

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, March 17, 2014 at 7:00 p.m.

PRESENT: Councillor C. Green  
Councillor P. Copley, Chair  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch

STAFF: Municipal Administrator, H. Koning  
Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, C. Denomme  
Municipal Treasurer, Patricia Walker  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall

Acting Mayor Copley called the meeting to order at 7:03 p.m.

PARKS AND RECREATION SECTION: (Section Councillor - Acting Mayor Copley)

1. 2014-69 OAK BAY PARKS AND RECREATION COMMISSION, March 5, 2014  
Re Minutes of Meeting

*(Ray Herman, Director of Parks and Recreation and Sandi Piercy, Chair of the Oak Bay Parks and Recreation Commission, in attendance for this item)*

A discussion ensued regarding the triathlon event proposed for Willows Park and the Director of Parks and Recreation answered questions from the Committee.

In response to questions from the Committee, Ms. Hilton advised the triathlon could not be approved pursuant to the current Zoning Bylaw inasmuch as the applicant is an incorporated business. She advised that the applicants could discuss other options with staff, for putting on an event that would comply with the current regulations.

MOVED by Councillor Kirby

Seconded by Councillor Green, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on March 5, 2014, and the recommendations contained therein with the exception of the recommendations in relation to the MEC PaddleFest event and the Human Powered Racing Triathlon event be adopted.

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That it be recommended to Council, that, whereas, pursuant to the Zoning Bylaw, the proposed event, including the sales of goods and refreshments, has been determined to be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to Mountain Equipment Co-op to hold the MEC Paddlefest 2014 at Willows Park on Saturday, July 12, 2014, subject to the event organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

FINANCE AND PUBLIC WORKS SECTION: (Section Councillor Herbert)

2. 2014-70 MUNICIPAL TREASURER, March 9, 2014  
Re Financial Reports

The Municipal Treasurer provided an overview of her report and answered questions from the Committee.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the financial reports, correspondence no. 2014-70, be received.

CARRIED

3. 2014-71 FIRE CHIEF, March 4, 2014  
Re Amendments to Bylaw 3803 and 4144

*(Dave Cockle, Fire Chief, in attendance for this item)*

The Fire Chief provided an overview of his report and answered questions from the Committee.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That amendments to Bylaw 3803 and Bylaw 4144, as outlined in correspondence item no. 2014-71, be prepared and brought forward to Council for consideration.

CARRIED

4. 2014-72 DIRECTOR OF ENGINEERING SERVICES, March 17, 2014  
Re Request for Resident only Parking Regulations on Beaverbrooke Street

Councillor Murdoch declared a conflict inasmuch as he is a parent of a child who goes to St. Michaels University Junior School and left the meeting at 7:30 p.m.

The Director of Engineering Services provided an overview of his report and answered questions from the Committee.

Michael Conrad, resident, said he lives on Beaverbrooke Street and said the problem with people parking and blocking their driveways has been ongoing for many years. The residents concerns have been brought to St. Michaels University Junior School over the years with no resolution to the problem which has continued to get worse, he said. He commented that it is not a pleasant situation and occurs on a daily basis.

John Nedwidek, resident, said that there are many different cars that block driveways, but there are regular offenders. Mr. Nedwidek further commented that when they went to the school with their concerns they were told to call parking enforcement which has resulted in backlash from the offending drivers. He said that the onus should not be on the residents of Beaverbrooke Street to ensure adherence to bylaws.

Mr. Marshall acknowledged the problem the residents are facing. However, he said, if Beaverbrooke Street was to be changed to resident parking only, as requested, the problem would likely move over to the next street. He said staff are hoping to work with the school, parents and residents of the street to find a solution to the problem. One suggestion would be to consider raising the fines for blocking driveways, he said.

Nancy Richards, Director of St. Michaels University Junior School, reported that with the proposed redevelopment of the school there will be an additional 38 parking spaces underground with 22 of these spaces for teachers. There will be a drop off area underground and another drop off in front of the school, she said. They have had strategies in place with staggered class start times to help alleviate the parking problems. She apologized on behalf of the school to the residents on Beaverbrooke Street.

Maureen Bennett, resident, said she lives on Victoria Street, and that they have similar problems there. She said that most of the kids that go to the school do not live in the area which requires that they be dropped off.

MOVED by Councillor Green

Seconded by Councillor Kirby, That it be recommended to Council in regard to a request for Resident Parking only on Beaverbrooke Street that:

1. The current parking regulations not be changed;
2. Police/Commissionaire enforcement be increased: and that
3. Collective efforts to improve the situation (Engineering, Police, School, Residents) be continued.

CARRIED

Councillor Murdoch returned to the meeting at 7:50 p.m.

5. ----- COUNCILLOR HERBERT  
Re Sewage Treatment - Verbal Update

Councillor Herbert gave an overview of what the City of Colwood is proposing in regard to Sewage Treatment and if a resource recovery and sewage treatment facility would be an option for Oak Bay to consider. He said Colwood has developed a plan to build their own sewage treatment plant because of the way the costs of the treatment plant are going to be allocated. He continued by saying that the City of Colwood can build a plant for less or not much more than they would have to contribute to the CRD for capacity. He reviewed how Oak Bay's sewage flows explaining that during periods of heavy rain Victoria and Saanich sewage may come down the north east trunk line as well. Councillor Herbert said that it would not be possible to treat all Oak Bay sewage separately since it is mixed with others.

LAND USE SECTION: (Section Councillor Copley)

6. 2014-73 DIRECTOR OF BUILDING AND PLANNING, March 12, 2014  
Re Heritage Alteration Permit and Development Variance Permit – Native Plant Park, 1180 Beach Drive

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

A discussion ensued regarding the current proposed design of the fencing and the variances required.

Ron Carter, resident, expressed his desire to see Council consider retaining the split rail fence and use nylon netting to keep deer out.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That in respect to the revised design for the proposed fence for the Native Plant Park:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the March 12, 2014 report of the Director of Building and Planning, correspondence no. 2014-73, be prepared and brought forward to a meeting of Council for consideration; and
2. That a resolution authorizing the expenditure based upon the cost estimate determined by the Parks and recreation Department of up to \$25,000, being paid by a bequest, subject to the issuance of a development variance permit be prepared and brought forward to a meeting of Council for consideration; and
3. That a resolution authorizing the issuance of a Heritage Alteration Permit be prepared, subject to the issuance of a development variance permit, and brought forward to a meeting of Council for consideration.

CARRIED

7. 2014-74 DIRECTOR OF BUILDING AND PLANNING, March 4, 2014  
Re Uplands Building Permit Application – 2875 Lansdowne Road

Councillor Copley provided an overview of the application.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct a single family residential dwelling at 2875 Lansdowne Road be approved as to siting and architectural design.

CARRIED

8. 2014-75 DIRECTOR OF BUILDING AND PLANNING, March 4, 2014  
Re Uplands Building Permit Application – 2920 Lansdowne Road

Councillor Copley provided an overview of the application.

Sandy Nygard, Designer, was in attendance to respond to any questions.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That it be recommended to Council that the proposed revisions for the project located at 2920 Lansdowne Road, consisting of material changes for the garage door, cladding material adjacent to the front door and the lowering of the laundry room window be approved as to architectural design.

CARRIED

9. 2014-76 DIRECTOR OF BUILDING AND PLANNING, March 10, 2014  
Re Uplands Building Permit/Development Variance Permit Application –  
2666 Dorset Road

Councillor Copley provided an overview of the application.

John Roler, owner, was in attendance to respond to any questions.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct a garage and rear deck with window replacement of the home at 2666 Dorset Road be approved as to siting and architectural design, 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 10, 2014 report of the Director of Building and Planning, correspondence item no. 2014-76, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

10. 2014-77 DIRECTOR OF BUILDING AND PLANNING, March 11, 2014  
Re Uplands Building Permit/Development Variance Permit Application –  
2765 Lansdowne Road

The Director of Building and Planning gave an overview of the application.

Nigel Banks, Designer was in attendance to respond to any questions.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct two accessory buildings and install paved surface at 2765 Lansdowne Road be approved as to siting and architectural design, 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 11, 2014 report of the Director of Building and Planning, correspondence item no. 2014-77, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

11. 2014-78 DIRECTOR OF BUILDING AND PLANNING, March 11, 2014  
Re Uplands Building Permit/Development Variance Permit Application –  
2527 Nottingham Road

Councillor Copley gave an overview of the application.

Rus Collins, Designer and Duane Ensign, Landscape Designer and Max Huxley, Contractor, were in attendance to respond to any questions.

A discussion ensued regarding the proposal and in particular about the possibility of lowering the building height into the ground, the proposed retaining wall, drainage and impact on the neighbours. A member of the Committee suggested that if the proposal moves forward that more information be presented when considered by Council in respect to questions raised in relation to the built up land on which the garage would be constructed.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct a new single family dwelling at 2527 Nottingham Road be approved as to siting and architectural design, 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 11, 2014 report of the Director of Building and Planning, correspondence item no. 2014-78, be prepared and brought forward to a meeting of Council for consideration.

The motion was withdrawn by consensus.

MOVED by Councillor Green

Seconded by Councillor Herbert, That correspondence item no. 2014-78 be deferred to allow the applicant time to gather more information.

DEFEATED

*(Councillors Kirby, Murdoch, and Copley against the motion)*

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That it be recommended to Council that the plans to construct a new single family dwelling at 2527 Nottingham Road be approved as to siting and architectural design, 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 11, 2014 report of the Director of Building and Planning, correspondence item no. 2014-78, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

*(Councillors Green and Herbert against the motion)*

12. 2014-79      DIRECTOR OF BUILDING AND PLANNING, March 10, 2014  
Re Development Variance Permit Application – 3304 Gibbs Road

Councillor Copley gave an overview of the application.

Jonathan Reiter, owner was in attendance to respond to any questions.

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That a resolution authorizing the issuance of a development variance permit, as outlined in the March 10, 2014 report of the Director of Building and Planning, correspondence item no. 2014-79, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

13. 2014-80      DIRECTOR OF BUILDING AND PLANNING, March 12, 2014  
Re Development Variance Permit Application – 526 Beach Drive

Councillor Copley gave an overview of the application.

Kellie Guarasci, owner, was in attendance to respond to any questions.

The Director of Building and Planning said the lot narrows and the topography of the area is challenging which contributes to a reduction in the permitted height. Mr. Thomassen pointed out that while the dwelling to the north is set far back the applicants would like to have a setback in line with the other homes on the street.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That a resolution authorizing the issuance of a development variance permit, as outlined in the March 12, 2014 report of the Director of Building and Planning, correspondence item no. 2014-80, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

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

CARRIED

The meeting adjourned at 9:45p.m.

Certified Correct:

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Municipal Clerk

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Chair, Councillor Copley