

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 20, 2015 at 7:00 p.m.

PRESENT: Councillor T. Ney, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor E. W. Zhelka
Mayor Nils Jensen (entered 7:45 p.m.)

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen

PARKS AND RECREATION ITEM(S):

1. ***Parks and Recreation Commission (P&R Comm) Minutes***
 - Note - Municipal Clerk – P&R Comm Minutes, Apr. 1, 2015
 - Minutes - Oak Bay Parks & Recreation Commission, Apr. 1, 2015
 - Rpt Attach 1 - Program Reports Mar. 2015
 - Rpt Attach 2 - February Finance Summary 2015

Ray Herman, Director of Parks and Recreation in attendance for this item

In response to questions from the Committee, the Director of Parks and Recreation provided updates on Commission and staff activities.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, April 1, 2015, and the recommendations contained therein, be adopted.

CARRIED

FINANCE ITEM(S):

2. ***Monthly Financial Report***
 - Report - Municipal Treasurer, Apr. 14, 2015
 - Rpt Attach - Statement, Capital, Investments, Prop. Taxes, Mar. 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the monthly financial report of the Municipal Treasurer dated Apr. 14, 2015 be received.

CARRIED

ENGINEERING SERVICES ITEM WITH LAND USE APPLICATION:

3. ***Request for Three Way Stop - Granite Street and Victoria Avenue***
- Report - Director of Engineering Services, Apr. 15, 2015

Richard Ding, Engineering Technician, in attendance for this attendance for this item.

The Engineering Technician provided an overview of his report and responded to questions from the Committee with respect to the recommendation, noting that stop signs are not meant to serve as a method of traffic calming. Mr. Ding also elaborated on the traffic counts undertaken to establish his recommendation.

Ron Matthews, Oak Bay resident, noted that there have been concerns regarding the traffic on Granite Street for some time and that he appreciates the efforts already undertaken by the Municipality to address this issue. Mr. Matthews noted that the forthcoming comprehensive traffic study of the area is particularly welcome and that he hoped that residents would be involved.

With respect to the current report, Mr. Matthews expressed disappointment that the report was not more extensive and commented that the traffic counts should be more current and should take pedestrians into account. He stated that a three-way stop would be an easy way to moderate traffic at this location.

Diana Butler, Oak Bay resident, commented that there has been a significant change over the years in the traffic in south Oak Bay and that a comprehensive study is necessary, with the full involvement of the residents. More efforts towards enforcing the new traffic speed are warranted, she said, and the impact of trucks also needs to be addressed.

In regards to the current report, Ms. Butler stated that she questions if the traffic counts are accurate given that many vehicles will be entering and exiting their properties on Granite Street. She encouraged the Committee to implement the three-way stop and remove the signage if it proved to be unsuccessful.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That, as outlined in the April 15, 2015 report of the Director of Engineering Services, it be recommended to Council that a three-way stop not be installed at the intersection of Victoria Avenue and Granite Street.

CARRIED

LAND USE APPLICATIONS:

4. ***Uplands Building Permit Application - 3355 Midland Road***
- Report - Director of Building and Planning, Apr. 7, 2015
 - Rpt Attach 1 - ADP Minutes, Apr. 7, 2015
 - Rpt Attach 2 - Municipal Arborist's Memo, March 19, 2015
 - Rpt Attach 3 - Applicant's Letter, L. Cecco, Mar. 15, 2015
 - Plans - UBP - 3355 Midland Rd, Mar. 16, 2015

The Director of Building and Planning gave an overview of his report.

Larry Cecco, applicant, was in attendance to respond to questions.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposed plans to relocate the proposed accessory building and gazebo located at 3355 Midland Road, as indicated on the plans dated March 16, 2015, be approved as to siting.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

5. ***Uplands Building Permit Application - 3195 Norfolk Road***

- Report - Director of Building and Planning, Apr. 8, 2015
- Rpt Attach 1 - ADP Minutes Apr. 7, 2015
- Rpt Attach 2 - Municipal Arborist's Memo, March 19, 2015
- Rpt Attach 3 - Applicant's Letter, B. Wilkin, Mar. 16, 2015
- Plans - UBP - 3195 Norfolk Road - Mar. 15, 2015

The Director of Building and Planning gave an overview of his report.

A representative for the application was available to respond to questions.

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That it be recommended to Council that the plans for exterior updates to the existing house located at 3195 Norfolk Road be approved as to architectural design

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

6. ***Development Variance Permit (DVP) Application - 671 Linkleas Avenue***

- Report - Director of Building and Planning, Mar. 27, 2015
- Rpt Attach 1 - Applicant's Letter, Carolyn Kohan, Feb 11, 2015
- Plans - DVP - 671 Linkleas Ave, Feb. 11, 2015

The Director of Building and Planning gave an overview of his report.

Kevin Kohan and Carolyn Kohan, owners, were in attendance. Ms. Kohan commented that locating the garage as proposed would allow the best use of the front yard and while taking into account the impact on the Sequoia tree and existing landscape.

Mayor Jensen entered the meeting at 7:45 p.m.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That it be recommended to Council that the proposal to construct an accessory building at 671 Linkleas 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 March 27, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

7. ***Development Variance Permi (DVP)t Application - 2201-2217 Oak Bay Avenue***

- Report - Director of Building and Planning, Apr. 10, 2015
- Rpt Attach 1 - Applicant's Letter, Jesse Owens, Mar. 3, 2015
- Plans - DVP - 2201 Oak Bay Ave - rcvd, Feb. 26 & Mar. 3, 2015

The Director of Building and Planning gave an overview of his report.

Jessie Owens, applicant, was available to respond to questions.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposal to vary the parking requirements for the mixed use building at 2201 Oak Bay 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 April 10, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

8. ***Development Variance Permit (DVP) Application - 2770 Thompson Avenue***

- Report - Director of Building and Planning, Apr. 10, 2015
- Rpt Attach 1 - Applicant's Letter, Cairns, Mar. 3, 2015
- Plans - DVP - 2770 Thompson Ave - Apr. 9, 2015

The Director of Building and Planning gave an overview of his report.

Representatives for the application were available to respond to questions.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That it be recommended to Council that the proposal to renovate an attached garage and remove the requirement for enclosed parking at 2770 Thompson 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 April 10, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council

for consideration.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

9. ***Development Variance Permit (DVP) Application - 305 King George Terrace***

- Report - Director of Building and Planning, Apr. 15, 2015
- Rpt Attach 1 - Applicant's Letter, N Banks, Feb. 15, 2015
- Plans - DVP - 305 King George Terr - rcvd, Apr. 16, 2015

The Director of Building and Planning gave an overview of his report.

Nigel Banks, Banks Design, responded to questions from the Committee, clarifying that the deck would be reduced so as not to exceed the maximum allowable lot coverage. Mr. Banks noted that this would be addressed in advance of the issuance of the building permit. He also noted that frosted glass was proposed as a material to provide privacy screening.

MOVED by Councillor Kirby

Seconded by Councillor Croft, That it be recommended to Council that the proposal to construct a deck at 305 King George Terrace 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 April 15, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

10. ***Development Variance Permit (DVP) Application - 1880 Greatford Place***

- Report - Director of Building and Planning, Apr. 15, 2015
- Rpt Attach 1 - Applicant's Letter, The Williams Family, Mar. 17, 2015
- Plans - DVP - 1880 Greatford Pl, rcvd, Mar. 17, 2015

The Director of Building and Planning gave an overview of his report.

Michael and Karen Williams, owners, were in attendance to respond to questions.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That it be recommended to Council that the proposal to utilize the attached garage for small car parking at 1880 Greatford 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 April 20, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

With no members of the public wishing to speak to the application, the question was then called.

CARRIED

REGULATORY ITEM(S):

11. ***Floor Area Review (FAR) Committee - RS-4/RS-5 Bylaw Recommendations***

- Report - Director of Building and Planning, Apr. 15, 2015
- Rpt Attach 1 - FAR Committee, RS-4 RS-5 Bylaw Recommend Rpt, Apr. 2015
- Corresp up to Apr. 16, 2015 - FAR Committee Report
- ADDENDA Corresp from Apr. 17 to Apr. 20, 2015 - FAR Committee Report

The Director of Building and Planning introduced the April 2015 report of the Floor Area Review (FAR) Committee and provided a review of the process to date.

As Chair of the FAR Committee, Councillor Murdoch commented on the guiding principles used to undertake this review and then summarized the Committee's recommendations including specific discussion with respect to floor area measurement, height controls, setbacks, atriums, decks, verandahs, and calculations for grade and basement exemptions.

John Armitage, Oak Bay resident, commented on the recommendations in the FAR report as described in his April 5, 2015 correspondence attached to the agenda.

Discussion ensued by the Committee regarding the recommendations including comments on the potential impact of the proposed change in floor area measurement from a "Fixed Floor Area" model to a "Floor Area Ratio" model. The importance of the upcoming tree bylaw review and urban forest strategy was noted and support was expressed for the proposed exemptions for architectural elements with community benefit.

Anthony Mears, Oak Bay resident, expressed concern regarding Appendix 1 of the FAR report which comments on duplex regulations in the bylaw. Mr. Mears stated that the duplex guidelines in the report were not supportable and that sufficient opportunities for public input on this element of the report have not been provided.

With respect to Appendix 1, Councillor Murdoch noted that this item had been included to address a specific application, with the intention that more review be undertaken in the future.

MOVED by Councillor Zhelka

Seconded by Councillor Braithwaite, That it be recommended to Council that staff be directed to draft Zoning Bylaw amendments as outlined in recommendations 1 to 14 of the April 2015 Report from the Floor Area Review Committee, to be brought forward to a future Council meeting for consideration and setting of a public hearing date.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That staff be directed to review and provide further comment on recommendation 15 of the April 2015 Report from the Floor Area Review Committee.

CARRIED

12. ***Council Appointed Committee - Advisory Planning Committee - Terms of Reference***

- Report - Chief Administrative Officer, April 15, 2015
- Rpt Attach 1 - APC Terms of Reference, Apr. 15, 2015
- Report - Chief Administrative Officer, Mar. 11, 2015
- Rpt Attach 1 - APC Terms of Reference, Mar. 11, 2015
- Report - Chief Administrative Officer, Feb. 10, 2015
- Report - Chief Administrative Officer, Dec. 15, 2014
- Corresp up to Apr. 15, 2015 - APC Terms of Reference
- ADDENDA Corresp up to Apr. 20, 2015 - APC Terms of Reference

Deborah Jensen, Planner, in attendance for this item

The Chief Administrative Officer provided an overview of her report and the associated recommendation.

Dave Rodenhuis, Oak Bay resident, spoke in favour of an advisory planning commission instead of a committee, commenting that some residents felt that the Official Community Plan process was not sufficiently transparent. He stated that the commission's residency requirements were supportable, that no in camera meetings should be held and the Council could still have a non-voting representative on a commission.

David Holland, Oak Bay resident, stated that land use is a very important issue and that an advisory planning commission would give residents better input into the decision-making process. He emphasized the need to maintain the character of the Municipality.

Bruce Filan, Oak Bay resident, expressed his concerns regarding the legality of establishing an advisory planning committee instead of an advisory planning commission, as described in his correspondence dated April 20, 2015 attached to the agenda.

Steve Bowker, Oak Bay resident, circulated two documents which compared the regulations under the Local Government Act and the Community Charter, commenting that this information confirms that establishing an advisory planning committee instead of a commission would be illegal.

In response to questions and comments from the public, the Chief Administrative Officer noted that consultation with the Municipal Solicitor confirmed that it is within the parameters of current legislation to establish either an advisory planning committee or commission. It was also noted that minutes would be taken for either advisory body and that both of the advisory bodies could only adjourn to in camera sessions in keeping with the requirements of the Community Charter.

MOVED by Councillor Kirby

Seconded by Councillor Croft, That the meeting continue past 11:00 p.m.

CARRIED UNANIMOUSLY

John Armitage, Oak Bay resident, commented that an advisory body structure should be selected that will best reach a consensus on decision-making. Mr. Armitage spoke in favour of finding a collaborative approach, instead of a combative approach.

John Lang, Oak Bay resident, stated that the public perception is that committees are controlling and secretive while commissions are transparent.

Anthony Mears, Oak Bay resident, stated that he was quite concerned when the Environmental Advisory Committee and the Active Transportation Advisory Committee were disbanded. Mr. Mears noted that other municipalities are now dealing with excessive demolitions as a result of poorly regulated development and that he did not want a similar issue to arise in Oak Bay. He emphasized the importance of advisory bodies being open and accountable to citizens. Mr. Mears concluded his remarks by stating that the Committee should not base their decision on the actions of other municipalities, which may be incorrect.

Andrew Stinson, Oak Bay resident, noted that the disbanded Environmental Advisory Committee was not able to post agendas and minutes online or to see their recommendations implemented due to insufficient staff resources. One intention of incorporating an environmental perspective and an active transportation perspective on the advisory planning body, he said, is to address the staffing issue. Mr. Stinson commented that although he preferred the committee format, with its broader mandate, the proposed terms of reference should be amended so that the Council member is non-voting. He spoke in favour of including a youth member on the proposed advisory planning committee and noted that if no suitable candidates were available the space on the committee could be kept vacant. He also recommended that consideration be given to limiting term membership.

Steve Bowker, Oak Bay resident, spoke a second time, noting that many municipalities with an advisory planning commission also have an advisory committee which then provides a broader perspective on a wide variety of topics.

Committee discussion ensued with respect to the question of establishing an advisory planning committee or a commission. Consideration was given to the mandate, membership and processes of both bodies. Some members of the Committee commented that a committee-based format would be more nimble and responsive, and more in keeping with past practices of the municipality; however, the majority of the Committee indicated that a commission was supportable given public perception and concerns regarding transparency.

MOVED by Councillor Murdoch,

Seconded by Councillor Zhelka, That it be recommended to Council that staff be directed to draft a bylaw to establish an Advisory Planning Commission to be brought forward to a future meeting for consideration.

CARRIED
Mayor Jensen and Councillors Croft and Kirby
against the motion

ADJOURNMENT:

13. ***Motion to Adjourn***

Moved by Councillor Croft

Seconded by Councillor Zhelka, That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 11:35 p.m.

Certified Correct

Municipal Clerk

Chair