

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 28, 2011 at 7:30 p.m.

PRESENT: Acting Mayor A. R. Cassidy, Chairman  
Councillor H. Braithwaite (arrived at 8:02 p.m.)  
Councillor P. Copley (arrived at 7:35 p.m.)  
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

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

ADOPTION OF MINUTES:

*Council – February 14, 2011*

MOVED by Councillor Herbert  
Seconded by Councillor Jensen, That the minutes of the Council meeting held on Monday, February 14, 2011, be adopted.

CARRIED

*Committee of the Whole – February 21, 2011*

MOVED by Councillor Ney  
Seconded by Councillor Herbert, That the minutes of Committee of the Whole meeting held on Monday, February 21, 2011, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2011-84 CAPITAL REGIONAL DISTRICT, January 26, 2011  
Re Transportation Corridor Plan and Gas Tax Funding Priorities

*(Robert Lapham, General Manager, Planning and Protective Services, Capital Regional District, in attendance for this item.)*

Robert Lapham was in attendance to provide Council with a visual presentation regarding the Capital Regional District's proposed transportation corridor plan and to provide information regarding gas tax funding priorities as provided in the report circulated to members of Council at the meeting. It was pointed out that the Municipal Administrator is a member of the Regional Strategic Priorities Fund Working Group which will be discussing finding priorities, providing for regional cooperation in that regard.

Following the presentation, discussion ensued with members of Council commenting on aspects of the plan and various questions from Council being answered by Mr. Lapham.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence item no. 2011-84 be received.

CARRIED

2. 2011-85 BOWKER CREEK URBAN WATERSHED RENEWAL INITIATIVE,  
February 10, 2011  
Re Bowker Creek Blueprint

*(Jody Watson, Chair, Bowker Creek Urban Watershed Renewal Initiative, Capital Regional District, in attendance for this item.)*

With the aid of a Powerpoint presentation, Jody Watson provided Council with an overview of the Bowker Creek Blueprint, as detailed in correspondence item no. 2011-85, noting that the blueprint builds on the initial Bowker Creek watershed renewal initiative project originally introduced to Council in 2003.

Following her presentation, Ms. Watson responded to various questions and comments from members of Council regarding the 100 year renewal initiative program for Bowker Creek.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That correspondence item no. 2011-85 be received.

CARRIED

3. 2011-86 SOUTH ISLAND DISPUTE RESOLUTION CENTRE SOCIETY,  
January 21, 2011  
Re Request for Financial Assistance

*(Rachelle Keely, Board President, Jane Dutly, Executive Director, and Kat Purvis-Bellamano, South Island Dispute Resolution Centre Society, were in attendance for this item.)*

Representatives Rachelle Keely and Jane Dutly from the South Island Dispute Resolution Centre Society were in attendance and provided a description of the Society's services and answered various questions from Council regarding the Peace Makers project for Oak Bay elementary schools as detailed in correspondence item no. 2011-86.

The view was expressed that the program for schools, while very worthwhile, should perhaps more appropriately be funded by the School District.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the request for financial assistance from South Island Dispute Resolution Centre Society in the amount of \$21,000 be referred to Estimates Committee for further consideration.

CARRIED

4. 2011-87 VICTORIA AND VANCOUVER ISLAND GREEK COMMUNITY SOCIETY, January 24, 2011  
Re Request for Financial Assistance

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That correspondence item no. 2011-87 be received.

CARRIED

5. 2011-88 NEED2: CRISIS INTERVENTION AND PUBLIC INFORMATION SOCIETY, February 16, 2011  
Re Request for Financial Assistance

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That a 2011 operating grant in the amount of \$4,500 be approved.

CARRIED

6. 2011-89 ST. JOHN AMBULANCE, February 21, 2011  
Re Request for Financial Assistance

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That a 2011 operating grant in the amount of \$571 be approved.

CARRIED

7. 2011-90 MUNICIPAL TREASURER, February 23, 2011  
Re Oak Bay Heritage Foundation Grant

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That Council approve receipt of funds in the amount of \$610.00 from the Victoria Foundation, and that a grant in that amount be made to the Oak Bay Heritage Foundation.

CARRIED

8. 2011-91 MUNICIPAL TREASURER, February 24, 2011  
Re Request for Early Approval for 2011 Capital Purchase

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That early spending approval be given for the Oak Bay Police Department capital purchase of a replacement speed reader board, as outlined in a memorandum from the Municipal Treasurer dated February 24, 2011.

CARRIED

9. 2011-92 RON AND BIRGIT DANIELS, February 20, 2011  
2011-92-1 WILLIAM AND JANE CASELTON, February 28, 2011  
Re Development Variance Permit – 3300 Exeter Road

10. 2011-93 COMMUNITY ASSOCIATION OF OAK BAY, [Undated]  
2011-93-1 FRIENDS OF BOWKER CREEK SOCIETY, February 28, 2011  
Re Bowker Creek Blueprint

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That correspondence items no. 2011-92, 2011-92-1, 2011-93 and 2011-93-1 be received.

CARRIED

TABLED:

Acting Mayor Cassidy indicated a conflict of interest with respect to the development variance permit for 3300 Exeter Road, noting that his firm has had a business relationship with the applicant's architect.

Acting Mayor Cassidy also indicated a conflict of interest with respect to two of the resolutions on the agenda and asked if Council would consider bringing forward these two items prior to the other resolutions. He stated that he shares a financial interest with the applicant's architect involved with the original development variance permit for 2185 Granite Street (formerly 1392 Hampshire Road) and his firm is in a business relationship with the applicant for the development permit with variances for 2585 Cadboro Bay Road.

There was consensus to amend the order of the agenda.

Acting Mayor Cassidy left the meeting at 9:10 p.m. and Councillor Jensen assumed the Chair for the three items.

***Development Variance Permit – 3300 Exeter Road***

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 Variance Permit with respect to 3300 Exeter Road (Lot 35, Block B, Section 31, Victoria District, Plan 3599), 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>
6.2.4 (2) (c) and Schedule "C" <i>Minimum Interior Side Lot Line Setbacks</i>	4.27 m	2.96 m	1.31 m
6.2.4 (2) (e) and Schedule "C" <i>Minimum Total of Side Lot Line Setbacks</i>	10.97 m	6.54 m	4.43 m

*to accommodate the construction of additions, as shown on the plans appended to Committee of the Whole agenda item #2011-60, being a memorandum from the Director of Building and Planning dated February 1, 2011.*

CARRIED

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

CARRIED

**RESOLUTIONS:**

***Development Variance Permit – 2185 Granite Street***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit to amend Development Variance Permit #52-2010 with respect to 2185 Granite Street (Amended Lot 13, (DD193213I), Section 23, Victoria District, Plan 673A), varying Section 4.10.5 of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, to permit an additional miscellaneous structure (generator) to be sited in the front yard, as shown on the plans appended to Committee of the Whole agenda item #2011-80, being a memorandum from the Director of Building and Planning dated February 18, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2185 Granite Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Permit with Variances – 2585 Cadboro Bay Road***

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2585 Cadboro Bay Road (Lot A, Section 61, Victoria District, Plan 41719), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended; and Bylaw No. 3140, the *Parking Facilities Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
9.2.5 (2) (a) Minimum Front Lot Line Setbacks	2.00 m	.30 m	1.7 m
<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.3.1. and Schedule ‘A’, A.3 Parking Spaces Required	21 spaces	11spaces	10 spaces

to accommodate a roof addition at the front of the building as shown on the plans appended to Committee of the Whole agenda item #2011-81, being a memorandum from the Director of Building and Planning dated February 17, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2585 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Acting Mayor Cassidy returned to the meeting at 9:12 p.m. and resumed the Chair.

***Development Variance Permit – 556 Newport Avenue***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit to amend Development Variance Permit 51-2010 with respect to 556 Newport Avenue (Lot 9, Block 5, Section 73, Victoria District, Plan 992), to accommodate the renovation of the dwelling and the detached garage by replacing the plans attached to Development Variance Permit 51-2010 with the plans appended to Committee of the Whole agenda item #2011-79, being a memorandum from the Director of Building and Planning dated February 17, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 556 Newport Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 1880 Greatford Place***

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 1880 Greatford Place (Lot 9, Section 61, Victoria District, Plan 4053), 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. (6) (a)			
Maximum Gross Floor Area Above .8m Below Grade	240 sq. m	288.7 sq. m	48.7 sq. m

to accommodate an extension to an existing deck as shown on the plans appended to Committee of the Whole agenda item #2011-82, being a memorandum from the Director of Building and Planning dated February 17, 2011.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 1880 Greatford Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***British Columbia Hydro and Power Authority Power Smart Incentive Program Funding***

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Parks and Recreation be authorized, on behalf of the District of Oak Bay, to execute an agreement with British Columbia Hydro and Power Authority to participate in the Power Smart Incentive Program in respect to the light replacement program for the Oak Bay Recreation Centre tennis bubbles, as substantially set out in the form attached to the printed resolution considered by Council on February 28, 2011.

CARRIED

**BYLAWS:**

***For Adoption***

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That Bylaw No. 4527, *Tree Protection Bylaw Amendment Bylaw No. 1, 2011*, be adopted.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That Bylaw No. 4528, *Ticket Information Utilization Bylaw Amendment Bylaw No. 1, 2011*, be adopted.

CARRIED

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

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That Bylaw No. 4529, *Animal Control Bylaw Amendment Bylaw No. 1, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That Bylaw No. 4529, *Animal Control Bylaw Amendment Bylaw No. 1, 2011*, be read a second time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That Bylaw No. 4529, *Animal Control Bylaw Amendment Bylaw No. 1, 2011*, be read a third time.

CARRIED

**ADJOURNMENT:**

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

CARRIED

The meeting adjourned at 9:16 p.m.

Certified Correct:

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

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Acting Mayor