

DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, OCTOBER 15, 2012 AT 7:30 PM

Present: **Chair:** Mayor Leonard
Council: Councillors Brownoff, Derman, Gerrard, Murdock, Sanders and Wergeland
Staff: Paul Murray, Chief Administrative Officer; Colin Doyle, Director of Engineering; Sharon Hvozdzanski, Director of Planning; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Brownoff and Seconded by Councillor Gerrard:
"That Council adopt the minutes of the October 1, 2012 Council and Committee of the Whole meetings."

CARRIED

BYLAWS

1110-30
Tax Exemption
Bylaw/Church

TAX EXEMPTION BYLAW (CHURCH EXEMPTIONS)

Three Readings of the "Tax Exemption Bylaw (Church Exemptions), 2012, No. 9198". To provide tax exemption for the church properties identified.

MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:
"That Bylaw No. 9198 be introduced and read."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:
"That Bylaw No. 9198 be read a second time."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:
"That Bylaw No. 9198 be now passed."

CARRIED

1110-30
Tax Exemption
Bylaw/Real
Property

TAX EXEMPTION REAL PROPERTY BYLAW

Three Readings of the "Tax Exemption Real Property Bylaw, 2012, No. 9199". To provide tax exemption for 2013-2015 for the properties identified.

MOVED by Councillor Brownoff and Seconded by Councillor Sanders:
"That Bylaw No. 9199 be introduced and read."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Sanders:
"That Bylaw No. 9199 be read a second time."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Sanders:
"That Bylaw No. 9199 be now passed."

CARRIED

1110-30Tax Exemption
Bylaw/Riparian
Land**TAX EXEMPTION REAL PROPERTY BYLAW (RIPARIAN LAND)**

Three Readings of the "Tax Exemption Real Property Bylaw (Riparian Land), 2012, No. 9200". To provide tax exemption for 2013-2015 for a portion of 203 Goward Road.

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:
"That Bylaw No. 9200 be introduced and read."**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:
"That Bylaw No. 9200 be read a second time."**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:
"That Bylaw No. 9200 be now passed."**

CARRIED2130-40

Sinclair Road

HERITAGE DESIGNATION BYLAW (HAMSTERLEY FARM WATER TOWER)

First Reading of the "Heritage Designation Bylaw, 2012 (Hamsterley Farm Water Tower), No. 9187". To designate the Hamsterley Farm Water Tower at 2489 Sinclair Road (now part of University of Victoria lands at 3800 Finnerty Road) as a municipal heritage structure.

**MOVED by Councillor Derman and Seconded by Councillor Gerrard:
"That Bylaw No. 9187 be introduced and read."**

CARRIED2870-30

Newton Street

1806 and 1810 NEWTON STREET (PORTIONS) – REZONING TO RS-4

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2012, No. 9196". Rezoning portions from RS-6 to RS-4 to create one additional lot for single family dwelling use.

**MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:
"That Bylaw No. 9196 be introduced and read."**

CARRIED

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 7:38 pm.

The Meeting reconvened at 10:15 pm.

2130-40

Sinclair Road

HERITAGE DESIGNATION BYLAW (HAMSTERLEY FARM WATER TOWER)

Rescindment of First Reading

**MOVED by Councillor Brownoff and Seconded by Councillor Gerrard:
"That Council rescind the First Reading of the Heritage Designation
Bylaw, 2012 (Hamsterley Farm Water Tower), No. 9187."**

CARRIED

Councillor Murdock declared, pursuant to Section 85 of the Council Procedure Bylaw, that his spouse is employed by the University of Victoria and therefore he will not take part in the discussion nor vote on a motion in respect of the heritage designation for Hamsterley Farm Water Tower.

Councillor Murdock left the meeting at 10:18 pm.

2130-40
Sinclair Road

HERITAGE DESIGNATION BYLAW (HAMSTERLEY FARM WATER TOWER)

First Reading of the Heritage Designation Bylaw, 2012 (Hamsterley Farm Water Tower), No. 9187.

MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That Bylaw No. 9187 be introduced and read."

CARRIED

Councillor Murdock returned to the meeting at 10:22 pm.

RECOMMENDATIONS

From the Committee of the Whole Meeting held October 15, 2012

1300-50
Liquor Control and
Licensing Branch

1550 CEDAR HILL CROSS ROAD (FIFTEEN FIFTY'S PUB STYLE RESTAURANT) – AMENDMENT TO FOOD-PRIMARY LIQUOR LICENSE

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Council recommend that the request for the Liquor Control and Licensing Branch to amend the food-primary liquor license to include patron participation entertainment at Fifteen Fifty's Pub Style Restaurant located at 1550 Cedar Hill Cross Road be approved."

CARRIED

2860-20
Shelbourne Street

3810 SHELBOURNE STREET – DEVELOPMENT PERMIT AMENDMENT – FINLAYSON BONET ARCHITECTURE

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Council approve and issue Development Permit Amendment DPA00760 on Lot 1, Section 40, Victoria District, Plan 39244 (3810 Shelbourne Street)."

CARRIED

2870-30
Cordova Bay
Road

4601 CORDOVA BAY ROAD – REZONING APPLICATION – CURTIS RYANE

MOVED by Councillor Murdock and Seconded by Councillor Sanders: "That the rezoning application for Parcel A (DD7803-W) of Lot 1, Section 24, Lake District, Plan 11854 (4601 Cordova Bay Road) be rejected."

CARRIED

Mayor Leonard and Councillor Wergeland OPPOSED

In Camera Motion **MOVED by Councillor Brownoff and Seconded by Councillor Derman:
“That the following meeting be closed to the public as the subject matters
being considered relate to potential litigation affecting the District and
receipt of advice that is subject to solicitor-client privilege.”**

CARRIED

Adjournment On a motion from Councillor Murdock, the meeting adjourned at 10:26 pm.

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MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

- She supports the liquor license application but the area should be declared residential parking only.

Ms. S. Wood, 139 Clarence Street, owner, Brannigans Restaurant, stated:

- She supports the application; this is a locally operated business.
- The nearby shopping mall was approached to assist with parking issues but there are liability, safety, maintenance and insurance issues around using that lot.
- There is a lack of public parking in the Cedar Hill area and no safe crosswalk on Cedar Hill Cross Road.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Gerrard: “That it be recommended that Council recommend approval of the request for the Liquor Control and Licensing Branch to amend the food-primary liquor license to include patron participation entertainment at Fifteen Fifty’s Pub Style Restaurant located at 1550 Cedar Hill Cross Road.”

Councillor Derman stated:

- He supports this application; it is reasonable and fair.
- Parking issues need to be addressed; businesses should work together to find solutions.
- Community members might request the Administrative Traffic Committee (ATC) consider residential parking only signage in the Cedar Hill area.

Councillor Sanders stated:

- The parking issues are historic; businesses need to work together to address the issues.
- She is disappointed in the process; neighbours had not been advised of potential changes.
- It would be appropriate to consider designating all of Louise Place for residential parking only.

Councillor Gerrard stated:

- He supports the application; the surrounding businesses and local community association are in favour.
- The restaurant has hosted bands for many years and there have been no concerns or noise complaints.
- There is an opportunity for commercial businesses in the area to work together to relieve the parking situation.

Councillor Wergeland stated:

- He supports the application as there will be no change to the use.
- Parking is an issue of long standing; businesses need to work together to address the problem.

Councillor Murdock stated:

- It would be appropriate to refer the parking issues to the Administrative Traffic Committee (ATC) to consider not just the residential only parking restrictions, but a broader action plan involving area businesses and residents.

In response to questions from Council, the Director of Planning stated that, as part of the Shelbourne Corridor Action Plan, staff are looking at options such as parking variances and researching opportunities to utilize parking lots in the evenings when businesses are closed.

Mayor Leonard stated:

- Businesses should be notified in advance that the ATC is considering additional residential parking only restrictions which could affect their businesses.

The Motion was then Put and CARRIED

Motion:

MOVED by Councillor Murdock and Seconded by Councillor Derman: “That the parking regulations and enforcement issues on Louise Place and the areas around the two development proposals at 1550 Cedar Hill Cross Road and 3810 Shelbourne Street be referred to the Administrative Traffic Committee, and that businesses and single family homeowners in this area be consulted on parking issues and solutions.”

CARRIED

2860-20
Shelbourne Street

3810 SHELBOURNE STREET – DEVELOPMENT PERMIT AMENDMENT – FINLAYSON BONET ARCHITECTURE

Report of the Director of Planning dated August 29, 2012 recommending Council approve Development Permit Amendment DPA00760 to vary the parking requirements for Maude Hunter’s Pub and Liquor Store.

Ms. S. Bonet, Finlayson Bonet Architecture and Mr. N. Wilson, General Manager of Maude Hunters, made a presentation highlighting the following:

- They have applied to update the original Liquor License to reflect the current occupant load of the pub; there will be no physical changes to the building but a parking variance of 11 spaces will be required.
- The owner approached nearby businesses to request the use of their parking spots outside daytime hours, but was unsuccessful.
- Bike racks have been installed for staff and patrons’ use and an incentive for using public transportation will be offered to deter patrons from driving.
- The applicant is willing to work with the community to find mutually beneficial solutions to the parking issues and would host an open house for residents to voice their concerns.

PUBLIC INPUT:

Ms. M. Ang, 1515 Louise Place stated:

- There was no consultation with the community in regard to this application.
- There are safety and security issues with pub patrons parking in residential areas during the evening; businesses in the area that she has contacted, have no objection to streets being designated as residential parking only.
- She supports the application but the area should be designated residential parking only.

In response to questions from Council, the Legislative Manager responded that the municipality notifies neighbours within a 50 metre radius of the property under application for a development permit.

In response to questions from Council, the Director of Planning stated that there is no requirement for notification of proposed changes to a Liquor License although the Planning Department does encourage applicants to inform their neighbours.

In response to questions from Council, the Director of Engineering stated that residential parking only restrictions are enforced through the Saanich Police Department on a complaint-only basis. Compliance with those restrictions has been satisfactory in this area.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That it be recommended that Council approve and issue Development Permit Amendment DPA00760 on Lot 1, Section 40, Victoria District, Plan 39244 (3810 Shelbourne Street)."

Councillor Derman stated:

- This application is intended to regularize an existing situation and does not reflect a change to the area.
- He appreciates the applicant attempted to meet with other businesses to ameliorate the parking issue; however, our procedures could be improved by requesting applicants to hold a neighbourhood meeting on the proposed change prior to the application being considered.

Councillor Sanders stated:

- She is disappointed with the process; neighbours were not informed of the proposed changes and it is the community that needs to find ways to ensure livability continues in their area.
- These are historic parking issues; businesses need to work together to solve the problem.

Councillor Gerrard stated:

- He is in support of this application.
- It is incumbent on the applicant to discuss the application with the community.
- Businesses must come together to resolve issues; there are possibilities to use other businesses' parking lots in the evening and off hours.

Councillor Wergeland stated:

- He supports the application reluctantly.
- When the ATC looks at this issue, they need to consider all options regarding on-street parking and enforcement.

Councillor Murdock stated:

- He acknowledges the efforts of the applicant for transportation demand management; offering incentives to take public transit is to be commended.
- It is important to celebrate successful businesses in a major village

centre.

Councillor Brownoff stated:

- As the various Shelbourne centres develop, the business community will have to work together to develop transportation demand management tools.
- The Capital Regional District has some good models available for small businesses which include incentives for customers and staff to reduce their carbon footprint; it will be incumbent on Saanich through the Shelbourne Corridor Action Plan to have transportation demand management plans for the various centres.

The Motion was then Put and CARRIED

2860-30
Roderick Street

760 AND 764 RODERICK STREET – DEVELOPMENT PERMIT – WARNER JAMES ARCHITECTS

Report of the Director of Planning dated August 28, 2012 recommending Council approve Development Permit DPR00512 for a proposed 402 m² addition to the existing Central Victoria Veterinary Hospital; and that ratification be withheld pending a maintenance agreement with Saanich Parks for irrigation of trees and maintenance of the boulevard. Report of the Advisory Design Panel dated June 14, 2012 recommending approval of the design.

In response to questions from Council, the Director of Engineering stated that it is preferable to filter minor amounts of oil from cars through the soil.

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

- When buildings change hands, the business operation requirements of the occupants within the property are reviewed by the municipality.
- A covenant is the only means of ensuring that a commitment to a high level of energy efficiency is carried out.

Mr. T. James, Warner James Architect, Ms. C. Rossell, Small & Rossell Landscape Architects, and Dr. K. Prince, applicants, stated:

- This is the only animal hospital south of Nanaimo that is open 24 hours per day, 7 days a week with emergency facilities; this hospital offers privileges for veterinarians and for continuing education opportunities.
- The layout of the driveway and parking area will be improved and allow for more parking; emergency parking spaces will be signed.
- The permeable paving near the two rain gardens will filter any oil; the vegetation in the rain gardens will remove pollutants.
- This application includes sidewalk and boulevard improvements, an underground irrigation system and replacement trees and will be subject to a maintenance agreement with Saanich.
- The applicant has committed to a Built Green Gold standard of construction for the addition and retrofits, but, as a new addition, it does not qualify for registration under the Built Green program.
- Details of the project were sent to the community with no responses received.

PUBLIC INPUT:

Nil

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

- Sustainability matters are beyond what can be legally secured through a Development Permit.
- There is no legal authority to secure a landscape maintenance agreement either through a Building Permit or Engineering Servicing requirements.

Motion:

MOVED by Councillor Derman and Seconded by Mayor Leonard: “That it be recommended that:

- 1) Council approve and issue Development Permit DPR00512 on Lot A, Section 7, Victoria District, Plan 26842 (760 Roderick Street) and on Lot 12, Block 1, Section 7, Victoria District, Plan 882 (764 Roderick Street); and**
- 2) ratification of the Development Permit be withheld pending a maintenance agreement with Saanich Parks for irrigation of trees and maintenance of the boulevard.”**

Councillor Derman stated:

- This is an essential and well-used facility; the application is reasonable and is a substantial improvement to the area.
- There is a concern with new development in this neighbourhood not being consistent with the goals of the Saanich Core Local Area Plan; we need to move ahead with visionary planning for the area.

Councillor Sanders stated:

- She supports this application; this is a needed facility and a sensitive development with good use of space.

Councillor Gerrard stated:

- He supports the application.
- This is a modest addition; the proposed new building will be more contemporary.

Councillor Wergeland stated:

- He supports the application.

Councillor Brownoff stated:

- She is pleased to support this application; this is a good addition and a great investment in the area.

The Motion was then Put and CARRIED

2870-30

Cordova Bay Road

4601 CORDOVA BAY ROAD – REZONING APPLICATION – CURT RYANE

Report of the Director of Planning dated September 5, 2012 recommending Council approve the rezoning from RS-18 to RS-12 and Development Variance Permit DVP00318 for a proposed two lot residential subdivision.

Mr. D. Carlsen, Dennis Carlsen Consulting, on behalf of the applicant, made a presentation to Council highlighting the following:

- The project is consistent with development in the area and with the

Official Community Plan and Cordova Bay Local Action Plan.

- A variance for site width is required for both lots.
- The applicant met with neighbours and the Cordova Bay Association; there have been no objections to the proposal.

In response to questions from Council, Mr. Carlsen stated:

- The applicant will commit to a covenant requiring a Built Green Gold standard of energy efficiency in design and construction.
- The two existing driveways will be replaced with floating driveways to minimize disturbance to tree roots.
- The six trees to be removed are partially within the building envelope and in poor condition.

Mr. C. Ryane, applicant, stated:

- He will work with the project arborist to see if any of the six trees can be saved; he has already planted 35 trees and 75 shrubs on the site and over 100 native seedlings are contributing to bank stability on the slope.
- He is willing to covenant a high level of energy efficiency in construction of the homes.

PUBLIC INPUT:

Mr. C. Pelter, 1222 Knockan Close, stated:

- He would appreciate clarification of the level of energy efficiency required for single family residential subdivisions.

In response to questions from Council, the Director of Engineering stated that the applicant has provided a statement from a geotechnical engineer regarding slope stability.

The Director of Planning stated that slope stability would be considered by the Subdivision Approving Officer and captured in the Natural State Covenant.

Motion:

MOVED by Mayor Leonard and Seconded by Councillor Wergeland: “That a Public Hearing be called to further consider the rezoning application on Parcel A (DD7803-W) of Lot 1, Section 24, Lake District, Plan 11854 (4601 Cordova Bay Road).”

Councillor Wergeland stated:

- A policy is needed to ensure that all developments meet the Built Green Gold standard of energy efficiency.

Councillor Derman stated:

- Until the Building Code changes, each application has to be dealt with individually regarding the Built Green Gold requirement.
- He supports referring the application for Public Hearing; he is pleased with the applicant’s commitment to Built Green Gold.

Councillor Murdock stated:

- Although the applicant has committed to a Built Green Gold standard of energy efficiency, the application does not include specific information regarding the proposed building heights, streetscape

improvements or the siting of the residences.

Councillor Gerrard stated:

- He does not support this motion; the application does not have enough information regarding the location of the residences.
- This is not the best location for infill; it is a distance from amenities and village centres.

Councillor Sanders stated:

- She does not support the motion; this is not a suitable location for infill.
- The application does not provide enough information regarding the location of the residences and the stability of the slope.

Councillor Brownoff stated:

- She is disappointed with the application; it is not clear where the residences will be located on the lots.
- There is also a safety issue in introducing another active driveway on the corner of Cordova Bay Road.

**The Motion was then Put and DEFEATED
Councillors Brownoff, Derman, Gerrard, Murdock and Sanders
OPPOSED**

2870-30
Wilkinson Road

3954 WILKINSON ROAD – REZONING APPLICATION – DON KITCHEN

Report of the Director of Planning dated September 20, 2012 recommending Council approve the rezoning from A-1 to RS-10 for a proposed four lot residential subdivision; and that prior to final reading the applicant provide a suitable cost estimate and performance surety for planting of replacement trees at a 2:1 ratio; and registration of a covenant to require that design and construction of the single family dwellings conform to a minimum EnerGuide 80 or equivalent efficient standard, and protection of the proposed conservation covenant area at the rear of the proposed lots.

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

- The natural state covenant area is 25 metres back from the rear of the residences.
- The height of the residences is determined from the existing natural grade.

The applicant, Mr. D. Kitchen, 3954 Wilkinson Road, made a presentation highlighting the following and responding to questions from Council:

- Letters were sent out to neighbours describing the proposal and requesting feedback; also a public meeting was held.
- There will be a 50 m wide protected covenant area across all the adjoining properties.
- Currently there are two driveways; each driveway will have shared access for two residences and will include a turn around area to alleviate vehicles backing onto Wilkinson Road.
- The original residence will be turned to face Wilkinson Road which will assist with passive solar gain; the residence will be put on a foundation to assist with drainage issues.

- From natural grade, the maximum dwelling height is approximately 35 metres.

PUBLIC INPUT:

Mr. C. Pelter, 1222 Knockan Close stated:

- He shares the rear property line with the applicant.
- He is disappointed with the process; there was no communication from the applicant in regards to this application.
- Higher roofs will affect his view and property values; drawings do not show the covenant line as being 25 metres from the rear property line.

Mr. J. Brown, 1219 Knockan Close stated:

- He is disappointed with the process; there was no information provided to him by the applicant.
- Applications and documents should be uploaded onto the Saanich website so that the community can have access to the information online.
- He supports the application; he would like to see the applicant blast the site to get closer to the grade of Wilkinson Road.

Mr. G. Carrothers, Gary Carrothers Consulting, 208-2750 Quadra Street stated:

- The geodata were provided by the land surveyor and then compared to GIS data provided by Saanich.

Motion:

MOVED by Mayor Leonard and Seconded by Councillor Gerrard: “That a Public Hearing be called to further consider the rezoning application on Lot 1, Section 16, Victoria District, Plan 5002 (3954 Wilkinson Road).”

Mayor Leonard stated:

- He supports the application going to Public Hearing; there is less density in this neighbourhood than in other neighbourhoods.
- The natural state covenant on Lot 4 has significantly more area than the required 25 m.

Councillor Gerrard stated:

- He supports the motion; the concern about blasting needs to be addressed.
- There are no variances required, there is a natural state covenant, the applicant has committed to a Built Green Gold energy efficiency standard of construction and the development is close to a village centre.
- The applicant might take the opportunity to discuss the proposal with the neighbours and hold a public meeting.

Councillor Wergeland stated:

- He supports the application going to Public Hearing; the viewscape is not an issue.
- He encourages the applicant to discuss the proposal with the neighbours and to be more specific with the details.

Councillor Sanders stated:

- She encourages the applicant to communicate with neighbours.
- The details regarding the 25 m covenant and the driveways should be expanded.

Councillor Derman stated:

- He supports the application going to Public Hearing; it is consistent with existing policy, is within the Urban Containment Boundary and is near services.
- The applicant needs to be more specific about the proposed covenants and the height of the residences.

Councillor Brownoff stated:

- She is disappointed with the wording of the sustainability statement.
- It is preferable that the applicant provide more detail on the height of the residences and hold a community meeting before the Public Hearing.

The Motion was then Put and CARRIED

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 10:12 pm.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK