

MINUTES of a 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 Monday July 13, 2015, following a Special Council meeting at 7:00 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Deputy Treasurer, F. Pimentel
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

The Chair called the meeting to order at 7:41 p.m.

FINANCE ITEM(S):

1. ***Monthly Financial Report***
 - Report - Municipal Treasurer, Jul. 8, 2015
 - Rpt Attach - Statement, Capital, Investments, Prop. Taxes, Jun. 30, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Zhelka: That the monthly financial report of the Municipal Treasurer dated July 8, 2015 be received.

CARRIED

LAND USE APPLICATIONS

2. ***Heritage Revitalization Agreement (HRA) Application - 2414 San Carlos Avenue***
 - Report - Director of Building & Planning, Jul. 7, 2015
 - Rpt Attach 1 - Heritage Conservation Plan, Donald Luxton and Associates Inc., Feb. 6, 2015
 - Rpt Attach 2 - Heritage Revitalization Agreement
 - (Previously Circulated) Corresp. - Jun. 11 - 19, 2015 - 2414 San Carlos Avenue
 - (Previously Circulated) Corresp - Jun. 19 - 22, 2015 - 2414 San Carlos Avenue
 - Corresp - Jun. 23 - Jul. 9, 2015 - 2414 San Carlos Avenue
 - ADDENDA - Corresp. - Jul. 10 - 13, 2015 - 2414 San Carlos Avenue

The Director of Building and Planning provided an overview of the process to date with respect to the proposed Heritage Revitalization Agreement for 2414 San Carlos Avenue.

The Chair drew the Committee's attention to the response in the report to Council's request for further information regarding a pathway along 2414 San Carlos Avenue, noting that the report indicates that the applicant is not in support of reinstating the pathway.

It was also noted that, in close proximity to the subject property, a potential route is identified by the Oak Bay Active Transportation Strategy 2012 for a multi-use trail connecting the Bowker Creek Walkway and the community gardens to Beach Drive and that the Official Community Plan is supportive of developing interconnected pedestrian networks of this nature.

Ron Carter, Oak Bay resident, noted that providing a pathway that connects the Bowker Creek Walkway to Beach Drive would be an important community asset, but that clarification should be provided on the viability of such a pathway before the Committee chooses not to pursue a pathway along San Carlos Avenue.

Nancy Barnes, Oak Bay resident, commented that she is sad that the previously existing pathway along 2414 San Carlos Avenue has been closed and questioned whether it would be possible to reinstate this pathway by encroaching slightly on to the driveway.

Mary Langran, Oak Bay resident, noted that, although she understands the public support for the pathway, the applicant has identified the logistical issues with reinstating it and she is concerned that there could be costs to the Municipality.

The Director of Building and Planning responded to the comments by the public in regards to the reinstatement of the pathway. Mr. Thomassen noted that the Oak Bay Police Department has expressed safety concerns regarding the previously existing pathway, as noted in his report, and that routing a pathway through the community gardens, potentially to Shady Lane, could be less costly than reinstating the pathway along San Carlos Avenue, as it would run a shorter distance through private property.

Bill Patterson, Patio Court Developments, applicant, noted that reinstating the pathway would not be possible from his perspective, given the location of the existing heritage dwellings.

A discussion ensued on the issue of establishing a pathway, with the majority of Committee members noting that, although it is disappointing that there are logistical barriers to reinstating the pathway on San Carlos Avenue, the concept of a pathway or trail connecting the Bowker Creek walkway and the community gardens to Beach Drive is of interest to the public.

MOVED by Councillor Zhelka, seconded by Councillor Ney: That the establishment of a pathway connecting the community gardens to Beach Drive, potentially along Shady Lane, be referred to the next strategic priority session to be considered for inclusion in Council's 2016 Strategic Plan.

CARRIED

The Director of Building and Planning outlined the issues with respect to the current requirements in the proposed agreement for the completion of the conservation works on the subject property prior to final approval of the subdivision. Mr. Thomassen noted that the applicant would prefer to provide a letter of credit to cover the cost of the works instead of implementing the work prior to subdivision.

He concluded his remarks by noting that, although it is unlikely to be necessary, addressing any non-compliance through the applicant's preferred method could prove onerous for the Municipality.

Mr. Patterson commented that providing security through a letter of credit is common practice for developers and that this would allow him to undertake all of the heritage renovations on the Patio Court properties at the same time, noting that he is proceeding in good faith and has already begun restoration on the other four dwellings. The longer it takes to complete this process, he said, the greater the financial impact on his company.

Shari Klashinsky, Oak Bay resident, expressed concern regarding the current state of the landscaping along the Patio Court properties and the impact it is having on her property. She also spoke in support of a process that would allow the restoration work to be completed as quickly as possible.

Michelle Carr, Oak Bay resident, drew attention to her correspondence that was circulated with the agenda which outlines her concerns regarding the potential impact on her property. Ms. Carr noted that, although she had discussed her concerns with the applicant, the most recent plans she has seen do not address the issues she has raised.

Responding to questions from the public, the Municipal Clerk provided an overview of the Council consideration process with respect to a heritage revitalization agreement, commenting that notification to neighbouring residents would be provided if the agreement proceeds to the Public Hearing stage. Ms. Hilton noted that consideration of siting and design for a potential new dwelling would follow after subdivision approval and that any variances in that respect would be addressed through the typical process, including notification.

A discussion ensued with respect to amending the agreement to allow for a letter of credit, with the majority of the Committee indicating that this approach was supportable.

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That staff be directed to bring forward a Heritage Revitalization Agreement Bylaw in respect to 2414 San Carlos Avenue for formal consideration and setting of a Public Hearing date; and that the Heritage Revitalization Agreement be attached as Schedule "A" of the Bylaw, substantially in the form attached to the Director of Building and Planning's report dated July 7, 2015, but including an amendment to Section 11 to permit the Owner to provide a letter of credit as security for the required work in the agreement.

The Director of Building and Planning noted that the applicant has also requested that consideration be given to removing Section 15.2 (a) of the agreement. Mr. Thomassen clarified this clause related to an earlier version of the Zoning Bylaw and that keeping this clause would result in restrictions on dwelling size to require a smaller development than what is currently permitted under the Bylaw.

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That the motion be amended by adding the following to the end of the motion, "and the removal of Section 15.2 (a)".

CARRIED

The question on the main motion, as amended, was then called.

CARRIED

3. ***Uplands Building Permit (UBP) Application - 3035 Lansdowne Road***

- Report - Director of Building & Planning, Jul. 7, 2015
- Rpt Attach 1 - ADP Minutes, Jul. 7, 2015
- Rpt Attach 2 - Municipal Arborist's Memo, Jun. 29, 2015
- Rpt Attach 3 - Applicant's Letter, Keay, Jun. 15, 2015
- Plans - UBP - 3035 Lansdowne Rd, rcvd, Jun. 15, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Ney: That it be recommended to Council that the proposed plans for the construction of an addition onto the rear of the existing house and replacement of the existing wood deck with a concrete/stone terrace located at 3035 Lansdowne Road be approved as to siting and architectural design, as outlined in the July 7, 2015 report of the Director of Building and Planning.

CARRIED

4. ***Uplands Building Permit (UBP) & Development Variance Permit (DVP) Application - 2570 Nottingham Road***

- Report - Director of Building & Planning, Jul. 8, 2015
- Rpt Attach 1 - ADP Minutes, Jul. 7, 2015
- Rpt Attach 2 - Arborist's Memo, Jun. 29, 2015
- Rpt Attach 3 - Applicant's Letter, Kerr, Jun. 15, 2015
- Plans - DVP,UBP - 2570 Nottingham Rd, rcvd, Jun. 15, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That it be recommended to Council that the proposal to:

1. construct a kitchen addition and install skylights at 2570 Nottingham Road be approved as to architectural design and siting; and
2. construct a kitchen addition and reduce the required interior side lot line setback and total side lot line setback requirements at 2570 Nottingham Road be approved:

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 July 8, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

The applicant was in attendance to respond to questions.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

ADJOURNMENT:

5. *Motion to Adjourn*

MOVED by Councillor Braithwaite and seconded by Councillor Ney: That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 8:48 p.m.

Certified Correct

Municipal Clerk

Chair