

MINUTES of a Special 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, Victoria, B.C., on Monday, July 27, 2020 at 5:15 P.M.

We acknowledge that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor T. Ney *
Councillor E. Paterson
Councillor E.W. Zhelka *

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, D. Hopkins
Director of Building and Planning, B. Anderson
Director of Engineering Services, D. Horan *
Deputy Director of Corporate Services, S. Morden
Deputy Director of Financial Services, D. Costin *
Manager of Planning, D. Jensen
Planner, G. Buffett
Superintendent of Public Works, D. Brozuk *
Recorder, A. Nurvo

* attended the meeting via telephone conference call

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 5:15 p.m.

MOTION TO ADJOURN TO IN CAMERA:

MOVED and seconded: THAT pursuant to Section (90)(1) (i) and (j) of the *Community Charter*, the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss the receipt of advice that is subject to solicitor-client privilege, and information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

CARRIED

RECONVENE TO OPEN MEETING:

Mayor Murdoch called the open portion of the meeting to order at 5:56 p.m.

MAYOR'S REMARKS:

1. **Mayor's Remarks**

Mayor Murdoch advised that public art is going up in various places in the community, acknowledged the positive feedback from Council's expression of its preferred approach to Oak Bay Lodge, and stated that that this will be the last Council meeting before September.

PUBLIC PARTICIPATION PERIOD:

2. **Public Participation Period**

Mayor Murdoch invited members of the public to call into the meeting to provide comments to Council.

Robert Longe, Oak Bay resident, stated that the District needs updated blasting and noise bylaws, and these need to regulate the duration of blasting permits. He also stated that the noise bylaw does not mention pneumatic hammers and that those should also be subject to control.

Michael Prince, Oak Bay resident, stated that he is in support of a temporary protection order for 785 Island Road since it is a historic house. He suggested that Council direct staff to provide a report along with amendments to the blasting bylaws, for immediate consideration, and that for a longer term solution for the community Council needs to deal with it as a strategic priority.

Robert Wallace, Oak Bay resident, expressed thanks to Mayor and Council, and stated that there are lots of things happening in our community and in the world, and that some are having a positive effect. The community has brought up some things that need to be updated dealing with health and building code issues. He commented on blasting occurring within a heritage area and thanked staff for their efforts to keep everything in the right perspective.

Samantha Stone, Oak Bay resident, expressed concern regarding blasting at 785 Island Road, and stated that she is concerned about how Amity Construction has handled blasting in the past with no interaction with neighbours. She stated this is a character street, and that the proposed development does not fit in with the neighbourhood.

The Director of Corporate Services advised that we have received one telephone call from a member of the public.

Adam Leahy, Oak Bay resident, (by telephone), advised that during the pandemic when most people have been at home, residents have been subjected to lots of construction noise. He requested that Council consider giving permission to get pre-blasting assessments done now so residents can prepare for blasting. He suggested that the District negotiate reasonable affordable servicing costs with the developer to preserve the house at 785 Island Road.

COMMUNICATIONS:

3. **Blasting Memo**

The Director of Building and Planning provided an overview and identified where jurisdiction lies respecting blasting, between the Federal government controlling blasting, on site practices subject to Provincial WorkSafe regulation, and building permits and anti-noise bylaws being under local government control. The District can manage blasting and excavation activity hours of operation since these are tied to the building permit to allow construction to take place. Mr. Anderson advised that 235 building permits for single family and multi-family development and 8 blasting permits were issued last year and that staff has conducted a comparison of other local municipalities for hours of operation.

MOVED and seconded: THAT Council direct staff to prepare a report that assesses and recommends short term amendments to the regulation of blasting and longer term changes to the noise bylaw for rock blasting and hoe ramming in Oak Bay.

CARRIED

4. **Curbside Organics Contract Award**

The Director of Engineering Services advised that the current contract for curbside organics pickup expires at the end of this year. Staff recommend increasing the level of service to include limited quantities of yard waste.

MOVED and seconded: THAT the level of service for curbside organics pickup be increased to include yard waste;

AND FURTHER THAT the Residential Organics Collection Services contract be awarded to GFL Environmental Inc., in accordance with their request for proposal submission of \$303,810.

CARRIED

5. **Consideration of a Temporary Protection Order - 785 Island Road**

The Director of Building and Planning summarized the staff report, and advised that the District has received an application to demolish the existing home and construct a new one. The existing home has not been heritage designated nor included on the heritage register, but has been identified as having heritage value to the community through a draft Statement of Significance. Subsequently the applicant chose not to proceed with the Heritage Revitalization Agreement (HRA). The Temporary Protection Order provides for a maximum 60 day delay in the issuance of a demolition permit to allow Council to consider whether the home should be designated by bylaw or included on the heritage register.

Councillor Ney declared a conflict of interest, since a family member lives adjacent to the subject property, and left the meeting (ended telephone conference call) at 7:23 p.m.

Dusty Delain, applicant's agent, partner in the project, and owner of Amity Construction, advised that this process started approximately two years ago with the recommendation of the Planning Department to pursue an HRA for designation of the existing home, with a new house to be constructed on the lot in the back. Heritage designation did not proceed because the \$400,000 cost for servicing provided by the District was not considered to be reasonable or viable, and the

cost should only be for the proposed new lot, not for the existing home. He stated that if Oak Bay insists on heritage designation of the existing home, that it consider a more reasonable servicing quote, otherwise he wishes to proceed with construction of the new home.

MOVED and seconded: THAT the principal building located at 785 Island Road be subject to a Temporary Protection Order in accordance with section 606 of the *Local Government Act* for a period of not more than 60 days.

CARRIED

With Councillor Appleton opposed

Councillor Ney rejoined the meeting via telephone conference call at 8:11 p.m.

6. SUB00024 - 2506/2512 Wootton Crescent

The Manager of Planning provided an overview of the application, and advised that in 2019 the existing legal non-conforming duplex was rezoned, and now the applicant wishes to convert the duplex into two strata units. Staff have reviewed the criteria set out in the legislation and recommend that if Council approves the application that it be subject to several conditions.

Glenn Wakefield, applicant, attended and answered questions from Council.

MOVED and seconded: THAT Council approve Option 1 from the report from the Manager of Planning dated July 27, 2020, as follows: That the proposal to undertake a strata conversion of the existing duplex at 2506/2512 Wootton Crescent, as set out in section 242 of the *Strata Property Act*, be approved subject to completion of the following conditions, and in accordance with the *Strata Property Act*: a) all upgrades to meet current BC Building Code requirements; b) submission of a written report as prepared by a qualified engineer, indicating the subject building meets all applicable requirements for fire separation, electrical separation, plumbing separation, and access and egress; c) submission of a written report as prepared by a qualified engineer that certifies all works undertaken without an approved building meet current BC Building Code requirements, and/or that identifies those works which require additional upgrade to meet said requirements; d) removal of secondary suite; e) payment of any outstanding property taxes is submitted at the time of strata conversion; f) all conditions and registration of the strata plan must be completed within 24 months of the date of approval by Council; and g) Council authorize the Mayor and Director of Corporate Services to execute all documents related to this matter, once the conditions have been met to the District's satisfaction.

CARRIED

With Councillor Zhelka opposed

7. DP00031 - 45 Maquinna / 2205 Lorne Terrace

The Manager of Planning provided an overview of the application for a Development Permit to permit works on the bank to ensure stability of the bank and safety of the home. Ms. Jensen advised that the works will conform with the Shorelines Development Permit Area Guidelines to preserve the integrity of the shoreline.

Julie Budgen, agent for applicants, attended to answer questions from Council.

MOVED and seconded: THAT the proposal to undertake works within the Shorelines Development Permit Area at 45 Maquinna Street and 2205 Lorne Terrace be approved subject to the issuance of a development permit.

CARRIED

8. DP00029/ADP00116 - 3555 Beach Drive

The Manager of Planning provided an overview of the application to construct an addition at the rear of the home, which is within the Hazardous Conditions Development Permit area, due to unstable land conditions. A geotechnical report was required which confirms that the development will not impact stability. The land is also within the Uplands Area and is subject to compliance with the Uplands Area Design Guidelines.

Silvia Bonet, architect for Applicant, attended to answer questions from Council.

MOVED and seconded: THAT the proposal to construct an addition to a single family dwelling at 3555 Beach Drive, as outlined in the July 27, 2020 report for DP000029 and ADP00116 be approved as to Uplands Siting and Design subject to the issuance of Development Permit DP000029.

CARRIED

9. ADP00123 - 3375 Ripon Road

The Manager of Planning provided an overview of the application to construct a cabana next to the existing single family home, advised that it meets all zoning requirements and the Uplands Area Design Guidelines, and that staff do not anticipate any impact on adjoining properties or on the existing streetscape.

Terry Johal, Applicant, attended to answer questions from Council.

MOVED and seconded: THAT the proposal to construct an accessory building at 3375 Ripon Road, as outlined in the July 27, 2020 report for ADP00123 be approved as to Uplands Siting and Design.

CARRIED

10. DVP00099/ADP00119 - 3140 Midland Road

The Manager of Planning provided an overview of the application to construct an addition on the front of the dwelling for a new entry way and for more living space. Ms. Jensen advised that construction requires front setback variances, but otherwise meets all other zoning and Uplands Area Design Guidelines, and that the proposal retains mature trees and the required tree canopy cover.

Ryan Hoyt, house designer and Applicant on behalf of owner, attended to answer questions from Council.

MOVED and seconded: THAT the proposal to construct an addition to the existing home at 3140 Midland Road, as outlined in the July 27, 2020 report for DVP00099 and ADP00119 be approved as to Uplands Siting and Design subject to issuance of Development Variance Permit DVP00099;

AND FURTHER THAT notification be given of Council's consideration of DVP00099.

CARRIED

11. **DVP00100/ADP00122 - 3375 Cadboro Bay Road**

The Manager of Planning provided an overview of the application to remove a portion of the attached single car garage and construct a new double car garage at 3375 Cadboro Bay Road. Ms. Jensen advised that a variance to the interior side lot line setback is required, and that the application meets all other zoning and Uplands Area Design Guidelines, and that a new tree is to be planted to meet tree canopy requirements.

John McBride, applicant attended to answer questions from Council.

MOVED and seconded: THAT the proposal to modify the existing single family home and construct a detached garage, as outlined in the July 27, 2020 report for DVP00100 and ADP00122 be approved as to Uplands Siting and Design subject to the issuance of Development Variance Permit DVP00100;

AND FURTHER THAT notification be given of Council's consideration of DVP00100.

CARRIED

12. **DVP00098 - 1616 Hampshire Road**

The Manager of Planning provided an overview of the application for renovations to an existing home that include adding one dormer to convert the attic space into living space. Ms. Jensen advised that variances are required to height and second storey setback for the new dormer.

Councillor Appleton declared a conflict of interest since the applicant is a personal friend of his, and left the meeting at 8:57 p.m.

Jen Martin, Applicant, attended to answer questions from Council.

MOVED and seconded: THAT Council consider the approval of the proposal to undertake renovations to the existing home at 1616 Hampshire Road subject to issuance of Development Variance Permit DVP00098;

AND FURTHER THAT notification be given of Council's consideration of DVP00098.

CARRIED

Councillor Appleton returned to the meeting at 8:59 p.m.

NEW BUSINESS/VERBAL REPORTS:

13. **New Business/Verbal Reports**

- New Business

There was no new business.

- Report on the Capital Regional District

Mayor Murdoch advised that there will be a meeting this Wednesday of the Government and Finance Committee which will be discussing the Viewfield property, purchased for the sewage treatment plant and then sold since it was not needed, and there will be discussion on what

will happen to the surplus. The Mayor also stated that the Royal and McPherson Theatres Advisory Committee will be meeting and will review the funding formula, and that the Housing and Hospitals Committee will also be meeting but that the Oak Bay Lodge is not on the agenda.

- Other Verbal Reports

Councillor Green advised that she, along with Councillors Appleton and Braithwaite, met with a member of BIA for a very productive and informative walking tour along Oak Bay Avenue, to review public space, storefronts, and more.

Councillor Paterson advised that the Volunteer Services AGM was held last week, at which she was a guest, and stated that they had accomplished a lot during this time.

Councillor Zhelka advised that he had attended a Regional Water Commission meeting and that all of our reservoirs are in good shape.

RESOLUTIONS:

14. **DVP00097 - 2326 Lincoln Road**

Mayor Murdoch invited members of the public to call into the meeting to provide comments to Council. The Director of Corporate Services advised that no calls from the public have been received. The Chief Administrative Officer advised that the applicant is on his way to join the meeting.

MOVED and seconded: THAT the Director of Building and Planning be authorized to issue Development Variance Permit DVP00097 with respect to 2326 Lincoln Road, as appended to the Council agenda of July 27, 2020.

CARRIED

15. **Committee and Commission Policy**

The Director of Corporate Services introduced the revised draft Policy and advised that in October 2019 an independent third party review of the Committee and Commission structure was completed which resulted in 18 recommendations being endorsed by Council as direction to staff. Staff recommend that the terms of all current members be extended to December 31, 2020, and that staff are requesting direction from Council on the timelines for completion of the remaining recommendations arising from the Committee and Commission review process.

Councillor Ney left the meeting at 9:16 p.m.

MOVED and seconded: THAT the updated Committee and Commission Policy be approved;

AND FURTHER THAT the terms of appointment for all current volunteer members of the District's Advisory Planning Commission, Advisory Design Panel, Heritage Commission, and Public Art Advisory Committee be extended to December 31, 2020.

CARRIED

BYLAWS:

16. **2020 Annual Tax Sale Deferral Bylaw, 2020**

MOVED and seconded: THAT Council give first and second Readings to the 2020 Annual Tax Sale Deferral Bylaw No. 4763, 2020.

CARRIED

MOVED and seconded: THAT Council give third Reading to the 2020 Annual Tax Sale Deferral Bylaw No. 4763, 2020.

CARRIED

MOVED and seconded: THAT Bylaw No. 4763 be adopted.

CARRIED

ADJOURNMENT:

17. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 9:49 p.m.

CARRIED

Certified Correct:

Mayor

Director of Corporate Services