

MINUTES of the regular meeting of the COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District Of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C. on Tuesday October 22, 2019 At 7:00 PM

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen-speaking peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor T. Ney
Councillor E. Paterson

REGRETS: Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L Varela
Director of Corporate Services, D. Hopkins
Director of Building and Planning, B. Anderson
Director of Parks, Recreation and Culture, R. Herman
Director of Engineering Services, D. Horan
Director of Strategic Initiatives, S. Bagh
Fire Chief, D. Hughes
Chief Constable, A. Brinton
Deputy Director of Financial Services, D. Costin
Manager of Human Resources, B. Donnelly
Manager of Planning, D. Jensen
M
Planner, G. Buffett
Recorder, A. Nurvo

OTHER: M. Holding, Chair, Parks and Recreation Commission

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:00 p.m.

Mayor acknowledged the recent passing of Tom McDonald, a previous long time member of staff for the District of Oak Bay.

PARKS, RECREATION AND CULTURE ITEM(S):

1. Parks Recreation and Culture Commission Minutes
 - Note – Director of Corporate Services – PR&C Commission Minutes October 2, 2019
 - PR&C Commission Minutes October 2, 2019

The Director of Parks, Recreation and Culture provided an overview of the meeting of the Commission held on October 2, 2019, the progress on current initiatives, and answered questions from Council.

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks, Recreation and Culture Commission held October 2, 2019 and the recommendations contained therein, be approved.

CARRIED

MOVED and seconded: That the Parks, Recreation and Culture Commission approve the request from the Rotary Club of Oak Bay to begin fundraising for the “Buy a Brick” program to cover the material costs of a covered bike shelter at Windsor Park.

CARRIED

LAND USE APPLICATIONS:

2. **Architectural Siting and Design (ADP00114) – 640 Beach Drive**

- Report – by the Manager of Planning dated September 27, 2019
- Plans – 640 Beach Drive dated September 13, 2019
- 640 Beach Drive Arborist memo dated August 27, 2019

The Manager of Planning provided an overview of the application, staff’s review of the application, the location, tree canopy, privacy screening, and answered questions from Council. Staff confirmed that no variances were required.

The applicant was invited to come forward to address Council. Marko Simcic, architect, advised that there was not a lot of detail provided regarding the design elements at the ADP meeting. He answered questions from Council and stated that the scaling, articulation of the building, the simple design, and the subdued and neutral colours, forms and materials would fit in well with the existing heritage building.

Matthew Vos, applicant, addressed the size of the buildings and stated that he felt that 40% lot coverage and 3300 sq. ft residential area was reasonable for this area.

Staff confirmed that access, including emergency vehicle access, and water run off would all be reviewed by staff to confirm compliance with all of the District’s requirements as part of the subdivision process.

The Mayor called for public comments and there were none.

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling at 640 Beach Drive, as outlined in the September 27, 2019 report for ADP00114 be approved as to Architectural Siting and Design.

CARRIED

With Councillor Braithwaite opposed

3. Architectural Siting and Design (ADP00113) – 642 Beach Drive

- Report – by the Manager of Planning dated October 1, 2019
- Plans – 642 Beach Drive dated September 19, 2019
- 642 Beach Drive Arborist memo dated June 21, 2019

The Mayor called for public comments and there were none.

Council discussion ensued. Including:

- These applications involve constructing two new houses on a property with a Heritage Revitalization Agreement in place
- The new homes are complementary to the existing heritage dwelling and context
- ADP had held a thorough review and discussion of the design elements, massing and issues of the sloping elevations

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling at 642 Beach Drive, as outlined in the October 1, 2019 report for ADP00113 be approved as to Architectural Siting and Design.

CARRIED

With Councillor Braithwaite opposed

4. Uplands Siting and Design (ADP00108) – 3470 Upper Terrace Road

- Report – by the Manager of Planning dated October 3, 2019
- Plans – 3470 Upper Terrace Road dated September 12, 2019
- Superseded Plans – 3470 Upper Terrace Road dated June 10, 2019

The Manager of Planning introduced and summarized the application and the concerns expressed at the Advisory Design Panel (ADP) meeting, and that the ADP recommended denial of the application. Although some modifications were subsequently made to the design, there are still significant impacts from the proposed tree removal. Staff conducted a thorough review and are of the opinion that the application is not consistent with the District's Guidelines regarding tree retention, even with the proposal to plant six new Garry Oaks.

John Alexander, solicitor for owner, addressed Council and reviewed the concerns included in his correspondence submitted to Council on October 17, 2019.

Councillor Appleton raised a point of order, that there is not just one but several recommendations from staff contained in the Staff Report.

Council discussion ensued, as follows:

- Since the Bylaw states that no building permit is to be issued until all plans have been submitted and approved by Council, Council does have the authority to approve plans as to siting and design
- There does not appear to have been consultation with the neighbours and the neighbours are concerned regarding the footprint of the building and tree loss
- This area, designated as a National Historic Site, is well treed and the proposal will result in significant changes to the existing tree canopy, and the proposal to remove so much of the existing vegetation and move new landscaping to the perimeter of the lot will impact other properties

The owner's landscape architect, Bianca Bodley, was invited to address Council regarding the proposed tree removal and replacement. She answered questions from Council and advised that the proposal is to relocate the majority of the vegetation to the front with some in the boulevard and a few in the back. A total of 6 mature Garry Oak trees will be removed and 11 may be impacted, 14 replacement trees will be planted, plus some additional trees and shrubs.

The Mayor invited comments from the public.

Bruce Bell, Oak Bay resident, stated that they do not want any more protected trees affecting their property. He agrees with the ADP that the size of proposed new house is too big for the site and does not fit with the neighbourhood, and if it was reduced to be the same size as neighbours, none of the Garry Oaks would need to be removed or impacted. He requested that the application be denied.

Nicola Komlodi, Oak Bay resident, stated that this proposal does not follow the OCP Design Guidelines requiring mature trees to be retained. The massing and lot coverage is not comparable in scale with other buildings on the street. We must preserve our existing Garry Oaks. It will take many decades for the newly planted Garry Oak trees to grow to the same size as ones that are lost, and it places an onus on the neighbours to maintain them and impacts the landscaping of neighbouring properties.

Jane Danzo, Oak Bay resident, stated that this proposal fails to maintain the Park-like setting, the massing is not in keeping with the established housing, and it fails to be sensitive to the existing community. The designation of this area as a National Historic Site requires that in the design of our residential landscape, we have a duty to honour and uphold our guidelines to preserve our original vision. She recommended that this project be denied.

The Mayor called for additional public comments and there was none.

Council discussion ensued, as follows:

- Staff advised that once a recommendation is made by the ADP, Council can choose to consider the application or could refer the matter back to the ADP
- Whether the District should seek legal advice based on what has been brought to our attention regarding our Bylaws; Staff confirmed that Council can send the matter back to staff, staff can seek legal advice and bring back to Council at a closed meeting.

MOVED and seconded: That Council refer the application (ADP00108 re 3470 Upper Terrace Road) back to staff to obtain legal advice on the issues raised at the Committee of the Whole meeting held on October 22, 2019.

Council discussion on the Motion ensued, as follows:

- The District has the ability to make a decision and has been following our Bylaw for several years.
- Uplands is now a National Historic site. The value of heritage in the community, the fact that there has been no consultation with neighbours, tree preservation, and a park-like setting are all important features to consider.

- Staff advised that the District's Bylaw is distinct, and allows Council the ability to approve architectural siting and design in the Uplands area; in addition the OCP contains these clauses.
- Sending this issue back to staff for a legal opinion may open up all of our policies and bylaws for review; the decision rests with Council.

The question was then called:

DEFEATED

With Councillors Appleton, Braithwaite, Green, Ney, Paterson and Mayor Murdoch opposed

MOVED and seconded: That it be recommended to Council that the proposal to construct a single family home and an accessory building containing an indoor swimming pool at 3470 Upper Terrace Road, as outlined in the October 3, 2019 report for ADP00108 be denied as to Uplands Siting and Design.

Council discussion on the Motion ensued, as follows:

- Council has a duty to honour the original vision of Uplands.
- As feedback for the applicant: the original intent of the Uplands vision to be maintained, the primary concern is with the outbuilding and the impact on the trees; redesign the proposal in such a way that it would not impact trees and that any new trees be positioned so they will not impact neighbours.

The question was then called:

CARRIED

The meeting recessed at 8:40 p.m. and reconvened at 8:43 p.m.

COMMUNICATIONS:

5. **Corporate Plan**

- Report from the Director of Strategic Initiatives dated October 21, 2019

The Chief Administrative Officer Introduced the Director of Strategic Initiatives to review the District's Corporate Plan.

The Director of Strategic Initiatives reviewed a PowerPoint presentation summarizing the context of the Corporate Plan and its purpose to align staff action with Council's direction. There is no new direction set out, the Plan reflects decisions previously made by Council. The Plan will be continually refined to include metrics and input and output measurements. It will be monitored and reported back through the Annual Report. The intent is that the Plan will provide clear direction on the type of actions to be taken, what will be achieved, when, and why. It does not reflect on-going work of staff, and impact on resources needs to be addressed prior to taking on new initiatives.

Staff provided an updated on three ongoing significant projects: (1) the long term financial sustainability plan, (2) water & sewer master plans, and (3) the housing framework.

The Director of Strategic Initiatives stated that staff is currently working at maximum capacity and that it would be difficult to add initiatives without increasing staffing to undertake the work. Going forward, the District will have some challenges including ensuring sustainable service levels, addressing public expectations and legislative changes, and identifying and managing corporate risks. She answered questions from Council and further advised that this is a work in progress that can be revised to suit Council's needs.

6. **Progress Report**

- Report from the Director of Strategic Initiatives dated October 21, 2019

The Director of Strategic Initiatives reviewed a PowerPoint presentation regarding monitoring performance, which are reported on in the Annual Report. Performance metrics have historically been set up by department, capturing major actions to support Council priorities. Staff will set up a workshop with Council to determine what metrics would be meaningful to Council. Staff is moving to have Q2 reports available by the end of July and Q3 with next year forecasts by the end of October, with Council's annual review of priorities being completed by the end of the year. The intent is to have budgets approved earlier in the year.

Directors reviewed PowerPoint slides and provided an update on the progress, status and proposed timelines of major initiatives within their department, and answered questions from Council.

The Mayor invited comments from the public and there was none.

MOVED and seconded: That Council receive the 2019-2022 Corporate Plan and authorize staff to update as necessary following Council budget decisions so as to keep the document current.

CARRIED

MOVED and seconded: That Council receive and accept the Strategic Initiatives Progress Report dated October 21, 2019.

CARRIED

ADJOURNMENT:

7. **Motion to Adjourn**

MOVED and seconded: That the meeting adjourn at 10:15 p.m.

CARRIED

Certified Correct:

Chair

Director of Corporate Services