

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, June 18, 2012 at 7:00 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

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

Mayor Jensen called the meeting to order at 7:00 p.m.

FINANCE SECTION: (Chair – Councillor Herbert)

1. 2012-200 MUNICIPAL TREASURER. June 4, 2012
Re Monthly Financial Reports

A member of the Committee drew attention to the broad category of “roads and transportation” expenses in the financial report, and requested that staff look into the possibility of breaking those expenses down into more specific detail. The roads and transportation heading, he said, does not acknowledge other expenses that are charged to the account that are not specifically related to road work.

MOVED by Councillor Ney
Seconded by Councillor Kirby, That the June monthly financial reports be received.

CARRIED

PARKS AND RECREATION SECTION: (Chair – Councillor Ney)

2. 2012-201 OAK BAY PARKS AND RECREATION COMMISSION, June 13, 2012
Re Minutes of the Meeting

(Monty Holding, Chair, Parks and Recreation Commisison and Ray Herman, Director of Parks and Recreation, in attendance for this item).

Tennis Bubble

Responding to questions from the Committee relating to the discussion on the tennis bubble, the Director of Parks and Recreation explained that the Commission has requested further information to examine the relocation of the tennis facility on the Recreation Centre site, which is expected to come forward in September.

Lansdowne Cooperative Preschool

Mr. Herman explained that the Commission wishes to enter into an agreement to rent the Maple Room temporarily (September 2012 to June 2013) to the Lansdowne Cooperative Preschool, which is looking for a temporary location until a permanent one can be found.

College of Performing Arts

Mr. Herman noted that the College of Performing Arts wishes to make a presentation to Committee of the Whole in relation to a partnership proposal for Carnarvon Park. The presentation was tentatively scheduled for July, however, as the Commission Chair will be absent, he suggested postponing it to the August Committee of the Whole meeting. This was supported by the Committee.

MOVED by Councillor Green

Seconded by Councillor Herbert, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, June 13, 2012, and the recommendations contained therein, be adopted.

CARRIED

PUBLIC WORKS SECTION: (Chair – Councillor Herbert)

3. 2012-143 JANET STRONGITHARM, March 7, 2012
Re Request to Amend Driveway Access Bylaw – 2643 Dalhousie Street

Mayor Jensen noted that the Strongitharm's have requested that this item be deferred to the July Committee of the Whole meeting.

MOVED by Councillor Green

Seconded by Councillor Copley, That the request from Janet Strongitharm to amend the Driveway Access Bylaw be deferred to the July 16, 2012 Committee of the Whole.

CARRIED

ACTIVE TRANSPORTATION AND COMMUNITY SECTION: (Chair – Councillor Kirby)

4. 2012-202 DIRECTOR OF ENGINEERING SERVICES, June 5, 2012
2011-295 SU RUSSELL, July 4, 2011
Re Truck Traffic on Hampshire Road Between Cranmore Road and Oak Bay Avenue

The Director of Engineering Services provided an overview of his memorandum, requested by the Committee in response to concerns about truck traffic on Hampshire Road. The results of the traffic counts, said Mr. Marshall, have resulted in no action being recommended.

There was discussion regarding the issue of truck traffic, and it was acknowledged that while implementing truck routes, which is a very complex subject, to regulate such traffic was a possibility, it should not be done to address one area of concern. It was further noted that a shift in truck traffic from Hampshire Road to other roads would likely result in concerns being raised by other areas of the Municipality as well.

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the report from the Director of Engineering Services on truck traffic on Hampshire Road between Cranmore Road and Oak Bay Avenue be received.

CARRIED

- 5. 2012-163-1 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, April 30,2012
 - EXCERPT FROM THE COUNCIL MEETING MINUTES, May 14, 2012
 - 2012-203 CELIA CHEATLEY, May 30, 2012
 - 2012-203-1 CHRIS DARROCH, June 4, 2012
 - 2012-203-2 JILL SMITH, June 17, 2012
- Re Complete Streets Policy

Gerald Smeltzer, Co-Chair of the Active Transportation Advisory Committee, noted that many of the members of the Committee, including Co-Chair Charlie Etchell, were in attendance in support of the recommendation to Council to adopt a Complete Streets policy.

Mr. Smeltzer provided a power point presentation on the merits of a policy, drawing attention to background information included with the minutes of the Committee, and noting that one of the leading recommendations in the Active Transportation Strategy prepared by Boulevard Transportation Group in 2011 was to adopt such a policy.

In response to concerns about the proposed policy hierarchy for considering transportation priorities and infrastructure improvements and spending not placing enough priority on road maintenance, Mr. Smeltzer noted that all the items in the hierarchy should be considered when projects are contemplated.

MOVED by Councillor Ney

Seconded by Councillor Copley, That a resolution to approve the Complete Streets Policy proposed by the Active Transportation Advisory Committee be placed before Council for formal consideration.

There was discussion regarding what happens after a policy is implemented, and Mr. Smeltzer advised that the Committee is already in discussion with staff regarding the creation of a work plan, and what projects should be a priority.

Corey Burger suggested that while the proposed policy is good, perhaps more detail could be added in respect to parks and trails projects as well. The Advisory Committee, he said, needs to be able to deal with more than just road upgrade opportunities.

In response, it was acknowledged that the Advisory Committee is already working closely with staff on those sorts of issues, and no changes to proposed policy were felt to be needed.

John Luton, Executive Director, Capital Bike and Walk Society, said the policy makes sense for good reasons, and the work done under it to implement bike lanes and other cycling infrastructure will raise property values and enhance neighbourhoods, and also enhance the cycling commute experience.

Eric Fraiken, commented on the information provided by the Advisory Committee, noting it encompasses much more than had been discussed, suggesting that a network for cyclists should be contemplated. Mr. Smeltzer confirmed that all users, including cyclists, should be considered in respect to a complete streets policy.

Vincent de Luniere, noted that the safety aspects of any active transportation projects are very important and that rules are necessary and should be enforced. He expressed his appreciation for what is before the Committee for consideration.

The question was then called.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

6. 2012-204 MUNICIPAL ADMINISTRATOR, June , 2012
-- EXCERPT FROM THE COMMITTEE OF THE WHOLE MEETING
MINUTES, April 18, 2011
Re Proposed Heritage Revitalization Agreement - 1226 Roslyn Road

The Municipal Administrator provided an overview of the proposed Heritage Revitalization Agreement that was produced as directed by Council. The proposed agreement, he said, includes subdivision of the lot, and retention of the current duplex on one of the lots. While the duplex has not been formally designated heritage and does not appear on the Community Heritage Register, that is not required in order for Council to find the property has heritage merit and to enter into a Heritage Revitalization Agreement that can vary many requirements of the Zoning Bylaw, including density, said Mr. Brennan.

Mr. Brennan went on to describe some of the requirements contained in the agreement, such as the requirement for owner occupancy in the duplex building, and security to ensure the required work is completed.

Councillor Copley expressed the view that there should be an understanding contained in the agreement with respect to protecting the heritage merit of the existing duplex and best practices and guide lines in that regard, along with including references to the long term conservation of the building.

Councillor Copley also felt that a statement of significance should be written for the property, perhaps by the Heritage Commission, to identify its heritage value and clarify what is important to retain.

John Young, applicant, confirmed that he has seen the agreement that is before the Committee. In terms of what the community benefit is in relation to entering into a Heritage Revitalization Agreement, Mr. Young said that inasmuch as the property has been reduced to a duplex from a triplex, no increased density is being gained. He said he is providing off-street parking that did not exist previously, he is preserving the duplex rather than demolishing it, and the new property would generate taxation revenue for the Municipality.

In terms of the numerous variances required, Mr. Young pointed out that they are in relation to the existing building, which is not being moved, so they should be considered in that context.

Judith Anderson, Oak Bay resident, said the house is a heritage house, and is one of the earlier houses on the street.

Ms. Anderson drew attention to the fact that the owner could have demolished the duplex and then subdivided, which could result in two new big and modern houses. She said she hopes the agreement receives approval.

MOVED by Councillor Green

Seconded by Councillor Ney, That staff be directed to amend the Heritage Revitalization Agreement for 1226 Roslyn Road to include references to preservation and rehabilitation of the duplex building, and that it be brought forward to the first available Council meeting for consideration.

CARRIED

Responding to questions, Mr. Young indicated that he was not opposed to including a generic statement regarding guide lines for the preservation and rehabilitation of the existing duplex.

7. 2012-205 DIRECTOR OF BUILDING AND PLANNING, June 5, 2012
Re Uplands Building Permit Application – 3535 Upper Terrace Road

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that the proposed plans for the construction of a second storey master bedroom addition to the existing residence at 3535 Upper Terrace Road be approved as to siting and architectural design.

CARRIED

8. 2012-206 DIRECTOR OF BUILDING AND PLANNING, June 12, 2012
Re Uplands Building Permit / Development Variance Permit Application –
3290 Upper Terrace Road

The Director of Building and Planning provided an overview of the application in respect to the original application which had been denied. He noted that the main change was to remove the back portion of the garage addition.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That it be recommended to Council that the proposed plans for the two storey addition at 3290 Upper Terrace 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. 2012-206, be prepared and brought forward to the next meeting of Council for consideration.

Kevin Bradley, applicant, said he felt it was reasonable to be able to put a garage on his property, noting many properties in the neighbourhood face challenges meeting side setbacks as the lots are small for Uplands properties, and his property is not unusual in this regard.

Peter Butterfield, Oak Bay resident and neighbour of the applicant, acknowledged that the plans have been revised but his initial concerns regarding obstruction of his view still remain regarding the setback variances. Additionally, he said, the window in the addition compromises his privacy.

There was discussion regarding the variances and varying views and opinions were expressed by members of the Committee.

Responding to questions, Mr. Thomassen indicated that the Advisory Design Panel recommended approval and felt the changes were an improvement over the previous application.

The question was then called.

CARRIED

(Mayor Jensen and Councillors Herbert and Murdoch opposed)

9. 2012-207 DIRECTOR OF BUILDING AND PLANNING, June 12, 2012
Re Uplands Building Permit / Development Variance Permit Application –
2440 Cardigan Road

Attention was drawn to the memorandum from the Municipal Arborist, and Nigel Beattie, in attendance to represent the applicants, said that they were confident that they would be able to preserve the Garry Oak referred to in the memorandum that would be near the proposed driveway.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That it be recommended to Council that the proposed plans for the construction of a multi-car garage and rear addition to the existing dwelling at 2440 Cardigan 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. 2012-207, be prepared and brought forward to the next meeting of Council for consideration.

While concerns were raised about the use of the garage as a car storage facility, it was the majority view that the application should go forward to the next stage in the process.

The question was then called.

CARRIED
(Mayor Jensen opposed)

10. 2012-208 DIRECTOR OF BUILDING AND PLANNING, June 11, 2012
Re Development Permit Application – 3355 Beach Drive

The Director of Building and Planning provided an overview of the application that would see the repair to the existing seawall and construction of new stairs down to the foreshore.

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development permit with respect to 3355 Beach Drive, as outlined in correspondence item no. 2012-208, be brought forward to Council for consideration.

CARRIED

11. 2012-209 DIRECTOR OF BUILDING AND PLANNING, June 11, 2012
Re Development Variance Permit Application – 1221 Victoria Avenue

The Director of Building and Planning explained the request for a variance to the contextual front lot line setback regulations, noting that the owners wished to construct the dwelling further back on the property than permitted in order to retain existing Garry Oak trees.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1221 Victoria Avenue, as outlined in correspondence item no. 2012-209, be brought forward to Council for consideration.

CARRIED

12. 2012-210 DIRECTOR OF BUILDING AND PLANNING, June 11, 2012
Re Development Variance Permit Application – 2035 Neil Street

The Director of Building and Planning provide an overview of the application to vary the maximum paved surface requirements to accommodate parking on the property.

MOVED by Councillor Green

Seconded by Councillor Kirby, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2035 Neil Street, as outlined in correspondence item no. 2012-210, be brought forward to Council for consideration.

CARRIED

13. 2012-211 DIRECTOR OF BUILDING AND PLANNING, June 14, 2012
Re Development Variance Permit Application – 2095 Granite Street (Oak Bay United Church)

The Director of Building and Planning explained that the Church wishes to construct a new accessory building to store goods for the Church thrift shop in place of the temporary storage containers currently being used. This will eliminate three parking spaces, he said, resulting in a need for a parking variance.

Mr. Thomassen drew attention to the existing covenant registered against the property that limits the area of thrift shop sales to the administration building. If the Church wishes to use the new accessory building for this purpose, he said, it would not currently be permitted pursuant to the covenant, and consideration could be given to an amendment to the covenant in this regard.

MOVED by Councillor Green

Seconded by Councillor Kirby, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2095 Granite Street, as outlined in correspondence item no. 2012-211, be brought forward to Council for consideration.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Green, That a restrictive covenant be drafted to permit the expansion of the thrift store use at 2095 Granite Street to the new accessory building, subject to the issuance of a development variance permit.

Betty Thacker, representing Oak Bay United Church, noted that the Community Hall is also currently being used for a thrift shop at times. It was noted that staff could discuss the needs of the Church in respect to the thrift store use prior to providing information regarding the issues associated with the expansion or removal of the existing covenant.

14. 2012-212 DIRECTOR OF BUILDING AND PLANNING, June 15, 2012
Re Uplands Building Permit / Development Variance Permit Application –
3555 Beach Drive

The Director of Building and Planning advised that the applicants wished to erect a pergola in the front yard that would require a setback variance. He also pointed out that while the Advisory Design Panel report indicated the Panel did not support the proposed fence, this is not something currently regulated under the Uplands Regulation Bylaw.

Deborah LeFrank, Landscape Designer, indicated that the fence design has been modified to be significantly more open and provides a good streetscape, however, the Panel was still not in favour of it.

Responding to questions, the Municipal Administrator confirmed that although pursuant to the Oak Bay Special Powers Act Council could regulate fences in the Uplands, regulations have not been included in the Uplands Regulation Bylaw to do that.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That it be recommended to Council that the proposed plans for the pergola structure at 3555 Beach Drive 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. 2012-212, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Herbert, That staff be directed to prepare a report with respect to incorporating fence regulations into the Uplands Regulation Bylaw.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

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

CARRIED

The meeting adjourned at 10:18 p.m.

Certified Correct:

Municipal Clerk

Chair, Finance and Public Works Sections

Chair, Parks & Recreation Section

Chair, Land Use Section

Chair, Active Transportation and
Community Section