

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 14, 2014 at 7:30 p.m.

PRESENT: Mayor, N. Jensen, Chair  
Councillor P. Copley  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby (arrived at 7:35 p.m.)  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Municipal Administrator, H. Koning  
Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, C. Denomme  
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 REPORT:

*Public Hearing – March 11, 2014*

MOVED by Councillor Ney  
Seconded by Councillor Herbert, That the report of the Public Hearing held on Tuesday, March 11, 2014, be adopted.

CARRIED

ADOPTION OF MINUTES:

*Council – March 24, 2014*

MOVED by Councillor Ney  
Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Monday, March 24, 2014 be adopted.

CARRIED

*Special Council – March 31, 2014*

MOVED by Councillor Copley  
Seconded by Councillor Murdoch, That the minutes of the Special Council meeting held on Monday, March 31, 2014, be adopted.

CARRIED

*Estimates Committee – April 7, 2014*

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the minutes of the Estimates Committee meeting held on Monday, April 7, 2014, be adopted.

CARRIED

*Special Council – April 8, 2014*

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the minutes of the Special Council meeting held on Tuesday, April 8, 2014, be adopted.

CARRIED

MAYOR'S REMARKS:

*Carnarvon Ball Club*

Mayor Jensen reported that baseball season is now underway at Carnarvon Park and he was invited to throw out the first pitch. He commented that the park is in great shape and the volunteers have done a wonderful job.

*Association of Vancouver Island Coastal Communities*

Mayor Jensen said Council took part in the AVICC Conference in Parksville that was attended by Mayors and Councils from Vancouver Island. He commented that there were a number of resolutions on a variety of topics, which included one on Climate Change from Councillor Kirby which has gone to the executive of AVICC for consideration.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2014-112 MANAGER, ADMINISTRATIVE SERVICES, PARKS AND RECREATION, April 14, 2014  
Re Request for Fitness Strength Equipment Purchase Approval

*(Ray Herman, Director of Parks and Recreation and Grant Brown, Manager, Administrative Services, Parks & Recreation, in attendance for this item).*

Councillor Herbert declared a conflict inasmuch as he is a relative of one of the equipment providers, and left the meeting at 7:35 p.m.

Mayor Jensen gave an overview of the report of the Manager, Administrative Services, Parks and Recreation.

A discussion ensued regarding the financial information and Mr. Brown answered questions from Council.

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That approval be given to purchase the following fitness strength equipment:

1. select pieces from Fitness Town (\$42,335.)
2. select pieces from Lifestyle Fitness (\$35,228)
3. a NuStep from Beyond the Basics Fitness (\$7,972)
4. an Upper Body Ergometer from Technogym Fitness (\$3,893)

for a total of \$89,428, and further that the purchase be financed through a Municipal Finance Authority lease.

CARRIED

Councillor Herbert returned to the meeting at 7:40 p.m.

2. 2014-113 DIRECTOR OF BUILDING AND PLANNING, April 8, 2014  
Re Application for Heritage Designation – 2470 Bowker Avenue

Mayor Jensen gave an overview of the report.

Applicants Thomas and Barbara Eadie were present to answer any questions.

MOVED by Councillor Green

Seconded by Councillor Copley, That the request for Heritage Designation of 2470 Bowker Avenue be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

3. 2014-114 DIRECTOR OF BUILDING AND PLANNING, April 8, 2014  
Re Application for Heritage Designation – 1220 Transit Road

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for Heritage Designation of 1220 Transit Road be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

4. 2014-115 DIRECTOR OF BUILDING AND PLANNING, March 12, 2014  
Re Official Community Plan Amendment and Rezoning Application  
– 2280 Estevan Avenue

*(Hope Burns, Consulting Planner, in attendance for this item)*

The applicant, Carl Peterson reviewed the proposal, which has been before Council previously, making note of the changes to the size of the duplex since the 2012 application was considered. He said that the neighbours had been notified of the amended application with only one person objecting to the proposal.

A discussion ensued regarding the changes and reduction in size of the duplex and whether it was appropriate to have a duplex in that particular area. While some members of Council suggested deferral until the Floor Area Review had been completed, it was felt overall that further consideration of the project did not need to be delayed for this purpose. It was also noted that the application, in staff's opinion, does not require an Official Community Plan amendment.

MOVED by Councillor Ney

Seconded by Councillor Green, That the Rezoning Application for 2280 Estevan Avenue, as outlined in the memorandum of the Director of Building and Planning dated March 12, 2014, correspondence item no. 2014-115, be referred to the Advisory Design Panel for review and a recommendation to Council.

CARRIED

5. 2014-116 ACTIVE TRANSPORTATION ADVISORY COMMITTEE,  
March 4, 2014  
Re Minutes of Meeting

Attention was drawn to the note from the Municipal Treasurer regarding the Committee's recommendation in relation to transferring unspent funds to a reserve fund.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the minutes of the Active Transportation Advisory Committee from March 4, 2014 be received.

CARRIED

6. 2014-117 DIRECTOR OF ENGINEERING SERVICES, April 14, 2014  
Re Authorization to Apply to the CRD Active Transportation Innovative Infrastructure Funding Program

Mayor Jensen gave an overview of the report.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That:

- 1) approval be given for any two of the projects as outlined in the memorandum of the Director of Engineering Services dated April 14, 2014, correspondence no. 2014-117;
- 2) That the Director of Engineering be authorized to submit an application for funding to the Capital Regional District for two of the projects; and
- 3) That Council endorse the reduced bike lane width should that project go forward.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

7. 2014-118 BRUCE MORE, April 11, 2014  
Re Development Variance Permit - 2527 Nottingham Road
8. 2014-119 JAMES AND FAITH COLLINS  
Re Development Variance Permit – 2765 Lansdowne Road

9. 2014-120 RICHARD LAMPERSTORFER, April 14, 2014  
Re Development Variance Permit – 526 Beach Drive

MOVED by Councillor Green

Seconded by Councillor Copley, That correspondence items no. 2014-118 to no. 2014-120 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*Official Community Plan Renewal Project*

Councillor Copley said that the next Open House to review the draft policies is May 31, 2014 and more information will be posted on the website when available.

*Floor Area Review Committee*

Councillor Murdoch reported that the next Floor Area Review public consultation opportunity is on April 23, 2014 with two sessions: 3:30 pm – 5:00 pm and 7:00 pm – 8:30 pm.

*Creek and Career Planning Workshop – Bowker Creek Watershed*

Councillor Kirby said she attended a Creek and Career Planning Workshop where she learned about stormwater treatment, the Bowker Creek watershed and how the environment has changed over the years.

*Oak Bay High School*

Councillor Kirby reported that the Oak Bay High School is raising funds for the theatre by selling seats, encouraging all to consider how they could contribute.

*Royal and McPherson Theatres Society – 100<sup>th</sup> Anniversary*

Councillor Green said the Anniversary celebrations for the Society will take place May 18 – 25, 2014 and tickets are still available.

*CRD Board*

Mayor Jensen reported that the CRD Board has made the decision not to allow kitchen scraps to be added to the landfill, and will enter into a contract for composting the kitchen scraps.

Mayor Jensen also reported that the Capital Regional District is sending a letter sent to the Ministry of Environment to ask the Minister to intervene in the wake of Esquimalt Council's decision to deny the required zoning amendment to accommodate the sewage treatment plant in its proposed location in Esquimalt.

*Oak Bay Police Board*

Mayor Jensen said that the swearing in ceremony for the new Chief Constable is on April 22, 2014 at 10:00 a.m. in the Council Chamber and everyone is welcome to attend.

*YES (Young Exceptional Students) Awards*

Councillor Kirby reported that 10 people have been selected as recipients for the award. The awards will be presented on May 7, 2014 with a former recipient as a speaker, she said.

**TABLED:**

***Development Variance Permit - 1180 Beach Drive***

MOVED by Councillor Murdoch

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

*That:*

- a) *Spending approval for the proposed fence around the north, east and south boundaries of the Native Plant Park, 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) with funding to come from the bequest of up to \$25,000.00 to be approved, subject to the issuance of a Development Variance Permit to vary the fence height requirements noted below;*
- b) *The Director of Building and Planning be authorized to issue a Heritage Alteration Permit for the erection of the fence around the north, east and south boundary of the Native Plant Park, 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) as shown on the plan appended to Committee of the Whole agenda item 2014-73 being a memorandum from the Director of Building and Planning dated March 12, 2014, subject to the issuance of a Development Variance Permit to vary the fence height requirements of the Screens and Fences Bylaw as described below; and*
- c) *That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) varying the following provision of Bylaw No. 3536, Screens and Fences Bylaw, 1986 as amended:*

<u>Screens and Fence Bylaw Section(s)</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.1 <i>Maximum height of fence on corner lot for a distance of 7.62 m (north and east side)</i>	1.00 m	2.44 m	1.44 m
6.2 + 6.4 <i>Maximum height of fence abutting a street (north side, east side and within 7.6 m (25 ft) of the front lot line on the south side)</i>	1.84 m	2.44 m	0.60 m

*to permit the erection of a fence on the north, east and south boundary of the property as shown on the plan appended to Committee of the Whole agenda item 2014-73 being a memorandum from the Director of Building and Planning dated March 12, 2014; and*

- 1. That the resolution adopted February 11, 2014, authorizing issuance of a Development Variance Permit for 1180 Beach Drive for the erection of a fence, in accordance with the plans and related variances to the Screens and Fences Bylaw considered by Council on January 27, 2014, be rescinded.*

CARRIED

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

CARRIED

*(Councillor Ney against the motion)*

***Development Variance Permit - 2666 Dorset Road***

MOVED by Councillor Copley

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 2666 Dorset Road (Lot 16, Block 44, Section 31, Victoria District, Plan 8777) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
<i>6.2.4.(2)(c) + Schedule 'C' Minimum interior side lot line setback</i>	<i>4.27 m</i>	<i>2.95 m</i>	<i>1.32 m</i>
<i>6.2.4.(2)(e) + Schedule 'C' Minimum total of side lot line setbacks</i>	<i>10.97 m</i>	<i>6.29 m</i>	<i>4.68 m</i>

*to accommodate the enclosure of the existing carport to create an attached garage as shown on the plans appended to Committee of the Whole agenda item 2014-76 being a memorandum from the Director of Building and Planning dated March 10, 2014.*

CARRIED

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

CARRIED

***Development Variance Permit – 2765 Lansdowne Road***

MOVED by Councillor Copley

Seconded by Councillor Murdoch, 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 2765 Lansdowne Road (Lot 6, Block 22, Section 31, Victoria District, Plan 1216A) 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>
4.15.1	25%	32%	7%
Maximum paved surface (rear yard)	87.10 m <sup>2</sup>	111.50 m <sup>2</sup>	24.40 m <sup>2</sup>

*to accommodate the proposed increase in paved surface in the rear yard, as shown on the plans appended to Committee of the Whole agenda item 2014-77, being a memorandum from the Director of Building and Planning dated March 11, 2014.*

CARRIED

James Collins expressed concerns regarding the mature growth in the laneway on the east side being disturbed during construction. The Director of Building and Planning said he will have staff review the plantings to determine if protective fencing should be erected.

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

CARRIED

***Development Variance Permit - 2527 Nottingham Road***

MOVED by Councillor Murdoch

Seconded by Councillor Copley, 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 2527 Nottingham Road (Lot 1, Block 43, Section 31, Victoria District, Plan 8777) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

<u>Zoning Bylaw Sections</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(a)	3.00 m	3.87 m	0.87 m
Maximum building height (garage)			
6.2.4.(3)(b)	0.25 m	0.96 m	0.71 m
Maximum occupiable height (garage)			

*to accommodate the construction of a new single family dwelling with detached two car garage as shown on the revised plans received March 21, 2014, and printed for the purposes of the March 24, 2014 Council agenda.*

CARRIED



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

CARRIED  
(Councillor Herbert against the motion)

***Development Variance Permit - 3304 Gibbs Road***

MOVED by Councillor Green

Seconded by Councillor Murdoch, 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 3304 Gibbs Road (Lot 2, Section 31, Victoria District, Plan 11436) varying the following provisions of Bylaw No. 3540, Parking Facilities Bylaw, 1986 and Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

<u>Parking Facilities Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule "A", A.1.(a) Minimum number of parking spaces	2 spaces (one must be in a building)	2 spaces (none in a building)	no covered parking provided

Zoning Bylaw Section(s)

6.4.4.(2)(c) Minimum interior side lot line setback (pergola)	1.52 m	0.52 m	1.00 m
6.4.4.(7) Minimum clear space between buildings and structures (accessory to pergola)	3.00 m	1.14 m	1.86 m
6.4.4.(7) Minimum clear space between buildings and structures (house to pergola)	3.00 m	2.59 m	0.41 m
6.4.4.(8) Accessory building setbacks to be the same as principal building	1.52 m	0.46 m	1.06 m

*to accommodate the development of the existing carport into living space, and permit the existing pergola and accessory building on the north side of the home, as shown on the plans appended to Committee of the Whole agenda item 2014-79, being a memorandum from the Director of Building and Planning dated March 10, 2014.*

CARRIED

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

CARRIED

***Development Variance Permit - 526 Beach Drive***

The Director of Building and Planning reported that there is an inadvertent error in the variance for the second storey setback on the south side.

MOVED by Councillor Murdoch

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 526 Beach Drive (Lot 15, Section 22, Victoria District, Plan 1062) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

<u>Zoning Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4.(2)(e) Minimum total of side lot line setbacks	4.57m	3.05 m	1.52 m
6.4.4. (3)(a) Maximum building height	6.08 m	6.37 m	0.29 m
6.4.4. (7) Minimum clear space between buildings and structures (house to pool)	3.00 m	2.00 m	1.00 m
6.4.4 (10) Minimum front lot line contextual setback	12.80 m	7.62 m	5.18 m
6.4.4. (11) Minimum second storey side lot line setback (north)	3.00 m	1.52 m	1.48 m
6.4.4. (11) Minimum second storey side lot line setback (south)	3.00 m	2.68 m	1.48 m
4.15.1 Maximum paved surface (front yard)	25 % 29.50 m <sup>2</sup>	45% 53.00 m <sup>2</sup>	20% 23.50 m <sup>2</sup>

*to accommodate the construction of a new single family dwelling with in ground pool as shown on the plans appended to Committee of the Whole agenda item 2014-80 being a memorandum from the Director of Building and Planning dated March 12, 2014.*

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the motion be amended to replace the number 1.48m in the variance column, opposite Section 6.4.4. (11) Minimum second storey side lot line setback (south), with 0.32m.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 526 Beach Drive, as amended, be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

RESOLUTIONS:

***Appointment of Election Officers***

MOVED Councillor Copley

Seconded by Councillor Green, That Gary Nason be appointed as the Chief Election Officer and Lorraine Hilton the Deputy Chief Election Officer for the District of Oak Bay for the 2014 general local election.

CARRIED

***Covenant – Parking at 1510 Clive Drive/2280 Oak Bay Avenue***

MOVED by Councillor Copley

Seconded by Councillor Green, That the Mayor and the Municipal Clerk be authorized to do all acts and things necessary to execute and register at the Land Title Office, the Covenant, pursuant to Section 219 of the *Land Title Act*, substantially in the form attached to the resolution printed for the purposes of the April 14, 2014 Council meeting agenda, in respect to Lots 10 and 11, Section 69, Victoria District, Plan 1156 (1510 Clive Drive/2280 Oak Bay Avenue).

CARRIED

*(Councillor Herbert against the motion)*

BYLAWS:

***For Adoption***

Bylaw No. 4611

MOVED by Councillor Murdoch

Seconded by Councillor Green, That Bylaw No. 4611, *Streets and Traffic Bylaw Amendment Bylaw No. 2, 2014*, be adopted.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: 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 and labour relations or other employee relations.

CARRIED

The meeting adjourned at 9:00 p.m.

Certified Correct:

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Municipal Clerk

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Mayor