

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, FEBRUARY 5, 2007 AT 7:30 P.M.

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

No. 29
ADM50
Presentation

PRESENTATION TO FORMER POLICE BOARD MEMBER VICKI KUHL

On behalf of Saanich Council, Mayor Leonard presented former Police Board Member Vicki Kuhl with a plaque and thanked her for her years of valuable service on the Police Board. Chief Constable Egan presented Ms. Kuhl with a Certificate of Recognition from the Police Department.

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Gillespie and Seconded by Councillor Wergeland: "That the Minutes of the Council and Committee of the Whole Meetings held January 22, 2007, and the Minutes of the Special Council Meeting held January 23, 2007, be adopted."

CARRIED

BYLAWS

No. 30
ADM40
Bylaw 8829

CONTROLLED SUBSTANCE PROPERTY BYLAW – HOUSEKEEPING AMENDMENT.

Final Reading of the "Controlled Substance Property Bylaw, 2005, Amendment Bylaw, 2007, No. 8829". Housekeeping amendment to Section 21.

MOVED by Councillor Ngai and Seconded by Councillor Brownoff: "That Bylaw No. 8829 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 31
ADM40
Bylaw 8838

REPEAL BYLAW (SPECIAL EVENTS COMMITTEE BYLAW).

First Three Readings of the "Repeal Bylaw, 2007 (Special Events Committee Bylaw, 1973, No. 3439), No. 8838".

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8838 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8838 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8838 be now passed."

CARRIED

No. 32
Wilkinson Rd.
Bylaw 8828

4168 WILKINSON ROAD.

Final Reading of the "Zoning Bylaw, 2005, Amendment Bylaw, 2007, No. 8828" and approval of Development Permit DPR2006-00022. Rezoning from RS-6 to RD-1.

MOVED by Councillor Gillespie and Seconded by Councillor Sanders: "That Bylaw No. 8828 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Brownoff: "That Council approve and issue Development Permit DPR2006-00022 on Lot 1, Block A, Section 5, Lake District, Plan 1341A (4168 Wilkinson Road)."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 33
PQS100
Tender 40/06

TENDER 40/06 – STANDBY POWER GENERATOR FOR MT. TOLMIE PUMP STATION.

Report of the Director of Purchasing dated January 16, 2007 recommending Tender 40/06 for a standby power generator for Mt. Tolmie Pump Station be awarded to Detroit Diesel-Allison.

MOVED by Councillor Ngai and Seconded by Councillor Hunter: "That Tender 40/06 for a standby power generator for Mt. Tolmie Pump Station be awarded to Detroit Diesel-Allison."

CARRIED

No. 34
ADM65
Lecture/Workshop

CAPITAL REGIONAL LECTURE SERIES – REQUEST FOR ATTENDANCE

Memorandum from the Administrative Assistant to the Mayor dated January 31, 2007 further to Councillor Wergeland's request for payment of expenses in the amount of \$286.20 to attend a lecture and workshop on February 8 and 9, 2007 at the University of Victoria.

MOVED by Councillor Brice and Seconded by Councillor Derman: "That Council authorize payment of expenses in the amount of \$286.20 for Councillor Wergeland and any other Councillors wishing to attend the People, Places, Perspectives lecture and workshop on February 8, and 9, 2007 at the University of Victoria."

CARRIED

No. 35
ADM65
Lecture/Workshop

REQUEST FOR ATTENDANCE AT LECTURE AND WORKSHOP

Memorandum from the Administrative Assistant to the Mayor dated February 5, 2007 further to Councillor Sander's request for payment of expenses in the amount of \$49.08 to attend a lecture and workshop on February 8 and 19, 2007 at the University of Victoria.

MOVED by Councillor and Seconded by Councillor: "That Council authorize payment of expenses in the amount of \$49.08 for Councillor Sanders and any other Councillors wishing to attend the People, Places, Perspectives lecture and GOERT Native Plants workshop on February 8, and 19, 2007 respectively at the University of Victoria."

CARRIED

RECOMMENDATIONS FROM COMMITTEES

From the Committee of the Whole Meeting held January 22, 2007.

No. 36
Interurban Road
Development
Variance Permit

4371 INTERURBAN ROAD – DEVELOPMENT VARIANCE PERMIT, MEMORANDUM OF UNDERSTANDING (MOU) AND COVENANT RESPONSE – CAMOSUN COLLEGE.

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

- 1. The Memorandum of Understanding between the District of Saanich and Camosun College be endorsed; and**
- 2. Council approve and issue Development Variance Permit DVP2006-00019 on Lot A, Sections 1 and 20, Lake District, Plan VIP69114 (4371 Interurban Road).”**

CARRIED

Adjournment

On a Motion from Councillor Brice, the meeting adjourned at 7:40 p.m.

The meeting reconvened at 9:41 p.m.

From the Committee of the Whole Meeting held February 5, 2007

No. 37
Ascot Drive
Development
Variance Permit

3918 ASCOT DRIVE – DEVELOPMENT VARIANCE PERMIT – SITAL SINGH AND KASHMIR KAUR PAHAL

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Council approve and issue Development Variance Permit No. DVP2005-00015 on Lot 2, Section 32, Victoria District, Plan VIP67797 (3918 Ascot Drive).”

CARRIED,

with Councillors Brownoff and Sanders voting against.

No. 38
Carey Road
Request to
Remove from
Heritage Register

3814 CAREY ROAD (MOUNT VIEW HIGH SCHOOL) – REQUEST TO REMOVE FROM COMMUNITY HERITAGE REGISTER.

MOVED by Councillor Ngai and Seconded by Councillor Gillespie: “That:

- 2. School District No. 61 arrange for access and the hiring of a heritage professional to record Mount View School; and**
- 3. The Mount View School be removed from the Community Heritage Register.”**

CARRIED,

with Councillors Brownoff, Derman, and Sanders voting against.

No. 39
ADM40
Bylaw 8840

COUNCIL PROCEDURE BYLAW, 2007, NO. 8840 – HOUSEKEEPING AMENDMENTS

First Three Readings of the “Council Procedure Bylaw, 2007, No. 8840.” To repeal Bylaw No. 8540 being the “Council Procedure Bylaw, 2004”.

MOVED by Councillor Ngai and Seconded by Councillor Gillespie: “That Bylaw No. 8840 be introduced and read.”

CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Gillespie: “That Bylaw No. 8840 be read a second time.”

CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Gillespie: “That Bylaw No. 8840 be now passed.”

CARRIED

In Camera Motion

MOVED by Councillor Brownoff and Seconded by Councillor Hunter: “That the following Council meeting be closed to the public as the subject matter being discussed relates to personal information about identifiable individuals being considered for appointments.”

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 9:42 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

- He owns a similarly styled dwelling and could also request a development variance to gain an additional 500 square feet of floor space; he is concerned that approving the application will set a precedent for other property owners in the neighbourhood.

Ms. M. Lyon, 3919 Persimmon Drive, stated:

- She can see the subject dwelling from some of the windows in her house as her property backs on to the subject property; now that the void has been enclosed the house looks huge.
- If the Development Variance Permit is approved then other property owners in the area could apply to do the same thing; monster homes do not fit in with the character of the existing neighbourhood.

Mr. P. Sekkon, on behalf of the owners/applicants, stated:

- At a previous Committee of the Whole Meeting they were asked to provide more information on whether or not a portion of the house is rented, and if construction took place after the application was rejected by the Board of Variance.
- There is no suite and the owners do not rent out a portion of the house - they have friends that are staying with them; no construction took place after the Board of Variance meeting.
- There have not been any changes to the setbacks or building footprint.
- The owners want to stay in the neighbourhood and have their extended family live with them otherwise it will cause a hardship.

MOTION:

MOVED by Councillor Gillespie and Seconded by Mayor Leonard: "That it be recommended that Council approve and issue Development Variance Permit No. DVP2005-00015 on Lot 2, Section 32, Victoria District, Plan VIP67797 (3918 Ascot Drive)."

Mayor Leonard stated:

- Staff does respond to complaints of illegal suites from members of the public although homeowners are permitted to have borders live with them.
- A 2,700 square foot house on a lot that is more than 13,000 square feet is not excessive in size; it is the non-basement area not the remainder of the house that exceeds the maximum gross floor area allowed under the RS-6 zone.
- He appreciates the concerns expressed by some of the neighbours but Council has to consider the land use issue; staff did a good job preparing the report and he agrees with their recommendation to approve the Development Variance Permit.

Councillor Sanders stated:

- She does not support approving the application; the Board of Variance rejected the application in 2005 because there was no hardship in their opinion and she agrees.
- In 2004 the void area was completely open and now it has been enclosed; it is quite visible from the properties on Persimmon Drive.
- There are several exterior doors on the lower level and it appears to have three separate living areas.
- Council does not have to approve it just because the improvements

have already been made; she agrees that it could set a precedent.

Councillor Derman stated:

- He agrees that it is easier to ask for forgiveness rather than permission; approving the application could be perceived as encouraging this type of behavior.
- The property is fairly large and the existing dwelling is not huge; there is also the issue of hardship if the application is not approved.
- He will support approving the application although he does not like to do so after the fact.

Councillor Wergeland stated:

- He appreciates the concerns of the neighbourhood but there are many, many suites in homes throughout the Municipality where the owners did not get permission.
- He will support the application.

Councillor Brice stated:

- She has not heard any kind of evidence that the subject property is worthy of a variance but she is not prepared to make the owners undo the improvements that have been undertaken.
- She does not like to be in a position of approving something after the fact but she will unhappily support the application.

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

- If Council approves the Development Variance Permit, the first step would be to issue a Building Permit for the works that are authorized by the variance.
- There is no timeframe on building permits; staff cannot require someone to build within a certain timeframe as long as they are demonstrating due diligence otherwise bylaw enforcement action can be taken.
- The Development Variance Permit is only for the 56.6 square metres that are in excess of the above ground square footage.

Councillor Brownoff stated:

- She does not like to reward people for not following procedures; the application went to the Board of Variance and was rejected; there is no process in place to ensure that the works will happen in a timely fashion.
- She is concerned with the quality of the construction especially when building inspection staff has not been involved; we are sending the wrong message to the public by approving something after the fact.
- She does not support the application.

**The Motion was then PUT and CARRIED,
with Councillors Brownoff and Sanders voting against.**

Carey Road (Mt. View School)

Request to Remove from Community Heritage Register

3814 CAREY ROAD (MOUNT VIEW HIGH SCHOOL) – REQUEST TO REMOVE FROM COMMUNITY HERITAGE REGISTER.

Report of the Director of Planning dated January 24, 2007 recommending School District No. 61 arrange for access and the hiring of a heritage professional to record Mount View School, and that the school be removed from the Community Heritage Register.

In response to questions from Council, Mr. R. Windjack, CEI Neilson, on behalf of School District No. 61, stated:

- Some of the buildings on the site are presently being deconstructed and between 80 and 85 percent of the materials from those buildings are slated for re-use; the percentage of re-use of the timber from the 1931 main school building itself will also be significant.
- The open tendering process of the School District is usually based on the deconstruction and re-use of the materials; in consultation with the School District, they could set up the contract for the main building to require deconstruction as opposed to demolition.
- The report only addressed Mount View School and not Cedar Hill Junior Secondary School which is the same vintage, has similar architectural elements, and is also listed on the Heritage Registry.
- Taking steps to designate Cedar Hill School as a heritage structure would entail negotiation between Saanich and the School District.
- In terms of the heritage aspect of the report, they looked at how they would have to address the deficiencies within the building in a heritage context.
- In order to make it compliant to building codes and seismic standards, the building would have to be stripped down to its wood framing as both the exterior and interior of the building is not salvageable.
- The most striking feature of the building was an interior piece of stained glass which has already been removed and put into storage by the School District.
- There may be some pieces of stucco work that could be cut out and retained as well as a few lighting fixtures.

In response to questions from Council, Mr. J. Soles, Supervisor of Building Projects, School District No. 61, stated:

- The intention is to tender the contract so that the main building is deconstructed; they will consult with the bidders at the time of tendering and ensure that there is sufficient time available for them to deconstruct the building.
- There is no economic value to demolishing the building and trucking it to the landfill; they are committed to deconstruction and not demolition.
- There is no memorabilia left in the school but some of it has gone to Spectrum School and there may be other pieces in storage; if anything is found during deconstruction they will contact Saanich to see if they are interested in it.

Mr. N. Wilton, vice president, Saanich Heritage Foundation, stated:

- The Heritage Foundation has raised a number of questions and concerns about the impact of the proposed redevelopment of the site

- and they do not feel they have been addressed.
- The intent to apply for a demolition permit for Mount View School was initially presented to the Foundation at its June meeting in the form of a one page letter from the School District indicating that the property had been sold to the Capital Regional Hospital District for redevelopment on the condition that all existing buildings on the site be demolished, and that the School be removed from the Community Heritage Register; a verbal report was provided by Planning Department staff.
 - A Special Foundation meeting was held in July and verbal presentations were made by School District and Hospital District representatives essentially reiterating the information from the June meeting; a copy of a Risk Assessment Report pertaining to asbestos remediation was provided.
 - At the meeting, members passed a motion requesting Council decline the request to remove the School from the Register, withhold a demolition permit, and that the proponents explore the possibility of retaining and rehabilitating the School for an appropriate permitted use; no updates have been provided to the Foundation since then.
 - The "Re-use Feasibility Study" commissioned by the School Board which examined retrofitting the School for an alternate use concluded that the cost of rehabilitation would be 57 percent more than the cost of new construction, no heritage value would remain after all of the required work was completed, and that re-use would limit potential redevelopment of the site.
 - There is no doubt that the cost of rehabilitating the School will be substantial given the fact that it will have to be gutted in order to meet Building Code requirements and seismic standards.
 - However, the consultant has understated the net useable area that would result from the proposed rehabilitation work by more than 2,000 square feet - this skews the analysis of the resulting efficiency of the project; the report also neglects to address the possible use of the basement although the cost of its renovation is included.
 - The heritage value of the School does not reside solely in its original exterior fabric; the Statement of Significance documents the heritage value of the building and the key elements which must be retained in order to preserve its heritage value.
 - The proposal demonstrates a lack of understanding of values-based heritage conservation principals and best practices as documented in the *Standards and Guidelines for the Conservation of Historic Places in Canada*, which has been adopted by the Province, the Saanich Heritage Foundation, and many others as the current standard.
 - The Heritage Foundation recommends that the Planning Department and the proponents explore the possibility of negotiating a Heritage Revitalization Agreement which provides broad powers to allow for variances to the Building Code, development cost charges, subdivision, etc.

Mr. P. Gerrard, 2878 Inlet Avenue, stated:

- The findings of the "Re-use Feasibility Study" show that retrofitting and renovating the existing Mount View School to provide seniors' housing will cost approximately \$2 million dollars more than it would to construct a new facility with the same number of living units in a

- more efficient layout.
- The building may have been a good building during its time but it is time for another use for the site; Independent Living units for seniors' housing is an excellent use and well suited for this location.
 - The site is a tremendous location for congregate care as it is close to transit, shopping and entertainment.
 - It makes more sense to deconstruct the building and not demolish it as it will save trucking costs and tipping fees at the landfill.
 - Although it will be a loss to our heritage inventory we are in desperate need of this type of housing and he supports it.

Mr. K. Whitcroft, 1044 Inverness Road, stated:

- Heritage is vital to our past and our present and is an important component of our community.
- The building is in a great location for Saanich to use for a heritage museum.

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

- If there were any questions directed to the School District with respect to the proposal to sell the Mount View School site and demolish the buildings they would have responded directly to them; they have not withheld any information from the public.

MOTION:

**MOVED by Mayor Leonard and Seconded by Councillor Gillespie:
"That it be recommended that:**

- 4. School District No. 61 arrange for access and the hiring of a heritage professional to record Mount View School; and**
- 5. The Mount View School be removed from the Community Heritage Register."**

Mayor Leonard stated:

- The Saanich Heritage Foundation was asked to hold a Special Meeting so the School District and the Consultant could present the "Re-use Feasibility Study" before they went to Council with it but the vice president of the Foundation did not want to.
- Many of us on Council have advocated for a long time to have a health care facility constructed on the subject site and he has been disappointed each year when funding has not been available.
- Staff considered the Study as well as the comments and concerns expressed by the Heritage Foundation and the findings in the Study are self-explanatory; he supports the Planning Department's recommendation to remove the School from the Heritage Register.
- When a new facility is constructed on the site there should be some kind of recognition of the former Mount View School; perhaps the facility could even be named after the School.

Councillor Gillespie stated:

- Mount View High School was one of three high schools constructed in Saanich during the Depression and in its time it was a great school.

- Two more schools might be slated for closure in Victoria because enrolment numbers are down; this is due in part to the high cost of real estate and the fact that young families cannot afford to live in our city.
- The region needs to have more seniors' care facilities; he supports the application.

Councillor Wergeland stated:

- We have been talking about the lack of affordable housing and health care facilities in our region for a long time now and it is unfortunate that this project has been delayed; he supports the proposal.

Councillor Sanders stated:

- We are losing our heritage buildings due to neglect; over the past several years Mount View School has not been maintained nor shown any respect even though it is on our Heritage Register.
- Even though Cedar Hill Junior Secondary School is now on the Heritage Register she is not confident that it will receive heritage designation.
- A few months ago one of the houses designed by John Di Castri was also taken off the Heritage Register; we are gradually losing more and more of our Municipality's history and we need to be more proactive in preserving it.
- She supports more health care facilities in our community but is disappointed that Mount View School will be taken off the Heritage Register; the use of heritage revitalization agreements may be a good way to preserve more of our heritage buildings.

Councillor Brice stated:

- She supports the recommendation to remove the School from the Heritage Register; there are a lot of factors in the Consultant's report to support the deconstruction of the School that cannot be dismissed.
- Deconstructing the existing building and re-using the site for another much needed public facility is good sustainability; even though there have been some very sincere comments made regarding heritage values, she feels the proposed new use of the site outweighs the request that the existing building be retained.

Councillor Hunter stated:

- He supports the application.
- Council and the Saanich Heritage Foundation have been at odds on the last two applications to come forward requesting a building be removed from the Community Heritage Register.
- It has been alluded to that we need to be more proactive or have some kind of agreement in place prior to making decisions on these types of applications.
- There have been arrangements between the School Board and Saanich in the past five years that have worked very well and he hopes that the Heritage Foundation will make suggestions to staff on heritage recognition for Cedar Hill Junior Secondary School should

that facility be used for some other purpose in the future.

Councillor Brownoff stated:

- She is disappointed with the lack of responsibility and the disrespect for the history of our Municipality; Mount View School was one of the first high schools built during the Depression and that is significant in a learning environment.
- She has watched the building sink further and further into disrepair and not even be maintained to minimum standards and that is disrespectful to the history of our community.
- We need to retain and maintain our heritage buildings; over the past 30 years Canada has lost more than 20 percent of its pre-1920's heritage buildings to demolition.
- She is also disappointed that we did not consider a heritage revitalization agreement or a heritage conservation covenant to preserve the School.
- If we are comparing the vintage and architecture of Cedar Hill Junior Secondary School to Mount View School and using that as an example of the heritage that will still be standing after the demolition of Mount View School, she hopes that the School District will ensure that they do not allow Cedar Hill School to fall into ruin as they did with the Mount View School.

Councillor Derman stated:

- While he has a desire to see the history and heritage of Saanich preserved he has also sat on the CRD Hospital Board for the past five years and is aware of the potential of the subject site for a health care facility.
- He agrees that Mount View School is an example of demolition by neglect; it is too easy for owners of properties with heritage significance to allow them to decay to the point where they are beyond saving.
- The School Board is the custodian of a very significant part of Saanich's heritage and there are cases where they have been successful in preserving it; Tolmie School, South Park School, Lampson School and Victoria High School are all fine examples.
- He hopes that the School Board will ensure that the main building will be deconstructed and that any memorabilia be preserved and enshrined; he agrees that there should be some kind of recognition of Mount View School when a new facility is constructed on the site.

Councillor Ngai stated:

- She supports the application to remove Mount View School from the Heritage Register; it does not make economic sense to spend an additional \$2 million dollars to retrofit and renovate the existing building rather than construct a new facility.
- A seniors' campus of care facility on the subject site will be of more use to our aging population than having the property remain as it is.

**The Motion was then PUT and CARRIED,
with Councillors Brownoff, Derman, and Sanders voting against.**

ADM40
Bylaw 8840

COUNCIL PROCEDURE BYLAW – HOUSEKEEPING AMENDMENTS AND CONSOLIDATION.

Report of the Manager of Legislative Services dated January 25, 2007 recommending “Council Procedure Bylaw, 2007, No. 8840” be approved and forwarded to Council for three readings and adoption.

In response to questions from Council, the Manager of Legislative Services stated:

- It is common for a specific version of “Robert’s Rules of Order” to be quoted; we have had situations in the past where there have been different interpretations.
- There has never been a specific listing for “Presentations” in the Council Procedure Bylaw although there have been presentations at meetings; if Council does include “Presentations” formally in the Council section of the Bylaw it would preclude those opportunities where we may want to have a presentation at a Committee of the Whole meeting so that members of the public can also speak to it.

Mr. K. Whitcroft, 1044 Inverness Road, stated:

- With regard to electronic meetings, he would like to know how notification to the community associations and general public would be done and where the meetings would be held.

The Manager of Legislative Services responded:

- The intention of electronic meetings is that they be held only during very urgent or emergency type situations.
- In an earthquake situation for instance, it is difficult to say where a Council meeting would be held; there are specific requirements in the Community Charter that require 24 hours notice for special Council meetings
- An example of how an electronic meeting would work is that Council members would have a conference call using a speaker phone so that everyone in the audience could hear.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Hunter: “That “Council Procedure Bylaw, 2007, No. 8840” be approved and forwarded to Council for three readings and adoption.”

CARRIED

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 9:40 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

