

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 14, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
Councillor N. B. Jensen
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker

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

ADOPTION OF MINUTES:

Council – February 28, 2011

MOVED by Councillor Copley
Seconded by Councillor Cassidy, That the minutes of the Council meeting held on Monday, February 28, 2011, be adopted.

CARRIED

Committee of the Whole – March 7, 2011

MOVED by Councillor Cassidy
Seconded by Councillor Braithwaite, That the minutes of Committee of the Whole meeting held on Monday, March 7, 2011, and the recommendations contained therein, be adopted.

With respect to correspondence item no. 2011-96, being a subdivision covenant and development variance permit application for 1820 Beach Drive, Mayor Causton advised that his vote was also against the motion to approve and there was consensus to amend the minutes to reflect this.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2011-100 OAK BAY EMERGENCY PROGRAM COORDINATOR, March 11, 2011
Re Royal Roads Capstone Engagement

(Chief Adam, Oak Bay Fire Department, in attendance for this item)

Chief Adam provided an overview of the proposed partnership between the Oak Bay Emergency Program and Royal Roads University to engage in the United Nations International Strategy for Disaster Reduction campaign that encourages local governments to participate in a ten point checklist to make their community more resilient in the wake of a disaster.

Chief Adam explained that although there is no cost to the Municipality for this project with the Royal Roads University, the Emergency Program is requesting that Council support the “Making Cities Resilient: My City is Getting Ready” event and be prepared to move ahead with the intent of the campaign.

Members of Council expressed their appreciation for the valuable work and leadership of the Oak Bay Emergency Program.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That approval be given to the Royal Roads Capstone Engagement Project for the Oak Bay Emergency Program and that a letter of endorsement be sent to the Royal Roads University in this regard.

CARRIED

2. 2011-101 COMMUNITY SOCIAL PLANNING COUNCIL, February 17, 2011
Re Request for Financial Assistance

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a 2011 operating grant in the amount of \$3,924 to the Community Social Planning Council be approved.

CARRIED

Responding to a member of Council drawing attention to the recent announcement that NEED2: Crisis Intervention and Public Information Society, which recently received approval for financial assistance from the Municipality, may be closing its doors due to lack of funding, the Municipal Treasurer advised that she will be monitoring the situation and will advise Council of any changes.

3. 2011-102 GREATER VICTORIA FILM COMMISSION, February 25, 2011
Re Request for Financial Assistance

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a 2011 operating grant in the amount of \$3,000 to the Greater Victoria Film Commission be approved.

Kathleen Gilbert, Greater Victoria Film Commissioner, expressed the Film Commission’s appreciation for the District of Oak Bay’s continuing support, and provided an overview saying that last year’s contribution helped the local film industry generate \$12.5 million in spending.

Acknowledging the submission of the 2009 financial statements, Council requested that the Greater Victoria Film Commission provide their 2010 budget statements for information once they are finalized.

The question was then called.

CARRIED

4. 2011-103 CAPITAL REGION MUSIC AWARDS SOCIETY, [Undated]
Re Bid to Host 2014 Juno Awards

Scott Hoadley, President, Capital Region Music Awards Society, advised that the Society wishes to submit a formal bid to host the 2014 Juno Awards in the Capital Region and is seeking support, in principle, from the District of Oak Bay, and is asking that Oak Bay partner with the University of Victoria and the District of Saanich to secure \$100,000 over the next three fiscal terms to financially support the event should the Society be the successful bidder.

Kyara Kahakauwila, Secretary, Capital Region Music Awards Society, said that the Province requires a financial commitment, in principal, from the regional municipalities, although she acknowledged that Council cannot bind future Councils financially, therefore they were only seeking support in principle at this point.

Mr. Hoadley and Ms. Kahakauwila responded to various questions about the event and anticipated timelines, noting that there would be many events leading up to the 2014 Juno Awards, adding that this opportunity will bring legacy programming and infrastructure to the region.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That staff be directed to send a letter to the Capital Region Music Awards Society indicating support in principle for the Society's bid to host the 2014 Juno Awards in Greater Victoria, and further.

There was consensus to also indicate Council's willingness to work with the District of Saanich and the University of Victoria to look at the possibility of providing financial assistance over the three year period leading up to the Juno Awards, subject to a successful bid application.

The question was then called.

CARRIED

5. 2011-104 ECOLE WILLOWS SCHOOL PARENT ADVISORY COMMITTEE,
October 18, 2010
Re Request for Financial Assistance

Michelle Kirby, representing the Willows School Parent Advisory Committee, was in attendance requesting funding to help with the cost of installing covered bicycle racks on the school grounds. Ms. Kirby said that adding more bike racks would help alleviate the morning and afternoon drop-off and pick-up traffic congestion and would be in tune with the Municipality's Climate Action Plan.

With respect to the number of bike racks and the cost, Ms. Kirby said that three racks would accommodate approximately 27-30 bikes and the cost could be reduced by installing the racks under the existing roof overhangs, adding that three bicycle racks would cost approximately \$2,100 plus installation.

Following some discussion and varying views being expressed, Council requested that the Parent Advisory Committee provide more information with respect to the proposed cost, location, and installation of the bicycle racks.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the request for financial assistance from the Willows School Parent Advisory Committee in the amount of \$5,000 be referred to Estimates Committee for further consideration.

It was suggested that the Parent Advisory Committee should consider seeking funding from other sources as well.

The question was then called.

CARRIED

6. 2011-105 BIKE TO WORK VICTORIA, February 26, 2011
Re Grant Request/Occupancy of Public Property Request

Rob Wickson, President, Bike to Work Victoria, was in attendance to speak to the request for a grant and permission to stage a "celebration station" on the front lawn of the Municipal Hall during Bike to Work Week.

With respect to the Willows School Parent Advisory Committee's request for financial assistance to purchase bicycle racks, Mr. Wickson advised that Bike to Work Victoria may be able to assist in this request as they often give bike racks as prizes and he suggested that Ms. Kirby contact Bike to Work Victoria.

Turning back to the topic of the Bike to Work Victoria's request, Mr. Wickson noted that funding has been more of a struggle this year and he invited Oak Bay to consider its sponsorship at the \$3,000 Bronze support level.

As was agreed to last year and given the nature of the event it was felt that a reduced amount of liability insurance of \$2,000,000 was acceptable.

Councillor Jensen

Seconded by Councillor Braithwaite, That a grant to Bike to Work Victoria in the amount of \$1,000 be approved, and that the remainder of the funding request (\$2,000) be referred to Estimates Committee, 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 occupancy and provide evidence of public liability insurance in the amount of not less than \$2,000,000; 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. 2011-106 CAPITAL REGIONAL DISTRICT, February 28, 2011
Re Request for Consent to Adopt Bylaw No. 3768, Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005 Amendment Bylaw No. 7, 2011

MOVED by Councillor Jensen

Seconded by Councillor Copley, That consent be given to the adoption of Capital Regional District Bylaw No. 3768, Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005 Amendment Bylaw No. 7, 2011 in accordance with Section 801.4 of the *Local Government Act*.

CARRIED

- 8 2011-107 ANN MARCOTTE, February 4, 2011
Re Request for Temporary Road Closure for Grad Street Party, Lincoln Road – May 20, 2011

Councillor Braithwaite declared a conflict of interest with respect to correspondence item no. 2011-107 in that she lives on Lincoln Road. Councillor Braithwaite left the meeting at 8:21p.m.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That permission be given for the closure of Lincoln Road between Camas Lane to Dorset Road, on Friday, May 20, 2011, from 2:00 p.m. to 6:30 p.m., for the purpose of a grad street party.

CARRIED

Councillor Braithwaite returned to the meeting at 8:23 p.m.

9. 2011-108 DIRECTOR OF BUILDING AND PLANNING, March 10, 2011
2011-108-1 DIRECTOR OF BUILDING AND PLANNING, March 14, 2011
2011-108-2 CAPITAL REGION EMERGENCY SERVICE COMMUNICATIONS INC., March 9, 2011
Re Application for Zoning Bylaw Amendment – 1175 Beach Drive

The Director of Building and Planning advised Council that the Capital Region Emergency Service Communications Inc. (CREST) approached the owner of the Oak Bay Beach Hotel asking for assistance with improving its emergency communications for the south end of Oak Bay. Mr. Thomassen said that CREST has requested that an antenna be installed on the roof of the building and that a separate room required for the computer equipment be provided. Mr. Thomassen said that a Zoning Bylaw amendment would be necessary to provide the additional floor area for the communications equipment room and the storage room proposed by the property owner.

Responding to a question regarding other possible sites for this purpose, Gord Horth, General Manager, Capital Region Emergency Service Communications Inc., said that CREST has been exploring sites for installation of the equipment that will improve the emergency communications system for the south end of Oak Bay and it was felt that the new Oak Bay Beach Hotel would be an ideal location in this regard. It was confirmed that just one antenna would be erected at the site.

The benefits of improving emergency communications were acknowledged by Councillor Jensen, Oak Bay's representative on the CREST Board.

Kevin Walker, Bison Properties Ltd., pointed out that the application is time sensitive as modifications would be needed to the hotel to accommodate the system and he would not want to see the current ongoing construction of the hotel interrupted.

Responding to questions, the Municipal Clerk explained that a change to the Zoning Bylaw to increase the floor area ratio for the property requires a public hearing, which could be held in April should the application move forward to that point. Ms. Hilton also advised that an amendment to the development permit would be required in respect to the change in plans and the variances required in relation to the proposed antenna.

MOVED by Councillor Jensen
Seconded by Councillor Braithwaite,

- 1) That a resolution to authorize the Director of Building and Planning to issue a development permit, with variances, to Bison Properties Ltd. with respect to Lot A, Sections 23 and 73, Victoria District, Plan VIP82201 zoned CD-1, as outlined in correspondence item no. 2011-108-1, be prepared and brought forward to Council for consideration.
- 2) That staff be directed to bring forward an amendment to the Zoning Bylaw to change the floor area ratio maximum in the CD-1 – Comprehensive Development Use – Waterfront Hotel Complex zone from 1.70 : 1.0 to 1.715 : 1.0.

CARRIED

10. 2011-109 MUNICIPAL DEPUTY TREASURER, March 9, 2011
Re Tender Award Recommendation – Flusher, Fairway Mower and Front Mount Mower

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That the following tenders be awarded as recommended in the memorandum from the Deputy Treasurer dated March 9, 2011 (correspondence item number 2011-109):

<u>PW09-2011</u>	Flusher & Camera System	Vimar Equipment (Flusher)	\$205,747.65
		Vimar Equipment (Camera)	\$9,155.46
<u>PW10-2011</u>	Fairway Mower	Oak Creek Golf & Turf	\$39,087.00
<u>PW11-2011</u>	72” Front Mount Mower	Prairie Coast Equipment	\$30,807.36

CARRIED

11. 2011-110 OAK BAY COMMUNITY INITIATIVES COMMITTEE, January 19, 2011
Re Minutes of the Meeting

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Community Initiatives Committee held on January 19, 2011, be received.

CARRIED

12. 2011-111 OAK BAY HERITAGE COMMITTEE, February 15, 2011
Re Minutes of the Meeting

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Heritage Committee held on February 15, 2011, be received.

CARRIED

13. 2011-112 BARBARA BLACK, March 6, 2011
Re Bylaw No. 4529, Animal Control Bylaw Amendment Bylaw No. 1,
2011

MOVED by Councillor Jensen

Seconded by Councillor Ney, That correspondence item no. 2011-112 be received.

CARRIED

NEW BUSINESS:

Earth Hour – March 26, 2011

Mayor Causton noted that he has received a letter requesting that Oak Bay participate in a 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 26, 2011 in an effort to deliver a message about the need for action on global warming.

TABLED:

Development Variance Permit – 556 Newport Avenue

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 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.

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 – 1880 Greatford Place

MOVED by Councillor Copley

Seconded by Councillor Ney, 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 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.

CARRIED

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

CARRIED

Councillor Cassidy indicated a conflict of interest with respect to the next two tabled resolutions on the agenda on the basis of previously stated reasons which were 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. Councillor Cassidy left the meeting at 8:46 p.m.

Development Variance Permit – 2185 Granite Street

MOVED by Councillor Ney

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

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, (DD1932131), 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.

CARRIED

Wayne Salisbury, resident, was in attendance to express his concern regarding the potential noise from the proposed generator, saying it could affect the quality of life for the neighbours, and that if the variance is approved for its location by Council he would like to see noise baffling installed around the device.

Harvey Pinch, applicant, advised that at this time he will not be installing a generator until he finds a quieter unit, which he said will be difficult given the low allowable decibel level in the Zoning Bylaw. Mr. Pinch said that he and the Bylaw Officer took a site sound test and even with no machinery running the level was above the allowable 40 decibels at the property line.

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

CARRIED

Development Permit with Variances – 2585 Cadboro Bay Road

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 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) <i>Minimum Front Lot Line Setbacks</i>	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 <i>Parking Spaces Required</i>	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.

CARRIED

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

CARRIED

Councillor Cassidy returned to the meeting at 8:57 p.m.

RESOLUTIONS:

Development Variance Permit – 2845 Heron Street

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2845 Heron Street (Lot 11, Block 40, Section 31, Victoria District, Plan 8777), 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) (d) Minimum Exterior Side Lot Line Setbacks	7.62 m	6.7 m	0.92 m
6.2.4. (7) Clear Space of 3.00 Metres Required Between Buildings	3.00 m	0 m	3.00 m

to accommodate the construction of a new dwelling as shown on the plans appended to Committee of the Whole agenda item #2011-95, being a memorandum from the Director of Building and Planning dated March 1, 2011.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2845 Heron Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2670 Cranmore Road

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2670 Cranmore Road (Amended Lot C, (DD134892-I), Section 61, Victoria District, Plan 3598), 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. (3) (b) and Schedule ‘B’ Maximum Occupiable Height	4.57 m	5.44 m	0.87 m
6.5.4. (6) (b) Maximum Gross Floor Area Above 0.8 Metres Below Grade	300 sq m	360.9 sq m	60.9 sq m
6.5.4. (7) Minimum Clear Space Between Buildings	3.0 m	2.70 m	0.30 m

to accommodate the renovations including a two storey addition as shown on the plans appended to Committee of the Whole agenda item #2011-97, being a memorandum from the Director of Building and Planning dated March 3, 2011.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2670 Cranmore Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 114 Beach Drive

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 114 Beach Drive (Lot 2, Section 22, Victoria District, Plan 1246), 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. (3) (b) and Schedule 'B' Maximum Occupiable Height	4.25 m	4.65 m	0.40 m
6.5.4. (6) (a) Maximum Gross Floor Area Above 0.8 Metres Below Grade	240 sq m	280 sq m	40 sq m
6.5.4. (11) Minimum Interior Side Lot Line Setback for the Second Storey	3.0 m	2.78 m	0.22 m

to accommodate the construction of a new deck and expansion of the top floor as shown on the plans appended to Committee of the Whole agenda item #2011-98, being a memorandum from the Director of Building and Planning dated March 3, 2011.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 114 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Jensen

Seconded by Councillor Copley, That Bylaw No. 4529, *Animal Control Bylaw Amendment Bylaw No. 1, 2011*, be adopted.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 8:58 p.m.

Certified Correct:

Municipal Clerk

Mayor

