

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Council adopt the minutes of the June 20, 2016 Council and Committee of the Whole meetings."

CARRIED

1410-04
Report - Council

NOTICE OF MOTION

Notice of Motion from Councillor Brownoff requesting that Council refer "Tree Protection Bylaw, 2014, No. 9272" to the Environmental and Natural Areas Committee for review and possible enhancements that could be made to minimize protected tree loss. This Motion will be presented at the July 11, 2016 Council meeting.

1410-04
Report - Council

NOTICE OF MOTION

Notice of Motion from Councillor Sanders that Council be requested to support the establishment of a sub-committee of the Arts, Culture and Heritage Advisory Committee for Canada's 150th Sesquicentennial celebration. This Motion will be presented at the July 11, 2016 Council meeting.

BYLAWS FOR FINAL READING

2860-25
Removal –EDPA
Gordon Head
Road

4351 GORDON HEAD ROAD – OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT – REVISION TO THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA ATLAS

Final Reading of "Official Community Plan Bylaw, 2008, Amendment Bylaw, 2016, No. 9390". To amend Plate 29 of Schedule 3 of Appendix "N" (Development Permit Areas Justification and Guidelines) of the Environmental Development Permit Area (EDPA) Atlas for the removal of the Coastal Bluff Sensitive Ecosystem designation on Lot 1, Section 45, Victoria District, Plan 16045 (**4351 GORDON HEAD ROAD**) from the EDPA Atlas.

MOVED by Councillor Plant and Seconded by Councillor Haynes: "That Bylaw No. 9390 be adopted by Council and the Seal of the Corporation be attached thereto."

Councillor Derman stated:

- The work undertaken by the applicants to retain the marine backshore on their property is appreciated; however, it has been suggested by conflicting expert opinion that there may be areas of the Coastal Bluff Sensitive Ecosystem worth protecting beyond the marine backshore, for this reason he is unable to support the Motion.

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

BYLAWS FOR FIRST READING

2870-30
Saanich Road

ZONING BYLAW AMENDMENT – NEW ZONE C-3U

First Reading of “Zoning Bylaw, 2003, Amendment Bylaw, 2016, No. 9392”.
To create a new C-3U (Shopping Centre/Uptown) zone.

**MOVED by Councillor Wergeland and Seconded by Councillor Derman:
“That Bylaw No. 9392 be introduced and read.”**

CARRIED

2870-30
Saanich Road

3440 SAANICH ROAD – REZONING TO C-3U

First Reading of “Zoning Bylaw, 2003, Amendment Bylaw, 2016, No. 9393”.
To rezone 3440 Saanich Road from C-3L (Shopping Centre/Major Liquor Retail) zone to C-3U (Shopping Centre/Uptown) zone to construct 134 rental apartments and townhouses and 5,157 m² gross leasable area of retail commercial.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:
“That Bylaw No. 9393 be introduced and read.”**

CARRIED

2870-30
Del Monte Avenue

5197 DEL MONTE AVENUE – REZONING TO RS-12

First Reading of “Zoning Bylaw, 2003, Amendment Bylaw, 2016, No. 9394”.
To rezone from A-1 (Rural) zone to RS-12 (Single Family Dwelling) zone for a proposed subdivision to create three additional lots for single family dwelling use.

**MOVED by Councillor Haynes and Seconded by Councillor Wergeland:
“That Bylaw No. 9394 be introduced and read.”**

**The Motion was DEFEATED due to a Tie Vote
with Councillors Brownoff, Derman, Murdock and Sanders OPPOSED**

In response to questions from Council, the Legislative Manager stated:

- There are options available to Council for the reconsideration of First Reading of Bylaw No. 9394.

1410-20
CRD Updates

CAPITAL REGIONAL DISTRICT ACTIVITIES UPDATE

Council members provided updates on a variety of Capital Regional District initiatives.

Public Input on
Council Agenda
Items

PUBLIC INPUT

Nil

Adjournment On a motion from Councillor Derman, the meeting adjourned at 7:40 p.m.

The Meeting reconvened at 9:13 p.m.

RECOMMENDATIONS

From the Committee of the Whole meeting held July 4, 2016

2860-40
West Saanich
Road

5813 WEST SAANICH ROAD – DEVELOPMENT VARIANCE PERMIT APPLICATION

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland:
“That Council reject Development Variance Permit DVP00367 on Lot B, Section 10, Lake District, Plan VIP69744 (5813 West Saanich Road).”

CARRIED

2860-20
Alder Street

3215 & 3225 ALDER STREET – DEVELOPMENT PERMIT APPLICATION

MOVED by Councillor Haynes and Seconded by Councillor Murdock:
“That Council approve and issue Development Permit Amendment DPA00845 on Strata Lots 1 to 60, Section 7, Victoria District, Strata Plan 1166, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 (3215 & 3225 Alder Street).”

CARRIED

On a Motion from Councillor Derman, the meeting adjourned at 9:15 p.m.

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ACTING MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

DISTRICT OF SAANICH
 MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
 HELD IN THE COUNCIL CHAMBERS
 SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JULY 4, 2016 AT 7:41 P.M.

Present: **Chair:** Councillor Brownoff
Council: Councillors Brice, Derman, Haynes, Murdock, Plant, Sanders and Wergeland
Staff: Paul Thorkelsson, Chief Administrative Officer; Sharon Hvozdzanski, Director of Planning; Harley Machielse, Director of Engineering; Donna Dupas, Legislative Manager; and Sharon Froud, Deputy Legislative Manager

1410-04
 Report -
 Planning

xref: 2860-40
 West Saanich
 Road

5813 WEST SAANICH ROAD – DEVELOPMENT VARIANCE PERMIT APPLICATION

Report of the Director of Planning dated May 10, 2016 recommending that Council not support Development Variance Permit DVP00367 to increase the maximum building height by 11.2 m and increase the permitted single-face building height by 11.3 m to construct a new single family dwelling on top of fill placed on the lot.

In response to questions from Council, the Director of Planning stated:

- If Council wishes to secure the design of the proposed dwelling, it would need to direct staff to do so via a covenant.

In response to questions from Council, the Chief Administrative Officer stated:

- Council is to consider the height variance application on this evening's agenda and not assess fill placement actions that previously occurred on the subject property under a valid Fill Permit.

APPLICANT:

M. Martin, Lambert and Williams Lawyers, presented to Council and highlighted:

- An additional 14 letters of support have been received since this evening's agenda was produced and they are available for review.
- The design plans submitted reflect what is proposed for construction, but dwelling size may be reduced.
- It is misleading to suggest the home could be built elsewhere on the property as the site chosen is the most appropriate area on which to build the home; alternative areas could require rock blasting, which would create more of a disturbance to the natural surroundings and the neighbours.
- The owners currently live in a converted barn on the property; a permanent home will be required regardless of where it is located; the intention was always to build in the identified location, with or without fill.
- Letters of opposition detail complaints about the fill and the fill process, not the proposed new home.
- Through GIS analysis, it was determined that the proposed home would not present any overshadowing or negative view effects to neighbours.
- The Fill Permit was approved in 2009 and clearly indicated the intention to construct a single family dwelling.

- Fill was undertaken prior to the variance application as it was understood there were pending amendments to the Fill Bylaw and the owners believed that they would meet requirements for a future variance application.
- Cedar hedges have been installed on the side of the hill in order to address any neighbouring privacy concerns; trees currently located at the bottom of the hill will continue to grow and will provide natural mitigation to noise and will screen views of the hill from neighbours.
- Trees on the site that were removed were taller than the height of the proposed home.
- Precedence is not a valid concern as current bylaws would prohibit the same circumstances from reoccurring.
- Impacts to neighbours would be minimal to nil.

In response to questions from Council, the Director of Engineering stated:

- Removal of the hill would not contravene current bylaws; redistribution of the fill would need to consider ecological impacts.

PUBLIC INPUT:

J. Taylor, Glen Nevis Road, stated:

- A lot of work has gone into creating Saanich bylaws and guidelines, they should be adhered to.
- This variance request is far too large to consider approving; the fill was the owner's choice and the impact to neighbouring properties would be too great.

D. Crew, Old West Saanich Road, stated:

- He lives on and owns properties directly adjacent to the subject property.
- Bylaws are enacted in order to help define a community; this variance request is too large and would set a dangerous precedent.
- The burden of proof is on the applicant to show why a variance should be awarded, otherwise the standing rules should remain.
- The Fill Permit was issued on the condition that the height variance be addressed at a future date; staff informed the applicants of the possible risks.
- The applicant should not be permitted to defy bylaws or override the rights of neighbours.

R. Ashton, Old West Saanich Road, stated:

- A dangerous precedent could be created if this variance is approved.
- The hill obstructs the views of some neighbours; the proposed home would only increase negative impacts.

J. Shaw, Prospect Avenue, Vice-President, Prospect Lake District Community Association, stated:

- The initial Planning referral to the Association was unattended.
- He followed-up on the referral request by meeting with Saanich Planning, the property owner, community members and attended the subject site.
- He responded on behalf of the Association as to having no objection to the variance request; denying the application would cause undue hardship on the owners.
- Variance decisions do not set precedent as they are each evaluated on their own merit.
- It is important that staff provide straightforward advice to applicants.

- The President of the Association also submitted a response to the referral, it is his understanding this may be withdrawn.
- L. Rosteski, West Saanich Road, owner, stated:
 - He followed all guidelines and bylaws, there was never an indication that a variance application would not be supported.
 - The Fill Permit application was approved and it clearly indicated intentions were to build a single family dwelling on the platform.

COUNCIL DELIBERATIONS:

Motion:

MOVED by Councillor Derman and Seconded by Councillor Haynes: "That it be recommended that Council reject Development Variance Permit DVP00367 on Lot B, Section 10, Lake District, Plan VIP69744 (5813 West Saanich Road)."

Councillor Derman stated:

- Natural grade bylaw specifications exist to prevent undue alteration of property during development.
- Any hardship experienced by the applicant has been created by the actions of the applicant himself and not by the District of Saanich or Saanich staff.
- The applicant was advised that he may or may not receive a variance approval.
- The extent and size of this variance request is not supportable.

Councillor Brice stated:

- The subject property is of sufficient size that there are numerous potential areas to build a single family dwelling.
- The variance requested is of such a magnitude that it nullifies the concept of maximum permitted height and is not supportable.

Councillor Murdock stated:

- The fill was not required nor structurally necessary; the desire for improved view corridors do not constitute a hardship.
- The variance request is not supportable.

Councillor Sanders stated:

- The applicant was well advised by staff; a single family dwelling can easily be located within another area of the property.

Councillor Wergeland stated:

- Any financial hardship was created by the applicant; the request for a variance is not supportable.

Councillor Plant stated:

- The variance request is too large and is therefore unsupportable.

Councillor Haynes stated:

- The size of the variance is too large to support; the specifications of natural grade need to be respected.

The Motion was then Put and CARRIED

1410-04
Report -
Planning

xref: 2860-20
Alder Street

3215 & 3225 ALDER STREET – DEVELOPMENT PERMIT AMENDMENT APPLICATION

Report of the Director of Planning dated May 24, 2016 recommending that Council approve Development Permit Amendment DPA00845 to allow revisions to the existing parking lot and to vary the number of required parking spaces, the number of visitor parking spaces and the required width of six of the parking spaces.

APPLICANT:

- L. Tinker, Strata VIS1166; Alder Street, presented to Council and highlighted:
- Plans are to remove some visitor parking spaces and increase the size of residential parking spaces; the existing parking spaces are inconsistent in size and several are too small to accommodate a vehicle.
 - Visitor parking spaces are underutilized and therefore used by residents.
 - Saanich Planning and strata residents support the application.

PUBLIC INPUT:

K. Whitcroft, Inverness Road, stated:

- He would like assurances that the Development Permit would activate the installation of updated storm water management for the property.

In response to questions from Council, the Director of Planning stated:

- This application does not exceed the threshold of change required to trigger upgrades to storm water management.

COUNCIL DELIBERATIONS:

Motion:

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That it be recommended that Council approve and issue Development Permit Amendment DPA00845 on Strata Lots 1 to 60, Section 7, Victoria District, Strata Plan 1166, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 (3215 & 3225 Alder Street).”

Councillor Derman stated:

- This is an ideal neighbourhood for a parking variance as it would be easily livable without a car.

Councillor Haynes stated:

- He appreciates the approach to correcting the current parking difficulties; this is a commendable exercise.

The Motion was then Put and CARRIED

Adjournment On a motion from Councillor Derman, the meeting adjourned at 9:10 p.m.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK