

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 Tuesday February 13, 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 T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
Councillor E. Zhelka

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

CALL TO ORDER:

Mayor Jensen called the Public Hearing to order at 6:00 PM and provided an overview of the public hearing process.

BYLAWS TO BE CONSIDERED - NO. 4697 & 4698

1. ***Description of the Purpose of Bylaws No. 4697 and 4698***

- Notice of Public Hearing
- Bylaw No. 4697, 638 and 644 Beach Drive Heritage Designation Bylaw, 2018
- Bylaw No. 4698, 638 and 644 Beach Drive Heritage Revitalization Agreement Authorization Bylaw, 2018
- Bylaw No. 4698, Schedule 'A' - Heritage Revitalization Agreement
- Bylaw No. 4698, Schedule 1 - Plan of Subdivision
- Bylaw No. 4698, Schedule 2 - Conservation Plan
- Bylaw No. 4698, Appendix A - Research Summary
- Bylaw No. 4698, Appendix B - Drawings
- Bylaw No. 4698, Schedule 3 - Plans and Drawings
- Bylaw No. 4698, Schedule 4 - Confirmation of Commitment
- Bylaw No. 4698, Schedule 5 - Certificate of Compliance
- Bylaw No. 4698, Schedule 6 - Variances to the District of Oak Bay Zoning Bylaw No. 3531, 1986

At the request of the Mayor, the Acting Director of Building and Planning described the purpose of Bylaw No. 4697, 638 and 644 Beach Drive Heritage Designation Bylaw, 2018. Ms. Jensen commented that, if adopted, this bylaw will designate the residential building constructed on the subject property, including all additions and exterior alterations made to the residence, but excluding the attached garage, as a protected municipal heritage site pursuant to the heritage conservation provisions of the *Local Government Act*.

Ms. Jensen then described the purpose of Bylaw No. 4698, 638 and 644 Beach Drive Heritage Revitalization Agreement Authorization Bylaw, 2018. She commented that, if adopted, this bylaw to implement a heritage revitalization agreement will retain the heritage house in its existing location, require the exterior restoration and maintenance of the heritage home, and facilitate a four lot subdivision of the entire site with one single family dwelling located on each proposed lot. She noted that the heritage revitalization agreement will also relax Zoning Bylaw requirements for lot width, height and front lot line setbacks for the existing home, and lot width for a proposed lot along Beach Drive.

2. ***Written submissions for Bylaw No. 4697 and 4698 received prior to January 22, 2018 and distributed prior to Public Hearing to be received.***

- Excerpt - January 22, 2018
- Jan. 22, 2018 Council Report - Acting Director of Building and Planning, Jan. 16, 2018
- Excerpt - September 18, 2017
- Sep. 18 COW Report - Acting Director of Building and Planning, Sept. 1, 2017
- Sep. 18 COW Memo - Municipal Arborist, Aug. 18, 2017
- Presentation - Applicant - 644 Beach Drive, Sep. 13, 2017
- Rpt. Attach 1 - Site Plan
- Rpt. Attach 2 - Heritage Home Plans and Elevations
- Rpt. Attach 3 - Statement of Significance - 644 Beach Drive, Feb. 2017

- Rpt. Attach 4 - Conservation Plan - 644 Beach Drive - Luxton, Apr. 2017
- Rpt. Attach 5 - Tree Report - 644 Beach - Talbot Mackenzie & Associates, Nov. 24, 2016
- Rpt. Attach 6 - Public Consultation Summary - Abstract Developments, Sep. 1, 2017
- Corresp. - 644 Beach Drive, Sep. 15 to Sep. 18, 2017
- Corresp. - 644 Beach Drive, June 27, 2017 to June 28, 2017

3. ***Written submissions to February 13, 2018 Public Hearing for Bylaws No. 4697 and 4698 not previously distributed prior to Council members to be received.***

- Corresp. - 644 Beach Drive - February 5, 2018 to February 8, 2018

MOVED and seconded: That the written submissions attached to agenda items no. 2 and no. 3 be received.

CARRIED

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

The Deputy 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. ***Public Input***

Mayor Jensen asked if any members of the public would like to come forward to speak on Bylaws No. 4697 and No. 4698.

A. Cooper, on behalf of the application, gave a presentation on the proposal. Mr. Cooper spoke to the presentation document as attached to the agenda, specifically slides no. 1 through 10. He concluded his remarks by noting that he had other information available to respond to questions from Council or the public if needed.

R. Sanglap, Oak Bay resident, noted that when he found both the house and the site to be very beautiful when he had visited in the past. He commented that the proposed construction would remove this beauty and that he objects to the proposal.

M. Murray, Oak Bay resident, commented that she has a number of concerns as to what is proposed. Although she appreciates wanting to designate the heritage home, she said, she is concerned with the requested variances and highlighted those proposed for lot 2 as particularly excessive. She stated that this proposal is not just for a restoration of the heritage home, but also for an expansion which will have an impact on her view. She also noted impacts to privacy, light, traffic and a potential increase in storm runoff. She concluded her remarks by stating that she does not support the proposal.

J. Bowron, Oak Bay resident, highlighted Schedule A, section C of the proposed heritage revitalization agreement. He questioned whether it was valid to change the original intention of the large lot layout, but noted that if the current proposal is not approved the outcome would be uncertain. He commented that he has had contact with the applicant and is confident that the

intent is to make a reasonable effort to address residents' concerns. He stated that the assumption is that the design of the new houses on the site will be sympathetic to the heritage home. He noted that the proposed driveway layout does consider the topography of the site and is well thought out.

G. Glowicki, Oak Bay resident, stated that he was in favour of the proposed development, primarily out of concern for what else could happen on the property if it was sold. He commented that two very large dwellings could be constructed which would not be as complimentary to the area as the current proposal. He stated that he can view the heritage home out of his dining room window and that the proposed addition is preferable to the current carport. He concluded his remarks by stating that although he would prefer to see the property remain as it is, that may not be a realistic ask.

H. Edwards, Victoria resident, stated that she is speaking both for herself and also for D. Luxton who was unable to attend the meeting. She commented that the proposed heritage revitalization will restore a heritage property that has been overlooked for too long. She spoke in favour of removing the current carport as unsympathetic to the heritage design of the dwelling and commented that the proposed development would make the site more usable. She highlighted that former residents of the property were of particular significance from a heritage perspective. D. Harrison, Oak Bay resident, noted that excessive development in Vancouver has resulted in a profound loss of green space. He questioned why all properties of a certain age were not heritage designated. He commented that there is no confidence in staff or Council that sufficient opportunity will be given to ensure that developers will benefit over the needs of the public. He commented that residents do not need to accept development as reality and should work together to oppose it.

M. Prince, Oak Bay resident, commented that both heritage designation and heritage revitalization agreements are valuable tools. He noted that it was heartening to hear that the developer was persuaded through conversation with staff to preserve the heritage home instead of undertaking a demolition. This proposal, he said, strikes a reasonable balance between the benefits for the applicant and the public good. He noted that the proposed traffic circulation is supportable as it responds to the contours of the site and that the infill requested is not excessive. He stated that the new residences to be built on site should respect the character of the heritage dwelling and that the proposed heritage revitalization is of high quality.

A. Mears, Oak Bay resident, asked if the subdivision will result in park land contributions or cash in lieu. He also commented that he did not see any variances in the staff report and that it would be better to be aware of those in advance. He commented that the heritage home is not currently viewable from Beach Drive. He stated that the proposal will result in the loss of 27 trees.

M. Williams, Oak Bay resident, commented that he is fully supportable of the proposed development, although for the design of the new dwellings he would prefer to see a mix of styles including modern architecture.

M. Whitehead, Oak Bay resident, stated that he has seen too many heritage homes from Oak Bay barged away from the Municipality instead of being retained. He stated that if this proposal is rejected the heritage home could be removed. He concluded his remarks by stating that the proposal has his full support.

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

6. ***Motion to adjourn Public Hearing for Bylaws No. 4697 and 4698.***

MOVED and seconded: That the Public Hearing for Bylaws No. 4697 and 4698 be adjourned.

CARRIED

BYLAW TO BE CONSIDERED - NO. 3531.102, 2018

7. ***Description of the Purpose of Bylaw No. 3531.102, 2018***

- Notice of Public Hearing
- Zoning Bylaw Amendment Bylaw No. 3531.102, 2018

At the request of the Mayor, the Acting Director of Building and Planning described the purpose of Bylaw No. 3531.102, 2018. Ms. Jensen noted that this bylaw, if adopted, will amend the Zoning Bylaw No. 3531 by including Service Business Use as a permitted use within the Local Commercial Use (C-1) zone. She stated that this zone applies only to the property at 687 / 697 St. Patrick Street, and Service Business Use would allow for personal services and office use.

8. ***Written submissions for Bylaw No. 3531.102, 2018 received prior to January 22, 2018 and distributed prior to Public Hearing to be received.***

- Excerpt - January 22, 2018
- Bylaw Memorandum - Deputy Director of Corporate Services, Jan. 18, 2018
- Excerpt - January 15, 2018
- Plans - ZON - 687 697 St Patrick Street, Oct. 19, 2017
- Report - Acting Director of Building and Planning, Jan. 2, 2018
- Rpt. Attach. 2 - Parking Review, Watt, Oct 16, 2017
- Rpt. Attach. 3 - Arborist Report, May. 10, 2017

9. ***Written submissions to February 13, 2018 Public Hearing for Bylaws No. 3531.1 2, 2018 not previously distributed prior to Council members to be received.***

- No attachments

MOVED and seconded: That the written submissions attached to agenda items no. 8 and no. 9 be received.

CARRIED

10. ***Reading of any correspondence pertaining to the Public Hearing which has been received by the Director of Corporate Services and not previously distributed to Council members.***

The Deputy Director of Corporate Services advised that no further correspondence pertaining to the Public Hearing for Bylaw No. 3531.102, 2018 had been received.

11. ***Public Input***

Mayor Jensen asked if any members of the public would like to come forward to speak on Bylaw No 3531.102, 2018.

A. Grewal, applicant, noted that he was in attendance to speak if there were any comments or questions from the public.

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

12. ***Motion to adjourn Public Hearing for Bylaw No. 3531.102, 2018.***

MOVED and seconded: That the Public Hearing for Bylaw No. 3531.102, 2018 be adjourned.

CARRIED