

SPECIAL COUNCIL MEETING  
FOR THE PURPOSES OF A **PUBLIC HEARING**  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**TUESDAY, APRIL 5, 2005 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Cubberley, Gillespie, Derman, Ngai, Pickup, Wade and Wergeland  
**Staff:** Tim Wood, Municipal Administrator; Anne Topp, Manager of Planning Services; Jagtar Bains, Development Coordinator and, MaryAnn Greco, Senior Committee Clerk.

No. 98  
Bylaw No. 8648  
PLD55

- A) i. "OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2005, NO. 8648"

**PROPOSED DESIGNATION OF PROPERTY ON GREENRIDGE CRESCENT FOR MULTI-FAMILY USE**

The intent of this proposed bylaw is to amend the Official Community Plan Bylaw as follows:

- a) To amend the Quadra Local Area Plan to designate Lot 7, Sections 32 and 64, Victoria District, Plan 13012 **(1030 GREENRIDGE CRESCENT)** for potential multi-family; and,
- b) To amend the Development Permit Areas Justifications and Guidelines to include Lot 7, Sections 32 and 64, Victoria District, Plan 13012 **(1030 GREENRIDGE CRESCENT)** in the Quadra-McKenzie Development Permit Area.

Bylaw No. 8649  
Greenridge Cresc

- ii. AZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8649"

**PROPOSED 6 UNIT TOWNHOUSE COMPLEX ON GREENRIDGE CRESCENT**

To rezone Lot 7, Sections 32 and 64, Victoria District, Plan 13012 **(1030 GREENRIDGE CRESCENT)** from zone RS-6 (single family dwelling) to zone RT-3 (attached housing) for a proposed 6 unit townhouse complex. **A DEVELOPMENT PERMIT** applicable to the above lands will be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted. Council will also consider an amendment to the Community Heritage Register to delete the subject dwelling and a natural state covenant to protect the area above the 34.0 m contour elevation and 3.0 m outside the building footprint and parking area.

The Notice of Public Hearing; report from the Director of Planning dated February 11, 2005 recommending the Official Community Plan be amended, the rezoning be approved, the development permit be approved, a natural state covenant be provided, the Community Heritage Register be amended, the applicant be encouraged to deconstruct the dwelling as an alternative to demolition and the Heritage Advisory and Archival Committee be provided access to photograph the dwelling for the archives prior to removal of the structure; report from the Advisory Design Panel dated December 3, 2004 recommending design approval; 1 letter in opposition and 1 letter in support, were introduced.

**APPLICANT:**

Mr. P. Misra, Misra Architect Ltd., stated:

- He would like to locate a play area within the natural state covenant area.
- The trees in the natural state covenant area will all be retained.
- All of the units are two storeys without a basement; units 3 and 4 can be adapted into handicapped units if required.
- The large Arbutus Tree at the rear of the property will be retained.
- He will address the pedestrian safety and traffic issues outlined in the letter from the Quadra Cedar Hill Community Association.
- A natural state covenant will be provided to protect the Garry Oak meadow.
- He will provide traffic humps on Greenridge Crescent if the Engineering Department endorses their inclusion.

**PUBLIC INPUT:**

Ms. V. Sanders, President of the Quadra Cedar Hill Community Association, spoke in support and stated:

- Traffic calming measures should be considered on Greenridge Crescent to assist with the additional traffic coming from this development.
- The Association does not support widening Greenridge Crescent to the standard 8.5 metres; it will make it more inviting for traffic to use Greenridge Crescent as a cut through.
- The heritage dwelling should be deconstructed and photographed for archives.
- The applicant has consulted with the community and there has been no opposition to the proposed development.
- There were some neighbourhood residents that did not want the sidewalk in front of the development to continue to Tulsa; this issue should be referred to the Engineering Department for a decision.
- This proposed development is a good transition between the single family residences and the commercial businesses on Quadra Street.

Mr. K. Whitcroft, 1044 Inverness Road, Environmental Director for the Quadra Cedar Hill Community Association, spoke in support and stated:

- The Association is pleased that the natural state covenant will be provided and that the applicant has agreed to retain the arbutus tree at the rear of the property.
- This proposed development has minimal ecological loss.
- He hopes that the grass swale that runs down the edge of Greenridge Crescent will remain and be incorporated into the storm water management planned for this site.

Mr. H. Charania, 757 Genevieve Road, spoke in support and stated:

- This higher density project can be supported given its close proximity to social and commercial amenities, public transportation and pedestrian linkages.
- He is pleased that a natural state covenant will be provided.
- The provisions of the natural state covenant should be inserted into the strata council bylaws to ensure new owners are made aware of it.
- Given that this site is so close to the Lochside Trail, perhaps the entrance can be upgraded as part of this proposal.

Mr. J. Bates, 995 Ridgeway Street, spoke in support and stated

- This proposal allows for utilization of the land without the need for variances.
- The provision of a common driveway will help alleviate traffic concerns, it will also preserve more greenspace and make the development less obtrusive.
- In regard to extending the sidewalk, traffic is heavy on Greenridge Crescent and people in the area would like a sidewalk to make it safer.
- To address safety issues, Greenridge Crescent should be widened on the side nearest to the Lochside Trail with a sidewalk of some kind.
- A play area should not be permitted in the natural state covenant area if the intent is to preserve it; perhaps a play area in Annie Park could be considered.

#### **APPLICANT'S RESPONSE:**

Mr. Misra stated:

- He would like to locate the play area within a flat area in the covenanted area between major trees; this location is visible from all the townhouse units.

#### **MOTION:**

**Moved by Councillor Derman and Seconded by Councillor Pickup: "That,**

- 1. The Quadra Local Area Plan be amended to designate 1030 Greenridge Crescent as potential multi family;**
- 2. The Development Permit Areas Justifications and Guidelines be amended to include 1030 Greenridge Crescent in the Quadra-McKenzie Development Permit Area;**
- 3. The application to rezone to RT-3 be approved;**
- 4. A natural state covenant be provided for the area above the 34.0 m contour elevation and 3.0 m outside the building footprint and parking area;**
- 5. The Community Heritage Register be amended to delete the dwelling at 1030 Greenridge Crescent;**
- 6. The applicant be encouraged to deconstruct the dwelling as an alternative to demolition; and,**
- 7. Prior to removal of the structure, the Heritage Advisory and Archival Committee be provided access to photograph it for the Archives."**

Councillor Wade stated:

- In regard to the request by the Quadra Cedar Hill Community Association to restrict left turns onto Greenridge Crescent; she does not feel comfortable endorsing this approach until there has been some consultation with the broader community.
- In terms of the play area, she does not want to compromise the Garry Oak meadow; perhaps an alternative compromise can be reached with staff.
- This proposal is a good transition from the commercial uses on Quadra Street to the single family dwellings on Greenridge Crescent.

Mayor Leonard stated:

- Staff will be finalizing the natural state covenant with the applicant before final reading so options for locating the play area can be examined.

Councillor Pickup stated:

- She is pleased that the developer consulted with the community.

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

- In terms of the restricted left turns, this item will be forwarded to the Administrative Traffic Committee for their consideration.

Councillor Cubberley stated:

- Staff should examine whether the sidewalk in front of this development should continued to Tulsa Drive or located adjacent to the Lochside Trail.
- One of the major reasons for pedestrian traffic on Greenridge Crescent is access to the Lochside Trail.
- He does not support widening Greenridge Crescent; it would signal to motorists at the start of their journey up the hill that there is ample road width which would then lead to higher vehicle speeds.

Councillor Derman stated:

- He is pleased that the applicant has agreed to save the large arbutus tree at the rear of the property; it will be a significant amenity for the community and the residents of this project.
- He does not support widening Greenridge Crescent in front of this development; it will send the wrong message to motorists traveling up the hill.
- He agrees with the suggestion made to insert notification of the natural state covenant into the Strata Council's bylaws.

Councillor Wergeland stated:

- The request for restricted left turns onto Greenridge Crescent and a continuous sidewalk to Tulsa Drive should both referred to the Administrative Traffic Committee for consideration.

**The Motion was then Put and CARRIED**

No. 99  
Bylaw No. 8648  
PLD55

"OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2005, NO. 8648"  
Second and Third Readings.

**Moved by Councillor Pickup and Seconded by Councillor Wade: "That Bylaw No. 8648 be read a second time."**

**CARRIED**

**Moved by Councillor Pickup and Seconded by Councillor Wade: "That Bylaw No. 8648 be now passed."**

**CARRIED**

No. 100  
Bylaw No. 8649  
Greenridge Cresc

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8649"  
Second and Third Readings.

**Moved by Councillor Pickup and Seconded by Councillor Wade: "That Bylaw No. 8649 be read a second time."**

**CARRIED**

**Moved by Councillor Pickup and Seconded by Councillor Wade: "That Bylaw No. 8649 be now passed."**

**CARRIED**

**Moved by Councillor Pickup and Seconded by Councillor Cubberley: "That it be recommended that Council approve and issue Development Permit No. DPR2004-00012 on Lot 7, Sections 32 and 64, Victoria District, Plan 13012 (1030 Greenridge Crescent)."**

**CARRIED**

No. 101  
Bylaw No. 8650  
Burnside Rd West

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8650"

**PROPOSED 2 LOT RESIDENTIAL SUBDIVISION ON BURNSIDE RD WEST/LAVENDER AVE**

To rezone Amended Lot 3 (DD140529I), Block 1, Section 78, Victoria District, Plan 1171 (**850 BURNSIDE ROAD WEST/LAVENDER AVENUE**) from zone RS-6 (single family dwelling – minimum lot size 560 m<sup>2</sup>) to zones RS-4 (single family dwelling – minimum lot size 460 m<sup>2</sup>) and RS-2 (single family dwelling – minimum lot size 400 m<sup>2</sup>) for a proposed 2 lot residential subdivision. **A DEVELOPMENT VARIANCE PERMIT** applicable to the above lands will also be considered to reduce the minimum combined distance to the front and rear yard setbacks for proposed Lot A from 15.0 m to 13.85 m and for proposed Lot B from 15.0 m to 14.8 m, and to reduce the minimum lot depth requirement for proposed Lot A from 27.5 m to 21.96 m and for proposed Lot B from 27.5 m to 26.0 m.

The Notice of Public Hearing and the report from the Director of Planning dated February 1, 2005 recommending rezoning and development variance permit approval, were introduced.

**APPLICANT:**

Mr. N. Banks, Banks Design, 1173 Portage Road, on behalf of the owners, stated:

- There is a reasonable mix of house sizes and zones in this area and this proposal will fit well into the context of the neighbourhood.
- The size of the lots are not an issue given the modest size of the proposed dwelling fronting onto Lavender Avenue.
- The rear yard sizes have been maintained for both lots and the existing house will remain.
- The owners have spoken with the immediate neighbours and there is no opposition.
- They are willing to provide a covenant to restrict the size, form and character of the homes as shown on the concept plans.

**PUBLIC INPUT:**

Nil.

**APPLICANT'S RESPONSE:**

Nil.

**MOTION: Moved by Councillor Ngai and Seconded by Councillor Gillespie: “That the application to rezone to RS-2 and RS-4 be approved.”**

Councillor Cubberley stated:

- The proposed new dwelling will fit into the context of the neighbourhood.
- He is pleased that a covenant will be provided to restrict the size, form and character of the homes as shown on the concept plans.
- He does not endorse widening and upgrading Lavender Avenue with concrete curb and gutter; if these improvements are made it will ruin the character and nature of this street.

Councillor Pickup stated:

- Lavender Avenue is a charming lane and should not be improved with concrete curbs, gutters and sidewalks; this road has incredible charm just the way it is.
- She is pleased that a covenant will be provided to reflect the concept plan presented for house design.
- This proposal is a sensitive infill development.

Councillor Derman stated:

- He does not support widening Lavender Road in front of this proposal; the generous road allowance in front of this project makes this proposal fit in well with the neighbourhood.

**The Motion was then Put and CARRIED**

No. 102  
Bylaw No. 8650  
Burnside Rd West

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8650”  
Second and Third Readings.

**Moved by Councillor Ngai and Seconded by Councillor Wergeland: “That Bylaw No. 8650 be read a second time.”**

**CARRIED**

**Moved by Councillor Ngai and Seconded by Councillor Gillespie: “That Bylaw No. 8650 be now passed.”**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Gillespie: “That it be recommended that Council approve and issue Development Variance Permit No. DVP2004-00026 on Amended Lot 3 (DD140529I), Block 1, Section 78, Victoria District, Plan 1171 (850 Burnside Road West).”**

**CARRIED**

No. 103  
 Bylaw No. 8651  
Short Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8651”

**PROPOSED AUTOMOBILE STORAGE AND SALES LOT ON SHORT AND OAK STREETS**

To rezone Lots 7 and 8, Section 7, Victoria District, Plan 2431 and Lot A, Section 7, Victoria District, Plan 31196 (**829 AND 841 SHORT STREET/3371 OAK STREET**) from zones RS-6 (single family dwelling) and C-2 (general commercial) to zone C-6DE (Douglas East Highway Commercial) for a proposed automobile storage and sales lot. **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 and report of the Director of Planning dated February 17, 2005 recommending rezoning and development permit approval, were introduced.

**APPLICANT:**

Mr. G. Wilson, Searidge Management, stated:

- A covenant will be provided to restrict vehicle access onto Short Street for vehicles relating to the automobile dealership; Short Street will still be made available for office or residential use which fits in with the policies of the Short Street Action Plan.
- In order to ensure the site does not become just a car lot in the future, a covenant will be provided to require the existing building to be retained or replaced with another office building of at least 6,000 square feet in size.
- The bicycle racks will be relocated to the front of the building to make it safer and increase visibility.
- The sidewalk on Oak Street is in poor condition and will be replaced with a 2 metre wide sidewalk.
- Two trees will be removed in front of the building to provide more visibility for the retail spaces and additional landscaping will be introduced.
- A heavy canopy of trees will be provided along Short Street.
- The width of the driveway access to Short Street will be decreased to 4 metres

**PUBLIC INPUT:**

Nil.

**APPLICANT’S RESPONSE:**

Nil.

**Moved by Councillor Derman and Seconded by Councillor Wergeland: “That the application to rezone to C-6DE be approved.”**

**CARRIED**

No. 104  
 Bylaw No. 8651  
Short Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8651”  
 Second and Third Readings.

**Moved by Councillor Derman and Seconded by Councillor Wergeland: “That Bylaw No. 8651 be read a second time.”**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8651 be now passed."**

**CARRIED**

**Moved by Councillor Pickup and Seconded by Councillor Gillespie: "That it be recommended that Council approve and issue Development Permit No. DPR2003-00039 on Lots 7 and 8, Section 7, Victoria District, Plan 2431 and Lot A, Section 7, Victoria District, Plan 31196 (829 and 841 Short Street/3371 Oak Street) and rescind Development Permit No. DPR97-00027."**

**CARRIED**

No. 105  
Bylaw No. 8653  
McKenzie Ave

AZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8653"

**PROPOSED LIQUOR RETAIL STORE ON MCKENZIE AVENUE (TUSCANY VILLAGE)**

To rezone Lot A, Section 57, Victoria District, Plan VIP78262 (**1654 MCKENZIE AVENUE**) from zone C-3 (shopping centre) to zone C-3L (shopping centre/liquor retail) to allow a full service liquor retail store in the future Tuscany Village Shopping Centre. Council will also consider a restrictive covenant to limit the size of the proposed liquor retail store to 450 m<sup>2</sup>.

The Notice of Public Hearing; the report of the Director of Planning dated February 24, 2005 recommending rezoning approval and that the applicant register a restrictive covenant limiting the size of the liquor retail store to 450m<sup>2</sup>; and 1 letter from the applicant, were introduced.

**APPLICANT:**

Nil.

**PUBLIC INPUT:**

Mr. K. Fair, University Heights Shopping Centre Liquor Store, spoke in opposition and stated:

- The Liquor Control and Licensing Branch has not yet issued a license for a liquor retail store at Tuscany Village.
- A liquor retail store at Tuscany Village would be in contravention of the Liquor Control and Licensing Branch regulation that a new liquor establishment must not be within .5km from the site of an existing establishment, which it is.

**APPLICANT'S RESPONSE:**

Nil.

In response to a question from Council, the Manager of Planning Services stated:

- When the applicant first made their application for rezoning at Tuscany Village it was always their intention to include a liquor retail store on this site.

Councillor Derman stated:

- He will not support this application because of the nature of the building and its impact to the neighbours immediately behind it; .
- Building D was enlarged to accommodate a future liquor retail store resulting in a two storey building immediately adjacent to three, well maintained single family residences behind it.

- This is not an acceptable transition to existing residential neighbourhoods and infringes on the rights of individuals to enjoy their property.

**MOTION: Moved by Councillor Wergeland and Seconded by Councillor Derman: “That the application to rezone to C-3L be rejected.”**

Councillor Wergeland stated:

- He is concerned about the current number of liquor retail establishments in this area.
- In many ways, Tuscany Village is a good location for a liquor retail store however he is concerned about its close proximity to existing liquor establishments.

Councillor Cubberley stated:

- In considering the concept plan for Tuscany Village, it always included a liquor retail store and the applicant’s included this in their presentations to Council.
- In regard to the design, the overshadowing of neighbouring properties is a concern however that is not a material consideration at this meeting.
- The question is whether a liquor retail store is appropriate at this location.
- In this case, there will be two major centres in close proximity to one another which will have their own appeal; a major centre is an appropriate location for a liquor retail store.

Councillor Pickup stated:

- The provincial government has been inconsistent regarding their regulations for liquor licensing; their policy has been unclear so it is hard to determine if Council is obliged to approve this application or not.
- If Council is legally bound to accept a liquor retail store at this location then it should be smaller; the current proposal is too large.

Councillor Ngai stated:

- Council should not be controlling certain commercial enterprises and not others.
- The market should dictate the success or failure of any business without Council’s involvement.

Councillor Gillespie stated:

- There are already too many liquor retail establishments in this area.

Mayor Leonard stated:

- Liquor retail stores should be permitted in major shopping centres; if a Safeway customer can walk to a liquor retail store to get a bottle of wine then it is only fair that a Thrifty’s customer at Tuscany Village has the same opportunity.
- These types of restrictions will lead to public pressure to sell wine at grocery stores.

**The Motion was then Put and DEFEATED with Mayor Leonard and Councillors Cubberley, Ngai and Wade voting against.**

Councillor Cubberley stated:

- This item should be referred to a Public Hearing where all members of Council are present.

**MOVED by Councillor Pickup and Seconded Gillespie: "That the rezoning application for 1654 McKenzie Avenue be adjourned to the Public Hearing on May 31, 2005."**

**CARRIED**

Adjournment

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

.....  
MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK