

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, JANUARY 23, 2006 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brice, Brownoff, Derman, Hunter, Ngai, Sanders and Wergeland  
**Staff:** Tim Wood, Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie M. MacPhee, Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That the Minutes of the Council and Committee of the Whole Meetings held January 9, 2006, be adopted."**

**CARRIED**

**BYLAWS**

No. 5  
ADM40  
Bylaw 8732

**STREETS AND TRAFFIC REGULATION BYLAW AMENDMENT – BICYCLING IN CROSSWALKS.**

First Three Readings of the "Streets and Traffic Regulation Bylaw, 2002, Amendment Bylaw, 2006, No. 8732". To clarify that bicycles are permitted to use all sections of the Regional and Municipal multi-use trail systems including all crosswalks lying between adjacent portions of the trails.

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8732 be introduced and read."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8732 be read a second time."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8732 be now passed."**

**CARRIED**

No. 6  
ADM40  
Bylaw 8738

**NOISE SUPPRESSION BYLAW – HOUSEKEEPING AMENDMENT TO SECTION 8 (C).**

First Three Readings of the "Noise Suppression Bylaw, 1993, Amendment Bylaw, 2006, No. 8738". Housekeeping amendment to Section 8 (c) to clarify that the exemption for sounds caused by building and property maintenance and heat or water pumps applies only to shopping centres.

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8738 be introduced and read."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8738 be read a second time."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8738 be now passed."**

**CARRIED**

- No. 7  
Laval Avenue  
Bylaw 8727
- 1880 LAVAL AVENUE.**  
First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2006, No. 8727". To amend the Gordon Head Local Area Plan to designate Lot 1, Plan VIP78322 for potential attached housing.
- MOVED by Councillor Ngai and Seconded by Councillor Brice: "That Bylaw No. 8727 be introduced and read."**
- CARRIED**
- No. 8  
Laval Avenue  
Bylaw 8728
- 1880 LAVAL AVENUE.**  
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8728". Rezoning from P-1 to RT-3.
- MOVED by Councillor Ngai and Seconded by Councillor Brice: "That Bylaw No. 8728 be introduced and read."**
- CARRIED**
- No. 9  
Lochside Drive  
Bylaw 8734
- 5064 LOCHSIDE DRIVE.**  
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8734". Rezoning from RS-18 to RS-12.
- MOVED by Councillor Wergeland and Seconded by Councillor Ngai: "That Bylaw No. 8734 be introduced and read."**
- CARRIED**
- No. 10  
PLD55  
Bylaw 8735
- ROYAL OAK AND CORDOVA BAY LOCAL AREA PLANS – ROYAL OAK BURIAL PARK MASTER PLAN.**  
First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2006, No. 8735". To amend the Royal Oak and Cordova Bay Local Area Plans to include a new policy to ensure future development within the Royal Oak Burial Park generally conforms with the Royal Oak Burial Park Master Plan, June 30, 2005.
- MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8735 be introduced and read."**
- CARRIED**
- No. 11  
Cherry Tree Bend  
Bylaw 8736
- 4853 CHERRY TREE BEND.**  
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8736". Rezoning from A-1 to P-7.
- MOVED by Councillor Brice and Seconded by Councillor Ngai: "That Bylaw No. 8736 be introduced and read."**
- CARRIED**
- No. 12  
Gordon Head Rd.  
Bylaw 8739
- 4346 GORDON HEAD ROAD.**  
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8739". Rezoning from RS-16 to RS-12.
- MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8739 be introduced and read."**
- CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 13  
ADM115 - UBCM  
Seniors Housing  
and Support  
Initiative

**UBCM SENIOR HOUSING AND SUPPORT INITIATIVE PROJECT PROPOSAL – PUBLIC TRANSPORT ACCESSIBILITY REQUIREMENTS.**

Report of the Director of Planning dated January 13, 2006 recommending the proposed project *Public Transport Accessibility Requirements* be supported and that an application for a \$10,000 grant be submitted to the UBCM.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:**  
“That the proposed project *Public Transport Accessibility Requirements* be supported and that an application for a \$10,000 grant be submitted to the UBCM.”

**CARRIED**

No. 14  
ADM115 - UBCM  
Membership Dues

**UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM) – 2006 ANNUAL DUES.**

Invoice from the UBCM requesting payment in the amount of \$15,259.28 for the 2006 Annual Dues.

**MOVED by Councillor Brice and Seconded by Councillor Hunter:**  
“That Council authorize the payment of \$15,259.28 to the Union of British Columbia Municipalities for the 2006 Annual Dues.”

**CARRIED**

No. 15  
ADM85/ADM65/  
ADM115 -FCM  
Council  
Appointments and  
Conference  
Expenses

**COUNCIL APPOINTMENTS AND APPROVAL OF EXPENSES**

Report from Mayor Leonard dated January 23, 2006 requesting Council Resolutions on Council appointments and conference expenses.

**MOVED by Councillor Brice and Seconded by Councillor Hunter:**  
“That:

1. **Councillor Brice be appointed the Council Liaison to Beacon Community Services;**
2. **Councillor Sanders be appointed the Council Liaison to Silver Threads;**
3. **Council authorize fees and expenses for Councillor Hunter to attend the BC Association of Police Boards; and**
4. **Council authorize Mayor Leonard’s expenses should he be elected to the Federation of Canadian Municipalities’ Board.”**

**CARRIED**

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 7:35 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, JANUARY 23, 2006 AT 7:36 P.M.**

Present: **Chair:** Councillor Derman  
**Council:** Mayor Leonard and Councillors Brice, Brownoff, Hunter, Ngai, Sanders and Wergeland  
**Staff:** Tim Wood, Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie M. MacPhee; Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Telegraph Bay Rd.  
Rezoning

**3938 TELEGRAPH BAY ROAD – REZONING APPLICATION – TEL BAY DEVELOPMENTS LTD.**

Report of the Director of Planning dated January 6, 2006 recommending the Cadboro Bay Local Area Plan be amended to designate the property for “general residential” use, the rezoning from P-1 to RS-10 be approved, and the setback and building restrictions outlined be referred to the Approving Officer for consideration of a restrictive covenant at the time of subdivision review.

Mr. D. Sargent, on behalf of the applicant, Tel Bay Developments Ltd., stated:

- From November 2004 to September 2005, the applicants held four Open Houses and met with the neighbours to discuss their proposal; they also contacted the Cadboro Bay Residents’ Association several times during this period and finally presented their proposal to them on November 14, 2005; there has been no further contact with the Association.
- Their proposal is to rezone the subject property to single family in order to subdivide and create six bare land strata lots; the proposed average lot size is 864.4 square metres.
- The proposed dwellings will be designed to accommodate multi-generational lifestyles including adaptive housing features.
- They will be retaining 40 of the 45 existing trees on the property; the proposal also includes an architecturally designed landscape plan for the entry driveway.
- They are proposing to prohibit vehicular traffic through the Arbutus panhandle area and create a permanent pedestrian easement in favor of 341 Dawe Road.
- There will be a comprehensive storm drainage system, including a bioswale in the central turnaround area, storm and oil retention facilities, and a surface water holding pond in the northeast corner; the surrounding homes not using to the Municipal storm system will be connected.

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

- The size of the proposed houses will range from 2,550 to 3,200 square feet.
- The proposed common area “A” will be part of the strata and left in a natural vegetative state; it will be primarily accessed by the owners of 3941 Dawe Road and by proposed Lot 4.
- He is prepared to attach to the subdivision the three drawings that have been prepared, as an illustration of what all six of the proposed

houses will look like; he does not have six building schemes prepared for this particular site at this time; he is also prepared to provide a floor space ratio (FSR) restriction for each of the six lots.

Mr. S. Colantonio, 2701 Arbutus Road, stated:

- He does not support the proposed development; there are many members of the community who do not want the property rezoned from institutional use to residential use.
- The Cadboro Bay Local Area Plan should protect the neighbourhood's investments and provide some assurance of what the community will look like.
- He would like to know what guarantees there will be to ensure the neighbourhood gets what is being proposed and what the developers are giving back to the community in terms of greenspace.
- The proposed dwellings may not be compatible with the neighbouring homes and could overshadow neighbouring properties; he would like to see design plans for all six of the proposed houses and how they could impact the neighbours.
- The applicant has stated that the houses will be multi-generational; he would like to know if this means the proposed houses will have suites.

Mr. I. Horobin, 2705 Arbutus Road, stated:

- He did not attend any of the Open Houses but he spoke with the developer and has seen the proposed plans.
- Proposed Lot 5 will back onto his property and it is the smallest of the six lots; he is concerned that the size of homes that are being proposed will be too big especially for Lot 5, and that there will not be a sufficient setback between the new house and his property.
- It would be helpful to have elevations for the proposed six houses so the neighbours can see what the visual impact will be.
- He has an Elm tree and a Poplar tree at the rear of his property that he would like to have removed but he will wait to see how the proposed development will impact his property.

Mr. E. Dahli, president, Cadboro Bay Residents' Association, stated:

- The Association is not supportive of any development on the subject property; they did not support a previous application for townhouses.
- Up to this point there has been a lack of trust and cooperation and if Council decides to approve the proposed development, the Association strongly recommends that prior to the Public Hearing the applicant provide sample elevations illustrating the general style and massing of the proposed homes

Mr. W. Psocka, 3944 Telegraph Bay Road, stated:

- Under the current zoning a developer could construct a huge building that could negatively impact the neighbours; traffic could become an issue and parking could spill over onto neighbouring streets.
- The applicant met with the neighbours and got their feedback prior to proceeding with their proposal; he thinks the proposed house designs and landscaping are very nice
- He supports the proposed development; he lives in a two-level house and he thinks the proposed homes will be compatible with other homes in the area.

Mr. B. Tassie, 3951 Telegraph Bay Road, stated:

- He thinks the proposed development is too dense; if the applicant built five houses instead of six the development would be more acceptable, and if there was access to one of the lots from Arbutus Road it could create a greater separation between the houses.
- Existing property values could be negatively impacted if larger homes are built; there needs to be some guarantees that what is being proposed is what will be built.

Mr. B. Tubman, 3855 Haro Road, stated:

- He has lived in his present location for the past 23 years.
- He supports a residential development on the subject property but the developers and neighbourhood need to work together on a plan that will not impact the surrounding properties.

Ms. I. Stewart, 3932 Telegraph Bay Road, vice president, Cadboro Bay Residents' Association, stated:

- The Association recognizes that change is inevitable; they are not against change but it needs to be controlled and compatible with the rest of the neighbourhood.
- The proposed development requires an amendment to the Local Area Plan and a change of zoning which will result in six bare land strata lots.
- There needs to be more information on issues such as visual impacts, privacy, secondary suites, stormwater management, walkways and greenspace.

Mayor Leonard stated:

- He thinks the proposed development is worthy of consideration at a Public Hearing although he agrees the applicant should provide more information on style and massing of the proposed houses.
- Proposed Lot 5 is the smallest of the six lots and the house on that lot should be the smallest of the six houses.
- He would also like to see a northeast to southwest schematic showing rooflines and elevations in context with neighbouring houses.
- The restrictive covenants outlined in the Planner's report pertaining to setback and building restrictions should be considered as part of the subdivision process.

**MOTION:**

**MOVED by Mayor Leonard and Seconded by Councillor Wergeland: "That a Public Hearing be called and that prior to the Public Hearing the applicant provide elevations illustrating the general style and massing of the homes proposed for the subdivision."**

Councillor Wergeland stated:

- Change is always difficult; the proposed development is reasonable and appropriate and will impact neighbours far less than any institutional use.
- He encourages the developer to provide information at the Public Hearing showing the massing, style, and height of the proposed development and what the neighbourhood can expect to see.

Councillor Brownoff stated:

- She supports the proposed development but agrees the applicant should provide building schemes and elevations for the houses at the

Public Hearing, and that the size of house for proposed Lot 5 should be the smallest of the six houses.

- The neighbourhood wants assurance that what is being proposed will be built; the developer should be prepared to attach a restrictive covenant at the time of subdivision for setback and house size restrictions.
- There has been some mention of flex/adaptable housing and she would like more information on it and if it will apply to all six of the proposed houses.

Councillor Sanders stated:

- She supports the application going forward to a Public Hearing but would like to see some restrictions on house size.

Councillor Brice stated:

- She also has some concerns with the size of house that could be constructed on proposed Lot 5.
- She hopes the applicant will take into consideration the comments and concerns that have been raised and work with the community to come to a resolution prior to the Public Hearing.

Councillor Ngai stated:

- She supports the application going forward to a Public Hearing.
- We do not want to be too restrictive with regard to styles of homes; there should be some flexibility with the design of the proposed houses so there is a variety.

Councillor Hunter stated:

- He will not support the proposed development going forward to a Public Hearing because he does not feel the applicant has worked enough with the community to resolve outstanding issues.

Councillor Derman stated:

- He will support the proposed development going to a Public Hearing.
- He agrees that there needs to be some guarantees so the neighbourhood knows what they are getting, and he hopes the applicant will provide those guarantees at the Public Hearing.

**The Motion was then PUT and CARRIED,  
with Councillor Hunter voting against.**

In Camera Motion

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That the following Council meeting be closed to the public as the subject matter being considered relates to information that is subject to solicitor/client privilege and personal information about identifiable individuals being considered for appointment."**

**CARRIED**

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 8:55 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK