

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 September 14, 2015 at 7:00 PM.

PRESENT: Councillor K. Murdoch, Chair
Mayor N. Jensen
Councillor T. Croft
Councillor M. Kirby
Councillor T. Ney
Councillor E. W. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. A. Walker

FINANCE ITEM(S):

1. ***Monthly Financial Report***
 - Report - Municipal Treasurer, Sep. 8, 2015
 - Rpt Attach - Statement, Capital, Investments, Prop. Taxes, Aug. 31, 2015

MOVED by Councillor Ney, seconded by Councillor Croft: That the monthly financial report of the Municipal Treasurer dated September 8, 2015 be received.

CARRIED

LAND USE APPLICATIONS

2. ***Uplands Building Permit Application (UBP) - 2545 Lansdowne Road***
 - Report - Director of Building & Planning, Sep. 1, 2015
 - Rpt Attach 1 - ADP Minutes, Sep. 1, 2015
 - Rpt Attach 2 - Applicant's Letter, Aug. 14, 2015
 - Plans - UBP - 2545 Lansdowne Rd, rcvd, Sep. 1, 2015

Deborah Jensen, Planner, in attendance for this item.

MOVED by Councillor Kirby, seconded by Councillor Ney: That it be recommended to Council that the enlargement of the window within the dormer on the south elevation of the house located at 2545 Lansdowne Road, as described in the September 1, 2015 report of the Director of Building and Planning, be approved as to architectural design.

CARRIED

3. ***Uplands Building Permit Application (UBP) - 3350 Weald Road***
 - Report - Director of Building & Planning, Sep. 3, 2015
 - Rpt Attach 1 - ADP Minutes, Sep. 1, 2015

- Rpt Attach 2 - Municipal Arborist's Memo, Aug. 19, 2015
- Rpt Attach 3 - Applicant's Letter, M. Smith, Aug. 13, 2015
- Rpt Attach 4 - Materials & Colours Checklist, Sep. 2, 2015
- Plans - UBP - 3350 Weald Rd, rcvd, Sep. 4, 2015 (Pkg 1 of 2)
- Plans - UBP - 3350 Weald Rd, rcvd, Sep. 4, 2015 (Pkg 2 of 2)

Deborah Jensen, Planner, in attendance for this item.

MOVED by Councillor Croft, seconded by Councillor Ney: That it be recommended to Council that the proposed renovations to the house located at 3350 Weald Road, as described in the September 3, 2015 report of the Director of Building and Planning, be approved as to siting and architectural design.

CARRIED

4. ***Uplands Building Permit Application (UBP) - 3355 Weald Road***

- Report - Director of Building & Planning, Sep. 1, 2015
- Rpt Attach 1 - ADP Minutes, Sep. 1, 2015
- Rpt Attach 2 - ADP Minutes, Jul. 7, 2015
- Rpt Attach 3 - Arborist's Memo, Jun. 29, 2015
- Rpt Attach 4 - Applicant's Letter, Hoyt, Aug. 11, 2015
- Plans - UBP - 3355 Weald Rd, rcvd, Jul. 30, 2015

Deborah Jensen, Planner, in attendance for this item.

MOVED by Councillor Ney, seconded by Councillor Kirby: That it be recommended to Council that the proposed plans to construct an addition to accommodate additional office space on the second floor of the house located at 3355 Weald Road, as described in the report of the Director of Building and Planning dated September 1, 2015, be approved as to siting and architectural design.

CARRIED

5. ***Uplands Building Permit Application (UBP) - 3145 Exeter Road***

- Report - Director of Building & Planning, Sep. 4, 2015
- Rpt Attach 1 - ADP Minutes, Sep. 1, 2015
- Rpt Attach 2 - ADP Minutes, Jul. 7, 2015
- Rpt Attach 3 - Applicant's Letter, R. Collins, Jul. 17, 2015
- Rpt Attach 4 - Applicant's Letter, R. Collins, Jun. 15, 2015
- Plans - UBP - 3145 Exeter Rd, rcvd, Jul. 8, 2015

Deborah Jensen, Planner, in attendance for this item.

MOVED by Councillor Croft, seconded by Councillor Ney: That it be recommended to Council that the revised plans for exterior updates to the existing house located at 3145 Exeter Road, as described in the report of the Director of Building and Planning dated September 4, 2015, be approved as to siting and architectural design.

CARRIED

6. ***Siting and Design Approval - 2121/2127 Fair Street***

- Report - Director of Building & Planning, Sep. 8, 2015
- Rpt Attach 1 - ADP Minutes, Sep. 1, 2015
- Rpt Attach 2 - Arborist's Memo, Aug. 26, 2015
- Rpt Attach 3 - Applicant's Letter, D. Hamilton, Aug. 15, 2015
- Rpt Attach 4 - Lot 1 - Materials & Colours Checklist, Jul. 28, 2015
- Rpt Attach 5 - Lot 2 - Materials & Colours Checklist, Jul. 28, 2015
- Rpt Attach 6 - Lot 3 - Materials & Colours Checklist, Jul. 28, 2015
- Rpt Attach 7 - Lot 4 - Materials & Colours Checklist, Jul. 28, 2015
- Plans - Lot 1 2121 Fair St - Design Approval, rcvd, Jul. 28, 2015
- Plans - Lot 2 2121 Fair St - Design Approval, rcvd, Jul. 28, 2015
- Plans - Lot 3 2121 Fair St - Design Approval, rcvd, Jul. 28, 2015
- Plans - Lot 4 2121 Fair St - Design Approval, rcvd, Jul. 28, 2015
- ADDENDA - Corresp. - Sep. 11 - 14, 2015 - 2121 Fair Street & 'Land Use Procedures and Fees Bylaw'

Councillor Ney indicated a conflict, inasmuch as she is an owner on title for a property on Fair Street, and left the meeting at 7:05 PM.

Deborah Jensen, Planner, in attendance for this item.

The Planner reviewed and responded to questions from the Committee regarding the subdivision process and the role of the Approving Officer, noting that the application at this time is in reference to siting and architectural design only. Ms. Jensen noted that if the proposed siting and design are recommended for approval by the Committee, there are additional processes to follow, such as referral to the Fire Department to address fire access and establishment of the Tree Management Plan.

The Planner also clarified that any proposed lots created by a subdivision must meet the requirements of the Zoning Bylaw, whereas Development Variance Permits are by definition a variance to existing bylaw requirements and thus have a public consultation process.

David Hamilton, representing the application, clarified that the design of the permeable pavers for the driveways in this development have not been finalized and that he would be open to designs that enhance on site storm water retention.

Anthony Mears, Oak Bay resident, expressed concern regarding the subdivision process overall, asking for clarification with respect to precedents, fire access, demolitions and tree removal.

In response to comments from the public, Ms. Jensen noted that subdivisions are regulated through various pieces of legislation, including the Zoning Bylaw, the Subdivision and Development Bylaw, the *Local Government Act* and the *Land Title Act*. The Approving Officer, she noted, reviews and approves applications subject to compliance with the requirements in these bylaws and Acts. It was also noted that the District regulates demolition and tree removal by bylaw.

MOVED by Councillor Croft, seconded by Councillor Kirby: That it be recommended to Council that the plans for the construction of four new single family residential dwellings addressed as Lot 1 through Lot 4, 2121/2127 Fair Street, as described in the report of the Director of Building and Planning dated September 8, 2015, be approved as to siting and architectural design.

CARRIED

Councillor Ney returned to the meeting at 7:25 PM.

7. ***Architectural Design Approval (ADA) - 572 Island Road***

- Report - Director of Building & Planning, Sep. 4, 2015
- Rpt Attach 1 - ADP Minutes, Sep. 1, 2015
- Rpt Attach 2 - Applicant's Letter, R. Collins, Aug. 11, 2015
- Rpt Attach 3 - Materials & Colours Checklist, Aug. 12, 2015
- Plans - 572 Island Rd - Design Approval, rcvd, Aug. 27, 2015

Deborah Jensen, Planner, in attendance for this item.

MOVED by Councillor Kirby, seconded by Councillor Croft: That it be recommended to Council that the proposed plans for renovations to the existing house located at 572 Island Road, as described in the report of the Director of Building and Planning dated Sept. 4, 2015, be approved as to architectural design.

CARRIED

8. ***Architectural Design and Siting, Development Variance Permit Application (DVP) - 3220 Beach Drive***

- Report - Director of Building & Planning, Sep. 2, 2015
- Rpt Attach 1 - ADP Minutes, Jul. 7, 2015
- Rpt Attach 2 - Arborist's Memo, May 22, 2015
- Rpt Attach 3 - Talbot MacKenzie & Assoc Memo, Aug. 13, 2015
- Rpt Attach 4 - Applicant's letter, M. Lupin, Jul. 21, 2015
- Plans - DVP, UBP- 3220 Beach Dr, rcvd, Jun. 15, 2015

Deborah Jensen, Planner, in attendance for this item.

The Planner responded to questions from a member of the Committee regarding the impact of the proposed height variance, specifically with respect to sightlines and impact on adjacent properties. Ms. Jensen noted that the application process includes a site visit by staff and that, given the size of the lot and the mature vegetation on the property, staff felt the potential impact of the proposed height variance to be minimal. She also noted that the proposed height was proportionally in keeping with adjacent properties.

MOVED by Councillor Kirby, seconded by Councillor Ney: That it be recommended to Council that the proposal to:

1. construct a principal building at 3220 Beach Drive be approved as to architectural design and siting; and
 2. construct a principal building and increase the maximum permitted roof height and building height requirements at 3220 Beach Drive 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 September 2, 2015 report of the Director of Building and Planning for DVP00021, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

9. ***Development Variance Permit Application (DVP) - 1654 Hampshire Road***

- Report - Director of Building & Planning, Sep. 2, 2015
- Rpt Attach 1 - Arborist's Memo, Aug. 14, 2015
- Rpt Attach 2 - Talbot MacKenzie & Assoc Memo, Jun. 11, 2015
- Rpt Attach 3 - Applicant's Letter, R. Collins, Jun. 11, 2015
- Plans - DVP - 1654 Hampshire Rd, rcvd, Aug. 6, 2015

Deborah Jensen, Planner, in attendance for this item.

Rus Collins, Zebra Design & Interiors Group Inc., responded to questions from the Committee, clarifying the design of the proposed driveway with respect to reducing storm water runoff.

MOVED by Councillor Kirby, seconded by Councillor Ney: That it be recommended to Council that the proposal to increase the maximum permitted paved surface within a front yard at 1654 Hampshire 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 September 2, 2015 report of the Director of Building and Planning for DVP00017, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

10. ***Development Variance Permit Application (DVP) - 2012 Runnymede Avenue***

- Report - Director of Building & Planning, Sep. 9, 2015
- Rpt Attach 1 - Applicant's Letter, R. Collins, Jul. 20, 2015
- Rpt Attach 2 - Statement of Significance
- Plans - DVP 2012 Runnymede Ave, rcvd, Sep. 10, 2015

Deborah Jensen, Planner, in attendance for this item.

MOVED by Councillor Croft, seconded by Councillor Kirby: That it be recommended to Council that the proposal to construct a second storey addition to the principal building and reduce the required rear lot line setback at 2012 Runnymede Avenue 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 September 9, 2015 report of the Director of Building and Planning for DVP00020, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

REGULATORY ITEM(S)

11. ***Land Use Procedures and Fees Bylaw***

- Report - Director of Building & Planning, Sep. 4, 2015
- Rpt Attach 1 - Land Use Procedures and Fees Bylaw (Draft)
- ADDENDA - Rpt Attach 2 - Land Use Application Procedure & Fee Assessment Bylaw 2004
- ADDENDA - Rpt Attach 3 - Public Hearing & Land Use Permit Notification Bylaw 1987
- ADDENDA - Corresp. - Sep. 11 - 14, 2015 - 2121 Fair Street & 'Land Use Procedures and Fees Bylaw'

Deborah Jensen, Planner, in attendance for this item.

The Planner provided an overview of the draft Land Use Procedures Bylaw, outlining the proposed changes to the fees, signage requirements and notification process for various land use applications.

A discussion ensued on the proposed bylaw, with members of the Committee commenting on the proposed increase to the existing notification radius from 30 m to 50 m. Although one member of the Committee expressed interest in increasing the notification radius to 60 m, the majority of the Committee was supportive of the increase to 50 m.

Members of the Committee commented on the incorporation in the bylaw of an opportunity for Council to reconsider an application that was previously denied after 3 months. Although one Committee member expressed concern that this could lead to Council second-guessing the decision-making process, it was also noted that, even with this proposed addition, reconsideration before 6 months would be at the discretion of Council.

Committee discussion then turned to the advantages and disadvantages of increasing fees to be more in keeping with a cost-recovery model. Although one member of the Committee stated that the proposed increase was too substantial and could prove onerous to residents, the majority of the Committee were supportive of the proposed fee increase, given the discretionary nature of the associated applications.

In response to questions from the Committee, the Planner noted that staff work with applicants to determine if an application can be revised to eliminate the need for variances or development permits, which can reduce the associated fees. Ms. Jensen also clarified that the actual staff costs for a Heritage Revitalization Agreement or a Heritage Revitalization Agreement Amendment were estimated to be approximately \$1,500 and that the proposed fee was then reduced to \$750 in recognition of the community benefit to maintaining heritage properties. It was noted that, should the bylaw proceed to Council for consideration, Schedule A would be corrected to reflect an amount of \$750 for Heritage Revitalization Agreements and Heritage Revitalization Agreement Amendments.

With respect to the proposed signage requirements, Ms. Jensen clarified which kinds of applications are regulated by the draft bylaw. She noted that, although legislation does allow for a municipality to also require signage for applications for development permits and development variance permits, this would have additional costs and staffing implications.

During discussion of signage requirements, a member of the Committee raised the concept of requiring that applicants post received permits on the subject property, as a way of providing information to neighbouring residents.

Graham Ross, Oak Bay resident, expressed support for the concept of posting permits, noting that he was required to do so for a renovation on his property in the gulf islands and that it served to advise other residents that the work was proceeding with the proper approvals in place.

Esther Paterson, Oak Bay resident, expressed support for the concept of posting permits, particularly with respect to enhancing safety and compliance.

Anthony Mears, Oak Bay resident, asked for clarification on the notification process for demolition permits. Mr. Mears also stated that the concept of posting permits was interesting and has the potential to reduce the time staff spend answering questions from residents.

The Planner clarified that a radius was used for notification with respect to demolition permits.

Andrew Stinson, Oak Bay resident, spoke in support of increasing fees for discretionary variances, but expressed concern that increasing fees for Heritage Revitalization Agreements could have a quelling effect on heritage restoration.

In response to comments from the public, a member of the Committee stated that Heritage Revitalization Agreements typically include a significant benefit for the applicant, such as increased density, and that this made the proposed fee increase supportable.

MOVED by Councillor Ney, seconded by Councillor Zhelka: That the draft *Land Use Procedures and Fees Bylaw*, which repeals the *Land Use Application Procedure and Fee Assessment Bylaw* and the *Public Hearing and Land Use Permit Notification Bylaw*, be brought forward to a future meeting of Council for consideration, substantially in the form attached to the report of the Director of Building and Planning dated September 4, 2015.

CARRIED

Councillor Kirby against the motion

MOVED by Councillor Zhelka, seconded by Councillor Ney: That the concept of requiring permit holders of building permits and demolition permits to post these permits for public viewing on any subject property be referred to the next strategic priority session to be considered for inclusion in Council's 2016 Strategic Plan.

CARRIED

ADJOURNMENT:

12. ***Motion to Adjourn***

MOVED by Councillor Ney, seconded by Councillor Zhelka: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:00 PM.

Certified Correct:

Municipal Clerk

Chair