

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, Victoria, B.C., on Monday, June 19, 2017 at 7:00 p.m.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor N. Jensen, Chair
Councillor H. Braithwaite
Councillor M. Kirby
Councillor K. Murdoch
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Director of Corporate Services, W. Jones
Manager of Recreation & Culture, J. Barclay
Acting Director of Building and Planning, D. Jensen

PARKS, RECREATION AND CULTURE ITEM(S):

1. ***Parks Recreation and Culture Commission Minutes***
 - Note - Deputy Director of Corporate Services - PR&CComm Minutes, Jun. 7, 2017
 - Minutes - PR&CComm - Jun. 7, 2017
 - Rpt. Attach. 1 - ArtsAlive Piano Locations, Jun. 7, 2017
 - Rpt. Attach. 2 - Program Reports

M. Holding, Chair and J. Barclay, Manager of Recreation & Cultural Services, Parks, Recreation & Culture Commission were present to respond to questions.

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks Recreation and Culture Commission held June 7, 2017 and the recommendations contained therein, with the exception of the piano locations recommendation, be adopted.

CARRIED

MOVED and seconded: That approval be granted for five pianos to be placed at Turkey Head, Cattle Point, Estevan Village, Loon Bay Park and the Esplanade from mid-June to mid-September 2017 as part of the ArtsAlive program.

CARRIED

2. ***Energy Conservation in Oak Bay – Presentation***

- Presentation - Energy Conservation in Oak Bay, Jun. 19, 2017

K. Olsen appeared to outline the District's actions to reduce energy consumption and green house gas emissions. He said that since 2007 the District's use of electricity has been reduced by 23.1% and natural gas by 28.8%. Mr. Olsen outlined the energy conservation actions undertaken in 2016. He said the District officially became carbon neutral in 2016.

MOVED and seconded; That the Report of Mr. Olsen titled *Energy Conservation in Oak Bay* be received for information.

CARRIED

Members of Council expressed their appreciation to Mr. Olsen and District staff for their efforts in reducing energy consumption.

LAND USE APPLICATIONS:

3. ***Architectural Siting & Design Application (ADP00062) - 3165 Midland Road***

- Report - Acting Director of Building & Planning, Jun. 7, 2017
- Plans - ADP - 3165 Midland Rd., Jun. 6, 2017

T. Martin appeared on behalf of the applicant. He confirmed that permeable pavers would be used for the driveway in a root zone location, but that the rest of the driveway would be asphalt.

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building at 3165 Midland Road, as outlined in the June 7, 2017 report for ADP00062, be approved as to architectural design and siting.

CARRIED

4. ***Uplands Siting & Design (ADP00070) - 3140 Tarn Place***

- Report - Acting Director of Building & Planning, Jun. 12, 2017
- Plans - ADP - 3140 Tarn Pl., Jun. 2017

F. D'Ambrosia, T. Rusnak and I. Gallant appeared on behalf of the applicant. Mr. D'Ambrosia confirmed that there will be a gate on the driveway, but that it has been moved back from the road so as to make it a less visible.

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building and accessory building at 3140 Tarn Place, as outlined in the June 12, 2017 report for ADP00070, be approved as to architectural design and siting.

CARRIED

5. ***Development Permit Application (DP000015) - 237 King George Terrace***

- Report - Acting Director of Building & Planning, Jun. 8, 2017
- Plans - DP - 237 King George Terr., Apr. 3, 2017
- Rpt. Attach. 2 - Environmental Protection Plan, Corvidae, Apr. 2017
- Draft Development Permit DP000015
- Corresp. - to Jun. 16, 2017 - 237 King George Terr.
- ADDENDA - Corresp. - Jun. 16 - 19, 2017 - 237 King George Terr.

L. Cole, owner, and J. Budgen, consultant, appeared to respond to questions. Ms. Budgen, commented on the plans for the foreshore. She said it is proposed that the existing retaining walls remain in place, that invasive species be removed and that some of the existing lawn be removed and replanted with native vegetation.

Ms. A. Jensen, Oak Bay, said that she was an adjacent property owner and that she was very concerned about the process. She asked when people were able to respond to the subdivision. She said the process needs to be improved to provide people adequate opportunity to comment on proposals that they are impacted by.

J. Genmill, Oak Bay, asked if the Department of Fisheries and Oceans had been consulted or if they had approved the development plans.

E. Jensen, Oak Bay, said that he is a neighbouring property. He said there is natural drainage from his property down towards the shore and he asked if his drainage is going to be impacted by the development. He said he was concerned about the environmental report saying there is low environmental value for wildlife. He said there were deer, otters, squirrels and many birds on the property.

J. Fitzpatrick, Oak Bay, said he was very concerned about the process and lack of consultation. He said people were unaware of what was being planned for the property. He said there should be signs posted to inform people of proposed changes such as this.

M. Douglas, Oak Bay, said that she attended the APC meeting where this application was considered, but the public were unable to speak at the APC. She said that APC members did not have all of the reports and documents needed to make a decision yet they made a decision anyway. She said the process is unsatisfactory and needs to change.

D. Adams, Oak Bay, said that although there is enough land for the four lots, not all meet the minimum size for RS-3 zoning and that the four lots are allowed because the proposal will be a bare land strata and the lot sizes can therefore be averaged. He said that the Approving Officer can consider the public interest when considering subdivision applications.

L. Cole, owner, said based on lot averaging he could have applied for five lots, but chose four instead. He said that he is hoping to have the existing house moved, but that is not yet confirmed. He said all of the drainage systems will be designed and approved by engineers. Mr. Cole stated that application information has been submitted to DFO and that they had not yet raised any issues or concerns. Ms. Budgen said that the environmental consultants did not identify any bird nests during their inspection.

E. Jensen, Oak Bay, said that there are bird nests on the property especially hummingbird nests.

MOVED and seconded: That it be recommended to Council that the proposal to undertake works within the Shorelines Development Permit Area and facilitate a four lot subdivision at 237 King George Terrace be approved subject to issuance of Development Permit DP000015.

CARRIED

Councillor Zhelka registered opposition.

6. ***Heritage Alteration Permit with Variance (HAP00009) - 2408 San Carlos Place***

- Report - Acting Director of Building & Planning, Jun. 13, 2017
- Plans - HAP - 2408 San Carlos Pl., Jun. 1, 2017
- Plans - HAP - 2408 San Carlos, Approved Landscape Plan, July 8, 2015
- Draft Heritage Alteration Permit HAP00009

MOVED and seconded: That it be recommended to Council that the application to install additional paved surface within the front yard at 2408 San Carlos Place be approved subject to issuance of Heritage Alteration Permit HAP00009; and that notification be given of Council's consideration of HAP00009.

CARRIED

7. ***Development Variance Permit Application (DVP00059) - 2296 Cadboro Bay Road***

- Report - Acting Director of Building & Planning, Jun. 13, 2017
- Plans - DVP - 2296 Cadboro Bay Rd., Feb. 15, 2017
- Draft Development Variance Permit DVP00059
- ADDENDA - Corresp. - Jun. 16 - 19, 2017 - 2296 Cadboro Bay Rd.

M. Miller and K. daSilva appeared on behalf of Abstract Developments. Mr. Miller said they were requesting a larger sign to attract more interest and drive project sales.

T. Mears, Oak Bay, said Council needs to think about safety and if a larger sign might be more distracting to drivers.

MOVED and seconded: That it be recommended to Council that the application to erect two project signs on the property collectively known as 2296 Cadboro Bay Road and located at the corner of Cadboro Bay Road and Bowker Avenue be approved subject to issuance of Development Variance Permit DVP00059; and that notification be given of Council's consideration of DVP00059.

DEFEATED

Councillors Braithwaite, Murdoch and Zhelka registered opposition.

8. ***Development Variance Permit Application (DVP00062) - 1069 Beach Drive***

- Report - Acting Director of Building & Planning, Jun. 9, 2017
- Plans - DVP - 1069 Beach Dr, May 2017
- Draft Development Variance Permit DVP00062

MOVED and seconded: That it be recommended to Council that the application to undertake renovations at 1069 Beach Drive be approved subject to issuance of Development Variance Permit DVP00062; and that notification be given of Council's consideration of DVP00062

CARRIED

9. ***Development Variance Permit Application (DVP00065) - 3389 Cardiff Place***

- Report - Acting Director of Building & Planning, Jun. 8, 2017
- Plans - DVP - 3389 Cardiff Pl., May 16, 2017
- Rpt Attach 2 - Signatures In Support of Application
- Draft Development Variance Permit DVP00065

P. Li, owner, said that there was a calculation error that resulted in parts of their roof being one foot higher than allowed so they are asking for a variance.

MOVED and seconded: That it be recommended to Council that the application to construct a two storey home at 3389 Cardiff Place be approved subject to issuance of Development Variance Permit DVP00065; and that notification be given of Council's consideration of DVP00065.

CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:45 p.m.

Certified Correct:

Chair

Director of Corporate Services