

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 October 19, 2015 at 7:00 PM.

PRESENT: Councillor H. Braithwaite, Chair
Mayor N. Jensen
Councillor T. Croft
Councillor K. Murdoch
Councillor E. W. Zhelka

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

PARKS AND RECREATION ITEM(S)

1. ***Parks and Recreation Commission Minutes***
 - Note - Municipal Clerk - P&RComm Minutes, Sep 9 and Oct 7, 2015
 - Minutes - Oak Bay Parks & Recreation Commission, Sep 9, 2015
 - Rpt Attach 1 - Program Reports Summer 2015
 - ADDENDA Revised Minutes - Oak Bay Parks & Recreation Commission, Oct. 7, 2015
 - Minutes - Oak Bay Parks & Recreation Commission, Oct 7, 2015
 - Rpt Attach 1 - Program Reports Sep 2015
 - Rpt Attach 2 - Finance Summary Aug 2015

Janet Barclay, Manager of Recreation Services, and Sandi Piercy, Parks and Recreation Commission Chair, in attendance for this item.

MOVED by Councillor Murdoch, seconded by Councillor Croft: That the minutes of the meetings of the Oak Bay Parks and Recreation Commission held on September 9 and October 7, 2015, and the recommendations contained therein, be adopted.

CARRIED

FINANCE ITEM(S):

2. ***Monthly Financial Report***
 - Report - Municipal Treasurer, Oct 10, 2015
 - Rpt Attach - Statement, Capital, Investments, Prop. Taxes, Sep 2015

MOVED by Councillor Murdoch, seconded by Councillor Croft: That the monthly financial report of the Municipal Treasurer dated October 10, 2015 be received for information.

CARRIED

PUBLIC WORKS ITEM(S):

3. ***Intersection Traffic Study at Musgrave Street and Estevan Avenue***

- Report - Director of Engineering Services, Oct 13, 2015
- Rpt Attach 1 - Estevan and Musgrave Village Recommended Treatment Options
- Rpt Attach 2 - Estevan & Musgrave Traffic Safety and Operational Review

The Director of Engineering Services provided an overview of his report, describing the safety issues with the current configuration of the intersection at Musgrave Street and Estevan Avenue. Mr. Marshall also provided an overview of the proposed short and medium term solutions to these traffic concerns.

In response to questions from the Committee, Mr. Marshall provided clarification with respect to configuration and mitigation options, including a 5 way stop and a roundabout, that were considered but not supported by the Traffic Safety and Operation Review report, due to additional safety concerns and/or associated cost.

A discussion ensued in which Committee members commented on the traffic issues at the intersection and the proposed solutions. Although Committee members were supportive of most of the short and medium term solutions proposed in the report, concerns were raised with respect to the impact of the potential loss of up to two parking stalls. Support was expressed for addressing the sightline issues arising from placement of newspaper boxes.

In response to a suggestion from the Committee, Mr. Marshall confirmed that consideration could be given to relocating the existing handicapped parking stall on Estevan Avenue to the southeast corner of the street, in order to reconfigure the parking so as to address the safety concern without reducing the cumulative parking available in the village.

Susan Ryan, Oak Bay resident, expressed concern regarding the recommendations in the report, particularly with respect to the potential loss of parking stalls in the Estevan Village area, noting that parking is already a major concern for residents. She also expressed concern regarding the expense of including bicycle stalls, when those already provided are not fully utilized and questioned the consultation undertaken with residents regarding the proposal.

Rob Jennings, Jennings Florist, also expressed concerns regarding the potential loss of parking stalls, commenting that there has been an increase in restaurant seats in Estevan Village without an associated increase in parking. Mr. Jennings noted that the adjacent apartment buildings may not have sufficient parking for their residents. He too stated that the bicycle stalls are not fully utilized. He commented that the consultation undertaken to date with the businesses in the village is insufficient.

Mayor Jensen entered the meeting at 7:34 PM.

Committee discussion turned to the question of how to address the concerns raised regarding parking in Estevan Village and the potential impact the proposed revisions to the intersection could have on this issue. In response to the Committee, the Director of Engineering Services clarified that the intent of the recommendations in his report is to address current safety issues at that location and that the funding provided by ICBC was specifically for this purpose.

He commented that delay in this project beyond this year could impact that funding; however, he noted, a targeted consultation with immediately adjacent businesses could be undertaken to discuss minor potential revisions to the intersection revisions in order to retain parking where possible.

MOVED by Councillor Murdoch, seconded by Councillor Croft: That it be recommended to Council that:

1. The short and medium term improvements to the intersection of Estevan Avenue and Musgrave Street, as described in Attachment 1 to the October 13, 2015 report of the Director of Engineering Services, be endorsed in principle, subject to potential minor amendments to be brought forward following consultation with representatives of the adjacent businesses in Estevan Village; and
2. \$15,400 of the funding for this project to come from the Traffic Calming budget.

CARRIED

LAND USE APPLICATIONS

4. ***Uplands Building Permit (UBP) Application & Development Variance Permit (DVP) Application - 3290 Norfolk Road***
 - Report - Director of Building & Planning, Oct 9, 2015
 - Rpt Attach 1 - Applicant's Letter, Mavrikos, Sep 3, 2015
 - Rpt Attach 2 - ADP Minutes, Sep 1, 2015
 - Rpt Attach 3 - Arborist Report, Talbot, Oct 5, 2015
 - Rpt Attach 4 - Arborist's Memo, Oct 9, 2015
 - Plans - DVP UBP - 3290 Norfolk Rd, Sep 3, 2015

Deborah Jensen, Planner, in attendance for this item.

The Director of Building and Planning provided an overview of his report.

Gerry Troesch, Gerry Troesch Design, and the owners, Adia and Elias Mavrikos, were in attendance representing the application.

Gerry Troesch, Gerry Troesch Design, responded to questions from the Committee with respect to the requested variance, noting that the intention of the variances for building height and roof height was to improve the aesthetic appeal of the house by allowing ceilings of a certain height and to ensure that the width and height of the proposed building were proportional. Mr. Troesch noted that the proposed dormers also helped to break up the roofline.

Committee discussion ensued in which members expressed concern for the proposed variances with respect to building height and roof height, noting that as this was for a new dwelling the expectation would be that the house would be designed to comply with existing bylaws, unless there was some sort of hardship involved or benefit to providing a variance, neither of which were identified for this proposal.

MOVED by Councillor Murdoch, seconded by Councillor Zhelka: That it be recommended to Council that the application for an Uplands Building Permit and Development Variance Permit at 3290 Norfolk Road, as outlined in the October 9, 2015 report of the Director of Building and Planning for DVP00024, be denied.

CARRIED

5. ***Uplands Building Permit (UBP) Application & Development Variance Permit (DVP) Application - 3605 Cadboro Bay Road***

- Report - Director of Building & Planning, Oct 9, 2015
- Rpt Attach 1 - Applicant's Letter, Collins, Sep 2, 2015
- Rpt Attach 2 - ADP Minutes, Sep 1, 2015
- Rpt Attach 3 - Arborist's Memo, Oct 5, 2015
- Plans - DVP, UBP - 3605 Cadboro Bay Rd, Sep 29, 2015

Deborah Jensen, Planner, in attendance for this item.

The Director of Building and Planning provided an overview of his report.

MOVED by Councillor Murdoch, seconded by Councillor Zhelka: That it be recommended to Council that the proposal to:

1. construct an addition and undertake renovations to a principal building, and construct an accessory building at 3605 Cadboro Bay Road be approved as to architectural design and siting; and
2. construct a principal building and increase the maximum permitted roof height and occupiable height requirements at 3605 Cadboro Bay 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 October 9, 2015 report of the Director of Building and Planning for DVP00025, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

6. ***Development Variance Permit (DVP) Application - 787 Victoria (Lot 15)***

- Report - Director of Building & Planning, Oct 13, 2015
- Rpt Attach 1 - Applicant's Letter Lot 15, Collins, Oct 14, 2015
- Rpt Attach 2 - Arborist Report, Talbot, Oct 8, 2015
- Rpt Attach 3 - Arborist's Memo, Oct 13, 2015
- Plans - DVP - 787 Victoria Ave Lot 15, Oct 1, 2015

Deborah Jensen, Planner, in attendance for this item.

With the unanimous consent of the Committee, it was determined that Item No. 6 and Item No. 7 would be addressed concurrently.

The Director of Building and Planning provided an overview of his report.

Leonard Cole, owner, and Rus Collins, Zebra Design, were in attendance representing the application.

A discussion ensued in which Committee members considered the proposal with respect to fire access and the location and dimension of the window wells. Questions were raised particularly with respect to the impact of the proposed development on the Douglas fir on Lot 15. Mr. Cole confirmed that the intention was to retain the tree, but that he did have some concerns with the feasibility of retaining it, given the response from the arborists. Mr. Cole then noted that, if the Douglas fir needed to be removed, he would be willing to provide three replacement trees to be located as the Municipality sees fit.

Michael Conrad, Oak Bay resident, commented on the proposal, noting that although there are some positive elements, he was concerned with the potential impact of the development on the streetscape of Beaverbrook Street and on his property, particularly with respect to massing. Mr. Conrad also expressed concern with the loss of green space and mature trees. He spoke in favour of developing smaller houses in Oak Bay and on this site specifically, including that consideration could be given to relaxing requirements for accessory buildings if green space was maximized.

A discussion ensued with members of the Committee and Mr. Conrad regarding his perception of the impact of the proposed development on his home. With respect to the requested variances, Mr. Conrad commented that a variance to the front yard setback could be supportable from the Beaverbrook frontage, as it is in keeping with the streetscape; however, he said the other variances have the effect of providing more development than the lot can accommodate.

John Armitage, Oak Bay resident, commented on the proposal, particularly with respect to the design, noting that it was a clever but ultimately unsuccessful attempt to incorporate larger houses than the lots can accommodate. Mr. Armitage reviewed potential changes to the design, commenting that a chalet-style, which increased the space between the houses on the second floor, would reduce the massing effect from the street.

At the request of a member of the Committee, Mr. Armitage further clarified his comments regarding the optimal design for the subject properties. He also noted that consideration should be given to referring the proposal to the Advisory Design Panel.

Mr. Cole responded to comments from the public, noting that he has been working with staff on the current proposal for some time. He noted that the rooms in the proposed houses are modest in size and that the proposed variances are meant to reduce the impact of the development on the neighbouring properties.

A discussion ensued with respect to the options for referring the proposal. The Planner noted that, once the Advisory Planning Commission was active, similar applications would be considered by that body before proceeding to Committee. The Chief Administrative Officer clarified that the Committee could directly refer the application to the Commission for comment.

MOVED by Councillor Murdoch, seconded by Councillor Croft: That it be recommended to Council that:

1. the proposal to construct a principal building and accessory building, and reduce the required setbacks for the front lot line, interior side lot line, second storey side lot line, and distance between the principal building and accessory building at 787 Victoria Avenue (Lot 15) be approved subject to the issuance of a development variance permit;
2. a resolution authorizing the issuance of a development variance permit, as outlined in the October 13, 2015 report of the Director of Building and Planning for DVP00023, be prepared and brought forward to a meeting of Council for consideration;
3. the proposal to construct a principal building and accessory building, and reduce the required setbacks for the front lot line, second storey side lot line, and distance between the principal building and accessory building at 787 Victoria Avenue (Lot 16) be approved subject to the issuance of a development variance permit; and
4. that a resolution authorizing the issuance of a development variance permit, as outlined in the October 13, 2015 report of the Director of Building and Planning for DVP00022, be prepared and brought forward to a meeting of Council for consideration.

A member of the Committee commented that further clarification from the proponent with respect to any commitments regarding tree replacement would be appreciated.

The question on the motion was then called.

CARRIED

Councillor Zhelka against the motion

7. ***Development Variance Permit (DVP) Application - 787 Victoria Avenue (Lot 16)***

- Report - Director of Building & Planning, Oct 13, 2015
- Rpt Attach 1 - Applicant's Letter Lot 16, Collins, Oct 14, 2015
- Rpt Attach 2 - Arborist Report, Talbot, Oct 8, 2015
- Rpt Attach 3 - Arborist's Memo, Oct 13, 2015
- Plans - DVP - 787 Victoria Ave Lot 16, Oct 1, 2015

As noted previously, with the unanimous consent of the Committee, Item No. 7 was addressed concurrently with Item No. 6.

ADJOURNMENT:

8. ***Motion to Adjourn***

MOVED by Councillor Croft, seconded by Councillor Murdoch: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:19 PM.

Certified Correct:

Municipal Clerk

Chair