

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 Tuesday February 14, 2017 at 7:00 PM.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor N. Jensen, Chair  
Councillor H. Braithwaite  
Councillor T. Croft  
Councillor K. Murdoch  
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, M. Jones  
Director of Building and Planning, R. Thomassen  
Manager of Planning, D. Jensen  
Director of Engineering Services, D. Horan

MINUTES AND REPORTS:

1. ***Council***
  - January 23, 2017

MOVED and seconded: That the minutes of the Council meeting held January 23, 2017 be adopted.

CARRIED

MAYOR'S REMARKS:

2. The Mayor provided the following remarks:

***Tragedy in Quebec City***

The Mayor made the following statement in regards to the fatal shooting in a mosque in Quebec City, that it "was a senseless act of horrific violence perpetrated on innocents gathered in a sacred place of worship. We join with our citizens to mourn those who lost their lives, to pray for those who are injured, and to grieve with the families affected by this terrible event. Diversity and multiculturalism are among our country's greatest strengths. While our sense of civility and humanity has been shaken, this heinous act must not be a threat to our free and open democratic society. We stand strong against all acts of intolerance, and we are united in our humble offering of condolence to all affected."

***Cultural Celebrations***

Mayor Jensen noted that he was pleased to represent the Municipality at a Black History month event at Oak Bay High School, as well as at events celebrating the Chinese New and Robbie Burns Night.

***Staff and Volunteer Recognition***

The Mayor drew attention to compliments received from the public on the great work by staff in Public Works keeping the roads and sidewalks clear during the recent snowfalls. Mayor Jensen also noted that Building and Planning staff received commendations on their excellent work for assisting the public with a complex application process; in particular, he said, the member of the public mentioned Rene Buser, Ed Boogars and Christine Currie. He concluded his remarks by drawing attention to a crossword puzzle developed to recognize the longest serving members of the Oak Bay Volunteers.

**PUBLIC PARTICIPATION PERIOD:**

3. No members of the public rose to speak.

**COMMUNICATIONS:**

4. ***Request to Sell Girl Guide Cookies on Oak Bay Avenue***
  - Note - Deputy Director of Corporate Services - Girl Guide Cookie Sales, Oak Bay Avenue, April 1-8, 2017
  - Corresp. - Girl Guides of Canada Cookie Sales, Jan. 30, 2017

MOVED and seconded: That permission be granted to the Girl Guides of Canada to sell Girl Guide cookies on Oak Bay Avenue on April 1 and 8, 2017.

CARRIED

5. ***Council Strategic Priorities 2017 - 2018***
  - Report - Chief Administrative Officer, Feb. 2, 2017
  - ADDENDA Corresp. - Feb. 8 - Feb. 14, 2017 - Council Strategic Priorities 2017-2018

MOVED and seconded: That the correspondence appended to the agenda with respect to the "Draft" Council Strategic Priorities 2017-2018 be received for information.

CARRIED

The Mayor invited members of the public to provide comment on the "Draft" Council Strategic Priorities 2017-2018.

B. Wilson, Oak Bay resident, requested clarification whether there was a legislative requirement for public input on these items and whether they were ranked within the document. He commented that, given his understanding of the Annual Report and the Official Community Plan (OCP), there is a gap of \$150 million that needs to be addressed to ensure existing municipal assets are maintained and renewed. He also noted that increasing sewage treatment costs would

be forthcoming which would have a significant impact on taxpayers. He concluded his remarks by encouraging Council to look at the "cost mix" proposed by the draft strategic priorities.

In response to Mr. Wilson, it was confirmed that there was no legislative requirement for public input and that there was a potential sequencing of the objectives in the draft document with respect to scheduling.

E. Paterson, Oak Bay resident, commented that the definition of secondary suites needs more clarification on whether the suite would be contained completely within the dwelling or whether it could be located elsewhere on the property. Ms. Paterson also brought Council's attention to a recent study out of Simon Fraser University which, in her understanding, indicated that increasing secondary suites had an adverse effect on housing affordability.

M. Cumming, Oak Bay resident, spoke to the value of having secondary suites for assisting seniors with aging in place. She commented that incorporating some flexibility in the regulations for secondary suites standards would assist in the legalization process. She concluded her remarks by noting that legalizing existing suites was a good approach in her opinion to allow the community to balance the needs of preserving green space and heritage, while welcoming others into the community.

M. Yakubowich, Oak Bay resident, commented that he chose to relocate his family to Oak Bay after having a secondary suite in Saanich and given his experiences in Fairfield once suites were legalized. He stated that it significantly changed the character of the neighbourhood from a family-friendly area and that there were challenges with parking. He concluded his remarks by stating that this community should stay as it is.

T. Mears, Oak Bay resident, commented that he has significant concerns on how the District's process of strategic planning has unfolded. With respect to the draft strategic priorities, Mr. Mears said that a legalization process for suites can be costly without much uptake and said that addressing infrastructure needs and implementing the Urban Forest Strategy should be addressed first.

B. Wilson, Oak Bay resident, speaking for a second time, commented that the response to the OCP survey could be interpreted to indicate that residents support having the existing regulations regarding secondary suites enforced, instead of having the regulations revised.

MOVED and seconded: That the Council address each of the proposed Strategic Directions in the "Draft" Council Strategic Priorities 2017-2018 document separately.

CARRIED

Councillor Croft against the motion.

MOVED and seconded: That the Strategic Direction "Focus on being well managed and well governed to serve our residents" be endorsed in principle, subject to funding approval through the Estimates Committee budget process.

CARRIED

MOVED and seconded: That the Strategic Direction "Take an active role in building a safe, livable community" be endorsed in principle, subject to funding approval through the Estimates Committee budget process.

It was the consensus of Council that the Deer Management Strategy Objective included in this Strategic Direction be amended to read: "Work with the Province to implement a deer management strategy, including a partnership with the UWSS".

The question was then called.

CARRIED

MOVED and seconded: That the Strategic Direction "Develop, maintain and protect our infrastructure" be endorsed in principle, subject to funding approval through the Estimates Committee budget process.

CARRIED

MOVED and seconded: That the Strategic Direction "Recognize the importance of diverse transportation options to building our community" be endorsed in principle, subject to funding approval through the Estimates Committee budget process.

CARRIED

MOVED and seconded: That the Strategic Direction "We work closely and collaboratively with our regional neighbours" be endorsed in principle, subject to funding approval through the Estimates Committee budget process.

CARRIED

MOVED and seconded: That the Strategic Direction "Recognize and support our unique character and heritage" be endorsed in principle, subject to funding approval through the Estimates Committee budget process.

It was the consensus of Council that the Cenotaph Renewal Objective included in this Strategic Direction be amended to read: "Complete design options for Cenotaph/Uplands Park renewal and implement subject to grant funding".

The question was then called.

CARRIED

MOVED and seconded: That further consideration of the Strategic Direction "Proactively support reasoned community growth" be deferred to the February 27, 2017 Council meeting.

CARRIED

MOVED and seconded: That the "Protocol for Raising New Strategic Priorities/Initiatives/Special Projects Outside of Core Services Which Currently Do Not Appear on the Strategic Priorities Spreadsheet" be approved.

CARRIED

6. ***Regional Parks Loan Authorization***

- Report - Director of Corporate Services, Feb. 8, 2017
- Rpt Attach. A - Corresp. CRD, Jan. 30, 2017
- ADDENDA Corresp. - Feb. 10 - Feb. 14, 2017 - Regional Parks Loan Authorization (see pg. 8)

MOVED and seconded: That further consideration of Bylaw No. 4124, *Regional Parks Loan Authorization Bylaw No. 1, 2016* be deferred to the February 27, 2017 Council meeting and that Capital Regional District staff be invited to attend to discuss the bylaw.

CARRIED

7. ***Advisory Design Panel (ADP) Minutes***

- Note - Director of Corporate Services - ADP Minutes - Jan. 3, 2017
- Minutes, ADP, Jan. 3, 2017

MOVED and seconded: That the minutes of the Advisory Design Panel meeting held January 3, 2017 be received for information.

CARRIED

8. ***Advisory Planning Commission (APC) Minutes***

- Note - Director of Corporate Services - APC Minutes - Jan. 3 & 11, 2017
- Minutes, APC, Jan. 3, 2017
- Minutes, APC, Jan. 11, 2017

MOVED and seconded: That the minutes of the Advisory Planning Commission meetings held January 3, 2017 and January 11, 2017 be received for information.

CARRIED

Councillor Zhelka against the motion

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

9. ***Correspondence to be Received***

- Corresp. - Jan. 16 - Feb. 10, 2017 - DVP, 383 King George Terrace
- Corresp. - Jan. 16 to Feb. 9, 2017 - DVP, 19 King George Terrace

MOVED and seconded: That the correspondence attached to the February 14, 2017 agenda for the Development Variance Permit Application (DVP00050) for 383 King George Terrace and for the Development Variance Permit Application (DVP00053) for 19 King George Terrace be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

10. **Mayor's Caucus 2017**

Councillor Braithwaite provided an update on the Mayor's Caucus being hosted at the Oak Bay Beach Hotel from February 22, 2017 to February 24, 2017. She noted that Mayors from all over the province have been invited to attend.

RESOLUTIONS:

11. **Development Variance Permit Application (DVP00050) - 383 King George Terrace**

- Notice of Resolution - 383 King George Terrace
- Report - Manager of Planning, Jan. 6, 2017
- Plans - DVP - 383 King George Terr., Oct. 23, 2016

*Councillor Murdoch declared a conflict of interest inasmuch as he resides in a neighbouring property. He then left the meeting at 8:45 PM.*

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 383 King George Terrace (Lot 22, Section 22, Victoria District, Plan 1048) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>
6.5.4.(10) Contextual Setback	15.74 m – 18.74 m <sup>1</sup>	10.36 m

<sup>1</sup> Based on a calculated average of 17.24 m of the adjacent principal building setback.

to accommodate the construction of a single family home as shown on the plans appended to the January 16, 2017 Committee of the Whole agenda item number 7, being a memorandum from the Planner dated January 6, 2017.

R. Dick, Oak Bay resident, asked for clarification regarding the proposed location of the new garage.

In response, staff reviewed the plans with Ms. Dick, with respect to the adjacent properties and the existing garage.

The question was then called.

CARRIED

*Councillor Murdoch returned to the meeting at 8:74 PM.*

12. **Development Variance Permit Application (DVP00052) - 2275 Neil Street**

- Notice of Resolution -2275 Neil Street
- Report - Manager of Planning, Jan. 6, 2017
- Plans - DVP - 2275 Neil St., Dec. 10, 2016

MOVED and seconded That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2275 Neil Street (Amended Lot 6 (DD 124558I), Block 6, Sections 2 and 61, Victoria District, Plan 879A) 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.(2)(a) Front Lot Line Setback	7.62 m	3.55 m	4.07 m

to accommodate the construction of a second storey over the existing single family home as shown on the plans appended to the January 16, 2017 Committee of the Whole agenda item number 8, being a memorandum from the Planner dated January 6, 2017.

No members of the public rose to speak.

The question was then called.

CARRIED

13. **Development Variance Permit Application (DVP00053) - 19 King George Terrace**

- Notice of Resolution - 19 King George Terrace
- Report - Manager of Planning, Jan. 9, 2017
- Plans - DVP -19 King George Terr., Dec. 22, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 19 King George Terrace (Parcel E (DD 146860I) of Lots 1 and 2, Block 5, Section 46, Victoria District, Plan 1250 AND Parcel 1 (DD 47327I) of Parcel D (DD 39597I) of Lots 1 and 2, Block 5, Section 46, Victoria District, Plan 1250) 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>
<u>Proposed Lot A – South Lot</u>			
6.5.4.(2)(e) Total Side Lot Lines	4.57 m	4.18 m	0.39 m
6.5.4.(3)(c) Maximum Roof Height	8.31 m <sup>1</sup>	9.73 m	1.42 m

6.5.4.(11) Second Storey Setback	3.00 m	2.67 m	0.33 m
Schedule A Minimum Lot Frontage	15.25 m	14.84 m	0.41 m
Schedule A Minimum Lot Width	15.25 m	14.00 m	1.25 m
<u>Proposed Lot B – North Lot</u>			
4.15.1 Maximum Paved Surface	25% 23.4 m <sup>2</sup>	43.7% 41 m <sup>2</sup>	18.7% 17.6 m <sup>2</sup>
6.5.4.(11) Second Storey Setback	3.00 m	1.56 m	1.44 m
Schedule A Minimum Lot Frontage	15.25 m	12.30 m	2.95 m
Schedule A Minimum Lot Width	15.25 m	11.60 m	3.65 m

<sup>1</sup> Based on Lot Breadth of 14.84 metres.

to accommodate the realignment of an interior side lot line, relocation of the existing home and construction of a new residence on the two legal lots as shown on the plans appended to the January 16, 2017 Committee of the Whole agenda item number 9, being a memorandum from the Planner dated January 9, 2017.

R. Butcher, Oak Bay resident, stated that he lives across the street from the subject property and that the proposal will have no impact on his view or the amenities of the neighbourhood. He concluded his remarks by stating that the proposed tree replacement is acceptable.

Nolan Miles, representing the owner of 45 King George Terrace, commented that the views from this property would be most impacted by the proposal. He stated that for a new build, nine variances, five of which are substantial, should not be supported. The proposed second storey setback, he said, would impact the privacy of 45 King George Terrace. He concluded his remarks by commenting that the proposed lot width could set a precedent for Oak Bay.

Mr. Miles then responded to questions from Council outlining in his estimation how the proposal would impact the privacy of the property.

R. Collins, applicant, reviewed the topography of the property, the requested variances, and the proposed single driveway access. He clarified that the proposed roof is flat, not pitched.



J. Peggs, Oak Bay resident, commented that, as a nearby resident, she recently visited the property, and does not see how the proposed development will be visible from 45 King George Terrace, given the retaining wall and the trees located on the neighbouring property.

The question was then called.

CARRIED

14. ***Development Variance Permit Application (DVP00054) - 1984 Crescent Road***

- Notice of Resolution - 1984 Crescent Road
- Report - Manager of Planning, Jan. 9, 2017
- Plans - DVP -1984 Crescent Rd., Nov. 1, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1984 Crescent Road (Lot 2, Section 19, Victoria District, Plan 1556) 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>
4.15.1 Maximum Paved Surface	25% 29.02 m <sup>2</sup>	26.62% 30.91 m <sup>2</sup>	1.62% 1.89 m <sup>2</sup>
4.17.1/4.17.2 Maximum Retaining Wall Height	1.20 m	3.62 m	2.42 m
6.5.4.(2)(b) Minimum Setback Rear Lot Line <sup>1</sup>	10.66 m	7.50 m	3.16 m
6.5.4.(2)(e) Total Side Lot Lines	4.57 m	3.30 m	1.27 m
6.5.4.(3)(a) Maximum Building Height <sup>2</sup>	6.82 m	8.79 m	1.97 m
6.5.4.(3)(b) Maximum Occupiable Height <sup>2</sup>	4.26 m	6.33 m	2.07 m
6.5.4.(3)(c) Maximum Roof Height <sup>2</sup>	8.52 m	10.36 m	1.84 m
6.5.4.(11) Second Storey Setback			
Residence SW Side	3.00 m	2.71 m	0.29 m
Residence East Side	3.00 m	1.65 m	1.35 m

<sup>1</sup>Based on Lot Depth of 42.64 metres

<sup>2</sup>Based on Lot Breadth of 15.23 metres

to accommodate the construction of an attached garage and smaller additions to the existing single family home as shown on the plans appended to the January 16, 2017 Committee of the Whole agenda item number 10, being a memorandum from the Planner dated January 9, 2017.

No members of the public rose to speak.

The question was then called.

CARRIED

15. ***Attendance at BC Mayors' Caucus 2017***

- Notice of Resolution - Attendance at BC Mayors' Caucus

MOVED and seconded: That Council approve the attendance of Mayor Jensen, at the 2017 BC Mayors' Caucus, to be held in Oak Bay, BC, February 22 - 24, 2017, and the payment of expenses necessarily incurred by him.

CARRIED

16. ***Attendance at Association of Vancouver Islands and Coastal Communities (AVICC)***

- Notice of Resolution - Attendance at AVICC

MOVED and seconded: That Council approve the attendance of Oak Bay Council Members, at the 2017 Association of Vancouver Island and Coastal Communities Convention, to be held in Campbell River, BC, April 7 to 9, 2017, and the payment of expenses necessarily incurred by them.

CARRIED

17. ***Proposed Revisions to the Wall of Fame Policy***

- Notice of Resolution - Proposed Revisions to Wall of Fame Policy
- Proposed Amendments - Wall of Fame Community Recognition Policy and Procedures

MOVED and seconded: That the Wall of Fame Policy be amended to change the structure of the Selection Committee to function as a subcommittee of the Parks, Recreation and Culture Commission, as further detailed in the amended Wall of Fame policy attached to the resolution notice on February 14, 2017.

CARRIED

18. ***Confirmation of Appointment to Oak Bay Tourism Committee***

- Notice of Resolution - Confirmation of Appointment to Tourism Committee

MOVED and seconded: That the appointment of Michelle Le Sage to the Oak Bay Tourism Committee for 2017 be confirmed.

CARRIED

19. ***Expansion of Public Opportunities for Beach Fires***

- Notice of Resolution - Expansion of Public Opportunities for Beach Fires

MOVED and seconded: That the concept of expanding public opportunities for beach fires be referred to a future Committee of the Whole for further discussion with staff.

CARRIED

**BYLAWS:**

20. ***Bylaw Memorandum***

- Memorandum - Deputy Director of Corporate Services, Feb. 7, 2017

The Mayor gave an overview of the bylaw reading process.

21. ***For Adoption***

- Bylaw No. 4672, Parks and Beaches Bylaw, 2017
- Report - Director of Corporate Services, Jan. 11, 2017

MOVED and seconded: That Bylaw No. 4672, *Parks and Beaches Bylaw, 2017* be adopted.

CARRIED

**ADJOURNMENT:**

22. ***Motion to Adjourn***

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:28 PM.

Certified Correct:

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Mayor

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Director of Corporate Services