



The Corporation of the District of Saanich

Memo

To: Mayor and Council

From: Lindsay Chase, Director of Planning

Date: February 12, 2025

Subject: 4080 Gordon Head Road - Rezoning and Development Permit Application

File: DPR00794; REZ00667

RECOMMENDATIONS

1. That Council rescind the motion to withhold Final Reading of the Zoning Bylaw, 2003, Amendment Bylaw, 2024, No 10080 and ratification of the Development Permit DPR00794, until the registration of the covenants set out in the motion are registered on title to the lands.
2. That Final Reading of the Zoning Bylaw, 2003, Amendment Bylaw, 2024, No 10080 and ratification of the Development Permit is conditional on the registration of a covenant to secure the following:
 - A community amenity contribution of \$289,920 be provided as follows:
 - \$125,000 towards pedestrian and cycling improvements at Gordon Head Road and Feltham Road; and
 - \$164,920 towards the Saanich Affordable Housing Fund.
 - The development to include installation of electric vehicle charging infrastructure (L2M) to provide 100% of the residential parking stalls as energized spaces.
 - Transportation Demand Management measures, as identified in Bunt and Associates' Parking Study and Traffic Demand Management Report, dated April 12, 2024.

PURPOSE

To provide clarification on the Section 219 Covenants required for the rezoning at 4080 Gordon Head Road (the property).

BACKGROUND

On September 9, Council gave First Reading to Zoning Bylaw, 2003, Amendment Bylaw, 2024, No. 10080 to rezone the property from RS-10 (Single Family Dwelling) Zone to the new CD-9FE (Comprehensive Development Feltham East) Zone, and to Official Community Plan Bylaw, 2023, Amendment Bylaw, 2024, No. 10079. Third Readings were given to the bylaw amendments on October 8, 2024, after which time it was noticed that there was an administrative error to the Section 219 Covenant part of the motion. The motion read:

"That Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending registration of a covenant to secure the following:

- A community amenity contribution of \$289,920 be provided as follows:

- \$125,000 towards pedestrian and cycling improvements at Gordon Head Road and Feltham Road; and
- \$164,920 towards the Saanich Affordable Housing Fund.
- The development to include installation of electric vehicle charging infrastructure (L2M) to provide 100% of the residential parking stalls as energized spaces.
- Transportation Demand Management measures, as identified in Bunt and Associates' Parking Study and Traffic Demand Management Report, dated April 12, 2024.
- That all legal agreements identified in Koffman Kalef, LLP's letter received April 12, 2024 be secured."

DISCUSSION

Upon subsequent analysis, Staff have determined that not all the legal agreements identified in the Koffman Kalef letter need to be secured by covenant as part of the rezoning; some would be more appropriately addressed through other means or are already required by certain bylaws. Table 1 outlines the outstanding issue and how each one will be addressed moving forward.

Table 1

| Agreement | Addressed/Required by: |
|--|---|
| Shared Outdoor Common Amenity Space and Walkway | Subdivision |
| Shared Visitor Parking | Subdivision, and through Council should additional variances be required |
| Stormwater Management | Subdivision Bylaw, 1995 |
| Townhouse Building to be separated from the apartment by a no build covenant with approved limiting distances | BC Building Code |
| Townhouse 3 and Townhouse 4 ground floor patios encroach over property line | Subdivision, and through Council should amendments to the development permit be required |
| Both driveways restricted to right turns only with appropriate signage to be installed and maintained | Servicing Requirements |
| Sewer Service across Lot B | Subdivision and Servicing Requirements |
| Trees | Tree Protection Bylaw |
| Setback Variances | Zoning Bylaw, and through Council granting variances |
| Access to Visitor Parking and any car share stall on Lot A from the driveway located on Lot B to allow pedestrians to access shared parking areas – visitor car parking spaces must be labeled on plans, will be shared with commercial but signage must be included | Subdivision, Zoning Bylaw, 2003, and car share requirements have already been secured as required |
| Access to and use of Class II bicycle parking area and mail kiosk area located on Lot A is for the exclusive use of Lot B residents | Subdivision |

It is important to note that the change proposed within this memo does not reduce or eliminate any of the amenities or requirements that Council originally secured through their previous motion. The change is limited only to how these amenities or requirements are secured.

If Council were to retain their existing motion, legal agreements would need to be drafted and registered on title that are not necessary to facilitate the proposed development. This would result in increased applicant costs as well as further staff time to process these agreements.

CONCLUSION

Staff revised the legal agreements to be consistent with the District's of Saanich legislative authority and powers. These matters listed above will be resolved at either the subdivision or building permit stage and may require a development permit amendment. It is unnecessary and redundant to secure these matters at this stage and the covenant has been prepared with this correction.

Prepared by: Eric Joyal, Planner

Reviewed by: Carl Purvis, Manager of Current Planning

Approved by: Lindsay Chase, Director of Planning

EJ/kb

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer