

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 20, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
Councillor P. Copley  
Councillor J. D. Herbert

STAFF: Municipal Administrator, M. Brennan  
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: (Acting Chairman – Mayor Causton)

1. 2011-213 MUNICIPAL TREASURER, June 6, 2011  
Re Monthly Financial Reports

The Municipal Treasurer provided an overview of the financial reports noting that less than half of the property tax payments have been received to date.

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That the May monthly financial reports be received.

Responding to Mayor Causton inquiring about the installation of a bus shelter on Oak Bay Avenue, the Director of Engineering Services advised that staff is continuing to work with the adjacent property owners with respect to entering into a right-of-way agreement for the new bus shelter to be partially erected on private property.

The question was then called.

CARRIED

RECREATION SECTION: (Chairman – Councillor Braithwaite)

2. 2011-214 OAK BAY PARKS AND RECREATION COMMISSION June 8, 2011  
2011-214-1 K.SHAWN DAVISON, May 27, 2011  
2011-214-2 SANDRA AND CHRIS BOSE, May 27, 2011  
2011-214-3 CHRISTINE ASH, May 28, 2011  
2011-214-4 KATHLEEN LAIRD, May 29, 2011  
2011-214-5 LINDA AND ALAN THOMSON, May 28, 2011  
2011-214-6 DENISE AND ALAN ROLLINS, May 30, 2011  
2011-214-7 TRACEY TADDEI, May 30, 2011  
2011-214-8 JILL HOWARD, May 30, 2011  
2011-214-9 DALE DYMIANIW, May 30, 2011  
2011-214-10 BRENDA WITT, May 30, 2011  
2011-214-11 ANN WILMOT, May 31, 2011  
2011-214-12 ELIZABETH JUELSBERG, June 1, 2011  
2011-214-13 TRACY TADDEI, June 15, 2011  
2011-214-14 CHRISTINE HOYER, June 19, 2011

- 2011-214-15 GLORIA BACK, June 18, 2011  
2011-184 TRACEY TADDEI *et al*, April 25, 2011  
2011-184-1 JACKIE POWELL, April 19, 2011  
Re 1) Minutes of the Meeting  
2) Request for Amendment to Animal Control Bylaw – Willows Beach

*(Lorna Curtis, Director of Parks and Recreation, and Monty Holding, Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item.)*

*Minutes of the Meeting*

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, June 8, 2011, and the recommendations contained therein, with the exception of the Children's Wish Foundation request to allow commercial activity in a park, and a request to amend the Animal Control Bylaw, be adopted.

Responding to questions from members of the Committee, Lorna Curtis, Director of Parks and Recreation, explained that overall the Parks and Recreation budget is on target, and that the pool shutdown is going well and the facility is expected to reopen as scheduled. With respect to the cooler temperature in the tennis bubbles, Ms. Curtis advised that the heat is being turned on when necessary, and staff has been researching a more cost efficient system to be considered when the time comes to replace the existing tennis bubbles.

The question was then called.

CARRIED

*Commercial Activity in Park – Willows Park – Children's Wish Foundation*

MOVED by Councillor Copley

Seconded by Councillor Herbert, That whereas pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to the Children's Wish Foundation of Canada to hold a Wishmaker Walk For Wishes at Willows Park on Saturday, October 15, 2011, subject to the event organizer entering into a public property occupancy agreement in which it will among other standard requirements:

- 1) release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event; and

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

*Request for Amendment to the Animal Control Bylaw – Willows Beach*

As requested by Council at its May 24, 2011 meeting, the Oak Bay Parks and Recreation Commission reviewed a request to change the animal control regulations that would allow dogs on Willows Beach in the morning during the summer months, and attention was drawn to the Commission's recommendation that dog access at Willows Beach remain as outlined in the current Animal Control Bylaw.

Monty Holding, Chairman, Oak Bay Parks and Recreation Commission, said that the correspondence received and those that attended the meeting argued both for and against allowing dogs on Willows Beach before 9:00 a.m. during the summer months. Mr. Holding pointed out that following discussion it was the majority view of the Commission that there are a sufficient number of parks, with various regulations, that allow dogs in Oak Bay.

Tracey Taddei, Oak Bay resident, commented that the number of parks that allow dogs may be misleading because some of those parks, such as Mary Tod Island, are difficult to get to, whereas Willows Beach is very accessible.

Ben Parfitt, Oak Bay resident, said he is a dog owner and he walks along Willows Beach when it is permitted. During the early mornings he says no one is on the beach. Mr. Parfitt said that consideration should be given to the fact that most dog owners are responsible pet owners.

Alan Thomson, Oak Bay resident, said his concern is seeing unleashed dogs disturbing the geese and other wildlife feeding on the beach in the early morning, adding that even controlled dogs cause the wildlife to move on. Mr. Thomson concluded by saying he would prefer to see no change to the animal control regulations with respect to Willows Beach.

Discussion ensued with members of the Committee commenting on various aspects of the proposed amendment to the Animal Control Bylaw and the overall affect it could have on all users of Willows Beach during the summer months. It was suggested that it would be ideal to create a balance that would create the inclusive enjoyment of the beach for both dog owners and beach goers activities, and that perhaps a trial period to permit dogs on part of the beach could be considered. However, it was the majority view that with Willows Beach being a high volume destination beach, the current animal control regulations should remain intact.

MOVED by Councillor Herbert

Seconded by Mayor Causton, That the recommendation from the Parks and Recreation Commission contained in the minutes of the meeting of June 8, 2011 that dog access at Willows Beach remain as outlined in the current *Animal Control Bylaw* be endorsed.

CARRIED

LAND USE SECTION: (Acting Chairman – Mayor Causton)

3. 2011-215 DIRECTOR OF BUILDING AND PLANNING, June 14, 2011  
Re Development Variance Permit Application – 2635 Cranmore Road

The Director of Building and Planning provided an overview of the proposed variances as described in his memorandum, noting that the application was again before Committee of the Whole because of revisions to the design that were considered at the June 6, 2011 meeting. Mr. Thomassen advised that the variances being requested have not changed.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2635 Cranmore Road, as outlined in correspondence item no. 2011-215, be prepared and brought forward to Council for consideration.

CARRIED

4. 2011-216 DIRECTOR OF BUILDING AND PLANNING, June 14, 2011  
Re Development Variance Permit Application – 363 King George Terrace

The Director of Building and Planning advised that the applicant wishes to build a new two-storey plus basement home that would require variances because the new dwelling would exceed the gross floor area permitted above .8 meters below grade and the gross floor area overall. It was pointed out that the lot size is larger than usual and that the additional floor areas involve the office above the garage and the storage area in the basement.

David Yamamoto, Designer, representing the owners of 363 King George Terrace, outlined the request noting that the proposed house will appear as a compact, low lying, one and a half storey house that would have little impact as it would be substantially set back from the street.

Mr. Yamamoto explained that with or without the variances, the house footprint would be the same. He stated that they are not really adding to the massing, merely taking advantage of space in the attic and in the basement.

In the case of the basement, Mr. Yamamoto further stated that the area in question (previously a crawlspace) would be underground storage, with no windows, and would have no impact from the view from the street.

While it was expressed by a member of the Committee that there would be no change to the footprint, that the plans show the space being well used, and that the dormer above the garage improves the look of the house overall, it was nevertheless felt that the dormer adds to the massing of the house and substantially increases the maximum gross floor area.

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 363 King George Terrace, as outlined in correspondence item no. 2011-216, be prepared and brought forward to Council for consideration.

Although some members of the Committee felt the variances were supportable, others expressed concern about the increased living space. The point was made that given the applicants were building on a bare lot, they should be able to remain within the regulations and not require any variances.

The question was then called.

DEFEATED

*(Mayor Causton and Councillor Braithwaite against the motion)*

5. 2011-217 DIRECTOR OF BUILDING AND PLANNING, June 15, 2011  
Re Development Variance Permit Application – 2620 Cavendish Avenue

The Director of Building and Planning advised that the owners have completed a renovation to their home and now wish to increase the amount of paved surface in the front yard as further described in correspondence item no. 2011-217.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2620 Cavendish Avenue, as outlined in correspondence item no. 2011-217, be prepared and brought forward to Council for consideration.

CARRIED

- 6 2011-218 DIRECTOR OF BUILDING AND PLANNING, June 15, 2011  
Re Development Variance Permit Application – 843 Newport Avenue

The Director of Building and Planning provided an overview of the proposed variances being requested to accommodate an extensive landscaping plan as detailed in correspondence item no. 2011-218.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 843 Newport Avenue, as outlined in correspondence item no. 2011-218, be prepared and brought forward to Council for consideration.

CARRIED

7. 2011-219 DIRECTOR OF BUILDING AND PLANNING, June 16, 2011  
Re Uplands Building Permit and Development Variance Permit  
Application Amendment – 3195 Cadboro Bay Road

As requested, the Director of Building and Planning provided an overview of the proposed amendment to DVP#24-2010 as detailed in correspondence item no. 2011-219, requesting a change in cladding material from K-2 stone to Quartzite and a variance to the maximum permitted roof height to accommodate a change in roofing material to slate.

Mr. Thomassen drew attention to the Advisory Design Panel's recommendation to approve the request to change the roof material.

Responding to a question from a member of the Committee, Mr. Thomassen advised that the change in the roof pitch would be to accommodate the new type of roofing material that requires a steeper incline.

Don Shantz, applicant, said he thought that the steeper roof was needed to ensure that the required drainage would be possible.

Discussion turned to the proposed increase in roof height and it fitting in with the neighbouring homes.

With respect to the comment regarding the lower height houses in the neighbourhood, Mr. Shantz said that in time the houses in the area will be demolished and the streetscape will change. He also pointed out the tall ten foot hedge, which will continue to grow and will obscure the view of his house from the street.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That it be recommended to Council that the revised plans that would change the roof height on a second floor addition at 3195 Cadboro Bay Road be approved as to siting and architectural design, and further that a resolution authorizing the Director of Building and Planning to issue a development variance permit to amend DVP #24-2010, as outlined in correspondence item no. 2011-219, be prepared and brought forward to Council for consideration.

DEFEATED

*(Councillor Braithwaite, Copley and Herbert against the motion)*

8. 2011-220 DIRECTOR OF BUILDING AND PLANNING, June 16, 2011  
2011-220-1 PAUL AND HELGA WORSLEY, May 26, 2011  
Re Uplands Building Permit and Development Variance Permit Application – 2990 Beach Drive

With respect to the Uplands building permit and development variance permit application for 2990 Beach Drive, the Director of Building and Planning gave a brief overview of the project to construct a new house that is proposed to be built on the same footprint as the existing house. With respect to the variance request for the maximum paved surface, Mr. Thomassen noted that the proposed new paved area will actually be less than what currently exists.

Attention was then drawn to a neighbour expressing concern about drainage. Mr. Thomassen advised that any water runoff or drainage issues would be addressed by Municipal staff during the building permit process.

A member of the Committee expressed concern about the number of Garry Oak trees that would be affected should BC Hydro decide to underground the power lines as is being requested by the homeowner.

Mr. Thomassen drew attention to a Garry Oak tree that would be removed to accommodate the construction.

Paul Worsley, Oak Bay resident, referring to the letter he submitted (correspondence item no. 2011-220-1), clarified that his concern regarding the increased paving is not directed at the house next door but is a more general concern regarding greenspace in the Municipality being paved over.

Turning to the proposed project at 2990 Beach Drive, Mr. Worsley noted his concern with respect to blasting and asked if the applicant could assure that rock outcropping would remain.

Rus Collins, Designer, advised that some blasting would be required, however they are planning to protect the rock outcropping as much as possible. Mr. Collins also noted that the paved area is being reduced from what exists and that the proposed house will be two feet lower than the existing house.

Dwayne Ensing, Landscape Designer, provided an overview of the landscape plans noting that the paving material will be permeable interlocking paving stones.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct a new single family dwelling at 2990 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. 2011-220, be prepared and brought forward to Council for consideration.

CARRIED

9. 2011-221 DIRECTOR OF BUILDING AND PLANNING, June 7, 2011  
Re Uplands Building Permit Application – 2544 Nottingham Road

The Director of Building and Planning advised that the homeowner wishes to create a sunroom on an existing patio with finishing that will match the house.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to construct a sunroom on the north side of the house at 2544 Nottingham Road be approved as to siting and architectural design.

CARRIED

10. 2011-222 DIRECTOR OF BUILDING AND PLANNING, June 7, 2011  
Re Uplands Building Permit Application – 3150 Norfolk Road

The Director of Building and Planning said that the homeowner wishes to make some minor alterations to the exterior of the front and rear of the house.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans for alterations to the exterior front and rear of house at 3150 Norfolk Road be approved as to siting and architectural design.

CARRIED

13. 2011-223 DIRECTOR OF BUILDING AND PLANNING, June 7, 2011  
Re Uplands Building Permit Application – 2510 Nottingham Road

The Director of Building and Planning advised that the Advisory Design Panel is comfortable with the proposed changes to the windows and doors but is not supportive of the change to a stucco finish for the house.

Farahmand Khorrami and Haydeh Erfanifar, applicants, were in attendance to explain that Ms. Khorrami felt that changing the finish to stucco would fit better with the surrounding houses.

Following discussion, it emerged that the Committee felt the Advisory Design Panel's recommendation to allow changes to the windows and doors, as outlined in correspondence item no. 2011-223, was supportable, and it was also expressed that there was a desire to see the original proposed exterior finishes (of fibre cement panels and shingles) be adhered to.

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That it be recommended to Council that the revised plans to change the windows and doors at 2510 Nottingham Road, excluding the change to stucco for the exterior finish, be approved as to siting and architectural design.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 9:15 p.m.

Certified Correct:

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Municipal Clerk

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Acting Chairman, Finance Section

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Chairman, Recreation Section

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Acting Chairman, Land Use Section