

REPORT of a PUBLIC HEARING 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 February 26, 2018 at 6:00 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 N. Jensen, Chair  
Councillor H. Braithwaite  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney  
Councillor E. Zhelka

ABSENT: Councillor T. Croft

STAFF: Acting Chief Administrative Officer, D. Carter  
Director of Corporate Services, W. Jones  
Acting Director of Building and Planning, D. Jensen  
Acting Deputy Director of Corporate Services, S. Santarossa

CALL TO ORDER:

The Mayor called the meeting to order at 6:05 PM and provided opening remarks with respect to the conduct of a Public Hearing.

BYLAWS TO BE CONSIDERED – NO. 4703 & 4704:

1. ***Description of the Purpose of Bylaw Nos. 4703 and 4704***
  - Bylaw No. 4703, 960 Foul Bay Road Heritage Designation Bylaw, 2018
  - Bylaw No. 4704, 960 Foul Bay Road Heritage Revitalization Agreement
  - Bylaw No. 4704, 960 Foul Bay Road Heritage Revitalization Agreement - Schedule 1
  - Bylaw No. 4704, 960 Foul Bay Road Heritage Revitalization Agreement - Schedule 2
  - Bylaw No. 4704, 960 Foul Bay Road Heritage Revitalization Agreement - Schedule 3
  - Bylaw No. 4704, 960 Foul Bay Road Heritage Revitalization Agreement - Schedules 4 to 6

The Acting Director of Building and Planning provided an overview of Bylaw No. 4703 being a bylaw to consider a heritage designation for 960 Foul Bay Road. She noted that the existing house, the Lawson residence, was designed by Samuel Maclure and constructed in 1914. The house is characteristic of an Edwardian Tudor Revival style.

The Acting Director of Building and Planning also noted that this process to designate this house is running concurrently with Bylaw No. 4704 being a bylaw to enter into a heritage revitalization agreement for this same property. This agreement would move and retain the house at the northeast corner of the site and require exterior restoration and maintenance of the house. The bylaw would also facilitate a four lot subdivision of the entire site, with one single

family dwelling located on each proposed lot. Zoning Bylaw requirements would also be relaxed for minimum parcel sizes for three of the lots and heights, rear lot line setback, floor area ration, paved surface and parking requirements for the existing house on proposed Lot 3.

2. ***Written submissions for Bylaw No. 4703 and 4704 received prior to February 13, 2018 and distributed prior to Public Hearing to be received.***

- Excerpt - Council February 13, 2018
- Feb. 13, 2018 Council Report - Acting Director of Building and Planning, Feb. 6, 2018
- Corresp. - HRA HAD HAP 960 Foul Bay Road - Cornock, Feb. 11, 2018
- Plans HRA HAD HAP - 960 Foul Bay Road, Jan. 31, 2018
- Draft Heritage Alteration Permit HAP00010
- Excerpt - Council December 11, 2017
- Excerpt - Committee of the Whole December 11, 2017
- Dec. 11, 2017 Council Memorandum - Acting Director of Building and Planning, Dec. 5, 2017
- Presentation Applicant - 960 Foul Bay Road, received Dec. 8, 2017
- Plans - HRA - 960 Foul Bay Road, Dec. 5, 2017
- Excerpt - Committee of the Whole September 18, 2017
- Sep. 18, 2017 Committee of the Whole Report - Acting Director of Building and Planning, Sept. 1, 2017
- Site Plan - 960 Foul Bay Road, Sep. 5, 2017
- Heritage and Home and Elevations - 960 Foul Bay, Sep. 5, 2017
- Statement of Significance - 960 Foul Bay Rd, Feb. 2017
- Conservation Plan - Donald Luxton, 960 Foul Bay Road, Apr. 2017
- Talbot Tree Report - 960 Foul Bay Road, Feb. 24, 2017
- Corresp. - HRA HAD HAP 960 Foul By Road - Armitage, Dec. 18, 2017
- Sep. 18 COW Memo - Municipal Arborist, Nov. 7, 2016
- Corresp. - 960 Foul Bay Road, Sept. 15, 2017
- Corresp. 960 Foul Bay Road, Nov. 14, 2016 to Sep. 13, 2017

MOVED and seconded: That the written submissions received prior to February 13, 2018 and distributed prior to the public hearing as attached to Agenda Item 2 be received.

CARRIED

3. ***Written Submissions to February 26, 2018 Public Hearing for Bylaws No. 4703 and 4704 not previously distributed prior to Council members to be received.***

- Addenda - Note - Director of Corporate Services - Bylaw No. 4703, 960 Foul Bay Road
- Presentation Applicant - 960 Foul Bay Road, received Feb. 22, 2018

MOVED and seconded: That the written submissions received after February 13, 2018 and not previously distributed prior to the public hearing as attached to Agenda Item 3 be received.

CARRIED

4. ***Reading of New Correspondence***

The Director of Corporate Services advised that no further correspondence pertaining to the Public Hearing for Bylaws No. 4697 and No. 4698 had been received.

5. ***Invite persons deeming their interest in property affected by Bylaw No. 4703 and 4704 to come forward.***

The Mayor invited the applicant, Stacey Dewhurst, Dewhurst Developments, to present his application.

S. Dewhurst, the applicant, provided a PowerPoint presentation noting that his company has been retaining and restoring heritage properties in Victoria for the past 25 years. He provided an overview of the existing house known as the Lawson residence located at 960 Foul Bay Road noting that his application proposes to save, restore and register the Lawson residence as a heritage property and subdivide the lot to add three single family residence homes. S. Dewhurst noted the 37 page Heritage Conservation Plan that was prepared by Don Luxton explaining the heritage nature of the property.

S. Dewhurst advised the original plan proposed the creation of four additional lots and to relocate the existing house to the front of the property. In response to concerns expressed about too much density, the number of additional lots was reduced to three and the Lawson residence is to be placed on a larger lot resulting in a much less dense site overall. He stated that only one tree is risk and that much of the green space will be preserved noting that an aerial of the property shows more greenspace and less density than surrounding homes and properties.

S. Dewhurst identified the properties in his presentation that are in support of the proposal and indicated that he tried repeatedly to contact other surrounding neighbours. Some of the concerns expressed by surrounding neighbours and property owners included the lack of sunlight and privacy. Changes were made to the proposal to increase side yard setbacks, ensure no rooms were overlooking adjacent homes, locate the driveway as far away from neighbouring homes as possible and, increase on-street parking. Other community amenities associated with the proposal include:

- Registration and designation of the mansion (Lawson residence)
- Restoration of the exterior including landscaping
- New sidewalk, curb and gutter
- New landscaped boulevard
- Park bench
- Cairn and plaque
- New trees to comply with canopy bylaw
- Storm sewer and water upgrades at developer's cost

S. Dewhurst stated this is a legacy project for the District and Dewhurst Developments.

Mayor Jensen asked if any members of the public would like to come forward to speak on Bylaws No. 4703 and No. 4704.

Lorne Sivertson, Oak Bay resident, appeared to speak in support of the proposal. As an adjacent neighbour he first appeared at Council in September 2017 to express general support for the proposal and some concerns. L. Sivertson noted that he has met with the applicant on many occasions and the proposal has been revised to address these concerns including: space and siting of the restored house, reduction in additional lots from four to three, expanded sideyard setbacks, on-street parking provisions, landscaped boulevard and no plans for secondary suites in the new single family residence homes. L. Sivertson stated he submitted a letter of non-objection on July 11, 2017 and that he supports the bylaws and trusts they will be enforced.

Wendy Cornock, Oak Bay resident, appeared to express concerns about the proposed development. W. Cornock noted that she and her husband live next door to 960 Foul Bay Road and proposed Lot 1. While she appreciates that changes made to the proposal she expressed concerns about the relaxation of parking and the covered parking spaces. W. Cornock noted that Brighton Crescent is a narrow road and only one block in length making on-street parking difficult. She questioned where residents of the new development will park and requested Council reduce the number of parking spaces from 11 to 5.

W. Cornock also asked whether consideration was given for a strata or condos for the two secondary suites proposed for the Lawson residence. She also noted that the proposal includes a relaxation of the minimum lot size allowing for houses of approximately 3600 ft<sup>2</sup> versus 2400 ft<sup>2</sup>; the size of houses typically found in the neighbourhood. W. Cornock stated that with the expressed desire of seniors in the community wishing to stay in Oak Bay in smaller homes, this is an opportunity for Council to look at the Official Community Plan and determine if houses of this size are needed.

W. Cornock also stated that while she appreciates the attempts of the applicant to eliminate shading and overshadowing on her property, her current view from the backside of her house will be altered. She requested that the house be moved back a little bit on the lot so that her view is not entirely altered. W. Cornock submitted a photo of her current view that is attached hereto and forms a part of this report.

The Mayor invited the applicant to respond to concerns expressed by the speakers.

S. Dewhurst noted that he met with W. Cornock and her husband a number of times and efforts have been made to accommodate the concerns expressed including conducting a sun/shade study.

The Mayor then asked two more times for public input. No one came forward.

ADJOURNMENT:

6. ***Motion to Adjourn.***

MOVED and seconded: That the public hearing be adjourned.

CARRIED

The public hearing adjourned at 6:38 PM.

Certified Fair and Accurate:

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Chair

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Director of Corporate Services