

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, Oak Bay, B.C., on Monday, April 18, 2011 following a Special Council meeting at 7:30 p.m.

PRESENT: Acting Mayor P. Copley, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor J. D. Herbert
Councillor N. B. Jensen
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker
Director of Engineering Services, D. Marshall

Acting Mayor Copley called the meeting to order at 7:40 p.m.

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2011-148 OAK BAY PARKS AND RECREATION COMMISSION, April 6, 2011
Re Minutes of the Meeting

(Lorna Curtis, Director of Parks and Recreation, was in attendance for this item.)

Lorna Curtis drew attention to the additional information circulated to Committee members with respect to the Mountain Equipment Co-op request to hold a Paddlefest at Willows Park June 18, 2011.

With respect to the request, the Municipal Administrator advised that given the commercial component of the event, it would have to be determined that the event was a not for profit community event for the benefit of the Municipality, and it was agreed by the Committee that the event met the criteria of the Zoning Bylaw in that regard.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, April 6, 2011, and the recommendations contained therein, be adopted, and further, that it be recommended to Council that pursuant to Section 5.1.4(1) of the Zoning Bylaw approval be given to Mountain Equipment Co-op to host its Paddlefest event at Willows Park on June 18, 2011, with the Municipal Clerk being authorized to execute the required agreement on behalf of the Municipality.

CARRIED

FINANCE SECTION: (Chairman – Councillor Jensen)

2. 2011-149 MUNICIPAL TREASURER, April 6, 2011
Re Monthly Financial Reports

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the March monthly financial reports be received.

CARRIED

TRAFFIC SECTION: (Chairman – Acting Mayor Copley)

- 3. 2011-150 DIRECTOR OF ENGINEERING SERVICES, April 14, 2011
- EXCERPT FROM THE COMMITTEE OF THE WHOLE MEETING MINUTES, January 17, 2011
- 2011-46 DIRECTOR OF ENGINEERING SERVICES, January 13, 2011
- 2011-46-1 JANET JOHNSTONE, November 16, 2010
- 2011-46-2 LISE HISCOCK, December 13, 2010
- EXCERPT FROM THE COMMITTEE OF THE WHOLE MEETING MINUTES, October 4, 2010
- 2010-258 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
- 2010-258-1 DAVE PETTENUZZO, April 29, 2010
- 2010-258-2 MICHAEL YAKUBOWICH, September 8, 2010
- 2010-258-3 ANITA WOLFE AND SUZANNE DEARMAN, September 29, 2010
Re Musgrave Street Parking

The Director of Engineering Services noted that at the October 4, 2010 Committee of the Whole meeting staff was directed to undertake a consultation process with the representatives of Willows Elementary School and businesses in the Estevan Village regarding the parking issues along Musgrave Street that were raised, and the possibility of implementing parking restriction to address the issues, along with exploring with the school the possibility of creating more parking on site. Mr. Marshall drew attention to his memorandum (correspondence item no. 2011-150) in this regard, noting that Engineering staff met with the Willows School and with the Estevan Village businesses to discuss parking in the area. A previous staff report contained parking counts and noted the discussion held with area residents regarding their parking concerns.

With respect to a meeting with the school Principal, it emerged that following the school upgrade, the number of students and teachers has remained the same and therefore no additional parking spaces were required. It was also noted that the school grounds could not accommodate additional parking spaces as the space is used for other functions. The Principal advised that the school has observed available street parking during the week outside of the drop-off and pick-up times.

Turning to the discussions with the Estevan Village businesses, Mr. Marshall drew attention to a detailed questionnaire response (attachment #2 to his memorandum), saying that, in general, the business owners indicated that parking appeared to be adequate for staff and customers. Some concern was expressed that local residents from the apartment buildings park long term in the Estevan Village.

It was noted that all groups in the neighbourhood were in agreement that increased parking enforcement would help alleviate some of the parking concerns.

Members of the Committee discussed various options for possible parking restrictions, and it was suggested that staff provide information on the current parking restriction limits in the area. It was also suggested that perhaps staff from the businesses and school could park further away from the area, although it was thought this would only shift the parking issues to other areas.

With respect to the Director of Engineering Services memorandum, a member of the Committee noted that with no recommendation being made, it seems to indicate staff concluded that there are no obvious solutions to implement.

Michael Yakubowich, resident, said that there are nine residents along this section of Musgrave Street that want the 13 parking spaces back that should have been a requirement for Crumsby's Cupcake Café development, noting that Council allowed a variance for those parking spaces. Mr. Yakubowich requested that 'resident only' parking be implemented along a portion of Musgrave Street. He also indicated that in the event the Committee felt 'resident only' parking was not supportable then '30 minute' limited time parking would be acceptable, but that two hour parking limit was too long.

Lise Hiscock, resident, stated that visitors have difficulty finding parking in the area, and she just wants her guests to be able to park in front of her home. Ms. Hiscock added that the residents had expected to be included in the dialogue as well.

It was pointed out that many of the residential properties in the area also have back lane parking available.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That it be recommended to Council that staff provide a report on the parking restrictions in the area and the use of '30 minute' limited time parking regulations in Oak Bay.

Councillor Herbert advised that he would like to join staff for the site visit to look at the area.

The question was then called.

CARRIED

3. 2011-151 DIRECTOR OF ENGINEERING SERVICES, April 14, 2011
2011-151-1 DERICK WOODS, [Undated]
Re Traffic Issues – Prospect Place and San Carlos Avenue

Responding to a letter from a resident with respect to his concerns about traffic on Prospect Place and San Carlos Place, the Director of Engineering Services drew attention to data collected during site visits with respect to traffic volume, recorded speeds, pedestrian safety and restricting traffic. Mr. Marshall provided an overview of the information provided in his memorandum (correspondence item no. 2011-151), advising that the issues regarding vehicle speeds and traffic counts were not found to be excessive on these two roads, and that pedestrian traffic was not an issue given the low traffic volume and speed. With respect to the suggestion to eliminate or restrict traffic on these roads, Mr. Marshall felt there was no compelling reason to divert traffic onto other streets, and it would be inconvenient for drivers. It was also confirmed by the Fire and Police Departments that this corridor is an important alternative route used by emergency vehicles, he said.

Derick Woods, resident, said that the speed data information would not be accurate because the recorder was placed too close to the blind corner where cars slow down, and should have been placed along the downhill straight section between the two sharp corners on the road. Mr. Woods explained that vehicles use Prospect Place as a shortcut between Oak Bay Avenue and Beach Drive and he feels that this is a unique situation and is dangerous to people living on the street and to pedestrians. Mr. Woods felt that restricting traffic on Prospect Place would help alleviate the traffic issues.

In respect to questions from the Committee regarding the need for a sidewalk, Mr. Marshall compared Prospect Place to Mountjoy Avenue, noting that Mountjoy Avenue also does not have sidewalks but is considered a safe walking route for students walking to the nearby elementary school.

Discussion ensued with members of the Committee commenting on various aspects of the information provided, and while it was the majority view that staff be requested to conduct another traffic speed study at the straight portion of Prospect Place, the view was also expressed that several studies have already been conducted on this street and that the staff recommendation to retain the existing operational nature of the subject streets was supportable.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that staff be directed to record vehicle speeds along the straight portion of Prospect Place to be brought back to Committee of the Whole for consideration.

CARRIED

(Councillors Jensen and Ney against the motion)

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

5. 2011-152 OAK BAY POLICE DEPARTMENT, March 8, 2011
Re Business Block Watch Signs – Oak Bay Avenue

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That it be recommended to Council that approval be given to erect Business Block Watch Signs along Oak Bay Avenue from Foul Bay Road to Monterey Avenue as outlined in correspondence item no. 2011-152.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

6. 2011-99 MUNICIPAL ADMINISTRATOR, April 14, 2011
2011-99-1 GERALD J. STRICKLAND, October 17, 2010
2011-99-2 ALAN LUPIN, October 17, 2010
2011-99-3 ALAN LUPIN, November 22, 2010
2011-99-4 ALAN AND EWA LUPIN, January 15, 2011
2011-99-5 BARBARA GODWIN, October 18, 2010
2011-99-6 BRIAN AND CELINE BERRY, October 19, 2010
2011-99-7 BRIAN BERRY, February 20, 2011
2011-99-8 BARBARA HARRIS, October 19, 2010
2011-99-9 JOHN HARRIS, October 25, 2010
2011-99-10 CATHERINE MURRAY *et al*, October 19, 2010
2011-99-11 LYNNE AND DONALD CRAIGDALLIE, October 19, 2010
2011-99-12 MARYLA WATERS, October 19, 2010
2011-99-13 JEAN SPARKS, October 20, 2010
2011-99-14 MICHAEL AND JANICE STANGER, October 20, 2010
2011-99-15 LYNDA GALE THORN, October 20, 2010
2011-99-16 STEFAN AND LIOBA OPETZ, October 20, 2010
2011-99-17 WILLIAM COZENS, October 20, 2010
2011-99-18 WILLIAM COZENS, October 22, 2010
2011-99-19 GLYN AND THERESE WILLIAMS, October 20, 2010
2011-99-20 NORMA AND GERALD WILSON, October 20, 2010
2011-99-21 MAGDALENA AND STEFAN OPALSKI, October 20, 2010
2011-99-22 MAGDALENA AND STEFAN OPALSKI, November 4, 2010
2011-99-23 BILL JAMIESON AND JOAN HEAGLE, October 21, 2010
2011-99-24 ADRIANNE THOMSON, October 24, 2010

- 2011-99-25 TERRY AND NANCY SHERWOOD, October 25, 2010
- 2011-99-26 SUSAN HYATT, November 2, 2010
- 2011-99-27 LLOYD HOWARD, November 8, 2010
- 2011-99-28 LOIS RHODES *et al*, November 8, 2010
- 2011-99-29 BARBARA JULIAN, December 5, 2010
- 2011-99-30 BARBARA JULIAN *et al*, December 13, 2010
- 2011-99-31 CHRISTIN GEALL, January 24, 2011
- 2011-99-32 KYLE HUNTER, January 24, 2011
- 2011-99-33 JILL SMITH, February 2, 2011
- 2011-99-34 SUSAN SCOTT, February 8, 2011
- 2011-99-35 K. HOOD-DESHON *et al*, February 20, 2011
- 2011-99-36 G. A. MAYHEW, [Undated]
- 2011-99-37 MARGARET PALMER, February 24, 2011
- 2011-99-38 ROSEMARY JAMES CROSS, March 2, 2011
- 2011-99-39 LINDA FOUBISTER, March 2, 2011
- 2011-99-40 AVIS RASMUSSEN, March 3, 2011
- 2011-99-41 WAINE RYZAK, March 3, 2011
- 2011-99-42 JILL SMITH, March 21, 2011
- 2011-99-43 E. A. NEWTON *et al*, February 20, 2011
- 2011-99-44 GWEN HOWEY, April 13, 2011
- 2011-99-45 THERESA TALLENTIRE, April 12, 2011
- 2011-99-46 BRONWYN TAYLOR, April 14, 2011
- 2011-99-47 JUDITH ROHRER ANDERSEN, April 15, 2011
- 2010-247 DIRECTOR OF BUILDING AND PLANNING, September 8, 2010
- 2010-247-1 MUNICIPAL ADMINISTRATOR, September 16, 2010
- 2010-247-2 BRIAN MCKINNEL AND PATRICIA WILSON, August 19, 2010
- 2010-247-3 MARGARET PALMER, August 23, 2010
- 2010-245 OAK BAY HERITAGE COMMITTEE, August 17, 2010
- EXCERPT FROM THE COUNCIL MEETING MINUTES, September 20, 2010
- EXCERPT FROM THE COUNCIL MEETING MINUTES, July 19, 2010
- 2010-214 DIRECTOR OF BUILDING AND PLANNING, July 15, 2010
Re Proposed Heritage Revitalization Agreement – 2031 Runnymede Avenue

The Municipal Administrator provided an overview of his memorandum regarding the proposed Heritage Revitalization Agreement for 2031 Runnymede Avenue (Blair Gowie House), which would permit the subdivision of the land, although the house and the land are currently designated heritage. In October of last year, Mr. Brennan said, Council discussed the issue of whether or not allowing the subdivision would be inconsistent with the purpose of the heritage designation, and consideration was given to the possibility of entering into a Heritage Revitalization Agreement that would see the restoration of the heritage house, which would be of benefit to the community. At that time, Mr. Brennan noted, Council expressed support in principle for the potential subdivision, subject to acceptable terms and conditions of a Heritage Revitalization Agreement, and staff was directed to meet with the applicants to come to an agreement on the details of a Heritage Revitalization Agreement and report back to the Committee of the Whole.

Mr. Brennan outlined the main points discussed with the proponents as laid out in his memorandum and contained in the draft Heritage Revitalization Agreement.

Answering various questions from the Committee, the Director of Building and Planning advised that under the proposed Heritage Revitalization Agreement the existing carport and

pool (totalling approximately 1,000 square feet) would be removed, and the proposed new lot would be approximately 12,000 square feet, which would allow a 3,000 square foot house to be built.

Public Input:

Alan Lupin, resident, said the Committee has received his letters and petitions for what he felt was an unpopular project with the public. Dr. Lupin asked what the community will get out of this proposal and he expressed concern that the valuable and profitable property may fall into the hands of a developer and that this special part of the area would be lost. It was Dr. Lupin's opinion that Ms. Ellis (the late owner), wished to keep the property intact, and he expressed concern that there would be loss of heritage and greenspace.

In response to the question about the community benefit of the proposal being considered, a member of the Committee commented that while touring the house and property members of the Committee found the exterior of the house to be in significant disrepair, and that currently the Municipality has no recourse to ensure that the heritage designated property is restored and maintained in the future. However, a Heritage Revitalization Agreement could set certain terms and conditions that would ensure the preservation and continual upkeep of the heritage home, it was noted.

Dr. Lupin said when he was last in the house he found the basic structure to be in good condition, and questioned the Municipality's ability to enforce the terms of the agreement.

Giles Deshon, resident, said he is against any subdivision of Blair Gowie and Kildonan, another heritage property, saying it will increase traffic and become dangerous, especially for the several young children in the neighbourhood, adding that his family was attracted to the area because of its quiet streets. When he bought the house he was aware of another subdivision going in nearby in Victoria but did not think the same thing would happen in Oak Bay. Mr. Deshon echoed earlier questions about the ability to enforce the terms of a Heritage Revitalization Agreement.

In response to questions from the Committee, Mr. Brennan clarified that the Heritage Revitalization Agreement addresses two types of works; required works, and optional works. The required works and the security bond (letter of credit) are only in respect to the restoration and upkeep of the exterior of the house, he said. Should the owner default on the required work, the Municipality has the ability to use the security bond that would be held to have the necessary exterior restoration work taken care of. The interior work is optional under the proposed agreement. With respect to ongoing maintenance, Mr. Brennan said that legal action would be an option should the owner not meet the terms of the Agreement.

Referring to the Municipal Administrator's memorandum (correspondence item no. 2011-99), Ewa Lupin, resident, commented that she felt the draft Heritage Revitalization Agreement has serious omissions, pointing out she had learned that a 3,000 square foot house could possibly be built on the subdivided lot, and she referred to what she thought were discrepancies with respect to the size of the garage, and the description of the 'garden' structure, and said that there was a lack of adequate plans of Blair Gowie. She felt she was at a disadvantage as there was little time to review the document before the meeting. Ms. Lupin went on to say that the plans show only the basement and ground floor level of the house, and it looks as though the second and top floors do not exist. Ms. Lupin wondered why the renovation includes several suites, as she thought the proponents said they were going to live in the house. She also expressed concern that there is no mention of plans for the gardens.

Ms. Lupin, referring to the topic of 'Further Subdivision' mentioned on page 3 of the document, expressed concern that the property could be subdivided even further than is currently being requested. She then referred to Page 5, Section 12 and 13 of the draft Heritage Revitalization Agreement attached to the memorandum, regarding 'damage to heritage building less than / exceeding 75% of value' sections, saying that if the house is damaged or destroyed to this extent it will not be rebuilt, and that would be the end of Blair Gowie.

In response to some of the comments made, it was noted that the plans for Blair Gowie house included with the draft Heritage Revitalization Agreement have only been used to identify variances being sought for floor area, as there are no required interior modifications, and it was confirmed that the plans are for a single family dwelling only, without suites.

Responding to Ms. Lupin's remarks about why the Committee does not reject the proposal when there are other offers to buy the property without it being subdivided, it was pointed out that Council has no authority to tell owners who to sell their house to, and that it has an obligation to consider the application before them.

In conclusion, Ms. Lupin said the Oak Bay Heritage Advisory Panel was against the proposal, which should be taken into account.

Jean Sparks, resident, (former member of the Oak Bay Heritage Advisory Panel), clarified that she recalled one member of the Panel was away and the remaining members were split on their views regarding Blair Gowie. Ms. Sparks gave some examples of what she considered to be precedent setting decisions regarding other properties seeking Heritage Revitalization Agreements in Oak Bay, saying that if a Heritage Revitalization Agreement is entered into for Blair Gowie it would set a precedent for allowing other heritage properties to be subdivided.

Ms. Sparks said she supports Dr. and Ms. Lupin and wanted to add her concern regarding issues related to blasting, and that she would like to see a policy in place to ensure neighbouring properties are notified of Heritage Revitalization Agreement applications. Ms. Sparks felt the agreement should include 'no blasting'.

In response, the Director of Building and Planning pointed out that the siting and design of a proposed second dwelling would have to be approved by Council, which might address the issue of siting the house where blasting would be required.

Going back to the topic of precedent setting, and referring to a house that was slated for demolition in the 1990's, Ms. Sparks noted that Council at that time took the initiative to ask the owners to first put the house on the market to sell, and it was sold and moved.

Responding to some of Ms. Sparks comments, the timeline of the process to date regarding 2031 Runnymede Avenue was clarified, and it was noted that the meetings where 2031 Runnymede Avenue had been discussed have all been open to the public.

With reference to whether or not a Heritage Revitalization Agreement for 2031 Runnymede Avenue would be precedent setting, members of the Committee said that Heritage Revitalization Agreements are very property and situation specific which would not create any precedents.

Terry Hunter, resident, expressed her agreement with Ms. Sparks regarding the blasting issue and the effects it could have on neighbouring houses and trees. Ms. Hunter also expressed the view that in some cases, homeowners allow a property to deteriorate as a tactic to ask for a Heritage Revitalization Agreement.

Marion Cumming, resident, summarized an email she sent saying that Council should honour the original intent of the late Ms. Ellis to keep the property in tact. Ms. Cumming also expressed her concern regarding blasting, adding that the rock is a part of Oak Bay's beautiful and natural open space, and a part of the garden. Ms. Cumming also indicated that should this proposal be turned down, it would open the opportunity for another offer for the property to come through.

Patrick Frey, resident, said he was previously the Director of the Provincial Heritage Program and was also responsible for drafting the Heritage Revitalization Agreement legislation. Mr. Frey explained that originally the primary protection tool was heritage designation, but it was later recognized that local governments required a much broader and more flexible tool kit in order to work with property owners, and in the interests of the community, to conserve heritage properties. The situation pertaining to Blair Gowie is what was envisioned for this legislation, he said, and the intent of the Heritage Revitalization Agreement was to allow a property owner to work with the local government to achieve conservation and protection of the property in a manner that would benefit both the property owner and the community. Mr. Frey agreed with members of the Committee that the flexible and individual nature of Heritage Revitalization Agreements means they do not create precedents. With respect to penalties, Mr. Frey advised that there are criminal penalties and civil remedies in regard to unauthorized alterations or damage to heritage properties. Mr. Frey said that heritage designation and a Heritage Revitalization Agreement could continue together. He also confirmed that under the heritage designation there is no obligation for the owner to maintain their property, however, the terms of a Heritage Revitalization Agreement can include conditions that would require it.

Judy Tsimon, daughter of the late Ms. Ellis, said she and her family feel extremely disrespected at the suggestion that they would allow their family home to fall into disrepair for financial gain, which would be against all their values. Ms. Tsimon said her parents loved the house, she and her siblings grew up in this house, and she was appalled by the inaccurate comments being made. With respect to Mr. Wilkin, the proponent, who used to live across the street and has enjoyed tea with her Mother, Ms. Tsimon asked who would be better to take on the project than a professional and a McLure specialist? She said that the family would like to see something that would stand as a testament to their Mother, her values, her belief in history, and her respect for the Butchart family, and she added that for Mr. Wilkin, this would be a labour of love project to be enjoyed with his wife, so why would he abuse this situation?

Jill Ellis, daughter of the late Ms. Ellis, wanted to clarify that she looked after her Mother rather than having her go into care. Ms. Ellis felt that the comments made were very offensive, noting that the family is in a difficult situation as it costs a fortune to keep up a house the size of Blair Gowie, and that her Mother tried her best to keep it up but it impoverished her Mother to do so. Ms. Ellis said she talked to her Mother before she passed away and she was in favour of this proposal, therefore they were not going against their Mother's wishes. The family feels that this is the best option to have the family home restored, she said.

It was noted that given the late hour, perhaps further discussion on the application could be deferred to allow other agenda items to be considered. Although the applicants were asked if they wished to address the Committee, they indicated they would prefer to wait until the next date when the application would be considered.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the proposed Heritage Revitalization Agreement for 2031 Runnymede Avenue be deferred to the next Committee of the Whole meeting.

CARRIED

7. 2011-153 DIRECTOR OF BUILDING AND PLANNING, April 11, 2011
2011-153-1 BERNICE ANDERSON, March 17, 2009
2011-153-2 BARBARA AND NEIL JACKSON, April 26, 2009
2011-153-3 WENDY AND PETER EHLERS, May 13, 2009
2009-91 DIRECTOR OF BUILDING AND PLANNING, February 24, 2009
2009-56 DIRECTOR OF BUILDING AND PLANNING, February 2, 2009
2009-56-1 MUNICIPAL ADMINISTRATOR, February 4, 2009
2009-56-2 JUDITH ANDERSEN, February 4, 2009
Re Proposed Heritage Revitalization Agreement - 1226 Roslyn Road

The Director of Building and Planning provided an overview of the process for considering the proposed subdivision/Heritage Revitalization Agreement application from the owner of 1226 Roslyn Road, noting that the application had been referred to the Heritage Advisory Panel for an assessment with respect to heritage merit. The application was to be referred once the applicant provided details on the changes, a survey and a building code review. Mr. Thomassen noted that the Panel's report regarding its assessment was included in the agenda package.

John Young, applicant, described some of the upgrades and structural alterations that have been undertaken since the application for a Heritage Revitalization Agreement was considered in March 2009, noting that there are more upgrades required, and that the proposed subdivision would fund those upgrades. He pointed out that the triplex has since been converted into a duplex, reducing the density of the existing house, which should address some of the concerns expressed by neighbours regarding the application. Mr. Young indicated that his is a significant house on the streetscape, and he would undertake tasteful restoration of it under a Heritage Revitalization Agreement.

Discussion turned to the assessment made by the Heritage Advisory Panel, and there were conflicting interpretations as to the recommendation of the Panel, and whether or not the property had heritage merit, and it was noted that pursuant to the applicable legislation, Council would have to determine that the property was heritage property if it was to proceed with a Heritage Revitalization Agreement.

The point was raised that a wide range of aspects of a property can affect its heritage merit, including its importance to a streetscape, however, it was suggested that the Panel be asked to clarify its recommendation in respect to the property's heritage merit.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the application be referred back to the Heritage Advisory Panel for clarification of its recommendation regarding the heritage merit of 1226 Roslyn Road.

Jean Sparks, former member of the Heritage Advisory Panel indicated that she was a member of the Panel when it considered the application, noting that the Panel found that the property did have heritage value as part of the streetscape.

There was consensus to withdraw the motion as it was felt there was sufficient information to determine that the property has heritage merit.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That it be recommended to Council that the application for a Heritage Revitalization Agreement for 1226 Roslyn Road be referred to staff to discuss potential terms of an agreement and present a draft agreement for consideration by the Committee of the Whole.

Neil Jackson, resident, spoke against the proposed subdivision through a Heritage Revitalization Agreement, noting that the approval that allowed the triplex in the 1940's on the single lot should be adhered to today, and that the house and land should be assessed as one entity. He also pointed out various sections contained in the Official Community Plan with respect to duplexes and the use of Heritage Revitalization Agreements, noting that one objective is to preserve significant buildings, yards and landscape features, reiterating that the land and house should be considered as one.

Peter Ehlers, resident, urged the Committee to consider whether or not the ambience of the street would be improved by the proposed subdivision. He pointed out that he also lives in a house that requires upgrades, but that he takes responsibility for paying for them. In his view, he said, the application was about making money from the proposed subdivision, which should not be sugar coated with the heritage issue.

Mr. Ehlers questioned whether or not the community needs the increased density that would result from approval of the application.

Mr. Ehlers drew attention to there perhaps being heritage merit in the current setting of the house, pointing out that the trees that add ambience to the street would be removed should a subdivision of the property be approved through a Heritage Revitalization Agreement.

Mr. Young responded to some of the comments made, noting that the existing triple garage would be removed and that the new house on the new lot would be an improvement. He further pointed out that unlike some properties, there did not exist a particularly special garden that would be demolished on the proposed new lot.

It was pointed out by a member of the Committee that without protection through entering into a Heritage Revitalization Agreement or forcing a heritage designation, the property could be demolished, and that a Heritage Revitalization Agreement was a workable way to obtain the community benefit of retention of the house.

The question was then called.

CARRIED

8. 2011-154 DIRECTOR OF BUILDING AND PLANNING, April 7, 2011
Re Subdivision Covenant/Development Variance Permit Application –
1820 Beach Drive

Tim Rodier, Designer, advised that as requested by the Committee of the Whole at its March 7 and 21, 2011 meetings, the proposed house design has been modified and that the accessory garage will now be attached to the principal building. Mr. Rodier said that the floor area has been reduced and the house siting has been moved back approximately 3.5 feet to ensure the protection of a Garry Oak tree located on the south east corner close to the building envelope. The variance for paved surface, he said, has been eliminated.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to the proposed subdivision of 1820 Beach Drive, as outlined in correspondence item no. 2011-154, subject to the conditions of the Subdivision Approving Officer being met, be prepared and brought forward to Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the meeting continue past the 11 o'clock p.m. hour of adjournment fixed by the Procedure Bylaw.

DEFEATED

(Councillors Cassidy and Herbert against the motion)

The meeting adjourned at 11:00 p.m.

Certified Correct:

Municipal Clerk

Chairman, Recreation Section

Chairman, Finance Section

Acting Mayor, Traffic Section

Chairman, Public Works Section

Chairman, Land Use Section