

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 13, 2010 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen
Councillor T. Ney

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

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

ADOPTION OF MINUTES:

Council – August 16, 2010

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, August 16, 2010, be adopted.

CARRIED

Committee of the Whole – September 7, 2010

MOVED by Councillor Herbert
Seconded by Councillor Jensen, That the minutes of the Committee of the Whole meeting held on Tuesday, September 7, 2010, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2010-243 GOODLIFE FITNESS VICTORIA MARATHON, August 15, 2010
Re Request for Temporary Road Closures for 2010 GoodLife Fitness
Victoria Marathon – October 10, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That permission be granted for the temporary road closures and occupancy of the same streets in Oak Bay used for the Marathon in 2009 and detailed in correspondence item no. 2010-243 for the staging of the 2010 GoodLife Fitness Victoria Marathon on Sunday, October 10, 2010, subject to the event organizer 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 event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event;
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
- 4) sufficient notice being given by the event organizers to all property owners along the proposed route,

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

Responding to questions from Council, Cathy Noel, Victoria Marathon Society, provided an overview of the event, saying that the eighteen participating charity groups will have raised \$400,000. With respect to the new title sponsor for the marathon, Ms. Noel said GoodLife Fitness is a national company that has recently opened two fitness clubs in Victoria.

The question was then called.

CARRIED

2. 2010-244 PENINSULA RUNNERS ATHLETIC SOCIETY, August 25, 2010
Re Request for Temporary Road Closures for 2011 Oak Bay Half Marathon – May 15, 2011

David Milne, Oak Bay Half Marathon, answered various questions from Council regarding the Oak Bay Half Marathon, noting that the request is the same as what was requested this year.

Mr. Milne advised that this year \$5,000 was presented to the Help Fill a Dream Foundation and the Foundation would be the benefiting charity again in 2011.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That permission be granted for the temporary road closures and occupancy of the same streets in Oak Bay used for the Half Marathon in 2010 and detailed in correspondence item no. 2010-244 for the staging of the 2011 Oak Bay Half Marathon on Sunday, May 15, 2011, subject to the Event Organizer 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 event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event;
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
- 4) sufficient notice being given by the event organizers to all property owners along the proposed route,

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

CARRIED

3. 2010-245 OAK BAY HERITAGE COMMITTEE, August 17, 2010
Re Minutes of the Meeting

With respect to the proposed subdivision at 2031 Runnymede Avenue, Councillor Ney drew attention to the Committee's preference to see the existing land and building's heritage designation upheld.

The Municipal Administrator noted that reports from both the Heritage Advisory Panel and staff will be coming forward to the next Council meeting, and agreed to bring forward the August 17, 2010 Heritage Committee minutes again at that time.

Prompted by concerns about the impact of construction on neighbouring properties mentioned in the minutes, a member of Council drew attention to parking and traffic issues caused by the number of vehicles parking on streets around construction sites in Oak Bay, suggesting that the Police Department be advised of development projects expected to result in parking and traffic concerns so that the situation can be monitored. The Director of Building and Planning advised that staff could alert the Police Department where congestion issues are expected, on a case by case basis.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the minutes of the Oak Bay Heritage Committee meeting held on August 17, 2010 be received.

Attention was drawn to the comments in the Heritage Committee minutes with respect to the effect blasting has on neighbouring properties, and the Director of Building and Planning noted that it is up to the blasting company to monitor and manage the blasting activity. Regarding how we ensure neighbouring properties are notified, Mr. Thomassen said he now requests a copy of the blasting notification letter being circulated to neighbours in the area.

In response to a question from a member of Council regarding how far in advance of blasting notification to the neighbours is required, Mr. Thomassen said he would review the bylaw and advise Council in that regard.

The question was then called.

CARRIED

NEW BUSINESS:

Deer in Urban Areas

Councillor Ney said she has received a number of calls regarding deer congestion, and feels that the complaints are well founded. She also noted that in a Provincial publication it seems the Province is expecting local governments to respond to the problem. Councillor Ney suggested that the community should be engaged to work towards addressing the issue of deer in Oak Bay, noting that they pose not only a safety concern but have an impact on the local ecology as well.

Members of Council agreed that the deer population has expanded its territory into the urban environment causing some safety concerns and possibly health risks. Mayor Causton noted that this issue will be raised at the upcoming Union of British Columbia Municipalities conference where a workshop will be held that Councillors may wish to attend to help answer questions with respect to what to do about deer in urban areas.

Although it was acknowledged that the deer population in urban areas is a regional and provincial issue and that the responsibility for wildlife lies with the Provincial Government, Council members felt that it would be helpful to have staff report back with respect to Council's options for addressing the issue.

MOVED by Councillor Jensen
Seconded by Councillor Copley, That staff be requested to provide a report with respect to available options for addressing the issue of deer in Oak Bay.

CARRIED

TABLED:

Development Variance Permit– 480 Beach Drive

Mayor Causton declared a conflict of interest stating that he lives within the notice area for the application, and left the meeting at 8:06 p.m. Councillor Ney assumed the Chair for this item.

MOVED by Councillor Herbert
Seconded by Councillor Jensen, 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 480 Beach Drive (Lot 20, Section 22, Victoria District, Plan 1404), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(2)(a) <i>Minimum Front Lot Line Setback</i>	7.62 m	5.80 m	1.82 m
6.5.4(2)(c) <i>Minimum Interior Side Lot Line Setback</i>	1.52 m	0.88 m	0.64 m
6.5.4(2)(e) <i>Minimum Total of Side Lot Line Setbacks</i>	4.57 m	3.72 m	0.85 m

to accommodate the expansion of the front/side deck as shown on the plans appended to Committee of the Whole agenda item #2010-217, being a memorandum from the Director of Building and Planning dated July 26, 2010.

CARRIED

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

CARRIED

Mayor Causton returned to the meeting at 8:07 p.m. and resumed the Chair.

RESOLUTIONS:

Development Variance Permit – 2928 Henderson Road

MOVED by Councillor Jensen
Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2928 Henderson Road (Lot 1, Section 28, Victoria District, Plan 12350), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.6.5.(1) Projections into the required front setback	1.2 m	5.09 m	3.89 m

to accommodate the front stair and landing, as shown on the plans appended to Committee of the Whole agenda item #2010-237, being a memorandum from the Director of Building and Planning dated August 30, 2010.

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2928 Henderson Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1167 St. David Street

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1167 St. David Street (Lot 1, Section 23, Victoria District, Plan 3612), that will vary the *Parking Facilities Bylaw, 1986*, as amended, in section 4.7 and Schedule ‘A’ A.1 (a) to relax the requirement that one-half (½) of the required parking spaces for a one-family residential dwelling use be contained within a building, to accommodate the elimination of the garage, as shown on the plans appended to Committee of the Whole agenda item #2010-238, being a memorandum from the Director of Building and Planning dated August 30, 2010.

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 1167 St. David Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2333 Hamiota Street

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2333 Hamiota Street (Lot 16, Block 2, Section 61, Victoria District, Plan 876), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3) (b) and Schedule 'B' Maximum Occupiable Height	4.27 m	4.84 m	0.57 m

to accommodate renovations to the dwelling, as shown on the plans appended to Committee of the Whole agenda item #2010-239, being a memorandum from the Director of Building and Planning dated August 30, 2010.

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2333 Hamiota Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 599 St. Patrick Street

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 599 St. Patrick Street (North 32 feet 1½ inches of the South 64 feet 3 inches of Lot 21, Block A, Section 22, Victoria District, Plan 74-E), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3) (a) and Schedule B Maximum Building Height	4.39 m	6.37 m	1.98 m
6.5.4.(3) (b) and Schedule B Maximum Occupiable Height	2.74 m	3.93 m	1.19 m
6.5.4.(3) (c) and Schedule B Maximum Roof Height	5.49 m	8.36 m	2.87 m
6.5.4.(11) Minimum Interior Side Lot Line Setback of the Second Storey	3.00 m	1.54 m	1.46 m

to accommodate the two storey addition to the front of the dwelling, as shown on the plans appended to Committee of the Whole agenda item #2010-240, being a memorandum from the Director of Building and Planning dated August 30, 2010.

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 599 St. Patrick Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 168 Barkley Terrace

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 168 Barkley Terrace (Lot A, Block 3, Section 19, 46 and 47, Victoria District, Plan VIP79113), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.17.1			
Maximum Exposed Face of Retaining Wall			
Zone (a)	1.2 m	1.45 m	0.25 m
Zone (b)	1.2 m	1.68 m	0.48 m
Zone (c) (e) and (f)	1.2 m	1.90 m	0.70 m
Zone (d)	1.2 m	1.32 m	0.12 m
4.17.2			
Maximum Combined Exposed Face of Retaining Walls			
Zone (g)	1.2 m	1.60 m	0.40 m

to accommodate the proposed retaining walls, as shown on the plans appended to Committee of the Whole agenda item #2010-241, being a memorandum from the Director of Building and Planning dated August 31, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 168 Barkley Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 532 Victoria Avenue

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 532 Victoria Avenue (Lot 3, Section 22, Victoria District, Plan 4608), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended and Bylaw No. 3540, *Parking Facilities Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(11)			
Minimum Interior Side Lot Line Setback of the Second Storey (North)	3.00 m	1.55 m	1.45 m
6.5.4.(11)			
Minimum Interior Side Lot Line Setback of the Second Storey (South)	3.00 m	2.80 m	0.20 m

Parking Facilities Bylaw Section

4.7 + Schedule "A" A.1(a)	2 parking spaces (one within a building)	1 parking space (none in a building)	1 parking space in a building
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to accommodate the renovation of the dwelling, as shown on the plans appended to Committee of the Whole agenda item #2010-242, being a memorandum from the Director of Building and Planning dated September 1, 2010.

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 532 Victoria Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Traffic Control Order No. 2010-08 – Parking Regulations on South Side of Tinto Street

MOVED by Councillor Ney
Seconded by Councillor Copley,

1. That Traffic Control Order 89-03 be repealed; and
2. That signs be erected on the south side of Tinto Street to indicate that parking and stopping on the portions of the street so marked, as shown on the sketch attached hereto, is prohibited at all times.

CARRIED
(Councillor Braithwaite against the motion)

ADJOURNMENT:

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the open portion of the Council meeting be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who is being considered for a municipal award or honour, and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The meeting adjourned at 8:12 p.m.

Certified Correct:

Municipal Clerk

Mayor