



The Corporation of the District of Saanich

Supplemental Report

PH Jan 12/21
RECEIVED
NOV 18 2020
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: November 19, 2020
Subject: Rezoning and Development Permit Application
File: REZ00645; DPR00761 • 5229 Cordova Bay Road

BACKGROUND

Cordova Bay Local Area Plan Amendment

On November 2, 2020, Council called a Public Hearing to consider the subject application. As a result, an Official Community Plan (OCP) Amendment is required.

The subject proposal is consistent with both the land use objectives of the OCP and the draft Local Area Plan. As noted in the October 15, 2020, Council Report, development of the subject property for multi-family housing was not anticipated in the 1998 Cordova Bay Local Area Plan. This Plan designates the site for commercial (service station) use reflecting the existing use of the property at that time. The site is not shown in the existing Cordova Bay Local Area Plan for "potential mixed commercial/multi-family" on Map 7.2. As such, an amendment to the existing Cordova Bay Local Area Plan, Map 7.2, to designate the site for "potential mixed commercial/multi-family" is recommended.

Staff have amended the report recommendation to include an amendment to the Cordova Bay Local Area Plan.

Residential Unit Mix

The subject proposal is to construct a mixed commercial/residential building with a total of 20 residential units and one commercial unit. Due to an inconsistency between the data table and floor plans in the revised plan package received on February 5, 2020, the October 15, 2020, Council Report included incorrect information regarding the number of one-bedroom and two-bedroom units.

On page four, the report states that the building would include 8 one-bedroom and 12 two-bedroom units and Table 1 on page 13 shows 6 one-bedroom and 14 two-bedroom units. The applicant has confirmed that the proposed building would include 6 one-bedroom units and 14 two-bedroom units for a total of 20 residential units as indicated on the floor plans forming part of the plan package.

The unit mix is summarized in the table below, and it is worth noting that the percentage of

two-bedroom units is well in excess of the projected need as identified in the Draft Housing Data Summary. The Data Summary on the plans attached to and forming part of the Development Permit has been amended accordingly.


Table 1: Housing Comparison - Projected Housing Units Needed by Bedroom Type, 2016 - 2025


Housing Mix Comparison: Projected Need vs. Proposed Unit Mix			
UNIT TYPE	PROJECTED % OF HOUSEHOLD NEED	PROPOSED %	
1 Bedroom Units	42 %	30 %	6 units
2 Bedroom Units	39 %	70 %	14 units
3 Bedroom Units	19 %	0 %	0 units

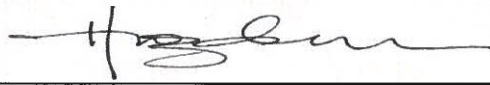
The Development Permit has also been updated to reflect this correction.

RECOMMENDATION

1. That Cordova Bay Local Area Plan, Map 7.2, be amended to designate the site for mixed commercial/multi-family use.
2. That the application to rezone from the C-9 (Local Service Station) Zone to the C-1CBV (Commercial Cadboro Bay Village) Zone be approved.
3. That Development Permit DPR00761 be approved.
4. That the applicant be requested to provide an updated Community Contribution Statement for consideration at a Public Hearing.
5. That Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a covenant to secure:
 - Provision of nine parking spaces with Electric Vehicle (EV) charging stations;
 - Provision of a bicycle storage and service room with space for oversize cargo-bikes and electric bike charging stations;
 - The project to be constructed with the necessary conduits to be solar ready for future installation of photovoltaic and/or hot water heating systems;
 - Provision of a Community Contribution equivalent to \$7,500 for the installation of bike racks at the Fenn Avenue and Walema Avenue beach accesses; and
 - Provision of \$32,000 towards the Affordable Housing Fund.
6. That Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a Housing Agreement to prohibit a Strata Bylaw or Strata Council from restricting rental of a dwelling unit for residential purposes (no transient accommodation).

Prepared by: 
Neil Findlow
Planner


Reviewed by: 
Shari Holmes-Saltzman
Manager of Current Planning

Approved by: 
Sharon Hvozdzanski
Director of Planning

NDF/rh

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.


for Paul Thorkelsson, Chief Administrative Officer

DISTRICT OF SAANICH

DPR00761

DEVELOPMENT PERMIT

**TO: 1165204 B.C. LTD., INC.NO. BC1165204
4933 Eagle View Lane
Victoria BC V8Y 3J9**

(herein called "the Owner")

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

Lot A, Section 32, Lake District, Plan 14500

5229 Cordova Bay Road

(herein called "the lands")

3. This Development Permit further regulates the development of the lands as follows:
 - (a) By varying the provisions of the Zoning Bylaw 8200, Section 7.3(a) to permit the mixed commercial/residential development to be constructed with 9 commercial and 22 residential parking spaces for a total of 31 parking spaces (10 commercial and 30 residential parking spaces for a total of 40 spaces required);
 - (b) By varying the provisions of the Zoning Bylaw 8200, Section 806.4(a)(i) to permit setbacks of 0.795 m from the lot line abutting Fenn Avenue and 0.59 m from the lot line abutting Cordova Bay Road (2.1 m required);
 - (c) By varying the provisions of the Zoning Bylaw 8200, Section 806.4(a)(ii) to permit a setback of 4.0 m from the Rear (South) Lot Line (4.4 m required);
 - (d) By varying the provisions of the Zoning Bylaw, Section 806.4(b) to permit the development to be constructed with a building height of 14.63 m (11.0 m required); and
 - (e) To require the buildings and lands to be constructed and developed in accordance with the plans prepared by Cascadia Architects Inc., Murdoch de Greeff Inc. Landscape Planning and Design, and J E Anderson & Associates, date stamped received on February 5, 2020, and the Site Survey Plans (drawing A101) by Cascadia Architects Inc., dated November 12, 2020, copies of which are attached to and form part of this permit.
4. The Owner shall substantially start the development within 24 months from the date of issuance of the Permit, in default of which the Municipality may at its option upon 10 days

prior written notice to the Owner terminate this Permit and the Permit shall be null and void and of no further force or effect.

5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
6.
 - (a) Prior to issuance of a Building Permit, the Owner shall provide to the Municipality security by cash, certified cheque, or an irrevocable letter of credit in the amount of \$132,100.00 to guarantee the performance of the requirements of this Permit respecting landscaping.
 - (b) A Landscape Architect registered with the British Columbia Society of Landscape Architects must be retained for the duration of the project until the landscaping security has been released. Written letters of assurance must be provided at appropriate intervals declaring the registered Landscape Architect, assuring that the landscape work is done in accordance with the approved landscape plan, and indicating a final site inspection confirming substantial compliance with the approved landscape plan (BCSLA Schedules L-1, L-2, and L-3).
 - (c) All landscaping must be served by an automatic underground irrigation system.
 - (d) The owner must obtain from the contractor a minimum one-year warranty on landscaping works, and the warranty must be transferable to subsequent owners of the property within the warranty period. The warranty must include provision for a further one-year warranty on materials planted to replace failed plant materials.
 - (e) Any protective fencing of trees or covenant areas must be constructed, installed and signed according to the specifications in Appendix X.
 - (f) No site activity shall take place prior to the installation of any required tree of covenant fencing and the posting of "WARNING – Habitat Protection Area" signs. The applicant must submit to the Planning Department a photograph(s) showing the installed fencing and signs. Damage to, or moving of, any protective fencing will result in an immediate stop work order and constitute a \$1,000 penalty.
 - (g) The landscaping requirements of this Permit shall be completed within four months of the date of issuance of the Certificate of Occupancy for the development, in default of which the Municipality may enter upon the lands, through its employees or agents, and complete, correct or repair the landscaping works at the cost of the Owner and may apply the security, interest at the rate payable by the Municipality for prepaid taxes.
 - (h) In the event that any tree identified for retention is destroyed, removed or fatally injured, a replacement tree shall be planted in the same location by the Owner in accordance with the replacement guidelines as specified within the Saanich Tree and Vegetation Retention, Relocation, and Replacement Guidelines. The replacement tree shall be planted within 30 days of notice from the Municipality in default of which the Municipality may enter upon the lands and carry out the works and may apply the security provided herein in payment of the cost of the works. For the purpose of this section, existing trees identified for retention and new trees

planted in accordance with the landscape plan attached to and forming part of this permit shall be deemed to be "trees to be retained".

- 7. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in the Director's absence, the Manager of Current Planning.
- 8. Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.
 - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with Director of Planning or in the Director's absence, the Manager of Current Planning.
 - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
- 9. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors, and assigns as the case may be or their successors in title to the land.
- 10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

_____ DAY OF _____ 20 _____
 ISSUED THIS _____ DAY OF _____ 20 _____

Municipal Clerk



APPENDIX X

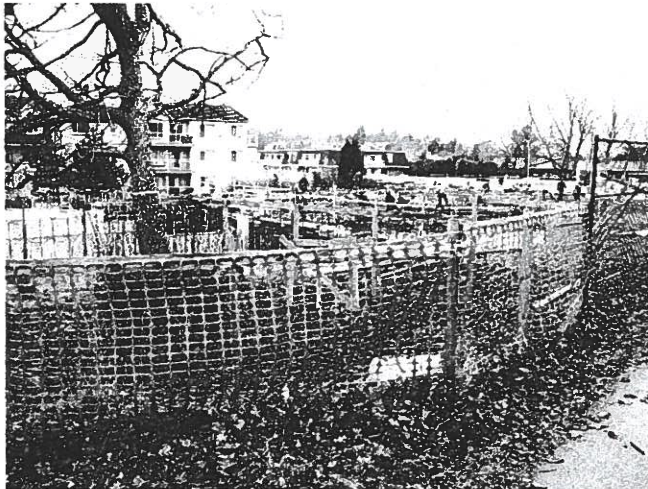
PROTECTIVE FENCING FOR TREES AND COVENANT AREAS

Protective fencing around trees and covenant areas is an important requirement in eliminating or minimizing damage to habitat in a development site.

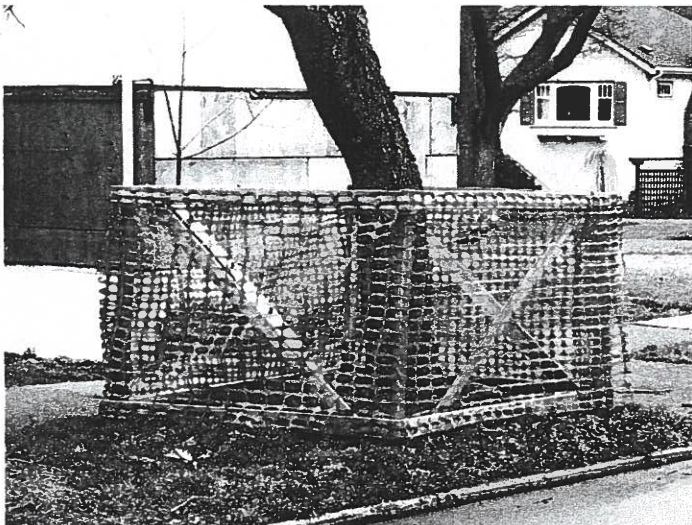
Prior to any activities taking place on a development site, the applicant must submit a photo showing installed fencing and "WARNING – Habitat Protection Area" signs to the Planning Department.

Specifications:

- Must be constructed using 2" by 4" wood framing and supports, or modular metal fencing
- Robust and solidly staked in the ground
- Snow fencing to be affixed to the frame using zip-ties or galvanized staples
- Must have a "WARNING – HABITAT PROTECTION AREA" sign affixed on every fence face or at least every 10 linear metres

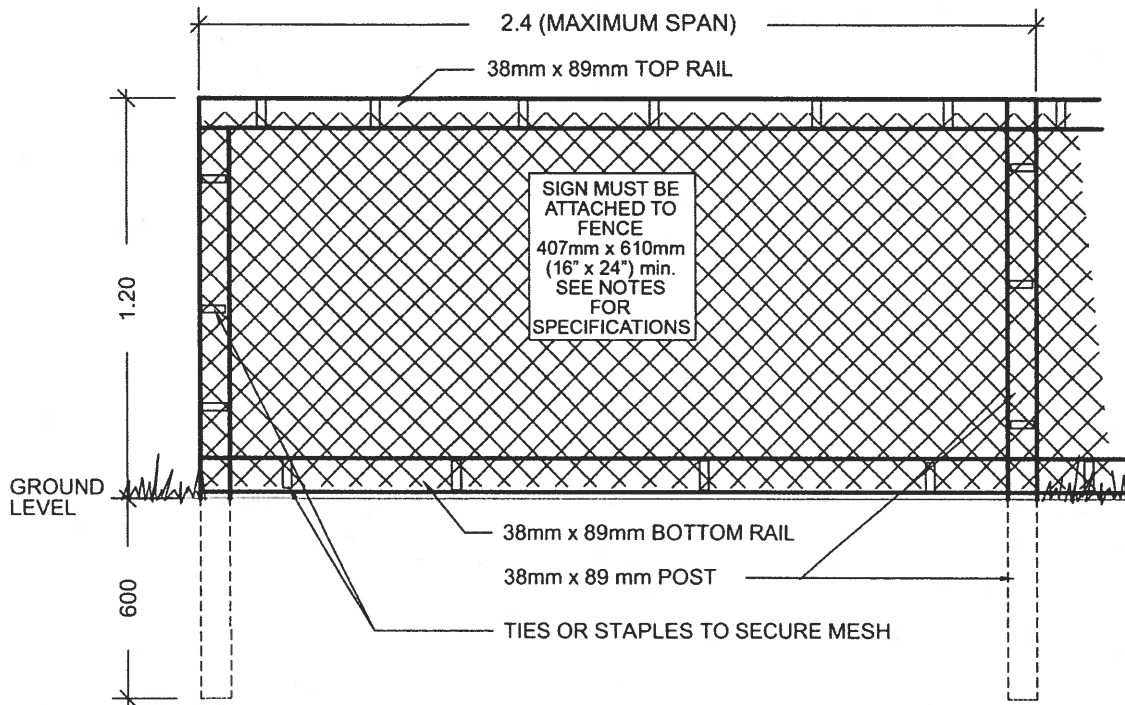


Note: Damage to, or moving of, protective fencing will result in a stop work order and a \$1,000 penalty.



COPY

Schedule "C"
TREE PROTECTION FENCING



Tree Protection Fencing Specifications:

1. The fence will be constructed using 38 x 89 mm (2" x 4") wood frame:
 - Top, Bottom and Posts. *
 - Use orange snow fencing mesh and secure to the wood frame with "zip" ties or galvanized staples.
2. Attach a sign with minimum size of 407 mm x 610 mm (16" x 24") with the following wording:
 - **DO NOT ENTER** - Tree Protection Zone (For retained trees) or;
 - **DO NOT ENTER** - Future Tree Planting Zone (For tree planting sites)

This sign must be affixed on every fence face or at least every 10 linear metres.

* In rocky areas, metal posts (t-bar or rebar) drilled into rock will be accepted.

DATE: November 2019
SCALE: N.T.S.

COPY