

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 23, 2014 at 7:30 p.m.

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

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

MOVED by Councillor Ney
Seconded by Councillor Kirby, That the amended agenda for the June 23, 2014 Council meeting be adopted as circulated.

CARRIED

There was consensus to move the Bylaws Section immediately after correspondence item no. 2014-181.

ADOPTION OF MINUTES:

Council, June 9, 2014

MOVED by Councillor Copley
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, June 9, 2014, be adopted.

CARRIED

Special Council, June 16, 2014

MOVED by Councillor Ney
Seconded by Councillor Kirby, That the minutes of the Special Council meeting held on Monday June 16, 2014, be adopted.

CARRIED

Committee of the Whole – June 16, 2014

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

CARRIED

MAYOR'S REMARKS:

Oak Bay Tea Party

The Mayor attended a Thank You celebration to recognize the volunteers that helped make this year's Oak Bay Tea Party a great success.

Urban Deer Management

The Mayor reviewed a letter from the Minister of Forests Lands & Natural Resources Operations that was in response to a letter from the municipality, dated March 27, 2014, regarding Urban Deer Management. The March 27, 2014 letter requested consideration to cost share funding for the program and the response from the Province was that it is unable share operational costs.

PUBLIC PARTICIPATION PERIOD:

Official Community Plan

John Graham, said that residents of Oak Bay have expressed concerns that they do not want to encourage people from outside of Oak Bay coming to live here. He said that a lot of the people who live in Oak Bay have come from somewhere else and the people are all the same. Mr. Graham said that developers have not been welcome in the past but recently their efforts have been acknowledged, noting that development is not negatively affecting the quality of life in Oak Bay.

Lynne Reed Limbert, thanked the members of OPAC for their time and efforts over the last 2 years. There were many opportunities for the public to give input and the Official Community Plan is the wishes of the community, she said. She said that the document is forward looking and she urged Council to move the Official Community Plan forward.

1198 & 1204 Hewlett Place

Ron Carter, said that he has concerns with the variance application for 1198 and 1204 Hewlett Place and not preserving the trees on the property. He said that everything that can be removed has been removed and the urban forest canopy will be lost and it will be a major change to the property.

Official Community Plan

Marion Cumming, said she appreciates the good work that has gone into Official Community Plan. Ms. Cumming said she has concerns that developers are getting the message that the doors are open for development particularly when it comes to subdividing large lots. She said that she hoped that if there was a heritage home on a property that was subdivided, that the heritage designation would be incorporated in the plans. Subdivisions are not a good way to promote affordable housing, she said.

2280 Estevan Avenue

Karen Chapman, said she has concerns with the rezoning application for 2280 Estevan Avenue. She is concerned that each unit in the duplex has a basement and bedrooms could be added that could make it possible to have up to 16 people living in the duplex and she feels that is excessive.

COMMUNICATIONS:

10. 2014-189 MANAGER OF RECREATION PROGRAM SERVICES, June 23, 2014
Re Temporary Arts Installation

(Manager of Recreation Program Services, Janet Barclay, in attendance for this item)

A discussion ensued regarding the art installations with the Manager of Recreation Program Services responding to questions from Council.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That three temporary art works be installed at Oak Bay Marina walkway, Turkey Head and at Oliver Street and Beach Drive by the Parks and Recreation Department subject to a budget review once the costs of installation and other costs are confirmed.

CARRIED

1. 2014-180 DISTRICT OF OAK BAY ANNUAL REPORT 2013
2014-180-1 MUNICIPAL TREASURER, June 18, 2014
Re Statement of Financial Information

Mayor Jensen asked if anyone in attendance wished to address Council regarding the 2013 Annual Report. No members of the public came forward.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the 2013 Annual Report be received and that the reports therein that are required pursuant to the Financial Information Act be approved, and further, that Mayor Nils Jensen be authorized, on behalf of Council, to sign a statement indicating approval of the Statement of Financial Information as required by the Act.

CARRIED

2. 2014-181 DIRECTOR OF BUILDING AND PLANNING, June 18, 2014
2014-181-1 JEREMY AND GEORGIE WILSON, June 8, 2014
2014-181-2 BARBARA JULIAN, June 14, 2014
2014-181-3 BRUCE FILAN, June 20, 2014
2014-181-4 BRUCE FILAN, June 23, 2014
Re Oak Bay Official Community Plan

(Project Consultant Catherine Berris and Consulting Planner Michael Dillistone were present for this item)

A discussion ensued with members of Council commenting on the process that has taken place over the last year and half in order to produce the Official Community Plan. Council thanked the Official Community Plan Advisory Committee for the many hours of work. Members of Council thanked the various committees of Council and the community for their input. Council members expressed support for holding a Public Hearing on the Official Community Plan as presented.

BYLAWS:

For First and Second Reading and Setting of a Public Hearing Date

Bylaw No. 4620, *Oak Bay Official Community Plan Bylaw, 2014*

MOVED by Councillor Copley
Seconded by Councillor Green, That Bylaw No. 4620, *Oak Bay Official Community Plan Bylaw, 2014* be introduced and read a first time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Herbert, That Bylaw No. 4620, *Oak Bay Official Community Plan Bylaw, 2014*, having been examined in conjunction with the Five Year Financial Plan and the Capital Regional District's Core Area Liquid Waste Management and Solid Waste Management Plans, be read a second time and be referred to the Agricultural Land Commission for comment.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Green, That staff be directed to refer Bylaw No. 4620, *Oak Bay Official Community Plan Bylaw, 2014*, to external agencies from the end of June 2014 to August 20, 2014 for review in keeping with the approved consultation plan.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Green, That a public hearing be held on Bylaw No. 4620 at Monterey Centre, 1442 Monterey Avenue, at 6:00 p.m. on Tuesday, September 9, 2014, and that notice of the hearing be given in accordance with the *Local Government Act*.

CARRIED

A discussion ensued regarding the circulation of the Official Community Plan to the various agencies for review and input. There was further discussion regarding potential changes and how they would be implemented.

The question on the motion was then called.

CARRIED

3. 2014-182 BOWKER CREEK INITIATIVE, CAPITAL REGIONAL DISTRICT,
June 17, 2014
Re Presentation Request – Bowker Creek Restoration Design, Oak Bay
High School Lands

Jody Watson, Chair, Bowker Creek Initiative, Craig Sutherland, Kerr Wood Leidal and Scott Murdoch, MDI provided an overview of the Bowker Creek Restoration Design for the Oak Bay High School lands and answered questions from Council.

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the information presented by the Bowker Creek Initiative, Capital Regional District, be received.

CARRIED

4. 2014-183 DIRECTOR OF BUILDING AND PLANNING, June 16, 2014
Re Rezoning Application - 2280 Estevan

(Hope Burns, Consulting Planner, in attendance for this item)

Hope Burns gave an overview of the application acknowledging that Council first saw the application in 2012, and noting that it has since been revised.

MOVED by Councillor Copley

Seconded by Councillor Ney, That staff be directed to prepare a zoning bylaw amendment to allow for a two-family residential development of 2280 Estevan Avenue, a parking facilities bylaw amendment, and to identify potential variances, to be brought forward to Committee of the Whole for further consideration.

CARRIED

(Councillor Herbert against the motion)

5. 2014-184 DIRECTOR OF BUILDING AND PLANNING, June 10, 2014
Re Zoning Bylaw Amendment Application for Future Subdivision
– 3435 Upper Terrace

Mr. Jergen Weyand, owner, reviewed the application and answered questions from Council.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That Zoning Bylaw Amended Application for 3425 Upper Terrace, correspondence item no. 2014-184, be denied.

CARRIED

6. 2014-185 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, April 1, 2014
2014-185 -1 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, May 6, 2014
Re Minutes of the Meeting

MOVED by Councillor Kirby

Seconded by Councillor Green, That the Active Transportation Advisory Committee (ATAC) be invited to a future meeting to present an update to Council on the committee's projects.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the minutes of the Active Transportation Advisory Committee meeting held April 1, 2014 and May 6, 2014, be received.

CARRIED

7. 2014-186 CIBC RUN FOR THE CURE, April 1, 2014
Re Request for Temporary Road Closures, 2014 Canadian Breast Cancer
Foundation CIBC Run for the Cure – October 5, 2014

MOVED by Councillor Murdoch

Seconded by Councillor Green, That approval be given to occupy public property, as described in correspondence item no. 2014-186, for the CIBC Run for the Cure event to be held Sunday, October 5, 2014, 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;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
4. sufficient notice being given by the event organizers to all property owners along the proposed route,

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

CARRIED

8. 2014-187 MUNICIPAL TREASURER, June 18, 2014
Re Community Works Fund Agreement, 2014-2024

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the Mayor and Municipal Clerk be authorized to sign and do all things necessary to execute the 2014-2024 Community Works Fund Agreement regarding the transfer of federal gas tax revenues between the Federal Government and The District of Oak Bay, as attached to the memorandum from the Municipal Treasurer, correspondence item no. 2014-187.

CARRIED

9. 2014-156-1 ROBERT AMOS, March 24, 2014
2014-188 DIETER HOYER, June 18, 2014
Re Development Variance Permit – 1198 & 1204 Hewlett Place

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That correspondence items no. 2014-156-1 and no. 2014-188 be received.

CARRIED

TABLED:

Development Variance Permit – 1198 Hewlett Place

MOVED by Councillor Kirby

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 1198 Hewlett Place (Strata Lot B, Section 23, Victoria District, Strata Plan EPS1656 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 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 (front yard)	25% (42.8 m ²)	51% (87.2 m ²)	26% (44.4 m ²)
6.5.4.(2)(a) Minimum front lot line setback (garage)	7.62 m	0.61 m	7.01 m
6.5.4.(8) Accessory building setbacks to be the same as principal building	1.50 m	0.91 m	0.59 m

to accommodate the construction of a new single family dwelling and garage as shown on the plans (with the exception of the accessory building plan) appended to Committee of the Whole agenda item 2014-157 being a memorandum from the Director of Building and Planning dated May 8, 2014 and the accessory building plan date stamped received June 4, 2014.

CARRIED

Leonard Cole, owner, reviewed the application and answered questions from Council. Mr. Cole said that he met with Mr. Hoyer and they have come up with an agreement that has satisfied his concerns. The Municipal Clerk said that Mr. Hoyer had contacted her and confirmed that they had reached an agreement.

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 – 1204 Hewlett Place

MOVED by Councillor Ney

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 1204 Hewlett Place (Strata Lot A, Section 23, Victoria District, Strata Plan EPS1656 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 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 (front yard)	25% (35.5 m ²)	55.2% (78.3 m ²)	30.2% (42.8 m ²)
6.5.4.(2)(a) Minimum front lot line setback (garage)	7.62 m	0.61 m	7.01 m
6.5.4.(7) Minimum clear space between buildings and structures	3.00	1.91 m	1.09 m

6.5.4.(8) Accessory building setbacks to be the same as principal building	1.52 m	0.91 m	0.61 m
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to accommodate the construction of a new single family dwelling and garage as shown on the plans (with the exception of the accessory building plan) appended to Committee of the Whole agenda item 2014-156 being a memorandum from the Director of Building and Planning dated May 8, 2014 and the accessory building plan date stamped received June 4, 2014.

CARRIED

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 – 2732 Bowker Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, 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) Minimum clear space between buildings and structures (north side)	3.00 m	0.00 m	3.00 m
6.5.4.(7) Minimum clear space between buildings and structures (north/west side)	3.00 m	0.914 m	2.09 m
6.5.4.(7) Minimum clear space between buildings and structures (west side)	3.00 m	0.76 m	2.24 m
6.5.4.(7) Minimum clear space between buildings and structures (south side)	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.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 2732 Bowker Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3671 Crestview Road

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 3671 Crestview Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1081 Roslyn Road

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 1081 Roslyn Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2162 Epworth Street

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 2162 Epworth Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2151 Haultain Street

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 2151 Haultain Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Permit – 1375 Newport Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Permit to amend the Land Use Contract No. 12, with respect to 1375 Newport Avenue (Lot 1 to 23, Section 23, Victoria District, Strata Plan 704, 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 #2014-178, being a memorandum from the Director of Building and Planning dated June 9, 2014.

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.

CARRIED

The meeting adjourned at 9:45 p.m.

Certified Correct:

Municipal Clerk

Mayor