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, December 15, 2014 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair

Councillor H. Braithwaite Councillor T. Croft Councillor M. Kirby Councillor T. Ney

Councillor E. W. Zhelka

STAFF: Municipal Clerk, L. Hilton

Deputy Municipal Clerk, M. Jones

Director of Building and Planning, R. Thomassen

PRESENTATION:

Mayor Jensen introduced the new guide brochure for the L'kwungen monuments of Oak Bay. After providing an overview of the L'kwungen Monument Project, the Mayor noted that the brochure is intended to assist the public in touring these monuments and understanding their significance. He noted that, in the new year, a smart phone application would be available to allow the public to access the brochure electronically.

On behalf of the Municipality, Mayor Jensen extended his thanks to the many people involved in the project, including the dedicated effort of individuals from the Songhees First Nation, Municipal staff and various volunteers.

Marion Cumming, the local coordinator for the project, rose to speak with respect to the importance of Oak Bay's relationship to the First Nations and presented the Mayor with a copy of the book *Songhees*, from Chief Ron Sam. Mayor Jensen gratefully received the book on behalf of the people of Oak Bay.

ADOPTION OF MINUTES AND REPORTS:

Council, November 10, 2014

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, November 10, 2014, be adopted.

CARRIED

Special Council, November 17, 2014

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the minutes of the Special Council meeting held on Monday, November 17, 2014, be adopted.

CARRIED

Committee of the Whole, November 17, 2014

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the minutes of the Committee of the Whole meeting held on Monday November 17, 2014, and the recommendations contained therein, be adopted.

CARRIED

Inaugural Council, December 8, 2014

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the minutes of the Inaugural Council meeting held on Monday, December 8, 2014, be adopted.

CARRIED

MAYOR'S REMARKS:

Association of Vancouver Island and Coastal Communities (AVICC)

Mayor Jensen noted that there is an opportunity to submit resolutions to the Annual General Meeting and Convention of the AVICC. The Mayor stated that certain resolutions, if adopted at the AVICC convention, can eventually be considered by the provincial government for potential changes to policy. He commented that the public and Council should consider if there is interest in submitting a resolution on behalf of the Municipality for the AVICC convention this year.

The Mayor then concluded his remarks, wishing everyone the best of the holiday season.

PUBLIC PARTICIPATION PERIOD:

Nick Redding, Oak Bay resident, drew Council's attention to events occurring on Woodlawn Crescent between December 5 and December 8, with respect to blasting on a construction site and the subsequent release of carbon monoxide into areas of a house on an adjacent lot. Mr. Redding provided a description of the events that occurred over this time period from his perspective, questioning the District's handling of the issues, noting what he saw as Council's obligations and responsibility

<u>Chris Robertson</u>, <u>Oak Bay resident</u>, stated that he resides at the house on Woodlawn Crescent where carbon monoxide was released between December 5 and December 8. Mr. Robertson stated that this is an opportunity for a positive change and that consideration should be given to amending the Municipality's bylaws to reduce the chances of the issue occurring again, perhaps by requiring geotechnical reports before blasting occurs.

Joanne Robertson, Oak Bay resident, stated that she too resides at the house on Woodlawn Crescent where carbon monoxide was released between December 5 and December 8, with her family, which includes children and pets. Ms. Robertson commented that this was a devastating experience and that she felt nobody had helped to find a resolution to the problem. Ms. Robertson went on to outline her concerns in respect to the environment in relation to the removal of trees affecting wildlife, providing her suggestions to address these issues, along with her concerns about chemicals leaching into Bowker Creek as a result of blasting.

Members of Council noted that they were sorry to hear that the Robertsons had such an upsetting experience. One member of Council expressed the importance of Council working with staff to address this issue. Another member of Council commented that it was his understanding that Fire Department staff were in contact with the impacted residents during this incident.

COMMUNICATIONS

2015 Tender Award Recommendations

• Report - Deputy Treasurer, Dec. 1, 2014

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That the 2015 tenders and contract extensions be awarded as follows:

PW01-2015 – Backhoe Rental Tender:

W.A. Jones & Sons, based on low bid;

PW02-2015 – Gravel Supply Tender:

Mid-Island Aggregate (2013) Ltd, based on low bid;

PW03-2015 – Ready Mix Concrete:

Butler Brothers Supplies, based on low bid; and that

PW04-2015 – Tandem Truck Rental Tender:

Lopeter Trucking Ltd, based on low bid;

as detailed in the memorandum from the Deputy Treasurer dated December 1, 2014.

CARRIED

Request for Temporary Occupancy of Fireman's Park Parking Lot on Jan. 3 & 4, 2015

- Explanatory Note Municipal Clerk, Dec. 15, 2014, Temporary Occupancy Fireman's Park
- G. Swan, Executive Director, Oak Bay Fire Fighters Charitable Foundation, Nov. 8, 2014
- ADDENDA G. Swan, Exec. Dir., Oak Bay Fire Fighters Charitable Foundation, Dec. 12, 2014

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That approval be given for the temporary occupancy of the Firemen's Park parking lot, as detailed in the December 12, 2014, correspondence from the Executive Director of the Oak Bay Fire Fighters Charitable Foundation, subject to the Foundation 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

Request for Occupancy of a Portion of Carnaryon Park for Soft Plastics Recycling Depot in 2015

- Explanatory Note Municipal Clerk, Dec. 15, 2014, Occupancy Carnarvon Par
- J. Simas, Pacific Mobile Depots Ltd, Dec. 1, 2014

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That, pursuant to Section 11.1 of the Zoning Bylaw, 1986, licence to occupy a portion of Carnarvon Park be granted to Pacific Mobile Depots Ltd, for the purpose of providing a soft plastic recycling depot on the following dates in 2015:

January 24, 2015	April 25, 2015	July 25, 2015	October 24, 2015
February 28, 2015	May 23, 2015	August 22, 2015	November 28, 2015
March 28, 2015	June 27, 2015	September 26, 2015	December 26, 2015

between the hours of 9:00 a.m. and 11:30 a.m., subject to Pacific Mobile Depots Ltd entering into a public property occupancy agreement, with the Municipal Clerk being authorized to execute such an agreement on behalf of the District of Oak Bay.

CARRIED

Council Appointed Commission/Committees

• Report - Chief Administrative Officer, Dec. 15, 2014

Attention was drawn to the four recommendations in the December 15, 2014 report of the Chief Administrative Officer and a discussion ensued with respect to the opportunity to review the existing configuration of Council's advisory commissions and committee, taking into account efficiency, transparency, and appropriate levels of staff support.

MOVED by Councillor Kirby Seconded by Councillor Ney, That:

- 1. Council request that the top priorities from both the Active Transportation Advisory Committee and Environmental Advisory Committee be submitted to Council for consideration during Council's strategic priorities session scheduled for January 21 & 22, 2015;
- 2. This matter be referred to Council's strategic priorities session for 2015 to determine any changes to the existing committee configurations and mandates;
- 3. Once the configuration is approved, staff be authorized to prepare and/or update consistent written terms of reference and budgets for all advisory bodies under the auspices of municipal Council for review and approval; and
- 4. That staff provide a report on various models through which to establish an Advisory Planning Committee/Commission for the District of Oak Bay, including the creation of a terms of reference, budget, rules of procedure, and appointments of a Council liaison and staff support (both planning and secretarial), for early 2015.

CARRIED

Uplands Building Permit/Development Variance Permit - 3155 Beach Drive

- Explanatory Note Municipal Clerk, Dec. 15, 2014, Uplands Building Permit/DVP, 3155 Beach Drive
- Report Municipal Arborist, Nov. 3, 2014
- Report Director of Building and Planning, Nov. 1, 2014, Corresp No 2014-279
- Report Municipal Arborist, Oct. 6, 2014, Corresp No 2014-257-1
- Report Director of Building and Planning, Sept. 29, 2014, Corresp No 2014-257

The Director of Building and Planning provided an overview of changes to the application to address issues raised with respect to retention of trees on site, as described in the November 3, 2014 memorandum from the Municipal Arborist. Mr. Thomassen clarified that the current location for the proposed dwelling would fall outside the shoreline development permit area, and that the height of the proposed roofline is reduced from the height originally approved by an earlier development variance permit.

A discussion ensued with respect to the proposed height variance, with a member of Council questioning why a variance was required for construction on a blank lot, while other members commented that the current proposed design, including the height variance, was more in keeping with the existing streetscape.

<u>David Adams</u>, representing the applicant and owners, commented that Council should support the proposed variances because this property is on the waterfront, and as such should have some special consideration, and further that the proposed height variance allows for a more aesthetically pleasing design.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the plans to construct a new residential dwelling at 3155 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3155 Beach Drive (Lot 3, Block 10, Section 31, Victoria District Plan 1216A) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986 as amended:

Zoning Bylaw Section(s)	Permitted	Requested	<u>Variance</u>
6.1.4.(3)(a) Maximum building height	7.32 m	7.87 m	0.55 m
6.1.4.(3)(b) Maximum occupiable height	4.57 m	4.75 m	0.18 m
6.1.4.(3)(c) Maximum roof height	9.14 m	11.63 m	2.49 m

to accommodate the construction of a new dwelling as shown on the plans appended to the explanatory note from the Municipal Clerk for the Council meeting of December 15, 2014.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 3155 Beach Drive be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

Oak Bay Heritage Commission Minutes

- Explanatory Note Municipal Clerk, Dec. 15, 2014, Minutes of Nov. 12, 2014
- Minutes Oak Bay Heritage Commission, Nov. 12, 2014
- Report Director of Building and Planning, Apr. 8 2014, 2470 Bowker Ave., Corresp No 2014-113
- Report Director of Building and Planning, Apr. 8 2014, 1220 Transit Rd., Corresp No 2014-114

The Municipal Clerk brought to the attention of Council that, in addition to designating 2470 Bowker Avenue as a heritage property, the owners wish to have the property added to the Oak Bay Community Heritage Register. The Heritage Commission, she noted, is supportive of this addition.

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That:

- 1. The minutes of the Oak Bay Heritage Commission meeting held on November 12, 2014 be received:
- 2. Staff be directed to draft heritage designation bylaws with respect to 2470 Bowker Avenue and with respect to 1220 Transit Road, to be brought forward to Council for consideration; and
- 3. That a resolution to have 2470 Bowker Avenue placed on the Oak Bay Community Heritage Register be prepared and brought forward to Council for consideration.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Active School Travel - HASTe Program

Councillor Kirby noted that the Capital Regional District's Traffic Safety Commission was very receptive to enhancing active school travel and unanimously supported using HASTe (Hub for Active School Travel) to implement a pilot project at five schools in the region this September.

Blasting and Carbon Monoxide Release on Woodlawn Crescent

At the request of Council, the Director of Building and Planning reviewed the Municipality's involvement in the events that occurred on 2281 Woodlawn Crescent between Friday December 5 and Monday December 8, 2014 following blasting occurring at 2285 Woodlawn Crescent. Mr. Thomassen stated that the Oak Bay Fire department responded to a carbon monoxide alarm at 2281 Woodlawn Crescent on the evening of Friday December 5 and that he too visited the dwelling at that time to provide an additional monitoring device to the impacted residents.

Mr. Thomassen provided a review of the events as they unfolded on Monday December 8 and Tuesday December 9, as both he and the Oak Bay Fire Department attended the site in order to attempt to identify the source of the carbon monoxide through various procedures, noting that, given the results of the investigation, an order to cease blasting was subsequently issued. The stop work order, he said, will remain in effect until the blasting company has worked with the impacted residents on a mitigation plan, which will likely include fully blocking the drain in the crawl space and continuing to monitor for carbon monoxide during and after any blasting.

Responding to further questions from Council, Mr. Thomassen commented that it is his understanding that the blasting company is using low impact and low toxicity methods at 2285 Woodlawn Crescent to reduce the impact on the trees on the subject property. He has consulted with other blasting and geotechnical staff in the region, he said, and that no similar issues have yet arisen.

He commented that while very few instances of such a thing occurring have been documented, it is possible that the carbon monoxide could have been a by-product of blasting in the area which was trapped in fissures in the rock and then released through the rock into the drain pipe of 2281 Woodlawn Crescent when the current blasting occurred.

MOVED by Councillor Zhelka

Seconded by Councillor Braithwaite, That, in light of the issues arising from blasting and the release of carbon monoxide that occurred on Woodlawn Crescent between December 5 and 8, 2014, Council direct staff to examine Bylaw No. 4247, *Building and Plumbing Bylaw*, 2005, especially Section 24 which deals with blasting, and report back to Council on any appropriate changes.

CARRIED

RESOLUTIONS:

Attendance at the Local Government Leadership Academy - 2015 Elected Officials Seminar Series

• Resolution - Attendance at Local Government Leadership Academy

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That all members of Council be authorized to attend the Local Government Leadership Academy's 2015 Elected Officials Seminar in Parksville, BC, January 27 to 29, 2015 with registration and related travel expenses to be covered by the Municipality in accordance with the *Elected Official Travel Expense Bylaw*.

2015 Meeting Schedule

• Resolution - 2015 Meeting Schedule

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That the 2015 meetings of Municipal Council be scheduled as follows:

Council, commencing at 7:30 p.m.

January 12 & 26 July 20

February 10 & 23 August – no scheduled meeting

 March 9 & 23
 September 28

 April 13 & 27
 October 13 & 26

 May 11 & 25
 November 9 & 23

 June 8 & 22
 December 7

Committee of the Whole, commencing at 7:00 p.m.

January 19 July 13

February 16 August – no scheduled meeting

March 16 September 14
April 20 October 19
May 19 November 16
June 15 December 14

CARRIED

Grants Criteria Task Force

Resolution - Grant Criteria Task Force

MOVED by Councillor Croft

Seconded by Councillor Ney, That:

- 1. the Grants Criteria Task Force, consisting of two members of Oak Bay Municipal Council and one member of the public, be established to make a recommendation to Oak Bay Municipal Council, through its Committee of the Whole, regarding the criteria to be applied in considering the annual provision of grants to organizations serving the community of Oak Bay;
- 2. Councillor Murdoch and Councillor Ney, be appointed to the Task Force;
- 3. A member of the public be appointed to the Task Force at a later date, and further
- 4. That the Task Force be directed to provide its recommendation to Oak Bay Municipal Council's Committee of the Whole in March 2015.

CARRIED

Development Variance Permit - 1220 Roslyn Road

• Resolution - DVP 1220 Roslyn Rd.

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1220 Roslyn Road (Lot 2, Section 23, Block 1, Victoria District Plan EPP32418) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986 as amended:

Zoning Bylaw Section	Permitted/ Required	Requested	<u>Variance</u>
4.15.1 Maximum paved surface (Rear Yard)	25% (17.8 m²)	45% (32 m²)	20% (14.2 m²)
6.5.4.(11) Minimum second storey side lot line setback	3.0 m	2.2 m	0.8 m

to accommodate the construction of a new residential dwelling and garage on a newly created lot as shown on the plans appended to Committee of the Whole agenda item 2014-280, being a memorandum from the Director of Building and Planning dated November 5, 2014.

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the motion in respect to the development variance permit for 1220 Roslyn Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 731 Victoria Avenue

• Resolution - DVP 731 Victoria Ave.

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 731 Victoria Avenue (Lot 4, Section 22, Victoria District, Plan 1189A) varying the following provisions of Bylaw No. 3540, *Parking Facilities Bylaw*, 1986 and Bylaw No. 3531, *Zoning Bylaw*, 1986 as amended:

	Required/ Permitted	Requested	<u>Variance</u>
Parking Facilities Bylaw Section			
4.1 + Schedule "A", A.1.(a) Minimum number of parking spaces	2 spaces	2 spaces	*no covered parking provided
Zoning Bylaw Section			
4.15.1 Maximum paved surface (Front Yard)	25% (25.5 m²)	28% (28.6 m²)	3% (3.1 m²)

to accommodate the development of the existing covered garage space into living space, and to permit two uncovered parking stalls, as shown on the plans appended to Committee of the Whole agenda item 2014-281, being a memorandum from the Director of Building and Planning dated October 23, 2014.

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That the motion in respect to the development variance permit for 731 Victoria Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 1255 St. Denis St.

Resolution - DVP 1255 St Denis St

MOVED by Councillor Kirby

Seconded by Councillor Croft, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1255 St. Denis Street (Lot 7, Section 23, Victoria District Plan 7043) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986 as amended:

Zoning Bylaw Section	Required	Requested	<u>Variance</u>
6.5.4.(11) Minimum second storey side lot line setback	3.0 m	2.1 m	0.9 m

to accommodate the relocation and construction of stairs to the second floor, and to accommodate previous development of the second floor, of the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-282, being a memorandum from the Director of Building and Planning dated October 24, 2014.

MOVED by Councillor Kirby

Seconded by Councillor Croft, That the motion in respect to the development variance permit for 1255 St. Dennis Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit

• Resolution - DVP 860 St Patrick St

MOVED by Councillor Nev

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 860 St. Patrick Street (Lot 35, Block B, Section 22, Victoria District Plan 1092) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986 as amended:

Zoning Bylaw Section	<u>Permitted</u>	Requested	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8 meters below grade	240 m²	327 m²	87 m²

to accommodate more storage area in the lower floor of an existing residential dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-285, being a memorandum from the Director of Building and Planning dated November 1, 2014.

MOVED by Councillor Nev

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 860 St. Patrick Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 2445 Hamiota Street

• Resolution - DVP 2445 Hamiota St.

MOVED by Councillor Nev

Seconded by Councillor Croft, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2445 Hamiota Street (Amended Lot 4 (DD 192472I), Block 2, Section 61, Victoria District Plan 876) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986 as amended:

Zoning Bylaw Sections	Required/ Permitted	Requested	<u>Variance</u>
6.5.4.(6)(b) Maximum gross floor area above .8 meters below grade	300 m²	400 m²	100 m²
6.5.4.(11) Minimum second storey side lot line setback	3.0 m	2.96 m	0.04 m

to accommodate a renovation of and addition to the rear of the existing residential dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-286, being a memorandum from the Director of Building and Planning dated November 6, 2014.

MOVED by Councillor Ney

Seconded by Councillor Croft, That the motion in respect to the development variance permit for 2445 Hamiota Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 2358 Beach Drive

Resolution - DVP 2358 Beach Dr.

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2358 Beach Drive (Lot 16, Block 12, Section 2, Victoria District Plan 379) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986 as amended:

Zoning Bylaw Section	<u>Permitted</u>	Requested	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8 meters below grade	240 m²	287 m²	47 m²

to accommodate renovation of the top floor of the existing residential dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-287, being a memorandum from the Director of Building and Planning dated November 6, 2014.

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2358 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That Bylaw No. 4630, Mayor and Councillors Annual Indemnity Bylaw, 2015, be adopted.

CARRIED

For Adoption

MOVED by Councillor Kirby

Seconded by Councillor Ney, That Bylaw No. 4632, *Financial Plan Bylaw*, 2014, *Amendment Bylaw No.* 2, 2014, be adopted.

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

The question was then called.

CARRIED

For Adoption

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That Bylaw No. 4633, Water Rate Bylaw Amendment Bylaw, 2015, be adopted.

CARRIED

For Adoption

MOVED by Councillor Kiby

Seconded by Councillor Croft, Bylaw No. 4634, Sewer User Charge Bylaw Amendment Bylaw, 2015, be adopted.

CARRIED

Councillors Braithwaite and Zhelka against the motion

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the open portion of the Council meeting 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 8:36 p.m.		
Certified Correct		
Municipal Clerk	Mayor	