

DISTRICT OF SAANICH  
MINUTES OF THE SPECIAL COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**TUESDAY, JANUARY 28, 2014 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brice, Brownoff, Derman, Gerrard, Murdock, Sanders, Wade and Wergeland.  
**Staff:** J. Matanowitsch, Manager of Current Planning; J. Bains, Development Coordinator; and A. Park, Senior Committee Clerk

**PUBLIC HEARING**

2870-30  
Penrhyn Street

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2013, NO. 9250”

**PROPOSED AMENDMENT TO CADBORO BAY DEVELOPEMENT PERMIT AREA**

To amend the Official Community Plan, 2008, to include properties at Lot 2, Section 44, Victoria District, Plan 8197 (**2580 PENRHYN STREET**) and at Lot 5, Block D, Section 44, Victoria District, Plan 1483 (**2588 PENRHYN STREET**), within the Cadboro Bay Village Development Permit Area.

2870-30  
Penrhyn Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2013, NO. 9251”

**PROPOSED NEW COMMERCIAL CADBORO BAY VILLAGE ZONE**

The intent of this proposed Zoning Bylaw amendment is to create a new C-1CBV (Commercial Cadboro Bay Village) Zone with retail sales of goods and services; personal service; office; restaurant; attached housing; apartment; accessory residential; home occupation office and daycare for preschool children; daycare, adult; daycare, child; accessory buildings and structures; cable hub site; as permitted uses. Regulations with respect to prohibited uses; density; buildings and structures; buildings and structures for apartment; and accessory residential; are unique to this proposed zone.

2870-30  
Penrhyn Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2013, NO. 9252”

**PROPOSED REZONING FOR RESIDENTIAL AND RETAIL MIXED USE DEVELOPMENT ON PENRHYN STREET**

To rezone Lot 2, Section 44, Victoria District, Plan 8197 (**2580 PENRHYN STREET**) and Lot 5, Block D, Section 44, Victoria District, Plan 1483 (**2588 PENRHYN STREET**) from Zone RS-10 (Single Family Dwelling) to a new Zone C-1CBV (Commercial Cadboro Bay Village) in order to construct a residential development with two commercial retail units. A **DEVELOPMENT PERMIT** will be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted and to allow variances for parking. A **COVENANT** will also be considered to further regulate the use of the lands and buildings.

The Clerk introduced the following:  
– Notice of Public Hearing

- Reports from the Director of Planning dated October 10, 2013, November 8, 2013, November 28, 2013, December 2, 2013 and January 9, 2014, the latter recommending as follows:
  - 1) That the Official Community Plan be amended to include the site within the Cadboro Bay Village Development Permit Area;
  - 2) That the Zoning Bylaw be amended to include a new Commercial Cadboro Bay Village Zone (C-1CBV);
  - 3) That the application to rezone from RS-10 to C-1CBV be approved;
  - 4) That Development Permit DPR00549 be approved;
  - 5) That Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending:
    - Provision of a Geotechnical Engineer's assessment of water table level and assurance of the feasibility of the proposed catch basins and stormwater absorption trench to the satisfaction of the Director of Engineering; and
    - Consolidation of the lots.
  - 6) That prior to Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit, a covenant be registered to secure the following:
    - Construction of the building to a BuiltGreen™ Gold or equivalent energy efficient standard;
    - Provision of \$8,600 towards an Alternative Mobility Fund;
    - Provision of \$14,000 towards an Affordable Housing Contribution: either the applicant's Attainable Housing Initiative, or the Saanich Affordable Housing Fund;
    - Restricting both commercial retail units to "General Office" use only;
    - The reverting of Commercial parking spaces to Residential Visitor parking after business hours; and
    - The right-of-first refusal for commercial tenants to lease vacant parking stalls from residential owners at the prevailing market lease rate.
- Advisory Design Panel report dated July 18, 2013 recommending approval of the design subject to the Panel's recommendations.
- Letter dated November 14, 2013 to the applicant from Adept Transportation Solutions.
- Letters dated November 5, 2013 and January 27, 2014 from the applicant providing further information.
- Two letters from the Cadboro Bay Residents Association dated April 23, 2013 and November 29, 2013 providing comments on the proposal.
- 34 letters from residents commenting on the application.

In response to questions from Council, the Planner advised that the concept of decoupling the purchase of a parking space from the purchase of a unit was not discussed with the applicant.

**APPLICANT:**

Mr. M. Miller, President, Abstract Developments Inc.(Abstract), attended along with S. Ganong, Development Manager, and S. Murdoch, Murdoch De Greeff Inc., Landscape Architects, and stated:

- As requested by Council, Abstract took a second look at the proposed parking variance, the number of residential units and the restaurant use

- in the commercial space and have now revised their application.
- The number of residential units has been reduced from 16 to 14.
  - After considering how the building fit into the neighbourhood, they reoriented the rear units so just two balconies are in view of the neighbours; trees have been added and lighting considered.
  - The design includes natural elements such as cedar and stone and is sensitive to its interaction with the street.
  - New landscaping is proposed on the neighbour's property for screening,
  - It has become evident that at peak demand times, there is a parking deficiency in the village.
  - They are willing to register a covenant restricting the use of the commercial units on the ground floor to general office use, thus reducing the parking requirements.
  - Three new parking stalls will be added to Penrhyn Street with the proposed boulevard improvements in front of the building.
  - Local businesses manage their staff and customer parking in an efficient way and that is their intention as owners of the commercial units.
  - They have revised floor plans and created larger units as suggested by the public, rather than the smaller units originally intended for students; this would allow local homeowners to downsize while remaining in the community.
  - The Local Area Plan supports this type of mixed use.
  - They have tried to address the concerns raised at the previous public hearing and have reduced the parking variance.
  - An Alternative Mobility Fund will be offered to residential and commercial units and the affordable housing contribution has been increased to be in line with that offered by other developments.
  - Abstract consulted with the Community Association and business owners again and the revised project is supported.

In response to questions from Council, the applicant stated:

- Residents without cars or whose cars are away during working hours, may choose to lease their parking space to a commercial unit.
- Abstract would be willing to consider decoupling the purchase of parking space from the purchase of a unit; this approach could offer a more affordable unit.

**PUBLIC INPUT:**

B. Mullan, Queenswood Drive, stated:

- Cadboro Bay is a beautiful area and this development will be suitable.

D. Waring, Cadboro Bay Road, stated:

- The building is oversized, offers few amenities and will add to existing parking problems.
- There is potential for more development in the area, and, at three storeys in a predominantly two storey neighbourhood, the resulting streetscape would be undesirable and change the village ambience.
- The neighbourhood experiences flooding; it would be beneficial if new developments were designed to retain their stormwater.

R. Beaulieu, Cadboro Bay Road, stated:

- The proposed development is attractive and will fit within the village.
- This dead end street is ideal for density and an appropriate location for those wishing to downsize and remain in the village.
- Employee parking is the issue; that could be resolved by local business owners, perhaps by considering two nearby locations for employee use.

C. Friedinger, Sea View Road, stated:

- An additional commercial zone is to be created for this site when over 30 commercial zones already exist; more background work is needed before a new zone is approved.
- The plan for commercial parking spaces to revert to visitor parking after business hours may not be workable as business hours are no longer consistent.
- Other local needs remain unfulfilled, such as a sidewalk along Cadboro Bay Road and to the university.

E. Daly, Mount Baker View Road, stated:

- The proposed building is attractive but the problem of parking still remains.
- Only minor changes have been made by the applicant.
- The proposed strategy for more efficient use of all the parking stalls on the site, is probably an illusion.
- The concept of decoupling parking space from the purchase of a unit is a good idea.

S. Purcell, business operator, Cadboro Bay Road, stated:

- He works in the village and finds the parking issues similar to other commercial areas.
- The 14 residences and two businesses proposed will not have a big impact but may help revitalize the area.
- It is appropriate to encourage infill rather than additional urban sprawl.

P. Cooper, resident and business owner, Village Service, Cadboro Bay Road, stated:

- No significant changes have been made by the applicant in order to meet the zoning requirements; 1.5 parking spaces per residential unit is appropriate.
- There is no assurance that the parking scheme will work.
- Local business owners do not allow employees to park on local streets but still parking is a problem.
- The site is appropriate for mixed use but the development should be able to meet the requirements of the zone for parking.

G. Morgan, Penrhyn Street, stated:

- The change in the size of the residential units is appreciated.
- To substantially reduce the number of units in order to meet parking requirements would mean the development is not financially viable.
- Groundwater is close to the surface in Cadboro Bay and underground parking is not possible.
- The benefits of this development will exceed any negative impact.

B. Leith, Cadboro Bay Road, stated:

- He supports the revised project; the Village needs new development.

T. Jared, Cadboro Bay Road, stated:

- Although not fond of the architecture, and, in spite of the existing parking issues, he finds this a good location for a development.

J. Brooks, Penrhyn Street, stated:

- He supports revitalization of the Village but parking is a real issue.
- This building is too big for the site.

R. Moss, Penrhyn Street, stated:

- The revised plans are an improvement and she now supports the development; the size is complementary to existing buildings.
- Parking has been a problem, probably due to employees parking on local streets.
- The community will be well served if this development is approved.

R. Becknall, real estate agent, stated:

- He supports the application; the building offers the location and type of housing desired by clients.
- It is good to have a mix of housing types in a community.
- Perhaps the underused Gyro Park parking lot could be used for employee parking.

P. Holm, Penrhyn Street, read a letter from D. Beaulieu, owner of properties on Cadboro Bay Road and Penrhyn Street surrounding the site:

- He supports the project; there was excellent consultation and the applicant has offered new landscaping features for his tenants.
- Such a high quality development is a step forward for the village, although parking concerns remain.
- We should look to Cook Street Village which is more dense and vibrant.

P. Holm further stated:

- The applicant took the time to meet with residents and address their concerns.
- The Local Area Plan identifies these lots for this use.
- Employees of businesses in the Village park all day on local streets and this problem needs to be addressed.

S. Pollen, St. Patrick Street, stated:

- Cadboro Bay Village needs to be updated.
- This is a good design by a quality builder.

K. Schindelbauer, Cadboro Bay Road, stated:

- She supports the development.

D. McCooey, Penrhyn Street, stated:

- Flooding is an issue on the street; any additional hardsurfacing will have an impact on his property.
- Visitors to the building will park on the street.

- The boulevard improvements and patio in front of the proposed building are unappealing.

R. Woodland, Haro Road, stated:

- As a longtime resident of the neighbourhood, he supports this application. Continued planned development in Cadboro Bay is desirable but livability must be ensured.
- Increased density supports local businesses.
- Peak hours can be a problem for parking and Council might consider creative alternatives such as the use of the Gyro Park lot or contributions from developers.

#### **APPLICANTS RESPONSE:**

- The project was designed to meet the engineering requirements for the site with the assistance of a geotechnical and a civil engineer.
- The commercial/retail space has not changed.
- Juliet balconies are planned on three sides with street level patios on the south side; balconies have been reduced in size.
- The Alternative Mobility Fund will be available to all residents regardless of car ownership.

#### **COUNCIL DELIBERATIONS:**

Councillor Wergeland stated:

- The proposed development meets a need in the Village; the variances can be supported.
- The applicant has addressed concerns raised.
- The idea of selling parking spaces separately from the units, is a good one.

**MOVED by Councillor Derman and Seconded by Councillor Brice:**  
**“That:**

- a) the Official Community Plan, 2008, be amended to include the site within the Cadboro Bay Development Permit Area;
- b) the Zoning Bylaw, 2003, be amended, to include a new Commercial Cadboro Bay Village Zone (C-1CBV);
- c) the application to rezone Lot 2, Section 44, Victoria District, Plan 8197 (2580 PENRHYN STREET) and Lot 5, Block D, Section 44, Victoria District, Plan 1483 (2588 PENRHYN STREET) from Zone RS-10 (Single Family Dwelling) to Zone C-1CBV (Commercial Cadboro Bay Village) be approved; and
- d) prior to final reading of the zoning bylaw amendment and ratification of the Development Permit the applicant be required to:
  - i) provide a Geotechnical Engineer’s assessment of water table level and assurance of the feasibility of the proposed catch basins and stormwater absorption trench to the satisfaction of the Director of Engineering;
  - ii) consolidate the lots;
  - iii) register a Covenant to secure the following:
    - construction of the building to a BuiltGreen™ Gold or equivalent energy efficiency standard;

- **provision of \$8,600 towards an Alternative Mobility Fund;**
- **provision of \$14,000 towards an Affordable Housing contribution: either the applicant's Attainable Housing Initiative, or, the Saanich Affordable Housing Fund;**
- **restricting both commercial retail units to General Office use only;**
- **the reverting of commercial parking spaces to residential visitor parking after business hours; and**
- **the right of first refusal for commercial tenants to lease vacant parking stalls from residential owners at the prevailing market lease rate."**

Councillor Derman stated:

- He would propose that a requirement for decoupling the purchase of parking space from the purchase of the unit, be added to the covenant.
- Decoupling could make the purchase price more affordable; in time, variances could be reduced and it would become self-regulating.
- With this amendment, he would be able to support the motion, even though the building is tight on the site and offers few amenities.
- An updated Action Plan for the village core would be an important tool to envision what is desired for the future.

Councillor Wade stated:

- The concept of decoupling should be explored.
- Parking has been the key issue with this proposed development; the proponent might also consider that mobility devices require parking space.
- More work with businesses in the area would determine whether employees are causing parking problems.
- The applicant respected the wishes of the neighbours and went back to the community and now residents are supportive.
- She supports the motion.

Councillor Brice stated:

- The location of Cadboro Bay Village on the ocean makes it unique.
- While revitalization is needed, it is important to keep commercial aspects within limits and ensure the village ambience is not lost.
- The market for these units may come from those already living in the area.
- The concept of decoupling can be explored further.
- She supports the project.

Councillor Gerrard stated:

- He supports the application.
- The applicant has made an effort to address the parking concerns; the Alternative Mobility Fund is a creative feature.
- The affordable housing contribution has been increased; the applicant's attainable housing initiative is an approach he would encourage staff to

work with.

- The Official Community Plan envisions this type of development in these centres.
- This project could contribute to the revitalization of Cadboro Bay Village.

Councillor Sanders stated:

- She supports the project; the applicant made an effort to resolve the concerns raised regarding parking.
- It may be worthwhile to review our municipal parking requirements.
- The development is now more balanced and will be what the market is seeking.
- The village needs change; this project will be a real asset.

Councillor Brownoff stated:

- The developer listened to the community and heard that parking was the number one issue; the Alternative Mobility Fund offers alternatives and the proposed renting of parking spaces is a good idea.
- She can support the variances required.
- More density in the Village will create the vibrancy that is lacking.
- The pedestrian environment must also be improved.
- The Action Plan contains an appropriate vision for Cadboro Bay and must be acted upon.
- Business owners must attend to the problem of employee parking on residential streets.
- The concept of decoupling needs further discussion.

Councillor Murdock stated:

- The proposal has matured and attempts to address the parking concerns.
- The applicant took the time necessary to consult and get it right as the support from the community now indicates.
- The Alternative Mobility Fund and the proposed plan to switch parking spaces between business and residential use at appropriate times are good features.
- The 14 residential and 2 commercial units will be a good fit for the Village.
- An updated plan for Cadboro Bay is overdue.
- It may be appropriate to consider timed parking spaces in future; they create turnover in customers.

Councillor Derman stated:

- Without the requirement for decoupling, he cannot support the motion.
- This is the stage at which Council has the authority to require such features from a developer.

Councillor Wergeland stated:

- Decoupling does merit further consideration.

**The Motion was then Put and CARRIED  
Derman OPPOSED**



2870-30  
Penrhyn Street

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2013, NO. 9250”  
Second and Third Reading

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:**  
**“That Bylaw No. 9250 be read a second time.”**

**CARRIED**  
**Derman OPPOSED**

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:**  
**“That Bylaw No. 9250 be now passed.”**

**CARRIED**  
**Derman OPPOSED**

2870-30  
Penrhyn Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2013, NO. 9251”  
Second and Third Reading

**MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:** “That Bylaw No. 9251 be read a second time.”

**CARRIED**  
**Derman OPPOSED**

**MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:** “That Bylaw No. 9251 be now passed.”

**CARRIED**  
**Derman OPPOSED**

2870-30  
Penrhyn Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2013, NO. 9252”  
Second and Third Reading

**MOVED by Councillor Wade and Seconded by Councillor Wergeland:**  
**“That Bylaw No. 9252 be read a second time.”**

**CARRIED**  
**Derman OPPOSED**

**MOVED by Councillor Wade and Seconded by Councillor Wergeland:**  
**“That Bylaw No. 9252 be now passed.”**

**CARRIED**  
**Derman OPPOSED**

**MOVED by Councillor Gerrard and Seconded by Councillor Wade:**  
**“That it be recommended that Council approve Development Permit DPR00549 on Lot 2, Section 44, Victoria District, Plan 8197 (2580 PENRHYN STREET) and Lot 5, Block D, Section 44, Victoria District, Plan 1483 (2588 PENRHYN STREET).”**

**CARRIED**  
**Derman OPPOSED**

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Adjournment      On a motion from Councillor Brownoff, the meeting adjourned at 9:55 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK