

SPECIAL COUNCIL MEETING
FOR THE PURPOSES OF A **PUBLIC HEARING**
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, JUNE 14, 2005 AT 7:33 P.M.

Present:

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

No.220
PQS100

AWARD OF QUOTATION NO. 30/05 - ZAMBONI – G.R. PEARKES ARENA

Report of the Director of Purchasing dated June 13, 2005 recommending that Quotation No. 30/05 – Zamboni for the G. R. Pearkes Arena be awarded to Crocker Equipment in the amount of \$98,395.16.

MOVED by Councillor Pickup and Seconded by Councillor Derman: “That Quotation No. 30/05 – Zamboni for the G. R. Pearkes Arena be awarded to Crocker Equipment in the amount of \$98,395.16.”

CARRIED

No. 221
Bylaw No. 8680
PLD55

- i. “OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2005, NO. 8680”

PROPOSED DESIGNATION OF PROPERTY ON RICHMOND ROAD FOR MULTI-FAMILY USE

The intent of this proposed bylaw is to amend Map 6.2 in the Shelbourne Local Area Plan to designate Lots 1 and 2, Section 25, Victoria District, Plan 4948 **(2675 AND 2697 RICHMOND ROAD)** for potential attached housing.

Bylaw No. 8681
Richmond Road

- ii. “ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8681”

PROPOSED 10 UNIT TOWNHOUSE COMPLEX ON RICHMOND ROAD

To rezone Lots 1 and 2, Section 25, Victoria District, Plan 4948 **(2675 AND 2697 RICHMOND ROAD)** from zone RS-6 (single family dwelling) to zone RM-5 (residential mixed) for a proposed 10 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 a natural state covenant for the Streamside Protection and Enhancement Area within the site.

The Notice of Public Hearing; the report from the Director of Planning dated February 10 recommending that the Shelbourne Local Area Plan be amended, the rezoning and development permit be approved and an easement be registered to provide the opportunity for a shared access to the adjacent property to the east at 1835 Kings Road effective only if the site is rezoned to a multi-family use; supplemental reports from the Director of Planning dated March 30 and May 27, the latter recommending that a natural state covenant be required for the Streamside Protection and Enhancement Area; Advisory Design Panel reports dated December 3 and 29 recommending design approval; 18 letters in opposition and 4 letters in support, were introduced.

APPLICANT:

Mr. D. Nyren, Magellan Holdings Ltd., stated:

- Since the Committee of the Whole meeting, the proposed park dedication has been increased and will be treated as a riparian restoration area.
- On a recommendation from the Planning Department, the multi-use trail adjacent to Bowker Creek will be relocated within the 20 foot dedication along Kings Road fronting the site.
- The width of the proposed new sidewalk on Richmond Road has been increased from 1.5 to 2 metres.
- The major concerns outlined in the letter submitted today by the Friends of Bowker Creek have been addressed however, this is the first time they have been made aware of their concerns regarding the setbacks and density of the project.

Ms. B. Windjack, Landscape Architect, stated:

- From the beginning the landscaping focused on the edge condition of the property meeting the streetscapes along Kings Road and Richmond Road and the proximity of the development to Bowker Creek.
- Currently, the streetscapes are not as rich as they could be for this neighbourhood and need improvement as an amenity for this area.
- In regard to Bowker Creek, there has always been a concern about what impact development would have on the creek so the intent was to be proactive and improve the situation.
- The first plans always showed a dedicated land area adjacent to Bowker Creek for riparian restoration and included a trail; following many revisions and field reviews, it was determined that there was no room for a trail of any kind because the riparian area was in such poor condition.
- Most of the riparian area is owned by BC Hydro so there was not a lot that can be done by the applicants in terms of remediation for this portion.
- At the recommendation of the Planning Department, the trail has been relocated along Kings Road and the size for of the dedicated area has been increased for rehabilitation purposes; invasive vegetation will be removed and replaced with native plantings.
- The edge of the new property line along Bowker Creek will be defined by a hedgerow of native plants; the entire riparian zone will be covenanted and maintained by the future strata council of the townhouse complex.
- The streetscape design for Richmond Road includes an inbound sidewalk separated by a grassed boulevard.
- A major focal point has been introduced at the corner of Richmond Road and Kings Road to create an aesthetic feature and to enhance the introduction into the neighbourhood.
- Street edge alternative strategies will be introduced to ensure the flow of water off of Kings Road will go into a swale in the boulevard area; the swale will be planted in such a way that it will be easily maintained.
- The edge of the development will be defined using a mix of vegetation, low stone walls and wood fences; 95% of the vegetation that will be introduced within the site will be native plant materials.
- All of the entrances to the property will be highlighted with granite columns, wrought iron gates and fences.

- The interior drive will be permeable pavement and the driveways will drain down into this interior driveway and infiltrate through; the eave troughs will be connected with perforated pipes.

In response to a question from Council, Ms. Windjack stated:

- A double row of trees may be able to be introduced on Kings Road but there is not sufficient space to do it on Richmond Road.
- The garages have been designed to slope towards the internal driveway.

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

- As part of the requirements, a 10 foot dedication will be provided along Richmond Road and a 20 foot dedication along Kings Road.
- The park dedication along Bowker Creek allows for the riparian zone to be improved and the potential realignment of this creek in the future.
- The access into the proposed development will be entirely along Kings Road into a central courtyard area; vehicular traffic is hidden behind the buildings.
- As part of pushing the development back in order to increase the park dedication, the building is now closer to Kings Road.
- This is a valid project for this location given the amount of landscaping that is being provided and the future restoration of the riparian zone and Bowker Creek.

PUBLIC INPUT:

Ms. K. Foster, 1751 Kings Road, North Jubilee Neighbourhood Association, stated:

- At the last Committee of the Whole meeting, the Planning Department advised that an Environmental and Social Review had been undertaken as part of this proposal.
- Following the Committee of the Whole meeting, Saanich's environmental staff determined that the study did not address the questions by the Friends of Bowker Creek and area neighbours.
- It is unsatisfactory that the Planning Department did not advise the applicant of the pending Riparian Area Regulations or of further studies that needed to be done earlier in the process.
- Any comments made at the public meetings were based on the assumption that an appropriate environmental study had been undertaken.
- It is unfortunate that the trail originally offered by the applicant will not be achieved because of the proposed Riparian Area regulations.
- The trail that currently exists along the creek was made by people wanting to walk along this environmental feature and regardless of the riparian zone, people will continue to do so.
- With an additional 4 metre dedication, a walking path could be created adjacent to the riparian zone so that people can experience the beauty of being within a restored riparian area and to create a better connection to the nearby Spirit Garden.
- The proposed trail along Kings Road does not connect to anything and directional signage will be needed.
- This proposal is too dense for this site.

Ms. V. Sanders, 3326 Richmond Road, Land Use Director, Camosun Community Association, spoke in support and stated:

- The applicants have conducted an excellent public process; in addition to countless meetings, the applicant held two community meetings with the Camosun Community Association, North Jubilee Neighbourhood Association and the Friends of Bowker Creek in attendance.
- Some of the issues that were raised at these meetings have been vehicle access, density, architectural design, traffic and pedestrian access to Bowker Creek.
- In response to concerns, the applicant had a traffic study undertaken, changed the design plans three times and reduced the number of units from 12 to 10.
- The additional park dedication has resulted in the need for further Zoning Bylaw variances.
- The applicant moved the proposed development further north away from Bowker Creek to dedicate 48.45 square metres originally and has since increased this dedication to 166.29 square metres for a future park; this is the first acquisition to the Bowker Creek Greenway.
- This proposal meets the policies in the Shelbourne Local Area Plan, the Bowker Creek Watershed Management Plan and the Centennial Trails Plan.
- This proposal also follows the Regional Growth Strategy principals to support increased density close to amenities.
- The property at the northern bank of the creek is owned by BC Hydro and until this property is owned by Saanich, the trail will not be a reality; however, the property being dedicated will provide the opportunity for a future trail.
- Previous proposals for a four story condominium complex and physiotherapy clinic were opposed by the community because it created a larger visual and traffic impact on the neighbourhood; in contrast, the Association has received no phone calls and only two emails requesting information on this proposal.
- This proposal provides a multi-use trail along Kings Road, street improvements, a safer and more attractive bus stop location, enhanced landscaping and an innovative housing style.
- If the subject sites were redeveloped under the existing zoning; the opportunity for a greenway linkage to Bowker Creek would be lost.

Councillor Ngai entered the meeting at 8:07 p.m.

Mr. K. Whitcroft, 1044 Inverness Road, spoke in opposition and stated:

- He believes that the north bank can be considered a "Zone F" because stream character can not be judged by just one bank; both banks should be taken into consideration as well as the base of the creek and what is in it.
- There is no active floodplain in this area because of the shape of the channel.
- Although the geotechnical report found no level of large scale instability or significant erosion of the north edge, he believes there is undercut erosion and that the bank is overhanging ready to collapse.

- He does not agree with the use of rock filled gabions and cement bag retaining walls to halt bank erosion as suggested in the Planner's report; this is an old practice that takes away the proper function of a creek.
- He does not agree that the north bank is being eroded due primarily to foot traffic; there are other obstructions in the creek that are diverting the flow and eroding this bank.
- The trees on the north bank will come down with future erosion.
- This creek has to be diverted because it runs parallel to the apartment block driveway which is only two metres from the top of the bank.
- The Richmond Road culvert needs to be relocated to the north as soon as possible.
- The decision to re-reroute the trail route along Kings Road fronting the proposed development was done without public consultation.
- Additional land should be dedicated to accommodate proper creek restoration and a trail.
- The south bank needs to be considered for future stabilization and riparian restoration.
- In the rainy season there is more than 1 to 1.2 metres of water in Bowker Creek given the pressure that comes out of the Richmond Road culvert.
- He does not agree with the geotechnical report that the southern slope of the Bowker Creek ravine in this area is marginally unstable; he believes that if nothing is done this winter there will be major collapsing.
- Channel training and rip rap protection should not be the solution to remedy against future erosion as suggested in the geotechnical report.
- The potential of achieving a greenway along Bowker Creek should be fully examined.

Mr. I. Graeme, 2615 Dean Avenue, Friends of Bowker Creek Society, spoke in opposition and stated:

- Their key concerns have been to ensure that there are opportunities for the future alignment and connectivity of the Bowker Creek regional greenway/trail, to protect and enhance the riparian area, to consider the creek as a key "form-maker" for redevelopment and to proactively implement local, regional, and provincial planning for a potential greenway connection.
- The Society agrees that a 15 metre wide Streamside Protection and Enhancement Area (SPEA) is required to protect and enhance the integrity of the riparian zone however, this is only achieving the minimum requirement.
- The Society does not support the relocation of the Bowker Creek trail adjacent to Kings Road; this will create a "dead space" north of the creek and lose an important opportunity for a regional greenway/trail connection.
- In order to achieve a trail along the creek as well as a functioning riparian zone, the number of units should be reduced, the proposed buildings should be moved further away from the creek and the trail standard should be reduced.
- An additional 4.0 metre setback would be required to enable construction of a greenway/trail outside of the SPEA.
- The Planner's suggestion of applying to the Department of Fisheries and Oceans to alter and disrupt the SPEA to create a trail adjacent to Bowker Creek is not a proactive planning approach and there is no certainty of this either.

- Given the unique significance of this site, a density of approximately 14 units per acre may be more appropriate than the density proposed of approximately 19 units per acre; this would reduce the mass and scale of the project.
- The Society appreciates the inclusion of a bioswale in the engineering servicing requirements.
- A number of key design elements in this proposal will require the participation and support of BC Hydro, the adjacent land owner; Saanich should actively engage BC Hydro to ensure that these design elements are fully realized.
- Most of the interests relating to environmental and social issues were identified in the August 13, 2004 Planner's report however these issues were not examined until the final six weeks prior to the Public Hearing.
- While the Society appreciates the additional information provided in the supplemental staff report, they strongly advocate a more proactive approach to ensure fundamental design considerations associated with Bowker Creek are recognized at an early stage.

Mr. G. Cottrell, 3332 Aldridge Street, member of the Camson Community Association, spoke in support and stated:

- He is confident that the applicants will do a great job in redeveloping the site.

Ms. L. O'Bair, 2623 Richmond Road, spoke in opposition and stated:

- She is fond of Bowker Creek's natural setting and is concerned about the density of the proposed development affecting this environmental feature.
- The development should be in keeping with Bowker's Creek natural park setting.

APPLICANT'S RESPONSE:

Mr. X. St. Philip, stated:

- This proposal is a result of one and a half years of planning, consultation, studies and various meetings.
- The Zoning Bylaw variances that are being requested are as a result of addressing concerns expressed by the community associations; it is a compromise and strikes a balance in terms of the additional park dedication along Bowker Creek.
- The benefits of this proposal include a public plaza, bus stop, road dedications and street improvements on Richmond Road and Kings Road.
- This proposal also offers an alternative type of housing for the neighbourhood and provides a comprehensive, eco-friendly landscaping plan which addresses storm water management and sustainability of the Bowker Creek watersupply.
- If approved, this project creates an opportunity to have 166 square metres of park dedicated adjacent to the BC Hydro land and future riparian restoration.

In response to questions from Council, D. Nyren stated:

- The number of units has been reduced from 12 to 10 units; further reductions are not economically viable.
- This site could be redeveloped under the current zoning, with no opportunity for a park dedication adjacent to Bowker Creek.

Councillor Gillespie stated:

- This proposal strikes a balance and is a good compromise.
- He is pleased that the applicants reduced the amount of units and provided additional park dedication adjacent to Bowker Creek.
- He is sympathetic with the concerns expressed by the Friends of Bowker Creek.

MOTION: Moved by Councillor Gillespie and Seconded by Councillor Wergeland:

“That,

- 1. The Shelbourne Local Area Plan be amended;**
- 2. An easement be registered to provide the opportunity for a shared access to the adjacent property to the east at 1835 Kings Road effective only if the site is rezoned to a multi-family use;**
- 3. A natural state covenant be required for the Streamside Protection and Enhancement Area; and,**
- 4. The application to rezone to RM-5 be approved.”**

In response to a question from Council, the Senior Planner stated:

- The Planning Department has periodically contacted BC Hydro regarding Saanich’s vision for the Bowker Creek Greenway.

Councillor Pickup stated:

- This portion of Bowker Creek is a critical piece in moving forward with the Centennial Trails Greenway Plan and the future restoration of Bowker Creek.
- She will support this proposal on the basis that a majority compromise has been reached.
- She is pleased with the amount of landscaping that will be provided and the storm water management proposed for this site.
- Perhaps the proposal for a trail along Kings Road could be re-examined.
- She is confident that the applicants will do whatever possible to address the concerns of the community.

Councillor Wergeland stated:

- He appreciates the public consultation process the applicants have gone through in working with the area community associations, the neighbours and the Friends of Bowker Creek.
- The proposal is not perfect but it is a good compromise.
- This is an appropriate development for the area and provides alternative housing.
- He is pleased with the storm water management proposed for this site.
- The alternative is sprawl and that creates a new detriment to the environment.

Councillor Brownoff stated:

- That applicants have worked hard with the various neighbours to address their concerns.
- This proposal has gone through extensive public consultation with the neighbours and the area community associations.

- She is pleased with the reduction in the amount of units and with the future restoration of Bowker Creek.
- She hopes that the need for a trail adjacent to Bowker Creek will be examined further through the Centennial Trails Project and that the neighbours will be involved with that process.
- This is a beneficial development for this area given all the benefits being provided.

Councillor Derman stated:

- The developer has shown a willingness to listen to the community and the Friends of Bowker Creek who have raised many important issues.
- The landscaping that is being provided is excellent and the storm water management far exceeds the standard.
- Unfortunately, planning staff have not been provided with the proper resources to look at the broader picture; perhaps a modified Environmental and Social Review was needed at the start of this process.
- Perhaps a trail along Bowker Creek should be established because people will walk there regardless of whether it is a riparian area so it may be better to have a formalized trail.
- The Richmond Road culvert is undersized and needs to be addressed because the pressure is significant.
- He believes the southern slope of the Bowker Creek ravine in this area is quite unstable and needs to be addressed.
- BC Hydro should be contacted to determine how they can become more involved.
- Perhaps less property could be dedicated on Kings Road and a greater park dedication can be provided along Bowker Creek for a trail.
- This proposal is more appropriate than if these properties were redeveloped under the existing zoning.

The Motion was then Put and CARRIED

No. 222
Bylaw No. 8680
PLD55

“OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2005, NO. 8680”.
Second and Third Readings.

Moved by Councillor Gillespie and Seconded by Councillor Wergeland: “That Bylaw No. 8680 be read a second time.”

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Wergeland: “That Bylaw No. 8680 be now passed.”

CARRIED

No. 223
Bylaw No. 8681
Richmond Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8681”
Second and Third Readings.

Moved by Councillor Gillespie and Seconded by Councillor Wergeland: “That Bylaw No. 8681 be read a second time.”

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Wergeland: “That Bylaw No. 8681 be now passed.”

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Wergeland: “That it be recommended that Council approve and issue Development Permit No. DPR2004-00007 on Lots 1 and 2, Section 25, Victoria District, Plan 4948 (2675 and 2697 Richmond Road).

CARRIED

No. 224
Bylaw No. 8675
ADM40

AZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8675"

REZONING OF PARK PROPERTY

To rezone the following park property, acquired through subdivision or purchase, from zone A-1 (rural) to zone P-5 (conservation) as listed below:

PARK	LOCATION	LEGAL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
Christmas Hill Nature Sanctuary	Rogers Way	A portion of Lot C, Section 65, Victoria District, Plan VIP71695	A-1	P-5

The Notice of Public Hearing and report of the Municipal Clerk dated June 1, 2005 recommending approval.

APPLICANT:

The Corporation of the District of Saanich.

PUBLIC INPUT:

Mr. L. Bombord, 907 Greythorpe Place, Chair of the Swan Lake Christmas Hill Nature Society, spoke in support and stated:

- The Society appreciates that this rezoning is coming forward two days before the 30th anniversary of the creation of the Swan Lane Nature Sanctuary.
- It has been 30 wonderful years of foresight and planning on the part of many Councils.

APPLICANT’S RESPONSE:

Nil.

MOTION:

Moved by Councillor Wade and Seconded by Councillor Derman: “That the application to rezone a portion of Lot C, Section 65, Victoria District, Plan VIP71695 (Rogers Way) to zone P-5 be approved.”

CARRIED

No. 225
Bylaw No. 8675
ADM40

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8675"
Second and Third Readings.

**Moved by Councillor Derman and Seconded by Councillor Pickup: "That
Bylaw No. 8675 be read a second time."**

CARRIED

**Moved by Councillor Derman and Seconded by Councillor Wade: "That
Bylaw No. 8675 be now passed."**

CARRIED

Adjournment

On a motion from Councillor Derman the meeting adjourned at 9:20 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK