

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 19, 2009 at 7:30 p.m.

PRESENT: Acting Mayor H. Braithwaite, Chair
Councillor A. R. Cassidy
Councillor J. D. Herbert
Councillor N. Jensen
Councillor T. Ney

STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2009-321 OAK BAY PARKS AND RECREATION COMMISSION, October 7, 2009
Re Minutes of the Meeting

(Agnes Szilos, Director of Parks and Recreation in attendance for this item.)

Monteith Community Gardens - Expansion

The Director of Parks and Recreation answered questions from the Committee regarding the community garden plots, noting that the recommendation from the Committee is to expand the number of garden plots by twelve, for a total of 24 plots.

Accessible Scented Garden at Windsor Park

Councillor Braithwaite commented that a grand opening of the Accessible Scented Garden at Windsor Park will be held Monday, October 26, 2009 at 1:30 p.m.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, October 7, 2009, and the recommendations contained therein, be adopted.

CARRIED

Acknowledging that tonight's meeting is the last for Agnes Szilos to attend, on behalf of the Committee members, Councillor Braithwaite thanked Ms. Szilos for her dedicated service to the Municipality during her 30 years of employment and for her excellent management of the Parks and Recreation Department.

Agnes Szilos said that it has been a true pleasure to serve Council and the community.

FINANCE SECTION: (Chairman – Councillor Jensen)

2. 2009-322 MUNICIPAL TREASURER, October 1, 2009
Re Monthly Financial Reports

The Municipal Administrator provided a brief overview of the financial reports for September noting that overall the budget should be as projected but that the low investment income could affect next year's reserve fund interest used for capital projects.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the September monthly financial reports be received.

CARRIED

EMERGENCY PLANNING AND FIRE SECTION: (Chairman – Councillor Ney)

3. 2009-323 EMERGENCY AND HEALTH SERVICES COMMISSION, July 28, 2009
Re First Responder Service

(Fire Chief Adam and Deputy Fire Chief Cockle in attendance for this item.)

The Municipal Administrator advised that the First Responder Service was first initiated in the 1990's and at that time the Emergency and Health Services Commission (EHSC) proposed a formal agreement. Mr. Cochrane said that the indemnification language was of no value because it did not apply to municipalities who were already insured, and it actually created some additional liabilities. Therefore, he said, the current service agreement is based on an exchange of letters.

Mr. Cochrane explained that the EHSC has decided it will not continue with any First Responder arrangements unless a formal agreement is in place. He noted that EHSC has obtained an endorsement of the new indemnification language from the Municipal Insurance Association and that the language objected to in 1992 has been removed. Mr. Cochrane drew attention to Section 16 of the proposed agreement, noting that the wording should be amended to reflect that either party, versus both parties agreeing together, may terminate the agreement.

The Fire Chief advised that the EHSC recently announced that funding for First Responder training through the BC Justice Institute would be withdrawn as of March 2010. In light of this announcement, Chief Adam said he is taking steps to have all Fire Department members re-certified before that time (valid for the next three years). The Chief advised that at this point it is not clear whether or not fire departments will be responsible for all training costs after March 2010.

Responding to a question from a Committee member, Chief Adam estimated that the Department has received 560 First Responder calls so far this year and a total of 1,000 Fire calls with half being medical related incidents.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That subject to a wording change to Section 16 to reflect that either party may terminate the Agreement, 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. 2009-323.

CARRIED

4. 2009-324 MUNICIPAL ADMINISTRATOR, September 4, 2009
Re Emergency Preparedness Program

Referring to his memorandum, the Municipal Administrator said that the Municipality has, with the assistance of graduates of the Royal Roads University Emergency Management Program, conducted an internal audit of its emergency preparedness program finding that most of the statutory requirements are being satisfied, although there is one area that could be formalized that currently is not.

Mr. Cochrane advised that it is a requirement of the *Emergency Program Act* that Council “*establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters.*” This is complied with through the appointment of an Emergency Program Coordinator (the Fire Chief) and the maintenance of the volunteer organization, although there is no formal resolution or bylaw establishing the emergency management organization and its responsibilities and powers.

Mr. Cochrane noted that the proposed bylaw would establish formally the emergency management organization, appointing department heads to the Emergency Planning Policy Committee with the Emergency Program Coordinator, and Deputy Fire Chief, and volunteers forming the Working Group.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the draft bylaw attached to the memorandum from the Municipal Administrator dated September 4, 2009 (correspondence item no. 2009-324), be brought forward to the next meeting of Council for formal introduction.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

5. 2009-325 DIRECTOR OF BUILDING AND PLANNING, October 6, 2009
Re Uplands Building Permit Application – 2880 Beach Drive

Councillor Cassidy indicated he had a conflict with respect to this item due to a shared financial interest with the applicant’s architect. He left the meeting at 7:51 p.m. Councillor Herbert assumed the chair for this item.

Councillor Herbert indicated that the Advisory Design Panel has recommended against approval of the plans, inviting the applicant to speak to the application.

Alan Lowe, architect, in attendance on behalf of the homeowners, distributed photographs of proposed new residential dwelling at 2880 Beach Drive. Referring to the Advisory Design Panel (ADP) expressing concern that the design of the home needed to relate more to the adjacent Uplands Park and, later, that the mass was too large with two storeys, Mr. Lowe noted that the proposed construction would not been seen from the park and the dwelling was proposed to be sited so as to fit with the neighbouring properties . Mr. Lowe further noted that with respect to concerns about massing, the owners wish to have a two storey home, and the proposal complies with the Zoning Bylaw regulations, satisfies the Uplands Design Guidelines, and relates to adjacent buildings, many of which are two storeys.

In conclusion, Mr. Lowe reiterated the ways in which the design and siting were consistent in the neighbourhood noting that the design would also be considerate of the neighbours (i.e. no shadowing, no large windows facing the neighbours lowering the roofline on that side).

Mr. Lowe answered various questions from the Committee with respect to the application, noting that he had addressed the Panel's concerns after the application was first considered and was surprised that additional concerns arose after that.

There was further discussion with respect to the concerns of the ADP expressed at its two meetings where the application was considered, and the view was expressed that the ADP's advice is very valuable in the design and siting approval process, although it is the Committee's role to determine whether or not to follow it.

Members of the Committee indicated their agreement with the comments made by the ADP in its reports.

It was acknowledged that it is difficult to balance the applicant's program and to balance what is in the best interest of the community.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the proposed plans for the construction of a new residential dwelling at 2880 Beach Drive be declined as to siting and architectural design.

CARRIED

Councillor Cassidy returned to the meeting at 8:24 p.m.

6. 2009-326 DIRECTOR OF BUILDING AND PLANNING, October 15, 2009
Re Uplands Building Permit/Development Variance Permit Application–
2470 Lansdowne Road

Councillor Cassidy drew attention to additional information provided by the Municipal Arborist regarding the protection of a Garry Oak tree close to the proposed rear addition to the house, which suggested that an exploratory dig prior to construction would determine if any major roots would be impacted.

Bruce Wilkin, architect, provided an overview of the renovations being proposed for 2470 Lansdowne Road, noting that the design of the rear addition will replicate the original style of the house, resulting in variances being requested to ensure the heights match those existing.

With respect to the Garry Oak tree identified by the Municipal Arborist, Mr. Wilkin assured the Committee that a certified arborist will be retained and that every measure will be taken to protect the tree during construction. However he said, should the tree be damaged and need to be removed, a replacement tree would be planted.

The Director of Building and Planning confirmed that should approval of the siting and design be granted the Municipal Arborist would then be in a position to issue a tree removal permit if the applicant desired.

Mr. Wilkin responded to various questions and comments from the Committee with respect to the design of the addition and the variances being requested.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That it be recommended to Council that the plans to construct an addition at the rear of the residential dwelling at 2470 Lansdowne Road 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 be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

7. 2009-327 DIRECTOR OF BUILDING AND PLANNING, October 15, 2009
Re Uplands Building Permit/Development Variance Permit Application–
3046 Valdez Place

Councillor Cassidy explained that the owners wish to remove the existing dwelling down to the foundation and reconstruct a new two storey home.

Andrea Nemeth, applicant, stated that the current home is sited beautifully but not big enough for her growing family. It is the family's wish to have the bedrooms and a playroom on one level, she said.

Ms. Nemeth explained that the height variances being requested arise from the way that height limits are calculated based on the average natural grade of the property, noting, also, that the proposal entails eight and nine foot ceilings.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That it be recommended to Council that the plans to construct a new residential dwelling at 3046 Valdez Place 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 be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

TRAFFIC AND PEDESTRIAN SAFETY: (Acting Chairman – Councillor Herbert)

- 8 2009-328 ROSEMARY O'CONNELL, September 10, 2009
2009-328-1 SHIRLEY HOLLINGSWORTH, September 10, 2009
2009-328-2 SHARON FAIRCHILD, September 16, 2009
2009-328-3 JOYCE FEHELEY, October 15, 2009
Re Parking and Traffic Concerns – Central Avenue and St. Patrick Street

Rosemary O'Connell, resident, said that the traffic in and around the business area at St. Patrick Street and Central Avenue is a safety concern and a carbon footprint issue. Ms. O'Connell said that her driveway is used by vehicles for reversing and that staff and customers park in front of her house often ignoring the yellow lines. However, said Ms. O'Connell, her main concern is safety, particularly when she is backing out of her driveway.

Ms. O'Connell suggested that parking be restricted to residents only and that the yellow lines painted on the curb be extended and employees be requested to park further away.

As well, Ms. O'Connell commented that two years ago the bakery was given approval for 15 seats and although they are now offering blankets for customers to sit on the lawn as well.

It was suggested by a member of the Committee that it would be helpful if residents reported illegally parked vehicles so that the Commissionaire could be asked to monitor this area more frequently to enforce parking regulations. It was felt that the first step should be parking enforcement rather than implementing time-limited parking or resident only restrictions being considered, as the area accommodates both residential and commercial uses.

Shirley Hollingsworth, stated that there are 12 parking spaces available for the four shops. Ms. Hollingsworth said that she has a blind driveway, partly because of a privacy hedge on her property but also because customers monopolize the street parking, which, she added, limits available parking for anyone visiting the residents.

With respect to it previously being anticipated that people would walk and bike to the shops, Ms. Hollingsworth commented that most people drive to these shops.

Jim O'Connell, resident, said that the character of the neighbourhood has changed since De'lish Fine Foods and Catering was given permission for 15 seats and two more businesses have been added to Eclectic Hair Studio space creating more parking concerns with staff and customers.

Mr. O'Connell felt that when the re-zoning was approved for additional seating there was no consideration for the neighbours. He said he thought the business was not meant to be a take-out establishment and yet the sign advertises take-out.

He said the area is much busier now and it affects his everyday quality of life, such as limiting his grandchildren playing in the yard. He concluded by saying he has grave concerns and that he is seeking appropriate redress, not just a band-aid solution by sending the Commissionaire to monitor the area, but real solutions to address the issues he is concerned about for the neighbourhood.

Following discussion, while members of the Committee acknowledged the concerns of the residents and noted perhaps parking regulations could be considered in the future, there was agreement that the first step should be to assess the existing yellow lines, and whether or not more yellow lines are needed to address any site line issues in the area, along with increased parking enforcement.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That it be recommended to Council that staff be directed to provide a report to Committee of the Whole with respect to any site lines safety and driveway access issues in the vicinity of the 600 Block of St. Patrick Street and Central Avenue.

Responding to a comment, the Director of Engineering Services advised that he will speak with Public Works about installing a wheelchair ramp at the corner of St. Patrick Street and Central Avenue.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Jensen

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

CARRIED

The meeting adjourned at 9:13 p.m.

Certified Correct:

Municipal Clerk

Chairman, Recreation Section

Chairman, Finance Section

Chairman, Emergency Planning and
Fire Section

Chairman, Land Use Section

Acting Chairman, Traffic and
Pedestrian Safety Section