

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 Tuesday, February 11, 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 Clerk, L. Hilton
Deputy Municipal Clerk, C. Denomme
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.

PRESENTATIONS:

1. -- OAK BAY HERITAGE COMMISSION
Re Art in Chambers Project - Artist Recognition

Bronwyn Taylor, Oak Bay Heritage Commission, was in attendance to present two original pen and ink drawings illustrating the heritage homes at 1052 Newport Avenue and 1265 Roslyn Road to be added to the artwork collection displayed in the Council Chambers as part of the Art in Chambers project. Copies were presented to Mario Gedicke, on behalf of Derek and Egle Vair, owners of 1052 Newport Avenue and Richard Andersen, owner of 1205 Roslyn Road.

ADOPTION OF MINUTES:

Council – January 27, 2014

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

CARRIED

MAYOR'S REMARKS:

Longboarding on Barkley Terrace

Mayor Jensen reported that he had met with some members of the group that are involved in longboarding on Barkley Terrace. He said he is expecting them to attend the Committee of the Whole meeting on Monday and be part of the discussion.

Bus Shelter

Mayor Jensen said that bus shelter will soon be in use in front of the Red Gallery.

Gracepoint

Mayor Jensen reported that filming did not take place on Monday as originally planned.

Canada Post

Mayor Jensen said he has been informed by Canada Post, in a letter, urban settings will be the last placed on community group mailboxes and they will be sensitive to the needs of seniors and the disabled when placing the boxes. There will be no change to mail delivery to apartments and condo buildings, they said.

Cavendish Street Parking Concerns

Mayor Jensen reported there will soon be a solution for the 2700 block of Cavendish Street parking issues and he thanked Council and Staff for their efforts.

Thanks

Mayor Jensen said Mr. Brown thanked Council for their efforts in making Oak Bay a wonderful and friendly place to live.

The Mayor also received comments from Ms. Kallal about the staff and how wonderful and helpful they are when she deals with them.

The Canadian Breast Cancer Association thanked the municipality for their approval and support for the Run For The Cure which raised over \$340,000.

PUBLIC PARTICIPATION PERIOD:

David Everett, Provincial Capital Commission Chair, thanked the municipality for their contributions over the last 58 years making note of the efforts of Councillor Copley and Allan Cassidy. He continued by saying the Commission will end on March 31, 2014 but the programs will continue. Rich Crosby, CEO of the Commission was also in attendance and thanked Council.

Earl Anthony, Chair, Amalgamation Yes, said that the conclusion from the last Council meeting is that Council does not think amalgamation is an issue for Oak Bay residents. Mr. Anthony referred to a report that outlines the existing structure noting that it will not be able to deal with major issues that will be coming. Mr. Anthony encouraged Council to spend more time considering amalgamation.

Eric Zelka, resident, commented that he lived through amalgamation in Toronto and he does not want to have that disaster here. Mr. Zelka said that Oak Bay is inching in the Zoning and Official Community Plan like other municipalities and he suggested that Council keep the uniqueness of Oak Bay. He asked that Council place a hold on approving massive developments.

COMMUNICATIONS:

2. 2014-42 DIRECTOR OF BUILDING AND PLANNING/CONSULTING
PLANNER, Jan 22, 2013
2014-42-1 LARGE & CO. DEVELOPMENTS, Feb 3, 2014
2014-42-2 D. CLARK ARBORICULTURE, Feb 6, 2014
2014-42-3 NANCY BARNES, Feb 8, 2014
2014-42-4 KAREN LEHMAN et al, Feb 10, 2014
2014-42-5 RONALD AND MARILYN NOEL et al, Feb 8, 2014
Re Official Community Plan Amendment, Rezoning and Development
Permit Application, 2326 Oak Bay Avenue, “The Quest”, Proposed New
Multi-Family Residential Development

Earl Large, Large & Co. provided an overview of his company. He said each project they are involved in requires that it be important to Council, a good place to live in and profitable. He said that with this project they are creating for the future and the future needs of the citizens of Oak Bay.

Peter York, Cascadia Architects, gave an overview of the project with respect to the location, parking and floor plans.

Bev Windjack, Landscape Architect, reviewed the plans for the landscaping and the rooftop garden.

A discussion ensued with respect to the project. Some members of Council had concerns with the impact the building would have on the neighbouring properties while others expressed concern that the proposal was too large for the lot. Other members of Council suggested that further discussion on the proposal should be deferred until after the completion of the Official Community Plan which will include guidelines that will be helpful to them when considering the project.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That further consideration of the application for “The Quest” be deferred until a draft Official Community Plan (OCP) with land use designations and enhanced development permit guidelines for multi-family residential is prepared that may then be used to evaluate this new project; and further, that the applicant be advised that should the application proceed in the future, the concerns raised in the report of the Director of Building and Planning (correspondence item no. 2014-42), by the community, and by Oak Bay Council, should be taken into account with amendments to the proposal as appropriate.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion be amended to add “and given first reading,” between prepared and that.

CARRIED
(Councillor Copley against the motion)

The question on the main motion, as amended, was called.

CARRIED
(Councillor Copley against the motion)

3. 2014-43 VICTORIA REAL ESTATE BOARD, Jan 8, 2014
RE Official Community Plan Discussion

MOVED by Councillor Herbert

Seconded by Councillor Copley, That correspondence no. 2014-43 be received.

CARRIED

4. 2014-44 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, Jan 7, 2014
Re Minutes of Meeting

Councillor Green reported the Honourable Pat Carney will be attending the ceremony for the unveiling of a collage created by Grade 6 students from Monterey Middle School art class depicting the Trial Island Lighthouse on February 24, 2014 at 6:30 p.m. prior to the regular scheduled Council Meeting.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the Oak Bay Active Transportation Advisory Committee January 7, 2014 meeting be received

CARRIED

5. 2014-45 OAK BAY HERITAGE COMMISSION, Jan 14, 2014
Re Minutes of Meeting

MOVED by Councillor Herbert

Seconded by Councillor Green, That the minutes of the Oak Bay Heritage Commission January 14, 2014 be received.

CARRIED

6. 2014-46 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, Oct 17, 2013
2014-46-1 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, Nov 21, 2013
2014-46-2 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, Dec 19, 2013
Re Minutes of Meetings

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the minutes of the October 17, 2013, November 21, 2013 and December 19, 2013 Oak Bay Environmental Advisory Committee meetings be received.

CARRIED

7. 2014-47 ARTHUR PERJUL, Jan 24, 2014
Re Bylaw No. 4371

Discussion ensued regarding the Refuse Collection and Disposal Bylaw and the request to re-examine the wording in Section 9(1). Members of Council suggested the wording could be reviewed the next time changes are made to the bylaw.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That correspondence item no. 2014-47 be received.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

8. 2014-48 BARB COLWILL, Feb 6, 2014
2014-48-1 KAYE MELLISHIP et al, Feb 11, 2014
Re Development Variance Permit – 2670 Margate Avenue (Lot 51 & 52)
9. 2014-49 CAROL AND ANTHONY SHELTON, Feb 11, 2014
Re Native Plant Park, 1180 Beach Drive

MOVED by Councillor Copley
Seconded by Councillor Green, That correspondence items no. 2014-48, 2014-48-1 and 2014-49 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Official Community Plan Renewal

Councillor Copley reported that the Official Community Plan Renewal is holding an Open House on Saturday, February 15, 2014 from 1:00 p.m. – 4:00 p.m.

Environment Advisory Committee Talks

Councillor Murdoch reported that the Environmental Advisory Committee will be sponsoring talks and the first one is entitled The Marine Environment of Oak Bay, on Wednesday, February 19, 2014 at 7:00 p.m. at Windsor Park Pavilion.

Embrace the Night

Mayor Jensen reported that the Oak Bay Community Association is sponsoring a walk on Friday, February 14, 2014, which leaves from the Oak Bay Recreation Centre lobby at 7:30 p.m.

TABLED:

Development Variance Permit - 2670 Margate Avenue (Lot 51)

MOVED by Councillor Ney
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 2670 Margate Avenue (Lot 51, Section 23, Victoria District, Plan 368, except that part in plan 12162) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) <i>Minimum front lot line setback</i>	7.62 m	3.05 m	4.57 m

to accommodate the construction of a new single family dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-27 being a memorandum from the Director of Building and Planning dated January 15, 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 - 2670 Margate Avenue (Lot 52)

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 2670 Margate Avenue (Lot 52, Section 23, Victoria District, Plan 368, except that part in plan 12162) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) Minimum front lot line setback	7.62 m	3.05 m	4.57 m

to accommodate the construction of a new single family dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-28 being a memorandum from the Director of Building and Planning dated January 15, 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 - 2706 Topp Avenue

MOVED by Councillor Copley

Seconded by Councillor Kirby, 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 2706 Topp Avenue (Lot 21, Block 5, Sections 2 and 61, Victoria District, Plan 379A) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a)	240 m ²	312.80 m ²	72.80 m ²

*Maximum gross floor area above 0.8 metres
below grade*

6.5.4.(11)
Minimum second storey side lot line setback 3.00 m 1.88 m 1.12 m

to accommodate the construction of a new deck as shown on the plans appended to Committee of the Whole agenda item 2014-29 being a memorandum from the Director of Building and Planning dated January 2, 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 - 2183 Foul Bay Road

MOVED by Councillor Herbert

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 2183 Foul Bay Road (Lot 18, Block 1, Section 28, Victoria District, Plan 915) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) <i>Maximum gross floor area above 0.8 metres below grade</i>	240 m ²	252 m ²	12 m ²

to accommodate the construction of a new deck as shown on the plans appended to Committee of the Whole agenda item 2014-30 being a memorandum from the Director of Building and Planning dated January 2, 2014.

CARRIED

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

CARRIED

(Councillor Herbert against the motion)

Development Variance Permit - 754 Oliver Street

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 754 Oliver Street (Lot A, Section 22, Victoria District, Plan VIP51700) 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>
6.5.4.(2)(c) <i>Minimum interior side lot line setback</i>	1.52 m	1.50 m	0.02 m
6.5.4.(2)(e) <i>Minimum total of side lot line setbacks</i>	4.57 m	3.98 m	0.59 m
4.6.5. + 4.6.5.(2) <i>Projection from face of building into minimum side yard setback</i>	1.07 m	0.74 m	0.33 m

to accommodate the construction of a rear addition to the existing home, including two new rear decks and a patio as shown on the plans appended to Committee of the Whole agenda item 2014-31 being a memorandum from the Director of Building and Planning dated January 17, 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 – Native Plant Park, 1180 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Green, That the following motion be lifted from the table:

That:

- 1. Spending approval for the proposed fence around the north, east and south boundaries of the Native Plant Park, 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) with funding to come from the bequest of up to \$25,000.00 to be approved, subject to the issuance of a Development Variance Permit to vary the fence height requirements noted below;*
- 2. The Director of Building and Planning be authorized to issue a Heritage Alteration Permit for the erection of the fence around the north, east and south boundary of the Native Plant Park, 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) as shown on the plans attached to the resolution printed for the purposes of the January 27, 2014 Council agenda, subject to the issuance of a Development Variance*

Permit to vary the fence height requirements of the Screens and Fences Bylaw as described below; and

3. *That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) varying the following provision of Bylaw No. 3536, Screens and Fences Bylaw, 1986 as amended:*

<u>Screens and Fences Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.1 <i>Maximum height of fence on corner lot (North side, east side) for a distance of 7.62 m</i>	1.00 m	1.20 m	0.20 m

to permit the erection of a fence on the north, east and south boundary of the property as shown on the plans appended to the resolution printed for the purposes of the January 27, 2014 Council agenda.

CARRIED

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

CARRIED

RESOLUTIONS:

Attendance at the AVICC Convention

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Council approve the attendance of Oak Bay Council Members at the 2014 Association of Vancouver Island and Coastal Communities Convention, to be held in Qualicum Beach and Parksville, BC, April 11 to 13, 2014, and the payment of expenses necessarily incurred by them.

CARRIED

BYLAWS:

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

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4606, *Ninety-Second Zoning Bylaw Amendment Bylaw, 2014*, be introduced and read a first time.

CARRIED

(Councillor Herbert against the motion)

MOVED by Councillor Copley
Seconded by Councillor Green, That Bylaw No. 4606, *Ninety-Second Zoning Bylaw Amendment Bylaw, 2014*, be read a second time.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Green
Seconded by Councillor Copley, That a public hearing on Bylaw No. 4606 be held at the Monterey Centre, Garry Oak Room, 1442 Monterey Avenue, on March 11, 2014, at 7:00 p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Ney
Seconded by Councillor Green, That the regular meeting of Municipal Council scheduled for March 10, 2014 be re-scheduled to March 11, 2014, following the Public Hearing to be held at 7:00 p.m. at the Monterey Centre, Garry Oak Room, 142 Monterey Avenue.

CARRIED
(Councillors Herbert, Copley and Murdoch against the motion)

For First and Second Reading

MOVED by Councillor Copley
Seconded by Councillor Green, That Bylaw No. 4607, *The Clive Housing Agreement Authorization Bylaw, 2014*, be introduced and read a first time.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Copley
Seconded by Councillor Kirby, That Bylaw No. 4607, *The Clive Housing Agreement Authorization Bylaw, 2014*, be read a second time.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Copley
Seconded by Councillor Kirby, That Bylaw No. 4608, *Parking Facilities Bylaw Amendment Bylaw No. 1, 2014*, be introduced and read a first time.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Copley
Seconded by Councillor Green, That Bylaw No. 4608, *Parking Facilities Bylaw Amendment Bylaw No. 1, 2014*, be read a second time.

CARRIED
(Councillor Herbert against the motion)

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 labour relations or other employee relations.

CARRIED

The meeting adjourned at 10:00p.m.

Certified Correct:

Deputy Municipal Clerk

Mayor