

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 July 8, 2019 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 K. Murdoch, Chair
Councillor, A. Appleton
Councillor, H. Braithwaite
Councillor, C. Green
Councillor, T. Ney
Councillor E. Paterson
REGRETS: Councillor E.W. Zhelka
STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, D. Hopkins
A/Director of Building and Planning, D. Jensen
Director of Engineering, D. Horan
Planner, G. Buffett
Recorder, S. Santarossa

CALL TO ORDER:

The Mayor called the meeting to order at 6:01 p.m. and provided opening remarks with respect to the conduct of a Public Hearing.

The Mayor noted that Councillor Zhelka would not be able to attend the Public Hearing this evening due to a traffic accident. As such, consideration of Bylaw Nos. 4732 and 4733 would be postponed at the Council meeting following the Public Hearing to a Special Council meeting to be scheduled Monday, July 15, 2019 to allow Councillor Zhelka an opportunity to review the minutes of the Public Hearing so that he may vote on the matter. The Public Hearing would proceed as scheduled.

BYLAW TO BE CONSIDERED:

1. **602 Newport Avenue Heritage Revitalization Agreement and Heritage Addition**
 - Notice of Public Hearing (602 Newport Avenue)
 - Bylaw No. 4732, 602 Newport Avenue Heritage Revitalization Agreement Authorization Bylaw, 2019
 - Bylaw No. 4733, 602 Newport Avenue Heritage Designation Bylaw, 2019

The A/Director of Building and Planning provided an overview of Bylaw No. 4732 being a bylaw to retain a heritage home and facilitate a two lot single family residential development through a Heritage Revitalization Agreement (HRA) at Lot 6, Block 5, Section 73, Victoria District, Plan 992 (602 Newport Avenue).

The A/Director of Building and Planning also provided an overview of Bylaw No. 4733 being a bylaw to designate the property at Lot 6, Block 5, Section 73, Victoria District, Plan 992 (602 Newport Avenue) as a protected municipal heritage site.

2. ***Written Submissions for Bylaw Nos. 4732 and 4733 Received and Distributed Prior to Public Hearing***

- Notice of Public Hearing (602 Newport Avenue)
- Bylaw No. 4732, 602 Newport Avenue Heritage Revitalization Agreement Authorization Bylaw, 2019
- Bylaw No. 4733, 602 Newport Avenue Heritage Designation Bylaw, 2019
- 602 Newport Avenue Heritage Designation Report, Bylaw No. 4733
- Report - Manager of Planning (June 10, 2019)
- Plans - May 9 and 14, 2019
- Statement of Significance
- Conservation Plan - March 6, 2019
- Construction Impact Assessment & Tree Preservation Plan - July 5, 2018
- Arborist Memoranda - October 16, 2018 and March 14, 2019
- Minutes - Heritage Commission Meeting (December 11, 2018)
- Excerpt – Council Meeting Minutes (June 24, 2019)
- Excerpt - Committee of the Whole Meeting (June 17, 2019)
- Bylaw Memorandum - Deputy Director of Corporate Services (June 19, 2019)
- Applicant Presentation – June 17, 2019
- Correspondence for July 18, 2019 Public Hearing
- Correspondence – Council Meeting (June 24, 2019)
- Correspondence – Committee of the Whole (June 17, 2019)
- Addenda Correspondence - Committee of the Whole Meeting (June 17, 2019)

MOVED and seconded: That the written submissions received and distributed prior to the Public Hearing as attached to Agenda Item 2 be received.

CARRIED

3. ***Reading of Additional Written Correspondence Not Included on the Agenda***

The Director of Corporate Services advised that no further correspondence pertaining to the Public Hearing for Bylaw Nos. 4732 and 4733 had been received.

4. ***Applicant Presentation***

The applicant, P. Battles, appeared before Council to present the proposal, noting that she has owned the existing property for 31 years and would like to downsize to a smaller home to be built on the adjoining subdivided lot. She stated that there is the potential to construct a large home on the existing property if it is not subdivided given that the existing footprint is small in relation to the lot size. The new building will be a two bedroom accessible home with a lift. She noted that the woodland garden will also be accessible and that 5 new Garry oak trees will be added as well as edibles and insect and bird attractants. The applicant also stated that removal of the garage

will improve the present view on Linkleas Avenue.

The architect for the applicant, John Keays, Keays Architecture Ltd., appeared before Council to present the proposed plans for the new home and subdivided lot noting the following:

- There was ample opportunity to have community review as the application was well publicized;
- Newport Avenue view remains unchanged;
- Aware of rural nature of Linkleas Avenue and lack of sidewalks;
- Met with Parks and Engineering staff regarding underground infrastructure and resurfacing;
- Site coverage will be at 22%; well below 30% maximum;
- Building height will also be under the maximum height;
- Floor Space Ratio (FSR) is 3.9 due to attic and open ceiling; without this the FSR would be 3.1;
- Height of the central living area is central to the design;
- New home will be 1,957 ft² and will sit where the current garage is located;
- Variances are required for setback and paved area;
- Worked with Don Luxton to develop Statement of Significance and Condition report;
- Heritage Commission approved application for heritage designation of existing house;
- Small shrubs will be relocated, no trees will be removed, the large sycamore tree will be protected and new planting will consist of primarily native plants;
- Driveway apron will consist of gravel screening and not pavement;
- New house will open to the front and rear yards;
- Clearances to allow for wheelchair access and the new house will have provisions for a lift;
- Exterior will include use of high quality materials with minimum maintenance; cement board panels with pebble-ash stucco;
- Privacy taken into consideration; windows have been kept to a minimum;
- Subdivision is in accordance with the Official Community Plan (OCP) and this represents sensitive infill;
- Allows for aging in place and fits into the community; and
- Plan addresses all goals of the OCP and provides a model of how infill might happen in Oak Bay.

5. Council Requests for Clarification

Council members requested clarification of the following:

- Size of the proposed house is 1,957 ft² plus 520 ft²;
- Widening of Linkleas Avenue; there are various road widths along Linkleas Avenue and the current width in front of the proposed new house is 3.5 m to 4.5 m; minimum requirement of 5 m to allow for 2 cars to pass;
- Existing access to the lot from both Newport Avenue and Linkleas Avenue from laneway;
- Addition of a garage would require a review from Building and Planning staff;
- Combined total footprint of the proposed plan is less than what a new house

- could occupy on the existing lot;
- Any proposed changes to the heritage home requires Council consideration through a heritage alteration permit;
- Aging sanitary sewer and water mains will be need to be replaced in the future
- Linkleas is legally defined as an Avenue;
- A paved driveway would require a variance; additionally gravel screening is being used to soften the appearance of the house and will be placed in the boulevard so the overall calculation of paved surfaces is not impacted;
- If the RS2 zone is retained then no variances are required while the RS5 zone requires variances;
- Full breadth of services required as part of a subdivision however there is some flexibility because of the HRA; and
- Siting and design covenant on the property to ensure the applicant completes the construction as proposed.

6. **Call for Submissions from the Public**

Mayor Murdoch asked if any members of the public would like to come forward to speak on the matter of Bylaw Nos. 4732 and 4733.

C. Geall, Oak Bay resident, stated she lived nearby and was a heritage advocate that cares about greenspaces. She spoke against the subdivision of the property.

W. Miles, Oak Bay resident, stated she has lived in the area for over 30 years and forwarded a submission on July 4. She spoke to the history of South Island Road and the impact of the development of Elkington Estate on the South Island Road vegetation. Ms. Miles noted that over 32 years, 8 new houses have been built in the neighbourhood and stated that infill can happen gradually. She expressed concern that the proposed development would set an expectation that a Heritage Revitalization Agreement automatically allows for rezoning and a subdivision. She also expressed concern that a paved road would increase speeding.

B. Robertson, Oak Bay resident, stated that he has been a resident of Oak Bay for over 30 years. He spoke in favour of the application noting other subdivisions along Linkleas.

P. Wilson, Oak Bay resident, questioned why the road has to be widened to 5 m. She said Brighton Avenue is currently 3.8 m wide and two cars can pass. She questioned why paving was required if the plan was to replace the infrastructure. Ms. Wilson asked that this road width be grandfathered.

V. Byggdin, Oak Bay resident, spoke against the application noting it has generated a lot of correspondence. He reported correspondence was received expressing opposition from 42 nearby residents with only 4 in support. Mr. Byggdin noted that a little further abroad, 18 were opposed and 5 in favour of the application.

P. Kell, Oak Bay resident, stated she has lived in Oak Bay for 26 years and has dedicated the last 5 years to protecting Linkleas from development. She stated that Oak Bay must act as stewards to these lands and that the neighbours want to protect this special area.

J. Mears, Oak Bay resident, stated that she served on the OCP committee and other committees over the year and that things will change over time. She spoke in support of the application saying that it allows for gentle densification. Ms. Mears stated that the application should be discussed at the neighbourhood level first before it is presented to Council.

V. Turner, Oak Bay resident, spoke in favour of the application expressing support of the heritage designation of the existing house with a proposed 'retirement' home to be built on the subdivided lot. She questioned whether Council would prefer a large house to be built on the existing property.

R. Campbell, Oak Bay resident, spoke against the application because it would allow a new home to be built. He stated the new house would be detrimental to attracting wildlife inhabitants. He asked Council to deny the application.

J. Beatty, Oak Bay resident, spoke in favour of the application stating it was a win-win situation for the community.

W. Amos, Oak Bay resident, stated she has lived in Oak Bay for 42 years and loves the variety of the community as well as the walkability of the area and the areas around Anderson Hill. She noted that she has submitted a letter of support stating this was a reasonable subdivision of the property allowing for the current owner to age in place. She noted the significant covenant attached to the property and that the applicant, a long-time resident, should be commended for what she is trying to do. Ms. Amos stated the house is well designed with minimal impact on the streetscape. She noted the arborist report states a net gain of tree canopy. Ms. Amos also expressed concern about the misinformation that has been circulating in the community about this application.

T. McLagan, Oak Bay Resident, stated she has lived in the neighbourhood for four years and supports the application. She stated that more places are needed where owners can age in place.

F. Wilson, Oak Bay resident, stated that he lives in the neighbourhood and supports the application. He stated that there is already a mix of large and small houses in the area and change is a part of what happens. He noted that this proposed development does not diminish the ambiance and that it is reasonable infill. Mr. Wilson stated that the alternative is to lose the existing home.

P. Johannknecht, Oak Bay resident, stated that he has lived in Oak Bay for 15 years and spoke in support of the application. He noted this is a large lot facing two streets making it ideal for subdivision. He also noted that the existing house would be designated heritage and that no trees will be removed. He also stated this is an important addition to a slow growing community freeing up another home for people. Mr. Johannknecht noted this application represents meaningful infill and densification and is the perfect proposal for this lot. He expressed concern about the misinformation in the flyers that are being circulated in the neighbourhood.

A. Little, Oak Bay resident, stated he has lived in Oak Bay for 46 years and his house is currently on the Heritage Register. He spoke in favour of the application stating this is a sensitive and sensible project. He expressed concerns about what would be built on this lot if the application is not approved.

S. Attree, Oak Bay resident, spoke in favour of the application stating that the front of the current house will not be altered. He also indicated disapproval of the incorrect information being circulated and made reference to a yellow and green leaflet. He stated that the traffic will not increase on Linkleas Avenue and that it will not suffer from a loss of character. Mr. Attree also stated that the area will not suffer from a loss of habitat as there is a plan to plant five additional Garry oak trees. He noted the effort the applicant has undertaken to preserve the existing house and expressed concern about what could be built on the existing lot if the application was denied.

L. Charlton, Oak Bay resident, stated she is a 39 year resident of Oak Bay and spoke in support of the application. She stated that she submitted a letter in support. She noted the misinformation that has been circulated and stated that the opposition is based on this incorrect information. Ms. Charlton also stated that Oak Bay began as five tracks of land and that all current residents live on subdivided land.

P. Frey, Oak Bay resident, stated he has been a resident of Oak Bay since 1982 and spoke in support of the application. He noted that he was a Manager of Policy with the provincial government when the heritage legislation was being developed. He stated that the HRA tool was provided to local governments for projects such as this one.

K. Wright, Oak Bay resident, spoke in opposition to the application stating that the widening of the road was a slippery slope and he did not want the country lane to be widened. He expressed concern about the effect of densification on the streetscape. Mr. Wright stated that he wants to maintain the healthy urban forest at Linkleas Avenue and the rural view would be impacted with this development. He stated that this application would encourage others to subdivide and that he would prefer to see one large home on the lot.

P. Battles, Oak Bay resident, noted that while she shares the same name as the applicant, there is no affiliation. She spoke in favour of the application and advised that she is the Oak Bay Block Watch captain and a dog owner who walks along Linkleas Avenue on a regular basis. She stated that she did not believe this application would change its character. She noted the need to replace the sewer and storm drains in the future. Ms. Battles also expressed concern about the behaviour of the neighbours opposed to the development and stated that Council should not allow misinformation to be circulated.

A. Wolfe, Oak Bay resident, questioned what would be involved in restoration of the ecosystem and felt that it would be harder to rebuild the ecosystem. She stated that the OCP would indicate where the priority is and recommended that a Planning & Design Advisory Committee be added. She noted that this development would result in the loss of a contiguous corridor.

B. Louie, Oak Bay resident, noted that he is a retired professional forester and stated that he has appeared previously before Council to present plans for the protection of lanes like Linkleas from eroding and disappearing. He stated that conservation should start at the doorstep, every property owner should set aside a fraction of their land for greenspace, and that it is important to protect the natural landscape.

M. Alba, Oak Bay resident, spoke against the application stating that many large trees have been removed and many houses are being demolished in the community. She stated that the land should be protected and we should become an ally of indigenous peoples.

N. Attree, Oak Bay resident, spoke in favour of the application expressing concern about what would happen if the property was subdivided, such as the construction of a large house. She indicated she preferred the application to the alternative.

B. Anderson, Oak Bay resident, stated he has been an Oak Bay resident for 35 years. While he was impressed with the proposal, he felt that additional concrete would alter the ambiance. He stated that although the Heritage Commission looks at the building, there has been no consideration of the streetscape or environment. Ms. Anderson recommended that the application be referred to the Advisory Planning Commission.

D. Wright, Oak Bay resident, spoke against the application stating that this development will affect the Oak Bay community and visitors to the area as it will change the landscape of Linkleas Avenue and Island Road. She asked Council to consider the urban forest for future generations and stated that the infrastructure does not need to be paved over when replaced.

The Mayor called for public input a second time.

W. Miles, Oak Bay resident, appeared a second time before Council to state that this is a great proposal but in the wrong place. She noted that she was happy to receive the leaflets that were circulated in the neighbourhood to learn about the proposal and recommended that the Public Hearing date be included on the notification signs located on the property.

J. Keays, architect for the applicant, appeared again before Council to state that the application is not in conflict with the OCP and that it is sensitive to the environment and the neighbourhood. He stated that the applicant held a neighbourhood meeting with approximately 25 in attendance and the sign advising of the application has been in place on the property for many months. Mr. Keays also stated that the sewer is collapsed and that the infrastructure will need to be replaced before the 50 year timeline. With respect to comments about protecting the urban forest, Mr. Keays noted that the current property has a garage and the new design will improve the urban forest.

B. Louie, Oak Bay resident, appeared a second time before Council to question how many heritage homes in Oak Bay have been registered and how many forested laneways have been saved to date.

K. Wright, Oak Bay resident, appeared again before Council to state that the data sheet indicated a square footage for the house of 2,692 ft². He noted that the new house is 5.5 ft wider than the existing home. He also stated that the paving of Linkleas Avenue will result in a lack of absorption of rainwater and that a single roadway is safer.

A. Wolfe, Oak Bay resident, appeared for a second time before Council to state that wider streets do not increase safety and that laneways have so much value. She noted that Island Road used to resemble Linkleas Avenue.

C. Causton, Oak Bay resident and former Mayor, appeared before Council and noted that Council has addressed these types of issues in the past. He stated that Council should look at the zoning and consider the issues associated with the new zone. He recommended Council develop a policy regarding how to deal with Heritage Revitalization Agreements while simultaneously protecting country lanes.

The Mayor called for public input a third and final time, however no additional comments were provided.

ADJOURNMENT:

5. ***Adjournment of the Public Hearing***

MOVED and seconded: That the Public Hearing for Bylaw Nos. 4732 and 4733 be adjourned.

CARRIED

The meeting adjourned at 8:15 p.m.

Certified Fair and Accurate

Chair

Director of Corporate Services

Recorder