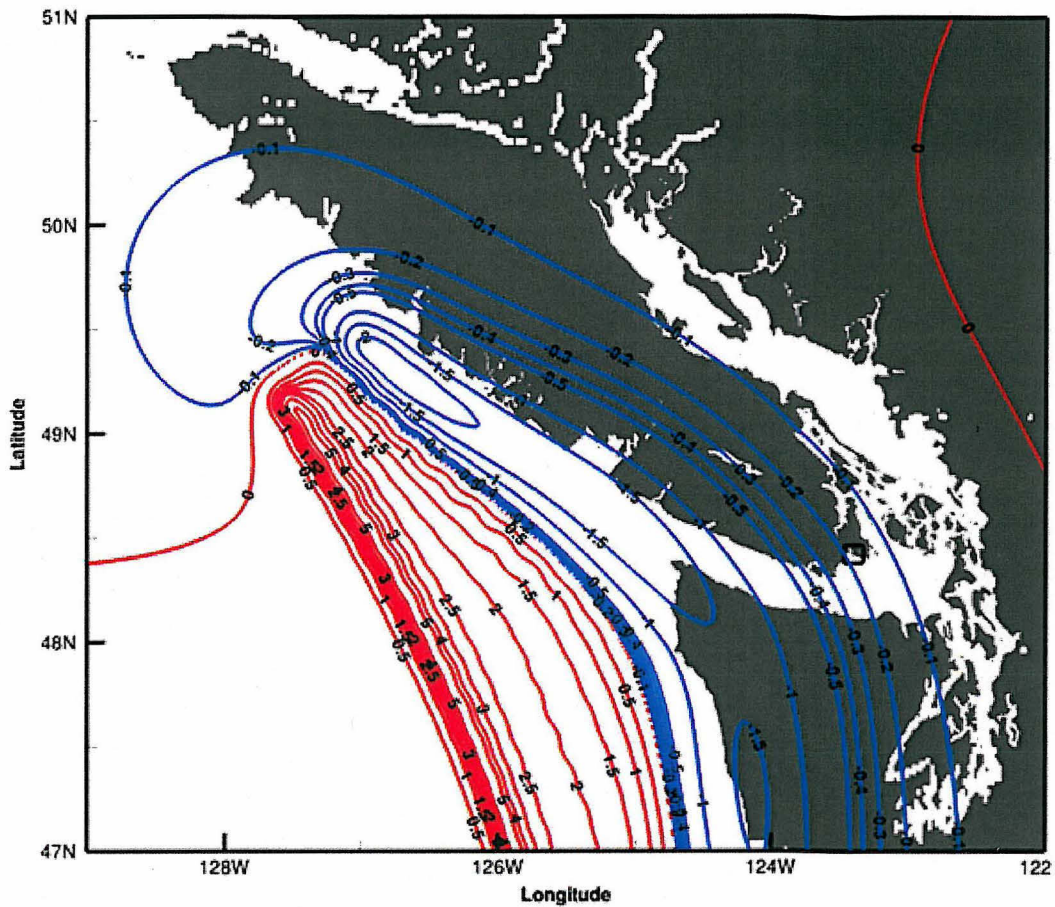


Figure 2.2 – Uplift and Subsidence in metres - near Vancouver Island

For comparison, it should be noted that Cherniawsky et al (2007) utilized a rupture scenario similar to BT to investigate impacts of tsunami waves and currents on southern Vancouver Island coasts. They considered 19 m of slip in the locked zone for a 520-year earthquake and admitted their value represents an overestimate for an event that might possibly occur in the immediate future.

3. Tsunami Model

The model selected and used for the tsunami inundation mapping of the Capital Region District is NEOWAVE (Non-hydrostatic Evolution of Ocean WAVE). This is a depth integrated model for wave propagation, transformation, breaking and run-up developed by researchers at University of Hawaii and University of Alaska led by Dr. Cheung, who was the lead modeller for this project.

NEOWAVE was entered in the 2009 Benchmark Challenge at the Inundation Science and Engineering Cooperative (ISEC) community workshop sponsored by National Science Foundation. This is the premier workshop in the tsunami inundation modelling community that was held only four times since 1990. NEOWAVE correctly reproduced the energetic breaking waves and hydraulic processes over a complex reef system in the Tsunami Wave Basin at Oregon State University and won the competition from the seven numerical models developed in the U.S. and Europe, including: GeoCLAW, Bouss2d, Delft3d, MOST, FUNWAVE, and SELFE.

NEOWAVE has been validated against the benchmarks put forth by the National Tsunami Hazard Mitigation Program (NTHMP) and is approved by NOAA for use in tsunami flood hazard mapping for evacuation and planning purposes. It also has been validated against water level and/or run-up data from recent tsunamis generated by the 2009 Samoa Earthquake, the 2010 Mentawai Earthquake, the 2010 Chile Tsunami, and the 2011 Tohoku Tsunami with a wide range of magnitudes from Mw 7.8 to 9.0.

Oregon Department of Transportation (ODOT) used NEOWAVE for modelling of 500-year tsunami for probabilistic design of coastal infrastructure in the Pacific Northwest. This study involved investigating tsunami design criteria for four bridges at Siletz Bay, Oregon by utilizing 12 scenarios of the 500 year Cascadia earthquake in the Pacific Northwest seismic source model of the National Seismic Hazard Maps. The model utilized four levels of two way grids with varying resolution to capture bathymetric features of a scale appropriate to the physical processes.

NEOWAVE has provided engineering design criteria for CVN (Aircraft Carrier) berthing facilities at Apra Harbor, Naval Facilities Engineering Command (NAVFAC) Guam. It is the official model for tsunami inundation mapping in Hawaii, American Samoa, the US Gulf coast states, and Puerto Rico. In addition, the UNESCO Inter-government Oceanographic Commission has distributed NEOWAVE to Chile, Peru, Ecuador, Colombia, and Nicaragua for development of tsunami warning guidance and inundation maps.

4. Development of Digital Elevation Model (DEM)

The NTHMP guidelines call for a grid size of 90 m or smaller for inundation mapping. The modelling for this project was performed using five levels of two-way nested grids as follows:

- Level 1 – northeastern Pacific Ocean using 1800 m grid size,
- Level 2 – Juan de Fuca Strait to the continental margin using 450 m grid size,
- Level 3 – entire CRD using 90 m grid size,
- Level 4 – Esquimalt Harbour, including Victoria Harbour, using 18 m grid size,
- Level 5 – Victoria Harbour, using 9 m grid size.

The decreasing grid size and area covered reflects an increasing level of detail to be applied to the analysis and results, which at the Level 3, 4, and 5 grids includes computation of inundation and wave run-up on initially dry land.

Modelling of tsunami propagation and inundation requires accurate bathymetry across the ocean and high-resolution topography near the coast. Due to there being several sources of information with varying degrees of accuracy, this was not completely the case for the CRD tsunami model.

AECOM used topographic and bathymetric data provided by the CRD and public sources to develop a seamless topographic-bathymetric (topo-bathy) Digital Elevation Model (DEM). The DEM forms a single surface that extends from open water up to a specified interior land surface elevation; an interior contour elevation of 10 m CGVD28 was used as the upland cutoff.

4.1 Approach

Six important steps in the development of the seamless topo-bathy DEM included:

1. Obtain and review data,
2. Establish a uniform horizontal and vertical reference frame (datum) for all of the various data sets by applying an appropriate datum conversion technique,
3. Prioritize and integrate (e.g., merge) the various data sets together into a single seamless surface,
4. Delineate a zero metre contour shoreline,
5. Build a TIN surface and sample the various model DEM grids from that surface,
6. Provide a bare-earth surface.

Each of these steps, along with challenges and hurdles, is described briefly in the following paragraphs.

4.2 Available Data

Data were obtained from many sources and adjustments were made to prepare the data for use. The following summarizes the data, sources, and adjustments, with the colour references indicating the spatial extent of the different datasets as shown in **Figure 4.1**.

1. CRD LiDAR (light green with outline) – AECOM received 483 text files containing LiDAR data (XYZ format); however, no metadata (e.g., data accuracy, projections, acquisition dates, 1 & 2 classifications) were available and without attribute field matching names on LiDAR files, a conversion had to be run to develop an index file.
2. CRD Mass Points and breaklines (red) – AECOM converted these data from a geodatabase format to a 3D shapefile; issues were discovered with some breaklines that were fixed.
3. Canadian NRC DEM (Canadian land area)(orange) – AECOM converted these data from 2D shapefiles to 3D shapefiles; a bounding polygon for these data was not provided and had to be created.
4. USGS DEM (US land area)(grey hillshade) – AECOM obtained these data from public sources; however, the data had to be reprojected from geographic to UTM coordinates and a bounding polygon had to be created for these data also.
5. CRD Victoria Bathymetric Data (light blue) – this information was obtained by CRD from the National Resources Canada, Canadian Hydrographic Service, Pacific Region; AECOM transferred into UTM coordinates and elevations were available as Chart Datum referenced to Victoria Harbour.
6. NOAA Coastal Relief Bathymetry Data (dark blue) – available as UTM coordinates but vertical datum did not match with Canadian sources and there is no direct transformation from US to Canadian elevations (see discussion that follows).

Several challenges were presented for the direct use of these data including:

- inconsistent vertical and horizontal datums,
- lack of bare-earth topography in LiDAR data,
- terrestrial and bathymetric data discontinuities, and,
- discontinuous zero metre shoreline delineation.

These challenges and resolutions are described in the following sections.

4.3 Establishing Vertical and Horizontal Datums

The methodologies selected for creating the seamless topo-bathy DEM required a uniform vertical and horizontal datum to integrate the various datasets into a single seamless surface. AECOM confirmed with the CRD that the vertical datum and units of the CRD data provided are in CGVD 28 (Canadian Geodetic Vertical Datum of 1928) and in metres, and that the horizontal datum and units of the CRD data provided are in UTM Zone 10N and that units are in metres.



Figure 4.1 – Datasets Used in the Development of the DEM

4.3.1 U.S and Canadian Vertical Datums

Literature searches and discussions with U.S and Canadian government staff indicated merged U.S and Canadian topo-bathy datasets have been compiled only down to a 6 arcsecond level of resolution; however, this project required a 3 arcsecond (90 m) dataset. Therefore, finer resolution datasets were joined together, but vertical datum differences were observed between U.S and Canadian data. **Figure 4.2** shows a section across the Strait of Juan de Fuca and a sampling of U.S (blue) and Canadian (red) bathymetric data points within the red circle are shown in the bottom portion of the figure.

Inquiries with NOAA on 06/11/12 indicated, “there is no direct transformation from CGVD 28 to NAVD 88. In general CGVD 28 is considered about the same as NGVD 29...”. Therefore AECOM used the NOAA VERTCON tool (National Geodetic Survey, 2013) to estimate that NAVD88 elevations are approximately 1.09 m higher than NGVD29, and by association CGVD28. We also observed that the U.S. data are not always consistently higher in elevation than the Canadian data. However, this difference in bathymetric elevations was deemed insignificant for offshore tsunami wave modelling in strait with 90 m grid and depths greater than 100 m, and the values were used as presented.

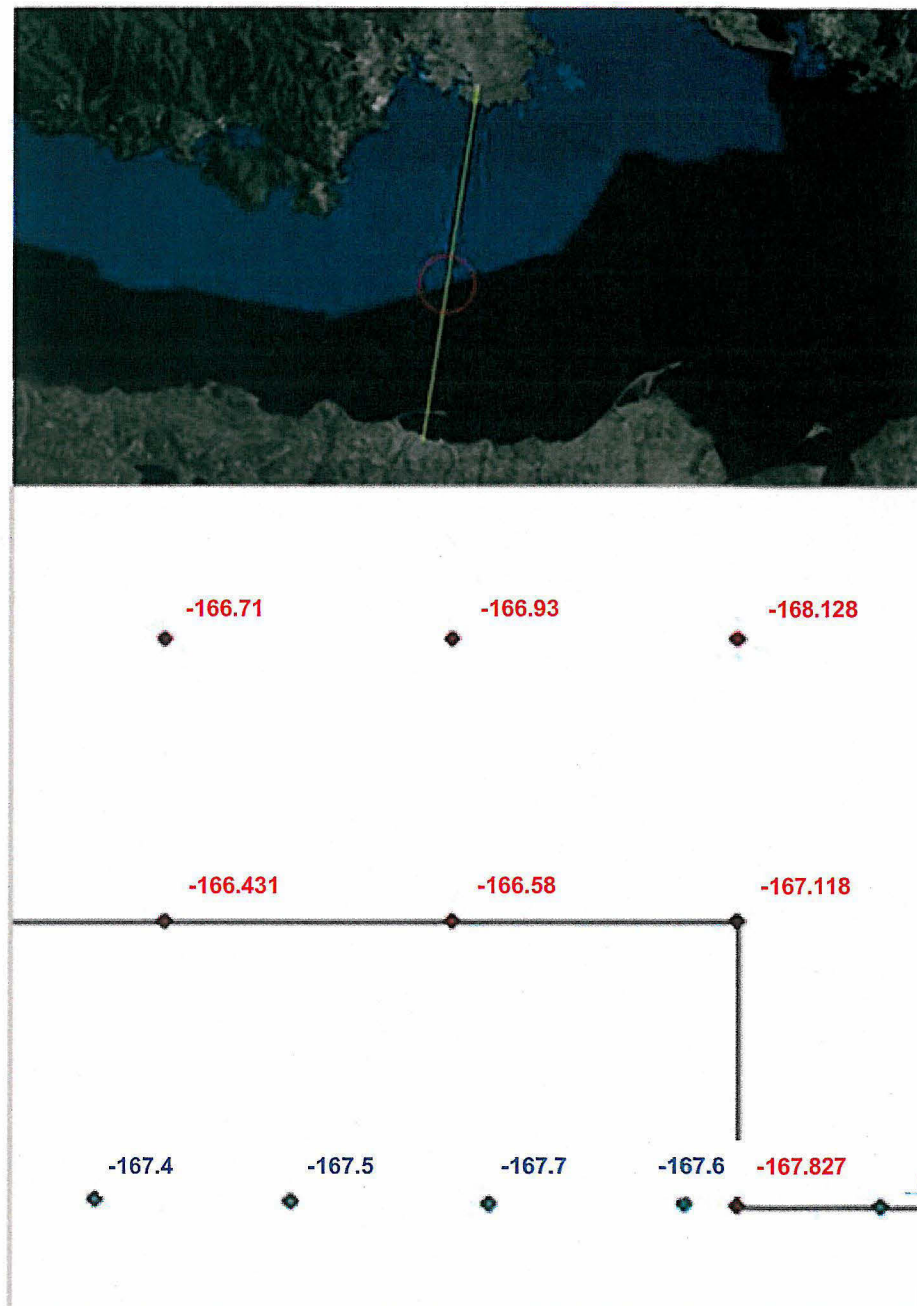


Figure 4.2 – US and Canadian Bathymetric Data

4.3.2 Local Tidal Datums

Modelling of tsunami propagation and inundation requires accurate bathymetry across the ocean and high-resolution topography near the coast. The source data includes the ETOPO1 Global Relief Model and Coastal Relief Model at 1 arcmin and 3 arcsec (~1800 and ~90 m) resolution obtained from the US National Geophysical Data Center. AECOM also prepared elevation datasets of the Juan de Fuca Strait, the Greater Victoria area, and Victoria Harbour at 50, 18, and 9 m resolution.

While the Global and Coastal Relief Models reference the mean sea level, the AECOM datasets use the chart datum (CD) in Canadian waters that were adjusted in the development of the digital elevation model. **Table 4.1** summarizes the benchmark elevation and water levels at Victoria Harbour from the Canadian Hydrographic Services. Contrary to U.S. practice, the water levels in Canada are derived from 19 years of predicted tides. The present sea levels are based on the 2010-2027 epoch.

The Canadian Chart Datum (CD) target is the Lower Low Water, Large Tide (LLWLT) as opposed to the Mean Lower Low Water (MLLW) used in the US. The AECOM datasets are adjusted uniformly to reference the Mean Water Level (MWL) at Victoria Harbour. This provides a reasonable approximation of the water level along the CRD coasts. However, due to variations in chart datums, the adjustment might not produce representative results for outlying areas such as the San Juan Islands and U.S. land areas in Puget Sound.

Table 4.1 - Benchmark Elevation and Water Levels at Victoria Harbour, British Columbia.

Reference	Elev (m) Referenced to Chart Datum	Elev (m) Referenced to Geodetic Datum
Benchmark 87C9766	7.282	5.401
HHWLT (average of annual highest tides)	3.124	1.243
HHWMT (MHHW in US)	2.613	0.732
CGVD28	1.966	0.085
MWL (MSL in US)	1.881	0.000
LLWMT (MLLW in US)	0.769	-1.112
CD	0.000	-1.881
LLWLT (average of annual lowest tides)	-0.083	-1.964

Bathymetry is usually referenced to the CD, while topography is referenced to the MWL or geodetic datum; however, the MWL and geodetic datum are practically the same at Victoria (difference is 0.085 m or 8.5 cm). Since the CRD LiDAR elevations are based on the CD, land elevations were reduced by 1.881 m to align with MWL in the vicinity of Victoria Harbour.

This resulted in a potential downward offset of 1.881 m in the land elevations in the Level 3, 90 m grid areas, depending upon the source of original data. This was considered reasonable for general hazard assessment since it was expected that this offset would not noticeably change tsunami wave heights and, ultimately, maximum water levels. The lack of a significant variation in predicted maximum water levels was confirmed by performing the tsunami modelling using both datums. It is the maximum water level that is later used to derive the Tsunami Hazard Line, which is entirely referenced to the geodetic datum.

4.3.3 Terrestrial and Bathymetric Data Discontinuities

As the datasets were converted to a common vertical and horizontal datum, it was observed that the CRD terrestrial LiDAR data overlapped with the Canadian NRC DEM bathymetric data. As a result, LiDAR data created an unnatural "shelf" (**Figure 4.3**) because the water surface at the time of flight was captured in the LiDAR data, showing a "flat" surface at approximately 2 m elevation for all ocean areas. Because the LiDAR was considered to be most accurate and therefore assigned a higher priority in terms of which data could be relied upon at which locations, the unnatural flat surface or shelf resulted in erroneous data that would significantly impact the shoreline effects of the tsunami model. To correct this a zero metre elevation shoreline was used to trim the LiDAR terrain data back and allow the merged bathymetric data to take priority in those areas, as approximated by the red dashed line in **Figure 4.3**.

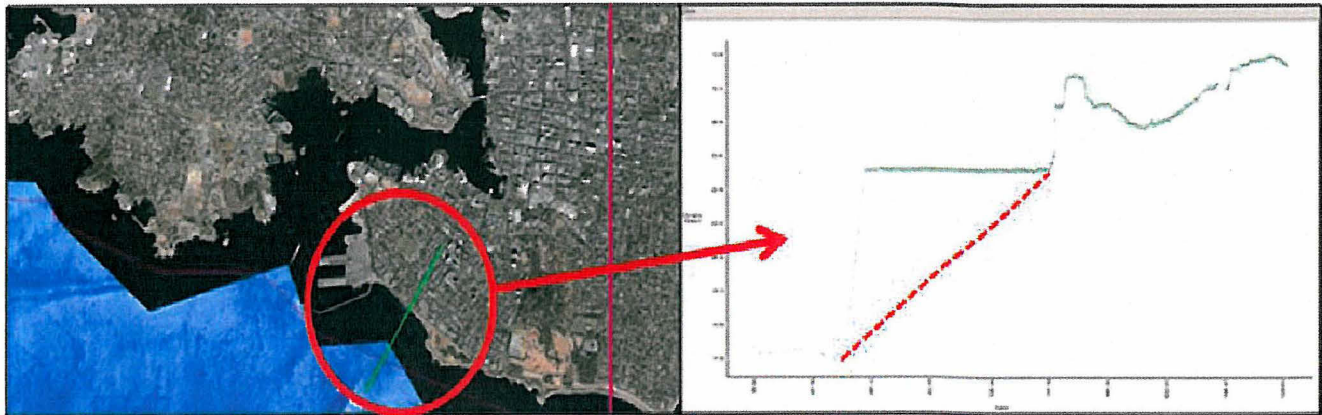


Figure 4.3 – Example of Topo-Bathy Data Overlap Challenges

4.4 Data Integration

Integrating all of the various survey data was a significant and major step in developing the seamless topo-bathy DEM. Data integration consisted of combining or merging data sets into a single, continuous surface. **Figure 4.1** shown earlier, shows how the various datasets were merged with the prioritized data on top of other data; the following data were used in prioritized order:

1. CRD LiDAR – Light Green with Outline
2. CRD Mass Points and breaklines – Red
3. Canadian NRC DEM (Canadian SIDE) – Orange
4. CRD Victoria Bathymetric Data –Light Blue
5. NOAA Coastal Relief Bathymetric Data – Dark Blue

4.5 Shoreline Delineation

As noted, the delineation of a shoreline, defined as the zero metre contour, was intended to be used to clip back the LiDAR data to prevent the erroneous points reflected back from the water surface from being used in the final DEM. However, on the zero metre contour made available to AECOM as a shapefile from the CRD, the shoreline was discontinuous along the coast (**Figure 4.4- left**) and some islands were not included in the zero metre contour (**Figure 4.4 - right**).

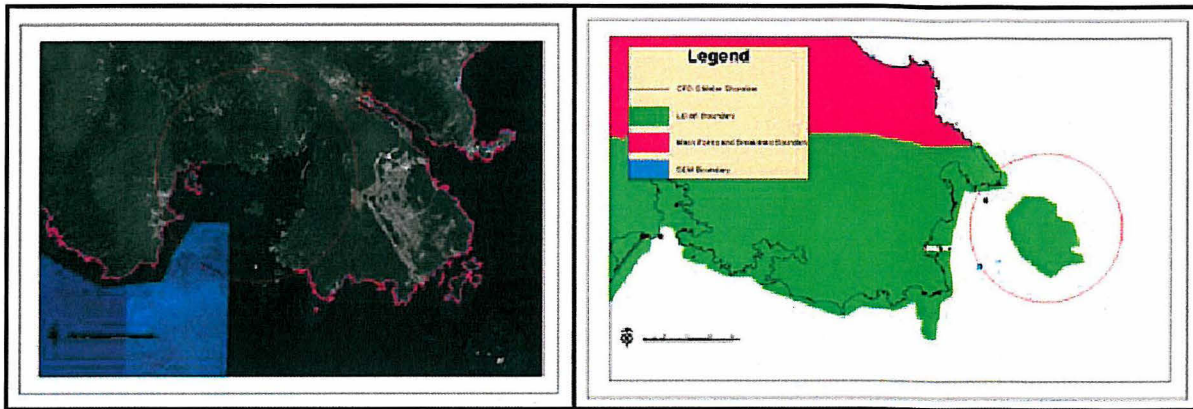


Figure 4.4 – Shoreline Challenges including Discontinuities (left) and Missing Islands (right)

At the request of the CRD, AECOM completed the process of establishing the zero metre contour in the areas with LiDAR, including:

- closing all gaps in the CRD coastline;
- adding the river at Port Renfrew; extending the Inner Harbour; and,
- adding large islands that were not previously included in the CRD DEM.

Figure 4.4 (right) shows an example of a large missing island (missing from the shoreline file) and this was digitized where LiDAR data exist; i.e., the green areas. Islands were included where they are larger than approximately 270 m (or three 90-m Level 3 DEM grid cells); e.g., as a rule of thumb, islands that are smaller than about 3 times the grid size can be omitted from the tsunami model grid.

Once the LiDAR topography was separated from the bathymetry using the zero metre contour in the areas with LiDAR, the continuous zero metre shoreline was used to separate bathymetry from topography in the areas with mass-points/breaklines. The shoreline for the mass-points and breaklines data is over 65,000 m in length.

4.6 Build TIN Surface

Then the CRD and USGS DEMs were clipped to the new shoreline and the more dense bathymetric data in the new 9 m and 18 m grids were added, prioritizing it into the CRD and NOAA bathymetric data, and removing all the bathymetric data that has topographic data on top. At this point the TIN surface was built using an automated computer process from which the various grid sizes of the DEM were sampled. Due to the large amount of data involved this process required the use of four very powerful micro-computers calculating continuously for approximately two weeks.

Figure 4.5 provides a screenshot of the resulting DEM including the 9 m grid (red border), 18 m grid (black border), within the 50 m grid and with the shoreline shown for reference.

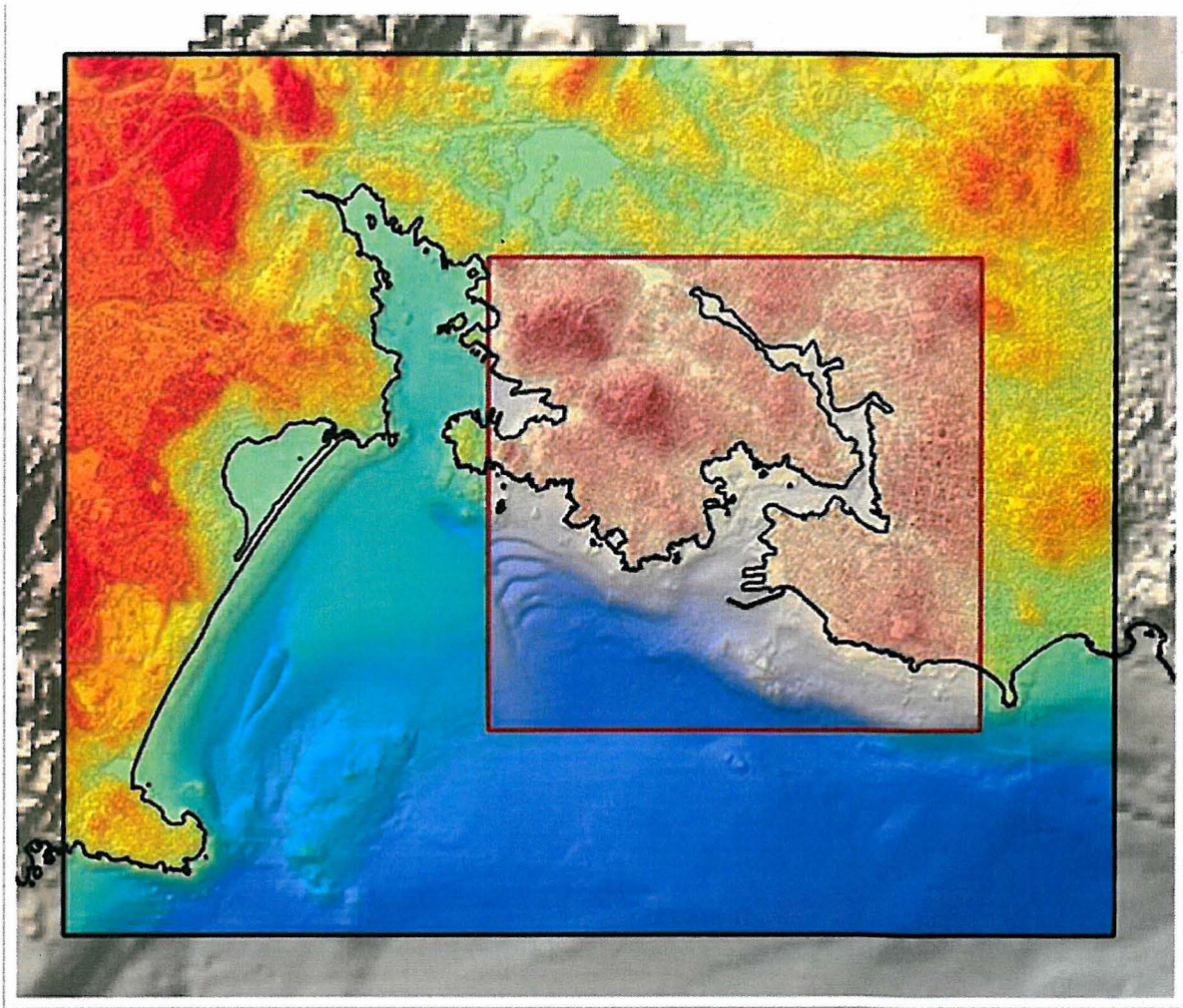


Figure 4.5 – Nested Model Grids with Final Shoreline

4.7 Bare-Earth Topography

The final step in the processing of land-side topographic data was to prepare the DEM for bare-earth topography. In the original data, buildings and vegetation from LiDAR surveys were visible in the LIDAR datasets. Since tsunami models treat buildings and vegetation as solid blocks, their inclusion would artificially reflect incoming waves and unduly restrict flows. With permission from CRD, buildings and vegetation were filtered out from the DEM. The algorithm systematically replaced building and canopy elevations by those of adjacent roadways and open areas. **Figure 4.6** shows the unfiltered (left panel) and filtered (right panel) land surface for inundation modelling in the Greater Victoria area. A comparison with the original data shows minimal effects of the filtering algorithm on the topography. The use of bare-earth topography is consistent with, and recommended by, the NTHMP Modeling and Mapping Guidelines.

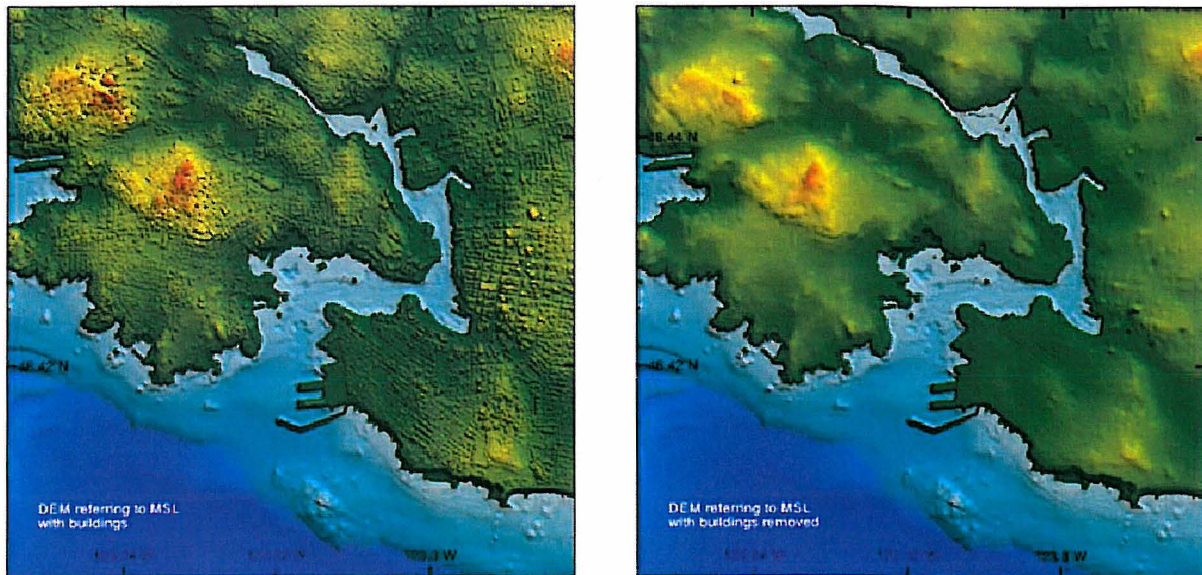


Figure 4.6 – Conversion to Bare-Earth Topography

4.8 Summary

The preceding pages summarize what proved to be an extensive and, at times, labour-intensive process. However, the effort required to provide a continuous coastline and seamless topographic-bathymetric DEM was essential for the tsunami modelling, to provide accurate and realistic results.

The process of assembling the DEM is never simple, and it is inevitable that inconsistencies will exist. Although establishing a uniform reference frame will reduce the error in the final DEM, it will not eliminate all data mismatches in the merged data set. Additional potential sources of errors stem from differences in the collection date, as the morphology and topology of the area is likely to change over time, particularly in dynamic coastal systems, and after extreme events such as floods.

Having stated that, it should also be noted that the assembled continuous, seamless dataset is much better information than the CRD possessed prior to this assignment and effort. Its existence now creates other opportunities for the CRD (and possibly, its member municipalities and stakeholders) to undertake other investigations and reviews or, simply, related to mapping purposes near the coasts. However, it should be noted that the DEM still relies on some old topography (NRC DEM) for a large portion of the region outside of the Level 4 (18 m) and level 5 (9 m) grid areas, and that the original source(s) of this information are often unknown.

5. Tsunami Modelling Results

5.1 Maximum Water Levels

The NEOWAVE model was run for 8 hours of event time to capture potential resonance over the continental margin and in the Strait of Juan de Fuca. The computation was performed using the base water level of Higher High Water Mean Tide (HHWMT). **Figure 5.1** shows the maximum surface elevation from the five levels of nested grids. The maximum surface elevation references the MWL and thus includes 0.732 m of tides corresponding to the HHWMT, i.e., maximum water level is not the wave height, which is smaller. While subsidence will also have an impact, it acts to lower the land elevation, making subsided land more at risk to tsunami impacts; however, it does not change the water level calculations, so that the water-level definitions, such as MWL and HHWMT, remain unchanged by the earth surface deformation.

5.1.1 Levels 1 and 2 Grids

The tsunami transforms over the continental shelf and maximum water levels reach 6 to 9 m elevation along the open coast of western Vancouver Island modelled at 15 arcsec (~450 m) resolution. After subtracting the tide level, the coastal wave amplitude is consistent with the 5 m of run-up inferred by Clague et al. (2000) from the spatial distribution of the deposits of the 1700 Cascadia tsunami. Although the run-up would be higher at heads of inlets and embayment, the agreement of the results along the open coasts of Vancouver Island renders additional support for the selection of the GA rupture scenario for the tsunami hazard assessment.

5.1.2 Level 3 Grid

The Level 3 results provide a reasonable depiction of the water level along open coasts, but might underestimate the run-up at inlets and waterways not resolvable at the 90 m grid. The model shows rapid attenuation of the energy as the tsunami enters the Strait of Juan de Fuca. The maximum water level reduces from 3.1 m at Port Renfrew to approximately 2.4 m at Victoria.

The maximum water level continues at 2.2 m along the relatively sheltered Saanich Peninsula coast because of local shoaling. Similarly, the water level builds up to over 3 m on either side of the Strait of Juan de Fuca with shallow water along the coast. An exception is at Race Rocks, where the shoals and outcrops accelerate the flow and lower the water surface locally. The model captures the build-up of the water level at Sooke Inlet and the formation of a weir at the entrance to Sooke Basin, where the water level is discontinuous.

As the tsunami exits the Strait of Juan de Fuca and enters the Strait of Georgia, its amplitude decreases to less than 1 m along the coasts. The lack of energetic wave activities provides an explanation for the absence of tsunami deposits in the region as reported by Clague et al. (2000).

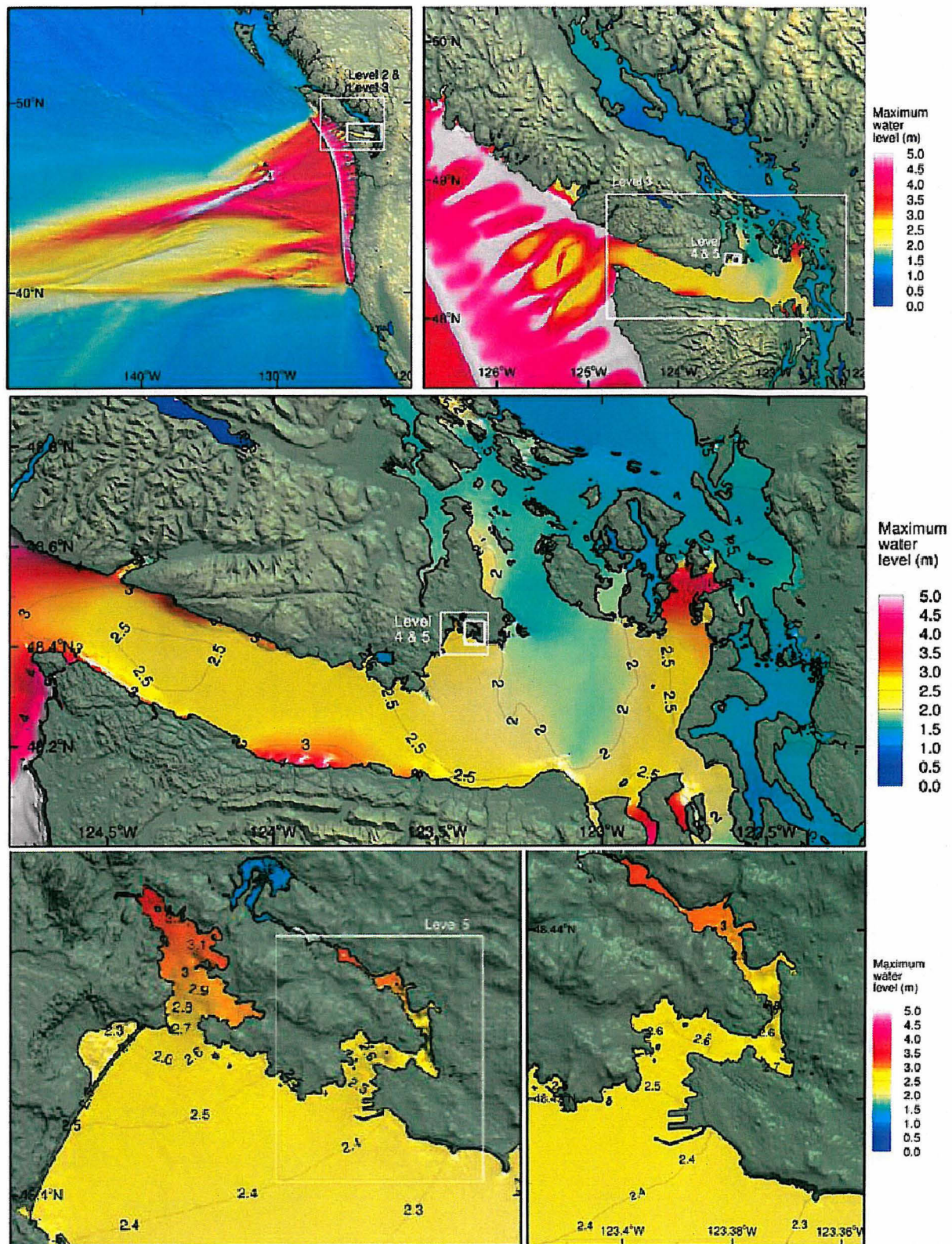


Figure 5.1 – Maximum Surface Elevation above MWL

5.1.3 Levels 4 and 5 Grids

The Level 4 to 5 grids provide detailed flow conditions in the Esquimalt Harbour and Victoria Harbour areas that cannot be resolved by the 90 m grid at Level 3. The computed maximum water levels, which are consistent with those from Cherniawsky et al. (2007), do not show widespread inundation in these areas. The tsunami overtops the barrier of Esquimalt Lagoon, where the water level increases to 2.3 m, and there are resonance effects in Esquimalt Harbour, so that the surge at the head of the embayment reaches 4.3 m above MWL. The water level increases from 2.5 m at Victoria Harbour to 3.1 m in Gorge Waterway with minor inundation at pockets of low-lying areas. Weirs are formed at a couple of locations along the waterway, where the flow is discontinuous. The tsunami does not overtop the cruise ship terminals and the harbour promenade areas, which have a pre-rupture elevation of about 3 m above the MWL.

For comparison, the maximum water level associated with the 2011 Tohoku tsunami was approximately 40 m measured at a cliff on the Iwate coast.

5.2 Water Level Drawdown

Along with potential flooding and inundation there are also effects due to water levels dropping during the complete tsunami cycle. The drawdown in harbours and waterways during a tsunami may ground vessels and damage berthing facilities.

Figure 5.2 shows the computed drawdown from the initial still water level in the level 3 to 5 grids. Although the computation was performed at HHWMT, the results provide an indication of navigational hazards should a tsunami occur at a lower tide level. The drawdown is much smaller than the wave amplitude along the Strait of Juan de Fuca, but increases dramatically over shallow shoals and embayments. Port Renfrew experiences up to 1.4 m of drawdown. The value increases from 1.2 m at the Esquimalt Harbour entrance to 2.0 m at the head of the embayment in association with the first mode of resonance oscillation. Victoria Harbour, which is less prone to resonance because of its irregular geometry, experiences relatively uniform drawdown of 1.1 m extending through most of the Inner Harbour, Upper Harbour, and Gorge Waterway.

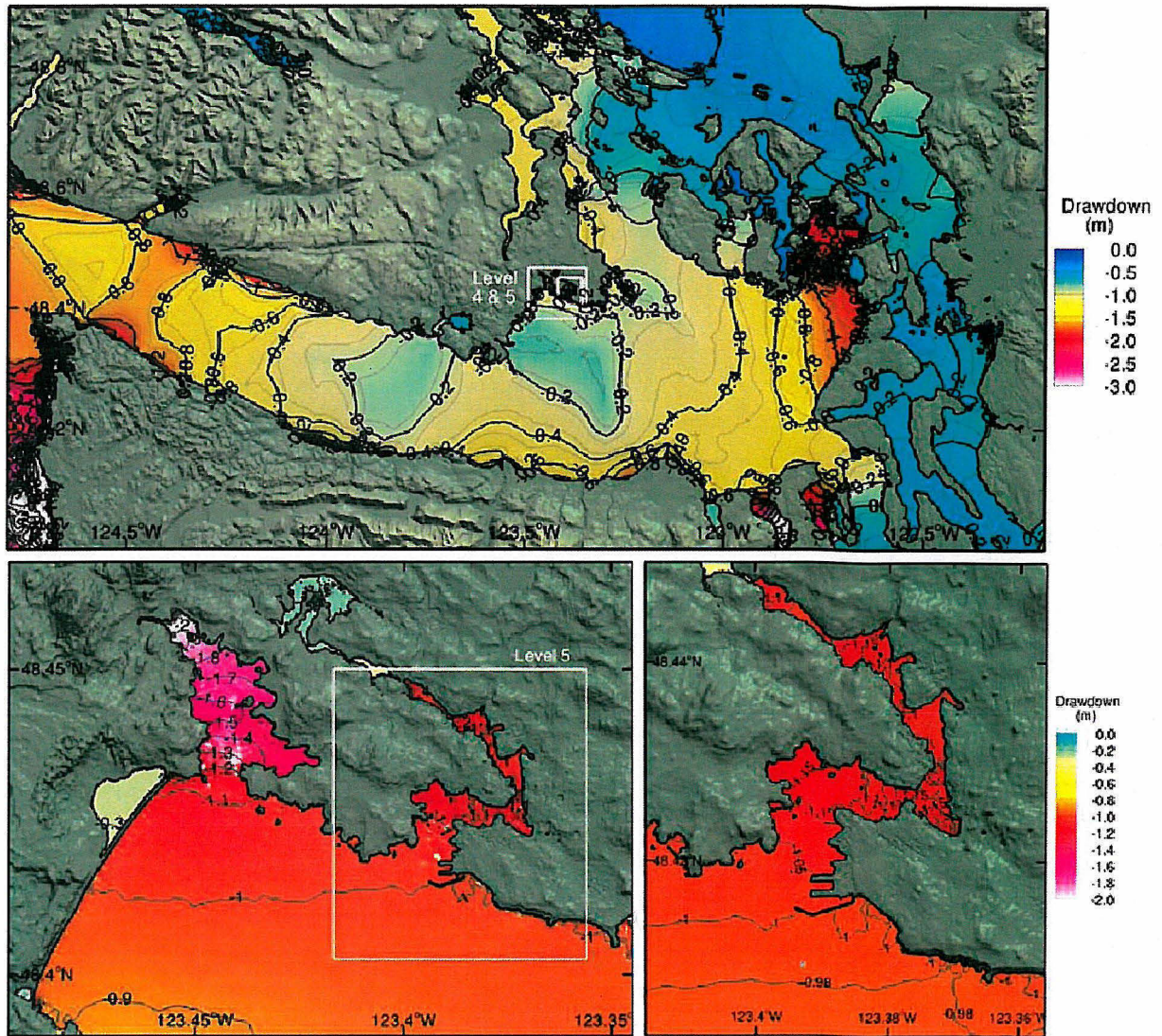


Figure 5.2 – Maximum Drawdown of Water Level

5.3 Tsunami Water Flow Velocities

Tsunamis can generate damaging flow velocity conditions (similar to water currents) in harbours and waterways even when there is only nominal inundation on land. NEOWAVE is the only NTHMP-approved model that has been validated with measurements of coastal currents generated by a tsunami (Yamazaki et al., 2012b).

Figure 5.3 plots the maximum water flow speed in the Level 3, 4, and 5 grids. The Level 3 grid at 90 m resolution provides a reasonable depiction of the currents over large coastal features. The current in the Strait of Juan de Fuca is typically less than 1 m/s, but increases to over 2 m/s in inlets and waterways. High flow speeds of 2.7 and 2.4 m/s develop at Port Renfrew and Sooke. The jet into Sooke Basin is reasonably determined and depicted.

Further east, the model captures the flow speed increase 3.1 m/s at Race Rocks, where the tidal currents are known to generate strong eddies. Tolkova (2012) indicated that a tsunami in a strong tidal river can be amplified when propagating into the ebb flow after a high tide. However, recent studies by Tolkova (personal communication) showed that the nonlinear tide-tsunami interaction is almost negligible in the Strait of Juan de Fuca.

The Level 4 grid at 18-m resolution provides the water flow speed at more refined coastal features. The model depicts the inflow and outflow jets at Witty's Lagoon near Albert Head as well as high speed flows over the barrier and at the inlet of Esquimalt Lagoon. The flow speed increases to 3.2 m/s at the entrance to Esquimalt Harbour, where a node is developed from the standing wave. Local acceleration of the flow is evident in the upper reach of the basin, where small islands and outcrops produce constrictions of the flow.

The level 5 grid provides detailed water flow conditions at 9-m resolution in Victoria Harbour and Gorge Waterway. The inner and outer harbours show strong outflow jets reaching 3.4 and 3.1 m/s due to ponding of floodwater in the upper reach of Gorge Waterway and rapid withdrawal of the tsunami in Victoria Harbour after the initial wave.

The high-speed water flow from the tsunami could conceivably damage dock facilities and generate debris in the downstream region. The flow might also erode channels and inlets that in turn might modify the flood conditions computed from the current (fixed-bed) model. The impacts of these possible changes is unknown.

For comparison, the maximum water flow velocity associated with the 2011 Tohoku tsunami was approximately 12 m/s, as inferred from video images taken in Myagi.

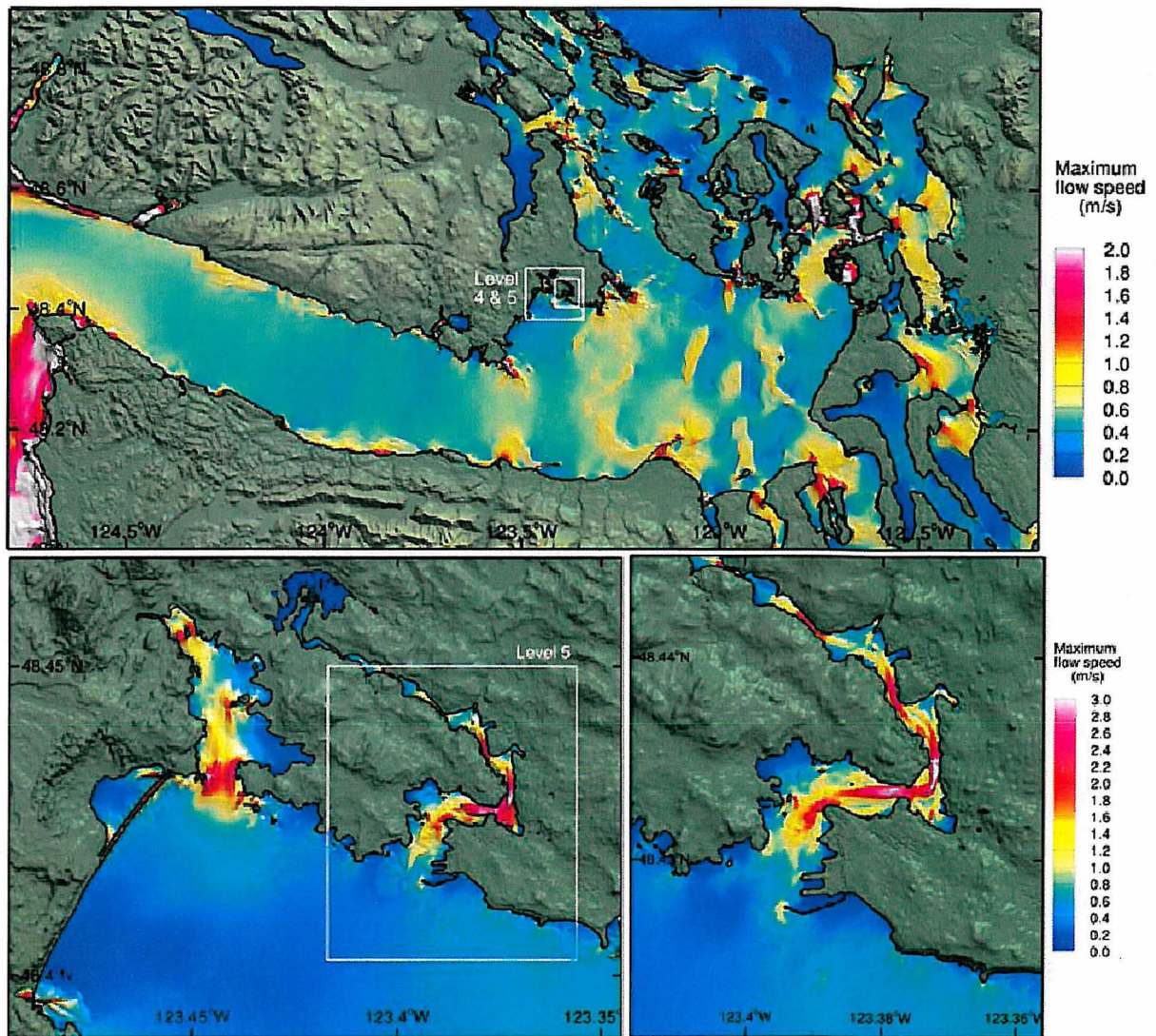


Figure 5.3 – Maximum Flow Speed in the Level 3, 4, and 5 grids

5.4 Tsunami Arrival Time

Tsunami arrival time is an important consideration in emergency planning and management.

Because of greater subsidence over the continental shelf, the water in the Strait of Juan de Fuca will retreat to the Pacific Ocean immediately after the rupture. Part of the initial wave generated by uplift of the continental slope will propagate toward the coastlines. Tsunamis are shallow-water waves, whose propagation speed given by \sqrt{gd} , where $g = 9.81 \text{ m/s}^2$ is acceleration due to gravity and d is the local water depth.

Figure 5.4 shows the time when the water surface rises above the initially subsided water level. The tsunami arrives at Port Renfrew in 45 min after the earthquake. Sooke sees the arrival of the initial positive wave 60 min after the earthquake. The wave reaches the entrances of Esquimalt Harbour and Victoria Harbour 76 min after the earthquake, while the formation of weirs delays the arrival of the flood waves along Gorge Waterway even further. Because of the shallow coastal water, the wave does not reach Sidney on the Saanich Peninsula coast until 110 min after the earthquake.

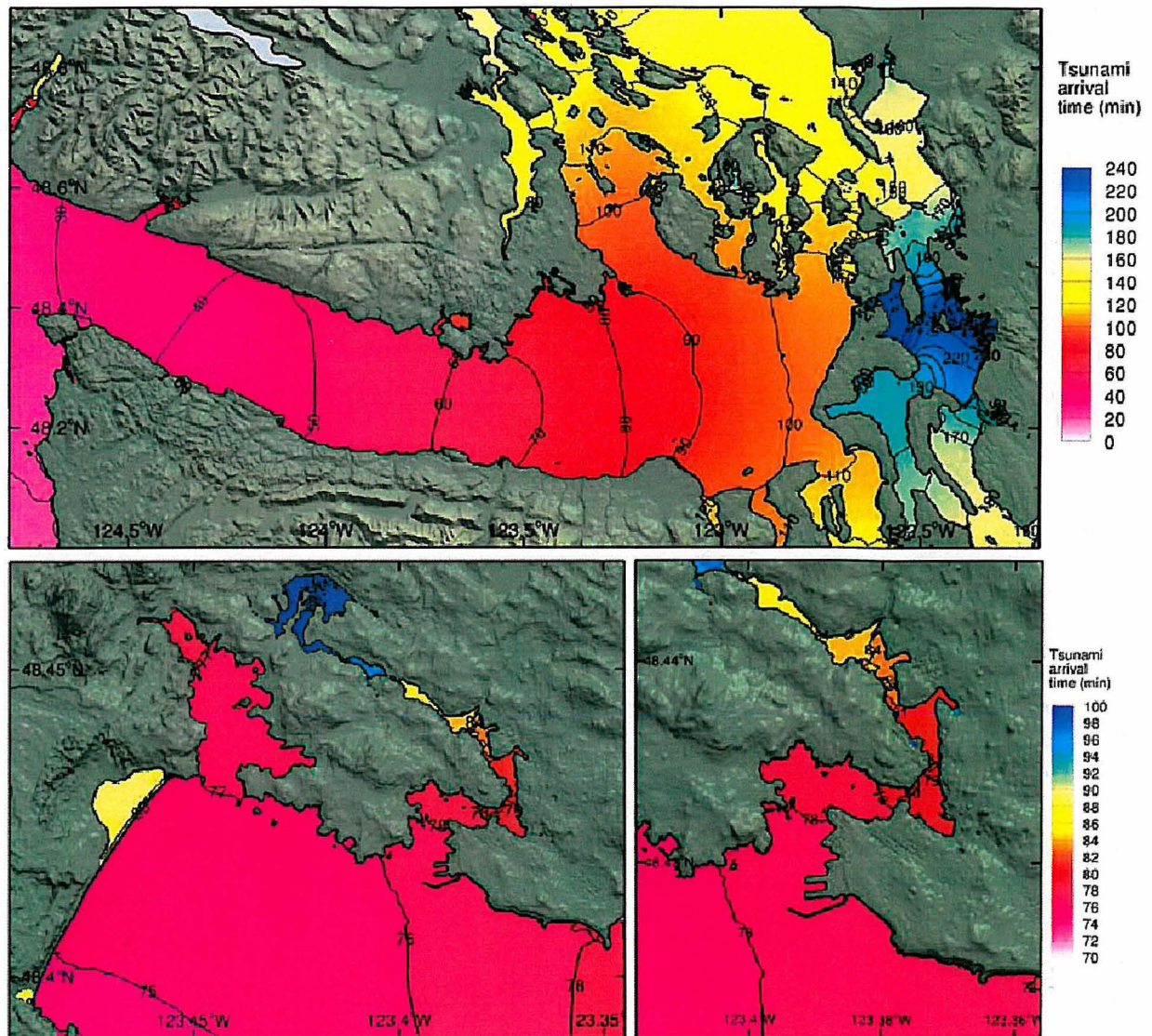


Figure 5.4 – Tsunami Arrival Time

5.5 Water Level Resonance and Time to Maximum Water Level

The continental shelves, straits, and embayments in southern Vancouver Island are prone to resonance caused by tsunamis. Constructive interferences from resonance modes have resulted in late arrivals of destructive waves in previous tsunami events.

Figure 5.5 plots the time to reach the peak water levels after the earthquake. The initial wave crest determines the peak water level at most locations along the Strait of Juan de Fuca. The water level at Port Renfrew reaches its peak in 60 min, however, the water at the head of the embayment takes another 60 min to reach the peak level. Similar, the peak flow reaches the Sooke channel in 80 min, but it takes another 60 min to fill the Sooke basin to the maximum level. This highlights the fact that a tsunami comprises a series of waves and subsequent arrivals might augment the amplitude of resonance oscillations.

The waters off Esquimalt and Victoria Harbours rise to the peak level in 95 min after the earthquake. The peak flow enters Victoria Harbour and the lower reach of Gorge Waterway almost instantaneously. In contrast, the resonance oscillation in Esquimalt Harbour reaches its peak 60 min later. Resonance and persistent wave activities occur around the Gulf Islands, so that the Saanich Peninsula coast does not see the peak flow until 166 min after the earthquake. The Strait of Georgia, which resonates with the longer period waves, does not exhibit the peak surface elevation for at least another 100 min.

Coastal resonance is a common occurrence during tsunami events. Standing edge waves formed along the continental margin have low dissipation rates and continue to send waves into the Strait of Juan de Fuca long after the rupture. Because of the semi-enclosed basin, the oscillations in the Strait of Juan de Fuca and Strait of Georgia might take many hours to subside.

From an emergency management perspective, it will be important to maintain the tsunami warning until the water level shows an obvious downward trend.

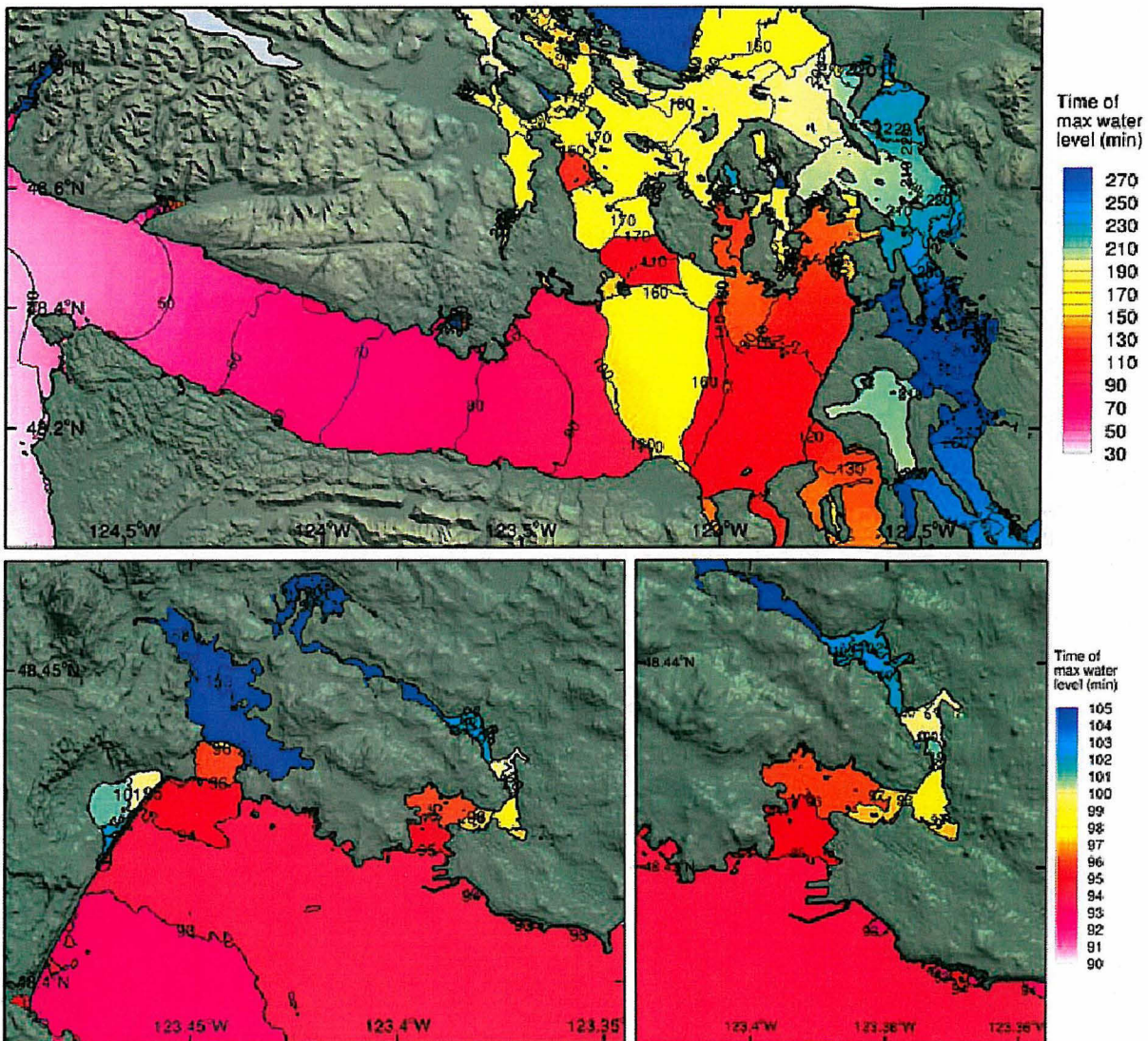


Figure 5.5 – Time to Peak Water Level After the Earthquake

6. Tsunami Hazard Line

6.1 Maximum Water in Conjunction with Subsidence

The tsunami model defines the time sequence of the event from the subsidence and uplift of the earth surface at the time of the magnitude 9.0 CSZ earthquake to propagation of the tsunami through the Straits of Juan de Fuca and Georgia. Maximum water levels and time to maximum water levels were identified in the previous section. Flood depths overland can demonstrate the risk of flooding for various CRD communities, industrial areas, waterfront facilities, critical facilities, and highway infrastructure.

Subsidence lowers the land elevation after the earthquake and exacerbates the subsequent flood hazards. Subsidence levels within the CRD were shown earlier in the discussion of the selection of the earthquake scenario, and vary from approximately 1.0 m near Port Renfrew to approximately 0.2 m near Greater Victoria.

Although the model already includes the earth surface deformation in the initial condition, presentation of the resulting water surface elevation relative to the subsided ground level provides a better indication of the tsunami flood hazard. **Figure 6.1** shows the maximum surface elevation augmented to include subsidence. Using this approach the determined flood level, which increases approximately by 1.0 m at Port Renfrew and 0.2 m at Greater Victoria, can be compared directly with the pre-event land surface elevation from the MWL for purposes of emergency planning and management.

6.2 Factor for Public Safety

As noted above, mapping has been prepared for all coastline locations within the CRD showing the combined impact of both water level rise due to tsunami and subsidence of the land mass. Both of these parameters vary across the region, so application of a single factor or total elevation is not appropriate.

To account for some of the variability of the input information AECOM also recommends that a Factor for Public Safety be included in the resulting calculations to determine the continuous Tsunami Hazard Line. Some of the variables that could impact the calculated results include:

- Uncertainty related to the magnitude event and the initial tsunami wave amplitude
 - While the earthquake event selected is the most likely event, other scenarios could result in higher initial tsunami wave amplitudes and higher maximum water levels within the CRD
- Tide variations
 - The base water level to which the tsunami wave amplitude has been added in this analysis is HHWMT (or MHHW in the US)
 - While this is supported and recommended by NTHMP, the tsunami could occur at another higher water condition
- Variability of topographic information
 - While topographic information at the Level 4 and 5 grids is considered to have a high degree of accuracy, much of the topographic information for the CRD total coastline is of varying quality and the original source of the information is unknown.

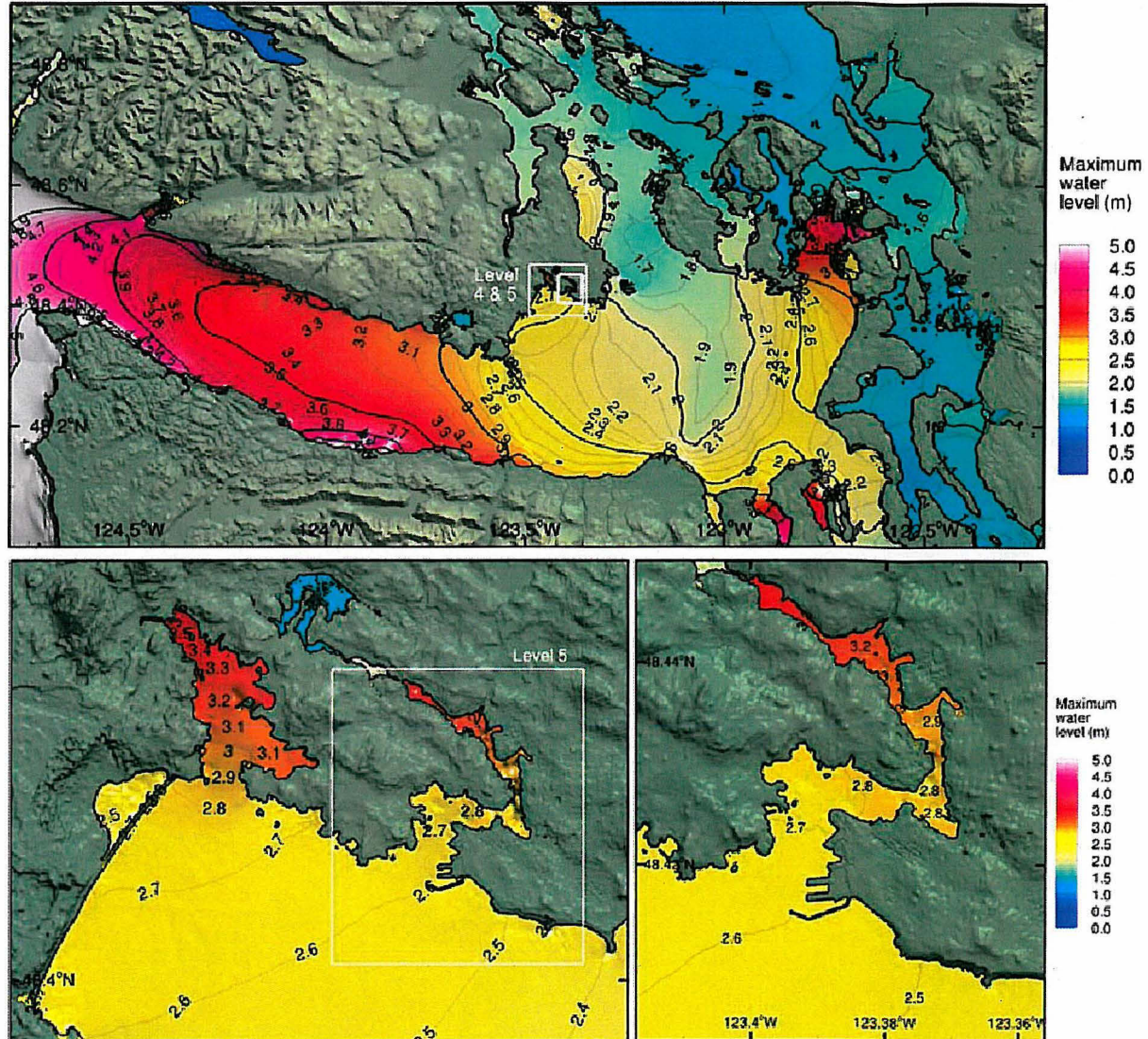


Figure 6.1 – Maximum Water Level from MWL Augmented to include Subsidence

For these reasons AECOM is recommending that a Factor for Public Safety of 50% be added to the calculated combination of maximum water level rise and land subsidence (fall), and that the resulting maximum elevation be applied as the Tsunami Hazard Line.

As examples of how this would be applied, the following sample locations are discussed:

- Using the Level 3 – 90 m grid:
 - Port Renfrew is predicted to see a Maximum Water Level of 3 m,
 - Subsidence is predicted to be approximately 1 m,
 - The calculated total water level relative to the original coastline at Mean Water Level (MWL) is then 4 m,
 - Apply a 50% factor for public safety, resulting in a Tsunami Hazard Line located at the 6 m current elevation based upon topographic information.
- Using the Level 5 – 9 m grid:
 - McLoughlin Point is predicted to see a Maximum Water Level of 2.5 m,
 - Subsidence is predicted to be approximately 0.15 m,
 - The calculated total water level relative to the original coastline at MWL is 2.65 m,
 - Apply a 50% factor for public safety, resulting in a Tsunami Hazard Line located at the 4.0 m current elevation.

6.3 Tsunami Hazard Line

Applying the above approach to all CRD coastline locations results in a completed Tsunami Hazard Line throughout the CRD and is a product of this study that has been provided to the CRD to be incorporated into its GIS mapping layers.

Figures 6.2 through 6.4 show several samples of the Tsunami Hazard Line superimposed on the land topography, showing:

- Victoria Harbour, including Inner Harbour, Upper Harbour and Gorge Waterway (using the Level 5 grid information)
- Esquimalt Harbour, showing the area from Albert Head past Victoria Harbour to Clover Point (using the Level 4 grid)
- Port Renfrew, including the San Juan River estuary (using the Level 3 grid)

Each of these examples can be compared with previous Tsunami Inundation mapping prepared for the CRD but which was based upon a single elevation for each of Greater Victoria (4 m), Saanich Peninsula (4 m) and Port Renfrew (20 m).

We would expect to see general concurrence between the mapping for Greater Victoria and Saanich Peninsula since the elevation previously chosen is similar to the calculated elevations used for the Tsunami Hazard Line in these areas. However there are differences expected as well due to the dynamic nature of this Tsunami modelling exercise and the higher precision now being applied to the data and final determined elevation.

The differences for Port Renfrew should appear significant since the NEOWAVE model has determined an overall lower total elevation (6 m) for the combination of maximum water level and subsidence, along with addition of a 50% factor for public safety, than that used for the previous mapping (20 m).



Figure 6.2 – Level 5 Grid – Tsunami Hazard Line

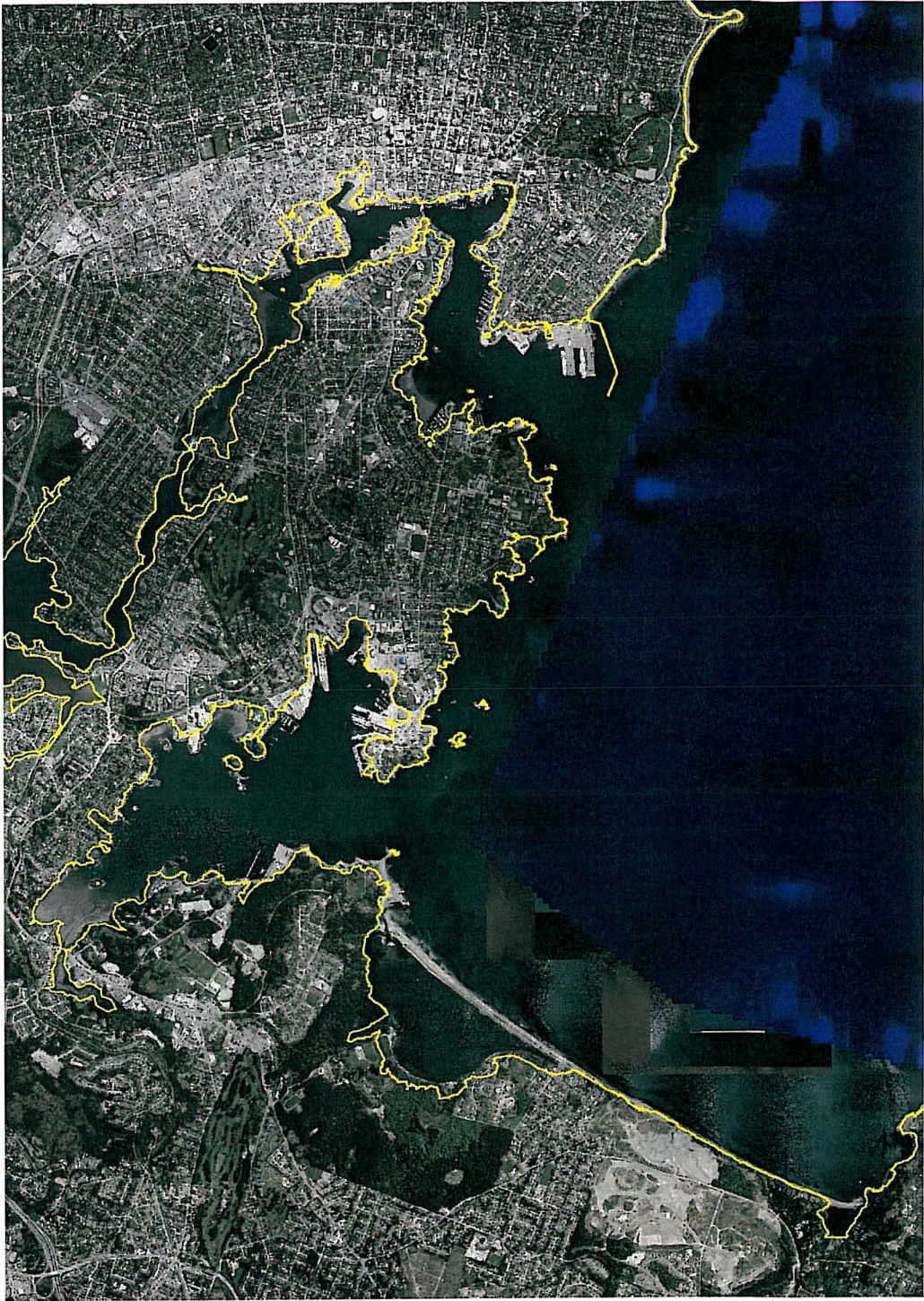


Figure 6.3 – Level 4 Grid – Tsunami Hazard Line

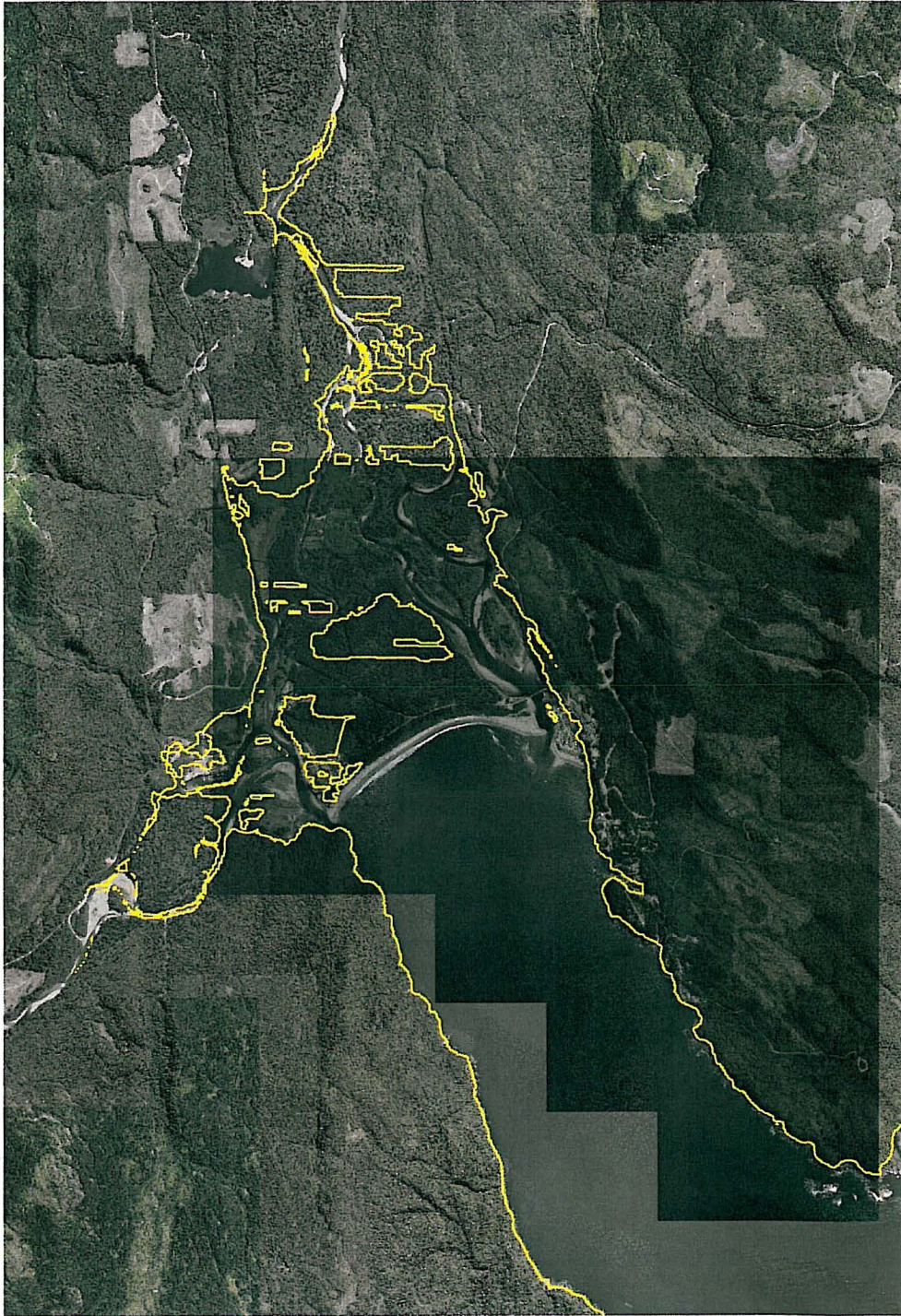


Figure 6.4 – Port Renfrew - Level 3 - Tsunami Hazard Line

7. Potential Next Steps

Within the original Request for Proposal issued for this project the CRD requested that one of the products be to “provide recommendations on potential next steps for use of data [developed as part of this project] for the purposes of risk modelling, evacuation plans, and anticipated impacts of the selected tsunami scenario.”

7.1 Summary

The results from the tsunami modelling did not result in high values of maximum water levels, significant areas of inland inundation, or dramatic changes from previous mapping that had been based upon a single, set elevation (other than a significant reduction at Port Renfrew). There are a number of differences that are apparent, where the dynamic and time-variant analysis provided by the tsunami model provides greater insight into water levels, inundation and wave run-up – however, these are generally on a relatively localized geographic scale. In that sense, the modelling resulted in a confirmation that the Capital Region is not at significant risk from a tsunami generated from a 500-year Cascadia subduction zone earthquake.

And, while the results are not dramatic or dramatically different, the CRD can have greater confidence in these new results that are based upon far more-detailed, more rigorous analysis, using a multi-level nested grid analysis process that applies time- and spatially-variant results in combination with predicted subsidence values rather than a series of allowances or factors.

Importantly, due to the model’s capabilities, there are other output parameters available from post-processing of the model results that provide useful information that can be used for tsunami hazard planning, or emergency planning, in general. These have been discussed previously and include:

- Spatial extent and magnitude of land subsidence
- Flow depths and flow velocities
- Tsunami arrive time
- Tsunami wave resonance and persistence
- Time to maximum water level

7.2 Potential Next Steps

The following paragraphs provide brief recommendations for how the CRD might utilize data from this project for public safety emergency planning and engineering efforts.

7.2.1 Additional Risk Modelling

Earthquake Scenario

The tsunami model was developed to simulate a 500-year Cascadia earthquake using a magnitude 9.0 rupture scenario for modelling of tsunami impacts along the CRD coasts. This rupture scenario was selected because it produces the best agreement with observed paleotsunami deposits along shorelines of the Pacific Northwest, including Vancouver Island.

It is also possible to assess the impacts and relative changes of impacts, in tsunami inundation, velocities, depths and timing due to a higher risk event, for example, the magnitude 9.2 scenario identified by the US National Seismic Hazard Maps (Refer to Table 2.1). These changes in impacts may be of interest to the CRD, however, it also has to be noted that this would be a less frequent, lower probability event.

Other Emergency Considerations

The construction of a seamless topographic-bathymetric terrain dataset as part of the tsunami modelling took considerable effort and represents a very significant achievement in combining multiple sources of data. It also provides an improvement over any existing digital mapping information related to the extensive Capital Region coastline, including southern Gulf Islands. This topographic-bathymetric dataset could also be considered for use in a number of possible coastal flood studies to assess flood risk along the open coast and sheltered water shorelines within the CRD – these could include tidal surge, wave run-up, and overtopping analyses associated with regional storm systems, as opposed to tsunami-generated.

7.2.2 Evacuation Planning

Even with the limited inland inundation estimated from this particular tsunami scenario, the uncertainty of the magnitude of an actual seismic event and resulting tsunami wave will necessitate evacuation of CRD residents within or adjacent to identified tsunami hazard areas.

The tsunami hazard line provides the predicted level of maximum water combined with subsidence, and including a factor for public safety, that is based upon a calculated elevation for all parts of the CRD coastline. However, on an urban geographic scale, the hazard line could be aligned through a City block or even a single building for example. An evacuation zone may be defined based on the inundation map and using identifiable landmarks such as major streets or highways, critical facilities such as hospitals and schools, designated refuge centres, and enforcement resources (i.e., the number of police officers available to enforce the evacuation and to maintain order). Establishment of an evacuation zone(s) can assist further planning effort; for example, by defining the spatial extent of areas at risk, reverse 911 call strategies can be better defined. In this way Evacuation Zone Mapping could build upon the Tsunami Hazard Line (possibly using GIS information) and would be expected to expand further beyond the Tsunami Hazard Line.

The tsunami model determines the arrival time of the initial wave, from the subsidence and uplift of the earth surface at the time of the earthquake to various locations along the coastlines within the CRD based on the propagation of the tsunami through the Straits of Juan de Fuca and Georgia. The model shows that some areas receive the first wave within approximately 60 minutes following the earthquake and that hazardous wave activities may last for hours. Given that there can be expected to be considerable uncertainty after the event and that communication systems may not be functional, it may be important to identify areas of “vertical evacuation” – where residents are instructed to evacuate to, say, third floors or higher in taller buildings of reinforced-concrete or structural steel frame buildings.

Given the high uncertainty of the magnitude of a seismic event and the inundation potential of the resulting tsunami wave, the ability to have an estimate of tsunami arrival times and time to maximum water level can be significant factors to guide determining priorities for evacuation of various areas within the CRD.

Another important aspect of emergency planning is public education. With potentially short arrival times and possible disruptions to communications, some consideration should be given to providing information to residents as to the steps to be taken immediately upon feeling a major tremor, similar to other jurisdictions. For areas at risk from tsunami impacts, waiting for instructions from government authorities is not a recommended course of action.

7.2.3 Emergency Response Planning

The tsunami model has the ability to estimate the spatial extent and duration of coastal resonance and persistent wave activities which may take hours to subside within the Straits of Juan de Fuca and Georgia. Emergency response planning should consider the temporal aspect of the hazard event and schedule the ingress of emergency responders to damaged areas with respect to the modelled duration of risk.

The tsunami model output of inundation, velocities, flow patterns, and resonance oscillations may help to infer tsunami debris source potential, movement, and post-event maintenance needs, when these model data are overlain with spatial land use and land cover information.

Previous devastating tsunamis showed that debris impact can be a major cause of damage to structures, and the most common form of debris is shipping containers. While this may not represent a major concern within Greater Victoria, the potential for debris to cause major damage within harbours and embayments should be considered.

7.2.4 Infrastructure Design

The results from the numerical modelling of the CSZ earthquake tsunami provide flow depths and flow velocities along coastal areas of the Capital Region District; these data will be very useful in designing infrastructure identified within the tsunami hazard areas of CRD. For example, flow depths and velocities can be used to estimate the tsunami impact forces on structures. Also, a significant amount of the damage that has been observed in previous tsunamis was due to high uplift pressures and forces acting on the underside of floor slabs, bridges and highways. The modelling can help in providing insight into better design standards for coastal infrastructure that might be exposed to this type of tsunami loading.

It is also possible to use flow velocities estimated from the modelling to investigate sediment scour characteristics along the coastline which could have an implication in terms of soil liquefaction that could cause failure of infrastructure such as shore protection structures, bridges, roads, buildings, and wharves, including those within Victoria Harbour, Inner Harbour, Upper Harbour and Gorge Waterway under various ownerships.

7.2.5 Transportation Planning

While the spatial extent of inland inundation from the modelled magnitude 9.0 rupture scenario is limited, model data related to velocities, flow patterns, and duration may assist with response plans for the evacuation or sheltering of waterway transportation vessels, such as moored ships and car ferries.

These model outputs may be used in conjunction with street network mapping, to guide the placement of tsunami evacuation signage, and a predictive transportation model to forecast roadway conditions under multiple evacuation/disaster scenarios.

If necessary, the analysis of forecast roadway conditions under evacuation scenarios may include the identification of methods to increase roadway capacity, e.g., signal optimization, reverse-laning, manual intersection control, availability and role of public transit, etc.

Yet another consideration here would be the possible evacuation of residents by foot along dedicated routes. In the event of a major earthquake and a need to evacuate a large number of residents, the possibility of major traffic jams occurring is very likely, and it will be advantageous to have alternative means for egress from the area.

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Appendix "F"
Comparison of Amenities

Table 1 Comparison of the amenity provisions between existing Zoning Bylaw, Bylaw 2805 as it stands at second reading, and the proposed amendments to Bylaw 2805

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>BARGING AND PIER: (b)(1) The provision of materials and supplies for construction and operation of the uses, buildings and structures on the property by boat or barge in part to reduce the impact on the development on the Immediate Community, including through reduced trucking;</p> <p>(b)(2) Pier, of sufficient size to fulfill previous condition.</p>	N/A	<p><u>Bylaw:</u> (c)(vi) Boat Moorage: (A) Temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the Wastewater Treatment Plant by barge or other marine transport.</p> <p><u>5- Year Agreement:</u> 2.1(i) <i>RFP to be amended to require WWTP Contractor "to construct temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the WWTP by barge or other marine transport"</i></p>	<p>Same as previous column Plus the following provisions have been added to the "Host Community Impact 5-Year Agreement"</p> <p><i>2.1(ii) Traffic Management Plan additional provisions indicate plan may:</i> (A) specify the use of a staging area in proximity to the WWTP site to reduce truck parking on roadways waiting to make deliveries of materials; (B) retain implement supplementary crossing guards where appropriate; and (C) include other measures acceptable to the Township, as the CRD and the WWTP Contractor develop to address the trucking of materials through the Township that are not subject to the Barging Requirements and other traffic associated with the WWTP Project.</p>

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p>2.1(ii) <i>Traffic Management Plan</i></p> <p>2.1(iii) <i>Monitoring and Reporting of Traffic</i></p> <p>2.1(vi) "The CRD has committed to vigilant enforcement"</p>	
<p>TRAFFIC, LYALL ST & OTHER ROADS</p> <p>(b)(3) Traffic integration amenities, in the form of traffic calming, speed bumps, speed cushions, speed readers with signage, enhanced boulevard curbing and landscaping and bike lanes on streets in the Immediate Community, as follows:</p> <p>a. Streets within Department of National Defence's Work Point, if and as permitted by Government of Canada,</p> <p>b. Township's streets adjacent to and within one block radius of all elementary schools, and</p> <p>c. Township's Lyall Street from Lampson Street to Head Street and Head Street from Lampson Street to Dunsmuir Street, items (3)(b) and (3)(c) collectively of a value no less than \$950,000.</p> <p>...</p> <p>(d)(5) Additional traffic</p>	<p>(b)(5) Lyall Street Enhancement: Given the proponent's recognition that Lyall Street and surrounding residents will receive a disproportionate share of the direct impacts during construction of the project, and the identification of Lyall Street as a "commuter, recreational, cycling route" in the Township's Official Community Plan, the proponent has agreed to make a significant financial contribution toward the planning and infrastructure of an upgraded pathway and bikeway system, approximate value of \$950,000 including for upgrades and connection to the West Bay Walkway.</p> <p style="text-align: center;">* * *</p> <p>(b)(4) Road Upgrades: Reinstatement of all roads (including but not limited to pave</p>	<p>Bylaw: (c)(ii) Road Upgrades: Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of a Wastewater Treatment Plant described in the Design Document to a condition equal to or better than that which existed before construction;</p> <p>(c)(iii) Lyall Street Enhancement: An upgraded pathway and bikeway system along Lyall Street, having a value of up to \$950,000, including upgrades and connection to the West Bay Walkway via the trailhead at 537 Head Street;</p> <p>5-Year Agreement: 2.5 Restoration of Road Surfaces (i) The CRD shall</p>	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>integration amenities, in the form of additional traffic calming and bike lanes on all remaining streets between Lampson Road and Esquimalt Road and subject property, to standards of design, materials and quality of construction comparable to Bonus Density – Level 1 Condition 3.</p> <p>...</p> <p>(d)(13) Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of wastewater treatment plant of this density of use, to a condition equal to or better than existed before to construction.</p>	<p>areas, sidewalks, boulevards) affected by establishment of wastewater treatment plant of this density of use, to a condition equal to or better than existed before construction.</p>	<p>cause the road surfaces affected by the construction of the WWTP, as determined by the Township acting reasonably, to be reinstated (including but not limited to affected paved areas, sidewalks and boulevards) to a condition that reflects current conditions or better, including the installation of sidewalks and curbs.</p> <p>(ii) The CRD, the Township and the WWTP Contractor shall, without cost to the Township, conduct pre-construction and post-construction assessments of the conditions of road surfaces referred to in section 2.5(a).</p> <p>...</p> <p>6.0 Additional Traffic Integration Improvements</p> <p>The CRD will, in good faith and in cooperation with the Township, design and install additional traffic calming and bicycle lane improvements on any streets between Lampson Road and Esquimalt Road and the Project Lands, which may include,</p>	

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	“Negotiated” Amendments to Bylaw 2805 Proposed Section 55(2)	CRD’s Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p>as reasonably appropriate, speed bumps, speed cushions, enhanced boulevard curbing and landscaping, all at the sole cost of the CRD, and at the direction of the Township acting reasonably.</p> <p>...</p> <p>9.1. Lyall Street Enhancement: The CRD will work with the Township for the provision of the pathway and bikeway referred to in section 55(2)(c) of Rezoning Bylaw, along Lyall Street to link West Bay to Admirals Road and having a value of approximately \$950,000 for the design and installation of the pathway and bikeway. The enhancement shall be of a design, materials and quality of construction and installation as directed by the Township acting reasonably, and shall be completed prior to the sooner of the commencement of WWTP operations or termination of this Agreement.</p>	

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p><u>Operating Agreement:</u></p> <p>2.5 (i) The CRD shall cause the road surfaces affected by the construction of the WWTP, as determined by the Township acting reasonably, to be reinstated (including but not limited to affected paved areas, sidewalks and boulevards) to a condition that reflects current conditions or better, including the installation of sidewalks and curbs.</p> <p>(ii) The CRD, the Township and the WWTP Contractor shall, without cost to the Township, conduct pre-construction and post-construction assessments of the conditions of road surfaces referred to in section 2.5(a).</p>	
<p>EDUCATION & INTERPRETIVE CENTRE</p> <p>(b)(4) Education and Interpretive Centre: provision of a dedicated conference room on-site for students and the public to learn about wastewater treatment and management, made available at no</p>	<p>(b)(6) Education and Interpretive Centre:</p> <p>Provision of a dedicated conference room on-site for students and the public to learn about wastewater treatment and management, made available at no charge to and for use by schools,</p>	<p><u>Bylaw:</u> (c)(iv) Education and Interpretive Centre:</p> <p>Provision of a meeting room and interpretive space on-site having a minimum floor area of 75 m², to be available for students and the public to learn about</p>	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
charge for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation: Minimum 25 m2 of floor area, either in main lobby or a separate room. ...(c)(4) ... additional 25 m2 of floor area... ...(d)(6) ... additional 25 m2 of floor area for total of 75 m2, including portion for a "Center of Excellence" to educate, promote and facilitate energy technology or other industries focussed on utilizing the wind and wave energy at the subject property.	government bodies, non-profit organizations and individuals as requested during normal hours of operation.	wastewater treatment and management, made available at no charge to and for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation; 5-Year Agreement: 9.5 The CRD will in good faith consider extending access to the meeting room and interpretive space on weekends and evenings when booked through the CRD for educational purposes.	
AIR FILTERS FOR SCHOOLS (b)(5) High efficiency air filter systems to improve air quality and odour reduction for schools within the Immediate Community. ...(c)(5) <i>same for</i> Nearby Community ...(d)(7) <i>same for</i> Extended Community.	N/A	DELETED	Same as previous column - Deleted.
LEED GOLD ® (b)(6) Green Building and Design Features, as follows:	N/A	<u>Bylaw:</u> DELETED <u>5- Year Agreement:</u> 2.2 The CRD shall	Same as previous column – requirement for LEED ® remains in

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>a. LEED® Gold standard, certified within one year of construction completion, or such longer period as required to address deficiencies provided initial review and report is within first year.</p> <p>...(c)(6) and (d)(8) Extension of Green Building and Design Features to additional portions of development.</p>		<p>cause the operations and maintenance building of the WWTP to be constructed to the level of LEED® Gold standard.</p>	<p>the 5-year agreement.</p>
<p>DESIGN GUIDELINES (b)(6) Green Building and Design Features, as follows:</p> <p>b. Development consistent with conditions identified in the document entitled "Design Guidelines – McLoughlin Point Wastewater Treatment Plant" prepared by CitySpaces Consulting Ltd. (Revised May 2013), a copy of which is attached to the Official Community Plan, in particular those that are not attainable through normal development permit authority.</p> <p>...</p> <p>(c)(6) and (d)(8) Extension of Green Building and Design Features to additional</p>	<p>(b)(1) Design Guidelines: Development consistent with conditions identified in the document entitled "Design Guidelines – McLoughlin Point Wastewater Treatment Plant" prepared by CitySpaces Consulting Ltd. (Revised May 2013), a copy of which is attached to the Official Community Plan, in particular those that are not attainable through normal development permit authority.</p>	<p>Bylaw: (c)(i) Design Guidelines: Development consistent with conditions identified in the document entitled "Design Guidelines – McLoughlin Point Wastewater Treatment Plant" prepared by CitySpaces Consulting Ltd. (Revised May 2013), (called the "Design Document") a copy of which is attached to Official Community Plan Bylaw 2006, Bylaw No. 2646 as Schedule H;</p> <p>5-Year Agreement: 2.4 (i) and (ii) Design Review Process "during October and</p>	<p>Same as previous column Plus the following design guideline has been added to amended Bylaw 2805:</p> <p>"(9) Development Permit Guidelines In the case of a development permit issued for a Building for a Wastewater Treatment Plant use that encroaches to a point less than 5 metres from the High Water Mark the following additional guideline may be considered in addition to the guidelines referred to in section 9.5.6 of the Official Community Plan:</p>

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
portions of development.		<p>November 2013", <i>subject to</i> "a confidentiality agreement", <i>but</i> "The parties acknowledge that such agreement cannot be applicable to the exercise of the Township's statutory powers in relation to the required development permit(s)."</p> <p>(iii) The CRD recognizes that the Project Lands are designated a development permit area in accordance with the <i>Local Government Act</i> and therefore the final decision on design and permit issuance rests with the Township's Council (subject however to appeals, judicial review and the authority of the Minister of Environment under the Environmental Management Act). The CRD will bring forward the final design as part of its development permit application for consideration by Township Council, but is free to seek input from Council in advance."</p>	<p>(a) building design and finish and site design should establish a strong architectural and functional relationship between the Building façade and the public pedestrian walkway through one or more of architectural, creative, artistic or other similar elements intended to provide enhanced visual interest for users of the pedestrian walkway,</p>

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
MACAULEY POINT PUMP STATION (b)(7) Macauley Point Pump station upgrade to standards of design, materials and quality of construction consistent with recent Craigflower Pump Station project, with odour mitigation such that odour is not detectable by humans outside of building using industry best practices agreed to by the Township of Esquimalt, or odour detection level no greater than 5 odour units failing agreement on other best practices. ... (c)(7) <i>same for all pump stations within the Nearby Community</i> ... (d)(14) <i>same for all pump stations within the Extended Community</i>	N/A	<u>Bylaw:</u> (c)(x) CRD Facilities Visual Upgrade Aesthetic improvements to the exterior of the Macauley Point Pump Station to a standard of quality and finish at least equivalent to the Craigflower Pump Station, the Currie Road Pump Station and the Trent Road Pump Station, recognizing the prominent location of the Macauley Pump Station in an important waterfront park. <u>5- Year Agreement:</u> 9.4 Macauley Point Pump Station and Related Facilities: The CRD will improve the aesthetics and operations, in particular to reduce odour, of the Macauley Pump Station within Township boundaries to a standard of quality and finish at least equivalent to the Craigflower Road, Currie Road and Trent Road Pump Stations, recognizing the prominent location of Macauley in an	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		important waterfront park. The CRD shall also make aesthetic improvements to the appearance of the Lang Cove pump station in consideration of the visibility of its location.	
PUBLIC OPEN SPACE (c)(2) Public open space along waterfront (no less than 1,000 m2).	(b)(7) Public Access and Public Walkway: Design of building and development of site to incorporate public accessible trails. Trail connection to West Bay should access through abutting Department of National Defence lands.	Bylaw: (c)(vii) Public Open Space: Public open space on the site to include a public observation point connected to the public pedestrian walkway;	Same as previous column
PUBLIC ART (c)(3) Public Art on public open space of a value no less than \$100,000, visible and oriented both to passing boats and floatplanes, respecting and exploiting the subject property's prominent position of entrance to the Victoria Harbour. ... (d)(10) Heritage Interpretative Signage, recognizing the historic uses on the subject property and process to transition to current uses (Minimum 5 signs for stations along a	N/A	Bylaw: (c)(viii) Public Art: Public art on the site having a value of \$100,000.00 to include heritage interpretive signage; 5- Year Agreement: 9.3 Public Art and Interpretive Signage Improvements: In satisfaction of section 55(2)(c)(vii) of the Zoning Bylaw, the CRD will provide a cash allowance of \$100,000 to provide for public art and historical interpretive signage that may be internally or	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
walkway in public open space area).		externally displayed. The historical interpretive signage shall be of a design, materials and quality of construction and installation as directed by the Township acting reasonably, and shall be completed prior to the termination of this Agreement. The public art shall be determined following a process that includes approval of both the CRD and the Township.	
PUBLIC OPEN SPACE IMPROVEMENTS (d)(2) The provision of public open space improvements of a value no less than \$75,000, including picnic benches and "tot" park playlot with appropriately themed play equipment and safety features given proximity to open water.	N/A	<u>Bylaw:</u> (c)(ix) Public Open Space Improvements: At least 3 benches to be installed in public open space referred to in paragraph (vii); <u>5- Year Agreement:</u> <i>See below under Public Walkway</i>	Same as previous column
PUBLIC PIER/ DOCK (d)(3) Pier or dock, of sufficient size to fulfill previous condition, including with provision of harbour tugboat pedestrian ferry	N/A	<u>Bylaw:</u> (c)(vi) Boat Moorage: ...(B) A dock or other similar watercraft landing structure to permit emergency and employee	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
service, either by property owner or through contract with existing operator.		<p>access to the site and at least seasonal public use secured by a statutory right of way in favour of Esquimalt for and on behalf of the public.</p> <p><u>5- Year Agreement:</u> 7.0 Emergency and Public Seasonal Access In addition to the boat moorage identified in section 55(2)(c) of the Zoning Bylaw, the CRD shall construct a dock or other similar watercraft landing structure to permit emergency access and may include CRD employee access, and shall make reasonable efforts to provide for at least seasonal public use to be made of the dock, subject to Transport Canada approval, Department of Fisheries and Oceans Canada approval, and provided that the installation of a dock or similar facility does not trigger a requirement for an environmental impact assessment, other than in connection with the emergency and CRD employee access.</p>	

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		<i>See also below under Public Walkway</i>	
PUBLIC WALKWAY (d)(4) Public Walkway: Design of building and development of site to incorporate public accessible trails, and off-site construction of trail connection to West Bay Neighbourhood.	(b)(7) Public Access and Public Walkway: Design of building and development of site to incorporate public accessible trails. Trail connection to West Bay should access through abutting Department of National Defence lands.	<u>Bylaw:</u> (c)(v) Public Access and Public Walkway: Design of building and development of site to incorporate public pedestrian walkway secured through a statutory right of way of 2.25 metres average width and in any event not more than 3 metres nor less than 1.5 metres in width at any point along the waterfront in favour of Esquimalt for and on behalf of the public to the respective boundaries of the property to permit future public walkway connection to West Bay if access through abutting Department of National Defence lands is permitted; <u>5- Year Agreement:</u> 9.2. Public Access, Walkway and Open Space Improvements: (a) The CRD will design and install a walkway system the length of the harbour side of the WWTP site and comprising a	Same as previous column Plus the following wording with respect to a regional park or walkway has been added to the Host Community Impact 5-Year Agreement: 9.2(d) If the Township does not elect to assume responsibility for the dock, pedestrian walkway and observation area under paragraph (c), the CRD shall establish a regional park or regional trail at McLoughlin Point to include the dock, pedestrian walkway and observation area.

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p>design that is consistent with the CRD Design Guidelines. A public observation deck will be installed at the end of the walkway. It is acknowledged and agreed that the improvements referred to in this section shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the WWTP. The CRD agrees that the value of the Open Space and Improvements will be at least \$75,000, and shall be completed prior to the sooner of the commencement of WWTP operations or termination of this Agreement.</p> <p>(b) The statutory right of way referred to in section 55(2)(c) of the Zoning Bylaw shall be in a form acceptable to the Township, acting reasonably, under which the public will not have a right of access nor will the Township assume</p>	

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	“Negotiated” Amendments to Bylaw 2805 Proposed Section 55(2)	CRD’s Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p>maintenance liability or operational responsibility unless or until the walkway to be provided under this section is connected to a public walkway providing public access from one or more boundaries of the Project Lands, or the Township elects to assume responsibility under subsection 2(c). The CRD shall make all reasonable efforts to ensure that the public walkway is 3 metres in width, and will only reduce the walkway to 1.5 metres in width where necessary because of physical constraints.</p> <p>(c) Notwithstanding section 9.2(b), upon the establishment of seasonal public use of the dock contemplated by section 7.0, the Township may, in its unfettered discretion, by written notice to the CRD elect to assume full responsibility for the dock, pedestrian walkway and observation area upon the opening of the dock to public use.</p>	

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
RECLAIMED WATER (d)(9) Integration of reclaimed water into the design of the buildings, including a rooftop wetland and landscaped feature.	N/A	DELETED	Same as previous column – Deleted.
FIRE HYDRANTS (d)(11) Consistently designed and themed upgrades to the fire hydrants and support equipment parts in the Immediate Community, to coincide with waterworks upgrades necessary for the treatment facility, such hydrants and other necessary above-ground components being distinct from the rest of the Township, unique to the proponent, including recognition of provision by the proponent further to this bylaw.	(b)(2) Upgrades to Water/Firefighting Protection: Consistently designed and themed upgrades to the fire hydrants and support equipment parts, to coincide with waterworks upgrades necessary for the treatment facility, such hydrants and other necessary above-ground components being distinct from the rest of the Township, unique to the proponent, including recognition of provision by the proponent further to this bylaw.	<u>Bylaw:</u> DELETED <u>5- Year Agreement:</u> 4.0 Water System Upgrades Recognizing that the WWTP will require the water service to be upgraded, the CRD agrees, as part of the water service upgrade, to provide fire standard hydrants and appurtenances as requested by the Township, to coincide with upgrades to the City of Victoria's water system located within the boundaries of the Township necessary for the proper operation of the WWTP.	Same as previous column
UNDERGROUND CONDUIT (d)(12) Provision of underground conduit and other appurtenances to facilitate	(b)(3) Hydro Power Grid System: Provision of underground conduit and other appurtenances to facilitate	<u>Bylaw:</u> DELETED <u>5- Year Agreement:</u> 5.0 Conduits The CRD agrees that in connection with the excavation of	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
undergrounding of all utilities, including electrical infrastructure upgrades, so as to minimize impacts on surrounding community.	undergrounding of all utilities, including electrical infrastructure upgrades, so as to minimize impacts on surrounding community.	highways in connection with construction of the WWTP, and the Heat Loop if accepted by the Township, the CRD shall install or cause to be installed a subsurface conduit to the standards of BC Hydro. It is acknowledged and agreed, however, that nothing in this Agreement obliges the CRD to install such underground wiring at the time of construction of the WWTP, the Heat Loop or otherwise.	
ODOUR & NOISE REDUCTION (d)(15) Odour-reducing and noise mitigation measures that are within the top 10 percentile of comparable facilities developed in previous five (5) years in major waterfront cities in North America and Europe, such that odour is not detectable by humans outside of building using industry best practices agreed to by the Township of Esquimalt, or odour detection level no greater than 5 odour units failing agreement on other best	N/A	<u>Bylaw: DELETED</u> <u>5- Year Agreement:</u> <u>2.3 Odour-Reducing Improvement</u> (i) The CRD shall cause the WWTP to be designed and constructed to incorporate odour-reducing technology intended to result in odour levels that will not exceed five (5) odour control units as measured at the boundary of the Project Lands. (ii) The CRD will not accept the WWTP until the standard under paragraph 2.3(i) can be met.	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
practices.		<p>(iii) If, following commissioning, the WWTP emits odour in excess of 5 odour control units as measured at the boundary of the Project Lands, the CRD shall, expeditiously and in good faith, use best efforts to investigate and remediate the source of the odour in order to reduce odour to the agreed level.</p> <p><u>Operating Agreement:</u> 8.0 Odour If the WWTP emits odour in excess of 5 odour control units as measured at the boundary of the Project Lands, the CRD shall expeditiously and in good faith, use best efforts to investigate and remediate the source of the odour in order to reduce the odour to the agreed level.</p>	
BIOSOLIDS BY PIPE OR MARINE ONLY (d)(16) Facility design to ensure that any products, byproducts, biosolids or other goods and commodities be	N/A	DELETED	Same as previous column – Deleted

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
transported off-site only by means of piping or marine access, thereby reducing negative transportation impacts on the Immediate Community.			
NO BIOSOLIDS PLANT (d) (17) That no odour-causing and/or methane-producing (of any level) facilities related to the use of the subject property be located off-site within the Extended Community, except for pipes, outfalls, pumping stations and accessory appurtenances.	N/A	<u>Bylaw:</u> DELETED <u>Operating Agreement:</u> 7.0 Biosolids Treatment Plant 7.1 The CRD acknowledges and agrees that it will not make use of land situated within the Township for the purpose of a biosolids treatment facility or any other purpose associated with the treatment of biosolids or recovery of energy from biosolids. 7.2 The CRD further agrees to consult with the Township prior to establishing any use of property within the Township. 7.3 For clarity, the Township includes all lands owned by the federal crown including the Graving Dock and lands commonly referred to as the "DND lands" including but not limited to: Work	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	"Negotiated" Amendments to Bylaw 2805 Proposed Section 55(2)	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		Point, Macaulay Point, Buxton Green, Dockyards, Naden, and Naden North.	
ANNUAL MONETARY CONTRIBUTION (d)(18) Annual contribution of \$55,000 to McLoughlin Point Amenity Reserve Fund.	N/A	<u>Bylaw:</u> DELETED <u>Operating Agreement:</u> <i>Sections 1-4:</i> <i>Community Impact Mitigation Fee of \$55,000 per year, starting 2014, CPI indexed.</i> <i>Section 3:</i> <i>Guaranteed for first 5 years or when Heat Loop ready, then either it continues or Heat Loop revenue, at Esquimalt's choice.</i> <i>Further discussion of Heat Loop below</i> <i>Section 5: Fee payable until WWTP replaced or decommission, with replacement agreement required if replaced.</i>	Same as previous column
LIAISON COMMITTEE (d)(19) Ongoing liaison committee formed with representatives from Township, local schools, health authority, DND officials community groups and other interested parties (all as available and as	N/A	<u>Bylaw:</u> DELETED <u>Operating Agreement:</u> 6.0 Liaison Committee 6.1 To provide a forum for the discussion of issues relating to	Same as previous column

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	“Negotiated” Amendments to Bylaw 2805 Proposed Section 55(2)	CRD’s Revised Proposal for Bylaw 2805 as of December 20, 2013
interested), along with operators on subject property, with meeting space provided on subject property at no cost at least once/monthly, including to review satisfaction of above conditions and ongoing operations.		<p>construction and operation of the WWTP and other related activities, the CRD shall establish and maintain a liaison committee (the “Liaison Committee”) to include representatives from the Township, the West Bay Neighbourhood Association, the Lyall Street Neighbourhood Association, Department of National Defence, CRD and, until acceptance of the WWTP by the CRD, the CRD’s WWTP contractor.</p> <p>6.2 The Liaison Committee will meet within thirty (30) days of the CRD’s WWTP Contractor commencing work on site and thereafter at times established in the first meeting, and at least twice annually while the WWTP is in operation.</p> <p>6.3 At the first meeting of the Liaison Committee, the members shall elect a chair and vice chair.</p> <p>6.4 The CRD shall not be considered to be in breach of this</p>	

Existing Zoning Bylaw (per adopted 2806) Section 55(2)	Bylaw 2805 at Second Reading Proposed Section 67.70(2)	“Negotiated” Amendments to Bylaw 2805 Proposed Section 55(2)	CRD’s Revised Proposal for Bylaw 2805 as of December 20, 2013
		section if any person invited to participate in the Liaison Committee or to send representatives to the Liaison Committee fails to do so.	

ADDITIONAL AMENITIES NOT IN CURRENT ZONING BYLAW

Heat Loop (District Energy System) at the Township's Option, allowing for 9-month due diligence period and \$200,000 reimbursement for investigation costs, and start up costs, if Heat Loop accepted.

5-Year Agreement:

3.0 Resource Recovery System

3.1 Heat Loop: The CRD shall construct or cause to be constructed a district energy system as generally described in Resource Recovery and Use Plan Technical Memorandum by Kerr Wood Leidal dated September 20, 2013 to connect the WWTP to the intersection of Admirals Road and Esquimalt Road (collectively "Heat Loop").

...

3.3 Infrastructure Costs: The CRD shall be responsible for all infrastructure costs associated with the construction of the Heat Loop to/from the intersection of Admirals Road and Esquimalt Road.

...

3.4 Transfer of Title: Upon completion, inspection and commissioning of the Heat Loop, the CRD shall transfer title to the Heat Loop and related appurtenances to the Township for consideration of \$10.00 and following such transfer the Township shall thereafter be responsible for the operation and maintenance of the Heat Loop and for the use and distribution of the heat.

...

3.8 Heat Commitments: The CRD commits to provide a sufficient amount of heat, or material for heat, in accordance with the assumptions and the equipment identified in the Heat Loop Studies to achieve the projected Heating Sales Revenues without exceeding the Operating and Maintenance costs so identified. The CRD agrees that there shall be no additional costs or charges imposed on the Township from the CRD or the operator of the WWTP, or the Project Lands generally, with respect to the provision of heat for the Heat Loop or otherwise in relation to the Heat Loop.

3.9 Other Users: The parties acknowledge and agree that the WWTP will generate energy from the heat of its operations for use on the Project Lands. Provided that the heat delivered to the Township is sufficient to permit the Township to achieve the quantity of heat sufficient to achieve the projected heating sales revenues identified in the Heat Loop Studies, and provided the Township shall have exclusive rights to licence or sell the use of heat to the Department of National Defence Lands "DND", the CRD may licence the use of heat to customers not within the boundaries of Esquimalt or DND.

Appendix "G"

Comparison of Bylaw Regulations Between Existing Zoning Bylaw 2806, Bylaw 2805 as it stands at second reading, Bylaw 2805 as negotiated between Township of Esquimalt staff and CRD staff, and Bylaw 2805 as proposed by the CRD on December 20, 2013

Table 2 Comparison of bylaw regulations between existing Zoning Bylaw 2806, Bylaw 2805 as it stands at second reading, and Bylaw 2805 with the proposed amendments for further consideration by Council following negotiations between Township and CRD staff, assisted by Provincial representatives.

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
I-3 INTENT STATEMENT: The intent of this Zone is to accommodate either the historic bulk petroleum storage facility and related uses, or the Core Area Liquid Wastewater Treatment Plant, including potential accessory or additional commercial, high-tech industrial, recreational and educational uses, or any combination thereof to create a mixed use development. In 2013, the types of commercial uses were altered so as to promote a mixed-use development serving a clientele of all ages. Non-industrial uses are contingent on satisfaction of environmental and contaminated site requirements.	CD-83 Zone N/A	The intent of this zone is to accommodate the Core Area Liquid Wastewater Treatment Plant, including potential accessory or additional commercial, high tech industrial, recreational and educational uses, or any combination thereof to create a mixed use development.	Same as previous column

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>55(1) PERMITTED USES:</p> <p>(a) Bulk storage tanks</p> <p>(b) Accessory office</p> <p>(c) Accessory Residential, subject to Section 26 (d) Wastewater Treatment Plant, which may include any or all of the following additional uses:</p> <p>(i) Commercial Instruction and Education</p> <p>(ii) Educational Interpretive Centre</p> <p>(iii) Research Establishment</p> <p>(iv) Business and Professional Office</p> <p>(v) Marine Outfall</p> <p>(vi) Accessory uses</p> <p>(e) Business and Professional Office</p> <p>(f) High technology uses</p> <p>(g) Accessory Retail</p> <p>(h) Hotel</p> <p>(i) Entertainment and Theatre</p> <p>(j) Boat Moorage Facility</p> <p>(k) Park</p>	<p>(a) Wastewater Treatment Plant</p> <p>(b) Accessory Uses</p>	<p>(a) Wastewater Treatment Plant, including, without limitation, any or all of the following additional uses:</p> <p>(i) Educational and Interpretive Centre</p> <p>(ii) Commercial Instruction and Education</p> <p>(iii) Research Establishment</p> <p>(iv) Business and Professional Office</p> <p>(v) Marine Outfall</p> <p>(vi) Sewage Pumping Facility</p> <p>(vii) Accessory Uses</p> <p>(b) Business and Professional Office</p> <p>(c) High technology uses</p> <p>(d) Accessory Retail</p> <p>(e) Entertainment and Theatre</p> <p>(f) Hotel</p> <p>(g) Assembly Use</p> <p>(h) Boat Moorage Facility</p> <p>(i) Park</p> <p>(j) Accessory</p>	<p>Same as previous column</p>

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		Uses	
55(2) DENSITY: <i>Detailed provisions with 3 density bonus levels and detailed amenities. Includes rate of discharge and capacity figures as density measures.</i>	Only one density bonus level with amenities described above. Floor Area Ratio, Floor Area, Lot Coverage, Authorized rate of discharge for effluent, and maximum plant capacity as density figures.	<i>Only one density bonus level with amenities described above. Only floor area ratio, floor area and site coverage as density figures.</i>	Same as previous column
55(4) LOT COVERAGE This section does not apply to uses under 55(1)(d) through (k)	See above	"(4) Site Coverage (a) For the purposes of this Section 55, "Site Coverage" means the figure obtained using the sum of the areas of Building footprints, including covered wastewater tanks not located within a Building, measured from the outside of exterior walls, expressed as a percentage of the total area of all parcels in the McLoughlin Point Special Use [I-3] Zone covered by a Building;	

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		(b) For certainty, Site Coverage shall not include any surface parking area, seawall or pedestrian walkway or other paved public open space.	
<p>55(5) BUILDING & STRUCTURE HEIGHT:</p> <p>(a) No Building or Structure shall exceed a Height of 10.0 metres</p> <p>(b) Height of Principal Building may be increased by 5 metres (to 15 m maximum) for uses under Section 55(1)(d) [wastewater treatment plant] if combined in a mixed-use development with uses under subsections 55(1)(e) through (j).</p> <p>(c) Height of Principal Building may be increased by 5 metres (to 15 m maximum) for uses under Section 55(1)(h) [hotel] when such hotel includes convention facilities</p>	<p>No Principal Building shall exceed a Height of 15 metres.</p>	<p>Building and Structure Height</p> <p>(a) For the purposes of this I-3 Zone, Height shall be measured from the Grade at seven (7.0) metres above the High Water Mark as such is determined as of January 1, 2014 (or earlier). For clarity, the purpose of this unique interpretation provision is to allow for sufficient tsunami protection for the proposed development in this Zone.</p> <p>(b) On the portion of the lands in the I-3 Zone within the area measured inland 20 metres</p>	<p>Building and Structure Height</p> <p>(a) Same as previous column</p> <p>Add: (c) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant,</p>

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>and if combined in a mixed-use development with other uses under subsections 55(1)(e) through (j).</p> <p>(d) Notwithstanding anything to the contrary in this section, the maximum height of a building or structure located within 20 m of the high water mark is 5.0 m</p>		<p>from the High Water Mark (the "Low Height Area"):</p> <p>(i) No Building or Structure shall exceed a Height of 12.0 metres, but only up to a maximum of 12% coverage within the Low Height Area and the length of such a Building or Structure in the Low Height Area shall not exceed 35% of the length of the shoreline measured at the High Water Mark;</p> <p>(ii) No Building or Structure shall exceed a Height of 5.0 metres for the remaining 88% coverage of the Low Height Area.</p> <p>(c) On the remaining portion of the lands in the I-3 Zone, no</p>	<p>Change "12%" to "35%".</p> <p>Change "88%" to "65%"</p> <p>Now (d)</p> <p>Add "and" after "Height"</p> <p>Add the following:</p>

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p>Building or Structure shall exceed a Height of 12.0 metres except that the maximum Height of a Building may be 15 metres provided that:</p> <p>(i) not more than 15% of the total area of the lands in the I-3 Zone is covered by a Building that exceeds 12.0 metres in Height;</p> <p>(ii) the sole purpose for exceeding 12.0 metres is to accommodate mechanical equipment or one odour control tower associated with the treatment of sewage."</p>	<p>(e) In the case of a use of land other than a Wastewater Treatment Plant:</p> <p>(i) no Building or Structure shall exceed a Height of 10 metres;</p> <p>(ii) the Height of a Principal Building may be increased by 5 metres (to 15 m maximum) for uses under section 55(1)(f) [hotel] when such hotel includes convention facilities and if combined in a mixed-use development with one or more other uses under subsections 55(1)(b) through (h)."</p>
<p>55(6) SITING REQUIREMENTS:</p> <p>(a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel zoned for residential Use.</p> <p>(b) Front Setback:</p>	No setbacks are required	<p>No setbacks are required except as follows:</p> <p>(a) Buildings shall be set back an average of 7.5 metres from the High Water Mark</p>	<p>The following phrase is added in from of the word, "Buildings"</p> <p><i>In the case of use of land as a Wastewater Treatment Plant and uses</i></p>

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>No Building shall be located within 7.5 metres of the front Lot Line</p> <p>(c) Exterior Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.</p> <p>(d) No Building shall be located within 7.5 metres of the High Water Mark.</p> <p>(e) For the purposes of this Zone, where there is no abutting highway, the private road from which the property gains access shall be considered the Front Lot Line.</p>		<p>provided that an encroachment into this Setback is permissible to no more than 3.5 metres from the High Water Mark but only on satisfaction of all of the following conditions:</p> <p>(i) such encroachment shall be no greater than 10% of the site area contained within the area of the entire 7.5 metre Setback;</p> <p>(ii) for every square metre that a building encroaches into the Setback area, an equal area of that building is set back behind the 7.5 metre Setback;</p> <p>(iii) that no part of the Building encroaching within the 7.5 metre Setback is taller than 5.0 metres in Height; and</p> <p>(iv) such encroachment does not prevent the establishment of, or overhang, a</p>	<p><i>accessory to a Wastewater Treatment Plant,</i></p> <p>3.5 m changed to 1.0 m</p> <p>10% changed to 15%</p> <p>5.0 metres changed to 10.5 metres</p> <p>The word "overhang" is deleted.</p> <p>New section (c)</p>

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
		<p>public walkway, as identified in this zone.</p> <p>(b) For certainty, paragraph (a) Setback does not apply to the seawall, public walkway or public open space, other landscaping or hard exterior surface areas such as parking or similar structures.</p> <p>(c) No building shall be located within 4.5 m of the most northerly lot line, between the water and Victoria View Road.</p>	<p>added: "In the case of a use of land other than a use referred to in paragraph (a), no Building shall be located within 7.5 metres of the High Water Mark.</p> <p>The words, "In all cases" are added in front of, "no building" in former section (c).</p>
<p>55(7) SCREENING & LANDSCAPING</p> <p>(a) Screening and Landscaping shall be provided in accordance with Section 23.</p> <p>(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</p>	No screening or landscaping is required.	Screening and landscaping shall be provided generally in accordance with the locations and standards shown in the Design Guidelines, provided that at least 20% of the total area used to calculate Site Coverage is left in its natural state, hard or soft	

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>exterior Side Yard Setback of 4.5 metres shall be landscaped except for points of ingress and egress.</p> <p>(c) For the wastewater treatment plant use:</p> <p>(i) A minimum 4.0 m wide landscaped buffer shall be located within the setback from the High Water Mark. The landscaping shall be of sufficient quality and quantity as to completely obliterate any view of a wastewater treatment plant building and tanks from the marine environment.</p> <p>(ii) Except for places of entrance and egress to the site, a minimum 2.5 m wide landscaped buffer shall be located in the front and all side setbacks.</p>		<p>landscaping (including pedestrian walkway and other public open space) or covered with a green roof.</p>	
55(8)OFF-STREET PARKING	Notwithstanding the Township's Parking	Notwithstanding	Same as previous column

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended). In addition, the number of spaces required shall include: Liquid Waste Management Plant 1 space / 132 m2	Bylaws, as amended from time to time, the total number of off-street parking stalls required in this zone is 34.	the Township's Parking Bylaws, as amended from time to time, the total number of off-street parking stalls required in this zone is 34.	
Development Permit Guidelines See OCP			New Section added: (9) Development Permit Guidelines: In the case of a development permit issued for a Building for a Wastewater Treatment Plant use that encroaches to a point less than 5 metres from the High Water Mark the following additional guideline may be considered in addition to the guidelines referred to in section 9.5.6 of the Official Community Plan:

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
			(a) building design and finish and site design should establish a strong architectural and functional relationship between the Building façade and the public pedestrian walkway through one or more of architectural, creative, artistic or other similar elements intended to provide enhanced visual interest for users of the pedestrian walkway,
55(10) SEVERABILITY In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by the decision of any Court of competent jurisdiction, that measure of density, condition or amenity may be severed without affecting the validity of the density-bonusing	N/A	In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by a decision of a Court of competent jurisdiction, that measure of density, condition or amenity may be	

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
scheme and other measures of density, conditions or amenities.		severed without affecting the validity of the density-bonusing scheme and other measures of density, conditions or amenities	
55(11) SATISFACTION: (b) Where a condition requires the approval or permission of an authority beyond the control of the property owner, then the condition shall be interpreted as requiring the property owner's best efforts to secure such permission, including identification of this Bylaw requirement with the initial request, satisfaction of conditions imposed by the third party and appeal if the request/application is initially rejected (including by enlisting the support of the Township). For example: (i) Bonus Density Level 1 Condition 2, and Level 3 Condition 3 each require permission	N/A	(a) For certainty, in the case of a condition under Section 55 (2), land may be developed and used for a Wastewater Treatment Plant even where all conditions have not been fulfilled or completed provided the property owner is proceeding with a reasonable plan to design, construct and install the amenities in accordance with the construction and proposed use of the Wastewater Treatment Plant, and such has been secured by agreement with the Township. (b) The Public Access and Public Walkway and	

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>from the Government of Canada given jurisdiction over navigable waters;</p> <p>(ii) Bonus Density Level 1 Condition 3(a) and Level 3 Condition 4 each require permission of the Government of Canada, Department of National Defence, given the adjacent DND Lands; and</p> <p>(iii) Bonus Density Level 1 Condition 5, Level 2 Condition 5 and Level 3 Condition 7 each require permission of the affected school(s) and School District No. 61.</p> <p>(c) Where a condition is severed, or best efforts under this provision have not resulted in the necessary third-party approval, then the condition shall be deemed satisfied on the provision of all of the following:</p> <p>(i) Court Order of severance or written evidence of third-party rejection, including denial of appeal as applicable;</p> <p>(ii) independent</p>		<p>Public Open Space referred to in Section 55 (2) shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the Wastewater Treatment Plant which may require the public walkway to be modified or relocated, but not eliminated entirely, to avoid impact on the inter-tidal zone.</p>	

Existing Zoning Bylaw (per adopted 2806)	Bylaw 2805 at Second Reading	The "Negotiated" Amendments to Bylaw 2805	CRD's Revised Proposal for Bylaw 2805 as of December 20, 2013
<p>appraisal estimating the cost of the provision of the amenity or satisfaction of the condition, should the condition may have been satisfied; and (iii) a cash contribution equivalent to the cost of the provision of the amenity or satisfaction of the condition, from the property owner to the Township for the McLoughlin Point Amenity Reserve Fund, such monies to be used for replacement amenities or conditions that are consistent with governing authority, including further enhancements or additions to remaining amenities or conditions.</p>			

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2820

A Bylaw to authorize the borrowing of such sums of money
as may be necessary to meet current lawful expenditures
of the Corporation for the year 2014

WHEREAS, pursuant to Section 177 of the *Community Charter*, the Municipal Council may, by bylaw provide for the borrowing of money that may be necessary to meet current lawful expenditures;

AND WHEREAS the maximum amount so borrowed shall not exceed at any time the sum of unpaid taxes for all purposes levied during the current year and the money remaining due from other governments;

AND WHEREAS before the adoption of the annual rates bylaw in any year, the taxes in the current year are deemed to be seventy-five per centum of all taxes levied for all purposes in the preceding year;

AND WHEREAS the current year taxes calculated in accordance with the above amount is \$18,231,992;

AND WHEREAS to meet the current lawful expenditures of the Corporation it may be necessary to borrow an amount not exceeding \$2,500,000;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, hereby enacts as follows:

1. This Bylaw may be cited as the "*REVENUE ANTICIPATION BORROWING BYLAW, 2014, NO. 2820*".
2. It shall be lawful for the Municipal Council to borrow upon the credit of the Corporation a sum not exceeding two million five hundred thousand dollars (\$2,500,000) in such amounts and at such times as may be required, and to pay interest thereon.
3. All the monies so borrowed and the interest payable thereon shall be payable on or before the 31st day of December 2014.

4. The form of the obligation or obligations to be given as an acknowledgement of the liability shall be a Promissory Note or Notes bearing the Corporate Seal and signed by the Mayor and the Director of Financial Services.
5. There is hereby set aside as security for the liability hereby authorized to be incurred, the sum of \$2,500,000 being part of the taxes for the current year deemed by the Municipal Council expedient to be so set aside.

Read a first time by the Municipal Council on the 6th day of January, 2014.

Read a second time by the Municipal Council on the 6th day of January, 2014.

Read a third time by the Municipal Council on the 6th day of January, 2014.

ADOPTED by the Municipal Council on the day of , 2014.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES ENVIRONMENTAL ADVISORY COMMITTEE

Wednesday, December 11, 2013

7:00 p.m.

Council Chambers, Municipal Hall

PRESENT: Mark Salter, Chair
Michael Hill, Vice Chair
Councillor Meagan Brame
Councillor Lynda Hundleby
Larry Dill
Chris Zegger-Murphy
Carole Witter

STAFF: Bill Brown, Director of Development Services
Deborah Liske, Recording Secretary

REGRETS: John Willow
Patrick O'Hara
Marlene Lagoa, Community Development Coordinator (Staff Liaison)

1. CALL TO ORDER

Chair Salter called the meeting to order at 7:02 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Moved by Carole Witter, seconded by Chris Zegger-Murphy that the agenda of the Environmental Advisory Committee meeting of December 11, 2013 be approved as presented.
The motion **CARRIED**.

4. MINUTES

(1) Minutes of the Environmental Advisory Committee meeting, October 24, 2013

Moved by Carole Witter, seconded by Chris Zegger-Murphy that the minutes of the Environmental Advisory Committee meeting of October 24, 2013 be approved with the following amendments:

1. Under 5(1) – revise the last paragraph to read: **Committee members discussed the changes to committee structure; as well as the new procedures and parameters introduced for the 2013 term.**
2. Under 6(1)a – add a sentence at the end that reads as follows: **Committee members discussed wording for the map. It was requested committee members provide input to Larry Dill via email, who will prepare a draft for review and comment by the committee.**
3. Under 6(3) – revise the first sentence to read - Marlene Lagoa, Staff Liaison reported she has received feedback on the draft **Green Event Planning Guide** and

The motion **CARRIED**.

5. **WORK PLAN ITEMS**

(1) Neighbourhood Watershed Awareness Project Update

Vice Chair Hill provided the committee with a status update on procuring a graphic designer to complete the design work on the neighbourhood watershed map.

Chair Salter reported additional work is required for completion of the map due to conflicting information from municipal and CRD sources.

Committee members discussed the project and the need to request a roll-over of the committee's 2013 budget into 2014 for completion of the project.

Moved by Chair Salter, seconded by Carole Witter, that the Environmental Advisory Committee respectfully requests Council to approve a carry forward of its 2013 budget in the amount of \$3,000 for utilization in 2014 to complete the Neighbourhood Watershed Awareness Project.

The motion **CARRIED**.

Committee members discussed presenting the project to Council in January and what to include in the presentation and report.

Vice Chair Hill noted the City of Victoria is proceeding with increased storm water management and education.

(2) Circle Walking Tour

Chair Salter reported the tour was discussed during the Advisory Committee Chairs meeting and the inclusion of heritage, culture and recreation would enhance any walking maps/tours. Chair Salter noted the inclusion of way-finding on maps is beneficial.

Committee members discussed including other advisory committees in discussion on the project to include their input. It was suggested the committee raise this concept at the yearly committee orientation session.

(3) Greening of Esquimalt

Councillor Hundleby reported the Green Event Guide was well-received by Council. It was also noted Parks and Recreation has provided feedback and reports the guide creates some issues for the department.

Committee members discussed the importance of education in order for the policy to be successful and that greening of Esquimalt does not stop with the Green Event Guidelines.

6. **REPORT FROM STAFF LIAISON**

Bill Brown, Director of Development Services reported on the changes in Ms. Lagoa's position; changes to the West Bay neighbourhood area and review of the OCP in September of 2014.

7. **COMMITTEE MEMBER ANNOUNCEMENTS / REPORTS**

Councillor Brame reported AVICC will be moving forward with the oil tank issue at their annual conference.

Councillor Hundleby provided the committee with an overview and responded to questions regarding the CRD Core Area Liquid Waste Management Committee meeting and CRD Board Meeting which took place today (December 11, 2014).

Outgoing committee members Chair Salter, Larry Dill and Chris Zegger-Murphy spoke of their participation on the committee. Committee members expressed their appreciation to outgoing members for their time, dedication and effort that they put in to the committee.

8. **NEXT MEETING**

Committee members will be advised of the first meeting date in January 2014.

9. **ADJOURNMENT**

Moved by Chris Zegger-Murphy, seconded by Larry Dill that the meeting adjourn at 8:39 p.m.
The motion **CARRIED**.

, Chair
This day of , 2014

Certified Correct:

Anja Nurvo, Corporate Officer



Making a difference...together

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3000
F: 250.360.3234
www.crd.bc.ca

January 8, 2014

Mayor and Council
Township of Esquimalt
c/o Ms Anja Nurvo, BA, LLB
1229 Esquimalt Road
Esquimalt, BC V9A 3P1

Sent by email: anja.nurvo@esquimalt.ca

Dear Ms Nurvo:

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input checked="" type="checkbox"/> CAO	<input checked="" type="checkbox"/> Mayor/Council	
<input type="checkbox"/> Bill		
RECEIVED: JAN 09 2014		
Referred:		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

File: 5220-20

RE: REQUEST FOR A 3-DIMENSIONAL, DIGITAL, COLOUR, ANIMATED MODEL DEMONSTRATING THE HEIGHTS, SETBACKS, AND SITE COVERAGE IN THE PROPOSED BYLAW AMENDMENTS FOR MCLOUGHLIN POINT

I have received your letter dated January 8, 2014 regarding the resolution of January 6, 2014 by the Council of the Township of Esquimalt.

In order to respond to the resolution, I have met with the Seaterra Program Director, Mr. Albert Sweetnam and he has retained consultants to carry out the work to prepare a 3-D digital model as requested in the Council resolution. Unfortunately, we are not able to present actual architectural design concepts as the design/build/finance procurement process is still in progress. Until the procurement process is completed the designs developed by each of the proponents must remain confidential in order to maintain the integrity of the competitive procurement process. Legal counsel has also advised that it would be contrary to legislation to present to Council the actual design concepts in a closed meeting as was being considered. The requested digital model will be based on a massing diagram, will not include architectural design features and will represent the maximum possible envelop as defined by the proposed amendments to Bylaw 2805.

Given the generic nature of the requested model, we are concerned that it may not elucidate council's understanding of the height and setback issue. It should be noted that the requested model provides the maximum generic envelope in the Bylaw and each of the proponent's designs will fit into this envelope in different ways, and with different architecture. Once the successful proponent is selected, its design will be the one ultimately considered by Council as part of the development permit process. As you may be aware, the three designs reviewed by the Design Review Committee were deemed to be in compliance with the design guidelines.

We will provide the requested model as soon as it is available. Please feel free to contact me if you have any questions.

Sincerely,

Robert Lapham, MCIP, RPP
Chief Administrative Officer

cc: Capital Regional District Board Members
Ms Laurie Hurst, CAO, Township of Esquimalt
Mr. Albert Sweetnam, Seaterra Program Director, CRD
Mr. Deane Strongitharm, CitySpaces

1469987



RISE AND REPORT

From: *In Camera* Meeting of January 6, 2014
To: Meeting of Municipal Council – January 20, 2014

Item: Committee Appointments for 2014

That Council Rise and Report on the following Appointments to Advisory Committees, Commission and Board for 2014:

Committee	Appointment and Term
Advisory Planning Commission	Bill Lang (to Dec 2015) Miklos Kovacs (to Dec 2015) Blair Bouchier (to Dec 2015) Mark Salter (to Dec 2015)
Design Review Committee	Carl Rupp (to Dec 2015) Jill Singleton (to Dec 2015) Paul Newcombe (to Dec 2015)
Board of Variance	Michael Angrove (to Dec 2016) Jared Butcher (to Dec 2016)
Heritage Advisory Committee	Shari Khadem (to Dec 2015) Jared Butcher (to Dec 2015) Berdine Jonker (to Dec 2015) Meagan Duncan (to Dec 2014)
Parks and Recreation Advisory Committee	John Noyes (to Dec 2015) Mark Harris (to Dec 2015) David Coney (to Dec 2015) Matteo Ferri (to Dec 2014) - Youth Representative Michelle Bernardo (to Dec 2015) Raymond Senko (to Dec 2014) Bill Percival (to Dec 2014) Morlene Tomlinson (to Dec 14)
Environmental Advisory Committee	Simon Pauze (to Dec 2015) Michael Angrove (to Dec 2015) Gail Wilson (to Dec 2015) Olga Liberchuk (to Dec 2014) David Shaw (to Dec 2014) - Youth Representative
Special Committee to Review Council Remuneration	Micklos Kovacs Bill Emery Victor Eng Don Linge
Victoria Family Court and Youth Justice Committee	Tammy Percival