



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**MINUTES  
REGULAR MEETING  
OF MUNICIPAL COUNCIL  
MONDAY, JANUARY 20, 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  
Trevor Parkes, Senior Planner  
Louise Payne, Recording Secretary

**1. CALL TO ORDER**

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

**2. LATE ITEMS**

The following were added to the Agenda:

- Pertaining to Agenda Item 8. (1) PUBLIC HEARING – Rezoning Application (448 Admirals Road) – Additional Information:
  - Letter received from Ross Bryant, dated January 17, 2014, Re: The Request for Zoning Change for 448 Admirals Road
  - Letter received from Beth Tarnow, received January 17, 2014, Re: Zoning Changes for 448 Admirals Road
- Add to Agenda Item 10. STAFF REPORTS as (10) Proposed Changes to Bylaw No. 2805, Staff Report No. DEV-14-009 (Revised Bylaw No. 2805 attached)
- Add to Agenda Item 12. MAYOR’S AND COUNCILLORS’ REPORTS as (1) Verbal Report from Councillor Schinbein and as (2) Verbal Report from Mayor Desjardins

**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 Brame/Councillor Hundleby:  
That the following minutes be adopted as circulated:

- (1) Special Meeting of Council, January 6, 2014; and
- (2) Regular Meeting of Council, January 6, 2014.

**CARRIED UNANIMOUSLY.**

**5. PRESENTATION**

- (1) Mike Peckham, Budget Manager, Seaterra Program Re: McLoughlin Point Revised Rezoning Application

Mike Peckham reviewed the proposed revisions to Bylaw No. 2805 in a Power Point presentation and provided a “Fly Over” video of the proposed McLoughlin Point development, and proposed encroachment areas into the required 7.5 metre setback.

**6. PUBLIC INPUT**

*Kim Bellefontaine, resident,* urged Council to seek public input at a Public Hearing on the revised Bylaw No. 2805, and noted that it was the responsibility of the proponent to make their plans clear and understandable by the public.

*Norma Brown, resident,* expressed concern with the proposed height of the Waste Water Treatment Plant in relation to McLoughlin Point.

*Beth Burton-Krahn, resident,* expressed her support for rescinding Bylaw No. 2805, as originally proposed by the CRD, and that revised Bylaw No. 2805 go to Public Hearing. She also suggested that the proponent hold an Open House regarding development of McLoughlin Point prior to the Public Hearing.

*Kris Phosy, resident,* requested that the amended Bylaw No. 2805 go to Public Hearing. He expressed concern regarding recent studies about the seismic instability of the Georgia Strait and McLoughlin Point foreshore.

*Eric Pittman, resident,* expressed concern with the limited size of the McLoughlin Point site, and the need for a Public Hearing on the revisions to Bylaw No. 2805.

*Brad Little, resident,* questioned whether McLoughlin Point was a suitable site for the waste water treatment plant, and expressed concern with how the CRD has handled the rezoning/public input process.

*Debra Dixon, resident of Saanich,* urged Council to take the revisions to Bylaw No. 2805 to Public Hearing.

*Fil Ferri, resident,* urged Council to send the revised Bylaw No. 2805 to Public Hearing and commented that the public wants to know what the new design of the pump station will look like.

*Russ Smith, resident of Victoria,* commented that this is a regional project, and urged Council to take the revised Bylaw No. 2805 to Public Hearing.

*Doug Crowder, resident,* commented that he was looking forward to the CRD holding an Open House, and he thanked the CRD for making some changes to the proposed Bylaw No. 2805 to limit encroachment into the foreshore setback.

*Tom Mayer, resident of Victoria,* urged Council to take the revised Bylaw No. 2805 to Public Hearing.

*Tim Frindt, resident,* commented that the CRD documents are incomplete as there is no information on the District Energy System including capital costs.

*Morlene Tomlinson, resident,* commented that the design should adhere to local bylaws, including the required setbacks.

*Carole Witter, resident,* expressed her concern that the McLoughlin Point site is too small for the proposed development, and that the CRD

did not wait until the conclusion of the rezoning process prior to releasing the RFP. She urged Council to take the revised Bylaw No. 2805 to Public Hearing.

**7. DELEGATION**

- (1) Tim Dumas, The Tudor Redevelopment

Tim Dumas of the Tudor Redevelopment Project Ownership Group read a letter dated January 20, 2014 outlining their concerns with their current redevelopment plans, particularly the provincial government's liquor policy review process. He urged Council to approach the provincial government to request a resolution to this liquor policy review so that he could continue to move forward with the Tudor Redevelopment Project.

**MOTION:** Moved by Councillor Brame/Councillor Morrison:  
That a letter be sent to the Provincial Government requesting a speedy resolution to the liquor policy review.

**CARRIED UNANIMOUSLY.**

**8. PUBLIC HEARING**

- (1) Public Hearing – Rezoning Application (448 Admirals Road)

Mayor Desjardins reviewed the Public Hearing process for Bylaw No. 2818 regarding 448 Admirals Road.

The Corporate Officer advised that two letters of opposition had been received January 17, 2014.

The Senior Planner of Development Services provided an overview of the rezoning application for 448 Admirals Road as a Power Point presentation and answered questions from Council.

Russ Collins, applicant, advised that he was available to answer questions from Council. The applicant answered questions from Council relating to parking, previous small lot developments, and greenspace.

Mayor Desjardins called three times for members of the public whose interests were affected by the proposed rezoning application to make their concerns known to Council.

As there were no public comments or concerns, Mayor Desjardins closed the Public Hearing on 448 Admirals Road at 8:24 pm.

**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

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

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 given 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.

**CARRIED UNANIMOUSLY.**

## 10. STAFF REPORTS

### *Administration*

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

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

That Council direct staff to forward the taxi application by Island 250 Cab to the Passenger Transportation Board stating that Council has no concerns with this application.

**CARRIED** (Councillor Schinbein opposed).

### *Finance*

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

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

That Council approve the request for a Local Grant of \$1,500.00 for the L'Ecole Victor Brodeur, as provided in Council Policy No. ADMIN-29, and presented in Staff Report No. FIN-14-002.

**CARRIED UNANIMOUSLY.**

- (3) Local Grant – Société Radio Communautaire Victoria, Staff Report No. FIN-14-003

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

That Council approve the request for a Local Grant of \$750.00 for

Société Radio Communautaire Victoria, as provided in Council Policy No. ADMIN-29, and presented in Staff Report No. FIN-14-003.

**MOTION:** Moved by Councillor Hundleby/Councillor Brame:  
That the motion be amended to change the amount of the Local Grant to \$1,000.00.

**DEFEATED** (Mayor Desjardins, Councillors Brame and Hundleby in favour).

**The question was called on the original motion and declared CARRIED UNANIMOUSLY.**

*Engineering and Public Works*

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

The Director of Engineering and Public Works presented Staff Report No. EPW-14-003 through a Power Point presentation and answered questions from Council.

**MOTION:** Moved by Councillor Schinbein/Councillor McKie:  
That Council directs staff to include Option S2 (raised islands with mountable curbs and hard surface – banner holders and ornamental lights possible) in the final design of the Admirals Road Corridor Upgrade Project.

**DEFEATED** (Councillor Brame, McKie and Schinbein in favour).

**MOTION:** Moved by Councillor Morrison/Councillor Hundleby:  
That Council 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.

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

**MOTION:** Moved by Councillor Morrison/Councillor McKie:  
That Council directs staff to include, within the 2014 Budget discussions, a request for an additional FTE position to accommodate the maintenance requirements of Option S6 in the final design of the Admirals Road Corridor Upgrade Project; options to be discussed at Budget to include initial one-year trial term.

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

(5) Solid Waste Collection and Disposal Bylaw Update, Staff Report No. EPW-14-004

The Director of Engineering and Public Works presented Staff Report No. DEV-14-004 and answered questions from Council.

**MOTION:** Moved by Councillor Brame/Councillor Hodgins:  
That Council gives first, second and third readings to Solid Waste Collection and Disposal Bylaw, 2014, No. 2815.

**CARRIED UNANIMOUSLY.**

## RECESS AND RECONVENE

Mayor Desjardins recessed the Regular meeting at 9:14 pm and reconvened at 9:20 pm with all members of Council present.

### *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

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

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]; and

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].

**CARRIED UNANIMOUSLY.**

- (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

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

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].

**CARRIED UNANIMOUSLY.**

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

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

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 adopted.

**CARRIED UNANIMOUSLY.**

- (9) Rescind Second Reading and Give Second Reading As Amended to Bylaw No. 2805 (Pertaining to Proposed Waste Water Treatment Facility at McLoughlin Point), Staff Report No. DEV-14-008

The CRD submitted changes to Bylaw No. 2805 on January 20, 2014 which are incorporated into the revised Bylaw No. 2805 attached to Staff Report No. DEV-14-009.

- (10) Proposed Changes to Bylaw No. 2805, Staff Report No. DEV-14-009 (Revised Bylaw No. 2805 attached)

The Director of Development Services made a Power Point presentation outlining the proposed amendments to Bylaw No. 2805 and the timelines of this rezoning process, including the recent revisions submitted by CRD and distributed as a late item for this meeting.

### **EXTEND HOURS OF REGULAR MEETING**

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

That the Regular meeting of Council be extended to 11:00 pm.

**CARRIED UNANIMOUSLY.**

### **Council Comments:**

- Frustrated; as a member of the CRD, Esquimalt should be treated with respect;
- Significant challenge to take revised Bylaw No. 2805 to Public Hearing with recent changes;



- Trying to “shoe horn” this project onto a piece of property that isn’t large enough which may have a negative impact on the long term viability for this waste water treatment plant;
- Too many resources and staff time spent on this project;
- Regional Context Statement in the Township’s OCP is a legally binding Statement and this development does not conform to the OCP;
- Why asking for two additional lots so far in the rezoning process? *(two small parcels are filled foreshore – housekeeping item – and would be included in one consolidated lot for the project);*
- Suggest that the Host Agreement state that money would be paid in lieu of constructing the dock (if this construction does not get approved);
- Concerned about the quality of the “pathway” *(intent of CRD is to make the pathway a regional park to ensure public access);*
- Regarding odour problems – there is no guarantee that if something goes wrong, it will be dealt with swiftly;
- CRD to hold two (2) Open Houses, preferably, prior to the Public Hearing.

**EXTEND HOURS OF REGULAR MEETING**

**MOTION:** Moved by Councillor McKie/Councillor Hundleby:  
That the Regular Meeting be extended to 11:15 pm.

**CARRIED** (Councillor Brame opposed).

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

That Council rescind second reading of Bylaw No. 2805 and give second reading, as amended, to revised Bylaw No. 2805 attached to Staff Report No. DEV-14-009;and

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”.

**CARRIED UNANIMOUSLY.**

**11. BYLAWS**

*Adoption*

(1) Revenue Anticipation Borrowing Bylaw, 2014, No. 2820

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

That Revenue Anticipation Borrowing Bylaw, 2014, No. 2820 be adopted.

**CARRIED UNANIMOUSLY.**

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

Council agreed to defer Councillor Schinbein’s and Mayor Desjardins’ reports to a future meeting.

**13. REPORTS FROM COMMITTEES**

- (1) Draft Minutes from the Environmental Advisory Committee Meeting, December 11, 2013

**MOTION:** Moved by Councillor Schinbein/Councillor Brame:  
That the draft minutes from the Environmental Advisory Committee meeting held December 11, 2013 be received.

**CARRIED UNANIMOUSLY.**

**14. COMMUNICATIONS**

- (1) Letter from Robert Lapham, CAO, Capital Regional District, dated 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

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That the letter from Robert Lapham, CAO, Capital Regional District dated January 8, 2014 regarding the request for a 3-Dimensional, digital, colour, animated model demonstrating the heights, setbacks and site coverage in the proposed Bylaw amendments for McLoughlin Point be received.

**CARRIED UNANIMOUSLY.**

**15. RISE AND REPORT**

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

At the Special *In Camera* meeting of Council held on January 6, 2014, Council passed the following resolution:

*That Council Rise and Report on the following appointments to Advisory Committees, Commission and Board for 2014:*

<b>Committee</b>	<b>Appointment and Term</b>
<i>Advisory Planning Commission</i>	<i>Bill Lang (to December 31, 2015)</i> <i>Miklos Kovacs (to December 31, 2015)</i> <i>Blair Bouchier (to December 31, 2015)</i> <i>Mark Salter (to December 31, 2015)</i>
<i>Design Review Committee</i>	<i>Carl Rupp (to December 31, 2015)</i> <i>Jill Singleton (to December 31, 2015)</i> <i>Paul Newcombe (to December 31, 2015)</i>
<i>Board of Variance</i>	<i>Michael Angrove (to December 31, 2016)</i> <i>Jared Butcher (to December 31, 2016)</i>
<i>Heritage Advisory Committee</i>	<i>Shari Khadem (to December 31, 2015)</i> <i>Jared Cutcher (to December 31, 2015)</i> <i>Berdine Jonker (to December 31, 2015)</i> <i>Meagan Duncan (to December 31, 2014)</i>

*Parks and Recreation  
Advisory Committee*

*John Noyes (to December 31, 2015)  
Mark Harris (to December 31, 2015)  
David Coney (to December 31, 2015)  
Metteo Ferri (to December 31, 2014) –  
Youth Representative  
Michelle Bernardo (to December 31, 2015)  
Raymond Senko (to December 31, 2014)  
Bill Percival (to December 31, 2014)  
Morlene Tomlinson (to December 31, 2014)*

*Environmental Advisory  
Committee*

*Simon Pauze (to December 31, 2015)  
Michael Angrove (to December 31, 2015)  
Gail Wilson (to December 31, 2015)  
Olga Liberchuk (to December 31, 2014)  
David Shaw (to December 31, 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*

**16.**

**PUBLIC QUESTION AND COMMENT PERIOD**

*Susan Low, resident*, with respect to the changes in the Business Licence Bylaw regarding drug paraphernalia, she requested that Council direct staff to determine evidence to support the increase in fees for the business category.

*Erich Weiss, owner of Higher Levels Novelties*, requested the staff report on changes to the Business Licence Bylaw regarding drug paraphernalia businesses being a certain distance from schools and the recommended increase in fees for this business category, and requested Council to amend the Bylaw to allow his business at its current location.

Mayor Desjardins requested that Mr. Weiss provide his contact information to staff.

*Muriel Dunn, resident*, expressed concern that the proposed walkway at McLoughlin Point will not be used by the public.

*Russ Smith, resident of Victoria*, expressed concern with possible noise from waste water treatment plant pumps.

17.

**ADJOURNMENT**

**MOTION:** Moved by Councillor Brame/Councillor Hundleby:  
That the Regular Meeting of Council be adjourned at 11:09 pm.

**CARRIED UNANIMOUSLY.**

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MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS    DAY OF                    , 2014

CERTIFIED CORRECT:

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ANJA NURVO  
CORPORATE OFFICER