

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, AUGUST 15, 2005 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brownoff, Derman, Gillespie, Ngai (7:34 p.m.), Pickup,
Wade and Wergeland
Staff: Chris Nation, Municipal Solicitor; Colin Doyle, Director of Engineering;
Carrie M. MacPhee, Municipal Clerk; Neil Findlow, Supervisor of Local
Area Planning; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Derman and Seconded by Councillor Brownoff:
“That the Minutes of the Council and Committee of the Whole
Meetings held August 8, 2005, be adopted.”

CARRIED

BYLAWS

No. 303
ADM40
Bylaw 8640

ZONING BYLAW AMENDMENT – NEW ZONE RA-CA
(APARTMENT/CHURCH AVENUE).

Final Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2005, No.
8640”. To create a new RA-CA zone with apartment, congregate housing,
home occupation office and community care for children as permitted uses.

MOVED by Councillor Wergeland and Seconded by Councillor
Gillespie: “That Bylaw No. 8640 be adopted by Council and the Seal
of the Corporation be attached thereto.”

CARRIED

No. 304
Cedar Hill Road
Bylaw 8641

3757 CEDAR HILL ROAD (A PORTION).

Final Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2005, No.
8641” **and approval of Development Permit No. DPR2004-00010.**
Rezoning from RS-6 to RA-CA.

MOVED by Councillor Pickup and Seconded by Councillor Brownoff:
“That Bylaw No. 8641 be adopted by Council and the Seal of the
Corporation be attached thereto.”

CARRIED

MOVED by Councillor Pickup and Seconded by Councillor Brownoff:
“That Council approve and issue Development Permit No, DPR2004-
00010 on a portion of Lots 5 and 6, Block 4, Section 39, Victoria
District, Plan 301 (3757 Cedar Hill Road).”

CARRIED

No. 305
Cedar Hill
Road/Church Ave.
Bylaw 8642

3757 CEDAR HILL ROAD (A PORTION)/1514 AND 1520 CHURCH AVENUE.

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8642" and approval of Development Permit No. DPR2004-00013. Rezoning from RS-6 to RA-CA.

MOVED by Councillor Gillespie and Seconded by Councillor Pickup:
"That Bylaw No. 8642 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

MOVED by Councillor Gillespie and Seconded by Councillor Pickup:
"That Council approve and issue Development Permit No. DPR2004-00013 on Lot 4, Block 4, Section 39, Victoria District, Plan 14537; and portions of Lots 5 and 6, Block 5, Section 39, Victoria District, Plan 301 (3757 Cedar Hill Road/1514 and 1520 Church Avenue)."

CARRIED

No. 306
ADM40- Treasury
Bylaw 8686

FIRE HALL IMPROVEMENTS LOAN AUTHORIZATION BYLAW.

Final Reading of the "Fire Hall Improvements Loan Authorization Bylaw, 2005, No. 8686". To authorize the borrowing of \$175,000 for seismic improvements to Fire Halls 2 and 3.

MOVED by Councillor Derman and Seconded by Councillor Wade:
"That Bylaw No. 8686 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 307
ADM40 - Treasury
Bylaw 8687

LAYRITZ PARK IMPROVEMENT LOAN AUTHORIZATION BYLAW.

Final Reading of the "Layritz Park Improvement Loan Authorization Bylaw, 2005, No. 8687". To authorize the borrowing of \$340,000 for improvements to Layritz Park.

MOVED by Councillor Gillespie and Seconded by Councillor Derman:
"That Bylaw No. 8687 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 308
ADM40 - Treasury
Bylaw 8688

STREETSCAPE IMPROVEMENTS LOAN AUTHORIZATION BYLAW.

Final Reading of the "Streetscape Improvements Loan Authorization Bylaw, 2005, No. 8688". To authorize the borrowing of \$1,363,000 for streetscape improvements.

MOVED by Councillor Derman and Seconded by Councillor Gillespie:
"That Bylaw No. 8688 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 309
ADM40 - Treasury
Bylaw 8689

LIBRARY CONSTRUCTION LOAN AUTHORIZATION BYLAW.

Final Reading of the "Library Construction Loan Authorization Bylaw, 2005, No. 8689". To authorize the borrowing of \$1,857,000 for the construction of a library branch at G.R. Pearkes Community Recreation Centre.

MOVED by Councillor Gillespie and Seconded by Councillor Wade:
"That Bylaw No. 8689 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 310
ADM40 - Treasury
Bylaw 8690

GORDON HEAD MIDDLE SCHOOL IMPROVEMENTS LOAN AUTHORIZATION BYLAW.

Final Reading of the "Gordon Head Middle School Improvements Loan Authorization Bylaw, 2005, No. 8690". To authorize the borrowing of \$687,000 for improvements to Gordon Head Middle School.

MOVED by Councillor Gillespie and Seconded by Councillor Derman: "That Bylaw No. 8690 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

Councillor Ngai entered the meeting.

No. 311
EPW65
Bylaw 8674

SEWER ENTERPRISE BOUNDARY EXTENSION BYLAW – 4451 SHOREWAY DRIVE.

Final Reading of the "Sewer Enterprise Boundary Extension Bylaw, 2005, No. 8674". To include 4451 Shoreway Drive in the Sewer Enterprise Boundary.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That Bylaw No. 8674 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 312
ADM40
Bylaw 8631

DEPOSIT OF FILL BYLAW AMENDMENT – HABIT RESTORATION AND ENHANCEMENT.

Final Reading of the "Deposit of Fill Bylaw, 1993, Amendment Bylaw, 2005, No. 8631". To encourage habitat restoration and enhancement.

MOVED by Councillor Derman and Seconded by Councillor Pickup: "That Bylaw No. 8631 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 313
Carey Road/Ralph Street
Bylaw 8703

3911, 3915 AND 3917 CAREY ROAD/605 AND 609 RALPH STREET.

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8703". Rezoning from RS-6 to RA-3 and RT-4.

MOVED by Councillor Wergeland and Seconded by Councillor Ngai: "That Bylaw No. 8703 be introduced and read."

CARRIED

No. 314
Cedar Hill Road
Bylaw 8704

3787/3781 CEDAR HILL ROAD (A PORTION).

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8704". Rezoning from RS-6 to P-1.

MOVED by Councillor Ngai and Seconded by Councillor Gillespie: "That Bylaw No. 8704 be introduced and read."

CARRIED

No. 315
Short Street
Bylaw 8705

820, 824, 826/828 AND 842 SHORT STREET.

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8705". Rezoning from RS-6 to C-5.

MOVED by Councillor Pickup and Seconded by Councillor Brownoff: "That Bylaw No. 8705 be introduced and read."

CARRIED

No. 316
PLD60
Bylaw 8698

OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT – TILLICUM-BURNSIDE STREETScape ACTION PLAN.

First Reading of the “Official Community Plan Bylaw, 1993, Amendment Bylaw, 2005, No. 8698”. To include a new policy in the Tillicum Local Area Plan to ensure future development conforms with the Tillicum-Burnside Streetscape Action Plan.

MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That Bylaw No. 8698 be introduced and read.”

CARRIED

Adjournment

On a motion from Councillor Derman, the Meeting adjourned at 7:35 p.m.

The Meeting reconvened at 8:59 p.m.

From the Committee of the Whole Meeting held August 15, 2005.

No. 317
Prospect Lake Rd.
Development
Permit

4989 PROSPECT LAKE ROAD – DEVELOPMENT PERMIT – RICHARD HINCHCLIFF, M.R. DESIGNS.

MOVED by Councillor Ngai and Seconded by Councillor Wergeland: “That Council approve and issue Development Permit DPR2003-00042 on that part of Lot 25, Section 89, Lake District, Plan 427, lying to the east of Prospect Lake Road as shown on Plan 28 BL (4989 Prospect Lake Road).”

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 9:00 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

- Both he and Ms. Noad are opposed to the proposed addition because it will block their view of the lake and impact their light.

Ms. F. Bryan, 1160 Clovelly Terrace, stated:

- She is a friend of Ms. Noad; although Ms. Noad appreciates the efforts of the Corbetts to redesign their proposal, Ms. Noad is still concerned that it will block the light from her kitchen window and impact her view.
- If the proposed addition is approved, Ms. Noad would appreciate it if Council could ensure that there will be no impacts to her.

Ms. D. Noad, 4991 Prospect Lake Road, stated:

- Her house and the Corbett's house are extremely close together and she is afraid that if the Corbett's had a fire she could lose her house.
- If the Corbett's build their proposed addition she will not get any light in through her kitchen window.

Mr. C. Corbett, owner, 4989 Prospect Lake Road, stated:

- Although he and his wife recognize Ms. Noad's concerns with their proposed addition, they have eliminated the need for any variances from their proposal that could affect her.
- They have worked with Saanich staff and been very diligent in their efforts to minimize any impacts.

In response to comments, Mr. R. Hinchcliff, stated:

- Ms. Noad's kitchen window is set back 10 feet closer to Prospect Lake Road than the Corbett's house; the addition will not impact her light.

MOTION:

MOVED by Councillor Pickup and Seconded by Mayor Leonard: "That it be recommended that Council approve and issue Development Permit DPR2003-00042 on that part of Lot 25, Section 89, Lake District, Plan 427, lying to the east of Prospect Lake Road as shown on Plan 28 BL (4989 Prospect Lake Road)."

Councillor Pickup stated:

- She took the opportunity to visit both the Corbetts and Ms. Noad and could see how the two houses are so close to each other.
- However, the Corbett's have taken steps to mitigate any impacts to Ms. Noad by changing their design and lowering the pitch of the roof.
- The Corbett's met with their neighbours as requested and spent \$25,000 upgrading their existing septic system; they are also working with staff to improve the riparian area.
- The Corbett's house is very small and she can understand why they would want to build an addition.

Councillor Gillespie stated:

- At the April 2004 meeting, Council asked the applicants to take care of four issues; he is satisfied with how these issues have been dealt with so he will support their application.

Councillor Derman stated:

- He appreciates the efforts the applicants have made to modify their house design and hopes there will not be any impacts to Ms. Noad.
- The applicants have installed a state of the art septic system and will be improving the riparian area.

Councillor Wergeland stated:

- He is concerned that there could be some impacts to Ms. Noad; the light through her kitchen window may not be impacted but her views will be.
- However, the proposal meets the Development Permit Area Guidelines so he will support it.

The Motion was then PUT and CARRIED

Bethune Avenue
Rezoning

3494 BETHUNE AVENUE – REZONING APPLICATION – A.J. FINLAYSON ARCHITECTS LTD.

Report of the Director of Planning dated August 2, 2005 recommending the draft Housing Agreement be endorsed in principle, that the Public Hearing proceed for rezoning from RS-6 to a new RT-6 zone, and that the applicants register a restrictive covenant prior to final reading that would prohibit issuance of a building permit unless and until a housing agreement satisfactory to Saanich is registered and which contains clauses that authorize the release of the covenant and recognize the right of Saanich to consider returning the zoning back to RS-6 in the event that a satisfactory housing agreement is not registered within 18 months of the multi-family zoning amendment.

In response to questions from Council, the Municipal Solicitor stated:

- There is still some work to be done to sort out the terms of the Housing Agreement and that is why the Director of Planning is recommending that an additional covenant be placed on the property prohibiting any building construction until a satisfactory housing Agreement has been worked out.
- There is a mechanism in the proposed Housing Agreement to ensure the property remains available for sale for less than market value.
- It is his understanding that construction costs will be factored into the Agreement; that cost will depend on the bids the building trades provide at the time the housing Agreement is ready to be finalized.

Mr. L. Holmen, consultant on behalf of the Canadian Homebuilders Association of Victoria, stated:

- The proposed Housing Agreement is a restrictive covenant against the land.
- The main objective of the project is to provide more affordable housing to moderate income households.
- The Agreement will ensure that the future selling price of the dwelling units will be less than the market price by the same ratio as the initial selling price to the market price of that dwelling.
- Future selling prices will be determined by applying a multiplier to the initial selling price that is the ratio of average market prices at the time of sale and average market prices at the time of purchase.
- The Agreement includes a provision that can limit the household incomes of purchasers to help target the project to moderate income households.
- The Agreement will give Saanich or its agent the authority to ensure that future dwelling sale prices comply with the intended policy; it will also ensure that the purchasers and eligible occupants occupy the dwelling.

Mr. R. Warden, president, Quadra Cedar Hill Community Association, stated:

- The Planner’s report mentions the various parties that were involved in the process of creating the proposed Housing Agreement; it might be a good idea to expand on that by involving representatives from lower income groups and also someone who specializes in looking for loopholes in agreements.
- On page 2 of the Planner’s report under “Next Steps” it states: “.....that Council “may consider” the down-zoning.....” perhaps it should be amended to “will remove” the down-zoning.....”
- On page 7 Section 6(b) and page 8 Section 6(d)(i) of the Housing Agreement – Election period: What time does it start? It should be more specific.
- There is no wording in the document that talks about the units being owner-occupied.

Ms. V. Sanders, president, Quadra Cedar Hill Community Association, stated:

- The Association is happy to see that the affordability of the units will be maintained in perpetuity, however, the formula used to arrive at the market values is very convoluted.
- They support the fact that the covenant will be tied to the zoning and agree that it should be worded “will remove” the zoning.
- They hope that the right-of first-refusal is not going to create a lot of work for Saanich; the document also states that Saanich will be determining the household incomes – should Saanich be involved in that process?
- Page 9 refers to not subleasing or renting – who will be enforcing this?
- There is no wording in the proposed Agreement that talks about rent controls.

Ms. D. Neigel, 3490 Bethune Avenue, stated:

- She lives adjacent to the proposed development.
- If the units do not sell under the proposed Housing Agreement will BC Housing then use them for low income housing?
- On page 2 of the Planner’s report it states: “*The final housing agreement would be required to be adopted by bylaw but does not require a public hearing, however, it would be prudent considering the linkage with the rezoning*”; she is concerned that the public will not have the opportunity to provide further input if a Public Hearing is not held.

Ms. C. Ivatts, 966 Lovat Avenue, stated:

- She would like to know who will control the rental rates of the flex suites; they should be affordable as well.
- She does not think there should be flex suites; they should be separate units.

Mr. M. Brown, 1212 Clovelly Terrace, stated:

- He thinks the proposed Housing Agreement is very convoluted and complicated and he does not like it; the document should be more transparent.
- He does not think it is a good idea for Saanich to be involved in the administration of future sales of the units.
- It would be better if the development was rental housing and administered by the Capital Regional Housing Corporation.

Mr. G. Wilson, 1485 Mt. Douglas X Road, stated:

- He agrees that Saanich should not be so involved in the proposed development.

In response to questions from Council, the Municipal Solicitor stated:

- Saanich does not normally involve itself in whether or not a property is owner-occupied or rented out, however in this case there is some mention of rental suites in the proposed Housing Agreement.
- The definition of “Participant” on page 5 of the Agreement appears to exclude renters; if the proposed development proceeds, that wording will have to be clarified.

MOTION:

**MOVED by Councillor Wade and Seconded by Councillor Ngai:
“That:**

- 1. The draft housing agreement be endorsed in principle;**
- 2. The Public Hearing proceed for the rezoning application; and**
- 3. Should the rezoning application be approved, the applicants register a restrictive covenant prior to final reading that would prohibit issuance of a building permit unless and until a housing agreement satisfactory to the District of Saanich is registered and which contains clauses that authorize the release of the covenant and recognize the right of the District to consider retuning the zoning back to RS-6 in the event that a satisfactory housing agreement is not registered within 18 months of the multi-family zoning amendment.”**

Councillor Wade stated:

- She agrees that the definition for “Participant” needs to be more specific.
- There have been some concerns raised about rental controls; there is provincial legislation that will control it.
- The proposed development is innovative and an opportunity for Saanich to provide housing to people who no longer want to rent and can afford to purchase affordable housing.

Mayor Leonard stated:

- The proposed Housing Agreement has taken the past nine months to development and usually this level of detail would not come forward to Council, it would be delegated to staff.
- We need to deal with the land use decision at this time and not spend more staff time dealing with the language of the document; it is worthwhile sending the land use to Public Hearing for that decision.
- The proposed development is an initiative with the private sector that should be considered and explored further; if it does not succeed then Saanich will not do it again.

Councillor Wergeland stated:

- He supports the proposed development but is concerned that it may not be considered affordable housing once it is built.

Councillor Brownoff stated:

- She agrees that the proposed Agreement is very confusing although

she supports going forward to a Public Hearing for a decision on the land use.

- If a suitable housing agreement cannot be agreed upon then the property can be rezoned back to single family.

Councillor Pickup stated:

- She agrees that the proposed Agreement is very complicated; the entire proposal needs more work and is not ready to go forward to a Public Hearing so she will not support it.
- It is difficult to separate the issue of the Housing Agreement and the land usage as they are both linked with the proposed development.
- Now that we have established a CRD Housing Trust we should putting most of our energy into making sure it becomes operational and successful; the proposed development will not meet the needs of the lowest income people in our society.

Councillor Ngai stated:

- She supports moving forward to a Public Hearing and endorsing the proposed Housing Agreement in principle.
- The proposed development is an innovative project and will provide an opportunity for lower income people to buy affordable housing in the current housing market.

Councillor Gillespie stated:

- Perhaps we should see if the property can be leased from the provincial government instead of it being purchased.
- He supports proceeding to a Public Hearing.

Councillor Derman stated:

- He agrees that we need to address the issue of land use associated with this proposal at a Public Hearing; however, he would have preferred that the motion not include endorsing the draft Housing Agreement in principle.
- He does not think that the project will end up being affordable housing and he hopes that the applicant will be able to provide some sense of the level of affordability.
- There needs to be more precise language on initial price of the units, owner-occupancy, and how the rental units will be addressed, etc.

The Motion was then PUT and CARRIED, with Councillors Derman and Pickup voting against.

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 9:00 p.m.

.....
CHAIR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK