

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 28, 2014 at 7:30 p.m.

PRESENT: Mayor, N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor M. Kirby
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

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

Mayor Jensen welcomed Chief Constable Andy Brinton to the Oak Bay Police Department on behalf of Council. He said the swearing in ceremony has already taken place.

Chief Constable Brinton commented that it has been a great first week and he is looking forward to working with everyone.

AGENDA:

There was consensus to approve the amended agenda, which added correspondence item no. 2014-138, Development Permit to Amend Development Permit #02-22 – 2260 & 2272 Oak Bay Avenue.

ADOPTION OF MINUTES:

Estimates Committee – April 8, 2014

MOVED by Councillor Ney
Seconded by Councillor Murdoch, That the minutes of the Estimate Committee meeting held on Tuesday, April 8, 2014, and the recommendations contained therein, be adopted.

CARRIED

Estimates Committee - April 16, 2014

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the Estimates Committee meeting held on Wednesday, April 16, 2014, and the recommendations contained therein, be adopted.

CARRIED

Council – April 14, 2014

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Monday, April 14, 2014, be adopted.

CARRIED

Committee of the Whole – April 22, 2014

MOVED by Councillor Green

Seconded by Councillor Ney, That the minutes of the Committee of the Whole meeting held on Tuesday, April 22, 2014, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Friday Harbour

Mayor Jensen reported that he extended an Oak Bay hand of friendship to the Mayor of Friday Harbour while on his way to the *Tour De Lopez*. He met with Mayor Carrie Lacher and the Town Administrator, Duncan Wilson.

Oak Bay High School

Mayor Jensen said a group photo will be taken on Friday, May 2, 2014 at 11:00 a.m. that will be placed in a time capsule for the school.

Times Colonist 10K

Councillor Ney, as Acting Mayor, reported she had the pleasure of starting off the half marathon portion of the 25th Annual Times Colonist 10K race at Centennial Stadium with 400 runners participating.

The Royal Victoria Yacht Club

Councillor Ney, as Acting Mayor, was invited to opening day of The Royal Victoria Yacht Club on Saturday April 26, 2014. She reported the Lekwungen Chief was included in the ceremony.

PUBLIC PARTICIPATION PERIOD:

Jill Croft, resident, presented the new Chief Constable with The Oak Bay Community Green Map of Oak Bay on behalf of the Community Association of Oak Bay.

COMMUNICATIONS:

1. 2014-134 DEPUTY TREASURER, April 23, 2014
Re Machinery and Equipment Tenders

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the following tenders be awarded as recommended in the memorandum from the Deputy Treasurer dated April 23, 2014, correspondence item no. 2014-134:

PW09-2014, Utility Tractor, Prairie Coast Equipment, \$41,381.15;

PW10-2014, Skid-Steer Loader, Westerra Equipment, \$25,294.80;

PW11-2014, Commercial Cutaway Van, Metro Motors, \$52,458.00;

PW12-2014, Commercial Cargo Van, Suburban Motors, \$27,290.35;

PW13-2014, Vibratory Compact Roller, Finning, \$42,612.75;

PW14-2014, Portable Compressor, Westerra Equipment, \$17,334.00;

PW15-2014, Front Mount Mower, Prairie Coast Equipment, \$25,899.81;

PW16-2014, Asphalt Resurfacing Program, Island Asphalt Company, \$267,525.00.

CARRIED

2. 2014-135 BUSINESS IMPROVEMENT ASSOCIATION, April 23, 2014
Re Additional Occupancy Request – Oak Bay Village Spring Sidewalk Sale – May 24, 2014

Heather Leary was in attendance on behalf of the Oak Bay Business Improvement Association to respond to any questions.

MOVED by Councillor Copley

Seconded by Councillor Kirby, That the approval given on February 24, 2014 for the Oak Bay Village Spring Sidewalk Sale on May 24, 2014 be expanded to add the occupancy of the parking area on the west side of Hampshire Road from Oak Bay Avenue to the Athlone Court driveway, subject to the same terms and conditions attached to the original approval.

CARRIED

3. 2014-136 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, Jan 16, 2014
2014-136-1 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, Feb 20, 2014
Re Minutes of Meeting

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the minutes of the January 16, 2014 and February 20, 2014 Oak Bay Environmental Advisory Committee meetings be received.

CARRIED

4. 2014-138 DIRECTOR OF BUILDING AND PLANNING, April 22, 2014
Re Development Permit to Amend Development Permit #02-22
– 2260 & 2272 Oak Bay Avenue

The Director of Building and Planning gave an overview of the application.

Andrew Moyer, owner, was in attendance to respond to any questions.

MOVED by Councillor Ney

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2260 & 2272 Oak Bay Avenue to amend Development Permit #02-22 (Lot A, Section 69, Victoria District, Plan 74521), which will permit the exterior modifications to the existing building as more particularly shown on the plans attached to the memorandum from the Director of Building and planning, dated April 22, 2014, correspondence item no. 2014-138.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

5. 2014-137 BANKS DESIGN, April 23, 2014
Re Development Variance Permit – 2138 Florence Street

MOVED by Councillor Copley

Seconded by Councillor Green, That correspondence item no. 2014-137 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Official Community Plan Renewal Project

Councillor Copley reported that a meeting has been called for May 8, 2014 to review the draft policies.

The Chief Administrative Officer reported that the draft policies are being distributed to the advisory committees for feedback.

YES (Young Exceptional Star) Awards

Councillor Kirby reminded everyone that the Young Exceptional Star (YES) Awards are on Wednesday, May 7, 2014 and the tickets are \$20.00.

Community Plan for a Public System of Integrated Early Care and Learning

Councillor Kirby brought forward a resolution regarding \$10/day child care plan for Council's consideration, and there was consensus to consider it at this time rather than waiting until the next Council meeting as proposed.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the *Community Plan for a Public System of Integrated Early Care and Learning* proposed by the Coalition of Child Care Advocates of British Columbia and the Early Childhood Educators of British Columbia be endorsed.

There was a request to table the resolution to later in the meeting to allow Council time to review it.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the motion in respect to the Community Plan for a Public System of Integrated Early Care and Learning be tabled.

CARRIED

Floor Area Review Committee (FAR)

Councillor Murdoch reported that the Floor Area Review Committee public consultation sessions held on April 23, 2014 provided good feedback. He anticipated that a Committee report would be completed in 4 to 5 weeks. Councillor Murdoch thanked the members of the Committee for their dedication and commitment to the project.

TABLED:

Development Variance Permit - 526 Beach

MOVED by Councillor Green

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 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) <i>Minimum total of side lot line setbacks</i>	4.57m	3.05 m	1.52 m
6.4.4. (3)(a) <i>Maximum building height</i>	6.08 m	6.37 m	0.29 m
6.4.4. (7) <i>Minimum clear space between buildings and structures (house to pool)</i>	3.00 m	2.00 m	1.00 m
6.4.4 (10) <i>Minimum front lot line contextual setback</i>	12.80 m	7.62 m	5.18 m
6.4.4. (11) <i>Minimum second storey side lot line setback</i>	3.00 m	1.52 m	1.48 m

(north)

6.4.4. (11)

Minimum second storey side lot line setback	3.00 m	2.68 m	0.32 m
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(south)

4.15.1

	25 %	45%	20%
Maximum paved surface (front yard)	29.50 m ²	53.00 m ²	23.50 m ²

to accommodate the construction of a new single family dwelling within 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

Gregory Guarasci, owner, was in attendance to respond to any questions.

Mr. Guarasci explained the challenges with the shape of the lot when designing the new house. He said that the proposed home will be moved further from the property line than what is currently there. They want to minimize the impact on the property and will be blasting as little as possible, he said.

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

CARRIED

RESOLUTIONS:

Development Variance Permit - 362 King George Terrace

Councillor Murdoch declared a conflict inasmuch as he is the owner of the property, and left the meeting at 8:09 p.m.

MOVED by Councillor Green

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 362 King George Terrace (Lot 13 and the Southerly 13 Feet of Lot 14, Section 22, Victoria District, Plan 1048) 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>
6.5.4.(3)(a) Maximum building height	7.07 m	7.20 m	0.13 m
6.5.4.(3)(b) Maximum occupiable height	4.42 m	4.76 m	0.34 m
6.5.4.(6)(a) Maximum gross floor area above 0.8 metres below grade	240 m ²	431.50 m ²	191.50 m ²

6.5.4.(6)(a)			
Maximum gross floor area	360 m ²	431.50 m ²	71.50 m ²

to accommodate the proposed enclosure of a rear porch with main floor kitchen and family room renovations, and expansion of the top floor with new dormers, as shown on the plans appended to Committee of the Whole agenda item 2014-126, being a memorandum from the Director of Building and Planning dated April 11, 2014.

MOVED by Councillor Green

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 362 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Councillor Murdoch returned to the meeting at 8:11.

Development Variance Permit - 2045 Edgecliffe Place

MOVED by Councillor Kirby

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2045 Edgecliffe Place (Strata Lot C, Sections 23 & 68, Victoria District Strata Plan VIS6302 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V) 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%	31.20%	6.20%
Siting of paved surface (front yard)	(81.40 m ²)	(101.70 m ²)	(20.30 m ²)

to accommodate the proposed increase in paved surface of the front yard, as shown on the plans appended to Committee of the Whole agenda item 2014-127, being a memorandum from the Director of Building and Planning dated April 14, 2014.

MOVED by Councillor Kirby

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2045 Edgecliffe Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 2138 Florence Street

MOVED by Councillor Kirby

Seconded by Councillor Coley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2138 Florence Street (Lot 28, Block 1, Section 28, Victoria District, Plan 915) 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>
6.5.4.(3)(b) Maximum occupiable height	4.25 m	5.03 m	0.78 m
6.5.4.(6)(a) Maximum gross floor area above 0.8 metres below grade	240 m ²	280.20 m ²	40.20 m ²

to accommodate the proposed addition of a top floor above the kitchen, as shown on the plans appended to Committee of the Whole agenda item 2014-128, being a memorandum from the Director of Building and Planning dated April 14, 2014.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2138 Florence Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 2029 Meadow Place

MOVED by Councillor Copley

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2029 Meadow Place (Lot 5, Section 69, Victoria District, Plan 1235) 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.(2)(a) Minimum front lot line setback	7.62 m	6.30 m	1.32 m
6.5.4.(7) Minimum clear space between buildings and structures	3.00 m	0.60 m	2.40 m
6.5.4.(8) Accessory building setbacks to be the same as principal building	3.00 m	0.38 m	2.62 m
6.5.4.(11) Minimum second storey side lot line setback	3.00 m	1.52 m	1.48 m

to accommodate the proposed construction of a new single family dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-129, being a memorandum from the Director of Building and Planning dated April 15, 2014.

MOVED by Councillor Copley
Seconded by Councillor Green, That the motion in respect to the development variance permit for 2029 Meadow Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 2571 Dalhousie Street

MOVED by Councillor Kirby
Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2571 Dalhousie Street (Lot 10, Block 2, Section 61, Victoria District, Plan 1960) varying the following provisions 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.(6)(b) Maximum gross floor area above 0.8 metres below grade	300 m ²	414 m ²	114 m ²
6.5.4.(11) Minimum second storey side lot line setback	3.00 m	2.70 m	0.30 m

to accommodate the proposed rear addition to the existing home, as shown on the plans appended to Committee of the Whole agenda item 2014-130, being a memorandum from the Director of Building and Planning dated April 15, 2014.

MOVED by Councillor Kirby
Seconded by Councillor Green, That the motion in respect to the development variance permit for 2571 Dalhousie Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For First, Second and Third Reading

MOVED by Councillor Green
Seconded by Councillor Kirby, That Bylaw No. 4612, *Financial Plan Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Green
Seconded by Councillor Kirby, That Bylaw No. 4612, *Financial Plan Bylaw, 2014*, be read a second time.

Mayor Jensen asked if anyone in attendance wished to address Council regarding the *Financial Plan Bylaw, 2014*. No one come forward.

The question on the motion was then called.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Kirby, That Bylaw No. 4612, *Financial Plan Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That Bylaw No. 4613, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That Bylaw No. 4613, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2014*, be read a second time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That Bylaw No. 4613, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That Bylaw No. 4614, *Heritage Reserve Fund Appropriation Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That Bylaw No. 4614, *Heritage Reserve Fund Appropriation Bylaw, 2014*, be read a second time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That Bylaw No. 4614, *Heritage Reserve Fund Appropriation Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Kirby, That Bylaw No. 4615, *Land Sale Reserve Fund Appropriation Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Kirby, That Bylaw No. 4615, *Land Sale Reserve Fund Appropriation Bylaw, 2014*, be read a second time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Kirby, That Bylaw No. 4615, *Land Sale Reserve Fund Appropriation Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4616, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4616, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2014*, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4616, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4617, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4617, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2014*, be read a second time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4617, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4618, *Tax Rates Bylaw, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4618, *Tax Rates Bylaw, 2014*, be read a second time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4618, *Tax Rates Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Copley, That the following motion be lifted from the table:

That the *Community Plan for a Public System of Integrated Early Care and Learning* proposed by the Coalition of Child Care Advocates of British Columbia and the Early Childhood Educators of British Columbia be endorsed.

CARRIED

The question on the motion was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby
Seconded by Councillor Green, 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.

CARRIED

The meeting adjourned at 8:26 p.m.

Certified Correct:

Municipal Clerk

Mayor