

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 Tuesday, February 12, 2013 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:34 p.m.

ADOPTION OF MINUTES:

Council – January 28, 2013

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, January 28, 2013, be adopted.

CARRIED

Special Council – February 4, 2013

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Special Council meeting held on Monday, February 4, 2013, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen noted that the District of Oak Bay's bid to host the annual convention of the Association of Vancouver Island Coast Communities was not successful. He also commented that staff are exploring possible partnerships with other municipalities for a bid to host the BC Seniors Games.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2013-37 PACIFIC MOBILE DEPOTS LTD., January 28, 2013
Re Request to Occupy a Portion of Carnarvon Park for Soft Plastics Recycling Depot

MOVED by Councillor Herbert
Seconded by Councillor Kirby, 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 plastics recycling depot on the following dates in 2013:

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

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

The Municipal Clerk noted that in order to accommodate setting up and taking down the mobile depot, the proposed public property occupancy license agreement would be from 8:00 a.m. to 2:00 p.m. on each approved date.

The question was then called.

CARRIED

2. 2013-38 THE JAGUAR CAR CLUB OF VICTORIA, January 31, 2012
Re Request for Commercial Activity in Park – Jaguar Car Show, Windsor Park, July 27, 2013

Wayne Watkins, Jaguar Car Club of Victoria, was present to answer questions.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That whereas, pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to the Jaguar Car Club of Victoria to hold the Jaguars on the Island Car Show at Windsor Park on Saturday, July 27, 2013, 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 providing 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

3. 2013-39 GIRL GUIDES OF CANADA, February 6, 2013
Re Request to Sell Cookies on Public Property – Oak Bay Avenue, April 6, 2013

MOVED by Councillor Kirby

Seconded by Councillor Green, That permission be given for the Girl Guides of Canada to sell cookies on Oak Bay Avenue on April 6, 2013 from 10:00 a.m. to 4:00 p.m.

CARRIED

4. 2013-40 DEPUTY TREASURER, February 7, 2013
Re Office Supplies Tender Award Recommendation

MOVED by Councillor Kirby

Seconded by Councillor Herbert, That the tender for office supplies be awarded to Monk Office Supply Ltd., based on a low bid.

CARRIED

5. 2013-41 DIRECTOR OF ENGINEERING SERVICES, February 7, 2013
Re St. Patrick Storm Water Pump Station

Rob Warren, Kerr Wood Leidal, provided Council with an overview of the design for the new St. Patrick Street storm water pump station. Mr. Warren emphasized that the new station would be significantly more efficient, in order to address potential flooding issues in extreme weather events. He also noted that the new pipe for the station would be higher and shorter than the current pipe; reproducing the existing pipe, he said, would be much more costly than the current design.

In response to questions from Council, Mr. Warren stated that the exterior of the existing pump station building will not be altered and that accessibility to the water from the beach should not be impacted. A communication plan, he said, will be determined in discussion with the Director of Engineering.

With respect to the pipe's location high on the beach, Mr. Warren noted that though there will be some erosion, higher flows will be mitigated by larger waves during the winter. The pollutants in this area, he said, are low in scale and the majority of the marine ecosystem is located in the water and not on the beach. He commented that this would be considered a clean outfall in comparison to others in the Capital Regional District and that there are currently no legislative requirements with regards to the safety of water from outfalls.

The Director of Engineering noted that this station has been identified for potential rebuilding for some time and that not undertaking this project would increase the risk of significant flooding for the 347 homes in the catchment area. The source of the nearby erosion, he said, is from tidal action and not from the outfall.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the February 7, 2013 report of the Director of Engineering Services, correspondence item no. 2013-41, be received.

CARRIED

6. 2013-42 DIRECTOR OF ENGINEERING SERVICES, February 7, 2013
Re Proposed Location of Electric Vehicle Charging Station

The Director of Engineering Services responded to various questions from Council, stating that restricting the time limit for the charging station stalls will ensure they are not continuously occupied, as the intention is not to completely charge vehicles. He noted that the charging stations were purchased regionally and that the amperage of the stations is not the same as for electric scooters. The demand for the station is not known at this time, he said, and further consideration as to other locations and charging restrictions can be given after observing how this station is used.

A member of Council noted that thirty minutes is likely sufficient time to provide a full charge to an electric vehicle if it is set to rapid charge.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the location and signage in relation to the installation of an electric vehicle charging station, as outlined in Attachment A of the February 7, 2013 report of the Director of Engineering Services, correspondence item no. 2013-42, be approved.

CARRIED

CORRESPONDENCE RE ITEMS APPEARING LATER ON THE AGENDA:

7. 2013-43 DANA AND ERIC REITER ET AL, February 6, 2013
Re Development Variance Permit – 2490 Dryfe Street
8. 2013-44 HAL AND MARLA YACOWAR, February 7, 2013
Re Development Variance Permit – 2311 Lansdowne Road

MOVED by Councillor Herbert

Seconded by Councillor Green, That correspondence items no. 2013-43 and 2013-44 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

MOVED by Councillor Ney

Seconded by Councillor Green, That the regular meeting of Council scheduled for February 25, 2013 be cancelled.

CARRIED

TABLED:

Development Variance Permit – 2025 Crescent Road

MOVED by Councillor Herbert

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 2025 Crescent Road (Lot A, Section 19, Victoria District, Plan 29408), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<i>Zoning Bylaw Section</i>	<i>Permitted/ Required</i>	<i>Requested</i>	<i>Variance</i>
<i>6.5.4. (3) (a) + Schedule 'B' Maximum building height</i>	<i>7.07 m</i>	<i>7.58 m</i>	<i>.51 m</i>
<i>6.5.4. (11) Minimum second storey side lot line setback</i>	<i>3.0 m</i>	<i>2.7 m</i>	<i>0.3 m</i>

to accommodate the modification of the existing deck enclosure into living space as shown on the plans appended to Committee of the Whole agenda item 2013-26 being a memorandum from the Director of Building and Planning dated December 24, 2012.

CARRIED

Ken Green, architect, 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

Development Variance Permit – 2490 Dryfe Street

MOVED by Councillor Herbert

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 2490 Dryfe Street (Lot 41, Section 28 Victoria District, Plan 8600), varying the following provisions of Bylaw No. 3540, Parking Facilities Bylaw, 1986 as amended:

<i>Parking Facilities Bylaw Section</i>	<i>Required</i>	<i>Requested</i>	<i>Variance</i>
<i>4.1 and Schedule 'A' A.1. (a) Minimum Number of Parking Spaces</i>	<i>2 (one must be in a building)</i>	<i>1 (space not in a building)</i>	<i>1 covered parking space</i>

to accommodate the basement development precluding the provision of the required covered parking stall as shown on the plan appended to Committee of the Whole agenda item 2013-27, being a memorandum from the Director of Building and Planning dated December 24, 2012.

CARRIED

Dana Reiter, resident, noted that the lack of parking on the subject property has resulted in traffic issues in her neighbourhood. Ms. Reiter stated that other properties in the area have the required parking spaces. She noted that the basement suite in the dwelling has caused problems in the past. In concluding her remarks, she commented that the dwelling has been put on the market and that the current resident would not benefit from the proposed variance.

Eric Reiter, resident, stated that most of their concerns were described in their correspondence. Mr. Reiter commented that the variance was being requested for work undertaken without a permit. He noted that it was his understanding that there is currently a lien on the subject property which would prevent the title from being transferred until this issue was addressed. He concluded his remarks, stating that there is no reason this property should not meet the same requirements as the other properties in the neighbourhood.

In response to questions from Council, Mr. Reiter stated that the garage had been previously in use on the subject property. He noted that other residents in this neighbourhood on a corner property constructed a garage with access off Woodhouse Road and that the proponents could undertake something similar.

The Municipal Clerk clarified that the current variance would waive the requirement for a covered parking stall, but that an uncovered onsite parking stall would still need to be provided. Ms. Hilton noted that the owners would still need to apply for permits to address the work done on the property outside the permitting process before the notice on title could be removed.

It was noted that it would be beneficial to hear from the applicant regarding any potential hardships in complying with the bylaw requirements.

MOVED by Councillor Green

Seconded by Councillor Ney, That the motion be tabled to allow the proponent to attend and discuss the application.

CARRIED

Development Variance Permit – 2311 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 2311 Lansdowne Road (Lot 36, Section 31, Victoria District, Plan 7700), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<i>Zoning Bylaw Section</i>	<i>Required/ Permitted</i>	<i>Requested</i>	<i>Variance</i>
<i>6.4.4. (11) Minimum second storey side lot line setback</i>	<i>3.0 m</i>	<i>1.79 m</i>	<i>1.21 m</i>
<i>6.4.4. (6) (b) Maximum gross floor area above .8 meters below grade</i>	<i>360 m²</i>	<i>396 m²</i>	<i>36 m²</i>

to accommodate the proposed addition to the existing residence as shown on the plans appended to Committee of the Whole agenda item 2013-28 being a memorandum from the Director of Building and Planning dated January 8, 2013.

CARRIED

The applicant 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

Development Variance Permit – 2092 Meadow Place

MOVED by Councillor Herbert

Seconded by Councillor Kirby, 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 2092 Meadow Place (Lot 3, Section 69, Victoria District, Plan 14293), varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<i>Zoning Bylaw Section</i>	<i>Required</i>	<i>Requested</i>	<i>Variance</i>
<i>6.5.4. (2) (b) Minimum rear lot line setback</i>	<i>7.62 m</i>	<i>4.12 m</i>	<i>3.5 m</i>

to accommodate the replacement of a deck to the existing residence as shown on the plans appended to Committee of the Whole agenda item 2013-29 being a memorandum from the Director of Building and Planning dated January 8, 2013.

CARRIED

The applicant 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:

Attendance at the AVICC Convention

MOVED by Councillor Ney

Seconded by Councillor Herbert, That Council approve the attendance of Oak Bay Council Members at the 2013 Association of Vancouver Island and Coastal Communities Convention, to be held in Sooke, BC, April 12 to 14, 2013, and the payment of expenses necessarily incurred by them.

The issue of accommodations for members of Council attending the AVICC convention was raised. The Municipal Clerk noted that the *Elected Official Travel Expense Bylaw* makes provision for reimbursing members of Council when a course is held in a location that imposes a “reasonable requirement” for overnight accommodation. She stated that she would review the bylaw with respect to the upcoming convention and previous applications of the bylaw for events in the Capital Region.

The question was then called.

CARRIED

Refund of Off-Site Servicing Deposit – 1175 Beach Drive (Oak Bay Beach Hotel)

MOVED by Councillor Herbert

Seconded by Councillor Green, That, in relation to the Off-Site Servicing Agreement between the District of Oak Bay and Bison Properties Ltd., authorized by Council on June 11, 2007, staff be directed to refund an additional \$83,000 of the deposit made in that regard to Bison Properties Ltd.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Herbert

Seconded by Councillor Green, That Bylaw No. 4582, Heritage Commission Establishment Bylaw Amendment Bylaw, 2013 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: labour relations or other employee relations; 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 negotiations and related discussion respecting the proposed provisions of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED

The meeting adjourned 8:35 p.m.

Certified Correct:

Municipal Clerk

Mayor