

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, AUGUST 18, 2008 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gillespie, Hunter, Ngai (7:50 p.m.), 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

PUBLIC HEARING

No. 215
Saanich Road
Bylaw 8953

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2008, NO. 8953”

PROPOSED REZONING OF A PORTION OF 3501 SAANICH ROAD AS PART OF A SUBDIVISION BOUNDARY ADJUSTMENT

The intent of this proposed bylaw is to rezone a portion of Lot 1, Section 7, Victoria District, Plan VIP80801 (**3501 SAANICH ROAD**) from zone C-2 (General Commercial) to zone C-4 (Office and Apartment) for the purposes of subdivision and consolidation with adjoining Lots 1 and 2, Section 7, Victoria District, Strata Plan 1468 (**3471 SHORT STREET**).

DEVELOPMENT PERMIT AMENDMENTS applicable to the above lands will also be considered to decrease the lot size and building area for 3501 Saanich Road and to increase the lot size and building area for 3471 Short Street.

The Notice of Public Hearing; and report of the Director of Planning dated May 26, 2008, recommending that the application to rezone from C-2 to C-4, and the Development Permit amendments be approved; were introduced.

APPLICANT:
Nil.

PUBLIC INPUT:
Nil.

APPLICANT’S RESPONSE:
Nil.

MOTION: **MOVED** by Councillor Brownoff and **Seconded** by Councillor Gillespie: “That the application to rezone from C-2 to C-4 be approved.”

No. 216
Saanich Road
 Bylaw 8953

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2008, NO. 8953”
 Second and Third Readings

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: “That Bylaw No. 8953 be read a second time.”

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: “That Bylaw No. 8953 be now passed.”

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: “That Council approve and issue Amended Development Permits DPR2005-00010 to decrease the lot size and building area for Lot 1, Section 7, Victoria District, Plan VIP80801 (3501 Saanich Road), and P/87-00003 to increase the lot size and building area for Lots 1 and 2, Section 7, Victoria District, Strata Plan 1468 (3471 Short Street).”

CARRIED

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Hunter and Seconded by Councillor Gillespie: “That the Minutes of the Council and Committee of the Whole Meetings held August 11, 2008, be adopted.”

CARRIED

RESOLUTIONS FOR ADOPTION

No. 217
PQS100
 RFP26/08

REQUEST FOR PROPOSAL 26/08 – GORDON HEAD RECREATION CENTRE ARCHITECTURAL SERVICES.

Report of the Director of Purchasing dated August 7, 2008 recommending Request for Proposal 26/08 for Architectural Services for the Gordon Head Recreation Centre expansion and renovations be awarded to Hughes Condon Marier in the amount of \$338,795.

In response to questions from Council, the Manager of Development and Municipal Facilities, stated:

- The size of the proposed expansion will not be known until the design process is complete and costs assigned; the intent is to focus on renovations to the interior of the existing facility, e.g. the washrooms and changerooms; a sprinkler system will also need to be installed or some other code equivalency.
- It is also their intention to create space within the building for the preschool which is presently located in a portable, as well as to increase the general purpose room space.
- The new portion of the building will meet or exceed the requirement for silver LEED certification; however, they may not meet certification requirements for the interior of the existing facility.
- They will incorporate stormwater management into the proposed expansion of the facility.

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Request for Proposal 26/08 for Architectural Services for the Gordon Head Recreation Centre expansion and renovations be awarded to Hughes Condon Marier in the amount of \$338,795."

CARRIED

No. 218
PQS100
Tender 28/08

TENDER 28/08 – SEISMIC UPGRADE - FIREHALL #3
Report of the Director of Purchasing dated August 18, 2008 recommending Tender 28/08 for the Seismic Upgrade of Firehall #3 be awarded to Kinetic Construction Limited in the amount of \$234,150.

MOVED by Councillor Wergeland and Seconded by Councillor Brice: "That Tender 28/08 for the Seismic Upgrade of Firehall #3 be awarded to Kinetic Construction Limited in the amount of \$234,150."

CARRIED

CAPITAL REGIONAL DISTRICT ACTIVITIES

No. 219
ADM115 – CRD
Updates

Council members provided updates on a variety of Capital Regional District initiatives.

Councillor Ngai entered the meeting at 7:50 p.m.

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 8:22 p.m.

The Meeting reconvened at 9:02 p.m.

Recommendations

RECOMMENDATIONS

From the Committee of the Whole Meeting held August 18, 2008

No. 219
Banga Place
Development Permit
Amendment

636 RALPH STREET – DEVELOPMENT VARIANCE PERMIT – GRAHAM SMITH

MOVED by Councillor Wergeland and Seconded by Councillor Brownoff: "That Council approve and issue Development Variance Permit DVP2008-00016 on Lot A, Section 49, Victoria District, Plan VIP84323 (636 Ralph Street)."

CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 9:03 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, AUGUST 18, 2008 AT 8:23 P.M.

Present: **Chair:** Councillor Ngai
Council: Mayor Leonard and Councillors Brice, Brownoff, Derman, Gillespie, Hunter, 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.

Ralph Street
 Development
 Variance Permit

636 RALPH STREET – DEVELOPMENT VARIANCE PERMIT – GRAHAM SMITH

Report of the Director of Planning dated July 30, 2008 recommending approval of Development Variance Permit DVP2008-00016.

Mr. G. Smith, applicant, 1413 Denman Street, stated:

- The house design was approved and a building permit was subsequently issued; however, when the survey was done to verify the siting and height, it was determined that the house exceeded the permitted height and allowable non-basement area.
- Because the site slopes and in order to ensure that the existing Garry oak trees would not be impacted, the house was situated at the rear of the property and the services were installed on the high side of the lot.
- He applied to the Board of Variance but the application was not approved as the Board felt that the issue should be addressed through a Development Variance Permit because the house design was approved through the rezoning process.

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

- He is also doing the renovations to the adjacent dwelling at 638 Ralph Street which includes a one storey addition to the rear of the house; its roofline will be about the same height as the height of the new dwelling on the subject site.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That it be recommended that Council approve and issue Development Variance Permit DVP2008-00016 on Lot A, Section 49, Victoria District, Plan VIP84323 (636 Ralph Street).”

Councillor Derman stated:

- He is comfortable with approving the application; he feels the new dwelling will fit in nicely with the existing neighbourhood.

The Motion was then PUT and CARRIED

Cordova Bay Road
Rezoning

5184 CORDOVA BAY ROAD (A PORTION) – REZONING APPLICATION – SAINT DAVID BY THE SEA ANGLICAN CHURCH (TOM WILKINSON)

Report of the Director of Planning dated July 30, 2008 recommending Map 9.1 of the Cordova Bay Local Area Plan be amended as outlined and the rezoning of the 204 m² westerly (rear) portion from RS-8 to P-1 be approved.

Mr. D. Mumford, on behalf of the Saint David by the Sea Anglican Church, stated:

- The Church currently owns two lots; the Church itself is located at 5182 Cordova Bay Road and the old rectory is located on the adjacent lot at 5184 Cordova Bay Road.
- The purpose of the application is to rezone a portion of 5184 Cordova Bay Road and adjust the boundary in order to consolidate a portion of the rectory property with the Church property at 5182 Cordova Bay Road.
- The west portion of the rectory property has been used by the Cordova Bay preschool for many years as a green space; the Church wants to sell that lot but wants to retain the green space so the preschool can continue to use it.

Mr. D. Johnson, 8974 Sutcliffe Road, stated:

- He is a warden for the Church.
- The preschool has operated in the Cordova Bay area for about the past 48 years; the Church considered other options for the preschool but in the end they decided to retain the portion of the rectory property so that the preschool could continue to use the green space and not have to find another location.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Brice: “That a Public Hearing be called.”

Councillor Derman stated:

- He compliments the Church for finding a solution that is best for the preschool; there may be some loss of revenue for the Church but he appreciates their efforts.

Councillor Wergeland stated:

- He appreciates what the Church is doing in order to accommodate the preschool.

Councillor Hunter stated:

- Retaining the preschool is good for our municipality; schools make communities more vibrant.

The Motion was then PUT and CARRIED

Quadra Street
Rezoning**4085 QUADRA STREET – REZONING APPLICATION – NEIL AND MICHELLE SALMOND**

Report of the Director of Planning dated July 28, 2008 recommending approval of the rezoning from C-1 to C-2, subject to preparation of a covenant as outlined, and Development Permit DPR2007-00028.

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

- Staff considered creating a new C-1 zone for the subject property but they try not to create too many special zones as it makes the bylaw more difficult for everyone to work with.
- The C-1NC Zone (Neighbourhood Commercial Zone) permits retail sale of goods, medical services, repair of household items, tools and appliances, personal service, office, restaurant, accessory residential, and a cable hub site.

Mr. B. Kapuscinski, KMA Architecture, stated:

- The proposal is to rezone from C-1 to C-2; the purpose of the proposed rezoning is to increase the range of commercial and retail uses so that the applicants can attract and retain long term tenants; the building has had long periods of vacancies and property taxes have doubled in the past five years which has caused financial hardships.
- The applicants intend to retain the existing building with the denture clinic and the garden centre as tenants; no significant modifications to the building are planned.
- A Temporary Use Permit which was issued to allow the premises to be used for a wider range of businesses has been in place for the past four years and there have not been any issues, however, the permit expires in 2009.
- They are requesting variances for vehicle and bicycle parking and for setbacks for the existing building.

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

- The Association is opposed to the proposed rezoning of the subject property from C-1 to C-2; a C-2 Zone provides for a wider range of activities above and beyond what they consider appropriate for the neighbourhood and the site.
- The Association does not support the following uses: wholesale accessory to retail sale, supplementary off-street parking, and beverage container depot use.
- The Association would like Council to consider rezoning the subject property from C-1 to C-1NC; a C-1NC Zone would allow for a wider range of commercial use without the limited range of retail use of a C-1 Zone and the over-extended range of a C-2 Zone.
- The Association supports the restrictive covenants as recommended in the Planner's report.

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

- The Association was not aware of a C-1NC Zone until they had discussions with the Planning Department earlier in the day.
- The Association felt that rather than opposing the proposed C-2

rezoning at tonight's meeting, it would be preferable to suggest a compromise or solution; he spoke to the applicants briefly prior to the meeting regarding the C-1NC Zone.

Mr. H. Charania, 757 Genevieve Road, stated:

- Historically the subject site has been a small neighbourhood commercial area known for its corner grocery store.
- According to the Planner's report the applicant has had difficulty in attracting long term tenants, no significant building or site changes are proposed, the current tenants are a garden centre and denture clinic which have not caused any complaints by the area residents, and the Temporary Use Permit expires in 2009.
- The Planner's report also states that small scale retail and office space can be successfully be integrated on the subject site; the report ignores other permitted uses for C-2 zoning such as assembly, apartment, congregate housing, wholesaling accessory to retailers, and medical services.
- The neighbourhood wants to avoid high density and expanded commercial uses.
- He believes that a C-2 Zone is suitable for larger commercial areas such as McKenzie Avenue and Quadra Street.
- He would like Council to consider one of the following courses of action: retain the C-1 Zone with one amended use for the denture clinic, rezone the site to C-1NC, or, extend the Temporary Use Permit; he urges Council not to approve the application to rezone to C-2.

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

- The neighbourhood would probably be happy to continue with C-1 zoning on the subject site with a minor amendment so that the denture clinic can continue to operate.
- He has received emails from some of the executives on the Community Association expressing concerns with parking, traffic, noise, hours of operation, density, etc. associated with the proposed C-2 zoning.
- As far as he is aware, the applicant has met with the president of the Association; it would have been more fruitful for the applicant to meet with the Association early in the process.

In response to questions from Council, Mr. N. Salmond, applicant, stated:

- He is aware of the C-1NC Zone, however, it was recommended that he apply for a C-2 Zone; the subject building is old and if they ever had to renovate it they would not be able to do so under a C-1 Zone because the floor space is limited to 3,000 square feet.
- He fully supports not having a beverage depot on the subject site.

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

- The applicants applied for C-2 zoning because it will give them more flexibility and it provides an increase to the density; the range of uses in a C-1NC Zone conforms more or less with the C-2 Zone as restricted by removing apartment and congregate care uses.

Mayor Leonard stated:

- He suggests that further consideration of the application be postponed so that the Planner and the applicants can meet and discuss other options and if they wish, they can amend their application.

MOTION: MOVED by Mayor Leonard and Seconded by Councillor Brownoff: "That consideration of the rezoning application for 4085 Quadra Street be postponed, to allow the applicants the opportunity to meet with planning staff and discuss the possibility of amending their proposed zone."

CARRIED

Adjournment On a motion from Councillor Derman, the meeting adjourned at 9:01 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK