

MOVED by Councillor Haynes and Seconded by Councillor Sanders:
“That Bylaw No. 9334 be read a second time.”

CARRIED

MOVED by Councillor Haynes and Seconded by Councillor Sanders:
“That Bylaw No. 9334 be now passed.”

CARRIED

1110-30
CRD Onsite
Sewage Systems
Service Parcel
Tax Bylaw

**CRD ONSITE SEWAGE SYSTEMS SERVICE PARCEL TAX BYLAW
AMENDMENT**

Three Readings of the “CRD Onsite Sewage Systems Parcel Tax Bylaw, 2008, Amendment Bylaw, 2015, No. 9335”. To establish the parcel tax rate for 2015.

MOVED by Councillor Brownoff and Seconded by Councillor Derman:
“That Bylaw No. 9335 be introduced and read.”

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Derman:
“That Bylaw No. 9335 be read a second time.”

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Derman:
“That Bylaw No. 9335 be now passed.”

CARRIED

RESOLUTIONS FOR ADOPTION

5370-30
Tender 06/15

TENDER 06/15 – STORM AND SANITARY REPLACEMENT PT. 1

Report of the Director of Engineering dated April 23, 2015 recommending Council award Tender 06/15 for the Storm and Sanitary Replacement Pt. 1, and change orders within the project budget, to Don Mann Excavating Ltd. in the amount of \$1,219,943 (excluding GST).

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That Tender 06/15 for the Storm and Sanitary Replacement Pt. 1, and change orders within the project budget, be awarded to Don Mann Excavating Ltd. in the amount of \$1,219,943 (excluding GST).”

CARRIED

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 7:08 pm.

The meeting reconvened at 9:21 pm.

RECOMMENDATIONS

From the Committee of the Whole Meeting held May 4, 2015

1300-50
Liquor License
Amendment

5109 CORDOVA BAY ROAD – APPLICATION TO AMEND THE EXISTING FOOD PRIMARY LIQUOR LICENCE FOR THE BEACHHOUSE RESTAURANT

MOVED by Councillor Brownoff and Seconded by Councillor Derman: “That Council support the request to the Liquor Control and Licensing Branch to amend the Food Primary Liquor Licence #305002 (5109 Cordova Bay Road) for a patron participation entertainment endorsement to allow dancing and special events.”

CARRIED

2860-20
Chatterton Way

4599 CHATTERTON WAY – DEVELOPMENT PERMIT AMENDMENT FOR A SIGN – CLAPP AND COMPANY

MOVED by Councillor Derman and Seconded by Councillor Plant: “That Council approve and issue Development Permit Amendment DPA00823 on Lot A, Section 8A, Lake District, Plan 49394 (4599 Chatterton Way).”

CARRIED

2860-20
Shelbourne Street

4000 SHELBOURNE STREET – DEVELOPMENT PERMIT AMENDMENT – KANG AND GILL CONSTRUCTION LTD.

MOVED by Councillor Haynes and Seconded by Councillor Wergeland: “That Council approve and issue Development Permit Amendment DPA00826 on Lot A, Section 55, Victoria District, Plan EPP41395 (4000 Shelbourne Street).”

CARRIED

2860-20
Arbutus Road

2767 ARBUTUS ROAD – DEVELOPMENT PERMIT AMENDMENT – SEBA CONSTRUCTION LTD. (JAMIE GILL)

MOVED by Councillor Derman and Seconded by Councillor Plant: “That Council reject the application for Development Permit Amendment DPA00825 on Lot 9, Section 44, Victoria District, Plan 34091 (2767 Arbutus Road).”

CARRIED

Councillor Wergeland OPPOSED

In Camera Motion

MOVED by Councillor Derman and Seconded by Councillor Brice: “That in accordance with Section 90 (1)(c), (e), (i) and (k) of the *Community Charter*, Council reconvene the In Camera meeting considering subject matters relating to:

- Labour relations or other employee relations;
- The disposition or expropriation of land or improvements;
- Receipt of advice that is subject to solicitor-client privilege; and
- Negotiations and related discussions respecting the provision of a municipal service, that are at their preliminary stages.”

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 9:25 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD ON JANUARY 5, 2015

2710-40
Glanford Avenue

3980 GLANFORD AVENUE (A PORTION) – PROPOSED ACQUISITION

"That Council approve the acquisition of a portion of Parcel 1 (DD 141751I) of Parcel B (DD 115667I) of Lot 95, Section 50, Victoria District, Plan 180 (3980 Glanford Avenue) on the terms negotiated."

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD ON JANUARY 26, 2015

2710-40
Carey Road

3900 CAREY ROAD (A PORTION) – PROPOSED ACQUISITION

"That Council approve the acquisition of a portion of Lot 1, Section 14 & 50, Victoria District, Plan 23030 (3900 Carey Road) on the terms negotiated."

DISTRICT OF SAANICH
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 4, 2015 AT 7:09 PM

Present: **Chair:** Mayor Atwell
 Council: Councillors Brice, Brownoff, Derman, Haynes, Murdock, Plant, Sanders and Wergeland
 Staff: Andy Laidlaw, Chief Administrative Officer; Carrie MacPhee, Director of Legislative Services; Sharon Hvozdzanski, Director of Planning; Harley Machielse, Director of Engineering; Donna Dupas, Legislative Manager; and Andrea Park, Senior Committee Clerk

1300-50
Liquor License
Amendment

5109 CORDOVA BAY ROAD – APPLICATION TO AMEND THE EXISTING FOOD PRIMARY LIQUOR LICENCE FOR THE BEACHHOUSE RESTAURANT

Postponed from the April 13, 2015 Committee of the Whole Meeting. Report of the Director of Planning dated March 9, 2015 recommending that Council support the applicant to the Liquor Control and Licensing Branch to amend the existing food primary licence for a patron participation entertainment endorsement to allow dancing and special events.

APPLICANT:

K. Phoenix, owner of the Beach House restaurant, stated:

- She met with residents of the strata complex across the road and was able to clarify the application and hear their concerns. Meaningful and lasting solutions have been created and they have agreed to meet as needed in the future.
- She also met with neighbours and restaurant patrons; they have clarity going forward and a significant amount of support.

In response to questions from Council, the applicant stated:

- Security staff have been hired for events to ensure there is control over parking and noise from departing patrons after midnight.
- She held one group meeting, made every attempt to meet with adjacent neighbours and had discussions in the restaurant with interested residents.
- The proposed change to the existing liquor licence will remove the necessity to apply for a special licence for each event.
- Presently only 30% of their revenues are from liquor sales; they will continue their focus on families and the community and there is no intention to change to a bar format.
- They have an arrangement with Tru Value Foods to accommodate overflow parking from the restaurant.
- Garbage will be put out by 10:00 pm and any remainder will be kept inside the restaurant until the following day.
- Patio doors will be closed in the evening and a sound meter has been purchased to monitor sound levels during events.
- They will request that customers not access the beach after midnight and have security staff for enforcement.
- A new parking information plan is being developed and will be posted to Identify Beach House parking areas.

PUBLIC INPUT:

B. Ziruss, Cordova Bay Road, stated:

- He attended the strata meeting with the owner and has a copy of her commitment to measures to resolve noise and parking issues at his property.
- He remains concerned that the measures to control noise will not be satisfactory.

K. Podmore, Brethour Avenue, stated:

- He supports the application.
- The owner might install signs in the restaurant asking patrons to be courteous to neighbours.

S. Klapauszak, Cordova Bay Road, stated;

- He supports the restaurant and wishes it success.
- There is no consensus of opposition to the application.
- Perhaps a review of the operation could take place after a year.

G. B. McMorrان, Cordova Bay Road, stated:

- He supports the application.
- His father initiated dancing at the former McMorrانs restaurant and this was very popular in its time.
- He does not expect any detrimental impact from the proposed change to the liquor licence. The new owner has done a great job restoring the property.

In response to questions from Council, the Director of Planning stated:

- The letter of commitment from the owner could be sent to the Liquor Control and Licensing Branch for consideration; the municipality has no enforcement authority.
- The request for a review of the operation after one year could be sent to the LCLB on the same basis.
- The Saanich Noise Bylaw would apply to the restaurant operation
- Weddings held in the adjacent park would require a permit from Saanich and would not be supervised by the Beach House.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That it be recommended that Council support the request to the Liquor Control and Licensing Branch to amend the Food Primary Liquor Licence #305002 (5109 Cordova Bay Road) for a patron participation entertainment endorsement to allow dancing and special events."

Councillor Derman stated:

- The additional consultation was necessary to resolve the neighbours' concerns.
- He is pleased with the commitments made by the owner; sound level monitoring will be necessary.
- The Beach House will continue to be an economically viable social centre for the community.

Councillor Brownoff stated:

- She is pleased that the owner reached out to the neighbours and addressed their concerns; the commitments made by the business owner will be important to the community.
- Signs and security personnel could remind patrons to be quiet and respectful of the neighbours when leaving events at the Beach House.

Councillor Haynes stated:

- The peace and quiet of the neighbourhood must always be respected.
- The restaurant will add vitality and life to the community.
- Perhaps the Master of Ceremonies at each event could give notice requesting the patrons to be respectful of the neighbours as they leave.

Councillor Murdock stated:

- He thanked the neighbours, patrons of the restaurant and the owner for their commitment to resolving the concerns of the residents.
- The revitalization of the historic McMorrانs property is appreciated and he expects there will be a continued positive relationship.

Councillor Wergeland stated:

- This restaurant is an asset to the community and although the behaviour of patrons can sometimes raise concerns, the positives outweigh the negatives.

Councillor Sanders stated:

- Although the application was delayed, a good process was undertaken to address the neighbourhood concerns.

Councillor Plant stated:

- He had expected the owner would organize a full open house for the neighbourhood; however, good consultation has taken place.
- The Noise Bylaw may not be an effective control for sound from a restaurant and, if this is the case, the bylaw could be revisited.

Mayor Atwell stated:

- He is pleased to see a shift in community support on this issue; the owner made a genuine effort to consult with the neighbours.
- He expects a successful coexistence going forward.

Councillor Brice stated:

- She supports the application which will allow the facility to remain vibrant.

The Motion was then Put and CARRIED

2130-40
Carey Road

3918 CAREY ROAD – HERITAGE DESIGNATION APPLICATION

Report of the Director of Planning dated March 31, 2015 recommending that Council designate the dwelling located at 3918 Carey Road as a Municipal Heritage property.

APPLICANT:

M. Borys, Synergy Projects, attended on behalf of the owner and stated:

- He represents the new owners of the site; it was a requirement of an earlier rezoning of the entire property that this house be designated as an historic property.
- The restoration was more extensive than anticipated as the house was structurally unsound.
- The house has now been completed as a duplex with the design true to its heritage appearance.

PUBLIC INPUT:

B. Shuya, President, Saanich Heritage Foundation, stated:

- The Foundation endorses the heritage designation of this property.
- The project was delayed and the house left empty for a period of time; fortunately the house was still able to be restored.
- He would suggest a new process be considered for such cases incorporating a timeline which would require protection of the property.

B. Von Schulman, member, Saanich Heritage Foundation, stated:

- This neighbourhood in the southwest corner of Saanich has the highest number of heritage homes which are not on the heritage register; they are quickly disappearing due to development.
- He urges Council to recognize the heritage value of these homes in the Tillicum/Gorge area when development applications come before Council.

Motion:

MOVED by Councillor Sanders and Seconded by Councillor Derman: “That a Public Hearing be called to further consider the heritage designation of the dwelling on Strata Lots 45 and 46, Section 50, Victoria District, Plan EPS2046 (3918A and 3918B Carey Road).”

Councillor Derman stated:

- The property was in poor condition and he appreciates that this applicant made the necessary financial commitment and restored the house to a high quality.
- Our maintenance bylaw could be looked at to ensure that demolition by neglect does not become a problem.
- Excellent example of adaptive reuse.

Councillor Brownoff stated:

- She is pleased with the effort made by the applicant to preserve this dwelling.
- Such heritage houses add character to a neighbourhood.
- It has become a concern in Vancouver where property values lead to the demolition and replacement of such houses.

Councillor Wergeland stated:

- He thanked the applicant for an effective restoration.

Councillor Haynes stated:

- He appreciates the use of skilled artisans in this restoration.

Councillor Murdock stated:

- A thoughtful restorative process for heritage dwellings involves significant resources and many could not undertake such a project.
- Council might consider what additional measures may be needed to encourage the preservation of these heritage properties.

The Motion was then Put and CARRIED

2860-20
Chatterton Way

4599 CHATTERTON WAY – DEVELOPMENT PERMIT AMENDMENT FOR A SIGN – CLAPP AND COMPANY

Report of the Director of Planning dated March 30, 2015 recommending that Council approve the Development Permit Amendment DPA00823 to allow the installation of an additional freestanding sign. A variance to the sign bylaw is required to permit two freestanding signs on the Chatterton Way frontage.

APPLICANT:

D. Stewart on behalf of Clapp and Company, stated:

- Although the property is legally one lot, it appears to be two separate lots.
- The applicant worked with Saanich staff to design a sign appropriate for the site; however, a variance is required.
- He is not aware of any concerns regarding the proposed additional sign.

Motion:

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That it be recommended that Council approve and issue Development Permit Amendment DPA00823 on Lot A, Section 8A, Lake District, Plan 49394 (4599 Chatterton Way).”

Councillor Plant stated:

- This is an appropriate sign for the site and the neighbourhood association has no objection.

The Motion was then Put and CARRIED

2860-20
Shelbourne
Street

4000 SHELBOURNE STREET – DEVELOPMENT PERMIT AMENDMENT – KANG AND GILL CONSTRUCTION LTD.

Report of the Director of Planning dated April 1, 2015 recommending Council approve the Development Permit Amendment DPA00826 to vary the maximum permitted building height from 14.3 m to 14.85 m for a newly constructed apartment building. Amendments to the landscaping and fence details are also requested.

APPLICANT:

C. Abrahams, Kang & Gill Construction Ltd., J. Lommerse, LADR Landscape Architects, and P. Misra, Architect, attended and stated:

- Changes were made during construction of the building; a final survey was showed the height of the structure exceeded the height permitted.
- The ceiling height on the top floor was then reduced; however, without a major change to the design, no further reductions could be achieved.
- After consulting with the Saanich Planning Department, it was decided to proceed with a request for an amendment to the Development Permit.
- The landscape design was revised to remove the children's feature in the courtyard garden and a redundant railing.

PUBLIC INPUT:

M. Hewgill, Morningside Close, stated:

- It is difficult for laypersons to understand the impact of the height of a proposed new building when various terms are used such as "storeys", "feet", and "metres", to describe the project.
- Since another development will be undertaken soon in the area by the same developer, it would be preferable to clarify the use of these terms and avoid confusion.
- The Shelbourne Action Plan has stated that new buildings along Shelbourne Street would likely be stepped to mitigate their impact.

Motion:

MOVED by Councillor Haynes and Seconded by Councillor Derman: "That it be recommended that Council approve and issue Development Permit Amendment DPA00826 on Lot A, Section 55, Victoria District, Plan EPP41395 (4000 Shelbourne Street)."

In response to questions from the Council, the Director of Planning stated:

- Council has the authority to reject the application but requiring the building height to be reduced would have a significant impact and would be an unlikely option.
- The option of instituting a penalty clause to cover the municipality's costs in such cases could be explored but may be beyond the authority of the municipality.
- For complex building projects, the professionals providing services to the developer are required to certify that all requirements are being met. A height survey would not be completed until late in the process.
- If Council wishes, a report can be prepared on the municipality's legal limitations regarding inspections for complex construction projects.

Councillor Derman stated:

- There have been instances where Council has required a reduction in building height but in this instance, a legitimate explanation has been given; the proposed changes to the landscape plan are appropriate.

Councillor Haynes stated:

- The development is finished to a high standard.
- There are limited options to correct the height discrepancy and the proposed landscape alteration is reasonable: he supports the amendment.

The Motion was then Put and CARRIED

2860-20
Arbutus Road

2767 ARBUTUS ROAD – DEVELOPMENT PERMIT AMENDMENT – SEBA CONSTRUCTION LTD. (JAMIE GILL)

Report of the Director of Planning dated April 2, 2015 recommending Council approve Development Permit Amendment DPA00825 to vary the provisions of a Land Use Contract (LUC) and the front yard setback to legalize a sundeck; ratification to be withheld pending registration of a covenant.

APPLICANT:

J. Gill, SEBA Construction Ltd., stated:

- The deck in question was not part of the original renovation plans. During the construction process the owners decided to improve access to the outdoors by installing this feature.
- Saanich inspectors visited the site during construction to inspect the concrete slab and siding but the deck was not flagged as an issue.
- A misunderstanding of the setback requirements adjacent to the McColl Place path resulted in the construction of the deck within the setback.
- The deck and yard are very private and the immediate neighbours do not object.

In response to questions from Council, the applicant stated:

- He did not enquire whether a building permit was required for the deck.
- 30 to 40 square feet have been added to the original concrete patio footprint.
- The survey confirms the location of the deck from the property line.

In response to questions from Council, the Director of Planning stated:

- If the deck were constructed of concrete or pavers and flush with the grade, a variance would not be necessary.
- McColl Place is defined as an unconstructed road which affects the setback requirements.

PUBLIC INPUT:

E. Daly, Chair, Cadboro Bay Residents Association, stated:

- If a Land Use Contract did not govern this property, the deck application would have gone to the Board of Variance who are restricted to minor variances where undue hardship would result.
- This situation does not meet the undue hardship requirement.
- The setback for the deck is 23% of what is required and that could set a dangerous precedent; it is important that all residents play by the rules.

H. Graham, Cadboro Bay resident, stated:

- She uses the McColl Place trail daily and objects to the variance requested.
- The LUC requires a 6.1 metre setback; this is a significant variance.
- A large deck in compliance with the LUC will still be possible.

B. Furber, Arbutus Road, stated:

- The letters of opposition to the deck and the opposition of the Cadboro Bay Residents Association have not been properly recognized.
- The neighbourhood has excellent walkability and the McColl Place trail needs protection.
- The park property was used by the contractor to access the site and debris was left without restoring the site.
- He is concerned that more trees may be removed.

L. Zetler, Arbutus Road, stated;

- He owns the property next door and supports the application.
- The deck will have no impact on nearby properties; it was designed aesthetically.
- Most neighbours who live nearby support the application.

K. Whitworth, Viewmont Avenue, stated:

- She does not support this application; a building permit was not sought by this experienced builder.
- The future implications for the property when all Land Use Contracts are discharged by the municipality, is of interest.

R. Ferguson, Arbutus Road, stated:

- He supports the application. The wooden deck is not a concern.

Councillor Wergeland stated:

- He can support the application; if the deck were dropped 8 inches and a slab were constructed to the property line, no building permit or variance would be required.

Councillor Derman stated:

- He cannot support the variance; an experienced builder should have known the requirements.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Sanders: "That it be recommended that Council reject the application for Development Permit Amendment DPA00825 on Lot 9, Section 44, Victoria District, Plan 34091 (2767 Arbutus Road)."

Councillor Sanders stated:

- She is concerned that the Land Use Contract and the building permit process were not followed.
- The deck was not part of the original permit.
- She expects the builder to restore any damage done to the parkland.

Councillor Haynes stated:

- The completed development is attractive.
- Perhaps the deck could be altered in a way to meet the requirements and keep the majority of the structure.

Councillor Wergeland stated:

- An error made by the builder but this is only an 8 inch deck.
- If the deck were dropped to ground level, in theory, it would be in compliance.
- The next door neighbours support the application.

Councillor Brownoff stated:

- The finished house is beautiful; however, the builder should have known to apply for a permit for the deck.
- She supports the motion.

Councillor Plant stated:

- Although he values the input from next door neighbours who support the application, in this case, it is right to reject the application.

Mayor Atwell stated:

- It will be easy to modify this deck; he supports the building permit process and rejection of the variance.

**The Motion was then Put and CARRIED
Councillor Wergeland OPPOSED**

Adjournment On a motion from Councillor Plant, the meeting adjourned at 9:20 pm.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK