

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, Oak Bay, B.C., on Monday April 13, 2015 following a Public Hearing at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen

Mayor Jensen called the meeting to order at 7:36 p.m.

PRESENTATIONS:

1. ***Oak Bay Fire Department Long Service Awards***

Mayor Jensen, assisted by Fire Chief David Cockle, presented long service recognition medals to Fire Fighter Duane Adsett, and Assistant Fire Chief Donald Roskelley in recognition of their many years of exemplary service to the Oak Bay Fire Department.

It was the consensus of Council to vary the order of the agenda to consider the Bylaw section of the meeting after the Minutes and Reports section.

MINUTES AND REPORTS:

2. ***Council, March 23, 2015***

MOVED by Councillor Kirby
Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Monday, March 23, 2015, be adopted.

CARRIED

BYLAWS:

22. ***Bylaw Memorandum***

- Memo - Municipal Clerk, Apr. 8, 2015

23. ***For Third Reading and Adoption (subject to the outcome of the Public Hearing)***
- Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015, be read a third time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015, be adopted.

CARRIED

24. ***For Third Reading and Adoption (subject to the outcome of the Public Hearing)***

- Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015
- Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015, Appendices to Schedule A

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015, be read a third time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015, be adopted.

CARRIED

It was the consensus of Council to vary the order of the agenda to consider Agenda Items 19 and 20 in advance of the Mayor's Remarks section of the meeting.

26. ***Community Heritage Register - 1405 St. Patrick Street***

- Resolution Notice - Community Heritage Register Addition – 1405 St. Patrick Street
- Statement of Significance – 1405 St. Patrick Street

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the Oak Bay Community Heritage Register be augmented by adding the real property, 1405 St. Patrick Street, as more particularly described in the Statement of Significance attached to the resolution printed for the purposes of the April 13, 2015 Council meeting agenda.

CARRIED

27. **Community Heritage Register – 1014 St. Patrick Street**
- Resolution Notice - Community Heritage Register Addition – 1014 St. Patrick Street
 - Statement of Significance - 1014 St. Patrick Street

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the Oak Bay Community Heritage Register be augmented by adding the real property, 1014 St. Patrick Street, as more particularly described in the Statement of Significance attached to the resolution printed for the purposes of the April 13, 2015 Council meeting agenda.

At the invitation of the Mayor, Ms. Pam Copley, owner, expressed her support for the inclusion of properties on the heritage register and the value to both property owners and the Municipality of providing additional protection for heritage dwellings.

The question was then called.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

Carnarvon Ball Club

Mayor Jensen offered thanks to Councillor Murdoch who, in the Mayor's absence, threw the first pitch for the opening game of the Carnarvon Ball Club's 2015 season.

Association of Vancouver Island Coastal Communities (AVICC) – 2015 Annual General Meeting

The Mayor provided an update on the AVICC 2015 Annual General Meeting, noting that the District of Oak Bay's resolution requesting resources for local governments addressing deer overpopulation was endorsed and will be sent forward to the annual convention of the Union of British Columbia Municipalities. In concluding his remarks, Mayor Jensen highlighted other resolutions that received endorsement.

PUBLIC PARTICIPATION PERIOD:

4. No speakers rose to address Council.

COMMUNICATIONS:

5. ***Special Event Application - Request for Temporary Occupancy of Beaches, Apr. 18, 2015***

- Note - Municipal Clerk - Gonzales Cooperative Preschool Beach Clean-Up, April 18, 2015
- Sp Event App - Gonzales Cooperative Preschool, Park and Beach Clean up - Event date Apr. 18, 2015

Sarah Loos, Gonzales Cooperative Preschool, was in attendance with respect to the application.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the occupancy of beaches on April 18, 2015 for the purposes of holding a beach clean-up as described in the submission from the Gonzales Cooperative Preschool dated March 26, 2015, be approved, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

6. ***Special Event Application - Request for Temporary Occupancy & Commercial Activity, Oak Bay Avenue Sidewalks, May 23, 2015***

- Note - Municipal Clerk - BIA - Sidewalk Sale, May 23, 2015
- Sp Event App - BIA Spring Sidewalk Sale - Event date May 23, 2015

Heather Leary, Oak Bay Business Improvement Association, was in attendance with respect to the application.

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That whereas, pursuant to the Zoning Bylaw, Council has made the determination that the Spring Sidewalk Sale, including the sales of goods and refreshments, will be of general benefit to the adjacent business district and will create no undue inconvenience for adjacent residents or the public at large, approval be given to the Oak Bay Business Association to hold the event, as described in their application March 12, 2015, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

7. ***Special Event Application - Request for Temporary Occupancy & Commercial Activity, Oak Bay Avenue, Jun. 10, Jul. 8, Aug. 12 & Sept. 9, 2015***

- Note - Municipal Clerk - BIA - Night Markets, June 10, July 8, August 12, Sept 9, 2015
- Sp Event App - BIA Night Markets - Event dates, Jun. 10, Jul. 8, Aug. 12 & Sep. 9, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the occupancy of Oak Bay Avenue between Wilmot Place and Monterey Avenue, and the occupancy of the front lawn of the Municipal Hall on June 10, July 8, August 12 and September 9, 2015 for the purposes of holding a Night Market, be approved as described in the application from the Oak Bay Business Improvement Association received February 24, 2015, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
4. agree to give sufficient notice to all residents along the proposed route;

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

Heather Leary, Oak Bay Business Improvement Association (BIA), responded to questions from Council with respect to the proposed occupancy, noting that there is limited availability at the night markets to accommodate all interested charitable organizations while providing sufficient space for business vendors.

The question was then called.

CARRIED

8. ***Special Event Application - Request for Temporary Occupancy of Roadways, May 24, 2015***

- Note - Municipal Clerk - Kool Oak Bay Half Marathon, May 24, 2015
- Sp Event App - Kool Oak Bay Half Marathon - Event date, May 24, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the occupancy of roads on May 24, 2015 for the purposes of holding the Kool Oak Bay Half Marathon as described in the submission from the Frontrunners Athletic Club dated January 28, 2015, be approved, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
4. agree to give sufficient notice to all residents along the proposed route;

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

Nick Walker, Frontrunners Athletic Club, responded to questions from Council, confirming that the use of the amplification system for the early start of the race can be restricted to address complaints from residents.

The question was then called.

CARRIED

9. ***Request from Oak Bay Arts Laureate for One-Third Funding for Salish Sea Sculpture***
- Note - Municipal Treasurer - Request from Oak Bay Arts Laureate
 - Corresp. - Oak Bay Arts Laureate, rcvd, Apr. 7, 2015

Mayor Jensen provided an overview of the request by the Oak Bay Arts Laureate with respect to the Salish Sea Sculpture.

Barbara Adams, Oak Bay Arts Laureate, responded to questions from Council with respect to the community support for the art piece and the options for permanent installation. It was noted that, depending on the type of installation chosen, the actual cost to Municipality may be different than currently proposed, and that further information in this regard would be provided should the item proceed to the Estimates Committee.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the funding request of \$9,000 for the Salish Sea sculpture be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

10. ***Assistance with City of Victoria Multiplex Debt Payments***
- Report - Municipal Treasurer, Mar. 28, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That Council direct staff to inform the City of Victoria that, after ten years of assisting with the City of Victoria's multiplex debt payments, it has determined that this assistance will no longer be provided.

CARRIED

11. ***Request for Expenditure for Repairs to Bowker Hall***
- Note - Municipal Clerk - Guide Hall, April 9, 2015
 - Report - Operations Manager, Apr. 10, 2015
 - Corresp. - Girl Guides of Canada, Mar. 18, 2015

Anna Dzioba and Caryn Fischer, Girl Guides of Canada – Bowker Hall Committee, circulated an overview of the proposed multi-phase project for repairs to Bowker Hall. It was noted that, as requested, the drainage issue needs to be addressed before any further repairs are undertaken.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the request for funding for the proposed first phase of repairs to the Guide Hall (Bowker Hall) be referred to Council's Estimates Committee for consideration during budget deliberations.

The Municipal Treasurer confirmed that further information with respect to the condition of the building could be provided at Estimates Committee.

The question was then called.

CARRIED

12. ***Requests for Financial Assistance - Chinese Consolidated Benevolent Association***

- Note - Municipal Clerk - Chinese Consolidated Benevolent Association - Request for Financial Assistance
- Corresp. - Chinese Consolidated Benevolent Association, Mar. 27, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the request for financial assistance from the Chinese Consolidated Benevolent Association to increase the annual grant from \$2,500.00 to \$5000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

In response to questions from Council, the Municipal Treasurer noted that additional information on the costs associated with the upkeep of the Chinese Cemetery could be provided at Estimates Committee.

CARRIED

13. ***Heritage Alteration Permit Application - 2408, 2402, 2396, 2390 San Carlos Place***

- Report - Director of Building and Planning, Apr. 8, 2015 and Statement of Significance
- Corresp. - Patio Court Developments Ltd., Mar. 12, 2015
- Heritage Conservation Plan, Donald Luxton and Associates Inc., Feb. 6, 2015
- Landscape Concept Plans, rcvd, Feb. 6, 2015

The Director of Building and Planning gave an overview of his report.

Bill Patterson, Patio Court Developments Ltd., responded to questions from Council with respect to the proposal noting that the intention is to maintain as much of the existing plantings as possible while enhancing and maintaining the heritage aspects of the property. He noted that the proposal would also address the need for adequate parking on the property.

With respect to the pathway that previously crossed the property, Mr. Patterson noted that the pathway would not be reopened due to the impact on the residents' privacy.

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the application for a Heritage Alteration Permit in respect of 2390, 2396, 2402, and 2408 San Carlos Place be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

NEW BUSINESS/CAPITAL REGIONAL DISTRICT/REPORTS FROM OTHER COMMITTEES:

14. ***Reports from Other Committees***

Verbal reports were provided from members of Council with respect to the activities of the Oak Bay Heritage Commission and the Greater Victoria Public Library. Attention was also drawn to the ongoing Estimates Committee meetings.

Reports on the Capital Regional District (CRD)

A verbal report was provided with respect to the Core Area Liquid Waste Management Committee.

TABLED RESOLUTIONS:

15. ***Development Variance Permit (DVP) Application - 2301 Lansdowne Road***

- Tabled Resolution Notice - DVP - 2301 Lansdowne Road
- Plans - DVP - 2301 Lansdowne Rd - rcvd, Jan. 30, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2301 Lansdowne Road (Lot 35, Section 31, Victoria District, Plan 7700) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.15.1	< 25%	42.9 %	17.9 %
Maximum paved surface (front yard)	54 m ²	92.71 m ²	38.68 m ²

to accommodate the construction of a second driveway as shown on the plans appended to the March 16, 2015 Committee of the Whole agenda item number 5, being a memorandum from the Director of Building and Planning dated March 11, 2015.

CARRIED

Michael Miller, Oak Bay resident, expressed his concerns regarding the application, noting that as his property is immediately to the east, it is negatively impacted by the potentially displaced stormwater from the increase in paving. Mr. Miller noted that there had already been flooding issues on his property following the removal of hedges on the site. He stated that the proposed driveway is located very near a Cypress hedge that could be impacted by construction. He concluded his remarks by noting that this variance would result in the loss of green space, which should be a consideration for Council.

Edward Wong, applicant, responded to comments from the public and Council, noting that he would be willing to consider various mitigation measures to address the concerns of the neighbouring residents, including connection to the front storm drain, the use of permeable pavers and sloping the paving away from the Cypress hedge.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 2301 Lansdowne Road be tabled to the Council meeting on May 11, 2015 to allow the applicant to discuss potential measures to mitigate the impact on the neighbouring property.

CARRIED

16. ***Development Variance Permit (DVP) Application - 3611 Cadboro Bay Road***

- Tabled Resolution Notice - DVP -3611 Cadboro Bay Road
- Plans - DVP - UBP - 3611 Cadboro Bay Rd, rcvd, Dec. 15, 2015 #1
- Plans - DVP - UBP - 3611 Cadboro Bay Rd, rcvd, Dec. 15, 2014 #2
- Plans - DVP - UBP - 3611 Cadboro Bay Rd, rcvd, Feb. 3, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3611 Cadboro Bay Road (Lot 2, Block 2, Section 31, Victoria District, Plan 1216A except Parcel A (DD 47977W)) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 <i>Maximum paved surface (front yard)</i>	< 25% 65 m ²	37.5% 136 m ²	12.5% 71 m ²
4.17.1 <i>Retaining wall height</i>	< 1.20 m	2.4 m 2.5 m 1.6 m	1.2 m 1.3 m 0.4 m
4.17.2 and 4.17.3 <i>Retaining wall combination</i>	< 1.2 m	2.6 m 2.4 m 2.5 m	1.4 m 1.2 m 1.3 m

to accommodate the construction of a single family dwelling as shown on the plans appended to the March 16, 2015 Committee of the Whole agenda item number 10, being a memorandum from the Director of Building and Planning dated March 11, 2015.

CARRIED

A representative for the application was available to respond to questions.

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

17. ***Development Variance Permit (DVP) Application - 687 Island Road***

- Tabled Resolution Notice - DVP - 687 Island Road
- Plans - DVP - 687 Island Rd - rcvd, Feb. 3, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 687 Island Road (Lot 18, Section 22, Victoria District, Plan 2994) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(7) <i>Space between buildings</i>	3.00 m	1.85 m	1.15 m
6.5.4.(8) <i>Side lot line setback</i>	1.52 m	0.82 m	0.70 m

to accommodate the construction of an accessory building as shown on the plans appended to the March 16, 2015 Committee of the Whole agenda item number 11, being a memorandum from the Director of Building and Planning dated March 11, 2015.

CARRIED

A representative for the application was available to respond to questions.

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

18. ***Development Variance Permit (DVP) Application - 572 Island Road***

- Tabled Resolution Notice - DVP - 572 Island Road
- Plans - DVP - 572 Island Rd - rcvd, Mar. 9, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 572 Island Road (Lot 3, Section 22, Victoria District, Plan VIS2473) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

Zoning Bylaw Section	Permitted	Requested	Variance
6.4.4.(6)(a) <i>Maximum gross floor area above .8meters below grade</i>	300 m ²	415 m ²	115 m ²
6.4.4.(6)(a) <i>Maximum gross floor area</i>	420 m ²	602 m ²	182 m ²

To accommodate the floor area with the addition of a closet, bathroom and small deck on the upper two floors and an additional patio area under the rear deck as shown on the plans appended to the March 23, 2015 Council agenda.

CARRIED

A representative for the application was available to respond to questions.

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

21. ***Confirmation of 2015 Citizen Volunteer Appointments***

- Resolution Notice - Confirmation of 2015 Citizen Volunteer

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the following appointments be confirmed for the remainder of the terms commencing 2015 in accordance with the respective enactments or agreements governing them:

Advisory Design Panel

- Jennifer Deacon
- Lynn Gordon-Findlay
- James Kerr
- Patricia Wilson

Arts Laureate

- Barbara Adams

Board of Variance

- James Murtagh

Heritage Commission

- Richard Collier
- Cairine Green
- Joan Heagle
- Robert Taylor

Heritage Foundation

- Phebe Chartrand
- Marion Cumming
- Joan Heagle
- Paul Maurenbrecher
- Jane Nielsen
- Margaret Palmer
- Bronwyn Taylor
- Robert Taylor
- Phyllis Thompson
- Patricia Wilson

Parks and Recreation Commission

- Linda Allen
- Alison Davis
- Victor Lotto
- Sandi Piercy

Tourism Committee

- Ken Agate
- Brian Dolsen
- Heather Holmes
- Joan Peggs
- Barry Thomas
- Kris Morash
- Derek Vair
- Shawna Walker

Wall of Fame Selection Committee

- Victor Lotto
- Sandi Piercy

CARRIED

ADJOURNMENT:

Motion to Adjourn to In Camera Session

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: information that is personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; labour relations or other employee relations; information that is prohibited, or information that if it were presented in a document would be prohibited from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act; and the acquisition, disposition or expropriation of land or improvements, if Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

The meeting adjourned at 9:35 p.m.

Certified Correct

Municipal Clerk

Mayor