



THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH
Public Hearing
AGENDA

Monday, April 22, 2024, 7:00 p.m.
Council Chambers

All Council meetings are being conducted in a hybrid in-person and virtual format.

If you wish to speak or make a submission to Council, you can email municipalhall@csaanich.ca, call 250-652-4444 or deliver via the front reception prior to 12:00 noon on the day of the meeting. Questions to Council will be placed under correspondence for action.

(Please note that all proceedings of Open Council Meetings are live streamed and video recorded on the District's website.)

Pages

1. CALL TO ORDER

This Public Hearing is an opportunity for any person who believes their interest in property is affected by the proposed bylaw to be heard. No one will be, or should feel, discouraged or prevented from making their views known.

Once I state your name, speakers should begin your address to Council by clearly stating your name and address. It is important that all who speak at this Public Hearing limit their remarks to matters contained in the bylaw and it is my responsibility as Chair of this hearing to ensure this.

All written submissions and all representations from the public form part of and are disclosed through the public record. This Public Hearing is being streamed live and the recording will be posted to the district's website.

Once the Public Hearing is closed, Council will not receive any additional information or representation from the applicant or members of the public other than to clarify issues raised at the public hearing. Council will make its views known, deliberate and make its decision at a future Regular Council Meeting.

2. INDIVIDUAL BYLAW SUBMISSIONS

2.1 Land Use Bylaw Amendment Bylaw No. 2156

Purpose: Council will be considering a site-specific Bylaw Amendment application to amend the Agriculture (A-1) zoning to include a restaurant as a permitted use on the subject property (1445 Benvenuto Avenue).

Background:

- Notice of Public Hearing
- Bylaw No. 2156
- Report from the Director of Planning and Building Services:
 - February 26, 2024 RCM
- Excerpts from Minutes:
 - April 8, 2024 RCM
 - March 20, 2024 APC
 - February 26, 2024 RCM
- Correspondence

3. CLOSING

Procedure on each Bylaw Submission:

1. Brief description of the application will be provided by District staff (Planning Department)
2. The applicant may make representation to Council regarding the project.
3. The Chair will call for representations from the public who have registered to speak. Presentations will not be restricted to a time limit, provided comments are relevant to the application.
4. After calling three times and on seeing no further speakers, the Chair will call a final time for presentations. Should there be none, the Chair will declare the Public Hearing closed.

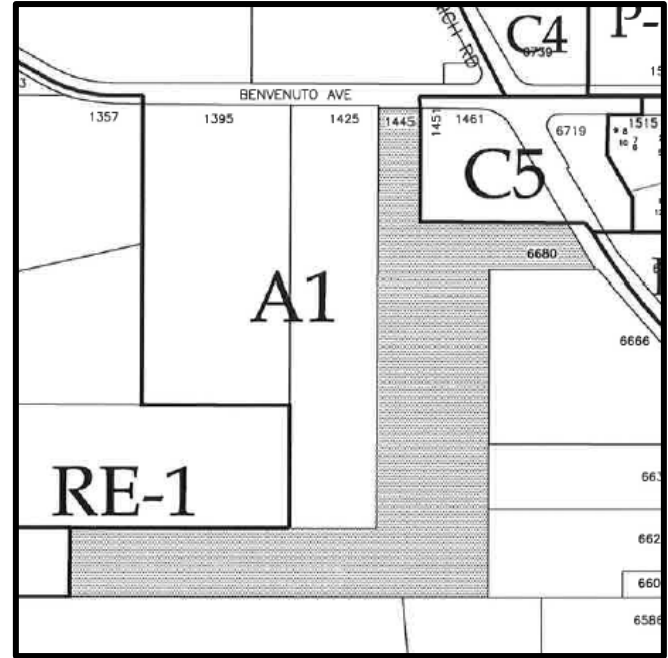
PUBLIC HEARING

Monday, April 22, 2024 at 7:00 pm - Council Chambers at
Central Saanich Municipal Hall

BYLAW AMENDMENT – 1445 BENVENUTO AVE.

*LOT 2 SECTION 14 RANGE 1E SOUTH SAANICH
DISTRICT PLAN VIP71507 EXCEPT PLAN VIP72761*

This is to notify that Council will be considering a site-specific Bylaw Amendment Application to amend the Agriculture (A-1) zoning to include a restaurant as a permitted use on the subject property.



1445 BENVENUTO AVE.

HOW TO PROVIDE INPUT

- Written enquiries and comments submitted by mail or email received by 12:00 pm on the day of the meeting, will be included in the revised meeting agenda. All correspondence submitted will form part of the public record and may be published on a meeting agenda. Comments may be submitted by the following:
 - Email comments to planning@csaanich.ca
 - Mail comments to 1903 Mount Newton Cross Road, Saanichton, BC, V8M 2A9
 - Deliver comments to the Municipal Hall, 1903 Mount Newton Cross Road

Additionally, you may:

- Attend the council meeting in person.
- Attend Virtually: Register to speak via electronic meeting, email municipalhall@csaanich.ca or call **250-652-4444** by noon on the meeting date and you will be sent instructions on how to connect.

WATCH THE MEETING

Live online or view the video the following day at centralsaanich.ca/council-meetings

LEARN MORE

Email: planning@csaanich.ca

Website: CentralSaanich.ca/home-property-development

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 2156

A Bylaw to Amend Zoning Bylaw
(1445 Benvenuto Avenue)

WHEREAS the Council by Bylaw No. 2180, 2024 adopted the Zoning Bylaw and deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the Corporation of the District of Central Saanich, in open meeting assembled, enacts as follows:

1. TEXT AMENDMENT

Appendix A, to the Central Saanich Zoning Bylaw No. 2180, 2024, as amended, is hereby further amended as follows:

- a. By adding to Part 5 Section 4 Subsection 7 Site Specific Regulations the following as (4):
In addition to the permitted uses in the A-1 zone, on land legally described as Lot 2, Section 14, Range 1 East, South Saanich District, Plan VIP71507, Except Plan VIP72761 (1425 Benvenuto Ave), a restaurant is a permitted use.

2. CITATION

This Bylaw may be cited for all purposes as the “**Central Saanich Zoning Bylaw Amendment Bylaw No. 2156, 2024**”.

READ A FIRST TIME this **26th** day of **February** , **2024**

READ A SECOND TIME this **8th** day of **April** , **2024**

PUBLIC HEARING HELD this day of , **2024**

READ A THIRD TIME this day of , **2024**

ADOPTED this day of , **2024**

Ryan Windsor
Mayor

Emilie Gorman
Director of Corporate Services/
Corporate Officer



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on Monday, February 26, 2024

Re: 1445 Benvenuto Ave - Rezoning Application (Restaurant)

RECOMMENDATION(S):

1. *That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be introduced and given First Reading.*
2. *That Rezoning Application 3360-20-8/23 for 1445 Benvenuto Avenue be referred to the Advisory Planning Commission for comment.*

Following consideration by the Advisory Planning Commission the following recommendation should be considered:

1. That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be given Second Reading and referred to a public hearing.

Following Public Hearing the following recommendations should be considered:

1. That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be given Third Reading.
2. That prior to bylaw adoption a covenant be registered to secure that the restaurant use is permitted subject to the following conditions (formerly outlined in the TUP):
 - a) That approval under Agricultural Land Commission (ALC) resolution #143/2013 remains valid, including:
 - i. Church & State Winery must maintain, at a minimum, the current level of grape production directly associated with the winery;
 - ii. The liquor products sold on the premises must be, to the greatest extent possible, those that derive the majority of agricultural inputs from agricultural producers in British Columbia to manufacture such liquor products, and the liquor products are brewed, distilled or fermented in British Columbia;
 - b) The Owner shall manage its operations in a manner such that:
 - i. any music or other continuous noise (other than from normal farm practices), shall not exceed 60 decibels measured at the edges of the property;
 - ii. during special events Church and State staff will monitor sound levels at the property boundaries hourly after 8:00pm and make adjustments accordingly to ensure the average continuous sound level does not exceed the 60 decibel limit;
 - iii. hours of operation for outdoor events is restricted to 8:00pm;

- iv. hours of operation for indoor events is restricted to 11:00pm, with no outside activity on the deck area of the winery building after 10:00pm;
- v. the number of events is limited to a maximum of 75 annually, 12 monthly or three weekly;
- vi. during special events where outdoor activities are involved the number of people on the Winery property must not exceed the total occupant load of the Winery building (400 people);
- vii. outdoor special events are restricted as follows:
 - i) no more than eight events annually larger than 100 people to a maximum of 400 people, all of which will be subject to 14 day prior written notification to the District of Central Saanich and adjoining property owners of the Winery;
 - ii) smaller outdoor events are not to exceed 100 people;
- viii. maintenance of a good neighbour policy to monitor and address any neighbourhood impacts from activities at the Winery;

PURPOSE:

An application has been received to amend the text of the Agriculture: A-1 zone to permit a restaurant use permanently on the subject property only. This report provides staff analysis of the application.

BACKGROUND:

Church and State Wines was previously issued permission from the Agricultural Land Commission (ALC) to have a greater number of special events per year than what is normally permitted in the Agricultural Land Reserve (ALR). To give the winery operators greater flexibility in the type of beverages that may be served at special events, and to allow them to hold these events outside of their indoor lounge area, they also secured a Food Primary liquor license from the Liquor Licensing and Distribution Branch (now called Liquor & Cannabis Regulation Branch (LCRB)). In contrast with a winery lounge license, this Food Primary license allows the applicants to serve drinks other than BC wines (i.e. beer and spirits).

However, although these activities are permitted by ALC resolution #143/2013 and their liquor license, the Food Primary liquor license is indistinguishable from a "restaurant" use under the Central Saanich Land Use Bylaw. Therefore, Church and State has been operating under a Temporary Use Permit (TUP) to allow the Food Primary (restaurant) use since May 2014. They are now applying to permanently allow the use on the subject property.

Site Context and Surrounding Area

Church and State Wines is situated on the properties at 1445 and 1425 Benvenuto Avenue. The lots are 4.7 hectares and 5 hectares in area, respectively. The properties are split-zoned Agriculture: A-1 and Rural Estate Acreage: RE-1. The A-1 zoned portion of the properties lies within the ALR while the most westerly portion of the lots, located on the hillside, lies outside the ALR. To the south, west and northwest are properties that share the Agriculture: A-1 zoning designation. Graham Creek runs close to the southeast corner of the parcel. The Church and State properties are located directly adjacent to Butterfly Gardens, zoned Tourist Commercial: C-5, to the east. To the north of the site, land is zoned Agriculture: A-1. To the west there are Rural Estate (Variable Lot Size): RE-4 and Rural Estate Acreage: RE-1 zoned lands (see attached Site Context Plan).

DISCUSSION:

Official Community Plan

The subject property is designated as 'Agricultural' under Schedule F - Land Use Plan in the Official Community Plan (OCP). The Fundamental Principles include 'Support Agriculture and Food Security' under which the following is stated: *Our farmland is preserved, farmers are supported, and both residents and visitors continue to access fresh, healthy foods. The District recognizes agriculture as an important contributor to its rural and smalltown character, to the local and regional economy, and to local food security. Central Saanich's agricultural land base remains protected and sustainable agricultural production is supported.*

Section 4.2 Agriculture of the OCP includes the following objective: *Support the farming community and efforts to improve the sustainability and economic viability of farming on the Saanich Peninsula for future generations, including farm-related business and infrastructure, and encouraging a supportive farm network.* However, another objective states: *Recognize the contribution the agricultural landscape plays in creating the rural and small-town character that is valued by the community and prioritize farm activities over non-farm uses.*

General Policies include 'Retain areas designated as Agriculture on Schedule F: Land Use Plan for agricultural purposes regardless of any changes that may be made by the Provincial government with respect to the Agricultural Land Reserve. Prioritize farming activity, including Indigenous food systems, above any non-farm uses' and 'Encourage diversification and innovation in the agricultural economy and support measures to improve the economic viability of farming where they would not negatively impact the agricultural capability of farmland or the environment. This may include value-added processing, vertical integrated farming, farm-gate marketing, and agri-tourism'.

Based on the above objectives and policies of the OCP, there is strong support for the farming industry within the District but also a desire to prioritize agricultural uses over non-farm uses such as a restaurant. The restaurant use meets the intent of diversifying the agricultural economy. In addition, the (non-farm) use is directly related to the farming operation and takes place in an existing building without impeding farm use of any portion of the property.

As noted in previous staff reports on the Church and State operations, Food Primary licenses are typically issued to restaurants. As the name of this license suggests, the serving of food is the primary focus of this type of license (in contrast to the type of license issued for a bar). Although it may appear as a minor change - no physical alteration to the building, simply the ability to offer a beer instead of a glass of wine - this change tips the operation from being a *winery food and beverage service lounge* to a *restaurant* use. A TUP or rezoning is therefore required to permit this use, as restaurant is not a farm use permitted by the ALC regulations or the District Land Use Bylaw.

The ALC granted conditional approval for this requested Non-Farm Use in 2013 and conditions are included in the TUP that was issued. The TUP was also conditional, tying the restaurant use to the ongoing operation of the vineyard and winery. Staff recommend that the conditions previously included in the TUP be included in a covenant to be registered prior to bylaw adoption. The conditions would include that the restaurant use is conditional to ALC conditions being met. One condition that staff are recommending not to include in the covenant is the yearly reporting requirement on special events. As more than 9 years have passed since the first TUP was issued and the business has shown that it can operate without triggering ongoing complaints. In addition, any issues can still be addressed through bylaw enforcement.

District records indicate that one complaint has been registered for this property since 2011. The restaurant use was first approved in 2014. As the operation has been managed successfully in the past without raising any ongoing complaints from the public, staff support the restaurant use subject to the same conditions as previously secured through the TUP being secured by way of a covenant.

OPTIONS:

OPTION 1

The staff recommendation.

OPTION 2

An expedited approval process to advance the application without a referral to the Advisory Planning Commission is outlined below:

1. *That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be given First and Second Reading.*
2. *That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be referred to a public hearing.*

Following Public Hearing the following recommendations should be considered:

3. That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be given Third Reading.
4. That prior to bylaw adoption a covenant be registered to secure that the restaurant use is permitted subject to the following conditions (formerly outlined in the TUP):
 - a) That approval under Agricultural Land Commission (ALC) resolution #143/2013 remains valid, including:
 - i. Church & State Winery must maintain, at a minimum, the current level of grape production directly associated with the winery;
 - ii. The liquor products sold on the premises must be, to the greatest extent possible, those that derive the majority of agricultural inputs from agricultural producers in British Columbia to manufacture such liquor products, and the liquor products are brewed, distilled or fermented in British Columbia;
 - b) The Owner shall manage its operations in a manner such that:
 - i. any music or other continuous noise (other than from normal farm practices), shall not exceed 60 decibels measured at the edges of the property;
 - ii. during special events Church and State staff will monitor sound levels at the property boundaries hourly after 8:00pm and make adjustments accordingly to ensure the average continuous sound level does not exceed the 60 decibel limit;
 - iii. hours of operation for outdoor events is restricted to 8:00pm;
 - iv. hours of operation for indoor events is restricted to 11:00pm, with no outside activity on the deck area of the winery building after 10:00pm;
 - v. the number of events is limited to a maximum of 75 annually, 12 monthly or three weekly;
 - vi. during special events where outdoor activities are involved the number of people on the Winery property must not exceed the total occupant load of the Winery building (400 people);

- vii. outdoor special events are restricted as follows:
 - i) no more than eight events annually larger than 100 people to a maximum of 400 people, all of which will be subject to 14 day prior written notification to the District of Central Saanich and adjoining property owners of the Winery;
 - ii) smaller outdoor events are not to exceed 100 people;
- viii. maintenance of a good neighbour policy to monitor and address any neighbourhood impacts from activities at the Winery.

OPTION 3

Alternative recommendation.

OPTION 4

Deny the application and close the file.

CONCLUSION:

A rezoning application has been received to allow a restaurant on the property at 1445 Benvenuto Avenue. The application is to continue this use as approved since 2014 through a Temporary Use Permit, without changes to the site or the use. The restaurant use meets the intent of the OCP to diversify the agricultural economy. In addition, the (non-farm) use is directly related to the farming operation and takes place in an existing building without impeding farm use of any portion of the property. Therefore, staff are supportive of the rezoning.

Report written by:	Ivo van der Kamp, Planner
Respectfully submitted by:	Kerri Clark, Manager of Development Services
Concurrence by:	Jarret Matanowitsch, Director of Planning and Building Services
Concurrence by:	Christine Culham, Chief Administrative Officer

ATTACHMENTS:

- Appendix A: Site Context Plan
- Appendix B: Site and Building Plans
- Appendix C: Draft Amendment Bylaw



ALR

BENVENUTO AVENUE

1425 BENVENUTO

1445 BENVENUTO

MEM LOT 1
PLAN 3214

ALR

BUTTERFLY GARDENS

WEST SAANICH ROAD

VINEYARD

VINEYARD

A1
ALR

NURSERY

DRIVEWAY

A1
ALR

A1
ALR

E
PLAN 2999

ALR
NURSERY

2
6158

VINEYARD

LOT 2

RE1

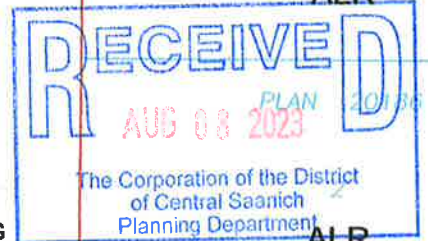
ALR

POND

VINEYARD

PICNIC
AREA

ALR



PICNIC
AREA

WINERY

PARKING
AND WINE
BARREL STORAGE

ALR

v1
SIDEHILL

ALR

PARKING

CRUSH
PAD

SECTION 14

SECTION 15

ALR

ALR

RECEIVED

APR 08 2022

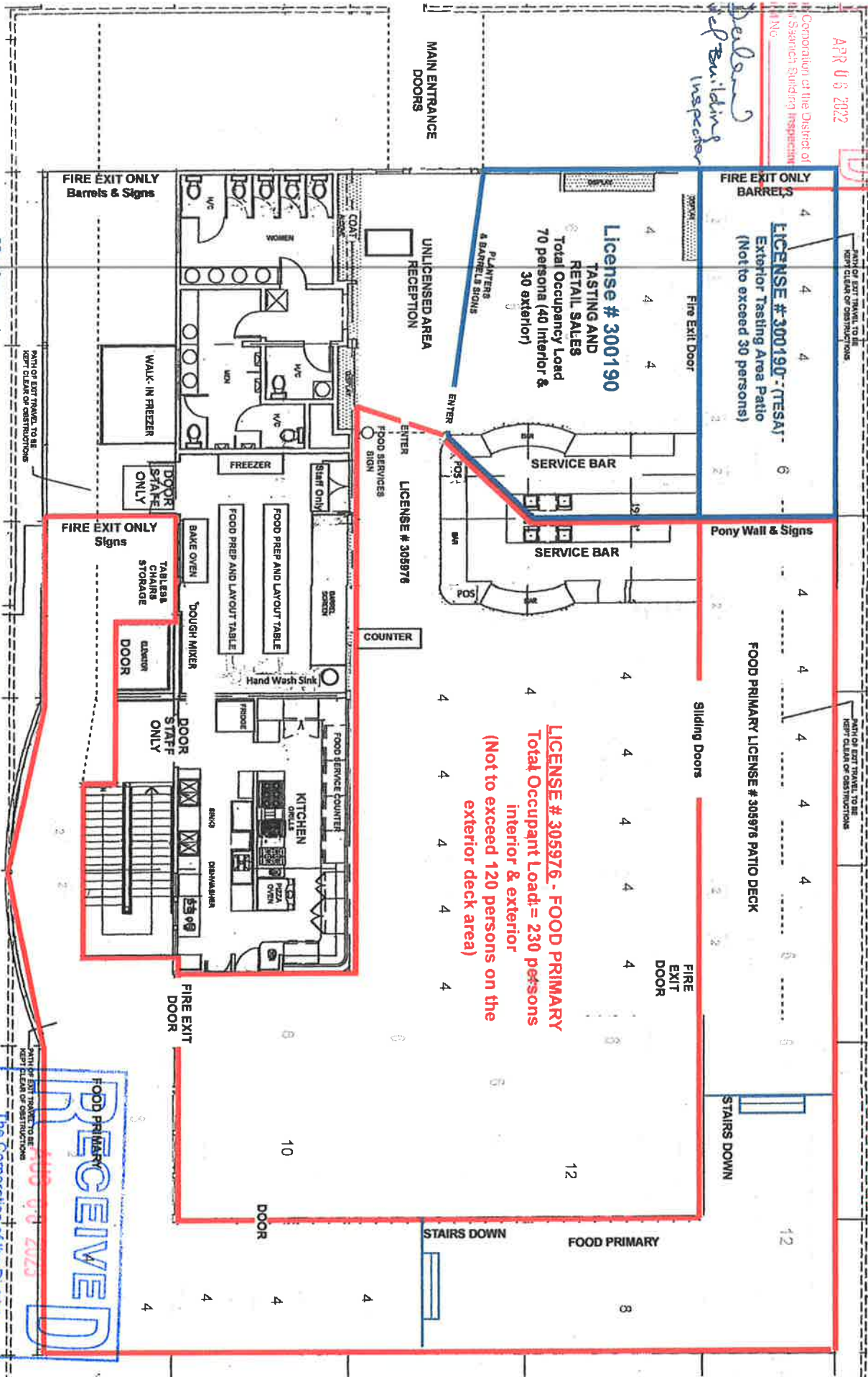
Corporation at the District of
the Saanich Building Inspector
M.N.C.

*Delaney
Building
Inspector*

Church & State Wines - Upper Level Plan 1445
Benvenuto Avenue, Brentwood Bay, V8M 1J5

FURNITURE LAYOUT

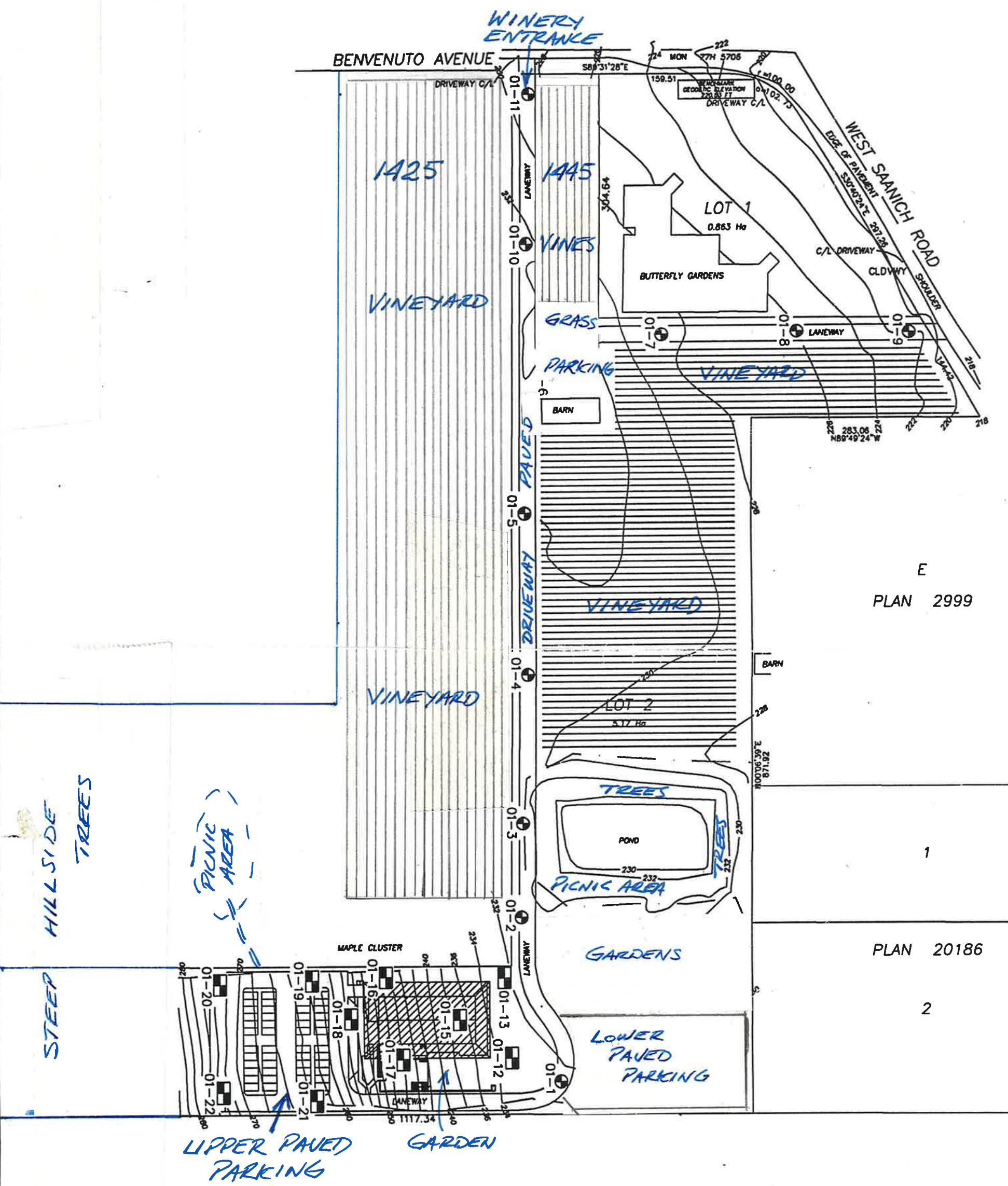
FURNITURE LEGEND
□ TABLE & 4 CHAIRS
○ BAR CHAIR



LICENSE # 305976 - FOOD PRIMARY
Total Occupant Load = 230 persons
interior & exterior
(Not to exceed 120 persons on the
exterior deck area)

Maximum Occupant Load for entire Upper Level = 300 persons

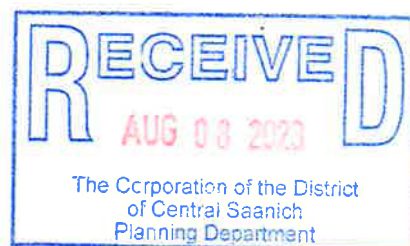
RECEIVED
FOOD PRIMARY
The Corporation of the District
of Central Saanich
Planning Department



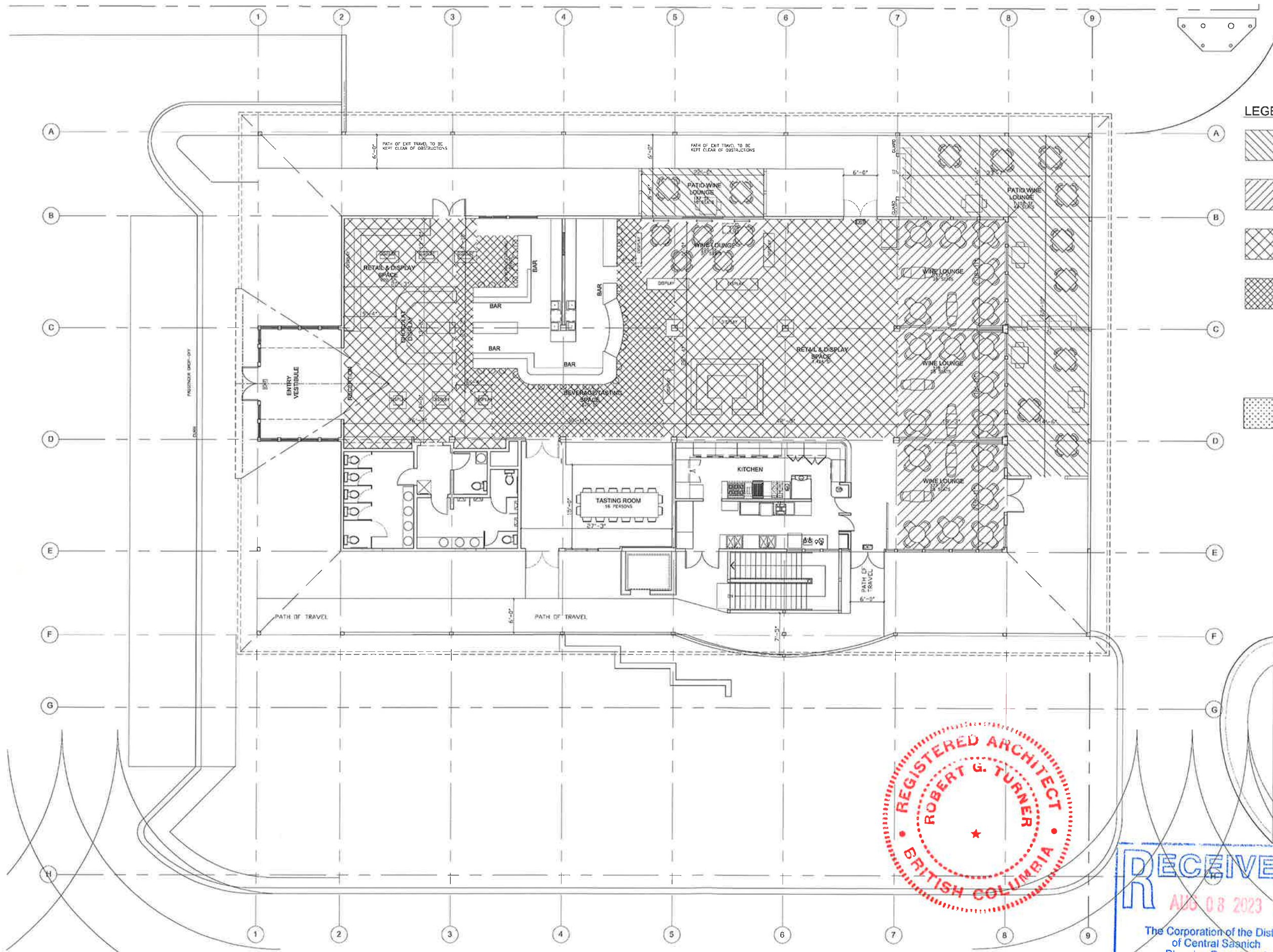
E
PLAN 2999

PLAN 20186

2



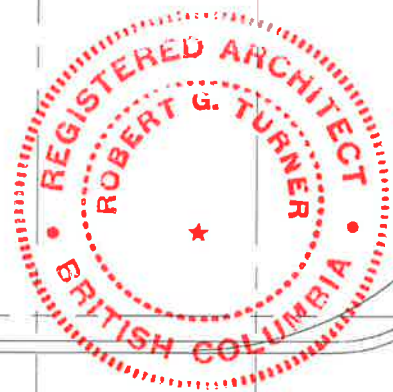
DRAWN	FE
DATE	JUNE 20/06
APPROVED	
SCALE	1:1500 approx
DRAWING No.	8-3082-1-1



LEGEND OCCUPANT LOAD CALCULATION:

	PATIO WINE LOUNGE: 125 SM (1,345 SF)	= 54 PERSONS
	INTERIOR WINE LOUNGE: (@ 1.2 SM/PER) 125 SM (1,345 SF)	= 104 PER
	MERCANTILE: (@ 3.7 SM/PER) UPPER FLOOR (RETAIL & DISPLAY) FLOOR AREA 217 SM (2,344 SF) @ 3.7 SM/PER	= 59 PER
	BEVERAGE/TASTING SPACE 62 SM (670 SF) @ 1.2 SM/PER	= 51 PER
	TASTING ROOM	= 16 PER
	STAFF	= 11 PER
SUBTOTAL OF UPPER FLOOR		= 295 PERSONS
	LOWER FLOOR: BARREL RM 90 SM (968 SF) @ .95 SM/PER	= 95 PER
	STAFF	= 10 PER
SUBTOTAL OF LOWER FLOOR		= 105 PERSONS
TOTAL OCCUPANTS		= 400 PERSONS

8	MAR. 22, 2006	LICENSING REAPPLICATION
7	FEB. 3, 2006	LICENSING REAPPLICATION
6	DEC 14, 2005	LICENSING REISSUE
5	MAY 4, 2005	LICENSING REISSUE
4	MAR. 15/05	LICENSING REISSUE
3	MAR. 3/05	LICENSING REISSUE
2	JAN. 22/05	LICENSING REISSUE
1	JAN. 11/05	LICENSING REISSUE
REF.	DATE	DESCRIPTION



TURNERARCHITECTURE
 1661 DURANLEAU STREET
 VANCOUVER, BC V6M 3B3
 T 604 682 4853
 F 604 689 4250
 E bob@infoserve.net

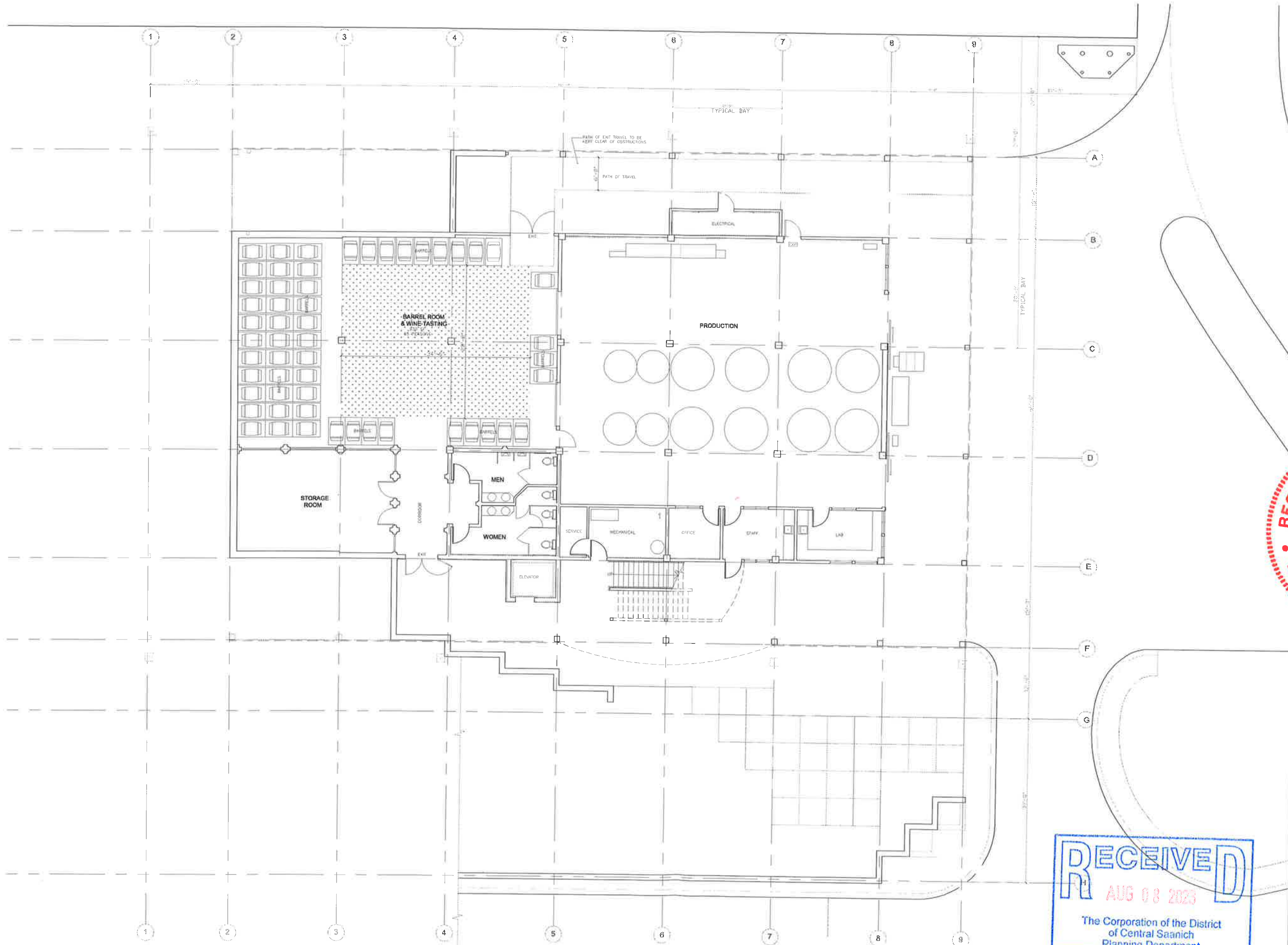
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CHURCH & STATE WINES
 1445 BENVENUTO AVENUE
 BRENTWOOD BAY, BC

UPPER LEVEL PLAN

SCALE: 1/8"=1'-0"
 DATE: JANUARY, 2005

SHEET: A1-4
 of 2



REF.	DATE	DESCRIPTION
7	MAR 22, 2009	LICENSING REAPPLICATION
6	FEB 3, 2008	LICENSING REAPPLICATION
5	DEC 14, 2005	LICENSING REISSUE
4	MAY 4, 2005	LICENSING REISSUE
3	MAR 15, 2005	LICENSING REISSUE
2	MAR 3, 2005	LICENSING REISSUE
1	JAN. 11/05	LICENSING REISSUE

TURNERARCHITECTURE
 1861 DURANLEAU STREET
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 E bob@rntoserve.net

CHURCH & STATE WINES
 1445 BENVENUTO AVENUE
 BRENTWOOD BAY, BC

LOWER LEVEL PLAN

RECEIVED
 AUG 08 2023
 The Corporation of the District
 of Central Saanich
 Planning Department

1 LEVEL 1 PLAN
 1/8"=1'-0"

DATE: 1/8"=1'-0"
 SHEET: A1-3
 DATE: JANUARY, 2005
 OF 2



**THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH
Minutes of the REGULAR COUNCIL Meeting**

**April 8, 2024, 7:00 p.m.
Council Chambers**

Present: Mayor Windsor, Councillor Graham, Councillor Newton, Councillor Paltiel, Councillor Riddell, Councillor Thompson

Absent: Councillor King

Staff Present: Christine Culham, Chief Administrative Officer; Emilie Gorman, Director of Corporate Services/Corporate Officer; Troy Ziegler, Director of Financial and Information Technology Services/ Chief Financial Officer; Kenn Mount, Fire Chief; Dale Puskas, Director of Engineering; Fernando Pimentel, Manager of Finance; Tony Bousquet, Manager of Information Technology; Kerri Clark, Manager of Development Services; Pamela Martin, Deputy Corporate Officer,

13. BYLAWS

13.2 Development Application Bylaws

13.2.1 1445 Benvenuto Ave - Rezoning Application (Restaurant)

MOVED AND SECONDED

That Central Saanich Land Use Bylaw Amendment Bylaw No. 2156, 2024 be amended to change the references from the Central Saanich Land Use Bylaw No. 2072, 2021 to Zoning Bylaw No. 2180, 2024.

CARRIED UNANIMOUSLY

MOVED AND SECONDED

That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be given Second Reading, as amended and referred to a public hearing.

CARRIED UNANIMOUSLY



**THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH
Minutes of the Advisory Planning Commission Meeting**

March 20, 2024, 4:00 p.m.

Council Chambers

Susan Zedel (Chair), Christopher Mounce, Faye McClinton, Mark Alexander,
Reg Nordman, Roger Ord, Shauna Sundher,

Absent: Megan Parrish, Councillor Thompson

Staff Present: Kerri Clark, Manager of Development Services; Pamela Martin, Deputy
Corporate Officer

6. NEW BUSINESS

6.1 1445 Benvenuto Ave - Rezoning Application (Restaurant)

The Manager of Development Services provided an introduction of the application.

The applicant, Frank Edgell, responded to questions from the Commission.

The Commission discussed the following:

- Parking that is available on site.
- Why the application is changing from a Temporary Use Permit to a Rezoning Application.
- Feedback received by neighbouring properties and the use of a Good Neighbour Policy by the applicant.

MOVED

That the Advisory Planning Commission support the Rezoning Application for 1445 Benvenuto Avenue, as presented.

CARRIED UNANIMOUSLY

Excerpt of

Minutes from the March 20, 2024 Advisory Planning Commission Meeting

1



**THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH
Minutes of the REGULAR COUNCIL Meeting**

**February 26, 2024, 7:00 p.m.
Council Chambers**

Present: Mayor Windsor, Councillor King, Councillor Newton, Councillor Paltiel,
Councillor Riddell, Councillor Thompson

Absent: Councillor Graham

Staff Present: Christine Culham, Chief Administrative Officer; Emilie Gorman, Director of
Corporate Services/Corporate Officer; Troy Ziegler, Director of Financial and
Information Technology Services/ Chief Financial Officer; Kenn Mount, Fire
Chief; Jarret Matanowitsch, Director of Planning and Building Services; Dale
Puskas, Director of Engineering; Britt Burnham, Manager of Community
Services; Kerri Clark, Manager of Development Services; Pamela Martin,
Deputy Corporate Officer; Andrea Pickard, Planner

12. BYLAWS

12.2 Development Application Bylaws

12.2.3 1445 Benvenuto Ave - Rezoning Application (Restaurant)

The Director of Planning and Building Services provided an introduction of the report and responded to questions from Council.

Mayor Windsor provided information regarding the need to no longer declare a conflict.

MOVED AND SECONDED

That Land Use Bylaw Amendment Bylaw No. 2156 (1445 Benvenuto Avenue) be introduced and given First Reading.

CARRIED UNANIMOUSLY

MOVED AND SECONDED

That Rezoning Application 3360-20-8/23 for 1445 Benvenuto Avenue be referred to the Advisory Planning Commission for comment.

CARRIED UNANIMOUSLY

From: [REDACTED]
To: [Mayor Ryan Windsor](#); [Zeb King](#); [Chris Graham](#); [Gordon Newton](#); [Niall Paltiel](#); [Sarah Riddell](#); [Bob Thompson](#)
Cc: [Christine Culham](#); [Ivo Van der Kamp](#); [Kerri Clark](#); [Jarret Matanowitsch](#); alc.island@gov.bc.ca; ALCBurnaby@Victoria1.gov.bc.ca; [BC Ombudsperson](#)
Subject: Church & State 1445 Benvenuto Ave - Rezoning Application (Restaurant)
Date: Wednesday, March 20, 2024 3:37:03 PM
Attachments: [1445 Benvenuto Ave Rezoning Application.pdf](#)

Dear Central Saanich Council,

This letter is in response to a Rezoning Application of which as adjacent property owners we were unfortunately not advised by either the applicant nor the District of Central Saanich.

Our home at 6586 West Saanich Road is in closest proximity to Church & State Wine and regularly we are exposed to excessive noise from non-farm related activities hosted at this facility. These events appear to be unrelated to direct farming. I understand that the ALC has provided some allowances many of which may have been exceeded.

Central Saanich is now making recommendations which will surely have a negative impact on the adjacent property owners and most certainly will have on ours which is noise pollution. Unfortunately we have had to contact the Central Saanich Police before due to excessive noise past 12PM midnight on at least two occasions.

The noise monitoring considerations made by the Municipality may assist with this proposal should the property owner adhere to the requirements. We appreciate these inclusions. However, turning Church and State Wine into similar large special event party facilities has yet to be proven acceptable in many other neighbourhood communities, keeping in mind that several properties border this facility directly East of their dance hall.

"One condition that staff are recommending not to include in the covenant is the yearly reporting requirement on special events."

Furthermore, it has been noted that Central Saanich staff are recommending NOT to include in the covenant, the yearly reporting requirement on special events. This elimination voids accountability and allows the applicant to virtually operate its special events party facility unchecked and unrestrained.

The recommendations that staff are making also do not coincide with Church and States current activities related to weddings and special events as noted below:

iv. hours of operation for indoor events is restricted to 11:00pm, with no outside activity on the deck area of the winery building after 10:00pm;

This facility regularly operates its events up to 1:00AM and this will not change (Weddings)

v. the number of events is limited to a maximum of 75 annually, 12 monthly or three weekly;
The recommendation of 75 annual events is excessive, and positions the applicant to expand well beyond its requirement to maintain an active farm related business.

vii) no more than eight outdoor events annually larger than 100 people to a maximum of 400 people, all of which will be subject to 14 day prior written notification to the District of Central Saanich and adjoining property owners of the Winery;
When speaking to our neighbours many have stated that Church and State Wine has

regularly exceeded the eight outdoor events annually.

viii. maintenance of a good neighbour policy to monitor and address any neighbourhood impacts from activities at the Winery;

To my knowledge this has never existed in the past and there is no indication they will do so in the future. If one has existed please share a copy.

An image which is attached, illustrates how eight farm families will be negatively impacted by noise pollution as a result of Central Saanich recommendations to approve this rezoning application. In the Central Saanich Site Context and Surrounding Area comments, nothing is mentioned of these eight surrounding farm homes, whether adjoining or not.

Additionally, there has been no comparison offered of what was previously approved under the Temporary Use Permit in 2013, to what is now proposed in this 2024 application. This lack of transparency of what was historically allowed and what is now being proposed is contradictory to good governance.

Further claims that ongoing complaints will not be triggered are false and irresponsible. Various issues which have been brought forward to Central Saanich involving their broad bylaws have had very little benefit to the complainants, as one Bylaw Officer for the entire district is woefully ineffective in managing even the most minor bylaw infractions. Also notable, staff have failed to contact Central Saanich Police to inquire as to what complaints may have been made against this property. To ignore such is once again a failure of basic responsible governance.

Sincerely,
Barry McLean
6586 West Saanich Road

CC: Agriculture Land Commission, Central Saanich Staff, Office of the Ombudsperson

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