

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, June 11, 2012 at 7:30 p.m.

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

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

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

AGENDA:

MOVED by Councillor Ney  
Seconded by Councillor Copley, That the agenda be amended with the addition of correspondence item 2012-199.

CARRIED

ADOPTION OF MINUTES:

*Council – May 28, 2012*

MOVED by Councillor Ney  
Seconded by Councillor Kirby, That the minutes of the Council meeting held on Monday, May 28, 2012, be adopted.

CARRIED

COMMUNICATIONS:

1. 2012-187 CAPITAL REGION EMERGENCY SERVICES  
TELECOMMUNICATIONS, April 12, 2012  
Re Presentation on CREST

Gordie Logan, Chair, and Gord Horth, General Manager, Capital Region Emergency Services Telecommunications were in attendance, and provided a presentation on CREST's provision of emergency communications for police, fire and other safety service providers in the Capital Region.

Following the presentation, Mr. Logan and Mr. Horth answered various questions from members of Council regarding CREST.

2. 2012-188 COMMUNITY ASSOCIATION OF OAK BAY, June 4, 2012  
Re Presentation of Oak Bay Community Green Map

Tom Croft, President, Community Association of Oak Bay, was in attendance to present to Council a completed copy of the Oak Bay Community Green Map. Mr. Croft provided an overview of the development of the map, thanking Council for its financial contributions towards the project.

The map was well received by members of Council, who thanked the Association for its dedication in creating such a wonderful map that connects the community.

3. 2012-189 ANTHONY MEARS AND ERIC ZHELKA, June 2, 2012  
2012-189-1 SANDY MAYZELL AND JOHN GOULD, June 10, 2012  
2012-189-2 JOHN AND MAGGIE OWEN, June 11, 2012  
Re Request for Zoning Bylaw Amendment – Floor Area Regulations

Anthony Mears and Eric Zhelka, Oak Bay residents, made a power point presentation outlining their concerns about the size of housing developments on small lots. The presentation provided various options for Council to consider to address the issue, that they said arose from the zoning regulations implemented as a result of the work of the Floor Area Ratio Review Committee.

While one of the suggestions was to stop issuing building permits for the time being so that the regulations could be reviewed, staff confirmed that this would not be possible.

It was noted that inasmuch as staff have already been assigned the task of reviewing the regulations and reporting back to Council, the information presented by Mr. Mears and Mr. Zhelka should be referred to staff to be addressed in the report to come forward likely in the fall.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the presentation information in respect to correspondence item no. 2012-189 be referred to staff for consideration and that the staff report on the issue of floor area regulations be prepared in as timely a manner as possible.

The concerns raised by residents in respect to the floor area regulations were acknowledged and it was noted that the complexity of the issue required a thorough and thoughtful review to ensure any potential changes would not have unintended consequences.

The question was then called.

CARRIED

4. 2012-190 BARRY DENLUCK, April 15, 2012  
Re Request for Animal Control Bylaw Amendment – Keeping of Bees

Barry Denluck, Oak Bay resident and Co-President of the Capital Region Beekeepers Association, explained his request for amendments to the Animal Control Bylaw to enable residents with smaller lots to keep bees.

Staff noted that currently, the Animal Control Bylaw requires a setback of 6 metres from the property line for any beehive and that either the entrance to each beehive is located not less than 2.4 metres above the ground level or, if the entrance is less than 2.4 metres above the ground level, that the required fencing/screening is erected. Accordingly, a 6 metre setback for a beehive must be provided in any event under the current regulations.

The proposed change to the regulations would require that only one of the above conditions be met, and if either the second or third condition applies, then no setback from the property line would be required at all.

While support for amending the regulations to ensure bees could be kept on a small lot was expressed by some members of Council, staff concerns regarding the total elimination of a setback for bee hives from a property line in the rear yard were acknowledged.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That staff be directed to bring forward an amendment to the Animal Control Bylaw to accommodate the keeping of bees on small lots.

CARRIED

5. 2012-191 ED WALKER, May 22, 2012  
Re Request for Temporary Road Closure for Block Party, Pacific Avenue –  
July 1, 2012

MOVED by Councillor Copley

Seconded by Councillor Green, That permission be given for a temporary road closure for the purpose of a neighbourhood block party in the 2200 block of Pacific Avenue, on Sunday, July 1, 2012, from 1:30 o'clock p.m. to 5:30 o'clock p.m.

CARRIED

6. 2012-192 JULIE KO AND JAMES MURTAGH, June 3, 2012  
Re Request for Temporary Road Closure for Block Party, Plymouth Road –  
July 29, 2012

MOVED by Councillor Copley

Seconded by Councillor Green, That permission be given for a temporary road closure for the purpose of a neighbourhood block party between the 3400 block of Plymouth Road, on Sunday, July 29, 2012, from 3:00 o'clock p.m. to 8:00 o'clock p.m.

CARRIED

7. 2012-193 MUNICIPAL TREASURER, June 6, 2012  
Re Maritime Museum Request for Financial Assistance

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the request from the Maritime Museum for an operating grant in the amount of \$2,500 be approved.

CARRIED

8. 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

Pat Wilson, Chair of the Heritage Commission, was in attendance and updated Council on the Request for Proposals process in respect to the heritage strategic plan.

Discussion turned to the recommendation regarding the Heritage Alteration Permit application from the owners of 1936 Hampshire Road, and it was noted the Commission did not recommend approval of the application but suggested that other options be explored.

Ms. Wilson indicated that while the Commission did not recommend approval of the application, it was not averse to some modification of the property that is formally protected as heritage property. The concerns of the Commission related to the concept of streetscape, which, she said, the Commission wants to see retained.

In terms of the safety aspects of the street raised by the applicants, Ms. Wilson noted that the Commission's focus was on the heritage aspects of the property and not traffic safety.

James Chestnut, applicant, said that it was imperative that members of Council visit the site to assess the safety concerns he has raised regarding the street in which he lives relative to his application for a heritage alteration permit that would remove a portion of the heritage designated garage and roof to accommodate a new driveway up to the rear of the property where a new garage is proposed to be constructed.

Dr. Chestnut drew attention to the safety concerns he has raised, noting that a member of the Oak Bay Police Department had assessed the situation and concurred with him that there was a safety issue in relation to accessing the property. He said that while he values the heritage aspects of the property, he needs to ensure the safety of his family. Dr. Chestnut went on to say that he did not purchase the property with any intention of demolishing the garage, but at the time, he was unaware of the safety issues.

There was further discussion, and all agreed that a site visit by members of Council should be arranged prior to further consideration of the application.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That the Heritage Alteration Permit application for 1936 Hampshire Road be deferred to a future meeting of Council to allow a site visit by all members of Council.

CARRIED

It was suggested that information in relation to accident statistics and traffic complaints for the area be brought forward for consideration when the application was next considered by Council.

9. 2012-195 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, May 2, 2012  
Re Minutes of Meeting

Councillor Murdoch provided an overview of the contents of the meeting. Attention was drawn to the excellent work of the Oak Bay Green Committee in sorting and collecting recyclable waste from the Oak Bay Tea Party event.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That minutes of the Oak Bay Environmental Advisory Committee meeting held on May 2, 2012 be received.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Ney, That a letter of thanks be forwarded to the Oak Bay Green Committee in recognition of its outstanding work in respect to the sorting and recycling of waste from the Oak Bay Tea Party.

CARRIED

10. 2012-199      LEN KIRBY, June 11, 2012  
Re Request for Temporary Road Closure for Block Party, Dalhousie Street –  
June 23, 2012

Councillor Kirby, stating a conflict of interest as she lives in the 2200 block of Dalhousie Street, left the meeting at 9:45 p.m.

MOVED by Councillor Ney

Seconded by Councillor Green, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on the 2200 block of Dalhousie Street, on Saturday, June 23, 2012, from 2:00 o'clock p.m. to 10:00 o'clock p.m.

CARRIED

Councillor Kirby returned to the meeting at 9:46 p.m.

11. 2012-196      CHRISTIANE SELENZ, June 3, 2012  
2012-196-1      CHRISTOPHER AND HELEN SLADE, June 6, 2012  
Re Development Variance Permit Application – 323 King George Terrace
12. 2012-197      O.A. FORSTER ET AL, May 13, 2012  
Re Development Variance Permit Application – 2267 Allenby Street
13. 2012-198      ANN AND PIERRE BLONDEAU, June 8, 2012  
Re Development Variance Permit Application – 867 Hampshire Road

MOVED by Councillor Ney

Seconded by Councillor Copley, That correspondence item nos. 2012-196 through 2012-198 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*Bowker Creek Blueprint*

Councillor Ney provided notice that she intends to bring forward, at the July meeting, a resolution to endorse the Capital Regional District Bowker Creek Initiative's Bowker Creek Blueprint.

*June 27, 2012 Special Meeting re 2251 Cadboro Bay Road (Oak Bay Lodge property)*

The question was raised about whether or not holding special meeting to consider the issuance of a development variance permit in relation to the Oak Bay Lodge property at the Municipal Hall should be reconsidered. There was discussion and it was felt by Council that inasmuch as the opportunity for public input would be at Monterey Centre on Tuesday, June 19<sup>th</sup>, and that the meeting on the 27<sup>th</sup> was meant for Council deliberation, that no changes should be made in the location for the meeting.

*Neighbourhood Town Hall Meetings*

In response to questions about dates for holding town hall neighbourhood meetings, staff confirmed that potential dates would be put before Council in the fall in this regard.

*Letters of Appreciation*

Mayor Jensen drew attention to two letters he received commending staff on a job well done. One letter he read out was from Mr. and Mrs. Loveday in appreciation of Superintendent of Public Works, Phil Barnett, who the Loveday's said "does what he says, when he says".

The second letter, said Mayor Jensen, came from Robert Amos, who was very impressed with the public works staff in respect to quickly addressing his concerns regarding the relocation of the sewer in front of his house.

TABLED:

***Development Variance Permit –323 King George Terrace***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 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) <i>Maximum building height (east deck enclosed into bedroom)</i>	5.38 m	7.65 m	2.27 m
6.5.4.(3) (b) <i>Maximum occupiable height (new west deck)</i>	3.36 m	5.51 m	2.15 m
6.5.4. (6) (a) <i>Maximum gross floor area above .8 meters below grade</i>	240 m <sup>2</sup>	302.2 m <sup>2</sup>	62.2 m <sup>2</sup>
6.5.4. (11) <i>Minimum second storey side lot line setback (west deck encroaches into second storey setback)</i>	3.0 m	2.1 m	0.9 m

*to accommodate the enclosure of the east top floor deck and development of an existing west flat roof into a new deck area as shown on the plans appended to Committee of the Whole agenda item 2012-174, being a memorandum from the Director of Building and Planning dated May 13, 2012.*

CARRIED

Chris Slade, Oak Bay resident, drew attention to the concerns, as an adjacent neighbor, laid out in his letter to Council, and said he is strongly opposed to the requested variances. He noted that the house is already non-conforming, asking that Council not make that worse with approval of the application. He also said the new deck would intrude on his privacy and questioned whether or not the plans accurately reflected the proposed work.

Scott Judson, applicant, noted he did speak to all of his neighbours, including Mrs. Slade, who did not seem opposed to the plans when she first viewed them.

Referring to the concerns about the plans expressed by Mr. Slade, Mr. Judson confirmed that no changes to the house are proposed other than the enclosure of one deck and the development of a roof area into a deck.

Responding to questions, Mr. Judson noted that the Slades only have a glancing view of the east side of the house, and also acknowledged that he is not requesting to increase any existing heights of the existing structure. He also confirmed that the new deck would not be accessed from the house, and no door would be installed. Access, he said, would be from the garden via a walkway.

In response to a member of the Committee asking Mr. Judson if he would be willing to discuss the changes further with his neighbor, and look at the actual impact Mr. and Mrs. Slade's property, prior to final consideration of his application, Mr. Judson agreed that he would.

MOVED by Councillor Green

Seconded by Councillor Coley, That the motion be tabled and deferred to the June 25, 2012 Council meeting.

CARRIED

***Development Variance Permit –2458 Dryfe Street***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 2458 Dryfe Street (Lot 43, Section 28, Victoria District, Plan 8600), varying the following provisions of Bylaw No. 3540, Parking Facilities, 1986, as amended:*

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule "A", A.1. (a) Minimum No. of Parking Spaces	2 spaces, Incl. 1 in the building	1 space (none in the building)	1 space (waive the "1 space in the building" requirement)

*to accommodate the basement development as shown on the plans appended to Committee of the Whole agenda item 2012-175, being a memorandum from the Director of Building and Planning dated May 13, 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 –3155 Beach Drive***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 3155 Beach Drive (Lot 3, Block 10, Section 31, Victoria District, Plan 1216A), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:*

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
<u>Principle Building</u>			
6.1.4. (3) (a) & Schedule 'B' Maximum building height	7.32 m	9.68 m	2.36 m
6.1.4. (3) (c) & Schedule 'B' Maximum roof height	9.14 m	12.26 m	3.12 m
<u>Accessory Building</u>			
6.1.4 (3) (a) & Schedule 'B' Maximum building height	3.0 m	4.45 m	1.45 m
6.1.4 (3) (c) & Schedule 'B' Maximum roof height	4.6 m	5.5 m	0.9 m

*to accommodate the construction as shown on the plans appended to Committee of the Whole agenda item 2012-176, being a memorandum from the Director of Building and Planning dated May 13, 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 – 2267 Allenby Street***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 2267 Allenby Street (Lot 2, Section 61, Victoria District, Plan 5527), 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. Maximum paved surface (front yard)	25% 39.2 m <sup>2</sup>	41.8% 65.7 m <sup>2</sup>	16.8% 26.5m <sup>2</sup>

to accommodate the reconfiguration of the front walkways as shown on the plans appended to Committee of the Whole agenda item 2012-177, being a memorandum from the Director of Building and Planning dated May 16, 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 – 860 St. Patrick Street***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 860 St. Patrick Street (Lot 35, Block B, Section 22, Victoria District, Plan 1092), 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. (1) Maximum stair and porch projection into required front setback of 7.62 m	1.2 m	2.46 m	1.24 m

to accommodate the renovation as shown on the plans appended to Committee of the Whole agenda item 2012-178, being a memorandum from the Director of Building and Planning dated May 16, 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 – 867 Hampshire Road***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 867 Hampshire Road (Lot 5, Section 22, Victoria District, Plan 1315), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:*

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (11) Minimum second storey side lot line setback	3.0 m	1.92 m	1.08 m

to accommodate the renovation as shown on the plans appended to Committee of the Whole agenda item 2012-179, being a memorandum from the Director of Building and Planning dated May 16, 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 – 2616 Estevan Avenue***

MOVED by Councillor Copley

Seconded by Councillor Green, 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 2616 Estevan Avenue (Lot 4, Block 11, Section 2, Victoria District, Plan 379), 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>
6.4.4. (3) (a) Maximum building height	6.83 m	7.0 m	.18 m
6.4.4. (3) (b) Maximum occupiable height	4.27 m	4.75 m	.48 m
6.4.4.(6) (a) Maximum gross floor area above 0.8 meters below grade	300 m <sup>2</sup>	316 m <sup>2</sup>	16 m <sup>2</sup>

to accommodate the renovation as shown on the plans appended to Committee of the Whole agenda item 2012-180, being a memorandum from the Director of Building and Planning dated May 17, 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:

***Adding and Removing Properties From the Boulevard Maintenance Program – Policy Amendment***

MOVED by Councillor Green

Seconded by Councillor Murdoch, That the policy entitled “Adding and Removing Properties from the Boulevard Maintenance Program” be amended to replace the form attached to the policy as Appendix A, “Petition for the Addition to/Removal from the Boulevard Maintenance Program”, with the revised Appendix A form attached to the resolution printed for the purposes of the Council meeting of June 11, 2012.

CARRIED

BYLAWS:

*For Adoption*

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That Bylaw No. 4564, Financial Plan Bylaw, 2012, Amendment Bylaw No.1, 2012 be adopted.

Mayor Jensen asked if anyone in attendance wished to address Council regarding the Financial Plan Bylaw 2012, Amendment Bylaw No. 1, 2012. No one came forward.

The question was then called.

CARRIED

*For First, Second and Third Reading*

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4565, Procedure Bylaw Amendment Bylaw, 2012 be introduced and read a first time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4565, Procedure Bylaw Amendment Bylaw, 2012 be read a second time.

CARRIED

Attention was drawn to the memorandum from the Municipal Clerk regarding a possible amendment to the Bylaw, currently written as directed by Council, which would remove the discretion of Council in allowing a member to participate electronically by limiting the overall number of times such participation was permitted. There was discussion on this and other aspects of electronic participation in Council meetings, and varying views and opinions were noted.

The concept of limiting the number of opportunities to participate electronically and eliminating Council’s discretion in allowing electronic participation was supported. However, there were concerns raised about the short timelines in relation to get the regulations in place to allow Councillor Ney to participate remotely at the June 27, 2012 Council meeting, which might not

allow for full consideration of all the implications of permitting such a process. It emerged that it was the majority view that the bylaw should be proceeded with at this time, and it was acknowledged that it could be reviewed in future should members of Council feel changes are required.

MOVED by Councillor Ney

Seconded by Councillor Copley, That Section 4.2 of Bylaw No. 4565, Procedure Bylaw Amendment Bylaw, 2012 be deleted and replaced with the following:

“4.2 Each member of Council may participate in a meeting by means of electronic or other communication facilities not more than three times per calendar year.”

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4565, Procedure Bylaw Amendment Bylaw, 2012, as amended, be read a third time.

CARRIED

*(Councillor Murdoch against the motion)*

It was suggested if adoption of the Bylaw was considered before the June 25<sup>th</sup> Council meeting and adopted, it would allow for Councillor Ney to participate electronically on June 25<sup>th</sup> as a trial run of the new procedure.

MOVED by Councillor Green

Seconded by Councillor Copley, That a Special Council meeting be held prior to the Committee of the Whole meeting on June 18, 2012, to consider adoption of Bylaw No. 4565.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That Bylaw No. 4566, Animal Control Bylaw Amendment Bylaw No. 1, 2012 be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That Bylaw No. 4566, Animal Control Bylaw Amendment Bylaw No. 1, 2012 be read a second time.

CARRIED

The view was expressed that the Bylaw should be amended to be gender neutral.

MOVED by Councillor Ney

Seconded by Councillor Copley, That Section 5 of Bylaw No. 4566, Animal Control Bylaw Amendment Bylaw No. 1, 2012 be amended by deleting the word “his” and replacing it with the words “his/her”.

CARRIED

MOVED by Councillor Green  
Seconded by Councillor Ney, That Bylaw No. 4566, Animal Control Bylaw Amendment Bylaw No. 1, 2012, as amended, be read a third time.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned 10:56 p.m.

Certified Correct:

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Mayor