

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, September 17, 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. 2012-281 MUNICIPAL TREASURER, September 13, 2012  
Re Monthly Financial Reports

In response to questions from a member of the Committee regarding when grant money would be received in relation to the Bowker Creek restoration work, the Municipal Administrator noted that no funds had been expended, but claims for payment will be made once costs are incurred.

Mr. Brennan also answered questions regarding District of Oak Bay funding in regards to the new Oak Bay High School Theatre, noting that an initial of payment of \$500,000 would be provided just prior to the project getting underway with the remaining \$500,000 to be paid following completion. An agreement would be in place, he said, to ensure that should the project not go ahead, any funds would be returned to the Municipality.

Responding to questions about the format of her report, the Municipal Treasurer agreed she would undertake to reformat the report to separate out projects currently included in the “roads” category, that are not strictly for road purposes, for a clearer understanding of what the expenses were.

MOVED by Councillor Ney

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

CARRIED

2. 2012-282 MUNICIPAL TREASURER, September 13, 2012  
Re Request for Approval to Purchase Police Computer Equipment

The Municipal Treasurer provided an overview of her memorandum regarding the proposed purchase of police computer equipment (mobile data terminals). She noted that the rationale for purchasing them this year versus including the funding in next year’s budget is that the current equipment is close to obsolete and parts are not readily, if at all, available for repairs, so there is some urgency. Additionally, she said, Oak Bay would be in a position to join in with the District of Saanich in its purchase of the same equipment, taking advantage of Saanich’s stronger buying power.

MOVED by Councillor Copley

Seconded by Councillor Green, That a Financial Plan Bylaw amendment to incorporate the 2012 purchase of mobile data terminals for the Oak Bay Police Department be prepared and brought forward to Council for formal consideration.

CARRIED

PARKS AND RECREATION SECTION: (Chair – Councillor Ney)

3. 2012-283 OAK BAY PARKS AND RECREATION COMMISSION, September 12, 2012  
Re Minutes of the Meeting

*(Ray Herman, Director of Parks and Recreation, in attendance for this item).*

Referring to the discussion and recommendation regarding the replacement of the tennis bubble, a member of the Committee expressed her concerns about replacement of the bubble at its current location over Bowker Creek.

The Director of Parks and Recreation indicated that while many alternative options had been explored, such as building a permanent structure in a different location, the only option felt to be viable at this time was replacement. However, he said, inasmuch as there is support for a permanent facility in the long term, a subcommittee will be struck to investigate that option further.

Attention was drawn to the possibility of installing lockers at Willows Beach, with funding potentially being provided by the Kiwanis Club. Mr. Herman confirmed that Parks Department staff would be having a more fulsome discussion with Club representatives regarding lockers and/or other potential park improvement projects and the availability of any funding from the Club in this regard.

A member of the Committee noted the issues caused with brush adjacent to or on private property overgrowing the public sidewalks, suggesting that a public education campaign to alert owners to the issues be considered. Mr. Herman indicated that possible approaches to the problem are under consideration by Parks Department staff.

In respect to the discussion in the minutes surrounding access to municipal facilities for municipal volunteer bodies to meet, Mr. Herman noted that staff have been requested to provide a report on the options for a policy and the possible revenue implications for use of recreation facilities in that regard. It was suggested that Mr. Herman contact the Chairs of volunteer bodies to determine what their needs might be in respect to meeting space.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, September 12, 2012, and the recommendations contained therein, be adopted.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

4. --- EXCERPT FROM THE COUNCIL MINUTES, July 23, 2012  
2012-242 DIRECTOR OF BUILDING AND PLANNING, July 16, 2012  
Re Rezoning Application – 2280 Estevan Avenue

It was noted that the rezoning application to allow a duplex use at the subject property had been referred to Committee of the Whole by Council for further discussion.

Carl Peterson, Architect, on behalf of the owners, drew attention to the history of duplexes in Oak Bay, including approximately 200 existing buildings, in support of the application.

There was discussion regarding the application in the context of the proposed plans and the location of the subject property, and responding to questions, the Director of Building and Planning reviewed the open space requirements for duplexes when they were permitted sometime prior to 1965 in comparison to the development proposed, as contained in his memorandum.

Concerns were raised regarding contemplating spot zoning one lot to a duplex use prior to undergoing the overall renewal of the Official Community Plan, where full public consultation on all aspects of land use in the community would result. It was also pointed out that a rezoning of this kind could lead to additional applications prior to the new OCP process being undertaken.

It emerged, however, that the majority of members felt that there is a growing demand for duplexes or other alternate housing options to single family dwellings, and that the rezoning application for the densification proposed in the context of the specific property should be moved forward to the next stage. It was noted that should a bylaw to permit the requested zoning be considered and given first two readings, it would require a public hearing in any event, where anyone would be welcome to make their views known.

The Municipal Administrator drew attention to the fact that the current Official Community Plan contemplates possible duplex rezoning in special circumstances. He also noted that a new zone would have to be created in this regard, and that while the OCP is somewhat vague, it does refer to the importance for duplex regulations to tightly control building density and mass.

There was further discussion on what the process might be going forward, along with the special circumstances that some members of the Committee felt supported further consideration of the application.

While members of the public were invited to address the Committee, no one came forward.

MOVED by Councillor Ney

Seconded by Councillor Green, That in light of the special circumstances in relation to the 2280 Estevan Avenue as a corner lot adjacent to a village area, along a high traffic corridor, with existing duplexes on the street, staff be directed to draft a zoning bylaw amendment to allow a duplex (two family) use on the property, with an accompanying report outlining the proposed zoning parameters for duplexes for consideration by Committee of the Whole.

In respect to the plans presented with the application, it was acknowledged that they would not be tied to the rezoning should it be approved.

CARRIED  
(Councillor Herbert against the motion)

5. 2012-284 DIRECTOR OF BUILDING AND PLANNING, September 12, 2012  
Re Development Variance Permit Application – 2346 Heron Street

MOVED by Councillor Kirby

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2346 Heron Street, as outlined in correspondence item no. 2012-284, be brought forward to Council for consideration.

CARRIED

6. 2012-285 DIRECTOR OF BUILDING AND PLANNING, September 12, 2012  
Re Development Variance Permit Application – 2171 Granite Street

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2171 Granite Street, as outlined in correspondence item no. 2012-285, be brought forward to Council for consideration.

Responding to questions about the need for additional paved surface for garage access, Dave Meade, Contractor, noted that although the garage has actually been accessed from the neighbour's property in the past, this is no longer acceptable to the neighbours without a formal easement, therefore the applicants wish to accommodate access from their own property.

The question was then called.

CARRIED

7. 2012-286 DIRECTOR OF BUILDING AND PLANNING, September 13, 2012  
Re Development Variance Permit Application – 1237 St. David Street

In respect to the requested building height variance to allow construction of a dormer to create a new bedroom window, Michael Arneja, applicant, confirmed that the dormer is necessary to allow for egress from the window in accordance with the BC Building Code.

MOVED by Councillor Ney

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1237 St. David Street, as outlined in correspondence item no. 2012-286, be brought forward to Council for consideration.

CARRIED

8. 2012-287 DIRECTOR OF BUILDING AND PLANNING, August 17, 2012  
Re Uplands Building Permit Application – 3160 Weald Road

Curtis Miles, Architect and Bev Windjack, Landscape Architect, were in attendance regarding the application.

There was discussion regarding the trees that would have to be removed and the required replacement trees as shown on the tree preservation plan, and it was noted that some trees slated for removal sit on the property line with the adjacent neighbours.

Mr. Miles noted that should permission not be forthcoming from the neighbours of the adjacent property to remove the shared trees, the project would require re-design.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That it be recommended to Council that the plans for the construction of a new single family dwelling at 3160 Weald Road, as shown in the plans attached to correspondence item 2012-287, be approved as to siting and architectural design.

Responding to questions, Mr. Miles indicated that he would obtain written consent from the neighbours with respect to the tree removal.

The question was then called.

CARRIED

9. 2012-288 MUNICIPAL CLERK, September 14, 2012  
Re Process to Consider Future Use of Municipal Property - 1531  
Hampshire Road

It was noted that Council had asked for input from the public regarding ideas for the future use of the municipal property located at 1531 Hampshire Road, and that some suggestions had been received in that regard.

Mayor Jensen indicated that he felt a process to consider the future of the property should be developed, and suggested that a request be made to the City of Victoria to engage its planning staff in this regard, noting that collaborating this way would represent another example of integrating the various resources in the region. Mayor Jensen said he suggested the City because it has similar neighbourhoods to Oak Bay.

In particular, the Mayor felt that that City staff could perhaps provide assistance with examining the options and considering the best use of the property, and developing and undertaking a consultation process to invite ideas from the public.

There was discussion regarding the suggestion, and varying views and opinions were noted. Some members of the Committee indicated it was a good first step towards obtaining professional planning services that could possibly expand to other projects as well. The question of cost was raised, and it was acknowledged that this would be an important consideration in determining if such an arrangement was feasible.

Leslie Watson, resident, noted the strategic importance of the property at 1531 Hampshire Road, but cautioned the Committee about making any rushed decisions prior to the appropriate considerations being made. She encouraged the idea of obtaining planning services to explore the options for the property and ask the important questions about the goals, objectives and vision the community has for the property in its context and the challenges that poses.

MOVED by Councillor Green

Seconded by Councillor Ney, That it be recommended to Council that staff be directed to explore the possibility of engaging City of Victoria planning services for advice and a possible consultation process in respect to the future use of 1531 Hampshire Road, and report back on possible terms of engagement.

CARRIED

10. 2012-289 DIRECTOR OF ENGINEERING SERVICES, September 13, 2012  
-- EXCERPT FROM COMMITTEE OF THE WHOLE MINUTES, July 16, 2012  
2012-143 JANET STRONGITHARM, March 7, 2012  
Re Request to Amend Driveway Access Bylaw

Councillor Herbert indicated he would not be able to participate in the discussion or vote on the matter inasmuch as he is a near neighbour of the Strongitharms, and left the meeting at 8:47 p.m. Mayor Jensen assumed the Chair for this item.

Attention was drawn to the memorandum from the Director of Engineering services that noted the implications of amending the Driveway Access Bylaw as request to allow wider footpaths over the public boulevard. It was also acknowledged that any footpath over the public boulevard would likely extend onto private property and affect the amount of paved surface, which is regulated by the Zoning Bylaw.

Responding to questions regarding the implications for private property, the Director of Building and Planning advised that on 50 foot wide lots, a standard footpath at the width proposed plus a standard driveway would exceed the allowable paved surface, potentially resulting in increased development variance permit applications to vary the paved surface requirements based on a percentage of the lot covered (which for the front yard is 25%). Mr. Thomassen pointed out that there are already a number of applications to vary the maximum paved surface, suggesting that if the regulations of the Driveway Access Bylaw were to be amended, thought should also be given to amending the Zoning Bylaw to allow increased paved surface.

While the view was expressed by some members of the Committee that the idea of allowing wider footpaths was supportable for accessibility considerations, there was general consensus that inasmuch the decision before the Committee was an important one with implications on both public and private property, further information on the ramifications would be desirable.

Mr. Thomassen agreed that he would return to the Committee with a report on statistics on variances for paved surface over the past few years, along with specific illustrations on the potential impacts of wider footpaths and possibilities for addressing the issues.

MOVED by Councillor Ney

Seconded by Councillor Green, That staff be directed to provide a report regarding the implications for private property of regulations allowing wider footpaths over public boulevards.

CARRIED

Councillor Herbert returned to the meeting at 9:05 p.m.

11. 2012-290 DIRECTOR OF ENGINEERING SERVICES, September 13, 2012  
Re Boulevard Encroachment Application – 2030 Lansdowne Road

MOVED by Councillor Copley

Seconded by Councillor Green, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 2030 Lansdowne Road, consisting of a rock wall in the location shown in the plan attached to correspondence item no. 2012-290, subject to the owners of the property entering into a boulevard encroachment agreement.

CARRIED

12. 2012-291 DIRECTOR OF ENGINEERING SERVICES, September 13, 2012  
Re Boulevard Encroachment Application – 3135 Weald Road

There was discussion regarding the request for a boulevard encroachment to allow installation of a grass grid on a portion of the boulevard adjacent to 3135 Weald Road.

Responding to questions, the Director of Engineering Services noted that these types of installations require maintenance for aesthetic reasons. Illarian Gallant, Rusnak Gallant Ltd., agreed, noting that the appearance of the boulevard is already marred by water accumulation and parked cars, and that the grass grid is intended to address this issue.

MOVED by Councillor Murdoch

Seconded by Councillor Greet, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 3135 Weald Road, consisting of the installation of a grass grid in the location shown in the plan attached to correspondence item no. 2012-291, subject to the owners of the property entering into a boulevard encroachment agreement.

CARRIED

ADJOURNMENT:

MOVED by Councillor Ney

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

CARRIED

The meeting adjourned at 9:20 p.m.

Certified Correct:

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Municipal Clerk

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Chair, Finance and Public Works Sections

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Chair, Parks & Recreation Section

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Chair, Land Use Section