

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, Victoria, B.C., on Tuesday February 19, 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 people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

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

STAFF: Interim Chief Administrative Officer, L. Varela  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, D. Hopkins  
Director of Financial Services, D. Carter  
Director of Building and Planning, B. Anderson  
Manager of Planning, D. Jensen  
Director of Engineering Services, D. Horan  
Director of Parks, Recreation and Culture, R. Herman

PARKS, RECREATION AND CULTURE ITEM(S):

1. ***Parks Recreation and Culture Commission Minutes***
  - Note - Director of Corporate Services - PRCComm Minutes Feb. 6, 2019
  - February 6, 2019 Minutes
  - Program Reports, Jan 2019
  - Purchase of Public Art , February 6, 2019
  - ArtsAlive Installations, 2019-2020
  - Letter to Commission, Matthews
  - Letter to Commission, Jackson
  - Letters to Commission Denny and Peet

The Director of Parks, Recreation and Culture provided a summary of the Commission's meeting minutes and the included recommendations.

In response to questions from Council staff said that an arts inventory for tracking accumulation of pieces and associated maintenance costs could be provided. It was noted that only the Arts Laureate has been involved with other layers of government in regards to the Sea Lore Sculpture project to date.

The Chair invited members of the public to address the Committee. Comments included concern that art installed for a year in the same location is not temporary art

and that there is insufficient room within the small community to appropriately display these pieces; installations at beaches ruin the view; and an installation at the Scented Park will impede wheel chair access and pose safety concerns. It was suggested that the District should dedicate a section within a large park to display art pieces on a rotating basis.

MOVED and seconded: That approval be granted for the 2019/2020 ArtsAlive Public Art Initiative to install ten temporary art works in the existing locations utilized in previous years' programs, as referred to in the staff report, all of which are on public land or in parks.

CARRIED

MOVED and seconded: That approval be granted for the 2019/2020 ArtsAlive Public Art Initiative Plan to install a temporary sculpture on the Esplanade at Willows Beach toward Cattle Point.

CARRIED

With Councillors Paterson and Zhelka opposed

MOVED and seconded: That approval be granted for the purchase and relocation of the "Salmon Cycle", as requested by the Public Art Advisory Committee, at a total cost of \$19,260 with funding to come from the Public Art Fund.

CARRIED

With Councillor Zhelka opposed

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks Recreation and Culture Commission held February 6, 2019 (subject to the aforementioned resolution) and the recommendations contained therein, be approved.

CARRIED

Mayor Murdoch noted that the date of the Acorn Arts Awards has now been rescheduled to April 4, 2019.

REGULATORY ITEM(S):

2. **Urban Wildlife Stewardship Society (UWSS) - Deer Management Study Update**
  - Memorandum - 2019 Progress Report - Black Tailed Deer Analyses
  - Report Attach. - UWSS 2019 Progress Report
  - Addenda - Presentation UWSS Black-Tailed Deer Distribution

Ms. Kristy Kilpatrick introduced the presentation and noted that the Province has issued the required permit to commence the immunocontraception program in Fall 2019. Ms. Kilpatrick noted that the immunocontraception project has received the endorsement of the Songhees First Nation as the most desirable method to control deer population.

Dr. Jason Fisher and Ms. Sandra Frey presented an update on the black-tailed deer population in the District of Oak Bay on behalf of the Urban Wildlife Stewardship Society.

Mayor Murdoch invited the public to provide comment. Discussion ensued including the initiation of a crowdsource fundraising campaign to supplement the District's budget to increase the number of deer to receive the immunocontraception; negative impacts on the community's streetscape as more fences are installed; inclusion of the economic impact and considerations for biodiversity in the project; unstable deer population because the municipal borders and there is a large population mass sitting just beyond the Oak Bay border which will require a longer-term commitment to have a noticeable impact on deer population; and a request for a review of the fencing regulations and provision of other options available to help residents preserve their gardens.

MOVED and seconded: That the presentation by the Urban Wildlife Stewardship Society regarding the Deer Management Study Update be received for information.

CARRIED

Appreciation was expressed to UWSS for volunteering their expertise, resources, and time to conducting this innovative research in Oak Bay.

#### LAND USE APPLICATIONS:

#### 3. ***Uplands Siting and Design Application (ADP00104) - 3395 Weald Road***

- Report - 3395 Weald Road (ADP00104)
- Plans 3395 Weald Road, February 7, 2019
- Arborist Memo, December 14, 2018 and February 11, 2019
- Addenda - Correspondence - 3395 Weald Road

The Manager of Planning provided an overview of the application. Ms. Jensen noted that the key components of the Advisory Design Panel discussion were included in the staff report.

The Mayor invited the applicants to respond to questions from Committee. The applicants said that an architect was involved in the transitional design with applied contemporary finishes, and that there were no heritage requirements affiliated with the project and all zoning requirements had been met. Mr. Whitney said that the outline of the existing house projects 18 feet outside of the current zoning regulations so the new home cannot be placed in the existing footprint. He commented that the south fence was replaced by a retaining wall with a planted hedge to soften the appearance from the street. Mr. Whitney added that applicants are encouraged not to request variances for new houses. The applicants said that they conducted public consultation early in the project and received positive verbal support and that the concerns raised by a neighbour on Weald Road had been accommodated in the revised design. Mr. Prewall stated that adjustments to the garage doors would result in increased tree loss. Mr. Whitney commented that the windows were strengthened by incorporating

metal clad wood and that they are higher end windows.

In response to questions from Committee, the Manager of Planning said that Oak Bay does not retain surveys on file and that individuals would be responsible to engage a professional land surveyor for accurate provision of information. She said that the registered Right of Way on the east property line is for utilities.

The Chair invited input from the public. Comments in opposition to the project proposal included concern over the replacement of old neighbourhood homes with large houses; significant impact on a long-term neighbourhood resident; questions about involvement of an architect; perceived lack of consideration of dynamic context considered in the design; removal of an iconic Garry oak tree; lack of public consultation; suggestion to scale the house back, respect the context of the neighbourhood, minimize tree loss and to use the current building footprint; that building one building at a time disrupts the Olmstead vision; and that an overarching development guideline needs to be established to preserve the heritage context of the area.

The applicants said that trees removed will be replaced to help preserve the park-like setting. The peak of the roof is similar to the height of the neighbouring house, the second story portion of the home exceeds the required setbacks and the design contains a simplicity that appeals to the owner and was generally supported by surrounding neighbours.

Ms. Jensen noted that it is the applicant's responsibility to work with the BC Archeological Branch concerning excavation on the site and that they would be required to report any findings during construction.

Mr. Whitney stated that there is no storm system in place on the street but that provisions are to be included so the property can connect to a system in the future. He said the proposed fencing will be a small metal picket so the backyard will be visible from both streets, that the new house is set back 17 metres from Weald Road and that the contemporary design is a result of the requirement that every house within 500 metres in the Uplands must be unique.

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling at 3395 Weald Road, as outlined in the February 12, 2019 report for ADP00104 be referred back to staff.

CARRIED

With Councillors Ney and Paterson opposed

MOVED and seconded: That the meeting be extended until 11:00 p.m.

CARRIED

4. **Development Permit Application (DP000023) - 1266 Newport Avenue**

- Report - 1266 Newport Avenue (DP000023)
- Site Plan and Elevations, November 27, 2018
- Arborist Memo, February 11, 2019
- Draft Development Permit DP000023

The Manager of Planning gave a brief summary of the application.

In response to questions from Committee, Adam Cooper of Envision Properties said that EV Charging Stations are not included in the proposed application. The Manager of Planning said that the staff report includes the guidelines and then indicates how the applicant has responded to it.

Mayor Murdoch called for public input on this application. Concerns were expressed over the retention of affordable rental stock within the District and whether the proposed improvements proposed in this application would result in the completed units being offered at increased rental rates.

MOVED and seconded: That it be recommended to Council that the proposal to undertake exterior alterations to the existing building at 1266 Newport Avenue be approved subject to the issuance of Development Permit DP000023.

CARRIED

5. **The Prospect Heritage Conservation Area Proposed Guidelines**

- Report - Prospect Heritage Conservation Area
- The Prospect HCA Proposed Guidelines - Revised
- Correspondence - Prospect HCA
- Addenda - Correspondence - Prospect HCA
- Past Correspondence- Prospect HCA Jan 28 Council Meeting

The Director of Building and Planning introduced the report and outlined the next steps in the process for the proposed Heritage Conservation Area (HCA) guidelines.

In response to questions from Committee the Director of Building and Planning said that the anticipated timeline for the process would be within six months which includes a review by three of Council's advisory bodies. An Official Community Plan (OCP) bylaw amendment would be drafted and brought to Council for consideration and then a Public Hearing would be held to receive public feedback on the proposed inclusion of the Prospect Heritage Conservation Area Guidelines in the OCP.

The Chair called for public input. Discussion followed regarding the six month proposed implementation time frame and whether a moratorium could be implemented on demolition applications to prevent something that is not in the spirit of the HCA from occurring during this review process. It was suggested that both scheduled and non-scheduled properties be considered by Council and the Heritage Commission to reduce arising conflict within the community. Members of the public in favour of including the proposed guidelines in the OCP suggested that the Uplands become a

heritage conservation area in the future; that the name should be changed to the Prospect-York Place Heritage Conservation Area; a fulsome discussion of this matter would be welcomed by the Heritage Commission; and suggestion that Oak Bay brand itself in the future as a Heritage Conservation Area District.

In response to Committee questions the Director of Building and Planning said that once a more developed draft was in place that an information session could be held and that staff could bring back information for Council's consideration on implementing a temporary moratorium on demolitions within the proposed heritage conservation area.

MOVED and seconded: That staff be directed to bring forward information on a process for implementing a moratorium on demolition applications within the Prospect Heritage Conservation Area for Council's consideration.

CARRIED

MOVED and seconded: That Council direct staff to prepare the amendment to the Official Community Plan to include the Prospect Heritage Conservation Area Guidelines.

CARRIED

ADJOURNMENT:

6. ***Motion to adjourn***

MOVED and seconded: That the meeting be adjourned.

The meeting adjourned at 10:29 p.m.

Certified Correct:

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Chair

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Deputy Director of Corporate Services