

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 8, 2010, at 7:30 p.m.

PRESENT: Acting Mayor A. R. Cassidy, Chair
Councillor H. Braithwaite
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen
Councillor T. Ney

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

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

ADOPTION OF REPORT:

Public Hearing – January 25, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the report of the Public Hearing held on Monday, January 25, 2010, be adopted.

CARRIED

ADOPTION OF MINUTES:

Council – January 25, 2010

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, January 25, 2010, be adopted.

CARRIED

Committee of the Whole – February 1, 2010

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, February 1, 2010, and the recommendations contained therein, with the exception of the recommendation regarding correspondence item no. 2010-40 being a development variance permit application for 1579 Clive Drive, be adopted.

Councillor Jensen indicated a conflict inasmuch as a family relation is in a business relationship with the designer for 1579 Clive Drive, and left the meeting at 7:32 p.m.

The question was then called.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the recommendation contained in the minutes of the Committee of the Whole meeting held on Monday, January 4, 2010, regarding correspondence item no. 2010-40, a development variance permit application for 1579 Clive Drive, be adopted.

CARRIED

Councillor Jensen returned to the meeting at 7:33 p.m.

COMMUNICATIONS:

1. 2010-47 VICTORIA AND VANCOUVER ISLAND GREEK COMMUNITY SOCIETY, January 22, 2010
Re Request for Financial Assistance

Helen Raptis was in attendance on behalf of the Victoria and Vancouver Island Greek Community Society and provided a brief overview of the Society's work to create its annual festival, which is enjoyed by the whole region. Ms. Raptis noted that the Society has not received funding through the gaming commission this year as in year's past, and is therefore approaching municipalities to seek financial assistance for the entertainment component of the 2010 Greek Festival to be held in early September.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the request from Victoria and Vancouver Island Greek Community Society for financial assistance in the amount of \$3,000 be referred to Estimates Committee.

CARRIED

2. 2010-48 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, February 1, 2010
Re Request to Close Oak Bay Avenue for Oak Bay Village Night Market Events

Heather Leary, Oak Bay Business Improvement Association Coordinator, spoke to the Association's application to close Oak Bay Avenue for the purpose of an evening market on specific days during the summer months.

Ms. Leary noted that last year the night market was very well received, and that the Association chose Wednesday evenings for 2010 so as not to conflict with the Thursday night Sidney market.

It was confirmed by Ms. Leary that the Association hopes the night market will include local produce vendors.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That whereas pursuant to the Streets and Traffic Bylaw Council has determined that the proposed event will be of general benefit to the adjacent business district and will create no undue inconvenience for nearby residents nor the public at large, approval be given for the Oak Bay Business Improvement Association to occupy Oak Bay Avenue between Wilmot Place and Monterey Avenue for the purpose of an evening

market on June 16, July 21, August 18, and September 15, 2010 from 3:00 o'clock p.m. to 9:00 o'clock p.m., with sales of goods and refreshments permitted as part of the occupancy, and subject further to the Oak Bay Business Improvement Association entering into a public property occupancy agreement under which it will among other standard requirements as set out by the Municipal Clerk:

- 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; 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

3. 2010-49 ROTARY CLUB OF OAK BAY, February 3, 2010
Re Request to Occupy Public Property for Fund Raising Event

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That permission be granted to the Rotary Club of Oak Bay to occupy a portion of the front lawn at the Oak Bay Municipal Hall adjacent to 2167 Oak Bay Avenue, on any two of the March 2010 Friday and Saturday combinations from mid morning to sunset for the purpose of staging a fundraising event, subject to the Rotary Club of Oak Bay 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 public liability insurance in an amount not less than \$3,000,000 in that regard; 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

4. 2010-50 DIRECTOR OF BUILDING AND PLANNING, February 4, 2010
Re Design Approval – 2155 Cubbon Drive

The Municipal Administrator advised that at the time of the subdivision approval for 2155 Cubbon Drive, the execution of a covenant in favour of the Municipality was imposed regarding the building design approval process to ensure that any development was in keeping with the character of the neighbourhood.

Discussion turned to the trees on the property, and the Director of Building and Planning noted that although some tree damage was reported during the initial excavation of the site, the Municipal Arborist is now satisfied that the trees in question will be protected during the construction of the new home.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the plans for the construction of a new residential dwelling at 2155 Cubbon Drive, as attached to correspondence item no. 2010-50, be approved as to architectural design.

CARRIED

5. 2010-51 MUNICIPAL TREASURER, February 2, 2010
Re Request for Early 2010 Capital Approval

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That early spending approval be given to replace the Police Department computer server, install an air conditioning unit in the Police Department server room and upgrade the Finance Department's software as detailed in the memorandum from the Municipal Treasurer dated February 2, 2010 (correspondence item no. 2010-51).

CARRIED

NEW BUSINESS:

Welcome to Oak Bay Sign – Beach Drive and Cadboro Bay Road

Councillor Copley drew attention to correspondence that was circulated to Council members from a resident expressing concern that, among other things, the welcome sign at Beach Drive and Cadboro Bay Road did not fit with that location.

It was also noted that Jean Sparks, Chair of the Heritage Committee, raised concerns with some members of Council that the sign is incompatible with the heritage significance of the Uplands stone pillars and gate, which are in close proximity to the sign.

Discussion ensued, with some concern being expressed with respect to the lighting, location, height, and colour of the sign in its particular location.

Councillor Herbert advised that the welcome sign was initiated by the Community Initiatives Committee, and was made by volunteers. He noted that since receiving the correspondence on the sign he has arranged for the lighting to be changed and for the sign to be lowered to address any potential sight line issues.

Although it was suggested that the sign be referred to the Heritage Advisory Panel for review and input, it was agreed that, for now, the Community Initiatives Committee should continue to work towards resolving the issues brought forward.

Olympic Games Opening Ceremonies Celebration

Councillor Braithwaite drew attention to the upcoming Olympic Winter Games opening ceremonies celebration that will be taking place in the Sports View Lounge at the Oak Bay Recreation Centre on Friday, February 12, 2010, saying that everyone is welcome.

Volunteer Appointments to Municipal Committees – Proposed Equity Policy

Councillor Ney drew attention to her new experience of participating in the annual appointment process for members of volunteer boards and committees, noting that while it resulted in the appointment of very competent individuals, perhaps the appointments could have represented the diversity of the community more fully. Therefore, she suggested that staff be requested to research whether other local governments have equity policies in place with respect to volunteer appointments, with a view to perhaps having an Oak Bay policy in place in time for the 2011 annual appointment process to ensure the volunteer bodies more fully represent the demographics of the community.

There was discussion regarding the need for an equity policy, and while some members of Council felt it would be desirable to ensure gender equity on volunteer boards and committees where possible, others did not feel that a gender imbalance necessarily meant that a wide range of views were not being expressed.

It was the majority view that inasmuch as Mayor Causton was absent, further discussion and consideration of any direction to staff to undertake a survey should be postponed until a full Council was present to participate in the discussion.

Rock Retaining Wall – 63 Sylvan Lane

Responding to Councillor Jensen's enquiry about the status of the retaining wall at 63 Sylvan Lane, the Director of Building and Planning said he recently discussed possible options with the property owner and developer. There could be, he said, a requirement to remove the existing wall pursuant to the Deposit of Fill Bylaw regulations or due to the wall not meeting the requirements of the Building and Planning Bylaw, noting he was not prepared to accept the current design.

Mr. Thomassen explained that the owners would be bringing forward an alternate design for consideration in the near future that is expected to address the concerns raised.

TABLED:

Development Variance Permit – 1941 Crescent Road

MOVED by Councillor Copley

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 amending Development Variance Permit No. 38-2009 with respect to 1941 Crescent Road (Lot 19, Section 19, Victoria District, Plan 291) to add the variance to 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)(b) Maximum Gross Floor Area	420 sq m	465 sq m	45 sq m

to accommodate the proposed basement room not shown on the plans attached to DVP No. 038-2009 and to replace those plans with the plans attached to Committee of the Whole agenda item #2010-31, being a memorandum from the Director of Building and Planning dated January 13, 2010.

CARRIED

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

CARRIED

RESOLUTIONS:

There was a consensus to vary the order of the agenda.

Development Variance Permit – 2377 Estevan Avenue

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 2377 Estevan Avenue (Lot 10, Block 1, Section 61, Victoria District, Plan 379), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, with respect to the siting of the principal building:

<u>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 (East Side)	3.00 m	2.95 m	0.05 m
6.5.4.(11) Minimum Interior Side Lot Line Setback of the Second Storey (West Side)	3.00 m	2.50 m	0.50 m

to accommodate the renovations, including the addition of a second floor at the rear of the dwelling on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-41, being a memorandum from the Director of Building and Planning dated January 28, 2010.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the motion in respect of the development variance permit for 2377 Estevan Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2075 Lansdowne Road

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 2075 Lansdowne Road (Lot 3, Section 31, Victoria District, Plan 5858), 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(4) Maximum Lot Coverage, Accessory Structures	5% (62.5 sq m)	6.6% (82.5 sq m)	1.6 percentage points (20 sq m)
6.4.4(7) Clear Space between Buildings and Structures, (house to hot tub)	3.00 m	1.83 m	1.17 m
6.4.4(7) Clear Space between Buildings and Structures, (deck to mechanical room building)	3.00 m	0 m	3.00 m

to accommodate the construction of a detached deck, pool and hot tub in the rear yard of the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-42, being a memorandum from the Director of Building and Planning dated January 28, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 2075 Lansdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1579 Clive Drive

Councillor Jensen indicated a conflict inasmuch as a family relation is in a business relationship with the designer for 1579 Clive Drive, and left the meeting at 8:30 p.m.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1579 Clive Drive (Lot 15, Section 69, Victoria District, Plan 1156), 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)(b) Minimum Rear Lot Line Setback	7.62 m	6.30 m	1.30 m
6.5.4(2)(c) Minimum Interior Side Lot Line Setback	1.52 m	1.40 m	0.12 m
6.5.4(2)(e) Minimum Total of Side Lot Lines	4.57 m	1.83 m	2.74 m
6.5.4(3)(b) & Schedule 'B' Maximum Occupiable Height	4.27 m	4.88 m	0.61 m

6.5.4(6)(a)
Maximum Gross Floor Area Above 0.8 m 240 sq m 261.4 sq m 21.4 sq m
Below Grade

6.5.4(11)
Minimum Interior Side Lot Line Setback, 3.00 m 1.0 m 2.0 m
Second Storey

to accommodate the construction of a deck on the main floor, enlargement of the deck on the second floor, and additional interior modifications, as shown on the plans appended to Committee of the Whole agenda item #2010-40, being a memorandum from the Director of Building and Planning dated January 27, 2010.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the motion in respect of the development variance permit for 1579 Clive Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

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 holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

CARRIED

The meeting adjourned at 8:31 p.m.

Certified Correct:

Municipal Clerk

Acting Mayor