

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, March 29, 2016, at 7:00 PM.

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
Acting Director of Corporate Services, M. Jones
Acting Deputy Director of Corporate Services, D. Schaffer
Director of Building and Planning, R. Thomassen

Mayor Jensen recognized the career and achievements of Tom Pearse, retiring Deputy Fire Chief, noting his 28 years of service to the Oak Bay Fire Department and the contributions he made to his field as an exemplary firefighter, volunteer and member of administration in the Department. The Deputy Chief thanked the Mayor and members of the Department with whom he has worked over the years, and his family for their support.

The meeting was called to order at 7:16 PM.

MINUTES AND REPORTS:

1. *Council*

- March 14, 2016

MOVED and seconded: That the minutes of the Council meeting held on Monday, March 14, 2016, be adopted.

CARRIED

2. *Committee of the Whole*

- March 21, 2016

MOVED and seconded: That the minutes of the meeting of Committee of the Whole held on Monday, March 21, 2016, and the recommendations contained therein be adopted.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

Mayor's absence

Mayor Jensen thanked Councillor Kirby for stepping in as Acting Mayor in his absence for the Council meeting of March 14 and the Committee of the Whole meeting of March 21. He also thanked District staff for enabling remote participation for both him and Councillor Zhelka and for overcoming challenges the technology presented on March 14.

Age Friendly Action Plan

The Mayor noted that the District's report on the Age Friendly Action Plan was received and the full \$20,000 grant for the project had been received from the Provincial Government.

Meetings of the Estimates Committee

The Mayor noted that the Estimates Committee will be considering the District's annual budget at its meetings to be held April 6, 2016 and April 13, 2016. Each meeting starts at 5:30 p.m.

PUBLIC PARTICIPATION PERIOD:

4. No members of the public rose to speak during the Public Participation Period.

COMMUNICATIONS:

5. ***Presentation – Greater Victoria Public Library (GVPL) – 2016 Library Budget***
 - Note – Acting Director of Corporate Services – GVPL 2016 Budget and Five Year Financial Plan - Final
 - Corresp. – GVPL, Feb. 22, 2016
 - GVPL Presentation Oak Bay 2016

Maureen Sawa, Chief Executive Officer, Greater Victoria Public Library (GVPL), addressed Council and provided a presentation outlining the GVPL's new strategic plan, its budget, five-year financial plan and 2015 accomplishments.

In response to questions from Council, Ms. Sawa noted that the GVPL is the busiest library in Canada in terms of circulation per capita, with 280,000 sessions on public computers, more than 500,000 wireless sessions, and lending five million physical items per year, none of which includes the electronic items the library provides.

MOVED and seconded: That Oak Bay's share of the 2016 operating budget for the Greater Victoria Public Library in the amount of \$1,029,769.00 be approved.

CARRIED

6. ***Presentation – Strategic Energy Management Plan (SEMP)***
 - Note – Acting Director of Corporate Services – SEMP Motion
 - Oak Bay Strategic Energy Management Plan

Ray Herman, Director of Parks, Recreation and Culture, and Ken Olson, Energy Coordinator, in attendance for this item.

Mr. Olson addressed Council and provided a presentation outlining the highlights of the SEMP, the highlights of Oak Bay's accomplishments since the energy management program began, and noting the need for the District to continue with the program and make energy conservation business as usual.

In response to questions from Council, Mr. Olson said he feels the District is ahead of other municipalities with respect to greenhouse gas reduction. He said the conversion to LED streetlights would continue if funding is available for the next phase, and outlined the necessity to continue working on conservation as the benchmarks change each year to reflect current energy consumption.

MOVED and seconded: That the Strategic Energy Management Plan dated October 21, 2015, be accepted and that the Mayor and Chief Administrative Officer be authorized to sign to that effect.

CARRIED

7. ***Request for Early Approval of 2016 Recreation Capital Purchase***

- Report – Manager of Administrative Services, Parks, Recreation and Culture, March 21, 2016

Ray Herman, Director of Parks, Recreation and Culture, and Grant Brown, Manager of Administrative Services, Parks, Recreation and Culture, were in attendance for this item.

In response to a question from Council, Mr. Brown noted that only a portion of the purchase of fitness equipment will be funded from prior years' surplus so that those funds can also be dedicated to reserve funds for other projects.

MOVED and seconded: That the early approval of the fitness cardiovascular equipment replacement be approved with a budget of \$220,000 and the proposal be awarded to Fitness Town Commercial for \$212,792.

CARRIED

8. ***Oak Bay Business Improvement Association (BIA), 2016 Budget and Business Plan***

- Note – Acting Director of Corporate Services – BIA Budget 2016
- Corresp. – BIA, March 18, 2016

Heather Leary, Project Manager, Oak Bay Business Improvement Association, responded to questions from Council regarding support for the Arts Laureate, and said their planned programming should create no additional costs to the municipality for this year's program.

MOVED and seconded: That Council approve the budget submitted by the Oak Bay Business Improvement Association for the 2016 calendar year as outlined in the March 18, 2016, correspondence from the Oak Bay Business Improvement Association, with the budget

incorporating on the revenue side a grant from the Municipality in the amount of \$80,570.88 to be recovered by means of a local service tax in that amount.

CARRIED

9. ***Special Event Application – Request for Temporary Occupancy of Municipal Hall Front Lawn and Commercial Activity on Sidewalks, May 14, 2016***
- Note – Acting Director of Corporate Services – BIA Sidewalk Sale, May 14, 2016
 - Corresp. – BIA, March 18, 2016

MOVED and seconded: That whereas, pursuant to the Zoning Bylaw, Council has made the determination that Talk to an Expert Day, including the sales of goods and refreshments, will be of general benefit to the adjacent business district and will create no undue inconvenience for adjacent residents or the public at large, approval be given to the Oak Bay Business Association to hold the event, as described in their application received March 18, 2016, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000.00;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

10. ***Special Event Application – Request for Temporary Occupancy and Commercial Activity on Roadways, Jun. 8, Jul. 13, Aug. 10, Sept. 14, 2016***
- Note – Acting Director of Corporate Services – BIA – Night Markets, June 8, July 13, August 10, Sept. 14, 2016
 - Corresp. – BIA, March 18, 2016

Heather Leary, Project Manager, Oak Bay Business Improvement Association, responded to questions from Council by noting that it would be difficult to shift funds from the annual Christmas celebration to support more markets since community expectation of the Christmas events is that they be of a high calibre, which requires consistent funding.

MOVED and seconded: That the occupancy of Oak Bay Avenue between Wilmot Place and Monterey Avenue on June 9, July 13, August 10 and September 14, 2016 for the purposes of holding a Night Market, including the sales of liquor, and associated provision of samples, by up to 10 vendors, be approved as described in the application from the Oak Bay Business Improvement Association received March 18, 2016, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000.00;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police;
4. agree to give sufficient notice to all residents along the proposed route; and
5. the Association ensuring compliance with all requirements of the Liquor Control and Licensing Branch Policy Directive No: 14.11

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

11. ***Special Event Application – Request for Commercial Activity in Willows Park, Jun. 25, 2016***

- Note – Acting Director of Corporate Services – MEC Paddlefest, June 25, 2016
- Corresp. – MEC, Feb. 5, 2016

Caitlin Brown, Outreach Coordinator, MEC Victoria, responded to questions from Council by noting the Greater Victoria Cycling Coalition will provide additional bike parking and staff during the event for the use of participants who ride to Willows Park.

MOVED and seconded: That whereas Council has made the determination that the proposed occupancy of Willows Park on June 25, 2016 for the purpose of holding an event including the sale of goods and refreshments, will be of general benefit to the municipality at large, will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be granted for the Event as described on the application from MEC received February 5, 2016, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000.00;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

12. ***Special Event Application – Request for Temporary Occupation of Roadways, May 29, 2016***

- Note – Acting Director of Corporate Services – Kool Oak Bay Half Marathon, May 29, 2016
- Corresp. – Frontrunners Athletic Club, Jan. 26, 2016

A discussion ensued in which the importance of notification was highlighted, given the relocation of the event and potential for noise complaints. Nick Marshall, race organizer, noted that the organizers would take steps to notify all residents who would be affected by the changes.

MOVED and seconded: That the occupancy of roads May 29, 2016 for the purposes of holding the Kool Oak Bay Half Marathon as described in the submission from the Frontrunners Athletic

Club dated January 26, 2016, be approved, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000.00;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
4. agree to give sufficient notice to all residents along the proposed route;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

13. ***Special Event Application – Request for Temporary Occupancy of Roadways, May 1, Jul. 2, Jul. 24, Aug. 28 2016***

- Note – Acting Director of Corporate Services – Victoria Wheelers Cycling Club – Windsor Park Roadways - 2016
- Corresp. – Victoria Wheelers, Mar. 1, 2016

MOVED and seconded: That the occupancy of the roadways surrounding Windsor Park on May 1, July 2, July 24 and August 28, 2016 for the purposes of holding a cycling race as described in the submission from the Victoria Wheelers Cycling Club dated March 1 and March 8, 2016, be approved, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000.00;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instruction from the Police; and
4. sufficient notice being given by the event organizers to all property owners along the proposed route;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

14. ***Special Event Application – Request for Temporary Occupancy of Bowker Park, Aug. 14, 2016***

- Note – Acting Director of Corporate Services – Oak Bay Community Artists Society – Bowker Brush Up, August 14, 2016
- Corresp. – Oak Bay Community Artists Society, Feb. 18, 2016

MOVED and seconded: That whereas pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place

for recreation, ornamentation or preservation of the natural environment, approval be given to the Oak Bay Community Artists Society to hold the Bowker Creek Brush Up along Bowker Creek between Armstrong Avenue and Hampshire Road, on the north side of the creek, on Sunday, August 14, 2016, from 7:30 a.m. to 5:30 p.m., subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000.00;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

15. ***Request to Change Hours of Liquor Sales, Vis a Vis***

- Report – Director of Building and Planning, Mar. 17, 2016

In response to a question from Council, the Director of Building and Planning noted the following:

- No public input process was held in respect to this proposal since the business is relatively new and was subject to a development permit process that included public input; and
- The owner would like to serve drinks from the hour of opening, and has recently added breakfast to the menu.

MOVED and seconded: that Council's support of the hours for liquor sales at 2228 Oak Bay Avenue, Vis a Vis be conveyed to the Liquor Control Licensing Branch, indicating that the endorsement would not, in Council's view, result in the establishment being operated contrary to the primary purpose for which the license was granted, that the potential for noise and the impact on the community would be minor, and further that the views of the residents were not gathered in respect to the proposed endorsement as the redevelopment of the property in 2011 included a development permit in respect to plans that included a food primary liquor license, which was subject to a public consultation process.

CARRIED

16. ***Request for Addition to Oak Bay Community Heritage Register – 2671 Margate Avenue***

- Report – Director of Building and Planning, Mar. 17, 2016

MOVED and seconded: That the Oak Bay Heritage Register be augmented by adding the real property, 2671 Margate Avenue, as more particularly described in the Statement of Significance attached to the report from the Director of Building and Planning dated March 17, 2016.

CARRIED

17. ***Phase 1 Geotechnical Investigation – Request for Proposals (RFP) – Uplands Combined Sewer Separation Project***

- Note – Acting Director of Corporate Services – Phase 1 Geotechnical Investigation
- Memo – Project Manager, Mar. 4, 2016
- Rpt. Attach. – RFP No. OBMH-01-2016

Jack Hull, Project Manager, responded to questions from Council in respect to the scope and potential impact of the geotechnical investigation.

MOVED and seconded: That the memorandum dated March 4, 2016, from the Project Manager be received for information.

CARRIED

18. ***Uplands Combined Sewer Separation Project***

- Report – Chief Administrative Officer, Mar. 22, 2016

Jack Hull, Project Manager, noted in response to a question from Council that it is difficult to gauge the impact of storm sewer overflows on the foreshore in Oak Bay because no monitoring is done during storm events. He also noted that when there are overflows resulting in increased fecal coliform counts notices are posted on beaches and removed when levels return to normal.

The Chief Administrative Officer (CAO) noted in response to a question from Council that notwithstanding events of the past with respect to discussions with the Capital Regional District (CRD) her report assumes that Council is looking at the staged implementation plan outlined in her report as a new opportunity to move forward. It was further noted that the Acting Director of Engineering is preparing a report to Council that will outline issues surrounding effects of the project on Oak Bay's tree canopy, and that archaeological and First Nations issues will be dealt with if and when they arise during the project.

MOVED and seconded: That as outlined in the March 22, 2016, report of the Chief Administrative Officer the following be approved:

- The proposed staged sewer separation project implementation plan;
- Pursuing MLA Dr. Weaver's offer to facilitate the presentation of the staged sewer separation implementation plan to the Minister of the Environment; and
- Advising the Capital Regional District of the District of Oak Bay's approach to the Minister.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

19. ***Notice of Motion – Retention of Heritage Houses***

Councillor Zhelka provided notice that he would bring forward a motion to a future meeting of Council requesting commentary from the Heritage Commission and Advisory Planning Commission with respect to proactively improving the retention of heritage houses.

Report on the Capital Regional District (CRD)

The Mayor drew Council's attention to two issues under discussion at the Capital Regional District (CRD): consideration of the CRD budget, and proposed ending of glass recycling.

With respect to the budget, the Mayor noted that CRD is considering increases to the tax levy ranging from 1.2 per cent at the District of Highlands to 19.5 per cent at the Township of Esquimalt; he stated the proposed increase for Oak Bay is 2.6 per cent.

With respect to glass recycling, the Mayor he noted that the Environment Committee recommended that curbside glass recycling be ended.

20. **Attendance at CUVIC, 2016**

- Resolution Notice – Attendance at CUVIC 2016
- CUVIC Conference 2016 – Conference Information

MOVED and seconded: That payment of the registration fee of \$300.00 be approved for Councillor Croft to attend the **CUVIC Conference 2016** that will be held at the University of Victoria, April 27 – 29, 2016.

CARRIED

21. **Development Variance Permit (DVP) Application – 52 Maquinna Street**

- Resolution Notice – 52 Maquinna Street
- Plans – DVP ADP – 52 Maquinna Street, Mar. 23, 2016
- Plans – Landscape – 52 Maquinna Street, Mar. 23, 2016

In response to questions from Council, the Director of Building and Planning discussed the permeability of the pavers proposed for the driveway.

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 52 Maquinna Street (Lot B, Section 46, Victoria District, Plan EPP45869) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1	< 25%	32.02%	7.02%
Maximum Paved Surface Front Yard	35 m ²	44.84 m ²	9.84 m ²

to accommodate construction of a new single family dwelling including the proposed Increase in the maximum paved surface within the front yard, as shown on the plans appended to the resolution notice for the Council Meeting of March 29, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 52 Maquinna Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

22. ***Development Variance Permit (DVP) Application – 2773 Somass Drive***

- Resolution Notice – 2773 Somass Drive
- Plans – DVP – 2773 Somass Drive, Feb. 23, 2016
- Corresp. Up to Mar. 17, 2016 – DVP Application – 2773 Somass Drive

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2773 Somass Drive (Lot B, Section 61, Victoria District, Plan 3929) varying the provisions of Bylaw 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.17.1 Maximum Height Retaining Wall	1.2 m	1.725 m	0.52 m
6.5.4.(7) Distance Between Buildings and Structures	3.00 m	2.430 m	0.57 m

to accommodate the construction of an outdoor pool as well as the installation of a retaining wall, as shown on the plans appended to Committee of the Whole agenda item number 8, being a memorandum from the Planner date March 11, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 2773 Somass Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

23. ***Development Variance Permit (DVP) Application – 1033 Monterey Avenue***

- Resolution Notice – 1033 Monterey Avenue
- Plans – DVP – 1033 Monterey Avenue, Feb. 18, 2016

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1033 Monterey Avenue (Lot 11, Block CC, Section 23, Victoria District, Plan 982) 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>
4.6.5.(1)	1.2 m	1.73 m	0.53 m

Stair Projection Rear Yard

4.15.1	<25%	35%	10%
Maximum Paved Surface Front Yard	29.03 m ²	40.64 m ²	11.61 m ²
6.5.4.(2)(b)	9.13 m	8.37 m	0.76 m
Minimum Setback Rear Lot Line			
6.5.4.(2)(c)	1.52 m	1.24 m	0.28 m
Minimum Setback Interior Side Lot Line			

to accommodate the proposed renovation of an existing single family dwelling and the construction of an attached garage, as shown on the plans appended to Committee of the Whole agenda item number 9, being a memorandum from the Planner dated March 11, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 1033 Monterey Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

27. *Motion to Adjourn*

MOVED and seconded: That meeting of Council be adjourned.

CARRIED

The meeting adjourned at 9:18 PM.

Certified Correct:

Mayor

Acting Director of Corporate Services