

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, February 7, 2011 at 7:30 p.m.

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

STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green

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

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2011-57 OAK BAY PARKS AND RECREATION COMMISSION, February 2, 2011
Re Minutes of the Meeting

(Lorna Curtis, Director of Parks and Recreation, and Lorne Middleton, Manager of Parks Services, were in attendance for this item.)

Pesticide Regulation Bylaw Education

With respect to public education plans relating to the Pesticide Regulation Bylaw, Councillor Braithwaite noted that the Parks and Recreation Commission is seeking guidance regarding the best way to distribute the pesticide use educational pamphlets, noting that the Commission suggested that the most cost effective distribution option would be to include the pamphlets with the municipal tax notice. Public information sessions would also be held.

Mayor Causton suggested that he could include additional information regarding the new Bylaw in his annual letter sent out with the tax notices as well. It was also suggested that information be posted on the municipal website regarding this matter.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That it be recommended to Council that the Pesticide Regulation Bylaw educational pamphlet be distributed along with the 2011 municipal tax notice in May.

CARRIED

Responding to questions regarding disposal of pesticides, Lorne Middleton said it is proposed that residents be permitted to dispose of pesticides and pesticide containers at the Public Works Yard for a two month period, then they would have to be taken to other locations, as noted in the pamphlet. There was consensus that staff look into extending the amount of time such products could be dropped off at the Yard as a convenience to residents.

Dogs on McNeill Bay Beach

MOVED by Councillor Jensen

Seconded by Councillor Copley, That staff bring forward an Animal Control Bylaw amendment to expand the regulations for the dates and times that dogs are permitted on McNeill Bay beach as recommended by the Parks and Recreation Commission.

CARRIED

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, February 2, 2011, and the recommendations contained therein, be adopted.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

2. 2011-58 DIRECTOR OF BUILDING AND PLANNING, February 1, 2011
Re Uplands Building Permit Application – 3160 Ripon Road

Responding to questions from members of the Committee, Lynn Gordon-Findlay, Architect, clarified that the proposal is to construct a small (200 square feet) addition at the rear of the house that would link the two wings creating a larger living space.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct an extension to the main floor area at the rear of the residential dwelling at 3160 Ripon Road be approved as to siting and architectural design.

CARRIED

3. 2011-59 DIRECTOR OF BUILDING AND PLANNING, February 1, 2011
Re Uplands Building Permit Application – 3295 Ripon Road

With respect to a member of the Committee drawing attention to a letter expressing a neighbour's concern regarding the lack of screening and loss of privacy between the two properties as a result of the development, Michael Dingle, designer, advised that the existing vegetation, when in bloom, addresses any perceived privacy concerns.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the amended plans for a wood deck, glass guardrails and windows at the rear of the residential dwelling at 3295 Ripon Road be approved as to siting and architectural design.

Michael Prescott, resident, said he was the neighbour that expressed concern, and that although he has no issue with the deck itself, he said he wanted to ensure that both parties would retain their privacy all year around, and he then went on to provide some ideas that he felt would offer appropriate privacy screening between the two properties.

Mr. Prescott said although he initially approved of the plans shown to him by the applicant, he observed during construction that the number and size of the windows being installed differed from the original plans, and in speaking with the Director of Building and Planning, it was confirmed that the changes would have to be approved and go before the Advisory Design Panel.

Responding to questions, Adam Orser, owner, noted they did not wish to make any design changes, however, plantings in between the two properties could be looked at, along with plantings being placed on the new deck.

It was suggested that the neighbours discuss the issues raised to try and remedy them prior to the next Council meeting when the recommendation to approve the plans receives final consideration.

The question was then called.

CARRIED

4. 2011-60 DIRECTOR OF BUILDING AND PLANNING, February 1, 2011
Re Uplands Building Permit/ Development Variance Permit Application –
3300 Exeter Road

Councillor Cassidy indicated a conflict inasmuch as his firm has had a business relationship with the applicant's architect. Councillor Cassidy left the meeting at 8:12 p.m. Mayor Causton assumed the Chair for this item.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct a second storey bedroom addition and front entry addition at 3300 Exeter 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. 2011- 60, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

Councillor Cassidy returned to the meeting at 8:13 p.m. and resumed the Chair.

5. 2011-61 MUNICIPAL ADMINISTRATOR, February 3, 2011
-- EXCERPT FROM THE COMMITTEE OF THE WHOLE MEETING
MINUTES, November 1, 2010
2011-61-1 ROBERT AND CHRIS TRAVIS, July 15, 2010
2011-61-2 THOMAS LANE, November 19, 2010
2011-61-3 E. J. COCKAYNE, November 30, 2010
2011-61-4 DENNIS MCCARTHY, December 3, 2010
2011-61-5 J. DAVID SHILLINGTON, December 17, 2010
2011-61-6 TOM LANE, December 22, 2010
2011-61-7 J. DAVID SHILLINGTON, January 14, 2011
2011-61-8 MIKE LOW, January 23, 2011
2011-61-9 M. BEKKER, January 18, 2011
2011-61-10 ROBERTA MCCARTHY, January 24, 2011
2011-61-11 ROBERT A. CAMPBELL, February 1, 2011
2011-61-12 RENTAL OWNERS AND MANAGERS SOCIETY OF BC, February 4,
2011
2011-61-13 JOHN FOXGORD, February 1, 2011
2011-61-14 WARREN ROBERTSON, February 1, 2011
2011-61-15 LAUREEN LETKEMAN, February 2, 2011
2011-61-16 DON AND DONNA FLEMING, February 3, 2011
2011-61-17 JACK AND MARGARET MORRISON, February 4, 2011

2011-61-18 MIKE WILMUT, February 4, 2011
2011-61-19 MARK MEICHSNER, February 4, 2011
2011-61-20 CARYL PETERS, February 5, 2011
2011-61-21 WILLIAM ANDERSON, February 6, 2011
2011-61-22 ANN WILMUT, February 6, 2011
2011-61-23 ELAINE SCHAUMBURG, February 6, 2011
2011-61-24 LILIAS AND HILL WILSON, February 6, 2011
2011-61-25 SHEILA ROWAND, February 7, 2011
2011-61-26 NORMAN W. WALE, February 7, 2011
2011-61-27 DENYCE BURROWS, February 7, 2011
Re Secondary Suites

Councillor Cassidy advised that the Committee of the Whole will be engaging in discussion regarding the process of how to move forward with public consultation on the issue of secondary suites in Oak Bay.

The Municipal Administrator provided an overview of the options regarding public consultation on secondary suites as outlined in his memorandum, noting that he had discussed the process of public engagement with City Spaces Consulting, an organization that specializes in public consultation.

Mr. Brennan said that the proposed process would see an open-house or multi-faceted event that would likely be scheduled for a Saturday, with the members of the public being invited to drop in at their convenience. There would be a variety of displays, plus there would be scheduled events throughout the day such as presentations by speakers (e.g. representatives from other municipalities) and opportunities for facilitated conversations on specific topics of interest (e.g. the parking issue).

The second meeting would be for stakeholders, by invitation. Possible stakeholders would include community associations, renters, affordable housing advocates, and seniors, and it was suggested that both of these meetings would be facilitated by City Spaces Consulting, with the open-house event to take place in early April.

There was discussion regarding the need to ensure that the process is unbiased, without support or opposition to suites, and to engage the public on all aspects of secondary suites and the concerns raised in that regard.

Responding to questions, Mr. Brennan said a final cost has not been received, however, it is anticipated to cost between \$5,000 and \$10,000 to facilitate the two meetings.

Members of the Committee discussed various aspects of the proposal for public consultation events, and varying view and opinions were noted. Some members of the Committee felt that specific issues about secondary suites already relayed through the work done by the Secondary Suites Review Committee should be addressed prior to considering holding a public “Secondary Suites Fair” event to engage the public, while others felt that such an event would be a good opportunity to engage the public and provide an opportunity for informed discussion. The view was also expressed that perhaps the question of legalizing secondary suites should be put to the voters as a referendum question at the 2011 local election, although the prevailing view was that this was not a preferred option.

It was suggested that a significant amount of information would need to be gathered prior to holding the proposed Secondary Suites Fair, which would take some time, and that Council has work to do in that regard before hand.

Public Input:

Norman Wales, resident, said that the public should be well informed on the matter of secondary suites, and that public meetings would provide the opportunity for the community to be heard and to listen.

Doug Lee, resident, introduced himself as the former building inspector for Oak Bay. Mr. Lee said he dealt with suites then, and it would be too costly for the majority of suite owners to renovate their suites to meet the building code requirements. Mr. Lee felt that by encouraging legalization of suites it would create more of an issue and the community would still have illegal suites.

Rick Lee, resident, speaking on behalf of himself and his wife, said that he is deeply concerned about the issue of secondary suites, and agreed with Councillor Cassidy that the process should be done correctly and that there is no need to rush this issue.

Doug Ross, resident, said secondary suites is such an important issue and he was alarmed to see it being pushed forward so quickly, noting it should not be rushed.

Mary Douglas-Hunt, resident, said she does not support the idea of the Municipality hosting a "Fair" as proposed by City Spaces Consulting, saying it sounds like a sales pitch opportunity. Ms. Douglas-Hunt said Oak Bay is a special place to live and she would like to see it stay that way, adding that she feels uncomfortable seeing the issue being pushed forward so quickly. She said she did not understand the reason that the issue of secondary suites has come forward in the first place, but if it must go forward then public meetings are needed so that all sides can speak and share their thoughts. Ms. Douglas-Hunt said she did not see or fill out the secondary suites survey that went out with the taxes.

Dennis McCarthy, resident, drew attention to a report prepared by the Municipal Administrator that raised the issue of what the compelling reason was for investigating secondary suites legalization, questioning why Oak Bay Council is even considering the issue.

Anthony Mears, resident, said that residents should have been informed prior to the survey being distributed. Mr. Mears said that he has attended all of the meetings about secondary suites, and he provided his credentials that he said would relate to this issue. Referring to a report he prepared, and said he would submit to the Municipal Clerk following the meeting, Mr. Mears commented that having an event hosted by a consulting firm and inviting other local governments would likely provide only positive or bias presentations, and he would like to see an educational component included that would bring attention to density and the potential strain on the infrastructure system. Mr. Mears questioned the proposal to invite only stakeholders to the proposed second meeting, asking what could be gained from meeting with developers and real estate professionals.

Mr. Mears concluded by saying that allowing secondary suites would turn Oak Bay into a community of multi-family homes versus single family homes.

Cliff Hunt, resident, asked what was driving the Municipality to consider legalizing secondary suites, and what problem is Council trying to solve, and questioned if there is even an issue. Mr. Hunt felt that the 'Fair' sounded biased and he is worried it will not be done right, adding that it will likely cost more than \$10,000.

Susan Hyatt, resident, said she is unclear what is being debated here, adding that there have always been secondary suites in Oak Bay, and the question is whether or not Council will legalize suites. Ms. Hyatt felt that this is a hugely important issue and that a referendum would be a good idea following public education forums, as this is a fundamental values issue and the voters should decide.

Mike Wilmut, resident, said that the reality is that Oak Bay already has secondary suites and that is not going to change. He drew attention to issues other local governments have had in respect to legalizing existing suites, noting that very few 'new' suites applications have come forward in other communities in the region. The Municipality, he said, could better spend funds on other issues. Mr. Wilmut said he does not agree with legalizing secondary suites and he urged Council to not move forward and to turn its focus on other pressing matters.

Corey Burger, City of Victoria resident, said that the Community Initiatives Committee has been discussing with the University of Victoria Social Sciences Department the possibility of assisting Oak Bay with constructing a professional designed scientific survey to help obtain unbiased data on another subject, suggesting that the University of Victoria could possibly assist with a new secondary suites survey as well.

Arnold Stewart, resident, said he agreed with Mr. McCarthy asking why we are here. However, said Mr. Stewart, if this topic is to proceed then he would like to see less discussion and more information regarding such things as the impact on the infrastructure, the road system, and the environment, from having more residents. He asked that Council look at the consequences of proposed densification before going further.

Members of the Committee continued their discussion with respect to the issue of secondary suites, with some raising concerns about engaging a consulting firm to arrange and hold the proposed Secondary Suites Fair event or the stakeholders meeting as described in the Municipal Administrator's memorandum. The suggestion was made by some Committee members that one or more public meetings could be organized through staff, where Council can hear directly from the residents of Oak Bay. The view was also expressed that there should not be a timeline assigned to addressing secondary suites as there is still much to be discussed on this issue. It was also suggested that the issue need not be pursued individually at this point but should form a part of an overall affordable housing or densification strategy for the Municipality. The possibility of issuing a Request for Proposal for a consultant was also raised.

Reasons for moving forward with the proposed consultation plan were also noted, and it was seen by some as a way to continue engaging the public in discussions. It was felt by some members of the Committee that hosting a Fair would help spread accurate information and provide an opportunity to get more facts out to the whole community, which could be augmented by information from other communities on their experiences on the issue of secondary suites.

Following additional discussion, while some felt information on what materials should be presented at a Secondary Suites Fair should be brought forward for Council's consideration first, it emerged that the majority view was that the process proposed was supportable at this point.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That it be recommended to Council that staff be directed to proceed with the public consultation events, as outlined in the letter from City Spaces Consulting dated February 3, 2011 (attached to correspondence item no. 2011-61).

CARRIED
(Councillors Braithwaite, Cassidy and Herbert against the motion)

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 10:22 p.m.

Certified Correct:

Municipal Clerk

Chairman, Recreation Section

Chairman, Land Use Section