

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 28, 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; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie MacPhee, Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brice and Seconded by Councillor Brownoff:
"That the Minutes of the Council and Committee of the Whole Meetings held May 14, 2007, and the Minutes of the Special Council Meeting held May 8, 2007, be adopted."

CARRIED

Bylaws **BYLAWS**

No. 133
ADM40
Bylaw 8780

ZONING BYLAW AMENDMENT – NEW RT-6 ZONE AND DEFINITION OF ACCESSORY DWELLING UNIT.

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8780". To create a new zone RT-6 (attached housing) and a new definition of Accessory Dwelling Unit.

MOVED by Councillor Wergeland and Seconded by Councillor Hunter:
"That Bylaw No. 8780 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 134
Bethune Avenue
Bylaw 8781

3494 BETHUNE AVENUE.

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8781" and approval of Development Permit DPR2003-00031. Rezoning from RS-6 to RT-6.

MOVED by Councillor Brice and Seconded by Councillor Hunter:
"That Bylaw No. 8781 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Hunter:
"That Council approve and issue Development Permit DPR2003-00031 on Lots 1 and 2, Block 1, Section 9 and 7, Victoria District, Plan 1180 (3494 Bethune Avenue)."

CARRIED

No. 135
ADM40
Bylaw 8778

HOUSING AGREEMENT AUTHORIZATION BYLAW (3494 BETHUNE AVENUE).

Final Reading of the "Housing Agreement Authorization Bylaw, 2006, No. 8778".

MOVED by Councillor Sanders and Seconded by Councillor Hunter: "That Bylaw No. 8778 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 136
Cedar Hill X Road
Bylaw 8844

3973 AND 3973A CEDAR HILL X ROAD.

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8844" and approval of Development Variance Permit DVP2006-00011. Rezoning from RS-10 to RS-6.

MOVED by Councillor Gillespie and Seconded by Councillor Derman: "That Bylaw No. 8844 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Council approve and issue Development Variance Permit DVP2006-00011 on Amended Lot B, (DD2782391), Section 32, Victoria District, Plan 7133 (3973 and 3973A Cedar Hill X Road)."

CARRIED

No. 137
ADM40
Bylaw 8845

ANIMALS BYLAW AMENDMENT – AGGRESSIVE DOGS.

Three Readings of the "Animals Bylaw, 2004, Amendment Bylaw, 2007, No. 8845". To include a definition of "aggressive dog" and amend various sections to include reference to aggressive dogs.

MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8845 be introduced and read."

CARRIED

Councillor Derman stated:

- He has been contacted by many members of the community expressing concern with the proposed amendments to the Animals Bylaw.
- Some of the proposed wording needs to be clarified especially pertaining to the definition of "aggressive dogs".
- There needs to be consultation with the stakeholder groups so he would like to postpone further consideration of the bylaw until that happens.

MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That the proposed amendments to the Animals Bylaw be referred back to staff for consultation with stakeholder groups and the matter be further considered at a Committee of the Whole meeting."

Councillor Brownoff stated:

- She has also had numerous telephone calls from the community regarding the proposed amendments to the Animals Bylaw and agrees that there should be an opportunity for public input; there should also

be some consultation with stakeholder groups.

- The City of Halifax's Animals Bylaw contains language that is more precise so perhaps we could consider using a similar model; there needs to be more language pertaining to "aggressive dogs".

Councillor Sanders stated:

- She has also received many telephone calls and emails from the public and agrees that some of the wording in the proposed amendments needs to be clarified, especially with the definition of "aggressive dogs".
- The community should also be given an opportunity to provide input.

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

- The wording in the proposed amendments to the Animals Bylaw has been modelled after the City of Langley's Bylaw; Police Inspector Scott Green and Saanich Pound Inspectors were also involved in the process.
- The definition for dangerous dogs follows the wording in the *Community Charter*.
- Dog owners have the recourse of going to court if they wish to appeal a ruling of the pound inspectors.

Councillor Brice stated:

- She is comfortable with the wording of the proposed amendments to the bylaw and will support it.

Councillor Hunter stated:

- Dog owners need to be responsible for the actions of their dogs; he supports the proposed amendments to the Animals Bylaw.

Councillor Ngai stated:

- It is important to amend the Animals Bylaw as soon as possible but she will support postponing further consideration until the public has had an opportunity to provide input.

Councillor Wergeland stated:

- He supports the public consultation process but does not know if it will benefit us in this particular case.
- The language in the Animals Bylaw needs to be straightforward so the public can understand it.

Mayor Leonard stated:

- BC relies on the legislation in the *Community Charter* and not the legislation of other provinces.

The Motion was then Put and CARRIED, with Mayor Leonard and Councillors Brice, Gillespie, and Hunter, voting against.

No. 138
ADM40
Bylaw 8857

LAND USE AND DEVELOPMENT PROCEDURES BYLAW – HOUSEKEEPING AMENDMENTS.

Three Readings of the “Land Use and Development Procedures Bylaw, 2007, No. 8857”. To include various housekeeping amendments and consolidate Bylaw 8449.

MOVED by Councillor Derman and Seconded by Councillor Brice: “That Bylaw No. 8857 be introduced and read.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: “That Bylaw No. 8857 be read a second time.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: “That Bylaw No. 8857 be now passed.”

CARRIED

No. 139
Elk Lake Dr/West Saanich Road
Bylaw 8858

4570 ELK LAKE DRIVE/4551 WEST SAANICH ROAD.

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8858”. Rezoning from RA-3, RS-2, RS-16 and RT-4 to RM-4.

MOVED by Councillor Ngai and Seconded by Councillor Wergeland: “That Bylaw No. 8858 be introduced and read.”

CARRIED

RESOLUTIONS FOR ADOPTION

No. 140
ADM115 - UBCM
Proposed Resolution

PROPOSED RESOLUTION TO UBCM – ENERGY EFFICIENT BUILDINGS AND BC GREEN BUILDING CODE.

Report of the Director of Planning dated May 10, 2007 recommending Council support forwarding the resolution outlined to the Union of BC Municipalities for consideration.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Council forward the following resolution to the Union of British Columbia Municipalities for consideration at the 2007 Annual Convention:

WHEREAS the Province announced its intention to develop a new unified BC green building code (2007 Throne Speech) and later announced its intention to implement new energy efficiency standards for all new construction in British Columbia by 2010 (2007 BC Energy Plan);

AND WHEREAS BC local governments wishing to support the Province’s new BC Energy Plan by implementing new building energy efficiency regulations between 2007 and 2010, are unable to do so without the authorization of the Minister of Community Services;

THEREFORE BE IT RESOLVED that the Province establish a procedure that would allow interested local governments to implement and require the energy efficiency standards for new buildings called for in the Province's Energy Efficient Buildings: A Plan for BC, namely: Energuide 80 for residential buildings and 25% better than the standards in the Model National Energy Code for commercial buildings; and

AND BE IT FURTHER RESOLVED that the Province actively engage local governments in the development of the proposed unified BC Green Building Code and the proposed energy efficiency standards."

CARRIED

No. 141
ADM120
Home Support

PROPOSED REQUEST TO PROVINCE AND VIHA – HOME SUPPORT.

Report from Councillor Brownoff dated May 22, 2007 recommending Council write the Premier, Minister of Health, and Chair of the Vancouver Island Health Authority asking them to recognize, enhance and integrate the important role of home support in the delivery of primary care to seniors, people with chronic illnesses and people with disabilities.

Councillor Brownoff stated:

- She has personal experience with the issues and challenges involved with home support.
- Home support is a valuable component of the health care system that enables seniors, people with chronic illnesses, and people with disabilities to receive the care they need at home.
- Home support saves the overall health care system money by avoiding more expensive emergencies and delaying the need for hospital and residential care.
- She is requesting that Council send a letter to the Province urging them to recognize the importance of home support and the need for a more widely available home support system.

Councillor Sanders stated:

- She has also had personal experience with the home support system.
- Each home visit usually involves a different support worker, many of whom have poor skill levels; there needs to be adequate training for the care providers.
- We need to encourage senior levels of government to recognize how important it is for people to remain in their homes and still be able to receive adequate home support.

Councillor Derman stated:

- He supports sending a letter to the Province; being able to remain in your own home while receiving home support is more humane and allows a person to retain their dignity.

Councillor Wergeland stated:

- He questions whether or not sending a letter to the Province is the best way to proceed; we may get better results by sending a resolution to the Union of British Columbia Municipalities (UBCM).
- We all need to take more responsibility for caring for our aging

relatives.

- He agrees that home support workers need better training.

Councillor Hunter stated:

- He would like to know if the issue of home support has been on any UBCM agendas.

Mayor Leonard stated:

- A policy paper presented at the UBCM Fall Convention may have more impact than sending a letter to the Province; it would also garner support from other municipalities.

Councillor Hunter stated:

- If the UBCM Executive does not choose it as a policy paper then we could send a letter to the Province; a policy paper may be more effective.

Councillor Brice stated:

- She thanks Councillor Brownoff for taking the initiative to bring this matter to Council's attention.
- She will support whatever is the most effective tool; a policy paper at the UBCM may be the best way to proceed.

MOVED by Councillor Brownoff and Seconded by Councillor: "That Council forward a request to the Executive of the Union of British Columbia Municipalities asking them to consider presenting a policy paper at the 2007 Annual Convention with respect to the home support component of the health care system and the need for a broader and more widely available program."

CARRIED

Adjournment

On a Motion from Councillor Hunter, the meeting adjourned at 8:05 p.m.

The meeting reconvened at 10:26 p.m.

From the Committee of the Whole Meeting held May 28, 2007

No. 142
Ker Ave.
Development
Variance Permit

556 KER AVENUE – DEVELOPMENT VARIANCE PERMIT – KENNETH ROZON

MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That Council approve and issue Development Variance Permit No. DVP2006-00020 on Lot 4, Block 1, Section 18A, Victoria District, Plan 1168 (556 Ker Avenue)."

CARRIED

No. 143
Finnerty Road
Development
Variance Permit

3800 FINNERTY ROAD (UNIVERSITY OF VICTORIA) – DEVELOPMENT VARIANCE PERMIT – CEI NEILSON ARCHITECTURE

MOVED by Councillor Brownoff and Seconded by Councillor Derman: "That Council approve and issue Development Variance Permit DVP2007-00005 on Lot 1, Sections 31, 44, 45, 71 and 72, Victoria District VIP57957 (3800 Finnerty Road)."

CARRIED,

with Councillors Hunter, Ngai and Wergeland voting against.

No. 144
Sayward Hill Terr.
Development
Permit

**758 SAYWARD HILL TERRACE – DEVELOPMENT PERMIT – DE HOOG
AND KIERULF ARCHITECTS**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Council approve and issue Development Permit DPR2006-0025
on Lot 2, Section 42, Lake District, Plan VIP77795 (Except part in
VIP79777 and VIP81610), (758 Sayward Hill Terrace).”**

CARRIED

In Camera Motion

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

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at
10:28 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD FEBRUARY 26, 2007

Burke Street
Proposed
Acquisition

751 BURKE STREET – PROPOSED ACQUISITION

**MOVED by Councillor Brownoff and Seconded by Councillor Sanders:
"That:**

1. **Lot 3, Block 3, Section 21, Victoria District, Plan 1408 (751 Burke Street) be acquired at the negotiated price of \$352,500 with funding from the Sub Regional Parks Reserve Fund;**
2. **A decision on proceeding with the renovations to bring the building to a rentable standard be delayed until a joint study in consultation with Parks and Planning staff and the Heritage Foundation is completed to determine the condition of the building and options for the future use of the property; and**
3. **If a decision is made to rent the building for residential use, the renovation costs be advanced from the Land Sale Reserve Fund."**

CARRIED

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD MAY 1, 2006

McLellan Place.
Proposed Closure
and Sale

PROPOSED CLOSURE AND SALE OF A PORTION OF McLELLAN PLACE

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

1. **Council authorize staff to prepare the necessary Road Closing and Removal of Dedication Bylaw following consultation with the adjacent property owners; and**
2. **Following adoption of the Bylaw, staff be authorized to carry out the site servicing and marketing of the lot.**

CARRIED

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 28, 2007 AT 8:06 P.M.

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

Ker Avenue
Development
Variance Permit

556 KER AVENUE – DEVELOPMENT VARIANCE PERMIT – KENNETH ROZON.

Report of the Director of Planning dated April 26, 2007 recommending approval of Development Variance Permit DVP2006-00020.

Mr. K. Rozen, owner and applicant, stated:

- The proposal is to subdivide under the existing zoning and create one additional lot; the existing dwelling will be retained.
- He feels that the proposed subdivision will be compatible with the rest of the neighbourhood and enhance it.

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

- He is requesting a variance to reduce the front setback for each proposed lot; this will allow for a more practical building envelope and prevent further reduction of the Streamside Protection and Enhancement Area (SPEA).
- He does not have any design concept plans yet; he is considering locating the garages further forward towards the street and recessing the front entrances.

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

- He is opposed to the proposed SPEA width of 16.0 metres rather than the 30.0 metres identified in the Streamside Development Permit Area (SPDA); the subject site is located in a sensitive riparian area.
- He does not feel that the subject area is suitable for density; the proposed SPEA is not being reduced in order to construct affordable housing.

MOTION:

MOVED by Councillor Hunter and Seconded by Councillor: “That it be recommended that Council approve and issue Development Variance Permit No. DVP2006-00020 on Lot 4, Block 1, Section 18A, Victoria District, Plan 1168 (556 Ker Avenue).”

Councillor Derman stated:

- The proposed SPEA width of 16.0 metres still provides adequate protection of the riparian area; it is likely more protection than other properties in the SPDA.
- He supports the proposed subdivision.

Finnerty Road
Development
Variance Permit

The Motion was then PUT and CARRIED

Mayor Leonard declared, pursuant to Section 84 of the Council Procedure Bylaw, that he is employed less than 50 hours per year as an Instructor in Continuing Studies at the University of Victoria, and therefore will not be taking part in the discussion of the development variance permit. Mayor Leonard then left the meeting at 8:10 p.m.

3800 FINNERTY ROAD (UNIVERSITY OF VICTORIA) – DEVELOPMENT VARIANCE PERMIT – CEI NEILSON ARCHITECTURE.

Reports of the Director of Planning dated May 8, 2007 recommending approval of Development Variance Permit DVP2007-00005; and the Advisory Design Panel dated March 27, 2007 recommending approval of the design.

Mr. N. Connelly, Director of Campus Planning and Sustainability, University of Victoria (UVic), stated:

- There have been significant changes over the past 10 years to the University’s comprehensive Transportation Demand Management (TDM) strategy.
- The student U Pass was introduced in 1999 and the Employee Bus Pas Program in 2005; these have helped increase transit use by 55 percent since 1996; overall transit use to the campus is 27.4 percent.
- Over the past couple of years overall total vehicle parking permit sales for students and employees has decreased.
- Surveys conducted between February and March 2007 indicate lot vacancies of 25 to 40 percent in the peak morning period up from the same period in 2006; since 1996 peak automobile traffic volumes have decreased by 30 percent.
- They are embarking on a longer term parking study for 2007; they are scheduled to complete the study which will examine traffic patterns and a possible location for a parking structure to meet overall parking demands that may be generated in the future.
- They are hoping to commence construction of the First Peoples House in April 2008 for which a parking variance of 23 spaces is requested.

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

- The Support Services Building and Enterprise Data Centre require a total of 82 parking spaces; they are requesting a parking variance for those 82 spaces; there is a possibility that the Enterprise Data Centre will be relocated; they will apply for a separate parking variance for that new location and site if necessary.
- He is not aware of any other major construction projects planned for the University.
- They have a contingency plan in place for additional parking if it is required in the future; there is land that they can utilize in emergency situations.

In response to questions from Council, Mr. G. Robson, Executive Director of Facilities, UVic, stated:

- They do not think they will need to provide additional parking; they have about 1,000 parking stalls that are presently not being used; UVic is accumulating a contingency fund that can be used to construct a parkade if necessary.
- He does not know the exact dollar figure in the contingency fund but it is continuing to grow; he does not have detailed information with him.
- All of the TDM measures they have implemented have been very successful.
- The Advisory Design Panel made a number of comments with respect to the Enterprise Data Centre component of the project; subject to the Board of Governors' decision, the Enterprise Data Centre may be relocated elsewhere on the Campus.
- The Design Panel requested they include native plants in their landscaping and that is definitely a component of their planning process; bioswales will also be included in the project.
- The agreement to reconnect a portion of the University Campus into the system that flows into the east coast interceptor is close to being concluded.
- He expects that the Memorandum of Understanding (MOU) regarding the contribution by the University for future upgrades of McKenzie Avenue and Sinclair Avenue will be executed by UVic prior to the issuance of a Building Permit.

Ms. C. Simpson, Financial Planning and Operations for UVic stated:

- A portion of the parking fees goes into a reserve fund for additional parking and presently there are several millions of dollars in the fund.
- There are some old tennis courts that can be converted into 100 surface parking stalls if necessary.

Mr. I. Graeme, 2615 Dean Avenue, stated:

- He congratulates the University for their comprehensive TDM; he supports the parking variances they are requesting.
- The District of Oak Bay is considering installing bike lanes along Henderson Road which will make it another important connection to UVic; perhaps Saanich could send them a letter of encouragement.
- Both of the proposed buildings will be located in the Bowker Creek Watershed; the University has a comprehensive Stormwater Management Plan.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That it be recommended that Council approve and issue Development Variance Permit DVP2007-00005 on Lot 1, Sections 31, 44, 45, 71 and 72, Victoria District VIP57957 (3800 Finnerty Road)."

Councillor Derman stated:

- The University has had tremendous success with their TDM strategy and it should be used as a model for other institutions.
- Many people traveling to UVic use Saanich roads to get there; reducing vehicle trips to UVic means less traffic on our streets.
- Encouraging other modes of transportation to UVic also means less energy use.

Councillor Ngai stated:

- She commends the University for their TDM program but she will not support their request for parking variances; she did not support their previous request either.
- The University continues to state that they have a contingency fund in place for additional parking if required but they cannot provide any definite figures.
- The University's TDM strategy may be comprehensive but she is not convinced that Saanich should continue to grant their parking variance requests.

Councillor Hunter stated:

- He is not comfortable with granting a parking variance for the First Peoples House when construction is not even slated to commence until 2008; he thinks it is inappropriate to proceed.
- There should also be some consultation with the First Nations people.
- He will not support the Development Variance Permit application.

Councillor Wergeland stated:

- He congratulates the University for their TDM program; the transit pass program has been a success.
- However, he is concerned that by continuing to free up parking stalls at the University, it means that more people are parking along the residential streets to avoid parking fees.
- He is not impressed with the lack of information on the University's contingency plan for additional parking.
- He will not support the application.

Councillor Brownoff stated:

- UVic's TDM program has moved forward significantly over the past several years and they are now starting to see the benefits.
- The population at UVic has increased but the parking requirements have been reduced; this latest parking variance request is only for a total of 105 spaces so she will support it.
- If the University is able to continue to provide indicators that show that their TDM program is working it does not make sense to construct more parking.
- The applicants have indicated that the First Nations have been consulted.

Councillor Sanders stated:

- She congratulates the University on their TDM program; she is not aware of any parking complaints from neighbouring residents.
- The buses traveling to UVic are always full and more and more people are riding their bikes to the Campus.
- Other developments in Saanich have been granted parking variances based on their transit pass and car share programs.

Councillor Brice stated:

- In order to avoid the possibility of the motion failing on a tie vote,

perhaps it would be a good idea to postpone further consideration so that the issues that have been raised can be addressed by the applicants.

MOVED by Councillor Hunter and Seconded by Councillor Wergeland: "That further consideration of the Development Variance Permit for 3800 Finnerty Road (University of Victoria) be postponed to allow the applicant the opportunity to provide additional information on the University's parking contingency plan and their consultation process with the First Nations."

The Motion was PUT and DEFEATED, with Councillors Brownoff, Gillespie, Sanders and Derman voting against.

The Main Motion was then PUT and CARRIED, with Councillors Hunter, Ngai and Wergeland voting against.

Mayor Leonard returned to the meeting at 8:59 p.m.

Sayward Hill Terr.
Development Permit

758 SAYWARD HILL TERRACE – DEVELOPMENT PERMIT – DE HOOG AND KIERULF ARCHITECTS.

Reports of the Director of Planning dated May 15, 2007 recommending approval of Development Permit DPR2006-0025; and the Advisory Design Panel dated December 18, 2006 recommending approval of the design.

Mr. M. Jawl, Sayward Hill Developments, stated:

- The Development Permit Application is to construct the fifth phase of the planned residential development at Sayward Hill.
- This latest proposal will consist of a two-storey, eight-unit apartment building with underground parking.
- Meetings were held with neighbouring residents and the Cordova Bay Community Association; there were no objections to the proposal.
- Strategically placed trees and landscaping will minimize the impact on views for future phases of the Sayward Hill development.
- No variances are required and the proposal meets the policies in the Local Area Plan and Development Permit Guidelines.

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

- The flat roofed design is consistent with previous phases and will not compromise views.
- They are still in the early design stages for phases eight and nine; they are considering tightening the footprint which will involve a rezoning application; they will be coming forward with another application at a later date.

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

- When the development at 1230 Reynolds Road was undertaken he called the Municipality several times to report that the requirement

for protective fencing around trees was not being adhered to.

- He would like to have clarification on the policy of protective fencing.
- In response to comments, the Director of Planning stated:
- There is a new policy in the Development Permit pertaining to protective fencing for trees and covenant areas which was implemented in February.
 - The new policy will be imposed on all new developments to ensure situations such as the Reynolds Road development do not happen in the future.

Mr. R. Vance and Mr. K. Fyke stated:

- They are the closest neighbours to the proposed development; they have reviewed the proposal and are supportive of it.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That it be recommended that Council approve and issue Development Permit DPR2006-0025 on Lot 2, Section 42, Lake District, Plan VIP77795 (Except part in VIP79777 and VIP81610), (758 Sayward Hill Terrace).”

Mayor Leonard stated:

- He thinks the proposed building is very attractive with its flat roof design; there is an extensive use of glass and it has a west coast feel to the design.
- He compliments the applicants.

Councillor Derman stated:

- He also congratulates the applicants for their proposal; the mix of residential, retail and commercial space is what a complete community is meant to be.

The Motion was then PUT and CARRIED

West Saanich Rd.
Restrictive
Covenant

4420 WEST SAANICH ROAD (ROYAL OAK SHOPPING CENTRE) – REQUEST TO AMEND RESTRICTIVE COVENANT FOR THE McDONALD’S RESTAURANT.

Report of the Director of Planning dated April 30, 2007 recommending Covenant LTO ES033560 be amended to remove the restriction on hours of operation for the restaurant drive-through use but continue to restrict the hours of operation for the fast food restaurant use between the hours of 12:00 a.m. and 6:00 a.m.

Ms. T. Andrews, on behalf of McDonald’s Restaurant, stated:

- The Planning report is very comprehensive.
- The property manager is unable to attend as she is out of town.

In response to questions from Council, Ms. Andrews stated:

- McDonald’s has an international policy that all garbage is to be picked up at least once a day within a one block radius.

Ms. K. Whitworth, president, Royal Oak Community Association, stated:

- The Association is disappointed that neither representatives from the Royal Oak Shopping Centre or the McDonald’s Restaurant

contacted them regarding their request to amend the restrictive covenant.

- The Royal Oak community is mainly residential with the shopping centre at the hub of the village.
- The recent redevelopment of the shopping centre has been quite successful for everyone concerned and brought the community back into the village; many people are now walking and cycling to access the shops and services.
- Over the years the community has had many opportunities to provide input on the growth of their community.
- Over the past few weeks she has been contacted on numerous occasions by residents expressing concern over the Shopping Centre's request to amend the restrictive covenant in order for the McDonald's Restaurant drive-thru to operate 24 hours a day; there has only been one letter of support received.
- The Association wants the McDonald's Restaurant to honor the covenant to restrict the times of operation they offered back in 2001; they hope that Council will not approve their request.

Mr. D. Chow, 717 Paskin Way, stated:

- The Royal Oak community continues to be a safe and desirable neighbourhood despite recent problems with youth and vandalism which occurs in all communities.
- He and his wife are concerned that the proposed extended hours of operation will attract individuals who will not act responsibly; it could further impact the safety of their neighbourhood and increase police services.
- Police statistics show that there were only four nuisance calls for the Royal Oak McDonald's Restaurant between July 2004 and January 2007; the Cedar Hill McDonald's Restaurant had seven calls between September 2006 and April 2007.
- The Saanich Road McDonald's which operates a 24 hour drive-thru had 25 nuisance calls between October 2003 and April 2007.
- He hopes that the present covenant to restrict operating hours will be maintained.

Ms. Y. Thompson, 739 Greenlea Drive, stated:

- If the McDonald's Restaurant is permitted to operate their drive-thru 24 hours a day it will compound the issues the neighbourhood already deals with.
- Youth congregate at the Shopping Centre and the McDonald's Restaurant and there is a problem with garbage.
- She does not understand why the Shopping Centre is requesting an amendment to the covenant.

Ms. M. Barber, 4537 Elk Lake Drive, stated:

- She is opposed to the McDonald's Restaurant extending their hours of operation.
- The Royal Oak area is largely a residential area with more and more housing being built.
- Youth frequently congregate along Elk Lake Drive and yell

profanities; garbage along the boulevards and in their yard is also a problem.

- She has come to accept the MacDonald's Restaurant in her neighbourhood but she does not want a 24 hour drive-thru.

Ms. K. Fritz, 797 Greenlea Drive, stated:

- Permitting the McDonald's Restaurant drive-thru to remain open 24 hours a day will impact traffic and increase the amount of litter.
- Large numbers of youth already hang out at the Shopping Centre and at the McDonald's Restaurant and extending the hours of operation of the drive-thru will just encourage them to hang out for longer periods of time.
- The neighbourhood used to be a nice residential area and now there are more and more commercial buildings.

Ms. K. Campbell, 795 Greenlea Drive, stated:

- She is tired of continually picking up garbage from her yard.
- She filled a bag with garbage and took it to the McDonald's Restaurant and was told that the person who is supposed to pick up the garbage was having issues with their parole officer; perhaps McDonald's should have their own staff pick up the litter.
- She does not support amending the covenant.

Mr. P. Chenier, 930 Tuxedo Place, stated:

- Saanich is always promoting and encouraging an active, healthy lifestyle; amending the covenant would be in direct conflict with that kind of thinking.

Ms. J. Flatman, 4565 Viewmont Avenue, stated:

- She has lived at her present location for the past 13 years.
- She is opposed to the proposal to extend the hours of operation for the McDonald's Restaurant drive-thru; there are already problems with home invasions, thefts, drugs, vandalism, graffiti and garbage; extending the hours will just exacerbate it.

Ms. E. Turnbull, vice president, Royal Oak Community Association, stated:

- There is no mention in the report with regard to the involvement of the Saanich Police Department and the issues that they deal with at McDonald's Restaurants.
- The intent of the restrictive covenant was to give the residents living in the Royal Oak community some assurance that their peace and quiet would not be impacted and to provide some security for their community.
- Now residents have to deal with youth congregating at the McDonald's Restaurant, the Tim Horton's and the Liquor Plus outlet.
- There is garbage all over the boulevards and people's yards; youth are inebriated and vandalism is a problem.
- She encourages Council to either reject the request to amend the restrictive covenant or else postpone it and ask the Police Department to comment on the nuisance complaints pertaining to 24 hours drive-thru restaurants.

Mr. G. Lang, 739 Greenlea Drive, stated:

- He has not enjoyed living at his present location for the past several years.
- He is tired of keeping the boulevard clear of garbage; traffic on the street has increased.
- He does not support amending the restrictive covenant.

Ms. V. Thompson , 836 Ferrie Road, stated:

- She has accepted the fact that there is a McDonald's Restaurant in her neighbourhood but she does not support a 24 hour drive-thru.
- They have had to deal with a lot of issues in their neighbourhood over the past several years and she is considering moving.

Mayor Leonard stated:

- It was the McDonald's Restaurant representatives who initially offered the covenant but there is no information from them now to support their request to amend the covenant; he finds it difficult to approve their request without knowing their rationale.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Derman: "That the request to amend covenant LTO ESO33560 for Lot A, Section 8A, Lake District, Plan VIP66176R (4420 West Saanich Road) in order to permit the McDonald's Restaurant drive-thru to operate 24 hours a day, not be approved."

Councillor Derman stated:

- He would not support amending the restrictive covenant even if the applicants provided valid information to support their request.
- He does not think that 24 hour drive-thru restaurants make for good neighbours within a residential community; they tend to be gathering places for people during all hours of the night.

Councillor Wergeland stated:

- He is disappointed that the McDonald's Restaurant did not provide any information to support their request.
- He finds it difficult to relate all of the problems the residents in the Royal Oak area are experiencing with the fact that there is a McDonald's Restaurant operating in their neighbourhood.
- He can understand their frustration with litter but people need to take responsibility for disposing of their own garbage; we do not expect the cigarette industry to go around picking up cigarette butts off the ground.
- He does not support amending the covenant.

Councillor Gillespie stated:

- Years ago the corner store used to be the place to congregate; now it is drive-thru restaurants.
- He does not support extending the hours of the McDonald's drive-thru.

Councillor Hunter stated:

- There needs to be places where youth can congregate without disturbing the neighbourhood; the environment we create for youth is important.
- If the hours of the McDonald’s drive-thru are extended it could lead to further inappropriate behavior of some of the patrons.
- He does not support amending the covenant.

Councillor Sanders stated:

- The Saanich Road McDonald’s drive-thru has had problems and the police have responded to numerous nuisance calls since it opened 24 hours a day.
- 24 hour drive-thru restaurants can also cause issues for parents if their children have to work graveyard shifts.
- She does not support amending the covenant.

Councillor Brownoff stated:

- It was the McDonald’s Restaurant who initially offered the restrictive covenant but they have not offered any rationale on why it should be amended.
- Drive-thru restaurants create a different kind of environment in communities and there are valid reasons why they are a problem in residential areas.
- She hopes that McDonald’s will be more proactive when it comes to picking up garbage around their restaurants.

Councillor Brice stated:

- The McDonald’s Restaurant did not provide any information that would persuade her to support their request to amend the covenant.

The Motion was then PUT and CARRIED

PLD60
 Streamside
 Development Permit
 Area –
 Housekeeping
 Amendments

STREAMSIDE DEVELOPMENT PERMIT AREA – HOUSEKEEPING AMENDMENTS.

Report of the Manager of Environmental Services dated May 4, 2007 recommending Council adopt the amendments outlined to the Streamside Development Permit Area.

Mr. K. Whitcroft, on behalf of the Saanich Environmental Advisory Committee stated:

- Under Section 1 – “Area” of the Proposed Amendments: *“The Streamside Development Permit Area does not apply to streams that have been enclosed with the approval of the Municipality”*; he is concerned that we may lose potential opportunities to daylight streams.
- Perhaps the wording could be amended to: *“That main stems of watersheds be respected regardless of whether or not they are enclosed or open.”*

Mr. I. Graeme, president, Friends of Bowker Creek Society, stated:

- He cannot emphasize enough the importance of healthy watersheds, watercourses and riparian areas.
- As well as contributing to ecological health, biodiversity, and habitat values as listed in the Justifications Section of Development Permits, there is also the importance of how we treat our watercourses which inevitably impacts the receiving waters; it is not just about sewage.
- We need to have a mechanism in place so that we do not preclude opportunities for daylighting streams.
- Some of the sections pertaining to the Guidelines in the report refer to the details and mechanics of calculating the Streamside and Protection Enhancement Area (SPEA) and where developments can occur; perhaps instead of using negative language we should try to promote some best practices.

**MOTION: MOVED by Mayor Leonard and Seconded by Councillor Gillespie:
"That a Public Hearing be called."**

Councillor Derman stated:

- He also has some concerns with the proposed wording especially pertaining to the Streamside Development Area Guidelines; there needs to be wording that captures the intent to move towards healthier watersheds and that often involves daylighting.
- We do not want to create situations that preclude areas that could be restored in the future; somewhere in our policies we need to indicate that we have the intent of restoring the health of our watersheds.

Councillor Hunter stated:

- He agrees that there should be the ability to recognize opportunities and the benefits of restoring and maintaining the health of our streams and watersheds and how to apply best practices; he hopes that staff will take it into consideration.

Councillor Wergeland stated:

- He would prefer to leave the proposed amendments as they are outlined in the report but also recognizes that there may be the need to revise them again in the future.

The Motion was then PUT and CARRIED

**MOVED by Councillor Hunter and Seconded by Councillor Derman:
"That staff be requested to see if there is an opportunity in the future to add wording to the Streamside Development Permit Area that indicates Saanich is committed to restoring the health of its streams and watersheds."**

CARRIED

ADM40
Business Licence
Bylaw -
Housekeeping
Amendments

BUSINESS LICENCE BYLAW – HOUSEKEEPING AMENDMENTS.
Report of the Municipal Solicitor dated May 8, 2007 recommending the Business Licence Bylaw be amended as outlined in order to conform to the *Community Charter*.

MOTION: **MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That Council approve the proposed amendments to “Business Licence Bylaw, 1999, No. 8213” as outlined in the May 8, 2007 report of the Municipal Solicitor.”**

CARRIED

Adjournment On a motion from Councillor, the meeting adjourned at 10:25 p.m.

.....
CHAIR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK