

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 Tuesday, April 6, 2010 at 7:30 p.m.

PRESENT: Acting Mayor P. Copley, Chairman
Councillor H. Braithwaite
Councillor J. D. Herbert
Councillor T. Ney
STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

LAND USE SECTION: (Acting Chairman – Acting Mayor Copley)

1. 2010-104 DIRECTOR OF BUILDING AND PLANNING, March 29, 2010
Re Development Variance Permit Application – 2176 Pentland Road

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2176 Pentland Road, as outlined in correspondence item no. 2010-104, be prepared and brought forward to Council for consideration.

CARRIED

2. 2010-105 DIRECTOR OF BUILDING AND PLANNING, March 30, 2010
Re Development Variance Permit Application – 975 Linkleas Avenue

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 975 Linkleas Avenue, as outlined in correspondence item no. 2010-105, be prepared and brought forward to Council for consideration.

CARRIED

3. 2010-106 DIRECTOR OF BUILDING AND PLANNING, March 26, 2010
Re Development Variance Permit Application – 2644 Cavendish Avenue

Councillor Herbert declared a conflict of interest with respect to the development variance permit request for 2644 Cavendish Avenue as he lives on Cavendish Avenue near the applicant. There was no longer a quorum to consider this item, therefore staff advised it would be placed on the agenda for the April 19, 2010 Committee of the Whole meeting.

4. 2010-107 DIRECTOR OF BUILDING AND PLANNING, March 25, 2010
Re Proposed Amendment to Zoning Bylaw – Retaining Wall Regulations

The Director of Building and Planning noted that the proposed amendment to the Zoning Bylaw would implement retaining wall regulations including adding a definition of a retaining wall and specifying a maximum height of 1.2 metres of exposed wall face, with no setback requirements for retaining walls in a single family dwelling zone that meet the specified height requirement.

It was noted that the new height regulations would introduce an area of potential variance applications.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the draft amendment to the Zoning Bylaw to implement height limits for retaining walls in all zones attached to correspondence item no. 2010-107 be brought forward to Council for formal consideration.

CARRIED

5. 2010-108 MUNICIPAL ADMINISTRATOR, March 23, 2010
Re Setback Requirements for Structures on Golf Courses in P-3 Zone

The Municipal Administrator noted that at the March 8, 2010 meeting Council considered a request to amend the regulations for the golf course properties to implement a setback requirement for structures such as retaining walls, and Council directed staff to draft an amendment to the zoning regulations for golf course properties in that regard. The proposed changes, he said, also provide exemptions from setbacks for some structures specific to golf course use.

Mr. Cochrane advised that letters were sent to both the Victoria Golf Course and the Uplands Golf Club in order to make them aware of this initiative and to welcome their input.

With concern being raised in respect to the possibility of a golf course constructing a raised tee-off area (without a retaining wall right at the property line), Mr. Cochrane pointed out that the edges would have to be sloped and would therefore create some distance from the property line. He said, however, that the Bylaw likely could be amended to address this issue should that be desired.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the draft amendment to the Zoning Bylaw with respect to setback requirements for structures on golf courses in the P-3 zone be revised to require setbacks for raised tee boxes without a retaining wall.

Scott Kolb, representing the Victoria Golf Club, was in attendance and drew attention to a legal matter between an adjacent neighbour and the Golf Club that is currently ongoing, expressing concern that Council may inadvertently be caught in this legal issue. Mr. Kolb also said he would like to meet with Municipal staff regarding the potential regulation changes to provide input.

Responding to a concern being expressed that Council could unknowingly be drawn into the legal issue mentioned by Mr. Kolb, Mr. Cochrane advised that, as a legislative body, Council would be acting with its power to regulate if the Bylaw moves forward. It may be, he said, that

Council's actions are drawn attention to in any legal proceedings, however, Council is within its jurisdiction to deal with the lack of setback regulations for structures.

Mr. Cochrane agreed to meet with representatives from the two Golf Clubs prior to bringing back the amended draft bylaw for consideration.

The question was then called.

CARRIED

PUBLIC WORKS: (Chairman – Councillor Herbert)

6. 2010-109 DIRECTOR OF ENGINEERING SERVICES, March 30, 2010
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING MINUTES, January 18, 2010
2010-109-1 MICHAEL BURROWS AND SHANNON DREW-BURROWS, January 20, 2010
2010-109-2 PAM GUILBAULT, January 31, 2010
2010-109-3 WILLIAM AND KATHY GILCHRIST, February 1, 2010
2010-109-4 ROBERT AND CHRIS TRAVIS, March 4, 2010
2010-109-5 MICHAEL BURROWS AND SHANNON DREW-BURROWS, April 5, 2010
2010-29 MICHAEL BURROWS AND SHANNON DREW-BURROWS, January 13, 2010
2010-29-1 PATRICIA AND JOHN BURGESS, January 14, 2010
2010-29-2 SHANNON DREW *et al*, January 12, 2010
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING MINUTES, November 16, 2009
2009-358 DIRECTOR OF ENGINEERING SERVICES, November 12, 2009
2009-203 BYRON BARNARD, May 21, 2009
2009-203-1 BYRON BARNARD *et al*, May 19, 2009
Re Boulevard Treatment Options / Proposed Parking Modifications – Tinto Street

Councillor Ney advised that she met with residents and other interested parties March 4, 2010, regarding boulevard treatment options for the south side of Tinto Street. She drew attention to the recommendations as outlined in correspondence item no. 2010-109, pointing out that the consensus from the meeting was to create 6-8 parallel parking spaces mid-block to help address parking and school drop-off congestion. It was also suggested that pathways to access the two schoolyard gates be installed and that a bench and garbage receptacle be located near the west end of the boulevard.

Referring to his memorandum, the Director of Engineering Services said that as a result of the group's comments he included the estimates for proposed work as follows:

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|---|----------|
| 1) Turfstone parking surface (does not include curb and gutter) | \$46,000 |
| 2) Asphalt parking surface (includes curb and gutter) | \$26,000 |
| 3) Walking path (paving stones) | \$4,000 |
| 4) Bench and garbage receptacle | \$3,000 |

Attention was draw to a letter sent in by a resident objecting to the bench being installed as it may encourage youth disturbances in the area.

Discussion turned to other surface alternatives and the possibility of incorporating plantings to help soften the landscaping, which could also help ensure vehicles park in the designated parking area.

Bill Gilchrist, resident, said the main interest expressed at the group meeting was to see the boulders removed from the boulevard, and that if the boulevard is not improved then keep the no parking ban in place and relocate the gates leading to the schoolyard. If a parking area is to be created, Mr. Gilchrist said it should be done properly with curbs to prevent parking on the grass portion of the boulevard.

Although the majority of the Committee members felt the boulevard issue should be addressed, attention was drawn to the number of Oak Bay residents that signed a petition opposing any removal of green space in the Municipality, and the view was expressed that consideration should be given to those concerns. It was pointed out that none of the petitioners attended the group meeting and most would not be directly affected by allowing parking on the Tinto Street boulevard as they do not live in the immediate vicinity of Tinto Street.

MOVED by Councillor Ney

Seconded by Councillor Copley, That it be recommended to Council that the proposal to install eight parking spaces along the south boulevard on Tinto Street (estimated cost of \$26,000, which includes curb, gutter and asphalt), install pathways leading to the Monterey School entrance gates (estimated cost of \$4,000), and remove the existing boulders, be supported in principle and referred to Estimates Committee for consideration.

The Municipal Administrator advised that for liability reasons, Public Works staff would be responsible for removing the boulders on Tinto Street versus a local resident as had been suggested during the public meetings.

Kathie Gilchrist, resident, thought that as available school parking has increased, it may reduce the amount of parking on Tinto Street. However, Ms. Gilchrist said that adding parking would help address the congestion issue of parents dropping off and picking up students that access the schoolyard from Tinto Street. She agreed that the parking area should be delineated with curbs and plantings and suggested that the parking strip be broken up with plantings in between parking sections.

The Director of Engineering estimated that spacing out the parking with shrubs in between could be done for approximately \$5,000 more than the cost estimate provided.

While a member of the Committee felt that the cost to remodel the boulevard is quite high and perhaps not a high priority for the community as a whole, it was the majority view that further consideration should be given to the project by Estimates Committee.

The question was then called.

CARRIED
(Councillor Braithwaite against the motion)

7. 2010-110 DIRECTOR OF ENGINEERING SERVICES, March 8, 2010
2010-110-1 TERRY AND ANGELA JOHAL, February 7, 2010
Re Boulevard Encroachment Request – 3375 Ripon Road

MOVED by Councillor Copley

Seconded by Councillor Ney, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 3375 Ripon Road, consisting of two existing sets of stone columns and two gates in the locations shown attached to correspondence item no. 2010-110-1, subject to the owners of the property entering into a boulevard encroachment agreement.

CARRIED

8. 2010-111 DIRECTOR OF ENGINEERING SERVICES, March 30, 2010
2010-111-1 ANDREW HASHMI, February 24, 2010
Re Boulevard Encroachment Request – 476 Transit Road

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 476 Transit Road, consisting of a rock wall in the location shown attached to correspondence item no. 2010-111-1, subject to the owners of the property entering into a boulevard encroachment agreement.

CARRIED

9. 2010-112 DIRECTOR OF ENGINEERING SERVICES, March 30, 2010
Re Possible Parking Bay Extension – Granite Street

It was noted that at the March 22, 2010 meeting of Council it was suggested that staff look into the cost of extending the existing parking pullout along Granite Street to encompass the area currently providing driveway access to 1392 Hampshire Road.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposed parking bay extension on Granite Street, as outlined in correspondence item no. 2010-112, be referred to Estimates Committee for consideration.

CARRIED

TRAFFIC SECTION: (Chairman – Councillor Copley)

10. 2010-113 DIRECTOR OF ENGINEERING SERVICES, March 30, 2010
2010-113-1 ESTEVAN PHARMACY LTD., March 3, 2010
Re Request for Handicapped Parking Stall – Estevan Village

The Director of Engineering Services confirmed that the applicant has been informed of the proposed alternate location for a handicapped parking stall in the Estevan Village area.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That a traffic control order be prepared for consideration by Council to implement a handicapped parking space on the southeast corner of Musgrave Street at Estevan Avenue as shown on the plan attached to correspondence item no. 2010-113.

CARRIED

11. 2010-114 DIRECTOR OF ENGINEERING SERVICES, March 30, 2010
Re Request to Change Loading Zone Hours Adjacent to 2187 Oak Bay Avenue

At the suggestion of a member of the Committee, there was a consensus to defer the request to change the loading zone hours adjacent to 2187 Oak Bay Avenue to allow time for the Oak Bay Business Improvement Association to provide input as it has recently been requested to advise Council on any proposed parking changes for the Village.

FINANCE & COMMUNITY SERVICE SECTION: (Acting Chairman – Acting Mayor Copley)

12. 2010-115 DIRECTOR OF PARKS AND RECREATION, March 30, 2010
Re Computerized Locking Washrooms at Firemen's Park and Municipal Hall

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the correspondence item no. 2010-115, being a memorandum from the Director of Parks and Recreation, with respect to installing computerized locking washrooms at Firemen's Park and the Municipal Hall, be referred to Estimates Committee.

CARRIED

13. 2010-116 MUNICIPAL ADMINISTRATOR, March 30, 2010
2010-116-1 MUNICIPAL CLERK, April 1, 2010
Re Board and Committee Appointment Policy

As requested, the Municipal Administrator provided an overview of the draft policy for volunteer board and committee appointments, explaining that it attempts to provide a basis for a broader consensus amongst members of Council on the issue of diversity than what has emerged to date.

In general, said Mr. Cochrane, the draft policy sets out an overriding principle of merit based selection of volunteers and then turns the focus onto principles of diversity to make appointments that reflect the demographics of the community in terms of gender, age, cultural background and disability.

Councillor Herbert drew attention to the small number of volunteers boards and committees that Council makes appointments to, noting that the characteristics of membership varies between them with respect to gender at different times. He felt that the draft policy would be acceptable to him in addressing the equity issues that had been raised by some members of Council versus a policy like that of Toronto, which he felt was not suitable for the limited volunteer positions in Oak Bay, pointing out that there are times when it is difficult to fill vacancies.

The view was expressed by Councillor Braithwaite that the draft policy accomplishes what she believes is necessary, and would be a way to move forward on the issue without having to make an all or nothing decision.

It was suggested by Councillor Copley that the draft policy should be amended to bring more to the forefront the objective of achieving diversity in the makeup of volunteer boards and committees versus that being a secondary consideration after addressing the necessary qualifications. For her, she said, the issue is about setting a standard for recruitment and being transparent when filling volunteer positions.

Councillor Ney agreed with Councillor Copley that the draft policy does not go quite far enough, and that, in her opinion, diversity should be the fundamental principle. As shown in some of the example policies, she said, representing diverse elements of the community should actually be a part of the qualifications for the board or committee just like any of the more academic qualifications that may be desirable as overall the board or committee would be stronger, collectively, with such membership.

It was acknowledged that there was no consensus on the draft policy or any potential changes to it at the Committee level, although placing the draft policy formally before Council would provide an opportunity for further discussion to occur when other members of Council were expected to also be in attendance.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the draft Board and Committee Appointment Policy attached to correspondence item no. 2010-116, being a memorandum from the Municipal Administrator dated March 31, 2010, be brought forward to Council for formal consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:05 p.m.

Certified Correct:

Municipal Clerk

Chairman, Acting Land Use Section

Chairman, Public Works Section

Chairman, Traffic Section

Acting Chairman, Finance &
Community Service Section

