

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 Monday July 11, 2016 at 7:00 PM.

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

STAFF: Chief Administrative Officer, H. Koning
Director of Corporate Services, W. Jones
Deputy Director of Corporate Services, M. Jones
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Horan

ENGINEERING SERVICES ITEM(S):

1. ***Request to Amend Commercial Loading Zone - 1455 Hampshire Road***
 - Report - Director of Engineering Services, Jul. 11, 2016
 - Corresp. - Mr. Dew-Jones Letter to Mayor and Council, Dec. 22, 2015

The Director of Engineering Services provided an overview of his report.

Mr. Dew-Jones, having sent his regrets, was not in attendance.

In response to a question from the Committee, Mr. Horan outlined the options for those with mobility challenges to access the business at 1455 Hampshire Road, stating that changing this zone would require review of the commercial parking options available in the village overall.

MOVED and seconded: That it be recommended to Council that no changes be made to the existing commercial loading zone in front of 1455 Hampshire Road.

CARRIED

2. ***Request for 2nd Driveway - 2527 Nottingham Road***
 - Report - Director of Engineering Services, Jul. 11, 2016
 - Rpt. Attach. 1 - Photos of 2527 Nottingham Rd, Jun. 30, 2016
 - Rpt. Attach. 2 - Second Driveway Plans, Original & Proposed - 2527 Nottingham Rd, Jun. 29, 2016
 - Rpt. Attach. 3 - Corresp. - Mr. Nelsen - 2527 Nottingham Rd, May 6, 2016
 - ADDENDA - Corresp. - Jul. 8 to Jul. 11, 2016 - 2527 Nottingham Rd.

The Director of Engineering Services provided an overview of his report.

Reg Nelsen, applicant and owner of 2527 Nottingham Road, provided an overview of his request for a second driveway as outlined in his correspondence dated May 6, 2016.

Discussion ensued with respect to the permit and inspection process, during which some members of the Committee indicated concern that the work had proceeded out of keeping with the approved plans. Mr. Nelsen advised that his builder was not able to attend this evening due to an injury but that the builder had commented that he had needed to proceed with the project and that staff did not attend the property as scheduled. Mr. Horan outlined the permit timelines and staff actions as described in his report.

Discussion then turned to other properties which have been granted permission for a second driveway. Mr. Nelsen commented that some of these properties had other configurations which could have been used, but it was noted by Committee members that these second driveway accesses were granted due to safety concerns.

In response to comments from the Committee, Mr. Nelsen stated that in his estimation there would be less hard surfacing as a result of his proposal.

In concluding Committee discussion, some members expressed the importance of ensuring that bylaws are adhered to, out of fairness to other residents, and noted the value of maintaining a common look and feel for parcel frontages in Oak Bay, while another member questioned if it is worth requiring the applicant to comply with the original driveway plans, given the resulting disruption to the property and the neighbourhood.

MOVED and seconded: That it be recommended to Council that the application for a second driveway on Dorset Road for the property at 2527 Nottingham Road be denied.

CARRIED
Councillors Kirby and Murdoch against the motion

LAND USE APPLICATIONS:

The Planner, Deborah Jensen, in attendance for the Land Use Application section.

3. ***Covenant (COV) Amendment Application - 2280 Estevan Avenue***
 - Report- Planner, Jul. 5, 2016
 - Plans - COV - 2280 Estevan Ave, Jul. 6, 2016
 - Rpt. Attach. 2 - Approved Duplex Design

The Planner provided an overview of her report.

Carl Peterson, speaking on behalf of the proposal, noted that the application to relocate the garage between the two units did not change the calculations for the building, with the exception of locating one unit closer to the side lot setback.

In response to questions from the Committee, Mr. Peterson explained his rationale for the proposed design, commenting that it creates a better use of green space and reduces the impact on the neighbouring property to the north, while improving basement access for future residents.

The Planner responded to questions from the Committee with respect to the proposed design, in comparison to the requirements for an RS-5 zone.

A member of the Committee expressed concern regarding the proposed design and the appearance of the duplex from the street.

MOVED and seconded: That it be recommended to Council that the proposed covenant amendment to revise the design and construct a duplex at 2280 Estevan Avenue, as outlined in the July 5, 2016 report for COV00001 be approved as to architectural design and siting.

CARRIED

Councillor Zhelka against the motion

4. ***Uplands Siting and Design (USD) Application - 3290 Norfolk Road***

- Report - Planner, Jul. 5, 2016
- Plans - USD - 3290 Norfolk Rd, Jul 5, 2016

The Planner provided an overview of her report.

In response to questions from the Committee, the Director of Building and Planning provided an update with respect to staff's concerns regarding the impact of expanding the driveway on an Oak tree. Mr. Thomassen also noted that there have been some concerns not yet addressed with existing construction activity.

Adia Mavrikos, applicant, commented that her understanding was that the same tree protection work required for the already approved design would be in effect for the proposed driveway expansion and that the contractor had been in contact with the District arborist.

MOVED and seconded: That it be recommended to Council that the proposal to modify the design of doors and windows of a home at 3290 Norfolk Road, as outlined in the July 5, 2016 report for ADP00052 be approved as to architectural design and siting.

In response to Committee discussion with respect to concerns regarding appropriate tree protection activities on the subject property, the Director of Building and Planning commented that the attendance of an arborist on site was a requirement for the proposed driveway expansion.

The question was then called.

CARRIED

5. ***Uplands Siting and Design (USD) Application - 3280 Weald Road***

- Report - Planner, Jul. 5, 2016
- Plans - USD - 3280 Weald Rd, Jul 5, 2016
- Corresp. - up to Jul. 8, 2016 - 3280 Weald Rd
- ADDENDA - Corresp. - Jul. 8 to Jul. 11, 2016 - 3280 Weald Rd.

The Planner provided an overview of her report.

Ms Jensen also responded to questions from the Committee with respect to the Uplands Regulations Bylaw, the Uplands Design Guidelines and the processes of the Advisory Design Panel. In regards to the application, Ms. Jensen noted that, subsequent to changes in the proposal after it was initially reviewed at the June meeting, the Panel felt the proposal substantially met the guidelines.

Mark Whitney representing the application, commented on the response to the proposal at the Panel, noting that massing was not flagged as a concern and that siting was seen as appropriate. He commented that the side yard setbacks are larger than required and that the fencing originally included in the proposal had been removed in order to address concerns regarding the “park-like setting” element in the guidelines.

Anup Grewal, representing the application, stated that the square footage of the proposal was reduced, with the intention of responding to concerns from the Panel and neighbouring residents.

Erik Bentzon, Oak Bay resident, commented that he was before the Committee representing 14 other households also impacted by the proposal. Mr. Bentzon then reviewed his remarks to the Committee as outlined in his correspondence as appended to the agenda. He concluded his comments by noting that the primary concern is that the design as currently proposed is not appropriate for Weald Road.

In response to Mr. Bentzon’s comments, Mr. Grewal stated that as no calculations were provided on the images included in Mr. Bentzon’s presentation, it was difficult to discuss their accuracy.

With respect to comparing the proposal to existing dwellings on Weald Road, Mr. Whitney noted that other dwellings on the streets are of older stock and are likely to increase in scale and size as they are redeveloped.

Norman Wale, Oak Bay resident, spoke against the application, as outlined in his correspondence appended to the agenda, stating that it was too large for Weald Road and that it doesn’t meet the front setback of the adjacent dwellings, which, in his estimation diminishes the park-like setting of the street. Mr. Wale also expressed concern regarding the Panel’s processes and recommendation. He concluded his remarks by stating that he requested that the Committee require the proponent to match the front setback of adjacent dwellings, reduce the size of the proposed dwellings and overall expand greater effort to meet the Uplands guidelines.

Bill Keech, owner, stated that he and his wife purchased this home and developed it in good faith, in keeping with the zoning requirements and guidelines. He emphasized the importance of advising potential buyers of regulations in the Municipality and noted that other properties on Weald Road will change as time passes. Mr. Keech commented that, although he is more than willing to discuss constructive criticism, he is angered and frustrated by the prejudice he and his wife have experienced from a small number of local residents. He asked that, if the application is rejected, the Committee is clear on what issues need to be addressed.

Rod Couvelier, Oak Bay resident, commented that it was important for purchasers of properties in the Uplands that the guidelines be upheld. He also stated that, if the massing of the proposal was not represented correctly by Mr. Bentzon that the applicant should take the opportunity to provide a correct depiction of the massing at a future meeting.

Committee discussion ensued with members noting that the issue of the maximum size of dwellings in the Uplands does need to be addressed, given that expectations are at odds with the maximum allowed under the Zoning Bylaw. The unique nature of the Oak Bay Special Powers Act and the importance and value of neighbourhood consultation were also noted.

MOVED and seconded: That the application for an uplands building permit for 3280 Weald Road be referred back to the Advisory Design Panel and staff for consideration with respect to the comments from the July 11, 2016 Committee of the Whole meeting.

It was the consensus of the Committee that following comments be provided to the Panel and staff.

That with respect to the proposal for 3280 Weald Road, reconsideration be given to the following:

1. The proposed front setback, to be in keeping with the rhythm and scale of development on Weald Road;
2. The sensitivity of the proposed massing with respect to the existing dwellings; and
3. Inclusion in the proposal of a streetscape view comparing the application to neighbouring properties.

The question was then called.

CARRIED

6. ***Development Variance Permit (DVP) & Architectural Siting and Design Application - 1705 Monteith Street***

- Report - Planner, Jul. 5, 2016
- Plans - DVP - 1705 Monteith St, Jul. 6, 2016

The Planner provided an overview of her report.

Bill Patterson, applicant, in attendance for this item.

MOVED and seconded: That it be recommended to Council that the proposal to:

- a) construct a principal building at 1705 Monteith Street be approved as to architectural design and siting; and
- b) increase the maximum permitted building height and relax the minimum front lot line setback for the principal building at 1705 Monteith Street 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 5, 2016 report for DVP00048, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

7. ***Development Variance Permit (DVP) Application - 2215 Dalhousie Street***

- Report - Planner, Jul. 5, 2016
- Plans - DVP - 2215 Dalhousie St, May 10, 2016

Councillor Kirby declared a conflict inasmuch as she is an owner of the subject property, 2215 Dalhousie Street, and left the meeting at 9:26 PM.

The Planner provided an overview of her report.

Nigel Banks, Banks Design, and Len Kirby, owner, responded to questions with respect to the date of 1948 for the original building plans on file for this property.

MOVED and seconded: That it be recommended to Council that the proposal to:

- a) remove the covered parking requirement and allow for only one parking space on the site; and
 - b) reduce the minimum setback for side lot lines to allow for construction of a deck
- at 2215 Dalhousie Street 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 5, 2016 report for DVP00045, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

Councillor Kirby returned to the meeting at 9:33 PM.

8. ***Development Permit (DP), Heritage Alteration Permit (HAP) & Land Use Contract Discharge (ZON) Application - 1701 Beach Drive***

- Report - Planner, Jul. 5, 2016
- Plans - DP HAP ZON - 1701 Beach Dr, Jun. 24, 2016
- Rpt. Attach. 2 - Environmental Plan, Murdoch, May 16, 2016
- Rpt. Attach. 3 - Applicant Letter, Rowe, Jun. 27, 2016
- Rpt. Attach. 4 - Statement of Significance
- Rpt. Attach. 5a - Land Use Contract 3219
- Rpt. Attach. 5b - Land Use Contract 3219 - Schedules
- Rpt. Attach. 5c - Land Use Contract 3059
- ADDENDA - Presentation - Applicant - 1701 Beach Dr. - 1 of 5 - Site Photos
- ADDENDA - Presentation - Applicant - 1701 Beach Dr. - 2 of 5 - Development Plan
- ADDENDA - Presentation - Applicant - 1701 Beach Dr. - 3 of 5 - Accessory Buildings
- ADDENDA - Presentation - Applicant - 1701 Beach Dr. - 4 of 5 - Variances and Shoreline DPA
- ADDENDA - Presentation - Applicant - 1701 Beach Dr. - 5 of 5 - Heritage and Traffic

The Planner provided an overview of her report.

Chris Denford, Board Chair of the Glen Lyon Norfolk School Society, introduced the proposed development, outlining the process taken to date and the overall goals of the project. Mr. Denford also spoke to the amendments to the proposal made in response to commentary from both the Heritage Commission and the Advisory Design Panel.

He stated that, with respect to the Advisory Planning Commission's concerns regarding the use of artificial turf in a portion of the Shoreline Development Permit Area (DPA) on site, consideration could be given to amending the proposal to use exclusively grass if the Committee felt this was an impediment to the project proceeding; however, Mr. Denford, commented, the use of artificial turf would be beneficial for the operation of the school to allow for an all-weather outdoor play space. He concluded his remarks by noting that the proposed timeline for construction is the summer of 2017.

Christopher Rowe, Architect, made a presentation to the Committee on the proposal, as provided on the agenda. He then responded to comments and questions from the Committee, clarifying: elements of the proposed site design; the layout and use of the driveway; the proposed phased construction; the analysis undertaken on existing transportation methods for the school; the archaeological review of the site and process for consultation with local First Nations; on site stormwater retention methods. Mr. Rowe also noted that the type of artificial turf proposed for use on site is permeable with a non-toxic substrate.

Committee discussion turned to the question of the proposed use of artificial turf in portions of the Shoreline DPA. The Planner noted that commentary at the Advisory Planning Commission was with respect to the importance and value of the Shoreline DPA and that a redevelopment was a good opportunity to give consideration to regeneration of the natural area. Ms. Jensen commented that as a school, the regeneration of natural areas could prove a unique educational opportunity. A referral back to staff in this regard, she said, could allow for further explorations with respect to alternate materials or activities within the Shoreline DPA.

Speaking to the question of the use of artificial turf, Mr. Rowe commented that the proposed development already has significant improvements proposed for the Shoreline DPA and that play areas are also needed on this congested site. He also raised concerns that a more extensive natural planting scheme could change the context in which the heritage Rattenbury dwelling is located.

It was the consensus of the Committee to continue the meeting past 10:30 PM.

In response to questions from the Committee, the Deputy Director of Corporate Services outlined the potential Council process with respect to options 1 and 2 as described in the Planner's report.

Members of the Committee spoke in support of the proposal, noting that in the balance of the other proposed improvements to the site and given the heritage context of the site, the proposed use of artificial turf is supportable in principle.

MOVED and seconded: That it be recommended to Council to consider the proposal to undertake redevelopment of Glenlyon Norfolk School at 1701 Beach Drive, and direct staff to bring forward a draft bylaw to discharge the applicable land use contracts.

CARRIED

ADJOURNMENT:

9. *Motion to adjourn*

MOVED and seconded: That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 10:35 PM.

Certified Correct:

Chair

Director of Corporate Services