

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, NOVEMBER 19, 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; Margaret Trottier, Deputy Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Minutes

**ADOPTION OF MINUTES**

**MOVED by Councillor Brice and Seconded by Councillor Hunter: "That the Minutes of the Council and Committee of the Whole Meetings held November 5, 2007, and the Minutes of the Special Council Meeting held November 6, 2007, be adopted."**

**CARRIED**

**APPEALS**

No. 270  
D'Arcy Lane  
Rezoning

**1123 D'ARCY LANE – REZONING APPLICATION – BRAD CUNNIN LAND SURVEYOR**

Mr. B. Cunnin, Brad Cunnin Land Surveyor, applicant, stated:

- They are providing additional information in order to clarify any misunderstandings that resulted from the October 15, 2007 Committee of the Whole Meeting.
- They have provided a drawing which shows the actual profile of the bank to the ocean; the original drawing which showed the 2 to 1 slope was to demonstrate the height of buildings and not represent the condition of the bank; the geotechnical report addressed the bank stability which is bedrock.
- The new house on proposed Lot B will have a setback of 10 metres and will not be in any danger from sliding down the bank.
- The proposed subdivision is compliant with the Cordova Bay Local Area Plan and the Cordova Bay Community Association did not have any objections to the proposal.
- It is their intent to build two reasonably sized dwellings on both of the proposed lots which will suit the character of the neighbourhood; under the current RS-18 zoning, a monster house of 8,072 square feet could be constructed which would change the character of D'Arcy Lane.
- They are also offering a private easement rather than extending the road which will preserve the footpath and access to the stairs to the beach and foreshore.

Mr. J. Smith, 1123 D'Arcy Lane, stated:

- He is the father of Lucy Smith and resides with her and her husband at the subject address; he is a retired professional engineer and has been assisting them with their rezoning application.
- He has reviewed the Cordova Bay Local Area Plan, the criteria and procedures pertaining to the rezoning process, and any precedents that

have been established with previous rezoning applications in the immediate area.

- In 1970 the minimum lot size throughout Cordova Bay was increased to two hectares in order to temporarily freeze small lot subdivisions because of pollution problems resulting from the use of septic tanks in an area with poor soil absorption capabilities; the existing RS-18 Zone in parts of Cordova Bay is a remnant of this development freeze.
- 1118 D'Arcy Lane was subdivided and the result was a lot approximately 930 square metres in size which is the same as what they are proposing with their rezoning application; there are also numerous other properties in the Cordova Bay area that have been subdivided.

Mr. L. Watson, owner, 1123 D'Arcy Lane, stated:

- He and his wife moved to their present location two years ago.
- The size of the waterfront lot across the Lane from them is smaller than what they are proposing; 55 percent of the surrounding properties are all of a similar size to their property.
- Their intention is to subdivide their property and create an additional lot so someone else can enjoy living in the area; with escalating building costs they cannot afford to replace the current house unless they subdivide the property.

**MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That the rezoning application for property at 1123 D'Arcy Lane be referred back to a Committee of the Whole Meeting for further consideration."**

Councillor Wergeland stated:

- A number of properties in the area have been subdivided; under the existing zoning a significantly larger house could be built which would likely impact the neighbours more than if the property was rezoned and two smaller houses were constructed.

Councillor Gillespie stated:

- He will support referring the rezoning application back to a Committee of the Whole Meeting; he feels that any questions that were raised at the previous Committee of the Whole Meeting have now been answered.

Councillor Derman stated:

- He feels the applicants have provided some compelling reasons for Council to reconsider their previous decision; the questions that were raised at the previous Committee of the Whole Meeting have been answered.
- The application is consistent with the Cordova Bay Local Area Plan and other developments in the area; the Cordova Bay Community Association has no objections to the rezoning.

Councillor Hunter stated:

- He has not heard any new information pertaining to the application that would convince him to change his previous decision not to approve the rezoning.

Councillor Brice stated:

- She agrees that the applicants have not provided any new information or facts that would convince her to change her mind.
- She will not stand in the way of the application going back to a Committee of the Whole Meeting for further consideration although there are neighbours who still have some concerns.

Councillor Sanders stated:

- She also does not think the applicants have provided any new information.
- Instead of comparing the subject property to 41 properties of similar size in the area she thinks it should just be compared to the other five waterfront properties in the area.
- She does not find the threat of an 8,000 square foot monster house to be too intimidating; it could actually be less damaging to the property than two separate lots with two houses and garages, an access and a driveway.

Councillor Brownoff stated:

- She agrees that she has not heard any new information; the application can go back to another Committee of the Whole Meeting but she has not been convinced that she should change her previous decision.

**The Motion was then PUT and CARRIED**

Resolutions

**RESOLUTIONS FOR ADOPTION**

No. 271  
PQS100  
Tender 40/07

**TENDER 40/07 – POLICE DEPARTMENT FORENSICS LABORATORY RENOVATIONS.**

Report of the Director of Purchasing dated November 5, 2007 recommending Tender 40/07 for the Police Department Forensics Laboratory Renovations be awarded to Pye Construction Limited as the lowest bidder.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: “That Tender 40/07 for the Police Department Forensics Laboratory Renovations be awarded to Pye Construction Limited in the amount of \$255,417.60.”**

**CARRIED**

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 7:57 p.m.  
The Meeting reconvened at 11:26 p.m.

*From the Committee of the Whole Meeting held November 19, 2007*

Recommendations **RECOMMENDATIONS**

No. 272  
Southover Lane  
Subdivision  
Application

**1009 SOUTHOVER LANE – SUBDIVISION APPLICATION – JASON GILL**

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

- 1. Council approve an exemption from the 10 percent perimeter road frontage requirement under Section 944(2) of the *Local Government Act* for proposed Lot 1 of a subdivision of Lot B, Section 109, Lake District, Plan VIP76497 (1009 Southover Lane); and**
- 2. The Approving Officer be requested to consider suitable covenant controls during the subdivision process to require that the dwelling design and siting is consistent with the plans prepared by McNeil Building Design Limited received on October 23, 2007.”**

**CARRIED**

No. 273  
Royal Oak Avenue  
Subdivision  
Application

**867 ROYAL OAK AVENUE – SUBDIVISION APPLICATION – DONALD WILDE**

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:  
“That Council approve an exemption from the 10 percent perimeter road frontage requirement under Section 944(2) of the *Local Government Act* for proposed Lot A of a subdivision of Lot 11, Section 8, Lake District, Plan 9095 (867 Royal Oak Avenue).”**

**CARRIED**

No. 274  
Battleford Avenue  
Notice on Title

**235 BATTLEFORD AVENUE – NOTICE ON TITLE**

**MOVED by Councillor Brownoff and Seconded by Councillor Hunter:  
“That the Municipal Clerk file a Notice on Title as outlined in the report of the Manager of Inspection Services dated October 18, 2007 advising potential purchasers that the required permits and inspections were not obtained for renovation work in the basement area that was previously a crawlspace and that additional information is contained in Municipal files.”**

**CARRIED**

In Camera Motion

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

**CARRIED**

Adjournment            On a motion from Councillor Hunter, the meeting adjourned at 11:27 p.m.

.....  
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, NOVEMBER 19, 2007 AT 7:58 P.M.**

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

Southover Lane  
 Subdivision  
 Application

**1009 SOUTHOVER LANE – SUBDIVISION APPLICATION – JASON GILL.**

Supplemental report of the Director of Planning dated October 31, 2007 recommending the statutory requirement for 10% perimeter road frontage for proposed panhandle Lot 1 be waived, and that the revised concept plans for proposed Lot 2 prepared by McNeil Building Design Limited be considered and, if supported, the Approving Officer be requested to consider suitable covenant controls during the subdivision process to require that the dwelling design and siting is consistent with the plans presented to Council.

Mr. J. Gill, applicant, 1009 Southover Lane, stated:

- In response to concerns that were expressed by the neighbours, the concept plans have been re-designed and some significant changes have been made.
- The result is a house that will be considerably smaller than the adjacent neighbours' house at 1015 Southover Lane and will enhance the neighbourhood.
- He hopes that Council will take into consideration the revisions that have been made to their original submission and that they will approve the subdivision application.

Mr. R. McNeil, McNeil Building Designs Ltd., on behalf of the applicant, stated:

- Because the lot line fronting the subject property curves out towards the street they have adjusted the front yard setback by increasing it from 7.5 metres to 12.76 metres; this will move the house for proposed Lot 2 further back on the lot and be consistent with the neighbouring house to the south.
- In order to minimize impacts to the adjacent neighbor at 1015 Southover Lane, the massing of the south facing elevation for the house on proposed Lot 2 has been reduced by pushing back the main floor of the garage an additional six feet from the south side lot line, and the side of the house has been shortened by 16 feet.
- These changes have resulted in the loss of some high and vaulted ceilings in the interior of the house for proposed Lot 2 as well as some patio areas.
- It is more in context with the neighbourhood if the driveway, garage,

and entrance for the house on proposed Lot 2 are located at the front of the property.

In response to a question from Council, Mr. McNeil stated:

- As part of a previous subdivision a covenant was registered to protect a tree on the southwest corner of the property; they are also expecting to covenant a tree at the front of the property.
- They are trying to maintain clearance to as many critical root zones as possible however, there are a couple of trees that will have to be removed.

Mr. B. Fletcher, 1015 Southover Lane, stated:

- The Gills have made some compromises and revised the subdivision application in order to address some of his concerns; the new location for the house for proposed Lot 2 is reasonable however, its location is based on inaccurate information.
- The location of the northeast corner of his house is at least 1.5 metres further removed from the front property line than what is shown on the drawings prepared by Mr. McNeil.
- The streetscape as shown on the drawings is also not an accurate representation of the relative sizes of the houses shown; the drawing is denoted as being "Not to Scale" and presumably intended to show a reasonably true relationship between the sizes of the three houses; he does not feel that this should be used to excuse the misrepresentation.
- There was also either an error in computation or an error in the drafting of the proposed new house for Lot 2 with regard to its height.
- He is also concerned about the designer's causal reliance on an inaccurate plan on which he has based the siting of the proposed new house, and how it has been overlooked by municipal staff.

Dr. S. Vinnels, 1001 Southover Lane, stated:

- He lives adjacent to the subject property.
- Initially he was in favor of the proposed subdivision provided that some revisions were made to the original application.
- When he received notification from Saanich that the application was going to be reconsidered again this evening he was surprised because he had not been informed of any amended concept plans.
- He has since met with the applicants the previous evening to discuss the proposed revisions to the subdivision and supports the amendments to the application.

Ms. Gill, owner, 1009 Southover Lane, stated:

- They have done the best they could to amend the concept plans in order to address the concerns expressed by the neighbours.
- They have also held meetings with the neighbours and retained a professional to assist them with their application.
- They hope that Council will approve their subdivision proposal.

Councillor Derman stated:

- In the August 16, 2007 Planning Report, part two of the recommendation states: *"That the applicants be advised that the additional kitchen areas shown cannot be constructed unless and*

*until a Rooms for Family Members affidavit has been submitted by the then owner/builder pursuant to the Zoning Bylaw”; he would like to know if that is still relevant to the revised application.*

The Director of Planning stated:

- The recommendation is only a point of advisement and there is no action to be taken as a result of it; the recommendation forms part of the public record and has achieved its purpose in forewarning the applicants of the requirements of the Zoning Bylaw.

**MOTION:**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That it be recommended that:**

- 1. Council approve an exemption from the 10 percent perimeter road frontage requirement under Section 944(2) of the *Local Government Act* for proposed Lot 1 of a subdivision of Lot B, Section 109, Lake District, Plan VIP76497 (1009 Southover Lane); and**
- 2. The Approving Officer be requested to consider suitable covenant controls during the subdivision process to require that the dwelling design and siting is consistent with the plans prepared by McNeil Building Design Limited received on October 23, 2007.”**

Councillor Derman stated:

- Both of the adjacent neighbours have had the opportunity to review the revised subdivision proposal and appear to be satisfied with the compromises that the applicants have made.

Councillor Brice stated:

- She supports the proposed subdivision; the applicants have made a sincere attempt to address the concerns that were raised by the neighbours and have revised their plans accordingly.
- The revised proposal is a better project and will be compatible with the neighbourhood.

Councillor Sanders stated:

- She is pleased to see that the applicants made revisions to their original subdivision proposal and is happy that the applicants and the neighbours were able to work together; the result is a better proposal.
- It is important to ensure that when concept plans are prepared, that they are based on accurate measurements and drawn to scale so that when the information is presented, it is not misleading.

Councillor Brownoff stated:

- She is happy that the applicants and the neighbours were able to address the issues that were raised; the result is a proposal that is better suited to the neighbourhood.

Councillor Hunter stated:

- He will support the subdivision proposal although he is not happy

with the process; if the applicants and neighbours had not achieved a compromise with respect to the issues that were raised, he would not be supportive of the application; he appreciates the fact that they were able to work together.

Councillor Wergeland stated:

- He is happy that the applicants and neighbours were able to work together and come up with a proposal that is more compatible with the neighbourhood.

**The Motion was then PUT and CARRIED**

Royal Oak Avenue  
Subdivision  
Application

**867 ROYAL OAK AVENUE – SUBDIVISION APPLICATION – DONALD WILDE.**

Report of the Director of Planning dated October 31, 2007 recommending the statutory requirement for 10% perimeter road frontage for proposed Lot A be waived.

Mr. D. Wilde, applicant, stated:

- The original subdivision application that Council approved in 2006 was based on a joint submission from the owners of the subject property and the owners of 863 Royal Oak Avenue for a combined four-lot subdivision.
- The current owners of 863 Royal Oak Avenue no longer wish to be involved in the proposed subdivision and have since put their property on the market for sale; the current subdivision proposal is now based on the property at 867 Royal Oak Avenue and is for a two-lot subdivision.

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

- The existing driveway access will be upgraded and widened in order to accommodate a shared access for both of the proposed lots.
- The existing row of Poplar trees is located on the Royal Oak Avenue boulevard; he hopes to retain the existing Cedar trees.

Mr. M. Erasmus, 868 Dalewood Lane, stated:

- He and his wife live immediately to the southwest of the subject property.
- They are concerned that their privacy may be impacted if the proposed subdivision proposal is approved.
- They would like to see the rear yard setback for the proposed panhandle lot be increased from the required 7.5 metres to 10.5 metres.
- In order to maintain their privacy they would also like to have some kind of screening planted along the southern property line, and the maximum vertical height of the proposed dwelling kept to a minimum due to the sloping elevation.

Mr. A. Binder, 863 Royal Oak Avenue, stated:

- He was the other applicant for the subdivision application that Council approved last year; he apologizes to Council and to the Wildes for not being able to follow through with the conditional approval but certainly supports the current application.
- The proposed development still has onerous conditions regarding

drainage; he was told by one of the Saanich Engineers that they are aware that the drainage problems originate from the north side of Royal Oak Avenue however, there are no plans at this time to rectify the problem until the north side is subdivided.

- Residents on the south side of Royal Oak Avenue are faced with serious drainage conditions; every perspective purchaser of their property backed out because of the onerous conditions that are required by Saanich.
- He questions whether the residents on the south side of Royal Oak Avenue should be responsible for additional costs when there is a larger problem.

In response to questions and comments, Mr. Wilde stated:

- He does not think it is necessary to increase the rear yard setback; the previous speaker who asked for the increased setback does not even live below the subject property.
- The south end of the subject property already has an existing buffer of 20 foot high trees that screen the back of the property so there are no privacy issues.

In response to questions and comments, the Director of Engineering stated:

- Royal Oak Avenue currently does not have a concrete curb and gutter so any runoff comes from the north side of the road which is higher than the south side of Royal Oak Avenue; the water is then cast off the road in a normal fashion.
- There are no plans at this time to upgrade Royal Oak Avenue; it will be developed as required by private developers or it could be considered as part of a local improvement.

**MOTION:**

**MOVED by Mayor Leonard and Seconded by Councillor Brice: “That it be recommended that Council approve an exemption from the 10 percent perimeter road frontage requirement under Section 944(2) of the *Local Government Act* for proposed Lot A of a subdivision of Lot 11, Section 8, Lake District, Plan 9095 (867 Royal Oak Avenue).”**

Mayor Leonard stated:

- There is no mention in the Planning Report of the history of this area and how the location for Dalewood Lane was arrived at.
- When Dalewood Lane was being developed it was decided that it would be a better public amenity if Rithet’s Bog was to the south of the road so that all members of the public had a view of it; therefore Dalewood Lane was constructed in its present location.
- The owners of the properties on Royal Oak Avenue abutting Dalewood Lane were told that they would be able to subdivide by creating panhandle lots.
- He would appreciate it if staff were to research it so the history is not lost.

Councillor Derman stated:

- He supports the proposed subdivision.
- He hopes the Approving Officer will take into consideration the suggestions in the Planning Report of an increased rear yard

setback of 10.5 metres, and the intent of the applicant to preserve the existing greenery; it will give some assurance to all of the neighbours.

- He also hopes that the Approving Officer will take into consideration any privacy issues that may arise and mitigate them as best as possible.

Councillor Brownoff stated:

- She hopes that the comments pertaining to the rear yard setbacks and buffering will be referred to the Approving Officer.

Councillor Sanders stated:

- She supports the proposed subdivision and the suggestion of a 10.5 metre rear yard setback.
- It is too bad that the dwelling at 863 Royal Oak Avenue was removed from the Heritage Register.

Councillor Wergeland stated:

- He thinks the rear yard setback is not an issue – it will not impact the neighbours below the subject property.

Councillor Brice stated:

- She supports the proposed subdivision and asks that the Approving Officer give consideration to the information contained in the Planning Report.

**The Motion was then PUT and CARRIED**

Battleford Avenue  
Notice on Title

**235 BATTLEFORD AVENUE – NOTICE ON TITLE.**

Report of the Manager of Inspection Services dated October 18, 2007 recommending the Municipal Clerk file a Notice on Title as outlined to advise potential future purchasers that the required permits and inspections were not obtained for renovation work in the basement area that was previously a crawl space.

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

- Mr. Stewart advised that he would not be in attendance at the meeting and asked that his letter to be brought to Council's attention as his response to the recommendation to place a Notice on Title against his property.
- He does not feel that there is any new information in Mr. Stewart's letter that would change the nature of the recommendation in the report before Council.
- The purpose of this type of Notice is to forewarn future owners of these properties of any deficiencies in the buildings, and that there may not have been any permits or proper inspections undertaken.
- These types of Notices are essential with regard to liability issues; knowing of deficiencies in buildings and not acting on it either by having the deficiencies remedied or forewarning future purchasers, can result in lawsuits.
- The owner has obtained a Building Permit to correct the deficiencies.
- There is no provision to recoup the cost of staff time spent dealing with this issue; the cost of a Building Permit is doubled when work has proceeded without the benefit of a Permit.

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

- In this particular case, the crawlspace area was excavated and the footing was undermined; subsequently a No Occupancy Notice was posted.
- The Fire Commissioner for the Province of BC issued an Evacuation Order because of potential fire hazards and the tenants that were renting out the excavated crawlspace area were evacuated.
- If the Inspection Department is aware that work has been undertaken in a building without valid permits they will act on it.

The Chair confirmed that Mr. Stewart was not present in the audience to address Council.

**MOTION:**

**MOVED by Councillor Brice and Seconded by Councillor Derman: “That it be recommended that the Municipal Clerk file a Notice on Title as outlined in the report of the Manager of Inspection Services dated October 18, 2007 advising potential purchasers that the required permits and inspections were not obtained for renovation work in the basement area that was previously a crawlspace and that additional information is contained in Municipal files.”**

Councillor Derman stated:

- He appreciates staff’s diligence with regard to this matter.

Councillor Brownoff stated:

- She supports the recommendation; it is unfortunate that Mr. Stewart is not present to speak to the issue.

Councillors Sanders stated:

- She thanks staff for their due diligence.

**The Motion was then PUT and CARRIED**

Broadway Street  
Rezoning

**549 BROADWAY STREET (A PORTION) – REZONING APPLICATION – McNEIL DESIGNS.**

Report of the Director of Planning dated October 29, 2007 recommending approval of the rezoning from RS-6 to RS-4 and Development Variance Permit DVP2007-00011.

Mr. R. R. McNeil, McNeil Building Designs Ltd., applicant, stated:

- The proposal is to rezone the subject property and create one additional lot; variances are requested to reduce the lot width for both of the proposed lots, and for site coverage for the existing accessory building on proposed Lot A.
- The attached garage and sundeck on the existing dwelling will be removed in order to accommodate the proposed subdivision; renovations to the exterior of the house will also be made.
- They held a neighbourhood meeting in October; of the 14 invitations that were sent out to neighbouring properties, residents from four of the properties attended as well as a representative from the Strawberry Vale Residents’ Association; there were no major

objections to the proposal.

- The new dwelling for proposed Lot B will have a minimum number of windows facing the adjacent property at 551 Broadway Avenue in order to minimize any impacts on the neighbours' privacy.

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

- The concrete driveway fronting the existing dwelling will be removed and landscaped.
- There will be a new driveway for the house on proposed Lot B as well as a driveway along side of the existing dwelling with a small parking area; they could consider using a more permeable surface in order to address any runoff water.
- They will covenant the siting of the footprint for the north and east side of the dwelling on proposed Lot B so it is context with the adjacent properties.
- At the Public Hearing they will provide drawings that are drawn to scale as well as a photo montage of the streetscape showing the proposed new dwelling in relation to the adjacent houses.

J. and S. Roodenburg, 551 Broadway Street stated:

- They have lived on Broadway Street for the past 40 years and are not supportive of the proposed subdivision.
- When they initially heard that the subject property was being sold in 2006, they were advised by Saanich Planning staff the property could not be subdivided as it is too small.
- The proposed RS-4 lot does not conform with the other RS-4 lots in the area as it would be smaller and narrower; they hope that Council does not approve the application.

Mr. P. Sandeman-Allen, 515 Broadway Street, stated:

- He does not support the proposed rezoning; the proposed RS-4 lot will be significantly undersized.
- If the subdivision is approved it will likely negatively impact the property values of other properties on the street.

Mr. D. Grant, 538 Broadway Street, stated:

- He does not support the proposed subdivision.
- Although the subject property may be one of the larger parcels on the street, if it is subdivided it will result in one of the lots being significantly smaller than the rest of the properties on the street and it could set a precedent for other property owners.
- He is also concerned about parking; parking on the street is already a problem and constructing an additional dwelling will likely compound the problem.
- He was never contacted by the Residents' Association to ask for his feedback on the proposed subdivision.

Ms. B. Meek, president, Strawberry Vale Residents' Association, stated:

- The applicants held a neighbourhood meeting to present their proposal; the adjacent neighbours were unable to attend but there were other residents who attended and who were aware of their concerns.
- A number of questions were raised at the meeting and the applicants

answered them to the satisfaction of those present; there were no serious objections from the neighbours with regard to proceeding with the proposed development.

- Based on the outcome of the meeting, the Association had no objection to the subdivision proceeding; she apologizes for not contacting the owners of 538 Broadway Street.

Ms. M. Akenclouse, 527 Broadway Street, stated:

- She and her husband do not support the proposed subdivision as it would result in two small parcels; they are also concerned that the existing parking problems would be further impacted.

Mr. I. Brotherston, 553 Broadway Street, stated:

- He does not support the proposed subdivision; it does not conform to the zoning regulations and would require too many variances.
- The Residents' Association should have spoken to all of the immediate neighbours before they spoke on their behalf.

Mr. S. Harper, 554 Broadway Street, stated:

- He does not understand why the application is even being considered; it requires three variances and will result in one of the parcels being significantly smaller than any of the other properties on the street.

Mayor Leonard stated:

- He supports the philosophy of infill.
- The applicant is requesting RS-4 Zoning with some variances; this is density that does not fit with the rest of the neighbourhood.
- The proposed RS-4 lot requires a variance to reduce it from 14 metres to 11.9 metres; technically it would still require a variance even if it were zoned RS-2 because it is that narrow and out of context with other properties in the area.
- He does not support a lot width of 11.9 in an area that is predominantly RS-6.

**MOTION:**

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That the application to rezone Lot 1, Section 82, Victoria District, Plan 29523 (549 Broadway Street), not be approved."**

Councillor Derman stated:

- He supports infill but it has to be tailored so that it fits into the existing neighbourhood; he does not see how the proposed subdivision would be compatible with the existing streetscape.
- The application requires significant variances and would be a dramatic departure from the other properties on the street.

Councillor Gillespie stated:

- The public has made it very clear that they do not support the proposed subdivision and he will not support it either.

Councillor Hunter stated:

- He does not support the proposed subdivision; it does not fit in with the context of the rest of the street.

Councillor Sanders stated:

- Although the neighbourhood has undergone some changes, the proposed subdivision is not a good fit for the neighbourhood.
- The proposed RS-4 lot does not meet the size requirements for RS-2 Zoning; the proposal is not acceptable and she will not support it.

Councillor Brownoff stated:

- The area is a well established neighbourhood; if the subject property is subdivided it will create the narrowest lot on the street which will not be compatible with the rest of the neighbourhood.
- She does not support the application.

Councillor Brice stated:

- She supports the motion not to approve the proposed subdivision.
- The proposal does not fit in with the character of the neighbourhood or with the spirit of the Local Area Plan.

Councillor Wergeland stated:

- He supports infill developments but in this case, the proposed lot sizes are questionable; more thought and creativity could have gone into the proposal.

**The Motion was then PUT and CARRIED**

Carey Road  
Rezoning

**3912 AND 3914 CAREY ROAD – REZONING APPLICATION – MANDALAY DEVELOPMENT LTD.**

Reports of the Director of Planning dated November 5, 2007 recommending approval of the rezoning from RS-6 to a new RM-CR zone (Residential Mixed Carey Road) and Development Permit DPR2007-00011; and the Advisory Design Panel dated September 10, 2007 recommending approval of the design.

Mr. M. Dillistone, Mandalay Development Ltd., applicant, stated:

- The proposal is to consolidate two parcels and construct a diverse mix of housing comprised of a 29-unit apartment, seven attached housing units and a single family dwelling with an optional accessory dwelling unit.
- The existing Edwardian dwelling which is listed on the Heritage Register will be revitalized and converted to a two-family dwelling; it is their intention to apply for Heritage Designation.
- They are proposing to register a two metre wide statutory right-of-way along the length of the southerly lot line and construct a public pathway; they will also be constructing a new sidewalk and bike lane.
- They held two Open Houses with neighbourhood residents and met with the executive of the Mount View – Colquitz Community Association; 40 to 50 people attended the Open Houses.
- They have received overwhelming support for the proposed development and have a letter of support from the Community Association.
- The Advisory Design Panel supports the proposed development and the Saanich Heritage Foundation was very supportive of the retention of the heritage registered dwelling and the surrounding gardens.

Mr. J. Kerr, Merrick Architecture, stated:

- The existing heritage registered dwelling occupies the highest part of the site and is surrounded by rock outcroppings and Garry oak and Fir trees.
- They are proposing to cluster the proposed development along the perimeter of the site with the interior of the site left largely undeveloped; a single family dwelling is proposed on the west perimeter of the site fronting Mountfield Road and will be accessed from Mountfield Road.
- Access to the site will be from Carey Road using a shared driveway with the lot adjoining the site to the south at Carey Road and will be restricted to right turns only.
- Interior driveways will be sited to preserve trees and the existing driveway to the heritage dwelling will be retained.
- Rock that is excavated from the site will be used as a design feature on the exterior of the buildings and for the stone retaining walls that will be constructed at street level.
- The townhouses will have variegated rooflines; there will be a central staircase between blocks for pedestrian access from Carey Road.

Ms. C. Rossell, Small & Rossell Landscape Architects, stated:

- One of the key elements of the site is the natural landscape around the heritage dwelling which will be retained.
- A boulevard of grass and trees will be planted at the southeast corner of the site.
- Amenity spaces with various focal points are planned where residents may informally meet.
- A gravel path will meander in the natural area where overgrowth will be removed and the meadow allowed to re-establish; a natural bowl feature will be turned into a water body for wildlife habitat.
- There is a major tree in the courtyard area; they will place bark mulch and a split rail fence around the base of the tree to protect the root zone.
- The internal road will be surfaced with permeable pavers in an intricate design that will acknowledge the pedestrian environment.
- The stormwater management plan will be integrated into the landscaping design.

Mr. D. Ganong, Canada ICI Capital Corporation, stated:

- The existing heritage registered dwelling is called "Ambleside" and that is the name of the proposed development.
- The interior of the heritage dwelling will be converted into two suites; the lower suite will be 2,100 square feet in size.
- The proposed single family dwelling will have a secondary suite or "flex suite".
- The proposed 29-unit, three storey apartment building will be comprised of two bedroom and two bedroom plus dens units.
- Retaining as much open space is a priority; the overall site coverage is 23 percent.

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

- In terms of time frame, they are hoping to complete the proposed development in about 18 months; they are looking at getting into site

- servicing probably in March or April at the earliest.
- Saanich is currently in the process of realigning the intersection of Carey Road and Glanford Avenue; they have removed the median fronting the southeast corner of the subject property.
- They have consulted and worked very closely with Engineering staff and taken that into account the ongoing work at that intersection; in our discussions with them, they explored having a left-hand turn into the site which would help improve the boulevard but that was not supported.
- The subject property is owned by the BC Rental Housing Commission and has been for sale for about two years; the property was decommissioned and they have an option to purchase it.
- The option has been extended twice now in order to get the proposal through the Planning process; they will be closing on the property subject to a positive outcome of their rezoning application by the end of December.

The Mayor stated:

- If the application goes forward to a Public Hearing, Council will need to see a graphic of what the Carey Road/Glanford Avenue intersection is going to look like.

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

- They are agreeable to the suggestions made by the Advisory Design Panel.
- Rehabilitation of the Garry oak meadow is part of the tree retention plan; it will form part of the covenant of that area.
- Everything that has been outlined in their Sustainability Statement is guaranteed.
- They do not anticipate seeking a specific level of LEED designation; a large part of their Sustainability Statement is based on the preservation of open space and trees and a good portion of the mature vegetation on the property would offset a specific requirement under the LEED standards.
- They had considered geothermal heating, but on a project of this size where you have a number of different buildings spread over a large site, the economic viability of geothermal heating is not feasible.
- They will provide additional information at the Public Hearing on what energy efficient measures will be included in the proposed development.
- The Sustainability Statement will form part of their Building Permit application and they will covenant it.
- They had a proactive and very supportive meeting in September with the Saanich Heritage Foundation with regard to the existing heritage dwelling and that meeting is referenced in the Planning Report.
- Much of the cladding on the exterior of the heritage dwelling has been added onto after the original construction.

In response to questions from Council, Mr. J. Kerr stated:

- With regard to the heritage dwelling, they have not gone through a detailed process with any of the Heritage Foundation members or Saanich staff yet.

- The Statement of Significance for the dwelling has yet to be written and they have not determined which features are critical to the exterior and perhaps the interior of the dwelling; that process will not begin until after the Public Hearing.
- They have not met with the Garry Oak Meadow Preservation Society (GOMPS) but the arborist and landscape architect have worked with the Saanich Environmental Planning staff; they will consider contacting GOMPS.
- With regard to the pathway which passes through the southwest corner of the subject property and then onto the Capital Regional Housing Corporation (CRHC) driveway, they are working on a formal plan that will form part of the application and that information can be made available at the Public Hearing.
- They are not intending to market any of the units as rental units; however, that will not preclude investors from purchasing the units and then renting them out as an investment property.
- Potential buyers will be made aware that there is a public pathway and where it will be located in the development.
- They will consider providing a photo montage of the proposed development at the Public Hearing.

Mr. L. Furnell, 3958 Carey Road, stated:

- He has concerns with traffic along Carey Road; there are approximately 1,700 vehicles that travel along Carey Road during peak times.
- An in depth traffic study is needed; there are many young children in the area walking to and from school.
- Perhaps the access for the proposed development should be from Mountfield Road and the egress from Carey Road.

Mr. F. McLean, 3871 Carey Road, stated:

- Traffic in this area is horrendous from early morning to late afternoon; he cannot back out of his driveway during those times and has to park along the street.
- There needs to be a better way to access the proposed development.

Ms. S. Robertson, 3975 Carey Road, stated:

- She attended two Open Houses with regard to the proposed development; the information that was presented at the second Open House is not the same information that has been presented at tonight's meeting; the pathway is different.
- Between Raymond Street and Columbine Way is a paved walkway and a stairway that connects Columbine Way to the Raymond Street neighbourhood; it is very dark and steep; the proposed walkway through the development should make it much easier for people on Carey Road.
- Traffic in the 3900 block of Carey Road is mainly comprised of people who are using it as a cut-through.

Ms. S. Belford, vice president, Mount View Colquitz Community Association, stated:

- In August the Association sent a letter to the Planning Department

- indicating general support for the proposed development.
- In that letter they also expressed reservations with regard to reducing the height of the proposed townhouses fronting Carey Road, and requested that the Engineering Department address safety issues and long term traffic calming in the area.
  - It does not appear that either of these concerns has been addressed so they are not as supportive of the proposed development as they previously were.
  - It is imperative that Saanich address the issue of vehicle congestion and cut-through traffic on the Glanford/Tillicum/Carey Road corridor before this development is approved.
  - There are many beautiful aspects to the proposed development and they commend the Developer for committing to preserving the Garry oak meadow.
- Mr. S. Wallace, 569 Fermoy Place, stated:
- He and his wife have lived in their present location for the past 26 years.
  - Their property backs onto the west side of the subject property and they are concerned with their privacy; the existing heritage dwelling towers over their property.

**MOTION:**

**MOVED by Councillor Brownoff and Seconded by Councillor Sanders: "That the meeting be extended past 11:00 p.m."**

**CARRIED**

- Ms. L. Styan, 587 Whiteside Street, stated:
- She has had concerns with traffic in the area for the past 20 years; Saanich needs to deal with the existing infrastructure before they approve more density in this neighbourhood.
  - Instead of moving traffic efficiently past her neighbourhood, the major roads and highways have created a nightmare of cut-through traffic.
  - It is unacceptable that they are proposing that all vehicle traffic from the proposed development access and egress from Carey Road; it will mean 64 additional vehicles funneling towards the Carey/Tillicum Road intersection.

- Ms. C. Lee, 151 Homer Road, stated:
- Traffic in this area gets backed up from Seaton Street to Tillicum Road and it is difficult to access her street.
  - She does understand why the exit from the subject property could not be from the other side of Carey Road before it gets to the light at Glanford Avenue.
  - There needs to be more trees fronting the subject property and in other areas of the proposed development where there is lots of concrete in order to lower the ambient temperatures and create shade.

In response to questions and comments, Mr. Dillistone stated:

- A traffic study was undertaken and it forms part of their rezoning application.
- They will be providing on-site bicycle storage and encouraging other modes of transportation.

- With regard to the property located below the existing heritage dwelling, Ambleside is the highest point in the entire neighbourhood; he does not think the resident on the lower property will be able to see the condominium building because the property slopes down.

**MOTION:                    MOVED by Mayor Leonard and Seconded by Councillor Derman:  
“That a Public Hearing be called.”**

Councillor Derman stated:

- He congratulates the applicants on the many extremely good features of the proposal.
- The greenspace is very significant; the proposals for the heritage house are excellent and the rehabilitation of the Garry Oak meadow is certainly supportable.
- If this is successful in going to Public Hearing, we need to have an indication of exactly what Carey Road is going to look like in this area.
- It might be desirable as well, for the Engineering Department to provide as much information as possible about what we are able to do to deter the cut-through traffic on Carey Road.
- If this goes to Public Hearing, he expects to see what energy efficient measures will be taken; the greenspace and preservation of the Garry oak meadow are nice sustainability features, but in large scale developments such as these, we need to build buildings that minimize energy use.

Councillor Brownoff stated:

- She supports the application going to a Public Hearing but there are a number of things that she would like to see at the Public Hearing.
- One issue is the pathway design and the other pertains to rental housing; she finds it amazing that the property owner did not specify some sort of requirement that a certain percentage of the proposed development would be designated as affordable or rental housing as part of the sale.
- At the Public Hearing she would like information on how the bakery building will be screened.
- With regard to the Sustainability Statement, words like “exploring” or “exploration” does not explain what is being committed to and she would like to have some kind of confirmation at the Public Hearing.
- We also need to have clarification with respect to traffic and how it will be handled; hopefully at the Public Hearing we will have details on Carey Road and the sort of design that is going to happen there.
- She supports the application going forward to a Public Hearing.

Councillor Brice stated:

- She supports the application going to a Public Hearing; it is an imaginative project, particularly the open space and the mix of housing.
- For this to be successful at Public Hearing, it is going to have to have some more support from the community; she hopes that the developer will use every opportunity to engage in discussions with the neighbours and make sure they have all of the correct information pertaining to the proposal.

Councillor Sanders stated:

- She will support the application going to a Public Hearing as well; she expects to see a thorough traffic study and whether the applicants will be offering options such as bus passes, a car share program and other innovative ideas that have been used with other developments.
- She is pleased to see that included in the special zone for this particular development, that it will include both heritage designation for the existing dwelling and a natural state covenant; she hopes that the applicants are clear on what the heritage dwelling will need to qualify for designation.
- With regard to the natural state covenant, she hopes that they are aware of the ferns, moss, and snow berries that grow on the property and hope that they are going to maintain the natural area and preserve it; they should also involve the Garry Oak Meadow Preservation Society.

Councillor Gillespie stated:

- He supports the application going to a Public Hearing; the public has expressed concerns with traffic issues that need to be addressed.
- The proposed stormwater management plan is great as is the proposed open space; the donation of \$10,000 towards the play areas for the children is a plus.
- Many of us on Council are going to continue to hound the provincial government and developers to come forward and address the issue of affordable housing.

Councillor Wergeland stated:

- The proposed development is a good mix of housing; there is a lot of open green space
- At the Public Hearing he would like to see a covenant registered against the proposed condominium building which would allow rentals.
- He looks forward to seeing a photo montage at the Public Hearing so the public will be able to see what the proposed development actually will look like from the street.
- He also suggests that the applicants hold another Open House prior to the Public Hearing and make a presentation to the community so that they fully understand what the proposed development entails.

**The Motion was then PUT and CARRIED**

Adjournment                    On a motion from mayor Leonard, the meeting adjourned at 11:25 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK