



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

LATE AGENDA ITEMS COUNCIL

Monday, December 6th, 2021 @ 7:00 pm
Esquimalt Council Chambers

- (1) **PERTAINING** to Item No. 8.4: **STAFF REPORTS** – S.219 Covenant Item Approval - 899 Esquimalt Road, Staff Report No. DEV-21-081
- Email from Rozlyne Mitchell, dated December 5, 2021, Re: Lexi/Need2Talk Proposal
 - Email from Ron Driedger, dated December 5, 2021, Re: The Need2Talk Society and Lexi's Covenant Requirements
 - Email from Emmy and Yvon Labonte, dated December 5, 2021, Re: Lexi/Need2Talk
 - Email from Isabelle and Jacques Lacoste, dated December 5, 2021, Re: Lexi Request
- (2) **PERTAINING** to Item No. 8.6: **STAFF REPORTS** – 880 Fleming Street Bylaws 3041 and 3042 - Second Reading, Staff Report No. DEV-21-080
- Email from Louise Owen, dated, December 5, 2021, Re: 880 Fleming Street, Second Reading
 - Email from Tara Harper, dated December 5, 2021, Re: 880 Fleming Second Reading
 - Email from Alan Barwin, dated December 5, 2021, Re: 880 Fleming Street, Second Reading
 - Email from Dr. Jean-Paul Restoule, dated December 5, 2021, Re: 880 Fleming Street, Second Reading
 - Email from Guuduniia LaBoucan, December 5, 2021, Re: Proposed Rezoning to Parkland (on lot called 880 Fleming Street)
 - Email from John Aasen, dated December 4, 2021, Re: 880 Fleming Street Second Reading
- (3) **PERTAINING** to Item No. 12.5: **CORRESPONDENCE** – Email from Norah Macey, dated November 25, 2021, Re: Sidewalk on South Side of Devonshire
- Email from Norah Macey, dated December 3, 2021, Re: Devonshire Sidewalk on South Side After Shaw Ditch Filled In

Kim Maddin

Subject: FW: Letter Re Dec 6th Council Agenda Item
Attachments: Lexi Dec 2021.docx

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __ CAO __ Mayor/Council Other _____ Referred to: _____ For __ Action __ Response __ Report For Agenda __ Council __ COTW __ IC

From: rozlyne mitchell <WestBayResidentsAssoc@shaw.ca>

Sent: December-05-21 11:50 AM

To: Mayor and Council <mayorandcouncil@esquimalt.ca>; Corporate Services <Corporate.Services@esquimalt.ca>

Cc: Bill Brown <bill.brown@esquimalt.ca>; Laurie Hurst <laurie.hurst@esquimalt.ca>; Alex Tang <Alex.Tang@esquimalt.ca>

Subject: Letter Re Dec 6th Council Agenda Item

Please find the attached letter to Council for inclusion in Monday, December 6th meeting regarding the Lexi/Need2Talk proposal agenda item.

WBRA



West Bay Residents Association

December 4, 2021

To Esquimalt Mayor and Council

Re: Council Meeting Dec 6th Agenda Item Lexi/Need2Talk Proposal

This letter is to register our concern regarding Lexi Development Group/Need2Talk's proposal to use the \$54,000 cash contribution to the Township to pay for Need2Talk's consultation fees in assisting Lexi to develop their Pacific House Primary Care Clinic Operating Model. We understand that the resulting information will be used by Need2Talk to determine if it is feasible for their enterprise to provide the day-to-day operations and management of the clinic, once opened.

We have had to scramble to put together this letter having only had access to Need2Talk's letter detailing their proposal since yesterday, Friday, Dec 3rd, even though their letter is dated May 20th 2021. Since then, apparently the proponents have met with Council members and others to discuss their proposal.

Following a long, gut-wrenching process for both Council and the community - that included Lexi's early promises for affordable housing which they subsequently changed to an operating and staffed Urgent and Primary Care Health Centre - Council approved the Lexi project. Now the developer is asking that the \$54,000 cash contribution they are required to pay to the Township for "health and community well-being matters" be spent on developing their business model and to determine if it is feasible.

We are concerned about the apparent self-interest of the proposal and the lack of transparency that surrounds it:

- When Lexi first promised an operating health care clinic in their proposal, Council should have reasonably expected that Lexi would have done the necessary research to find out if their proposal was feasible.

- Furthermore, when Council approved the development project, based in no small part on the promise of the much needed Urgent and Primary Care Centre, surely consideration was given to Lexi's ability to form a partnership with the Province and get their agreement for Lexi to provide the location for Esquimalt's Urgent and Primary Care Centre.
- Eileen Pepler is one of three directors of Need2Talk, a society incorporated in April 2020. Dr Pepler was seen as instrumental in working with Lexi, providing significant public comment into the importance of their development and proposed health care clinic and why it should be approved. Now that the project is approved, she is also involved in the organization that is asking for funding to undertake the development of the Lexi business model and the possible management of the operation once underway. Notwithstanding the competencies of the people involved, the optics of this has been a community concern.
- We see Lexi's proposed use of this cash contribution (that was intended for the benefit of the community) not really that different than if they were to ask to use the funds to pay their architects for their design work, or to pay a consultant to determine their condo sales strategy.
- Following Article 5 of the Covenant requiring the \$54,000 cash contribution, Article 6 states that "The parties agree that compliance with the sections of this part shall be sufficient satisfaction of the *density-bonusing-for-amenity-conditions...*". From this, clearly Lexi should not be permitted to use these funds for their own interests.

Other than what has been put forward in Monday's agenda package, the public has not been given any opportunity to meaningfully weigh in on this proposal to spend \$54,000 of public funds, nor have they been privy to the details or rationale for this proposal. Considering that the Township has known about this proposal for 6 months, allowing just three days for public input is inadequate.

The Board of the West Bay Residents Association asks that Council not approve this request as there are so many other good uses that this money could be put towards that would truly benefit the community.

Yours truly,

Rozlynn Mitchell
Chair, WBRA

Kim Maddin

From: Corporate Services
Subject: FW: The Need2Talk Society and Lexi's covenant requirements

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
RECEIVED: _____, 2021
For Information __CAO __Mayor/Council
Other _____
Referred to: _____
For __Action __Response __Report
For Agenda __Council __COTW __IC

From: Ron Driedger [REDACTED]
Sent: December-05-21 11:16 PM
To: Corporate Services <Corporate.Services@esquimalt.ca>; Mayor and Council <mayorandcouncil@esquimalt.ca>
Cc: Deb Hopkins <Deb.Hopkins@esquimalt.ca>; Bill Brown <bill.brown@esquimalt.ca>
Subject: The Need2Talk Society and Lexi's covenant requirements

RE: Expression of Interest – Pacific House Primary Care Clinic Operating Model Development, submitted by the Need2Talk Society for consideration by Council. This EOI was submitted to Council on May 20, 2021. The EOI contains the statement: "As requested [my emphasis], we have attached the Bios of the three individuals who would be leading the work for Need2Talk Society – Clay Barber, David Harrison and Eileen Pepler." This suggests to me that the Society had at that time already been in communication with members of Council with respect to this proposal. Members of the public—residents, taxpayers, the electorate— were given access to the information on Friday, December 3, in advance of the Monday, December 6, Council meeting.

According to the joint Lexi/Need2Talk presentation, "Lexi is proposing to use the cash contribution to the betterment of the community in relation to health and community well-being matters as per covenant towards this proposal."

While I admire the brazen impudence of the proposal, I have to say that I find it both outlandish and insulting.

Lexi is constrained by the terms of the Section 219 Covenant to provide the space and the operational framework for a medical care facility on the main floor of their Pacific House development. For them to now ask Council, and the taxpayers of Esquimalt, to pay for the assistance of a "not-for-profit society" in the delivery of that requirement is, as I've said, both outlandish and insulting. It is their obligation and consequently their expense. "The Owner hereby expresses its intention to be solely responsible for the costs resulting from satisfying the conditions of this Agreement, and to donate any contribution to the Township as a gift without any expectation of credit, payment or reward of any kind." [Article 20 of the Section 219 Covenant — full text copied below]

I would therefore ask Council to reject this proposal.

I am also troubled by the continued presence of Eileen Pepler in the advancement of this development. She was, while under contract to Lexi, deeply engaged in advising Council on the health care needs of the Township and bordering regions. It was her frequently-cited report that informed much of Council's response to Lexi's applications for amendments to the OCP and attendant zoning bylaws. She should have declared her role as lobbyist and recused herself from offering advice due to conflicts of interest. The Pepler Group contract with Lexi expired in November of 2019; the Need2Talk Society was incorporated in April 2020. The Society has no online identity, and Society emails are directed to Ms Pepler at her Pepler Group email address. According to Corporations Canada, annual filings for the Society are overdue.

Ron Driedger

**Section 219 Covenant
Restrictions and Requirements - Land Uses**

2.(b) must include a minimum of 370 square metres of gross floor area dedicated to Health Clinic or facility use on the Lands. "Health Clinic or facility use" is defined as a clinic which clinic is staffed by a minimum of four (4) family physicians who are registered with and licenced by the College of Physicians and Surgeons of British Columbia as well as affiliated nurses, technicians, and office support staff (the parties acknowledging that, if there is additional clinic space, other professionals associated with the provision of health services may work in the clinic including, but not limited to, medical specialists who are registered with and licenced by the College of Physicians and Surgeons of British Columbia, naturopaths, dentists, chiropractors, optometrists, and physiotherapists).

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5. The Owner has voluntarily offered to provide a cash contribution to the betterment of the community and therefore acknowledges that the Lands shall not be built upon, and the Township is not obligated to issue a building permit, for any development that exceeds a Floor Area Ratio of 1.5, unless the Owner has made a cash contribution of \$54,000 to the Township, to be used at the Township's discretion in relation to health and community well-being matters generally, on-or-off-site, including but not limited providing incentives or grants, undertaking or commissioning studies or reports, promotions and public information, establishing temporary clinics, and so on. The Owner makes such contribution in addition to and without expectation of credit toward other fees, charges, dedications and other requirements of the Township or other governmental authority.

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20. Without limiting the above release and indemnity, the Owner acknowledges that this Agreement contains conditions, restrictions, requirements, benefits of gifts that may not be specifically identified or required by bylaw. The Owner hereby expresses its intention to be solely responsible for the costs resulting from satisfying the conditions of this Agreement, and to donate any contribution to the Township as a gift without any expectation of credit, payment or reward of any kind. The Owner further releases, waives and forever discharges the Township from and against any claims, actions, or causes of action, whether based in contract, tort or equity, for damages or losses, for the recovery of the contributions or costs incurred, including legal expenses, or for unjust enrichment, in connection with the provision of the contributions.

Zoning Bylaw amendment 2963 Section

2.(2) (2) (viii) Cash contribution of \$54,000 provided to the Township, to be used at the Township's discretion (e.g. provide incentives or grants, undertake or comission studies or reports, promotion, public information, temporary clinics, etc.)

Kim Maddin

From: Emmy Labonte [REDACTED]
Sent: December-05-21 6:24 PM
To: Corporate Services
Subject: Lexi/Needtotalk

To Mayor and Council
Do not allow Lexi to take back 52000.00

That is all we have to say to you

Emmy and Yvon Labonte
873 Dunsmuir rd
Esquimalt BC

Sent from [Mail](#) for Windows

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __CAO __Mayor/Council Other _____ Referred to: _____ For __Action __Response __Report For Agenda __Council __COTW __IC

Kim Maddin

From: jakisa [REDACTED]
Sent: December-05-21 6:02 PM
To: Corporate Services
Subject: Lexi request at council Monday dec 6th

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __CAO __Mayor/Council Other _____ Referred to: _____ For __Action __Response __Report For Agenda __Council __COTW __IC

To council,

We have concerns regarding of Lexi/needd2talk proposal to use the \$54,000 cash contribution to the Township to pay for Needd2Talk's consultation fees in assisting Lexi to develop their Pacific House Primary Care Clinic Operating Model.

LEXI SHOULD NOT BE PERMITTED TO USE THESE FUNDS TO THEIR OWN INTERESTS AND WE ASK THAT COUNCIL NOT APPROVE THIS REQUEST.

Thank you,

Isabelle and Jacques LACOSTE

Kim Maddin

From: Corporate Services
Subject: FW: 880 Fleming Street, second reading

CORPORATION OF THE TOWNSHIP OF ESQUIMALT	
RECEIVED:	_____ , 2021
For Information	<input type="checkbox"/> CAO <input type="checkbox"/> Mayor/Council
Other	_____
Referred to:	_____
For	<input type="checkbox"/> Action <input type="checkbox"/> Response <input type="checkbox"/> Report
For Agenda	<input type="checkbox"/> Council <input type="checkbox"/> COTW <input type="checkbox"/> IC

From: Louise Owen [REDACTED]
Sent: December-05-21 9:05 AM
To: Corporate Services <Corporate.Services@esquimalt.ca>
Cc: Louise Owen [REDACTED]
Subject: 880 Fleming Street, second reading

Dear Mayor and Council

I am writing to you to object to the recommendation that 880 Fleming 2nd reading be passed by Mayor and Council. This refers to the amendment of Official Community Plan By law, 2018, #2922, by scheduling schedule H being the development permit areas map, by changing the designation of 880 Fleming Street { lot 1 section 10} Esquimalt District Plan EPP78715 from development permit area #3 Enhanced Design to develop permit area #6 Multi family Residential.

I ask that you ask the Mayor and Council reject the proposal to rezone 880 Fleming Street from Single family dwelling (it is currently a wild forest with 70 mature trees) to a multi unit family housing complex. The developer, who won and the municipal led RFP process, has met with some of us and sent a letter to answer some of our concerns. There remain, however, grave concerns about the development proposal in this lot at 880 Fleming Street.

I understand that the owner of 833 Lampson is willing to sell and that the same developer who won the RFP has engaged in negotiations to purchase 833 Lampson street over the last few months. My understanding is that they did not agree on a price. I ask the council to reject the 2nd reading for the rezoning and development and request that the developer buy 833 Fleming or another similar property instead. I also ask that that a road between Lampson and the Lions Lodge be constructed and that Fleming Street remains a cul de sac with only foot and bike traffic access to Fleming Street from the Lions Building. This proposal asks for the hammerhead turn around for the emergency vehicles attending to issues at the Lions Building to be built on a road coming from Lampson with no accessibility from Fleming Street at all.

My request is based on the following reasons:

1. I/ we have supported the new Lions Lodge doubling in size even though the city and the proposal did not adequately address parking and traffic issues that almost all of us raised. We are a small closely knit neighbourhood who is used to having a reasonable number of affordable housing units (77). We did not actively fight the expansion (we did not act as NIMBY's) to 137 (approx.) even though 137 is way more than what a small street and neighbourhood should be expected to adapt to. We did this because we agree that people need affordable housing. This rezoning and development at 833 Fleming assumes that our neighbourhood would agree to add almost 40 more. Instead of pushing even more units onto our street, why not appreciate our goodwill and move on to find an alternative site. Many residents, including me, feel the municipality is taking advantage of our goodwill.
2. Access. We have problems with emergency vehicles accessing the Lion's Lodge over the past 20 or so years. Emergency vehicles rush up and down the street 24/7 waking everyone up at night. They have courteously

turned off the alarms once they turn onto Fleming, which we appreciate, however, we hear the alarms clearly from Coleville and beyond. The Lions Lodge is doubling in size which means double the emergency vehicles and double the general traffic. The ability for the emergency vehicles to turn around is only one of the issues. Fleming Street has no sidewalks and there is a walkway between Craig flower where there is a bus stop and the school and parks. This route is used by thousands of people weekly including high school kids, walking school buses, dog walkers, bike riders, skateboarders, runners, tennis players and people walking from Craigflower /Selkirk to the nearest food shopping. In my opinion Fleming Street should only be used for local traffic and walkers/ riders. Car traffic, trucks and emergency vehicles to and from the Lions club should be diverted through a new street built out to Lampson. I understand the resistance to using park land for a road (even though a easement was indicated on the old maps) but if you rezoned the 880 Fleming as a wild woodland and sacrificed a few feet of grassed parkland and moved the baseball diamond (which is just a wrought iron fence) you would be creating more parkland and preserving scarce forest.

3. Traffic. We are all aware that caregivers and residents who do not want to pay for parking at the Lions Building have used Fleming Street as their parking lot for the last 20 or so odd years so causing crowding and scarce parking issues for the residents in houses and apartments. This parking will only increase with doubling of residents and making it for residents only will still allow residents to park there as their address is also Fleming Street. The proposed increase in parking spaces are inadequate and unrealistic. Those with lower income do indeed have cars despite the traffic study. I applaud the municipality for thinking ahead and ensuring there is a shared car and electric bikes for residents to borrow. I am not sure how long it will take for us to realize that we need to share cars and not own them? I hope its soon. The switch has not happened yet. I have had an electric bike for over 15 years and unfortunately can really only use it for exercise in the summer due to rainy weather for half the year and bike theft. Bike theft is particularly for electric bikes worth approx. 4000k is common. Unfortunately, I fear the shared electric bikes will not last long in shared housing and are very expensive to fix and the electric bicycle mechanics are not easily accessible without a truck (as I have learned over the last 15 year period).
4. Infrastructure. It would be great to have an upgrade on infrastructure on Fleming Street and behind Fleming Street (in the Baseball park) as it is certainly outdated. With the floods on the mainland on the Malahat this year, it is clear that all our systems need to be upgraded and run smoothly. As you probably know a river was buried underneath the baseball park. The storm drains at the back of our houses were overflowing during the first environmental river. The question for me is: "Is this worth the cost of selling a piece of land with a mature forest for \$1 million and \$80K for reforestation and infrastructure improvements. With house prices and the land rising daily, it does not look to me that the municipality has negotiated a good deal. Also if our taxes are not meant to pay for upgrades to outdated infrastructure, what are they meant for?

To summarize, I have grave concerns about the Mayor and Council passing the 2nd reading of the rezoning of 880 Fleming Street which include that we already have 137 affordable housing units on a small cul de sac, access, traffic, infrastructure and conservation. It takes half a century for 70 trees to mature. Cutting them down is short sighted and illogical given climate change that is clearly upon us.

Please think strategically which is 50 to 100 years into the future. We are not against the developer developing his project but rather the location. We want multiplex units on the main roads and off the smaller streets like Fleming and Phoenix and parts of Coleville.

In fact, if he developed 833 Lampson instead and created a road that serviced the Lions Building so Fleming could remain a cul de sac for local traffic, walkers and rider, the mayor, Council and developer would be hero's in the neighbourhood. Please work with us, not against us.

Sincerely,

Louise Owen



Kim Maddin

From: Corporate Services
Subject: FW: 880 Fleming second reading

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __CAO __Mayor/Council Other _____ Referred to: _____ For __Action __Response __Report For Agenda __Council __COTW __IC

From: Tara Harper [REDACTED]
Sent: December-05-21 10:38 AM
To: Corporate Services <Corporate.Services@esquimalt.ca>; Mayor and Council <mayorandcouncil@esquimalt.ca>
Subject: 880 Fleming second reading

Please consider this letter as community input to the second reading re: 880 Fleming St. on December 6.

I am opposed to amending the Official Community Plan by changing the designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] from Development Permit Area No. 3- Enhanced Design Control Residential to Development Permit Area No. 6 - Multi-Family Residential.

I am also opposed to Council amending Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] from RS-1 [Single Residential] to CD No. 145 [Comprehensive Development District No. 145].

The lot known as 880 Fleming St. is an essential community asset – a forest ecosystem home to at-risk arbutus trees (protected in the municipalities of Victoria and Saanich) and threatened wildlife species. Forests are key to our neighbourhood weathering the impacts of climate change which are clearly upon us (heat domes and atmospheric rivers being the most recent reminders).

It is my belief that this community asset should not have gone to RFP for development in the first place. Regardless, since the first reading at Council, Method Build/Raj Sahota’s response to community concerns from his letter dated October 28, 2021 and two open houses remains insufficient.

It is important to note that Fleming is a quiet residential street: approximately 15 homes on a dead end road with no sidewalks or speed humps. Many students use the road to get from the bus stop on Craigflower to Esquimalt High school. Increased traffic is a serious concern and poses a real safety risk for pedestrians especially since Fleming St will soon become home to the expanded Esquimalt Lions Lodge which will bring 137 new affordable rental units to the small street – almost double the number of previous units (77).

I understand the need for more affordable housing – that is why I was in support of doubling the Lion Lodge’s capacity. But it is poor planning to funnel 182 new households (the proposed 880 Fleming St development + Lion’s Lodge) and associated traffic and parking needs up a small cul de sac. The intensity of densification proposed is simply too much for the neighbourhood and the developer has not adequately addressed parking concerns.

I do not support this rezoning application but if this development is to go ahead, I urge Council to insist the Developer find an alternative access street to Fleming. The owner of 883 Lampson Street has offered to sell their property so traffic can be funnelled more quickly out to Craigflower. The owner of the vacant lot adjacent to the pedestrian pathway connecting Craigflower to Fleming has given the Lion’s Lodge access for building and may be open to selling this property to allow the new development direct access to this main road and transit artery.

While nothing can replace an intact forest ecosystem, if the development is allowed to cut down 65 by-law protected trees, the least we can expect as a neighbourhood is to receive some local environmental benefit. Rather than a tree replacement levy you could request the developer plant a small permaculture food forest or community orchard which would benefit local residents and the environment alike.

Thank you for taking the time to read my letter and consider my concerns.

Sincerely,

Tara Harper
849 Fleming St.

Kim Maddin

From: Corporate Services
Subject: FW: 880 Fleming Street, Second Reading

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __ CAO __ Mayor/Council Other _____ Referred to: _____ For __ Action __ Response __ Report For Agenda __ Council __ COTW __ IC

From: Alan Barwin [REDACTED]
Sent: December-05-21 4:13 PM
To: Mayor and Council <mayorandcouncil@esquimalt.ca>; Corporate Services <Corporate.Services@esquimalt.ca>
Subject: 880 Fleming Street, Second Reading

Dear Mayor Desjardins and Esquimalt Councillors,

I am not in favour of the proposed rezoning and development of 880 Fleming Street. From my point of view, the process was flawed from the outset. Council had no place requesting proposals for any type of development on this rare urban forest. Long before rezoning was considered and before submissions were sought from developers, Council should have sought community input on any changes in land use for the site, Lot 1 Section 10 Esquimalt District Plan EPP78715.

I live at 891 Lampson Street and the proposed rezoning site backs onto my immediate neighbours' properties. Any change in land use would affect my property and my quality of life.

I am very much in favour of increasing affordable accommodation in Esquimalt and would support developments on already disturbed lots, along Craigflower, Lampson or other sites with existing services and roads, but I cannot accept turning a natural area into an apartment building when we are in a Climate Crisis.

I am impressed with the work done by the developer, however I feel it was unethical for Council to suggest this property for development, for all companies that submitted to spend hundreds of hours and thousands of dollars before the community was consulted. As you have learned over the past months, the East Esquimalt community is very much against any development at "880 Fleming." The property has much greater value as a diverse ecosystem, as a carbon capture and storage system, as a sponge for rain (so necessary with last month's rains), and as parkland. The \$1 000 000 that the developer would pay for the site and the funding to plant trees and acquire new parkland is insignificant compared with the current ecological value of the site.

I have also heard many concerns from neighbours about increased density and traffic with potentially two new buildings on Fleming, and I fully support my neighbours' objections to new development on Fleming Street.

I urge you to immediately reject the proposed amendments (880 Fleming Street Bylaws 3041 and 3042) and reject any changes to the OCP that does not maintain the site in its entirety as a natural space or park. Further, I strongly urge Council to take action to incorporate the property into Lampson Park and consult with the community on how best to do so.

Thank you for your consideration,

Alan Barwin

891 Lampson Street
Esquimalt BC

Kim Maddin

From: Corporate Services
Subject: FW: 880 Fleming St., Second Reading

From: IED Chair [REDACTED]
Sent: December-05-21 9:21 PM
To: Corporate Services <Corporate.Services@esquimalt.ca>
Subject: 880 Fleming St., Second Reading

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __ CAO __ Mayor/Council Other _____ Referred to: _____ For __ Action __ Response __ Report For Agenda __ Council __ COTW __ IC

ÍY, SZÁCEL SIÁM

Dear Mayor and members of Council,

I am writing to express my continued concern about the future of the lot known as 880 Fleming St. Please consider my input in advance of the second reading on plans to rezone.

I am opposed to changing the designation of 880 Fleming Street from its current use as park land to its proposed use as multi-family residential.

The information I received from Method Build’s Raj Sahota in a letter dated October 28 did little to alleviate my concerns about the proposed development of this property.

I know how important it is to have affordable housing in our community. That is why I did not oppose the expansion of the Lion’s Lodge to almost double its previous occupancy. However, adding an additional 45 unit building on this small, quiet street is too much density and too unsafe.

I do not accept the methodology used for the traffic and parking study as valid. You can’t expect to have accurate results when you survey demand at a time when the Lion’s Lodge was mostly vacant. When its 137 new occupants move in it will be an entirely different story.

Indeed, I have lived on Fleming St since 2017 and have witnessed firsthand the increased traffic and challenges of finding parking on the street when the Lion’s Lodge was occupied. Now imagine double the number of units plus an additional 45 unit building on top of that – a building which will only provide parking for 23 of its units. It is simply untenable.

The suggestion from the builder to create a penalty clause for unauthorized parking on Fleming St. is not logistically feasible for many reasons and the suggestion for current residents to initiate a ‘Residential Parking Only’ process with the township is not feasible as the new developments will also have a Fleming St. address.

Furthermore, the response from the builder to increase e-bikes is idealistic but impractical. I find it offensive to suggest that people living in workforce housing can not afford to own a car or that they should be made to do essential errands by bike when we know that the bike lane infrastructure in the township remains inadequate, riding conditions are challenging in winter and bike theft is incredibly high throughout the CRD.

I do not support the proposed development or the cutting down of 77 by-law protected trees – a forest that we desperately need for carbon capture in our dangerously changing climate. My children grew up playing in these ‘little woods’ and I can tell you that it is also an important wildlife buffer, home to a variety of species, some of whom are threatened.

If this development is to go ahead, Fleming St is not a suitable access road. While the letter I received suggests the township has told the developer access via Lampson is not an option, I understand that the owner of the adjacent property on Lampson has offered to sell to the developer.

Fleming St. is a small cul-de-sac with no sidewalks or speed humps, It has heavy pedestrian traffic as the walkway connecting it to Craigflower is a main route for students heading to the high school and families often take our street to access the baseball diamonds and playground at Lampson Park. We will already see the brunt of 137 new households when the Lion’s Lodge is complete. An additional 45 will add all the more danger and concern.

Think of it this way: if you lived on a street with about 15 homes total would you feel comfortable with the traffic, parking and safety concerns of an additional 182 new households moving onto your street? Please vote accordingly and choose to not allow this rezoning.

HÍSWƆƎ SIÁM,

Dr. Jean-Paul Restoule
849 Fleming Street
Esquimalt

Kim Maddin

From: Corporate Services
Subject: FW: PROPOSED REZONING TO PARKLAND (on lot called 880 Fleming Street)
Attachments: 21 12 5 EAST ESQUIMALT NEIGHBOURHOOD ASSOCIATION.docx

From: Guuduniia LaBoucan [REDACTED]
Sent: December-05-21 8:50 AM
To: Corporate Services <Corporate.Services@esquimalt.ca>; Mayor and Council <mayorandcouncil@esquimalt.ca>
Cc: James nadeau [REDACTED]; Tara Harper [REDACTED]; Sharon Pedersen [REDACTED]; Louise owen [REDACTED]
Subject: PROPOSED REZONING TO PARKLAND (on lot called 880 Fleming Street)

Please find attached a letter sent on behalf of the East Esquimalt Neighbourhood Association regarding the above mentioned proposal

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __ CAO __ Mayor/Council Other _____ Referred to: _____ For __ Action __ Response __ Report For Agenda __ Council __ COTW __ IC

December 5, 2021

Dear Mayor and Council

RE: PROPOSED REZONING OF PARKLAND TO DEVELOPMENT ON FLEMING STREET AND AMENDMENT OF OCP

This is a synopsis of the Letter send by the developer, signed by Raj Sahota on October 28, 2021 and the East Esquimalt Neighbourhood Association's collective responses to these concerns. We expect you, our elected officials, who are supposed to not only plan for the town, but more fundamentally represent our views as tax payers and voters, to read this entire letter and act accordingly when reviewing the proposal.

1. **ACCESS** The developer consulted the township about using Lampson Street as the access for the RFP; the town has said that this would require removing parkland from Lampson Park and the baseball diamond. The town has said that it is prioritizing the public amenity (parkland and baseball diamond) over the improved vehicular traffic from Fleming to Lampson. And supposedly this supports the town's commitment to environmental sustainability and effective urban planning.

RESPONSE We are requesting that the developer buy 883 Lampson Street property which has been offered to him, but he refused the price. One of our neighbours has spoken to the owner of 883 Lampson and confirmed that the offer remains. The purchase of this property would alleviate the increase of density of traffic on Fleming, a small cul de sac that already will be impacted by the new Lions Lodge which has increased its number of units also.

As well, the removal of parkland is an argument that is self serving as the actual passing of this development proposal means that parkland will be removed resulting in the loss of an established forest which has untold consequences given climate change (remember the heat bomb this summer) and also decrease the biodiversity in the area.

Thus, leaving the area intact is environmental sustainability in action. When we went to the area with Councillor Morrison, we saw eagles in the areas with a nest; there are at least three Barred owls, might be a great horned owl, we saw three or four hawks, hundreds of smaller birds such as hummingbirds winged towey, house finches, pine siskins, swallows, sparrows and at night there are bats also. There are boreal frogs in tree tops and wandering salamanders which are blue listed species. That is without a formal biological survey. This area because it is one of the last intact forests in the area has huge impacts on more than just humans.

As far as effective urban planning, the letter falls flat. True effective planning includes a larger footprint than merely 100 meters from the proposed development. There are huge issues facing our town including aging infrastructure, climate change, affordable housing which we acknowledge are important. However, the new Lions Lodge has increased its density from 77 units to 137units. So effective urban planning would require taking into account the impact of this doubling of density before allowing another development to occur. Separating the two developments creates a fiction that one is not going to affect the other and that there is no cumulative effect which is absolutely irresponsible urban planning.

2. **PARKING STUDY** The Letter states that the Watt Consulting Group did the study for parking which concluded that the current bylaw requires 42 parking stalls for the 45 family units that are being planned. The Watts study said that because the town has said that they want less cars on the streets and that it supports green agendas, that the RFP can get away with only 23 parking stalls. In order to make up for the difference (20 stalls!), the Watts study suggests 5 ebikes; e bike parking and secured bike parking; and a car share program with an electric car. People would get a membership as part of their lease. In response, to our concerns raised in the first reading, the Watts group has suggested raising the original 23 stalls to 26 (3 more stalls that supposedly exceeds requirements); and adding more electric bikes (19 instead of 5), increased bike parking for 81 bikes from 45) and making it a lease term that people cannot park on neighbouring streets.

RESPONSE The proposed mitigations are **inadequate, unrealistic and discriminatory**. The bylaw requires 45 parking spaces, if this proposal goes forward (which we do not want), the number of parking stalls should be 45. Electric bikes are only fair weather vehicles; many of us own bikes some of which are electric, but most do not bike all year around due to poor visibility when it is rainy and when it is dark. My daughter was recently hit by a car on her bike while she was in a bike land, which really brought home to her and to us, how dangerous biking can be.

Also, the idea that an electric bike is going to be used to pick up groceries is not feasible. As well, disabled folks do not use regular bikes, whether electric and otherwise. The RFP also says that the units will be for families which cannot rely on electric bikes for transport for families especially for those with young children. The rate of theft of bikes is also incredibly high (over last year and a half according to the Inside Victoria Theft Underground which takes their data from the police, nearly a thousand bikes have been stolen in the region) and it is one of the reasons why people don't like to use their e bikes where they have to lock them up because they are far too expensive and tempting for thieves.

Also, again the electric car mitigation is laughable because the new development up the road on Colville has an electric car which through an informal study by one of neighbours showed that the car didn't move in five days. The idea, while laudable, has not been proven as the original Watts study says that there is no proof that having electric cars has made a difference in terms of numbers of cars on the street.

We have heard arguments given at the open house and the first reading that the young and low income people don't have cars either for economic or because of principle. Two of the neighbours were absolutely flabbergasted when this argument that low income and young people would not have cars as it was the same argument made in the 1970's when the original Lions lodge was proposed. As we have seen during the years we have lived here, the number of cars on our street when the Lions Lodge was there, was consistently higher than the available parking areas in the Lodge and on our street. Over the years, we have had to park on Colville to find a place for the night. This situation is no longer readily available with the new townhouses, and the proposed townhouses coming in the future, on Colville Street. The old Lions Lodge tenants and their visitors parked on Fleming and there is no reason to believe that this situation is any less likely in the future.

The proposal that only Fleming residents can park on Fleming is not going to work as the proposed development would have a Fleming address so tenants would have the right to park on our street. How does having a term lease requiring them not to park on neighbouring streets answer our concerns.

Also the Township is discriminating against low income people by saying they do not own cars and then allowing a development to have less than half of what the required bylaw dictates. The discrimination is very apparent when looking at the recent Westbay development that was approved. The parking in that area is abysmal like our street it is a cul de sac and the developer has included "87 electrified stall with seven reserved for visitors"; [based on 105 units that means there is a **-.895 ratio of parking stalls to units**]; free year of Modo, one year bus pass, and 130 bike stalls as well as up to \$500 for an electric bike or \$250 for a regular bike to residents. This compares with the developer of 880 Fleming who wants to have four to six stories for 42 multifamily rental units (1-3 bedroom units) and **three strata units for the developer's family.**; Of the 42 rental units, one third will be market priced; 1/3 at 90% of market rent and 1/3 will be low income based i.e. rent based on income of family. The number of parking units under the official bylaw should be 1.3 parking spots/unit and visitors which would be 59 spaces. Instead, the proposal allows for 26 which is a **0.53 parking spot/unit**. Again there is a huge discrepancy with what the by law requires and what the Westbay proposal is going to do. This also does not include the impact of the new Lions Lodge with its increased units that went from 77 units to 137, nearly double.

The article was in the Victoria news about a huge development in WestBay on the water near the marina, which is where I am quoting from below: "Even councillors in favour of moving the project forward were kind of split, but said there were enough pros to sway their decision." The conflict was because the new apartment **replaces 20 affordable housing units** (duplexes, and single family homes). Just saying the council allowed an apartment development on Westbay to proceed after the developer reduced the number of units from 125 to 105 and from 5 to six stories with a thinner footprint. the developer told the council that after dropping the number of units, that if they had to include affordable spots "would essentially kill the project's feasibility". So rich folks who can afford to live by the water don't have to worry about parking, but low income folks do because they are being discriminated against by the people who don't live in the area and don't know how the neighbourhood is more than fully subscribed when it comes to parking

3. **TRAFFIC STUDY** The developer said that the traffic study was done at "peak hours" and that the new 45 units would have no impact on the Colville and Fleming traffic. This again does not include the new Lion Lodge, the increased traffic coming from the Colville developments and the increased traffic from new developments coming off Lampson further towards Esquimalt road. Again the unrealistic conclusion is not based on reality. The reality is that the wait time getting onto Colville and then onto Lampson has more than quadrupled. Whereas we could enter Lampson after waiting at most 2-3 minutes, now the traffic coming from both directions means that the wait is more than 8-10 minutes during the day and gets worse when the rush hour occurs. Furthermore, it is dangerous entry way as you cannot see what is coming from around the corner of Transit to Lampson so getting onto Lampson is rendered even more difficult. The traffic pattern has definitely changed and will be further negatively impacted by more traffic from the young or low income people who will own cars. Please do not use outdated and ridiculous arguments that are insulting to our collective experience and knowledge of our neighbourhood.

3a. PUBLIC REALM AND INFRASTRUCTURE The letter states that the developer will contribute \$80k to the township tree replacement fund and more than \$1 million to acquire additional parkland. The plan is also to "construct and extend Fleming Street and build a hammerhead designed to meet the

significant engineering requirements of the Esquimalt Fire Department.” The proposal says there is a commitment to upgrade water, sewer and storm lines in the neighbourhood which “are all beyond capacity”.

RESPONSE The proposal price of more than \$1million for the purchase of the parkland, while seemingly generous, falls short. The housing values in our area, have skyrocketed and houses are now selling for more than \$1 million. A house on Colville recently sold for more than \$1 million. That means that the developer is getting the land for a bargain given its size and desirable location.

The developer states that the Township is getting more than \$1 million to buy additional parkland. I would like to know where they will get that land, as apparently there is no available to build this low income housing. Also, the \$1 million dollars is not a donation or even a contribution, it is the sale price of the land that we are trying to save from development. Again, \$1 million dollars is what Councillor Morrison said Esquimat would have to spend to buy a private (read small lot) home to develop a low income housing complex. So how much more would a large nearly 1 hectare lot cost? Apparently more than \$1 million. So the idea that the money will go for parkland, and constructing and extending Fleming Road to build a hammer head design is really pushing the budget. The developer states that they are committed to construct this, however the Township will be picking up a significant bill to upgrade the old and failing infrastructure on our street. So we will be footing that bill as taxpayers. Low income people will contribute, but not as much as we homeowners. Also, the drawing below shows that the hammerhead won't fit in the described lot so that means more parkland is going to be taken from the neighbourhood.

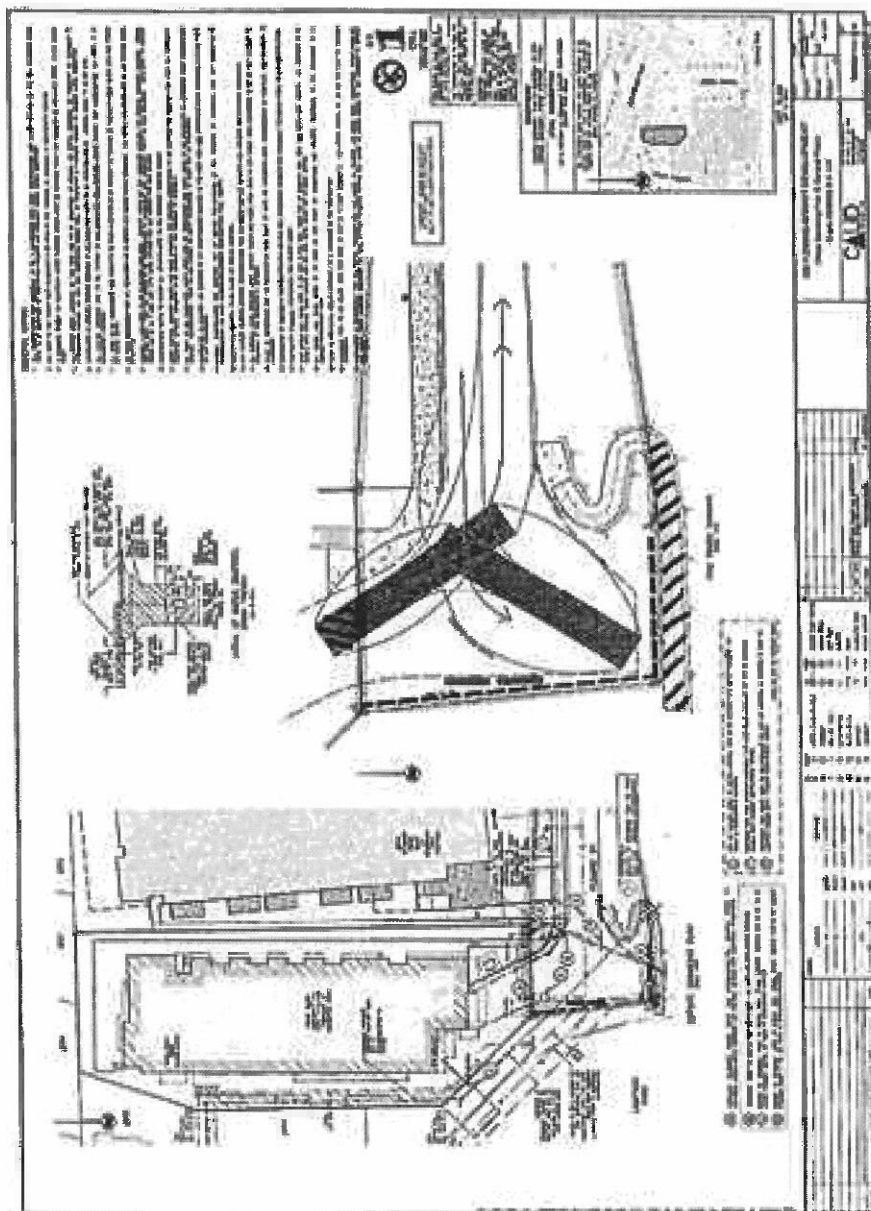
The \$80,000 is not sufficient to replace the forest that exists there, as the trees are not individuals, they are a forest with diversity and a three tiered bird canopy. That means that one hundred years of growth is not going to be replaceable by a \$80k tree replacement contribution – planting one tree here and there does not make a forest and certainly does not replace an ecosystem. Before you roll your eyes about environmentalist and their unrealistic objectives, the world is going through climate change as witnessed by the recent flooding all over BC, heat dome of more than 40 degrees Celsius, the huge increase in the numbers and severity of wildfires, and the increased storm frequency and severity. This is the reality, not the wishful thinking of a bunch of starry eyed environmentalists. There is no price that can be put on our continued existence in a world where we make responsible choices.

Trees play a huge part in saving the planet through absorbing CO2. They protect coastal communities (that would be Esquimalt) by protecting against severe flooding and storms, by slowing the water's strength as it surges on land, and by absorbing excess water in the soil and releasing it as water vapor into the air.

Trees provide shade, which helps the soil retain moisture rather than drying out, and thereby supports fertile growth of plants that support us and the animals we share this planet with. More shade and less sun in urban areas also helps reduce energy consumption when it's hot, helping to flatten carbon emissions and saving on cooling costs. In a joint statement, the chiefs of the UN-REDD programme declared that "forests are a major, requisite front of action in the global fight against climate change – thanks to their unparalleled capacity to absorb and store carbon. Forests capture carbon dioxide at a rate equivalent to about one-third the amount released annually by burning fossil fuels.

Stopping deforestation and restoring damaged forests, therefore, could provide up to 30 percent of

the climate solution." see this link [Trees and Climate Change - One Tree Planted](#) Destroying a forest is not sustainability in action, it is the opposite and will affect all of us negatively.



NOT IN MY BACK YARD (NIMBY)

Lastly, the developer has shown a level of disrespect to our neighbourhood. Neighbours who attended the open houses reported that he said, "I have never been involved with a proposal that someone didn't raise not in my backyard arguments." This sentiment is both insulting and inaccurate. Our

neighbourhood already has welcomed the original Lions Lodge and now has accepted the increased density of the new Lions Lodge (from 3 stories and . That means that we are not only not NIMBY, but that we are the exact opposite. We do not object to lower income housing; we recognize that in today's crazy housing market, there must be housing available for people who are not able to afford the insane prices being demanded for a house. Thus, please do not view us as people that are against affordable housing, we are against our neighbourhood bearing more than our neighbourhood can bear.

Thank you for your time and consideration for taking our concerns into account,

Sincerely,

Guuduniia La Boucan on behalf of the Eastern Esquimalt Neighbourhood Association

Kim Maddin

From: John Aasen <[REDACTED]>
Sent: December-04-21 10:32 PM
To: Corporate Services
Subject: 880 Fleming St. Second reading.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
RECEIVED: _____, 2021
For Information __CAO __Mayor/Council
Other _____
Referred to: _____
For __Action __Response __Report
For Agenda __Council __COTW __IC

I oppose the lot at 880 Fleming St. to be developed as proposed. John Aasen 864 Fleming St. Esquimalt B.C.

Kim Maddin

Subject: FW: Devonshire sidewalk on south side after Shaw ditch filled in...
Attachments: Devonshire south side soil for new boulevard Dec 3 2021.JPG; Devonshire North side non-standard sidewalk .JPG; Devonshire south side gravel after ditch refilling .JPG; Devonshire Sidewalk South Side.JPG

CORPORATION OF THE TOWNSHIP OF ESQUIMALT RECEIVED: _____, 2021 For Information __ CAO __ Mayor/Council Other _____ Referred to: _____ For __ Action __ Response __ Report For Agenda __ Council __ COTW __ IC

From: Norah Macey [REDACTED]
Sent: December-03-21 3:22 PM
To: Alicia Ferguson <Alicia.Ferguson@esquimalt.ca>
Subject: Devonshire sidewalk on south side after Shaw ditch filled in...

Hi Alicia,
Here are pictures of the work done by Shaw on the south side of Devonshire. The refilling of the ditch has resulted in a SIDEWALK for Esquimalt Township.

Yet the Engineering department says there is "no money" in the budget for a new sidewalk. This one is already there, and funds to make it walkable would be minimal.

The alternative is to have the boulevards replaced, and we'd have a "muddy path" as people don't use the sidewalk on the north side, industrial area.

Thanks, I am attaching pictures to show the south side, and one picture to show the non-standard sidewalk on the north side. Therefore the acceptance of a "non standard" sidewalk on the north side shows that a sidewalk can be approved without being "standard". Having a sidewalk on the SOUTH side is a win win, and will cost far less than building a new sidewalk.

Norah







