

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 9, 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
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen

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

AGENDA:

Moved by Councillor Murdoch

Seconded by Councillor Green, That the order of the agenda be revised to consider the Draft Official Community Plan (correspondence items no. 2014-162 to 2014-162-6) as the last item.

CARRIED

ADOPTION OF MINUTES:

Council – May 26, 2014

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the minutes of the Council meeting held on May 26, 2014 be adopted.

Mayor Jensen noted that the resolution brought forward by Councillor Ney at the May 26, 2014 meeting regarding Urban Agriculture has not been identified as a priority and suggested this item be deferred to 2015.

Councillor Ney noted she had discussed deferring the issue with the Parks and Recreation Commission. There was consensus of Council that this item be deferred to 2015.

The question was then called.

CARRIED

MAYOR'S REMARKS:

Oak Bay News

Mayor Jensen welcomed back Christine van Reewyk as a reporter for the Oak Bay News.

KidSport Greater Victoria

The Mayor noted that a letter of appreciation was received from KidSport Greater Victoria regarding a donation of \$428 from the Municipality.

Oak Bay High School Graduation/2014 My Green High School Grant Award

The Mayor expressed his delight in attending the 2014 Oak Bay High School graduation ceremony and congratulated the students and staff for hosting a great evening. He further remarked that the Oak Bay High School was the recipient of a 2014 My Green High School Grant Award from the Capital Regional District.

Capital Regional District Bike Trails Booklet

The Mayor drew attention to the newly released Capital Regional District Bike Trails booklet, noting it is a great information tool for cycling in the region.

Municipal Dinner

Mayor Jensen commented that the Municipal Dinner to recognize the many Oak Bay volunteers and other organizations that contribute to the interests of the Municipality was a great success. He also recognized and thanked the entertainment provided by Jazz a Latte and the special guests and long-time employees, Marlene Baldwin, Building, Engineering & Licensing Clerk and Carol Stretch, Payroll Clerk, for their service.

Oak Bay United Church Celebrations

The Mayor noted the Oak Bay United Church's 100th Anniversary celebration that re-dedicated the original placing of the cornerstone from 100 years ago.

Oak Bay Tea Party

The Mayor was pleased to say the Oak Bay Tea Party was a great success, congratulating and thanking the organizers and volunteers for a job well done.

PUBLIC PARTICIPATION PERIOD:

Sewage Treatment

Michelle Coburn, said she is an involved and concerned citizen in respect to sewage treatment, expressing her view that the Seaterra project should go forward without delay. Without it, she said, harm to the financial well being of the Region will be the result. Ms. Coburn went on to draw attention to British Columbia's neighbours to the south in Washington State, noting their expectation of sewage treatment by the Capital Region.

COMMUNICATIONS:

1. 2014-163 DIRECTOR OF BUILDING AND PLANNING, June 4, 2014
2014-163-1 OAK BAY HERITAGE COMMISSION, June 2, 2014
Re Development Permit/Building Permit Referral for Property Listed on
Community Heritage Register – 2188 Oak Bay Avenue

Mayor Jensen acknowledged the Oak Bay Heritage Commission's quick response with respect to reviewing Council's referral of the Development Permit application for 2188 Oak Bay Avenue.

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the temporary protection order issued on May 26, 2014 pursuant to Section 962 of the *Local Government Act* be lifted and the Director of Building and Planning be authorized to issue a Development Permit with respect to 2188 Oak Bay Avenue (Lot 1, Section 69, Victoria District, Plan 44782) which will allow for the exterior modifications to the existing building, subject to submission of a revised colour scheme for the stucco, and vinyl windows.

CARRIED

2. 2014-164 DIRECTOR OF BUILDING AND PLANNING, June 3, 2014
Re Heritage Alteration Permit – 1512 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Heritage Alteration Permit for 1512 Beach Drive in respect to the plans presented in the report from the Director of Building and Planning dated June 3, 2014 (correspondence item no. 2014-164), with the condition, as recommended by the Heritage Commission, that the French doors are wooden doors, with wood trim and that the colours are complimentary to or the same as the existing house.

CARRIED

3. 2014-165 OAK BAY TOURISM COMMITTEE, May 22, 2014
Re Oak Bay Collector Car Festival 2014

MOVED by Councillor Ney

Seconded by Councillor Green, That the temporary road closure of Oak Bay Avenue from Monterey Avenue to Mitchell Street on Sunday August 10, 2014 from 8:00 a.m. to 5:30 p.m., for the purpose of a not-for-profit community event under the auspices and control of the Corporation (the Oak Bay Collector Car Festival), as described in the May 22, 2014 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

4. 2014-166 ROTARY CLUB OF OAK BAY, June 2, 2014
Re Request to sell raffle tickets during Oak Bay Night Markets

MOVED by Councillor Green

Seconded by Councillor Kirby, That permission be granted to the Rotary Club of Oak Bay to occupy a portion of the front lawn at the Oak Bay Municipal Hall adjacent to 2167 Oak Bay Avenue, in conjunction with the Oak Bay Village Night Markets starting on June 11, 2014 from 3:00 p.m. to 9:00 p.m. for the purpose of staging a fundraising event, subject to the Rotary Club of Oak Bay 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 occupancy;

with the Municipal Clerk being authorized to execute the agreement on behalf of the Municipality.

CARRIED

5. 2014-167 TOWNSHIP OF ESQUIMALT, May 14, 2014
Re Official Community Plan Amendment

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Mayor Jensen be requested to send a letter to the Township of Esquimalt noting Council's disappointment with the Town taking this late action to amend its Official Community Plan to prevent the sewage treatment plant being constructed at McLoughlin Point, which may result in the loss of Federal and Provincial funding for a regional sewage treatment plant.

It was further noted that Oak Bay itself had struggled with placement of the Currie Road pump station within a residential neighbourhood, but in the best interests of the Capital Region worked hard with the neighbours on the issue, resulting in a station that was acceptable for all.

The question on the motion was then called.

CARRIED

(Councillors Copley, Green and Ney against the motion)

6. 2014-137 BANKS DESIGN, April 23, 2014
2014-148 GEORGE SRANKO and JAN CADIEUX, May 9, 2014
2014-168 BANKS DESIGN, June 4, 2014
Re Shade Studies - Development Variance Permit Application for 2138 Florence Street
7. 2014-169 DR. W. ERIC SHAFONSKY, June 4, 2014
2014-169-1 HEIDI MARTINS, June 3, 2014
2014-169-2 DICK HORWOOD, June 9, 2014
Re Development Variance Permit – 2570 Nottingham Road
8. 2014-156-1 ROBERT AMOS, March 24, 2014
Re Development Variance Permit – 1198 & 1204 Hewlett Place

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That correspondence items no. 2014-137, 2014-148, 2014-168, 2014-169, 2014-169-1, 2014-169-2 and 2014-156-1 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

There was consensus to consider any New Business or other reports later in the agenda if any arose.

TABLED:

Development Variance Permit – 2138 Florence Street

MOVED by Councillor Kirby

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 2138 Florence Street (Lot 28, Block 1, 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</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3)(b) <i>Maximum occupiable height</i>	4.25 m	5.03 m	0.78 m
6.5.4.(6)(a) <i>Maximum gross floor area above 0.8 metres below grade</i>	240 m ²	280.20 m ²	40.20 m ²

to accommodate the proposed addition of a top floor above the kitchen, as shown on the plans appended to Committee of the Whole agenda item 2014-128, being a memorandum from the Director of Building and Planning dated April 14, 2014.

CARRIED

Nigel Banks, Banks Design, was in attendance and responded to questions from Council with respect to the shading studies that had been provided.

Mr. Banks noted that the construction would result in some shading of adjacent properties, however, the requested variance, he said, is not related to the overall height of the building, which is within that permitted, and which is what will result in the shading.

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

CARRIED

Development Variance Permit – 2570 Nottingham Road

MOVED by Councillor Murdoch

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 2570 Nottingham Road (Amended Lot 1 (DD 2689811) of Section 31, Victoria District, Plan 3811) 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>
4.10.4 <i>No structure sited within 3.0 meters from any lot line</i>	3.00 m	0.91 m	2.09 m

to accommodate the siting a miscellaneous structure (pool pump), as shown on the plans appended to Committee of the Whole agenda item 2014-154, being a memorandum from the Director of Building and Planning dated May 12, 2014.

CARRIED

Heidi Martins, neighbouring resident, expressed concerns about the location of the pool pump and noted that it is audible from her bedroom window and disturbs her sleep.

The Director of Building and Planning noted that the decibel level of the pool pump meets the requirements of the Zoning Bylaw, but should it not meet those requirements in the future, it would become an enforcement matter if the variance is permitted in respect to the setback from the property line.

The resident of the house, Mr. Aujla, responding to questions from Council noted that even though the lot is large, there is no good alternative for siting the pool pump, which has already been installed, because of the established gardens.

It was suggested that the application be deferred for the summer to enable further time for the neighbours to assess the effect of the noise from the pump and to allow the applicants an opportunity to turn the pump off at certain hours so as to reduce any impact on the neighbours.

MOVED by Councillor Murdoch

Seconded by Councilor Green, That the Development Variance Permit application for 2570 Nottingham Road be tabled to September 15, 2014.

CARRIED

Development Variance Permit – 2151 Haultain Street

MOVED by Councillor Kirby

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 2151 Haultain Street (Lot 1, Section 28, Victoria District, Plan 14993) varying the following provision 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	72 stalls	40 stalls	32 stalls

to accommodate the additional parking required in respect to the addition of one dwelling unit as shown on the plan appended to Committee of the Whole agenda item 2014-154, being a memorandum from the Director of Building and Planning dated May 12, 2014.

CARRIED

Attention was drawn to incorrect information provided by the applicant that was used to calculate the required number of parking spaces, and it was noted that inasmuch as a revised application would be coming forward, the staff recommendation was to deny the variance application currently before Council.

The question on the motion was then called.

DEFEATED

RESOLUTIONS:

Development Variance Permit – 1198 Hewlett Place

MOVED by Councillor Ney

Seconded by Councillor Copley, 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.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 1198 Hewlett Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1204 Hewlett Place

MOVED by Councillor Ney

Seconded by Councillor Copley, 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

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.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 1204 Hewlett Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

COMMUNICATIONS: (Continued)

9. 2014-162 DIRECTOR OF BUILDING AND PLANNING, June 5, 2014
 - 2014-162-1 ANITA WOLFE, May 31, 2014
 - 2014-162-2 BRUCE FILAN, June 1, 2014
 - 2014-162-3 OAK BAY HERITAGE FOUNDATION, June 3, 2014
 - 2014-162-4 JACQUES SIROIS, June 4, 2014
 - 2014-162-5 CARL PETERSON, June 4, 2014
 - 2014-162-6 KEN and BARB GRANT, June 5, 2014
 - 2014-162-7 ELIZABETH ZACKS, June 6, 2014
 - 2014-162-8 BARRY THOMAS, June 8, 2014
- Re Draft Official Community Plan

Mayor Jensen and Councillor Copley, Chair of the Official Community Plan Project Advisory Committee, provided overviews of various parts of the process followed to date for the OCP renewal, noting the hard work of many individuals, consultants, and staff in the development of the draft currently before Council.

Catherine Berris, Urban Systems, Project Consultant, highlighted the draft OCP, and provided an overview of the many components to the Plan.

Responding to questions, the Director of Building and Planning and Consulting Planning Michael Dillistone noted that much work would be required post adoption of the Official Community Plan over time during the implementation stage.

Members of Council expressed their appreciation for the hard work by all involved to get to the stage of presenting the draft OCP for consideration.

Attention was drawn to the recommendations for changes to the draft OCP as a result of the May 31, 2014 Open House, as contained in the report from the Director of Building and Planning.

Recommendation #1:

MOVED by Councillor Green

Seconded by Councillor Copley, That the anticipated annual growth rate noted in the Draft Official Community Plan be amended from 1.0 percent to 0.5 percent.

CARRIED

Recommendation #2:

MOVED by Councillor Kirby

Seconded by Councillor Green, That Figure 4.1: Land Use Framework Provisions of the Draft Official Community Plan be amended by removing references to the potential to increase height and density.

CARRIED

Recommendation #3:

MOVED by Councillor Kirby

Seconded by Councillor Ney, That after the Land Use Framework table a policy be added which allows Council to consider increases in height and density.

CARRIED

Recommendation #4:

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the Housing Policies section of the Draft Official Community Plan be amended to include the development of evaluation criteria for different forms of infill housing in Established Neighbourhoods, and the establishment of an Infill Residential Development Permit area to regulate the form and character of infill housing in Established Neighbourhoods.

CARRIED

(Councillor Herbert against the motion)

Recommendation #5:

MOVED by Councillor Ney

Seconded by Councillor Green, That the Infill Residential Development Permit Area be changed to remove Schedule G and reference the Established Neighbourhood Land Use Designation on Schedule B.

CARRIED

Recommendation #6:

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the exemptions be changed to note that single family dwellings on regular single family lots under existing zoning are exempt from the development permit requirement.

CARRIED

Recommendation #7:

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the Context statement for the Housing Section of the Draft Official Community Plan be amended to add the wording as contained in the memorandum from the Director of Building and Planning dated June 5, 2014, correspondence item no. 2014-162.

CARRIED

Recommendation #8:

MOVED by Councillor Kirby

Seconded by Councillor Green, That Section 4.7 of the Draft Official Community Plan be amended to add additional references to the relationship between Heritage Conservation and Land Use Planning in the Community Health and Resilience – Heritage Context statement and to add a policy to reference the tools available for Heritage Conservation in the *Community Charter* and the *Local Government Act*.

CARRIED

Recommendation #9:

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the Draft Official Community Plan be amended to add explanatory notes throughout the text and to include a statement in the staff report that recognizes that the document will undergo further editing, proofreading and fact checking including the maps.

CARRIED

Recommendation #10:

MOVED by Councillor Ney

Seconded by Councillor Kirby, That Section 4.6 Parks and Recreation of the Draft Official Community Plan be amended to add a reference to food security to the paragraph on urban agriculture.

CARRIED

At this time, Council discussed and proposed several other amendments to the draft Official Community Plan and there was consensus on various other minor changes.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the types of roads contained in the draft Official Community Plan be defined and that it be noted that the mapping is based on current and could be changed from time to time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Ney, That a reference to town houses be made in the multi-unit residential section of the draft Official Community Plan.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the planning and building guidelines in the infill residential development permit area of the draft Official Community Plan be amended to incorporate a reference to consideration of front setbacks from the street.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That a reference to priority areas for increased density be included in the draft Official Community Plan.

CARRIED

(Councillor Kirby against the motion)

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the insert contained in section 2.4, Projections and Trends, be deleted.

Motion withdrawn with consensus.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the last sentence of the insert contained in section 2.4, Projections and Trends, be deleted.

DEFEATED

(Mayor Jensen and Councillors Copley, Green, Kirby and Ney against the motion)

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the following policy be added:

“CCE11. Continue to explore enhanced recycling options for currently exempt items such as Styrofoam, soft plastics. Etc.”

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That wording be added to the Creeks section to note that when the ownership of properties adjacent to Bowker Creek is transferred, there may be an opportunity for the District to acquire the creek bed.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Herbert, That the meeting proceed beyond the 11 o'clock p.m. hour of adjournment fixed by the Procedure Bylaw.

CARRIED UNANIMOUSLY

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That a similar statement to the #1 Commercial Mixed Use objective be inserted into the Housing objectives.

CARRIED

(Councillors Ney and Green against the motion)

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That wording be added to 4.3.2e Uplands to note that consideration may be given to revisions to the maximum lot coverage on large lots.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the area for future commercial mixed use in the Henderson (north/south corridor) area be expanded.

DEFEATED

(Mayor Jensen and Councillors Copley, Green, Kirby and Ney against the motion)

MOVED by Councillor Copley

Seconded by Councillor Ney, That staff be directed to work with the Official Community Plan Project Consultant to formalize the draft OCP, including the amendments in Appendix #3, along with the other agreed to amendments, into a Bylaw to be brought to Council on June 23, 2014, for introduction and first and second reading and setting of a public hearing date, and further, that all the post open house correspondence be referred to staff and the Official Community Plan Project Consultant for consideration.

CARRIED

Given the late hour, there was consensus that a Special Meeting be held prior to the June 16, 2014 Committee of the Whole meeting to consider the in camera items.

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 11:50 p.m.

Certified Correct:

Municipal Clerk

Mayor