

MINUTES of a regular meeting 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 April 10, 2017.

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 T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Director of Corporate Services, W. Jones
Deputy Director of Corporate Services, M. Jones
Director of Financial Services, D. Carter
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Horan
Fire Chief, D. Cockle

MINUTES AND REPORTS:

1. ***Council***
 - March 27, 2017

MOVED and seconded: That the minutes of the Council meeting held April 10, 2017 be adopted.

CARRIED

MAYOR'S REMARKS:

2. The Mayor provided the following remarks:

Letter of Thanks from the Lieutenant Governor of British Columbia

Mayor Jensen advised Council that a letter of thanks has been received from the Honourable Judith Guichon, OBC, Lieutenant Governor of British Columbia, regarding her attendance at the recent Mayor's Caucus banquet in Oak Bay. He commented that her Honour expressed appreciation for gifts of the centennial book and walking stick, commissioned from a local First Nations carver.

Letter of Appreciation for Staff

The Mayor drew attention to recent correspondence from a retiring member of the Parks, Recreation and Culture Commission who expressed appreciation for the excellent work of Parks, Recreation and Culture staff in helping build the community of Oak Bay.

Association of Vancouver Island Coastal Communities (AVICC) Conference

Mayor Jensen noted that he, Councillor Zhelka and Councillor Kirby recently attended the annual AVICC Conference. He commented that, despite the chilly weather, delegates were warmly received by the City of Campbell River. He drew attention to discussions that ensued regarding the challenges faced by municipalities in addressing derelict vessels, noting that consideration is being given at higher levels of government for product stewardship programs, additional funding and amendments to the shipping act.

Hart Family Archival Donation

The Mayor drew attention to the recent donation of extensive memorabilia, including military medals and a sergeant's whistle, by the Hart family, as displayed on the Council dais. He noted that the medals were received by Alan Hart Senior, who served at the Battle of Vimy Ridge during World War I. On behalf of the Municipality and Oak Bay Council, he expressed deep appreciation for this significant donation which honours both the distinguished military career of Mr. Hart and the sacrifice of so many young lives at this crucial battle.

Young Exceptional Star (YES) Awards

Mayor Jensen highlighted the YES Awards Program, noting that this is the 10th anniversary of the awards. The awards, he said, recognize the outstanding achievements and contributions that students have made in our community. He concluded his remarks by noting that the application deadline closes today and encouraged the public to nominate deserving students in grades 6 to 10 that are either residents of Oak Bay or attendees of Oak Bay High School.

PUBLIC PARTICIPATION PERIOD:

3. The following speaker addressed Council during the Public Participation Period:

Cheryle Scott, Oak Bay resident, spoke with respect to her concerns regarding deer in the Municipality. Ms. Scott commented that consideration should be given to undertaking another cull, similar to the cull undertaken in Cranbrook, which produced a significant amount of professionally butchered meat which could then be donated. She concluded her remarks noting that the immunocontraceptive-approach being considered may not be successful.

There being no further speakers, Mayor Jensen drew attention to the upcoming Budget Estimates Committee meetings being held at 5:30 PM on Wednesday April 12 and April 19. He noted that there will be an opportunity for the public to speak during both meetings and that the agenda materials are currently available on the website.

COMMUNICATIONS:

4. ***Request for Financial Assistance***

- Note - Deputy Director of Corporate Services - 2017 Requests for Financial Assistance - Post Deadline

The Mayor gave an overview of the grant process.

5. ***Request for Financial Assistance - Oak Bay Sea Rescue***

- Corresp. - Oak Bay Sea Rescue Society, Mar. 31, 2017

Terry Calvely, President, Oak Bay Sea Rescue Society, gave a presentation on the Society's grant request.

MOVED and seconded: That the request for financial assistance from the Oak Bay Sea Rescue Society in the amount of \$2,300 be referred to Council's Estimates Committee for consideration during Budget deliberations.

CARRIED

6. ***Request for Financial Assistance - Oak Bay Tea Party***

- Corresp. - Oak Bay Tea Party, Mar. 24, 2017

Sandy Germain, Chair, Oak Bay Tea Party Society, outlined the Society's request for fee waiver.

MOVED and seconded: That the request by the Oak Bay Tea Party Society to waive the District's fees with respect to the application and staff attendance at fireworks be approved.

CARRIED

7. ***Oak Bay Business Improvement Association 2017 Budget***

- Note - Deputy Director of Corporate Services - Oak Bay Business Improvement Association - Budget 2017
- Corresp. - Oak Bay Business Improvement Association, Apr. 5, 2017
- 2017 Marketing Budget and Timeline

Heather Leary, Project Manager, Oak Bay Business Improvement Association, outlined the proposed budget for the association.

MOVED and seconded: That Council approve the budget submitted by the Oak Bay Business Improvement Association for the 2017 calendar year as outlined in the April 5, 2017, correspondence from the Oak Bay Business Improvement Association, with the budget incorporating on the revenue side a grant from the Municipality in the amount of \$80,000 to be recovered by means of a local service tax in that amount

CARRIED

8. ***Response to Heritage Referral for Property on the Community Heritage Register (DVP00058) - 3125 Uplands Road***

- Report - Manager of Planning, Apr. 6, 2017
- Rpt Attach 1 - Statement of Significance
- Plans - ADP DVP -3125 Uplands, Mar 8, 2017

MOVED and seconded: That the 60 day protection order made February 27, 2017 pursuant to Section 606 of the *Local Government Act* for 3125 Uplands Road be lifted.

CARRIED

9. ***Oak Bay Marina Operating Lease Bylaw Amendment Bylaw No. 4688, 2017 & One Hundredth Zoning Amendment Bylaw No. 4689, 2017***

- Report - Director of Corporate Services, Apr. 5, 2017

MOVED and seconded: That *Oak Bay Marina Operating Lease Bylaw Amendment Bylaw No. 4688, 2017* be given three readings.

CARRIED

MOVED and seconded: That *the One Hundredth Zoning Bylaw Amendment Bylaw No. 4689, 2017* be given two readings.

CARRIED

MOVED and seconded: That a public hearing on Bylaw No. 4689 be held at the Community Theatre at Oak Bay High School, on May 3, 2017 at 6:00 PM, and that notice be given in accordance with the *Local Government Act*.

CARRIED

10. ***Regional Growth Strategy Mediation Process***

- Corresp. - Capital Regional District and Province of British Columbia, Apr. 4, 2017

MOVED and seconded: That the April 4, 2017 correspondence from the Capital Regional District regarding the Regional Growth Strategy Mediation Process be received for information.

CARRIED

11. ***Oak Bay Advisory Design Panel (ADP) Minutes***

- Note - Deputy Director of Corporate Services - ADP Minutes - Mar. 7, 2017

MOVED and seconded: That the minutes of the Advisory Design Panel held March 7, 2017 be received for information.

CARRIED

12. ***Oak Bay Advisory Planning Commission (APC) Minutes***

- Note - Deputy Director of Corporate Services - APC Minutes - Mar. 7, 2017
- Minutes, APC, Mar. 7, 2017

MOVED and seconded: That the minutes of the Advisory Planning Commission held March 7, 2017 be received for information.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S):

13. ***Correspondence to be Received***

- Corresp. - Mar. 27 - Apr. 6, 2017 - Development Variance Permit Application (DVP00026) - 36 Sylvan Lane
- Corresp. - Mar. 27 - Apr. 6, 2017 - Development Variance Permit Application (DVP00056) - 668 Byng Street
- Corresp. - Applicant, Bylaw No. 4680 (Zoning Amendment Application ZON00023 - Cadboro Bay Road, Bowker Avenue), Apr. 7, 2017
- ADDENDA Corresp. - Apr. 7 - 10, 2017 - Development Variance Permit Application (DVP00056) - 668 Byng Street
- ADDENDA Corresp. - Apr. 7 - 10, 2017 - Development Variance Permit Application (DVP00057) - 1934 Crescent Road

MOVED and seconded: That the correspondence attached to the April 10, 2017 agenda for Development Variance Permit Application DVP00026 (36 Sylvan Lane), Development Variance Permit Application DVP00056 (668 Byng Street), Development Variance Permit Application DVP00057 (1934 Crescent Road) and Bylaw No. 4680 (Zoning Amendment Application ZON00023 - Cadboro Bay Road, Bowker Avenue) be received for information.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

14. ***Report on the Capital Regional District***

The Mayor provided an update on the Capital Regional District's budget and the associated impact on an average homeowner.

Association of Vancouver Island Coastal Communities (AVICC) Conference

Councillor Kirby spoke to the Report on Responsible Conduct which was reviewed at the conference, noting how much she values the mannerly and respectful conduct in Oak Bay Council Chamber and offered her thanks to Mayor Jensen for his able work as chair in this regard.

Councillor Zhelka drew attention to a presentation by the Island Corridor Foundation, who are focused on connecting Vancouver Island by rail. He noted the many contributions from the business community to this endeavor.

RESOLUTIONS:

15. ***Development Variance Permit (DVP00058) & Uplands Siting and Design (ADP00067) Applications - 3125 Uplands Road***

- Notice of Resolution -3125 Uplands Road
- Plans - ADP DVP -3125 Uplands, Mar. 8, 2017
- Mar. 20, 2017 COW Report - Manager of Planning, Mar. 15, 2017

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3125 Uplands Road (Parcel A (DD41883I) of Lot 1, Block 20, Section 31, Victoria District, Plan 1216A) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(a) Maximum Building Height	4.60 m	6.55 m	1.95 m
6.2.4.(3)(c) Maximum Roof Height	3.00 m	4.93 m	1.93 m

to accommodate the construction of an accessory building and undertake additions to the principal building as shown on the plans appended to the March 20, 2017 Committee of the Whole agenda item number 8, being a memorandum from the Planner dated March 15, 2017.

No members of the public rose to speak on this item.

The question was then called.

CARRIED

16. ***Development Variance Permit Application (DVP00026) - 36 Sylvan Lane***

- Notice of Resolution - 36 Sylvan Lane
- Plans - DVP -36 Sylvan Ln, Jan. 26, 2017
- Mar. 20, 2017 COW Report - Manager of Planning, Mar. 13, 2017

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 36 Sylvan Lane (Amended Parcel B (DD200170I) of Lot C, Block 1 of Section 47, Victoria District, Plan 914) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4.(2) Minimum Setback Front Lot Line	7.62 m	0.0 m	7.62 m
6.4.4.(2)(c)/6.4.4.(8) Minimum Setback Side Lot Line	1.52 m	1.00 m	0.52 m

6.4.4.(7)		3.00 m	1.60 m	1.4 m
Distance	Between	Buildings	and	
Structures				

to accommodate the construction of an accessory building as shown on the plans appended to the March 20, 2017 Committee of the Whole agenda item number 9, being a memorandum from the Planner dated March 13, 2017.

J. Tait, representing Mrs. Croft a neighbouring resident, commented that Sylvan Lane is incredibly narrow, particularly near her mother's house and that it is bordered by stone walls and mature trees. Ms. Tait questioned if the plans provided for the application accurately reflect these elements of the lane. She commented that ambulance attendants trying to access her mother's property have expressed concern on the maneuverability for emergency vehicles in this neighbourhood. When visiting her mother, she said, there are times when only a single vehicle is able to drive through the lane. She concluded her remarks by stating that the proposed development will further congest an already difficult area of the Municipality.

G. Tait, further representing Mrs. Croft, noted that before approving this application, Council should give consideration to the environment of Sylvan Lane, which in his opinion is more like a back lane than a typical roadway.

In response to comments from the public, the Fire Chief noted that emergency staff had the opportunity to view this property in advance of the meeting. He clarified that currently emergency vehicles consider alternate routes to access properties on Sylvan Lane where possible. The Director of Building and Planning confirmed that although there is additional public property available on Sylvan Lane to expand, the existing roadway is narrower than usual.

N. Beattie, representing the application, responded to questions from the Council and the public, noting that the proposed garage would be constructed approximately 18 feet from the existing roadway, which in his opinion would provide sufficient room to expand Sylvan Lane in the future. He stated that there is no paving on the boulevard currently. After outlining the alternative layouts considered on site for the garage, Mr. Beattie stated that the current proposal was the best solution available. He concluded his remarks by noting that the garage would allow for 2 additional parking spaces off the lane, which would assist in reducing congestion.

The question was then called.

CARRIED
Councillor Zhelka against the motion

17. ***Development Variance Permit Application (DVP00056) - 668 Byng Street***

- Notice of Resolution - 668 Byng Street
- Plans - DVP - 668 Byng St, Feb. 5, 2017
- Mar. 20, 2017 COW Report - Manager of Planning, Mar. 13, 2017

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 668 Byng Street (Lot 2, Section 22, Victoria District, Plan 3691) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(a) Minimum Setback Front Lot Line	10.66 m	9.91 m	0.75 m
6.2.4.(2)(c) Minimum Interior Side Lot Line	1.52 m	1.32 m	0.20 m
6.2.4.(7) Distance Between Buildings and Structures	3.00 m	0.94 m	2.06 m

to accommodate the construction of a carport adjacent to an existing detached garage as shown on the plans appended to the March 20, 2017 Committee of the Whole agenda item number 10, being a memorandum from the Planner dated March 13, 2017.

No members of the public rose to speak on this item.

The question was then called.

CARRIED

18. ***Development Variance Permit Application (DVP00057) - 1934 Crescent Road***

- Notice of Resolution - 1934 Crescent Road
- Plans - DVP - 1934 Crescent Rd, Feb. 26, 2017
- Mar. 20, 2017 COW Report - Manager of Planning, Mar. 13, 2017

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1934 Crescent Road (Lot 2, Section 19, Victoria District, Plan 2820) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
<u>Detached Garage</u>			
6.5.4.(2)(a) Minimum Setback Front Lot Line	7.62 m	5.50 m	2.12m
6.5.4.(2)(c) Minimum Setback Interior Side Lot Line West	1.52 m	0.61 m	0.91 m
<u>Residence</u>			
6.5.4.(2)(c) Minimum Setback Interior Side Lot Line East	1.52 m	1.07 m	0.45 m

to accommodate the construction of a detached garage and entry way for the existing single family home as shown on the plans appended to the March 20, 2017 Committee of the Whole agenda item number 11, being a memorandum from the Planner dated March 13, 2017.

David Yamamoto, on behalf of the application, responded to questions from Council regarding the correspondence from a neighbouring resident which included concerns regarding the proposed roofline of the garage. Mr. Yamamoto clarified that changing the pitch of the roof, as requested by the neighbor, would only reduce the height by a few inches.

No members of the public rose to speak on this item.

The question was then called.

CARRIED

BYLAWS:

19. ***Bylaw Memorandum***

- Memo - Deputy Director of Corporate Services, Apr. 5, 2017

The Mayor gave an overview of the bylaw reading process.

20. ***For Setting of a Public Hearing (Zoning Amendment Application ZON00023 - Cadboro Bay Road, Bowker Avenue)***

- Bylaw No. 4680, Ninety-Seventh Zoning Bylaw Amendment Bylaw, 2017 (Cadboro Bay and Bowker)
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017, Pt. 1 of 3
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 2 of 3
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 3 of 3

21. ***For Setting of a Public Hearing (Zoning Amendment Application (ZON00024) - 1327 Beach Drive)***

- Bylaw No. 4686, Ninety-Ninth Zoning Bylaw Amendment Bylaw, 2017
- Mar. 20, 2017 COW Report - Manager of Planning, Mar. 13, 2017
- Plans - ZON - 1327 Beach Dr, Jun. 6, 2016

MOVED and seconded: That a public hearing be held on Bylaw No. 4680 and Bylaw No. 4686 in the Community Theatre at Oak Bay High School on May 3, 2017 at 6:00 PM and that notice be given in accordance with the Local Government Act.

CARRIED

22. ***For Final Reading (Efficiency and Red Tape Reduction)***

- Bylaw No. 4687, Special Events Delegation and Boulevard Encroachment Delegation Amendment Bylaw, 2017
- Mar. 20, 2017 COW Report - Deputy Director of Corporate Services, Mar. 15, 2017

MOVED and seconded: That Bylaw No. 4687, Special Events Delegation and Boulevard Encroachment Delegation Amendment Bylaw, 2017 be adopted.

CARRIED

ADJOURNMENT:

23. *Motion to Adjourn*

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:48 PM.

Certified Correct:

Mayor

Deputy Director of Corporate Services