

**DISTRICT OF SAANICH**  
**MINUTES OF THE SPECIAL COUNCIL MEETING**  
**HELD IN THE COUNCIL CHAMBERS**  
**SAANICH MUNICIPAL HALL, 770 VERNON AVENUE**  
**TUESDAY, OCTOBER 7, 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 Community Planning; M. Lai, Acting Director of Engineering; and A. Park, Senior Committee Clerk

**PUBLIC HEARING**

1110-30  
Zoning Bylaw-  
Secondary Suites

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9300”

**PROPOSED ZONING BYLAW AMENDMENTS TO LEGALIZE SECONDARY SUITES NORTH OF MCKENZIE AVENUE**

The intent of this proposed bylaw is to amend the regulations contained in Section 5.24 (Secondary Suite – Rural and Single Family Zone) in order to legalize secondary suites in RS-zoned properties in the area north of McKenzie Avenue shown outlined on the map below. This is subject to the same conditions established previously by Council under Sections 5.24, 5.26 and Table 7.1, and generally described below:

- Only one secondary suite permitted per single family dwelling
- The suite must be located inside the single family dwelling
- The owner of the single family dwelling must reside on site
- One additional off-street parking space must be provided for the tenant of the suite
- An occupancy permit must be issued for the secondary suite.
- Boarding not be permitted within the secondary suite
- The total number of kitchens within the dwelling may not exceed two.

The Clerk introduced the following:

- Notice of Public Hearing
- Reports from the Director of Planning dated August 25, 2014 and September July 10, 2014 the latter recommending:
  - a) that Council support the legalization of secondary suites within the study area north of McKenzie Avenue with the same regulatory controls currently in place south of McKenzie Avenue;
  - b) that Council direct staff to undertake a future study to explore the potential legalization of secondary suites in accessory buildings in the areas south and north of McKenzie Avenue.
- A letter from the Broadmead Area Residents’ Association dated September 15, 2013.
- Letter from the Cordova Bay Association for Community Affairs dated October 7, 2014.
- Twenty-nine letters from residents.

**APPLICANT:**

The District of Saanich

In response to questions from Council, the Manager of Current Planning

stated:

- In areas of the municipality where private covenants are in place which conflict with the proposed secondary suite bylaw amendments, those covenants would take precedence. Administration of such covenants is not the responsibility of the municipality.
- Should residents wish to register a covenant prohibiting secondary suites on their street, for example, they could legally do so; the District of Saanich would not enforce that covenant.
- Complaints regarding rooming houses would be handled by the Bylaw Enforcement Division and the existing bylaws enforced.
- Saanich presently has the tools to limit the number of unrelated individuals in a dwelling; monitoring for effectiveness could be done.
- Boarders would be allowed within the primary dwelling unit occupied by the homeowner but not within the secondary suite.

**PUBLIC INPUT:**

K. Day, Quailwood Close, stated:

- She objects to the legalization of secondary suites north of McKenzie Avenue; blanket legalization of suites without a public review process as is required for any other type of rezoning, is inappropriate.
- Income-producing properties in single family neighbourhoods lead to deterioration of streetscapes, devaluing of property, increased traffic and parking problems, high turnover of residents, all impacting the peaceful enjoyment of one's property.
- There will be negligible tax benefit; owners of single family homes will be burdened with increased infrastructure costs.
- The report prepared by the Director of Planning does not provide the basis for the legalization of secondary suites north of McKenzie Avenue; the study was flawed and the public consultation process should have involved only single family property owners.

H. Charania, Genevieve Road, stated:

- The positive and negative impacts of legalizing suites were thoroughly discussed during the previous study of legalization south of McKenzie Avenue.
- More time is needed to fully assess the impact of that legalization; apparently only a small percentage of existing suites have taken out permits and rents are still going up.
- The neighbourhood north of McKenzie Avenue has different characteristics and is not as well-served by transit and services as the area south of McKenzie Avenue; more traffic could be anticipated.

S. Brygadyr, Cameo Street, stated:

- The legalization of secondary suites should be uniform across the entire municipality.
- However, Saanich should be proactive in requiring all suites to be legalized and meet building standards; fairness and safety are at issue.

- Council might consider prohibiting boarders in the owners dwelling.

P. Wing, Kincaid Street, stated:

- Increased traffic and cars parking on residential streets which do not have sidewalks, are concerns: parking for all residents of the dwelling should be on the site.
- The municipality should require owners of property with secondary suites to take out a permit so the suites comply with Saanich bylaws.

A. Joshi, Borden Street, stated:

- As a new immigrant, he has found housing to be expensive.
- Condos do not suit families with children; they would benefit from renting a legal suite in a house in a single family neighbourhood.

F. Dessier, Blenkinsop Road, stated:

- Many residents of the region are renters and legalization of suites is needed to improve the condition of the suites.

D. Gunn, on behalf of Gordon Head Residents' Association, stated:

- One of the goals of the Association has been to maintain the single family nature of Gordon Head; however, as this is no longer a practical goal, they support the regulation of secondary suites.
- Dormitory houses are an area problem as is poor enforcement; eliminating the 100 metre radius for complainants would assist with enforcement.
- The regulation with respect to unrelated people may need clarification since two dwellings are created in a house with a secondary suite.

M. Lider, Alderley Road, stated:

- He is speaking on behalf of residents outside the urban containment boundary who would like the opportunity to construct a legal secondary suite in their homes.
- The option to have a secondary suite should be available to the entire municipality; each application for a suite could be considered on its merits.
- There may be less impact from a suite in their neighbourhood than one within the study area.

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

- Legalizing secondary suites south of McKenzie Avenue was considered a land use issue and not seen as an administrative procedure.
- There has been a decrease in parking complaints south of McKenzie Avenue since legalization.

**COUNCIL DELIBERATIONS:**

Councillor Derman stated:

- Although there are benefits to legalizing secondary suites, such as affordability and safer environments, it has no effect on the suites which are not brought up to a legal standard.
- The study recently conducted was incomplete and lacked a thorough discussion of the advantages and disadvantages.
- Suites can cause excessive on-street parking with resulting safety issues, especially on residential streets where there are no sidewalks.
- Densification through suites does not offer the amenities that new development brings.
- The area north of McKenzie Avenue is not well-served by transit and has fewer nearby services leading to increased car use; suites must therefore be put in the right location so as not to conflict with the policies established under our Official Community Plan.
- More time is required to consider the impact of legalizing suites in this area.

Councillor Murdock stated:

- The process undertaken with regard to legalizing suites was satisfactory.
- House prices are a barrier to new buyers and suites are needed to create affordability and keep people settling in the community.
- We could consider incentives to encourage suite owners to legalize their suites.

Councillor Wade stated:

- Saanich policies contain the words 'accessible', 'affordable' and 'inclusive' and we must take steps to ensure that Saanich reflects those values.
- Elderly home owners also benefit from having a tenant in the home.
- The issues of boarders, parking space, the 100 metre restriction for complaints, and the possibility of incentives to register secondary suites, need further review.

**MOVED by Councillor Wade and Seconded by Councillor Murdock:  
"That:**

- 1. Council support the legalization of secondary suites within the study area north of McKenzie Avenue, with the same regulatory controls currently in place south of McKenzie Avenue;**
- 2. Staff be directed to undertake a future study to explore the potential of legalization of secondary suites in accessory buildings in the areas south and north of McKenzie Avenue;**
- 3. Staff be directed to report further on allowing boarders within the property owner's primary suite."**

Councillor Sanders stated:

- The fact that boarders are allowed in the primary suite in a home with a secondary suite, is a concern, as are vacation rentals and inadequate parking.

- The area north of McKenzie Avenue is different from the area south of McKenzie Avenue, in part due to the student population.

Councillor Brice stated:

- She has appreciated hearing the different perspectives on this subject; however, Council is considering legal suites, not illegal ones, at this meeting.
- The municipality must focus on a process which, over time, will bring the housing stock to a higher standard.
- She supports the motion; the issues raised are familiar to Council and further study will be done.

Councillor Gerrard stated:

- The many illegal suites which exist in Saanich are the problem and voluntary registration of suites is not working.
- Incentives could be considered.
- We must create a community where people can afford to live.

Councillor Brownoff stated:

- Borders, adequate parking, and the health and safety of tenants in suites, are all concerns.
- An incentive program to encourage owners to legalize their suites could be considered.

**MOVED by Councillor Brownoff and Seconded by Councillor Brice:  
"That the Motion be amended by adding that staff be directed to report on possible incentives that would encourage property owners to take out permits to legalize their secondary suites."**

**CARRIED**

Councillor Wergeland stated:

- The proposed bylaw will allow new homes to be constructed with a legal suite built to meet standards.
- Council is aware of the issues arising from secondary suites and of the need for them; trade-offs are necessary.

Mayor Leonard stated:

- This initiative started with the new Saanich Official Community Plan and is based on sound policy.
- Affordability for owners and renters is our goal; this will benefit the entire demographic.
- The reality of being a university town affects our housing perspective.
- Incremental improvements to our bylaw may happen over time; he supports the motion.

**The Motion, as amended, was then Put and CARRIED  
Councillor Derman OPPOSED**

1110-30  
Zoning Bylaw -  
Secondary Suites

“ZONING BYLAW, 2003, AMENDMENT BYLAW 2014, NO. 9300”  
Second and Third Readings

**MOVED by Councillor Wade and Seconded by Councillor Murdock:**  
“That Bylaw No. 9300 be read a second time.”

**CARRIED**  
**Councillor Derman OPPOSED**

**MOVED by Councillor Wade and Seconded by Councillor Murdock:**  
“That Bylaw No. 9300 be now passed.”

**CARRIED**  
**Councillor Derman OPPOSED**

1110-30  
Zoning Bylaw-  
Housekeeping  
Amendments

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9301”

**PROPOSED HOUSEKEEPING AMENDMENTS TO THE ZONING BYLAW, 2003**

Periodically technical and administrative amendments to the Zoning Bylaw are recommended to provide clarity, amend anomalies and keep the bylaw current. The following aspects of the bylaw will be considered:

- Clarification of permitted land uses within all zones
- Regulation and definition of underground structures in all zones
- Regulation of single face building height for single family and two-family dwellings in all zones permitting single family and two-family dwellings
- Regulation of building height on existing small lot, RS-zoned single family properties
- Changes to definitions for:
  - “Agricultural”- excluding as a permitted use medical marihuana growing and processing operations in all agricultural zones except the Agricultural Land Reserve
  - “Gross Floor Area” – changes in how to calculate gross floor area for single family and two-family dwellings in all zones permitting single family and two-family dwellings
- Accessory building regulation changes in the RS-18 single family dwelling zone

The Clerk introduced the following:

- Notice of Public Hearing
- Report from the Director of Planning dated August 25, 2014 recommending that Council support the proposed housekeeping amendments to the Zoning Bylaw, 2003.
- Two letters from Allcanna Botanicals Ltd.

**APPLICANT:**

The District of Saanich

**PUBLIC INPUT:**

H. Charania, Genevieve Road, stated:

- As a member of the Saanich Board of Variance, he supports the proposed amendments to the Zoning Bylaw.

- M. Todd, President, Allcanna Botanicals Ltd., stated;
- He has submitted letters outlining the opposition of his company to the proposed zoning bylaw amendment which would prohibit medical marihuana production facilities on agricultural zoned lands in Saanich, except within the Agricultural Land Reserve (ALR).
  - He would recommend that Council instead consider each application on its own merits; much agricultural zoned land is marginal and not suited to normal agricultural use.
  - Valuable ALR land should be reserved for productive agricultural purposes, not for marihuana production.
  - A remote and secure property which remains out of sight would appear to be the best location for a medical marihuana production facility.

**COUNCIL DELIBERATIONS:**

**MOVED by Councillor Gerrard and Seconded by Councillor Brice: "That Council approve the housekeeping amendments to the Zoning Bylaw, 2003, as outlined in the report from the Director of Planning dated August 25, 2014."**

Councillor Gerrard stated:

- Industrial areas would appear to be an appropriate location for a medical marihuana production facility.

**The Motion was then Put and CARRIED**

1110-30  
Zoning Bylaw -  
Housekeeping  
Amendments

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9301"  
Second and Third Readings

**MOVED by Councillor Gerrard and Seconded by Councillor Brice: "That Bylaw No. 9301 be read a second time."**

**CARRIED**

**MOVED by Councillor Gerrard and Seconded by Councillor Brice: "That Bylaw No. 9301 be now passed."**

**CARRIED**

In Camera Motion

**MOVED by Councillor Wade and Seconded by Councillor Brice: "That pursuant to Section 19(a) of the Council Procedure Bylaw, 2007, No. 8840, the following meeting be closed to the public as the subject matter being considered relates to legal advice that is subject to solicitor-client privilege."**

**CARRIED**

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 9:40 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK