

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 5, 2009 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. Jensen  
Councillor T. Ney

STAFF: Municipal Administrator, W. E. Cochrane  
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.

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

1. 2009-307 DIRECTOR OF ENGINEERING SERVICES, October 1, 2009  
2009-307-1 CLEMENS AND LANA DOBER, September 17, 2009  
Re Boulevard Encroachment Application – 2740 Burdick Avenue

Speaking to his report, the Director of Engineering Services observed that any permission for the requested encroachment should include the existing private irrigation system that extended onto the boulevard. He also asked that the encroachment agreement set out a requirement for ongoing clearing of plant material from around the water meter, so as not to impede access.

One of the applicants, Lana Dober, said that the plantings nearest the curb would just be ground cover, while those further back would not grow to a height exceeding three feet. Acknowledging that there was no public sidewalk, Ms. Dober said that the curbside plant material was actually a kind of grass, which was suitable for pedestrian traffic and would create no obstruction or inconvenience in that regard.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 2740 Burdick Avenue, consisting of: (1) plantings of the size and type and in the locations shown on the sketch attached to correspondence item no. 2009-307-1, and (2) an existing underground irrigation system; subject to the owners of the property complying with all codes and regulations applicable to the irrigation system and in particular installing any required backflow prevention devices, and subject also to the owners entering into a boulevard encroachment agreement including among other standard provisions a requirement to maintain a minimum 45 cm clearance around the water meter.

The Committee recalled that the Director of Engineering Services had initiated some general discussion about the boulevard encroachment approval process and was going to be making recommendations in that regard. Some members drew attention to the City of Vancouver system that had come to their attention, under which property owners simply undertook to

abide by a specific set of rules for encroachments without any City approval or inspection process. Enforcement of breaches, apparently, was carried out on a complaint basis.

It was noted, on the other hand, that an inappropriate encroachment could still create liability for the local government even if it did not attract complaints. In any event, the Director of Engineering Services was asked to obtain further information on the Vancouver system and include an analysis of it in his forthcoming report.

Returning to the application at hand, the Committee remarked that although the plan was well drawn, it did not contain sufficient information on its face to allow members to visualize the look of the proposed plantings. It was suggested that any revised guidelines include a requirement for a plain language description in this regard, augmented where necessary by sample photographs or sketches.

The question was then called.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

2. 2009-308 DIRECTOR OF BUILDING AND PLANNING, September 30, 2009  
Re Development Variance Permit Application – 1250 St. Denis Street

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 1250 St. Denis Street, as more particularly described in correspondence item no. 2009-308, be prepared and brought forward to Council for consideration.

CARRIED

3. 2009-309 DIRECTOR OF BUILDING AND PLANNING, September 30, 2009  
Re Development Variance Permit Application – 2050 Hampshire Road

It was explained that the requested variance of the regulations limiting the portion of the front yard permitted to be hard-surfaced was for an area somewhat smaller than that which had already been paved. The reason was that, based on advice from the Director of Building and Planning, the applicants had agreed to remove a triangular portion of the brick surface so that the driveway on private property would taper more gradually down to the boulevard crossing portion, the width of which was fixed under the *Driveway Access Bylaw*.

Mark Leckie, applicant, said that the area now paved had formerly been surfaced with gravel. The new driveway had been created in conjunction with the construction of a detached garage.

Councillor Ney said that where an applicant was seeking permission to pave an area significantly larger than that allowed under the *Zoning Bylaw*, she would generally be more supportive if the plan included provision for the handling of water run-off on-site, rather than relying on the community storm drain system in this regard.

The applicant responded that the brick surface employed in this case was more porous than concrete or asphalt and for that reason should produce less run-off.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2050 Hampshire Road, as more particularly described in correspondence item no. 2009-309, be prepared and brought forward to Council for consideration.

CARRIED

4. 2009-310 DIRECTOR OF BUILDING AND PLANNING, September 22, 2009  
Re Development Variance Permit Application – 2066 Marne Street

Franc D'Ambrosio, architect, on behalf of the applicants, explained how the plans for a new residence at 2066 Marne Street had been revised since the original submission earlier in the year. He said that the applicants had also convened a neighbourhood meeting to discuss their plans.

Mr. D'Ambrosio said that the application no longer included any variance of the height regulations for the principal building, the floor area of which had also been reduced compared to the original concept. On the other hand, the application now included a separate boat house, which, although entirely within the boundaries of the lot, would require height variances due to the topography of the land as well as a proposed roof-top deck. This accessory building was proposed to be constructed on the foundations of an old boat house which were still in place and in good condition.

The Committee noted that the area of the property was approximately three times greater than the standard RS-5 lot, and that a variance of the gross floor area limits for the house itself was not unreasonable in this situation.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2066 Marne Street, as more particularly described in correspondence item no. 2009-310, be prepared and brought forward to Council for consideration.

CARRIED

5. 2009-311 DIRECTOR OF BUILDING AND PLANNING, September 30, 2009  
Re Development Variance Permit Application – 2356 Lincoln Road

The Committee observed that this variance application arose as a result of a proposed adjustment of the boundary between two lots. Staff explained how the variance would allow a designation of side and rear lot lines that would be more intuitively sensible and workable than that produced by a strict application of the rules set out in the *Zoning Bylaw*, which were designed for more regularly shaped parcels.

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 2356 Lincoln Road, as more particularly described in correspondence item no. 2009- 311, be prepared and brought forward to Council for consideration.

CARRIED

6. 2009-302 DIRECTOR OF BUILDING AND PLANNING, September 16, 2009  
Re Development Variance Permit Application – 63 Sylvan Lane

It had emerged that the plans submitted in support of the application did not completely reflect all of the renovations that had been carried out to the residence at 63 Sylvan Lane. Further consideration of the application was therefore deferred pending receipt of revised plans.

Councillor Jensen said he hoped that the information accompanying the application when it was returned to the Committee would include an explanation of how the discrepancies from the original plans had arisen, along with clarification on the status of the two driveways in the context of the requirements of the *Driveway Access Bylaw*.

7. 2009-312 MUNICIPAL ADMINISTRATOR, September 30, 2009  
Re Official Community Plan Amendment – Reduction of Greenhouse Gas Emissions

The Committee agreed that there was sufficient merit in the proposed Official Community Plan amendments regarding greenhouse gas emission targets and strategies to warrant proceeding to the next stage in the amendment process.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That having specifically considered the consultation options set out in Section 879 of the *Local Government Act*, the Committee recommend to Council that the following consultation plan be adopted with respect to the proposed Official Community Plan amendment regarding targets, policies and actions for greenhouse gas emission reduction:

Newspaper advertisement regarding the possible Official Community Plan amendment, noting the opportunity to provide input at the meeting of Committee of the Whole when the draft amendment is next scheduled to be considered and at any subsequent committee meetings dealing with the subject.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the open portion of the Committee of the Whole meeting be adjourned and that a closed session be convened to discuss negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Committee, could reasonably be expected to harm the interests of the Municipality if they were held in public.

CARRIED

The open portion of the meeting adjourned at 8:35 p.m.

Certified Correct:

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D/Municipal Clerk

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Chairman, Public Works Section

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Chairman, Land Use Section