

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 8, 2013 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman  
Councillor P. Copley  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Municipal Administrator, G. Nason  
Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Municipal Treasurer, P. Walker  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

*Special Council – March 25, 2013*

MOVED by Councillor Ney  
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, March 25, 2013, be adopted.

CARRIED

*Council – March 25, 2013*

MOVED by Councillor Copley  
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, March 25, 2013, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen noted that there will be a significant number of consultation sessions with respect to the Official Community Plan renewal process, and that, if Council wishes to proceed with a Neighbourhood Meeting, consideration should be given to a date.

It was the consensus of Council that staff undertakes the necessary arrangements to hold a Neighbourhood Meeting within the first two weeks of June 2013.

The Mayor offered his congratulations to the Monterey Centre Notables on their recent performance and noted that the Association of Vancouver Island and Coastal Communities (AVICC) is holding their 2013 Annual General Meeting and Convention next week, which most members of Council will be attending. He concluded his remarks by noting that he was honoured to have been asked to attend the Community Association of Oak Bay's recent Annual General Meeting.

PUBLIC PARTICIPATION PERIOD:

Tom Croft, President, Community Association of Oak Bay, offered his thanks to the Mayor for attending the recent Annual General Meeting. He also thanked Councillor Green for providing background information on the Official Community Plan Renewal Process.

COMMUNICATIONS:

1. 2013-101 DIRECTOR OF PARKS AND RECREATION, April 8, 2013  
Re Early Capital Approval – Dolphin Pool Vacuum, Turnstiles, Prep Table Cooler

*(Ray Herman, Director of Parks and Recreations in attendance for this item)*

MOVED by Councillor Herbert

Seconded by Councillor Green, That Council give early approval to purchase:

1. a dolphin pool vacuum at a cost of \$4,700;
2. turnstiles at a cost of \$55,000; and
3. a Prep Table Cooler at a cost of \$3,200.

CARRIED

2. 2013-102 DIRECTOR OF PARKS AND RECREATION, April 8, 2013  
Re Tender Award – Four-Court Tennis Bubble Replacement

*(Ray Herman, Director of Parks and Recreation in attendance for this item)*

The Director of Parks and Recreation noted that an issue has arisen with respect to replacing the tennis bubble and that this issue needs to be addressed before awarding the contract.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That further consideration of the contract for the replacement and removal of the four-court tennis bubble be deferred pending a subsequent report from the Director of Parks and Recreation.

CARRIED

3. 2013-103 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, March 21, 2013  
Re 2013 Budget and 2012 Financial Statements

Heather Leary, Project Manager, Oak Bay Business Improvement Association, provided an overview of the activities and responsibilities of the Oak Bay Business Improvement Association.

Ms. Leary responded to questions from Council with respect to the Association's reprinting of the banners and participation in the Arts Laureate program.

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That Council approve the budget submitted by the Oak Bay Business Improvement Association for the 2013 calendar year as outlined in the March 21, 2013 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 \$76,000 to be recovered by means of a local service tax in that amount.

CARRIED

4. 2013-104 MUNICIPAL ADMINISTRATOR, March 22, 2013  
Re Bowker Avenue Water Main Break

The Municipal Administrator reviewed his March 22, 2013 memorandum, which was provided in response to the recommendation in the January 14, 2013 report from the former Municipal Administrator requiring an additional report to Council on the corrective actions taken following the Bowker Avenue Water Main Break. Mr. Nason reviewed the status update for each corrective action, noting that he had engaged staff from Engineering, Public Works, Police and Fire as appropriate for comment on the status updates.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the March 22, 2013 memorandum of the Municipal Administrator, correspondence item no. 2013-104, be received for information.

CARRIED

5. 2013-105 MUNICIPAL ADMINISTRATOR, April 8, 2013  
2013-105-1 MIKE WILMUT, April 8, 2013  
Re Official Community Plan Renewal Project

The Municipal Administrator provided an overview of his April 8, 2013 memorandum, outlining the process undertaken to date with respect to the Official Community Plan (OCP) Renewal Project. Mr. Nason drew Council's attention to Appendix A of his report, the draft "District of Oak Bay Official Community Plan Project Charter", noting that in addition to the project management details and engagement process proposed in the draft Charter, Council should consider if it is supportive of the timeline which lays out the proposed project schedule. He concluded his remarks, noting that a master invitation list is being compiled in anticipation of the visioning sessions to be held at the end of May.

At the invitation of Council, Mike Lloyd, member of the Official Community Plan (OCP) Project Advisory Committee, stated that it is important to have the draft Charter endorsed in principle. Mr. Lloyd noted that many different methods of consultation will be undertaken and that the OCP Project Advisory Committee is supportive of how the process has been structured by the consultant.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the draft "District of Oak Bay Official Community Plan Project Charter" attached as Appendix A to the April 8, 2013 memorandum of the Municipal Administrator, correspondence item no. 2013-105, be endorsed in principle.

A discussion ensued with respect to the draft Charter. Some members of Council expressed concern that the Public Open Houses would occur in the fall while the Vision Sessions would occur in the spring and that the survey would be sent to a random sample of residents and not to all residents of the Municipality. The majority of Council spoke in favour of the draft Charter, commenting on the support of the OCP Project Advisory Committee, the importance of proceeding in a timely fashion, and the opportunity to fine-tune details as the process proceeds.

In response to Council's comments, Mr. Nason noted that a meeting of the OCP Project Advisory Committee is being held this upcoming Thursday, at which the consultant would be available by speakerphone. He stated that this would be a good opportunity to receive feedback from the Committee and the consultant regarding the concerns raised by members of Council with respect to moving the implementation of the community survey and holding the Public Open Houses earlier in the process, as well as sending the survey to all residents or increasing the sample size.

It was noted that the Thursday meeting of the OCP Project Advisory Committee would also be a good opportunity to hear from interested members of the public.

The question was then called.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Green, That the second option for the branding for the Official Community Plan Renewal Project be endorsed in principle, with the wording altered from “Choosing your future” to “Choosing our future” and with a different image to be used other than the acorn.

CARRIED

6. 2013-106 DIRECTOR OF BUILDING AND PLANNING, April 3, 2013  
Re Floor Area Review Committee

MOVED by Councillor Herbert

Seconded by Councillor Green, That a standing committee consisting of three members with expertise in the area of land use regulations, the Chair of the Land Use and Planning Section of the Committee of the Whole, one Councillor and the Director of Building and Planning be established to:

- Review the permitted size of residential dwellings in RS-4 and RS-5 zones;
- Review other jurisdictions method of regulating floor areas;
- Review the fixed floor area method and possible ways to address the inconsistencies of the method as it relates to smaller lots;
- Review the floor area ratio method, with exclusion or exemption of floor area by formula, addressing homes older than January 1993;
- Consider how floor area regulations impact environmentally-friendly building practices;
- Consider the benefits and impacts of measuring gross floor area from the interior of the outside wall of a dwelling;
- Consider the extent of the public engagement required at the committee level for this process;
- Consider whether further planning input is required before a final recommendation is made to Council; and
- Advise Council on the options available and make a recommendation on the most appropriate regulatory method.

CARRIED

7. 2013-107 OAK BAY HERITAGE COMMISSION, March 19, 2013  
Re Minutes of Meeting

MOVED by Councillor Kirby

Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Commission meeting held March 19, 2013, be received.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA

8. 2013-108 ANDREW OGLE & JANICE CAIN, April 3, 2013  
Re Development Variance Permit – 2280 Florence Street

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That correspondence item no. 2013-108 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Councillor Kirby noted that nominations for the Young Exceptional Star Awards (YES Awards) are currently being accepted for children in grades 6 through 10. The YES Awards, she noted, will be presented on May 8, 2013.

TABLED:

***2321 Lansdowne Road***

MOVED by Councillor Herbert  
Seconded by Councillor Green, 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 2321 Lansdowne Road (Lot 37, Section 31, Victoria District, Plan 7700), varying the following provision 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. (6) (b) <i>Maximum gross floor area above .8 meters below grade</i>	360 m <sup>2</sup>	552 m <sup>2</sup>	192 m <sup>2</sup>
6.4.4. (6) (b) <i>Maximum gross floor area</i>	480 m <sup>2</sup>	552 m <sup>2</sup>	72 m <sup>2</sup>

*to accommodate the existing non-conforming lower deck as shown on the plans appended to Committee of the Whole agenda item 2013-76 being a memorandum from the Director of Building and Planning dated March 11, 2013.*

Hal Yacowar, owner, was present 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

***2028 Runnymede Avenue***

MOVED by Councillor Herbert  
Seconded by Councillor Green, 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 2028 Runnymede Avenue (Lot B, Section 47, Victoria District, Plan 20683), varying the following provision 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. (6) (b) Maximum gross floor area above .8 meters below grade	360 m <sup>2</sup>	500.7 m <sup>2</sup>	140.7 m <sup>2</sup>
6.4.4. (6) (b) Maximum gross floor area	480 m <sup>2</sup>	500.7 m <sup>2</sup>	20.7 m <sup>2</sup>

*to accommodate the construction of a raised patio area as shown on the plans appended to Committee of the Whole agenda item 2013-77 being a memorandum from the Director of Building and Planning dated March 11, 2013.*

Heather Sweeney, owner was present 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

**2280 Florence Street**

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 2280 Florence Street (Lot 34, Block 1, Section 28, Victoria District, Plan 915), varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:*

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (6) (a) Maximum gross floor area above .8 meters below grade	240 m <sup>2</sup>	319 m <sup>2</sup>	79 m <sup>2</sup>

*to accommodate the renovation to the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2013-78 being a memorandum from the Director of Building and Planning dated March 13, 2013.*

Melanie and Eric Penner, owners, were present 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

**2405 Hamiota Street**

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 2405 Hamiota Street (Lot 8, Block 2, Section 61, Victoria District, Plan 876), varying the following provision of Bylaw No. 3540, Parking Facilities Bylaw, 1986, as amended:*

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule "A", A.1.(a) Maximum number of parking spaces	2 (one must be in a building)	1 (space not in a building)	1 covered parking space

*to accommodate the basement development and elimination of a covered parking space as shown on the plans appended to Committee of the Whole agenda item 2013-79 being a memorandum from the Director of Building and Planning dated March 14, 2013.*

Janice Achtem, owner, was present 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

**2423 Beach Drive**

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 2423 Beach Drive (Lot 18, Block 14, Section 2, Victoria District, Plan 379), varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:*

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (2) (e) Minimum total of side lot lines setbacks	4.57 m	4.35 m	.22 m
6.5.4. (6) (a) Maximum gross floor area above .8 metres below grade	240 m <sup>2</sup>	305 m <sup>2</sup>	65 m <sup>2</sup>
6.5.4. (11) Minimum second storey side lot line setback (North Side)	3.0 m	1.82 m	1.18 m
6.5.4. (11) Minimum second storey side lot line setback (South Side)	3.0 m	2.53 m	.47 m

*to accommodate the basement development as shown on the plans appended to Committee of the Whole agenda item 2013-80 being a memorandum from the Director of Building and Planning dated March 14, 2013.*

Nigel Banks, Banks Design and Archie Riddell, owner, were present 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

***3063 Larkdowne Road***

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 3063 Larkdowne Road (Lot 31, Section 31, Victoria District, Plan 7700), varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:*

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (2) (e) <i>Minimum total of side lot line setbacks</i>	4.57 m	4.42 m	0.15 m

*to accommodate the reconstruction of an existing non-conforming rear deck as shown on the plans appended to Committee of the Whole agenda item 2013-81 being a memorandum from the Director of Building and Planning dated March 14, 2013.*

Paul Macoun, co-owner, was present 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

RESOLUTIONS:

***Subdivision Approving Officer Designation***

MOVED by Councillor Herbert

Seconded by Councillor Green, That the appointment of Mark A. Brennan as Approving Officer for the District of Oak Bay, made December 13, 2010, be rescinded, and that the appointment of Roy Thomassen as Deputy Approving Officer for the District of Oak Bay made October 14, 2008, be rescinded, and that Roy Thomassen, Director of Building and Planning, be appointed as the Approving Officer and that Gary Nason, Interim Chief Administrative Officer, be appointed as the Deputy Approving Officer for the District of Oak Bay pursuant to the *Land Title Act*.

CARRIED



BYLAWS:

***For Adoption***

MOVED by Councillor Copley  
Seconded by Councillor Kirby, That Bylaw No. 4583, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2013*, be adopted.

CARRIED  
*(Councillors Herbert and Murdoch against the motion)*

ADJOURNMENT:

MOVED by Councillor Kirby  
Seconded by Councillor Murdoch, That the Council meeting be adjourned.

CARRIED

The meeting adjourned 9:27 p.m.

Certified Correct:

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Municipal Clerk

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Mayor