

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 22, 2010 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor P. Copley
Councillor J. D. Herbert
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

Earth Hour 2009

Mayor Causton drew attention to Oak Bay once again participating 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 27, 2010 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 a two hour commitment, bearing in mind any safety requirements that may arise, as had been done in 2009. There was consensus to proceed with the Mayor's suggestion in this regard.

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

ADOPTION OF MINUTES:

Special Council – March 5, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Friday, March 5, 2010, be adopted.

CARRIED

Council – March 8, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, March 8, 2010, be adopted.

CARRIED

Committee of the Whole – March 15, 2010

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That the minutes of Committee of the Whole meeting held on Monday, March 15, 2010, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2010-91 DIRECTOR OF PARKS AND RECREATION, March 15, 2010
Re Tender Award – UV Pool Purification System

(Lorna Curtis, Director of Parks and Recreation, in attendance for this item.)

Referring to her memorandum, Lorna Curtis noted that two bids were received for the capital project to convert the Oak Bay Recreation Centre pool ozone system to an Ultra Violet (UV) purification system as part of the 2009 Energy Savings project.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the tender for the Oak Bay Recreation Centre UV Pool Purification System be awarded to Summit Mechanical Systems, at a cost of \$69,020.00.

CARRIED

2. 2010-92 MUNICIPAL TREASURER, March 16, 2010
Re Request for Early Approval for 2010 Capital Projects

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That early spending approval be given for the capital projects as detailed in the memorandum from the Municipal Treasurer dated March 16, 2010 (correspondence item no. 2010-92).

CARRIED

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

(Trish Stovel, Community Council, Val Green, Victoria Volunteer Society, Joyalle Bunyan-Maynard, Crisis Intervention and Public Information Society of Greater Victoria (NEED) and Darlene Ricketts, St. John Ambulance- Victoria, in attendance for these items.)

Trish Stovel, Val Green, Joyalle Bunyan-Maynard and Darlene Ricketts made presentations to Council regarding the individual requests for funding, providing overviews of the services each organization provides, and outlining the need for the level of funding being sought by each, as more particularly described in their submissions to Council.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the following grant requests be referred to Estimates Committee:

Community Council	\$3,924
Volunteer Victoria	\$2,943
Crisis Intervention and Public Information Line (NEED)	\$4,905
St. John Ambulance – Victoria	\$1,070

CARRIED

4. 2010-93 VICTORIA WHEELERS, [Undated]
-- EXCERPT FROM COUNCIL MEETING MINUTES, January 11, 2010
2010-22 VICTORIA WHEELERS, December 14, 2010
Re Request for Road Closures for Cycling Race Around Windsor Park –
July 25, 2010

It was noted that at its meeting of January 11, 2010, Council deferred the request for the road closures for the proposed cycling race to provide an opportunity for the event organizers to discuss the park use conflicts with staff and user groups and attempt to devise a workable alternative and report back to Council. It was acknowledged that correspondence item no. 2010-93 addresses the conflicts.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That approval be given for the closure of the roads bordering Windsor Park between the hours of 7:30 a.m. and 12:00 noon, July 25, 2010, subject to the Event Organizer 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 providing evidence of public liability insurance in an amount not less than \$3,000,000; and
- 2) agree to pay for all invoices from the Municipality for costs incurred in relation to the event; and
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement same subject to any field instructions from the Police; and
- 4) sufficient notice be given by the event organizers to all property owners along the proposed route,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

5. 2010-94 OAK BAY TOURISM, March 16, 2010
Re 2009 Year End Report and 2010 Budget and Strategy Plan

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Oak Bay Tourism Committee's 2010 budget and strategy plan be approved.

CARRIED

6. 2010-95 COUNCILLOR PAM COPLEY, March 19, 2010
Re Oak Bay Lodge Property and Complex Care in Oak Bay

With respect to the Vancouver Island Health Authority's plans for the future of the Oak Bay Lodge site, Councillor Copley, referring to her memorandum, suggested that with the deadline for request for proposals to be received by VIHA being February 26, 2010, it may be the opportune time for Oak Bay Council to express its views, much as Saanich has done, on the priority that should be assigned to maintaining complex care units within this community.

Referring to the January 11, 2010 meeting of Council, Councillor Copley noted the Chief Executive Officer for VIHA was in attendance to update Council on the plans for the Oak Bay Lodge. At that time, Council had requested information on the condition of the Lodge building and to be apprised of VIHA's long term plans for the provision of complex care beds in the community as the process unfolds.

Following discussion, it was agreed that the public interest would be served by taking a position and conveying it to the Minister of Health along with VIHA.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That the Minister of Health and Vancouver Island Health Authority (VIHA) be advised that Oak Bay Council supports:

- 1) the retention in public ownership of land, such as the Oak Bay Lodge site, which is currently zoned and used for the provision of long term complex care under the auspices of the provincial government;
- 2) the upgrading, expanding, enhancing or renewal of the community of care facility on the publicly owned Oak Bay Lodge site to serve seniors in the Municipality and surrounding areas, maintaining or increasing the number of complex care beds and incorporating additional subsidized units, with an appropriate transition plan for existing residents.

It was also agreed that a letter be sent to VIHA reiterating Council's earlier request for information on the physical condition of the Oak Bay Lodge building and that Council be apprised of VIHA's long term plans for complex care beds in Oak Bay.

The question was then called.

CARRIED

7. 2010-96 DIRECTOR OF BUILDING AND PLANNING, March 15, 2010
2010-96-1 LYNNE MILNES, March 8, 2010
2010-96-2 HALLMARK SOCIETY, March 15, 2010
Re Heritage Advisory Panel Report – 3280 Ripon Road

The Director of Building and Planning noted that at the February 22, 2010 meeting, Council ordered temporary protection for the building and land at 3280 Ripon Road to enable investigation into the potential heritage status of the property by the Heritage Advisory Panel.

Mr. Thomassen, referring to the Heritage Advisory Panel's report, noted that the Panel found the property has historical significance and heritage merit. Mr. Thomassen also drew attention to the historical information provided by Archives on the property, advising that

Council could either lift the Temporary Protection Order or initiate a heritage designation bylaw.

Responding to questions, the Municipal Administrator advised that if Council went forward with a heritage designation bylaw it would trigger an additional 60 days of protection until a bylaw could be adopted. However, should a formal heritage designation by bylaw cause, at the time of designation, a reduction in the market value, explained Mr. Cochrane, the Municipality must, upon application by the owner, compensate that person for the reduction in market value. At this point, said Mr. Cochrane, he could not comment on what that compensation might be.

However, said Mr. Cochrane, he can confirm that the property is not subdividable, with or without the current house, and added that even protected property can be altered through approval of a heritage alteration permit.

There was consensus to hear from a representative of the property.

Troy McGuire said that prior to purchasing 3280 Ripon Road he confirmed that it was not a heritage property. Mr. McGuire advised that he did not buy the property for the house, and that the 'disclosure statement' indicates that the house has defects and is unfit for habitation, and that he should not be asked to move his family into this house should it be protected. Mr. McGuire went on to say that there is no historical value and that the house has not been well cared for over the years and is unsafe. He asked that Council consider lifting the Temporary Protection Order so that he can start building a new home for his family.

With respect to documenting the property, Mr. McGuire said he would welcome anyone to come by and take pictures and document the house.

Although the finding of heritage significance was acknowledged, it was pointed that if a property is not listed on the Community Heritage Register, which is one of the best heritage planning tools, there would be no way of knowing the historical significance of a property. Following discussion it was acknowledged that it would be unfair to the homeowner to deny his plans for construction of a new dwelling, although it was suggested that the opportunity to document the property be taken.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the 60 day temporary protection order for 3280 Ripon Road Avenue made by Council on February 22, 2010, in accordance with Section 965 of the Local Government Act, be lifted.

Council members concurred that a 'crisis management approach' should be avoided and that a proactive heritage planning approach with respect to identifying and including properties on the Community Heritage Register would be desirable, and it was noted that the Heritage Committee was recently asked to work towards adding properties to the Community Heritage Register.

Councillor Ney agreed to arrange for photographs to be taken of 3280 Ripon Road prior to deconstruction.

The question was then called.

CARRIED

8. 2010-97 JANE MCCANNELL, March 4, 2010
Request for Temporary Road Closure for Grad Street Party, St. Denis Street – May 15, 2010

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That permission be given for the closure of St. Denis Street, on Saturday, May 15, 2010, from 2:00 p.m. to 6:30 p.m., for the purpose of a grad street party.

CARRIED

9. 2010-98 GIRL GUIDES OF CANADA, March 9, 2010
Re Request for Tag Days – April 3 & 4, 2010

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That permission be granted to the Girl Guides of Canada (Chatham District) to conduct cookie sales on Oak Bay Avenue on Saturday, April 3, and Sunday, April 4, 2010, from 10:00 a.m. to 2:00 p.m.

CARRIED

10. 2010-99 CAPITAL REGIONAL DISTRICT, March 12, 2010
Re Request for Consent to Adopt Bylaw No. 3692, Regional Parks Loan Authorization Bylaw No. 1, 2010

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That consent be given to the adoption of Capital Regional District Bylaw No. 3692, Regional Parks Loan Authorization Bylaw No. 1, 2010 in accordance with Section 801.4 of the Local Government Act.

CARRIED

11. 2010-100 OAK BAY HERITAGE FOUNDATION, March 8, 2010
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the request for financial assistance from the Oak Bay Heritage Foundation in the amount of \$1,000 for the purchase of insurance be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

12. 2010-101 OAK BAY HERITAGE COMMITTEE, March 10, 2010
2010-101-1 CHAIR, OAK BAY HERITAGE COMMITTEE, March 17, 2010
Re Minutes of the Meeting/ Community Heritage Register

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Committee meeting held on March 10, 2010, be received.

CARRIED

Community Heritage Register

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the request from the Heritage Committee Chair for funds to augment the Community Heritage Register be referred to Council's Estimates Committee.

The use of statements of significance for properties added to the Community Heritage Register was noted and it was suggested that the Heritage Foundation be approached with respect to funding, perhaps jointly with the District, the writing of the statements to augment the Community Heritage Register.

The question was then called.

CARRIED

13. 2010-102 ROBERTA MACLAREN, March 15, 2010
Re Development Variance Permit – 1392 Hampshire Road

MOVED by Councillor Ney

Seconded by Councillor Herbert, That correspondence item number 2010-102 be received.

CARRIED

14. 2010-103 JEREMY PHILLIPS, March 21, 2010
Re Development Variance Permit – 1494 Beach Drive

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That correspondence item number 2010-103 be received.

CARRIED

NEW BUSINESS:

Community Heritage Register

Councillor Copley suggested that consideration be given to including heritage designated municipal properties, such as the Uplands gates, to the Community Heritage Register.

It was noted that this would fall under the Heritage Committee's work and it was acknowledged that the Committee has already been asked to consider undertaking work to add more properties to the Register. It was agreed that the suggestion to include designated Municipal heritage properties on the Register as well should be forwarded to the Committee.

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, and noted that she has examples of the type of policy she would like to see considered.

Mayor Causton suggested that because members of Council have not had an opportunity to review the example policies, this topic should be brought forward to the next Committee of the Whole meeting for discussion, and there was consensus on this course of action.

Public Washroom Access

Councillor Ney said she would like to see the public washrooms being more accessible to the public during the evenings and weekends.

Councillor Braithwaite advised that Parks and Recreation is looking at installing more of the timer mechanisms, such as the current set up at the Willows Beach Park washrooms, to increase accessibility.

It was noted that further discussion on the subject could be raised during the Joint Council/Parks and Recreation Commission Estimates meeting.

TABLED:

Development Variance Permit – 2169 Fair Street

MOVED by Councillor Herbert

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 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</u>	<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 and Schedule 'A', A.1. (a)		2 spaces	0	2 spaces
Minimum number of Parking Spaces		(one must be in a building)		(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.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the motion be amended to delete the words "*Lot 4, Section 28, Victoria District Plan 999, Except Parcel A (DD95164I) of said Lot 4*" and replace them with the words "*Lot 4, Section 28, Victoria District, Plan 999 Except Parcel A (DD95164I) of said Lot 4 and Lot 3, Section 28, Victoria District, Plan 999 Except Parcel A (DD42147I) of said Lot 3*".

The question on the amendment was then called.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2169 Fair Street, as amended, 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 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 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.

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 – 1392 Hampshire 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 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.

CARRIED

Responding to a question from Council, Allan Lowe, Architect, noted that with the proposed new driveway off Hampshire Road, there would be less parking congestion for people exiting the property across the street to navigate, and that with the removal of the driveway on Granite Street more parking would be available there.

As suggested by a member of Council, the Director of Engineering Services said he would look at the cost to extend the existing parking pullout on Granite Street to encompass the area that currently provides driveway access to 1392 Hampshire Road, which is slated to be removed.

With respect to covering the additional costs associated with that work, Mr. Lowe said he could not commit his clients to paying for the parking pullout as suggested.

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

CARRIED

RESOLUTIONS:

Development Variance Permit – 3300 Exeter Road

MOVED by Councillor Herbert

Seconded by Councillor Copley,

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 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)(c) and Schedule 'C' Minimum Side Lot Line Setback	4.27 m	0.25 m	4.02 m

to accommodate the construction of a pergola as shown on the plans appended to Committee of the Whole agenda item #2010-88, being a memorandum from the Director of Building and Planning dated March 10, 2010.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 3300 Exeter Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3072 Cadboro Bay Road

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3072 Cadboro Bay Road (Lot 3, Section 31, Victoria District, Plan 4678), 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>
4.15.1			
Maximum Paved Surface of the Front Yard	58 sq m 25%	66 sq m 28.5%	8 sq m 3.5 percentage points

to accommodate the paved parking and turn around area as shown on the plan appended to Committee of the Whole agenda item #2010-89, being a memorandum from the Director of Building and Planning dated March 10, 2010.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 3072 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 899 Transit Road

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 899 Transit Road (Lot 2, Section 22, Victoria District, Plan 1130), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4 (2)(a)			
Minimum Front Lot Line Setback	7.62 m	3.35 m	4.27 m
6.5.4 (3)(a) and Schedule 'B'			
Maximum Building Height	6.82 m	7.77 m	0.95 m
6.5.4 (3)(b) and Schedule 'B'			
Maximum Occupiable Height	4.26 m	5.40 m	1.15 m
6.5.4 (3)(c) and Schedule 'B'			
Maximum Roof Height	8.52 m	10.30 m	1.77 m

6.5.4 (6)(b)
Maximum Gross Floor Area Above 0.8 metres Above Grade 300 sq m 377 sq m 77 sq m

6.5.4 (11)
Minimum Interior Side Lot Line Setback of the Second Storey (main floor and upper floor) 3.00 m 1.10 m 1.90 m

to accommodate the proposed renovations as shown on the plans appended to Committee of the Whole agenda item #2010-90, being a memorandum from the Director of Building and Planning dated March 11, 2010.

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 899 Transit Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Herbert
Seconded by Councillor Ney, That Bylaw No. 4501, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2010*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4502, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2010*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4503, *Administrative Procedures Bylaw Amendment Bylaw No. 1, 2010*, be adopted.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Herbert
Seconded by Councillor Ney, That Bylaw No. 4504, *Administrative Charges Bylaw Amendment Bylaw, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Ney, That Bylaw No. 4504, *Administrative Charges Bylaw Amendment Bylaw, 2010*, be read a second time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Ney, That Bylaw No. 4504, *Administrative Charges Bylaw Amendment Bylaw, 2010*, be read a third time.

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 labour relations or other employee relations and personal information about identifiable individuals who are 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 9:35 p.m.

Certified Correct:

Municipal Clerk

Mayor