

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, July 23, 2012 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor K. Murdoch
Councillor T. Ney
STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker
Design Engineer, R. Ding

Mayor Jensen called the meeting to order at 7:30 p.m.

AGENDA:

MOVED by Councillor Green
Seconded by Councillor Murdoch, That the agenda be amended to reschedule correspondence item 2012-241 to the August 20th, 2012 Council meeting and to include the following correspondence items: 2012-237-3, 2012-255-1, 2012-255-2, 2012-255-3, 2012-256, 2012-256-1, 2012-256-2, 2012-257.

CARRIED

ADOPTION OF MINUTES:

Council – June 25, 2012

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, June 25, 2012, be adopted.

CARRIED

Special Council – June 27, 2012

MOVED by Councillor Green
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, June 27, 2012, be adopted.

CARRIED

Special Council – July 16, 2012

MOVED by Councillor Ney
Seconded by Councillor Green, That the minutes of the Special Council meeting held on Monday, July 16, 2012, be adopted.

CARRIED

Committee of the Whole – July 16, 2012

MOVED by Councillor Ney

Seconded by Councillor Green, That the minutes of the Committee of the Whole meeting held on Monday, July 16, 2012, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen noted that tonight's Council meeting includes the Mayor's Remarks category and Public Participation Period, in keeping with the recent amendments to the Procedure Bylaw. He also provided an update on the status of the consultant agreement for Archives, congratulated the organizers of Celt Fest, and drew attention to the upcoming annual classic car show on August 5, 2012.

PUBLIC PARTICIPATION PERIOD:

David Godfrey, Oak Bay resident described his concerns with respect to both the tree removal occurring on Victoria Avenue and the Tree Protection Bylaw, noting that healthy trees are being damaged unnecessarily by construction. He observed that there are non-explosive methods of rock removal that should be considered.

Kathleen Matthews, Oak Bay resident noted that municipal staff are unable to remove limbs from the large oak tree on her property due to safety issues raised by BC Hydro. She stated that the tree on a neighbouring property could also impact the hydro lines. In conclusion, she suggested that large trees should be monitored, so that these issues are addressed proactively.

In discussion with the Administrator, Mayor Jensen noted that the Parks Manager can provide a response at a following meeting of Council with respect to concerns regarding the Tree Bylaw and tree maintenance issues.

COMMUNICATIONS:

1. 2012-237 JAMES CHESTNUT, July 18, 2012
- 2012-237-1 DESIGN ENGINEER, July 10, 2012
- 2012-237-2 MUNICIPAL ARBORIST, May 10, 2012
- 2012-237-3 JAMES CHESTNUT, July 20, 2012
- EXCERPT FROM COUNCIL MEETING MINUTES, June 11, 2012
- 2012-194 OAK BAY HERITAGE COMMISSION, May 15, 2012
- 2012-194-1 JAMES CHESTNUT, June 11, 2012
- 2012-142 DIRECTOR OF BUILDING AND PLANNING, April 18, 2012
Re Minutes of Meeting / 1936 Hampshire Road Heritage Alteration Permit

James Chestnut, applicant emphasized his concerns with respect to the safety and livability of the subject property, noting that it is unsafe to transport his children across the street on a daily basis and that no viable alternative to his proposal has been provided.

He observed that the bylaw requirements with respect to the slope make it necessary to remove the chestnut trees and that it is not possible to open the doors of their vehicle from within the existing garage; furthermore, the topography of the site makes the existing driveway the only possible egress to the street.

In response to questions from the Mayor, the Administrator clarified that if Council supports the proposal by Mr. Chestnut a heritage alteration permit is required.

In response to questions from Council, Mr. Chestnut stated that this portion of Hampshire Road is not safe for a family with young children and that the parking space in front of his home is not guaranteed to be available for their use. He noted that the garage is too narrow and has poor sightlines, making it unusable, and that extending the garage further into the property would still require backing on to the road. In conclusion, he noted that when purchasing the dwelling, he was unaware of the difficulty in accessing parking nearby.

At the request of Council, the Design Engineer reviewed his analysis of the passenger car turning paths accessing and exiting the subject property.

The Director of Building and Planning responded to questions from Council noting that painting a yellow line on the south-side of the street could enhance the sightlines and that instituting residential only parking on this section of Hampshire Road could improve parking availability. Mr. Thomassen also reviewed the accident information at Bowker Avenue and Hampshire Road.

Councillor Green noted that if traffic calming measures were undertaken on Hampshire Road, consideration would also need to be given to enforcement.

In response to further questions, Mr. Thomassen noted that a statement of significance for the subject property was provided by the Oak Bay Heritage Commission and that the heritage elements of the site were noted in the designation. He stated that the width of the existing garage met the requirements in the Parking Facilities Bylaw and that the blasting needed to lower the garage previously was undertaken at the Municipality's expense.

The comments from the Oak Bay Heritage Commission on May 15, 2012 with respect to the application were reviewed by Councillor Copley, who then spoke in favour of finding alternatives to the proposed Heritage Alteration Permit.

MOVED by Councillor Copley

Seconded by Councillor Green, That the Heritage Alteration Permit application for 1936 Hampshire Road be referred to staff for further information on speeding, traffic calming, and parking signage on Hampshire Road.

Councillor Green spoke in regards to the accident analysis, the potential value of traffic calming and observed that it is common in Oak Bay not to have designated parking and to back on to a busy street.

Councillor Murdoch expressed concerns with again deferring decision on the application.

Lori Chestnut, applicant stated that instituting residential only parking or traffic calming measures in the area will not address the issues with excessive speed that are the result of a four-way stop located near the subject property. She noted that it would be very difficult to back into the subject property with a vehicle and that the garage should be updated to reflect the modern standard of living; preventing this kind of modernization will discourage other home-owners from applying for heritage designation.

James Chestnut, applicant stated that backing into the subject property with a vehicle is unsafe. He noted that without designated parking for his dwelling, he would make no further investments into the site.

Councillor Herbert requested that speed tape be used to record the traffic in front of the subject property.

Councillor Ney spoke in support of traffic calming and enhancing on-site parking at the subject property.

The question was then called.

CARRIED
Councillor Murdoch against the motion

Mayor Jensen noted that he would like staff to give consideration to the potential impacts of the following: painting a yellow line in front of the subject property; re-aligning the centre line on the road; instituting residential only parking; and providing another parking bay.

In response to comments from Council, Mr. Thomassen noted that information on improving the sightlines from the subject property was included in the Design Engineer's report.

- 2. 2012-238 OAK BAY HERITAGE COMMISSION, July 17, 2012
- 2012-218 DIRECTOR OF BUILDING AND PLANNING, June 19, 2012
- Re Heritage Revitalization Agreement – 2176 Windsor Road

Kerry Crofton, applicant spoke in regards to the proposal and noted that she wanted to amend the subdivision application to address recommendations by the Oak Bay Heritage Commission that the green space to the west of the dwelling also be preserved. Ms. Crofton then circulated a proposed revision, showing the subdivision line running east to west instead of north to south.

The Administrator advised that if a revised subdivision application is proposed, it would need to return to the Approving Officer for review before proceeding; however, as the Oak Bay Heritage Commission has already provided a statement of significance for the subject property, the process towards achieving a Heritage Revitalization Agreement for the revised subdivision application is already partially complete.

Mayor Jensen noted that provincial legislation requires the Approving Officer to undertake a review of any subdivision applications independent of Council.

Mr. Brennan clarified that the process is for a Heritage Revitalization Agreement and not a Heritage Designation.

In response to comments by the applicant, the Director of Building and Planning noted that staff are working on a streamlined process for Heritage Revitalization Agreements.

Pat Wilson, Chair of the Oak Bay Heritage Commission stated that the commission would like to see the negotiated Heritage Revitalization Agreement for the subject property and emphasized that both the dwelling and the green space were of heritage significance. She noted that it does not make sense to further delay the application.

Mr. Brennan noted that the revised subdivision application needs to be reviewed by the Approving Officer and the details of the Heritage Revitalization Agreement for 2176 Windsor Road clarified; however the commission has already determined the heritage significance of the subject property, and this part of the process will not need to be replicated.

MOVED by Councillor Ney

Seconded by Councillor Green, That staff be directed to draft a Heritage Revitalization Agreement for 2176 Windsor Road for further consideration by Council, subject to direction from the Approving Officer.

CARRIED

3. 2012-239 OAK BAY HERITAGE COMMISSION, June 19, 2012
Re Minutes of Meeting

MOVED by Councillor Herbert

Seconded by Councillor Green, That the minutes of the June 19, 2012 Oak Bay Heritage Commission meeting be received.

CARRIED

4. 2012-240 DIRECTOR OF BUILDING AND PLANNING, July 19, 2012
2012-240-1 MUNICIPAL CLERK, July 19, 2012
2012-240-2 CHRISTOPHER AND HELEN SLADE, July 18, 2012
2012-196 CHRISTIANE SELENZ, June 3, 2012
2012-196-1 CHRISTOPHER AND HELEN SLADE, June 6, 2012
2012-196-2 CHRISTOPHER AND HELEN SLADE, June 25, 2012
2012-196-3 BALRAM SHOTAM, June 21, 2012
Re Development Variance Permit Application (REVISED) – 323 King George Terrace

Scott Judson, applicant responded to questions with respect to the location and railings of the proposed walkway access, noting that a ramp had been included for maintenance but that he was unaware it should be identified on the plans submitted.

The Director of Building and Planning stated that the building permit would address issues with respect to railings, but that access to the roof is an important element of the proposal and should be indicated on the plans.

Christopher Slade, Oak Bay resident stated in response to questions from Council that his concerns with respect to the view on the east deck have been addressed.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 323 King George Terrace (Parcel A (DD D57199) of Lot 11, Section 22, Victoria District, Plan 2103), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (3) (a) Maximum building height (east deck enclosed into bedroom)	5.6 m	7.65 m	2.05 m
6.5.4.(3) (b) Maximum occupiable height (new west deck)	3.5 m	5.51 m	2.01 m

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (6) (a) Maximum gross floor area above .8 meters below grade	240 m ²	302.2 m ²	62.2 m ²
6.5.4. (11) Minimum second storey side lot line setback (west deck encroaches into second storey setback)	3.0 m	2.1 m	0.9 m

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 323 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.”

CARRIED

6. 2012-242 DIRECTOR OF BUILDING AND PLANNING, July 16, 2012
Re Rezoning Application – 2280 Estevan Avenue

Carl Peterson, Architect reviewed the rezoning application noting that the existing dwelling needs to be upgraded and that subject property is an appropriate location for a duplex, given the other duplexes in the neighbourhood. He stated that an earlier consultation process indicated that the neighbours did not support townhouses for the site, but that a duplex could be supportable. He observed that the proposed setbacks conform to the existing zoning and that the proposed massing, roof design, height and overall appearance of the proposed duplex are in keeping with the neighbouring properties.

Councillor Murdoch noted the subject property is a logical location for a duplex and the proposed design is good. He expressed concerns with regards to considering the proposal prior to the Official Community Plan process and observed that the subject property is smaller than others used for duplexes.

Mr. Peterson noted that the subject property is unusual in the amount of adjacent boulevards, which increases the open space surrounding the property.

Councillor Green spoke in support of alternative housing options and addressing housing affordability.

The Mayor noted that it would be useful to get a sense of the relative size of the proposed duplex compared to the neighbouring properties, especially the live/work townhouse complex.

Councillor Ney spoke in support of the proposed use, design and the appropriate increase in density.

Councillor Herbert noted that though the proposed design is attractive, the rezoning should be considered as part of the Official Community Plan Process.

Councillor Copley noted that there is a growing demand for duplexes and that the Official Community Plan makes some allowance for this kind of use. She also noted that there has been considerable initial consultation with the neighbourhood and that this application could serve as a template for future duplexes.

MOVED by Councillor Copley

Seconded by Councillor Green, That the rezoning application for 2280 Estevan Avenue be referred to Committee of the Whole.

CARRIED

7. 2012-243 DEMEZEY MEMORIAL ABBEYFIELD LEGACY SOCIETY, June 26, 2012
Re Request for Financial Assistance

In response to questions from Council, the Municipal Treasurer noted that the DeMezey Memorial Abbeyfield Legacy Society provided additional financial information to address Council's comments at the April 11, 2012 meeting of the Estimates Committee.

Councillor Herbert noted that additional information is needed, including a current financial statement and clarification on the total cost of the window upgrade project at 931 Foul Bay Road and any other sources of funding.

Councillor Copley noted that the society should be made aware of the need for a Heritage Alteration Permit and spoke in support of the use of storm windows for the project.

MOVED by Councillor Herbert,

Seconded by Councillor Copley, That the DeMezey Memorial Abbeyfield Legacy Society:

1. Be asked to provide the following: total cost of the window upgrade project at 931 Foul Bay Road (Kildonan); the amount of any other sources of funding to be used towards the same project; and a current financial statement; and
2. Be advised that a Heritage Alteration Permit would be required for the window upgrade project at 931 Foul Bay Road (Kildonan).

CARRIED

8. 2012-244 FRIENDS OF UPLANDS PARK, Undated
2012-244-1 FRIENDS OF UPLANDS PARK, Undated
Re Request for Uplands Park Kiosk and Bicycle Racks

Margaret Lidkea and Kathleen Matthews, applicants reviewed the Friends of Uplands Park request for installation of a kiosk and bicycle racks in Uplands Park. The applicants noted that the existing kiosk at Cattle Point has out of date information and should be relocated and that the concepts for both the kiosk and the bicycle racks need to be approved by Council prior to the Friends of Uplands Park pursuing other funding opportunities.

MOVED by Councillor Green,

Seconded by Councillor Herbert, That the correspondence from the Friends of Uplands Park requesting installation of a kiosk and bicycle racks in Uplands Park be received and that the request be referred to Committee of the Whole.

Councillor Green commented that, though she is supportive of the proposal, she would like staff to comment on the safety of the proposed location for the bicycle racks.

Councillor Copley noted that staff should also provide comment on the environmental and heritage impacts of the proposal.

In response to questions from members of Council with respect to the approval process for the proposed kiosk and bicycle racks, the applicants noted that the proposal has already been forwarded to the Parks and Recreation Commission.

The question was then called.

CARRIED

9. 2012-245 VANCOUVER ISLAND HEALTH AUTHORITY, May 1, 2012
Re: Request to prohibit smoking and tobacco use in public areas

In response to questions from Council, the Administrator noted that the request by Vancouver Island Health Authority would be best addressed through a region-wide approach by the Capital Regional District.

MOVED by Councillor Herbert,
Seconded by Councillor Green, That the Vancouver Island Health Authority's request to prohibit smoking and tobacco use in public be forwarded to staff for a report back to Council on a regional approach to the issue and information with respect to action taken by other regional municipalities.

Councillor Green expressed concern with respect to the potential enforcement issues.

The question was then called.

CARRIED

10. 2012-246 OAK BAY VOLUNTEER SERVICES SOCIETY, July 10, 2012
Re Request for Financial Assistance

Councillor Herbert noted that he would like to see a current financial statement for the Oak Bay Volunteer Services Society and that information should be provided with respect to the potential surplus identified in the previous financial statement.

MOVED by Councillor Herbert,
Seconded by Councillor Green, That the Oak Bay Volunteer Services Society be asked to provide a current financial statement and information on the use of reserve funds.

Councillor Murdoch expressed concerns that funds provided be used directly for volunteer services.

Councillor Copley requested that information be provided with respect to any fundraising activities undertaken by the society.

The question was then called.

CARRIED

11. 2012-247 NANCY TIENHAARA, June 21, 2012
Re Request for Temporary Road Closure for Block Party, Linkleas Avenue –
September 8, 2012

MOVED by Councillor Ney

Seconded by Councillor Copley, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Linkleas Avenue, between McNeill Avenue and Central Avenue, on Saturday, September 8, 2012, from 3:00 o'clock p.m. to 7:00 o'clock p.m.

CARRIED

12. 2012-248 BOBBI BARTLE-CLAR, June 23, 2012
Re Request for Temporary Road Closure for Block Party, Oliver Street –
August 11, 2012

MOVED by Councillor Ney

Seconded by Councillor Copley, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Oliver Street, between Central Avenue and Tinto Street, on Saturday, August 11, 2012, from 9:00 o'clock a.m. to 9:00 o'clock p.m.

CARRIED

13. 2012-249 DEIRDRE VINCENT ET AL, June 24, 2012
Re Request for Temporary Road Closure for Block Party, Dover/Devon Roads
– August 26, 2012

MOVED by Councillor Copley

Seconded by Councillor Herbert, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on the cul-de-sacs of Dover Road and Devon Road, on Sunday, August 26, 2012, from 4:30 o'clock p.m. to 7:30 o'clock p.m.

CARRIED

14. 2012-250 DIANNA LOGAN, July 11, 2012
Re Request for Temporary Road Closure for Block Party, Hamiota Street –
August 18, 2012

MOVED by Councillor Green

Seconded by Councillor Herbert, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Hamiota Street, on Saturday, August 18, 2012, from 2:00 o'clock p.m. to 9:00 o'clock p.m.

CARRIED

15. 2012-251 DOUG KELK, July 15, 2012
Re Request for Temporary Road Closure for Block Party, Heron/Lincoln
Streets – September 8, 2012

MOVED by Councillor Green

Seconded by Councillor Copley, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Heron Street and Lincoln Street, south of Estevan Avenue, on Saturday, September 8, 2012, from 12:45 o'clock p.m. to 4:00 o'clock p.m.

CARRIED

16. 2012-252 SHAWN DAVISON, July 18, 2012
Re Request for Temporary Road Closure for Block Party, Kinross Avenue –
August 11, 2012

MOVED by Councillor Copley

Seconded by Councillor Herbert, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Kinross Avenue, on Saturday, August 11, 2012, from 2:00 o'clock p.m. to 9:00 o'clock p.m.

CARRIED

17. 2012-219 OAK BAY UNITED CHURCH, June 19, 2012
2012-219-1 DIRECTOR OF BUILDING AND PLANNING, June 22, 2012
2012-219-2 PETER WATSON, June 25, 2012
Re Restrictive Covenant – Thrift Shop Use

Russ Reed, Oak Bay United Church responded to questions from Council noting that some concerns have been raised by residents with respect to traffic and parking, but that the intention is to have the minimum impact on the neighbourhood. He observed that the space constraints of the site will eliminate further expansion of the thrift shop and that relocating the thrift shop would block access to the kitchen and require additional fill. In conclusion, he stated that there would be a total loss of two parking spaces and that parking is only an issue during Sunday service.

In response to questions from Council, the Design Engineer noted that there have been complaints with regards to traffic, speed and parking in this area and that the impact of the thrift shop on Fridays has been a concern for residents.

Councillor Green noted that this is a high density area of the municipality and that it would be difficult to determine the exact source of traffic issues in this area.

It was noted that the District of Oak Bay provides a grant to the Oak Bay United Church to permit parking in the church lot during weekdays for municipal workers and others employed in the village.

Mayor Jensen and the Administrator confirmed that a notification process is not required to enter into a new restrictive covenant with the Oak Bay United Church, but that notification was required for the associated development variance permit.

Robert McRae, resident stated that he has expressed concerns with regards to the traffic issues in this area and that these issues have had a significant impact on the neighbourhood. He observed that, though the thrift shop provides a good service to the community, there have been incremental changes to its operation over the years. He suggested that a larger conversation is needed with the community regarding issues with the thrift shop such as business operation, parking, traffic and changes to the covenant. In conclusion, he questions if sufficient consideration has been given to other options for the location and operation of the thrift shop.

Ken Adsett, Chairman of Trustees for the Oak Bay United Church responded to questions and comments noting that consideration has been given to many options and that the current proposal is the least obtrusive. He stated that he has not found parking at the church to be problematic on Friday mornings and that closing Oak Bay Avenue has a greater impact on traffic patterns for Granite Street than the thrift shop. The proposed restrictive covenant and the associated development variance permit, he noted, are both necessary to provide sufficient space for the thrift shop; furthermore, the church is dependent on the funds provided by the thrift shop.

In response to further questions, Mr. Adsett discussed the decline in church membership and changes in use of the church buildings. He also noted there is an average attendance of 140 at Sunday services.

In response to questions from the public, the Director of Building and Planning noted that it is his understanding that 2095 Granite Street is a consolidated single lot; the proposed restrictive covenant would apply to the consolidated lot. He stated that a new restrictive covenant is needed, rather than an amendment to the existing restrictive covenant.

Mr. McRae observed that with the proposed addition, there will be five separate buildings located on the single lot of 2095 Granite Street.

It was the consensus of Council that the proposed restrictive covenant be addressed during consideration of the associated development variance permit for 2095 Granite Street.

18. 2012-253 ENDORSEMENT OF THE DISTRICT OF OAK BAY STRATEGIC
PRIORITIES REPORT, March 2012

MOVED by Councillor Ney

Seconded by Councillor Copley, That the District of Oak Bay Strategic Priorities Report, dated March 2012, be endorsed.

The Administrator noted that the District of Oak Bay Strategic Priorities Report should be considered a living document and should be regularly reviewed.

Members of Council spoke in support of the priority setting process and the importance of flexibility in response to both challenges and opportunities. It was also noted that the dates for the next meeting of staff and Council and for the neighbourhood meetings should be identified.

The question on the main motion was then called.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Official Community Plan Project Advisory Committee – Amendment to the Terms of Reference

Councillor Copley proposed that the terms of reference for the Official Community Plan Project Advisory Committee be amended to increase the number of community representatives from 4 to 6. She then provided an overview of the rationale for the proposed amendment.

MOVED by Councillor Copley

Seconded by Councillor Green, That that the terms of reference for the Official Community Plan Project Advisory Committee be amended to increase the number of community representatives from 4 to 6.

CARRIED

Sewage Treatment

Councillor Murdoch discussed the Environmental Advisory Committee's interest in sewage treatment and noted that members of this committee were subject matter experts in this field.

Members of Council noted that the complexity and volume of the information with respect to sewage treatment could be overwhelming for an advisory committee to address.

In response to Council discussion, Councillor Murdoch noted that the Environmental Advisory Committee could provide an information session to Council with respect to sewage treatment.

TABLED:

Development Variance Permit –2440 Cardigan Road

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2440 Cardigan Road (Lot 1, Section 31, Victoria District, Plan 47015), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.6.5 & 4.6.5. (2) <i>Projection from face of building may intrude into the required interior setback (East)</i>	.45 m	.73 m	.28 m
4.15.1 <i>Maximum paved surface (Front Yard)</i>	25% 118 m ²	46.6% 220.6 m ²	16.6% 102.6 m ²

to accommodate the addition of a multi car garage and rear addition to the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2012-207, being a memorandum from the Director of Building and Planning dated June 12, 2012.

CARRIED

Mayor Jensen noted that he was in opposition to the application as the siting on the lot is not in keeping with the park-like setting of the area.

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

CARRIED
Mayor Jensen against the motion

Development Variance Permit – 1221 Victoria Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1221 Victoria Avenue (Lot 7, Block 1, Section 23, Victoria District, Plan 1091), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (10) Front yard contextual setback	Between 8.12 m & 11.12 m	14.7 m	3.58 m

to accommodate the construction of a pergola in the front yard as shown on the plans appended to Committee of the Whole agenda item 2012-209 being a memorandum from the Director of Building and Planning dated June 11, 2012.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the main motion be amended to delete the words “pergola in the front yard” and replace them with the words “single family dwelling”.

CARRIED

John Armitage, resident stated that he supported the development variance permit, but that it would have been preferable for the proposed dwelling to have been designed to be in keeping with this particular site. He noted that the process to protect trees seems unnecessarily complex and that the protection offered by the Tree Protection Bylaw is insufficient.

David Godfrey, resident stated that he is a member of the Oak Bay Green Committee and that he agrees with the previous speaker. He noted that consideration of tree preservation comes very late in the development process and that it can be beneficial to know the location of tree roots before plans are finalized.

Blair Paterson, resident spoke in support of the development variance permit and noted that the applicants have undertaken this process voluntarily. He also noted that the Tree Protection Bylaw would benefit from a review.

In response to questions from the public, the Administrator noted that the development variance permit does not regulate the impact of development on trees.

In response to questions from the public, the Director of Building and Planning noted that construction of the garage on the neighbouring property at 1231 Victoria Avenue can not proceed without an arborist on site; if the arborist finds significant roots, the garage must be relocated. With regards to the current application, he stated that staff will need to work with the designer and owner to address impact on tree root zones, perhaps through elimination of the crawl space.

Grant Evans, applicant noted that the intention is to retain the mature trees on the property, while still being able to construct a dwelling with a lower level on the site. He stated that he is willing to work with Oak Bay staff to find a solution if the crawl space impacts a major root zone.

The question on the main motion, as amended, was then called.

CARRIED

Development Variance Permit – 2035 Neil Street

MOVED by Councillor Green

Seconded by Councillor Copley, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2035 Neil Street (Lot 6, Section 28, Victoria District, Plan 6414), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1	25%	35.1%	10.1%
Maximum paved surface (Front Yard)	36.6 m ²	51.4 m ²	14.8 m ²

to accommodate the increase in paved surface of the front yard as shown on the plans appended to Committee of the Whole agenda item 2012-210, being a memorandum from the Director of Building and Planning dated June 11, 2012.

CARRIED

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

CARRIED

Development Variance Permit – 2095 Granite Street

MOVED by Councillor Green

Seconded by Councillor Herbert, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2095 Granite Street (Lot 1, Section 23, Victoria District, Plan VIP58102), varying the following provisions of Bylaw No. 3540, Parking Facilities Bylaw, 1986, as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.3.1. + Schedule 'A'	163 stalls	49 stalls	114 stalls
Required number of parking stalls			

to accommodate the elimination of three existing parking stalls for the construction of an accessory building as shown on the plans appended to Committee of the Whole agenda item 2012-211, being a memorandum from the Director of Building and Planning dated June 14, 2012.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Green, That the main motion be amended to insert the words “to amend Development Variance Permit 93-4” immediately after the words “Development Variance Permit”.

CARRIED

Janet Poth, resident stated that though she is happy to see the renovations underway for the Oak Bay United Church, parking and traffic is an issue in this area and she questions if the emergency access is sufficient. She noted that restricting parking on certain streets will likely cause the issues to relocate elsewhere in the area. She agreed with Mr. McRae who spoke previously during discussion of the proposed restrictive covenant that this is a larger issue that requires more consideration. In conclusion, she questioned the Sunday parking restrictions on Mitchell Street, as the parking issues arise primarily on Fridays.

Councillor Green commented that the Sunday parking restrictions on Mitchell Street seem problematic and consideration could be given to the church hosting an annual neighbourhood meeting to discuss these kinds of concerns.

Councillor Murdoch noted that the traffic study for Granite Street did not find issues with respect to excessive speed, but did find that traffic flow on Fridays was impacted. He observed that the common public complaints were with regards to traffic flow and parking issue on Fridays and that the public did not identify parking on Sundays as a concern. In conclusion, he observed that the appearance of the proposed accessory building is not in keeping with the heritage character of the restored church building.

Ken Adsett, Chairman of Trustees for the Oak Bay United Church responded to comments and noted that he would take back the idea of a neighbourhood meeting to the Board of Trustees.

The question on the main motion, as amended, was then called.

CARRIED

Councillor Murdoch against the motion

2095 Granite Street - Restrictive Covenant – Thrift Shop Use

This item was initially considered under Correspondence Item No. 17 and then deferred to this portion of the meeting at the consensus of Council.

In response to questions, the Director of Building and Planning noted that though some of the terms in the existing restrictive covenant are null and void, others should be maintained in the new restrictive covenant. He stated that Council should also consider on what areas of the property the thrift shop sales use should be permitted under the new covenant.

Mayor Jensen noted that more information is required with respect to the issues and impacts of the wording of the new restrictive covenant.

Councillor Green suggested that it would also be useful to have information from any neighbourhood meetings hosted by the church prior to finalizing the new restrictive covenant.

The Administrator noted that, given the comments by Mr. Thomassen, clarification is needed from Council with respect to which terms from the existing restrictive covenant should be brought forward into the new restrictive covenant. He noted that the development variance permit for 2095 Granite Street should be issued after the new restrictive covenant is finalized.

MOVED by Councillor Green

Seconded by Councillor Herbert, That Council agree in principle to enter into a Section 219 restrictive covenant with the owners of 2095 Granite Street, subject to a staff report clarifying details with respect to inclusion of terms from the existing restrictive covenant and definition of the areas on the subject property where thrift shop sales use would be permitted.

CARRIED

Development Variance Permit – 3555 Beach Drive

MOVED by Councillor Green

Seconded by Councillor Copley, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3555 Beach Drive (Lot 2, Section 31, Victoria District, Plan 6997), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (2) (a) <i>Minimum front lot line setback</i>	10.66 m	6.9 m	3.76 m

to accommodate the construction of a pergola in the front yard as shown on the plans appended to Committee of the Whole agenda item 2012-212 being a memorandum from the Director of Building and Planning dated June 15, 2012.

CARRIED

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

CARRIED

RESOLUTIONS:

Attendance at the Union of British Columbia Municipalities Convention

MOVED by Councillor Green

Seconded by Councillor Herbert, That Council approve the attendance of Oak Bay Council Members, at the 2012 Union of British Columbia Municipalities Convention, to be held in Victoria, BC, September 24 to September 28, 2012, and the payment of expenses incurred by them.

CARRIED

Bowker Creek Blueprint

MOVED by Councillor Ney

Seconded by Councillor Copley, That Oak Bay Municipal Council endorse the “*Bowker Creek Blueprint – A 100 Year Action Plan to Restore the Bowker Creek Watershed*”.

Councillor Herbert noted that he is concerned with respect to the issues identified in Administrator’s report and cannot support the resolution as it stands.

In response to questions from Council, the Administrator reviewed his memorandum noting that both the District of Saanich and the City of Victoria have endorsed the Bowker Creek Blueprint. He stated that, from the staff perspective, development permit guidelines may not be the best tool for Oak Bay; however, staff can work with the neighbouring municipalities to progress towards the vision of the blueprint using other best practices. In conclusion, he noted that endorsing the blueprint does not mean that Council is required to undertake all the items included in the blueprint.

Councillor Copley noted that it is important to endorse the principles of the blueprint and to work with the neighbouring communities.

The question on the motion was then called.

CARRIED

Councillor Herbert against the motion

Development Variance Permit – 3275 Beach Drive

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3275 Beach Drive (Lot 3, Section 31, Victoria District, Plan 5447), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (2)(c) + Schedule ‘C’ Minimum side lot line setbacks	4.57 m	4.13 m	0.44 m
6.2.4. (2)(e) + Schedule ‘C’ Minimum total of side lot lines	12.19 m	11.68 m	0.51 m

to construct a one car addition to the existing garage as shown on the plans appended to Committee of the Whole agenda item 2012-235 being a memorandum from the Director of Building and Planning dated July 16, 2012.

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 3275 Beach Drive be tabled to the August 20, 2012 Council meeting to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1766 Armstrong Avenue

MOVED by Councillor Copley

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1766 Armstrong Avenue (Lot 6, Block 2, Section 28, Victoria District, Plan 1755), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (3)(b) Maximum occupiable height	4.27 m	4.48 m	0.2 m
6.5.4. (6)(a) Maximum gross floor area above .8 meters below grade	240 m ²	258 m ²	18 m ²
6.5.4.(11) Minimum second storey side lot line setback	3.0 m	1.5 m	1.5 m

to accommodate the existing top floor development as shown on the plans appended to Committee of the Whole agenda item 2012-236 being a memorandum from the Director of Building and Planning dated July 9, 2012.

MOVED by Councillor Copley

Seconded by Councillor Green, That the motion in respect to the development variance permit for 1766 Armstrong Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That Bylaw No. 4568, Financial Plan Bylaw, 2012, Amendment Bylaw No. 2, 2012 be adopted.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Ney, That Bylaw No. 4569, 1226 Roslyn Road Heritage Revitalization Agreement Authorization Bylaw, 2012 be introduced and read a first time.

CARRIED

MOVED by Councillor Copley

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

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Green, That a public hearing on Bylaw No. 4569 be held at the Oak Bay Municipal Hall, on August 20, 2012 at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned 10:55 p.m.

Certified Correct:

Deputy Municipal Clerk

Mayor