

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 Tuesday, May 21, 2013, at 7:00 p.m.

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

STAFF: Municipal Administrator, G. Nason  
Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Municipal Treasurer, Patricia Walker  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:05 p.m.

PARKS AND RECREATION SECTION: (Chair – Councillor Ney)

1. 2013-138 OAK BAY PARKS AND RECREATION COMMISSION, May 1, 2013  
2013-138-1 DIRECTOR OF PARKS AND RECREATION, May 21, 2013  
Re Minutes of Meeting/Request for Deer Fence at Native Plant Garden

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

Members of the Committee commented on the minutes of the Parks and Recreation Commission, with one member expressing support for a collaborative approach between the Commission and the Active Transportation Advisory Committee to the concept of a North/South bikeway connecting to the University of Victoria and another member offering thanks for the Commission's participation in Eco Week.

The Director of Parks and Recreation responded to questions from the Committee with respect to the minutes, noting that the reduction in revenue for the indoor sports field and the Carnarvon Day Care in comparison to 2012 has primarily to do with timing issues for fee payments and the impact of a two week spring break instead of one week.

MOVED by Councillor Copley  
Seconded by Councillor Murdoch, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, May 1, 2013, and the recommendations contained therein, be adopted.

CARRIED

*Request for Deer Fence at Native Plant Garden*

The Director of Parks and Recreation responded to questions from the Committee with respect to the request by the Friends of the Oak Bay Native Plant Garden to erect deer fencing, noting that deer are eating many of the rare plants in this garden which is having a negative impact on the efforts of the volunteers.

Mr. Herman noted that though the Commission had no objections to the installation of the fence, funding for the fence from the Parks and Recreation budget was not approved.

Pat Wilson, Chair, Heritage Commission, noted that there are at least five deer currently living in the Native Plant Garden, which is part of the reason the impact is so great. Also, she noted, the native plants being salvaged from construction sites are being eaten by the deer before the plants can become established.

A discussion ensued, with Committee members commenting on the benefits and issues that could result from installing a fence at the Native Plant Garden. Some members of the Committee expressed concern that a fence might impact the ambiance of the garden and that this request should be deferred until after the Committee has considered any pilot projects from the Regional Deer Management Strategy. Other members noted that the Heritage Foundation has indicated it is prepared to fund up to 25% of the cost of the fence and that a fence is the only way to preserve this historical site and mitigate the damage to the rare plants.

MOVED by Councillor Green

Seconded by Councillor Copley, That the installation of a fence around a portion of the Native Plant Garden be approved in principle and that the issue be referred to the Heritage Commission for a recommendation on installing the proposed fence on designated heritage property and to the Director of Building and Planning for a report in respect to the required Heritage Alteration Permit and any variances to the Fence Bylaw regulations to accommodate the proposed fence.

With respect to deferring this issue until after the Committee has considered any pilot projects from the Regional Deer Management Strategy, it was noted that any pilot projects would take some time to develop and implement and that this issue seems to be time-sensitive.

In response to questions from the Committee, the Municipal Treasurer noted that some of the funds for the fence could be taken from the "Traffic Calming" account and that there were sufficient reserve funds to also address traffic calming measures that are currently being considered.

The question was then called.

CARRIED

FINANCE: (Chair – Mayor Jensen)

2. 2013-110 MUNICIPAL TREASURER, Apr. 10, 2013  
Re Monthly Financial Report

MOVED by Councillor Kirby

Seconded by Councillor Green, That the April monthly financial reports be received.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the agenda be amended to consider items no. 8 and 9 before item no. 7.

CARRIED

3. 2013-140 DIRECTOR OF BUILDING AND PLANNING, May 9, 2013  
Re Development Permit Application to Amend Land Use Contract No. 14 –  
1175 Newport Avenue

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

Glen Urquhart, Strata Council President, was in attendance to respond to any questions.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That a resolution authorizing the Director of Building and Planning to issue a development permit with respect to 1175 Newport Avenue, which will amend Land Use Contract No. 14 to permit changes to the landscaping, as outlined in correspondence item no. 2013-140, be brought forward to Council for consideration.

CARRIED

4. 2013-141 DIRECTOR OF BUILDING AND PLANNING, May 8, 2013  
Re Development Variance Permit Application – 3125 Beach Drive

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

Andrew Weaver, Groundskeeper, responded to questions from the Committee, noting that the owners only became aware of the bylaw restriction which does not allow for generators to be located in the front yard part way through the installation process. Mr. Weaver noted that he is not aware of any complaints from neighbouring residents, but that the adjacent property is currently vacant. He commented that the generator is not visible to the owners or neighbours in the front yard, but that it would be if it was located in the rear of the property. The owners, he said, are aware of the current noise regulations with respect to generators.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That a resolution authorizing the issuance of a development variance permit for 3125 Beach Drive as outlined in correspondence item no. 2013-141, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

5. 2013-142 DIRECTOR OF BUILDING AND PLANNING, May 9, 2013  
Re Development Variance Permit Application – 2451 Dryfe Street

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

Jennifer Wilson, owner, was in attendance to respond to any questions.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That a resolution authorizing the issuance of a development variance permit for 2451 Dryfe Street as outlined in correspondence item no. 2013-142, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

6. 2013-143 DIRECTOR OF BUILDING AND PLANNING, May 10, 2013  
Re Development Variance Permit Application – 2733 Bowker Avenue

Jerome Dansereau, owner, provided an overview of the application.

MOVED by Councillor Green

Seconded by Councillor Kirby, That a resolution authorizing the issuance of a development variance permit for 2733 Bowker Avenue as outlined in correspondence item no. 2013-143, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

8. 2013-145 DIRECTOR OF BUILDING AND PLANNING, May 7, 2013  
Re Uplands Building Permit Application – 3530 Midland Road

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

Keith Baker, KP Design, was in attendance to respond to any questions.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct a conservatory, storage room, and wine cellar onto the existing house located at 3530 Midland Road be approved as to siting and architectural design.

CARRIED

9. 2013-146 DIRECTOR OF BUILDING AND PLANNING, May 13, 2013  
Re Uplands Building Permit Application – 2460 Cardigan Road

The Director of Building and Planning noted that the applicants could not attend tonight's meeting. Mr. Thomassen then provided an overview of the application.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That it be recommended to Council that the revised plans for the construction of a new residential dwelling at the property located at 2460 Cardigan Road be approved as to siting and architectural design.

CARRIED

7. 2013-144 DIRECTOR OF BUILDING AND PLANNING/PLANNER, May 9, 2013  
2013-144-1 CHARLES DOUGLAS SAUER, Feb. 20, 2013  
2013-144-2 G. MAYHEW, Undated  
2013-144-3 MARGARET ASCH & ANGUS MATTHEWS ET AL, Feb. 26, 2013  
2013-144-4 MARGARET ASCH ET AL, Mar. 20, 2013  
2013-144-5 BECKY & DAVID RANNALA, Apr. 2, 2013  
2013-144-6 MICHAEL JAMES O'CONNOR, Apr. 5, 2013  
2013-144-7 MICHAEL MILLER, Apr. 10, 2013  
2013-144-8 TERRY LE BLANC, Apr. 14, 2013  
2013-144-9 DONNA ANDERSON, Apr. 16, 2013  
2013-144-10 NORMAN WALE, Apr. 18, 2013  
2013-144-11 DENNIS MCCARTHY, Apr. 18, 2013  
2013-144-12 SUSAN RAMSEY, Apr. 25, 2013  
2013-144-13 ROBERT THOMSON, May 10, 2013

2013-144-14 MICHAEL BROCK, May 16, 2013  
2013-144-15 MARGARET & MICHAEL ASCH, May 16, 2013  
2013-144-16 ANGUS & SANDRA MATTHEWS, May 16, 2013  
Re Rezoning/Development Permit Application – 1510 Clive Drive/2280 Oak  
Bay Avenue

*(Hope Burns, Registered Professional Planner in attendance for this item)*

The Director of Building and Planning circulated copies of the sun study for the project. Mr. Thomassen reviewed the process to date and noted the major changes in the project's design since it was last considered by the Committee.

The Planner provided an overview of the joint report, describing the analysis of the project and outlining the recommendations to the Committee contained therein. Ms. Burns responded to questions from the Committee, confirming that a housing agreement could be used to restrict the number of residential units with vehicles.

Nicole Roberts, JN Development Group Ltd., responded to various questions from the Committee, noting that the Live/Work element to the proposal had been removed to address concerns from staff and the community. Ms. Roberts stated that a meeting was held with the residents on April 3, 2013, at which there was consensus on some issues, but that others remained unresolved. She commented that many of the changes to the proposal were supported by the residents, including the increased setback on Oak Bay Avenue. The residents have understandable concerns, she said, with respect to traffic in the area, but that these traffic issues are outside the scope of the proposal. In regards to blasting, Ms. Roberts noted that, if the proposal proceeds, consideration will be given to options other than blasting and a pre-blast survey will be undertaken.

Gregory Damant, architect, provided a presentation to the Committee, comparing the revised application to the original proposal. Renderings of the original and revised building were also presented.

A discussion ensued with respect to the cantilevering design of the current proposal and the extent of the front setback. Ms. Burns noted that forward cantilevering can have an overhanging effect and that pulling back the upper floor could still provide for articulation in the design. Mr. Damant commented that the cantilevering in the current proposal is meant to create an outdoor space at the front of the building which will better connect to the streetscape. With respect to the front setback, differing views were expressed regarding the amount of space necessary, but it was noted that the frontage's landscaping and design should have a welcoming aspect to the streetscape.

Turning to the issue of on-site parking, the proponents responded to questions from the Committee noting that bicycle parking has been reduced in order to increase parking spaces, but that a secure bicycle parking space would still be available for each rental unit. It was noted that this change was meant as a compromise to address comments made by the public with respect to a need for more parking spaces.

Committee members made preliminary comments on the proposal, with some members expressing support for the rental housing element, the revised design, and the proponents' efforts to work with the neighbouring residents; however, concerns were also expressed with respect to the size and lot coverage of the proposed building, the small rear setback, and the reduction in bicycle storage to increase parking spaces.

A discussion ensued with respect to the impact additional traffic from the proposed building would have on Clive Drive. The Director of Engineering commented that, given the location of the proposed building near Oak Bay Avenue, he would not anticipate significant additional traffic on Clive Drive if appropriate signage was used to indicate that Clive Drive is a dead end street.

Mitchell Jacobson, Boulevard Transportation Group, confirmed that the traffic study for the proposal indicated an increase of 5 additional trips during peak periods, which would not add a noticeable delay to traffic on Clive Drive.

Comments were made by the proponents, Oak Bay staff and the Committee with respect to the proposed curb extension. Though it was noted that the curb extension can be preferable for pedestrians, Oak Bay staff noted that there may be changes in the design of Oak Bay Avenue which would make a curb extension at only this location problematic.

Angus Matthews, resident, noted that, at this point, he is speaking separately and not as a representative of the residents involved in the Clive consensus. Mr. Matthews commented that the Town of Sidney currently requires a ratio of 0.8 parking stalls to 1 residential unit for multi-family developments and that the District of Oak Bay should give consideration to a similar ratio for this proposal. There is a challenging trade off, he said, between the building's integration into the existing neighbourhood and the profitability for the developer. He stated that, though he supports the application as it is, he would like to see more attention paid to the proposal's impact on the residents to the north and to the east of the subject property. He concluded his remarks, noting that this building could be an asset to the community and that the Committee should work to ensure the best result is achieved.

Margaret Asch, resident, stated that she shares many of Mr. Matthews' views with respect to the proposal, but that she is concerned with respect the potential hub of congestion that will result from the building's entrance on Clive Drive, which is a street with no sidewalks and short sightlines. Ms. Asch commented that she is also concerned with the precedent that could be established by the proposal of locating a large apartment building directly beside a single family dwelling. She noted that this will have a significant impact on the immediate neighbours.

Glen Miles, resident, noted that his property is in close proximity to the proposed development and that he is concerned with the building mass, the amount of on-site parking and the location of the building's entrance. Mr. Miles stated that the proposed building is too large for the size of the lot and that the setbacks from both Clive Drive and Oak Bay Avenue are problematic.

Michael Asch, resident, stated that though it is difficult to make tradeoffs between important concerns, in his opinion, the building massing is causing greater concern than the amount of parking. Mr. Asch commented that the building massing needs to be considered in comparison to the surrounding buildings.

Committee members discussed what elements of the current application should be addressed by the proponents and staff, including a potential housing agreement to restrict the number of vehicles and ensure the building is used for rental housing. One member felt that an increase in parking should be contemplated, while other members emphasized revising the building massing.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That, prior to proceeding with the preparation of draft bylaws, the applicant be requested to either modify or further address issues raised in the May 9, 2013 report of the Director of Building and Planning and Hope Burns, Planner, and agreed to by the Committee, including: reorganizing the massing and increasing the setbacks of the building; considering on-site amenities and provision of parking on-site; and reviewing the concerns with streetscape, sidewalk design and tree planting to the satisfaction of the Engineering and Parks' Departments.

A discussion ensued with respect to the timing of the consultation between Oak Bay staff and the proponents. It was noted that, though the Committee wished the application to proceed in a timely fashion, members were concerned that the discussions not be further limited in scope. Ms. Burns commented that she has not yet had an opportunity to discuss the application directly with the proponents. In concluding the discussion, the Municipal Administrator stated that Oak Bay staff would bring forward the Committee's concerns with respect to the application and inform the Committee where no further resolution could be reached with the proponents, or where modification would be considered.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Ney

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

CARRIED

The meeting adjourned at 9:57 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