

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, AUGUST 10, 2009 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brice, Brownoff, Derman, Gerrard, Hunter, Murdock, and Wergeland.  
**Staff:** Tim Wood, Administrator; Colin Doyle, Director of Engineering; Carrie MacPhee, Manager of Legislative Services; Anne Topp, Manager of Community Planning; and Maura Brothers, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter:**  
“That the Minutes of the Council and Committee of the Whole Meetings held July 20, 2009 and the Minutes of the Special Council Meeting held July 21, 2009, be adopted.”

**CARRIED**

**BYLAWS**

ADM40  
Bylaw 8556

**ANIMALS BYLAW – HOUSEKEEPING AMENDMENT.**

Three Readings of the “Animals Bylaw, 2004, Amendment Bylaw, 2009, No. 9002”. To amend Sections 6 and 13 to change references from “Lakeside Park” to “Whitehead Park”.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:**  
“That Bylaw No. 8556 be introduced and read.”

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:**  
“That Bylaw No. 8556 be read a second time.”

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:**  
“That Bylaw No. 8556 be now passed.”

**CARRIED**

ADM40  
Bylaw 8996

**REZONING OF VARIOUS PARK PROPERTIES.**

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2009, No. 8996”. To rezone various park properties to P-4, P-4N and P-5.

**MOVED by Councillor Wergeland and Seconded by Councillor Brice:**  
“That Bylaw No. 8996 be introduced and read.”

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

ADM90  
Council/Committee  
of the Whole  
Meetings

**AUGUST 24, 2009 COUNCIL/COMMITTEE OF THE WHOLE MEETINGS.**

Memorandum from the Manager of Legislative Services dated August 4, 2009 requesting Council cancel the August 24, 2009 Council and Committee of the Whole Meetings.

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:**  
“That the August 24, 2009 Council and Committee of the Whole Meetings be cancelled.”

**CARRIED**

**RECOMMENDATIONS**

*From the Committee of the Whole Meeting held July 20, 2009*

PLD55  
Action Plans  
Terms of  
Reference –  
Shelbourne  
Corridor and  
Uptown Saanich

**ACTION PLANS TERMS OF REFERENCE – SHELBOURNE CORRIDOR AND UPTOWN SAANICH.**

Recommendation from the July 20, 2009 Committee of the Whole Meeting, and supplemental report from the Director of Planning dated July 31, 2009 recommending that the amended Terms of Reference for the Uptown Saanich Action Plan and the Shelbourne Corridor Action Plan be endorsed.

**MOVED by Councillor Gerrard and Seconded by Councillor Hunter: “That the Terms of Reference for the Uptown Saanich Action Plan and the Shelbourne Corridor Action Plan be endorsed .”**

**CARRIED**

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 7:33 p.m.

The meeting reconvened at 9:25 p.m.

**RECOMMENDATIONS**

*From the Committee of the Whole Meeting held August 10, 2009*

ADM120  
XRef: West  
Saanich Road  
Amendment to a  
Food Primary  
Liquor License

**5285 WEST SAANICH ROAD – AMENDMENT TO FOOD-PRIMARY LIQUOR LICENCE – DISCOVER 640 PROPERTIES INC.**

Report of the Director of Planning dated July 24, 2009 recommending the request for the Liquor Control and Licencing Branch (LCLB) to amend the food-primary liquor licence to include patron participation entertainment at the Saanich Roadhouse Restaurant be supported, that comments contained in the report be endorsed, and that minutes of the Committee of the Whole meeting and received correspondence be provided to the LCLB as representing the views of residents with respect to the application.

**MOVED by Councillor Brice and Seconded by Councillor Gerrard: “That Council advise the Liquor Control and Licencing Branch (LCLB) that the applicant stated at the August 10, 2009 meeting he was withdrawing his application for an amendment to the food-primary liquor licence to include patron participation entertainment at the Saanich Road House Restaurant, 5285 West Saanich Road, and that he would be so advising the LCLB.”**

**CARRIED**

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 9:26 p.m.

.....  
MAYOR

I hereby certify these Minutes are accurate.

.....  
MUNICIPAL CLERK



- Green roofs are proposed for the development.
- A series of stepped planters is proposed across the front of the building to compliment the stone façade.

In response to questions from Council, Mr. M. Levin stated:

- The applicant will work with Planning staff to determine the level of LEED equivalent appropriate for the proposed building.
- Discussions with BCTransit on the type of bus stop to be installed in front of the proposed building will begin if the project is approved.
- No specific tenants have been identified at this time for the restaurant/assembly space in the proposed building.

Mr. S. Coe, Vice-President of the Gordon Head Residents' Association, 29-3987 Gordon Head Road, stated:

- After meeting with the applicant, the Association is very satisfied with the new proposal.
- Though the Association remains concerned regarding potential traffic issues at Shelbourne and Teakwood, the applicant's willingness to have a traffic impact assessment prepared is appreciated.
- The incorporation of a social element to the building through a restaurant/assembly space will be beneficial to the neighbourhood.

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

- Council should wait until the Action Plan for the Shelbourne Corridor is completed before rezoning this property.

Mayor Leonard stated:

- He compliments the applicant and the Gordon Head Residents' Association on their collaboration to improve this proposal.

## MOTION

**MOVED by Mayor Leonard Seconded by Councillor Judy Brownoff:  
"That a Public Hearing be called to further consider the rezoning  
application for 3959 Shelbourne Street."**

Councillor Brownoff stated:

- Consultation with the Gordon Head Residents' Association has resulted in the addition of mixed-use on the east side of Shelbourne to create a more interactive streetscape; the additional windows and redesigned landscaping have also improved the proposal.
- The stepping stones behind the bus stop will help to address her concerns regarding pedestrian access to Teakwood; however, she would encourage the applicant to texturize the entry to the underground parking to increase pedestrian safety.

Councillor Wergeland stated:

- The applicant took advantage of the time offered by the postponement to improve the proposal, including specifically the increased setback, the redesigned southern patio area, and the intention to build to LEED certification or equivalent.
- Though it will be defined through the Action Plan process, there is already a general vision for major centres in Saanich and this proposal can be compared to it favorably.

Councillor Brice stated:

- The new proposal is more in context with surrounding properties and it embodies the principles of mixed use and higher density.
- As this property is limited for development by the adjacent sites, which include the recently completed Tuscan Village and the Petro-Canada gas station, rezoning prior to completion of the Shelbourne Corridor Action Plan is less of a concern.

Councillor Gerrard stated:

- The building design remains good while the addition of LEED or equivalent certification and the amendments to the landscaping and the surrounding site are definite improvements; furthermore, the Gordon Head Residents' Association now supports the application and the increased walkway of 5.5 m provides a significant public amenity.
- He would like to see the applicant partner with the appropriate organization to provide an enhanced bus shelter at this site and for a restaurant/deli tenant to enliven the building at night.

Councillor Derman stated:

- The proposed building has an attractive design and an excellent pedestrian environment; the applicant is encouraged to determine with staff the level of LEED certification or equivalent intended for the proposed building prior to Public Hearing.
- It is regrettable that a policy framework for the Shelbourne Corridor is not already in place and that this property is not being developed at the same time as the adjacent Petro-Can gas station; nonetheless, the applicant has done extremely well within these constraints and produced a supportable proposal

Councillor Hunter stated:

- The applicant has responded to the Gordon Head Residents' Association concerns and discussed the proposal with members of Council; the application is ready to proceed to Public Hearing.

Councillor Murdock stated:

- He is pleased with: the level of engagement between the applicant and the Gordon Head Residents' Association, the final proposal overall; the active street level component; the LEED certification or equivalent.
- The applicant should give consideration to clarifying the level of LEED certification or equivalency and encouraging future tenants to have employees use BCTransit for commuting.

**The Motion was then PUT and CARRIED**

Balmacarra Road  
Rezoning

**4588 BALMACARRA ROAD – REZONING APPLICATION – RICHARD AND JUDITH MIDGLEY.**

Report of the Director of Planning dated July 21, 2009 recommending the rezoning from RS-16 to RS-12 and RS-14 not be approved for a proposed two lot residential subdivision.

In response to questions from Council, the Manager of Community Planning stated

- The extensive circulation process for single family subdivision rezoning applications could result in the applicant being informed at a later date that staff did not support the proposal.
- The properties to the west of the proposed subdivision are panhandle lots that were created some time ago and likely do not meet the size requirements for their RS-16 zoning.
- If Council chooses to support the application, the Planner's report recommends that the proposed Remainder Lot B be zoned RS-14 to support the precedent of larger properties adjacent to the waterfront.

The applicant, Mr. R. Midgley, 4588 Balmacarra Road, read from his letter and stated:

- He and his wife intend to build on the proposed Lot 1 and reside in there with an elderly relative, while his daughter and her family would occupy the existing dwelling on the Remainder Lot B.
- Covenants could be placed on both lots limiting the maximum dwelling size and preventing future subdivision of Remainder Lot B.
- The application was circulated to many staff members over a long period of time, none of whom indicated any objections to the proposal until the Planner's report was finalized.

Mr. H. Pickup, 4516 Balmacarra Road, spoke in support of the application and stated:

- The proposal would be an asset to the neighbourhood.

Ms. S. Longton, 4560 Balmacarra Road, spoke in support of the application and stated:

- Her husband also supports the application, but was not available to attend the meeting.
- The proposed subdivision is not visible from the road and will allow for the family to provide care to an elderly relative.

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

- The proposed subdivision is not near services or transit, meaning that occupants will require vehicles; developing car-oriented properties will result in more green-house gas emissions.

Mayor Leonard stated:

- Though he understands the position of Planning staff regarding the size of waterfront lots, he feels confident that this Council and those in the future will continue to consider zonings based on the merits of individual applications.
- The applicant's history in Saanich and the neighbourhood support give credibility to the proposal, despite the staff recommendation; he supports the application being sent to Public Hearing.

Councillor Hunter stated:

- Though he supports the application being sent to Public Hearing, he is not sure if he will approve the proposal at that time.
- He thanks Planning staff for supporting Saanich policy and providing the option of zoning Remainder Lot B as RS-14; he would like to know if there are ways other than covenants to prevent approval of this application from setting a precedent for reducing the size of waterfront lots.

Councillor Gerrard stated:

- The majority of properties from Cormorant Point to Gordon Point are zoned RS-16, as is the subject property; furthermore, Council recently chose not to approve a subdivision in this area.
- He is concerned about the precedent that could be set by approving this subdivision application and cannot support it being sent to Public Hearing.

Councillor Derman stated:

- He cannot support this application being sent to Public Hearing; though he believes the applicant is sincere, if circumstances change the property may be sold.
- Similar properties in the area have not been approved for subdivision and the location is not close to services.

Councillor Wergeland stated:

- It is good to see a strong neighbourhood support for this project; though it is important to consider zoning carefully, the needs of families should also be taken into account.
- Council needs to look at the merits of individual proposals; he sees merit in this application and supports it going forward to Public Hearing.

Councillor Brownoff stated:

- It is unfortunate that the applicant went almost a year before hearing any negative comments regarding the proposal.
- Saanich policy indicates that these large lots along the waterfront are a special type of neighbourhood; as the property cannot be subdivided to create a RS-16 zoned waterfront lot and since there is the possibility of setting a precedent for subdivision in this area, she does not support the application.

Councillor Brice stated:

- The possibility of this application setting a precedent in the area is a source for concern, but the applicant's willingness to covenant the size of dwellings on both lots is persuasive as is the neighbourhood's support for the proposal.
- She supports the application being sent to Public Hearing based on the work done by the applicant

Councillor Murdock stated:

- He is sympathetic to the applicant's attempt to provide accommodation for his family; however, the proposal could trigger a series of rezonings in adjacent properties that would be contrary to the spirit of the Official Community Plan (OCP) which indicates that density is to be located close to services.
- He is unable to support the application being sent to Public Hearing.

**MOTION**

**MOVED by Mayor Leonard and Seconded by Councillor Brice: "That further consideration of the application to rezone Lot B, Section 84, Victoria District, Plan 42525 (4588 Balmacarra Road) from RS-16 to RS-12 and RS-14 for a proposed two lot residential subdivision be postponed until all members of Council are present."**

**CARRIED**Borden Street  
Rezoning**4107 BORDEN STREET – REZONING APPLICATION – DENNIS CARLSEN, MCIP.**

Report of the Director of Planning dated July 24, 2009 recommending approval of the rezoning from RS-6 to RD-1 and Development Permit DPR2008-00036 for a proposed duplex.

On behalf of the applicant, Mr. D. Carlsen MCIP, stated:

- The applicant proposes to renovate and add to the existing dwelling at 4107 Borden Street in order to create a duplex
- As the property is a corner lot, the proposed duplex would have the appearance of a single family dwelling from both streets and substantially exceeds the setback requirements under the proposed RD-1 zoning; the OCP and the North Quadra Local Area Plan support duplexes on corner lots with appropriate scale and massing.
- The applicant is prepared to strata title the units in the interest of providing ownership possibilities within the duplex.
- In meetings with the applicant, the North Quadra Land Use Protection Association indicated they accept the proposal in principle; discussions have also been undertaken with the neighbourhood and attempts made to address the concerns raised.
- The neighbourhood already has duplexes and townhouses, so the proposal will not significantly change the character of the area.
- By relocating the stormwater management system and mitigating the impact of the proposed construction, it may be possible to retain two or three of the four fir trees on the subject property; adjacent neighbours indicated their desire these trees to be retained.
- With two parking spots provided on site for each unit of the duplex, in addition to the space on the driveway, no parking on the street will be necessary.
- The applicant acknowledges his previous problems in maintaining the subject property, due in part to the challenge of being a single parent; he has already cleaned up the yard significantly.

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

- Secondary suites are not permitted under the current zoning bylaw and the applicant has no intention of adding any to the proposed duplex in the future.
- The applicant assures that there will be no vehicles from residents of the proposed duplex parked on the street; he would be willing to covenant the maximum size of the proposed duplex and to discuss using Built Green standards for the construction of the addition.
- The rock outcropping at the rear of the subject property will require some blasting in order to construct the proposed duplex.

Mr. W. Streliaff, 1108 McBriar Avenue stated:

- The majority of residents close to the proposed duplex oppose the application; of the ten signatories to the June 1, 2009 letter opposing the application, only two have changed their position to a neutral stance, based on the applicant cleaning up the subject property.
- The proposed duplex would erode the single family character of the neighbourhood and negatively impact adjacent property values.

- Traffic at the corner of Borden Street and McBride Avenue is already problematic for the many pedestrians accessing nearby schools, Ambassador Park, and the Lochside Trail; additional vehicles in the area would exacerbate existing safety risks and increases to on street parking would make access difficult for emergency vehicles.
- The neighbourhood has been concerned about the lack of maintenance on this property and is pleased to see an improvement.
- Many duplexes within the neighbourhood have secondary suites and residents are concerned that the same will happen on this site.

Councillor Hunter stated:

- The North Quadra Land Use Protection Association made no opposition to the application.
- He supports the proposed duplex being sent to Public Hearing based on the following: the OCP indicates that duplexes are to be given favourable consideration on corner lots; the subject property is located close to many services; the proposed addition will be small and updated to environmental standards; and the applicant has taken measures to ensure no vehicles will be parked on street.

#### MOTION

**MOVED by Councillor Derman Seconded by Councillor Gerrard:  
“That a Public Hearing be called to further consider the rezoning  
application for 4107 Borden Street.”**

Councillor Derman stated:

- The subject property is a good site for a small increase in density as it is located at a walkable distance to services; furthermore, the small size of the proposed duplex makes secondary suites unlikely.
- If the proposed duplex is sent to Public Hearing, he would expect guarantees from the applicant on the size of duplex, energy efficiencies for the addition, and on site parking.

Councillor Gerrard stated:

- As McBriar Avenue ends in a cul-de-sac it is unlikely the proposal would generate any additional traffic on that street.
- He agrees with previous comments made by Council regarding the OCP’s support for duplexes, the improbability of secondary suites in a dwelling of the size proposed by the applicant, and the proximity of the subject property to services; he would also like to see covenants on the size of the duplex and on the retention of the existing trees.

Councillor Brice stated:

- She supports the application being sent to Public Hearing, as it is a modest form of infill in a location close to many services.
- It is understandable that neighbours would have concerns regarding an increase in use if there have been previous issues with property maintenance; hopefully the problems around upkeep can be addressed separately from the question of land use.

Councillor Wergeland stated:

- This is a good location for a duplex, as indicated in the OCP; a legally created duplex is more supportable than illegal suites.

- It is beneficial that the applicant has provided on site parking to address previous issues; however it seems unfair that only certain residents are not allowed to park on the street.

Councillor Brownoff stated:

- She supports the application being sent to Public Hearing, as the property is on a corner lot which the OCP regards as a favourable location for a duplex, but she wants to see commitments regarding tree retention, the duplex's size, and energy efficiency measures.
- She is also concerned about the impact of blasting on the neighbours and the impact of the duplex on the privacy of the adjacent property.

**The Motion was then PUT and CARRIED**

ADM120  
XRef: West Saanich  
Road  
 Amendment to a  
 Food Primary Liquor  
 License

**5285 WEST SAANICH ROAD – AMENDMENT TO FOOD-PRIMARY LIQUOR LICENCE – DISCOVER 640 PROPERTIES INC.**

Report of the Director of Planning dated July 24, 2009 recommending the request for the Liquor Control and Licencing Branch (LCLB) to amend the food-primary liquor licence to include patron participation entertainment at the Saanich Roadhouse Restaurant be supported, that comments contained in the report be endorsed, and that minutes of the Committee of the Whole meeting and received correspondence be provided to the LCLB as representing the views of residents with respect to the application.

On behalf of the applicant, Mr. P. Jones, stated:

- For personal reasons, the applicant has chosen to withdraw his application and will be sending a letter indicating this to Saanich and the LCLB.

MOTION

**MOVED by Mayor Leonard and Seconded by Councillor Brownoff:**  
**“That it be recommended that Council advise the Liquor Control and Licencing Branch (LCLB) that the applicant stated at the August 10, 2009 meeting he was withdrawing his application for an amendment to the food-primary liquor licence to include patron participation entertainment at the Saanich Road House Restaurant, 5285 West Saanich Road, and that he would be so advising the LCLB.”**

**CARRIED**

Adjournment

On a motion from Mayor Leonard the meeting adjourned at 9:25 p.m.

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 CHAIR

I hereby certify these Minutes are accurate

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 MUNICIPAL CLERK