

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 Tuesday, April 14, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton (Chairman)  
Councillor H. Braithwaite  
Councillor A. R. Cassidy  
Councillor P. Copley  
Councillor J. D. Herbert  
Councillor T. Ney

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

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

ADOPTION OF MINUTES:

*Council – March 23, 2009*

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the minutes of the Council meeting held on Monday, March 23, 2009, be adopted.

CARRIED

*Committee of the Whole – April 6, 2009*

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That the minutes of the Committee of the Whole meeting held on Monday, April 6, 2009, and the recommendations contained therein, be adopted.

CARRIED

PRESENTATION:

1. -- Oak Bay High School Redevelopment Update

*(Dave Thomson, Principal, Oak Bay High School, Seamus Howley, Director of Facilities, Tom Ferris, Chair and Michael McEvoy, Board Member, Greater Victoria School Board, in attendance for this item.)*

Councillor Cassidy declared a possible conflict noting that he is a third party consultant to School District No. 61. He left the meeting at 7:35 p.m.

Mayor Causton advised that as requested by Council at its meeting held March 9, 2009, he invited the principal of Oak Bay High School and representatives from the School Board to share information with Council regarding the planned Oak Bay High School upgrade.

Dave Thomson provided an overview of the history behind the decision to replace the school and the proposed plans with respect to construction of a new Oak Bay High School. Mr. Thomson noted that over the years, two groups of consultants concluded that a seismic upgrade was not adequate and that the existing building does not meet current building code regulations.

Mr. Thomson advised Council that at this time the Ministry of Education has earmarked \$50 million for the project, noting that it was determined that renovating the school would have been too expensive of an option. It is the hope of the School District to work closely with the Municipality, Mr. Thomson said, and they will be looking for input from Council on how best to communicate with the community on an ongoing basis as the project proceeds.

Mr. Thomson noted that because there is no other facility for the 1,300 students to attend during construction, the school is looking at ways to continue its education programs for the duration of the building process.

With respect to the issue of replacing the school's well-used fine arts centre, Mr. Thomson advised that the province's budget for the new school does not include funds for a theatre, therefore other funding sources will be sought.

Responding to a question, Mr. Thomson said the plan is to have the school consolidated into one building, which will free up outdoor space to accommodate more parking along with an all-weather sports field that would be available to the community in return for contributions being made towards the field construction.

Further discussion ensued with the School District representatives answering various questions from Council members with respect to the project, with attention being drawn to the intention to make the school a joint-use facility that will be open to the community during non-school hours, including the proposed community theatre.

Although there is not a definite timeline for the project, the School District hopes to be underway in ten months time, said Mr. Thomson.

Tom Ferris thanked Council for the opportunity to provide an update with respect to the new school and to note that Oak Bay's support for the inclusion of a community theatre in the reconstruction plan would be greatly appreciated.

Mayor Causton thanked the School District representatives for the information on the project and said he will contact Mr. Thomson to share ideas on consulting with the community.

Councillor Cassidy returned to the meeting at 8:08 p.m.

COMMUNICATIONS:

2. 2009-138 ROYAL CANADIAN LEGION, April 2, 2009  
Re Request for Financial Assistance (Military Service Recognition Book)

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the request for financial assistance from the Royal Canadian Legion in the amount of \$250 be referred to Estimates Committee.

CARRIED

3. 2009-139 OAK BAY LAWN BOWLING CLUB, March 31, 2009  
-- EXCERPT FROM COUNCIL MEETING MINUTES, May 28, 2001  
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING  
MINUTES, January 7, 2002  
Re Request for Financial Assistance – Replacement of Roof (Carnarvon  
Park Anderson House Building)

Gary Suter, President, Oak Bay Lawn Bowling Club, addressed Council with respect to his letter requesting financial assistance to replace the roof on the Anderson House building in Carnarvon Park. Mr. Suter drew attention to the correspondence from the District of Oak Bay, dated January 16, 2002, attached to his letter, where the Municipality agreed to bear the cost of the roof replacement of the Clubhouse building at that time.

Responding to a Council member acknowledging the desirability of making the facility available to other community groups, Barry Browning, Past President, Oak Bay Lawn Bowling Club, said that on occasion the facility has been shared, however the agreement with the Municipality restricts the use of the municipally owned buildings for the Club's purposes. He said that the Club would welcome a change to the agreement to allow the Club to rent the facility during the lawn bowling off-season. It was noted that one of the buildings will have a live site for the public to gather and watch the 2010 Olympics.

Attention was drawn to a recent contribution of \$60,000, over a three year period, which the Municipality provided for the expansion and renovations of the Oak Bay Lawn Bowling Clubhouse, and the view was expressed that it was perhaps unfair to other community user groups that do not receive such financial support. It was further pointed out that the Club should undertake its own fundraising in support of projects, such as roof replacements.

Responding to a question from Council, the Municipal Administrator advised that the Club cannot be compelled to replace the roof, and would not be said to be in breach of its agreement with the municipality, if it does not carry out the work.

Attention was drawn to Council's past history of taking responsibility assistance for major repairs such as roof replacements.

In response to a question about the urgency for the roof replacement, Council was advised that it should be replaced within one year, according to advice received by the Club.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the request for financial assistance from the Oak Bay Lawn Bowling Club in the amount of \$8,700 be referred to Estimates Committee.

CARRIED

4. 2009-140 CITY OF VICTORIA, March 19, 2009  
Re Request for Financial Assistance (2009 Canada Day Celebration)

Drawing attention to the request for financial assistance, Mayor Causton noted that although the City of Victoria did not request policing assistance for the 2009 Canada Day Celebration as it has in the past, he would suggest that Council put forward a request for the Oak Bay Police Board to consider offering additional police resources for this event.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the City of Victoria in the amount of \$1,500 towards the 2009 Canada Day Celebration be referred to Estimates Committee, and further that the suggestion to offer additional police resources to the City of Victoria during the event be referred to the Oak Bay Police Board for consideration.

CARRIED

5. 2009-141 THE BLEATHERING PLACE, February 23, 2009  
Re Request for Road Closures – Collector Car Festival, August 16, 2009

Ken Agate, owner, Blethering Place, commented that this would be the tenth year that this successful event has been held in Oak Bay, should approval be granted.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That whereas pursuant to Section 37.1 of the Streets and Traffic Bylaw, Council has made the determination that the proposed event will be of general benefit to the adjacent business district and will create no undue inconvenience for adjacent residents or the public at large, approval be given for the closure and occupancy of a portion of Oak Bay Avenue between Monterey Avenue and Mitchell Street, and for the display and sale of goods and refreshments, for the Blethering Place Oak Bay Collector Car Festival event to be held Sunday, August 16, 2009 from 8:00 o'clock a.m. to 5:30 o'clock p.m., 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; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event; and
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police,

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

CARRIED

6. 2009-142 OAK BAY COMMUNITY ARTISTS' SOCIETY, March 19, 2009  
Re Request to Hold Bowker Creek Brush-Up, August 9, 2009

MOVED by Councillor Herbert

Seconded by Councillor Copley, That whereas pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to the Oak Bay Community Artists Society to hold the Bowker Creek Brush Up along Bowker Creek between Oak Bay High School and Hampshire Road, on the north side of the creek, on Sunday, August 9, 2009, from 7:30 o'clock a.m. to

5:30 o'clock p.m., 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; 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.

CARRIED

7. 2009-143 STEPHANIE DELACRETAZ, March 17, 2009  
Re Request for Temporary Road Closure for Block Party, North End Yale Street – August 30, 2009

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That permission be given for the closure of Yale Street between the north side of Theatre Lane and the north end of Yale Street on Sunday, August 30, 2009, from 4:00 o'clock p.m. to 9:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

8. 2009-144 VICTORIA FRANCOPHONE SOCIETY, April 5, 2009  
Re Request for Permission to Hold St. Jean Baptiste Day Celebration at Willows Park

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That whereas pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, large and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to the Victoria Francophone Society to occupy Willows Park on Saturday, June 20, 2009, from 8:00 o'clock a.m. until 6:30 o'clock p.m., for a St. Jean Baptiste Day Celebration, 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; 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.

A representative from the Victoria Francophone Society was in attendance and offered a brief overview of the St. Jean Baptiste Day Celebration events.

The question was then called.

CARRIED

9. 2009-145 VICTORIA CAR SHARE CO-OP, [Undated]  
Re Request to Occupy Municipal Parking Space – Monterey Centre

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That permission be given for the Victoria Car Share Cooperative to occupy one parking space at the Monterey Avenue parking lot adjacent to the Monterey Centre until May 31, 2011, and that the Mayor and Municipal Clerk be authorized to execute an agreement with the Victoria Car Share Cooperative for the use of the parking space.

CARRIED

10. 2009-146 PROJECT TEAM OAK BAY BICYCLE MASTER PLAN, April 1, 2009  
-- EXCERPT FROM BYLAW NO. 3943, OAK BAY OFFICIAL  
COMMUNITY PLAN BYLAW, 1997  
Re Oak Bay Bicycle Master Plan

Corey Burger, Project Leader, Oak Bay Bicycle Master Plan Project Team, provided an overview of the project team's plan to create a Bicycle Master Plan (BMP) for Oak Bay. Mr. Burger said the team would like to invite a member of Council or someone from the Engineering staff to join the project team as a working member and in turn also requested that a member from the BMP team be included in the working committee for the remediation of Oak Bay Avenue currently being considered by Council.

Mr. Burger said the team has looked at other Bicycle Master Plans in the region and beyond and found that most local governments have sought professional consultation with respect to their Bicycle Master Plans, and the proposed Oak Bay plan would likely be the only community developed plan.

Various questions were raised by members of Council regarding the project, including what criteria would be applied in mapping out bicycle routes, and how the routes would also accommodate other modes of transportation such as pedestrian traffic and public transit.

Mr. Burger responded to Council's questions, drawing attention to the "Complete Streets" concept described in the correspondence submitted to Council and included in the agenda package.

In response to questions about what would be the "deliverable" from the project team, Mr. Burger advised that the plan is to deliver a report in the fall including maps, suggested policy and implementation details, although at this time the team is not entirely sure what will be included, and how they will get to the final project. Mr. Burger added that it is hoped that following submission of the report, Council would establish a bicycle advisory committee to undertake ongoing work.

Councillor Copley, in response to the group's request for a member of Council to be appointed to its project, indicated her willingness to participate in the project, it that was Council's wish.

The Municipal Administrator, in response to questions regarding the appointment of a staff member to the project team, noted that there is a finite amount of time for staff to perform its duties. In this regard, he said he would not see staff participating on the team as proposed. He also noted that Council may wish to discuss the proposed project from a policy development point of view and what is hoped to be achieved through the proposed project.

Following further discussion regarding the proposal, and various questions from Council being answered by Mr. Burger, Mayor Causton noted that further thought would be given to appointing a municipal representative, and the project team would be advised of the outcome in that regard.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2009-146 be received.

CARRIED

11. 2009-147 DIRECTOR OF PARKS AND RECREATION, March 26, 2009  
Re Early Capital Approvals

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That early spending approval be given for the capital purchases detailed in the memorandum from the Director of Parks and Recreation dated March 26, 2009 (correspondence item no. 2009-147).

CARRIED

12. 2009-148 CAPITAL REGIONAL DISTRICT, April 2, 2009  
Re Climate Action Steering Committee and Working Group - Request to  
Identify a District of Oak Bay Representative

Referring to the Capital Regional District's request to appoint a Council representative to participate in the Climate Action Steering Committee and a staff member to the Climate Action Working Group, the Municipal Administrator advised that while he could not offer comment on the Steering Committee appointment, he thought that it would be beneficial for a staff member to be appointed to the Climate Action Working Group, especially in light of the municipality's obligations to amend its Official Community Plan to include targets and strategies for reducing greenhouse gas emissions, noting that any information the working group may provide in that regard would be helpful.

There was consensus to accept Mr. Cochrane's suggestion of appointing himself and the Director of Building and Planning as his alternate to the Climate Action Working Group, with Mr. Thomassen taking on the greater role once the Secondary Suites Review Committee has finished its work.

Mayor Causton advised that he would put together a recommendation with respect to appointing a Council member to the Climate Action Steering Committee and other groups where representation by Council has been requested, for future consideration.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2009-148 be received.

CARRIED

13. 2009-149 GERRY AND ROY PURDIE, [Undated]  
2009-149-1 EDWARD AND JANET TROTTER, March 7, 2009  
Re Development Variance Permit – 686 Linkleas Avenue

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence items no. 2009-149 and 2009-149-1 be received.

CARRIED

14. 2009-150 ROSEMARY SHORT, March 28, 2009  
2009-150-1 JIM AND LENORE HOPKINS, March 29, 2009  
2009-150-2 ANDREW ROSS AND SANDRA WADDINGTON, March 30, 2009  
2009-150-3 ANDREW ROSS AND SANDRA WADDINGTON, March 31, 2009  
2009-150-4 BILL SMITH, April 5, 2009  
2009-150-5 JEREMY SMITH, April 6, 2009  
2009-150-6 ANTHONY AND CAROL ANN SHELTON, April 7, 2009  
2009-150-7 MADGE AND CHRISTOPHER HODGKINSON, April 5, 2009  
2009-150-8 SARAH PEARCE, April 7, 2009  
Re Development Permit Amendment – 1175 Beach Drive (Oak Bay Beach Hotel)

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That correspondence items no. 2009-150 to 2009-150-8 be received.

CARRIED

NEW BUSINESS:

*CanAssist Program*

Councillor Copley provided an overview of the CanAssist Program drawing attention to how the program helps communities promote assisting youth with disabilities to enter into the work force.

Mayor Causton advised that a meeting has been set up with CanAssist to discuss the program and he invited all members of Council to attend that meeting, which will be held Monday, April 20, 2009 at the Municipal Hall.

TABLED:

*Development Variance Permit – 686 Linkleas Avenue*

MOVED by Councillor Cassidy

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 686 Linkleas Avenue (East 1/2 of Lot 1, Block 6, Section 73, Victoria District, Plan 992), 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>
6.5.4. (6) (b) Gross Floor Area	420 sq m	482 sq m	62 sq m
6.4.4. (6) (b) Gross Floor Area higher than 0.8 metres below grade	300 sq m	352 sq m	52 sq m

to accommodate the proposed new attached garage as shown on the plans attached to Committee of the Whole agenda item #2009-109, being a memorandum from the Director of Building and Planning dated March 11, 2009.

CARRIED

Edward Trotter, referring to his letter included in the agenda, expressed his objections to the requested development variance permit and asked that Council reject the application.

Mr. Trotter said he did not agree that this driveway would encounter more safety issues than the other driveways along Central Avenue, and generally, he disagreed with the issues the applicant wished to address through the development variance permit application.

Karen Hillel, Hillel Architecture Inc., distributed an aerial photograph, and responded to some of the concerns expressed in the letter from Mr. and Mrs. Trotter, commenting that parking on Linkleas Avenue should in fact improve with a new garage and driveway. Further, Ms. Hillel said that the existing view from the Trotter's small, high bedroom windows is already currently limited and should not be affected by the garage siting as there is a significant grade level change in this area.

It was noted by Ms. Hillel that every effort was made to make the neighbours aware of the proposed changes and to minimize the footprint and paved surface area and it was felt that the location of the garage was the best option for the homeowners.

MOVED by Councillor Cassidy

Seconded by Councillor Copley, That the motion in respect of the development variance permit for 686 Linkleas Avenue be amended, to delete "6.4.4. (6) (b)" and replace with "6.5.4.(6) (b)".

The question on the motion to amend was called.

CARRIED

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

CARRIED

***Development Variance Permit – 3045 Beach Drive***

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, 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 3045 Beach Drive (Lot B, Block 25, Section 31, Victoria District, Plan 2753), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (2) (d) Minimum Exterior Side Lot Line Setback	7.62 m	5.49 m	2.13 m

to accommodate the proposed construction of a garden shed as shown on the plans attached to Committee of the Whole agenda item #2009-110, being a memorandum from the Director of Building and Planning dated March 3, 2009.

CARRIED

The question on the main motion was then called.

CARRIED

***Development Variance Permit – 3295 Upper Terrace Road***

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, 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 3295 Upper Terrace Road (Lot C, Section 31, Victoria District, Plan 3741), 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>
6.2.4. (1) Maximum number of accessory buildings	Two	Three	One
6.2.4. (7) Clear space required between buildings	3.0 m	2.5 m	0.5 m

to accommodate the proposed construction of a garden/tool shed as shown on the plans attached to Committee of the Whole agenda item #2009-111, being a memorandum from the Director of Building and Planning dated March 3, 2009.

CARRIED

The question on the main motion was then called.

CARRIED

***Development Permit – 1175 Beach Drive (Oak Bay Beach Hotel)***

MOVED by Councillor Herbert

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

That the Director of Building and Planning be authorized to issue a development permit amending Development Permit No. 001-07 (as amended by Development Permit No. 004-07) with respect to Lot A, Sections 23 & 73, Victoria District, Plan VIP 82201 and the area of foreshore shown in the plan reproduced in Development Permit No. 004-07, by inserting the following paragraph immediately following Paragraph 5:

6. *This Permit shall lapse if the construction of the principal building as depicted in the Plans and Documents has not substantially commenced by June 11, 2011.*

CARRIED

A member of Council drew attention to the number of letters received expressing concern about the condition of the Oak Bay Beach Hotel site and said he would like to have an opportunity to walk the site before voting on the issue.

Kevin Walker, Bison Properties Ltd., advised that he would be pleased to walk the property with any Council member who wished to do so.

Mr. Walker said he would like go on record to address some of the comments in the correspondence received with respect to the development permit extension request.

Firstly, he commented that when approval for the development permit was given in June 2007, the economic situation had started to turn in the United States and affected the initial start up for the Oak Bay Beach Hotel sales. However, he said, the project is experiencing great progress with real estate sales. He also clarified the pricing starts at \$285,000 for a hotel strata unit with a broad range of purchasing opportunities.

With respect to concerns expressed about ‘damaging the eco system’, Mr. Walker advised that the project has achieved the LEED gold status and is just three points away from Platinum. As for the oil tank, which was filled with concrete and buried many years ago, it has been dug up and is slated to be removed by crane once the project begins.

In regard to the issue of having a sales office onsite, he said he was previously simply making inquiries as to the bylaw regulations in this regard, noting that he will not be pursuing this avenue.

Mr. Walker assured Council that nothing has changed regarding the vision and design of the hotel and the plans have remained in tact, noting that the zoning for the property determines the allowable length of stay for hotel visitors.

Mr. Walker agreed that the security of the lot needs to be addressed, however he noted that the crack in the north gate was left open at the request of a neighbour wishing to walk his dog on the property. Securing the fencing, he said, should reduce the number of trespassers and address concerns about trespassers on neighbouring properties. The graffiti, along with the broken railings that are continually being damaged during storms, will be removed, said Mr. Walker.

Mr. Walker felt that the site has been well maintained, however, as was suggested at the previous meeting, he has scattered wildflower seeds on the site. He added that the chain link fencing was chosen so the view could still be enjoyed by passers-by. He confirmed that no environmental contaminants or archaeological artefacts were found on the site.

Although the view was expressed that additional cleanup of the site should be done first, it was the majority view that approval for the development permit amendment could be considered before hand, and kept separate from the property maintenance issues.

The question on the main motion was then called.

CARRIED  
(Councillor Herbert against the motion)

RESOLUTIONS:

***Development Variance Permit – 2128 Neil Street***

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2128 Neil Street (Lot 5, Section 28, Victoria District, Plan 9341), 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. (6) (b) Gross Floor Area higher than 0.8 metres below grade	300 sq m	378.1 sq m	78.1 sq m
6.5.4. (11) Minimum Interior Side Lot Line Setback for Second Storey	3.0 m	2.59 m	0.41 m

to accommodate the proposed renovations as shown on the plans attached to Committee of the Whole agenda item #2009-132, being a memorandum from the Director of Building and Planning dated March 30, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the motion in respect to the development variance permit for 2128 Neil Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2156 Brighton Avenue***

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2156 Brighton Avenue (Parcel A (being a consolidation of Lots 3 & 4), Section 23, Victoria District, Plan 2326), varying the following provision of Bylaw No. 3540, being the *Parking Facilities Bylaw*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7.and Schedule 'A', A.1 Half the required parking shall be within a building	2 spaces	2 spaces	Not providing 1 parking space within a building

to accommodate the proposed parking as shown on the plans attached to Committee of the Whole agenda item #2009-133, being a memorandum from the Director of Building and Planning dated March 31, 2009.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2156 Brighton Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2438 Heron 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 2438 Heron Street (Lot 16, Block 8, Section 2, Victoria District, Plan 379), 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) (c) Minimum Interior Side Lot Line Setback	1.52 m	1.47 m	0.05 m
6.5.4. (2) (e) Minimum Total of Side Lot Line Setbacks	4.75 m	4.49 m	0.08 m
6.5.4. (11) Minimum Interior Side Lot Line Setback for Second Storey	3.0 m	1.47 m	1.53 m

to accommodate the proposed raising of the dwelling and basement development as shown on the plans attached to Committee of the Whole agenda item #2009-134, being a memorandum from the Director of Building and Planning dated March 31, 2009.

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the motion in respect to the development variance permit for 2438 Heron Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 1198 Victoria Avenue***

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1198 Victoria Avenue (Lot 7, Section 23, Victoria District, Plan 1256), varying the following provision 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) Minimum Front Lot Line Setback	7.62 m	5.72 m	1.9 m

to accommodate the proposed enclosure of the front porch as shown on the plans attached to Committee of the Whole agenda item #2009-135, being a memorandum from the Director of Building and Planning dated March 31, 2009.

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the motion in respect to the development variance permit for 1198 Victoria Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2677 Musgrave 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 2677 Musgrave Street (Lot 16, Block 7, Section 2, Victoria District, Plan 379), 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>
6.4.4. (3) (b) and Schedule "B" Maximum Occupiable Height	4.27 m	4.65 m	0.38 m
6.4.4. (11) Minimum Second Storey Side Lot Line Setback	3.0 m	1.43 m	1.57 m

to accommodate the proposed renovations as shown on the plans attached to Committee of the Whole agenda item #2009-136, being a memorandum from the Director of Building and Planning dated April 1, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2677 Musgrave Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Traffic Control Order No. 2009-04 – Parking Restrictions, Radcliffe Lane***

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That with respect to the portion of Lot D, Section 73, Victoria District, Plan 3789 shown in bold outline on the sketch attached Traffic Control Order 2009-04:

- (1) signs be erected to indicate that the parking of vehicles:
  - (a) is prohibited between 12:00 midnight and 6:00 a.m.,
  - (b) is restricted to two (2) hours duration at all other times; and
- (2) vehicles are to be parked at an angle of 90 degrees, more or less, to the Radcliffe Lane boundary of the said Lot D.

CARRIED

**BYLAWS:**

***For Adoption***

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That Bylaw No. 4455, *Parking and Alternative Transportation Infrastructure Reserve Funds Transfer Bylaw No. 2, 2009*, be adopted.

CARRIED

***For First, Second and Third Reading***

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That Bylaw No. 4456, *Streets and Traffic Bylaw Amendment Bylaw No. 2, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That Bylaw No. 4456, *Streets and Traffic Bylaw Amendment Bylaw No. 2, 2009*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4456, *Streets and Traffic Bylaw Amendment Bylaw No. 2, 2009*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4457, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2009*, be introduced and read a first time.

CARRIED

*(Councillor Herbert against the motion)*

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4457, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2009*, be read a second time.

Councillor Herbert reiterated his opposition to the Bylaw as expressed in past years with respect to a portion of sewer charges being collected through utility billing versus being collected through taxation.

The question was then called.

CARRIED

*(Councillors Cassidy and Herbert against the motion)*

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4457, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2009*, be read a third time.

CARRIED

*(Councillors Cassidy and Herbert against the motion)*

ADJOURNMENT:

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 10:32 p.m.

Certified Correct:

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Municipal Clerk

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Mayor