

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, October 4, 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
Director of Engineering Services, D. Marshall

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

FIRE SECTION: (Chairman – Councillor Ney)

1. 2010-251 FIRE CHIEF, September 17, 2010
Re First Responder Service Agreement

(Fire Chief Adam in attendance for this item.)

Chief Adam provided a brief overview of the proposed changes to the first responder service agreement as outlined in his memorandum.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That subject to a wording change to Section 16 to reflect that either party may terminate the Agreement, it be recommended to Council that the Municipal Clerk be authorized to sign and do all things necessary to execute the First Responder Agreement (Consent and Indemnity) with the Emergency and Health Services Commission, substantially in the form attached to correspondence item no. 2010-251.

CARRIED

FINANCE SECTION: (Chairman – Councillor Jensen)

2. 2010-252 MUNICIPAL TREASURER, September 7, 2010
Re Monthly Financial Reports

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the August monthly financial reports be received.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2010-247 DIRECTOR OF BUILDING AND PLANNING, September 8, 2010
- 2010-247-1 MUNICIPAL ADMINISTRATOR, September 16, 2010
- 2010-247-2 BRIAN MCKINNELL AND PATRICIA WILSON, August 19, 2010
- 2010-247-3 MARGARET PALMER, August 23, 2010
- 2010-245 OAK BAY HERITAGE COMMITTEE, August 17, 2010
- 2010-214 DIRECTOR OF BUILDING AND PLANNING, July 15, 2010
Re Heritage Alteration Permit Application – 2031 Runnymede Avenue

With respect to the application to subdivide the heritage designated property at 2031 Runnymede Avenue, Councillor Cassidy noted that the Heritage Advisory Panel considered the application, and that a consensus could not be reached with respect to whether or not the application was consistent with the purpose of the heritage designation.

John Simson, representing the Ellis family, owners of 2031 Runnymede Avenue, provided a brief history of the property and the events to date, noting that Ms. Ellis, the late owner, was focused on preserving and restoring the house.

Mr. Simson confirmed that, as the Ellis family's agents and prospective purchasers, Bruce Wilkin and Ann Hillyer have expressed interest in taking on the challenge of restoring the house, and are requesting that the property be subdivided as a means to help fund the proposed restoration of the single family dwelling, which is supported by the Ellis family.

Responding to a question from a member of the Committee, Mr. Simson described the current condition of the house, and pointed out some of the work that would be necessary to restore it that would include, for example, addressing asbestos, wiring, plumbing, heating, water damage, rotting woodwork and sagging floor issues.

Bruce Wilkin, applicant, said the offer to purchase 2031 Runnymede Avenue is subject to the property being subdivided. Mr. Wilkin commented that it is a 1918 era Georgian revival style Samuel McClure house, which, he said, is quite unique and sited nicely on approximately 1.25 acres. He went on to describe the goal to restore the infrastructure, as indicated by Mr. Simson, and to bring the property back to its original design plan, which would include removing the cabana, carport, and the large portion of paved area, none of which is included in the heritage designation.

With respect to how this proposal would benefit the community, Mr. Wilkin said the house would remain as a single family dwelling, which would be more in keeping with the neighbourhood than creating suites or seniors housing, which would add density to the area. He also said that by restoring the landscaping and the exterior of the home, and by removing the unsightly outbuildings and excessive asphalt, the property would be a great aesthetic improvement to the area.

In respect to the subdivision, Mr. Wilkin advised that the proposal would create a 12,400 square foot lot on the north side of the property where a similarly styled home would be built to complement the original house and the neighbourhood, with the proceeds for the lot to offset the cost of restoring the original home.

The topic turned to questions about the landscaping and the possibility of restoring it to its original state, and the applicants pointed out that many of the trees are already protected by the Tree Protection Bylaw and that they would plan to work with the existing landscape features such as the terraced rock gardens, and incorporate plantings into the landscaping.

In response to a question regarding what range of options are available in respect to restoring the property, Ann Hillyer, applicant, said she feels that there are two avenues to be considered, one being a heritage alteration permit with conditions, or a heritage revitalization agreement, again with conditions. Ms. Hillyer said it would be their preference to remove the heritage designation on the proposed new lot, noting that the new house would have character defining aspects to complement the original house. Ms. Hillyer said they would agree to identify work to be done to the heritage house, noting that they would be restoring the exterior of the house before working on the interior of the house.

There was further discussion, and while members of the Committee expressed the view that the restoration of the original home was desirable from a community benefit point of view, the potential subdivision should only be considered if the restoration could be ensured.

With respect to the proposed new building, the Committee noted that it would be desirable to discuss and develop reasonable conditions on siting, building style, driveway location, and the length of the entire process, including restoration of the original house, which should be guided by the property's statement of significance.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the potential subdivision of 2031 Runnymede Avenue be supported in principle, subject to acceptable terms and conditions.

CARRIED

It was agreed that staff would meet with the applicants to discuss potential terms and conditions in relation to the potential subdivision and restoration of the heritage home and report back to the Committee of the Whole.

4. 2010-253 DIRECTOR OF BUILDING AND PLANNING, September 27, 2010
Re Development Variance Permit Application – 556 Newport Avenue

It was noted that the variance for the roof height of the principle building was in relation to a small portion of the house, and that the majority of the variances requested are in respect to the garage, which the applicants propose to expand to include storage area above and replace the roof with a pitched roof.

Responding to questions, the Director of Building and Planning pointed out that the home itself contains ample storage space. With respect to concerns raised about the potential for the garage to be used as living space, Mr. Thomassen noted he has not received any floor plans for the proposed upper level of the garage.

Bruce Wilkin, designer, said he advised the owners to consider a higher pitched garage roof to match that of the existing house, saying it is purely for aesthetic reasons. In response to questions, he noted that the additional floor space proposed for the garage is 450 square feet.

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 556 Newport Avenue, as outlined in correspondence item no. 2010-253, be prepared and brought forward to Council for consideration.

CARRIED

5. 2010-254 DIRECTOR OF BUILDING AND PLANNING, September 27, 2010
Re Development Variance Permit Application – 285 King George Terrace

Attention was drawn to the development variance permit application for a maximum building height variance to accommodate the existing building height, which is approximately two feet over that permitted.

The Director of Building and Planning provided a brief history of the development, noting that the original permit was obtained six years ago and that changes during construction resulted in the over height building.

There was discussion regarding options for ensuring compliance should the variance not be approved, with Mr. Thomassen outlining potential courses of actions.

Bruce Wilkin, applicant, pointed out that the house complies with the roof height requirements, and that only the narrow ends of the house do not comply with the building height requirements. He went on to outline the history of the development from his point of view.

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 285 King George Terrace, as outlined in correspondence item no. 2010-254, be prepared and brought forward to Council for consideration.

Discussion ensued, and it was the view of the Committee that perhaps a staff report to outline the events over the past several years would be helpful prior to making a decision.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the resolution be tabled until the next Committee of the Whole meeting.

It was agreed that staff would provide a report outlining the events to date in relation to the development variance permit application.

The question was then called.

CARRIED

TRAFFIC SECTION: (Chairman – Councillor Copley)

6. 2010-255 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
2009-356 M. C. HALL-PATCH, [Undated]
Re Request for Resident Only Parking – Woodlawn Crescent

The Director of Engineering Services advised that staff investigated parking volume on Woodlawn Crescent and did not observe any excessive parking issues.

Michael Hall-Patch, resident, said although he feels parking is an issue, his primary concern is actually a safety issue in respect to big trucks backing into Woodlawn Crescent, causing a potentially dangerous situation for pedestrians, and more particularly, children on the street, as there are no sidewalks. Mr. Hall-Patch requested that a municipal representative come to observe the traffic and suggest any potential remedies.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence item no. 2010-255 be received and that staff be requested to meet with the applicant to discuss traffic issues on Woodlawn Crescent, and report back to the Committee of the Whole with potential solutions to address any safety concerns.

CARRIED

7. 2010-256 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
2010-256-1 DEVON PROPERTIES LTD, February 3, 2010
Re Request for Limited Time Parking – 2333 Beach Drive

Acknowledging that the applicant's concerns seem to be focused on ensuring taxis and Handy Dart buses are able to drop off and pick up residents, the Director of Engineering Services recommended that rather than changing the parking regulations to implement two hour parking in the currently unregulated spaces, painting the curb of the existing drop off zone white may be the appropriate action.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a white line be painted on the curb adjacent to the existing drop off/pickup zone at 2333 Beach Drive.

CARRIED

8. 2010-257 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
2010-257-1 KATHRYN MAHONEY, August 26, 2010
Re Request for Limited Time Parking – 1632 Beach Drive

The Director of Engineering Services noted that parking around Glenlyon Norfolk School is in high demand and has been an ongoing concern for some neighbours for many years. After examining the area, the Engineering Department advised that while two hour parking could be implemented adjacent to 1632 Beach Drive, it would be unusual to regulate such a limited area. Mr. Marshall drew attention to the School's upcoming renovation, saying perhaps it could provide an opportunity for more school parking to be developed on site.

Kathryn Mahoney, resident, outlined her request to limit parking time adjacent to her home at 1632 Beach Drive. As it stands now, she said, during the week Glenlyon Norfolk School staff park their vehicles in front of her house all day, leaving no available parking for residents, their guests or contractors. Ms. Mahoney said there is plenty of parking down the road for people associated with the school to use.

Robert Kiddell, Principal, Glenlyon Norfolk School, said the school has worked hard over the years to maintain good relations with the neighbours and he expressed empathy regarding the parking issue, saying that many things have been tried over the years, and that limiting parking in this area will only move the problem down the road in front of other houses.

Discussion ensued, with members of the Committee expressing varying views and opinions regarding regulating parking in the area. While some members felt the problem may simply move to other areas and create additional difficulties, others felt that the restricted parking would be helpful to this particular situation. It was further noted that only those residents who live in the house directly abutting the proposed limited time parking zone would be entitled to a parking permit to exceed the two hour limit.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That a traffic control order be prepared to restrict two parking spaces in the parking bay adjacent to 1632 Beach Drive to a two (2) hour duration.

CARRIED

(Councillors Braithwaite, Cassidy and Jensen against the motion)

9. 2010-258 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
2010-258-1 DAVE PETTENUZZO, April 29, 2010
2010-258-2 MICHAEL YAKUBOWICH, September 8, 2010
2010-258-3 ANITA WOLFE AND SUZANNE DEARMAN, September 29, 2010
Re Request for Resident Only Parking – Musgrave Street and Estevan Avenue

Attention was drawn to the request for resident only parking adjacent to 2495 Estevan Avenue, and the Director of Engineering Services commented that if the Committee was to consider any parking regulations, limited time parking versus resident only parking would be more in keeping with regulations in other residential areas that abut commercial areas.

Lise Hiscock, resident, said she lives on Musgrave Street and finds that it is so busy it is impossible to park in front of her house, adding that the congestion is due, in part, to Estevan Village employees and Willows School staff parking in the area. Ms. Hiscock said the parking situation has become worse since the reconfiguration of the school.

It was the view of the Committee that perhaps a wider review of the parking concerns for all of Musgrave Street would be appropriate with a report from staff with respect to possible solutions.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence items no. 2010-258 to 2010-258-3 be deferred and that Engineering staff be directed to prepare a report with respect to parking on Musgrave Street and provide a recommendation in respect to addressing the parking issues.

It was noted that this is not a unique problem in Oak Bay where residential and commercial areas blend. However, the view was expressed that making the requested change to resident only parking would likely have the effect of moving any parking problems to another street. Additionally, it was acknowledged that imposing a resident only parking restriction in that area would not be in keeping with other commercial/residential areas.

The question was then called.

CARRIED

10. 2010-259 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
2010-259-1 ESTEVAN VILLAGE MERCHANTS, September 9, 2010
Re Request for Bicycle Racks – Estevan Village

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That it be recommended to Council that approval be given to install a ten-bicycle parking rack in Estevan Village as outlined in the memorandum from the Director of Engineering Services (correspondence item no. 2010-259).

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

11. 2010-260 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
2010-260-1 JOHN NEWMAN, September 8, 2010
Re Request for Paving – 2900 Block Henderson Road

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2010-260-1 be referred to Estimates Committee.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That the open portion of the meeting of Committee of the Whole be adjourned and that a closed session be convened to discuss the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The meeting adjourned at 10:22 p.m.

Certified Correct:

Municipal Clerk

Chairman, Fire Section

Chairman, Finance Section

Chairman, Land Use Section

Chairman, Traffic Section

Chairman, Public Works Section