

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 Thursday September 12, 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 peoples, 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: A/CAO & Director of Building and Planning, B. Anderson
Director of Corporate Services, D. Hopkins
Director of Engineering Services, D. Horan
Manager of Planning, D. Jensen
Communications Specialist, H. Goodgrove
Planner, G. Buffett
Recorder, A. Nurvo

CALL TO ORDER:

The Mayor called the meeting to order at 6:04 p.m. and provided opening remarks with respect to the conduct of a Public Hearing.

BYLAWS TO BE CONSIDERED:

I. **1416/1418 St. David Street Heritage Revitalization Agreement Authorization Bylaw, 2019, No. 4730**

1416/1418 St. David Street Heritage Designation Bylaw, 2019, No. 4731

Councillor Ney joined the meeting at 6:09 p.m.

Manager of Planning reviewed the purpose of the Bylaws. The Heritage Revitalization Agreement (HRA) includes provisions that the building will be retained and variances permitting the upper floor to be used for a third unit. Parking will also be varied to permit four onsite parking spaces rather than the required six, with no covered spaces in order to retain green space. HRAs are provided for in the *Local Government Act* to allow for redevelopment of heritage property, and the municipality can set terms and conditions for use and density. The intent is to retain a heritage home on conditions to be agreed to. The Heritage Designation Bylaw sets out the heritage characteristics of the existing home

to be protected and includes a covenant that the owner is to be responsible for onsite servicing until municipal servicing is provided. Since the Bylaws are running concurrently, staff recommends that Council receive public input on the Bylaws at the same time.

2. Written Submissions for Bylaws 4730 and 4731 Received and Distributed Prior to Public Hearing

- Notice of Public Hearing (1416/1418 St. David Street)
- 1416/1418 St David Heritage Revitalization Agreement Bylaw 2019, No. 4730
- 1416/1418 St David Street Heritage Designation Bylaw, 2019, No. 4731
- Heritage Designation Report (1416/1418 St. David Street)
- Report by the Manager of Planning dated July 10, 2019
- Plans dated June 17, 2019
- Statement of Significance
- Conservation Plan dated July 10, 2019
- Construction Impact Assessment and Tree Preservation Plan dated April 24, 2018
- Arborist Memorandum dated May 15, 2019
- Heritage Commission Minutes, October 9, 2019
- Excerpt of Minutes from July 15, 2018 Committee of the Whole
- Excerpt from July 22, 2019 Council
- 1416/1418 St. David Street Presentation
- Correspondence from July 15, 2018 Committee of the Whole
- Additional Correspondence – 1416/1418 St. David

MOVED and seconded: That the written submissions received and distributed prior to the Public Hearing for Bylaw Nos. 4730 and 4731 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. 4730 and 4731 had been received.

4. Applicant Presentation

R. Collins and D. Yamomoto from Zebra Group appeared before Council representing the owner. Mr. Collins stated that this home is one of the last local examples of Dutch colonial revival style built in 1911, and has had two additions. The proposed exterior changes include a smaller building footprint at the rear, upgrading of windows, a new metal roof, increased tree canopy, and decrease in hardscape. The proposal preserves and enhances the current streetscape. The neighbourhood was canvassed and the results showed 10 neighbours in support, 5 were neutral, 3 were against, and 5 were unavailable. The proposal provides alternative housing options, meets the OCP and is a win-win for community. It is also supported by the Heritage Commission.

5. **Council Requests For Clarification**

Council asked whether the use of the modernistic metal roof detracts from the heritage features.

R. Collins responded that the roof currently is metal. The Heritage consultant said there were metal roofs during this time period as long as they are muted in colour and not shiny. It also allows for better rain water collection for garden use.

Council asked if there been any reported problems regarding parking or driveways on St. David Street.

Staff advised they have not received any complaints.

Council requested clarification of OCP and heritage conversion to allow for multiple units.

Staff confirmed that this heritage conversion into suites would fit into OCP established neighbourhoods, currently duplex but has a third unit, turning it into triplex.

Council asked what mechanisms are in place if Council wishes to examine strata units.

Staff advised that at the upcoming Special Council meeting, Council will review the Housing Agreement for this site, which stipulates two units are to be used as rental only with the owner residing in the third unit.

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

The Mayor asked if any members of the public would like to come forward to speak on the matter of Bylaw Nos. 4730 and 4731.

S. Beaman, non-resident, stated he does real estate development consulting, and has worked in the industry over 40 years. He has provided a letter in opposition on behalf of a number of neighbours and the reasons are set out in the letter. He stated this application should not be supported due to inadequate consultation and negative effect on neighbouring property values. He stated that it is really a redevelopment application, which increases density but ignores negative effects on neighbouring properties. Mr. Beaman said that the heritage of this street is single family occupancy in well maintained homes and this property has not been offered to the market as a single family home, and the owner is seeking a subsidy to pay for conversion to a triplex, while it should be renovated as a single family home.

P. Kuran, Oak Bay resident, spoke in opposition. He stated the owner misrepresented the result of consultation with the neighbours, and distributed a map showing the neighbourhood opposition to this application.

MOVED and seconded: That Council receive the document provided by P. Kuran into the Public Hearing record.

CARRIED

Mr. Kuran continued that the owner began deconstructing, evicted tenants, and removed much of the interior of the home as a clear sign that it mattered little what the neighbours thought. No one has been living there for a year and the property has been utilized for storage. Legal non-confirming use was discontinued for over 6 months, so any subsequent use must comply with the Zoning Bylaw. Mr. Kuran stated that this application should be from single family home to triplex. Mr. Kuran stated he does not support spot rezoning and requested that Council vote against this proposal.

L. MacLean, Oak Bay resident, is a professional real estate appraiser and spoke in opposition based on three points. Firstly, the legal non-confirming use should be RS5 single family residential which was the baseline as adopted in 1986. Secondly, parking should be required for six spaces for a triplex but the owner is asking for a variance down to four spaces. Ms. McLean is opposed since there are already parking problems on this street, and she has made several calls to bylaw about parking in this area since they purchased their property. Thirdly, the OCP needs to be followed. This is an established neighbourhood, and should remain single family. Mixed density residential tends to have negative influence in an area for traffic, parking, and amenity overuse, based on appraisal theory.

Dr. J. Stockdill, Oak Bay resident, lives across street. He is opposed due to parking congestion and loss of neighbourhood character. The property is derelict and the owner let it deteriorate and used that as leverage for this development and variances. He quoted from single family residential zones and impact on adjacent properties from the OCP. Triplexes are considered least attractive in single family homes. We need to develop criteria and guidelines prior to permitting infill housing. Seeking heritage approval should not have strings attached.

G. Houston, Oak Bay resident, has submitted two letters, from his wife and from himself. His wife is opposed for reasons of heritage value, and overall impact on the neighbourhood. She is concerned that the approval of the triplex will result in more parking on the street with only four parking spaces required onsite. They have complained about parking on this street regularly, with residents from other areas parking here, plus the continuous flow of traffic on the street. Mr. Huston's concerns are that it will cause additional vehicles, traffic and parking, so he is also opposed. Under the *Local Government Act*, a legal non-confirming use is a privilege; however, it is subject to several restrictions, including it can't expand, and it can't continue if it is not used for over 6 months. Beneficiaries of the protection provided are the neighbours. He stated it looks to be spot rezoning under the guise of heritage designation and will just create uncertainty for the future.

K. Kuran, Oak Bay resident, is opposed. The OCP designation is single family. Their older home also required upgrading and repairs, and they spent a great deal of effort and money on those renovations, like many others in the community, without asking for any compensation from the District. These owners want \$500,000 as compensation to give them funds to maintain the home. This was constructed as a single family home, and we don't want more density in this area. It will have a domino effect that will have a negative impact on the neighbouring homes. Spot rezoning should not be permitted.

D. Stockdill, Oak Bay resident, stated her opposition. She stated this property should be returned to a single family dwelling. She provided a history of the ownership and residency

of the subject property. She requested Council to let single family homes remain on this street.

L. McFarlane, Oak Bay resident, stated that they, and many of their neighbours in the immediate area, have spent substantial funds to upgrade their homes. These property values would be reduced and would have a domino effect in the neighbourhood.

J. Turner, Oak Bay resident, stated she is opposed and had not been approached for input. She is concerned that this will set a precedent for this single family street. If the application is successful, others can seek similar variances and change the character of the neighbourhood. Parking is extremely busy and dangerous, since the condo residents park on this street as well. It's a wonderful block, a community of friends, and we all take pride in and maintain our homes. She stated she would hate to see it change and go in the opposite direction.

B. McFarlane, Oak Bay resident, stated this is an effort by the owner to leverage the non-conforming duplex into a triplex. He stated that heritage is not just an old building, it is also the community. Single family dwellings in Oak Bay is our community. Spot zoning is the thin edge of wedge and will be detrimental to the entire community. He requested that Council please vote against this application.

D. Erdokimoff, Oak Bay resident, spoke in opposition. She believes in thoughtful densification, but with proper process. We need to have a process to consider where it should occur. This seems to be just spot zoning. It is a problematic challenging corner, and is not the right place for this type of densification. She requested that Council turn down the application.

C. Bowman, the owner of the subject property, stated that the current state of the house is not acceptable for many reasons. The house has been in her family over 40 years, she has lived there for 30 years, and was hoping to live there again soon. The HRA would preserve the integrity of the heritage home. It is almost 5,000 sq. ft, and with a family of three it is difficult to justify living in such a large home, so she was hoping to live in part and provide alternative housing for the community with the rest. She stated there is a need for long term rental housing. She stated she is not a developer and that her dream is to restore the house and pass it on to her daughter.

P. Copley, non-resident, stated that until last year she had been an Oak Bay resident living in a large single family home, and had spent lots of time keeping it up and bringing it up to current standards. OCP does support multi-family housing that is sadly lacking. Heritage protection legislation is designed for this type of project. It will not set a precedent since it is designed for this specific situation. Parking has been an issue for all developments in the community, single family and otherwise and the Parking Bylaw needs to be updated. Community is not just about property values, it is good to keep it diverse. Housing and affordability is a right and a big issue in the region.

The Mayor called for public input a second time.

P. Ziakin, Oak Bay resident, stated that he can see the neighbours concerns. He is currently being "renovicted" from a large old home with seven units where one large vanity home is proposed to be built. The OCP talks about how important diverse affordable

housing is. He asked Council to also consider people that are seeking and are desperately in need of affordable housing in the region.

E. Mignot, Oak Bay resident, requested Council to approve this application. We need more housing options in Oak Bay. He is currently renting in Oak Bay and struggles to find a place to live here. Old houses are beautiful. If we keep them and allow rentals, it is a win-win. Perhaps if there is no other option the owner could consider selling, but a developer could buy and tear it down. We have an opportunity to recognize and acknowledge that Oak Bay has changed. He requested that Council give people an opportunity to live here and keep the older houses.

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

7. **ADJOURNMENT OF THE PUBLIC HEARING**

MOVED and seconded: That the Public Hearing for Bylaw Nos.4730 and 4731 be adjourned.

CARRIED

The meeting adjourned at 7:23 p.m.

Certified Fair and Accurate

Chair

Director of Corporate Services

Recorder