

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, SEPTEMBER 17, 2007 AT 7:30 P.M.

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

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brice and Seconded by Councillor Brownoff:
“That the Minutes of the Council and Committee of the Whole Meetings held September 10, 2007, be adopted.”

CARRIED

Bylaws **BYLAWS**

No. 210
PLD60
Bylaw 8870

2588 SINCLAIR ROAD AND 2591 PENRHYN STREET.
Final Reading of the “Official Community Plan Bylaw, 1993, Amendment Bylaw, 2007, No. 8870”. To amend Appendix “N” – Development Permit Areas, Justification and Guidelines to include the property within the Cadboro Bay Village Development Permit Area.

MOVED by Councillor Gillespie and Seconded by Councillor Hunter:
“That Bylaw No. 8870 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 211
Sinclair Road/
Penrhyn Street
Bylaw 8871

2588 SINCLAIR ROAD/2589 AND 2591 PENRHYN STREET.
Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8871" and approval of Development Permit DPR2007-00002. Rezoning from C-2 and RS-10 to C-4.

MOVED by Councillor Wergeland and Seconded by Councillor Brice:
"That Bylaw No. 8871 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

MOVED by Councillor Hunter and Seconded by Councillor Derman:
"That Council approve and issue Development Permit DPR2007-00002 on Lots 7, 18, and 19, Block C, Section 44, Victoria District, Plan 1483 (2588 Sinclair Road/2589 and 2591 Penrhyn Street)."

CARRIED

No. 212
ADM40
Bylaw 8865

FIREWORKS REGULATION BYLAW
Final Reading of the "Fireworks Regulation Bylaw, 2007, No. 8865". To incorporate changes to the Fireworks Bylaw using the same model as View Royal, Colwood and Langford.

MOVED by Councillor Derman and Seconded by Councillor Sanders:
"That Bylaw No. 8865 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 213
ADM40
Bylaw 8866

TICKET BYLAW AMENDMENT
Final Reading of the "Ticket Bylaw 2001, Amendment Bylaw 2007, No. 8866". To incorporate the new Fireworks Regulation Bylaw.

MOVED by Councillor Wergeland and Seconded by Councillor Ngai:
"That Bylaw No. 8866 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 214
ADM40 - Treasury
Bylaw 8872

REVENUE ANTICIPATION BORROWING BYLAW
Final Reading of the "Revenue Anticipation Borrowing bylaw, 2007, No. 8872". To provide for the borrowing of money in anticipation of revenue.

MOVED by Councillor Ngai and Seconded by Councillor Gillespie:
"That Bylaw No. 8872 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 215
Hartland Ave.
Bylaw 8874

10 HARTLAND AVENUE (A PORTION).
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8874". Rezoning from A-1 to A-4.

MOVED by Councillor Brice and Seconded by Councillor Brownoff:
"That Bylaw No. 8874 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 216
EPW65/Sinclair Rd
UVIC – Inclusion in
Sewer Service
Areas

Mayor Leonard declared, pursuant to Section 84 of the Council Procedure Bylaw, that he is employed as an Instructor in Continuing Studies at the University of Victoria, and therefore will not be taking part in the discussion to expand the sewer and water service areas. Mayor Leonard then left the meeting at 7:35 p.m.

Acting Mayor Brice assumed the Chair

2401 SINCLAIR ROAD – UNIVERSITY OF VICTORIA – REQUEST FOR INCLUSION IN THE SEWER AND WATER SERVICE AREAS.

Report of the Director of Engineering dated August 30, 2007 recommending the sewer and water service areas be expanded to include Lot 1, Plan VIP57957 located in the District of Oak Bay and that staff be directed to prepare the appropriate bylaws.

MOVED by Councillor Gillespie and Seconded by Councillor Sanders: “That the Sewer and Water Service Areas be expanded to include that portion of Lot 1, Sections 31, 44, 45, 71, and 72, Victoria District, Plan VIP57957 located in the District of Oak Bay, and that staff be directed to prepare the appropriate bylaws.”

CARRIED

The Mayor returned to the meeting at 7:37 p.m.

Mayor Leonard resumed the Chair

RECOMMENDATIONS FROM COMMITTEES

No. 217
PLD40
Carbon Neutral
Plan

JOINT ADVISORY COMMITTEE ON CLIMATE CHANGE, SEPTEMBER 11, 2007– CARBON NEUTRAL PLAN

Memorandum dated September 14, 2007 from the Joint Advisory Committee (Environmental Advisory Committee and the Planning, Transportation and Economic Development Advisory Committee) recommending that Council endorse the Carbon Neutral Plan and include it as an initiative in the 2008-2112 Strategic Plan and consider the Carbon Neutral Reserve Fund in the 2008 Financial Plan.

- In response to questions from Council, the Director of Engineering stated:
- The baseline for Saanich’s new building retrofit program was 2004; the energy retrofit took place over the past 18 months and has now been completed so that will work as a credit towards movement on the baseline.
 - Saanich borrowed the money for the energy retrofit program from the Municipal Finance Authority; it is anticipated that the loan will be repaid through the energy savings over the next 10 years.

**MOVED by Councillor Sanders and Seconded by Councillor Gillespie:
“That the Joint Advisory Committee on Climate Change recommend
that Council:**

- 1. Endorse the Carbon Neutral Plan and include it as an initiative in the 2008-2012 Strategic Plan; and**
- 2. Consider the Carbon Neutral Reserve Fund in the 2008 Financial Plan.”**

CARRIED

Adjournment

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

The meeting reconvened at 9:10 p.m.

From the Committee of the Whole Meeting held September 17, 2007.

No. 218
Glanford Avenue
Remedial Action
Order

4130 GLANFORD AVENUE – REMEDIAL ACTION ORDER

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Council pass the following resolution imposing remedial action requirements:

1. Council hereby declares the unlicensed vehicles, vehicle parts and disused items stored outside on the lands described as that Part of Block A, Section 82, Victoria District, Plan 1449, lying to the East of a straight boundary joining points on the Northerly and Southerly boundaries of said block distant 187’ and 187’ respectively from the Northeast and Southeast corners of said block, except that part thereof included within the boundaries of Plan 10415, having a street address of 4130 Glanford Avenue, (herein called “the lands”) to be a nuisance pursuant to Section 74(1)(d) of the *Community Charter* 2003 SBC.c.26;
2. Council hereby directs Mr. Brian H. Wakelin (herein called “the owner of the lands”) to remove all the unlicensed vehicles, vehicle parts, and disused items stored outside on the lands within sixty (60) days from the date on which notice of this order is served upon the owner of the lands; and
3. If the owner of the lands fails to comply with the requirements of Section 2, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Section 1 at the expense of the owner pursuant to Section 17 of the *Community Charter*.”

CARRIED

No. 219
Cordova Bay Rd.
DP Amendment

5142 AND 5144 CORDOVA BAY ROAD – DEVELOPMENT PERMIT AMENDMENT – YOUR FAMILY FOOD MART LTD.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Council approve the request to amend Development Permit P/30/85 on Part of Lot 2, Plan 14005 and Lot A, Plan 14262, both in Section 31, Lake District, (5142 and 5144 Cordova Bay Road), to allow the temporary bank building to remain on-site until October 4, 2008.”

CARRIED

No. 220
Markham Street
DP Amendment

Mayor Leonard declared, pursuant to Section 84 of the Council Procedure Bylaw, that he is employed as an Instructor in Continuing Studies at the University of Victoria, and therefore will not be taking part in the discussion of the development permit amendment. Mayor Leonard then left the meeting at 9:11 p.m.

Acting Mayor Brice assumed the Chair

4464 MARKHAM STREET – DEVELOPMENT PERMIT AMENDMENT – DALE GANN

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Council approve and issue Development Permit Amendment DPA2007-00004 on Lot 3, Section 96, Lake District, Plan VIP68477 (4464 Markham Street), and that prior to issuance the following clause be inserted on Page 4 of the Master Plan under Quality Development: *‘All new construction shall meet or exceed a LEED Certified standard or an equivalent energy and environmental performance standard’.*”

CARRIED

The Mayor returned to the meeting at 9:12 p.m.

Mayor Leonard resumed the Chair

In Camera Motion

MOVED by Councillor Sanders and Seconded by Councillor Gillespie: “That the following meeting be closed to the public as the subject matter being discussed relates to the proposed acquisition and disposition of land and/or improvements, and to personal information about identifiable individuals being considered for appointment.”

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 9:13 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, SEPTEMBER 17, 2007 AT 7:41 P.M.

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

Glanford Avenue
Remedial Action
Order

4130 GLANFORD AVENUE – REMEDIAL ACTION ORDER.

Report of the Bylaw Enforcement and Licence Inspector dated August 16, 2007 recommending Council pass a resolution imposing remedial action requirements pursuant to Sections 72 and 73 of the *Community Charter* directing the owner to remove all of the unlicensed vehicles, vehicle parts, disused items and debris stored at 4130 Glanford Avenue.

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

- The Association strongly endorses the resolution to impose remedial action.

MOTION: **MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That it be recommended that Council pass the following resolution imposing remedial action requirements:**

1. **Council hereby declares the unlicensed vehicles, vehicle parts and disused items stored outside on the lands described as that Part of Block A, Section 82, Victoria District, Plan 1449, lying to the East of a straight boundary joining points on the Northerly and Southerly boundaries of said block distant 187' and 187' respectively from the Northeast and Southeast corners of said block, except that part thereof included within the boundaries of Plan 10415, having a street address of 4130 Glanford Avenue, (herein called "the lands") to be a nuisance pursuant to Section 74(1)(d) of the *Community Charter* 2003 SBC.c.26;**
2. **The Council hereby directs Mr. Brian H. Wakelin (herein called "the owner of the lands") to remove all the unlicensed vehicles, vehicle parts, and disused items stored outside on the lands within sixty (60) days from the date on which notice of this order is served upon the owner of the lands; and**
3. **If the owner of the lands fails to comply with the requirements of Section 2, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Section 1 at the expense of the owner pursuant to Section 17 of the *Community Charter*."**

Councillor Derman stated:

- Staff has tried to contact the owner on several occasions but have

not been successful.

- There does not appear to have been any attempts by the owner to clean up the subject property so unfortunately Council is faced with imposing remedial action.

In response to questions from staff, the Acting Senior Bylaw Enforcement Officer stated:

- It is her understanding that the subject property has been unsightly even prior to 2006.
- Bylaw enforcement in the Municipality is complaint driven but there are also instances where action will be taken if there are potential health, safety or fire concerns.
- She is not aware of any rat problems on the subject property.

The Motion was then PUT and CARRIED

 Mayor Leonard declared, pursuant to Section 84 of the Council Procedure Bylaw, that he is employed as an Instructor in Continuing Studies at the University of Victoria, and therefore will not be taking part in the discussion of the Development Permit amendment. Mayor Leonard then left the meeting at 7:50 p.m.

Markham Street
Development Permit
Amendment

4464 MARKHAM STREET – DEVELOPMENT PERMIT AMENDMENT – DALE GANN.

Reports of the Director of Planning dated August 31, 2007 and September 11, 2007 recommending Development Permit amendment DPA2007-00004 be approved, that the Quality Development section of the Master Plan include a new clause requiring that all new construction shall meet or exceed a LEED Certified standard or an equivalent energy and environmental performance standard, and that the Rural Saanich Local Area Plan be amended by deleting policy 2.5 and Figure 8A (2001 Master Site Plan).

Mr. D. Gann, Vice President - Technology Parks, Vancouver Island Technology Park, stated:

- In 2001 a Master Plan was prepared for the entire 35 acre site; this Master Plan was conservative in its outlook and straightforward in its layout.
- They are now requesting an amendment to the Development Permit in order to incorporate an updated and revised Master Plan for development of the remaining 23,226 square metres of high-tech office space.
- The 2007 Master Plan is based on the original Master Plan and follows the same Municipal zoning criteria, site design guidelines, and general spirit of that plan in all respects.
- Currently there are 31 companies at the Vancouver Island Technology Park (VITP) which employ 1,250 employees; with the development of the remaining space they are hoping to add an additional 1,500 employees.

Mr. C. Rowe, Designer, Cannon Design, stated:

- The floor plan has been adjusted from the original plan to better

- accommodate the anticipated needs of VITP tenants, especially in the biotech sector; this means larger floor plates in each building and a reduction from five main buildings to three.
- The amended Master Plan proposes a new connection through the south of the site, and the closing of the existing through-route, allowing for the reduction of vehicle traffic and an improved pedestrian environment in the new campus; an additional bus stop is proposed adjacent to the south entry plaza.
 - New entry plazas with priority on pedestrians, but still allowing for vehicles to drop off and pick up passengers and deliveries, will create forecourts to the north and south of the new development.
 - Traffic priority and access to parking lots will be governed by two roundabouts at the north and south entries to the site; a connection from the Centennial Trail to the site street and path system will be developed.
 - A mix of surface and underground parking will be provided; there will be a broad range of short and long-term parking options as well as transit services.
 - Elongating the building plan allows for optimal daylighting and natural ventilation strategies; east/west orientation of the plan will provide for optimum solar orientation, allowing for ideal sun shading strategies and the potential installation of building-integrated photovoltaic panels.

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

- Traffic Demand Management (TDM) is very important and they are working with Transit; the Memorandum of Understanding (MOU) also talks about their commitment to TDM on an ongoing basis and they will ensure that they provide annual status reports on the innovative ways they are addressing it.
- The MOU also includes an agreement that parking will be made available on the VITP site free of charge to users of Layritz Park during weekday evenings and all day on weekends and holidays.
- They have provided a walking trail along Markham Road and are looking at adding more trail systems to the existing trails; they have also added parking for Smart Cars.
- They have built a bike locker and facility in the existing building and each new building will have bicycle facilities and showers as well.
- They have engaged Carmanah Technologies to build two solar paneled LED driven bus shelters.
- The Tech Park is now under the stewardship of UVIC and funding for the enterprise and the capital to operate it is solely created by the tenancy of private companies that reside in the Park; the Park must be run in a business friendly manner with respect to LEED and green buildings because it is the right thing to do in order to market their project and also be sustainable in the community.
- Although they are not in a position to guarantee a specific level of LEED standard they are striving to use every sustainable feature and tool available to create a green building; LEED Gold is the target they are working towards.

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

- A bicycle lane was proposed in the original submission of the plan;

- after they gave more consideration to their approach to traffic calming on the site, they decided to eliminate the lanes.
- There will be no bicycle lanes throughout the site and there will be minimal lane markings and signage; this is referred to as “naked streets” in which you blur the divisions between different modes of transportation and pedestrians; it has had a proven traffic calming effect in other countries.
 - They want to give priority on the streets through the site to pedestrians and bicycles rather than vehicles and will do so through different paving techniques and ambiguity.
 - The Design Guidelines require them to be cautious light emissions and not impact the Observatory.
 - They do not expect to floodlight buildings at night or use high level lighting for parking lots; the design theme is to use appropriate levels of lighting for safety purposes but keep it at a low level so there is no light pollution.
 - They have hosted meetings and invited Saanich staff and community associations to participate in various discussions.

The Landscape Architect stated:

- In 2002 a class of students from the formerly named Horticulture Centre of the Pacific designed a set of plans that indicate where the indigenous species of plants are located on the Tech Park site; once rooted, these species can survive both drought and heavy rainfall.
- They want to create a system of preservation of the fir trees and promote the propagation of those particular trees.
- They will continue to work with Glendale Gardens and Camosun College to increase the planning for indigenous species and protect the trees.

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

- The Association has been invited to and participated in meetings hosted by VITP.
- She thanks the proponents once again for explaining issues such as LEED standards, lighting and traffic.

MOTION:

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

1. **It be recommended that Council approve and issue Development Permit Amendment DPA2007-00004 on Lot 3, Section 96, Lake District, Plan VIP68477 (4464 Markham Street), and that prior to issuance the following clause be inserted on Page 4 of the Master Plan under Quality Development: ‘All new construction shall meet or exceed a LEED Certified standard or an equivalent energy and environmental performance standard’; and,**
2. **A Public Hearing be called to amend the Rural Saanich Local Area Plan (1993) by deleting policy 2.5 and Figure 8A (2001 Master Site Plan).”**

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

- In accordance with Clause 5 of the Development Permit, each phase of the building construction and site alteration must be authorized by a Development Permit amendment issued by the Director of Planning. The intent is not to bring each phase to Council for approval, although Clause 5 can be amended to require Council approval if that is the desire.
- What distinguishes this development permit process from others is that it is regulated by a detailed Master Plan that outlines how the site is going to be developed; the parameters of what can be constructed on the site are fairly constrained.
- The Master Plan will be used as a guideline; if the applicants were proposing, for example, to reroute the road, that is a significant change to the Master Plan and would have to come forward to Council.

Councillor Gillespie stated:

- He did not hear anything in the presentation about the issue of providing housing for all of the new people that will be employed with the expansion of the Tech Park; the issue of housing in Greater Victoria will need to be addressed at some point.

Councillor Wergeland stated:

- He thanks the proponents for their comprehensive presentation; it is a very exciting proposal and he compliments them.
- He is happy that they are working on a TDM program and looks forward to having periodic updates.

Councillor Derman stated:

- He supports the proposal; it is a fabulous asset to Saanich and he thinks the proposed amendments to the Development Permit are positive.
- One of the remarkable aspects of the Tech Park when it came forward in 2001 was its visionary approach to successful green building; he is concerned that the LEED Gold standard is not being included in the Master Plan and hopes the visionary approach is not lost in favor of a managerial approach.
- It would be nice to see the Tech Park carbon neutral but there is ample opportunity to make that happen.
- It would be ideal if there were opportunities to salvage heat and sell it to the neighbouring Camosun College and for water recovery for use in nearby Layritz Park.

Councillor Ngai stated:

- She supports the proposal; it is a very exciting plan.
- There is a synergy between the Tech Park and Camosun College with the education component and the talents and skills of the people who are employed at the Tech Park.
- The new way of thinking is all about conservation and being environmentally sensitive; Glendale Gardens is adjacent to the Tech Park and she hopes they continue to collaborate.
- She has every faith that the Tech Park will continue to strive to achieve the highest LEED Certified standard.

- She is happy that the Tech Park is in Saanich and hopes to have periodic reports from them so that the community can celebrate their achievements and successes.

The Motion was then PUT and CARRIED

 Mayor Leonard returned to the meeting at 8:55 p.m.

Cordova Bay Road
 Development Permit
 Amendment

5142 AND 5144 CORDOVA BAY ROAD – DEVELOPMENT PERMIT AMENDMENT – YOUR FAMILY FOOD MART LTD.

Report of the Director of Planning dated September 5, 2007 recommending approval of Development Permit amendment DPA2007-00025 to allow the temporary bank building to remain on site until October 4, 2008.

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

- There is a legal limitation on a temporary use permit and it can only be renewed once; however, Council can continue to amend a development permit.

Ms. B. Ferguson, 4630 Lochside Drive, on behalf of Your Family Food Mart Ltd., stated:

- The property owners are requesting a one year extension in order to finalize the relocation of the Bank of Nova Scotia into the Mall building.
- Some of the tenants had to be moved around in the Mall in order to make room for the Bank; extensive exterior renovations have also been undertaken.
- The property owners had a former gas station tenant on part of their property but the tanks were decommissioned and removed more than 20 years ago.
- Shell Oil has a site across the street and one of their underground storage tanks starting leaking in 1997; they have since decommissioned their site and filed a lawsuit claiming that the Mall owners are partly responsible for the soil contamination.
- Determining the party responsible has involved a lengthy and costly investigation; the final resolution is unknown at this time as the court dates keep getting changed.
- The Bank has signed a five year lease which commences October 1, 2007.

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

- The Ratepayers' Association asked if the owners would pave the gravel area fronting the property; it cannot be paved as that is the area of contaminated soil and there about 180 wells that are used for testing.
- There were some dead or dying shrubs in the boulevard that were removed and the grass was cut at the rear of the property.
- They could consider adding some landscaping to improve the look of the site and hopefully the soil contamination will not kill the plants.

MOTION: **MOVED** by Councillor Derman and **Seconded** by Councillor Gillespie: “That it be recommended that Council approve the request to amend Development Permit P/30/85 on Part of Lot 2, Plan 14005 and Lot A, Plan 14262, both in Section 31, Lake District, (5144 and 5142 Cordova Bay Road), to allow the temporary bank building to remain on-site until October 4, 2008.”

In response to questions from Council, the Director of Planning stated:
 – If the applicants request another extension to the Development Permit, landscaping could be made a condition of approval.

Mayor Leonard stated:
 – Even some pots and planters filled with greenery would improve the look of the site.

The Motion was then PUT and CARRIED

Adjournment On a motion from Councillor Sanders, the meeting adjourned at 9:10 p.m.

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 CHAIR

I hereby certify these Minutes are accurate.

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 MUNICIPAL CLERK