

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

Report of the **PUBLIC HEARING**
Wednesday, February 6, 2008, at 7:00 p.m.
Central Saanich Municipal Council Chamber

PRESENT: Acting Mayor John Garrison
Councillors Bryson, Graham, King, Mason, and Thompson
Gary C. Nason, Administrator
Sara C. Ribeiro, Municipal Clerk
Hope V. Burns, Director of Planning & Building Services

ABSENT: Mayor Mar

1. OPENING STATEMENT BY THE ACTING MAYOR

Acting Mayor Garrison noted that the purpose of the Public Hearing was to hear representations in regards to "Central Saanich Land Use Bylaw Amendment Bylaw No. 1597, 2007" [A Bylaw to Amend the Official Community Plan (7164 Brentwood Drive)]; "Central Saanich Land Use Bylaw No. 1598, 2007" [A Bylaw to Amend the Land Use Bylaw (Creation of the RM-4 Zone – 7164 Brentwood Drive)]; and "Central Saanich Land Use Bylaw Amendment Bylaw No. 1599, 2007" [A Bylaw to Amend the Land Use Bylaw (Water Lot Lease Attached to 7164 Brentwood Drive)].

Acting Mayor Garrison then read a prepared statement outlining the procedures for the Public Hearing.

2. PUBLIC HEARING

The Administrator, Gary C. Nason, advised that additional copies of the Public Hearing Agenda were available for viewing at this Public Hearing. Mr. Nason noted that the Public Hearing Agenda included a copy of the Public Hearing Notice, a copy of Bylaw Nos. 1597, 1598, and 1599, Staff Memoranda relating to the proposed Bylaws, and copies of the Council motions to give the necessary readings to the Bylaws and refer them to a Public Hearing. Mr. Nason further noted that copies of the Land Use Bylaw, the Official Community Plan, and the two Local Area Plans were also available for viewing at this Public Hearing. Mr. Nason concluded his remarks by advising that the District did receive items of correspondence in regards to Bylaw Nos. 1597, 1598, and 1599 and form part of the agenda package.

1. "Central Saanich Official Community Plan Bylaw Amendment Bylaw No. 1597, 2007"
[A Bylaw to Amend the Official Community Plan (7164 Brentwood Drive)]
2. "Central Saanich Land Use Bylaw Amendment Bylaw No. 1598, 2007"
[A Bylaw to Amend the Land Use Bylaw (Creation of the RM-4 Zone – 7164 Brentwood Drive)]
3. "Central Saanich Land Use Bylaw Amendment Bylaw No. 1599, 2007"
[A Bylaw to Amend the Land Use Bylaw (Water Lot Lease Attached to 7164 Brentwood Drive)]
4. Draft Development Variance Permit No. 3090-20-13/07 for 7146 Brentwood Drive
5. Staff Memorandum dated November 7, 2007, from the Director of Planning & Building Services entitled "Rezoning, Development Permit, and Development Variance Permit Applications – 7164 Brentwood Drive, Brentwood Bay Lodge Proposed Dock Addition and Residential Project"
6. Staff Memorandum dated January 29, 2008, from the Director of Planning & Building Services entitled "Rezoning, Development Permit and Development Variance Permit Applications – 7164 Brentwood Drive, Brentwood Bay Lodge Proposed Dock Addition and Residential Project Addendum Report #2 Re: Walkway Details"

7. Council Motions to Authorize the Necessary Readings of Bylaw Nos. 1597, 1598, and 1599 and the Forwarding of the Bylaw to a Public Hearing
8. Council Motions to Consider Issuance of a Development Permit Subject to the Outcome of the Public Hearing and Final Adoption of Bylaw Nos. 1597, 1598, and 1599
9. Correspondence Received Prior to the Introduction of Bylaw No. 1597, 1598, and 1599:
 - a) D Behune, 849 Verdier Avenue, September 5, 2007
 - b) J&L Diemer, 7173 Brentwood Drive, September 12, 2007
 - c) J&L Diemer, 7173 Brentwood Drive, September 21, 2007
 - d) J&E Walpot, 7161 Brentwood Drive, September 25, 2007
 - e) D Behune, 849 Verdier Avenue, October 20, 2007
 - f) B&S McConechy, 7147 Brentwood Drive, October 24, 2007
 - g) J Diemer, 7173 Brentwood Drive, October 26, 2007
 - h) M&M Hadfield, 7372 Ridgedown Court, November 15, 2007
 - i) J Impett, 7116 Brentwood Drive, November 15, 2007
 - j) B&L Jeffryes, 7152 Brentwood Drive, November 15, 2007
 - k) F Pugh, 6963 West Saanich Road, November 15, 2007
 - l) R Impett, 7185 Brentwood Drive, November 16, 2007
 - m) D Scarth, 7148 Brentwood Drive, November 18, 2007
 - n) J&L Diemer, 7173 Brentwood Drive, November 19, 2007
 - o) D Walpot, 7167 Brentwood Drive, November 20, 2007
 - p) A Diemer, 7173 Brentwood Drive, November 27, 2007
 - q) G Trionfi, November 28, 2007
 - r) J Diemer, 7173 Brentwood Drive, November 29, 2007
 - s) J Albers, 202-822 Verdier Avenue, December 1, 2007
 - t) D Johnston, 105-822 Verdier Avenue, December 8, 2007
 - u) J&E Walpot, 7161 Brentwood Drive, December 9, 2007
 - v) D&C MacDougal, 7179 Brentwood Drive, December 10, 2007
 - w) B Sherwood, 7074 Brentwood Drive, December 11, 2007
 - x) G Rowland, 7176 Keally Place, December 12, 2007
 - y) L Walker, 696 Wallace Drive, December 24, 2007
10. Correspondence Received Since the Introduction of Bylaw No. 1597, 1598, and 1599 and Publication of the Notice of Public Hearing:
 - a) P&B McLeod, 7138 Brentwood Drive, January 28, 2008
 - b) S McNulty, 7081 Central Saanich Road, January 29, 2008
 - c) J Gardner, Aqua-Lung Canada, January 30, 2008
 - d) D Behune, 849 Verdier Avenue, January 31, 2008
 - e) D&S Scarth, 7148 Brentwood Drive, February 3, 2008
 - f) Copy of correspondence from Brentwood Bay Lodge to Victoria Regional Transit Commission dated February 1, 2008
 - g) S Masai, 7212 Kimpata Way, February 5, 2008
 - h) D&S Scarth, 7148 Brentwood Drive, February 5, 2008
 - i) S Lawrence, 8381 West Saanich Road, February 5, 2008
 - j) Figure 2 "West Shoreline Public Beach Access Sites" (Excerpt from "Beach Access: Assessment of Public Beach Accesses")

The Director of Planning & Building Services, Hope V. Burns, advised the purpose of proposed Bylaw No. 1597 is to designate the land as a Multi-Family Residential Development Permit Area that would require the owner to obtain a Development Permit prior to developing the land. The purpose of proposed Bylaw No. 1598 is to adopt regulations for a new Residential Attached (RM-4) Zone (currently zoned Residential Two Family R-2) to allow for a proposed six unit condominium hotel project. The purpose of proposed Bylaw No. 1599 is to change the zoning designation from Water Area (W-1) to Water Area (W-2) and to prohibit float planes in the Water Area (W-2) Zone. Ms. Burns further advised a Development Variance Permit has been requested to vary the setback from the top of bank from 10m (33ft) to 6.4m (21ft) and 0m (0ft) for the building and waterfront boardwalk respectively.

Acting Mayor Garrison opened the floor for comments from the public in attendance at the Public Hearing.

Mr. Ron Lea, Architect, overviewed the application, advising the proposed pedestrian walkway would provide a loop with the existing pathway. He provided

a synopsis of the landscaping components. A living fence is proposed consisting of an iron security fence with plant material to be integrated with metal. No trees will be removed from this riparian zone and no interference is proposed with the embankment. There is a proposed green roof over the parking area. With respect to the addition, the building will appear one storey tall from Brentwood Drive. The highest point on this building is 1.5m lower than the highest point on the existing building. The proposal includes a flat roof, modified from the original design, and will be treated with coloured gravel. This will afford a better view and visually provide a more benign building. Mr. Lea overviewed the marina expansion component. He noted a permanent pump-out station plan will be provided shortly. He additionally noted the dock will be anchored with cables, and the additional area for the foreshore lease will accommodate the use of cables. Mr. Lea concluded with a list of items what will be used for consideration towards LEED Certification.

A discussion occurred between Council and Mr. Lea, in particular the location of the proposed gates, the roof and possible roof top structures including location of air handlers, and location of the pathway in relation to the adjacent house.

Mr. Dan Behune, Applicant, advised LEED Certification will be applied for, noting there is uncertainty as to what level.

Mr. Chris Williams, 8224 West Saanich Road, overviewed the original design of the walkway along the water, and the proposed new portion of the walkway. He commented that the Best Management Practices from the Department of Oceans and Fisheries has been consulted. Galvanized stairs will be installed and will be kept at a reasonable level out of the water. Mr. Williams addressed the use of cables for the dock, advising cables will eliminate the view of a piling. The cables will hold the dock in place with less than one foot of movement. The pump-out facility will be a fixed facility. It needs to be in a location where boats can access it safely, and in a location that will ensure usage.

Mr. Behune spoke to concerns raised about the dock expansion. He advised the plans were re-drafted to heed the concerns raised by the Saanich Inlet Protection Society. He suggested the addition of extra markers to protect the local reef within the lease area. With respect to the addition, Mr. Behune noted a 75 foot public walkway using beam techniques will be provided, a public Right of Way will be secured to provide access from Brentwood Drive, and the proposed street scaping and bus zone area provided. In conclusion, he advised he is lobbying BC Transit to restore service of bus route #75 to this area.

The Municipal Clerk, Sara C. Ribeiro, read into the record the following items of correspondence, copies of which are attached to the Minutes of this Public Hearing:

- Copy of correspondence from Brentwood Bay Lodge to Victoria Regional Transit Commission dated February 1, 2008
- S Masai, 7212 Kimpata Way, February 5, 2008
- D&S Scarth, 7148 Brentwood Drive, February 5, 2008
- S Lawrence, 8381 West Saanich Road, February 5, 2008
- Figure 2 "West Shoreline Public Beach Access Sites" (Excerpt from "Beach Access: Assessment of Public Beach Accesses")

Dr. Ian Cameron, 7190 Babington Lane, spoke against this proposal as it is an example of spot-zoning and will set an unhealthy precedent in the area. He noted his dissatisfaction for the way the proposal has been brought forward and feels there are two separate issues. He supports the prohibition of float planes in the inlet. With respect to the expansion, he has concerns with damage to the reef from boaters and riparian rights in the area being impacted negatively.

Ms. Penny McLeod, 7138 Brentwood Drive, expressed concern about a precedent setting decision. She noted there is an approved community plan for this area and that the lot was purchased with the current zoning. Ms. McLeod noted three beach accesses within one block are not necessary. There have been problems with vandalism and drinking on the beach at night. Should this proposal be approved, she would appreciate the public walkway remaining unlocked and un-gated. She also expressed concern about sewage in the Bay and inquired if a pump-out will be mandatory. Ms. McLeod expressed concern

for the ocean floor and that it needs to be looked after. She advised she appreciates the look of the proposed addition.

Mr. Sean McNulty, 7081 Central Saanich Road, spoke in favour of this proposal, noting it is important for the business community in Brentwood Bay.

Ms. Frances Pugh, representative from Saanich Inlet Protection Society (SIPS), read a letter on behalf of SIPS, noting SIPS does not support the rezoning expansion of W2 for dock expansion. SIPS' main concern relates to the location of the marina and safety concerns. The proposed expansion is to accommodate larger yachts; however, the reef and location of the BC Ferry dock suggest this is the least suitable marina to be considered for expansion. Additionally, Saanich Inlet, while threatened, is a viable eco-system. Development threatens the maintenance of its aesthetic appeal, cultural significance and environmental quality. Concerns should also be noted about non-point source pollution as pollution will only increase with the introduction of sewage, petroleum distillates and assorted cleaning products. Ms. Pugh noted a condition of the original development permit was to provide a proper functioning and easily accessible marine holding tank pump-out facility for boaters to ensure holding tank sewage would be filtered through the Peninsula Sewage Treatment Plant. There is no such pump-out facility at the Lodge. Ms. Pugh suggested Council should be concerned about access to properties to the south of the proposed marina expansion. She referenced guarantees of riparian rights and public foreshore use in the administration of aquatic crown land. In closing, the proximity of the reef and expansion of the docks challenges access to neighbouring properties.

A discussion occurred between Council regarding the original development permit requirement for a pump-out facility, with Staff noting continual pursuit of a pump-out facility. The discussion also focused on municipal tools and/or action that could be imposed to enforce the installation and use of a pump-out facility.

Mr. Chris Williams, 8224 West Saanich Road, spoke in support of this proposal.

Ms. Sarah Verstagen, 992 Verdier Avenue, noted this is a precedent setting application for this area. She advised Mr. Behune has not met with a representative of the Saanich Inlet Protection Society (SIPS), and that SIPS expressed concerns that have not been addressed. She advised disturbance of the reef is a big issue that needs to be addressed.

Mr. Don McDougall, 7179 Brentwood Drive, advised he has lived in this neighbourhood for approximately 30 years. He is pleased with the prospect of this potential development and in particular, the expansion of the walkway. He appreciates the separation of the proposed addition from the current building as it will allow residents to have continued water glimpses.

Mr. Richard Impett, 7116 Brentwood Drive, advised over the course of 16 years, he has witnessed many boats crashing into the rocks. He suggested Mr. Behune's proposal to add markers to the reef area would assist local boaters. Mr. Impett noted there is no pump-out facility currently operating in the area and it is a problem for the entire bay, not just this area. He expressed great support for this proposal. He also noted the impact on traffic would be minimal.

Mr. David Scarth, 7148 Brentwood Drive, advised he has never seen an aerial photo of Brentwood Bay showing the existing docks and the current lease area. He provided a photo of Brentwood Bay for Council's information. He is concerned the proposed development would expand the dock even more in the future. He discussed the proposed cables that would be implemented to secure the dock, and inquired if the cables would extend beyond the water lot lease area. He suggested that to avoid problems in the future, the lease area should be reduced to allow for a 6m setback from the dock structure. He expressed great concern with the proposed pump-out facility, noting human waste appears on the beach during summertime. He expressed further concern with a stationary pump-out, noting boats will have to relocate around the dock in order to pump-out. He urged Council to address the sewer problem before continuing with consideration of this application. He noted this proposal commenced as a residential villa and he questioned if the aim is to increase the number of hotel units, why would the present hotel not be extended? He initially provided support for the three storey proposal on the condition it will appear residential. He said

the current design is a three storey flat roofed hotel and he cannot support that. He briefly raised air handling, noting the roof will appear cluttered. Mr. Scarth expressed concern with respect to the proposed walkway, and inquired if the proponent has considered the elevations and excavating details. Should a walkway be permitted, he would appreciate open access to the public with no gate. While he initially expressed some support for this proposal, he feels it is not an attractive project and withdraws his support for the building and the dock extension.

Mr. Brian Smyle, 4096 Rain Street North, advised he is in the eco-tourism business and the opportunity to operate from this marina is a privilege. He noted this marina is world class. He is a retired marine biologist and of the three areas he operates his business from, Brentwood Bay is the least compromised.

Ms. Alicia Cormier, 828 Verdier Avenue, advised she walks her dog in this area and an extension of the current walkway would be appreciated. She is a parent and a taxpayer, and this proposal represents an economic opportunity in a community that has roads and sewer. She is a boater and a kayaker and is aware of the reef and she takes responsibility while out on the water. She encouraged Council to think of the economy and tax base while considering approval of this proposal.

Ms. Elizabeth Chambers, 901 Verdier Avenue, inquired why the proposed new zone for this property was multi-family residential and commercial is not being considered.

Ms. Burns advised the RM-4 zone allows hotel but not commercial.

Ms. Chambers noted the proposed size is appropriate for this neighbourhood, and the proposal to keep traffic on Verdier is very important. She is happy that there is a stipulation for no float planes in this area. Ms. Chambers appreciates the public pathway, noting a gate is not necessary as this is a respectable community. She inquired why there has not been an amenity offer for pedestrian improvements along Brentwood Drive or in the Brentwood area. She spoke in favour in the proponent's advocacy efforts to increase public transit for this area. In closing, she noted the employees should commit to "slow time" while driving in the area, not just on the property.

Ms. Jackie Turlow, 6552 Toran Road, stated this is a viable ongoing opportunity. Throughout Victoria, restaurants or hotels struggle. This proposal adds a great ambience to the neighbourhood and it is an opportunity for a community business to stay vibrant in this area. The proposed walkway is a wonderful idea and should not be gated. She would rather see this proposal in this area rather than in Moodeyville or a 100% residential area in Central Saanich. While she is not a boater, she noted any negative measures can be mitigated through a Development Permit.

Mr. Greg Roman, 7176 Keyley Place, advised the original roof plan was superior to the current design. He noted a member of his family is employed by the Lodge, and that he is a boater and a kayaker. He understands concerns about increasing density; however, the location lends itself nicely to the proposal. This neighbourhood has great potential and this proposal provides a wonderful opportunity to enhance the area.

Mr. Bruce Courtnall, 1237 Verdier Avenue, advised the proposed addition would provide a huge improvement to this area and Council should support the proposal.

Mr. Cecil Bannister, 884 Sluggett Road, raised the concern of increased noise with this proposal. He also expressed concern with the future of the next house adjacent to the propose site, if this proposal were to be approved. He urged Council to look at the Official Community Plan for guidance, noting this is a great proposal, just the wrong area. This proposal would be better suited in the Brentwood corridor. He emphasized the current character needs to be maintained.

Ms. Sandra Scarth, 7148 Brentwood Drive, advised the proposed flat roof is very unappealing and her preference was for the first proposed roof. She advised

they purchased their home in 1989 and briefly referred to the Port Royal development. She expressed concerns with young teenagers congregating on the beach and creating a nuisance. Via this proposal, the teens would have more access to the beach. She appreciates the proposed loop and the addition; however, it will increase noise and light for neighbouring residents. With respect to boats, she has observed many boats hitting the rocks in the bay.

Mr. Denis Watkins, 7060 Brentwood Drive, advised floatplanes are not common at the Lodge and inquired if this was an issue. He advised floatplanes only make noise during the day and do not pollute the area like boats. Tourism is important for this area and floatplanes are an efficient way to travel.

Mr. David Law, 3918 Cumberland and owner of 1754 Brentwood Drive, inquired why a float plane stipulation is being considered.

Ms. Burns advised of Council Resolution No. 1012.07 from the November 19, 2007, Regular Council Meeting in which Council stipulated that no float planes be accommodated at the subject docks.

Ms. Frances Pugh, 6963 West Saanich Road, spoke to the original construction of Brentwood Lodge and Spa, noting the property was already zoned for the use intended. The owners worked within the footprint of the property and greatly improved the environmental and social issues. This current proposal sets a precedent for a hotel/residential zone in a residential waterfront area. This proposal is only encouraging absentee waterfront owners that are not community builders. She urged Council to not support this proposal.

Ms. Penny McLeod, 7138 Brentwood Drive, advised the old Lodge built approximately 15-20 years ago did not provide pump-out facilities.

Mr. Cecil Bannister, 884 Sluggett Road, suggested if this application were to be successful, the pedestrian walkway remain open with no gate.

Acting Mayor Garrison called three times for further representations from the public in regards to Bylaw Nos. 1597, 1598, and 1599. There were no further representations.

Acting Mayor Garrison declared the Public Hearing for Bylaw Nos. 1597, 1598, and 1599 closed at 9:28 p.m.

4. ADJOURNMENT

On motion, the Public Hearing held on Wednesday, February 6, 2008, adjourned at 9:28 p.m.

John Garrison
Acting Mayor

Sara C. Ribeiro
Municipal Clerk

Recorded by: Sara C. Ribeiro
Municipal Clerk