

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, May 27, 2013 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair  
Councillor P. Copley  
Councillor C. Green  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney  
STAFF: Municipal Administrator, G. Nason  
Municipal Clerk, L. Hilton  
Municipal Treasurer, P. Walker  
Director of Building and Planning, R. Thomassen

Mayor Jensen introduced and welcomed Andrew Weaver, the newly elected MLA for Oak Bay-Gordon Head, and members of Council congratulated Mr. Weaver on being elected, noting they looked forward to working with him in the future.

Mayor Jensen also thanked Councillor Kirby for her Acting Mayor duties during his absence.

The meeting was called to order at 7:37 p.m.

ADOPTION OF MINUTES:

*Special Council – May 8, 2013*

MOVED by Councillor Copley  
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Wednesday, May 8, 2013, be adopted.

CARRIED

*Council – May 13, 2013*

It was noted that Councillor Kirby, as Acting Mayor, presided over the meeting and it was agreed that the minutes be changed to reflect this.

MOVED by Councillor Copley  
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, May 13, 2013, be adopted.

CARRIED

*Special Council – May 21, 2013*

MOVED by Councillor Copley  
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Tuesday, May 21, 2013, be adopted.

CARRIED

*Committee of the Whole – May 21, 2013*

MOVED by Councillor Copley

Seconded by Councillor Ney, That the minutes of the Committee of the Whole meeting held on Tuesday, May 21, 2013, and the recommendations contained therein, be adopted.

CARRIED

*Special Council – May 22, 2013*

MOVED by Councillor Copley

Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Wednesday, May 22, 2013, be adopted.

CARRIED

ADOPTION OF REPORT:

*Public Hearing – May 13, 2013*

MOVED by Councillor Copley

Seconded by Councillor Ney, That the Report of the Public Hearing held on Monday, May 13, 2013, be adopted.

CARRIED

MAYOR'S REMARKS:

*Oak Bay Official Community Plan Review – Open House*

Mayor Jensen thanked those involved in organizing the first Oak Bay Official Community Plan Renewal process open house noting it was very well attended. The renewal of the Plan, he said, will continue to be an exceptionally important process for Council and the community over the next year.

*Highland Games*

Mayor Jensen said he attended the 150<sup>th</sup> Highland Games celebration at Government House, noting that he was honoured to meet Prince Andrew who was in attendance to officially open the 2013 Games.

*Oak Bay Tea Party*

Mayor Jensen reminded members of Council they are invited to judge the parade float entries for the upcoming Oak Bay Tea Party.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2013-147 DIRECTOR OF PARKS & RECREATION, May 27, 2013  
Re Recreation Integration Victoria – Agreement Renewal

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That Council authorize the Mayor and the Municipal Clerk to execute the Recreation Integration Victoria Memorandum of Understanding Renewal Agreement for an additional five year period, to expire on June 30, 2018.

CARRIED

2. 2013-148 JOEL PALMER, May 5, 2013  
Re Temporary Road Closure for Block Party, Byron St, Jul. 1, 2013
3. 2013-149 ED WALKER, May 15, 2013  
Re Temporary Road Closure for Block Party, 2200 block of Pacific Ave,  
Jul 1, 2013
4. 2013-150 JODI & STEPHEN FOSTER, MAUREEN & JIM MCDERMOTT, May 23,  
2013  
Re Temporary Road Closure for Block Party, 3611-3680 Crestview Rd , Jun  
30, 2013

MOVED by Councillor Green

Seconded by Councillor Murdoch, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Byron Street, between Foul Bay Road and Elgin Road, on Monday, July 1, 2013, from 12:00 o'clock p.m. to 5:00 o'clock p.m.; on the 2200 block of Pacific Avenue, on Monday, July 1, 2013, from 1:30 o'clock p.m. to 5:30 o'clock p.m.; and, on Crestview Road, between 3611 and 3680 Crestview Road, on Sunday, June 30, 2013, from 4:00 o'clock p.m. to 8:00 o'clock p.m.

CARRIED

5. 2013-151 OAK BAY HERITAGE COMMISSION, May 7, 2013  
2013-151-1 DIRECTOR OF BUILDING & PLANNING, May 22, 2013  
Re Minutes of Meeting/Oak Bay Heritage Plan

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the minutes of the Heritage Commission meeting held May 7, 2013, be received.

CARRIED

Mayor Jensen commended the Oak Bay Heritage Commission on its hard work in producing, with its consultants Donald Luxton and Associates Inc. and Stuart Stark and Associates Heritage Consultants, the Oak Bay Heritage Plan.

Pat Wilson, Chair, Oak Bay Heritage Commission, thanked the sub-committee volunteers for their diligence and hard work, which required many hours of volunteer time. She also expressed her appreciation to Council, on behalf of the Commission, for its support and providing the funding to make the development of the Plan possible. The Director of Building and Planning's contributions to the process were also acknowledged.

There was discussion on the Plan, with various comments provided by members of Council on particular aspects of the Plan.

MOVED by Councillor Green

Seconded by Councillor Copley, That the Oak Bay Heritage Plan prepared for the Oak Bay Heritage Commission be endorsed in principle, and that Council forward the Plan and its associated recommendations to the currently ongoing Official Community Plan (OCP) Renewal process for input into the development of the new OCP.

It was noted that the “Actions” proposed in the Plan would be undertaken by the Oak Bay Heritage Commission, and any initiatives which would required funding from Council would be brought to Council for consideration in the course of regular budget deliberations.

The value of the Plan in terms of its references to Archives and drawing attention to the benefits of heritage in the community were noted, which it was felt lead to a positive perception of heritage in Oak Bay.

Further comments were provided by members of Council on the Plan, and it was agreed that the Plan would be posted to the website as soon as possible.

The question was then called.

CARRIED

6. 2013-152 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, Mar 5, 2013  
Re Minutes of Meeting

MOVED by Councillor Kirby

Seconded by Councillor Ney, That correspondence item no. 2013-152 be received.

CARRIED

7. 2013-153 MUNICIPAL CLERK, May 13, 2013  
Re Building Permit Referrals for Properties on the Community Heritage Register

Mayor Jensen provided an overview of the information contained in the staff report in respect to possible changes to procedures for considering building permit referrals for properties on the Community Heritage Register.

It emerged that there was no desire to amend the process laid out in the applicable Bylaw, however, it was acknowledged that early informal consultation between applicants and the Heritage Commission should be encouraged where possible, while still complying with the Bylaw and legislative requirements for withheld building permits for properties on the Community Heritage Register.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That correspondence item no. 2013-153 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*Official Community Plan Renewal Project*

The Municipal Administrator provided an update on the OCP Renewal process, drawing attention to the upcoming visioning sessions and second community open house.

The Consultant, said Mr. Nason, is scheduled to meet with the OCP Project Advisory Committee (OPAC) and then Municipal Council, on June 24<sup>th</sup>, to provide a briefing on the visioning sessions and open houses.

Mr. Nason advised that in terms of the resident survey, a recommendation would be forthcoming from OPAC regarding the method of survey. OPAC, he said, would be considering the currently proposed random survey versus a community wide survey. Mr. Nason confirmed that the survey design would be developed over the summer months.

Councillor Copley, OPAC Chair, noted that while specific invitations were provided for the visioning sessions, the sessions could also be attended by the general public.

*Congress 2013*

Councillor Copley drew attention to the upcoming Congress 2013 to be held at the University of Victoria, noting the significant opportunity it will provide to showcase the Oak Bay community. Oak Bay, she said, is one of the communities hosting a hospitality suite at the conference.

RESOLUTIONS:

***Development Permit – 1175 Newport Avenue***

MOVED by Councillor Kirby

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a development permit with respect to Strata Lots 1 through 15, Section 23, Victoria District, Strata Plan 971 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lots as shown on Form 1 (1175 Newport Avenue), which will amend the Land Use Contract filed under registration number G44267 at the Victoria Land Title Office, to permit changes to the landscaping as set out in the plans appended to Committee of the Whole agenda item no. 2013-140, being a memorandum from the Director of Building and Planning dated May 9, 2013.

CARRIED

***Development Variance Permit – 3125 Beach Drive***

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3125 Beach Drive (Lot 4, Block 10, Section 31, Victoria District, Plan 1216A), 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>
4.10.5 No structure described by 4.10.1 shall be sited in the front yard or side yard	*	Siting of generator in the front and side yard	Siting of generator in the front and side yard
6.1.4.(2) (a) Minimum front lot line setback	10.66 m	5.5 m	5.16 m
6.1.4.(2) (c) + Schedule 'C' Minimum interior side lot line setback	4.57 m	3.0 m	1.57 m

to accommodate the installation of an emergency generator as shown on the plans appended to Committee of the Whole agenda item 2013-141 being a memorandum from the Director of Building and Planning dated May 8, 2013.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 3125 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2451 Dryfe Street***

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2451 Dryfe Street (Lot 47, Section 61, Victoria District, Plan 8600), varying the following provisions of Bylaw No. 3540, *Parking Facilities Bylaw, 1986* and Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 and Schedule 'A' A.1. (a) Minimum Number of Parking Spaces	2 spaces (one must be in a building)	2 spaces (none in a building)	No covered parking provided

  

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6) (a) Maximum gross floor area above .8 metres below grade	240 m <sup>2</sup>	286.5 m <sup>2</sup>	46.5 m <sup>2</sup>

to accommodate the addition of a rear deck as shown on the plans appended to Committee of the Whole agenda item 2013-142 being a memorandum from the Director of Building and Planning dated May 9, 2013.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 2451 Dryfe Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2733 Bowker Avenue***

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2733 Bowker Avenue (Lot 14, Section 61, Victoria District, Plan 4053), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (6) (a) Maximum gross floor area above .8 metres below grade	240 m <sup>2</sup>	333 m <sup>2</sup>	93 m <sup>2</sup>
6.5.4.(11) Minimum second storey side lot line setback	3.00 m	1.52 m	1.48 m

to accommodate additions to the main floor and a top floor dormer as shown on the plans appended to Committee of the Whole agenda item 2013-143 being a memorandum from the Director of Building and Planning dated May 10, 2013.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 2733 Bowker Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

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 8:37 p.m.

Certified Correct:

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Municipal Clerk

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Mayor