

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 June 8, 2015 at 7:30 PM.

PRESENT: Mayor N. Jensen, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen

MINUTES AND REPORTS:

1. ***Council Minutes***
 - May 25, 2015

MOVED by Councillor Croft
Seconded by Councillor Murdoch, That the minutes of the Council meeting held on May 25, 2015 be adopted.

CARRIED

MAYOR'S REMARKS:

2. The Mayor provided remarks on the following topics:

Heritage Designation of Trial Island Lighthouse

The Mayor offered thanks and recognition for the work of the Heritage Commission and their subcommittee with respect to the recent designation of the Trial Island Lighthouse.

Oak Bay Scholarship Recipient

Mayor Jensen noted that he had recently received a letter of thanks from the recipient of the Oak Bay Scholarship.

Municipal Dinner

The Mayor commented on the success of the Municipal Dinner, noting that this event is an opportunity to thank the members of Oak Bay's boards and committees, as well as representatives from various volunteer organizations, for their many valuable contributions. He thanked Councillor Braithwaite for her efforts in organizing the dinner and noted that the inclusion of the presentation highlighting the purpose of the various advisory and volunteer bodies represented at the dinner was especially well received.

Oak Bay Tea Party

Mayor Jensen offered his thanks and compliments to the organizers of the Oak Bay Tea Party, noting that it was very successful. He commented that the Pledge of Citizenship was a meaningful inclusion to the event.

PUBLIC PARTICIPATION PERIOD:

3. No members of the public rose to speak during the public participation period.

COMMUNICATIONS:

4. ***Introduction to Roles and Responsibilities - BC Ombudsperson***

- Corresp. - Office of the Ombudsperson, Nov. 28, 2014

Kim Carter, Ombudsperson, and David Paradiso, Deputy Ombudsperson, in attendance for the Office of the BC Ombudsperson

Kim Carter, Ombudsperson, made a presentation to Council on the role of the Office of the Ombudsperson, highlighting the focus on administrative fairness, and reviewed the process by which members of the public can submit complaints.

Mayor Jensen thanked Ms. Carter for her presentation and noted that, as her time in the office of the Ombudsperson is concluding soon, he also extended his thanks for her many years of service and assistance to the people of British Columbia.

5. ***Special Event Application - Request for Temporary Occupancy & Commercial Activity, Oak Bay Avenue, August 9, 2015***

- Note - Municipal Clerk - OB Tourism - OB Collector Car Festival, August 9, 2015
- Sp Event App - Oak Bay Collector Car Festival - Event date Aug. 9, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the temporary road closure of Oak Bay Avenue from Monterey Avenue to Mitchell Street on Sunday August 9, 2015 from 8:00 am to 5:30 pm, for the purpose of a not-for-profit community event under the auspices and control of the Corporation, as described in the April 21, 2015 correspondence from the Oak Bay Tourism Committee, which Council has determined to be for the benefit of the Municipality at large, be approved, subject to the approval of a traffic plan by the Chief Constable.

CARRIED

6. ***Canada 150 Grant Application***

- Report - Director of Parks & Recreation, June 8, 2015

Ray Herman, Director of Parks and Recreation and Janet Barclay, Manager of Recreation Program Services in attendance for this item.

MOVED by Councillor Murdoch
Seconded by Councillor Zhelka, That Council:

1. Direct staff to submit an application to the Canada 150 Community Infrastructure Program for a project to replace flooring in the arena and arena lobby at a total cost of \$58,000 plus taxes; and
2. Commit to provide its 50% share of the funding upon confirmation of approval of the application.

CARRIED

7. ***Summer Art Installations***

- Report - Manager of Recreation Program Services, May 28, 2015
- Corresp. May 13 - June 4, 2015 - Summer Art Installations
- ADDENDA - Corresp. - June 5 - 8, 2015 - Summer Art Installations

Ray Herman, Director of Parks and Recreation, Janet Barclay, Manager of Recreation Program Services and Barbara Adams, Oak Bay Arts Laureate, in attendance for this item.

Barbara Adams, Oak Bay Arts Laureate, provided an overview of the proposed Summer Art Installations, as outlined in the Manager of Recreation Program Services' report.

A discussion ensued, in which some members of Council commented on the need to consider how best to manage concerns from residents regarding noise and on the importance of the detailed budget which reflects all the associated costs of the public art initiatives. Council also offered their thanks to the Oak Bay Arts Laureate for her excellent work.

MOVED by Councillor Murdoch
Seconded by Councillor Braithwaite, That Council approve the following temporary arts installations for the summer of 2015:

1. Four large pieces located at Loon Bay Park, the Municipal Hall front lawn, the public portion of the vacant lot at 2775 Beach Drive, and Entrance Park;
2. Eleven smaller art pieces located on public land on Oak Bay Avenue;
3. Four pianos located at Estevan Village, Turkey Head, Cattle Point and Loon Bay Park with the Estevan Village piano moved indoors at 5:00 pm and other pianos covered from 8:00pm to 9:00am by parks staff.

CARRIED

8. ***Request for Endorsement of Proposed Hosting by Greater Victoria of the 2017 55+ BC GAMES***

- Note - Municipal Clerk - Proposal for Greater Victoria Hosting 2017 55+ BC Games
- Corresp. - BC Games 55+ 2017 Business Plan Outline

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That:

1. A letter in support of the bid to host the 2017 55+ BC Games in the Greater Victoria Region be provided to the City of Victoria; and
2. Council endorse, in principle, a financial contribution of \$10,000 in 2017, should the region be awarded the Games

CARRIED

9. ***Tender Award Recommendation - Pickup Trucks, Utility Vehicle and Tandem Dump Truck***

- Report - Deputy Treasurer, June 1, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the following tenders be awarded:

PW09-2015 - Pickup Trucks

Jenner Chevrolet Ltd.

PW10-2015 - Turf Utility Vehicle

Prairie Coast Equipment

PW11-2015 - Tandem Dump Truck

Harbour International Trucks Ltd.

as further outlined in the report of the Deputy Treasurer dated June 1, 2015.

CARRIED

10. ***Street Light Pilot Project Proposal***

- Report - Municipal Treasurer, June 3, 2015

The Municipal Treasurer responded to questions from Council, clarifying the process with respect to potential rebates and reserve fund allocation for the proposed project.

MOVED by Councillor Murdoch,

Seconded by Councillor Braithwaite, That Council:

1. Approve the pilot project to replace 100 high pressure sodium street lights with light emitting diodes (LED) at a maximum cost of \$22,000; and
2. Direct staff to prepare the necessary amendment bylaws to the Financial Plan and the Capital Works and Equipment Reserve Fund Appropriation bylaws.

CARRIED

11. ***Request for Financial Assistance - Oak Bay Community Artists Society***

- Note - Municipal Clerk - Oak Bay Community Artists Society - Request for Financial Assistance
- Corresp. - Oak Bay Community Artists Society, May 27, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That a grant of \$285.00 for the 11th Annual Bowker Creek Brush-Up be approved, and that the grant be paid to the Oak Bay Community Artists Society.

CARRIED

12. ***Oak Bay Heritage Commission (H Comm) Minutes***

- Note - Municipal Clerk - H Comm Minutes, May 12 and 21, 2015
- Minutes - OB Heritage Commission, May 12, 2015
- Minutes - OB Heritage Commission, May 21, 2015

MOVED by Councillor Murdoch
Seconded by Councillor Zhelka, That the minutes of the Heritage Commission meeting held on May 12 and May 21, 2015 be received.

CARRIED

13. ***Heritage Alteration Permit (HAP) - 2402 San Carlos Avenue***

- Report - Director of Building and Planning, May 26, 2015
- Rpt Attach 1 - Details, Mar. 2, 2015
- Rpt Attach 2 - Landscape Concept Plans, rcvd, Feb. 6, 2015
- Rpt Attach 3 - Heritage Conservation Plan, Donald Luxton and Associates Inc., Feb. 6, 2015
- Rpt Attach 4 - Applicant's Letter, Patio Court Developments Ltd., Mar. 12, 2015

MOVED by Councillor Murdoch
Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Heritage Alteration Permit for 2402 San Carlos Avenue in accordance with the Conservation Plan dated February 2015 prepared by Donald Luxton and Associates.

CARRIED

14. ***Heritage Alteration Permit (HAP) and Development Variance Permit (DVP) Application - 2390 San Carlos Avenue***

- Report - Director of Building and Planning, May 26, 2015
- Rpt Attach 1 - Details, Mar. 2, 2015
- Rpt Attach 2 - Landscape Concept Plans, rcvd, Feb. 6, 2015
- Rpt Attach 3 - Heritage Conservation Plan, Donald Luxton and Associates Inc., Feb. 6, 2015
- Rpt Attach 4 - Applicant's Letter, Patio Court Developments Ltd., Mar. 12, 2015

MOVED by Councillor Murdoch
Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Heritage Alteration Permit in accordance with the Conservation Plan dated February, 2015 prepared by Donald Luxton and Associates and to issue a Development Variance Permit in accordance with the Landscape Plan dated February 5, 2015 with respect to 2390 San Carlos Avenue (Lot 5, Section 61 & 69, Victoria District, Plan 3400) that would vary the following provisions of Bylaw No. 3540 Parking Facilities Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 + Schedule "A", A.1.(a) Two parking spaces per dwelling, one of which shall be in a building	2 spaces (1 must be in a building)	2 spaces (none in a building)	Waive the "1 space in a building" requirement

to accommodate the restoration of the dwelling, remove the carport accessory building at the rear of the property, and provide two uncovered parking stalls at the front of the property, as shown on the Landscape Plan dated February 6, 2015, as attached to the report from the Director of Building and Planning dated May 26, 2015.

That the motion in respect to the Development Variance Permit for 2390 San Carlos Avenue be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

15. ***Heritage Alteration Permit (HAP) and Development Variance Permit (DVP) Application - 2396 San Carlos Avenue***

- Report - Director of Building and Planning, May 26, 2015
- Rpt Attach 1 - Details, Mar. 2, 2015
- Rpt Attach 2 - Landscape Concept Plans, rcvd, Feb. 6, 2015
- Rpt Attach 3 - Heritage Conservation Plan, Donald Luxton and Associates Inc., Feb. 6, 2015
- Rpt Attach 4 - Applicant's Letter, Patio Court Developments Ltd., Mar. 12, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Heritage Alteration Permit in accordance with the Conservation Plan dated February, 2015 prepared by Donald Luxton and Associates and to issue a Development Variance Permit in accordance with the Landscape Plan dated February 5, 2015 with respect to 2396 San Carlos Avenue (Lot 4, Section 61 & 69, Victoria District, Plan 3400) that would vary the following provisions of Bylaw No. 3540 Parking Facilities Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
<i>4.7 + Schedule "A", A.1.(a) Two parking spaces per dwelling, one of which shall be in a building</i>	<i>2 spaces (1 must be in a building)</i>	<i>2 spaces (none in a building)</i>	<i>Waive the "1 space in a building" requirement</i>

to accommodate the restoration of the dwelling, remove the carport accessory building at the rear of the property, and provide two uncovered parking stalls at the front of the property, as shown on the Landscape Plan dated February 6, 2015, as attached to the report from the Director of Building and Planning dated May 26, 2015.

That the motion in respect to the Development Variance Permit for 2396 San Carlos Avenue be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

16. ***Heritage Alteration Permit (HAP) and Development Variance Permit (DVP) Application - 2408 San Carlos Avenue***

- Report - Director of Building and Planning, May 26, 2015
- Rpt Attach 1 - Details, Mar. 2, 2015
- Rpt Attach 2 - Landscape Concept Plans, rcvd, Feb. 6, 2015
- Rpt Attach 3 - Heritage Conservation Plan, Donald Luxton and Associates Inc., Feb. 6, 2015
- Rpt Attach 4 - Applicant's Letter, Patio Court Developments Ltd., Mar. 12, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Heritage Alteration Permit in accordance with the Conservation Plan dated February, 2015 prepared by Donald Luxton and Associates and to issue a Development Variance Permit in accordance with the Landscape Plan dated February 5, 2015 with respect to 2408 San Carlos Avenue (Lot 2, Section 61 & 69, Victoria District, Plan 3400) that would vary the following provisions of Bylaw No. 3540 Parking Facilities Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 + Schedule "A" A.1.(a) Two parking spaces per dwelling, one of which shall be in a building	2 spaces (1 must be in a building)	2 spaces (none in a building)	Waive the "1 space in a building" requirement

to accommodate the restoration of the dwelling, remove the carport accessory building at the rear of the property, and provide two uncovered parking stalls at the front of the property, as shown on the Landscape Plan dated February 6, 2015, as attached to the report from the Director of Building and Planning dated May 26, 2015.

That the motion in respect to the Development Variance Permit for 2408 San Carlos Avenue be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

17. **Correspondence - Development Variance Permit (DVP) Application - 3220 Weald Road**
- Corresp. - May 28 - June 4, 2015 - DVP Application - 3220 Weald Road

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the correspondence listed under agenda item no. 17 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

18. **New Business**

Councillor Zhelka commented on the notice of motion he provided at the May 25, 2015 meeting of Council, which contemplated withholding issuance of certain permits until the Zoning Bylaw is amended to address the recommendations of the Floor Area Review Committee. He noted that, subject to a Public Hearing being called for June 22, 2015 on the Zoning Bylaw amendments, as is proposed in the June 2, 2015 Bylaw Memorandum from the Municipal Clerk, he would not be bringing forward this motion at this time.

Councillor Zhelka noted that he was planning to bring forward a motion to a subsequent meeting of Council that would recommend further consideration of the April 3, 2012 report of the Community Engagement Working Group.

Report on the Capital Regional District (CRD)

A verbal report was provided on the 100th anniversary of the Sooke Reservoir and the CRD's Core Area Liquid Waste Management Committee.

Other Verbal Reports

Verbal reports were provided from members of Council with respect to the activities of the Oak Bay Emergency Program, the Regional Water Supply Commission, Capital Region Emergency Services Telecommunications (CREST) Incorporated, the Greater Victoria Public Library Board, the Oak Bay Heritage Commission, and the Greater Victoria Coalition to End Homelessness. Attention was also drawn to the City of Victoria's new stormwater utility and thanks offered to staff for their assistance with the Oak Bay Tea Party.

TABLED RESOLUTIONS:

19. ***Development Variance Permit (DVP) Application - 3220 Weald Road***

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, 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 3220 Weald Road (Lot 6, Block B, Section 31, Victoria District, Plan 3504) 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.(1) <i>Number of permitted accessory buildings</i>	2	3	1
6.2.4.(7) <i>Distance between buildings and structures</i>	3.0 m	1.2 m	1.8 m

to accommodate the construction of pool and accessory building as shown on the plans appended to Committee of the Whole agenda item number 10, being a report from the Director of Building and Planning dated May 12, 2015.

CARRIED

In reference to the correspondence received on this application, a representative for the applicant confirmed that, given the scope of the project, construction should be completed in a timely manner.

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

CARRIED

BYLAWS:

20. ***Bylaw Memorandum***
- Memo - Municipal Clerk, June 2, 2015

21. ***For Adoption***
- Bylaw No. 4647, Advisory Planning Commission Bylaw, 2015

MOVED by Councillor Braithwaite
Seconded by Councillor Croft, That Bylaw No. 4647, *Advisory Planning Commission Bylaw, 2015*, be adopted.

CARRIED

22. ***For First and Second Reading and Setting of a Public Hearing Date***
- Bylaw No. 4648, Ninety-Fourth Zoning Bylaw Amendment Bylaw, 2015

MOVED by Councillor Murdoch
Seconded by Councillor Zhelka, That Bylaw No. 4648, *Ninety-Fourth Zoning Bylaw Amendment Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Zhelka, That Bylaw No. 4648, *Ninety-Fourth Zoning Bylaw Amendment Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Croft, That a public hearing on Bylaw No. 4648 be held at the Oak Bay Municipal Hall, on June 22, 2015, at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 9:05 p.m.

Certified Correct

Municipal Clerk

Mayor