

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, October 13, 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. W. Zhelka

STAFF: Municipal Clerk, L. Hilton  
Executive Assistant, C. Denomme  
Municipal Treasurer, P. Walker  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall

Presentation of Long Service Award – Firefighter Jason Joynson

Prior to calling the meeting to order, Mayor Jensen presented a Long Service Award to Oak Bay Firefighter Jason Joynson, recognizing his 20 years of excellent service to the community. Mayor Jensen drew attention to various highlights of Firefighter Joynson’s career with the Oak Bay Fire Department, thanking him on behalf of Council and the Community for his contribution.

Mayor Jensen called the meeting to order at 7:45 p.m.

MINUTES AND REPORTS:

1. **Council**
  - September 28, 2015

MOVED by Councillor Murdoch, seconded by Councillor Croft: That the minutes of the Council meeting held September 28, 2015, be adopted.

CARRIED

MAYOR’S REMARKS:

2. Mayor Jensen made remarks on the following recent events:
  - UBCM – Mayor Jensen drew attention to a meeting he attended with Minister Fassbender, Councillor Croft, and the Chief Administrative Officer regarding the topic of amalgamation. Mayor Jensen reported that no provincial study on amalgamation is envisioned at this time.
  - Cougar Sightings – Mayor Jensen noted recent cougar sightings and the Police Department’s role and response.

- Painted Piano – one of the painted pianos from the summer art projects has been sold, noted Mayor Jensen, along with the photographs of the pianos. He extended thanks to the Arts Laureate for a successful summer art program.
- Fire Truck accident – Mayor Jensen noted the recent accident the Oak Bay fire truck was involved with, advising that the damage to the truck would be assessed; all are grateful that there were no serious results, he noted.
- Oak Bay High School – Grand Opening was held October 7<sup>th</sup> where the District of Oak Bay was recognized for its contribution to the Theatre.
- University of Victoria Student Scholarship– The joint Oak Bay/Saanich Centennial Scholarship was recently awarded.
- Greater Victoria Economic Development Agency – Upcoming event for Mayors, business leaders and First Nations to discuss a bold new vision for the region on November 7<sup>th</sup>.
- Good Life Fitness Marathon – Oak Bay recognized for its contribution to the event, which saw 9,000 participants for the various races from all over the world.

**PUBLIC PARTICIPATION PERIOD:**

3. ***The following speakers addressed Council during the Public Participation Period:***

Parminder Basran, Oak Bay resident, noted his concerns regarding wildlife and the safety of his children. He relayed incidents involving deer and cougar sightings, and their effect on his family. Mr. Parminder drew attention to the area of Runnymede Avenue and Mountjoy Avenue, where he feels lighting is inadequate, contributing to the safety concerns. Noting that while the probability of an attack on his children is low, there are more deer than ever before, along with multiple cougar sightings, he said, urging Council to work with other municipalities to resolve the issue.

Valerie Irvine, Oak Bay resident, noted her concerns about deer, cougars, and the safety of her family, noting a dramatic increase in the number of deer and now cougar sightings since 2001, and describing how this has significantly affected her life. Ms. Irvine said her children are scared to be outside, scared for her to be outside, and are having nightmares. Ms. Irvine said she wanted Oak Bay's urban nature restored, urging Council to take proactive action.

Chief Constable Any Brinton, at the request of the Chair, spoke to concerns raised by the public regarding recent cougar sightings, relaying the information that his department receives from the Provincial Conservation Officer Service. He acknowledged the frustration being felt by many, noting that there are a limited number of Conservation Officers for the whole of Vancouver Island, and described some of the difficulties that can occur with tracking wildlife such as cougars. In terms of public safety, he said, the Department undertakes to alert the public to possible sighting as quickly as possible, and works with the Conservation Officer Service.

The Chief Constable responded to various questions in relation to the issue of cougars and the Police Department's role in this regard.

Moved by Councillor Zhelka, seconded by Councillor Braithwaite That correspondence be sent to the appropriate Provincial Ministers advising them of Council's and Oak Bay citizens' concerns arising from the presence of cougars in urban areas and to request that appropriate resources be provided by the Province of BC to address the issue.

CARRIED

It was further suggested that Mayor Jensen raise the issue at the next Mayor's Roundtable to be held in November.

COMMUNICATIONS:

4. ***Tender Award – Municipal Building Analysis***
- Report – Deputy Treasurer, September 29, 2015

Fernando Pimentel gave an overview of his memorandum and answered questions from Council regarding the proposed contract award.

MOVED by Councillor Ney, seconded by Councillor Murdoch: That the Municipal Building Analysis tender be awarded to Moore Architecture Group in the amount of \$127,057.

CARRIED

5. ***Proposed Award Recommendation – External Audit Services***
- Report – Deputy Treasurer, October 5, 2015

MOVED by Councillor Murdoch, seconded by Councillor Ney: That the contract for External Audit Services be awarded to KPMG for 2015 to 2019 at the following prices:

2015	2016	2017	2018	2019
\$20,900	\$21,300	\$21,700	\$22,100	\$22,500

CARRIED

6. ***Request for Licence to Occupy Parking Space – October 14, 2015 – October 14, 2017.***
- Note – Municipal Clerk – Modo Cooperative – Licence to Occupy
  - Correspondence – Modo Cooperative, October 5, 2015

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That permission be given for Modo Cooperative to occupy one parking space at the Monterey Avenue parking lot adjacent to the Monterey Centre for a two year period, and that the Mayor and Municipal Clerk be authorized to execute an agreement with Modo Cooperative for the use of the parking space.

CARRIED

7. ***Oak Bay High School and Neighbourhood Learning Centre Agreements***
- Report – Municipal Clerk, October 2, 2015
  - Rpt Attach 1 – Framework Agreement, October 7, 2015
  - Rpt Attach 2 – Oak Bay Joint Use Agreement, October 7, 2015
  - Rpt Attach 3 – NLC Operating Agreement, October 7, 2015
  - Rpt Attach 4 – Lease, October 7, 2015

*Ray Herman, Director of Parks and Recreation, in attendance for this item.*

The Director of Parks and Recreation and the Municipal Clerk provided an overview in respect to the various agreements proposed in respect to the Oak Bay High School redevelopment, and answered questions from Council in this regard.

MOVED by Councillor Braithwaite, seconded by Councillor Ney: That, in respect to the Oak Bay High School redevelopment and Oak Bay's occupancy of the Neighbourhood Learning Centre, the Mayor and Municipal Clerk be authorized to execute on behalf of the District of Oak Bay:

- The Framework Agreement;
- The Joint Use Agreement (Schedule B to the Framework Agreement);
- The Neighbourhood Learning Centre Operating Agreement (Schedule A to the Framework Agreement); and
- The Lease (Schedule D to the Neighbourhood Learning Centre Operating Agreement),

substantially in the form appended to the memorandum from the Municipal Clerk dated October 2, 2015, and printed for the purposes of the October 13, 2015 Council meeting agenda.

CARRIED

8. ***Review of the Core Fire Mutual Aid Agreement dated December 1980***

- Report – Fire Chief, September 9, 2015

*Fire Chief Dave Cockle in attendance for this item.*

The Fire Chief provided an overview of his memorandum, and answered questions from Council.

MOVED by Councillor Braithwaite, seconded by Councillor Murdoch: That staff be directed to work collaboratively with the signatories to the 1980 Fire Mutual Aid Agreement to develop a Project Charter and Terms of Reference for the four communities to develop a new core Fire Services Agreement between The District of Saanich, The Township of Esquimalt, The City of Victoria and The District of Oak Bay.

CARRIED

9. ***Heritage Alteration Permit Application – 2013 Runnymede Avenue***

- Report – Director of Building and Planning, October 7, 2015
- Rpt Attach 1 – Bylaw 3343, Adopted November 10, 1980
- Rpt Attach 2 – Statement of Significance – 2031 Runnymede
- Plans 1 – Site plan and Replace stair, October 5, 2015
- Plans 2 – Replace kitchen window, August 15, 2015

Bruce Wilkin, applicant, was in attendance and requested that notwithstanding the staff recommendation to refer his application to the Heritage Commission, and in the interests of time and the minor nature of the changes to the heritage building, Council consider approval of the permit without referring it to the Heritage Commission.

Responding to questions about how soon the Commission could review the application, the Director of Building and Planning noted that members of the Heritage Commission were aware of the application, and that Council may request a special meeting be held by the Commission in order to provide a recommendation to Council as soon as possible, inasmuch as the regular meeting of the Commission was a month away.

While some members of Council felt a decision could be made without a referral to the Heritage Commission, it was the majority view that the expert advice of that body should be sought.

MOVED by Councillor Braithwaite, seconded by Councillor Zhelka: That the application for a Heritage Alteration Permit for 2031 Runnymede Avenue be referred to the Heritage Commission for review and recommendation to Council at the October 26, 2015 meeting.

CARRIED  
Councillors Ney and Kirby against the motion

CORRESPONDENCE – UPCOMING AGENDA ITEM(S)

10. ***Correspondence – Development Variance Permit (DVP) Application – 3220 Beach Drive***
- ADDENDA - Correspondence – October 9 – 13, 2015 – 3220 Beach Drive

MOVED by Councillor Braithwaite, seconded by Councillor Kirby: That the correspondence listed under agenda item No. 10 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

11. Updates were provided by members of Council on the following items:
- Upcoming Emergency Program meeting on October 15th;
  - Bowker Creek project;
  - Business Improvement Association's Pumpkin Art event.

TABLED RESOLUTIONS:

12. ***Development Variance Permit (DVP) Application – 3220 Beach Drive***
- Tabled Resolution Notice – 3220 Beach Drive
  - Plans – DVP, UBP – 3220 Beach Dr, rcd, June 15, 2015

MOVED by Councillor Croft, seconded by Councillor Murdoch: 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 3220 Beach Drive (Lot 16, Block C, Section 31, Victoria District, Plan 3599) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Permitted	Requested	Variance
6.2.4.(3)(a) Maximum building height	7.32 m	8.73 m	1.41 m
6.2.4.(3)(c) Maximum roof height	9.14 m	9.75 m	0.61 m

to accommodate the construction of a new single family dwelling as shown on the plans appended to the September 14, 2015 Committee of the Whole agenda item number 8, being a memorandum from the Director of Building and Planning dated September 2, 2015.

CARRIED

Mark Whitney, Builder and Mark Lupin, owner, were in attendance to answer questions from Council regarding the application.

Attention was drawn to the letters on the agenda opposing the height variance, and members of Council expressed concern with the request for variances for a new dwelling, noting the opportunity to comply with the bylaws where an existing building does not have to be accommodated.

Mr. Lupin acknowledged the concerns, noting, however, that overall they have chosen to keep the new dwelling as small as possible, and much under the lot coverage and floor area permitted by the bylaws. The variance, he said, is necessary to accommodate the dormers in the non occupied attic space.

There was further discussion on the application with various views being expressed, and it was suggested the applicant discuss the application with his neighbours before a decision was made by Council.

Moved by Councillor Zhelka, seconded by Councillor Ney: That the motion in respect to the development variance permit for 3220 Beach Drive be tabled to the next meeting of Council to allow the owners to speak with the neighbours.

DEFEATED

Councillors Braithwaite, Croft, Kirby, Murdoch, Ney and Mayor Jensen against the motion

The question on the motion on the floor was then called.

CARRIED

Councillor Zhelka against the motion

13. ***Development Variance Permit (DVP) Application – 1654 Hampshire Road***
  - Tabled Resolution Notice – 1654 Hampshire Road

- Plans – DVP – 1654 Hampshire Road, rcvd, August 6, 2015

MOVED by Councillor Croft, seconded by Councillor Zhelka: 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 1654 Hampshire Road (Lot 6, Section 69, Victoria District, Plan 922) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Permitted	Requested	Variance
4.15.1	25%	29.34%	4.34%
Maximum paved surface (front yard)	(31.96 m <sup>2</sup> )	(37.51 m <sup>2</sup> )	(5.55 m <sup>2</sup> )

to accommodate construction of a driveway as shown on the plans appended to the September 14, 2015 Committee of the Whole agenda item number 9, being a memorandum from the Director of Building and Planning dated September 2, 2015.

CARRIED

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

CARRIED

14. ***Development Variance Permit (DVP) Application – 2012 Runnymede***

- Tabled Resolution Notice – 2012 Runnymede Avenue
- Plans – DVP – 2012 Runnymede Ave, rcvd, September 10, 2015

MOVED by Councillor Murdoch, seconded by Councillor Croft: 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 2012 Runnymede Avenue (Lot 3, Section 47, Victoria District, Plan 2311) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Required	Requested	Variance
6.4.4.(2)(b)	9.44 m	7.62 m	1.82 m
Rear lot line setback			

to accommodate the construction of a second storey addition to the principal building as shown on the plans appended to the September 14, 2015 Committee of the Whole agenda item number 10, being a memorandum from the Director of Building and Planning dated September 9, 2015.

CARRIED

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

CARRIED

BYLAWS:

15. **Bylaw Memorandum**

- Memo – Municipal Clerk, October 5, 2015

16. **For Adoption**

- Bylaw No. 4653, Land Use Procedures and Fees Bylaw, 2015

MOVED by Councillor Kirby, seconded by Councillor Zhelka: That Bylaw No. 4653, *Land Use Procedures and Fees Bylaw, 2015* be adopted.

CARRIED

17. **For Setting of a Public Hearing Date**

- Bylaw No. 4652, 2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015 Memo – Municipal Clerk, October 5, 2015

MOVED by Councillor Murdoch, seconded by Councillor Croft:

That Schedule “A” of Bylaw No. 4652, as at second reading, be amended as described below:

1. Sections 9.1(a)(iii), 9.1(a)(iv), and 9.1(a)(v) are renumbered as Sections 9.1(a)(iv), 9.1(a)(v), and 9.1(a)(vi), respectively.
2. The following is inserted in Section 9.1(a):
  - “(iii) Despite Schedule “A” of the Zoning Bylaw, the defined “lot area” of Lot 1 may be 487 m<sup>2</sup> (minimum under Zoning Bylaw is 558 m<sup>2</sup>).”
3. Section 9.1(b)(ii) is amended by deleting “6.5.1(1)” and replacing it with “4”.
4. Section 9.1(b)(iv) is renumbered as Section 9.1(b)(v).
5. The following is inserted in Section 9.1(b):
  - “(iv) Despite Section 7 of the Subdivision and Development Bylaw, Lot 2 may abut a highway (Private Road) with a width of 6.71 metres (minimum under Subdivision and Development Bylaw is 12.2 metres).”

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Croft: That a public hearing on Bylaw No. 4652 be held at the Oak Bay Municipal Hall, on October 26, 2015 at 7:30 p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED



18. ***For First, Second and Third Reading***

- Bylaw No. 4654, Property Tax Exemption Bylaw, 2015

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4654, *Property Tax Exemption Bylaw, 2015* be read a first time.

CARRIED.

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4654 *Property Tax Exemption Bylaw, 2015* be read second time.

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4654, *Property Tax Exemption Bylaw, 2015* be read a third time.

CARRIED

ADJOURNMENT:

***Motion to Adjourn to In Camera***

MOVED by Councillor Braithwaite, seconded by Councillor Croft:

*That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss information that is personal information about an identifiable individual who holds or is being considered for a position of officer, employee or agent of the municipality of another position appointed by the municipality.*

CARRIED

The meeting adjourned at 9:57 p.m.

Certified Correct

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Municipal Clerk

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Mayor