

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, September 10, 2012 following a Public Hearing at 7:30 p.m

PRESENT: Mayor N. B. Jensen, Chairman
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall
Municipal Treasurer, P. Walker

Mayor Jensen called the meeting to order at 8:56 p.m.

MOVED by Councillor Herbert
Seconded by Councillor Ney, That the order of the agenda be varied to consider Bylaws No. 4570, 4571, 4572 and 4573 prior to Communications.

CARRIED

ADOPTION OF REPORT

Public Hearing – August 20, 2012

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the Public Hearing held on Monday, August 20, 2012, be adopted.

CARRIED

ADOPTION OF MINUTES:

Council – August 20, 2012

MOVED by Councillor Copley
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, August 20 2012, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen noted that the first meeting of the Official Community Plan Project Advisory Committee was held last week and that this will be a long process. The work of the Committee members, he said, is appreciated.

Mayor Jensen highlighted the Oak Bay Heritage presentation by Ben Clinton-Baker, "Roots: A History of Agriculture in Oak Bay", to be held on Wednesday September 19, 7:00 pm at the Windsor Park Pavilion.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

BYLAWS

In response to questions from Council, the Administrator confirmed that, as the public hearing is now closed, no new information can be considered with respect to Bylaws No. 4570, 4571 and 4572 without a new public hearing being held. Mr. Brennan stated that third reading of the bylaws could be deferred if Council so wished.

Councillor Herbert expressed concern that the project is being rushed and that the proposed parking requirements will negatively affect the operation of the Oak Bay Recreation Centre. He noted that he would like to see documentation from the School District requiring all municipal approvals be in place before proceeding with the Request for Proposal process. The traffic impact study and the parking covenant, he said, also need to be considered.

Councillor Green expressed concern that the traffic impact study is not yet available and noted that there are a number of elements from the traffic impact study for Estevan Village that should be incorporated into the study for this project.

Councillor Copley stated that many of her questions have already been answered and that she is getting a better sense of the design-build process. She agreed with previous speakers that this process is a challenging one and expressed concern that the traffic impact study is not yet available.

School District representatives responded to questions from Council with respect to the anticipated completion of the traffic impact study, the overall timelines for the project, and the impact that a delay might have on funding.

Councillor Ney noted that she concurred with the previous speakers' comments on the traffic impact study, but that she would not want to risk the project proceeding. She supported the School District continuing to work with the community and receiving feedback on the project.

Councillor Kirby expressed support for the project and for incorporating alternative transportation options, noting that she would not want parking to stand in the way of the project proceeding. She commented on further opportunities for collaboration and the incorporation of previous input from the public in the design-build process.

Councillor Murdoch noted his general agreement with the project, but expressed concern that the traffic impact study is not yet available, noting the potential impact on the operation of the recreation centre. He expressed support for expanding the area of the site where increased building height would be permitted, as was shown in the initial proposal, in order to allow for more design flexibility. He remarked that the parking requirements should be amended to require the same number of stalls as are currently provided on the high school property, in addition to the 95 stalls required for the Goldsmith Street parking lot.

A discussion ensued with respect to the timelines required for notification of a subsequent public hearing on the proposed bylaws, which Mr. Brennan advised would be required should Council wish to receive the traffic impact study prior to adoption of the proposed bylaws. It was noted that an additional public hearing would impact the timelines for the project which could compromise the funding. Comments were also made with respect to the number of stalls currently provided at the high school.

Mayor Jensen commented that the proponents' evaluation of the parking needs for the project seemed even-handed and noted that deferring third reading of the proposed bylaws would impact the timelines identified by the School District. He observed that the previous and ongoing consultation by the School District, as well as the statement of requirements and the LEED certification process, would all contribute to the project.

MOVED by Councillor Green

Seconded by Councillor Ney, That Bylaw No. 4570, Oak Bay Official Community Plan Bylaw, Amendment Bylaw, No. 1, 2012 be read a third time.

A member of Council expressed concerns with respect to parking and the lack of assurances for further public consultation.

The question was then called.

CARRIED

Councillor Herbert against the motion

MOVED by Councillor Green

Seconded by Councillor Ney, That Bylaw No. 4571, Eighty-Ninth Zoning Bylaw Amendment Bylaw, 2012 be read a third time.

CARRIED

Councillor Herbert against the motion

MOVED by Councillor Green

Seconded by Councillor Ney, That Bylaw No. 4572, Ninetieth Zoning Bylaw Amendment Bylaw, 2012 be read a third time.

Some members of Council expressed support for the previous consultation undertaken for the project, while another member of Council expressed concerns with regards to the speed at which the process has been undertaken.

The question was then called.

CARRIED

Councillor Herbert against the motion

MOVED by Councillor Kirby

Seconded by Councillor Copley, That Bylaw No. 4573 Parking Facilities Bylaw Amendment Bylaw, No. 1, 2012 be read a third time.

Some members of Council expressed support for the future public consultation opportunities in the design-build process and encouraged the proponents to address parking issues in the adjacent area. Another member of Council suggested that the number of stalls proposed in the parking requirements for the project should be increased, as the design-build teams could request a parking variance if needed.

MOVED by Councillor Murdoch,

Seconded by Councillor Herbert, That Bylaw No. 4573 Parking Facilities Bylaw Amendment Bylaw, No. 1, 2012 be amended to replace the number "195" with the number "225" in respect to the required parking stalls for the Oak Bay High School lands.

Some members of Council spoke in opposition to the proposed amendment to Bylaw No. 4573, noting the potential impact to the size of the sports fields, the need for a partnership with the School District and the accommodation of alternative modes of transportation in the project.

Ray Herman, the Director of Parks and Recreation, responded to questions with respect to his report dated August 13, 2012, noting that he found the analysis undertaken for the Neighbourhood Learning Centre's parking impact to be adequate. He stated that there are existing parking issues at the Oak Bay Recreation Centre which will not be addressed through the high school redevelopment project.

The question on the motion to amend Bylaw No. 4573 was then called.

DEFEATED
Councillors Herbert and Murdoch in favour

The question on the main motion was then called.

CARRIED
Councillors Herbert and Murdoch against

COMMUNICATIONS:

1. 2012-277 OAK BAY VOLUNTEER SERVICES SOCIETY, September 5, 2012
2012-246 OAK BAY VOLUNTEER SERVICES SOCIETY, July 10, 2012
Re Request for Financial Assistance – Additional Information

Joan Halvorsen, Executive Director, Oak Bay Volunteer Services Society responded to questions from Council, noting the funding challenges for the Society that result from uncertain grant processes and the need for a surplus to ensure sufficient funds are available for operating costs at the start of the year. Ms. Halvorsen also provided details with respect to the Society's staffing structure, financial statements and fundraising dinner.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That payment of the remaining \$5,000 of the 2012 grant to the Oak Bay Volunteer Services Society be approved.

CARRIED

2. 2012-278 MANAGER OF RECREATION PROGRAM SERVICES, August 31, 2012
Re Request for Rolling Closure of Beach Drive for Municipal Community
Bike Ride from Dalhousie Road to Midland Road – September 22, 2012

MOVED by Councillor Copley

Seconded by Councillor Herbert, That permission be given for a temporary road closure for the purpose of a municipal community bike ride on Beach Drive from Dalhousie Road to Midland Road, on Monday, September 3, 2012, from 4:00 o'clock p.m. to 8:00 o'clock p.m.

A member of Council spoke in regards to the municipal community bike ride enhancing awareness of alternative transportation.

The question was then called.

CARRIED

3. 2012-279 REIN RUNGAS AND LAI YU CHIAO, September 6, 2012
Re Development Variance Permit - 518 Beach Drive

MOVED by Councillor Green

Seconded by Councillor Herbert, That correspondence item no. 2012-279 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Councillor Copley noted that the first formal meeting of the Official Community Plan Project Advisory Committee was held last week and that the current schedule is for meetings to be held every two weeks at the Municipal Hall until December. She remarked that the Committee had discussed the importance of communication and methods of making the process notes available to the public.

In response to questions from Council, the Administrator noted that the intention was to undertake the Request for Proposal process for an Official Community Plan consultant in mid-October.

TABLED:

Development Variance Permit – 518 Beach Drive

It was the consensus of Council that this item be considered at the end of the meeting to allow Mayor Jensen to vacate the chair at that time due to a conflict.

Development Variance Permit – 2260 Dunlevy Street

MOVED by Councillor Green

Seconded by Councillor Herbert, 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 2260 Dunlevy Street (Amended Lot 7 (DD 146754I), Block 1, Section 61, Victoria District, Plan 1960), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (11) <i>Minimum second storey side lot line setback</i>	3.0 m	1.52 m	1.48m

to construct an addition with major renovation to the existing house as shown on the plans appended to Committee of the Whole agenda item 2012-263 being a memorandum from the Director of Building and Planning dated August 8, 2012.

CARRIED

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

CARRIED

RESOLUTIONS:

Voting Delegates for Municipal Insurance Association Annual General Meeting

MOVED by Councillor Copley
Seconded by Councillor Murdoch, That Councillor John Herbert, delegate, and Councillor Michelle Kirby alternate, be registered to vote on behalf of the District of Oak Bay at Municipal Insurance Association Annual General Meetings.

CARRIED

BYLAWS:

The Administrator provided clarification that the Heritage Revitalization Agreement provides broad authority for Council to approve any future building on lot 2 and that, for example, restricting the size of a building to preserve existing trees would in his view be a reasonable approach under that authority.

MOVED by Councillor Copley
Seconded by Councillor Green, That Bylaw No. 4569, 1226 Roslyn Road Heritage Revitalization Agreement Authorization Bylaw, 2012, be read a third time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Green, That Bylaw No. 4569, 1226 Roslyn Road Heritage Revitalization Agreement Authorization Bylaw, 2012, be adopted.

CARRIED

TABLED: (continued)

Development Variance Permit – 518 Beach Drive

MOVED by Councillor Green
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 518 Beach Drive (Lot 17, Section 22, Victoria District, Plan 1062), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (2)(a) <i>Minimum front lot line setback</i>	7.62 m	2.9 m	4.72 m
6.4.4. (2) (e) <i>Minimum total of side lot lines</i>	4.57 m	0.95 m	3.62 m
6.4.4. (11) <i>Minimum second storey side lot line setback</i>	3.0 m	0.7 m	2.3 m
4.15.1 <i>Maximum paved surface (front yard)</i>	25% 29 m ²	43.5% 49.5 m ²	18% 20.5 m ²

to construct a two car garage addition, master bedroom and deck above the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2012-262 being a memorandum from the Director of Building and Planning dated July 27, 2012.

CARRIED

Mayor Jensen, stating a conflict as his neighbor is one of the proponents, indicated that he would not return and left the meeting at 10:52 p.m. Councillor Copley then assumed the Chair for the remainder of the meeting.

There was discussion with respect to the balcony identified in correspondence from neighbours. It was noted that this deck had been constructed many years ago and is not part of the new construction proposed in the current application, although the applicants expressed their willingness to incorporate different screening materials to address the privacy issues raised in respect to the existing deck.

MOVED by Councillor Green,
Seconded by Councillor Kirby, That the meeting continue past 11:00 p.m.

CARRIED UNANIMOUSLY

In terms of concerns raised by a member of Council about the extent of the overhang on the proposed new deck on the south side, while the applicants noted they would be willing to reduce the overhang to reduce the side setback, staff noted that any approvals would be based on the plans currently submitted.

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

CARRIED

ADJOURNMENT:

MOVED by Councillor Ney
Seconded by Councillor Kirby, That the Council meeting be adjourned

CARRIED

The meeting adjourned 11:05 p.m.

Certified Correct:

Municipal Clerk

Mayor