

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, OCTOBER 15, 2007 AT 7:30 P.M.

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

PUBLIC HEARING

No. 236
Bylaw 8883
PLD55

"OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2007, NO. 8883"

PROPOSED HOUSEKEEPING AMENDMENT TO THE RURAL SAANICH LOCAL AREA PLAN

The intent of this proposed bylaw is to amend the Rural Saanich Local Area Plan by deleting the 2001 Master Plan for the Vancouver Island Technology Park at 4464 Markham Street. An updated Master Plan was recently approved and incorporated into the development permit for the site.

The Notice of Public Hearing; and reports of the Director of Planning dated September 11, 2007 and August 31, 2007, recommending that the Rural Saanich Local Area Plan (1993) be amended by deleting policy 2.5 and Figure 8A (2001 Master Site Plan), were introduced.

APPLICANT:

The Corporation of the District of Saanich.

PUBLIC INPUT:

Mr. D. Rebneris, 520 Beaver Lake Road, stated:

- He would like an update on the status of the heritage apple tree at Layritz Park; it may have once been part of the Layritz Farm.
- He would also like a response on a previous request he made to provide a community garden or orchard on the ALR lands.

Mayor Leonard stated:

- As these issues are not related to the current application staff will be requested to respond in writing.

MOTION:

MOVED by Councillor Gillespie and Seconded by Councillor Brice: "That the Rural Saanich Local Area Plan (1993) be amended by deleting policy 2.5 and Figure 8A (2001 Master Site Plan)."

Councillor Derman stated:

- There is no doubt that the Vancouver Island Technology Park is an asset to the region; it provides employment and boosts the economy of the Municipality.
- However, he is disappointed that the Tech Park did not commit to a

LEED Gold standard and hopes they will still try to achieve it.

Councillor Brownoff stated:

- The Tech Park is now under the stewardship of the University of Victoria who continue to lead the way with a number of their buildings built to a LEED Gold standard; she is also disappointed that the Tech Park only committed to LEED Certified.

The Motion was then PUT and CARRIED

No. 237
PLD55
Bylaw 8883

“OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2007, NO. 8883”

Second, Third, and Final Readings

MOVED by Councillor Gillespie and Seconded by Councillor Brice: “That Bylaw No. 8883 be read a second time.”

CARRIED

MOVED by Councillor Gillespie and Seconded by Councillor Brice: “That Bylaw No. 8883 be now passed.”

CARRIED

MOVED by Councillor Gillespie and Seconded by Councillor Brice: “That Bylaw No. 8883 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Brownoff and Seconded by Councillor Hunter: “That the Minutes of the Council and Committee of the Whole Meetings held October 1, 2007, and the Special Council Meeting held October 2, 2007, be adopted.”

CARRIED

Bylaws

BYLAWS

No. 238
EPW65/XRef:
Sinclair Road
Bylaw 8880

SANITARY SEWER BYLAW AMENDMENT (2401 SINCLAIR ROAD – A PORTION).

Final Reading of the “Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2007, No. 8880”. To include in the Sewer Service Area the portion of UVic lands located in the District of Oak Bay.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8880 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 239
ADM40/XRef:
Sinclair Road
Bylaw 8881

WATER UTILITY BYLAW AMENDMENT (2401 SINCLAIR ROAD – A PORTION).

Final Reading of the “Water Utility Bylaw, 2000, Amendment Bylaw, 2007, No. 8881”. To include in the Water Service Area the portion of UVic lands located in the District of Oak Bay.

MOVED by Councillor Sanders and Seconded by Councillor Gillespie: “That Bylaw No. 8881 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 240
ADM40
Bylaw 8885

TICKET BYLAW AMENDMENT – TOW-AWAY BYLAW.

Three Readings of the “Ticket Bylaw, 2001, Amendment Bylaw, 2007, No. 8885”. To increase the fines in the Tow-Away Bylaw.

MOVED by Councillor Derman and Seconded by Councillor Hunter: “That Bylaw No. 8885 be introduced and read.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Hunter: “That Bylaw No. 8885 be read a second time.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Hunter: “That Bylaw No. 8885 be now passed.”

CARRIED

No. 241
Simon Road
Bylaw 8862

1440, 1444 AND 1448 SIMON ROAD.

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8862”. Rezoning from A-1 to RS-8.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8862 be introduced and read.”

CARRIED

No. 242
Stockton Crescent
Bylaw 8886

3906 STOCKTON CRESCENT.

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8886”. Rezoning from RS-6 to RS-8.

MOVED by Councillor Gillespie and Seconded by Councillor Sanders: “That Bylaw No. 8886 be introduced and read.”

CARRIED

RESOLUTIONS FOR ADOPTION

No. 243
PRO00
Fire Dispatch
Service Agreement

NORTH SAANICH FIRE DISPATCH SERVICE AGREEMENT.
Report of the Fire Chief dated October 2, 2007 recommending Council authorize the renewal of the Fire Dispatch Service Agreement with the District of North Saanich.

**MOVED by Councillor Brice and Seconded by Councillor Derman:
“That Council approve the renewal of the Fire Dispatch Service Agreement with the District of North Saanich.”**

CARRIED

Adjournment

On a Motion from Councillor Gillespie, the meeting adjourned at 7:40 p.m.
The meeting reconvened at 10:33 p.m.

Bylaws

BYLAWS

No. 244
ADM40 – Treasury
Bylaw 8873

TAX EXEMPTION REAL PROPERTY BYLAW, 2007, NO. 8873
Three Readings of the “Tax Exemption Real Property Bylaw, 2007, No. 8873”. To exempt certain lands and improvements from real property taxes for the year 2008.

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8873 be introduced and read.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8873 be read a second time.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8873 be now passed.”**

CARRIED

No. 245
ADM40 – Treasury
Bylaw 8877

TAX EXEMPTION BYLAW (LINWOOD FOUNDATION SENIOR’S HOUSING), 2007, NO. 8877
Three Readings of the “Tax Exemption Bylaw (Linwood Foundation Senior’s Housing), 2007, No. 8877”. To provide for the exemption from taxation of certain lands surrounding a Senior’s Home.

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8877 be introduced and read.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8877 be read a second time.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8877 be now passed.”**

CARRIED

No. 246
ADM40 – Treasury
Bylaw 8878

TAX EXEMPTION BYLAW (DAWSON HEIGHTS SENIOR’S HOUSING), 2007, NO. 8878

Three Readings of the “Tax Exemption Bylaw (Dawson Heights Senior’s Housing), 2007, No. 8878”. To provide for the exemption from taxation of certain lands surrounding a Senior’s Home.

MOVED by Councillor Brice and Seconded by Councillor Gillespie: “That Bylaw No. 8878 be introduced and read.”

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Gillespie: “That Bylaw No. 8878 be read a second time.”

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Gillespie: “That Bylaw No. 8878 be now passed.”

CARRIED

No. 247
ADM40 – Treasury
Bylaw 8879

TAX EXEMPTION BYLAW, (QUEEN ALEXANDRA CENTRE FOR CHILDREN’S HEALTH), 2007, NO. 8879

Three Readings of the “Tax Exemption Bylaw, (Queen Alexandra Centre for Children’s Health), 2007, No. 8879”. To provide for the exemption from taxation of certain lands surrounding a hospital.

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That Bylaw No. 8879 be introduced and read.”

CARRIED

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That Bylaw No. 8879 be read a second time.”

CARRIED

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That Bylaw No. 8879 be now passed.”

CARRIED

No. 248
ADM40 – Treasury
Bylaw 8884

TAX EXEMPTION REAL PROPERTY BYLAW, (RIPARIAN LAND), 2007, NO. 8884

Three Readings of the “Tax Exemption Real Property Bylaw, (Riparian Land), 2007, No. 8884”. To exempt riparian land from real property taxes for the year 2008.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8884 be introduced and read.”

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8884 be read a second time.”

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8884 be now passed.”

CARRIED

From the Committee of the Whole Meeting held October 15, 2007

Recommendations **RECOMMENDATIONS**

No. 249
Portage Road
Development
Permit

993 PORTAGE ROAD – DEVELOPMENT PERMIT – KEITH BAKER

MOVED by Councillor Derman and Seconded by Councillor Brownoff:
“That Council approve and issue Development Permit DPR2007-00015
on Lot 2, Section 79, VI, Plan 7185 except part in Plan 3836 RW and
Plan 776 RW (993 Portage Road).”

CARRIED

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 10:36 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, OCTOBER 15, 2007 AT 7:41 P.M.

Present:

- Chair:** Councillor Sanders
- Council:** Mayor Leonard and Councillors Brice, Brownoff, Derman, Gillespie, Hunter, Ngai (7:55 p.m.), and Wergeland
- Staff:** Tim Wood, Administrator; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Margaret Trottier, Deputy Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Douglas Street/
Saanich Rd.
Rezoning

3447 AND 3555-3651 DOUGLAS STREET/3436 AND 3442-3494
SAANICH ROAD (TOWN AND COUNTRY SHOPPING CENTRE) –
REZONING APPLICATION – CHANDLER AND ASSOCIATES
ARCHITECTURE INC.

Report of the Director of Planning dated August 22, 2007 recommending

approval of the rezoning from C-3 to C-3L.

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

- The proposed zoning itself does not differentiate between a high-end boutique store or a low-end beer and wine store as suggested in the letter from the Gorge Tillicum Community Association; there would have to be some other form of agreement with the landowner such as a restrictive covenant.
- If the applicants decide to construct a temporary liquor store they will need a Development Permit; it is his understanding that the temporary building would be located closer to the Carey Road portion of the subject property.

Mr. G. Nagle, Morguard Investments Ltd., stated:

- The rezoning application is a subsequent part of the larger redevelopment proposal of the Town and Country site and is intended to address the need for amenities for the customers and users of the project.
- They are establishing the Town and Country redevelopment as a high quality lifestyle centre; they will not be compromising the overall vision with any sub-standard quality leases or tenancies and that applies to the proposed liquor store as well.

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

- There is no set proposed tenancy at the moment; they cannot negotiate tenancy agreements until the zoning is in place so they do not know how large the liquor store will be; the size will depend on the vendor's requirements.
- They held public consultation meetings with the Gorge Tillicum Community Association and the Mount View Colquitz Community Association and they are both supportive of the concept.
- They will not be contemplating a temporary freestanding building to house the liquor store at this time; they will accommodate the vendor in a street front façade of the existing buildings that will then roll over into a permanent facility.

Mr. P. Gerrard, president, Gorge Tillicum Community Association, stated:

- In general, the Association is supportive of the proposed development; it will result in three liquor outlets in close proximity which could create an increase in traffic both in visits to the new store and possible price-shopping amongst the three outlets.
- At their meeting with the applicants, they were amenable to the Association's suggestion of a higher quality liquor operation in the subject location and that should be taken into consideration when approving the application.
- There was no mention at their meeting of the possibility of a temporary structure to house the liquor store on site; the Association would not support that scenario.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That a Public Hearing be called."

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

- The Municipality does not control the hours of operation of a liquor outlet, however, there may be overlapping jurisdiction; he will provide additional information prior to the Public Hearing.

Councillor Derman stated:

- It is logical to locate a liquor store at the proposed location; it is within a major shopping centre and is not in close proximity to any school.
- He hopes the applicants will be able to provide some kind of guarantee as to the quality of the tenant for the proposed liquor store.

Councillor Brownoff stated:

- She is happy to hear that the applicants will not be constructing a temporary building for the proposed liquor store.
- The redevelopment of the Town and Country site is a key proposal in the Municipality.
- Both of the other liquor stores are located on busy roads; the proposed liquor store will be in a location that residents on the Town and Country side of Carey Road will be able to walk to.

Councillor Wergeland stated:

- He is not sure of the difference between a high-end or a low-end liquor store; it would be nice if the Municipality had some control over the hours of operation.

Councillor Brice stated:

- She supports the application going forward to a Public Hearing.
- Because the proposal has a complete community aspect to it and incorporates residential, retail, and commercial, there will be more pressure on those who are managing the entire development to maintain the quality of the project, and address the hours of operation of the liquor store.

The Motion was then PUT and CARRIED

Portage Road
Development Permit

993 PORTAGE ROAD – DEVELOPMENT PERMIT – KEITH BAKER.

Report of the Director of Planning dated September 19, 2007 recommending approval of Development Permit DPR2007-00015.

Mr. K. Baker, KB Design Inc., applicant, stated:

- The proposal is to construct a second storey addition to the existing dwelling; it will not involve any significant exterior additions to the size of the building footprint.
- They are requesting a one-metre height variance; from the Portage Road side the dwelling will appear relatively unchanged and appear as a two storey façade, and from the Inlet side it will also present as a two storey building because of the sloping topography.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That it be recommended that Council approve and issue Development Permit DPR2007-00015 on Lot 2, Section 79, VI, Plan 7185 except part in Plan 3836 RW and Plan 776 RW (993 Portage Road).”

CARRIED

Borden Street/
Cedar Hill X Rd.
Rezoning

4030, 4032, 4034 AND 4036 BORDEN STREET/4040 CEDAR HILL X ROAD – REZONING APPLICATION – D’AMBROSIO ARCHITECTURE AND URBANISM.

Report of the Director of Planning dated September 24, 2007 recommending the North Quadra Local Area Plan and Quadra McKenzie Development Permit Area be amended as outlined, that the rezoning from RS-6 to RA-6 and Development Permit DPR2006-00013 be approved, that a statutory right-of-way be registered on the central landscape feature prior to final reading, and that an artist’s concept for the elevator shafts be provided prior to the public hearing. Report of the Advisory Design Panel dated June 13, 2007 recommending approval of the design.

In response to comments from Council, Mr. D. Nyren, Director, Borden Street Properties, stated:

- The fact that the Saanich Parks and Public Works Yard is near the subject property will be in their disclosure statement and each purchaser will be made aware of the details of its operation.
- With regard to the issue of overflow parking for the Monkey Tree Pub, the owner of the Pub has a rental agreement with the adjacent property owners and they rent 30 to 32 spaces after 5:00 p.m. and on weekends.

Mr. F. D’Ambrosio, D’Ambrosio Architecture and Urbanism, applicant, stated:

- The subject site is comprised of five parcels; adjacent land uses include single family dwellings, an attached housing complex, a neighbourhood pub, a commercial strip mall, and the Saanich Parks and Public Works Yard.
- The site is also within walking distance to the Saanich Centre at Quadra Street/McKenzie Avenue which provides a number of commercial services, as well as being close to schools, transit and

the Galloping Goose Trail.

- There is a significant tree that is adjacent to the property that they are planning to retain; they also intend to ensure this development does not impact trees on the adjacent properties which help make up the character of the subject block.
- The street edge will be restructured by the installation of new sidewalks, new landscape boulevards, street trees, and parking bays which will include traffic calming bulges.
- The proposal is to construct two separate four-storey buildings with a combined total of 51 modestly sized apartments; there will be a mix of variously shaped and angled two-bedroom units, one-bedroom units with dens, and one-bedroom units.
- There will be underground parking; ground floor units will have private patios and the front doors will be street oriented with direct access to Borden Street like a front yard.
- There will also be a public pocket park on the site with bench seating, extensive landscaping, and a pond with boulders; the buildings will have green roofs which will be accessible to the residents.
- Shadow studies indicated that adjacent properties will not be impacted by the proposed development.

Ms. B. Windjack, LADR Landscape Architects, stated:

- The lower units are designed as townhouse units facing Borden; they will all have a front entrance that goes through to a gated courtyard.
- The central courtyard will be surrounded by boxwood hedges and will be accessed by sidewalks either from the new public sidewalk along Borden Street, or from the internal sidewalk within the property which also connects to Borden Street; there will be small trees and ornamental flowering shrubs to provide a small garden atmosphere.
- The courtyard will also have a main water feature which will consist of stacked boulders with water flowing into a gathering area; the water will be re-circulated from a silo.
- They plan to collect and store surface water in the silo; the silo will be an art object with a relief on it that an artist will design to tie into the art on the two buildings; the water in the silo will come from the roofs of the two buildings and will also be used for irrigation.
- The west edge of the property will consist of a series of landscaped visual rooms such as a maze or a native plant garden; instead of a boundary fence they will use a combination of panels and hedging for flexibility when the adjacent properties are developed in the future.

In response to questions from Council, Mr. D'Ambrosio stated:

- Artist, Bill Porteous, has agreed to work with them and he will apply visual art to the two vertical elements on the fronts of the buildings which will enclose the stair/elevator towers; he will also work with the Community Association to develop a color palette and learn the history of the area that will enable him to create suitable designs.
- The buildings have been registered with the Green Building Council; they will be LEED Certified for multi-family buildings although they do not know at this time what level of LEED standards will be achieved.
- There are other Garry oak trees on the property but he does not

- know the condition of them; they do not have a mandate to preserve them.
- Their transportation engineers worked extensively with Municipal engineers and attempted to address the traffic issues from the initial stages of their proposal.
 - They worked through the assessment of the concept of a roundabout which was offered by the developer at his cost, as well as a land contribution to execute the proper geometry; they also held meetings with Don Mann Excavating to make sure that their vehicles would be able to maneuver a roundabout.
 - Saanich Engineering staff showed them a traffic study that illustrated a re-design of the geometry of the entire area in order to address the issues that already exist; however, it did not include a roundabout.
 - They have been informed that in conjunction with the Borden Street/McKenzie Avenue intersection and the Cedar Hill X Road intersection that the geometry that Saanich has designed will work.
 - To make up for the public amenity that would have been the roundabout, the pocket park will be a dedicated public park; the area of the park is comparable in size to the area of the central circle of the roundabout that was originally proposed; they will also have a very active stormwater management program on site.
 - They will provide additional information at the Public Hearing on the energy saving features that will be incorporated into the project and will provide a covenant to guarantee that what they present will actually be done.
 - All of the building elevations that have been presented are what will be built.
 - The units will all conform to adaptable housing standards; scooter plug-ins in the parking garage will be included; recycling and garbage pickup will be in the basement.
 - There will be a bus pass program for all of the residents.
 - They will consider screening the hydro kiosks facing onto Borden Street.
 - The challenge with preserving as many Garry oak trees as possible is impacted by trying to get the required number of parking spaces; the geometry of the site, the adjacent trees, and the required amount of bicycle parking and recycling space are all demands on the underground parking; they will address the issue further at the Public Hearing.

In response to questions from Council, Mr. D. Nyren stated:

- They have been working on acquiring some of the surrounding properties; so far they have acquired a total of three properties and are presently in negotiations with one other property owner; they have spoken with every property owner on the block and with the exception of one house, they are all non-owner occupied rentals.
- They hope to acquire most, if not all, of the other properties within the next two years.
- With regard to providing the Municipality some kind of assurance that the other properties will be acquired, they have acquired three and are willing to wait until they can acquire the remainder.
- With this particular development the proposed 3,500 square foot pocket park will be a very useful public amenity which will be

achieved through a statutory right-of-way and be maintained in perpetuity by the Strata Corporation.

- They are focusing on a target market of first time purchasers and people wanting to down-size.

Mr. R. Warden, past president, North Quadra Land Use Protection Association, stated:

- The Association initially met with the proponents in 2005 to discuss their proposal; issues such as traffic stacking up along Borden Street to Quadra Street and McKenzie Avenue and Cedar Hill X Road were discussed; there were also concerns with vehicle traffic shortcutting through the neighbourhood.
- There are also issues associated with the Monkey Tree Pub with regard to staff parking; patrons of the Pub are frequently drunk and disorderly.
- The developer proposed a roundabout at a subsequent presentation; both the Association and the residents considered a roundabout to be the number one public amenity.
- A neighbourhood traffic management plan for the North Quadra Local Area was developed in 2005 and it has dealt with some of the issues but there are still problems with traffic stacking up and the proposed development will contribute to it.
- Neither the Association nor the residents have been notified about how Saanich will handle traffic if there is no roundabout as originally proposed by the developer; further consideration of the rezoning application should be postponed until there has been more public consultation.
- The idea of a public park as an amenity is a nice idea but its location across the street from a pub does not make sense.

Mr. D. Hamilton, 1143 Nicholson Street, stated:

- Saanich residents are faced with a developer's request for substantial bonus density as part of their rezoning application, without providing suitable amenities for the neighbourhood or the Municipality.
- Significant traffic and access issues have not been addressed; the roundabout promised in the developer's initial application has been removed without adequate offsetting amenities to be provided by the developer.
- The Engineering report states that the traffic impact generated by the development to be less than two seconds in the afternoon peak hour at the Borden Street/McKenzie Avenue intersection; there is no information regarding morning peak times or impacts during the remainder of the day.
- The developer should provide significant funds to improve the streets including the sidewalks and cycling paths on Cedar Hill X Road from Nicholson Street to Borden Street, and donate funds towards traffic signals at Borden Street and Cedar Hill X Road.

Mr. P. Chenier, president, North Quadra Land Use Protection Association, stated:

- The new proposal has not been vetted by the Community Association or the neighbourhood who will be directly impacted by the proposal; the elimination of the roundabout and movement of the

entrance of the underground parking area eliminated a large component of the original proposal.

- The Planner's report does not identify the number of units per hectare; this is an important factor to know before any determination of what the public amenity package should be.
- The dollar value for the previously proposed roundabout was not transferred to other off-site public amenities; they would like to see true value added to the public amenity package in the form of funds for streetscape enhancement from Borden Street to Cedar Hill X Road to Nicholson Street, which would equal the value of the roundabout.
- The Association would like to see further consideration of the rezoning application deferred until there has been an opportunity for more public consultation.

Mr. S. Brygadyr, 847 Cameo Street, stated:

- The proposed development is high density on a small area of land; the rezoning will provide the developer a very significant financial return on their investment; he believes a significant return in public amenity is in order.
- The proposed pocket park is not very suitable for public use and should be dispensed with as it may create a place for people leaving the Monkey Tree Pub to hang out in.
- The roadways and traffic in this area are a problem; the residents living to the east of the proposed development have only one exit from their neighbourhood which is via the Borden Street/Cedar Hill X Road intersection and it is very difficult for them to enter the constant stream of traffic at busy peak times.
- Cedar Hill X Road is very narrow with an abutting narrow, sloping sidewalk from Lakehill Place to Nicholson Street; this route has a high volume of student pedestrians and is very pedestrian unfriendly.
- Perhaps the developer could make a cash contribution towards major road and sidewalk improvements and the installation of a pressure activated traffic signal.

Ms. E. Defoe, 4035 Cumberland Road, stated:

- She thanks Council for the opportunity to comment on the proposed development and its impact on their neighbourhood.
- The Cedar Hill X Road/Borden Street intersection quite often requires an aggressive move on the part of drivers in order to turn left onto Borden Street; the intersection is efficient only when using the advanced left turn lane otherwise driving straight through the intersection or turning right means lengthy delays.
- Traffic flows from Borden Street to McKenzie Avenue need to be improved; she does not think the proposed development should proceed until the traffic issues are addressed.

Ms. M. Niblock, 948 Lucas Avenue, stated:

- The subject properties are in a state of disrepair and in need of some kind of redevelopment; however, the proposed development is massive both in size and density and will dwarf neighbouring properties, as well as contribute to the already congested intersections.

- She has a letter from the owner of 4123 Embassy Place who is also opposed to the proposed development.

She hopes that Council will not approve the rezoning application as it could set a precedent for future developments.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Brownoff: “That consideration of the rezoning application for 4030, 4032, 4034 and 4036 Borden Street/4040 Cedar Hill X Road be postponed to allow the applicant an opportunity to further consider the proposal and undertake additional public consultation.”

Councillor Derman stated:

- The subject properties are in an ideal location for density given the nearby amenities; however, the entire area needs a total concept plan for how to best accomplish density and make it compatible with the neighborhood.
- There is a huge traffic problem in the subject area and he does not think it has been adequately addressed; the suggestion that the impact of the traffic generated by the proposed development to be less than two seconds of additional delay at the Borden Street/McKenzie Avenue intersection in the afternoon peak hour is unrealistic.
- The roundabout was the major amenity that was being offered to the residents in the developer’s original proposal and now that has been removed; he does not think the developer is offering enough additional amenity to the community as part of their development proposal.
- Improvement of the streetscape from Nicholson Street through to Borden Street and addressing the entry from Cedar Hill X Road to Borden Street for the people who are landlocked in that area would be a good start for amenities.
- The original application has changed and the residents need the opportunity for more public consultation.

Councillor Hunter stated:

- He does not like the proposed density; if this phase of the development calls for 51 units it could mean an additional 51 units when the other properties are acquired; there needs to be more transition between the proposed development and the adjacent single family homes.
- He would like to see a comprehensive development proposal that also includes the adjacent properties; there are too many impacts on existing trees and the proposed development requires too many variances.
- The subject properties are in an ideal location for density but the traffic issues need to be addressed; the public amenity has to be more substantial.
- It is a benefit to the developer to postpone further consideration of their application as it will give them an opportunity to rework their proposal.

Councillor Brownoff stated:

- The proposal is not ready to send forward to a Public Hearing; there are too many issues that still need to be addressed.

- The traffic at the Borden Street/McKenzie intersection is very aggressive and she would like to know if the intersection is failing; the proposed development will impact vehicular traffic.
- The proposal has changed since it was initially presented to the public; the roundabout was a major amenity for the residents and that has been removed from the proposal; the community needs an opportunity for more consultation.

Councillor Gillespie stated:

- He supports postponing further consideration of the rezoning application.
- There are traffic issues that need to be addressed; there are heavy traffic volumes Saturday mornings with residents using the Parks and Public Works Yard for recycling and compost drop-off.
- The developers are trying to promote affordable housing by creating smaller units.

Councillor Wergeland stated:

- He does not expect the developer to solve all of the traffic issues in the area but they should be addressed more comprehensively.
- It would be helpful to see a photo montage of the proposed development and how it fits in with the other properties on the street.
- He would have liked to see the proposed development incorporate some rental units in order to address the affordable housing issue.
- He supports postponing the application.

Councillor Ngai stated:

- She supports the proposed density; it provides more opportunity for younger people to get into the housing market and for people to downsize.
- She is not convinced that the pocket park is a good idea for an amenity; it would be better to address the traffic issues.
- She hopes that staff and the developer will look at more substantial amenities for the neighbourhood.

Councillor Brice stated:

- She supports postponing the application.
- The issues that have been raised cannot be dealt with by modifying the proposal; the challenges with traffic congestion, the Public Works Yard, and the neighbouring pub are going to continue.
- It will be a challenge for the developer and the community to make changes in order to alter some of the factors that are the result of decades of successive decisions that place this particular piece of property in an area that has significant traffic issues.
- The developer and the community are motivated and she looks forward to seeing what solutions they come up with.

Mayor Leonard stated:

- Adding some amenities to the existing application may not lead to its success.
- The applicant needs to look at broader issues including lands that are in their ownership or possible ownership, and come back with a more comprehensive proposal.

- The applicant also needs to be a partner in the solutions for dealing with the intersection; promoting a roundabout to the community without the support of the Engineering Department was premature.
- The applicant needs to work with our Engineering Department and come forward with a solution that will improve traffic, pedestrian and cycling movement.

The Motion was then PUT and CARRIED

D'Arcy Lane
Rezoning

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

Report of the Director of Planning dated October 2, 2007 recommending approval of the rezoning from RS-18 to RS-12.

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

- The proposal is to rezone the subject waterfront property and create one additional lot for single family dwelling use; a similar subdivision took place about two years ago at 1118 D'Arcy Lane.
- The subject property is approximately 2,000 square metres in size; adjoining lots range in size from 1,277 square metres to 3,378 square metres.
- The existing dwelling will be moved and two new non-basement houses will be constructed.
- They held two neighbourhood meetings; some of the neighbours had concerns with the size and height of the proposed new dwellings so they will provide restrictive covenants to mitigate those concerns.
- They are also proposing to utilize a shared access easement at the existing driveway location to access both of the proposed lots; this will eliminate the need for road construction to extend D'Arcy Lane and minimize any impacts to the existing trees.
- The diagram in the Planner's report depicting how the subject property slopes down to the water is accurate; the geotechnical report indicates that there is a 2 to 1 slope and recognizes that underneath the soil is a bedrock underpinning.
- Based on the 2 to 1 incline from the toe of the slope to the top of the slope is where the Geotechnical Engineer feels it is safe to locate the foundation, and that it would not be subject to any form of geological hazard within the criteria.

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

- The dwelling that will be constructed on proposed Lot B will not be substantially higher than the existing house so the views will not be impacted.
- The existing chain link fence is on the property line.

Mr. J. Taylor, 1101 D'Arcy Lane, stated:

- He and his wife are opposed to the proposed subdivision; they do not support the increased density or any variances for setbacks.
- If the proposed zoning on the subject property is approved they are concerned that it will significantly change the character of D'Arcy Lane in an unacceptable way.
- The property that was previously subdivided on D'Arcy Lane was significantly larger than the subject property.

Mr. B. Burns, 4877 Cordova Bay Road, stated:

- He and his wife's property is located to the southwest of the subject property and it is a panhandle lot.
- The size of the proposed two lots is 930 and 1100 square metres; he does not understand how the calculation was done for the lot closest to the water because a large portion of the lot is un-buildable because of the steep slope.
- The Planner's report states that the foreshore bank drops steeply to a sandy beach; it is very rocky and cannot be described as sandy.
- The report also states that the views from 1111 D'Arcy Lane will not be impacted, however, it does not address whether or not the view from their property at 4877 Cordova Bay Road will be impacted.
- A panhandle lot in this area must be a minimum of 1,300 square metres and exclude an access strip or roadway; proposed Lot A is 930 square metres and proposed Lot B is 1,100 square metres including the ocean floor and the access easement; he does not understand the rationale of the calculations but they should be the same in both cases.

Ms. M. Acker, 4877 Cordova Bay Road, stated:

- She and her husband have lived in their present location for the past 20 years and during that time they have enjoyed beautiful views from their house.
- If the subject property is developed she believes that they will completely lose their view and the value of their property will be impacted.
- The owners of the subject property have only lived there for the past year and now they want to subdivide it; she does not think it is ethical.

Ms. C. Strong, 4879 Cordova Bay Road, stated:

- She and her husband's property is located to the immediate south of the subject property and they have lived there for the past 30 years.
- The proposed development will result in a high density development in an area of large lots which will not be compatible with the rest of the neighbourhood.
- The calculation for the size of the proposed two lots includes using the waterfront bank area of proposed lot B which is approximately 23 percent of the total area; this will result in one of the smallest waterfront properties in the area and could set a precedent for further development in this area of Cordova Bay.
- They are concerned that the proposed development will impact their views and their property value.
- Detailed house plans were not submitted and the cross section of the lots only shows the proposed location of the two new dwellings; there are no guarantees that the houses will be constructed where they are shown or that additional variances will not be requested.
- If the subdivision is approved, they request that there be covenants to restrict the size and height and the location of decks on the two dwellings, and that there be no accessory buildings permitted in the rear setback area.

Councillor Derman stated:

- People have to realize that over time the views from their property change.
- He thinks it would be a good idea to postpone further consideration of the rezoning application until Council has had an opportunity to review the geotechnical report and what effect the proposed development will have on the foreshore.

Mayor Leonard stated:

- He is not convinced that the proposed rezoning of RS-12 is appropriate for the subject area.

Councillor Hunter stated:

- He does not support the proposed rezoning application.

Councillor Wergeland stated:

- He does not think it will serve any purpose to postpone consideration of the application as he does not think it is necessary to question the validity of the geotechnical report.
- He does not support the proposed rezoning.

Councillor Brownoff stated:

- She does not support the proposed subdivision; there would be too much density on the site and it would impact the neighbours.
- She agrees that the slope is significantly steeper than what is illustrated in the diagram in the Planner's report and that there is no sandy beach.

MOTION:

MOVED by Councillor Brice and Seconded by Councillor Brownoff: "That the application to rezone Lot C, Section 28, Lake District, Plan 12234 except that part in Plan VIP66366 (1123 D'Arcy Lane), not be approved."

CARRIED

ADM40 - Treasury
Permissive Tax
Exemptions

PERMISSIVE TAX EXEMPTIONS FOR THE YEAR 2008.

Report of the Director of Finance dated September 27, 2007 recommending Council consider the 2008 property tax exemptions for existing organizations and new applicants.

Ms. J. Collins, on behalf of St. Margaret's School, stated:

- She thanks Council for considering their application.
- They consider the adjacent property at 1080 Lucas Avenue to be integral to providing the educational service that they deliver and that is why they are applying for the permissive tax exemption.
- They are a non-profit organization and a registered charity.

Mr. B. Parisian, Executive Director, Victoria Native Friendship Centre (VNFC), stated:

- The VNFC is a non-profit organization which has been in existence for the past 37 years and whose overall objective is to meet the needs of First Nations people in the Greater Victoria area by helping them make the transition from rural areas to the urban setting, and educating the general community about the traditional values and cultures of the Aboriginal people.

- They have been using the former Hampton Elementary School site for the past two years and are running between 35 and 37 programs a year.

MOTION: **MOVED by Mayor Leonard and Seconded by Councillor Brice: “That the organizations outlined in the September 27, 2007 report of the Director of Finance be granted a tax exemption for 2008.”**

CARRIED

MOVED by Mayor Leonard and Seconded by Councillor Brownoff: “That the request for a 2008 tax exemption from St. Margaret’s School for the property at 1080 Lucas Avenue as outlined in the September 27, 2007 report of the Director of Finance, be granted.”

CARRIED

MOVED by Mayor Leonard and Seconded by Councillor Derman: “That the request for a 2008 tax exemption from the Victoria Association for Community Living for the property at 595 Burnside Road West as outlined in the September 27, 2007 report of the Director of Finance, be granted.”

CARRIED

MOVED by Mayor Leonard and Seconded by Councillor Brownoff: “That the request for a 2008 tax exemption from the Victoria Native Friendship Centre for the property at 231 Regina Avenue as outlined in the September 27, 2007 report of the Director of Finance, be granted.”

CARRIED

MOVED by Mayor Leonard and Seconded by Councillor Derman: “That the request for a 2008 tax exemption from the International Association of Progressive Montessorians for the Fairburn School property as outlined in the September 27, 2007 report of the Director of Finance, be granted.”

CARRIED

MOVED by Mayor Leonard and Seconded by Councillor Brice: “That partial 2008 permissive tax exemptions for the Extreme Outreach Society equal to 50 percent of the taxes for 982 McKenzie Avenue and 75 percent of the taxes for 999 McKenzie Avenue be approved.”

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 10:32 p.m.

.....
CHAIR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK