

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

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

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

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

ADOPTION OF MINUTES:

Council – February 22, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, February 22, 2010, be amended to indicate that Councillor Braithwaite voted against the motion to approve, in relation to 2075 Lansdowne Road, a variance to section 6.4.4(4) of the Zoning Bylaw with respect to maximum lot coverage for accessory structures (the proposed deck), and that the minutes, as amended, be adopted.

CARRIED

Special Council – February 27, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That the minutes of the Special Council meeting held on Saturday, February 27, 2010, be adopted.

CARRIED

Committee of the Whole – March 1, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That the minutes of Committee of the Whole meeting held on Monday, March 1, 2010, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2010-78 OAK BAY TOURISM COMMITTEE, February 25, 2010
Re Request to Conduct Palm Tree Fundraising Sale on Municipal Hall Property

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That permission be given to the Oak Bay Tourism Committee to conduct a palm tree sale on the front lawn of the Oak Bay Municipal Hall from 9:00 a.m. to 2:00 p.m. on Saturday, May 1, 2010, subject to the Oak Bay 5th Garry Oak Scouts and the Oak Bay Rotary Club being the recipients of the net proceeds.

CARRIED

2. 2010-79 COX, TAYLOR, BARRISTERS & SOLICITORS, February 15, 2010
Re P3 Zoning Bylaw Provisions for Structures

Responding to questions from Council regarding the suggestion by John Alexander of Cox, Taylor, Barristers & Solicitors, on behalf of his clients, that consideration be given to amending the regulations for the golf course properties to implement a setback requirement for structures such as retaining walls, the Municipal Administrator noted that should Council so desire, a relatively simple change could be made for those properties only, or a significant review of the Zoning Bylaw regulations regarding retaining walls could be undertaken.

Mr. Alexander drew attention to his letter noting that his clients had asked him to raise the issue of setback regulations for golf course properties stemming from their experience with the Victoria Golf Club constructing a retaining wall immediately adjacent to his client's property due to there being no setback requirements in the Zoning Bylaw in that regard.

Mr. Alexander drew attention to the regulations for the P9 zone, noting that similar regulations for structures as laid out in that zone could easily be applied to the golf course properties in the P3 zone as well.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That staff be directed to draft an amendment to the zoning regulations for golf course properties (zoned P3) with respect to implementing a setback requirement for structures, in line with the regulations for structures in the P9 zone.

Responding to further questions, Mr. Cochrane pointed out that any structures that have already been constructed, such as the retaining wall on the golf course, would be rendered lawfully non-conforming should the regulations be amended.

The question was then called.

CARRIED

3. 2010-80 MUNICIPAL TREASURER, March 1, 2010
Re Social Service Agency Operating Grant Requests

Mayor Causton noted that the social service agencies noted in the memorandum from the Municipal Treasurer were unable to attend the meeting. There was consensus to defer this item to the next meeting of Council when the representatives of the three agencies would be available to make a presentation, as they had requested.

4. 2010-81 OAK BAY HERITAGE COMMITTEE, February 11, 2010
Re Minutes of the Meeting

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

Councillor Ney provided a summary of the concerns raised by the Heritage Committee regarding the sign the Community Initiatives Committee had erected at Beach Drive and Cadboro Bay Road, noting that although appreciation was expressed for the volunteer work on the sign, it was felt that it was not in keeping with the heritage Uplands gates adjacent to it. The Committee, she said, wants to see the sign removed and referred to the appropriate parties for consultation regarding relocation options.

There was discussion regarding the sign, and it was pointed out that there are no formal rules or guidelines regarding the placement of objects near a heritage structure such as the Uplands gates. However, the concerns raised by the Heritage Committee were also acknowledged, and there was consensus to refer the matter of the sign location back to that the Community Initiatives Committee for re-examination and a recommendation to Council, and that the Chair of the Heritage Committee, who is also a member of the Heritage Advisory Panel, be invited to attend the meeting.

Jean Sparks, Chair, Oak Bay Heritage Committee, reiterated some of the concerns the Committee had regarding the location of the sign next to the Uplands gates, noting what she felt was an oversight in not referring the potential location to the Heritage Committee or the Advisory Design Panel for consultation.

Heritage Property Tax Exemption

Attention was drawn to the work of the Committee in reviewing Councillor Cassidy's proposal to implement a heritage property tax exemption program, and responding to questions from Council, staff confirmed that certain criteria would have to be met in order for properties to be eligible for an exemption, pursuant to the applicable legislation.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the minutes of the Oak Bay Heritage Committee meeting held February 11, 2010, be received.

CARRIED

5. 2010-82 DEPUTY TREASURER, March 4, 2010
Re Tender Award Recommendations

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the following tenders be awarded as recommended in the memorandum from the Deputy Treasurer dated March 4, 2010 (correspondence item number 2010-82):

PW09-2010, Tandem Dump Truck	P&R Western Star	\$112,564.78
PW10-2010, Cab and Chassis	Metro Motors Ltd.	\$ 51,089.66

CARRIED

6. 2010-83 GRAHAM LAMB, February 19, 2010
Re Boulevard Encroachment Process

7. 2010-84 LYNN GORDON-FINDLAY, March 2, 2010
Re Development Variance Permit – 1932 St. Ann Street

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That correspondence item number 2010-83 and 2010-84 be received.

CARRIED

TABLED:

Development Variance Permit – 3011 Devon Road

MOVED by Councillor Jensen

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 3011 Devon Road (Lot 19, Block 46, Section 31, Victoria District, Plan 10950), 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) & Schedule 'C'			
Minimum Interior Side Lot Line Setbacks	3.66 m	3.5 m	0.16 m
6.2.4(2)(e) & Schedule 'C'			
Minimum Total of Side Lot Line Setbacks	8.53 m	6.25 m	2.28 m

to accommodate the construction of a new deck, as shown on the plans appended to Committee of the Whole agenda item #2010-58, being a memorandum from the Director of Building and Planning dated February 8, 2010.

CARRIED

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

CARRIED

Development Variance Permit – 2508 Florence 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 2508 Florence Street (Lot 44, Block 1, Section 28, Victoria District, Plan 915), 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>
4.15.1 Maximum Rear Yard Paved Surface	29 sq m (25%)	34.7 sq m (29.80%)	5.7 sq m (4.8 percentage points)
6.5.4 (2)(c) Minimum Side Lot Line Setback (Accessory Structure)	1.52 m	0.91 m	0.61 m
6.5.4 (7) Clear Space Between Building and Structures	3.0 m	1.78 m	1.22 m

to accommodate the pergola and the hard surfacing in the rear yard, as shown on the plans appended to Committee of the Whole agenda item #2010-59, being a memorandum from the Director of Building and Planning dated February 8, 2010.

CARRIED

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

CARRIED

Development Variance Permit – 1932 St. Ann Street

MOVED by Councillor Jensen

Seconded by Councillor Copley, 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 1932 St. Ann Street (Lot 5, Section 61, Victoria District, Plan 1309), 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>
4.15.1 Maximum Rear Yard Paved Surface	29 sq m (25%)	62.7 sq m (54%)	33.7 sq m (29 percentage points)
6.5.4 (6)(a) Maximum Gross Floor Area Above 0.8 m Above Grade	240 sq m	295 sq m	55 sq m
6.5.4 (11) Minimum Interior Side Lot Line Setback of Second Storey	3.00 m	2.10 m	0.90 m

to accommodate the renovations and hard surfacing, as shown on the plans appended to Committee of the Whole agenda item #2010-60, being a memorandum from the Director of Building and Planning dated February 11, 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:

Development Variance Permit – 2169 Fair Street

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2169 Fair Street (Lot 4, Section 28, Victoria District Plan 999, Except Parcel A (DD95164I) of said Lot 4), varying the following provision of Bylaw No. 3540, *Parking Facilities Bylaw*, 1986 as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 and Schedule 'A', A.1. (a) Minimum number of Parking Spaces	2 spaces (one must be in a building)	0	2 spaces (none in building)

to accommodate the elimination of the garage, as shown on the plans appended to Committee of the Whole agenda item #2010-75, being a memorandum from the Director of Building and Planning dated February 18, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 2169 Fair Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1494 Beach Drive

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 1494 Beach Drive (Lot 7, Section 23 & 69, Victoria District, Plan 368), 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)(a) Maximum floor area above 0.8 metres below grade	240 sq m	279.80 sq m	39.80 sq m

to accommodate the construction of a deck extension, as shown on the plans appended to Committee of the Whole agenda item #2010-76, being a memorandum from the Director of Building and Planning dated February 24, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 1494 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1392 Hampshire 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 1392 Hampshire Road (Amended Lot 13, (DD193213I) Section 23, Victoria District, Plan 673A), 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>
4.15.1 Maximum Paved Surface of the Front Yard	38 sq m 25%	53.2 sq m 35%	15.2 sq m 10 percentage points

to accommodate the driveway for a proposed new dwelling as shown on the site plan appended to Committee of the Whole agenda item #2010-77, being a memorandum from the Director of Building and Planning dated February 24, 2010, and with effect only in the context of the garage door location and design depicted on Drawing No. A-3.1 prepared by Alan Lowe Architect Inc. and date-stamped March 4, 2010 by the Oak Bay Building Department.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 1392 Hampshire Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

Attention was drawn to the elevation depicting a new two door design for the double garage as had been discussed at Committee of the Whole on March 1, 2010.

The question on the motion was then called.

CARRIED

BYLAWS:

For First, Second and Third Reading

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4501, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4501, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2010*, be read a second time.

The subject of including vegetables in the approved planting list for boulevard encroachments was raised, and following discussion on the matter, with varying views and opinions being expressed, it was the majority view of Council that the bylaw as drafted, which does not include permitting vegetables to be planted on the boulevard, was adequate at this point.

The question was then called.

CARRIED

(Councillor Herbert against the motion)

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That Bylaw No. 4501, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2010*, be read a third time.

CARRIED

(Councillor Herbert against the motion)

MOVED by Councillor Ney

Seconded by Councillor Copley, That, should Bylaw No. 4501 be adopted at a future meeting, staff be instructed to report back to Committee of the Whole in six months time with respect to how the Bylaw is being responded to by members of the public.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4502, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4502, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2010*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4502, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2010*, be read a third time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Ney, That Bylaw No. 4503, *Administrative Procedures Bylaw Amendment Bylaw No. 1, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Ney, That Bylaw No. 4503, *Administrative Procedures Bylaw Amendment Bylaw No. 1, 2010*, be read a second time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Ney, That Bylaw No. 4503, *Administrative Procedures Bylaw Amendment Bylaw No. 1, 2010*, be read a third time.

CARRIED

NEW BUSINESS:

Uplands Combined Sewer System

As requested, the Director of Engineering Services provided an update on what will be presented to Committee of the Whole regarding the Uplands sewer system, likely within the next month, noting that the report will include information on all options considered in this regard in the past, what is permitted pursuant to the Liquid Waste Management Plan, sewer flow considerations, and potential downstream costs for regional sewer treatment.

The Municipal Administrator also noted that he would be providing a supplementary report including an analysis of the Municipal Sewage Regulation in the context of the Ministerial directives and previous provincial responses to proposed options for the Uplands sewer separation.

Secondary Suites Review Committee

Councillor Jensen indicated that submission of the report to Council would likely occur in May or later, once the new Chief Administrative Officer has been appointed.

Rock Retaining Wall – 63 Sylvan Lane

As requested, the Director of Building and Planning provided an update regarding the rock retaining wall, noting that the owners have been requested to have it removed by March 31, 2010, saying that he understands they are working on a new wall design.

Pesticide Use Reduction Bylaw

Councillor Copley noted that the District of Saanich has recently adopted a pesticide use bylaw, which addresses pesticide use on both public and private property.

Inasmuch as the pesticide subcommittee of the Commission has been investigating the issue, including observing the actions of the District of Saanich in this regard, Councillor Braithwaite advised that the Commission will likely be reporting back to Committee of the Whole with recommendations on the subject in April 2010.

Boulevard Treatment Options – South Side of Tinto Street

Councillor Ney reported on the meeting recently held with interested parties regarding possible treatment options for the boulevard on the south side of Tinto Street, noting that the consensus that emerged from the meeting was that the boulders should be removed and some parking spaces should be accommodated. The particulars of the suggestions, said Councillor Ney, would be forthcoming to Committee of the Whole, along with a rough cost estimate.

Proposed Equity Policy for Volunteer Appointments

Councillor Ney referred to having previously raised the issue of implementing an equity policy with respect to volunteer board and committee appointments, noting that Council had wished to have all members present prior to discussions on the subject. With one member of Council absent, said Councillor Ney, she planned to bring forward the subject for discussion again when all were in attendance.

Councillor Ney confirmed that what she envisaged was a policy that would address more than just gender, to include things such as age and race as well. Additionally, it was noted that such a policy would not require absolute balance, but a framework for working towards full representation of the community on volunteer bodies.

There was discussion regarding the issues involved, and Councillor Ney agreed to forward to Council an example of the type of policy she would like to see considered.

Soft Plastics Recycling

In Councillor Cassidy's absence, it was noted that in response to correspondence from the Green Committee regarding soft plastics recycling, he wished to have stated his view that the Municipality should take responsibility for soft plastics recycling.

ADJOURNMENT:

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the open portion of the Council meeting be adjourned and that a closed session be convened to discuss personal information about identifiable individuals who are being considered for a position as an officer of the municipality.

CARRIED

The meeting adjourned at 9:05 p.m.

Certified Correct:

Municipal Clerk

Mayor