

APPLICANT:

G. Damant, Cascadia Architects Inc. attended with I. Burr, Director of Housing, Capital Mental Health Association, and highlighted the following:

- The building under application is operated by the Capital Mental Health Association (CMHA), a non-profit organization, and currently houses both veterans and mental health clients.
- The purpose of the rezoning is to allow for supervisory services to be located in the building.
- The best approach to achieve this goal required the discharge of an existing land use contract and rezoning the property to an appropriate RP-3 zone.
- The application conforms to the Official Community Plan (OCP) and the Saanich Core Local Area Plan and is surrounded by multifamily uses.
- No alterations to the building are proposed.
- This is a good location for residents with transit and other services nearby.
- 18 parking spaces are available and the demand for parking is expected to diminish as the clientele changes.
- They had been asked by Committee of the Whole to address any issues of parking in front of the building, either by creating a bay or by adding space for drop offs at the rear.
- Due to the sloping site fronting Darwin Avenue, a retaining wall would have been necessary and this was beyond the budget available.
- They have contacted Canada Post and Thrifty's about deliveries and a letter from Canada Post confirms that postal trucks will not park in front of the building any longer.
- Variances will be necessary for the existing setbacks and parking space.
- They met with the local community associations and neighbours to keep them informed about the application.

PUBLIC INPUT:

Mr. Art Beck, Secretary, Quadra Cedar Hill Community Association, stated:

- Although the Community Association was concerned about the CMHA clientele, they have been reassured by the CMHA policy which requires each resident to sign a contract which allows CMHA to remove that resident quickly should problems occur.
- Delivery vehicles were also a concern to residents since Darwin Ave is a busy street with the Municipal Hall, Fire and Police Departments.
- A solution would appear to be a parking bay on the opposite side of street from 801 Darwin Avenue; however, they are satisfied with the proposed arrangement.

APPLICANTS' RESPONSE:

- Although a parking bay at the front of the property was considered, it was not considered an ideal solution as a retaining wall and guard rails would be necessary and costly.

- They considered access from the rear of building but this required a renovation to the building and new entry phone and was again too costly for the non-profit organization.
- They have an ongoing relationship with the Garth Homer Society and will look for opportunities with respect to parking.
- The HandiDart visits have ended and are not expected to be necessary in future; Canada Post has made a written commitment resolving those parking issues; they will contact Thrifty's to explore using the rear parking lot for deliveries.
- They did make every effort to address the concerns but the problem is more significant to resolve than it appears.

In response to a question from Council, the Development Coordinator stated that the parking concerns and the possibility of constructing a parking bay across the street from 801 Darwin Avenue will be referred to the Administrative Traffic Committee for consideration.

COUNCIL DELIBERATIONS:

Motion: **MOVED by Councillor Brownoff and Seconded by Councillor Derman:**
"That:
1. The existing Land Use Contract be discharged; and
2. The application to rezone from RS-6 to RP-3 be approved."
CARRIED

2870-30
 Darwin Avenue

"LAND USE CONTRACT DISCHARGE BYLAW, 2014, NO. 9304"
 Second and Third Readings

MOVED by Councillor Murdock and Seconded by Councillor Haynes:
"That Bylaw No. 9304 be read a second time."
CARRIED

MOVED by Councillor Murdock and Seconded by Councillor Haynes:
"That Bylaw No. 9304 be now passed."
CARRIED

2870-30
 Darwin Avenue

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9305"
 Second and Third Readings

MOVED by Councillor Murdock and Seconded by Councillor Haynes:
"That Bylaw No. 9305 be read a second time."
CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Brice:
"That Bylaw No. 9305 be now passed."
CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Brice:
"That it be recommended that Council approve Development Variance Permit DVP00364 on Lot A, Section 33, Victoria District, Plan 26904 (801 Darwin Avenue)."
CARRIED

2870-30
Wilkinson Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9306”
**PROPOSED REZONING FOR TWO LOT RESIDENTIAL SUBDIVISION
ON WILKINSON ROAD**

To rezone Parcel A (DD326301-I) of Lot 5, Block A, Section 16, Victoria District, Plan 851 (**3865 WILKINSON ROAD**) from Zone A-1 (Rural) to Zone RS-10 (Single Family Dwelling) for the purpose of subdivision to create one additional panhandle lot for single family dwelling use. An exemption from the 10% perimeter road frontage requirement for the proposed panhandle lot will be considered. A **COVENANT** to further regulate the use of the lands and buildings will also be considered.

Councillor Wergeland declared, pursuant to Section 85 of the Council Procedure Bylaw, that he is not entitled to participate in the discussion of the rezoning application at 3865 Wilkinson Road as he has a family member involved in the application.

Councillor Wergeland left the meeting at 8:00 pm.

The Clerk introduced the following:

- Notice of Public Hearing
- Report from the Director of Planning dated August 11, 2014, recommending as follows:
 - approval of the rezoning from A-1 to RS-10;
 - that proposed Lot 2 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage under Section 944(2) of the Local Government Act;
 - that final reading of the zoning bylaw amendment be withheld pending registration of a covenant requiring that any new dwelling on proposed Lot 2 conform to a minimum Built Green Gold or equivalent energy efficiency standard;
- Letter from the applicant dated February 12, 2014 and letter from neighbours in support of the application;
- Letter from the Residents Association of Strawberry Vale, Marigold and Glanford dated April 14, 2014;
- One letter from a resident.

APPLICANT:

M. Mawson, Broadmead Planning and Development, stated:

- The owners of the property have not yet confirmed the final design of the new home.
- The proposed development conforms to the Saanich OCP, the Carey Local Area Plan and the South Wilkinson Valley Action Plan.
- Consultation took place with neighbours and with the local Community Association.
- The owners have agreed to all the terms required by Saanich.

PUBLIC INPUT:

B. Urquhart, South Valley Drive stated:

- He is a new neighbour and his property abuts the proposed panhandle lot; he questions whether a rezoning and subdivision application is normally approved before the design of the new home is determined.

M. Brown, Cloverdale Avenue, stated:

- The increase in density from this subdivision will result in more people and traffic; he would therefore recommend that, in such cases, the developer be required to dedicate a portion of the land for cycle or pedestrian use.
- It is preferable to know the proposed setbacks for a new home.

A. Ross, South Valley Drive, on behalf of the Residents Association of Strawberry Vale, Marigold and Glanford, stated:

- The Community Association has no objection to the application.
- They are concerned, however, about the continuing rezoning of agricultural land to residential use; guidance from the Council as to when it is appropriate to allow agricultural lands to be given up, is needed.

APPLICANT'S RESPONSE:

M. Mawson stated:

- The development will dedicate land for road widening, curb and gutter; sidewalks are located across the road from this property as the site is treed.
- This area is well-supplied with pedestrian pathways and connectors.
- The new property owner can be reassured that the existing trees are to be retained and additional landscaping provided; visual or other impacts will be minimal.
- Setbacks for the new house will probably exceed bylaw requirements; the lot is large and the root zones of the trees must be protected.
- There are no flooding or drainage issues presently.

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

- Form and character covenants are sometimes requested for a development. In this case, there is no development permit required, nor are variances necessary.
- If a form and character covenant is preferred, the revised application would require another public hearing.

COUNCIL DELIBERATIONS:

Motion:

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

- 1. The application to rezone from A-1 to RS-10 be approved;**

2. **Proposed Lot 2 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage under Section 944(2) of the Local Government Act;**
3. **Prior to Final Reading of the Zoning Amendment Bylaw, a covenant be registered requiring that any new dwelling on proposed Lot 2 conform to a minimum Built Green® Gold or equivalent energy efficiency standard.”**

Councillor Brice stated:

- This appears to be a worthy application; the owners have advised that the design of the new home cannot yet be finalized due to changing family circumstances.

Councillor Derman stated:

- This is a large property and he would not anticipate any privacy issues for neighbours.
- The issue of the loss of agricultural land raised by the community association, is not applicable here; the land has limited agricultural potential.

Councillor Murdock stated:

- The decision of Council to remove this land from the Agricultural Land Reserve was made 12 years ago and a plan put in place for this South Wilkinson Valley.
- Although a design covenant may be preferable, in this case, he is comforted by the size of the lot and by the screening provided for the privacy of neighbours.
- He does take seriously the preservation of agricultural land and supports densification in designated centres.

Councillor Haynes stated:

- The question as to when it is appropriate to allow agricultural land to be rezoned to residential could be a topic for consideration by the new task force on agriculture.
- This lot is not suitable for agriculture.
- The presentation of a house design would have been helpful but not necessary in this case.

Councillor Brownoff stated:

- Panhandle lots do come before Council before they can be approved.
- However, in some cases, a new lot may be sold off before a design plan is in place and this does not provide any security to neighbours; it would be worthwhile for an advisory committee to consider whether this process can be improved.
- She supports this application.

The Motion was then Put and CARRIED

Councillor Wergeland returned to the meeting at 8:25 pm.

2870-30
Wilkinson Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9306”
Second and Third Readings

MOVED by Councillor Brice and Seconded by Councillor Derman:
“That Bylaw No. 9306 be read a second time.”

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Derman:
“That Bylaw No. 9306 be now passed.”

CARRIED

2870-30
Doncaster Drive

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9307”
PROPOSED REZONING FOR TWO FAMILY DWELLING ON DONCASTER DRIVE

To rezone Lot 2, Block 5, Section 42, Victoria District, Plan 1276 (**3226 DONCASTER DRIVE**) from Zone RS-6 (Single Family Dwelling) to Zone RD-1 (Two Family Dwelling) for a proposed duplex. A **DEVELOPMENT PERMIT** will be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted. A **COVENANT** will also be considered to further regulate the use of the lands and buildings.

The Clerk introduced the following:

- The Notice of Public Hearing
- Report from the Director of Planning dated September 17, 2014 recommending as follows:
 - that the application to rezone from RS-6 to RD-1 be approved.
 - that Development Permit DPR00560 be approved;
 - that Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a covenant to secure:
 - construction to a Built Green Gold standard or equivalent;
 - installation of conduits for future installation of photovoltaic or solar hot water heaters;
- Letter from the Camosun Community Association dated October 30, 2014.

APPLICANT:

R. MacLeod, Citizen Design Build, attended with the owner of the property and highlighted the following:

- The duplex was designed to work with the slope and contours of the site.
- The split level design has kept the roof height below the maximum allowed and only the southerly unit has a second storey.
- The project complies with the zoning and does not require any variances.
- Native plantings and quality finishes are planned; screening will be provided to protect neighbours' privacy.
- The structure will be energy efficient and provide stormwater management. In summary, the property is larger than most of the surrounding properties; the design of the duplex will be compatible

with the neighbourhood character; and a duplex allows for a minor increase in the density and diversity of housing type, with minimal impacts.

PUBLIC INPUT:

Nil

COUNCIL DELIBERATIONS:

Motion:

MOVED by Councillor Murdock and Seconded by Councillor Sanders: "That:

- 1. The application to rezone from RS-6 (Single Family Dwelling) Zone to RD- 1 (Two Family Dwelling) Zone be approved;**
- 2. Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a covenant to secure:**
 - Construction to a BUILT GREEN® Gold standard or equivalent;**
 - Installation of the necessary conduits to be solar ready for future installation of photovoltaic or solar hot water systems."**

Councillor Murdock stated:

- The location is appropriate for a two-family dwelling with many services nearby.
- The design makes good use of the site and the new dwelling provides an opportunity for a new family to move into the community.

Councillor Haynes stated:

- This a good development offering affordability and an opportunity for aging in place.

Councillor Plant stated:

- The lot easily fits two homes, the neighbours support the project and the installation of solar ready conduits is commendable.

Councillor Derman stated:

- This infill project has been carefully designed and will fit into the neighbourhood.
- It is an excellent location for infill.

The Motion was then Put and CARRIED

2870-30
Doncaster Drive

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9307"
Second and Third Reading

MOVED by Councillor Murdock and Seconded by Councillor Haynes: "That Bylaw No. 9307 be read a second time."

CARRIED

MOVED by Councillor Murdock and Seconded by Councillor Haynes:
“That Bylaw No. 9307 be now passed.”

CARRIED

MOVED by Councillor Murdock and Seconded by Councillor Plant:
“That it be recommended that Council approve Development Permit DPR00560 on Lot 2, Block 5, Section 42, Victoria District, Plan 1276 (3226 Doncaster Drive).”

CARRIED

2870-30
 Commerce Circle

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9308”

PROPOSED ZONING BYLAW AMENDMENT REGARDING MEDICAL MARIHUANA PRODUCTION AND DISTRIBUTION

The purpose of this bylaw is to amend the Zoning Bylaw, 2003, to add the following new definition for medical marihuana production and distribution:

“Medical Marihuana Production and Distribution – means the growing, production, and distribution of medical marihuana in a fully enclosed building as licensed and lawfully sanctioned under Health Canada’s “Marihuana for Medical Purposes Regulations”, including the necessary supporting accessory uses related to processing, testing, research and development, packaging, storage, and office functions that are directly related to and in support of growing, production, and distribution activities.”

”ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9309”

PROPOSED AMENDMENT TO THE INDUSTRIAL PARK ZONE M-3

The purpose of this Zoning Bylaw Amendment is to amend the existing M-3 Industrial Park Zone to permit medical marihuana production and distribution, only on Strata Lot 1, Section 100, Lake District, Plan VIS4905, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (**UNIT 101 – 4226 COMMERCE CIRCLE**), notwithstanding the Uses Permitted under that zone.

The Clerk introduced the following:

- The Notice of Public Hearing
- Report from the Director of Planning dated September 4, 2014 recommending as follows:
 - approval of the new definition of medical marihuana production and distribution;
 - approval of the zoning bylaw amendment to allow medical marihuana production and distribution at 101 – 4226 Commerce Circle.
- Letter dated July 1, 2014 from the applicant and list of addresses consulted regarding the application.
- Letter dated October 2, 2014 from the Royal Oak Community Association
- Seven letters from residents.

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

- The zoning will apply to the property; if this applicant were to relocate, another federally-licensed operator could be approved for this location.

APPLICANT:

K. Parent, Vice President, Quality Assurance, Thunderbird Biomedical Inc., stated:

- Thunderbird Biomedical Inc. was the first licensed medical marihuana facility on Vancouver Island and is one of 23 across Canada.
- The industry is highly-regulated and must comply with federal medical marihuana regulations, with Food and Drug Administration and Controlled Substance Act.
- This will not be a retail operation, only mail order.
- No public access is permitted and the site is secure.
- Staff must have security clearance and they use a biometric identification system for access to the building; the Fire and Police Departments inspect the facility regularly.
- No environmental emissions are permitted or occur.
- Third party lab testing of the marihuana is required to assure the health and safety of the product,
- They have utilized 'clean room design' and their operations are pesticide-free.

PUBLIC INPUT:

R. Wanbon, 4153 Springridge Crescent, stated:

- He is pleased that the applicant will not have any retail sales at the site; however, should federal regulations change, this option may be permitted in future.
- He would request that Council prohibit on-site sale and transfer of the product to clients.
- He would recommend rejection of the application as it stands, but, if approved, then an amendment to protect residents from the possibility of future retail sales would be necessary.

B. Gage, Springridge Crescent, stated:

- He does not want to impede the business operation but supports an amendment to prohibit any future sale of the product from this site.
- It is important to the community that the neighbourhood atmosphere remain intact.

C. Townley, Pemberton Holmes, stated:

- His company manages several properties nearby and tenants have raised concerns about this application.
- There is a treed buffer zone separating the residential neighbourhood from the industrial area and this could provide cover for criminal activity.
- Security remains a concern.

S. Thompson, Fernridge Place, stated:

- There is a concern that the facility is operating already although this application has not yet been considered.

P. Whitworth, Vice-President, Royal Oak Community Association, stated:

- The Community Association representatives toured the facility and were favourably impressed with the security measures and environmental controls; they endorse this use.
- They are pleased that the company is working with the Saanich Police and Fire Departments.
- He personally supports the production of this pharmaceutical; its purpose is for the relief of suffering.

APPLICANT'S RESPONSE:

- Retail sales are not permitted by federal regulations and not contemplated by Thunderbird Biomedical.
- All product deliveries are done by courier, with a chain of signatures required.
- The applicant did consult with neighbours and understand that any concerns about security have been addressed; since their security lighting system was installed, fewer problems have been experienced in the neighbourhood.
- Their business is modelled after the pharmaceutical industry, as they are producing a medical product.

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

- If Council were to amend the zone to prohibit retail sales, another public hearing would be required. As an alternative, a covenant could be considered which would achieve the same result.

In response to a question from Council, the applicant stated that such a covenant would be acceptable.

COUNCIL DELIBERATIONS:

Motion:

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That :

1. The Zoning Bylaw, 2003 be amended to add the following new definition for medical marihuana production and distribution:

'Medical Marihuana Production and Distribution – means the growing, production, and distribution of medical marihuana in a fully enclosed building as licensed and lawfully sanctioned under Health Canada's "Marihuana for Medical Purposes Regulations", including the necessary supporting accessory uses related to processing, testing, research and development, packaging, storage, and office functions that are directly related to and in support of growing, production, and distribution activities.';

- 2. **The Industrial Park Zone M-3 be amended to allow medical marihuana production and distribution on Strata Lot 1, Section 100, Lake District, Plan VIS4905, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (Unit 101 – 4226 Commerce Circle), notwithstanding the Uses Permitted; and**
- 3. **Prior to Final Reading of the Zoning Amendment Bylaws, a covenant be registered to ensure that the retail sale of medical marihuana is prohibited at this location.”**

The Motion was then Put and CARRIED

2870-30
Commerce Circle

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9308”
Second and Third Readings

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Bylaw No. 9308 be read a second time.”
CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Bylaw No. 9308 be now passed.”
CARRIED

2870-30
Commerce Circle

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9309”
Second and Third Readings

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Bylaw No. 9309 be read a second time.”
CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Bylaw No. 9309 be now passed.”
CARRIED

Adjournment

On a motion from Councillor Derman, the meeting adjourned at 9:15 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK