

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 March 18, 2019 at 7:00 PM.

PRESENT: Mayor K. Murdoch, Chair  
Councillor, A. Appleton  
Councillor, H. Braithwaite  
Councillor, C. Green  
Councillor, T. Ney  
Councillor E. Paterson  
Councillor E.W. Zhelka

STAFF: Acting Chief Administrative Officer, W. Jones  
Acting Director of Corporate Services, D. Hopkins  
Director of Building and Planning, B. Anderson  
Manager of Planning, D. Jensen  
Director of Parks, Recreation and Culture, R. Herman

PARKS, RECREATION AND CULTURE ITEM(S):

1. ***Parks Recreation and Culture Commission Minutes***
  - Note – Acting Director of Corporate Services – PR&C Minutes
  - March 6, 2019 Minutes
  - Report – Programs & Physical Plant – February, 2019
  - Friends of Uplands Park – 2018 Annual Report
  - Correspondence – Dog Free Area on Willows Beach

The Director of Parks, Recreation and Culture provided a summary of the minutes of the Parks, Recreation and Culture Commission meeting held March 6, 2019.

MOVED and seconded: That Councillor Braithwaite be appointed to the Parks, Recreation and Culture Commission Wall of Fame Sub-Committee.

CARRIED

The Acting CAO suggested consideration of making a motion that reflects the consistent practice of appointing the Parks, Recreation and Culture Commission Council liaison to the Wall of Fame Sub-Committee so that going forward a subsequent appointment to the sub-committee does not require an additional Council resolution.

MOVED and seconded: That the Council liaison appointed to the Parks, Recreation and Culture Commission also be appointed to the Wall of Fame Sub-Committee.

CARRIED

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks Recreation and Culture Commission held March 6, 2019 (subject to the aforementioned resolutions) and the recommendations contained therein, be approved.

CARRIED

The Mayor raised the idea of restricting dogs from the south part of Willows Beach as discussed at the March 6, 2019 Parks, Recreation and Culture Commission meeting.

The Acting CAO indicated that work to revise the Animal Control Bylaw is underway and that options for restricting dogs in this area can come forward together with the proposed bylaw revisions for Council consideration.

MOVED and seconded: That staff be directed to examine options to restrict dogs and associated activities from the south end of Willows Beach and bring a report forward to a future Council meeting.

CARRIED

LAND USE APPLICATIONS:

2. ***Uplands Siting and Design Application (ADP00104) - 3395 Weald Road***

- Report – 3395 Weald Road (ADP00104)
- Plans – 3395 Weald Road, March 8, 2019
- Report Feb. 19 COW Meeting – 3395 Weald Road (ADP00104)
- Plans - 3395 Weald Road, February 7, 2019
- Arborist Memo – December 14, 2018 and February 11, 2019
- Correspondence – 3395 Weald Road
- Addenda Correspondence – 3395 Weald Road
- Past Correspondence Feb. 19 COW Meeting – 3395 Weald Road

The Manager of Planning noted that this application was referred back to staff for further review at the Committee of the Whole meeting held February 19, 2019. Ms. Jensen provided an overview of the application and noted the revisions included since the application was previously considered.

The applicants were in attendance and responded to questions from Committee regarding the proposed redesign, driveway dimensions, and removal of the pathway to Weald Road.

Mayor Murdoch invited public input on this application. Support for the proposal was offered as a result of the tasteful design that is anticipated to produce a lovely home.

MOVED and seconded: That it be recommended to Council that the proposal to construct a new single family dwelling at 3395 Weald Road, as outlined in the March 12, 2019 report for ADP00104 be approved as to Uplands Siting and design.

CARRIED

With Councillors Appleton and Zhelka opposed

3. **Development Variance Permit Application (DVP00090) / Uplands Siting and Design Application (ADP00105) - 2970 Rutland Road**

- Report – 2970 Rutland Road (DVP00090/ADP00105)
- Plans – 2970 Rutland Road, March 11, 2019
- Arborist Memo – January 25, 2019
- Draft – Development Variance Permit DVP00090

The Manager of Planning gave a summary of the project proposal and responded to questions from the Committee.

The applicants were in attendance and responded to questions noting that considerable thought had gone into the design to retain a significant portion of the existing home and remain sympathetic to the heritage qualities of the dwelling's exterior. Mr. Townsend noted that the current structure is existing non-conforming and that variances are required in order to enhance and extend the original property vision because of the current limitations on building forwards and upwards.

In response to questions from Committee, Mr. Townsend said that the intent is to develop the backyard to showcase spectacular gardens, install a pool and a greenhouse. He noted that there will be no road access to the Beach Drive lot and no garage built to facilitate the preservation of existing trees and provision of maximum green space.

Mayor Murdoch invited public input on this application. Comments included the term park-like setting terms is overused and subjective, appreciation for significant preservation of the existing house, and that approval of the requested variances will facilitate a wonderful project and retention of a community asset.

MOVED and seconded: That it be recommended to Council that

- a) the proposal to construct an addition to an existing single family dwelling at 2970 Rutland Road, as outlined in the report of the Manager of Planning dated March 12, 2019 for ADP00105 be approved as to Uplands Siting and Design, subject to approval of DVP00090; and that
- b) notification be given of Council's consideration of DVP00090.

CARRIED

With Councillors Appleton, Green and Paterson opposed

4. **Development Variance Permit Application (DVP00091) - 787 Transit Road**

- Report – 787 Transit Road (DVP00091)
- Plans – 787 Transit Road, December 13, 2018
- Arborist Memo – March 7, 2019
- Draft – Development Variance Permit DVP00091

The Manager of Planning introduced the application and responded to questions from Committee.

The applicant was present but received no questions from Committee members.

MOVED and seconded: That it be recommended to Council that

- a) the application to install dormer windows in the single family dwelling at 787 Transit Road be approved subject to issuance of Development Variance Permit DVP000091; and that
- b) notification be given of Council's consideration of DVP000091.

CARRIED

REGULATORY ITEM(S):

5. **Sea Lore Sculpture Location**

- Report – Sea Lore Sculpture Location
- Correspondence – Sea Lore Sculpture Location
- Addenda Correspondence – Sea Lore Sculpture Location

The Acting CAO provided an overview of the report highlighting the generosity of the donor for the project and the work undertaken by the Public Arts Advisory Committee members. Mr. Jones noted that significant public feedback had been received to date regarding the proposed location and that after discussions with the Arts Laureate, it was proposed that alternate locations be explored for the sculpture.

Mayor Murdoch called for public input. Discussion included appreciation for exploring alternate sites, concern over the subject matter of the art and whether it appeals to the broader community, consideration of creating an indoor art space or gallery that could also function as a place for art classes, and that relocating the piece decreases the requirement to evoke the ocean and shoreline.

MOVED and seconded: That staff work with the Arts Laureate to identify potential locations for the Sea Lore Sculpture; and

That the Public Art Policy be amended to include a requirement that District owned public art be located on lands owned by and/or under the control of the District of Oak Bay and that the Parks, Recreation and Culture Commission work with the Public Art Committee to establish additional process and locating guidelines for public art in Oak Bay.

CARRIED

The Acting CAO stated that the present Arts Policy will be reviewed in collaboration with the Public Arts Advisory Committee and the Parks, Recreation and Culture Commission and that any proposed revisions will be brought back to Council for consideration.

ADJOURNMENT:

6. ***Motion to adjourn to In Camera***

MOVED and seconded: That in accordance with section 90(1)(b) of the *Community Charter*, that the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity.

CARRIED

The open portion of the meeting adjourned at 9:52 p.m.

Certified Correct:

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Chair

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Acting Director of Corporate Services