

2014-180-1

To: Mayor and Council
From: Municipal Treasurer
Date: June 18, 2014
Re: **Statement of Financial Information**

BACKGROUND:

The 2013 Annual Report contains the Financial Information Act Reports in Appendix "C". These reports are required under the *Financial Information Act*, which further requires under its Regulation, Schedule 1, subsection 9(2) that:

"A Statement of Financial Information prepared by a municipality must be approved by its council and by the officer assigned responsibility for financial administration under the *Local Government Act*."

DISCUSSION:

Evidence of this approval is shown by having a Council Member representing Council sign a statement to that effect. I will also sign the statement.

Before the receipt of the Annual Report and the reports contained in it, Council should ask whether there are any members of the public who wish to speak to the Annual Report.

After that, a resolution in respect to the Annual Report is recommended to satisfy the requirements of the *Financial Information Act*.

OPTIONS:

1. That the 2013 Annual Report be received and that the reports therein that are required pursuant to the *Financial Information Act* be approved, and further, that the Mayor be authorized, on behalf of Council, to sign a statement indicating approval of the Statement of Financial Information as required by the Act.
2. That the 2013 Annual Report be received.

FINANCIAL IMPACT:

The filing of the *Financial Information Act* reports by July 2, 2014 is a statutory requirement. Any penalties for non-compliance are not easily identifiable.

RECOMMENDATION:

That the 2013 Annual Report be received and that the reports therein that are required pursuant to the *Financial Information Act* be approved, and further, that the Mayor be authorized , on behalf of Council, to sign a statement indicating approval of the Statement of Financial Information as required by the Act.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer



Helen M. Koning
Chief Administrative Officer

To: Mayor and Members of Council
From: Roy Thomassen, Director of Building and Planning
Date: June 18, 2014
Re: **Official Community Plan Bylaw No. 4620**

BACKGROUND:

At its June 9^h, 2014 meeting Council instructed staff to finalize the Official Community Plan (OCP) and that it be brought back as a Bylaw to its June 23rd, 2014 meeting for consideration and 1st and 2nd reading.

Once the Bylaw has been introduced and given 1st and 2nd reading it must be referred to external agencies for review and comment as part of the consultation plan, approved by Council and required by the *Local Government Act (LGA)*, and a date can be set for the Public Hearing.

The *LGA* also requires that after 1st reading Council consider the OCP in conjunction with Oak Bay's Financial Plan and the Capital Regional District's (CRD) Waste Management Plans.

Also required is a **mandatory** referral to the Agricultural Land Commission pursuant to Section 882 of the *Local Government Act* due to the fact that the two golf courses in Oak Bay are located within the agricultural land reserve. This referral is included in the list noted below.

DISCUSSION:

Revised Draft Official Community Plan

The text of the draft OCP has been revised and finalized based on Council's June 9, 2014 resolutions. This includes the revisions and additions approved by Council at the June 9th meeting, subsequent revisions at the June 16th meeting, proofreading, final editing, introduction of graphics and final formatting. The draft OCP now forms the basis of the formal Bylaw No. 4620 for Council's consideration and 1st and 2nd reading.

Consultation Plan

In May of 2013 Council considered and approved a consultation plan for the OCP review process, required under the *LGA* Section 879, which included early formal consultation with First Nations and School District 61, ongoing consultation with the community and consultation with other agencies and jurisdictions once the OCP has been prepared.

The early part of the consultation has taken place and the process leading to the development of the draft OCP has involved extensive community consultation (see Appendix 1), countless volunteer hours on the part of the members of the Official Community Plan Project Advisory Committee (OPAC) and Council's Commissions and Advisory Committees and many staff hours and resources.

Once the draft OCP is given 1st and 2nd reading the Plan will be formally referred to external agencies and jurisdictions, which may have an interest in or be affected by the Plan, as set out in the approved consultation plan. A referral list is included in Appendix 2. It is recommended that the formal referral period be from the end of June 2014 until August 20, 2014. This will give staff enough time to consider any input received before the anticipated September 9, 2014 Public Hearing date.

Public Hearing Date

Given that the Labour Day weekend is early this year, on September 1, 2014 and most summertime activities will have wound down, it is recommended that Council set the Public Hearing date for September 9, 2014.

Financial Plan

The LGA Section 882 (3) (a) requires that the OCP be considered in conjunction with the Municipality's Financial Plan (attached). The funds for the process through to the approval of the OCP are included in the current Financial Plan. Costs and resources associated with the implementation of the Plan have yet to be considered and budgeted and will form the part of Council budget deliberations for future financial plans and will be based on priorities at that time.

CRD Waste Management Plans

The draft OCP has been reviewed in conjunction with the CRD's Solid and Liquid Waste Management Plans. (Memorandum from the Director of Engineering Services attached). Policies in the plan recommend continued cooperation and collaboration with CRD and other municipalities to further develop and implement these plans.

OPTIONS:

Option 'A':

(Each reading of an Official Community Plan Bylaw must receive an affirmative vote of a majority of ALL members of Municipal Council)

That the following individual resolutions be made:

1. That Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 be introduced and read a first time.
2. That Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 having been examined in conjunction with the Five Year Financial Plan and the Capital Regional District's Core Area Liquid Waste Management and Solid Waste Management Plans, be read a second time and be referred to the Agricultural Land Commission for comment.
3. That staff be directed to refer Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 to external agencies from the end of June 2014 to August 20, 2014 for review in keeping with the approved consultation plan.

4. That a public hearing be held on Bylaw No. 4620 be held at Monterey Centre, 1442 Monterey Avenue, at 6:00 p.m. on Tuesday, September 9, 2014, and that notice of the hearing be given in accordance with the *Local Government Act*.

Option 'B':

1. Refer the draft OCP back to staff and the Project Consultant for amendment and/or further consideration. If Council wishes to endorse this option it is important to give specific direction as to the amendments necessary and that consideration is given to the implications for the project schedule.

RECOMMENDATIONS:

Option 'A':

That the following individual resolutions be made:

1. That Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 be introduced and read a first time.
2. That Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 having been examined in conjunction with the Five Year Financial Plan and the Capital Regional District's Core Area Liquid Waste Management and Solid Waste Management Plans, be read a second time and be referred to the Agricultural Land Commission for comment.
3. That staff be directed to refer Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 to external agencies from the end of June 2014 to August 20, 2014 for review in keeping with the approved consultation plan.
4. That a public hearing be held on Bylaw No. 4620 be held at Monterey Centre, 1442 Monterey Avenue, at 6:00 p.m. on Tuesday, September 9, 2014, and that notice of the hearing be given in accordance with the Local Government Act.

Respectfully submitted,



Roy Thomassen,
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning



Helen Koning
Chief Administrative Officer

Appendix 1

Consultation Activity Undertaken and Ongoing

Events

- May 2013 – Council consideration and approval of consultation plan
- May 2013 – Letters sent to Songhees Nation and School District 61
- May 2013 – 8 visioning workshops, 111 participants, with topics/participants as follows:
 - Parks, Recreation and Environment
 - Arts and Culture
 - Community and Social Services
 - Business and Commerce
 - Education
 - Oak Bay Council, staff, commissions, working committees
 - Planners and community visionaries
 - Youth
- May and June 2013 – two community open houses
 - #1 – over 100 participants
 - #2 – over 50 participants
- Fall 2013 - Community survey sent to all 7,947 households in Oak Bay
 - 2,650 responses, 33.3% participation rate
- February 15, 2014 – Community open house to review draft goals and objectives
 - 125 participants
- May 2 - 12, 2014 – Circulation of complete draft of OCP text to Oak Bay Committees
- May 26, 2014 – Draft OCP presented to the Songhees Nation for review and comment
- May 31, 2014 – Community open house to review complete draft of OCP text
 - 150 participants
- June 9, 2014 – Presentation of draft OCP by OPAC to Council
- June 23, 2014 – Presentation to Council, First and Second Readings of the OCP Bylaw
- June to September, 2014 – Referral of complete draft of OCP to other levels of government, First Nations, and external organizations
- September, 2014 – Public Hearing

All of the information related to the ongoing OCP review process, including OPAC meeting notes reports, survey results, draft documents, and notices of events has been posted on the Oak Bay website as public information. Many comments and enquiries came in by e-mail and through letters to Council and OPAC. This will continue throughout the process.

Appendix 2

Agencies for Referral of the Official Community Plan

- Songhees and Esquimalt First Nations
- Capital Regional District
- City of Victoria
- Corporation of the District of Saanich
- School District No. 61
- Agricultural Land Commission
- Greater Victoria Public Library
- Provincial and Federal Governments

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4612

*A Bylaw respecting the financial plan
for the years 2014, 2015, 2016, 2017 and 2018*

The Municipal Council of The Corporation of the District of Oak Bay in open meeting assembled enacts as follows:

1 Schedule "A" attached hereto and forming a part of this Bylaw is hereby adopted as the Financial Plan of The Corporation of the District of Oak Bay for the calendar years of 2014, 2015, 2016, 2017 and 2018.

2 The following Bylaw is repealed:

Bylaw No. 4584, Financial Plan Bylaw, 2013

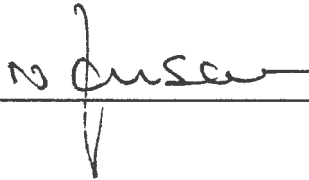
provided that such a repeal made pursuant to this Bylaw shall not affect the validity of any expenditure made under such a repealed Bylaw.

3 This Bylaw may be cited as the *Financial Plan Bylaw, 2014*.

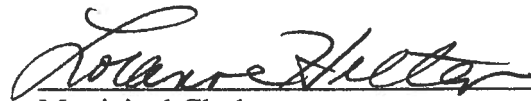
READ a first second and third time by the Municipal Council on April 28, 2014

ADOPTED and FINALLY PASSED by the Municipal Council on May 12, 2014

Mayor



Municipal Clerk



Sealed with the Seal of The Corporation of
the District of Oak Bay.

SCHEDULE "A"

THE CORPORATION OF THE DISTRICT OF OAK BAY

FIVE YEAR FINANCIAL PLAN

	2014	2015	2016	2017	2018
REVENUE					
Property Taxes	19,194,748	19,500,678	19,712,466	20,721,577	21,926,354
Parcel (frontage) Taxes	172,236	175,681	179,194	182,778	186,434
Other Taxes	200,067	208,788	211,564	214,395	217,283
Fees and Charges					
Sales of Services	5,067,240	5,224,127	5,531,172	5,956,683	6,402,617
Other	1,148,400	865,626	878,610	891,790	905,166
User Fees	8,294,392	8,410,447	8,566,102	8,725,124	8,887,600
Borrowing Proceeds	150,000	-	-	-	-
Other Revenue					
Interest	289,000	293,335	297,735	302,201	306,734
Grants and Other Gov'ts.	1,746,241	1,071,974	1,072,294	1,072,449	1,072,606
Other	1,620,543	513,008	1,008,129	356,293	345,785
Services to Other Gov'ts.	-	-	-	-	-
Transfer from Reserve Funds	1,216,520	616,000	2,416,200	1,696,540	857,000
Total Revenue	39,099,387	36,879,664	39,873,466	40,119,830	41,107,579
EXPENDITURES					
Debt Interest	1,169,210	1,291,852	1,522,803	1,868,673	2,216,690
Debt Principal	257,532	248,020	178,509	175,403	175,684
Capital Expenditure	4,785,322	2,956,300	4,179,300	3,502,540	2,976,000
Other Municipal Purposes					
General Municipal	19,684,065	18,813,544	20,027,691	20,181,436	20,922,508
Protective Services	8,752,895	9,134,883	9,390,719	9,721,889	10,063,106
Water	2,716,315	2,754,371	2,806,959	2,860,598	2,915,310
Sewer	476,224	511,292	519,318	527,505	535,855
Transfer to Reserve Funds					
Land Sale	-	-	-	-	-
Fire Equipment Reserve	89,000	89,000	157,000	170,000	180,000
Capital Works and Equipment	1,168,824	1,080,402	1,091,167	1,111,786	1,122,426
Total Expenditures	39,099,387	36,879,664	39,873,466	40,119,830	41,107,579

SCHEDULE "A", continued

OBJECTIVES AND POLICIES RE:

- (1) **FUNDING SOURCES**
- (2) **PROPERTY VALUE TAX DISTRIBUTION**
- (3) **PERMISSIVE TAX EXEMPTIONS**

(1) **FUNDING SOURCES**

- (a) Revenue from Property Value Taxes

Objectives and Policies

The Municipality has a property tax base within which 97.5% of the value is in the Residential class. The high percentage of Residential value, which by its nature is spread over a very large number of properties as opposed to being concentrated in a single industry or sector, enhances the dependability of the property tax as a revenue source. The higher the proportion of total revenue attributable to the property tax, the more predictable are actual revenues for the year and the lower is the likelihood of a shortfall relative to the budgeted revenue amount.

On the other side of the issue, whereas with respect to alternative sources of revenue such as user fees there may be scope for the individual taxpayer to make choices that affect the amount paid, the amount of the value-based tax levy for a parcel of land is something over which the owner has virtually no control.

The objective of Council with respect to the property tax, therefore, is to achieve a balance between the revenue predictability that this source provides on the one hand, and the goal of restraining the growth of the property value-based tax burden on the other.

Council policy is to use the property tax levy to balance the expenditure side of the budget for each year after examining the potential for sustainable revenues from all other sources.

- (b) Revenue From Parcel Taxes

Objectives and Policies

A parcel tax is a tax levy on land, the amount of which is not a function of the assessed value of the land. It can be the same amount for every parcel regardless of size, or it can vary with the area or frontage of a parcel.

Only in limited circumstances is a parcel tax an alternative to a property value-based tax. It can only be applied to properties receiving a particular service and cannot be used for the funding of general services.

With the property tax taking into account the value of improvements as well as land, there is a higher probability, compared to a parcel tax, that it will be related to ability to pay.

The objective of Council with regard to the parcel tax concept is to ensure that its use is fair in light of the actual distribution of the benefits conferred by the service that it is intended to fund.

Council policy to date has been to use the parcel tax only to cover part of the cost of maintaining boulevards on a limited number of streets where this service is provided by the Municipality. With the value of the service directly related to the amount of boulevard to be maintained, the parcel tax in this case is based on frontage.

(c) Revenue From Fees

Fees charges for specific services form a large part of the municipal revenue stream, adding approximately another 50% to the amount raised by the property value-based tax levy.

Much the largest component of user fee revenue is that which is generated from the Municipality's recreation programs. The objective of Council is to ensure that recreation user fee revenues cover all of the direct program costs, and to maximize the coverage of fixed overhead costs as well.

Council policy in this regard is to review recreation user fees not less than annually, against the backdrop of the regional market.

Much smaller than recreation fee revenue, but still significant in terms of the property value-based tax increase that would be required to replace it, is the solid waste collection and disposal charge, which is a fixed amount for each collection unit (e.g., a dwelling unit or small business) served by municipal crews. The principal objective with respect to the use of a solid waste charge rather than the property value-based tax is to avoid double charging properties which, due to volume and the nature of the equipment used, must contract privately for solid waste collection services.

Council policy is to recover 100% of its solid waste disposal and collection costs through the solid waste fee.

The Municipality also operates a water distribution system. Its fiscal objective with respect to the system is to cover the associated costs on a user-pay basis, and the policy in this regard is to set water consumption rates and connection fees at a level which achieves this goal without any requirement for subsidization from the property value-based tax.

The Municipality's sewer system is also operated as a utility, which has traditionally been funded through the property value-based tax, with minor contributions from connection fees.

With large capital costs forthcoming in order to comply with the Capital Regional District's Core Area Liquid Waste Management plan along with the Provincial Municipal Sewage Regulation, however, Council has set an objective of funding a greater portion of sewer utility costs from user fees.

With household water consumption closely tied to capacity requirements in the sewer system, Council has by policy determined to raise 70% of its sewer utility costs from a water consumption-based user fee.

(d) Revenue From Other Sources

Revenue in the "Other Sources" class consists primarily of appropriations from internal municipal reserve funds. The proportion of total revenue from this source will vary significantly from one year to the next.

The principal objective with respect to the use of reserve funds is to finance capital asset depreciation and avoid the use of such funds to offset ongoing operating costs, the rationale being that the latter would not be sustainable in the long term and would eventually require a property value-based tax spike.

Council policy is to use its reserve funds to finance capital works which, in the main, are not undertaken by municipal crews and which therefore may increase or decrease in the amount of the expenditure budget that they represent without affecting the permanent workforce.

(e) Proceeds From Borrowing

The objective of Council is to maintain its long term debt servicing costs at a manageable level by replacing infrastructure on an incremental "pay as you go" basis.

Council policy is to limit the creation of long term debt to the financing of large capital projects which cannot efficiently be undertaken on an incremental basis, or where such an approach would not be adequate to meet requirements with respect to public safety, health or senior government regulations.

The objective for short term borrowing (less than 5 years) is to maintain the outstanding debt at a relatively constant level so that with the amortization of the debt on a project so financed, further investments in the assets of the Municipality can be made without tax impact. The amount of short term debt which can be outstanding at any one time is relatively low pursuant to the requirements of the Community Charter, hence projects funded in this manner tend to be relatively small; alternatively, the short term debt may represent only part of the overall funding package.

(2) PROPERTY VALUE TAX DISTRIBUTION

With non-residential properties representing a very small proportion of the total tax base, taxing other classes at a high multiple of the residential rate would be of relatively small benefit to the homeowner, while imposing a disproportionate burden on business property owners and their commercial tenants.

The municipal business tax rate as a multiple of the residential tax rate, therefore, is very low relative to most local governments throughout British Columbia. There is no property in the Industry class, and only a small amount in the Recreation class.

The objective of Council is to distribute future property value tax increases equitably among the three main classes of property within the Municipality.

The policy is to adjust the tax rate ratios each year so that the increase on the average individual property is approximately the same for each of the main classes.

There is one property in the Farm class. The value of the property, however, is in its residential use, and the policy is to set the Farm tax rate so as to produce for that one property a municipal tax levy comparable to what it would have been had it remained in the Residential class and increased in assessed value at a rate comparable to other residential properties in its immediate neighbourhood.

(3) PERMISSIVE TAX EXEMPTIONS

The objective being to distribute the tax burden fairly among properties receiving municipal services, Council makes very little use of its authority to grant permissive tax exemptions.

The policy to date has been to grant permissive exemptions only for land and improvements appurtenant to property already exempted by statute (e.g., churches), portions of municipal land leased or licensed to a non-profit organization providing a service complementary to municipal services, and in one case, an institution of childhood learning not statutorily exempt.

To: Members of Council
From: Director of Engineering Services
Date: June 18, 2014
Subject: Bylaw No. 4620, *Official Community Plan Bylaw, 2014*

Section 882 of the *Local Government Act* requires, in part, that after first reading of an Official Community Plan Bylaw or amendment, a local government must consider the plan in conjunction with any waste management plan that is applicable in the municipality.

In this regard, the Capital Regional District's Core Area Liquid Waste Management Plan and Solid Waste Management Plan are applicable within the District of Oak Bay.

I have reviewed the proposed Bylaw No. 4620, *Oak Bay Official Community Plan Bylaw, 2014*, in the context of the above noted waste management plans. The proposed Bylaw does not, in my opinion, have any implications with respect to the Core Area Liquid Waste Management Plan or the Solid Waste Management Plan.

A handwritten signature in blue ink, appearing to read 'D. Marshall', with a long horizontal flourish underneath.

D. Marshall, B.Sc., A.Sc.T.
Director of Engineering Services

2014-183

MEMORANDUM

TO: Mayor and Council

**FROM: Roy Thomassen, Director of Building and Planning
Hope V. Burns, Consulting Planner**

DATE: June 16th, 2014

**RE: Addendum Staff report, Rezoning Application,
2280 Estevan Avenue--Proposed New Duplex Development**

BACKGROUND:

Revised plans (Attachment "A") have been submitted, on behalf of the owner, by Carl Peterson, to allow for a duplex to be constructed at 2280 Estevan Avenue.

At the April 14th, 2014 Council meeting, a detailed report was considered by Council (Attachment "B") that outlined the revised proposal for a duplex to be constructed at 2280 Estevan Avenue. The report included details of the possible zoning required to accommodate a duplex on this property as well as some suggestions for changes to the plans. The following motion was carried by Council:

MOVED and Seconded:

That the Rezoning Application for 2280 Estevan Avenue, as outlined in the memorandum of the Director of Building and Planning dated March 12th, 2014, correspondence item no. 2014-115, be referred to the Advisory Design Panel for review and a recommendation to Council.

Advisory Design Panel Meeting:

Two meetings of the Advisory Design Panel (ADP) were held to review this application. The initial meeting was held based on the Council referral noted above, and was held on Tuesday, May 6th, 2014, resulting in the following motion.

The panel noted that the proposal requires further consideration and requested that the applicant return after reviewing the following: the possibility of separating the garage from the house, the arrangement of the entryways so that both have prominence yet not compete with each other, and creation of an equal outdoor sun/space for both units to enjoy. The panel stated it had no concerns about the massing of the building.

RECOMMENDATION TO COUNCIL:

MOVED and Seconded:

That the application for the construction of a duplex at 2280 Estevan Avenue be tabled.

A subsequent meeting of the Advisory Design Panel to consider revisions to the plans for this duplex proposal, was held on Tuesday, June 3rd, 2014.

RECOMMENDATION TO COUNCIL:

That it be recommended to Council that the rezoning application for the construction of a duplex at 2280 Estevan Avenue be approved as to siting and architectural design subject to the issuance of development variance permit.

CARRIED

THE PROPOSAL:

In the original letter dated February 6th, 2014, Carl Peterson of the CEP Studio, submitted a re-application to rezone the property at 2280 Estevan Avenue to allow for the construction of a new duplex. He noted in a letter that the *“revised duplex design concept has been down sized from the previous application made in 2012. Unlike the previous application, this submission conforms to all of the current zoning requirements for the existing RS- 5 criteria with the single exception of the requested two family use”*. Paving for the driveway may require Council consideration of a DVP which may occur concurrently with the rezoning process.

After the ADP's review in May, the plans were revised to relocate the outdoor amenity patios to provide better privacy and transition from the neighbour to the north and the two respective duplex owners. Mr. Peterson also revised the location of the new driveway, provided for a separate garage and redesigned the exterior of the duplex to provide for more articulation.

Subsequent to consideration by Council and the ADP, the revised project is detailed on the plans appended to this report (Attachment "A"). The plans still indicate a two storey building with basement and now with a detached two car garage and two onsite parking spaces. Pathway entrances, outdoor seating areas for each duplex unit and driveway access to the duplex units have also been improved. There will be the requirement for a tree protection plan to ensure the beech and chestnut are protected during construction.

STAFF COMMENTS;

Planning Commentary:

The present OCP notes that on an individual property basis for existing and in “special circumstances” it would be consistent with the general residential land use objectives to consider a limited number of rezoning proposals to allow a two family dwelling use. Therefore, from a planning perspective, an amendment to the OCP just for this one particular application would not be required.

Rezoning and the resultant bylaw amendments (zoning and parking) with a public hearing would currently be the next steps of the process for considering approval. Now that a revised site plan with a more articulated building exterior, improved outdoor amenity areas for each duplex unit; and revised pathways/driveway access, as per the ADP comments has been submitted, Council may determine if the proposal merits drafting of a specific duplex zoning category and parking bylaw amendments specific to duplex use for further consideration to allow for this application to proceed.

OPTIONS:

The purpose of this report is to provide details of the revisions and the ADP recommendations and outline possible options for Council consideration with respect to dealing with this revised application.

Option 1

If the proposal in its present form is considered acceptable, that staff be directed to prepare a zoning bylaw amendment to allow for two-family residential development of this site, a parking facilities bylaw amendment, and to identify potential variances, all to be brought forward to Committee of the Whole for further consideration.

Option 2

If the proposal in its present form is considered acceptable, that staff be directed to draft a Bylaw creating a new duplex zone to accommodate a two-family development, a parking facilities bylaw amendment and identify potential variances, all to be brought forward to Council for further consideration.

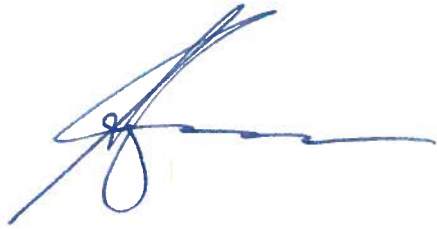
Option 3

Decline to consider the application further.

RECOMMENDATION:

If the proposal in its present form is considered acceptable, that staff be directed to prepare a zoning bylaw amendment to allow for two-family residential development of this site, a parking facilities bylaw amendment, and to identify potential variances, all to be brought forward to Committee of the Whole for further consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning



Hope V. Burns, mcip,rpp
Consulting Planner

I concur with the recommendation in this report

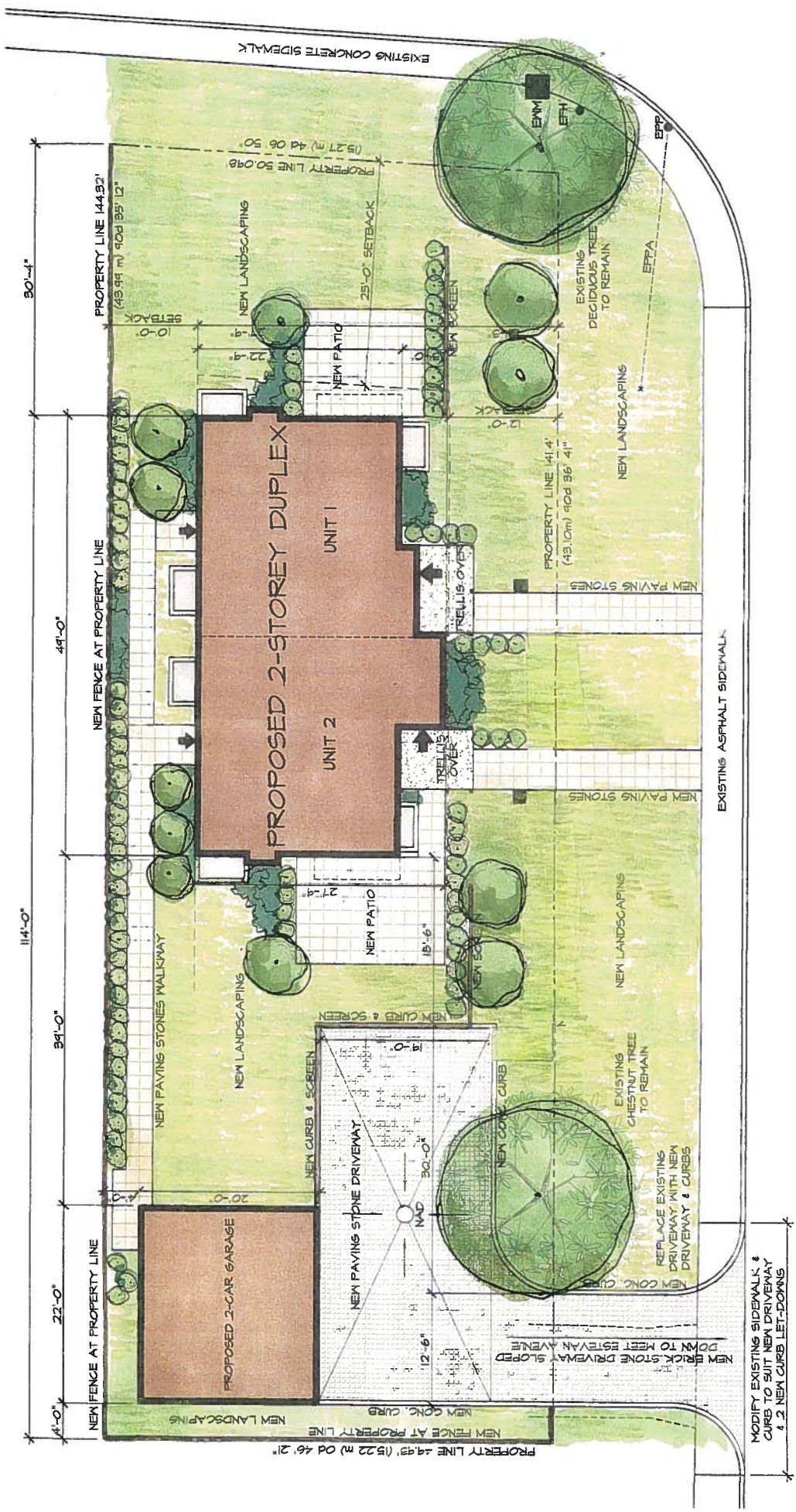


Helen Koning
Chief Administrative Officer

Attachment "A" –Revised Architectural and Landscape design plans

Attachment A





ESTEVAN AVENUE

LEGEND:

- ENM EXISTING WATER METER
- EPP EXISTING POWER POLE
- EFP EXISTING FIRE HYDRANT
- EPPA EXISTING POWER POLE ANCHOR
- NAD NEW AREA DRAIN
- TME TO MATCH EXISTING
- ↑ PRIMARY ENTRANCE DOOR
- ↑ SECONDARY ENTRANCE DOOR
- ▬ INSULATED WALL
- ▬ NON-INSULATED WALL

SITE & BLD'G. DATA:

1. SITE AREA: 1194.6 SQ.FT. (663.21m²)
2. GARAGE FOOTPRINT: 440 SQ.FT. (40.9m²)
3. DUPLEX FOOTPRINT: 1187 SQ.FT. (110.3m²)
4. SITE COVERAGE: 23%
5. AREA ABOVE 2.6 FT. BELOW GRADE: 2504 SQ.FT./232.6m² (1)

(1) 3709 SQ.FT. GARAGE ALLOWANCE OF 205 SQ.FT. PER 4.6:1 (1)

DESIGNED:	CEP
DRAWN:	DBP
CHECKED:	TREB
SCALE:	3/32" = 1'-0"



Proposed Duplex: Preliminary Design

2280 Estevan Avenue,
Oak Bay, BC

The CEP Studio
1967 Hampshire Road,
Victoria, BC, V8S-4T4
Tel: 250-592-1957
Email: carl@cepstudio.com

A-1
K. 06/16/14
09/15/14



MODIFY EXISTING SIDEWALK & CURB TO SUIT NEW DRIVEWAY CURB TO SUIT NEW DRIVEWAY
4.2 NEW CURB LET-DOWNS

EXISTING ASPHALT SIDEWALK

EXISTING DECIDUOUS TREE TO REMAIN

EXISTING CONCRETE SIDEWALK

PROPERTY LINE 49.93' (15.22 m) 04 46' 21"

PROPERTY LINE 144.92' (45.99 m) 90d 55' 12"

PROPERTY LINE 141.4' (43.10 m) 90d 36' 41"

PROPERTY LINE 50.098' (15.27 m) 41 06 50

49'-0"

39'-0"

114'-0"

30'-4"

NEW FENCE AT PROPERTY LINE

NEW PAVING STONES WALKWAY

NEW LANDSCAPING

NEW CURB & SCREEN

NEW PAVING STONE DRIVEWAY

NEW CONC. CURB

REPLACE EXISTING DRIVEWAY WITH NEW DRIVEWAY & CURBS

EXISTING CHESTNUT TREE TO REMAIN

NEW LANDSCAPING

NEW PAVING STONES

NEW LANDSCAPING

NEW FENCE AT PROPERTY LINE

EXISTING ASPHALT SIDEWALK

EXISTING CONCRETE SIDEWALK

PROPOSED 2-STOREY DUPLEX

UNIT 1

UNIT 2

PROPOSED 3-CAR GARAGE

NEW PATIO

NEW PATIO

NEW PATIO

NEW PATIO

STRELLIS OVER

STRELLIS OVER

NEW PATIO

NEW PATIO

NEW PATIO

NEW PATIO

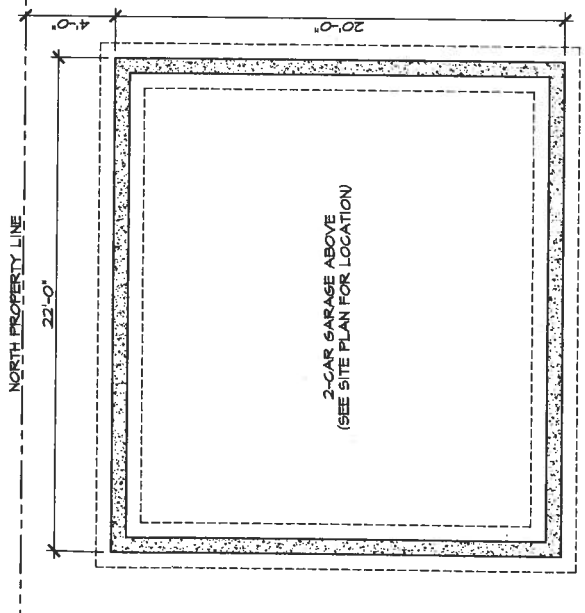
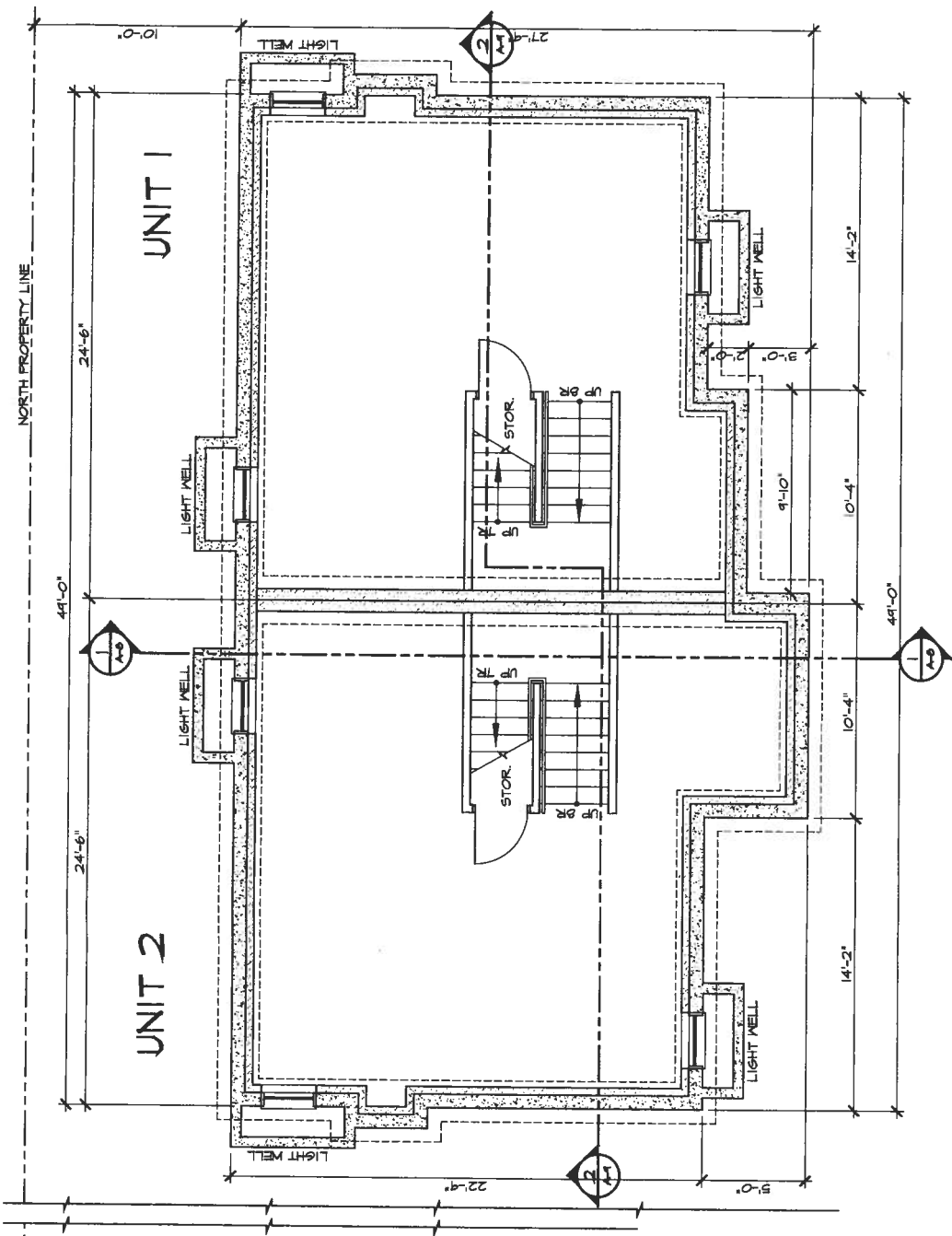
EXISTING DECIDUOUS TREE TO REMAIN

NEW LANDSCAPING

NEW FENCE AT PROPERTY LINE

EXISTING ASPHALT SIDEWALK

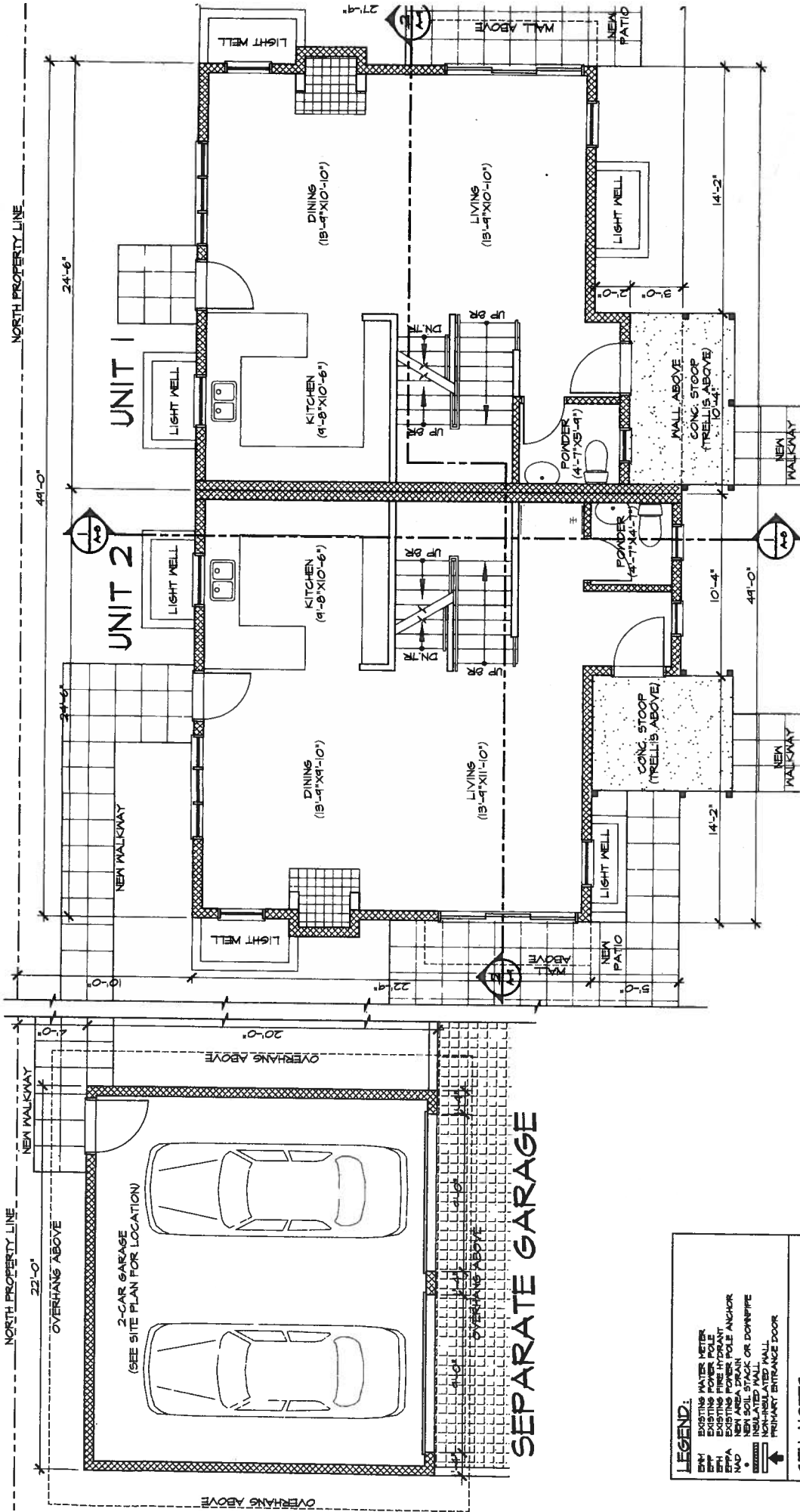
EXISTING CONCRETE SIDEWALK



DESIGNED, CEP	CEP Studio		A-2 05/14/14
DRAWN, DBP	The CEP Studio		
CHECKED, TRBD	1367 Hampshire Road, Victoria, BC, V8S-4T4 Tel: 250-542-1457 Email: carl.peteshan.ca	Proposed Duplex: Preliminary Design	
SCALE: 3/16" = 1'-0"	2280 Estevan Avenue, Oak Bay, BC	Basement Plan 	

NORTH PROPERTY LINE

NORTH PROPERTY LINE



SEPARATE GARAGE

LEGEND:

- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING POWER POLE ANCHOR
- NEW AREA DRAIN
- INSULATED WALL
- NON-INSULATED WALL
- PRIMARY ENTRANCE DOOR

GEN. NOTES:

1. EXISTING SITE DATA & INFORMATION IS TAKEN FROM THE 2012 SURVEY (SURVEYED), DRAWN MARCH 05, 2012, FILE NO. 100255/HTER/240, PROVIDED BY MICHAEL, E. CLAYTON B.C.L.S. 2012.
2. LEGAL DESCRIPTION: LOT 21, PLAN NO. 3527, SECTION 61, VICTORIA DISTRICT, B.C.
3. CIVIC ADDRESS: 2280 ESTEVAN AVENUE, VICTORIA, B.C.
4. MAIN FLOOR ELEVATION 100'-0" EQUALS GEODETIC DATUM 2025 m
5. NORTH WALL OF PROPOSED BUILDING IS PARALLEL WITH NORTH PROPERTY LINE (NOT SOUTH PROPERTY LINE).

DESIGNED:	CEP
DRAWN:	DBP
CHECKED:	TRBD
SCALE:	3/16" = 1'-0"

Main Floor Plan



Proposed Duplex: Preliminary Design

2280 Estevan Avenue,
Oak Bay, BC

The CEP Studio

1867 Hampshire Road,
Victoria, BC, V8S-4T4
Tel: 250-542-1481
Email: carl.petee@shaw.ca



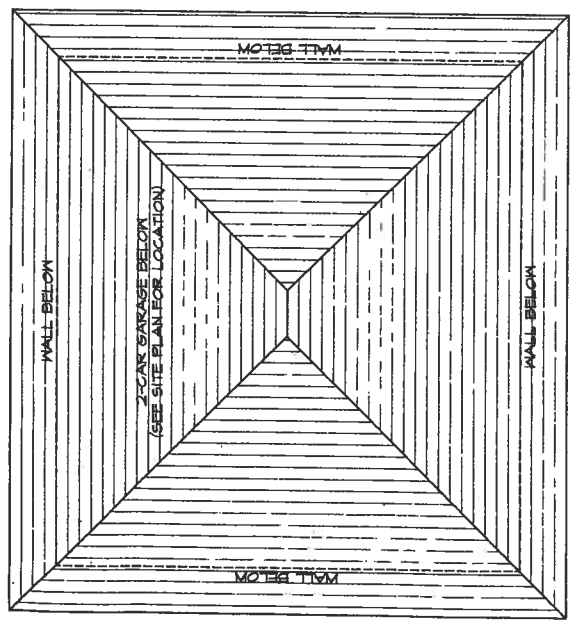
NORTH

A-3

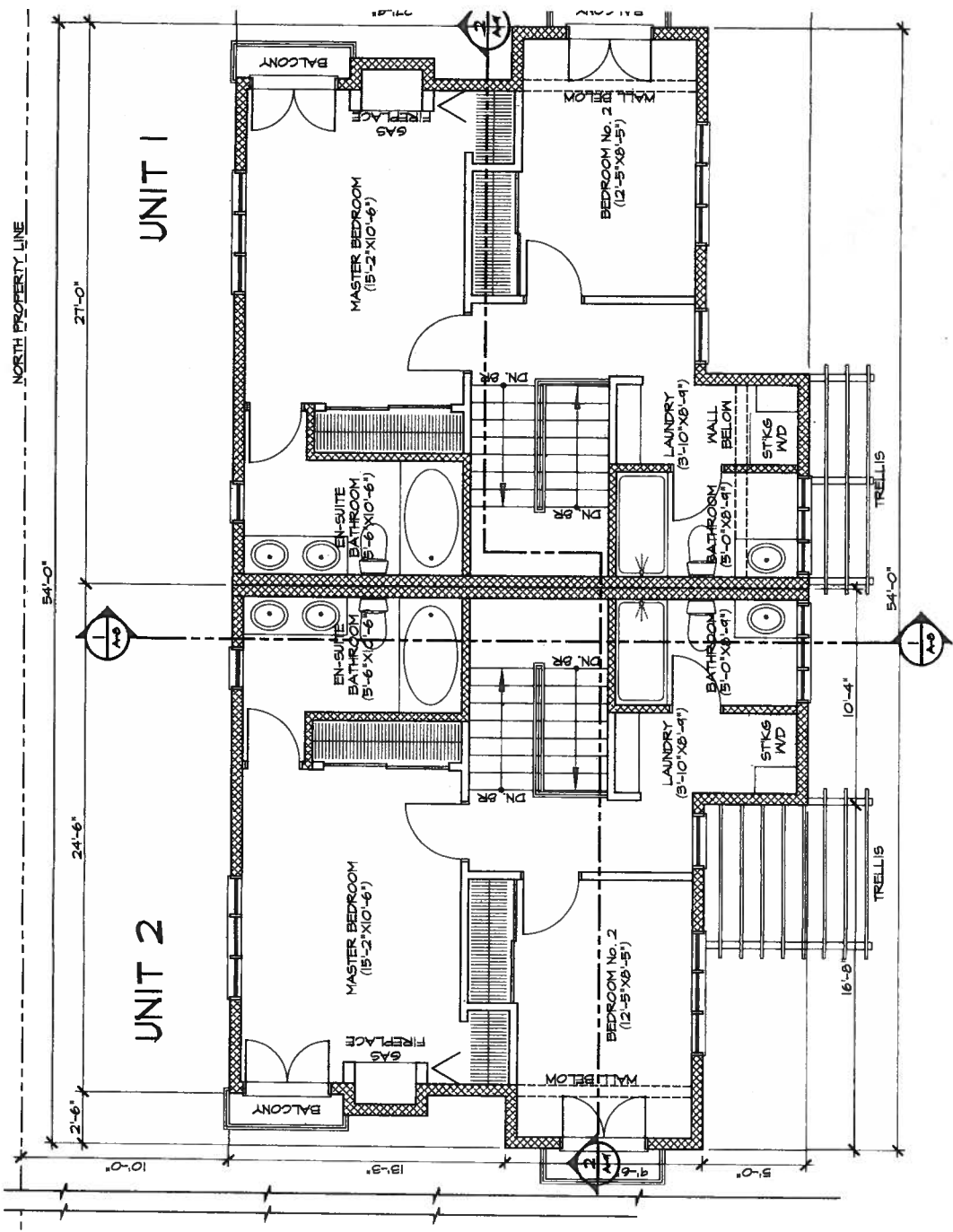
05/15/14

NORTH PROPERTY LINE

NORTH PROPERTY LINE



SEPARATE GARAGE



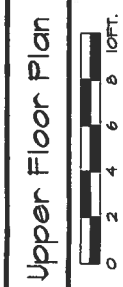
LEGEND:

- EMH EXISTING WATER METER
- EPH EXISTING POWER POLE
- EPFA EXISTING POWER POLE ANCHOR
- EMAD EXISTING MANHOLE
- NEW AREA DRAIN
- NEW SOIL STACK OR DOWNPIPE
- ▭ NON-RATED WALL
- ▭ RATED WALL
- ➡ PRIMARY ENTRANCE DOOR

GEN. NOTES:

- EXISTING SITE DATA & INFORMATION IS TAKEN FROM SITE PLAN DATED FEBRUARY 20, 2012 (UNREGISTERED) DRAWN BY MICHELLE E. CLAXTON, B.C.L.S. 2012.
- LEGAL DESCRIPTION: LOT 21, PLAN No. 5937, SECTION 01, VICTORIA DISTRICT, BC.
- CIVIC ADDRESS: 2280 ESTEVAN AVENUE, VICTORIA, BC.
- MAIN FLOOR ELEVATION 100'-0" EQUALS GEODETIC DATUM 2011.
- NORTH WALL OF PROPOSED BUILDING IS PARALLEL WITH NORTH PROPERTY LINE (NOT SOUTH PROPERTY LINE).

DESIGNED:	CEP
DRAWN:	DBP
CHECKED:	TRBD
SCALE:	3/16" = 1'-0"



Upper Floor Plan

Proposed Duplex:
Preliminary Design

2280 Estevan Avenue,
Oak Bay, BC

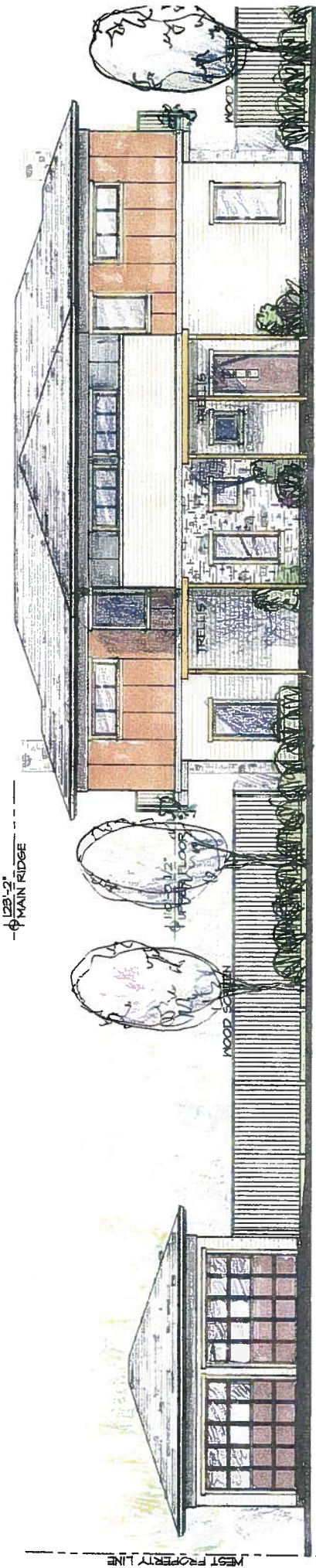
The CEP Studio

1367 Hamphshire Road,
Victoria, BC V8S-4T4
Tel: 250-542-1957
Email: carlpeta@shaw.ca



A-2

05/15/14

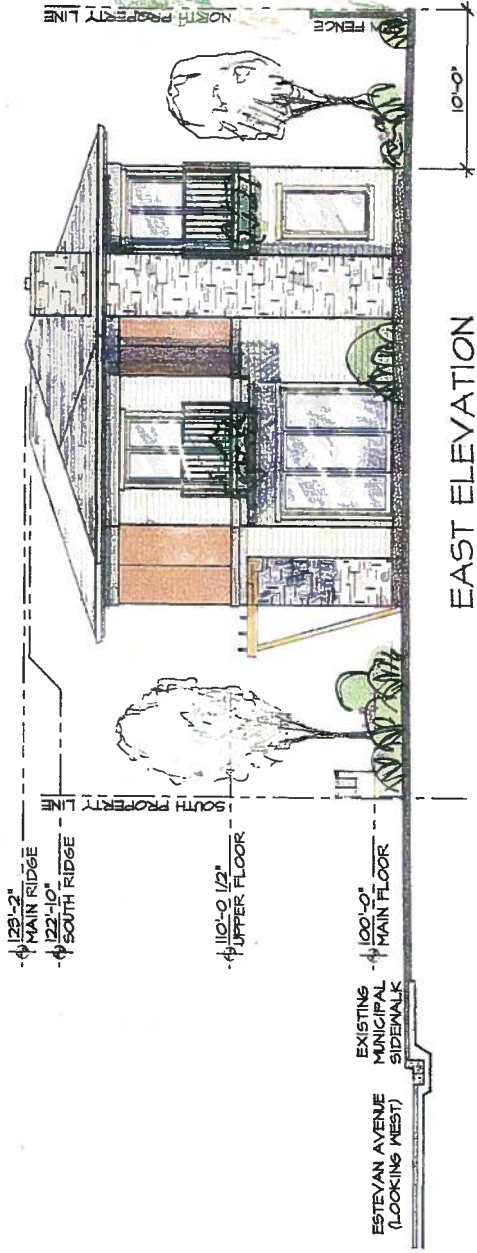


SOUTH ELEVATION



NORTH ELEVATION

DESIGNED:	CEP	South, North Elevations		The CEP Studio 1967 Hampshire Road, Victoria, BC, V8S-4T4 Tel: 250-543-1951
DRAWN:	DBP	Proposed Duplex: Preliminary Design		
CHECKED:	TRBD	2260 Estevan Avenue,		
			A-	



EAST ELEVATION



WEST ELEVATION

DESIGNED:	CEP
DRAWN:	DEP
CHECKED:	TRBD

East, West Elevations



Proposed Duplex:
Preliminary Design

2280 Estevan Avenue,

The CEP Studio
1867 Hampshire Road,
Victoria, BC V8S 4T4
Tel: 250-542-1951

A-

Attachment B

MEMORANDUM

TO: Mayor and Council

FROM: Roy Thomassen, Director of Building and Planning
Hope V. Burns, Consulting Planner

DATE: March 12th, 2014

RE: Official Community Plan Amendment and Rezoning Application,
2280 Estevan Avenue--Proposed New Duplex Development

BACKGROUND:

A new revised application has been submitted, on behalf of the owner, by Carl Peterson, to allow for a duplex to be constructed at 2280 Estevan Avenue.

Previously, at the Committee of the Whole meeting on September 17th, 2012, Committee had directed staff to draft an amendment to the Zoning Bylaw to add a duplex zone after considering a staff report outlining the request for a spot zoning of the above described property to accommodate construction of a two family dwelling.

Council may recall that at a subsequent Committee of the Whole meeting held on November 19th, 2012, after considerable discussion, the application to amend the Zoning Bylaw to accommodate construction of a two-family dwelling on 2280 Estevan Avenue, was denied.

THE PROPOSAL:

In a letter dated February 6th, 2014, (Attachment "A") Carl Peterson of the CEP Studio, has submitted a re-application to rezone the property at 2280 Estevan Avenue to allow for the construction of a new duplex. He notes in the letter that the *"revised duplex design concept has been down sized from the previous application made in 2012. Unlike the previous application, this submission conforms with all of the current zoning requirements for the existing RS- 5 criteria with the single exception of the requested two family use"*.

The project is detailed on the plans (Attachment "B") and shows a two storey building with basement and with an attached two car garage and two onsite parking spaces to be built of brick pavers.

In the table below is the staff analysis of the existing regulations and the proposed development:

	Existing RS-5	Proposed Duplex
Minimum Lot Area	558 m ²	662.7m ²
Permitted Uses	One-family residential Use	Duplex Use Rezoning Required
Minimum Front Setback	7.62 m (25 ')	9.22m (30.25 ')
Minimum Rear Setback	7.62 m (25 ')	11.13m (36.5 ')
Minimum Interior Side Setback	1.52 m (5 ')	1.52 m (5 ')
Minimum Exterior Side Setback	3.65 m (12 ')	3.7m (12.1 ')
Maximum Roof Height	8.53 m (28 ')	7.77 m (25.5')
Maximum Building Height	6.83 m (22.4 ')	5.97m (19.6')
Maximum Occupiable Height	4.27m (14 ')	3.52m (11.5 ')
Maximum Lot Coverage	25 %	24 %
Maximum Gross Floor Area	360 m ² (3875 ft ²)	350m ² (3770 ft ²)
Maximum Gross Floor Area above .8m below grade	240 m ² (2583 ft ²)	240m ² (2583 ft ²)

Parking Facilities Bylaw No. 3540, requires two parking stalls for all single family dwelling units in the single-family residential zones.

The multi-family dwelling zones require 2.25 parking stalls for each dwelling unit. The present parking bylaw does not indicate parking requirements for duplexes and therefore if this application proceeds, parking requirements for duplexes would need to be incorporated.

DISCUSSION:

Subject Property:

The subject property has an area of 663 m² (7,134 sq. ft.). An older home is located on the west side of the site and the lot is presently designated as Single Family in the Official Community Plan and zoned RS-5, Single Family Residential Dwelling Use. The property is landscaped but it does not appear that there are any significant protected trees located on the property. Two larger existing deciduous trees are shown to be retained with one on the corner of Cadboro Bay Road and Estevan Avenue and one chestnut tree on the western side of the site. Surrounding land use includes the small commercial area south and east along both sides of Cadboro Bay Road (C-2), with single-family residential uses on the west, east and north side of the property (all zoned RS-5) including a couple of non-conforming duplexes.

STAFF COMMENTS:

Planning Commentary:

Initial community input into the OCP renewal process, through the survey results, shows that there is support for considering a diversity of housing types in the community. However, this has not been confirmed with the finalization of the OCP policies for housing and adoption of a revised bylaw. From an historical review, there are numerous existing non-conforming duplexes throughout Oak Bay. As pointed out in an initial staff report dated July 16th, 2012 (Attachment

"C") and a subsequent report in November 2012, there are approximately 200 legal non-conforming duplexes existing in Oak Bay. These may not be rebuilt or significantly renovated unless approved through a variance process as the duplex use is not presently permitted in the Zoning Bylaw. The present OCP notes that on an individual property basis for existing duplexes and in "special circumstances" it would be consistent with the general residential land use objectives to consider a limited number of rezoning proposals to allow a two family dwelling use. Therefore, from a planning perspective, an amendment to the OCP just for this one particular application would not be required. Rezoning and the resultant bylaw amendments (land use and parking) with a public hearing would still be part of the process of considering approval.

Duplex development may be considered an acceptable housing form in a traditional residential low density area subject to meeting certain criteria, such as location, lot size, access to services and transportation options and a housing type that can be more affordable and energy efficient per unit than a large single family residential unit on a similarly sized parcel. Two-family residential use could be recognized in both the OCP designations and zoning categories as acceptable, both of which require bylaw amendments for this to occur on a larger scale basis.

The designer has now revised the plans to make the building form coincide with the single family regulations in terms of maximum allowable floor area, site coverage and height. It is unfortunate that the two open spaces for the units (outdoor patios) are located on the north side of the property and very close to the side yard of the adjacent property fronting onto Cadboro Bay Road. The design of the building is somewhat monolithic as the design is to ensure that the development does not exceed the maximums of the single family residential zone and indeed there are no variances being requested to accommodate this project. The provision of a two car garage with access from Estevan Avenue may reduce any traffic conflicts on the busier Cadboro Bay Road. Referral of this project to the Advisory Design Panel (ADP), if it is to proceed, would be strongly recommended to review the massing, architectural details and landscaping proposed.

This could be considered a spot rezoning in that the zoning would only be applied to this site to accommodate the proposal as submitted. Alternatively, it may also be timely to consider creation of a duplex zoning category that could be applied throughout the Oak Bay community establishing a minimum lot size, maximum floor area ratio (proportion of built form to size of lot), maximum site coverage, maximum height and minimum setbacks. It is suggested that the lot size required for a duplex should be a bit larger than the minimum established for single family lots in the various single family residential categories to ensure the lot is large enough to provide adequate setbacks, outdoor amenity space, and onsite parking. However, this would require research and further work and in the interim would delay Council's consideration of this particular proposal. This should also await the finalization of the OCP to determine priorities for implementation of the OCP policies by Council.

Preliminary research of other municipal jurisdictions indicates that the amount of required parking per duplex unit ranges from 0.75 stalls to one to two or more parking spaces per unit. In general terms, duplex units are individually smaller than a new single family house and due to Building Code regulations cannot accommodate suites. It is suggested that one or two parking spaces per unit could be required by the bylaw but perhaps not need to be enclosed or have a roof. If the site can accommodate two parking spaces, which could be provided in tandem, this would possibly be more than sufficient for most occupiers of duplexes in Oak Bay.

It is suggested that the following be considered by Council:

- Whether this application is to proceed at this time or await the adoption of the OCP document prior to further consideration;
- If this application is to proceed on its own merits at this time as a spot rezoning;
- Whether Council wishes to consider a comprehensive duplex zoning review to occur after the OCP is finalized and refer this application to that process; and,
- If additional research is to be undertaken with respect to establishing parking requirements for duplexes.

OPTIONS:

The purpose of this report is to outline some possible options for Council consideration with respect to dealing with this new, revised application.

Option 1.

Defer further consideration of this application until the OCP has been adopted to define future density and development criteria for locations of residential development (e.g. duplexes).

Option 2

If the proposal in its present form is considered acceptable to be deliberated further by Council, refer it to the Advisory Design Panel for review and direct staff to prepare a Zoning Bylaw Amendment and a Parking Facilities Bylaw Amendment to allow for two-family residential development of this site, for Council's consideration with the Advisory Design Panel's comments included.

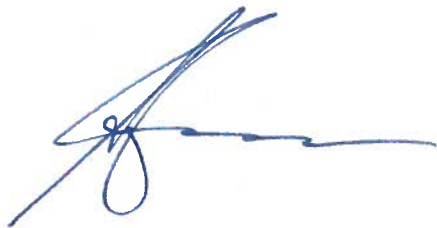
Option 3

Decline to consider the application further.

RECOMMENDATION:

Defer further consideration of this application until the OCP has been adopted to define future density and development criteria for locations of residential development (e.g. duplexes).

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning



Hope V. Burns, mcip, rpp
Consulting Planner

I concur with the recommendations in this report

Helen Koning
Chief Administrative Officer

Attachment "A" – Applicant's letter dated February 6th, 2014
Attachment "B" – Revised Architectural design plans
Attachment "C"—Previous staff report dated July 16th, 2012

Report of a meeting of the Oak Bay Advisory Design Panel held on Tuesday, May 6, 2014 commencing at 10:15 a.m. in the Council Chamber of the Oak Bay Municipal Hall.

PRESENT: Lynn Gordon Findlay, Chair
David Wilkinson
Patricia Wilson
Duane Ensing

ALSO PRESENT: Roy Thomassen, Director of Building and Engineering
Hope Burns, Consultant
Christine Currie, Recording Secretary

2280 Estevan Avenue Carl Peterson, CEP Studio

The proposal is for the construction of a duplex to be located at the property at 2280 Estevan Avenue.

Council has referred the application to the panel for review and a subsequent recommendation to Committee of the Whole in regards to building massing and streetscape.

The applicant, Carl Peterson of CEP Studio presented the proposal. He described the proposed building as having a low, sloped hip roof common to those around the neighbourhood. The two units are side by side and approximately 1100 square feet each. Since the units are small, noted the applicant, the introduction of light was essential. Large south facing windows and large sliding doors leading onto the patio have been proposed to provide light to the interior. In an effort to move the building mass away from the neighbour to the north outdoor living space has been sited close to the property line.

Mr. Peterson stated that to break up the form on the Estevan Avenue side the central portion of the building has been slightly raised by using two different materials and flanking the central floor. One of the units is recessed to create a facade that looks more like a single house rather than a traditional looking duplex.

The key elements for the proposal, noted Mr. Peterson, are to keep size, massing and lot coverage conform to the existing RS-5 zoning. He noted that almost all setbacks conform to the residential zoning.

When asked by the panel, the applicant confirmed that the building could be constructed as a single family home with a building permit.

The applicant added that, in deference to the neighbour, the north elevation is extremely dull. Small bathroom windows are proposed to be located high on the building and windows with openings located at the bottom by the patio.

He also noted that a 20 foot laurel hedge located on the neighbour's property provides a strong, green buffer between the properties.

The applicant confirmed that both units share the proposed attached garage. When asked if a detached garage had been considered, the applicant responded that it had been a consideration. The advantage to an attached garage he explained is the increased allowance of gross floor area available. In addition Mr. Peterson stated he wanted avoid any variances to the RS-5 zoning regulations which additional paved surfaces could warrant.

When the panel asked about the proposed duplex zone the applicant responded that a duplex zone does not currently exist. The Director of Building and Planning explained that the subject application is, in part, creating the new zone. The criteria for a duplex zone have yet to be decided. The proposal

is being considered, noted the Director because it is a corner lot and is adjacent to commercial properties.

A panel member posed the question of what, from a planning and community perspective, aids in the decision of which properties would be considered duplex eligible. A discussion then ensued over whether a proposed duplex zone should be on an individual "spot zone" basis rather than a "one size fits all."

The applicant stated he preferred spot zoning on an individual basis rather than a blanket zone. He referred to the City of Victoria as having over 50 duplex zones. Further, he noted that a "one size fits all" zone could present the danger of having character destroying developments. The applicant prefers the idea of reviewing each application and balancing them to a set of criteria.

A panel member stated that although the effort that has gone into creating a house that appears as a single family house is appreciated; it is doing a disservice to the fact that it is a duplex. The member further noted that options need to be further explored to create nice spaces for two separate families. The member specified the following concerns: problematic shared parking; the entrance for unit two appears as a back door, and unequal accessible yard/sun enjoyment. A detached garage, noted the member may solve the issue.

Another panel member commented that if the community was shown that something which fits into the neighbourhood with similar massing could be built in an uncontentious way it would be a positive way to provide diversity of housing typologies within Oak Bay.

The panel queried why the garage was not separate from the house and sited in the rear yard. It suggested that the existing driveway could be used for the garage and turnaround. This would permit the rest of the lot to be used for creating equal separate outdoor space.

The panel commented that if the Chestnut tree was removed it would provide more flexibility. The Director noted the tree is a protected species.

When asked whether off site parking would be required for the proposal the Director responded that single residential zones are required to have two off site parking spots and it would be a requirement for any created duplex zones.

The panel noted that the proposal requires further consideration and requested that the applicant return after reviewing the following: the possibility of separating the garage from the house, the arrangement of the entryways so that both have prominence yet not compete with each other, and create an equal outdoor sun/space for both units to enjoy.

The panel stated it had no concerns about the massing of the building.

MOVED BY: Pat Wilson
SECONDED: Lynn Gordon-Findlay

That it be recommended to Council that the rezoning application for the construction of a duplex at 2280 Estevan Avenue be tabled.

CARRIED

Report of a meeting of the Oak Bay Advisory Design Panel held on Tuesday, June 3, 2014 commencing at 8:45 a.m. in the Council Chamber of the Oak Bay Municipal Hall.

PRESENT: Lynn Gordon Findlay, Chair
David Wilkinson
Patricia Wilson
Nigel Banks

ALSO PRESENT: Roy Thomassen, Director of Building and Engineering
Hope Burns, Consultant
Christine Currie, Recording Secretary

2280 Estevan Avenue Carl Peterson, CEP Studio

The proposal is for the construction of a duplex to be located at the property at 2280 Estevan Avenue.

At the previous meeting, the panel asked the applicant to review several issues about the proposed duplex including separating the garage from the house and providing equal accessible outdoor space for both units.

The applicant presented the changes to the panel. Changes included the relocation of the patios to provide greater privacy for the neighbour to the north; the garage has been detached from the house; pedestrian access to the garage for unit one has been relocated to the front side of the property; and greater definition has been added to the front entrances.

The panel asked about the proposed turnaround to which the applicant responded that it has been provided to accommodate additional parking onsite as requested by the neighbours.

The applicant stated that other than exceeding the permitted amount of paved surfaces the proposal for the duplex conforms to the RS -5 zone.

The panel suggested the proposed pathway leading from the garage to unit two be eliminated.

MOVED BY: Pat Wilson
SECONDED: David Wilkinson

That it be recommended to Council that the rezoning application for the construction of a duplex at 2280 Estevan Avenue be approved as to siting and architectural design subject to the issuance of development variance permit.

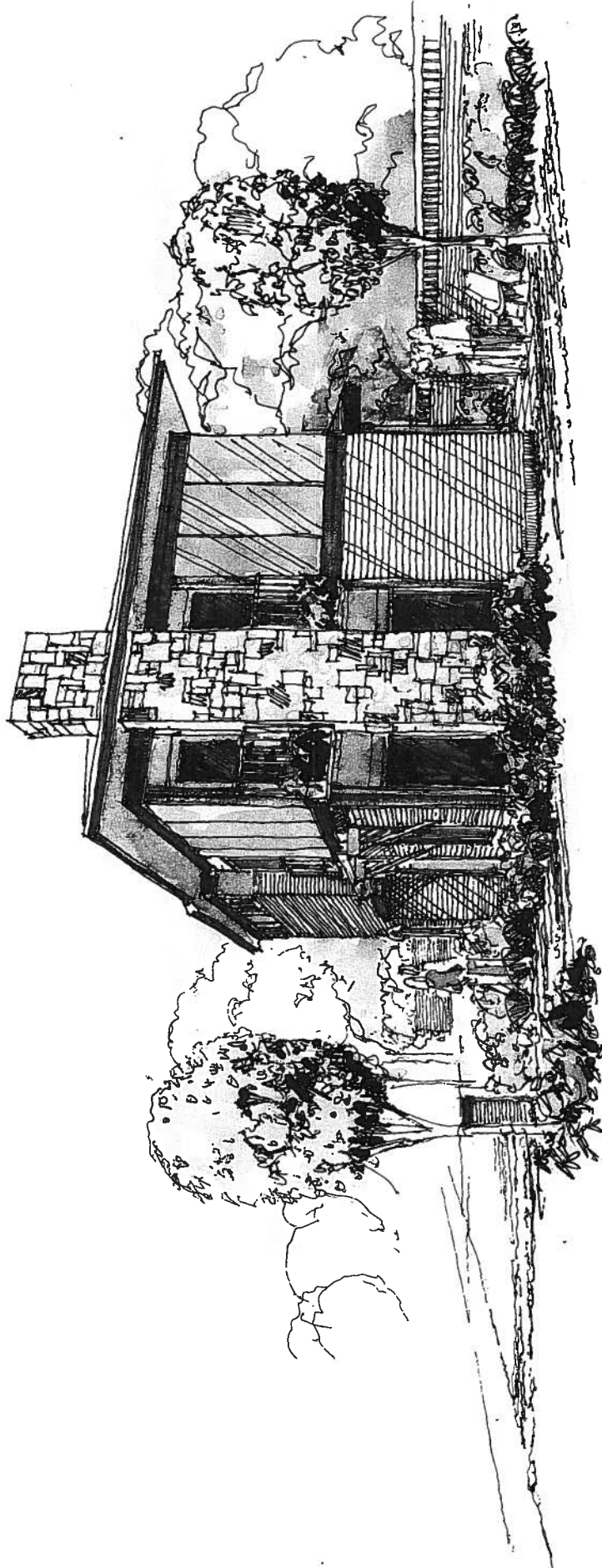
CARRIED

Memo

To: Roy Thomassen, Director of Building and Planning
From: Chris Paul, Municipal Arborist
Date: May 22, 2014
Subject: 2280 Estevan Avenue

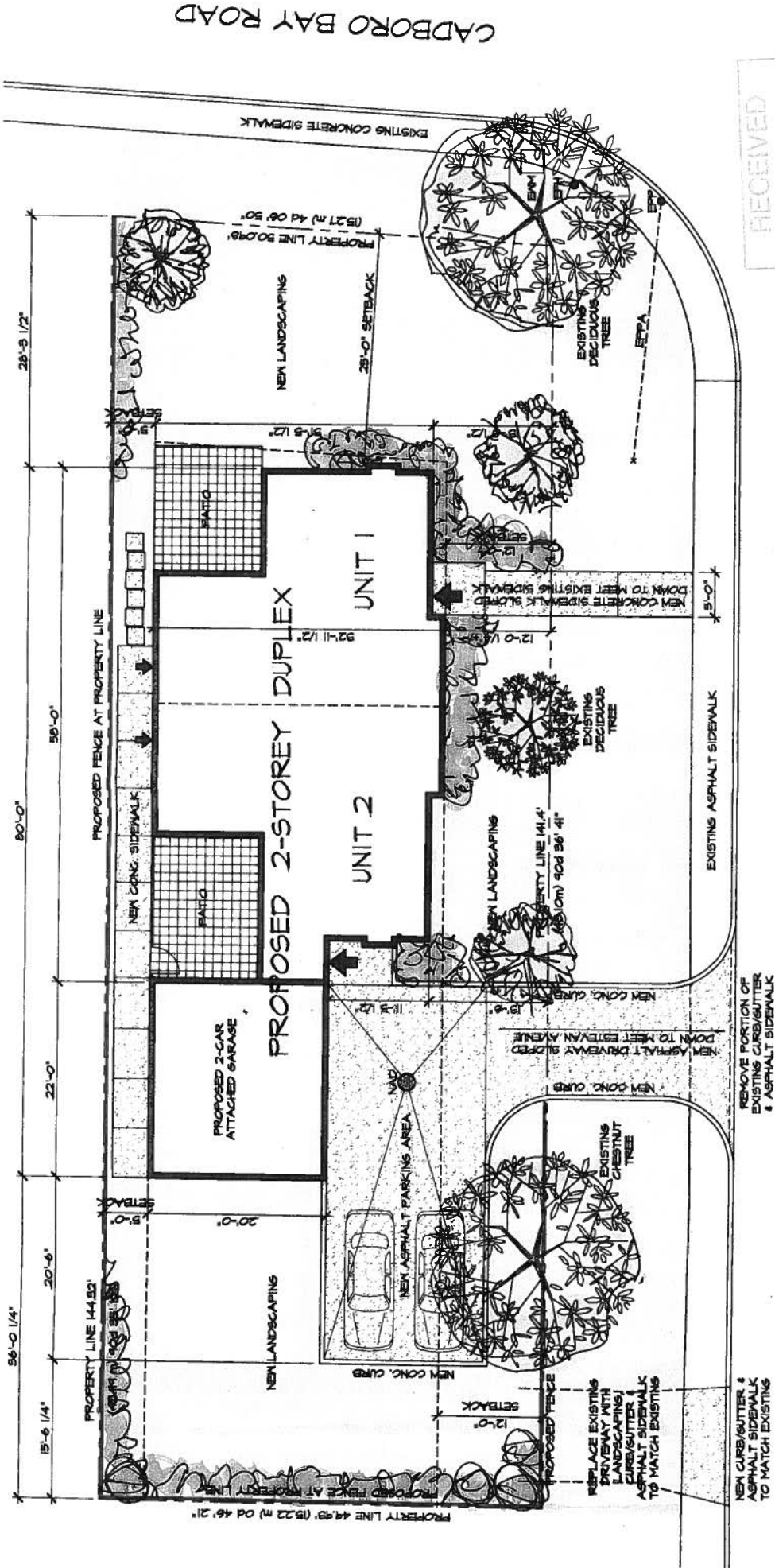
The new plan shows a different driveway configuration than the original plan. The new plan shows the driveway using the old driveway location to enter the property. This puts the driveway closer to the Chestnut tree although by using the previous driveway location there may be less impact than installing the new driveway over undisturbed soil within the drip line of the tree. The parking/turn around area is well within the protected root zone of the Chestnut. Special driveway construction will be required within the root zone of the tree. A tree protection plan must be submitted outlining driveway construction and root zone protection during demolition and construction. All tree protection must meet the specifications in the Tree Protection Brochure available at the Municipal Hall or the Parks Department. Tree protection will also be required for the Beech tree on the boulevard at the south east corner of the property.

Any variations from the protection outlined in the Tree Protection Brochure will have to be outlined in a Tree Protection Plan submitted to the Parks Department. Tree protection must be inspected by the Parks Department before any demolition or construction begins. Please call 250-592-7275 to book inspection.



2280 ESTEVAN AVENUE
Proposed Duplex

RECEIVED
FEB 11 2004
Oak Bay Building Department



LEGEND:

- EPM EXISTING WATER METER
- EPP EXISTING POWER POLE
- EPH EXISTING FIRE HYDRANT
- EPHA EXISTING POWER POLE ANCHOR
- EPPA EXISTING AREA DRAIN
- NAD
- ↑ PRIMARY ENTRANCE DOOR
- ↓ SECONDARY ENTRANCE DOOR
- ▬ INSULATED WALL
- ▬ NON-INSULATED WALL

SITE & BLD'G. DATA:

1. SITE AREA: 7,154.6 SQ.FT./669.27 M²
2. BLD'G. FOOTPRINT: 1,819.5 SQ.FT./171.76 M²
3. SITE COVERAGE: 26.8% (1)
4. UNIT 1 AREA: 1,548.1 SQ.FT./143.0 M²
UNIT 2 AREA: 1,568.1 SQ.FT./145.1 M²
5. FLOOR AREA RATIO: 0.4 TO 1 (2)
6. MAIN FLR FOOTPRINT: 1,819.5 SQ.FT./171.8 M²

DESIGNED: CEP
DRAWN: DBP
CHECKED: TRBD
SCALE: 9/32" = 1'-0"
Site Plan
 0 4 8 12 16 20 FT.

ESTEVAN AVENUE

**Proposed Duplex:
Preliminary Design**

2280 Estevan Avenue,
Oak Bay, BC

The CEP Studio

1967 Hampshire Road,
Victoria, BC, V8S 4T4
 Tel: 250-592-1957
 Email: carl@cepstudio.ca

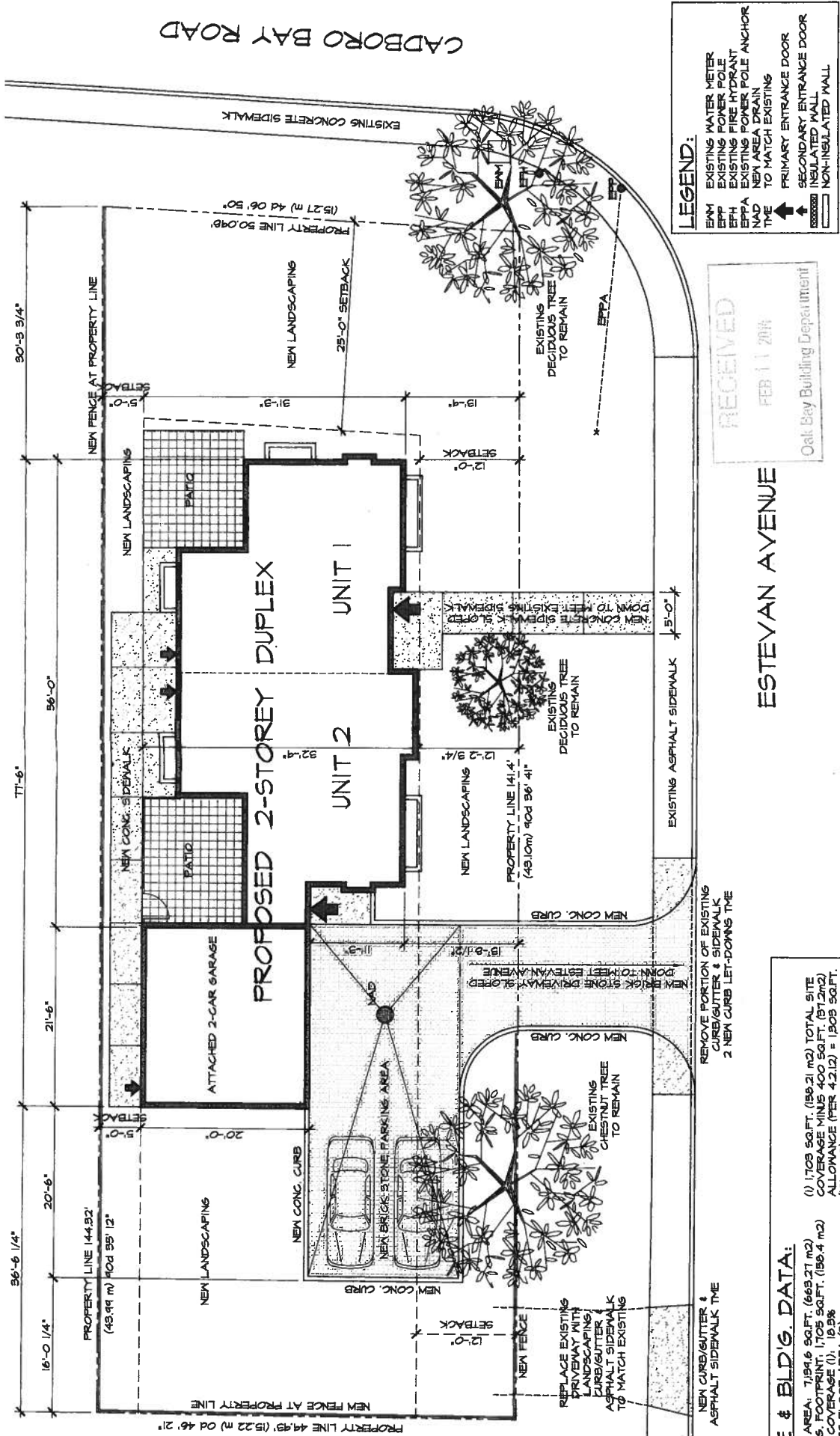
A-1

NORTH

10/24/19

RECEIVED
 FEB 11 2018
 Oak Bay Building Department

CADBORO BAY ROAD



LEGEND:

- EWM EXISTING WATER METER
- EPP EXISTING POWER POLE
- EFH EXISTING FIRE HYDRANT
- EPPA EXISTING POWER POLE ANCHOR
- NAD NEW AREA DRAIN TO MATCH EXISTING
- ↑ PRIMARY ENTRANCE DOOR
- ↓ SECONDARY ENTRANCE DOOR
- INSULATED WALL
- NON-INSULATED WALL

RECEIVED
 FEB 11 2014
 Oak Bay Building Department

ESTEVAN AVENUE

A-1
 NORTH
 12/22/15

The CEP Studio
 1567 Hantsville Road
 Victoria, BC V8S-4T4
 Tel: 250-542-1857
 Email: cepestudio@shaw.ca

Proposed Duplex: Preliminary Design
 2280 Estevan Avenue,
 Oak Bay, BC

Site Plan

DESIGNED:	CEP
DRAWN:	DBP
CHECKED:	TRBD
SCALE:	1/8" = 1'-0"

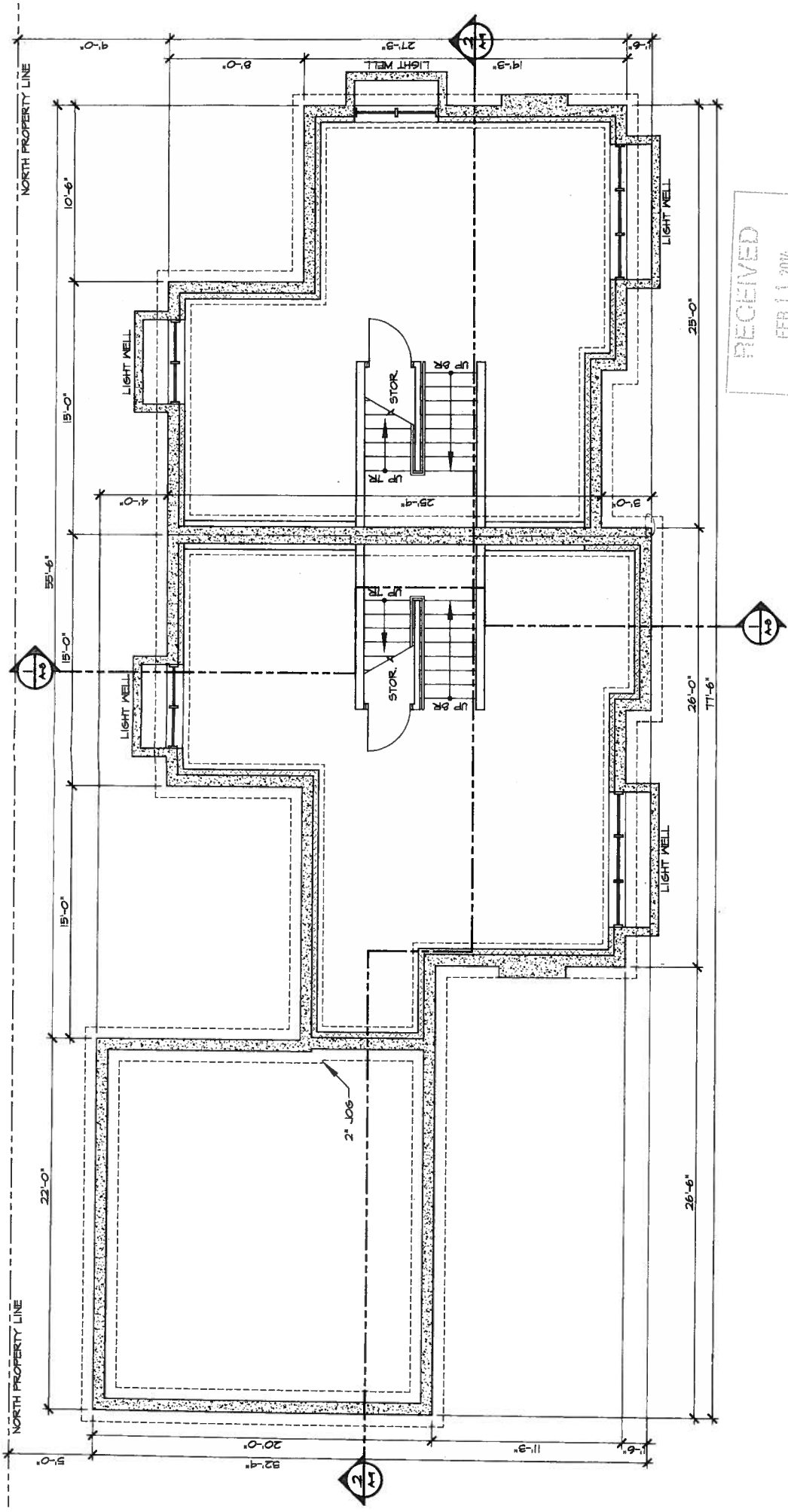
SITE & BLD'G. DATA:

1. SITE AREA: 7,946 SQ.FT. (663.37 m²)
2. BLD'G. FOOTPRINT: 1,705 SQ.FT. (158.4 m²)
3. SITE COVERAGE (0): 19.9%
4. GROSS FLOOR AREA (2): 2,571 SQ.FT. (239.4m²) MAINW/FFER FLOORS
 1,267 SQ.FT. (117.1m²) BASEMENT
 9,844 SQ.FT. (917.1m²) TOTAL (2)
5. UNIT 1 AREA: 1,145 SQ.FT. (106.57 m²) +
 548 SQ.FT. (50.65 m²) BASEMENT
 UNIT 2 AREA: 1,201 SQ.FT. (111.6 m²) +
 664 SQ.FT. (62.15 m²) BASEMENT

(1) 1,705 SQ.FT. (158.4 m²) TOTAL SITE COVERAGE MINUS 400 SQ.FT. (37.2m²) ALLOWANCE (PER 4.2.12) = 1,305 SQ.FT. (121.0 m²)
 1,305 SQ.FT. / 7,194.6 SQ.FT. = 18.5%

(2) 2,782 SQ.FT. (256.45 m²) MINUS 205 SQ.FT. (19.0m²) GARAGE ALLOWANCE (PER 4.6.1(1)) = 2,577 SQ.FT. (239.4 m²)

REMOVE PORTION OF EXISTING CURB/GUTTER & SIDEWALK
 2 NEW CURB LET-DOWNS THE



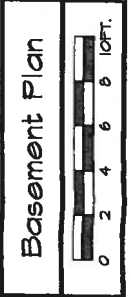
RECEIVED
 FEB 11 2016
 Oak Bay Building Department

A-2
 12/22/15

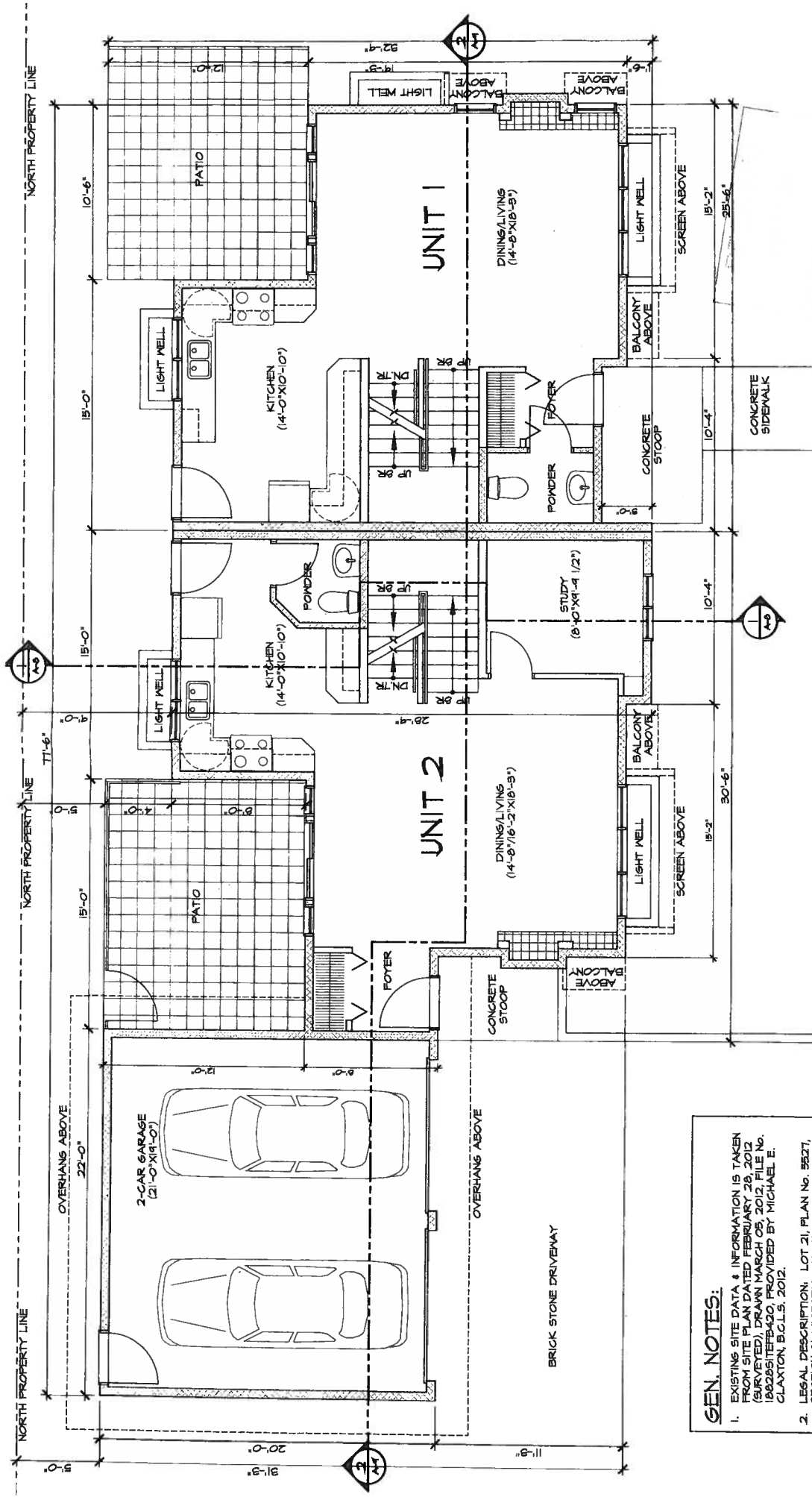


The CEP Studio
 1967 Hampshire Road,
 Victoria, BC, V8S-4T4
 Tel: 250-542-1857
 Email: carpete@shaw.ca

Proposed Duplex: Preliminary Design
 2280 Esplanan Avenue,
 Oak Bay, BC




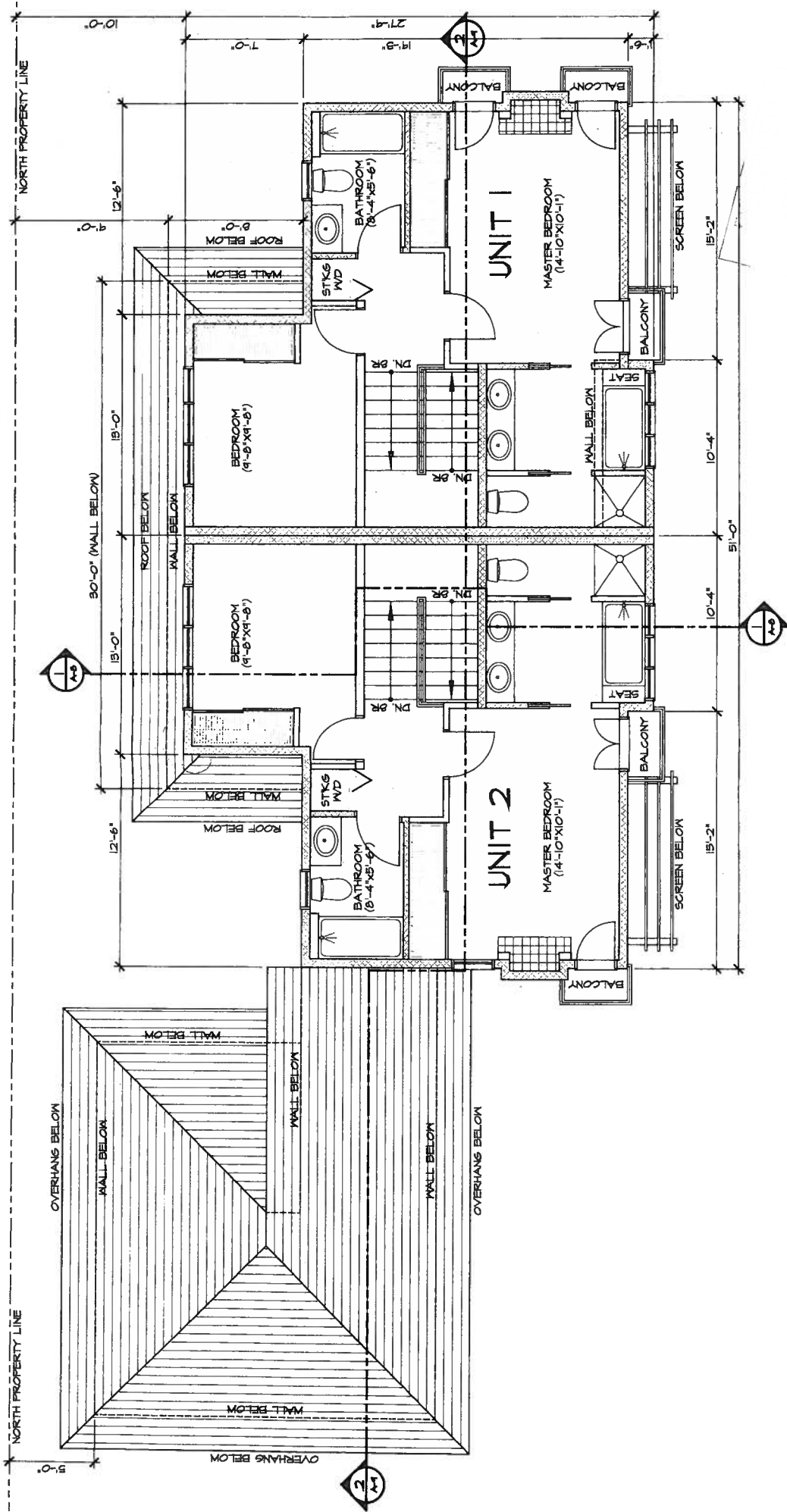
DESIGNED:	CEP
DRAWN:	DBP
CHECKED:	TREB
SCALE:	5/16" = 1'-0"





GEN. NOTES:

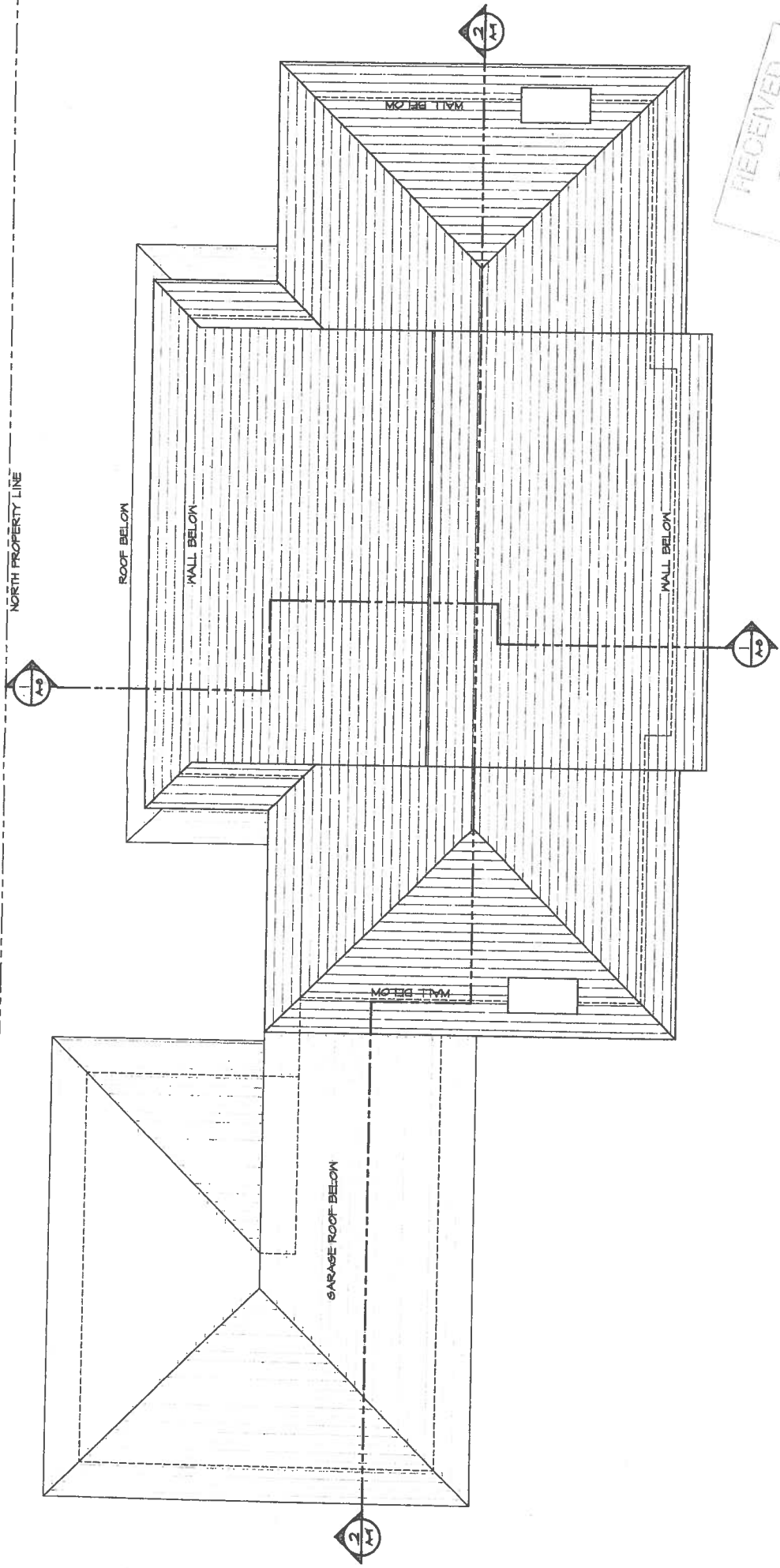
- EXISTING SITE DATA & INFORMATION IS TAKEN FROM SITE PLAN DATED FEBRUARY 28, 2012 (SURVEYED), DRAWN MARCH 05, 2012, FILE NO. 1892951E7FB-420, PROVIDED BY MICHAEL E. CLAXTON, B.C.L.S., 2012.
- LEGAL DESCRIPTION: LOT 21, PLAN NO. 5527, SECTION 61, VICTORIA DISTRICT, BC.
- CIVIC ADDRESS: 2280 ESTEVAN AVENUE, VICTORIA, BC.
- MAIN FLOOR ELEVATION 100'-0" EQUALS GEODETIC DATUM 20.95 m
- NORTH WALL OF PROPOSED BUILDING IS PARALLEL WITH NORTH PROPERTY LINE (NOT SOUTH PROPERTY LINE).

DESIGNED: CEP	CEP Studio	 NORTH A-3 12/22/13
DRAWN: DBP	The CEP Studio	
CHECKED: TRBD	1867 Hemphill Road Victoria, BC V8S 1Y4 Tel: 250-543-1851 Email: ceppet@cepstudio.ca	
Main Floor Plan 		Proposed Duplex: Preliminary Design 2280 Estevan Avenue, Oak Bay, BC



DESIGNED: CEP	CEP Studio	 NORTH 1567 Hampshire Road Victoria, BC V8S-4T4 Tel: 250-492-1887 Email: carlpetersonhok.ca	A-4 12/22/15
DRAWN: DEP	Proposed Duplex: Preliminary Design		
CHECKED: TRBD	2280 Esplanon Avenue, Oak Bay, BC		
SCALE: 3/16" = 1'-0"	Upper Floor Plan		

NORTH PROPERTY LINE



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 Oak Bay Building Department

A-5

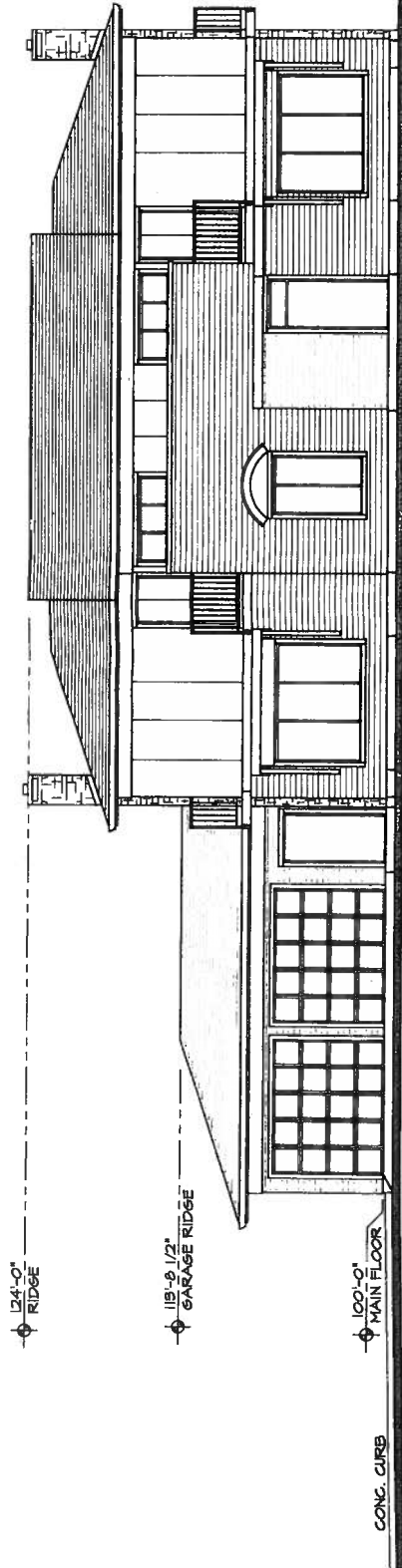


The CEP Studio
 1367 Hampshire Road
 Victoria, BC V8S-4T4
 Tel: 250-592-1981

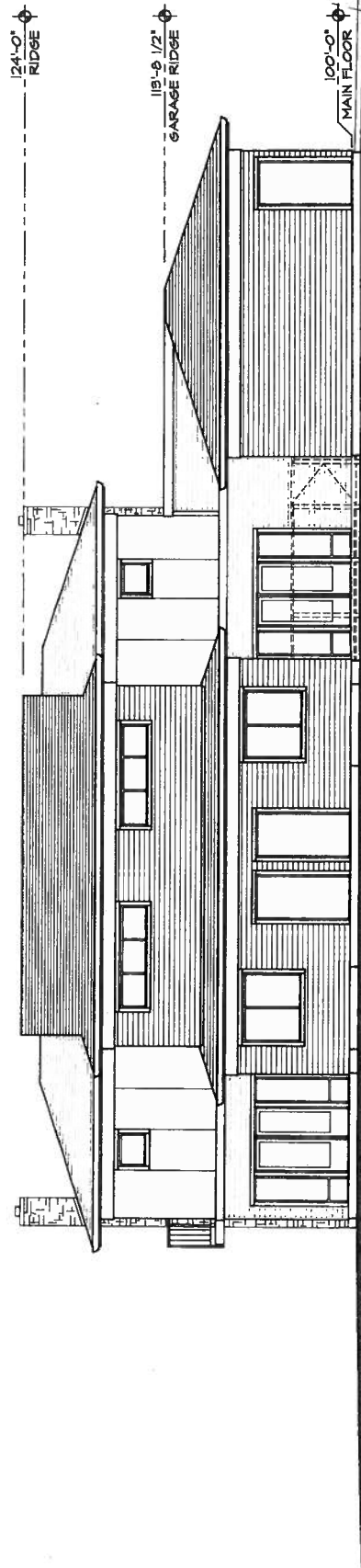
Proposed Duplex:
 Preliminary Design
 2280 Estevan Avenue



DESIGNED:	CEP
DRAWN:	DBP
CHECKED:	TRED
SCALE:	3/16" = 1'-0"

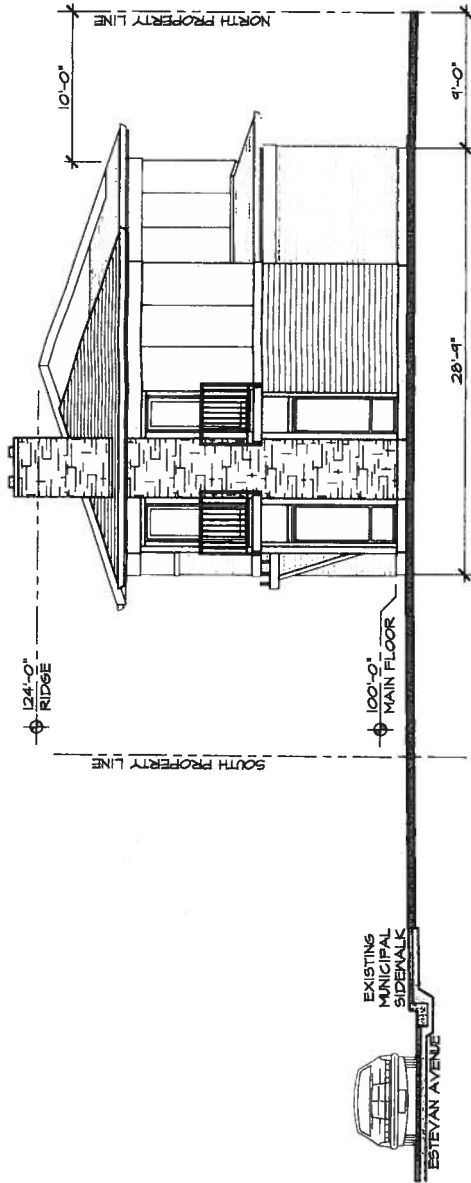


SOUTH ELEVATION

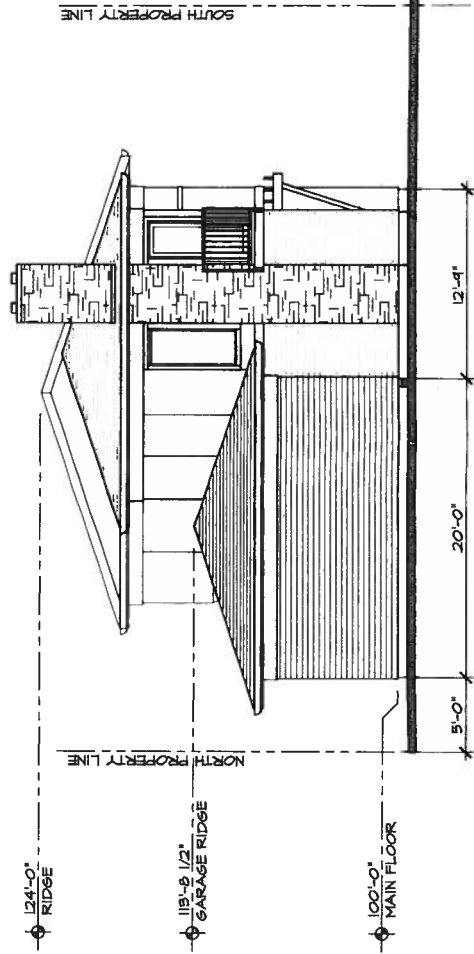


NORTH ELEVATION

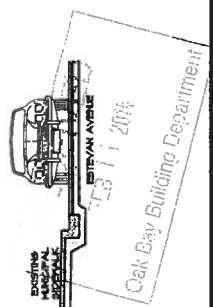
DESIGNED: CEF	1367 Hampshire Road, Victoria, BC, V8S-4T4 Tel: 250-542-1457 Email: carl.peteshan.ca	A-6	12/22/19
DRAWN: DPF	Proposed Duplex: Preliminary Design	The CEP Studio	
CHECKED: TRBD			
SCALE: 1/8" = 1'-0"	South, North Elevations		
	0 2 4 6 8 10 12 14 16ft		



EAST ELEVATION



WEST ELEVATION



A-7

DESIGNED: CEP
 DRAWN: DBP
 CHECKED: TRBD
 SCALE: 1/8" = 1'-0"

Proposed Duplex:
 Preliminary Design

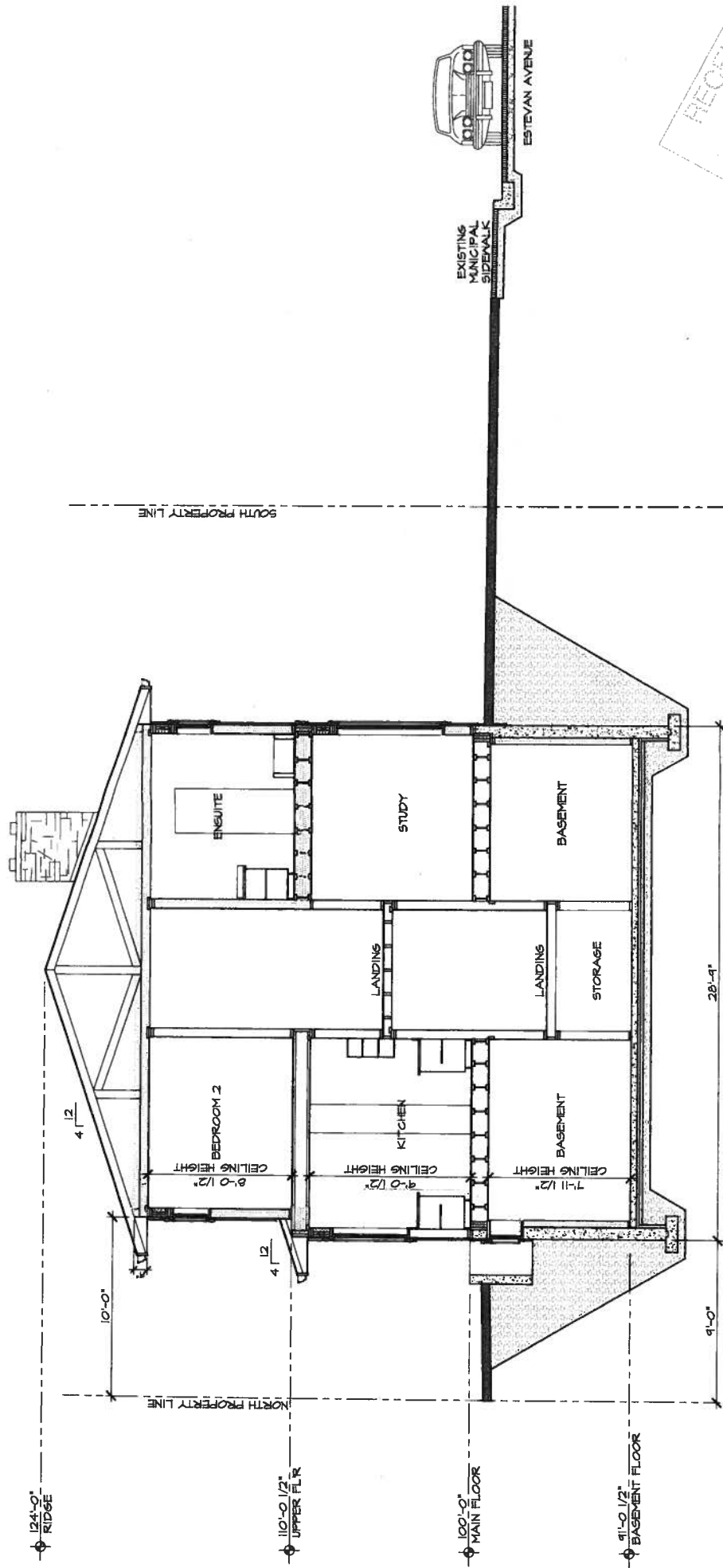
East, West Elevations

2320 Estevan Avenue,
 Oak Bay, BC

The CEP Studio
 1967 Hampshire Road,
 Victoria, BC, V8S-4T4
 Tel: 250-542-1877
 Email: carl.peteeshan.ca

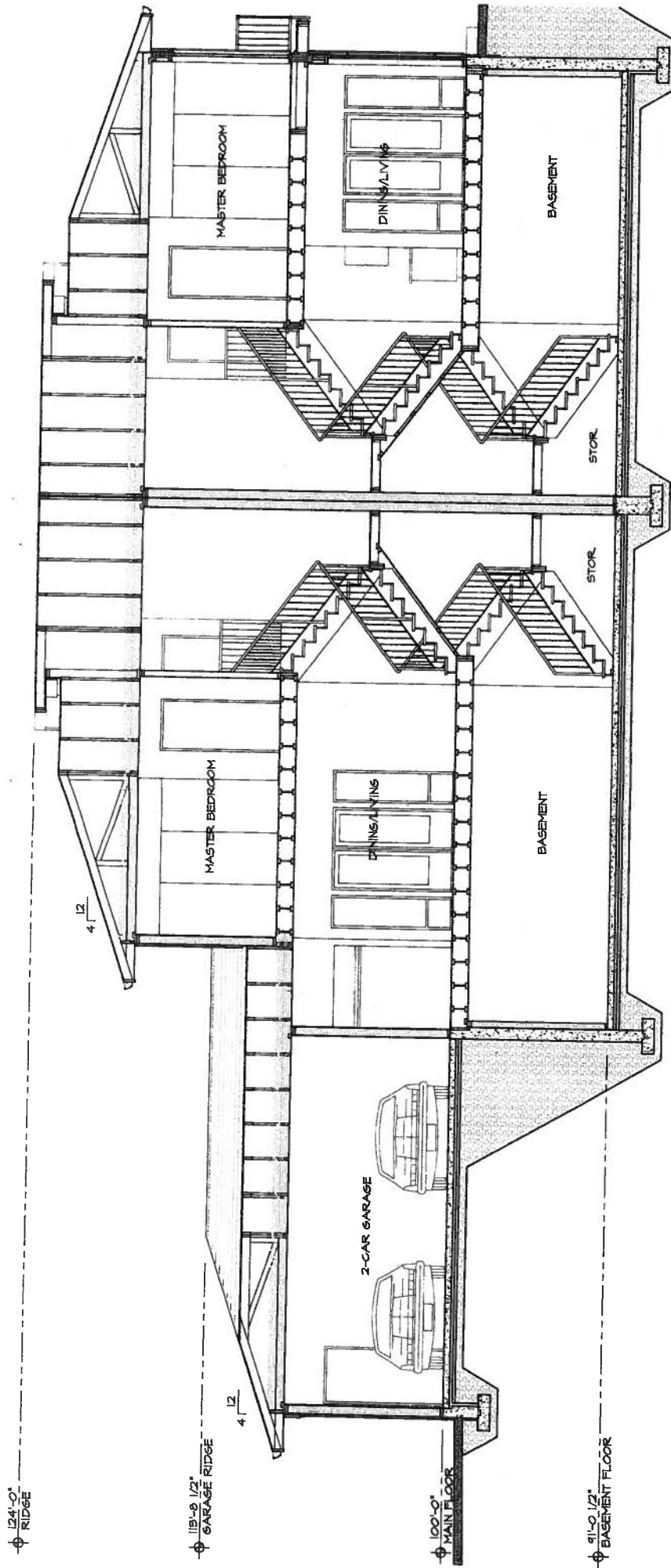
Oak Bay Building Department

12/22/19



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 FEB 11 2011
 Oak Bay Building Department

DESIGNED: CEP	Section 1	Proposed Duplex: Preliminary Design 2280 Estevan Avenue, Oak Bay, BC	The CEP Studio 1967 Hampshire Road, Victoria, BC, V8S-4T4 Tel: 250-592-1487 Email: carlpete@shaw.ca	A-8 12/22/13
DRAWN: DBF				
CHECKED: TRBD	SCALE: 3/16" = 1'-0"			



RECEIVED
 FEB 11 2010
 Oak Bay Building Dept.

DESIGNED: CEP	Section 2	Proposed Duplex: The CEP Studio Preliminary Design 2280 Esplanon Avenue, Oak Bay, BC	1367 Hampshire Road, Victoria, BC, V8S-4T4 Tel: 250-542-1457 Email: carlpete@shaw.ca	A-9 12/22/13
DRAWN: DEP	0 2 4 6 8 10 FT.			
CHECKED: TRBD	SCALE: 3/16" = 1'-0"			

MEMORANDUM

TO: Mayor and Council

FROM: Roy Thomassen, Director of Building and Planning

DATE: June 10, 2014

RE: Rezoning Application, 3435 Upper Terrace—for future subdivision

Zone: RS-1 One-Family Residential Use

BACKGROUND:

The owner has submitted an application to amend the zoning bylaw for his Uplands property located at 3435 Upper Terrace. The proposal is to acquire new zoning (RS-2) from the currently zoned (RS-1) property in order to proceed with an application to subdivide the property into two parcels.

THE PROPOSAL:

The property at 3435 Upper Terrace is currently zoned RS-1 with an area of 5410² (58,240 ft²). The owner would like to down zone his property to an RS-2 zone which has lesser minimum size requirements for subdivision. In order for the owner to proceed further with a subdivision application, rezoning would have to occur.

DISCUSSION:

The following table shows the applicable minimum lot sizes, lot widths and frontage requirements from Schedule 'A' of the Zoning Bylaw for any newly created lots.

Zone	Minimum Lot Area	Minimum Lot Frontage and Lot Width
RS-1	4047 m ² (43,563 ft ²)	30.5 m (100 ft)
RS-2	2226 m ² (23,598 ft ²)	30.5 m (100 ft)

The subject property is large enough to meet the minimum size requirements for two RS-2 lots.

The Uplands Special Powers Act (1935) allows Council to prohibit or regulate further subdivision of lots in the Uplands. The Uplands Bylaw which makes regulations for the Uplands is silent on prohibiting or further regulating subdivision of land in the Uplands.

Planning Commentary:

The proposed site for zoning to an RS-2 zone is amongst a strip of ten properties that are currently RS-1 Zoned. Of these ten properties there would be four properties that would not meet the minimum criteria required in order to subdivide the lands. The draft OCP which is

being considered by Council has not contemplated infill development of the Uplands by down zoning to create more parcels of land. This request would possibly result in other property owners of RS-1 zoned lots applying for rezoning and further subdivision.

The land from Midland Road slopes up quite rapidly and driveway development may be steep to accommodate any newly created homes off Midland. Consideration must also be given to the Park like setting of the Uplands and how future subdivisions along this strip of RS-1 properties may affect the existing trees and landscape of the area.

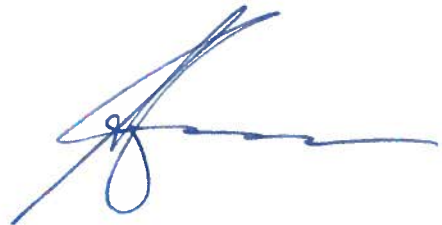
OPTIONS:

1. If Council wishes to consider this application further, refer it to the Committee of the Whole for discussion.
2. That the application be denied.

RECOMMENDATION:

1. If Council wishes to consider this application further, refer it to the Committee of the Whole for discussion.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendations in this report



Helen Koning
Chief Administrative Officer

Jurgen and Angelika Weyand
3435 Upper Terrace, Victoria, BC, V8R6E8

May 6, 2014

Dear Mayor Jensen and Members of Council,

This is a rezoning application for

3435 Upper Terrace: Lot G, Section 31, Victoria, Plan 3741, PID 006-127-924.

We are not suggesting a new site specific zone but simply a rezoning from RS1 to RS2, generally allowing for a subsequent subdivision with a 0.5+ acre lot size. This is not an application for the subdivision. After a successful rezoning we would make a separate application through a surveyor to the approving officer at a later time.

The Uplands Neighborhood is one of the finest neighborhoods in Canada, characterized by a generous layout, mature trees, and a variety of house styles as required by the Design Guidelines.

When the Uplands subdivision marketing started in 1912 about 1/3 of all lots were over 1 acre in size. Currently the vast majority of lots are zoned RS2 with a minimum lot size of 0.5 acre. Only a few lots are zoned RS1 requiring a minimum lot size of 1 acre. These are located (i) between Upper Terrace and Midland Road, and (ii) several waterfront lots.

The subject lot goes from Upper Terrace to Midland Road, has a significant slope and a size of about 58,240SF. The existing residential building, now or after a rezoning, is within site coverage and FSR allowed and within all setback requirements.

A potential new lot would not be a panhandle lot, but 'normally shaped' and directly accessible from Midland Road and serviced from Midland Road.

The benefit for the Applicant is the option to subdivide and create a new lot for a new residential home.

The benefit for the Municipality is a more interesting streetscape along Midland Road, which has mostly houses only on one side, and an increase of the Municipal tax base.

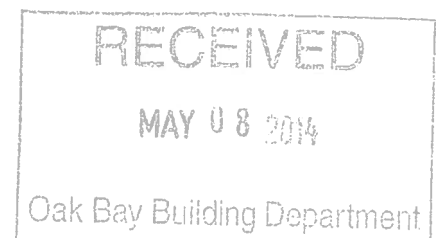
There is also the general issue if in a confined urban area, surrounded much by water and other Municipalities, a minimum lot size of 1 acre is still appropriate, given that a 0.5 acre lot size can already be considered 'generous' as shown in most parts of the Uplands Neighborhood.

Thank you for your time. We are available at your convenience for any questions you might have.

Respectfully submitted,


Angelika Weyand


Jurgen Weyand



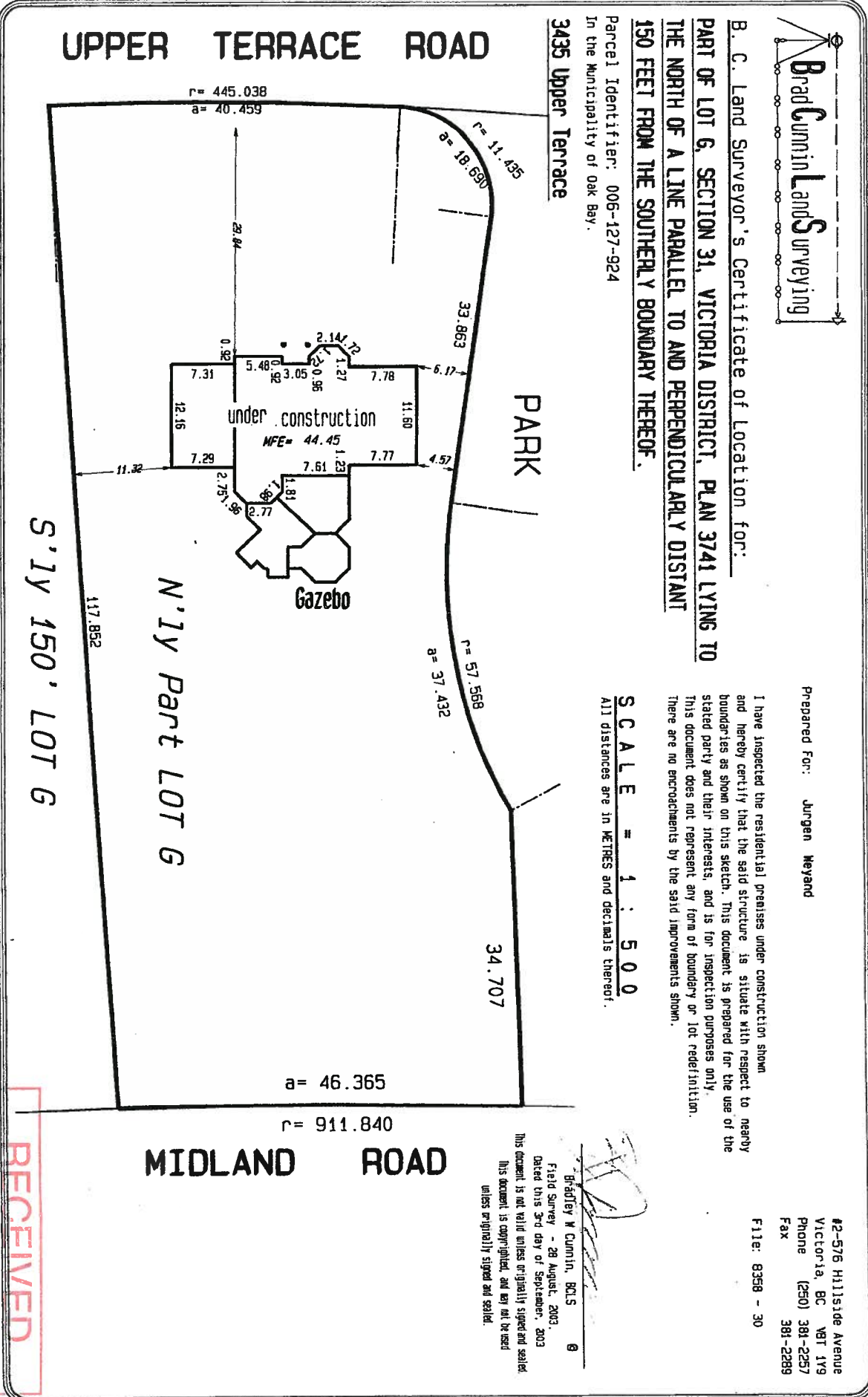


B. C. Land Surveyor's Certificate of Location for:

PART OF LOT G, SECTION 31, VICTORIA DISTRICT, PLAN 3741 LYING TO THE NORTH OF A LINE PARALLEL TO AND PERPENDICULARLY DISTANT 150 FEET FROM THE SOUTHERLY BOUNDARY THEREOF.

Parcel Identifier: 006-127-924
In the Municipality of Oak Bay.

3435 Upper Terrace



Prepared For: **Jungen Meyard**

I have inspected the residential premises under construction shown and hereby certify that the said structure is situate with respect to nearby boundaries as shown on this sketch. This document is prepared for the use of the stated party and their interests, and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition. There are no encroachments by the said improvements shown.

SCALE = 1 : 500
All distances are in METRES and decimals thereof.

#2-576 Hillside Avenue
Victoria, BC V8T 1Y9
Phone (250) 381-2257
Fax 381-2289
F11c: 8358 - 30

Bradley W Cummin, B.C.S.
Field Survey - 28 August, 2003.
Dated this 3rd day of September, 2003.
This document is not valid unless originally signed and sealed.
This document is copyrighted, and may not be used unless originally signed and sealed.

RECEIVED

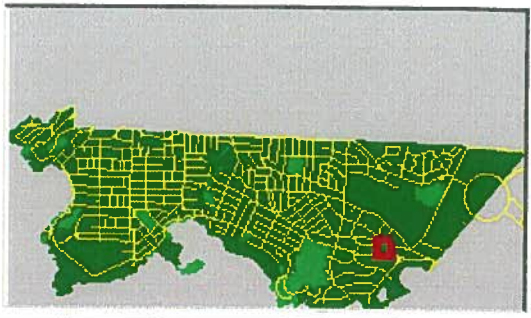
MAY 08 2014

Oak Bay Building Department



Map Title:
 May 8, 2014 (10:54 AM)
 Oak Bay Mapper District of
 Oak Bay Engineering
 Department

3435 UPPER TERR

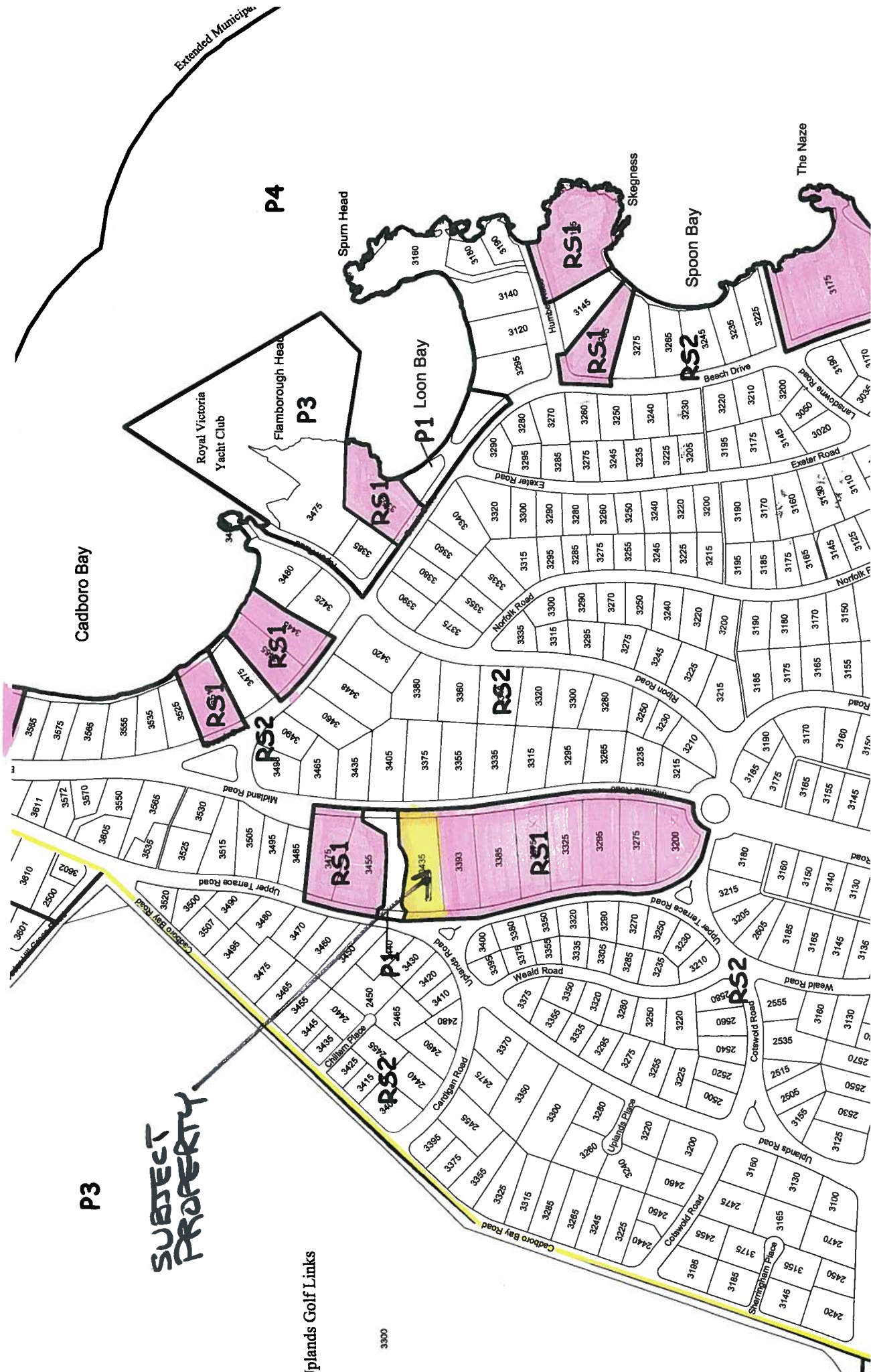


	Sewer Main		Storm Main		Water Main		Driveway		Basement		Monument
	Pressure Main		Storm Lateral		Water Lateral		Park		Lot Outline		Survey Pin
	Sewer Lateral		Storm Manhole		Fire Hydrant		Building		Water Valve		
	Sewer Manhole										

Not all features may be visible

Important: This is not a legal survey. This document is provided "as is" without warranty of any kind. The Municipality of the District of Oak Bay (the Corporation) provides no guarantee whatsoever as to the accuracy of the information contained in this document. The Corporation is not liable for any loss or damage, including any loss of profits, consequential damages arising out of the use or inability to use this document.

RECEIVED
 MAY 08 2014
 Oak Bay Building Department



SUBJECT PROPERTY

Ipswich Golf Links

3300

2014-187

MEMORANDUM

TO: Mayor and Council
FROM: Municipal Treasurer
DATE: June 18, 2014
RE: **Community Works Fund Agreement 2014 - 2024**

BACKGROUND:

In 2005 Oak Bay entered into a Community Works fund (CWF) Agreement with the Federal Government regarding the receipt and use of gas tax money. At that time the Municipal Administrator recommended that the entire amount of Oak Bay's allocation be set aside for sewer infrastructure work that was required to comply with the CRD Liquid Waste Management Plan and the Province's principal sewage regulation. This work includes the separation of the combined sewage system in the Uplands, along with the reduction of inflow and infiltration in the rest of the Municipality.

The money we have received has been reserved in the Capital Works Reserve for this work; as at December 31, 2013 the balance in the Gas Tax account is \$3,443,600. The original Agreement covered five years, and then was extended to 2015. The Agreement before you will replace the previous one.

DISCUSSION:

The 2014 – 2024 CWF Agreement is attached for your information. Under it, municipalities will continue to receive their allocated funding twice annually, with the first one anticipated in July of this year. Allocations will be based on a funding formula similar to the 2005-2014 Agreement, using a \$50,000 funding floor plus a per-capita amount. The list of eligible project categories has been expanded, and the funding will be indexed at 2% annually. Operational costs and routine maintenance and repair remain ineligible for the program.

OPTIONS:

1. That the Mayor and Municipal Clerk be authorized to sign and do all things necessary to execute the 2014 - 2024 Community Works Fund Agreement regarding the transfer of federal gas tax revenues between the Federal Government and The District of Oak Bay, as attached to the memorandum from the Municipal Treasurer.
2. That this report be received.

FINANCIAL IMPACT:

In 2014 we received \$531,044 under the Gas Tax Agreement. In the letter that accompanied the new agreement it is indicated that our first payment will be \$386,884, and usually the two payments are for equal amounts. This suggests our 2014 payment will be \$773,768.

RECOMMENDATION:

That the Mayor and Municipal Clerk be authorized to sign and do all things necessary to execute the 2014 - 2024 Community Works Fund Agreement regarding the transfer of federal gas tax revenues between the Federal Government and The District of Oak Bay, as attached to the memorandum from the Municipal Treasurer.



Patricia A. Walker
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer



Helen M. Koning
Chief Administrative Officer

2014-2024 COMMUNITY WORKS FUND AGREEMENT
under the
ADMINISTRATIVE AGREEMENT
ON THE FEDERAL GAS TAX FUND IN BRITISH COLUMBIA

This Agreement made as of _____, 201__.

BETWEEN:

District of Oak Bay (the Local Government)

AND

The **UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM)** as continued by section 2 of the *Union of British Columbia Municipalities Act RSBC 2006, c.1*, as represented by the President

WHEREAS:

- A. Canada, British Columbia and UBCM wish to help communities build and revitalize their public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities;
- B. Canada, British Columbia and UBCM have entered into the Agreement setting out the roles and responsibilities of the Parties for the administration of the Federal Gas Tax Fund (GTF) in British Columbia;
- C. The Agreement provides for delivery of funding that may be received by UBCM from Canada, including interest thereon, through three programs, one of which is Community Works Fund;
- D. The Agreement sets out the purpose, terms and conditions of the Community Works Fund, and requires that in order to receive Community Works Fund funding, a Local Government must sign a Funding Agreement with UBCM;

NOW THEREFORE, in consideration of the mutual promises herein, UBCM and the Local Government agree as follows:

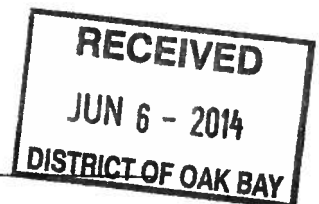
1. PURPOSE

The purpose of this Community Works Fund Agreement is to set out the roles and responsibilities of the Local Government and UBCM related to any Community Works Fund funds that may be delivered to the Local Government by UBCM:

2. SCHEDULES

The following Schedules, originating in whole or part from the Agreement, are attached to and form part of this Community Works Fund Agreement:

- Schedule A - Definitions
- Schedule B - Eligible Project Categories
- Schedule C - Eligible and Ineligible Expenditures



Schedule D - Reporting and Audits
Schedule E - Communications Protocol

3. ROLE OF UBCM

- 3.1 UBCM has, pursuant to the Agreement, agreed with Canada and British Columbia to:
- A. receive GTF funding from Canada and allocate funds so received from Canada pursuant to the Agreement, including allocating Community Works Funds to the Local Government to be spent on Eligible Projects and Eligible Expenditures in accordance with the terms and conditions of this Community Works Fund Agreement;
 - B. report to Canada and British Columbia, including Annual Reports and Outcome Reports, as required by the Agreement; and
 - C. fulfill other roles and responsibilities as set out in the Agreement.

4. CONTRIBUTION PROVISIONS

- 4.1 Over the term of this Community Works Fund Agreement, UBCM will pay the Local Government its annual allocation within 30 days of receipt of such funds from Canada.
- 4.2 Payments under section 4.1 are subject to UBCM receiving sufficient GTF funds from Canada, and Local Government compliance with this Community Works Fund Agreement and any other Funding Agreement under the First Agreement.
- 4.3 Annual allocation is based on a formula set out in section 3.4 of Annex B of the Agreement. In the first year of this Community Works Fund Agreement, the Local Government will receive \$773,767.32, in two equal instalments which, subject to section 4.2, are expected to be delivered in the month following July 15 and November 15, 2014.
- 4.4 Annual allocation to the Local Government for all subsequent years under this Community Works Fund Agreement continue to be based on the funding formula set out in the Agreement, but are subject to change by UBCM from the amount set out in section 4.3 due to such circumstances as local government boundary changes and new Local Government incorporations, changes in Census populations and changes in amounts that may be received by UBCM from Canada.
- 4.5 Timing of payments in subsequent years under this Community Works Fund Agreement to the Local Government by UBCM are subject to change due to any changes in timing of payments to UBCM by Canada.

5. USE OF FUNDS BY LOCAL GOVERNMENT

- 5.1 Any GTF funding that may be received by the Local Government and any Unspent Funds, and any interest earned thereon held by the Local Government must be used by the Local Government in accordance with this Community Works Fund Agreement, including specifically Section 6. (Commitments of the Local Government).
- 5.2 Any GTF funding that may be received by the Local Government and any Unspent Funds, and any interest earned thereon held by the Local Government will be treated as federal funds with respect to other federal infrastructure programs.

6. COMMITMENTS OF THE LOCAL GOVERNMENT**6.1 The Local Government shall:**

A. Ensure that any Unspent Funds and any GTF funding received from UBCM, as well as any interest earned thereon are expended and used in accordance with Schedule B (Eligible Project Categories) and Schedule C (Eligible and Ineligible Expenditures).

B. Treat any Unspent Funds and any GTF funding received from UBCM, as well as any interest earned thereon as federal funds with respect to other federal infrastructure programs.

C. Over the term of this Community Works Fund Agreement, ensure that any Unspent Funds and any GTF funding received from UBCM, as well as any interest earned thereon result in incremental spending as measured by the methodology, which will include a Base Amount, approved by the Partnership Committee.

D. Comply with all Ultimate Recipient requirements outlined in Schedule E (Communications Protocol).

E. During the term of this Community Works Fund Agreement work to strengthen Asset Management, in accordance with the Asset Management framework developed by the Partnership Committee.

F. Invest, in a distinct account, GTF funding received from UBCM in advance of paying Eligible Expenditures.

G. With respect to Contracts, award and manage all Contracts in accordance with the Local Government's relevant policies and procedures and, if applicable, in accordance with the Agreement on Internal Trade and applicable international trade agreements, and all other applicable laws.

H. Invest into Eligible Projects, any revenue that is generated from the sale, lease, encumbrance or other disposal of an asset resulting from an Eligible Project where such disposal takes place within five (5) years of the date of completion of the Eligible Project.

I. Submit a report to UBCM, in a format acceptable to UBCM, by June 1 in each year, which includes:

- GTF transactions of the Local Government for the previous calendar year, in sufficient detail to allow UBCM to produce the Annual Report required by Schedule D (Reporting and Audits);
- a declaration from the Chief Financial Officer that the Local Government has complied with all Funding Agreements between it and UBCM; and

- any other information required by UBCM to fulfill its responsibilities under the Agreement, including, but not limited to project outcomes in relation to anticipated program benefits, expenditures made for tangible capital assets, and progress made towards Asset Management improvements.
- J. Allow Canada and UBCM reasonable and timely access to all of its documentation, records and accounts and those of their respective agents or Third Parties related to the use of any Unspent Funds and any GTF funding, as well as any interest earned thereon, and all other relevant information and documentation requested by Canada or UBCM or its designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Community Works Fund Agreement.
- K. Ensure that no current or former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Canada applies will derive direct benefit from GTF funding, Unspent Funds and interest earned thereon, unless the provision or receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.
- L. Keep proper and accurate accounts and records in respect of all Eligible Projects for at least six (6) years after completion of the Eligible Project and, upon reasonable notice, make them available to Canada or UBCM.
- M. Ensure actions do not establish or be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Canada, British Columbia, or UBCM and the Local Government, or between Canada, British Columbia, or UBCM and a Third Party.
- N. Ensure the Local Government does not represent themselves, including in any agreement with a Third Party, as a partner, employee or agent of Canada, British Columbia or UBCM.
- O. Ensure that the Local Government will not, at any time, hold the Government of Canada or British Columbia or any of their respective officers, servants, employees or agents responsible for any claims or losses of any kind that they, Third Parties or any other person or entity may suffer in relation to any matter related to GTF funding or an Eligible Project and that they will, at all times, compensate the Government of Canada or British Columbia and their respective officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to GTF funding or an Eligible Project, except to the extent to which such claims or losses relate to the negligence of an officer, employee, or agent of Canada in the performance of his or her duties.
- P. Ensure that the Local Government will not, at any time, hold UBCM or any of its officers, servants, employees or agents responsible for any claims or losses of any kind that they, Third Parties or any other person or entity may suffer in relation to any matter related to GTF funding or an Eligible Project and that they will, at all times, compensate UBCM and its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to GTF funding or an Eligible Project, except to the extent to which such claims or losses relate to the act of negligence of an officer, employee, or agent of UBCM in the performance of his or her duties.
- Q. Agree that the above requirements which, by their nature, should extend beyond the expiration or termination of this Agreement will extend beyond such expiration or termination.

7. TRANSITION

- 7.1 As of the effective date of this Community Works Fund Agreement, the First Community Works Fund Agreement is terminated.
- 7.2 Notwithstanding section 7.1, the Parties agree that prior to its termination, the First Community Works Fund Agreement is amended to add to section 6.2 of that agreement: Schedule A (Eligible Project Categories and Project Examples); Schedule B (Eligible Costs for Eligible Recipients) and Schedule E (Reporting and Audit).
- 7.3 Notwithstanding section 7.1, the Parties agree that the survival rights and obligations in Section 6.2 of the First Community Works Fund Agreement (including those added to that section by virtue of Section 7.2), and any other section of the First Community Works Fund Agreement that is required to give effect to that survival section, will continue to apply beyond the termination of the First Community Works Fund Agreement subject to the following:
- A. Regardless of any wording in the First Community Works Fund Agreement with another effect, Unspent Funds, including interest earned thereon, will, as of the effective date of this Community Works Fund Agreement, be subject to this Community Works Fund Agreement;
 - B. Unspent Funds that fall within the reporting period of the 2013 Annual Expenditure Report (as defined in the First Community Works Fund Agreement) will be reported by the Local Government to UBCM in accordance with the First Community Works Fund Agreement;
 - C. Unspent Funds that fall within the reporting period that includes January 1, 2014 to the effective date of this Community Works Fund Agreement will be reported by the Local Government to UBCM in accordance with this Community Works Fund Agreement;
 - D. The survival of the reporting obligations under Section 3.2 and section 1.1 of Schedule E (Reporting and Audits) of the First Community Works Fund Agreement extends only until these obligations are fulfilled by the Local Government for the 2013 reporting year, after which, the reporting obligations under Section 6.1(i) and Schedule D of this Community Works Fund Agreement will apply; and
 - E. Any matters that Section 3.1 (iv) and Schedule G of the First Community Works Fund Agreement would have applied to will be dealt with under Section 6.1(d) and Schedule E (Communications Protocol) of this Community Works Fund Agreement.

8. TERM

This Community Works Fund Agreement will be effective as of April 1, 2014 and will be in effect until March 31, 2024 unless the Parties agree to renew it. In the event where this Community Works Fund Agreement is not renewed, any GTF funding and Unspent Funds, and any interest earned thereon held by the Local Government, that have not been expended on Eligible Projects or other expenditures authorized by this Community Works Fund Agreement as of March 31, 2024 will nevertheless continue to be subject to this Community Works Fund Agreement until such time as may be determined by the Parties.

9. SURVIVAL

The rights and obligations, set out in Sections 5.1, 5.2 and 6.1 will survive the expiry or early termination of this Community Works Fund Agreement and any other section which is required to give effect to the termination or to its consequences shall survive the termination or early termination of this Community Works Fund Agreement.

10. AMENDMENT

The Local Government acknowledges that the Agreement may from time to time be amended by agreement of Canada, British Columbia and UBCM and if and whenever such amendments to the Agreement are made, the Local Government agrees that UBCM may require this Community Works Fund Agreement to be amended to reflect, at the sole discretion of UBCM, the amendments made to the Agreement. Where UBCM requires this Community Works Fund Agreement to be so amended, it will provide to the Local Government notice in writing of the amendments it requires. Such amendments shall form part of this Community Works Fund Agreement and be binding on the Local Government and UBCM thirty (30) days after such notice, unless before then the Local Government elects in writing to give written notice of termination of this Community Works Fund Agreement to UBCM.

11. WAIVER

No provision of this Community Works Fund Agreement shall be deemed to be waived by UBCM, unless waived in writing with express reference to the waived provisions and no excusing, condoning or earlier waiver of any default by the Local Government shall be operative as a waiver, or in any way limit the rights and remedies of UBCM or Canada.

12. NO ASSIGNMENT

This Community Works Fund Agreement is not assignable by the Local Government and the Local Government shall not assign, pledge, or otherwise transfer any entitlement to allocation of funds under this Community Works Fund Agreement to any person and shall upon receipt of any allocation of funds hereunder pay and expend such funds thereafter only in accordance with the terms of this Community Works Fund Agreement.

13. NOTICE

Any notice, information or document provided for under this Community Works Fund Agreement must be in writing and will be effectively given if delivered or sent by mail, postage or other charges prepaid, or by facsimile or email. Any notice that is delivered will have been received on delivery; and any notice mailed will be deemed to have been received eight (8) calendar days after being mailed.

Any notice to UBCM will be addressed to:

Executive Director
525 Government Street
Victoria, British Columbia
V8V 0A8
Facsimile: 250 356-5119
Email: ubcm@ubcm.ca

Any notice to the Local Government will be addressed to:

The Corporate Officer at the place designated as the Local Government office.

SIGNATURES

This Community Works Fund Agreement has been executed on behalf of the Local Government by those officers indicated below and each person signing the agreement represents and warrants that they are duly authorized and have the legal capacity to execute the agreement.

District of Oak Bay

UNION OF BC MUNICIPALITIES

Original signed by:

Original signed by:

Mayor

Corporate Officer

Corporate Officer

General Manager, Victoria Operations

Signed by District of Oak Bay on the _____ day of _____, 201__.

The Community Works Fund Agreement have been executed by UBCM on the _____ day of _____, 201__.

Schedule A – Definitions

“Agreement” means the Administrative Agreement on the Federal Gas Tax Fund in British Columbia.

“Annual Report” means the duly completed annual report to be prepared and delivered by UBCM to Canada and British Columbia, as described in Schedule D (Reporting and Audits).

“Asset Management” (AM) includes planning processes, approaches or plans that support integrated, lifecycle approaches to effective stewardship of infrastructure assets in order to maximize benefits and manage risk. AM is further described in Schedule F (Asset Management) of the Agreement, and can include:

- an inventory of assets;
- the condition of assets;
- level of service;
- risk assessment;
- a cost analysis;
- community priority setting;
- long-term financial planning.

“Base Amount” means an amount established over a time-period, reflecting non-federal investments in Infrastructure and against which GTF investments will be measured to ensure that GTF investments are incremental.

“Chief Financial Officer” means in the case of a municipality, the officer assigned financial administration responsibility under S. 149 of the *Community Charter*, and in the case of a Regional District, the officer assigned financial administration responsibility under S. 199 of the *Local Government Act*, R.S.B.C. 1996, c.323.

“Communications Protocol” means the protocol by which all communications activities related to GTF funding will be delivered as described in Schedule E (Communications Protocol).

“Community Works Fund” means the fund provided from the Federal gas tax revenues to be dispersed to local governments based on a percentage of the per capita allocation for local spending priorities in accordance with the terms and conditions set out in the Agreement.

“Community Works Fund Agreement” means this Agreement made between UBCM and Local Government.

“Contract” means an agreement between an Ultimate Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Eligible Expenditures” means those expenditures described as eligible in Schedule C (Eligible and Ineligible Expenditures).

“Eligible Projects” means projects as described in Schedule B (Eligible Project Categories).

“First Agreement” means the agreement for the transfer of federal gas tax revenues entered into on September 19, 2005 by the Government of Canada, British Columbia and UBCM, with an expiry date of March 31, 2019, as amended.

“First Community Works Fund Agreement” means the agreement entered between UBCM and Local Government in order to administer the Community Works Fund under the First Agreement.

“Funding Agreement” means an agreement between UBCM and an Ultimate Recipient setting out the terms and conditions of the GTF funding to be provided to the Ultimate Recipient as entered under the First Agreement or the Agreement.

“GTF” means the Gas Tax Fund, a program established by the Government of Canada setting out the terms and conditions for the administration of funding that may be provided by Canada to recipients under section 161 of the *Keeping Canada’s Economy and Jobs Growing Act*, S.C. 2011, c. 24 as amended by section 233 of the *Economic Action Plan 2013 Act, No. 1*, S.C. 2013, c. 33, or any other source of funding as determined by Canada.

“Ineligible Expenditures” means those expenditures described as ineligible in Schedule C (Eligible and Ineligible Expenditures).

“Infrastructure” means municipal or regional, publicly or privately owned tangible capital assets in British Columbia primarily for public use or benefit.

“Local Government” means a municipality as defined in the *Community Charter* [SBC 2003] Chapter 26, a regional district as defined in the *Local Government Act* [RSBC 1996] Chapter 323, and the City of Vancouver as continued under the *Vancouver Charter* [SBC 1953] Chapter 55.

“Outcomes Report” means the report to be delivered by March 31, 2018 and again by March 31, 2023 by UBCM to Canada and British Columbia which reports on how GTF investments are supporting progress towards achieving the program benefits, more specifically described in Schedule D (Reporting and Audits).

“Partnership Committee” means the Committee required to be established by the Agreement to govern the implementation of the Agreement and further described in Annex C of the Agreement.

“Party” means Canada, British Columbia or UBCM when referred to individually and collectively referred to as “Parties”.

“Third Party” means any person or legal entity, other than Canada, British Columbia, UBCM or an Ultimate Recipient, who participates in the implementation of an Eligible Project by means of a Contract.

“Ultimate Recipient” means a Local Government.

“Unspent Funds” means Funds (as defined by the First Agreement) that have not been spent towards an Eligible Project (as defined under the First Agreement) prior to the effective date of the Agreement.

Schedule B – Eligible Project Categories

Eligible Projects include investments in Infrastructure for its construction, renewal or material enhancement in each of the following categories:

- A. Local roads, bridges – roads, bridges and active transportation infrastructure (active transportation refers to investments that support active methods of travel. This can include: cycling lanes and paths, sidewalks, hiking and walking trails).
- B. Highways – highway infrastructure.
- C. Short-sea shipping – infrastructure related to the movement of cargo and passengers around the coast and on inland waterways, without directly crossing an ocean.
- D. Short-line rail – railway related infrastructure for carriage of passengers or freight.
- E. Regional and local airports – airport-related infrastructure (excludes the National Airport System).
- F. Broadband connectivity – infrastructure that provides internet access to residents, businesses, and/or institutions in Canadian communities.
- G. Public transit – infrastructure that supports a shared passenger transport system which is available for public use.
- H. Drinking water – infrastructure that supports drinking water conservation, collection, treatment and distribution systems.
- I. Wastewater – infrastructure that supports wastewater and storm water collection, treatment and management systems.
- J. Solid waste – infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable materials and garbage.
- K. Community energy systems – infrastructure that generates or increases the efficient usage of energy.
- L. Brownfield Redevelopment – remediation or decontamination and redevelopment of a brownfield site within Local Governments boundaries, where the redevelopment includes:
 - the construction of public infrastructure as identified in the context of any other eligible project category under the GTF, and/or;
 - the construction of Local Government public parks and publicly-owned social housing.
- M. Sport Infrastructure – amateur sport infrastructure (excludes facilities, including arenas, which would be used as the home of professional sports teams or major junior hockey teams (e.g. Western Hockey League)).
- N. Recreational infrastructure – recreational facilities or networks.

O. Cultural infrastructure – infrastructure that supports arts, humanities, and heritage.

P. Tourism infrastructure – infrastructure that attract travelers for recreation, leisure, business or other purposes.

Q. Disaster mitigation – infrastructure that reduces or eliminates long-term impacts and risks associated with natural disasters.

Eligible Projects also include:

R. Capacity building – includes investments related to strengthening the ability of Local Governments to develop long-term planning practices.

Note: Investments in health infrastructure (hospitals, convalescent and senior centres) are not eligible.

Schedule C – Eligible and Ineligible Expenditures

1. ELIGIBLE EXPENDITURES

1.1 Eligible Expenditures of Ultimate Recipients will be limited to the following:

A. the expenditures associated with acquiring, planning, designing, constructing or renovating a tangible capital asset, as defined by Generally Accepted Accounting Principles (GAAP), and any related debt financing charges specifically identified with that asset;

B. for capacity building category only, the expenditures related to strengthening the ability of Local Governments to improve local and regional planning including capital investment plans, integrated community sustainability plans, life-cycle cost assessments, and Asset Management Plans. The expenditures could include developing and implementing:

- studies, strategies, or systems related to asset management, which may include software acquisition and implementation;
- training directly related to asset management planning; and,
- long-term infrastructure plans.

C. the expenditures directly associated with joint communication activities and with federal project signage for GTF-funded projects.

1.2 Employee and Equipment Costs: The incremental costs of the Ultimate Recipient's employees or leasing of equipment may be included as Eligible Expenditures under the following conditions:

- the Ultimate Recipient is able to demonstrate that it is not economically feasible to tender a contract;
- the employee or equipment is engaged directly in respect of the work that would have been the subject of the contract; and
- the arrangement is approved in advance and in writing by UBCM.

1.3 Administration expenses of UBCM related to program delivery and implementation of this Agreement, in accordance with Section 9 (Use and Recording of Funds by UBCM) of Annex B (Terms and Conditions).

2. INELIGIBLE EXPENDITURES

The following are deemed Ineligible Expenditures:

- A. project expenditures incurred before April 1, 2005;
- B. project expenditures incurred before April 1, 2014 for the following investment categories:
 - highways;
 - regional and local airports;
 - short-line rail;
 - short-sea shipping;
 - disaster mitigation;
 - broadband connectivity;
 - brownfield redevelopment;
 - cultural infrastructure;
 - tourism infrastructure;
 - sport infrastructure; and
 - recreational infrastructure.
- C. the cost of leasing of equipment by the Ultimate Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Ultimate Recipient, its direct or indirect operating or administrative costs of Ultimate Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Expenditures above;
- D. taxes for which the Ultimate Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- E. purchase of land or any interest therein, and related costs;
- F. legal fees; and
- G. routine repair and maintenance costs.

Schedule D –Reporting and Audits

1. REPORTING

Reporting requirements under the GTF will consist of an Annual Report and an Outcomes Report that will be submitted to Canada and British Columbia for review and acceptance. The reporting year is January 1st to December 31st.

1.1 ANNUAL REPORT

By September 30th of each year, UBCM will provide to Canada and British Columbia an Annual Report in an electronic format deemed acceptable by Canada consisting of the following in relation to the previous reporting year:

Financial Report Table: The financial report table will be submitted in accordance with the following template.

Annual Report Financial Table	Annual	Cumulative
	20xx - 20xx	2014 - 20xx
UBCM		
Opening Balance ²²⁵	\$xxx	
Received from Canada	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Administrative Cost	(\$xxx)	(\$xxx)
Transferred to Ultimate Recipients	(\$xxx)	(\$xxx)
Closing Balance of unspent funds	\$xxx	
Ultimate Recipients in aggregate		
Opening Balance ²²⁶	\$xxx	
Received from UBCM	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Spent on Eligible Expenditures	(\$xxx)	(\$xxx)
Closing Balance of unspent funds	\$xxx	

²²⁵ For the 2014 Annual Report this means the amount reported as unspent by UBCM the 2013 Annual Expenditure Report (as defined under the First Agreement).

²²⁶ For the 2014 Annual Report this means the amount reported as unspent by Eligible Recipients (as defined under the First Agreement) in the 2013 Annual Expenditure Report (as defined under the First Agreement).

Independent Audit or Audit Based Attestation:

UBCM will provide an independent audit opinion, or an attestation based on an independent audit and signed by a senior official designated in writing by British Columbia and UBCM, as to:

- A. the accuracy of the information submitted in the Financial Report Table; and
- B. that Funds were expended for the purposes intended.

Project List

UBCM will maintain, and provide to Canada and British Columbia a project list submitted in accordance with the following template.

Annual Report - GTF Project List Template

Project ID	Ultimate Recipient	Project Title	Project Description	Investment category	Total Project Cost	Funds (GTF) Spent	Completed

1.2 OUTCOMES REPORT

By March 31, 2018 and March 31, 2023, UBCM will provide to Canada and British Columbia and make publicly available, an Outcomes Report that will report in aggregate on the degree to which investments are supporting the progress in British Columbia towards achieving the following program benefits:

- A. Beneficial impacts on communities of completed Eligible Projects;
- B. Enhanced impact of GTF as a predictable source of funding including incremental spending; and
- C. Progress made on improving Local Government Asset Management.

The Outcomes Report will present performance data and a narrative on program benefits. The partnership committee will develop and approve a methodology for reporting on performance in respect of each of the program benefits

2. AUDITS

Canada may, at its expense, carry out any audit in relation to the Agreement, and for this purpose, reasonable and timely access to all documentation, records and accounts that are related to the Agreement and the use of GTF funding, and any interest earned thereon, and to all other relevant information and documentation requested by Canada or its designated representatives, will be provided to Canada and its designated representatives by:

- British Columbia and UBCM, as applicable, where these are held by British Columbia, UBCM, or their respective agents or Third Parties; and
- Ultimate Recipients where these are held by the Ultimate Recipient or a Third Party or their respective agents.

Canada may, at its expense, complete a periodic evaluation of the GTF to review the relevance and performance (i.e. effectiveness, efficiency and economy) of the GTF. British Columbia and UBCM will provide Canada with information on program performance and may be asked to participate in the evaluation process. The results of the evaluation will be made publicly available.

Schedule E – Communications Protocol

1. PURPOSE

1.1 The provisions of this Communications Protocol apply to all communications activities related to any GTF funding which may be delivered by Canada, including allocations, and Eligible Projects funded under this Agreement. Communications activities may include, but are not limited to, public or media events, news releases, reports, web articles, blogs, project signs, digital signs, publications, success stories and vignettes, photo compilations, videos, advertising campaigns, awareness campaigns, editorials, awards programs, and multi-media products.

1.2 Through collaboration, the Parties agree to work to ensure clarity and consistency in the communications activities meant for the public.

2. JOINT COMMUNICATIONS APPROACH

2.1 The Parties agree to work in collaboration to develop a joint communications approach that identifies guiding principles, including those related to the provision of upfront project information, project signage, and planned communications activities throughout the year. This joint communications approach will have the objective of ensuring that communications activities undertaken each calendar year communicate a mix of Eligible Project types from both large and small communities, span the full calendar year and use a wide range of communications mediums.

2.2 The Parties agree that the initial annual joint communications approach will be finalized and approved by the partnership committee within 60 working days following the inaugural meeting of the partnership committee.

2.3 The Parties agree that achievements under the joint communications approach will be reported to the partnership committee once a year, or more frequently as requested by the partnership committee.

2.4 The Parties agree to assess the effectiveness of the joint communications approach on an annual basis and, as required, update and propose modifications to the joint communications approach. Any modifications will be brought to the partnership committee for approval.

3. INFORM CANADA ON ALLOCATION AND INTENDED USE OF GTF FUNDING FOR COMMUNICATIONS PLANNING PURPOSES

3.1 UBCM agrees to provide to Canada upfront information on planned Eligible Projects and Eligible Projects in progress on an annual basis, prior to the construction season. The Parties will agree, in the joint communications approach, on the date this information will be provided. The information will include, at a minimum:

Ultimate Recipient name; Eligible Project name; Eligible Project category, a brief but meaningful Eligible Project description; amount of Funds being used toward the Eligible Project; and anticipated start date.

3.2 The Parties agree that the above information will be delivered to Canada in an electronic format deemed acceptable by Canada. This information will only be used for communications planning purposes and not for program reporting purposes.

3.3 The Parties agree that the joint communications approach will define a mechanism to ensure the most up-to-date Eligible Project information is available to Canada to support media events and announcements for Eligible Projects.

4. PROJECT SIGNAGE

4.1 The Parties and Ultimate Recipients may each have a sign recognizing their contribution to Eligible Projects.

4.2 At Canada's request, Ultimate Recipients will install a federal sign to recognize federal funding at Eligible Project site(s). Federal sign design, content, and installation guidelines will be provided by Canada and included in the joint communications approach.

4.3 Where British Columbia, UBCM or an Ultimate Recipient decides to install a permanent plaque or other suitable marker with respect to an Eligible Project, it must recognize the federal contribution to the Eligible Project(s) and be approved by Canada.

4.4 The Ultimate Recipient is responsible for the production and installation of Eligible Project signage, or as otherwise agreed upon.

4.5 British Columbia or UBCM agree to inform Canada of signage installations on a basis mutually agreed upon in the joint communications approach.

5. MEDIA EVENTS AND ANNOUNCEMENTS FOR ELIGIBLE PROJECTS

5.1 The Parties agree to have regular announcements of Eligible Projects that are benefiting from GTF funding that may be provided by Canada. Key milestones may be marked by public events, news releases and/or other mechanisms.

5.2 Media events include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.

5.3 A Party or an Ultimate Recipient may request a media event.

5.4 Media events related to Eligible Projects will not occur without the prior knowledge and agreement of the Parties and the Ultimate Recipient.

5.5 The Party or Ultimate Recipient requesting a media event will provide at least 15 working days' notice to the other Parties or Ultimate Recipient of their intention to undertake such an event. The event will take place at a mutually agreed date and location. The Parties and the Ultimate Recipient will have the opportunity to participate in such events through a designated representative. The Parties will each designate their own representative.

5.6 The conduct of all joint media events and products will follow the *Table of Precedence for Canada* as outlined at <http://www.pch.gc.ca/pgm/ceem-cced/prtcl/precedence-eng.cfm>.

5.7 All joint communications material related to media events must be approved by Canada and recognize the funding of the Parties.

5.8 All joint communications material must reflect Canada's policy on official languages and the federal identity program.

6. PROGRAM COMMUNICATIONS

6.1 The Parties and Ultimate Recipients may include messaging in their own communications products and activities with regard to the GTF.

6.2 The Party or Ultimate Recipient undertaking these activities will provide the opportunity for the other Parties and Ultimate Recipient to participate, where appropriate, and will recognize the funding of all contributors.

6.3 The Parties agree that they will not unreasonably restrict the other Parties or Ultimate Recipient from using, for their own purposes, public communications products related to the GTF prepared by a Party or Ultimate Recipients, or, if web-based, from linking to it.

6.4 Notwithstanding Section 5 (Communications Protocol), Canada retains the right to meet its obligations to communicate information to Canadians about the GTF and the use of funding through communications products and activities.

7. OPERATIONAL COMMUNICATIONS

7.1 The Ultimate Recipient is solely responsible for operational communications with respect to Eligible Projects, including but not limited to, calls for tender, construction, and public safety notices. Operational communications as described above are not subject to the federal official language policy.

7.2 Canada, British Columbia, UBCM or the Ultimate Recipient will share information promptly with the Parties should significant emerging media or stakeholder issues relating to an Eligible Project arise. The Parties will advise Ultimate Recipients, when appropriate, about media inquiries received concerning an Eligible Project.

8. COMMUNICATING SUCCESS STORIES

British Columbia and UBCM agree to facilitate communications between Canada and Ultimate Recipients for the purposes of collaborating on communications activities and products including but not limited to Eligible Project success stories, Eligible Project vignettes, and Eligible Project start-to-finish features.

9. ADVERTISING CAMPAIGNS

Recognizing that advertising can be an effective means of communicating with the public, a Party or an Ultimate Recipient may, at their own cost, organize an advertising or public information campaign related to the GTF or Eligible Projects. However, such a campaign must respect the provisions of this Agreement. In the event of such a campaign, the sponsoring Party or Ultimate Recipient agrees to inform the other Parties of its intention, and to inform them no less than 21 working days prior to the campaign launch.