

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, June 17, 2013, at 7:00 p.m.

PRESENT: Mayor N. Jensen, Chair  
Councillor P. Copley  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Municipal Treasurer, Patricia Walker  
Director of Building and Planning, R. Thomassen

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

PARKS AND RECREATION SECTION: (Chair – Councillor Ney)

1. 2013-168 OAK BAY PARKS AND RECREATION COMMISSION, Jun. 5, 2013  
2013-168-1 URBAN FOREST STRATEGY WORKING GROUP, May 29, 2013  
2013-168-2 DENNIS MCCARTHY, Jun. 4, 2013  
Re Minutes of Meeting

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

*Urban Forest Strategy*

The Director of Parks and Recreation provided an overview of the process to date with respect to developing an Urban Forest Strategy (UFS) for the District of Oak Bay. Mr. Herman noted that as the proposed \$20,000 is not incorporated into the 2013 budget, the Municipal Administrator has recommended that the UFS report be referred to the 2014 strategy priority session planned for this fall.

A discussion ensued with respect to the UFS, during which it was noted that, as the UFS has both budgetary and staff workload implications, the recommendation by the Municipal Administrator is supportable. It was also noted that the report provided by the UFS working group will be of great assistance to the Committee when further considering this issue, especially the proposed budget. Members of the Committee commented that the UFS report should be made available to the Environmental Advisory Committee, the Oak Bay Green Committee and the Official Community Plan consultant, as well as being posted on the website.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the development of an Urban Forest Strategy, as described in the May 29, 2013 report of the Urban Forest Strategy Working Group, correspondence item no. 2013-168-1, be referred to the 2014 strategic planning/priorities session.

CARRIED

*Lafayette Park*

In response to comments by the Committee, Mr. Herman noted that the discussion on the design for washrooms at Lafayette Park is in the preliminary stages, but that the Committee's comments with respect to signage and the potential for alternative energy use would be considered in due course. He stated that the Oak Bay Rotary Club has expressed interest in possibly funding the washrooms.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, June 5, 2013, and the recommendations contained therein, with the exception of the recommendation on the Urban Forest Strategy, be adopted.

CARRIED

FINANCE: (Chair – Councillor Herbert)

2. 2013-169 MUNICIPAL TREASURER, Jun. 12, 2013  
Re Monthly Financial Report

MOVED by Councillor Green

Seconded by Councillor Kirby, That the May monthly financial reports be received.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

3. 2013-170 DIRECTOR OF BUILDING AND PLANNING, Jun. 6, 2013  
Re Development Permit Application – 2077 Cadboro Bay Road

The Chair of the Land Use Section provided an overview of the application.

Neil Patterson, Clinic Owner and Bob Richdale, Project Manager, were in attendance.

Mr. Patterson responded to questions from the Committee with respect to the impact of the Oak Bay High School Replacement Project on the parking for the clinic, noting that he is in contact with the School District and hopes that the understanding which allows for access to the parking at the rear of the clinic continues. He stated that parking is not a great concern for his business and that the updates to the building facade and to the adjacent sidewalk will be a needed improvement.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That a resolution authorizing the issuance of a development permit, as outlined in the memorandum of the Director of Building and Planning dated June 6, 2013, correspondence item no. 2013-170, be brought forward to Council for consideration.

CARRIED

4. 2013-171 DIRECTOR OF BUILDING AND PLANNING, Jun. 6, 2013  
Re Development Permit Application With Variances – 2080 Oak Bay Avenue

The Chair of the Land Use Section provided an overview of the application.

The Director of Building and Planning noted that the Municipal Arborist has indicated that, if specific construction techniques are undertaken under the supervision of an arborist, it will be possible to retain the Oak trees while developing the site as proposed.

Joe Newell, Architect, and Rod Prewett, Carlton House Properties, were in attendance.

At the Committee's request, Mr. Newell reviewed the details of the proposed patio and deck renovations. He confirmed that an arborist will be engaged for the project and that any recommendations from the arborist, including with respect to permeable paving material, will be incorporated into the design.

Mr. Newell responded to various questions from the Committee, noting that space is too restricted in the lowered patio to incorporate a wheelchair lift, but that the deck and coffee shop are accessible. He confirmed that the deck overhang is not an issue with respect to rodents, but that the revised design should address littering issues. The intention, he said, is to retain as much of the existing landscaping as possible.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That a resolution authorizing the issuance of a development permit, with variances, as outlined in the memorandum of the Director of Building and Planning dated June 6, 2013, correspondence item no. 2013-171, be brought forward to Council for consideration.

CARRIED

It was noted that consideration should be given to the feasibility of incorporating additional bicycle parking for the use of the coffee shop.

5. 2013-172 DIRECTOR OF BUILDING AND PLANNING, Jun. 12, 2013  
Re Development Permit Application With Variances – 2333 Beach Drive

The Chair of the Land Use Section provided an overview of the application.

The Director of Building and Planning reviewed the required parking variances.

Bob Rocheleau, Praxis Architects Inc., responded to various questions from the Committee noting that the apartment building is primarily occupied by seniors and that the existing parking is not completely used by the residents. Mr. Rocheleau commented that a car-share membership was provided to residents as part of the previous parking variance, noting that, as it has only been in place for a few months, it would be difficult to determine long-term usage rates at this point. The existing building has safety issues that need to be addressed, he said, and the proposed smaller units will have affordable rents. He reviewed the proposed sizes of the additional units and confirmed that he can provide the Committee with rental rates.

Members of the Committee noted that it would be helpful to know the number cars owned by residents of the apartment building. It was also mentioned that consideration could be given to the possibility of a housing agreement which restricts the number of units in the building that can be rented to car owners.

The Director of Building and Planning clarified that the proposed one bedroom unit requiring a variance is just short of the minimum residential floor area requirements.

In response to comments by the Committee, Mr. Rocheleau stated that a housing agreement restricting car ownership in the apartment building was well worth considering.

MOVED by Councillor Green

Seconded by Councillor Ney, That further consideration of the development permit application with variances for 2333 Beach Drive, as outlined in the memorandum of the Director of Building and Planning dated June 12, 2013, correspondence item no. 2013-172, be deferred to a future Committee of the Whole meeting to allow the applicant to provide information on resident parking use and to consider a housing agreement.

CARRIED

6. 2013-173 DIRECTOR OF BUILDING AND PLANNING, Jun. 5, 2013  
Re Development Variance Permit Application – 2625 Orchard Avenue

The Chair of the Land Use Section provided an overview of the application.

In response to questions from the Committee, the Director of Building and Planning clarified the floor area and lot coverage for the application.

Michelle Matte, Michelle Matte Interiors, was in attendance to respond to questions.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That a resolution authorizing the issuance of a development variance permit for 2625 Orchard Avenue, as outlined in memorandum of the Director of Building and Planning dated June 5, 2013, correspondence item no. 2013-173, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

7. 2013-174 DIRECTOR OF BUILDING AND PLANNING, Jun. 5, 2013  
Re Development Variance Permit Application – 2504 Central Avenue  
(New Dwelling)
8. 2013-175 DIRECTOR OF BUILDING AND PLANNING, Jun. 5, 2013  
Re Development Variance Permit Application – 2504 Central Avenue  
(Single Garage)

The Director of Building and Planning noted that there were two development variance permit applications to be considered at this meeting for 2504 Central Avenue. Mr. Thomassen provided an overview of both applications and his associated recommendations.

Dave and Lisa Mann, owners, were in attendance to respond to questions.

At the Committee's request, Mr. Mann spoke to the reasoning for the proposed variances noting that the lot is only 50 feet wide and that locating the garage at the back of the property requires shifting the new dwelling to the side in order to accommodate the associated driveway. Though alternate designs were considered, he said, the current proposal is the most aesthetically pleasing and allows for a better floor plan on the second storey of the new dwelling. He commented that they have contacted their neighbours regarding the proposal and that no concerns have been expressed.

The Director of Building and Planning confirmed that the new dwelling's square footage was less than permitted for the lot size.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That a resolution authorizing the issuance of a development variance permit for a new dwelling at 2504 Central Avenue, as outlined in memorandum of the Director of Building and Planning dated June 5, 2013, correspondence item no. 2013-174, be prepared and brought forward to the next meeting of Council for consideration.

A discussion ensued with members of the Committee noting that there were constraints to the lot and that the proposed design for the new dwelling is appealing. A Committee member commented that, though variances for new dwellings on vacant lots typically are not supportable, it would be beneficial to move this application forward in order to hear from the neighbours.

The question was then called.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That a resolution authorizing the issuance of a development variance permit for a single garage at 2504 Central Avenue, as outlined in memorandum of the Director of Building and Planning dated June 5, 2013, correspondence item no. 2013-175, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

9. 2013-176 DIRECTOR OF BUILDING AND PLANNING, Jun. 5, 2013  
Re Development Variance Permit Application – 2167 Granite Street

The Chair of the Land Use Section provided an overview of the application.

Claire Carlin and Bruce Wonder, owners, were in attendance to respond to questions.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That a resolution authorizing the issuance of a development variance permit for 2167 Granite Street, as outlined in memorandum of the Director of Building and Planning dated June 5, 2013, correspondence item no. 2013-176, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

10. 2013-177 DIRECTOR OF BUILDING AND PLANNING, Jun. 10, 2013  
Re Development Variance Permit Application – 771 Monterey Avenue

The Chair of the Land Use Section provided an overview of the application.

The Director of Building and Planning noted that as the lower floor is within 0.8 meters of grade, the main floor is considered as the second storey of the dwelling; as a result, he said, a variance to the minimum second storey side lot line setback is required.

Don Entwistle and Carol Fabri, owners, were in attendance to respond to questions.

MOVED by Councillor Ney

Seconded by Councillor Green, That a resolution authorizing the issuance of a development variance permit for 771 Monterey Avenue, as outlined in memorandum of the Director of Building and Planning dated June 10, 2013, correspondence item no. 2013-177, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

11. 2013-178 DIRECTOR OF BUILDING AND PLANNING, Jun. 12, 2013  
Re Development Variance Permit Application – 129 Beach Drive

The Chair of the Land Use Section provided an overview of the application.

The Director of Building and Planning detailed the variances required as a result of the subdivision application for this property and noted that the building envelope for proposed lot A also requires a variance in order to retain the existing trees. Mr. Thomassen stated that the recommendations in the arborist's report from Gye and Associates Ltd. dated April 25, 2013 would also need to be incorporated into the project.

Keith Middleton, owner and Nigel Beattie, consultant, were in attendance to respond to questions.

Mr. Thomassen confirmed that a covenant for the architectural design and siting for any new dwelling on the vacant lot is required as part of the preliminary subdivision approval. In order for the subdivision application to proceed, he said, the variances first need to be approved by Council.

MOVED by Councillor Green

Seconded by Councillor Ney, That a resolution authorizing the issuance of a development variance permit for 129 Beach Drive, as outlined in memorandum of the Director of Building and Planning dated June 12, 2013, correspondence item no. 2013-178, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

12. 2013-179 DIRECTOR OF BUILDING AND PLANNING, Jun. 4, 2013  
2013-179-1 PAUL AND HELGA WORSLEY, May 31, 2013  
2013-179-2 PAUL AND HELGA WORSLEY, Jun. 3, 2013  
2013-179-3 PAUL AND HELGA WORSLEY, Jun. 5, 2013  
Re Uplands Building Permit Application – 2970 Beach Drive

The Chair of the Land Use Section provided an overview of the application and the associated recommendation from the Advisory Design Panel (ADP).

Paul Hammond, architect, responded to questions from the Committee with respect to the visual impact of the proposed new residential dwelling, reviewing the context photographs as provided in plan A2. Mr. Hammond noted that, though the house size, width and footprint have been modified in order to reduce the impact, it will not be possible to maintain the neighbour's existing view corridor and to preserve the Garry oaks on site while constructing a two-storey dwelling as desired by the owner. A pitched roof, he said, which is permissible under the Uplands Design Guidelines, would have had an even greater impact on the view corridor.

Paul and Helga Worsley, residents, were present to speak to their correspondence. Mr. Worsley stated that they are very upset regarding the application, which they only learned of by chance and that other residents also have not been made aware of this proposal. The proposed dwelling, he said, is more like a three-storey building with a protruding basement that incorporates three garages. He noted that the final height of the building has not been made clear. He stated that this new dwelling will have a significant impact on their view and on the views from Cattle Point and from the cenotaph. He commented that the ADP focused primarily on the architecture of the proposal and not on the siting or view corridors. Taking more time with this proposal, he said, would allow for a more thorough assessment and for consideration of a design that would not have as great an impact on their view.

In response to questions from the Committee, Mr. Worsley stated that, though this proposal has been planned for several months, they were only consulted at the last minute as a result of the Advisory Design Panel. He commented that though they expected a new dwelling on the subject property to be constructed and to have some impact on their view, the extent of the impact from the current proposal is significant. The proposed building, he said, will protrude from above their hedge in a long black wall.

Turning to the issue of the Uplands Design Guidelines and the Uplands Regulation Bylaw, Mr. Worsley noted that Council has the authority to persuade applicants to undertake designs which are appropriate for the community. He drew the Committee's attention to his June 3, 2013 correspondence (item no. 2013-179-2) in which he indicated the specific guidelines which were at issue with respect to the proposal.

The Director of Building and Planning clarified that the basement is located below ground, with the exception of a corner with one window slightly protruding from the back. Mr. Thomassen noted that the proposed square footage is half the amount allowable under the bylaw.

In response to comments from the public, Mr. Hammond clarified that the proposal is for two storeys, not three storeys, and that the parking is incorporated on the ground floor of the dwelling.

Responding to comments and questions from the Committee, Mr. Hammond stated that many buildings in the neighbourhood are being redesigned with an increase in height. The proposed building, he said, would protrude approximately 7 feet above the hedge on the neighbouring property.

Committee members commented on the difficulty in determining the proposal's impact on various view corridors and it was noted that a photographic rendering, showing the proposed dwelling from various view points would be of assistance. The importance of view corridors as noted in the Uplands Design Guidelines was also discussed.

Jonathan Horlick, owner, responded to comments from the Committee and the public, stating that he has followed the required process, consulted with neighbours and staff, as well as receiving endorsement from the ADP. He noted that of the five neighbours consulted, only one property has objections to the proposal. There are many factual errors in the public correspondence, he said, and he questions why his application should be revised in response to further correspondence which he has not yet had the opportunity to review. He noted that the proposed dwelling was designed to minimize impact on the neighbours view corridor and that information on the visual impact has already been provided in the design analysis of the plans, specifically the north west elevation.

Discussion turned to the views with which the Committee was concerned, specifically, the view of the building from within the Worsley's residence, from Uplands Park and from the cenotaph. It was also noted that it would be beneficial for the Committee to visit the Worsley's residence and that it would be ideal if the applicant could provide some mechanism to identify the height of the proposed building on the subject property in time for this visit.

MOVED by Councillor Herbert, That further consideration of the Uplands building permit application for 2970 Beach Drive be deferred to a future Committee of the Whole to allow the applicant to provide additional information.

The motion failed due to a lack of a seconder.

Mr. Thomassen confirmed that, if the Committee wished to have the photographic renderings of the requested views considered by the ADP at the July meeting, the applicant would need to provide the additional information to staff by the end of the month. The outcome from the ADP's July meeting, he said, could then be considered at the July Committee of the Whole meeting.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That further consideration of the Uplands building permit application for 2970 Beach Drive be deferred to allow the applicant to provide photographic renderings depicting the view of the of the proposed dwelling from within the residence at 2980 Beach Drive, from Uplands Park and from the cenotaph, for review and a recommendation by the Advisory Design Panel to the Committee of the Whole.

CARRIED

13. 2013-180 DIRECTOR OF BUILDING AND PLANNING, June 4, 2013  
Re Uplands Building Permit Application – 3315 Cadboro Bay Road

The Chair of the Land Use Section provided introduced the application.

A member of the Committee noted that an arborist will be required to ensure that the impact on the Oak tree from the proposed circular driveway will be minimal.

MOVED by Councillor Herbert

Seconded by Councillor Green, That it be recommended to Council that the plans for the construction of a new residential dwelling at the property located at 3315 Cadboro Bay Road be approved as to siting and architectural design.

CARRIED

14. 2013-181 DIRECTOR OF BUILDING AND PLANNING, June 4, 2013  
Re Uplands Building Permit Application – 2847 Dunlevy Street

The Chair of the Land Use Section provided an overview of the application.

Diane McKerrell, owner, responded to questions from the Committee, noting that the proposed renovations do not include increasing the size of the existing dwelling and that the intention is to replace the existing deck with one that is closer to the ground.



MOVED by Councillor Kirby

Seconded by Councillor Herbert, That it be recommended to Council that the plans for renovations to the house located at 2847 Dunlevy Street be approved as to siting and architectural design.

CARRIED

ADJOURNMENT:

MOVED by Councillor Ney

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

CARRIED

The meeting adjourned at 9:43 p.m.

Certified Correct:

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Municipal Clerk

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Chair, Parks and Recreation Section

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Chair, Finance Section

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Chair, Land Use Section