

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, APRIL 18, 2005 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brownoff, Cubberley, Derman, Gillespie, Ngai, Wade and Wergeland  
**Staff:** Tim Wood, Municipal Administrator; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie MacPhee, Municipal Clerk; and Isobel Hoffmann, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

**MOVED by Councillor Wade and Seconded by Councillor Gillespie:**  
"That the Minutes of the Council and Committee of the Whole Meetings held April 11, and the Special Council Meeting held April 5, 2005, be adopted."

**CARRIED**

**BYLAWS**

No. 114  
ADM40  
Bylaw 8624

**CONTROLLED SUBSTANCE PROPERTY BYLAW**

Final Reading of the "Controlled Substance Property Bylaw, 2005, No. 8624". To impose requirements on owners of buildings containing clandestine laboratories.

**MOVED by Councillor Gillespie and Seconded by Councillor Brownoff:**  
"That Bylaw No. 8624 be adopted by Council and the Seal of the Corporation be attached thereto."

**CARRIED**

No. 115  
ADM40  
Bylaw 8635

**TICKET BYLAW AMENDMENT – BUILDING AND PLUMBING BYLAW, 2005**

First Three Readings of the "Ticket Bylaw 2001, Amendment Bylaw 2005, No. 8635". To include Building and Plumbing Bylaw, 2005, No.8627.

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:** "That Bylaw No. 8635 be introduced and read."

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:** "That Bylaw No. 8635 be read a second time."

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:** "That Bylaw No. 8635 be now passed."

**CARRIED**

No. 116  
ADM40  
Bylaw 8657

**OFFICERS AND SENIOR EMPLOYEES BYLAW**

First Three Readings of the "Officers and Senior Employees Bylaw, 2005, No. 8657". To reflect position title changes and Community Charter references.

**MOVED by Councillor Ngai and Seconded by Councillor Gillespie:**  
"That Bylaw No. 8657 be introduced and read."

**CARRIED**

**MOVED by Councillor Gillespie and Seconded by Councillor Ngai:**  
**“That Bylaw No. 8657 be read a second time.”**

**CARRIED**

**MOVED by Councillor Gillespie and Seconded by Councillor Ngai:**  
**“That Bylaw No. 8657 be now passed.”**

**CARRIED**

No. 117  
ADM 40  
Bylaw 8658

**EXEMPT STAFF BYLAW**

First Three Readings of the “Exempt Staff Bylaw, 2005, No. 8658”. To include the Manager of Human Resources as a position not represented by the Exempt Staff Group.

**MOVED by Councillor Wergeland and Seconded by Councillor Gillespie:** “That Bylaw No. 8658 be introduced and read.”

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Wade:**  
**“That Bylaw No. 8658 be read a second time.”**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Wade:**  
**“That Bylaw No. 8658 be now passed.”**

**CARRIED**

No. 118  
ADM40  
Bylaw 8659

**CHEQUE SIGNING PROCEDURE BYLAW**

First Three Readings of the “Cheque Signing Procedure Bylaw, 2005, No. 8659”. To reflect position title changes and recognize the use of electronic digital signatures.

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:**  
**“That Bylaw No. 8659 be introduced and read.”**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:**  
**“That Bylaw No. 8659 be read a second time.”**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:**  
**“That Bylaw No. 8659 be now passed.”**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 119  
ADM 40  
Cadboro Bay  
BIA Budget

**CADBORO BAY VILLAGE BUSINESS IMPROVEMENT ASSOCIATION BUDGET**

Report of the Director of Finance dated April 11, 2005 recommending Council approve the 2005 Cadboro Bay Business Improvement Society funding request and property taxation levy.

**MOVED by Councillor Brownoff and Seconded by Councillor Wergeland:** “That the 2005 Cadboro Bay Business Improvement Society funding request and property taxation levy in the amount of \$15,000 be approved.”

**CARRIED**

Adjournment            On a motion from Councillor Gillespie, the meeting adjourned at 7:32 p.m.  
 The Meeting reconvened at 8:17 p.m.

*From the Committee of the Whole Meeting held April 18, 2005*

No. 120                    **1560 CHURCH AVENUE – DEVELOPMENT PERMIT – TRIAD SIGN LTD.**  
Church Avenue        **MOVED by Councillor Gillespie and Seconded by Councillor**  
 Dev. Permit            **Cubberley: “That Council approve and issue Development Permit**  
                                  **DPA2005-00008 to amend Development Permit P/46/85 on Lot A,**  
                                  **Section 39, Victoria District, Plan 43445 (1560 Church Avenue).”**  
                                  **CARRIED**

No. 121                    **1080 LUCAS AVENUE – DEVELOPMENT PERMIT – GARYALI**  
Lucas Avenue        **ARCHITECT INC.**  
**MOVED by Councillor Derman and Seconded by Councillor Gillespie:**  
**“That Council approve and issue DPA2004-00047 to amend**  
**Development Permit DPR2001-00005 Lot C, Section 66, Victoria**  
**District, Plan 22737, and Lot 2, Section 66, Victoria District, Plan 30601**  
**(1080 Lucas Avenue).”**  
                                  **CARRIED**

Adjournment:            On a Motion from Councillor Wergeland, the meeting adjourned at 8:19 p.m.

\_\_\_\_\_ Mayor

I hereby certify these Minutes are accurate

\_\_\_\_\_ Municipal Clerk

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, APRIL 18, 2005 AT 7:33 P.M.**

Present: **Chair:** Councillor Brownoff; Mayor Leonard (from 7:37 p.m.)  
**Council:** Councillors Cubberley, Derman, Gillespie, Ngai, Wade and Wergeland  
**Staff:** Tim Wood, Municipal Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie MacPhee, Municipal Clerk; and Isobel Hoffmann, Senior Committee Clerk.

Church Avenue  
Dev. Permit **1560 CHURCH AVENUE – DEVELOPMENT PERMIT – TRIAD SIGN LTD.**

Report of the Director of Planning dated March 22, 2005 recommending development application DPA2005-00008 to amend Development Permit P/46/85 be approved.

Mr. J. Scriven, representing the Game Academy, 4–1560 Church Street, was present in support of the application.

MOTION: **MOVED by Councillor Gillespie and Seconded by Councillor Ngai: “That it be recommended that Council approve and issue Development Permit DPA2005-00008 to amend Development Permit P/46/85 on Lot A, Section 39, Victoria District, Plan 43445 (1560 Church Avenue).”**

**CARRIED**

Lucas Avenue  
Dev. Permit **1080 LUCAS AVENUE – DEVELOPMENT PERMIT – GARYALI ARCHITECT INC.**

Reports of the Director of Planning dated April 4, 2005 recommending development application DPA2004-00047 to amend Development Permit DPR2001-00005 be approved; and the Advisory Design Panel dated January 10, 2005, recommending approval of the design.

Mr. D. Clayton, Headmaster, St. Margaret’s School, stated:

- The proposal is to construct a new junior school facility to replace the structure built in 1970, and an international students’ centre.
- There will be no increase in enrollment; the school population is already maximized.
- The new junior school facility is needed to provide more space and an enhanced learning environment, recreational and social space, and some tutoring rooms.
- He is aware that the neighbourhood has concerns about traffic volumes; this is being addressed by staggering the school hours so there is less conflict.
- The peak times for St. Margaret’s School is between 8:10 a.m. and 8:25 a.m.; Lake Hill School starts at 8:45 a.m.

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Councillor Brownoff left the meeting at 7:37 p.m. Mayor Leonard assumed the Chair.  
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Mr. R. Warden, President, North Quadra Land Use Protection

Association, stated:

- There has been no consultation with the neighbourhood or the Association, although the neighbours in the immediate area received a flyer.
- The Association has some questions which he would like the applicant to respond to:
  - Will there be trees planted along the north property line to shield the new international student building from the neighbourhood?
  - The new junior school building seems larger according to the site plan and he wondered what the existing student population is now, and the capacity for 2007/08?
  - The Advisory Design Panel report comments on using Borden Street as a second entrance; this will be a big change for the neighbourhood and residents are upset about it, especially as there has been no consultation.
- There has been no opportunity to discuss these issues with the school or the developer, and therefore he cannot say whether or not the Association supports the application because he doesn't have enough information.

In response to a question from Council about why the Association didn't contact the school, Mr. Warden stated that the Association was waiting for the developer to make contact; he doesn't believe it is up to the volunteers on the Association to contact the school or the developer.

Mr. R. Norby, 1129 Labrador Street, stated:

- His property backs on to St. Margaret's school and he has some concerns which could have been addressed at a community meeting rather than at Council.
- He is not against development but is curious if there will be any tree removals on the site.
- He notes there is an increase in the parking area, and that there will be a turn-around area for buses and wondered whether these changes would impact the neighbourhood.
- He is also concerned about the suggestion that Borden Street could be used as a secondary access.
- There are many families with small children who have moved into the area because of the quaintness of the neighbourhood and any increase in traffic or change in traffic patterns will have an impact.

Mr. C. Garyali, Garyali Architect Inc. stated:

- It will not be a problem to plant some trees as a buffer between the neighbourhood and the international student building.
- There will be no increase in enrollment and no increase in traffic.
- The existing junior school building is not effective and needs to be more functional.
- The entrances, exits and bus drop-off areas will remain unchanged.
- He is willing to meet with the Association and the neighbours; it was an oversight on his part that this meeting was not held previously.
- Other projects have been completed in the past and there have never been any problems; he assumed it would alright this time as well.

Mr. G. McKillop, 1114 Labrador Place, stated he was concerned about traffic, particularly if Borden Street was involved.

The Director of Engineering confirmed that:

- In order to create a secondary access from Borden Street to the school, an access permit would be required and the impact on the local road system would be reviewed.
- Although he has no details on this particular issue, and as far as he is aware it is not part of this proposal, he is doubtful that the Engineering Department would issue an access permit because Borden is a dead-end street.

Mr. McKillop continued:

- He is concerned about additional traffic on the new road between Labrador Place and the new drop-off site.
- This area generates a lot of noise, but he appreciates the efforts of the school to minimize the traffic within the school site.

Mr. V. Andres, 4161 Bracken Avenue stated he is on the Board of St. Margaret's School and confirmed it has never been intended to use Borden Street as a secondary access. The entrance will remain unchanged.

In response to questions from Council, Mr. Clayton, the Headmaster, stated:

- The junior school fluctuates between 130 and 156 students; this will not increase.
- The existing classrooms were not designed as classrooms and larger rooms are needed to provide a better learning environment.
- There are landscaping proposals for the entire facility; he is prepared to look at any concerns the Association has in this regard.
- Regarding tree removals, an arborist's report was commissioned about eight years ago because the past practice of topping the trees is now known to be a cause of speeding up decay.
- The policy is that if a tree has to be removed because it is considered dangerous, then another is planted in its place.
- Tree removals are a risk management issue, not because of facility expansions.
- The new drop-off area will have a different traffic flow.
- He expects the current noise concerns are because of the evening use of the south gym, which is open in the evenings for community use until the end of March.
- The buses use the north parking area.

**MOTION**

**MOVED by Councillor Gillespie and Seconded by Councillor Ngai:**  
**“That it be recommended that Council approve and issue DPA2004-00047 to amend Development Permit DPR2001-00005 Lot C, Section 66, Victoria District, Plan 22737, and Lot 2, Section 66, Victoria District, Plan 30601 (1080 Lucas Avenue).”**

Councillor Cubberley stated:

- He has no problem with the concept as presented but is concerned

about there being no presentation and the lack of a public meeting to give the neighbourhood a chance to ask questions.

- Although there is nothing objectionable about the proposal, he is concerned about Council approving a development without some public consultation.
- He would be happier if we postponed the application for a short time so the community meeting can be held.

In response to a question from Council, the Director of Planning stated that the only issues before Council this evening are the two variances to the setbacks. If no variances were required, the development permit would not be before Council.

Councillor Wade stated:

- She would like assurance from the applicant that public consultation will take place soon.
- She hasn't heard anyone express concern about the variances, but it seems there are other issues unrelated to the variances regarding traffic or landscaping.
- She will support the motion if the applicant makes a commitment to discuss the proposal with the community.

Councillor Wergeland agreed there should have been a public consultation process and appreciates that the applicant is now going to meet with the community.

Councillor Derman stated:

- St. Margaret's School has been a good neighbour, and as a good neighbour there is an obligation to keep the community informed.
- The proposal is a good one, but he suggested that in the future if the school wants to make changes they consult with the community.
- As well, when coming to Council, a more detailed presentation would be appropriate.

Mr. Clayton assured Council that the school will meet with the North Quadra Land Use Protection Association and the neighbourhood.

**The Motion was then Put and CARRIED**

Cedar Hill Road  
Rezoning

**4257 CEDAR HILL ROAD – REZONING APPLICATION – JAGTAR GAHUNIA**

Report of the Director of Planning Services dated March 21, 2005 recommending rejection of the rezoning from RS-6 to RS-10.

Mr. Jerry Bola, 3070 Carey Road, on behalf of the applicant, stated:

- The lots to the south are zoned RS-10.
- The design of the proposed house is in keeping with the character of the neighbourhood.
- Some of the subdivisions in the area have new houses that are three storeys in height.
- The applicant has a family with three teenagers and his parents will be living with him as well, so he needs a larger home.

Mr. M. Rooksby, 4260 Cedar Hill Road, was opposed to the application and stated:

- There has been no contact from the applicant, other than the sign

posted on the property.

- Most of the homes in the area are between 1,500 and 1,800 square feet; his home is only 1,200 square feet.
- He is concerned about additional traffic and the precedent granting this application will set.
- He is concerned about the impact allowing a larger house on this lot would have on the existing infrastructure.

Ms. J. Gaylord, Gordon Head Residents' Association, stated:

- There has been no advance contact from the developer or the applicant.
- It took community associations a long time to get agreement to add a recommendation to the application form that developers contact the community, but the process is not being followed.
- The only information the Association received was from the Planning Department.
- The Executive agrees with the Planner's report to not approve the application.

Ms. S. Fraser, 4270 Cedar Hill Road, stated:

- She agrees with the Planner's recommendation.
- She doesn't like the idea of someone new coming into the area and changing the zoning and the neighbourhood by building a large home which doesn't fit in with the style of the existing homes.
- This is a unique area and it forms a buffer between the busy noise of Shelbourne Street and the development three blocks away.
- Neighbours want to keep this unique, semi-rural area as it is.
- The existing house on the property could be enlarged and still fit in with the neighbourhood.

Ms. A. Davidson, 4259 Cedar Hill Road, stated:

- The house is now a rental home and it is quite a good size, with parking at the back for six cars.
- She is concerned about increased noise from traffic and the size of the house being proposed by the builder.
- This is an area of Garry Oaks; it is a protected area and one of the oldest roads in Victoria.
- She asked Council to reject the rezoning application to RS-10.

Ms. N. Houle, 4227 Cedar Hill Road, spoke in opposition.

- The neighbourhood doesn't want this development, and especially not a commercial building in the backyard because it will mean more traffic.

Mr. J. Miller, 4222 Cedar Hill Road, stated:

- This is an area of larger lots and older quality homes.
- His lot is over 13,000 square feet and his house is about 2,200 square feet.
- The Garry oak trees and the ambience of the road are important qualities in making this a quiet, attractive neighbourhood.
- He urged Council to accept the Planner's recommendation.

MOTION:

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That the application to rezone from RS-6 to RS-10 be**

**rejected.”**

**CARRIED**

Adjournment

On a motion from Councillor Cubberley, the meeting adjourned at 8:16 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK