

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, February 23, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, (Chairman)
Councillor H. Braithwaite
Councillor P. Copley
Councillor A. R. Cassidy
Councillor J. D. Herbert
Councillor N. B. Jensen
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. A. Walker

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

ADOPTION OF MINUTES:

Council – February 9, 2009

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, January 26, 2009, be adopted.

CARRIED

Committee of the Whole – February 16, 2009

Indicating a conflict with respect to the recommendation for 3023 Beach Drive inasmuch as his firm had advised the applicant on his redevelopment proposal, Councillor Cassidy left the meeting at 7:37 p.m.

MOVED by Councillor Copley
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, February 2, 2009, and the recommendations contained therein, be adopted.

CARRIED

Councillor Cassidy returned to the meeting at 7:38 p.m.

COMMUNICATIONS:

1. 2009-74 DIRECTOR PARKS AND RECREATION, February 16, 2009
Re Recreation Facility Planning

(Agnes Szilos, Director of Parks and Recreation, Monty Holding and John Cavelti, Municipal Facilities Planning Sub-Committee, in attendance for this item).

Monty Holding, Chair of the Parks and Recreation Commission and member of the Municipal Facilities Sub-Committee, spoke to the report prepared by the Sub-Committee with respect to

examining potential upgrades or changes to municipal recreation buildings, and making recommendations for priorities in that regard.

Mr. Holding drew attention to the final recommendation of the Sub-Committee which is to build a new facility at Carnarvon Park, for the reasons outlined in the report.

It was noted that the Sub-Committee looked at all municipal recreation facilities, but felt that the projects proposed for other sites were much smaller and more reflective of typical capital works projects.

The report, said Mr. Holding, is being presented to Council for its consideration and direction on how to proceed, with the recognition that funding will have to be addressed along with public consultation at the appropriate time.

Responding to questions from Council, the Director of Parks and Recreation provided an overview of the daycare programs that currently run through Carnarvon, noting that demand has grown over time for various daycare programs. She also drew attention to changes in licensing regulations which would have an effect on any new development with respect to the amount of space required per child.

Ms. Szilos answered further questions from Council with respect to usage of the lacrosse box, which, she noted, is not heavily booked.

As far as any grant programs that might be applied to in respect to the proposed redevelopment, Ms. Szilos confirmed that although there has been an announcement by the Federal government about upcoming programs, details on those programs are not available at this time. She did note, however, that the information that is available indicates that proposed projects will need to be "shelf-ready" within a certain time of the grant programs coming available.

Councillor Braithwaite raised the issue of various user groups hoping to have dedicated space in the park and in any new facility, and Ms. Szilos indicated that the goal is to make the facility as multi-purpose as possible to accommodate many different users, noting that it is also the goal with Oak Bay's other facilities as the recreation space is so valuable to the community.

In response to questions regarding what the next step in the process might be, Ms. Szilos acknowledged that, if Council is interested in the project, funding is a very important component. Ideally, she said, some indication from Council that it would be prepared to proceed with the project sometime in the future, with or without a grant, would be desirable prior to gathering public input on the project.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the proposed redevelopment of the Carnarvon Park facilities be endorsed in principle, subject to funding, and, further, that the report on the proposed redevelopment be referred to the Parks and Recreation Commission for formal comment.

Although the difficulty of making a business case for the redevelopment was acknowledged, unlike the Recreation Centre redevelopment where increased revenues off-set the costs, the effect of the motion, summarized by Mayor Causton, was to relay the message that Carnarvon Park is a priority in the municipality, and that if funding can be provided, the proposed redevelopment is a project that Council would like to take forward.

The question was then called.

CARRIED

2. 2009-75 VICTORIA FOUNDATION, January 14, 2009
Re Victoria Foundation Update

Mayor Causton noted that while it was unusual to invite an organization such as the Victoria Foundation to attend a meeting of Council, he felt it would provide an opportunity for Sandra Richardson, Chief Executive Officer, to respond to concerns expressed by the public, through the media, with respect to the Foundations funding programs.

Ms. Richardson provided an overview of all of the work of the Victoria Foundation, and distributed information packages to Council in this regard, including the Foundation's most recent Annual Report, its investment policy, and information on the Coalition to End Homelessness.

The key message, said Ms. Richardson, is that the Victoria Foundation is a significant asset to the region as a whole, providing support to local governments, charities and residents in many ways.

Attention was drawn to the history of the establishment of the Foundation, whose mandate is to pool and manage charitable gifts and grants funds to charitable foundations across Canada. The Foundation, said Ms. Richardson, will continue in its work to promote philanthropy.

Ms. Richardson responded to various questions from members of Council with respect to the Foundation's investment philosophy and its funds distribution policy in light of the economic downturn. She noted that the Foundation has a great Finance Committee and faith in its current fund managers. As for this year, said Ms. Richardson, granting levels have been reduced due to the economic climate, however, the Foundation's other programs and initiatives continue on as usual.

Council expressed its thanks for the update provided by Ms. Richardson with respect to the Victoria Foundations activities.

3. 2009-76 TOURISM VICTORIA, January 30, 2009
Re Grant Request

MOVED by Councillor Herbert,
Seconded by Councillor Jensen, That the request for a 2009 operating grant to Tourism Victoria in the amount of \$6,750 be referred to Estimates Committee.

CARRIED

4. 2009-77 GREATER VICTORIA FILM COMMISSION, February 13, 2009
Re Grant Request

MOVED by Councillor Jensen,
Seconded by Councillor Copley, That the request for a 2009 operating grant to the Greater Victoria Film Commission in the amount of \$4,000 be referred to Estimates Committee.

CARRIED

5. 2009-78 BIKE TO WORK VICTORIA, February 16, 2009
Re Grant Request/Occupancy of Public Property Request

Stephanie Johnson, Executive Director of Bike to Work Victoria, was in attendance to speak to the request for a grant of \$750 and permission to stage a "celebration station" on the front lawn of the Municipal Hall during Bike to Work Week.

Ms. Johnson drew attention to the success of the celebration station in past years, and expressed appreciation for previous grants given for Bike to Work Week, noting the benefits to the community derived from cycling as an alternative to automobile travel.

MOVED by Councillor Jensen,

Seconded by Councillor Braithwaite, That a grant of \$750 be provided to Bike to Work Victoria, and further that permission be given to Bike to Work Victoria to host a celebration station on the front lawn of the Oak Bay Municipal Hall, subject to Bike to Work Victoria 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 provide evidence of adequate public liability insurance in that regard; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event.

In response to a request, Ms. Johnson agreed to provide the latest financial statements for Bike to Work Victoria for distribution to members of Council for information purposes.

The question was then called.

CARRIED

6. 2009-79 MARITIME MUSEUM OF BRITISH COLUMBIA SOCIETY, February
17, 2009
Re Grant Request

Greg Evans, Executive Director, Maritime Museum of British Columbia Society was in attendance along with President David Winkler to speak to the Society's request for an operating grant in the amount of \$3,500 to support the ongoing programs and services of the Maritime Museum of British Columbia.

Attention was drawn to the programs planned for 2009 as outlined in the Society's submission to Council, and Mr. Evans expressed his appreciation for Oak Bay's ongoing support of the Society and its programs over the years.

Mr. Evans responded to questions from Council with respect to some of the upcoming programs.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That a 2009 operating grant in the amount of \$2,500 be provided to the Maritime Museum of British Columbia Society, with the remainder of the request being referred to Estimates Committee.

CARRIED

7. 2009-80 5th GARRY OAK SCOUT GROUP, February 17, 2009
Re Grant Request

Nigel Beattie, 5th Garry Oak Scout Group Building Committee representative, outlined the Scout's request for a one-time grant of \$5,000 to assist with the replacement of the roof on the Scout Hall. Under the Scouts agreement with the District of Oak Bay with respect to occupying the building, he said, responsibility for its maintenance falls to the Scouts.

Mr. Beattie noted that the roof replacement is necessary, and that the cost is estimated to be approximately \$25,000. He drew attention to the Scout's budget, noting that the gaming grant hoped for has not yet been confirmed.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the request from the 5th Garry Oak Scouts for a grant in the amount \$5,000 be referred to Estimates Committee.

Mr. Beattie responded to questions from members of Council regarding the enrolment numbers for Scouts, Cubs and Beavers, and Mr. Beattie noted that the numbers fluctuate each year.

It was pointed out that the Scout Hall, while in a good location, is old and well-suited for other uses. There was discussion regarding the possibility of future redevelopment of the property and how a multi-use facility might be constructed, however, it was acknowledged that the new roof was an immediate requirement for the Scouts.

Mr. Beattie agreed to keep Council informed prior to Estimates Committee deliberations with respect to whether or not the anticipated gaming grant is confirmed.

The question was then called.

CARRIED

8. 2009-81 OAK BAY FIGURE SKATING CLUB, February 17, 2009
Re Grant Request

Pam Abra, Oak Bay Figure Skating Club representative, was in attendance to answer any questions from Council regarding the Club's request for a grant to offset the cost of the ice rental in connection with the upcoming production "Dracula on Ice", scheduled for March 14, 2009 at the Oak Bay Recreation Centre.

Ms. Abra commented on the opportunity the production provides to showcase the talent of the Club members and as a way for the Club to give back to the community.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Oak Bay Figure Skating Club's request for a grant in the amount of \$1291.56 be referred to Estimates Committee.

Responding to a request from a member of Council, Ms. Abra agreed to provide a budget for the production along with the most recent financial statements prior to Estimates Committee deliberations.

The question was then called.

CARRIED

9. 2009-82 SUSAN SHARP, February 16, 2009
Re Request to Undertake Work on Trees Protected by Restrictive
Covenant (591 Island Road)

The Municipal Clerk noted that properties in the Jones Estate, including 591 Island Road, have covenants registered against them that, among other things, protect trees on the properties. In the case at hand, she said, the proposed removal of two Arbutus trees and the dead wooding of a Garry oak tree require Council approval under the covenant. Ms. Hilton added that the Municipal Arborist has confirmed that the proposed work would be permitted under the *Tree Protection Bylaw*.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the proposed work on trees at 591 Island Road, as contained in correspondence item 2009-82, be approved subject to compliance with the *Tree Protection Bylaw*.

CARRIED

Attention was drawn to the provision in the covenant that would allow Council to designate the Manager of Parks Services as the approving authority with respect to requests to undertake work on trees on the covenanted properties in the Jones Estate. It was noted that Council previously delegated the approval authority with respect to a similar covenant on the Elkington Estate properties on the other side of Island Road in an effort to streamline the application process.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That, pursuant to the terms of the Restrictive Covenant registered against the properties in the Jones Estate Strata Plan, the Manager of Parks Services be designated as Council's appointee with respect to considering requests to undertake work on trees on the covenanted properties, subject to being in compliance with the Tree Protection Bylaw.

CARRIED

(Councillors Cassidy and Herbert against the motion)

10. 2009-83 TIMES COLONIST CYCLING FESTIVAL, February 9, 2009
2009-83-1 MUNICIPAL CLERK, February 20, 2009
Re 1. Request for Road Closures for Cycling Race Around Windsor
Park -May 9, 2009
2. Request for Grant to Offset Room Rental Fee

Geoff Pendrel, representing the Times Colonist Cycling Festival, was in attendance to answer questions from Council with respect to the application for a grant and road closures in connection with the Cops for Cancer Oak Bay Criterium scheduled for May 9, 2009.

Attention was drawn to the memorandum from the Municipal Clerk regarding the conflicts with other park users scheduled during the same times as the proposed cycling race, and the comment from Parks Department staff that if the road closures are approved, it is likely that the other scheduled programs would have to be cancelled.

Mr. Pendrel indicated that the date of the event has been set and cannot be changed. He further noted that, in response to concerns about getting other users across the streets that would be used for the race and into Windsor Park, extra marshals would be enlisted for this purpose. He also recognized that parking for park users would be difficult with the proposed closures.

Concerns regarding the safety of users trying to get to the park were raised, and it was suggested that the event organizers discuss the substantial conflicts with the other scheduled users with Parks Department staff to determine if the programs could possibly be rescheduled or if the proposed times for the cycling event could be adjusted so as not to conflict with the bookings.

It was agreed that the request for the road closures and grant to offset the rental fee for the Windsor Pavilion be deferred to the next meeting of Council to provide an opportunity for the event organizers to discuss the park use conflicts with staff and attempt to devise a workable alternative and report back to Council.

11. 2009-84 DIRECTOR OF BUILDING AND PLANNING, February 18, 2009
Re Development Permit Application - 2154-2178 Oak Bay Avenue

Ken Franks, representing the applicants, provided an overview of the proposed exterior changes for 2154-2178 Oak Bay Avenue to update and unify the appearance of the building. It was noted that no variances were being requested.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2154-2178 Oak Bay Avenue (Lot A, Section 69, Victoria District, Plan 21353), which will permit the exterior renovations to the existing building more particularly shown on the plans attached to Committee of the Whole agenda item #2009-84, being a memorandum from the Director of Building and Planning dated February 18, 2009.

Responding to questions from Council, Mr. Franks produced samples of the colours and materials proposed to be used for the exterior renovations. Clear fir and laminate glass, said Mr. Franks, is proposed for the main floor store fronts, similar to Cobs Bread, along with slate cladding and a copper fascia. The frontage of the bank will be left as it is except for the addition of slate cladding and the copper fascia like that proposed for the store fronts, he said.

Attention was also drawn to the proposed planter bench, which was felt to be a nice addition to the renovations which would fit in with the Village.

The question was then called.

CARRIED

Correspondence re Items Appearing Later on Agenda:

12. 2009-85 CHUCK STILLIS, February 16, 2009
Re Development Variance Permit - 3648 Crestview Road
13. 2009-86 KATHIE MASTIN ET AL, February 19, 2009
Re Development Variance Permit -1009 St. David Street

14. 2009-87 KIT PEARSON AND KATHERINE FARRIS, February 19, 2009
Re Development Variance Permit- 966 Byng Street

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That correspondence items 2009-85, 2009-86, and 2009-87
be received.

CARRIED

NEW BUSINESS:

Secondary Suites Committee

Councillor Jensen, Chair of the Secondary Suites Committee, provided an update on the Committee's work, noting that three meetings have been held to date.

The Committee wishes to undertake two public meetings as well as a mail out survey to be included with the property tax notices, with a final report expected to be delivered to Council by the end of September 2009, he said.

There was discussion regarding the target date for the final report, and Mayor Causton suggested that in order to keep up the momentum of the Committee, a draft report submitted in June would be desirable.

Councillor Jensen indicated that in order to provide even a draft report, the results of the public meetings and the survey would have to be compiled, and that work was not expected to happen until the summer months due to the tax notices, with the survey, not being mailed until at least mid May.

In response, Mayor Causton suggested that perhaps all of the issues that have been looked at by the Committee, and other relevant information on the Committee's process should be available on the website for residents to view prior to receiving and completing the proposed survey.

Consideration is currently being given to what information should be put on the website, said Councillor Jensen, as the Committee views the website as a good way to keep the community informed.

Councillor Cassidy expressed the view that the fundamental question of how people see their community needs to be asked without making any assumptions on the answers in this regard. It was suggested that any information that is made available, through the website or otherwise, should focus on all of the issues to be considered with respect to secondary suites.

Oak Bay Police Board

Attention was drawn to the minutes of the February 17, 2009 Police Board meeting with respect to the Board's recent attendance in the Saanich dispatch centre to see first hand how calls are handled for Oak Bay in relation to its contract with Saanich for dispatch services.

Councillor Cassidy asked Mayor Causton, Board Chair, whether or not the information the Board received during that visit addressed concerns previously raised by some residents about the level of Oak Bay specific knowledge the dispatch operators had when responding to non-emergency police calls.

Mayor Causton provided an overview of the issues that arose from the recent resident survey on policing, including call handling, drawing attention to increased training being provided for Saanich dispatch staff and improved mapping systems. The Board, said Mayor Causton, is confident that Saanich staff are aware of their concerns and will continue to take the steps necessary to address them.

Earth Hour 2009

Mayor Causton noted that he has received letters requesting that Oak Bay once again participate in an annual global action movement known as Earth Hour where communities are encouraged to turn off the lights for one hour at 8:30 p.m. on March 28, 2009 in an effort to deliver a message about the need for action on global warming.

Mayor Causton suggested that the request be referred to staff to consider implementing, bearing in mind any safety requirements that may arise, as had been done in 2008. There was consensus to proceed with the Mayor's suggestion in this regard.

TABLED:

Development Variance Permit – 3648 Crestview Road

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, 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 3648 Crestview Road (Lot 7, Section 31, Victoria District, Plan 9595), 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>
4.15.1	25%	35%	10 % points
Maximum Paved Surface (front yard)	40.7 sq m	57.3 sq m	16.6 sq m

to accommodate the proposed parking area as shown on the plan attached to Committee of the Whole agenda item #2009-50, being a memorandum from the Director of Building and Planning dated January 26, 2009.

CARRIED

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That the motion be amended to replace the described variance with the following:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1	25%	26.8%	1.8 percentage
Maximum Paved Surface (front yard)	52.9 sq m	57.5 sq m	Points, 4.6 sq m

CARRIED

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

CARRIED

Development Variance Permit – 63 Sylvan Lane

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, 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 63 Sylvan Lane (Lot 2, Section 47, Victoria District, Plan 41672), 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>
6.4.4. (6) (b) Gross Floor Area	480 sq m	676.1 sq m	196.1 sq m
6.4.4. (6) (b) Gross Floor Area higher than 0.8 metres below grade	360 sq m	676.1 sq m	316.1 sq m

to accommodate the proposed renovations as shown on the plans attached to Committee of the Whole agenda item #2009-51, being a memorandum from the Director of Building and Planning dated January 27, 2009.

CARRIED

The question on the main motion was then called.

CARRIED

Development Variance Permit – 1009 St. David Street

MOVED by Councillor Jensen

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 1009 St. David Street (Lot 12, Section 23, Victoria District, Plan 1317), 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>
4.15.1 Maximum Paved Surface (rear yard)	25% 28 sq m	70% 78.4 sq m	45 percentage points 50.45 sq m

to accommodate the proposed paved area as shown on the plan attached to Committee of the Whole agenda item #2009-53, being a memorandum from the Director of Building and Planning dated January 28, 2009.

CARRIED

Mr. Peck, an adjacent owner of the subject property, raised his concern over potential water run-off issues with the proposed hard surfacing.

David Greene, applicant, advised that the surfacing proposed is interlocking bricks, which will allow drainage. It was further noted that any storm drain requirements in connection with the construction of the new dwelling would be addressed through the building/plumbing permit application process.

The question on the main motion was then called.

CARRIED

Development Variance Permit – 2654 Dalhousie Street

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, 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 2654 Dalhousie Street (Lot 99, Section 61, Victoria District, Plan 874), 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	420 sq m	435 sq m	15 sq m
6.5.4. (6) (b) Gross Floor Area higher than 0.8 meters below grade	300 sq m	435 sq m	135 sq m
6.5.4 (11) Minimum interior side lot line setback for second storey and above	3.0 m	1.89 m	1.11 m

to accommodate the proposed additions as shown on the plans attached to Committee of the Whole agenda item #2009-54, being a memorandum from the Director of Building and Planning dated January 28, 2009.

CARRIED

The question on the main motion was then called.

CARRIED

RESOLUTIONS:

Development Variance Permit – 966 Byng 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 966 Byng Street (Parcel A (being a

consolidation of Lots 8 & 9 see FB236465), Section 22, Victoria District, Plan 74G), 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	522 sq m	102 sq m
6.4.4. (6) (b) Gross Floor Area higher than 0.8 metres below grade	360 sq m	399 sq m	39 sq m

to accommodate the proposed construction of a new home as shown on the plans attached to Committee of the Whole agenda item #2009-66, being a memorandum from the Director of Building and Planning dated February 6, 2009, and the elevations printed for the purposes of the February 23, 2009 Council meeting.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 966 Byng Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2544 Nottingham Road

MOVED by Councillor Copley

Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2544 Nottingham Road (That Part of Lot 10, Block 19, Section 31, Victoria District, Plan 1212-A lying to the south west of a straight boundary joining the points of bisection of the north westerly and south easterly boundaries of said lot), 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)(e) & Schedule "C" Minimum total side lot line setback	9.75 m	9.28 m	0.47 m

to formalize the actual siting of the building and to accommodate the total side lot line setback as shown on the survey attached to Committee of the Whole agenda item #2009-67, being a memorandum from the Director of Building and Planning dated February 10, 2009.

MOVED by Councillor Copley

Seconded by Councillor Cassidy, That the motion in respect of the development variance permit for 2544 Nottingham Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 831 Newport Avenue

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 831 Newport Avenue (Lot 5, Block 1, 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/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.4 Minimum Side Lot Line Setback (miscellaneous structures)	3.0 m	1.83 m	1.17 m
6.5.4 (2)(b) Minimum Rear Lot Line Setback	7.62 m	6.98 m	0.64 m
4.15.1 Maximum Paved Surface (rear yard)	25% (29 sq m)	36.3% (42.1 sq m)	11.3 % points (13.1 sq m)

to accommodate the paving and the siting of a generator as shown on the plan attached to Committee of the Whole agenda item #2009-68, being a memorandum from the Director of Building and Planning dated February 10, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the motion in respect of the development variance permit for 831 Newport Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 644 Island Road

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to the lands described as at February 23, 2009 as Amended Lot 5 (DD 136486-I), Lot 6, and Part of Amended Lot 4 (DD 92902-I), all in Section 22, Victoria District, Plan 2994), varying the following provision of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended):

Section 4.15.1 Maximum. % of Front Yard Allowed to be Paved	25%
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to accommodate the construction of a driveway and parking area together covering 78 square metres of the front yard of the land representing the said Amended Lot 5, with such authority to take effect only upon the cancellation of the interior lot line between Amended Lot 5 and Lot 6 and the relocation of the boundary between Amended Lot 5 and Amended Lot 4, all as more particularly shown on the site plan appended to Committee of the Whole agenda item #2009-69, being a memorandum from the Director of Building and Planning dated February

11, 2009, and subject also to the proviso that in the interim no new paving or other hard surfacing be laid or constructed within the front yard of Lot 6.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the motion in respect of the development variance permit for 644 Island Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED
(Councillor Cassidy against the motion)

Development Variance Permit – 668 Island Road

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 668 Island Road (Amended Lot 4 (DD 92902I), Section 22, Victoria District, Plan 2994), varying the following provision of Bylaw No. 3540, being the *Parking Facilities Bylaw, 1986, as amended*:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 and Schedule "A", S. A.1.(a) Minimum No. of Parking Spaces	2 (including 1 In building)	1 (none in building)	1 space (waive the "1 space in building requirement")

to accommodate the removal of the existing garage and to permit only one uncovered parking space, as shown on the plan attached to Committee of the Whole agenda item #2009-70, being a memorandum from the Director of Building and Planning dated February 11, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 668 Island Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2380 Windsor Road

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2380 Windsor Road (Lot 10, Section 23, Victoria District, Plan 1035), 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 (6) (a) Gross Floor Area higher than 0.8 metres below grade	240 sq m	275 sq m	35 sq m

to accommodate the proposed addition as shown on the plans attached to Committee of the Whole agenda item #2009-71, being a memorandum from the Director of Building and Planning dated February 11, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 2380 Windsor Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Attendance at the Association of Vancouver Island and Coastal Communities Convention – April 3 to 5, 2009

MOVED by Councillor Herbert,

Seconded by Councillor Copley, That Council approve the attendance of Oak Bay Council Members at the **2009 Association of Vancouver Island and Coastal Communities Convention**, to be held in Nanaimo, BC, April 3 to 5, 2009, and the payment of expenses necessarily incurred by them.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4454, *Parking and Alternative Transportation Infrastructure Reserve Funds Transfer Bylaw No. 1, 2009* be adopted.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 10:12 p.m.

Certified Correct:

Municipal Clerk

Mayor