

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, November 10, 2014 at 7:30 p.m.

PRESENT: Mayor, N. Jensen, Chair  
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.

PRESENTATION:

Mayor Jensen presented Jean Sparks with the Honour of the Oak Leaf for her many contributions to the community while serving on numerous committees and as Volunteer Archivist.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the amended agenda for the November 10, 2014 Council meeting be adopted as circulated.

CARRIED

ADOPTION OF MINUTES AND REPORTS:

*Council, October 27, 2014*

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, October 27, 2014, be adopted.

CARRIED

*Public Hearing , October 27, 2014*

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the report of the Public Hearing held on Monday, October 27, 2014, be adopted.

CARRIED

MAYOR'S REMARKS:

*Remembrance Day Ceremony*

Mayor Jensen noted he attended the Remembrance Day Ceremony at the Cenotaph and thanked the Police and Fire Departments for organizing the event.

*From Garden to Trench, Oak Bay and the First World War*

Mayor Jensen said that the Heritage Commission will be holding a presentation From Garden to Trench, Oak Bay and the First World War on November 19, 2014 at 7:00 p.m. at the Windsor Pavilion.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2014-268 CHIEF CONSTABLE, November 4, 2014  
Re Police Department Provisional 2015 Budget

*(Chief Constable Andrew Brinton in attendance for this item).*

The Chief Constable provided an overview of the Police Department 2015 Provisional Budget, outlining the various highlights as contained in his memorandum, and answering questions from members of Council.

Mayor Jensen commended the Police Department on the work the members do and the budget put forward.

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That the 2015 Police Board Provisional Budget be incorporated into an amended Five Year Financial Plan for the Municipality and referred to Estimates Committee.

CARRIED

2. 2014-269 GREATER VICTORIA PUBLIC LIBRARY, October 31, 2014  
Re 2015 Five Year Financial Plan – Provisional

Councillor Murdoch, Oak Bay's representative on the Greater Victoria Public Library Board, reviewed highlights of the Provisional Five Year Financial Plan for 2014-18 and answered questions from Council.

MOVED by Councillor Ney

Seconded by Councillor Green, That correspondence item no. 2014-269 be received.

CARRIED

3. 2014-270 DIRECTOR OF BUILDING AND PLANNING, November 3, 2014  
2014-270-1 CHARLES BLACKHALL, October 28, 2014  
Re Amendment to Heritage Revitalization Agreement Bylaw  
- 2176 Windsor Road

Mayor Jensen provided an overview of the Heritage Revitalization Agreement for 2176 Windsor Road.

The owners of 2176 Windsor Road reviewed their request to have Clause 13 removed from the Heritage Revitalization Agreement or extended from a two year to a ten year time limit for subdivision approval before termination of the agreement.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the application to amend Clause 13 of the Heritage Revitalization Agreement for 2176 Windsor Road be denied.

CARRIED  
(Councillor Ney against the motion)

4. 2014-271 MUNICIPAL CLERK, October 28, 2014  
Re Oak Bay Business Improvement Area Renewal - Counter-Petition  
Results

MOVED by Councillor Herbert

Seconded by Councillor Ney, That correspondence item no. 2014-271 be received.

CARRIED

5. 2014-272 DIRECTOR OF ENGINEERING SERVICES, October 29, 2014  
Re Seniors' Housing and Support Initiative

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the Director of Engineering Services be authorized, on behalf of the District of Oak Bay, to submit an application for funding of \$20,000 to the Ministry of Community, Sport & Cultural Developments to develop an Oak Bay Age-Friendly action plan.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

6. 2014-273 NICK PAUL, November 7, 2014  
Re Development Variance Permit Application – 2527 Nottingham Road
7. 2014-274 ED AND DIANA LIFE, November 7, 2014  
Re Development Variance Permit Application – 3265 Beach Drive

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That correspondence items no. 2014-273 to 2014-274 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*Esquimalt Environmental Advisory Committee*

Councillor Kirby reported that she attended an Esquimalt Environmental Advisory Committee meeting and brought greetings from Oak Bay. Councillor Kirby said the Committee supported the Active School Travel Plan proposal and will be recommending it to their council.

TABLED:

***Development Variance Permit – 3265 Beach Drive***

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 3265 Beach Drive (Lot A, Section 31, Victoria District, Plan 3695) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986 as amended:*

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) <i>Minimum Interior side lot line setback</i>	4.57 m	3.1 m	1.47 m
6.2.4.(2)(e) <i>Minimum total of side lot line setback</i>	12.19 m	7.9 m	4.29 m

*to accommodate the addition of a conservatory to the side of the existing dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-258, being a memorandum from the Director of Building and Planning dated September 25, 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 – 2527 Nottingham Road***

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 2527 Nottingham Road (Lot 1, Block 43, Section 31, Victoria District, Plan 8777) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986 as amended:*

<u>Zoning Bylaw Section(s)</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(b) <i>Maximum occupiable height (Garage)</i>	0.25 m	0.41 m	0.16 m

6.2.4.(3)(a) Maximum building height (Workshop)	3.0 m	3.34 m	0.34 m
6.2.4.(3)(b) Maximum occupiable height (Workshop)	0.25 m	0.88 m	0.63 m

to accommodate an alteration to a previously approved accessory building. The proposed change would separate the one accessory building into two buildings, one for a workshop and the second to accommodate the garage, as shown on the plans appended to Committee of the Whole agenda item 2014-259, being a memorandum from the Director of Building and Planning dated October 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 – 2765 Lansdowne Road***

MOVED by Councillor Murdoch

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 2765 Lansdowne Road (Lot 6, Block 22, 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>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.5	No structure shall be sited in the front yard		

to accommodate the installation of a hot tub in the front yard as shown on the plans appended to Committee of the Whole agenda item 2014-260, being a memorandum from the Director of Building and Planning dated October 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 –2120 Marne Street***

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 2120 Marne Street (Lot A, Section 19, Victoria District Plan VIP68729) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(e) Minimum total of side lot lines	4.57 m	3.38 m	1.19 m
6.5.4.(3)(a) Maximum building height	6.83 m	6.96 m	0.13 m
6.5.4.(3)(b) Maximum occupiable height	4.27 m	4.5 m	0.23 m
6.5.4. (3)(c) Maximum roof height	8.53 m	8.61 m	0.08 m
6.5.4.(6)(b) Maximum gross floor area above .8 meters below grade	300 m <sup>2</sup>	340 m <sup>2</sup>	40 m <sup>2</sup>
6.5.4.(6)(b) Maximum gross floor area	420 m <sup>2</sup>	530.8 m <sup>2</sup>	110.8 m <sup>2</sup>
6.5.4.(11) Minimum second storey side lot line setback (South)	3.0 m	2.85 m	0.15 m
6.5.4.(11) Minimum second storey side lot line setback (North)	3.0 m	1.6 m	1.4 m

to accommodate the renovation of the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-261, being a memorandum from the Director of Building and Planning dated September 22, 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 –3025 Eastdowne Road***

MOVED by Councillor Ney

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 3025 Eastdowne Road (Lot 11, Section 31, Victoria District, Plan 8400) 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.1.(a) Maximum number of parking spaces	2	1	*

to accommodate the development of the existing garage into a living space as shown on the plans appended to Committee of the Whole agenda item 2014-262, being a memorandum from the Director of Building and Planning dated October 8, 2014.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the motion be amended to delete the words

"4.1 + Schedule "A", A.1.(a) Maximum number of parking spaces	2	1	**
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and replace them with the words:

"4.1 + Schedule "A", A.1.(a) Maximum number of parking spaces	2 spaces (one must be in a building)	1 space (none in a building)	1 space (waive the "1 space in a building" requirement)
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CARRIED

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

CARRIED

(Councillor Herbert against to the motion)

***Development Variance Permit –1883 Lulie Street***

MOVED by Councillor Murdoch

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 1883 Lulie Street (Lot 8, Block 2, Section 61, Victoria District, Plan 1361) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8 meters below grade	240 m <sup>2</sup>	247.2 m <sup>2</sup>	7.2 m <sup>2</sup>

6.5.4.(11)  
Minimum second storey side lot line setback (North) 3.0 m 2.5 m 0.5 m

6.5.4.(11)  
Minimum second storey side lot line setback (South) 3.0 m 2.56 m 0.44 m

to accommodate raising the existing building approximately 1.2 meters to develop a lower floor, which would be at grade, as shown on the plans appended to Committee of the Whole agenda item 2014-263, being a memorandum from the Director of Building and Planning dated October 8, 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:

***Traffic Control Order No. 2014-24 – erect stop sign on Redwood Avenue at Cardiff Place***

MOVED by Councillor Herbert

Seconded by Councillor Ney, That a sign bearing the word “STOP” be erected and a stop bar be painted on Redwood Avenue where it intersects with Cardiff Place, as more particularly shown on the sketch attached to the order.

CARRIED

BYLAWS:

***For Adoption***

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Bylaw No. 4626, *Oak Bay Business Improvement Area Bylaw, 2014*, be adopted.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4627, *Ninety-Third Zoning Bylaw Amendment Bylaw, 2014*, be adopted.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4628, *Parking Facilities Bylaw Amendment Bylaw No. 2, 2014*, be adopted.

CARRIED



***For First, Second and Third Reading***

MOVED by Councillor Murdoch  
Seconded by Councillor Ney, That Bylaw No. 4630, *Mayor and Councillors Annual Indemnity Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Ney, That Bylaw No. 4630, *Mayor and Councillors Annual Indemnity Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Ney, That Bylaw No. 4630, *Mayor and Councillors Annual Indemnity Bylaw, 2015*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Green  
Seconded by Councillor Murdoch, That the Council meeting be adjourned.

CARRIED

The meeting adjourned at 8:35 p.m.

Certified Correct:

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Municipal Clerk

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Mayor