

SPECIAL COUNCIL MEETING  
FOR THE PURPOSES OF A **PUBLIC HEARING**  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**TUESDAY, APRIL 19, 2005 AT 7:30 P.M.**

Present:

**Chair:** Mayor Leonard  
**Council:** Councillors Gillespie, Derman, Ngai, Pickup, Wade and Wergeland  
**Staff:** Neil Findlow, Senior Planner; Jagtar Bains, Development Coordinator and, MaryAnn Greco, Senior Committee Clerk.

No. 122  
Bylaw No. 8655  
North Dairy Rd

AZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8655"

**PROPOSED 36 UNIT CONDOMINIUM COMPLEX ON WORDSWORTH STREET AND NORTH DAIRY RD**

To rezone Lots 21, 22, 23 and 24, Block 5, Section 34, Victoria District, Plan 1228 **(3201 WORDSWORTH STREET/1608, 1618 AND 1620 NORTH DAIRY ROAD)** from zone RS-6 (single family dwelling) to zone RA-3 (apartment) for a proposed 36 unit condominium complex. **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 from the Director of Planning dated February 14, 2005 recommending rezoning and development permit approval; report from the Advisory Design Panel dated December 3, 2004 recommending design approval; information packages provided by the applicant including a traffic and acoustic study, a tree assessment, and various drawings and illustrations; 117 signature petition in opposition; 82 letters in opposition and 7 letters in support; were introduced.

**APPLICANT:**

Mr. D. Scott, Homewood Constructors Ltd., stated:

- The original rezoning application was made in May 2004 and shortly thereafter he met with the Executive of the Camosun Community Association to outline their plans for a 4 storey, 48 unit condominium complex with visitor parking at the rear of the building and a cedarwood panel fence on the rear lot line.
- The Camosun Community Association expressed concerns regarding the scale of the building, the number of units, potential for spill over parking into the neighbourhood and the cedarwood panel fence.
- In response to concerns, the design plans were changed to reflect a three storey, 36 unit condominium complex with all vehicle and bicycle parking underground, a natural hedge on the rear lot line and access off of Browning Street.
- The ridgeline of the roof is only 4 feet higher than what would be permitted if a single family home was built under the existing zoning.
- The building was moved as far forward as possible on North Dairy Road to maximize the rear yard and distance to adjacent properties.
- On November 4, 2004, a public information meeting was held and of the 446 notices sent out, 19 people attended.
- The minor changes suggested by the Advisory Design Panel have been incorporated into the design of the building.
- This proposal meets the requirements of the Shelbourne Local Area Plan.
- The additional traffic generated from this development is not significant and the site will be serviced by public transport.

- The recommendations outlined in the acoustic study will be undertaken and incorporated into the design of the building.

Mr. D. Basset, Vic Davies Architect, stated:

- This site is surrounded by a mix of commercial uses, residential apartments and single family homes.
- At the Committee of the Whole meeting concerns were raised that this type of development will be the beginning of similar developments creeping back into residential areas.
- In response, an analysis was undertaken of the Shelbourne Street, North Dairy Road and Hillside Avenue area; in all cases where there was a multi-family development on the main street, development had not crept into the adjacent single family residential area.
- The vehicles exiting the underground parking will shine their lights onto Hillside Mall and not on the residential homes.
- Locating all of the parking underground has allowed 52% of the site to be green space; this does not include patios, walkways or driveways.
- In terms of overshadowing onto adjacent neighbours, the impact will not be significantly different than with a single family development and is minimal given the amount of major trees on adjacent properties.
- The amount of greenspace that is being offered and the increased setbacks are greater than what would be required with a single family development.
- This proposed development is an appropriate use of the site.

Mr. R. Dixon, Transportation Planning Engineer, Bunt and Associates, stated:

- The small amount of traffic being generated from this development will not have a significant impact on the road or the neighbours.
- Locating this type of multi-family residential development near a major commercial development results in less vehicular trips.
- Traffic counts were undertaken during peak hours for the intersection of Shelbourne Street and North Dairy Road, and Browning Street and North Dairy Road; the results indicated that the additional trips generated from this development will not have a significant impact on these intersections or on the operational characteristics of the roads themselves.
- The traffic volumes generated per day on Browning Street is approximately 400 vehicles; this is well within the range for a local road and the additional vehicle trips does not adversely effect this street's operation or its access to and from North Dairy Road.
- The parking requirement has been met, no variances are being requested.
- To further mitigate traffic impacts, they recommend a left turn lane from North Dairy onto Browning Street and an examination of the operational efficiencies that can be gained out of the signal timing at the intersection of North Dairy Road and Shelbourne Street.

In response to a question from Council, the Development Coordinator stated:

- The Engineering Department concurs with the recommendations outlined in the traffic study.

Ms. B. Windjack, Landscape Architect, stated:

- The concept for the landscaping is to create pedestrian interest and vitality on North Dairy Road, mitigate any negative impact on the neighbourhood, compliment the residential nature of the houses in the area and support the Bowker Creek Management Plan.
- A meandering sidewalk will be introduced on North Dairy Road and enhanced with street trees on both sides of the sidewalk on municipal property.
- On the opposite side of the sidewalk on private property, a 3 foot evergreen broad-leave hedge will be introduced and interspersed with brick columns and wood pergolas.
- The site is anchored on the southeast and southwest corner with large pergolas to add interest and provide a gateway to the residential areas.
- A new sidewalk will be created on Browning Street with trees on the boulevard and grassed parking bays.
- A meandering sidewalk will be introduced on Wordsworth Street with streets trees on both sides of the sidewalk.
- On the north property line, an Alaskan hedge will be introduced at the request of the neighbours to screen the development from the single family homes.
- An extensive storm water management plan will also be provided to absorb water through vegetation.

**PUBLIC INPUT:**

Ms. G. McFeran, 3217 Wordsworth Street, spoke in opposition and stated:

- She has concerns that the proposed development will shadow her property.
- The height of the building should be reduced.
- The underground parking will impact the health of the major trees located at 3204 Browning Street.
- The headlights from vehicles driving into the underground parking will shine into the front living room of the dwelling at 3204 Browning Street.

Mr. A. Walton, 3361 Woodburn, spoke in support and stated:

- He attended the public information meeting and the concerns of the neighbours were taken into consideration by the developer.

Ms. J. Cauthers, 3204 Wordsworth Street, spoke in opposition and stated:

- This proposal is not significantly different than previously rejected developments that were considered out of scale for the neighbourhood.
- This proposal will set a precedent and does not address concerns of height, density, traffic and scale.
- The neighbourhood will support a two storey, 28 unit condominium development; the height of the building should not shade adjacent homes at any time of the year.
- Measures need to be taken to mitigate the traffic impacts on adjacent streets.

Mr. M. Kory, 3240 Browning Street, spoke in opposition and stated:

- Similar applications have been rejected in the past because the neighbours wanted this area to remain single family.
- The amount of units should be reduced and the scale of the building decreased to two storeys; the adjacent neighbours are concerned about the residents from the condominium complex looking into their backyards.

- In terms of existing multi-family developments in this area, the buildings have been designed so that the elevation facing the single family homes is stepped back and the setbacks are significant; this is not the case with this development.
- Consideration should be given to closing Browning Street to through traffic.
- He has doubts that there is sufficient space on Browning Street to widen the road and provide a sidewalk, parking bays and street trees.
- This proposal should be tabled until the community can be involved with an action plan for this area.
- If this development is reduced by one storey it would not be the demise of the CRD's Regional Growth Strategy but it would mean the world to the residents of this area.

Mr. S. Bradshaw, 3338 Keats Street, spoke in opposition and stated:

- The scale of the building should be reduced to two storeys and the number of units should be decreased.
- He is concerned about the increased traffic generated from this development.

Ms. C. Parker, 3207 Wordworth Street, spoke in opposition and stated:

- This proposed development will overshadow her house and have a negative impact on street parking.
- It is currently unsafe to cross North Dairy and the situation will become worse if this development is approved.

Mr. S. Jackson, 3204 Browning Street, spoke in opposition and stated:

- This development is essentially four storeys as there is a finished area above the third storey.
- He is concerned that the critical root zones for the trees that border his property will not survive during construction.
- The headlights from traffic coming into this development will shine into his front living room.
- The scale of the development should be reduced and access should be provided off of North Dairy Road.

Ms. S. Critch, 3205 Wordworth Street, stated:

- This development provides a good face to pedestrians along North Dairy Road and fits in with the goals of the Regional Growth Strategy.
- The applicant has listened to the residents, Council and municipal staff.
- The applicant should consider providing a more environmentally friendly building and consider the use of solar panels and not air conditioning units.
- A crosswalk should be provided on North Dairy coming off of Wordworth Street to encourage residents from this development to walk to the Hillside Shopping Centre.
- The scale of the building should be reduced to two storeys.

Ms. V. Sanders, 3323 Richmond Road, Land Use Director for the Camosun Community Association, stated:

- This proposal meets the goals of the Regional Growth Strategy.
- The Association is confident that Council will make the right decision while acknowledging the concerns of the community.

Ms. J. Ellison, 3240 Browning Street, spoke in opposition and stated:

- This is a nice neighbourhood where everyone knows everybody.
- This building will not become part of the neighbourhood but an entity of its own and a barrier to the rest of the neighbourhood.
- Just because Hillside Shopping Centre is across the street does not mean there will be fewer vehicles trips; people can not carry home all that they need without the use of a car.

**APPLICANT'S RESPONSE:**

Mr. Scott stated:

- He will undertake the mitigation measures suggested in the arborist report to minimize the impact of the development to the trees located along the north boundary of the property.
- In regard to the safety of crossing North Dairy Road in front of the development; he will provide a crosswalk if required by the Engineering Department.
- The existing trees will be supplemented by additional plantings; there will be more trees than exists right now.
- The traffic study has been accepted by the Saanich Traffic Engineering Department.
- They have the support of the Planning Department and have addressed the neighbours' concerns.
- Given the price of concrete, there is no economic sense in putting in underground parking however it is being provided to address the concerns of the neighbours.
- There is a small mezzanine area of 200 square feet above the third storey but this does not impact on the overall height of the building.
- The medical building at the corner of Shelbourne Street and North Dairy Road is two storeys but does not provide the amenities that this development will.
- This development is within the permitted height allowable and no variances are being requested.

Councillor Gillespie stated:

- The applicant has made changes to the design of the building to address the concerns of the neighbours and make it fit into the neighbourhood.
- He is pleased that 52% of the site will be greenspace.
- Consideration should be given to improve the safety of pedestrians crossing North Dairy Road.

**MOTION:**

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: "That the application to rezone to RA-3 be approved."**

Councillor Pickup stated:

- The applicant has addressed the concerns of the neighbourhood and met the goals of the region and the municipality.
- She is pleased with all the amenities that the project will offer particularly the amount of greenspace and underground parking.
- The use of storm water management on the site will mitigate the impact on the environment, reduce the amount of impervious surfaces and adhere to the Bowker Creek Watershed Management Plan.

- She hopes that staff will re-examine the sidewalk improvements proposed for Browning Street and Wordsworth Street in order to retain the “neighbourhood-feel”.
- This proposal is appropriate land use and will enhance the North Dairy Road streetscape.

Councillor Ngai stated:

- The applicant has continuously made minor modifications to this proposal to address the concerns of the community.
- This proposal will improve the area and provide amenities that are normally consistent with a higher density project.

Councillor Derman stated:

- The applicant will be providing significant pedestrian improvements and greenspace.
- The amount of greenspace being provided is just the type of transition needed to the adjacent single family dwelling neighbourhood.
- Introducing underground parking is expensive and is not an amenity that can be provided with a project with fewer units.
- The medical building at the corner of North Dairy Road and Shelbourne Street provides no pedestrian amenity and has an impervious parking lot.
- If the scale of the building was reduced, it would result in less greenspace, more hard surfaces and significant storm water management issues.
- This proposal will be a positive addition to the North Dairy area.
- He hopes that the Engineering Department will look into the feasibility of a lighted crossing on North Dairy Road without having to go to a signalized intersection.

Councillor Wergeland stated:

- This is an attractively designed building; reducing the scale of the building will take away from the design.
- The street improvements will improve the neighbourhood and become a positive asset to the community.
- The Regional Growth Strategy supports this type of development adjacent to a major commercial centre.

Councillor Wade stated:

- She has concerns with mid block crosswalks and the safety of pedestrians.
- She hopes that the Engineering Department will look into whether a pedestrian controlled crosswalk is warranted on North Dairy Road.

Councillor Pickup stated:

- She would like staff to examine the feasibility of closing Browning Street to through traffic.
- Perhaps the Administrative Traffic Committee could look into whether a pedestrian controlled crosswalk is warranted on North Dairy Road.

Mayor Leonard stated:

- Staff should be requested to examine whether a pedestrian controlled crosswalk is justified on North Dairy Road.

**The Motion was then Put and CARRIED**

No. 123  
Bylaw No. 8655  
North Dairy Rd

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8655”  
Second, Third and Final Readings.

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Bylaw No. 8655 be read a second time.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Bylaw No. 8655 be now passed.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Bylaw No. 8655 be adopted by Council and the Seal of the Corporation be attached thereto.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Council approve and issue Development Permit No. DPR2004-00006 Lots 21, 22, 23 and 24, Block 5, Section 34, Victoria District, Plan 1228 (3201 Wordsworth Street/1608, 1618 and 1620 North Dairy Road).”**

**CARRIED**

No. 124  
Bylaw No. 8656  
Clutesi Rd

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005 NO. 8656”

**PROPOSED 10 LOT RESIDENTIAL SUBDIVISION ON CLUTESI STREET/DEL MONTE AVENUE**

To rezone Lot 19, Block 3, Section 46, Lake District, Plan 1522 (**5074 CLUTESI STREET/DEL MONTE AVENUE**) from zone A-1 (rural - minimum lot size 2ha) to zones RS-10 (single family dwelling – minimum lot size 780m<sup>2</sup>) and RS-12 (single family dwelling – minimum lot size 930m<sup>2</sup>) for a proposed 10 lot residential subdivision. **A DEVELOPMENT VARIANCE PERMIT** applicable to the above lands will be considered to reduce the minimum lot widths for proposed Lot 1 of the subdivision from 22.0 m to 20.3 m, Lot 2 from 22.0 m to 20.3 m, Lot 3 from 22.0 m to 20.2 m, and Lot 9 from 22.0 m to 21.6 m. Council will also consider exempting proposed Lots 4 and 5 (panhandle lots) from the minimum highway frontage requirement.

The Notice of Public Hearing and the report from the Director of Planning dated February 1, 2005 recommending that the rezoning be approved, the development variance permit be approved, the applicant commit to covenants restricting house size to 364 m<sup>2</sup> and protecting trees as per the Tree Protection Plan including significant tree #814 and that it be referred to the Approving Officer for consideration as a requirement of subdivision approval; and 3 letters in support, were introduced.

**APPLICANT:**

Mr. D. Smith, Focus Corporation, 57 Cadillac Avenue, stated:

- A covenant will be registered to restrict the size of any new dwellings to 364 m<sup>2</sup> and to protect the trees as per the Tree Protection Plan including significant tree No. 814.
- A tree survey was commissioned and of the 148 existing trees on the site, approximately 108 will be retained representing 73% of the trees on site.
- Many of the perimeter trees will be retained to create a buffer to the surrounding neighbours.
- The Cordova Bay Association preferred the subdivision layout proposed because it minimizes the environmental effect on the vegetation and the amount of non-pervious surfaces.
- The proposed subdivision works well with the existing surroundings and will be aesthetically pleasing.
- A public open house was held and the neighbours concerns regarding setbacks have been addressed.
- This project meets the land use policies of the Cordova Bay Local Area Plan.

**PUBLIC INPUT:**

Ms. V. Chater, 5067 Del Monte Avenue, spoke in support and stated:

- She is supportive of the proposed development but has concerns about the impact of the traffic increase on Del Monte Avenue.
- Del Monte Avenue is very narrow in front of proposed Lots 1, 2 and 3 that two vehicles can not pass without stopping and vehicles speeds are high; she is concerned about how vehicles will be able to back out from their driveways safely.
- She is also concerned about potential drainage problems and how they will be addressed.

Mr. P. Winterbottom, 5083 Clutesi Street, spoke in support and stated:

- He is concerned about potential drainage issues and hopes it will be addressed through the engineering servicing requirements.

**APPLICANT'S RESPONSE:**

Mr. Smith stated:

- Residents in the area are not in support of frontage improvements on Del Monte Avenue including widening the road.

In response to questions from Council, the Development Coordinator stated:

- Storm water management will be required as a condition of subdivision to alleviate water runoff problems.
- Del Monte Avenue in front of proposed Lots 1, 2 and 3 is quite narrow and serves as traffic calming.

- The residents in the area do not support widening Del Monte Avenue as they feel it will promote speeding.
- The Engineering Department will investigate the need for a traffic hump on Del Monte Avenue.

**MOTION:**

- Moved by Councillor Wade and Seconded by Councillor Gillespie: "That,**
- 1. The application to rezone to RS-10 and RS-12 be approved;**
  - 2. The applicant's commitment to register a covenant restricting house size to 364m<sup>2</sup> be referred to the Approving Officer for consideration during the subdivision review process;**
  - 3. The applicant's commitment to register a covenant protecting the trees outlined in the Tree Protection Plan including significant tree #814 be referred to the Approving Officer for consideration as a requirement of subdivision approval; and,**
  - 4. That the Approving Officer consider requiring fencing on the north boundary of the panhandle lots as a requirement of subdivision approval."**

Councillor Wergeland stated:

- He believes that the narrowness of Del Monte Avenue acts as traffic calming.

Councillor Pickup stated:

- She hopes that alternative methods are considered to handle storm water effectively.
- She is pleased that the applicant consulted with the Cordova Bay Association.
- She hopes that traffic calming measures will be considered for Del Monte Avenue.

**The Motion was then Put and CARRIED**

No. 125  
Bylaw No. 8656  
Clutesi Street

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8656"  
Second and Third Readings.

**Moved by Councillor Wade and Seconded by Councillor Gillespie: "That Bylaw No. 8656 be read a second time."**

**CARRIED**

**Moved by Councillor Wade and Seconded by Councillor Gillespie: "That Bylaw No. 8656 be now passed."**

**CARRIED**

**Moved by Councillor Wade and Seconded by Councillor Gillespie: "That it be recommended that Council approve and issue Development Variance Permit No. DVP2005-00005 on Lot 19, Block 3, Section 46, Lake District, Plan 1522 (5074 Clutesi Street).**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Wergeland: "That it be recommended that Council exempt Lots 4 and 5 of a proposed subdivision of Lot 19, Block 3, Section 46, Lake District, Plan 1522 (5074 Clutesi Street) from the minimum highway frontage requirement pursuant to Section 9444(2) of the *Local Government Act*.**

**CARRIED**

Adjournment      On a motion from Councillor Cubberley the meeting adjourned at 8:32 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK