

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, July 21, 2014 at 7:30 p.m.

PRESENT: Councillor P. Copley
Councillor C. Green, Acting Mayor
Councillor J. Herbert
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
Director of Engineering Services, D. Marshall

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

MOVED by Councillor Ney
Seconded by Councillor Copley, That the amended agenda for the July 21, 2014 Council meeting be adopted as circulated.

CARRIED

ADOPTION OF MINUTES:

Council, June 23, 2014

MOVED by Councillor Herbert
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, June 23, 2014, be adopted.

CARRIED

Special Council, July 14, 2014

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday July 14, 2014, be adopted.

CARRIED

Committee of the Whole – July 14, 2014

MOVED by Councillor Copley
Seconded by Councillor Ney, That the minutes of the Committee of the Whole meeting held on Monday July 14, 2014, and the recommendations contained therein, be adopted.

CARRIED

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2014-203 DEPUTY TREASURER, July 15, 2014
Re Self Contained Breathing Apparatus Tender

(Fire Chief Cockle in attendance for this item)

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the tender for the Self Contained Breathing Apparatus be awarded to Guillevin International at a total cost of \$148,869.34.

CARRIED

2. 2014-204 DEPUTY TREASURER, July 15, 2014
Re Roof Construction Tender (Public Works Yard)

MOVED by Councillor Kirby

Seconded by Councillor Herbert, That support in principle be given for replacement of all three roofs as per Tender Option #1 as outlined in the Memorandum from the Deputy Treasurer, dated July 15, 2014, correspondence item no. 2014-204.

CARRIED

3. 2014-205 DIRECTOR OF BUILDING AND PLANNING, July 14, 2014
Re Heritage Revitalization Agreement Application – 2176 Windsor Road

(Hope Burns, Registered Professional Planner, in attendance for this item)

Ms. Burns gave an overview of the application and answered questions from Council.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That staff be directed to draft a Heritage Revitalization Bylaw for the property legally described for 2176 Windsor Road, to allow for the preservation of the Symons Residence as a municipal heritage building and to facilitate consideration of a two lot subdivision of the subject property for Councils consideration and possible setting of a Public Hearing date.

A discussion ensued regarding adding the property to the Community Heritage Register, and Mr. Thomassen noted he would be seeking agreement from the owners in this regard.

The question on the main motion was then called.

CARRIED

4. 2014-185-1 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, May 6, 2014
2014-209 MOTIVATIONS & BARRIERS TO ACTIVE TRANSPORTATION
SURVEY - Power Point Presentation
Re Update on the Healthy Communities Grant and Complete Streets workshop

Carol Hubberstey and David Leach of the Active Transportation Advisory Committee provided an overview of the Motivations & Barriers to Active Transportation Survey and the Complete Streets workshop and answered questions from Council.

Kris Nichols, Chair of the Active Transportation Advisory Committee, reviewed the next steps from benches to benchmarks.

5. 2014-206 OAK BAY HERITAGE COMMISSION, June 10, 2014
2014-206-1 OAK BAY HERITAGE COMMISSION, July 8, 2014
Re Minutes of the Meeting

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the minutes of the Oak Bay Heritage Commission meetings held on June 10, 2014 and July 8, 2014 be received.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

6. 2014-207 TOM GRAY, July 12, 2014
Re Development Variance Permit – 2162 Epworth Street
7. 2014-208 BOB SMOOK and RHONDDA TOLEN, July 17, 2014
2014-208-1 R. TUCKER et al, July 20, 2014
2014-208-2 SARA JANE COLGAN, July 20, 2014
2014-208-3 DWAYNE MELANSON, July 20, 2014
2014-208-4 PEGGY McDONALD and PHIL DAUPHINEE, July 21, 2014
2014-208-5 RAY and VIRGINIA TUCKER, July 21, 2014
2014-208-6 PENNY and A. DOUGLAS MacFARLANE, July 21, 2014
2014-208-7 KARENT TAYLOR and ALEX DELANEY, July 21, 2014
2014-208-8 MICHAEL McVEA, July 21, 2014
Re Development Variance Permit – 3671 Crestview Road

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That correspondence items no. 2014-207 to 2014-208-8 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Music in the Park

Councillor Herbert reported that the music at Willows Park on Wednesday was well attended with over 700 people. Councillor Herbert thanked staff for all their work.

Sewage Treatment Action Group

Councillor Copley said that a formal request from the Sewage Treatment Action Group to make a presentation will come to Council at a later date.

School Travel Committee

Councillor Kirby reported that she is part of a School Travel Committee which is hoping to reduce travel by cars to and from schools in the region, and is seeking funding from the Capital Regional District.

Floor Area Ratio Review Committee

Councillor Murdoch reported that the Floor Area Ratio Review Committee held its last meeting and a final report will be brought forward to Council at a later date.

TABLED:

Development Variance Permit – 2732 Bowker Avenue

MOVED by Councillor Herbert

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 2732 Bowker Avenue (Lot 29, Section 61, Victoria District, Plan 874) 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.(7) <i>Minimum clear space between buildings and structures (north side)</i>	3.00 m	0.00 m	3.00 m
6.5.4.(7) <i>Minimum clear space between buildings and structures (north/west side)</i>	3.00 m	0.914 m	2.09 m
6.5.4.(7) <i>Minimum clear space between buildings and structures (west side)</i>	3.00 m	0.76 m	2.24 m
6.5.4.(7) <i>Minimum clear space between buildings and structures (south side)</i>	3.00 m	0.60 m	2.40 m

to accommodate the proposed construction of an in ground pool, as shown on the plans appended to Committee of the Whole agenda item 2014-173, being a memorandum from the Director of Building and Planning dated June 6, 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 – 3671 Crestview Road

MOVED by Councillor Ney

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 3671 Crestview Road (Lot 17, Section 31, Victoria District, Plan 9595) 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>
6.4.4.(6)(b) Maximum gross floor area above 0.8 metres below grade	360 m ²	415 m ²	55 m ²
6.4.4.(6)(b) Maximum gross floor area	480 m ²	658 m ²	178 m ²

to accommodate the proposed addition of a top floor to the existing dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-174, being a memorandum from the Director of Building and Planning dated June 6, 2014.

CARRIED

In response to questions from Council Brian Kendrick, architect, explained that the variance requested for floor area included the deck, raised terraces and the garage. The proposed addition of a top floor is within height regulations, he said. Mr. Kendrick noted that the deck will have less potential impact on neighbour privacy than the deck that is there now.

Sara Jane Colgan, resident, read her letter to Council, correspondence item no. 2014-208-2.

Rhonnda Tolen, resident, read her letter to Council, correspondence item no. 2014-208.

Jodi McEwen-Foster, resident, said that of the 23 residents on the street only 5 neighbours were notified. Ms. McEwen-Foster expressed concern that the proposed changes to the property will change the look of the street and 17 of the homes (75%) are opposed to granting the variances. The residents on the street are concerned that houses will be bought and replaced with big houses and that will change the look of the street, she said.

In response to questions from Council regarding the addition of second stories, the Director of Building and Planning explained that second stories could be added to other properties on the street, however, variances may or may not be required.

Ms. McEwen-Foster said that the residents on the street feel that the information was misrepresented.

In response to a question regarding the notification process the Municipal Clerk explained that notification requirements are laid out in the *Local Government Act* and that by bylaw, properties within 100 feet of the subject property must be notified.

When asked if the owners had met with the neighbours Mr. Paul Terry, contractor, said they had not, and they did not realise that their application may be received with all this confusion.

A discussion ensued regarding the applicants meeting with the neighbours to provide renderings of the proposed work and it was the consensus of Council that tabling the motion to allow time for a meeting to take place may be appropriate.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 3671 Crestview Road be tabled to the August 18, 2014 Council meeting to allow a meeting to take place with the applicants and the neighbours.

Rhonda Tolen said that the newer home on the street has no basement and there are raised bungalows on either side.

Donald Cameron, resident, said that he is the original owner on the street and he has been there since 1956. The advent of the ranch type homes is behind us and families are requiring two story homes, he said. Mr. Cameron commented that the owners are a young couple with three children and they require more room.

Mr. Kendrick explained that the sight lines of the proposed deck are far more favourable than what is existing and the sight line to the adjacent property is non existent.

Virginia Tucker, resident, said that after what she heard today, she would hate to see a family put back months and months in their construction and if the builder met with the people to explain the application then this could go through, she said. Ms. Tucker commented this it is an awful way to come into a neighbourhood and be greeted.

Mr. Terry said they will hold an open house and share with the neighbours the plans in a more visual way.

With the consensus of the Council, the motion was withdrawn.

The question on the main motion was then called.

CARRIED

Development Variance Permit – 1081 Roslyn Road

MOVED by Councillor Ney

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 1081 Roslyn Road (The Northerly 72 feet of Lot 1, Block 5, Section 23, Victoria District, Plan 1091) 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.(6)(a) Maximum gross floor area above 0.8 metres below grade	240 m ²	292 m ²	52 m ²

to accommodate the proposed replacement of the existing deck, as shown on the plans appended to Committee of the Whole agenda item 2014-175, being a memorandum from the Director of Building and Planning dated June 9, 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 – 2162 Epworth Street

MOVED by Councillor Ney

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 2162 Epworth Street (Lot 27, Block 2, 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>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(7) Minimum clear space between buildings and structures	3.00 m	0.73 m	2.27 m

to accommodate the proposed replacement of the existing deck, as shown on the plans appended to Committee of the Whole agenda item 2014-176, being a memorandum from the Director of Building and Planning dated June 9, 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 – 2151 Haultain Street

MOVED by Councillor Copley

Seconded by Councillor Herbert, 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 2151 Haultain Street (Lot 1, Section 28, Victoria District, Plan 14993) varying the following provisions 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.2.(a) Minimum No. of Parking Spaces	79 stalls	38 stalls	41 stalls

to accommodate the additional parking required in respect to the addition of dwelling units, as shown on the plans appended to Committee of the Whole agenda item 2014-177, being a memorandum from the Director of Building and Planning dated June 10, 2014.

CARRIED

Maya Tait, representing the owners, gave an overview of the application.

The question on the main motion was then called.

CARRIED

RESOLUTIONS:

Development Permit – 2119 Oak Bay Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Permit to amend Development Permit #81-4, with respect to 2119 Oak Bay Avenue (Lot 1 to 32, Section 23 and 69, Victoria District, Strata Plan 1308, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1), which will permit the repairs to the roof membrane of the parkade and subsequent re-landscaping, as more particularly shown on the plans attached to Committee of the Whole agenda item #2014-199, being a memorandum from the Director of Building and Planning dated July 9, 2014.

CARRIED

Development Variance Permit – 556 Newport Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Copley That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 556 Newport Avenue (Lot 9, Block 5, Section 73, Victoria District, Plan 992) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(c) + Schedule 'B' Maximum roof height of the principal building	9.14 m	9.70 m	0.56 m
6.2.4.(2)(c) Interior side lot line setback for accessory building	1.52 m	0.35 m	1.17 m
6.2.4 (3)(a) Maximum building height for accessory buildings	3.00 m	4.95 m	1.95 m

6.2.4 (3)(b) Maximum occupiable height for accessory building	0.25 m	2.49 m	2.24 m
6.2.4.(3)(c) Maximum roof height for accessory building	4.60 m	6.32 m	1.72 m
6.2.4.(7) Clear space required between buildings	3.00 m	2.86 m	0.14 m

to accommodate the proposed addition of a top floor to the existing accessory building, as shown on the plans appended to Committee of the Whole agenda item 2014-200, being a memorandum from the Director of Building and Planning dated July 9, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 556 Newport Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2116 McLaren Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2116 McLaren Avenue (Lot 4, Section 22, Victoria District, Plan 1656) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum paved surface (rear yard)	25% 28.2 m ²	32.3% 36.4 m ²	7.3% 8.2 m ²
6.5.4.(10) Minimum front lot line contextual setback	8.50 m	7.62 m	0.88 m

to accommodate the proposed replacement of the single family dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-201, being a memorandum from the Director of Building and Planning dated July 9, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2116 McLaren Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2465 Florence Street

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2465 Florence Street (Lot 6, Block 2, 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/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3)(a) Maximum building height (north and south)	6.83 m	7.09 m	0.26 m
6.5.4.(6)(a) Maximum gross floor area above .8 metres below grade	240 m ²	334.80 m ²	94.80 m ²
6.5.4.(11) Minimum second storey side lot line setback	3.00 m	2.77 m	0.23 m

to accommodate the proposed construction of a top floor addition, as shown on the plans appended to Committee of the Whole agenda item 2014-202, being a memorandum from the Director of Building and Planning dated July 9, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2465 Florence Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Attendance at Union of British Columbia Municipalities Convention – September 22 – 26, 2014

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That attendance of Council Members at the 2014 Union of British Columbia Municipalities Convention, to be held in Whistler, BC, September 22 to September 26, 2014, be approved, and the payment of expenses necessarily incurred by them.

CARRIED

BYLAWS:

For First, Second and Third Reading

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That Bylaw No. 4621, Financial Plan Bylaw, 2014, Amendment Bylaw No. 1, 2014, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Herbert, That Bylaw No. 4621, Financial Plan Bylaw, 2014, Amendment
Bylaw No. 1, 2014, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Herbert, That Bylaw No. 4621, Financial Plan Bylaw, 2014, Amendment
Bylaw No. 1, 2014, be read a third time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Herbert, That Bylaw No. 4622, Capital Works and Equipment Reserve
Fund Appropriation Bylaw, No. 1, 2014, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Herbert, That That Bylaw No. 4622, Capital Works and Equipment
Reserve Fund Appropriation Bylaw, No. 1, 2014, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Herbert, That That Bylaw No. 4622, Capital Works and Equipment
Reserve Fund Appropriation Bylaw, No. 1, 2014, be read a third time.

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, the receipt of advice that is subject
to solicitor-client privilege, including communications necessary for that purpose and labour
relations or other employee relations.

CARRIED

The meeting adjourned at 9:29 p.m.

Certified Correct:

Municipal Clerk

Councillor Green, Acting Mayor