

REPORT of a PUBLIC HEARING 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 June 22, 2015 at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

CALL TO ORDER:

Mayor Jensen called the meeting to order at 7:31 p.m

BYLAW TO BE CONSIDERED:

Bylaw No. 4648, Ninety-Fourth Zoning Bylaw Amendment Bylaw, 2015

1. ***Description of the Bylaw***

The Mayor asked the Municipal Clerk to explain the purpose of Bylaw No. 4648.

The Municipal Clerk explained that the Bylaw would amend the Zoning Bylaw to reflect the recommendations brought forward through the Floor Area Review process. Ms. Hilton noted that the proposed changes would affect properties zoned One Family Residential Use RS-4 and RS-5, but that general amendments affecting properties in other zones are also included.

Ms. Hilton stated that the Bylaw provides for the following:

- Amends definitions for Basement, Building, Building Height, Grade, Gross Floor Area, Lot Coverage, Occupiable Height, Roof Height, and Structure to provide greater clarification and reflect changes affecting lot coverage and floor area calculations for buildings and structures.
- Includes exemptions for eaves and cladding, for the purposes of extending into yard setbacks.
- Increases the gross floor area exemption for garages and carports from 19 m² to 22 m² where siting conditions are met.
- Includes gross floor area exemptions for basements, as determined by first storey floor height, for principal buildings receiving occupancy certificates prior to, and after January 1, 1986.

- Establishes gross floor area exemptions for covered door landings and verandas.
- Establishes gross floor area calculations for atriums.
- For the RS-4 and RS-5 zones, establishes a new single storey home designation, with the applicable height regulations for this designation set out in Schedule B of the Zoning Bylaw.
- For the RS-4 and RS-5 zones, increases lot coverage to 30% for all buildings and structures, or 35% for single storey homes, and sets the floor area ratio at 0.4.
- For the RS-4 and RS-5 zones, amends the rear lot line setback for principal buildings to be the greater of 7.62 metres and 25% of the lot depth.

2. ***Receipt of Correspondence Distributed Prior to Public Hearing***

- Report - Director of Building and Planning, Apr. 15, 2015
- Rpt Attach 1 - FAR Committee, RS-4 RS-5 Bylaw Recommend Rpt, Apr. 2015
- Corresp from Apr. 17 to Apr. 20, 2015 - FAR Committee Report
- Corresp up to Apr. 17, 2015 - FAR Committee Report
- Report - Director of Building and Planning, Jan. 14, 2015
- Report- Director of Building and Planning, Sep. 19, 2014
- Rpt Attach 1 - FAR Committee, RS-4, RS-5 Bylaw Recommend Rpt, Jul. 2014

MOVED by Councillor Braithwaite, seconded by Councillor Murdoch: That the written submissions distributed prior to the public hearing as attached to Agenda Item 2 be received.

CARRIED

3. ***Reading of New Correspondence***

The Municipal Clerk advised that no further correspondence pertaining to the Public Hearing for Bylaw No. 4648 has been received.

4. ***Public Input***

The Mayor asked if any members of the public would like to come forward to speak on the proposed bylaw.

John Armitage, Oak Bay resident, provided comment on the proposed bylaw, noting that the definitions for basement and gross floor area need further clarification and that no definitions were provided for crawl space or for natural grade. Mr. Armitage commented that the amount of exempted floor area for covered landings should be increased to account for the space needed for accessible landings. He suggested that using the word "masonry" in Section 10, as the word "brick" as too specific. Section 17, he stated, should be revised so that the height of the veranda is in keeping with the requirements of the British Columbia Building Code and that mention is removed of living space "below the veranda". Mr. Armitage concluded his remarks by noting that an exemption should be added to Section 18 for expansions in atriums to include elevators.

Mayor Jensen asked a second time if any members of the public would like to come forward to speak on the proposed bylaw. No one else came forward.

At the request of the Chair, the Director of Building and Planning responded to the public comments on the Bylaw. With respect to definitions, Mr. Thomassen clarified that the basement is considered as the floor below average grade and that other calculations are based on the first storey. He commented that natural grade is already defined in the Zoning Bylaw. The exemption in Section 10, he said, has broad enough wording to refer to various different materials. He noted that the exemption in Section 16 of 20 square feet for a landing is in keeping with the recommendation by the Floor Area Review Committee.

With respect to Section 17, he said, the height of the veranda needs to be level with the first storey of a dwelling and that there had been some discussion by the Committee regarding allowable floor space beneath the veranda that ultimately was not finalized. He concluded his response, noting that the Committee had not considered undertaking exemptions for elevators.

Mayor Jensen asked a third time if any members of the public would like to come forward to speak on the proposed bylaw. No one else came forward.

ADJOURNMENT:

5. *Motion to Adjourn*

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That the meeting be adjourned.

CARRIED

The meeting adjourned at 7:54 p.m.

Certified Fair and Accurate:

Municipal Clerk

Mayor