

MINUTES of a regular meeting of 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, Oak Bay, B.C., on Monday January 19, 2015 at 7:00 p.m.

PRESENT: Councillor Ney, Acting Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor K. Murdoch
Councillor E. W. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen

It was noted that the current Acting Mayor, who would typically serve as Chair of the Committee of the Whole, was ill this evening.

MOVED by Councillor Croft,
Seconded by Councillor Zhelka, That Councillor Ney serve as Acting Chair for this meeting of the Committee of the Whole.

CARRIED

PARKS AND RECREATION ITEM(S):

1. ***Parks and Recreation Commission Minutes***
 - Minutes - Oak Bay Parks & Recreation Commission, Jan 7, 2015
 - Rpt Attach 1 - Program Reports Dec 2014
 - Rpt Attach 2 - November Finance Summary 2014

(Ray Herman, Director of Parks and Recreation and Sandi Piercy, Chair of the Oak Bay Parks and Recreation Commission, in attendance for this item)

The Chair of the Oak Bay Parks and Recreation Commission provided an overview of the change in Council liaisons to the Commission and noted that the Commission is currently focusing on its role with respect to applications for commercial use of Willows Beach Park.

Gerald Smeltzer, Oak Bay resident, noted that the Parks and Recreation 2015 operating budget and capital budget were discussed at the November 2014 Committee of the Whole; however, he stated these documents are not included in the November Finance Summary nor are they provided on the website.

He expressed concern that he had to request and pay for a copy of these documents in order to obtain them and questioned why this was the case.

The Director of Parks and Recreation provided clarification on the process with respect to the monthly financial summaries attached to the Commission minutes, noting that the information is prepared for the previous month and so is not current to the date of this meeting. It was also noted that the Parks and Recreation 2015 operating budget and capital budget have been referred to Estimates Committee, which will meet later in this year, and that it would be out of keeping with the usual processes of the Municipality for this information to be distributed to the public before Council has had a chance to consider it.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on January 7, 2015, and the recommendations contained therein, be adopted.

CARRIED

FINANCE ITEM(S):

2. ***Monthly Financial Report***

- Report - Municipal Treasurer, Dec. 30, 2014
- Rpt Attach 1 - Statement of Revenue & Expenditures, Nov. 30, 2014
- Rpt Attach 2 - Capital Projects Financial Report, Nov. 30, 2014
- Rpt Attach 3 - Investments, Nov. 30, 2014
- Rpt Attach 4 - Property Taxes, Nov. 30, 2014

In response to questions from Council, the Municipal Treasurer provided clarification with respect to the actual fees for building permits exceeding the projected amount, the use of carbon offsets and the completion status of various capital projects.

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the monthly financial report of the Municipal Treasurer dated Dec. 30, 2014 be received.

CARRIED

LAND USE APPLICATIONS:

3. ***Uplands Building Permit Application – 3145 Exeter Road***

- Report - Director of Building and Planning, Jan. 6, 2015
- Rpt Attach 1 - ADP Minutes, Jan. 6, 2015

- Rpt Attach 2 - ADP Minutes, Dec. 2, 2014
- Rpt Attach 3 - Municipal Arborist's Memo, Nov. 27, 2014
- Rpt Attach 4 - Applicant's Letter, Zebra Design, Dec. 15, 2014
- Rpt Attach 5 - Materials and Colours Checklist, Dec. 15, 2014
- Plans - UBP - 3145 Exeter Rd - rcvd., Dec. 15, 2014

The Director of Building and Planning provided an overview of the application.

Rus Collins, Zebra Design, drew the Committee's attention to the change in the window design and house colour in response to comments by the Advisory Design Panel.

Moved by Councillor Braithwaite

Seconded by Councillor Murdoch, That is be recommended to Council that the plans for exterior updates to the existing house located at 3145 Exeter Road be approved as to siting and architectural design.

CARRIED

4. ***Uplands Building Permit and Development Variance Permit Application – 3050 Beach Drive***

- Report - Director of Building and Planning, Jan. 10, 2015
- Rpt Attach 1 - ADP Minutes, Jan. 6, 2015
- Rpt Attach 2 - ADP Minutes, Dec. 2, 2014
- Rpt Attach 3 - Municipal Arborist's Memo, Nov. 3, 2014
- Rpt Attach 4 - Applicant's Letter, Banks Design, Nov. 15, 2014
- Rpt Attach 5 - Data Sheet, Oct. 16, 2015
- Rpt Attach 6 - Materials Colours Checklist, Nov. 15, 2014
- Plans - DVP, UBP- 3050 Beach Dr- rcvd., Jan. 9, 2015

The Director of Building and Planning provided an overview of the application.

Nigel Banks, Banks Design, reviewed the challenges with the lot, which, from the owners' perspective, include the angle of the existing house on the lot, the extensive tree coverage in the rear yard and the desire of the owners to make the dwelling more accessible.

A discussion ensued with respect to the removal and replacement of trees on the subject property as a result of the proposed construction. The Director of Building and Planning noted that trees removed to construct a patio would require replacements, but that replacements would not be required for trees removed from the building envelope.

Mr. Banks responded to comments and questions from the Committee, noting that the proposed landscape plan shows 8 trees to be planted. He also spoke with respect to the issue of standing water on the site, which, he said, may impact tree health.

Turning to the question of the proposed variances, Mr. Banks stated that the variances would allow the applicants to construct a ramp for accessibility and that the site coverage requested is less than permitted under the Bylaw.

Moved by Councillor Murdoch

Seconded by Councillor Zhelka, That it be recommended to Council that the plans to construct main and top floor additions at 3050 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the January 10, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

5. ***Uplands Building Permit and Development Variance Permit Application – 3190 Exeter Road***

- Report - Director of Building and Planning, Jan. 13, 2015
- Rpt Attach 1 - ADP Minutes, Dec. 2, 2014
- Rpt Attach 2 - Municipal Arborist's Memo , Nov. 27, 2014
- Rpt Attach 3 - Applicant's Letter, Rural Urban Fantasy Project Ltd, Nov. 14, 2014
- Rpt Attach 4 - Materials and Colours Checklist, Nov. 17, 2014
- Plans - DVP,UBP - 3190 Exeter Rd - rcvd., Nov. 17, 2014

The Director of Building and Planning provided an overview of the application.

Gurdeep Stevens, owner, spoke to the intention of the application to address some areas of the dwelling that are not in good condition and to create more usable space for her family.

Moved by Councillor Braithwaite

Seconded by Councillor Croft, That it be recommended to Council that the plans to construct an addition to a single family dwelling at 3190 Exeter Road be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the January 13, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

In response to questions from the Committee regarding the tree which previously grew through the patio, Ms. Stevens commented although this made the space very special, the tree had to be removed due to damage to the structure. She noted that the patio is not currently used by her family, but that an enclosed family room, as proposed, would be of great benefit.

The question was then called.

CARRIED

6. ***Development Variance Permit Application – 2138 Florence Street***

- Report - Director of Building and Planning, Jan. 12, 2015
- Rpt Attach 1 - DVP - Applicant's Letter, Zebra Design, Nov. 6, 2014
- Plans - DVP - 2138 Florence St - rcvd., Jan. 12, 2015

The Director of Building and Planning provided an overview of the application.

Dave Yammamoto, Zebra Design, noted that the intention of this development variance permit application is to legitimize work already completed on the subject property by a previous owner several years ago.

Moved by Councillor Murdoch

Seconded by Councillor Braithwaite, That a resolution authorizing the issuance of a development variance permit for 2138 Florence Street, as outlined in the January 12, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

A discussion ensued with respect to the application. Members of the Committee expressed support for applicants who are attempting to address pre-existing non-compliant issues with their dwellings; however, members did express that it would be preferable for the total impervious surface on the property to be reduced.

The question was then called.

CARRIED

7. ***Siting and Design Approval – Building Permit Application on a Subdivided Lot – 754 Mountjoy Avenue***

- Report - Director of Building and Planning, Dec. 8, 2014
- Rpt Attach 1 - ADP Minutes, Dec. 2, 2014
- Rpt Attach 2 - Municipal Arborist's Memo, Nov. 27, 2014
- Rpt Attach 3 - Applicant's Letter, Zebra Design, Nov. 14, 2014
- Rpt Attach 4 - Colours Materials Checklist, Nov. 14, 2014
- Rpt Attach 5 - Tree Inventory - Nov. 14, 2014
- Plans - Architectural Design and Siting Approval - 754 Mountjoy - rcvd. Nov. 14, 2014

The Director of Building and Planning provided an overview of the application.

Dave Yammamoto, Zebra Design, provided comments on the proposal, noting the features of the architectural design, the minor impact on existing tree coverage, and the unanimous support of the Advisory Design Panel for the proposal.

Moved by Councillor Murdoch

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to construct a new single family residential dwelling at 754 Mountjoy Avenue, as appended to the report of the Director of Building and Planning dated December 8, 2014, be approved as to siting and architectural design.

CARRIED

8. ***Development Variance Permit Application - 787 Victoria Ave.***

- Report 1 (2014-284) - Director of Building and Planning, Nov. 6, 2014
- Rpt 1 Attach 1 - Applicant's Letter, Zebra Design, Oct. 2, 2014
- Plans - DVP - 787 Victoria Ave - rcvd., Oct. 10, 2014

9. ***Development Variance Permit Application - No Assigned Address (787 Victoria Ave. lot 15)***

- Report 2 (2014-283) - Director of Building and Planning, Oct. 27, 2014
- Rpt 2 Attach 1 - Applicant's Letter, Zebra Design, Oct. 2, 2014
- Rpt 2 Attach 2 - Municipal Arborist's Memo, Oct. 2, 2014

(Hope Burns, Consulting Planner, in attendance for this item)

Note: At Nov. 17, 2014 Committee of the Whole Meeting it was determined that items 8 and 9 be considered concurrently. Please see Report 1 and Report 2 (under agenda item 9) respectively.

Hope Burns, Consulting Planner, provided an overview of the applications and the reports.

Leonard Cole, owner, circulated a street view rendering of the applications and reviewed the requested variances, the public consultation undertaken to date, and the efforts to mitigate the impact of the proposal for the two properties on existing trees and the neighbouring residents.

A discussion ensued with respect to the proposed siting and associated variances, as well as the massing of the proposed dwellings. While members of the Committee expressed concerns about the siting and massing, Mr. Cole indicated that in his opinion, the proposed siting and design best met his needs and the needs of the existing neighbourhood.

Russ Collins, Zebra Design, responded to questions from the Committee, noting that if a single family dwelling was constructed on the subject property it would have similar setbacks but with a less appealing frontage.

In response to questions from the Committee, Ms. Burns stated that if smaller single family dwellings were constructed on these lots without any variances, the resulting dwellings would then be proportional to the existing streetscape.

John Armitage, Oak Bay resident, after expressing concerns with respect to Oak Bay's public consultation process, commented that this is a very interesting application and reviewed his thoughts on the siting, massing and proposed design. He commented that these are large dwellings given the size of the lots and questioned if a smaller size and a different design might not be preferable for this property. Mr. Armitage noted that consideration should be given to a shared driveway and variances to eliminate covered parking requirements in order to reduce the impact on open space.

In response to the issue of public consultation, the Municipal Clerk noted the agenda for this meeting is made available on the municipal website and that the public are welcome to attend and speak at Committee of the Whole meetings. These meetings, she noted are an opportunity for the Committee to hear from the applicant regarding the proposal and that a formal notification process is undertaken if an application is felt to have enough merit to proceed to Council. It was also noted that applicants are encouraged to consult with neighbouring residents throughout the application process.

Responding to issues raised by the public, Mr. Cole noted that he explored the concept of a shared driveway but that it would have resulted in an impact on existing boulevard trees. He stated that the proposed design has taken into account the impact on neighbouring properties. In concluding his remarks, Mr. Cole noted that he would be happy to have his application be referred to the Advisory Design Panel as a way to address some of the Committee's concerns.

Moved by Councillor Zhelka

Seconded by Councillor Murdoch, That it be recommended to Council that the application for a development variance permit for 787 Victoria Avenue, as described in the November 6, 2014 report of the Director of Building and Planning, be denied and that the application for a development variance permit for the property with no assigned address (700 Block Victoria, Northerly 65 feet of Lot 15, Section 22, Victoria District, Plan 1136), as described in the October 27, 2014 report of the Director of Building and Planning be denied.

A discussion ensued with respect to the potential to deny the applications or defer them for further consideration. Some members of the Committee expressed that the application did have some merit, however, it was the majority view that the proposed variances and the resulting massing were too significant in the context of the existing neighbourhood.

The Director of Building and Planning provided clarification on the process in the event that the applications were denied, noting that, in order to bring forward new applications for the properties to be reviewed by the Committee within six months, there would need to be changes in the variances and the associated plans.

The question on the motion was then called.

CARRIED

REGULATORY ITEM(S):

10. ***Floor Area Review (FAR), Next Steps (Proposed Public Review Session)***

- Report - Director of Building and Planning, Jan. 14, 2015
- Rpt Attach 1 - FAR Committee, RS-4 RS-5 Bylaw Recomm. Rpt, Jul. 2014

The Director of Building and Planning provided an overview of the Floor Area Review process to date and the proposed recommendation with respect to a public review session. Mr. Thomassen noted that the public review sessions would be opportunities to both inform and consult with the public on the proposed recommendations.

A discussion ensued with respect to the appropriate dates and times of potential public review sessions.

Moved by Councillor Braithwaite

Seconded by Councillor Zhelka, That it be recommended to Council that:

1. Staff be directed to organize two public review sessions with respect to the Floor Area Review Committee's RS-4 RS-5 Bylaw Recommendations Report
2. The sessions be held in mid-February with advertisements for the public to attend; and
3. That invitations to attend these sessions be extended to all Council-appointed committees.

CARRIED

ADJOURNMENT:

Motion to Adjourn

Moved by Councillor Braithwaite

Seconded by Councillor Murdoch, That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 9:08 p.m.

Certified Correct

Municipal Clerk

Acting Chair