

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 Monday, October 27, 2014 at following a Public Hearing at 7:30 p.m.

PRESENT: Mayor, N. Jensen, Chair  
Councillor P. Copley  
Councillor C. Green  
Councillor J. Herbert  
Councillor K. Murdoch  
Councillor T. Ney

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

Mayor Jensen called the meeting to order at 8:18 p.m.

MOVED by Councillor Copley  
Seconded by Councillor Murdoch, That the order of the agenda be amended to consider third reading of Bylaws 4627, *Ninety-Third Zoning Bylaw Amendment Bylaw, 2014* and Bylaw No. 4628, *Parking Facilities Bylaw Amendment Bylaw No. 2, 2014* after Mayor's Remarks.

CARRIED

ADOPTION OF MINUTES:

*Council, October 14, 2014*

MOVED by Councillor Ney  
Seconded by Councillor Copley, That the minutes of the Council meeting held on Tuesday, October 14, 2014, be adopted.

CARRIED

*Committee of the Whole, October 20, 2014*

MOVED by Councillor Copley  
Seconded by Councillor Murdoch, That the minutes of the Committee of the Whole meeting held on Monday, October 20, 2014, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

*Canadian Soldiers*

Mayor Jensen remarked on the recent deaths of two Canadian soldiers. He said we are all shocked by what happened on Parliament Hill, Ottawa, Ontario and St. Jean Sur Richelieu, Quebec and our hearts go out to the families of the fallen soldiers.

*Goodlife Fitness Marathon*

Mayor Jensen reported that he received recognition from the Goodlife Fitness Marathon for Oak Bay's support of another successful event.

*Oak Bay Police/Fire Departments – Public Open House & Expo*

Mayor Jensen commended the Oak Bay Police Department and Oak Bay Fire Department on an excellent Open House and Expo held October 18, 2014. Mayor Jensen said it was a fun and informative day for the community.

*Oak Bay Arts Laureate*

Mayor Jensen reported that two of the pianos that were part of the public art program last summer have been auctioned off with \$1,700 being raised that will go back into the Arts Laureate budget. The third piano, he said, will be staying in the lobby of the Municipal Hall.

**BYLAWS:**

***For Third Reading (Subject to the Outcome of Public Hearing)***

Councillor Murdoch thanked everyone for their comments, acknowledged the application has been through a lengthy process and noted the changes to the design that have been made. He also said it provides for parking of four cars on-site, taking them off the street. The Floor Area Review Committee looked at guidelines for duplexes and while some of the observations were not specific to this application, some have been included in the report, he said. This application has adequate setbacks and floor area and would produce a building the same size as a single family house, he said, noting he is comfortable with the application. Councillor Murdoch said this is an example as to where he wished the Official Community Plan had gotten to and is where density should be applied, and he said he is not opposed to density when it is planned and located near commercial centres. He said this does not set a precedent for him.

Councillor Ney said she agrees with Councillor Murdoch and the changes to the application that make it more suitable. She said there are a lot of benefits to this application as it is adjacent to an urban core and enhances the vibrancy of the area. Councillor Ney said she does not feel it is precedent setting and going forward Council will address duplexes as a housing option and set the criteria that will speak to what the community values.

Councillor Copley said the old Official Community Plan had provisions for duplexes under special circumstances and this proposal is the right proposal for the right area. The Official Community Plan survey results noted there is support for duplexes as a housing option, she said, noting the implementation stage of the Official Community Plan will see guidelines developed for duplexes. Councillor Copley said she is supportive of the proposal.

Councillor Green said she supports the proposal. She said Mr. Peterson is a member of the Heritage Commission and is sensitive to the needs of the community. Councillor Green said this is a good project for the area and she has spoken to many residents who are adamant about the appropriateness of densification near village centres.

Councillor Herbert said that densification is a big issue for the residents of Oak Bay and there will be new rules and guidelines developed under the new Official Community Plan that will include

where densification can occur. The application was made under the previous Official Community Plan and he supports the proposal, he said.

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4627, *Ninety-Third Zoning Bylaw Amendment Bylaw, 2014*, be read a third time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw No. 4628, *Parking Facilities Bylaw Amendment Bylaw No. 2, 2014*, be read a third time.

CARRIED

PUBLIC PARTICIPATION PERIOD:

Kelly Carson, resident, said there have been six urban deer culls in British Columbia and only two of these culls were completed. Ms. Carson said we do not live in a bubble on Vancouver Island and that we are part of a process the Provincial Government is in charge of and there are significant costs involved in a deer cull. Ms. Carson said the deer cull in Invermere was halted by an injunction of 14 citizens and the clover traps were vandalized; in Kimberly the traps were vandalized; in Cranbrook in 2013, there was a secret deer cull being conducted and when it was discovered the traps were vandalized; in Elkford in February 2014 the contractor violated the terms of the permit by conducting trapping during the day and the town called off the cull.

COMMUNICATIONS:

1. 2014-266 MUNICIPAL TREASURER, October 22, 2014  
Re Requests to Write-Off Penalty on Late Tax Payments

A discussion ensued in regard to the requests to write-off the late payment penalty for 641 Oliver Street and 2014 McLaren Avenue. While members of Council sympathized with the applicants, it was the view of Council that the circumstances described were not sufficiently singular and extenuating to request the authority to write-off the penalty.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That correspondence attached to the Municipal Treasurer's report dated October 22, 2014, correspondence item no. 2014-266, be received.

CARRIED

2. 2014-267 OAK BAY HERITAGE COMMISSION, October 14, 2014  
Re Minutes of Meeting

MOVED by Councillor Herbert

Seconded by Councillor Green, That the minutes of the Oak Bay Heritage Commission meeting held on October 14, 2014 be received.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That a resolution to have 2176 Windsor Road placed on the Oak Bay Community Heritage Register be prepared and brought forward to Council for consideration.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*Environmental Advisory Committee*

Councillor Murdoch said that he may bring forward a motion to request the Environment Advisory Committee to make a priority list of Committee projects for Councils' consideration for the next Council term.

The Chief Administrative Officer commented that staff will be providing a report on volunteer committees, which will address having consistent terms of reference, explore Council liaison and staff roles, and request direction from Council. Ms. Koning said, therefore, seeking priorities at this time might be premature.

RESOLUTIONS:

***Development Variance Permit – 3265 Beach Drive***

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3265 Beach Drive (Lot A, Section 31, Victoria District, Plan 3695) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) Minimum Interior side lot line setback	4.57 m	3.1 m	1.47 m
6.2.4.(2)(e) Minimum total of side lot line setback	12.19 m	7.9 m	4.29 m

to accommodate the addition of a conservatory to the side of the existing dwelling, as shown on the plans appended to Committee of the Whole agenda item 2014-258, being a memorandum from the Director of Building and Planning dated September 25, 2014.

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 3265 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2527 Nottingham Road***

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2527 Nottingham Road (Lot 1, Block 43, Section 31, Victoria District, Plan 8777) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(b) Maximum occupiable height (Garage)	0.25 m	0.41 m	0.16 m
6.2.4.(3)(a) Maximum building height (Workshop)	3.0 m	3.34 m	0.34 m
6.2.4.(3)(b) Maximum occupiable height (Workshop)	0.25 m	0.88 m	0.63 m

to accommodate an alteration to a previously approved accessory building. The proposed change would separate the one accessory building into two buildings, one for a workshop and the second to accommodate the garage, as shown on the plans appended to Committee of the Whole agenda item 2014-259, being a memorandum from the Director of Building and Planning dated October 9, 2014.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 2527 Nottingham Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2765 Lansdowne Road***

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2765 Lansdowne Road (Lot 6, Block 22, Section 31, Victoria District, Plan 1216A) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.5	No structure shall be sited in the front yard		

to accommodate the installation of a hot tub in the front yard as shown on the plans appended to Committee of the Whole agenda item 2014-260, being a memorandum from the Director of Building and Planning dated October 9, 2014.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 2765 Lansdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit –2120 Marne Street***

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2120 Marne Street (Lot A, Section 19, Victoria District Plan VIP68729) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(e) Minimum total of side lot lines	4.57 m	3.38 m	1.19 m
6.5.4.(3)(a) Maximum building height	6.83 m	6.96 m	0.13 m
6.5.4.(3)(b) Maximum occupiable height	4.27 m	4.5 m	0.23 m
6.5.4. (3)(c) Maximum roof height	8.53 m	8.61 m	0.08 m
6.5.4.(6)(b) Maximum gross floor area above .8 meters below grade	300 m <sup>2</sup>	340 m <sup>2</sup>	40 m <sup>2</sup>
6.5.4.(6)(b) Maximum gross floor area	420 m <sup>2</sup>	530.8 m <sup>2</sup>	110.8 m <sup>2</sup>
6.5.4.(11) Minimum second storey side lot line setback (South)	3.0 m	2.85 m	0.15 m
6.5.4.(11) Minimum second storey side lot line setback (North)	3.0 m	1.6 m	1.4 m

to accommodate the renovation of the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-261, being a memorandum from the Director of Building and Planning dated September 22, 2014.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 2120 Marne Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit –3025 Eastdowne Road***

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3025 Eastdowne Road (Lot 11, Section 31, Victoria District, Plan 8400) varying the following provisions of Bylaw No. 3540, *Parking Facilities Bylaw, 1986* as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule “A”, A.1.(a) Maximum number of parking spaces	2	1	*

to accommodate the development of the existing garage into a living space as shown on the plans appended to Committee of the Whole agenda item 2014-262, being a memorandum from the Director of Building and Planning dated October 8, 2014.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 3025 Eastdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit –1883 Lulie Street***

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1883 Lulie Street (Lot 8, Block 2, Section 61, Victoria District, Plan 1361) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8 meters below grade	240 m <sup>2</sup>	247.2 m <sup>2</sup>	7.2 m <sup>2</sup>
6.5.4.(11) Minimum second storey side lot line setback (North)	3.0 m	2.5 m	0.5 m
6.5.4.(11) Minimum second storey side lot line setback (South)	3.0 m	2.56 m	0.44 m

to accommodate raising the existing building approximately 1.2 meters to develop a lower floor, which would be at grade, as shown on the plans appended to Committee of the Whole agenda item 2014-263, being a memorandum from the Director of Building and Planning dated October 8, 2014.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 1883 Lulie Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Shoreline Development Permit – 2064 Esplanade***

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Shoreline Development Permit with respect to 2064 Esplanade (Lot 34, Section 61, Victoria District, Plan 874) to accommodate construction of a new home as shown on the plans appended to Committee of the Whole agenda item 2014-264, being a memorandum from the Director of Building and Planning dated October 7, 2014.

CARRIED

***Shoreline Development Permit – 2011 Crescent Road***

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Shoreline Development Permit with respect to 2011 Crescent Road (Lot B, Section 19, Victoria District, Plan 40700) to accommodate construction of an outdoor room under the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-265, being a memorandum from the Director of Building and Planning dated October 7, 2014.

CARRIED

***Execution of Covenant – 2280 Estevan Avenue***

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That the Mayor and Municipal Clerk be authorized to do all acts and things necessary to execute the Section 219 (*Land Title Act*) covenant between 2280 Estevan Holdings Ltd. and Computershare Trust Company of Canada and The Corporation of the District of Oak Bay, as substantially set out in the form attached to the printed resolution considered by Council on October 27, 2014.

CARRIED

**BYLAWS:**

***For Adoption***

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That Bylaw No. 4629, *Property Tax Exemption Bylaw, 2014* be adopted.

CARRIED



ADJOURNMENT:

MOVED by Councillor Murdoch  
Seconded by Councillor Green, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 9:03 p.m.

Certified Correct:

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Municipal Clerk

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Mayor