

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 1, 2010 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
Councillor P. Copley  
Councillor A. R. Cassidy  
Councillor J. D. Herbert  
Councillor N. B. Jensen  
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green  
Director of Building and Planning, R. Thomassen  
Municipal Treasurer, P. Walker  
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 7:30 p.m.

FINANCE SECTION: (Chairman – Councillor Jensen)

1. 2010-282 MUNICIPAL TREASURER, October 19, 2010  
Re Monthly Financial Reports

Responding to various questions from members of the Committee regarding the September monthly reports, the Municipal Treasurer said that rebates will be forthcoming with respect to the Henderson Centre energy program, and that the Bowker Avenue traffic calming and Willows washroom building roof projects are underway.

With respect to a question about the funding not yet having been spent for the two new bus shelters on Oak Bay Avenue, the Director of Engineering Services said that staff has recently received confirmation of the adjacent property owner's willingness to enter into a right of way agreement for one of the new bus shelters to be partially erected on private property, and that the two bus shelters have been ordered.

MOVED by Councillor Braithwaite  
Seconded by Councillor Ney, That the September monthly financial reports be received.

CARRIED

2. 2010-283 MUNICIPAL TREASURER, October 27, 2010  
Re Review of Sewage Treatment Cost Allocation Methods

The Municipal Treasurer provided an overview of the proposed sewage treatment cost allocation methods to be considered, which resulted from meetings held between the staff of the Capital Regional District and participating municipalities.

Ms. Walker advised that in December the Capital Regional District will host a workshop for participating Councils to further discuss sewage treatment and possible methods for allocating the expected cost of sewage treatment and resource recovery among municipalities, and to

arrive at a consensus as to the preferred approach, as well as look at the option of regionally administered development cost charges as a cost-recovery mechanism.

Referring to her memorandum, Ms. Walker pointed out that all three options allocate operating costs based on actual flows. The first option, she said, favours the municipalities that will not experience large growth in the next twenty years, since the capital costs would be shared according to design capacity rather than actual usage. Conversely, Option 2 favours municipalities that will grow in the future, because, said Ms. Walker, while the system will be built to accommodate expected flows in 2030, the allocation of capital costs will be based on actual flows, therefore Oak Bay's share would be a larger percentage at the beginning and reduced by 2030, as the Western Communities took on a larger percentage of the total flow. Option 3 is a combination of Options 1 and 2.

Ms. Walker said that the second question relates to the implementation of regional development cost charges for new construction and whether the municipalities agree that these should be implemented. Should Councils agree, Ms. Walker commented that a decision has to be made about when the regional development cost charges revenue is deducted from the capital cost (i.e. should it be allocated against the total capital cost, and the net cost then be allocated between the municipalities, or should the revenue only be allocated against the cost of the municipality from which the development cost charge was raised). Discussion at the meeting hosted by the Capital Regional District also touched on the need to have a method in place to sell unneeded capacity to another municipality if its needs became larger than originally anticipated.

Ms. Walker drew attention to the appendix attached to her memorandum showing the cost allocation under the three options, saying that she and Councillor Herbert will be meeting with Capital Regional District Engineers later this week to discuss why the allocations for Oak Bay are so much higher than for other jurisdictions.

Ms. Walker concluded by suggesting that the Committee focus on the philosophy behind the various options, and use the dollar values as only an indication of how the options change the costs.

It was the consensus of the Committee that the higher charge for Oak Bay seemed out of line and it would be helpful to know how the Capital Regional District arrived at the figures for Oak Bay. It was also agreed that these and other questions could be answered at the upcoming meeting between the Capital Regional District Engineering staff, Councillor Herbert, and the Municipal Treasurer.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that it support the regional sewage treatment cost allocation method Option 1, which uses actual flows to determine the allocation of operating cost and design capacity, based on expected flows in 2030, to allocate capital costs, and that it be recommended to Council that it support the use of regional development cost charges to reduce regional capital costs before they are allocated between municipalities.

CARRIED

TRAFFIC SECTION: (Chairman – Councillor Copley)

3. 2010-284 DIRECTOR OF ENGINEERING SERVICES, October 28, 2010
  - 2010-209 DIRECTOR OF ENGINEERING SERVICES, July 7, 2010
  - 2010-176 DIRECTOR OF ENGINEERING SERVICES, June 3, 2010
- Re Community Initiatives Committee Bike Lane Proposals

As outlined in his memorandum, the Director of Engineering Services provided an overview of the Engineering Department's comments in response to the Community Initiatives Committee's bicycle lane recommendations previously presented to the Committee of the Whole in respect to Cedar Hill Cross Road between Henderson Road and Gordon Head Road, and the east side of Foul Bay Road, north of Middowne Road to the intersection with Lansdowne Road.

Corey Burger, Community Initiatives Committee member, commented that he understood the position of the Director of Engineering Services with respect to safety concerns with the proposed bike lane on Foul Bay Road and elimination of the right turn lane onto Lansdowne Road, saying that the Community Initiatives Committee would benefit from having Engineering staff contributing to the Committee discussions regarding traffic issues. Overall, he said, the safety advantages the bike lane would provide outweigh the misalignment and other issues raised by the Engineering staff in his view.

In specific reference to a suggestion to install a "bike box" at the Foul Bay Road and Lansdowne Road intersection heading north, Mr. Burger suggested that any decisions be delayed until the Committee has time to review the anticipated Capital Regional District cycling plan, which is expected to address setting standards for road markings.

Noting that the Engineering Department has looked at these particular areas several times with respect to installing cycling lanes, the Director of Engineering Services suggested that the Committee of the Whole may wish to recommend hiring an independent consultant to review the proposed changes to Foul Bay Road between Middowne Road and Lansdowne Road, and the associated changes proposed at the Foul Bay Road and Lansdowne Road intersection.

There was further discussion and attention was drawn to concerns raised by the Engineering staff regarding the proposal for Foul Bay Road, the Foul Bay Road and Lansdowne Road intersection, and varying views and opinions were noted.

With respect to the suggested bike box, Mr. Marshall pointed out that the steep incline of the Foul Bay Road hill may be an issue with bikes being placed ahead of traffic, and advised that cyclists previously interviewed did not want to be placed before traffic, but did want to see lines painted across the intersection to guide cyclists.

Gerald Smeltzer, Oak Bay Community Association member, said he has been involved with the Capital Regional District master cycling plan, suggesting that the Municipality see what other regions have done with a view to continuity across the region and pool engineering ideas in this regard. Mr. Smeltzer noted that the master cycling plan should be available soon.

While support for hiring a consultant did not emerge, staff was requested to collaborate with other local government engineering departments regarding the use of a bike box on an incline, and report back in this regard.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That a Traffic Control Order to implement the proposed bike lanes, parking regulations and intersection changes as detailed in attachment #1 of correspondence item no. 2010-284, being a memorandum from the Director of Engineering Services, dated October 28, 2010, be prepared and brought forward to Council for consideration.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

4. 2010-285 DIRECTOR OF ENGINEERING SERVICES, November 1, 2010  
Re Boulevard Encroachment Process

The Director of Engineering Services provided a review of how the new boulevard encroachment process changes are being responded to by the public and staff, saying that, in general, the new requirements have been well received.

Mr. Marshall pointed out, however, that even vegetation planted in conformance with the new regulations could potentially result in issues such as line of sight deficiencies or trip hazards as it matures over the years.

The point was made that the approved boulevard planting list does not include vegetables, and it was suggested that consideration be given to revising the list to permit them. As to whether or not native plants are included on the list, Mr. Marshall advised that they are.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2010-285 be received.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

5. 2010-286 DIRECTOR OF BUILDING AND PLANNING, October 28, 2010  
Re Development Variance Permit Application – 1358 Monterey Avenue

Responding to questions from the Committee, Brian Morris, Architect, advised that the proposed gazebo would be constructed approximately 6.5 feet from Hampshire Terrace and would be obscured by plantings along the fence line as well. Mr. Morris confirmed that many of the neighbours have been notified of the proposed gazebo construction and none were opposed.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1358 Monterey Avenue, as outlined in correspondence item no. 2010-286, be prepared and brought forward to Council for consideration.

CARRIED

6. 2010-287 DIRECTOR OF BUILDING AND PLANNING, October 28, 2010  
Re Development Variance Permit Application – 3620 Cadboro Bay Road

Responding to questions from members of the Committee, the Director of Building and Planning advised that the proposed retaining wall will likely not be visible to the neighbours and that it has been designed by an Engineer.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 3620 Cadboro Bay Road, as outlined in correspondence item no. 2010-287, be prepared and brought forward to Council for consideration.

Illarion Gallant, landscape designer, confirmed that it will be an engineered wall, and that the existing plantings will hide the wall from the neighbours.

The question was then called.

CARRIED

7. 2010-288 MUNICIPAL ADMINISTRATOR, October 27, 2010  
2010-288-1 NORTH HENDERSON RESIDENTS ASSOCIATION, October 30,  
2010  
2010-192 SECONDARY SUITES REVIEW COMMITTEE, June 14, 2010  
Re Secondary Suites

Referring to his memorandum, the Municipal Administrator outlined four suggested options, including the pros and cons associated with each, for the Committee to consider in addressing the issue of secondary suites. Mr. Brennan suggested Option 3 as the most viable, which would see additional public engagement, building on what had been done by the Secondary Suites Review Committee.

Paul Thomas, resident, said he sees the need for densification, adding, however, that an implication analysis must be undertaken. Mr. Thomas added that as he lives near the University he understands there may be concerns about noise, mischief, and garbage, suggesting that a University area “precinct” be created where student residents would be subject to University rules regarding behaviour.

Mike Wilmut, President, North Henderson Residents Association, said that this is the first time the public has had the opportunity to speak on the issue of secondary suites, commenting that, in his view, questions on the survey sent out to residents were slanted. Referring to his letter, (correspondence item no. 2010-288-1) Mr. Wilmut reiterated the points made, saying that the North Henderson Residents Association is not in favour of legalizing secondary suites, and that the North Henderson area is unsuitable for legalized suites and should be excluded from any secondary suites regulations. He drew attention to parking as a major issue, which he felt should be addressed prior to considering legalizing suites, also adding that residents should know the cost implications of permitting suites ahead of time.

Mr. Wilmut said the current enforcement situation for illegal suites works well where done by complaints against those properties where the tenants cause issues in their neighbourhood.

In response to some of Mr. Wilmut's comments, it was pointed out that of those who responded to the survey, there was an even split between those that favoured or did not favour legalizing secondary suites.

Corey Burger, City of Victoria resident, said he would prefer to see Option 3 and 4 proceed in parallel, saying that the Official Community Plan is 14 years out of date and questioned if it is still reflective of what Oak Bay wants. Mr. Burger said that there are a lot of changes in neighbourhoods and opinions are split, and the key is to reach out to groups that are challenging to get to i.e. students, as they also have the right to be heard.

Michele Kirby, resident, expressed her support to see the issue moving forward without delay, stating that Option 3 would be the best approach at this point. Ms. Kirby commented that education is an important component, adding that it is common for those opposed to an issue to attend meetings and voice their opinions, noting that those in favour should be encouraged to express their thoughts on the issue as well.

Allowing secondary suites would provide financial assistance to young families wanting to live in Oak Bay, said Ms. Kirby, and she would prefer to be legally compliant versus having an illegal suite. She felt Option 4 was also a good idea, noting that the current Official Community Plan needs to be updated.

Brian Sharpe, resident, stated that Oak Bay is essentially contemplating duplex zoning the whole municipality and suggested that applications for secondary suites should be considered individually, with the applicant paying for the service, giving the neighbours of that property the opportunity to know what the possible impact would be with a proposed zoning change to their neighbourhood.

There was some support expressed for Option 1, which would see the Municipality maintain the status quo, with some members of the Committee questioning how the community as a whole would benefit from allowing secondary suites.

Attention was drawn to the negative aspects of allowing secondary suites, such as overall cost to the community to regulate, parking and noise issues, enforcement costs, and the potential change to the overall look of Oak Bay. It was further pointed out that the current situation works well enough, where complaints lead to enforcement against those properties that cause issues in their neighbourhood.

Although there was some support to consider Option 4, which would approach the subject as an overall housing strategy instead of looking at secondary suites in isolation, it was the general consensus of the Committee that such a major project, which would perhaps require significant changes to the Official Community Plan, would be an enormous task and should be addressed on its own at another time. It was felt that it could be considered a step backwards, duplicating a lot of the work that has already been done by the Oak Bay Secondary Suites Review Committee.

There was further discussion and varying views were expressed by members of the Committee on different aspects of each of the options presented, and what the next step should be. It emerged that the majority of the Committee felt Option 3 was the most supportable at this time, which would seek further input from the community on the issue.

The view was expressed that the fundamental question of how people see their community needs to be asked without making any assumptions on the answers in this regard. It was suggested that any information that is made available, through the website or otherwise, should focus on all of the issues to be considered with respect to secondary suites.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That Option 3, as outlined in correspondence item no. 2010-288 being a memorandum from the Municipal Administrator dated October 27, 2010, be endorsed.

Mr. Brennan advised that he would bring forward a detailed plan proposing the public consultation process for the Committee's consideration. Acknowledging that time is of the essence in continuing to work on the issue, staff was asked to expedite returning the plan to the Committee as much as possible.

Attention was drawn to the fact that responding to the survey from the Secondary Suites Review Committee was voluntary, and it was suggested that if the Committee felt it would be helpful to undertake further surveys, a more scientific, randomized survey might produce a truer picture of the community's views on the subject of secondary suites. Staff was requested to include in its report the costs of undertaking such a survey along with the overall cost implications of the consultation plan.

The question was then called.

CARRIED  
*(Councillor Braithwaite against the motion)*

ADJOURNMENT:

MOVED by Councillor Jensen

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

CARRIED

The meeting adjourned at 10:01 p.m.

Certified Correct:

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Municipal Clerk

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Chairman, Finance Section

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Chairman, Traffic Section

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Chairman, Public Works Section

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Chairman, Land Use Section