

SPECIAL COUNCIL MEETING  
FOR THE PURPOSES OF A **PUBLIC HEARING**  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**TUESDAY, JULY 20, 2004 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brownoff, Cubberley, Derman, Gillespie, Ngai, Wergeland and Wade.  
**Staff:** J. Chow, Planner I; J. Bains, Development Coordinator and, M. Greco, Senior Committee Clerk.

No. 274  
Bylaw No. 8580  
Leyns Road

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8580"

**PROPOSED 2 LOT RESIDENTIAL SUBDIVISION ON LEYNS ROAD**

To rezone a portion of Lot B, Section 84, Victoria District, Plan 12927 (**1905 LEYNS ROAD**) from zone RS-16 (single family dwelling - minimum lot size 0.4 ha) to zone RS-12 (single family dwelling - minimum lot size 930m<sup>2</sup>) for a proposed two lot residential subdivision. Council will also consider including the southwest corner of the proposed RS-12 lot within the Sewer Enterprise Boundary and exempting the remainder of Lot B, Plan 12927 (panhandle lot) from the required minimum highway frontage.

The Notice of Public Hearing and report of the Director of Planning dated June 11, 2004 recommending rezoning approval and inclusion of a portion of the property within the Sewer Enterprise Boundary provided that the owner agrees to bear the full cost of extending the service, were introduced.

**APPLICANT:**

Mr. D. Carrier, J. E. Anderson and Associates, on behalf of the owner, stated:

- S The development proposal complies with the policies within the Gordon Head Local Area Plan and the property is within the Urban Containment Boundary.
- S The adjacent neighbours have no objections to the proposal.
- S The Gordon Head Residents Association believe the sewer extension and subdivision is a form of infill development that is in keeping with the immediate surrounding area and does not compromise the neighbourhood.
- S In accordance with the Engineering Department's recommendation, rock pits will be used to address drainage concerns.
- S This proposal will not negatively impact any trees or sensitive areas on the property; a restrictive covenant will be registered for trees identified as worthy of protection by the Planning Department.
- S Measures will be applied to further protect the marine shoreline.

**PUBLIC INPUT:**

Nil.

**APPLICANT'S RESPONSE:**

Nil.

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That the application to rezone to RS-12 be approved and a portion of the property be included within the Sewer Enterprise Boundary provided that the owner agrees to bear the full cost of extending the service."**

**CARRIED**

No. 275  
Bylaw No. 8580  
Leyns Road

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8580"  
Second, Third and Final Readings.

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8580 be read a second time."**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8580 be now passed."**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8580 be adopted by Council and the Seal of the Corporation be attached thereto. "**

**CARRIED**

**Moved by Councillor Wergeland and Seconded by Councillor Gillespie: "That the minimum highway frontage requirement be exempted pursuant to Section 944(2) of the *Local Government Act* for the proposed subdivision of Lot B, Section 84, Victoria District, Plan 12927 (1905 Leyns Road)."**

**CARRIED**

No. 276  
Bylaw No. 8563  
Cadboro Bay Rd  
XRef: EPW65

**Moved by Councillor Cubberley and Seconded by Councillor Derman: "That 'Sewer Enterprise Boundary Extension Bylaw No. 8563' be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 277  
Bylaw No. 8581  
Cadboro Bay Rd

"LAND USE CONTRACT DISCHARGE BYLAW, 2004, NO. 8581"

**PROPOSED CAFÉ AND OFFICE IN EXISTING BUILDING ON CADBORO BAY ROAD**

To discharge the Land Use Contract on Lot 1, Section 44, Victoria District, Plan 8197 (**3849 CADBORO BAY ROAD**) which restricts the use of the lands to a branch of a chartered bank. Discharging the Land Use Contract will allow the lands to be developed for uses consistent with the underlying zone C-2 (general commercial). The proposal is to locate a café and office in the existing building. **A DEVELOPMENT PERMIT** applicable to the above lands

will also be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted.

The Notice of Public Hearing; report of the Director of Planning dated June 17, 2004 recommending the Land Use Contract be repealed and the development permit be approved subject to the replacement of the existing slab sidewalk on Penrhyn Street with a continuous concrete sidewalk built to municipal standards; reports of the Director of Planning dated May 7, 2004 and Advisory Design Panel dated May 4, 2004 recommending design approval subject to providing a landscape plan incorporating plantings between the patio seating area and the sidewalk; 5 letters in support; 2 letters in opposition and 1 letter outlining traffic concerns, were introduced.

**APPLICANT:**

Mr. J. Johnston, M. H. Johnston & Associates, applicant, on behalf of the owner, stated:

- S The building has been empty for some time as the owner's efforts to locate another bank on the site have been unsuccessful.
- S The proposal is for a café and office use which is permitted in the underlying C-2 zone.
- S A vacant building does not help the vitality of the Cadboro Bay village; the intent is to bring the building back into the village commercial core.
- S Under the Zoning Bylaw, a commercial and office use requires 17 spaces and a parking variance of 4 spaces is being requested.
- S A parking study has been provided which supports the parking variance.
- S The original proposal had 9 parking spaces; 4 additional parking spaces have been provided and 3 will have a permeable surface.
- S The height, size and shape of the building will not be changed.
- S The existing landscaping will be maintained and enhanced with the exception of the large Cypress tree which the Parks Department has determined could be removed because of its poor condition.
- S As part of the village concept, a pedestrian bulb will be constructed at the corner of the site to act as traffic calming.
- S Introducing a pedestrian bulb will also present an opportunity to provide additional landscaping and allow for construction of a sidewalk on Cadboro Bay Road.
- S The facade changes include a new building entrance and a patio area along Cadboro Bay Road.
- S To address concerns from the Advisory Design Panel, the patio area will be separated from the sidewalk with a landscaped strip.
- S Financial support will be provided to the Business Improvement Association to conduct a traffic study in the village.
- S The Advisory Design Panel, Business Improvement Association and Cadboro Bay Community Association are in support.

In response to a question from Councillor Derman, Mr. Johnston stated:

- S They would be prepared to provide a substitute tree on the landscape strip as a replacement for the Cypress tree.

**PUBLIC INPUT:**

Mr. D. Beaulieu, 3846 Pitcombe Place, owner of the subject property, stated:

- S All efforts to secure another financial institution for this site were unsuccessful.
- S He has support from the CBRA, the BIA, the adjacent neighbours and the Planning Department.
- S He has grown up in the Cadboro Bay area and is committed to the success of the building.
- S He has expressed interest in becoming a member of the BIA as he cares about improving Cadboro Bay from a merchants perspective.

In response to a question from Councillor Ngai, Mr. Beaulieu stated:

- S The days that were chosen for the parking study were picked at random.

Mr. N. Rayani, member of the BIA and owner of the Cadboro Bay Pharmacy, stated:

- S The owner has met the BIA's request to increase the on site parking.
- S The BIA unanimously supports the application.
- S In his experience, the village is busier during the week than on the weekends.

Mr. E. Daly, President of the Cadboro Bay Residents' Association, stated:

- S The Association is still in support of the proposal.

Mr. R. Woodland, 2236 Tashy Place, spoke in support and stated:

- S This proposal will absorb some of the demand for commercial space in the village and avoids encroachment of commercial space into the residential area.
- S It is important to provide commercial services in the village for the elderly residents in Cadboro Bay.
- S He believes that parking is adequate in the village.
- S In the future, he would like to see the commercial properties in the village redeveloped to provide residential units on the top so that new development does not spill over into the existing the residential areas.

**APPLICANT'S RESPONSE:**

Nil.

**Moved by Councillor Brownoff and Seconded by Councillor Wergeland:  
"That the application to repeal the Land Use Contract on 3849 Cadboro Bay Road be approved."**

Councillor Brownoff stated:

- S The redevelopment of this building will enhance the village.
- S The Cadboro Bay Local Area Plan identifies housing in the village above the commercial core.

S She believes the community of Cadboro Bay is anxious to introduce a residential component in the village.

Councillor Wergeland stated:

- S He is pleased that the applicant has worked with the community and the BIA to gain their support.
- S The BIA's parking concerns have been addressed.
- S This proposal will be an asset to the community.

Councillor Gillespie stated:

S He is pleased that a parking study will be undertaken by the BIA.

Mayor Leonard stated:

- S He is pleased with the amount of detail the applicant has put into this application.
- S It is his understanding that the future of banking is not in branches but the telephone and internet.

**The Motion was then Put and CARRIED**

No. 278  
Bylaw No. 8581  
Cadboro Bay Rd

"LAND USE CONTRACT DISCHARGE BYLAW, 2004, NO. 8581"  
Second and Third Readings.

**Moved by Councillor Brownoff and Seconded by Councillor Wergeland:  
"That Bylaw No. 8581 be read a second time."**

**CARRIED**

**Moved by Councillor Brownoff and Seconded by Councillor Wergeland:  
"That Bylaw No. 8581 be now passed."**

**CARRIED**

**Moved by Councillor Brownoff and Seconded by Councillor Derman:  
That it be recommended that Council approve Development Permit No. DPR2004-00001 on Lot 1, Section 44, Victoria District, Plan 8197 (3849 Cadboro Bay Road) subject to the replacement of the existing slab sidewalk on Penryhn Street with a continuous concrete sidewalk built to municipal standards."**

**CARRIED**

Adjournment On a motion from Councillor Gillespie the meeting adjourned at 8:05 p.m.

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MAYOR

I hereby certify that these minutes are correct.

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MUNICIPAL CLERK