

DISTRICT OF SAANICH
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, AUGUST 12, 2014 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
 Council: Councillors Brice, Brownoff, Derman, Gerrard, Murdock, Sanders, Wade and Wergeland.
 Staff: N. Findlow, Planning Supervisor; J. Bains, Development Coordinator; and A. Park, Senior Committee Clerk

PUBLIC HEARING

2870-30
Burnside Road
West

“HERITAGE DESIGNATION BYLAW, 2014, NO. 9292”

PROPOSED DESIGNATION OF A HERITAGE STRUCTURE ON BURNSIDE ROAD WEST

To designate the exterior of the dwelling known as the Walker Residence on proposed Lot 3, of a plan of subdivision of Lot A, Section 16, Victoria District, Plan 22406 (**1245 BURNSIDE ROAD WEST**) as a municipal heritage structure.

2870-30
Burnside Road
West

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9293”

PROPOSED THREE LOT RESIDENTIAL SUBDIVISION ON BURNSIDE ROAD WEST

To rezone Lot A, Section 16, Victoria District, Plan 22406 (**1245 BURNSIDE ROAD WEST**) from Zone RS-18 (Single Family Dwelling – minimum lot size 2 ha) to RS-8 (Single Family Dwelling – minimum lot size –standard 665m² and panhandle 930m²) for a proposed three lot residential subdivision. An exemption from the minimum 10% perimeter road frontage requirement for proposed panhandle Lots 2 and 3 will be considered. A **DEVELOPMENT VARIANCE PERMIT** will also be considered to allow variances for reduced lot width and reduced width of a portion of a panhandle access strip. A **COVENANT** will be considered to further regulate the use of the lands and buildings.

The Clerk introduced the following:

- Notice of Public Hearing
- Reports from the Director of Planning dated February 25, 2014 and July 10, 2014 the latter recommending:
 - a) that the application to rezone from RS-18 to RS-8 be approved;
 - b) that proposed Lots 2 & 3 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage under Section 944(2) of the Local Government Act;
 - c) that Final Reading of the Zoning Amendment Bylaw and ratification of the Development Variance Permit be withheld pending registration of a covenant to require:
 - that the design and construction of new dwellings on proposed Lots 1 and 2 conform to a minimum Built Green™ Gold or equivalent energy efficiency standard;
 - that the two new single family dwellings be constructed to

- include rough-in for future solar capabilities;
- that the rear yards of new Lots 1 & 2 be fenced in;
- that the exterior design, exterior building materials, size and siting of new dwellings on proposed Lots 1 & 2 is consistent with the conceptual housing styles presented to Council in drawings by Mesa Design Group dated April 22, 2014 and colour schemes for the exterior of the new houses be restricted to colours matching the Benjamin Moore Paint Historic Colours palette.
- A letter from the Residents Association of Strawberry Vale, Marigold and Glanford dated November 5, 2013.
- Seven letters from residents commenting on the application.
- List of properties contacted by the applicant regarding the application.

APPLICANT:

Mr. Komal Dodd and Mr. Karn Dodd, of KSD Holdings Ltd., the applicant, attended and stated:

- The property is a one acre lot on the border with View Royal and is proposed to be subdivided to create two additional lots for single family dwelling use.
- Rezoning from the existing RS-18 zone to RS-8 will allow for the subdivision which will be in keeping with other lots and subdivisions in the area.
- The applicant contacted approximately 30 neighbouring properties regarding the application and received no negative comments.
- The next door neighbour supports the subdivision but has a concern about fencing along the new driveway; the applicant has committed to providing backyard fencing only on the two new lots.
- 23 of 27 protected trees on the property will be preserved.
- One large tree situated near the new driveway may be affected; they will work with an arborist to protect this tree as requested by the Saanich Parks Department, although the applicant, owners and adjacent neighbour would support removal of the tree.
- The Saanich Heritage Foundation was consulted regarding the proposed designation of the existing heritage house and on the design of the two new homes. The design changes suggested have been incorporated into the plans and will be secured by covenant.

In response to questions from Council, the applicants stated:

- They will offer new home buyers the choice of a heat source for their home; alternatives to baseboard heating will be encouraged.
- The new paved driveway will be constructed up to proposed Lot 3, which will be retained by the current owners.

PUBLIC INPUT:

D. Duprey, 1245 Burnside Road West, stated:

- She supports the subdivision and heritage designation but has a concern about the proposed natural state covenant which will apply to proposed Lot 3.
- A misunderstanding about the size of the area to be covenanted has occurred and she would appreciate revising the covenant so that less

property is included.

- If the tree next to the new driveway were removed, it would facilitate bringing additional services to their property.

E. Bratulic, 1243 Burnside Road West, stated:

- Their property is adjacent to the proposed new driveway for the three lot subdivision.
- To indicate the boundary and for safety reasons, they would prefer that a fence be constructed the entire length of the driveway between the properties.

In response to a question from the Council, the Planning Supervisor stated:

- The Environmental Services Division was provided with a survey of the natural state covenant area by the owners of the property; an additional area of camas growth was added subsequently.
- It was understood that all owners supported this covenant.
- The irregular shape of the covenanted area reflects the sensitive ecosystem on the property; if development were to occur on a neighbouring property this covenanted area would be extended further onto that property.
- Although the Approving Officer will be responsible for making the decision about the natural state covenant, Council's input is welcome.

Mayor Leonard responded:

- It is appropriate for Council to consider the application for rezoning and heritage designation as submitted for this Public Hearing.
- If the application is approved, the bylaws would be taken to third reading only, allowing time for the applicant and property owners to resolve their issue with the natural state covenant.

APPLICANTS RESPONSE:

K. Dodd stated:

- The owners did give their support to the proposed natural state covenant prior to the Public Hearing.
- He would prefer that Council proceed and consider the application, as submitted, this evening.

In response to further questions from the Council, Mr. Dodd stated:

- They did meet with the adjacent property owner, regarding their request for a chain link fence along the new driveway.
- A chain link fence is not suitable for this development; the applicant offered to construct a cedar fence on the property line on the condition that the expense be shared.
- Services will be brought into the subdivision along the driveway, up to the property line for proposed Lot 3.

COUNCIL DELIBERATIONS:

MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That:

- 1. the application to rezone Lot A, Section 16, Victoria District, Plan 22406 (1245 Burnside Road West) from Zone RS-18 to RS-8 be approved;**
- 2. proposed Lots 2 and 3 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage under Section 944(2) of the Local Government Act;**
- 3. Council designate the exterior of the dwelling at 1245 Burnside Road West as a municipal heritage site;**
- 4. Final Reading of the Zoning Amendment Bylaw and ratification of the Development Variance Permit be withheld pending registration of a covenant to require:**
 - that the design and construction of new dwellings on proposed Lots 1 and 2 conform to a minimum Built Green™ Gold or equivalent energy efficiency standard;**
 - that the two new single family dwellings be constructed to include rough-in for future solar capabilities;**
 - that the rear yards of new Lots 1 and 2 be fenced in;**
 - that the exterior design, exterior building materials, size and siting of new dwellings on proposed Lots 1 & 2 is consistent with the conceptual housing styles presented to Council in drawings by Mesa Design Group dated April 22, 2014 and colour schemes for the exterior of the new houses be restricted to colours matching the Benjamin Moore Paint Historic Colours palette.”**

Councillor Wade stated:

- This application has merit and will protect a heritage home.
- The issue of a fence remains, as does the proposed natural state covenant.
- She would appreciate the Approving Officer ensuring that enough land will be available outside of the covenant area on proposed Lot 3, to allow for vegetable gardening.

Councillor Gerrard stated:

- The applicant has responded to all concerns raised previously by Council; the fence and covenant area can be resolved between the parties.
- He appreciates the design and colour schemes presented for the new homes; the Community Association supports the application; and the applicant has indicated they will protect the tree threatened by the driveway.

Councillor Wergeland stated:

- This is a good application which he will support; however, he would encourage the applicant to construct the driveway fence as requested by the neighbour.

Councillor Brice stated:

- This is a good application and it would be worthwhile for the applicant to consult with the neighbour and resolve the fence issue.
- The preservation of the mature tree next to the driveway is a priority for Saanich.

Councillor Sanders stated:

- The proposed subdivision offers the benefit of a natural state covenant and heritage designation and the large cypress tree is to be retained.
- However, she is disappointed that the natural state covenant has caused confusion, that the fence issue with the neighbour is unresolved and that natural gas service is not being provided for proposed Lot 3.

Councillor Brownoff stated:

- The original property owners are the ones designating the heritage house and accepting the natural state covenant.
- Since the driveway is being relocated to the property line, the applicant must consider constructing the driveway fence; it is important that infill development is done sensitively.
- She supports preserving the cypress tree and finds it unfortunate that trees may be removed due to widening an existing path on the west side of the property.

Councillor Derman stated:

- It is preferable that Council secure all actions required before approving the rezoning application; the issue of the driveway fence, for example, has not been resolved.
- It is appropriate that we consider our commitment to preserve the urban forest when reviewing development applications.

Councillor Murdock stated:

- Council is considering the application for the entire property and, on the whole, it is a positive proposal.
- Although it may be best for the applicant to put in the fence, conversations between parties can continue.

Mayor Leonard stated:

- This is a good land use application and he supports it.
- A Public Hearing should not be the place to propose changes to an application.
- The remaining issues may best be resolved between the parties.

**The Motion was then Put and CARRIED
Councillors Brownoff, Derman and Sanders OPPOSED**

2870-30

Burnside Road
West

“HERITAGE DESIGNATION BYLAW, 2014, NO. 9292”
Second and Third Readings

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That Bylaw No. 9292 be read a second time.”**

CARRIED

Councillors Brownoff, Derman and Sanders OPPOSED

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That Bylaw No. 9292 be now passed.”**

CARRIED

Councillors Brownoff, Derman and Sanders OPPOSED

2870-30
Burnside Road
West

“ZONING BYLAW, 2003, AMENDMENT BYLAW 2014, NO. 9293”
Second and Third Readings

MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That Bylaw No. 9293 be read a second time.”

CARRIED
Councillors Brownoff, Derman and Sanders OPPOSED

MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That Bylaw No. 9293 be now passed.”

CARRIED
Councillors Brownoff, Derman and Sanders OPPOSED

MOVED by Councillor Gerrard and Seconded by Councillor Brice:
“That it be recommended that Council approve Development Variance Permit DVP00330 on Lot A, Section 16, Victoria District, Plan 22406 (1245 BURNSIDE ROAD WEST).”

CARRIED
Councillors Brownoff, Derman and Sanders OPPOSED

2870-30
Gorge Road
West/ Earl Grey
Street

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2014, NO. 9294”

PROPOSED AMENDMENT TO TILLICUM LOCAL AREA PLAN

To amend Appendix “M” – Tillicum Local Area Plan – of the Official Community Plan, 2008, to designate the property at Lot 15, Block R, Sections 11 & 12, Victoria, District, Plan 860 (**2921 EARL GREY STREET**) for potential multi-family use.

2870-30
Gorge Road
West/Earl Grey
Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9295”

PROPOSED REZONING FOR APARTMENT BUILDING ON GORGE ROAD WEST AND EARL GREY STREET

To rezone Lot 15, Block R, Sections 11 & 12, Victoria District, Plan 860 (**2921 EARL GREY STREET**) from Zone RS-6 (Single Family Dwelling) to Zone RA-3 (Apartment) with the intent of consolidating this lot with two RA-3 zoned properties comprising the easterly 52 feet of Lot 13, Block R, Section 11, Victoria District, Plan 860 (**114 GORGE ROAD WEST**) and Amended Lot 14 (DD1051511), Block R, Sections 11 & 12, Victoria District, Plan 860 (**120 GORGE ROAD WEST**), in order to construct a multi-family apartment building. A **DEVELOPMENT PERMIT** will be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted and to allow variances for balcony projections, building height and open space. A **COVENANT** will also be considered to further regulate the use of the lands and buildings.

The Clerk introduced the following:
– Notice of Public Hearing

- Reports from the Director of Planning dated November 29, 2013 and June 20, 2014, the latter recommending as follows:
 - a) That the Tillicum Local Area Plan be revised to include 2921 Earl Grey Street on Map 7.2;
 - b) That the application to rezone from RS-6 to RA-3 be approved;
 - c) That Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a covenant to require:
 - construction of the development to a minimum EnerGuide 80 or equivalent energy efficiency standard;
 - that the building include conduits to be solar ready;
 - a community contribution of \$36,000 to the Saanich Affordable Housing Fund.
- Advisory Design Panel report dated August 29, 2012.
- Three letters from the Gorge Tillicum Community Association.
- Seven letters from residents commenting on the application.

APPLICANT:

Mr. Eric Barker, Eric Barker Architect Inc., attended along with owner, Paul Davis, and stated:

- The application is to rezone one RS-6 lot on Earl Grey Street to RA-3 in order consolidate it with two RA-3 lots on Gorge Road West and construct an apartment building.
- Ensuring that the building would fit well into the community has been an important goal.
- The proposed four storey building will have six units on each floor with 39 parking spaces underground.
- The property slopes from north to south with a high bank at the corner of Earl Grey Street and Gorge Road West; visibility has been an issue on the corner.
- Earl Grey Street will be widened from the corner and narrowed again near the north end of the property, creating two street parking spaces in front of the building; this change may alleviate some traffic flow concerns.
- The main pedestrian entrance to the building will be at the northwest corner off Earl Grey Street; an entry court, visitor and bicycle parking, arbours and landscaping are planned.
- An existing Garry oak on the north side will be retained and exposed to the street; communal garden beds for residents are proposed along the east side.
- To minimize the impact of the building on neighbours, they have reduced the size of the balconies on the rear of the building, situated the roof deck on the south side, and dug the building into the ground to reduce its scale.
- The green roof will absorb and direct rainwater to a dry streambed raingarden along the front of the building which will have three tiers of pools adding strong visual interest to the streetscape.
- A curving rock wall along the front of the building is echoed in the rock facing element on the front face of the structure.
- Materials include grey metal, cedar siding and cement board.

- Access by elevator to the roof deck was requested by Council and this has been accomplished; extending the length of the elevator overhang (which matches the other overhangs), will help reduce the apparent height of the structure and improve its appearance.
- They prefer not to separate the purchase of parking space from the purchase of units.
- Existing homes on the site will be deconstructed.
- The developer has made an agreement with the homeowners at 2924 Wascona to take care of the foundation problems.

In response to questions from Council, the applicant stated:

- There is an existing hydro pole to be relocated and he has noted Council's wish that it not be placed within the sidewalk.

PUBLIC INPUT:

M. Bray, Earl Grey Street, stated:

- The appearance of the new apartment building is pleasing but he is concerned that the height of the building is no longer four storeys but closer to six when you add the roof garden and the elevator structure.

M. King, Earl Grey Street, stated:

- The hydro pole at the corner of Earl Grey Street and Gorge Road West has been a problem.
- He regrets that an older home and a cedar tree will be lost.
- Several new developments are happening in the area, in addition to this one, and traffic problems will worsen.

M. Greenway, Earl Grey Street, stated:

- Traffic flow on Earl Grey Street is a concern; the street is used as a thoroughfare.
- The infrastructure on Earl Grey Street is old and needs replacement.

C. Fedoruk, Earl Grey Street, stated:

- The consultation undertaken with neighbours was appreciated and she supports the development.
- Pinching the road to control traffic would be helpful.
- She is sorry to see another older home removed and does not support the loss of any more homes.
- She has been assured by the applicant that the blasting process will be documented and the security of the nearby homes ensured.

R. Wickson, President, Gorge Tillicum Community Association, stated:

- It is important to carefully consider the removal of single family homes and the impact on single family neighbourhoods, when such new developments are proposed along the edge.
- The proposed building is situated and designed well.
- The Gorge Tillicum community has unique homes on streets with a unique feel.
- Infrastructure improvements are badly needed throughout the neighbourhood and the revenue from new developments will assist in this regard.

APPLICANTS RESPONSE:

- They have discussed with Saanich Engineering their support for narrowing Earl Grey Street to a 20 foot width at the north edge of the site; this will be confirmed at the building permit stage.
- Those homeowners who identified concern with the impact of blasting on their homes, have been assured by the owner that they may deal with him rather than their own insurers, should any problems arise.

COUNCIL DELIBERATIONS:

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That:

- 1. the Tillicum Local Area Plan be amended to designate the property at 2921 Earl Grey Street for potential multi-family use;**
- 2. the application to rezone Lot 15, Block R, Sections 11 & 12, Victoria District, Plan 860 (2921 Earl Grey Street) from Zone RS-6 to RA-3 be approved; and**
- 3. Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a covenant to require:**
 - **construction of the development to a minimum EnerGuide 80 or equivalent energy efficiency standard;**
 - **that the building include conduits to be solar ready;**
 - **a community contribution of \$36,000 to the Saanich Affordable Housing Fund."**

Councillor Derman stated:

- The green roof and deck space is a good amenity for the residents.
- Stormwater management for the development has been well designed.
- Decoupling of parking space from the purchase of a unit will eventually become possible.

Councillor Gerrard stated:

- The development has an attractive design and offers parking in excess of requirements.
- Access to the roof garden has been creatively achieved.
- The Community Association supports the application and the applicant undertook extensive consultation with the neighbourhood.

Councillor Murdock stated:

- This is a good location for such a development, with amenities nearby.
- The roof garden is a tremendous benefit to the residents; the streetscape improvements and stormwater management features will benefit the community.

Councillor Brice stated:

- She commends the applicant for the design of the building and for the consultation undertaken with the neighbours.

Councillor Brownoff stated:

- The applicant has made an effort to ensure the development will fit within the existing residential neighbourhood.
- The rooftop garden space will provide a valuable social link for residents.
- It is appreciated the applicant is working with neighbours concerned with the effects of blasting on their homes.
- Residents are welcome to bring traffic concerns in the area to the attention of the municipality's Administrative Traffic Committee.

Councillor Sanders stated:

- This project will be an attractive addition to Gorge Road West.
- The landscaping design and roof garden space are welcome features.
- Traffic flow at this location has been taken into consideration and the proposed streetscape improvements may address concerns.

Mayor Leonard stated:

- This is a first class application; the applicant worked well with the community and such development is welcomed in Saanich.

The Motion was then Put and CARRIED

2870-30
Gorge Road
West/Earl Grey
Street

"OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2014, NO. 9294"
Second and Third Readings

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 9294 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 9294 be now passed."

CARRIED

2870-30
Gorge Road
West/Earl Grey
Street

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9295"
Second and Third Readings

**MOVED by Councillor Brice and Seconded by Councillor Derman:
"That Bylaw No. 9295 be read a second time."**

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Gerrard:

“That Bylaw No. 9295 be now passed.”

CARRIED

MOVED by Councillor Gerrard and Seconded by Councillor Wergeland: “That it be recommended that Council approve Development Permit DPR00506 on the Easterly 52 feet of Lot 13, Block R, Section 11, Victoria District, Plan 860 (114 Gorge Road West); on Amended Lot 14, (DD105151I), Block R, Sections 11 & 12, Victoria District, Plan 860 (120 Gorge Road West); and on Lot 15, Block R, Sections 11 & 12, Victoria District, Plan 860 (2921 Earl Grey Street).”

CARRIED

Adjournment On a motion from Councillor Gerrard, the meeting adjourned at 9:30 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK