

2014-22

TO: Committee of the Whole, Finance Section

January 14, 2014

FROM: Municipal Treasurer

RE: Property Taxes as at December 31, 2013

	<u>#</u>	<u>Current Amount</u>	<u>#</u>	<u>Arrears Amount</u>
2013	74	\$ 291,969.14	30	\$ 119,172.86
2012	75	<u>\$ 262,783.83</u>	27	<u>\$ 89,078.25</u>
2013 compared to 2012		<u>\$29,185.31</u>		<u>\$30,094.61</u>
		11.11%		33.78%



Patricia A. Walker

INVESTMENTS
As at December 31, 2013

<i>Fund</i>	<i>Investments</i>	<i>Total</i>
General	MFA Fund	\$12,798,007
Land Sale	MFA Fund	\$1,771,869
Heritage	MFA Funds	\$1,824,339
Legacies	MFA Fund	\$374,022
Capital Works	MFA Funds	\$12,489,928
Park Acquisition	MFA Funds	\$261,873
Tod House	MFA Fund	\$234,167
Village Parking	MFA Fund	\$874,645
Machinery & Equipment	MFA Fund	\$1,551,814
Fire Equipment	MFA Fund	<u>\$546,442</u>
Total		<u><u>\$32,727,106</u></u>

2014-23



Oak Bay Police Department

1703 Monterey Ave, Victoria, B.C. V8R 5V6 (250) 592-2424 Fax (250) 592-9988

Memorandum

To: Ms. Lorraine Hilton, Municipal Clerk
From: Chief Constable Fisher
File #
Date: 2013-12-23
Re: Long Boarders on Barkley Terrace

I am writing in response to the correspondence from John Schofield that you gave me on Tuesday, December 17, 2013, in regards to neighborhood concerns about youth longboarding in the area of Barkley Terrace.

I have reviewed our investigative logs and have been able to find the calls for police service that the residents have referred to in their correspondence. There have been four separate calls from concerned residents in that area over the past eighteen months in regards to youth riding long boards on Barkley Terrace.

The residents have expressed concern about the possibility of the potential of an accident with a vehicle or one of the long boarders crashing into a yard. I have patrolled the area and there are some driveways or laneway exits where it may be difficult to see a long boarder if they were coming down the hill at a high rate of speed. All of the residents have mentioned that the youth that ride long boards in the area are polite and respectful when approached by residents. I do have some concerns about some of the driveway exits and the narrowness of the road if there are vehicles parked on it and oncoming traffic.

As of this date I am not aware of any accidents involving youth long boarding in Oak Bay that have been reported to the Oak Bay Police Department.

Should you have any questions or require any additional information please contact me.

Sincerely,



Mark Fisher
Chief Constable

c. Mr. Dave Marshall, Director of Engineering



2014-24

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 14, 2014

RE: Development Permit with Variances, Zoning Bylaw Amendment, Housing Agreement, and Restrictive Covenant
2280 Oak Bay Avenue/1510 Clive Drive
Lot 10 & 11, Section 69, Victoria District, Plan 1156
RM-3 HD Multiple Dwelling Use- 3 Storey, High Density

BACKGROUND:

At the November 25, 2013 Council meeting staff were directed to draft a Development Permit with variances, Zoning Bylaw Amendment, Housing Agreement, and Restrictive Covenant, all of which would be part of the Development Application to construct a new apartment building at the corner of Oak Bay Avenue and Clive Drive.

Attached for your information are:

- A draft Housing Agreement Bylaw to ensure the provision of rental units only with no restrictions on rental to families;
- A draft restrictive covenant with respect to ensuring that the parking stalls are assigned and if fully allocated, no units shall be rented to tenants owning cars, and to ensure the development as proposed is ultimately constructed as per the plans, including to LEED standards; and,
- Zoning Regulations to reflect the project (to include density and floor area ratio) as now presented;
- A Parking Facilities Bylaw Amendment to add the new zone.

Discussion:

Although a new zone is created for this development, the Development Permit will also include some variances to accommodate the specifics of the proposed development. A variance to the Parking Facilities Bylaw will also be required. These are outlined later on in the memorandum.

The Parking Facilities Bylaw includes specific requirements for screening parking areas from residential and commercial properties. Adjustments to the attached landscape plans will need to be submitted showing compliance with the screening requirements prior to Council's consideration of variances of the Development Permit and Restrictive covenant post public hearing, should the application proceed to that point.

The applicant is requesting relief from the following sections of Parking Facilities Bylaw No. 3540:

<u>Parking Facilities By-law Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.3.1 + Schedule "A", A.2.(a) Minimum No. of Parking Spaces	39 spaces	17 spaces	22 spaces

The applicant is requesting a Development Permit with variances granting relief from the following section(s) of the Zoning Bylaw:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
8.4A.4.(2)(b)(i) Minimum front lot line setback	9.14 m (30ft)	4.78 m (15.7 ft)	4.36 m (14.3ft)
8.4A.4.(2)(b)(ii) Minimum rear lot line setback	9.14 m (30ft)	3.03 m (9.9 ft)	6.11 m (20 ft)
8.4A.4.(2)(b)(iii) Minimum Interior side lot line setback	6.0 m (20 ft)	2.21 m (7.25 ft)	3.79 m (12.4 ft)
8.4A.4.(2)(b)(iv) Minimum exterior side lot line setback	9.14 m (30 ft)	2.88m (9.4 ft)	6.26 m (20.5 ft)

**Imperial measurements are approximate and for convenience only.*

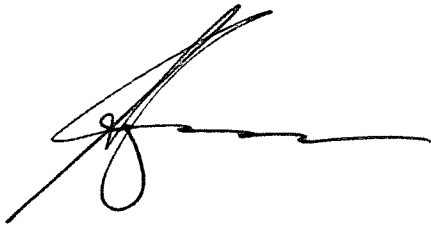
OPTIONS:

1. It is now at Committee's discretion on how this proposal is to proceed. If it is agreed that the application is to move forward, the next step would be to bring the draft Zoning Bylaw and Parking Facilities Bylaw amendments, and the draft housing agreement bylaw, to a Council meeting for consideration of first and second reading and setting of a public hearing date. The Restrictive covenant and Development Permit with variances would be placed before Council for consideration of approval after the public hearing and before final consideration of the Bylaws is considered.
2. That it be recommended to Council that the application be denied.
3. That if the Committee considers the application requires further adjustments, direction be given to both staff and the applicant clarifying the modifications required.

RECOMMENDATION(S):


That if the Committee wishes to move the application forward, that the Zoning and Parking Facilities Bylaw amendment, and Housing Agreement Bylaw be forwarded to Council for formal consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Roy Thomassen', written over a horizontal line.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, appearing to be 'Helen Kohring', written over a horizontal line.

Helen Kohring
Chief Administrative Officer

2014-25

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: January 7, 2014
RE: Uplands Building Permit Application – 3130 Uplands Road
Lot 1, Section 31, Victoria District, Plan 12404

BACKGROUND:

An Uplands building permit application has been received to replace an existing flat roof with a peaked, shingled roof overtop an existing garage at the property located at 3130 Uplands Road. The garage doors are also to be replaced.

DISCUSSION:

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of January 7, 2014 relating to the proposed works at 3130 Uplands Road.
- b) Memo from Municipal Arborist dated December 18, 2013 regarding trees on the subject property.
- c) Reduced copies of the plans of the proposed work.

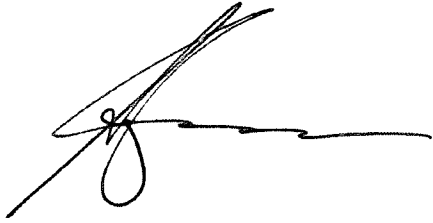
OPTIONS:

- 1. That it be recommended to Council that the plans to construct a peaked, shingled roof overtop the existing garage located at 3130 Uplands Road be approved as to siting and architectural design.
- 2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the plans to construct a peaked, shingled roof overtop the existing garage located at 3130 Uplands Road be approved as to siting and architectural design.

Respectfully Submitted,

A handwritten signature in black ink, featuring a large, stylized 'R' and 'T' followed by a horizontal line.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, appearing to be 'HK' followed by a horizontal line.

Helen Koning
Chief Administrative Officer

2014-26

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 13, 2014

RE: Uplands Building Permit Application – 3315 Cadboro Bay Road
Lot 6, Block 16, Section 31, Victoria District, Plan VIP1216A

BACKGROUND:

An Uplands building permit application for the construction of a residential dwelling was approved by Council on June 24, 2013. The applicant has returned seeking approval for revisions to the previously approved design for the proposed garage and driveway as well as minor revisions to the facade.

DISCUSSION:

Attached for your information are:

- a) The report of the Advisory Design Panel meetings of January 7, 2014 and December 3, 2013 relating to the proposed works.
- b) Memo from Municipal Arborist dated December 18, 2013 regarding trees on the subject property.
- c) Letter dated December 17, 2013 from Talbot Mackenzie & Associates regarding the proposed changes to the driveway design.
- d) Reduced copies of the plans of the proposed work.

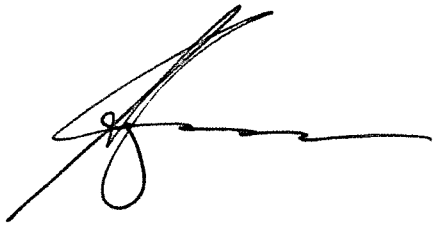
OPTIONS:

- 1. That it be recommended to Council that the application for revisions to the proposed garage, driveway and facade at the project located at 3315 Cadboro Bay Road be approved as to siting and architectural design.
- 2. That it be recommended to Council that the application for revisions to the previously approved design for the garage, driveway and facade at the project located at 3315 Cadboro Bay Road be denied.

RECOMMENDATION(S):

That it be recommended to Council that the application for revisions to the proposed garage, driveway and facade at the project located at 3315 Cadboro Bay Road be approved as to siting and architectural design.

Respectfully Submitted,

A handwritten signature in black ink, featuring a large, stylized 'R' and 'T' followed by a horizontal line.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, featuring a stylized 'H' and 'K'.

Helen Kohring
Chief Administrative Officer

2014-27

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 15, 2014

RE: Development Variance Permit—2670 Margate Avenue
Lot 51, Section 23, Victoria District, Plan 368, except part in plan
12162
RS-5, One Family Residential

BACKGROUND:

At the December 16, 2014 Council referred this application to the Advisory Design Panel for review and a recommendation. The applicant was requested to provide further renderings regarding the streetscape and height of surrounding buildings. At the time of the ADP meeting the colour rendering and Margate streetscape were reviewed with the application. The streetscape along Deal Street with heights of surrounding buildings was not available for ADP review; this is now provided as part of the application.

The developer proposes to replace an existing single family dwelling situated on the southerly half of lots 51 and 52 with two new single family dwellings on two small lots. Although there are two legal lots they are substantially less than a standard RS-5 minimum size. The proposed house would not fit on this smaller lot 334 m² or (3594 ft²) without requiring significant variance to the front yard setback; consequently a variance is requested for the front setback in the Zoning Bylaw No. 3531 to accommodate the proposed house.

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of January 7, 2014 relating to the proposed development at 2670 Margate Avenue.
- b) Reduced copies of the plans of the proposed work with Margate and Deal streetscapes.

Discussion:

The applicant is requesting a Development Variance Permit granting relief from the following section(s) of the Zoning Bylaw:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) Minimum front lot line setback	7.62 m (25ft)	3.05 m (10 ft)	4.57 m (15 ft)

**Imperial measurements are approximate and for convenience only.*

This lot is 334m² (3594ft²) which is about half the size of lots in the neighbourhood. However, as the lots would have vehicle access on different streets (corner lot and lane) concern with access may not result. There may be neighbourhood concern with the size of houses (massing) proportionate to the lots and adjoining properties. Therefore, if Council decides to proceed with consideration of the variances, it is suggested that a larger area of notification be undertaken to allow for input by the neighbours to Council.

Although it is only a setback variance being requested, this significantly impacts and allows for a much larger house than would otherwise be allowed. As there may be neighbourhood concerns with this size of house on this size of lot, this application should be given careful consideration.

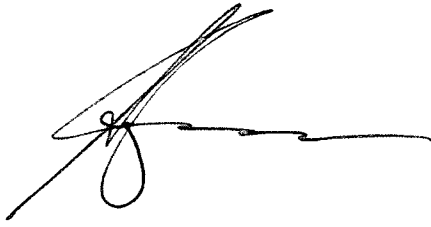
OPTIONS:

1. That it be recommended to Council that the plans to construct a new single family dwelling at 2670 Margate Avenue (Lot 51) 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 the January 15, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.
3. That due to the issues surrounding small lot development with large houses, that this application be deferred until the floor area review committee has completed its review and made recommendations to Council on the suggested floor area option.
4. Council direct the applicant to reconsider the massing of the proposal and come back with a proposal that would decrease the floor area ratio, more appropriately for this neighbourhood in Oak Bay.

RECOMMENDATION(S):

That it be recommended to Council that the plans to construct a new single family dwelling at 2670 Margate Avenue (Lot 51) 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 the January 15, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,

A handwritten signature in black ink, featuring a large, stylized 'R' and 'T' followed by a horizontal line.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, featuring a stylized 'H' and 'K'.

Helen Koning
Chief Administrative Officer

2014-28

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 15, 2014

RE: Development Variance Permit—2670 Margate Avenue
Lot 52, Section 23, Victoria District, Plan 368, except part in plan
12162
RS-5, One Family Residential

BACKGROUND:

At the December 16, 2014 Council referred this application to the Advisory Design Panel for review and a recommendation. The applicant was requested to provide further renderings regarding the streetscape and height of surrounding buildings. At the time of the ADP meeting the colour rendering and Margate streetscape were reviewed with the application. The streetscape along Deal Street with heights of surrounding buildings was not available for ADP review; this is now provided as part of the application.

The developer proposes to replace an existing single family dwelling situated on the southerly half of lots 51 and 52 with two new single family dwellings on two small lots. Although there are two legal lots they are substantially less than a standard RS-5 minimum size. The proposed house would not fit on this smaller lot 334 m² or (3594 ft²) without requiring significant variance to the front yard setback; consequently a variance is requested for the front setback in the Zoning Bylaw No. 3531 to accommodate the proposed house.

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of January 7, 2014 relating to the proposed development at 2670 Margate Avenue.
- b) Reduced copies of the plans of the proposed work with Margate and Deal streetscapes.

Discussion:

The applicant is requesting a Development Variance Permit granting relief from the following section(s) of the Zoning Bylaw:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) Minimum front lot line setback	7.62 m (25ft)	3.05 m (10 ft)	4.57 m (15 ft)

**Imperial measurements are approximate and for convenience only.*

It should be noted that development on Lot 52 (2670 Margate) could be expanded further with a detached garage similar to Lot 51 providing an approximate floor area ratio to the site .48 to 1.

This lot is 334m² (3594ft²) which is about half the size of lots in the neighbourhood. However, as the lots would have vehicle access on different streets (corner lot and lane) concern with access may not result. There may be neighbourhood concern with the size of houses (massing) proportionate to the lots and adjoining properties. Therefore, if Council decides to proceed with consideration of the variances, it is suggested that a larger area of notification be undertaken to allow for input by the neighbours to Council.

Although it is only a setback variance being requested, this significantly impacts and allows for a much larger house than would otherwise be allowed. As there may be neighbourhood concerns with this size of house on this size of lot, this application should be given careful consideration.

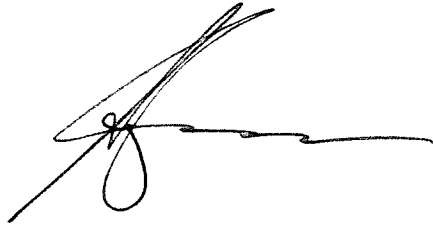
OPTIONS:

1. That it be recommended to Council that the plans to construct a new single family dwelling at 2670 Margate Avenue (Lot 52) 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 the January 15, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.
3. That due to the issues surrounding small lot development with large houses, that this application be deferred until the floor area review committee has completed its review and made recommendations to Council on the suggested floor area option.
4. Council direct the applicant to reconsider the massing of the proposal and come back with a proposal that would decrease the floor area ratio, more appropriately for this neighbourhood in Oak Bay.

RECOMMENDATION(S):

That it be recommended to Council that the plans to construct a new single family dwelling at 2670 Margate Avenue (Lot 52) 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 the January 15, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small loop.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, consisting of a stylized 'H' followed by a horizontal line and a small loop.

Helen Koning
Chief Administrative Officer

2014-29

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 2, 2014

RE: Development Variance Permit – 2706 Topp Avenue
Lot 21, Block 5, Section 2 and 61, Victoria District, Plan 379A
RS-5, One Family Residential

BACKGROUND:

The owner would like to build a new rear deck to replace the deck removed when removing the underground oil tank. The existing siting of the building is non-conforming for the second storey and the permitted gross floor area above .8 meters below grade would be exceeded; variances are required from the Zoning Bylaw to accommodate this proposal.

DISCUSSION:

The applicants are requesting relief from the following section(s) of Zoning Bylaw #3531:

<u>Zoning By-law Section(s)</u>	<u>Required/Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8meters below grade	240 m ² (2583 ft ²)	312.8m ² (3367ft ²)	72.8m ² (784ft ²)
6.5.4.(11) Minimum second storey side lot line setback	3.0 m (9.8 ft)	1.88m (6.18 ft)	1.12m (3.7 ft)

** Imperial measurements are approximate and for convenience only.*

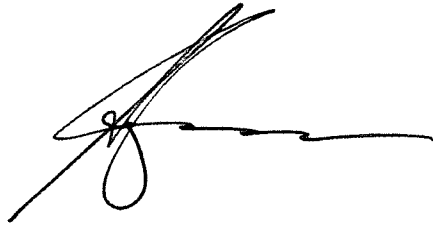
OPTIONS:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the January 2, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION:

That a resolution authorizing the issuance of a development variance permit, as outlined in the January 2, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line with several small loops.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, consisting of a stylized 'H' followed by a horizontal line.

Helen Koning
Chief Administrative Office

2014-30

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: January 2, 2014
RE: Development Variance Permit – 2183 Foul Bay Road
Lot 18, Block 1, Section 28, Victoria District, Plan 915
RS-5, One Family Residential

BACKGROUND:

In 2001 the owner obtained a building permit to construct an addition which involved an attached double garage with bedrooms above. At the time a proposed deck was eliminated from the scope of work as the gross floor area would have been exceeded. Through a Bylaw Enforcement issue it has been revealed that the owner eliminated the covered parking and incorporated the double garage into part of an illegal lower floor suite. Sometime after completion of the building permit in 2002 the owner also constructed a rear deck that had not been permitted.

The owner has now made application to reinstate the double garage, eliminate the illegal suite and construct a reconfigured rear deck. The proposed rear deck would exceed the allowable gross floor area; consequently a variance is required from the Zoning Bylaw to accommodate this proposal.

DISCUSSION:

The applicants are requesting relief from the following section(s) of Zoning Bylaw #3531:

<u>Zoning By-law Section(s)</u>	<u>Required/Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8meters below grade	240 m ² (2583 ft ²)	252 m ² (2711ft ²)	12 m ² (129 ft ²)

** Imperial measurements are approximate and for convenience only.*

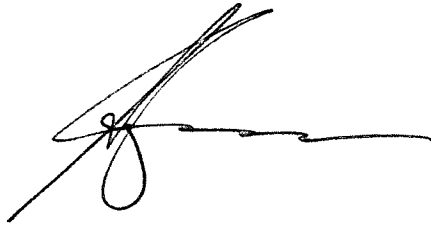
OPTIONS:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the January 2, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION:


That a resolution authorizing the issuance of a development variance permit, as outlined in the January 2, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small loop at the end.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, consisting of a stylized 'H' and 'K' followed by a horizontal line.

Helen Koning
Chief Administrative Office

2014-31

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 17, 2014

RE: Development Variance Permit – 754 Oliver Street
Lot A, Section 22, Victoria District, Plan VIP51700
RS-5, One Family Residential

BACKGROUND:

The owner would like to construct a rear addition to the existing home staying in line with the current side setback. The project also involves two new rear decks and sunken patio as shown on the attached plans. The existing siting of the building is non-conforming; consequently variances are required from the Zoning Bylaw to accommodate this proposal.

DISCUSSION:

The applicants are requesting relief from the following section(s) of Zoning Bylaw #3531:

<u>Zoning By-law Section(s)</u>	<u>Required/Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(c) Minimum Interior side lot line setback	1.52 m (5ft)	1.5 m (4.9 ft)	.02m (1.5 in.)
6.5.4.(2)(e) Minimum total of side lot lines	4.57m (15 ft)	3.98 m (13 ft)	0.59 m (1.9 ft)
4.6.5. + 4.6.5. (2) Projection from face of building into minimum side yard setback	1.07 m (3.5 ft)	0.74 m (2.43 ft)	0.33 m (1.1 ft)

** Imperial measurements are approximate and for convenience only.*

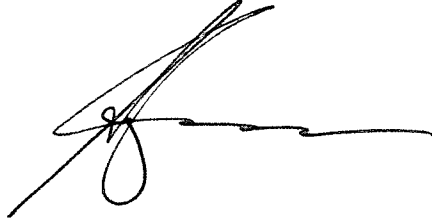
OPTIONS:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the January 17, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION:

That a resolution authorizing the issuance of a development variance permit, as outlined in the January 17, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Roy Thomassen', written over a horizontal line.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, appearing to be 'Helen Koning', written over a horizontal line.

Helen Koning
Chief Administrative Office

2014-32

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: January 16, 2014

RE: Heritage Alteration Permit and Development Variance Permit
Native Plant Park (1180 Beach Drive)
Lots 81, 82, 83, and "C", Section 23, Victoria District, Plan 368
P-1, Civic Institutional Use

BACKGROUND:

At the Council meeting held December 16, 2013 staff were directed to prepare report with new plans depicting the design recommended by the Heritage Commission for the Native Plant Garden fencing. The proposal is to install 150 m (500 feet) of fencing to the north south and east sides of the property to prevent further damage to the plants.

The Heritage Commission considered fence designs Option #1 and #2. Discussion on these options included that the fence should be unobtrusive in design, which resulted in design Option #3 being the preferred fence design. See attached minutes from the Heritage Commission meeting held December 10, 2013. In order to accommodate the design option #3; a variance is required from the Screens and Fences Bylaw #3536

DISCUSSION:

The applicants are requesting relief from the following section(s) of Screens and Fences Bylaw #3536:

Fence By-law Section(s)	Required/Permitted	Requested	Variance
6.2 + 6.4	1.84 m (6 ft)	2.44 m (8 ft)	0.6 m (2 ft)
Maximum height of fence abutting a street (North side, east side and 7.6 m (25ft) on the south side)			

** Imperial measurements are approximate and for convenience only.*

In order to alter the land, a heritage alteration permit authorized by Council would be required.

OPTIONS:

Council can either reject the proposal to install the fence or move forward with the process beyond approval in principle. To move forward, there are three different approvals required. One to authorize the expenditure based upon the cost estimate determined by the Parks and Recreation Department of up to \$25,000 being paid by a bequest, one to issue a Heritage Alteration Permit, and one to authorize the required variance to the Screens and Fences Bylaw. The first two approvals should be conditional on the issuance of a development variance permit.

RECOMMENDATION:

If Council wishes to move forward in the process to allow the installation of the deer fence around the Native Plant Park, the following motions should be made:

Resolutions:

1. That spending approval for the proposed fence around the north, east and south boundaries of the Native Plant Park with funding to come from the bequest of up to \$25,000.00 be approved, subject to the issuance of a Development Variance Permit to vary the fence height requirements of the Screens and Fences Bylaw as described in the memorandum from the Director of Building and Planning dated January 16, 2014.

Call the question.

2. That the Director of Building and Planning be authorized to issue a Heritage Alteration Permit for the erection of the fence around the north, east and south boundary of the Native Plant Park (Lots 81, 82, 83 and "C", Section 23, Victoria District, Plan 368) as shown on the plan and photograph attached to the memorandum from the Director of building and Planning dated July 17, 2013 subject to the issuance of a Development Variance Permit to vary the fence height requirements of the Screens and Fences Bylaw as described in the same memorandum.

Call the question.

3. That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to the Lots 81, 82, 83 and "C", Section 23, Victoria District, Plan 368 (Native Plant Park) varying the following provisions of Bylaw No. 3536, being the Screens and Fences Bylaw, 1986, as amended:

Bylaw Section	Permitted	Requested	Variance
6.2 Maximum Height of fence abutting a Street (north, east and south side)	1.84 m	2.44 m	0.6 m

- 6.4
No fence higher than 1.84 m within 7.62 m of any property line abutting a street

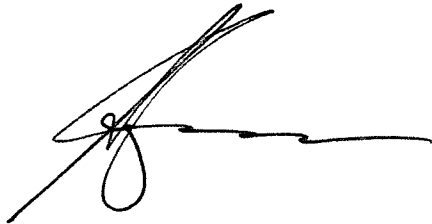
to permit the erection of a fence on the north, east and south boundary of the property as shown in the plan and photograph attached to the memorandum from the Director of Building and Planning dated July 17, 2013.

After moving and seconding motion number 3, the following motion should be adopted:

4. That the motion with respect to the development variance permit for the Native Plant Park be tabled to allow notice to be given in accordance with the Local Government Act.

Call the question.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Roy Thomassen', written over a horizontal line.


Roy Thomassen
Director of Building and Planning

I concur that there are funds available from a bequest for this project.

A handwritten signature in black ink, appearing to read 'Patricia Walker', written over a horizontal line.

Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Director of Building and Planning.

A handwritten signature in black ink, appearing to read 'Helen Koning', written over a horizontal line.

Helen Koning
Chief Administrative Office

TO: Committee of the Whole

FROM: Municipal Clerk

DATE: January 15, 2014

SUBJECT: Road Event/Public Property Occupancy Request
Guidelines and Procedures

BACKGROUND:

The number of road events or events that occupy public property has increased over the past several years. Please refer to the attached listing of previously approved events, and new events requested so far for 2014.

The usual process when a request is received is to place it before Council for consideration, and in the case of a new event, Police Department input in respect to any potential issues or concerns would be sought first. There are, however, a number of municipal departments that are affected by such events.

There is a significant amount of staff time required to process these applications. Over 2013, a number of new events were introduced. With the increased number of events, and with additional staff becoming involved in processing road event and public property occupancy applications, staff propose to streamline the application process to ensure consistency and organization.

DISCUSSION:

The implementation of a set of application process guidelines is proposed to assist with the goals outlined above. Several discussions have been held at the staff level in respect to streamlining this process, and are reflected in this memorandum. The various components of the proposed guidelines are anticipated to be those listed below:

Full Application Details/Requirements:

The guidelines would provide necessary information on the approval process and on what is required before an application will be considered at the Council or staff level. For example:

- A requirement for liability insurance of \$3,000,000;
- Payment of any related municipal costs;
- Minimum amount of time applications must be submitted in advance of an event;
- An appropriate route map;
- Detailed logistical information;
- Anticipated municipal resources;

- Notification to area residents;
- Police Department approved traffic plan, including marshalling information.

Advising Event Organizers of all of the requirements ahead of time will contribute to a smoother application process for event organizers and staff alike.

Departmental Referrals:

As mentioned, there are potential impacts to various departments in respect to road events/public property occupancy requests. A formal referral process to the potentially affected departments is proposed to ensure that any impacts of an event are known prior to Council's consideration of the application. For example, referrals to other departments would identify any conflicts with already issued parks permits, or scheduled road and/or underground services work.

Where an application is slated to occur within a park, as with past practice, the proposed event would first be considered by the Parks and Recreation Commission. Then it would be considered by Council where that is necessary pursuant to the Zoning Bylaw and/or Streets and Traffic Bylaw in respect to any related commercial activity or road closures.

The Parks and Recreation Commission is cognizant of the number of events that include occupancy of Willows Park and Willows Beach and takes this into consideration when reviewing applications for use.

Costs

Approvals for events have always been subject to, among other things, the payment of any expenses incurred by the District of Oak Bay (such as for placing signage, cleanup, Police personnel attendance). In practice, the fees have not been applied to applicants consistently. Implementing guidelines is an opportunity to ensure that all involved in the event planning process are aware of what their costs will be ahead of time, as the referral to affected departments will include an estimate of costs that might be incurred. This will also provide a coordinated billing process through the Administration Department to ensure consistency.

The Police Board has discussed the issue in respect to policing costs, and has endorsed billing for events that generate a profit and are not strictly for charity.

OPTIONS:

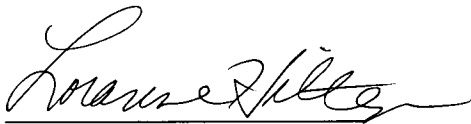
1. If the Committee is in alignment with the proposed implementation of guidelines as laid out in the memorandum, a resolution endorsing this should be adopted.
2. If there are some components of the proposed guidelines for which the Committee wishes to take a different approach, provide specific direction to staff.

3. Receive this report for information.

RECOMMENDATION:

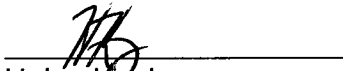
That the implementation of road event and public property occupancy request guidelines and procedures, as laid out in the memorandum from the Municipal Clerk dated January 15, 2014, be endorsed.

Respectfully submitted,



Lorraine Hilton
Municipal Clerk

I concur with the recommendation of the Municipal Clerk.



Helen Koning
Chief Administrative Officer

Attach.