

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 July 16, 2018 at 7:00 PM.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Councillor Murdoch, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor T. Ney
Councillor E. W. Zhelka

REGRETS: Mayor Nils Jensen

STAFF: Chief Administrative Officer, L. Varela
Acting Director of Corporate Services, D. Hopkins
Director of Financial Services, D. Carter
Director of Building and Planning, B. Anderson
Manager of Planning, D. Jensen
Director of Engineering Services, D. Horan
Fire Chief, D. Cockle

Acting Mayor Murdoch noted the passing of a member of staff, Bryce Currie, over the weekend. He expressed condolences to the family, friends and coworkers deeply affected by this loss.

PRESENTATIONS

1. ***Mayors Task Force on Public Engagement***
 - Mayors Task Force on Public Engagement - Report and Recommendations, Jul. 2018
 - Mayors Task Force on Public Engagement - Tool Kit, Jul. 2018
 - Addenda – Corresp. – Mayor’s Task Force on Public Engagement – Sultanum, Jul. 15, 2018

Presentation from Naomi Pope, Andrew Appleton and Esther Paterson, members of the Mayor’s Task Force on Public Engagement and Katie Hamilton, Consultant, on the findings of the public outreach completed and introduction to the recommendations and toolkit contained in the report.

The chair invited members of the public to address the Committee.

James Sultanum, Oak Bay resident, expressed concern that the report presents an ambitious model that must work within limited staff capacity and budget. He acknowledged the importance of the work and asked how this will balance with the previously established priorities as well as the ones that are currently on hold.

Curtis Hobson, Oak Bay resident, asked whether this initiative will preclude the opportunity to ask questions of elected officials and receive a response.

Anthony Meares, Oak Bay resident, stated that there have been three task forces in the past seven years and noted that actions get things accomplished. He noted that there were several matters still requiring resolution and asked about opportunities for holding a Town Hall meeting.

MOVED and seconded: That:

1. The Report from the Mayor's Task Force on Public Engagement be received for information;
2. The report and toolkit be referred to staff for consideration; and
3. The report and toolkit be referred to a future strategic priorities session and to the Estimates Committee for consideration in the 2019 budget discussions.

CARRIED

Councillors Kirby and Ney left the meeting at 7:55 p.m.

FINANCE ITEM(S):

2. ***Quarterly Statement of Revenues and Expenditures***
 - Report - Quarterly Statement - Director of Financial Services, Jul. 16, 2018

No members of the public rose to address the Committee.

MOVED and seconded: That the Quarterly Statement of Revenues and Expenditures for the period ending June 30, 2018 be received for information.

CARRIED

LAND USE APPLICATIONS:

3. ***Architectural Siting and Design (ADP00078) - 237 King George Terrace***
 - Report - 237 King George Terrace - Manager of Planning, Jul. 12, 2018
 - Plans - ADP - 3, 237 King George Ter, Jul 11, 2018
 - Rpt. Attach. 2 - Arborist Memo, Mar 28, 2018
 - Rpt. Attach. 3 - Tree Report, Talbot, Mar 14, 2018
 - Rpt. Attach. 4 - Geotechnical Report, Ryzuk, Mar 20, 2018
 - Rpt. Attach. 5 - Environmental Report, Corvidae, Mar 2018
 - Rpt. Attach. 6 - Erosion Plan, Corvidae, Mar 2018
 - Addenda – Corresp. – 237 King George Terrace (ADP00078), received Jul. 16, 2018

The Manager of Planning introduced the application and noted that the conditions of the subdivision had been met.

The Chair invited members of the public to speak to this item.

Alva Jenson, Oak Bay resident, asked why this lot was able to proceed independently of the complete subdivision. Ms. Jenson commented that she felt the process was rushed and that the public had not been sufficiently notified. She also stated that the variances were confusing

between the various reports pertaining to this subdivision. Ms. Jensen asked Council to develop guidelines to improve the public's understanding of bare land strata projects. She further requested that Council table this application until the next Council meeting in September.

Earl Jensen, Oak Bay resident, stated that the public was shortcut by the number of houses submitted in the subdivision which impacts the waterfront and habitats. He further noted that a variety of wildlife is impacted by this proposal and that local people were not consulted about the presence of nests. Mr. Jensen asked how a covenant could be used to guarantee that required conditions are met.

Anthony Meares, Oak Bay resident, commented on the difficulty he experienced getting details on this application and determining how the reports are linked in this proposal. He asked about the 180 day timeline to meet the conditions and whether this application was outside of the allowable limit. Mr. Meares requested that Council set policy and guidelines for outlining the process and requirements for similar applications.

Esther Paterson, Oak Bay resident, commented that the minutes from the last Advisory Design Panel meeting are not available which included discussion about mitigation of water run-off and required equipment to address this. Ms. Paterson asked which body is responsible for reviewing equipment that impacts design, where this information is indicated on the project drawings, and how the public can access this information.

Earl Jensen, Oak Bay resident, raised concerns over the timeline to meet the conditions and the authority to approve the application. He said that this application is for a two storey house that looks like a three storey house. Mr. Jensen noted that the area designated in front of the house before the 15 metre setback is quite short and asked how the builder will be able to accomplish building this house and then the next one without disturbing this area.

Staff stated that this application followed due process similar to any submitted application. The Manager of Planning said that there are no variances included in the siting and design application. She explained that the provision for using a covenant to secure the conditions is included in the *Land Title Act* and utilizing this approach had been vetted through the District's legal counsel. Ms. Jensen said that all applications follow a similar process that includes referrals to all applicable municipal departments for a review of the technical aspects such as off-site servicing and how the building will function. She responded that Lot 3 was no longer sited up against the 15 metre setback of the development permit area and that there are required conditions regarding the protection of the area located within the setback.

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling on Strata Lot 3 at 237 King George Terrace, as outlined in the July 12, 2018 report for ADP00078, be approved as to architectural siting and design.

CARRIED
With Councillor Zhelka opposed

4. ***Uplands Siting and Design (ADP00085) - 3175 Exeter Road***

- Report - 3175 Exeter Road - Manager of Planning, Jul. 9, 2018
- Plans - ADP - 3175 Exeter Road, June 12, 2018
- Rpt. Attach. 2 - Arborist Memo, Jan 25, 2018

The Manager of Planning provided an overview of the application.

No members of the public addressed the Committee on this application.

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling at 3175 Exeter Road, as outlined in the July 9, 2018 report for ADP00085, be approved as to architectural siting and design.

CARRIED

5. ***Architectural Siting and Design (ADP00091) - 2176 Windsor Road***

- Report - 2176 Windsor Road - Manager of Planning, Jul. 9, 2018
- Plans - ADP - 2176 Windsor Road, Jun 15, 2018
- Rpt. Attach. 2 - Arborist Memo, June 28, 2018

The Manager of Planning introduced the application and clarified that the proposal was for a 1 storey home with a basement.

No members of the public addressed the Committee on this application.

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling at 2176 Windsor Road, as outlined in the July 5, 2018 report for ADP00091, be approved as to architectural design and siting.

CARRIED

6. ***Architectural Siting and Design (ADP00092) - 591 Island Road***

- Report - 591 Island Road - Manager of Planning, Jul. 9, 2018
- Plans - ADP - 591 Island Road, July 6, 2018
- Rpt. Attach. 2 - Arborist Memo, Jun 28, 2018

The Manager of Planning provided an overview of the application.

MOVED and seconded: That it be recommended to Council that the application to undertake alterations to an existing single family dwelling at 591 Island Road, as outlined in the July 9, 2018 report for ADP00092, be approved as to architectural siting and design.

CARRIED

7. ***Development Permit Application (DP000019) - 1159 Beach Drive***

- Report - 1159 Beach Drive - Manager of Planning, July 9, 2018
- Plans - DP - 1159 Beach Drive, May 2018
- Rpt. Attach. 2 - Environmental Report, Secter, Jan 20, 2018
- Rpt. Attach. 3 - Environmental Report Supplemental, Secter, July 3, 2018
- Rpt. Attach. 4 - Planting Plan, Secter, May 17, 2018
- Rpt. Attach. 5 - Draft Development Permit DP000019

The Manager of Planning provided an overview of the application. Ms. Jensen indicated that the walkway is not located within the 15 m setback but is part of the common area and has the support of the Strata.

No members of the public rose to address the Committee.

MOVED and seconded: That it be recommended to Council that the proposal to undertake landscaping works within the Shorelines Development Permit Area at 1159 Beach Drive be approved subject to issuance of Development Permit DP000019.

CARRIED

8. ***Development Variance Permit (DVP00083) - 2939 Westdowne Road***

- Report - 2939 Westdowne Road - Manager of Planning, Jul. 9, 2018
- Plans - DVP - 2939 Westdowne Road, Jun 4, 2018
- Rpt. Attach. 2 - Draft Development Variance Permit DVP00083

The Manager of Planning provided an introduction to this application.

Bruce Wilkin, Applicant, said that this application arose from a substantial renovation and while completing the work over the course of a year there was no evidence of water issues on the property. He said that the house was likely built in the 1940s and the carport in the 1950s or 60s.

The following members rose to address the Committee.

Sylvia Bradley, Oak Bay resident, asked to clarify whether the design reflects what was originally built or what is currently there. Ms. Bradley also inquired about the accessory buildings to be removed.

Staff responded that the design recognizes what is there presently and that discussions were underway with the applicant to determine which accessory buildings were to be removed based on the allowable number of accessory buildings.

MOVED and seconded: That

- a) it be recommended to Council that the proposal to legalize an existing carport at 2939 Westdowne Road be approved, subject to issuance of Development Variance Permit DVP00083; and
- b) notification be given of Council's consideration of DVP00083.

CARRIED

9. ***Development Variance Permit Application (DVP00084) - 609 Oliver Street***

- Report - 609 Oliver Street - Manager of Planning, Jul. 12, 2018
- Plans - DVP - 609 Oliver, May 17, 2018
- Rpt. Attach. 2 - Draft Advisory Planning Commission Minutes, Jul 3, 2018
- Rpt. Attach. 3 - Draft Development Variance Permit DVP00084

The Manager of Planning provided an overview of this application.

Rob Sharples, Applicant, said that this application arose from a complaint which indicated that he had missed the requirement for an additional 2 feet in the bylaw. Mr. Sharples responded to questions about sound mitigation and options.

The following members of the public addressed the Committee.

Esther Paterson, Oak Bay, commented that there is a growing concern with climate change in Oak Bay and the placement of heat pumps in encroachment areas and close to neighbouring properties. Ms. Paterson asked when the use of equipment and the aesthetics of the design are pulled together and reviewed by staff.

Chris Smith, Oak Bay, said that the developer submitted plans without the heat pump included and then a heat pump was located right beside the neighbour's bedroom window. Mr. Smith noted that the heat pump can be heard across the street and that it was negligible to place it in the current location. He requested that an independent test be completed to gauge what the true noise levels are from this heat pump.

David Holmes, Oak Bay, stated that there are two heat pumps at this location. Mr. Holmes noted that the staff report indicates that the current noise screen is temporary but does not include details about a permanent installation and that the heat pump is visible from the road. He said that the decibel readings in the report reflect the pump running at minimum capacity and that when it runs at a higher capacity it is louder. Mr. Holmes commented that the City of Victoria has different decibel thresholds during the day and the evening.

Rob Sharples, Applicant, said that placing the heat pump on the roof would impact the entire neighbourhood. He stated that he would be willing to conduct a study on other heat pumps in Oak Bay and noted that current equipment is a green option.

MOVED and seconded: That Council defer the application for Development Variance Permit DVP00084 at 609 Oliver Street until the September 24, 2018 Committee of the Whole meeting to allow the applicant time to consider and implement noise mitigation technologies.

CARRIED

10. ***Development Variance Permit (DVP00085) - Uplands Siting and Design (ADP00094) - 2785 Dorset Road***

- Report - 2785 Dorset Road - Manager of Planning, Jul. 9, 2018
- Plans - ADP DVP 2785 Dorset Road, July 5, 2018
- Rpt. Attach. 2 - Arborist Memo, June 28, 2018
- Rpt. Attach. 3 - Draft Development Variance Permit DVP00085

The Manager of Planning gave an overview of the application.

No members of the public rose to address the Committee.

MOVED and seconded: That

- a) it be recommended to Council that the application to undertake alterations to an existing single family dwelling and detached carport at 2785 Dorset Road be approved as to architectural siting and design; and that
- b) notification be given of Council's consideration of DVP00085.

CARRIED

11. ***Heritage Alteration Permit (HAP00013) - 2390 San Carlos Avenue***

- Report - 2390 San Carlos Avenue - Manager of Planning, Jul. 9, 2018
- Plans and Drawings - HAP - 2390 San Carlos Ave, June 18, 2018
- Rpt Attach 2 - Statement of Significance
- Rpt Attach 3 - Draft Heritage Alteration Permit HAP00013

The Manager of Planning introduced the application.

No members of the public rose to address the Committee.

MOVED and seconded: That it be recommended to Council that the application to install tiles within the front entry patio area at 2390 San Carlos Avenue be approved subject to issuance of Heritage Alteration Permit HAP00013.

CARRIED

REGULATORY ITEM(S):

12. ***Recreational Cannabis Regulations - PLP00012***

- Report - Recreational Cannabis - Manager of Planning, Jul. 9, 2018
- Report - Acting Director of Building of Planning, March 20, 2018

The Manager of Planning provided an overview of the proposed options for recreational cannabis regulations. Ms. Jensen said that prohibiting recreational cannabis would be the most efficient operational option and that the rezoning process would continue to be available for interested parties.

MOVED and seconded: That Council direct staff to bring forward bylaw amendments to prohibit the use of recreational cannabis within the community.

CARRIED

13. **Energy Step Code - PLP00011**

- Report - Energy Step Code - Manager of Planning, Jul. 9, 2018
- Rpt. Attach. 1 - BC Energy Step Code Staff Report, May 11, 2018
- Rpt. Attach. 2 - BC Energy Step Code - A Best Practices Guide for Local Governments, Sep 15, 2017
- Rpt. Attach. 3 - BC Energy Step Code - Capital Region - Phase 2 Engagement Summary, April 2018
- Rpt. Attach. 4 - Submissions Received for BC Energy Step Code Public Information Session, Jun 28, 2018

The Manager of Planning provided an overview of the process to date. Ms. Jensen noted that the proposed implementation schedule aligned with the City of Victoria and District of Saanich timelines. She stated that costs for energy advisors were paid by the applicants and that the Province and the Canadian Home Builders Association (CHBA) have indicated that there will be sufficient advisors throughout BC to manage the workload.

Mark Bernhardt, president of the Canadian Home Builders Association of Vancouver Island, said that he supports the implementation schedule as proposed and added that regional cooperation will benefit both municipal staff and developers. Mr. Bernhardt addressed rumours regarding the Step Code and asked that Council establish policy based on fact and to support the staff recommendation.

MOVED and seconded: That it be recommended to Council to direct staff to prepare the necessary building bylaw amendments to implement the Energy Step Code in Oak Bay, and bring these forward to a future meeting of Council.

CARRIED

ADJOURNMENT:

14. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned.

CARRIED

The Meeting adjourned at 9:53 p.m.

Chair

Acting Director of Corporate Services