

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, September 24, 2012 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman  
Councillor P. Copley  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney  
STAFF: Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Director of Building and Planning, R. Thomassen  
Municipal Treasurer, P. Walker

Mayor Jensen called the meeting to order at 7:31 p.m.

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That the amended agenda be adopted.

CARRIED

ADOPTION OF REPORT:

*Public Hearing – September 10, 2012*

MOVED by Councillor Ney  
Seconded by Councillor Copley, That the report of the Public Hearing held on Monday, September 10, 2012, be adopted.

CARRIED

ADOPTION OF MINUTES:

*Council – September 10, 2012*

MOVED by Councillor Ney  
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, September 10, 2012, be adopted.

CARRIED

*Committee of the Whole – September 17, 2012*

MOVED by Councillor Copley  
Seconded by Councillor Ney, That the minutes of the Committee of the Whole meeting held on Monday, September 17, 2012, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen commented on the success of the first annual Oak Bay Bike Festival, thanking the staff and volunteers involved in the event. He noted that he was honoured to co-lead the community bike ride with bronze-medal Olympian Gillian Carleton.

In response to questions, Councillor Copley noted that the Official Community Plan Project Advisory Committee anticipates shortlisting the proponents for the Request for Proposal process in October.

Mayor Jensen noted that the presentation by Ben Clinton-Baker, "Roots: A History of Agriculture in Oak Bay" was held recently, and that two more presentations by other speakers were upcoming.

In concluding his remarks, Mayor Jensen spoke to his attendance at the recent Mayor's Caucus where the issue of infrastructure funding was discussed.

PUBLIC PARTICIPATION PERIOD:

Leona Frenette, resident spoke in support of the heritage alteration permit application for 1936 Hampshire Road. Ms. Frenette noted that providing vehicle access to 1936 Hampshire Road is particularly supportable. She commented on the increase in traffic and parking issues that resulted from the change to local school designations and the lowering of Hampshire Road. She stated that approving this application would assist Council in ensuring the safety of the residents.

Michael Donald, resident spoke in support of the heritage alteration permit application for 1936 Hampshire Road and noted that there has been a dramatic increase in traffic and parking issues in this area of Hampshire Road following the change in local school designations.

Mark Ambery, resident spoke in support of the heritage alteration permit application for 1936 Hampshire Road, noting that there are parking issues in the area and that the proposed turnaround for vehicles on site is particularly supportable.

COMMUNICATIONS:

1. 2012-292 OAK BAY FIRE DEPARTMENT, September 24, 2012  
--- EXCERPT FROM COUNCIL MEETING MINUTES, October 24, 2011  
Re Request to Replace Windows at Oak Bay Fire Hall/ Energy Audit – 1703  
Monterey Avenue

*(Dave Cockle, Deputy Fire Chief, in attendance for this item.)*

The Deputy Fire Chief addressed questions from Council, reviewing the condition of the existing windows and noting that storm windows were not recommended for the replacement project, given the impact on the Fire Hall's exterior appearance and operations. He stated that the energy audit indicated energy savings would be less with storm windows. He observed that storm windows cannot be opened regularly, which would be problematic as the Fire Hall does not have an HVAC system.

A member of Council expressed support for the Fire Hall's request and noted concerns with respect to storm windows, as they would dramatically alter the appearance of the Fire Hall and can have issues with leaking.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Council approve the request to replace the windows at the Oak Bay Fire Hall, 1703 Monterey Avenue.

Valerie Murray, Oak Bay Heritage Commission, in response to questions from Council, highlighted the comments contained in the minutes of the Heritage Commission meeting and noted the importance of caring for heritage buildings owned by the Municipality. She stated that replicating elements of heritage buildings can be problematic and that efforts should be made to work with the remaining heritage elements of the Fire Hall.

A member of Council commented on the importance of preserving the Fire Hall, noting that minimal intervention is a best practice for repairs to heritage buildings and that interior storm windows can provide both insulation and preservation of the original windows.

In response to comments by Council, the Deputy Fire Chief noted that though the replacement cost was less for storm windows, regular maintenance would be more costly as it would not be undertaken by Fire staff or Public Works staff.

A member of Council noted that this request is challenging given that there is a conflict between heritage preservation, reducing the Municipality's carbon footprint, and the needs of the staff who occupy the Fire Hall.

The question was then called.

CARRIED  
*Councillor Copley against the motion*

2. 2012-293 DIRECTOR OF BUILDING AND PLANNING, September 14, 2012
- 2012-293-1 PAT WILSON, September 3, 2012
- 2012-293-2 JEAN SPARKS, September 21, 2012
- 2012-293-3 MARK AND COLLEEN CRISP, September 24, 2012
- 2012-293-4 CHRISTINA CLOSS AND CAROLINE RIEDEL, September 24, 2012
- 2012-293-5 JOHN AND LIZ MAYZEL, September 24, 2012
- EXCERPT FROM COUNCIL MEETING MINUTES, August 20, 2012
- 2012-268 DESIGN ENGINEER, August 14, 2012
- EXCERPT FROM COUNCIL MEETING MINUTES, July 23, 2012
- 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 Heritage Alteration Permit – 1936 Hampshire Road

James Chestnut, applicant commented on his frustration with respect to the heritage alteration permit process, noting that he had been seeking advice on a viable plan to retain the heritage value of the property and address the safety issues which he has previously described.

The Director of Building and Planning responded to questions regarding the recommendation in his report of September 14, 2012, referred to by Mr. Chestnut, noting that his recommendation took into account the comments in the Heritage Commission minutes and that retention of the garage doors would reduce the impact on the streetscape.

In response to questions from Council, the Municipal Clerk advised that the application before Council at this time is based on the most recently submitted plans. In respect to Council's options, Ms. Hilton noted that the current application could either be approved or denied. Should it be denied, she said, the proponent would be in a position to return to Council with a new application showing revised plans for consideration.

Mr. Chestnut provided an overview of the application, describing the elements of the garage that would be retained and the elements that would be removed in order to allow a vehicle to drive through on to the property. He stated that in order to achieve vehicle access to the site without varying the grade, the two Chestnut trees identified on the plans would likely be removed. He concluded his remarks, commenting that it is not safe to reverse a vehicle out of the subject property on to Hampshire Road.

In responding to questions from Council, Mr. Chestnut said that he believes it would be possible to retain a portion of the garage roof and doors. He noted that the designer was not sure this option would be aesthetically pleasing, which is why the current application proposes to completely remove the roof and replace the doors with a gate.

MOVED by Councillor Green

Seconded by Councillor Murdoch, That the application presented in the Director of Building and Planning's Report dated September 14, 2012 for a Heritage Alteration Permit for 1936 Hampshire Road be denied.

A discussion ensued, with comments made regarding the challenging elements of the heritage alteration permit process and the need to address the concerns of the Heritage Commission with respect to preserving the streetscape while considering the issues raised by the property owner. It emerged that the view by members of Council was that while the current application was not supportable due to the issues raised, including the impact on the streetscape, they hoped that a workable solution would be found.

The question was then called.

CARRIED

3. 2012-294 OAK BAY HERITAGE COMMISSION, September 18, 2012  
Re Minutes of Meeting

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the minutes of the September 18, 2012 Oak Bay Heritage Commission meeting be received.

Councillor Copley provided clarification on comments in section 8.11 of the minutes with respect to a regional approach for the rescheduled training workshop.

The question was then called.

CARRIED

4. -- EXCERPT FROM COUNCIL MEETING MINUTES, August 20, 2012  
2012-273 DIRECTOR OF BUILDING AND PLANNING, August 13, 2012  
Re Request for Heritage Alterations/ Building Permit Referral for Property  
Listed on Community Heritage Register – 2028 Runnymede Avenue

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the 60 day temporary protection order for 2028 Runnymede Avenue made by Council on August 20, 2012, in accordance with Section 962 of the Local Government Act, be lifted.

Sean Sweeney, applicant responded to comments from Council noting that the existing stucco is in such poor repair that it will need to be completely removed to ascertain the extent of the damage. He stated that the preference is to undertake the construction as per the plans submitted.

A member of Council drew attention to the comments in the Heritage Commission minutes with respect to the proposed heritage alterations. Another member of Council commented on the applicants' commitment to heritage and willingness to work with the municipality.

The question was then called.

CARRIED

5. 2012-295 JUDITH & RICHARD ANDERSEN, September 11, 2012  
-- EXCERPT FROM COUNCIL MEETING MINUTES, August 20, 2012  
2012-274 DIRECTOR OF BUILDING AND PLANNING, August 15, 2012  
Re Request for Heritage Designation – 1265 Roslyn Road

MOVED by Councillor Herbert

Seconded by Councillor Copley, That staff be directed to draft a heritage designation bylaw with respect to 1265 Roslyn Road, including the wrap-around porch and certain interior features, to be brought forward to Council for consideration.

In response to questions from Council, the Municipal Clerk confirmed that it would be possible to attach photographs to a heritage designation bylaw in order to identify the interior features to be preserved, as requested by the property owners in their correspondence.

The question was then called.

CARRIED

6. 2012-296 OAK BAY BAND PARENTS ASSOCIATION, August 23, 2012  
Re Request for Financial Assistance for Oak Bay High School Music Program

MOVED by Councillor Ney

Seconded by Councillor Copley, That the Oak Bay Band Parents Association's request for financial assistance for the Oak Bay High School Music Program be referred to Council's Estimates Committee for consideration during budget deliberations.

In response to questions from Council, the Municipal Clerk noted that the scrap metal at the Public Works Yard, which is the focus of this request for financial assistance, is valued at approximately \$2,000.00 per month.

A member of Council questioned when the funds would be needed for the Oak Bay High School Music Program.

The question was then called.

CARRIED

7. 2012-297 SCOUTS CANADA, GREATER VICTORIA AREA, September 10, 2012  
Re Request for Tag Day, September 29, 2012

MOVED by Councillor Ney

Seconded by Councillor Herbert, That permission be granted to Scouts Canada, Greater Victoria Area to conduct the sale of apples in public places in Oak Bay on Saturday September 29, 2012.

CARRIED

8. 2012-298 VICTORIA REMEMBRANCE DAY COMMITTEE, September 14, 2012  
Re Request for Poppy Tag Days, October 26 – November 10, 2012

MOVED by Councillor Ney

Seconded by Councillor Herbert, That permission be granted to the Victoria Remembrance Day Committee Poppy Fund to conduct the sale of poppies in public places in Oak Bay from October 26, 2012 to November 10, 2012, exclusive of Sunday, October 28, 2012 and November 4, 2012.

CARRIED

9. 2012-299 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, September 19, 2012  
Re Request to Occupy Public Property for Halloween event, October 23  
– November 1, 2012

Heather Leary, Oak Bay Business Improvement Association, responded to questions from Council noting that eight parking stalls would be required for the storage containers, which would be in place for nine days. The storage containers are needed, she said, to facilitate set up and take down of the event.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That permission be given to the Oak Bay Business Improvement Association to temporarily occupy the green space behind Oak Bay Municipal Hall and eight stalls in the Municipal Hall parking lot from October 23 to November 1, 2012, for the purpose of displaying Halloween pumpkin art, subject to the event organizers entering into a public property occupancy agreement in which it will, among other standard requirements:

1. Release and indemnify the Municipality from any claims or liability associated with the occupancy and provide evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. Agree to pay all invoices from the Municipality for costs incurred in connection with the event.

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

There was discussion regarding placing the bins on public property and it was felt that, if approved, they should be located in the Municipal Hall parking lot rather than the Granite Street parking bay.

Concerns were raised with respect to the impact on staff due to the loss of eight parking stalls, but it was noted that staff are also able to use the Granite Street parking bay and the United Church parking lot.

The question was then called.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Councillor Copley commented that she was approached by the Francophone Affairs Program with the potential for Oak Bay to become a twin city with a municipality in Québec. She noted that there is funding available and that she can acquire more information if Council is interested.

Mayor Jensen noted that he would be interested in more information on the twin city process and that his previous experience with a twin city in Québec was very positive.

Councillor Herbert highlighted the upcoming opening of the Oak Bay Beach Hotel, noting that he will provide more information to Council when the dates are finalized.

Councillor Kirby commented on her attendance at the Family Court and Youth Justice meeting and noted that discussion focused on the challenges faced by youth in this region. She also commented on the success of the Oak Bay Bike Festival and on the Active Transportation Advisory Committee's recent activities.

A discussion ensued on the Complete Streets Policy and the Accessibility Paper with respect to future steps towards implementation. It was noted that the upcoming joint meeting of Council and staff would be a good opportunity to consider these items.

RESOLUTIONS:

*Development Variance Permit – 2346 Heron Street*

MOVED by Councillor Herbert,

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2346 Heron Street (Lot 2, Section 61, Victoria District, Plan 49252), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (6) (a) Maximum gross floor area above 0.8 meters below grade	240 m <sup>2</sup>	283.7 m <sup>2</sup>	43.7 m <sup>2</sup>

to accommodate the construction of a rear deck as shown on the plans appended to Committee of the Whole agenda item 2012-284 being a memorandum from the Director of Building and Planning dated September 12, 2012.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2346 Heron Street be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

***Development Variance Permit – 2171 Granite Street***

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2171 Granite Street (Lot A, Section 23, Victoria District, Plan VIP82707), varying the following provision 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%	58.3%	33.3%
Maximum paved surface (front yard)	37.8 m <sup>2</sup>	88.3 m <sup>2</sup>	50.5 m <sup>2</sup>

to accommodate the paved garage access area as shown on the plan appended to Committee of the Whole agenda item 2012-285 being a memorandum from the Director of Building and Planning dated September 12, 2012.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2171 Granite Street be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

***Development Variance Permit – 1237 St. David Street***

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1237 St. David Street (Lot 1, Section 23, Victoria District, Plan 17838), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (3) (a)	7.32 m	8.37 m	1.05 m
Maximum building height			

to accommodate the construction of a dormer on the north side of the building as shown on the plans appended to Committee of the Whole agenda item 2012-286 being a memorandum from the Director of Building and Planning dated September 13, 2012.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 1237 St. David Street be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

**BYLAWS:**

MOVED by Councillor Copley

Seconded by Councillor Herbert, That Bylaw No. 4574, Financial Plan Bylaw, 2012, Amendment Bylaw No. 3, 2012, be introduced and read a first time.

CARRIED



MOVED by Councillor Copley  
Seconded by Councillor Herbert, That Bylaw No. 4574, Financial Plan Bylaw, 2012, Amendment  
Bylaw No. 3, 2012, be read a second time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Herbert, That Bylaw No. 4574, Financial Plan Bylaw, 2012, Amendment  
Bylaw No. 3, 2012, be read a third time.

CARRIED

MOVED by Councillor Green  
Seconded by Councillor Murdoch, That Bylaw No. 4575, Capital Works and Equipment Reserve  
Fund Appropriation Bylaw, No. 2, 2012, be introduced and read first time.

CARRIED

MOVED by Councillor Green  
Seconded by Councillor Murdoch, That Bylaw No. 4575, Capital Works and Equipment Reserve  
Fund Appropriation Bylaw, No. 2, 2012, be read a second time.

CARRIED

MOVED by Councillor Green  
Seconded by Councillor Murdoch, That Bylaw No. 4575, Capital Works and Equipment Reserve  
Fund Appropriation Bylaw, No. 2, 2012, be read a third time.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned 9:40 p.m.

Certified Correct:

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

\_\_\_\_\_  
Mayor