

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, Victoria, B.C., on Monday May 28, 2018. The meeting adjourned to In Camera at 6:00 PM and reconvened for regular business at 7:00 PM.

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

REGRETS: Councillor K. Murdoch

STAFF: Acting Chief Administrative Officer, D. Carter  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, D. Hopkins  
Acting Director of Building and Planning, D. Jensen  
Deputy Fire Chief, D. Hughes

ADJOURNMENT TO IN CAMERA:

1. ***Motion to Adjourn to In Camera***

*That:*

1. *in accordance with sections 90(1)(a) and 90(1)(c) 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; and labour relations or other employee relations.*
2. *The open portion of the meeting reconvene at 7:00 PM*

CARRIED

OPEN PORTION OF THE MEETING TO RECONVENE AT 7:00 PM:

MINUTES AND REPORTS:

2. ***Council***

- Council Meeting Minutes May 14, 2018

MOVED and seconded: That the minutes of the Council meeting held May 14, 2018 be adopted.

CARRIED

3. ***Special Council***

- Special Council Meeting Minutes May 22, 2018

MOVED and seconded: That the minutes of the Special Council meeting held May 22, 2018 be adopted.

CARRIED

MAYOR'S REMARKS:

4. ***Mayor's Remarks***

Mayor Jensen said that it had been a busy weekend with the Oak Bay Half Marathon starting at Windsor Park with approximately 1,600 participants; the MS Walk that took place at Uvic and in Oak Bay; and the Community Association evening walk around Bowker Creek. He thanked the organizers for their work in putting these great events together. The Mayor said that the Oak Bay Tea Party parade and festivities kick off this coming weekend at 10:30 a.m. and invited the public to come out and enjoy the events.

PUBLIC PARTICIPATION PERIOD:

5. ***This is an opportunity for members of the public in attendance at the meeting to address Council regarding topics that directly impact the District of Oak Bay.***

***Please join us at the podium and:***

- ***State your name, municipality of residence and the topic of your remarks;***
- ***Print your name and municipality of residence on the speakers' sheet;***
- ***Keep your remarks brief, not exceeding 3 minutes; and***
- ***Address all comments through the Chair.***

***Speakers should note that video recordings of Council meetings are streamed live and archived on the municipal website. A total time of twenty (20) minutes is allotted by the Procedure Bylaw for the entire public participation period during a Council meeting.***

Members of the public rose to address Council on the demolition application at 599 Island Road.

Cairine Green, Chair, Oak Bay Heritage Commission, said that at their meeting held May 8, 2018, the Heritage Commission unanimously voted to deny this application. She stated that the loss of this property would be significant in principle and in heritage. She commented that this property is exempt from seismic upgrading in the provincial building code and that the home is built on rock which is seismically sound. Ms. Green suggested that any perceived or real risk to the District appears to be mitigated and asked that Council protect this valuable community asset.

John Armitage, Oak Bay resident, stated that he is an architect from Christchurch, New Zealand, with heritage and seismic upgrading experience. He indicated that while the psychological effects of safety should not be downplayed, there was no reason for seismic upgrading to this property without a change in use. Mr. Armitage said that structural engineers have a proposed standard response that 2/3 of the building code must be met to ensure life safety, not building safety. He also said that the building had a core wood frame which is seismically resistant.

Christin Geall, Oak Bay resident, said that this was not a personal preference, but about future generations and limiting further losses to the heritage stock in Oak Bay. She asked that Council honour the advice received from the Heritage Commission.

Marion Cumming, Oak Bay resident, said that every effort ought to be made to protect this house for future generations. She said that Council should look for innovative ways for the owners to feel safe. Ms. Cumming stated that the house had been listed for sale and suggested helping to increase publicity if it was still the owners' wish to sell the property. She asked that Council work to find sensible ways to save one of the most historically significant houses not only in Oak Bay, but in the province and the country.

## COMMUNICATIONS:

### 6. ***599 Island Road***

- Report - House Demolition Application 599 Island Road - Acting Director of Building and Planning, May 23, 2018
- Rpt. Attach. 1 - Statement of Significance
- Rpt. Attach. 2 - Covenant Applicable to 599 Island Road, 1985
- Rpt. Attach. 3 - Seismic Upgrade Report, Herold Engineering, Jul. 31, 2017
- Rpt. Attach. 4 - Draft Heritage Commission Minutes Excerpt, May 8, 2018
- Rpt. Attach. 5 - Public input Received to May 23, 2018
- Addenda - Corresp. - House Demolition Application 599 Island Road, May 23 to May 26, 2018
- Addenda - Corresp. - House Demolition Application 599 Island Road, May 27 to May 28, 2018

The Acting Director of Building and Planning provided an overview of the house demolition application. Ms. Jensen noted that the registered covenant required Council approval before staff could proceed with the application. She further highlighted that in July 2017 Council approved an application to renovate this property, however during the renovation process project engineers determined that the house did not meet seismic requirements resulting in the owners requesting to demolish the building.

Lesley Shewring and Dan Sheehan, applicants and property owners, highlighted a number of factors pertaining to this application. Ms. Shewring noted that prior to purchasing this property, the home sat vacant for seven years and therefore required several upgrades which they were willing to do. She said they had invested approximately \$70,000 in renovation plans working collaboratively with the Heritage Commission. She stated that the engineering firm overseeing the project would not sign off on the plans because of the unreinforced masonry that could not be brought up to code. Ms. Shewring reported that the drill testing that was completed showed that the home was only at 10% and the required standard is 60%. She said that quotations to bring the house to minimum code were estimated at several million dollars. She concluded that a house yielding these results with young children does not seem liveable.

Mr. Sheehan said that they appreciated the history, architecture and design, and character of this home and purchased it with the intent of restoring it. He said they were sidetracked by the structural stability of the home. He noted that strict seismic codes were in place for public safety and that the engineers will not sign off on the plans allowing them to get building permits unless they met the building code standards which require extensive seismic upgrading. Mr. Sheehan stated that the veneers are made of 18 inch thick granite blocks that run from the basement to the top of the third floor and making the mass of the walls heavy and when combined with the 100 year old dry timbers inside, the house would pancake in a lateral seismic event, similar to what happened in Christchurch seven years ago.

In response to questions from Council, the Acting Director of Building and Planning said that a heritage revitalization agreement may be an option for the applicants depending on what work they wanted to do with the property but that nominal funds were available that would not make a significant difference to overall project costs. Ms. Jensen noted that there is no current requirement to seismically upgrade existing homes to any particular standard in the building code and local governments do not have the authority to impose these standards. She also stated that a building permit could be issued if proposed changes to the home fit in with the requirements of the registered covenant.

MOVED and seconded: That the proposal to demolish the existing home at 599 Island Road, as per Building Permit Application BP011083 be denied.

Discussion ensued regarding the iconic nature of the building, reasons provided by the public to uphold the value of the heritage property, the wooden core frame with a veneer of stone providing a lower earthquake risk, and a desire for the applicants to continue working with staff and the Heritage Commission to find resources and resolutions.

The QUESTION was then put, and it was

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S):

There was none.

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

7. ***New Business & Verbal Reports***
- ***New Business***
  - ***Report on the Capital Regional District***
  - ***Other Verbal Reports***

New Business

Councillor Croft gave notice of motion regarding Council compensation in lieu of the impending tax changes removing the tax free stipend for sundry fees as of January 1, 2019. He requested that this be discussed at the Council meeting scheduled for June 25, 2018.

Mayor Jenson also presented a notice of motion regarding the Speculation Tax to be considered at the next meeting of Council on June 11, 2018.

Report on the Capital Regional District and Other Verbal Reports

Councillor Kirby provided an update on the School Crossing Guard program at Willows School. She said that the Victoria Confederation of Parent Advisory Councils president has taken on the initiative to ensure continuation of the service.

Councillor Kirby reported that a community conversation on mental health is scheduled for Tuesday, June 19, 7:00 p.m. at the Dave Dunnet Theatre. She said that there are excellent speakers lined up to hold a talk show style community conversation on youth mental health and substance abuse.

Councillor Kirby also noted that the Ride Don't Hide event for mental health is happening on June 24 and that anyone interested could join the Muncyclist team. She stated that the team had almost met their fundraising goal and thanked everyone who had contributed. She also said that Team Just Dandy was currently the top fundraising team which is participating in honour of Mr. Ken Gill.

Councillor Ney provided an update on the Mayor's Task Force on Public Engagement. She said that over 300 people had participated fact to face and 189 online surveys were submitted. Councillor Ney outlined the next steps in the process including a conversation with staff, development of recommendations, and then reporting out to the public in July 2018.

Councillor Croft said that he attended the Smart South Island Symposium on the 2040 Vision which provided an update on the South Island Prosperity Project outlining the current status and where the organization plans to go forward. He stated that information detailing this initiative is available online.

Councillor Braithwaite said that interested parties who may not be able to attend the Ride Don't Hide event could join the team and participate virtually. She also thanked Cindy Denomme of the Administration Department for her work on the Municipal Dinner. Councillor Braithwaite also reported on the Bike to Work Week Commuter Challenge event that she participated in for the first time. She said that she had fun acting as the driver competing against Mayor Jensen and Councillor Kirby as the cyclists.

Councillor Zhelka expressed appreciation to the Island Ukuleles for their wonderful performance at the Municipal Dinner, and recognized Tina Horwood for pulling the event together.

Councillor Zhelka also provided an update from the CRD Water Commission. He said that as the region is consuming less water it is having an impact on rates. He noted that decreased water usage is positive from an environmental and sustainable perspective, but that it was impacting longer range budgeting. He indicated that the Water Commission also deals with mining special use requests and learned that placer miners with gold mining tenure must use it or they will lose it.

## RESOLUTIONS:

8. ***Development Permit (DP000008) - 3475 Ripon Road***
  - Resolution Notice - 3475 Ripon Road
  - Report - DP 3475 Ripon Road - Acting Director of Building and Planning, May 15, 2018
  - Plans – DP – 3475 Ripon Road, March 2015
  - Rpt. Attach. 2 - Environmental Report, Hemmera, Apr. 2015
  - Rpt. Attach. 3 - Environmental Report, Hemmera, May 11, 2018
  - Rpt. Attach. 4 - Draft Development Permit DP000008

The Acting Director of Building and Planning provided an overview of the development permit application to construct a storage area for small watercraft at 3475 Ripon Road, site of the Royal Victoria Yacht Club.

The applicant was in attendance.

The Mayor invited members of the public to address Council. No one came forward.

MOVED and seconded: That the Acting Director of Building and Planning be authorized to issue Development Permit DP000008 with respect to 3475 Ripon Road, as appended to the Council agenda of May 28, 2018.

CARRIED

BYLAWS:

9. **Bylaw Memorandum**

- Corrected Memo - Bylaw No. 4712 - Director of Corporate Services, May 23, 2018

10.

- Bylaw No. 4712, Parks and Beaches Amendment Bylaw, 2018
- Report - Parks & Beaches Bylaw No. 4712 - Fire Chief, May 22, 2018

MOVED and seconded: That Bylaw No. 4712, Parks and Beaches Amendment Bylaw, 2018 be introduced and given first reading.

CARRIED

MOVED and seconded: That Bylaw No. 4712, Parks and Beaches Amendment Bylaw, 2018 be amended to remove “from May 1<sup>st</sup> through September 30<sup>th</sup>” in Section 21(1)(d).

CARRIED

With Councillors Croft and Zhelka opposed

MOVED and seconded: That Bylaw No. 4712, Parks and Beaches Amendment Bylaw, 2018 be given second reading as amended.

CARRIED

With Councillors Croft and Zhelka opposed

MOVED and seconded: That Bylaw No. 4712, Parks and Beaches Amendment Bylaw, 2018 be given third reading.

CARRIED

With Councillors Croft and Zhelka opposed

ADJOURNMENT:

11. *Motion to Adjourn*

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:18 p.m.

Certified Correct:

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Mayor

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Director of Corporate Services