

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, November 19, 2012, at 7:00 p.m.

PRESENT: Mayor N. Jensen, Chair  
Councillor P. Copley  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall  
Municipal Treasurer, P. Walker  
Deputy Municipal Treasurer, F. Pimental

Prior to the meeting commencing, the new municipal website was launched. Thanks were extended to the members of the Community Engagement Committee and the Website Working Group for their assistance. Peter Knapp, Upanup Studios, CEO, provided an overview of the new website.

Mayor Jensen called the meeting to order at 7:39 p.m.

FINANCE AND PUBLIC WORKS SECTION: (Chair – Councillor Herbert)

1. 2012-326 MUNICIPAL TREASURER, November 9, 2012  
Re Monthly Financial Reports

The Municipal Treasurer responded to questions on her report, noting that the difference in the projected and actual amounts of transfer from the Provincial Government were the result of the Hotel Tax funds from the Oak Bay Beach Hotel being transferred later than anticipated. Ms. Walker noted the Oak Bay Tourism Committee does not allocate funds from the Hotel Tax until they are received.

MOVED by Councillor Murdoch  
Seconded by Councillor Ney, That the October monthly financial reports be received.

CARRIED

2. 2012-327 MUNICIPAL TREASURER, November 15, 2012  
Re 2013 Water and Sewer User Charges

Referring to the memorandum of the Municipal Treasurer, members of the Committee commented on the proposed recovery of 100% of post 2004 regional sewer debt costs through the sewer user charges. Some members of the Committee questioned if this was equitable when compared to recovering some costs through property taxes, while other members noted that the previous Council felt this to be the most equitable allocation and that the proposed allocation has been found to decrease water consumption, which helps to delay the need for new regional infrastructure. It was noted that it would be challenging to consider a substantial change in the proposed 2013 sewer user charges, given the need to adopt a bylaw prior to the new year.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That staff be directed to draft a report reviewing the options for allocating regional sewer debt in advance of considering the 2014 Sewer User Charges.

A member of the Committee commented that further public input should be sought before a change is made to a major policy decision around recovering regional sewer debt through taxation versus sewer user charges.

CARRIED

*(Councillor Green against the motion)*

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the proposed water and sewer rates outlined in correspondence item no. 2012-327 be incorporated into the necessary bylaws to be brought forward to Council for formal consideration.

CARRIED

PARKS AND RECREATION SECTION: (Chair – Councillor Ney)

3. 2012-328 OAK BAY PARKS AND RECREATION COMMISSION, November 7, 2012  
Re Minutes of Meeting

*(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 reviewed the reasoning behind the proposed changes to the fees and charges, which take into account the change from HST to GST/PST and the common timing for purchasing passes. Mr. Herman noted that it is unusual changes to for program-related fees to require Council approval and that the proposal noted in the Parks and Recreation Commission minutes is meant to streamline the process. Recouping costs for food services continues to be a challenge, he said, and the Commission has asked staff to provide a report on this issue.

Mr. Herman provided clarification with respect to golf program expenses and the challenges of coordinating work in parks with the leaf collection schedule. He noted that issues with respect to the tennis bubble and the issue of waiving fee rentals will be consider by the Commission in the new year. With respect to tree planting, Mr. Herman commented that staffing can be a challenge to ensure not only that the trees are planted but that the receive sufficient care to thrive.

A member of the Committee expressed support for the free yoga sessions and concern with respect to the amount of trees being lost from private properties.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the Parks and Recreation 2013 operating budget and 2013 capital budget be referred to Estimates Committee.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Green, That the proposed Parks and Recreation 2013 fees and charges be approved.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, November 7, 2012, and the recommendations contained therein, with the exception of the recommendations from the Tree Protection Committee, and regarding referral of the budgets to the Estimates Committee and approval of the 2013 fees and charges, be adopted.

CARRIED

ACTIVE TRANSPORTATION AND COMMUNITY SECTION: (Chair – Councillor Kirby)

- 4. 2012-321 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, October 30, 2012 (Minutes and Attachments)
- 2012-333 GREATER VICTORIA CYCLING COALITION, November 19, 2012  
Re Presentation on Proposed Operational and Strategic Priorities

Gerald Smeltzer, Active Transportation Advisory Committee (ATAC), Chair, introduced the presentation on proposed operational and strategic priorities. Mr. Smeltzer noted that ATAC considered external and internal funding, maximum impact, regional priorities, urgency and feasibility when identifying the priorities included in this presentation. He stated that ATAC did not foresee significant impact on the budget from these priorities and that there was some urgency, given current funding and infrastructure opportunities.

Greg Miller, ATAC member, reviewed ATAC's proposal with respect to creating an east/west connector on Haultain Road, noting that ATAC recommended presenting to staff potential design improvements on Haultain Road for both cyclists and pedestrians.

Chris Harvey, ATAC member, presented ATAC's proposal with respect to developing a north/south pathway from Lansdowne to the University of Victoria. Mr. Harvey described the objectives of the project and noted that next steps would include seeking approval for the pathway from the University of Victoria and School District 61, consulting with community groups and organizations, and designating planning staff to provide project oversight.

Charlie Etchell, ATAC member, described ATAC's proposal with respect to transforming Oak Bay Avenue into a "Complete Street". Mr. Etchell commented on the challenges faced by users of various modes of transportation and noted that the Complete Streets Policy could help guide decision making for Oak Bay Avenue. He also identified the many potential benefits of this project to the residents and businesses.

Neil Jackson, ATAC member, commented on ATAC's proposals with respect to accessibility and inclusiveness, noting that consultation was undertaken when putting together the accessibility paper. He noted that ATAC's recommended action plan could be implemented over several years in order to reduce the impact of the cost.

Mr. Smeltzer concluded the presentation, noting that the Municipality needs staff planning resources with expertise in project management and public consultation. He also noted that the Oak Bay High School Redevelopment will be a significant project and that ATAC is particularly interested in how users will access the facility through alternative means of transportation.

Members of the Committee spoke in support of the presentation, noting the importance of signage, the challenge of retrofitting narrow streets, the value of partnerships and need for forward progress on alternative transportation.

MOVED by Councillor Ney

Seconded by Councillor Copley, That it be recommended to Council that:

1. Staff be directed to bring forward reports, including cost estimates, addressing the following:
  - a. Improvements for cyclists and pedestrians to the intersection at Foul Bay Road and Haultain Road;
  - b. A wayfinding sign system that integrates regional signage
  - c. Developing a plan to establish a north/south pathway from Landsdowne Road to the University of Victoria;
  - d. A proposal for hiring a consultant to create a Complete Street plan for Oak Bay Avenue connected to the Oak Bay High School; and
2. That funding for secretarial services to the Active Transportation Advisory Committee be referred to Estimates Committee.

Members of the Committee spoke in support of the motion, noting that consideration will need to be given to prioritization, planning expertise and external sources of funding.

Eric Fraiken, resident, spoke in support of an improved connection between Esplanade Road and Uplands Park. It was noted that this suggestion could be considered by ATAC at a future meeting.

In response to questions from the Committee, the Municipal Administrator noted that, if the motion passes, the subsequent staff reports would be brought to Council for consideration. Mr. Brennan commented that Council could then refer any funding costs for proposed projects to Estimates Committee.

The question was then called.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That correspondence item no. 2012-333 be received.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

5. 2012-329 DIRECTOR OF BUILDING AND PLANNING, November 15, 2012
- 2012-329-1 DENNIS MCCARTHY, November 4, 2012
- 2012-329-2 STEPHANIE NOVAK, October 23, 2012
- 2012-329-3 ELEANOR LIDDY, September 17, 2012
- EXCERPT FROM COMMITTEE OF THE WHOLE MINUTES, September 17, 2012
- EXCERPT FROM COUNCIL MINUTES, July 23, 2012
- 2012-242 DIRECTOR OF BUILDING AND PLANNING, July 16, 2012  
Re Rezoning Application to Two Family Residential Use – 2280 Estevan Avenue

At the request of the Committee, the Director of Building and Planning provided an overview of correspondence item no. 2012-329, noting that, when drafting the proposed duplex regulations, he considered the history of duplex zoning in the Municipality and the provisions in the Official Community Plan (OCP) which call for tightly controlling building density and massing with respect to duplex use. Mr. Thomassen noted that the application would not meet the requirements of the proposed duplex regulations with respect to lot size, lot coverage or floor area.

Carl Peterson, Architect, noted that the application is for construction of a two-family dwelling on 2280 Estevan Avenue. Mr. Peterson questioned why generally-applicable duplex regulations were drafted instead of a bylaw that permits duplex zoning specifically for 2280 Estevan Avenue. He noted that the application is based on the special characteristics of the subject property, including that it is a corner lot, adjacent to a commercial village, along a high traffic corridor, and that there are existing duplexes on the street.

With respect to correspondence item no. 2012-329, Mr. Peterson reviewed the properties that were identified in the report as having the same special characteristics, stating that only three of these forty-five properties actually share similar characteristics to the subject property. In concluding his remarks, Mr. Peterson noted that applications for duplexes should be considered on an individual basis, taking into account the specifics of the site and the merits of the project. He asked that a zoning bylaw for 2280 Estevan Avenue, as it relates to the current application, be drafted and submitted for consideration at a future Committee of the Whole meeting.

Mr. Thomassen responded to questions from the Committee, noting that for correspondence item no. 2012-329 he considered a bus route as a high traffic corridor, in keeping with the planning principle of locating density close to public transit. He drafted his report after reviewing the motion from the September 17, 2012 Committee of the Whole meeting with the Municipal Clerk and Municipal Administrator.

Though the draft duplex regulations could be amended so that 2280 Estevan Avenue met the requirements for lot size, he said, it would be problematic to amend the regulations with respect to lot coverage and floor area ratio in order to accommodate the current proposal. Mr. Thomassen commented that it is his understanding that previous practice has been for subject properties to be considered for rezoning but that developments are expected to comply with existing zoning regulations.

Varying views were expressed by the members of the Committee, with some members indicating that a report should be provided pertaining to a specific zoning bylaw amendment for the current application, given that the OCP does allow for consideration of duplexes on a case-by-case basis. Other members of the Committee indicated that correspondence item no. 2012-329 was in keeping with their expectation for a general zoning bylaw amendment to allow for duplexes. The consideration of housing options, including duplexes, in the upcoming OCP review and the benefit of receiving public input on the current duplex application were also discussed.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That staff be directed to draft a zoning bylaw amendment for duplex use, specific to 2280 Estevan Avenue.

In response to questions from the Committee, Mr. Peterson indicated that he would be happy to work with staff to make minor amendments to the project, but that the intention of the request was for the proposed plans to be specifically accommodated in the zoning bylaw amendment.

Mr. Thomassen clarified that the density and massing of the proposed plans are not in keeping with the scope of development previously permitted in residential neighbourhoods, specifically with respect to lot coverage and floor area ratio. He noted that accessory buildings were not included in the consideration of the current project. He stated that it was his understanding that Oak Bay's residential floor area ratio requirements are similar to those of Central Saanich and Esquimalt, while Victoria's approach to density was highly variable within different areas of the city.

Members of the Committee expressed varying views with respect to the appropriate approach for considering duplexes. One member emphasized the value of a logical assessment of duplex requirements through the OCP, while another member commented that the subject property is in an excellent location for increasing density and that many residents are looking for smaller housing options such as duplexes.

The Municipal Administrator reviewed his recommendation, as noted in correspondence item no. 2012-329, emphasizing that duplexes are a legal non-conforming use, not currently contemplated in the existing Zoning Bylaw. Mr. Brennan stated that issues with respect to density and mix of housing types will be best addressed through the OCP review. Clarification, he said, is needed to determine whether the Committee intends staff to draft a zoning bylaw amendment which would allow a duplex to be constructed on 2280 Estevan Avenue or a zoning bylaw amendment that would allow for construction of a duplex on the subject property based on the plans submitted by Mr. Peterson.

With the consensus of the Committee, the motion was withdrawn.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That staff be directed to draft a zoning bylaw amendment that will allow 2280 Estevan Avenue to be developed for duplex use, with no requirement for the forthcoming regulations to accommodate the plans as proposed in correspondence item no. 2012-242.

At the call of the Chair, members of the public were permitted to address the Committee.

Brad Fraser, resident, noted that, having attended the applicant's public consultation sessions, he has concerns that the proposed duplex will impact the residential character of Estevan Avenue, exacerbate parking issues, and result in the loss of trees, green space and privacy. He is not aware of any residents on Estevan Avenue in support of the proposal.

Alma Corman, resident, stated that the existing neighbourhood has smaller houses with large gardens and she is concerned that future development will change the existing character of the area. She noted that the proposal could result in other duplexes being developed on Estevan Avenue.

Tony Mears, resident, questioned if the proposal would set a precedent with respect to duplexes and whether a duplex zoning that did not tightly control building massing would require an amendment to the existing OCP.

Mr. Brennan responded to questions, confirming that a new duplex zone could be expected to apply to other properties of an appropriate size. He noted that the duplex regulations currently proposed in correspondence item no. 2012-329 meet the requirements of the OCP and that, if the current motion passed, the resulting staff report would clarify how the subsequent draft bylaw complied with the OCP.

Karen Chapman, resident, noted that Estevan Avenue is in a residential area which is not an appropriate location for a duplex. The current proposal, she said, is too large for the subject property.

Members of the Committee commented that there are issues with respect to the proposed size and the timing of this application and that staff are likely to return with a draft bylaw very similar to the draft duplex regulations already provided by the Director of Building and Planning. It was also noted that a significant departure from the current OCP would not be appropriate at this time, given the upcoming OCP review.

The question was then called.

DEFEATED

*(Mayor Jensen and Councillors Copley, Herbert and Murdoch against the motion)*

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the application to amend the Zoning Bylaw to accommodate construction of a two-family dwelling on 2280 Estevan Avenue be denied.

CARRIED

6. 2012-330 DIRECTOR OF BUILDING AND PLANNING, November 6, 2012  
Re Uplands Building Permit Application – 3295 Upper Terrace Road

MOVED by Councillor Herbert,

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct an elevator with an addition to the dwelling at 3295 Upper Terrace Road be approved as to siting and architectural design.

In response to questions from members of the Committee, Jack James, Architect, noted that the Advisory Design Panel asked the owners to consider the least disruptive location for the elevator. He stated that the owners required the elevator to be located adjacent to the front entrance in order to allow easy access from a vehicle.

CARRIED

7. 2012-331 DIRECTOR OF BUILDING AND PLANNING, November 6, 2012  
2012-331-1 MARGARET LIDKEA, November 14, 2012  
Re Advisory Design Panel Recommendation – Uplands Park Kiosk

In response to questions from members of the Committee, Margaret Lidkea, Friends of Uplands Park, Co-Chair, noted that approval of this initial concept for the information kiosk will allow the Friends of Uplands Park to pursue funding opportunities. The final design of the kiosk, she said, will be presented to the Advisory Design Panel for recommendation to Committee of the Whole.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That it be recommended to Council that the proposal for the installation of one information kiosk near the entrance of Uplands Park be approved in principle as to siting and architectural design.

CARRIED

8. 2012-332 DIRECTOR OF BUILDING AND PLANNING, November 15, 2012  
Re Application for Uplands Building Permit / Development Variance Permit – 3125 Midland Road

MOVED by Councillor Green

Seconded by Councillor Kirby, That it be recommended to Council that the plans to renovate the dwelling at 3125 Midland 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 correspondence item no. 2012-322, be prepared and brought forward to the next meeting of Council for consideration.

In response to questions from the Committee, David Yamamoto, Zebra Design, stated that the proposed renovations will result in virtually no changes to the front of the building and that the final version of plans submitted were endorsed by the Advisory Design Panel. He noted that a slight increase in the side-yard setback is requested in order to replace a porch column and that the renovations overall will essentially reinstate the pre-existing porch deck.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Ney

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

CARRIED

The meeting adjourned at 10:27 p.m.

Certified Correct:

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Municipal Clerk

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Chair, Finance and Public Works Sections

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Chair, Parks & Recreation Section

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Chair, Active Transportation and  
Community Section

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Chair, Land Use Section