

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 28, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
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

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

ADOPTION OF MINUTES:

Council – March 14, 2011

MOVED by Councillor Copley
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, March 14, 2011, be adopted.

CARRIED

Committee of the Whole – March 21, 2011

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

CARRIED

COMMUNICATIONS:

1. 2011-118 GREATER VICTORIA PUBLIC LIBRARY, February 28, 2011
Re 2011 Operating Budget and Five Year Financial Plan

(Karel Roessingh, Board Chair, Maureen Sawa, Chief Executive Officer, Donna Phillips, Finance Manager, Greater Victoria Public Library, were in attendance for this item.)

Karel Roessingh, provided a brief overview of the Library's five year financial plan and the 2011 operating budget, noting that the total increase in municipal contributions for 2011 is 4.95%. The District of Oak Bay's contribution, he said, would be \$868,886, an increase of 1.07%, which is considerably reduced from last year's requisition.

Mr. Roessingh drew attention to the most significant budget factors, noting that Provincial funding has continued to decrease while the number of library patrons is increasing. It was also pointed out that the labour costs associated with pay equity will be complete after this year.

Mr. Roessingh and Maureen Sawa responded to various questions from members of Council with respect to the library operating budget, confirming that Sunday openings have been increased to all branches October through April.

MOVED by Councillor Copley

Seconded by Councillor Ney, That Oak Bay's share of the 2011 operating budget for the Greater Victoria Public Library in the amount of \$868,886 be approved.

Council thanked the Library Board and staff for a job well done and for coming through with the reduced budget increase.

The question was then called.

CARRIED

2. 2011-119 OAK BAY COMMUNITY ARTISTS SOCIETY, March 13, 2011
Re Request to Hold Bowker Creek Brush-Up, August 7, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That whereas pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to the Oak Bay Community Artists Society to hold the Bowker Creek Brush Up along Bowker Creek between Armstrong Avenue and Hampshire Road, on the north side of the creek, on Sunday, August 7, 2011, from 7:30 o'clock a.m. to 5:30 o'clock p.m., 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 the amount of not less than \$3,000,000; 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

3. 2011-120 COMMUNITY ASSOCIATION OF OAK BAY, March 24, 2011
Re Request for Financial Assistance

Tom Croft, President, Community Association of Oak Bay, was in attendance to request funding assistance to help cover a \$1,000 shortfall with respect to a community information newsletter produced and distributed by the Association.

Responding to a question, Mr. Croft confirmed that the Association has funding in place for the current edition, and is seeking funding for the next publication.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the request for financial assistance from the Community Association of Oak Bay in the amount of \$1,000 be referred to Estimates Committee for further consideration.

CARRIED

4. 2011-121 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, March 24, 2011
Re Request to Close Oak Bay Avenue for Oak Bay Village Night Market Events

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, 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 15, July 20, August 17, and September 21, 2011 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, subject 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

5. 2011-122 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, March 24, 2011
Re Request to Occupy Public Sidewalks – Oak Bay Village Spring Sidewalk Sale

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That whereas pursuant to the Streets and Traffic Bylaw Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the adjacent business district and will create no undue inconvenience for adjacent residents or the public at large, approval be given to the Oak Bay Business Improvement Association to occupy public sidewalks along Oak Bay Avenue for the purpose of the Oak Bay Village Spring Sidewalk Sale to be held on Friday and Saturday, May 13 and 14, 2011, subject 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; 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

6. 2011-123 MUNICIPAL TREASURER, March 23, 2011
Re New Police Administrative Assistant Position

It was pointed out that the request to consider a new police administrative assistant position was a result of the two recent reports commissioned by the Police Board (Filmer and Graham Reports), and that the Police Board resolved that the request be forwarded to Council for consideration.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the funding request to create a new police administrative assistant position be referred to Estimates Committee for further consideration.

CARRIED

7. 2011-124 DOROTHY ROBERTS, March 13, 2011
Re Development Variance Permit –2845 Heron Street
8. 2011-125 LOUISE GOULET AND MICHAEL MCILVANEY, March 27, 2011
Re Development Variance Permit –2670 Cranmore Road
9. 2011-126 MRS. BEKKER, [Undated]
Re Development Variance Permit –114 Beach Drive

MOVED by Councillor Jensen

Seconded by Councillor Ney, That correspondence items no. 2011-124, 2011-125 and 2011-126 be received.

CARRIED

NEW BUSINESS:

Oak Bay Bistro Grand Opening

Mayor Causton commented that he attended the new Oak Bay Bistro's busy opening on the weekend, and on behalf of Council he wished the new Oak Bay business good luck.

Mayor Causton – Leave of Absence

Mayor Causton advised that as the Federal Liberal candidate for the Victoria riding he will be taking a leave from his duties as Mayor during the Federal Election, although he said he will honour some of his previously organized mayoral commitments during this time.

Mayor Causton drew attention to three outstanding items he would like Council to follow through with:

1) Proposed Town Hall Meeting

Mayor Causton drew attention to a demonstration that took place at the Municipal Hall last week, noting that in speaking with the attendees, many issues arose. In his absence, the Mayor asked Council to consider holding a Town Hall meeting where members of Council can be available to hear from the community on any subject residents wish to bring forward. He suggested that the meeting be advertised and that staff attend to hear the concerns.

It was agreed that the Confidential Secretary would provide Council with dates the Monterey Centre is available in April to hold a Town Hall meeting.

2) Improved Communications

Mayor Causton advised that Councillor Ney and staff will be meeting this week to discuss improving communication with the community, including the current website upgrade, and associated costs.

3) Secondary Suites Review

Mayor Causton encouraged Council to discuss how to move forward with open discussion and communications with the community regarding secondary suites.

There was discussion about the process for looking at secondary suites, and it was suggested by some that perhaps the request for proposals for a consultant to assist with public consultation should not be proceeded with.

Responding to questions, the Municipal Administrator advised that the request for proposals has been issued and three request for proposals have been received, and the intention was for them to be brought forward to Council for a decision on the matter.

It was pointed out that the proposed Town Hall meeting is meant to be an opportunity for the public to raise various subjects, which could include secondary suites. Given the comments made regarding the process set in motion to consider the issue of secondary suites, it was the consensus of Council that the request for proposals be brought forward for consideration following the Town Hall meeting.

Oak Bay Child and Youth Committee - 2011 YES Awards

Councillor Braithwaite extended an invitation to members of Council to attend the YES (Young Exceptional Star) awards of the Child and Youth Committee to be held May 10, 2011 at the Oak Bay Recreation Centre. Councillor Braithwaite noted the award program is to recognize the accomplishments of youth in the Oak Bay area.

TABLED:

Development Variance Permit – 2845 Heron 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 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) <i>Minimum Exterior Side Lot Line Setbacks</i>	7.62 m	6.7 m	0.92 m
6.2.4. (7) <i>Clear Space of 3.00 Metres Required Between Buildings</i>	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.

CARRIED

Responding to issues expressed in a letter (correspondence item no. 2011-124) about the proposed development, Adam Fox, Architect, speaking on behalf of the owners, assured the writer that the existing house will not be demolished, but will be relocated and reused. With respect to owner occupancy, Mr. Fox commented that the owner never committed to living in the house. Mr. Fox further advised that the owner plans to retain and enhance the existing landscaping, concluding that they feel that the Uplands Guidelines have been met in the proposed design.

While concerns were raised that the design deviates from the neighbourhood ambiance, it was the majority view that the variances were supportable.

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

CARRIED

(Councillor Cassidy against the motion)

Development Variance Permit – 2670 Cranmore Road

MOVED by Councillor Ney

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 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.

It was the consensus of Council to defer the motion with respect to 2670 Cranmore Road until after the next item on the agenda to allow Bruce Wilkin, Designer, time to review late correspondence item no. 2011-126.

Development Variance Permit – 114 Beach Drive

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, 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 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.

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 – 2670 Cranmore Road - Continued

After having time to review a letter (correspondence item no. 2011-126) expressing concerns about the development, Bruce Wilkin, Designer, explained that the proposed modest development will extend the master bedroom at the same floor height. He also said that the maximum gross floor area above 0.8 metres below grade variance is due to the existing low and rocky basement being counted as floor area. The space between buildings variance is requested due to the proximity of the garage to the deck, noted Mr. Wilkin.

The view was expressed that the outward appearance of the renovation and addition would not have an impact on the neighbours, and it was also pointed out that the roof height and building height are less than what is permitted.

With respect to the deck, Mr. Wilkin noted that the lot is quite large, and that the proposed new deck would be the same as the existing design although it will wrap around to the side of the house to create an ‘L’ shape.

Louise Goulet, resident, said that her primary concern is the scale of the occupiable height variance, and that all developments in Oak Bay should be in keeping with the Bylaw regulations, and allowing the variances could be precedent setting in her view.

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 Permit with Variances – 1175 Beach Drive

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to do all acts and things necessary to issue a Development Permit to Bison Properties Ltd. with respect to Lot A, Sections 23 and 73, Victoria District, Plan VIP82201 (1175 Beach Drive) and the abutting foreshore zoned CD-1 (hereinafter together called the “Land”), for the purpose of amending Development Permit No. 001-07 issued to Bison Properties Ltd. pursuant to a resolution of Council dated June 11, 2007, which was subsequently amended by Development Permit No. 004-07, Development Permit No. 027-2009, and Development Permit No. 27-2010 (together hereinafter called the “Original Development Permit as Amended”), to add Plan AWDSK-128, and to add a variance to Section 4.10.6 of the Zoning Bylaw to permit a height of 26.8 metres for the proposed antenna as shown in Plan AWDSK-128, dated 2011-03-09 (Wall mounted radio mast for CREST Communications) as attached to correspondence 2011-108-1, being a memorandum from the Director of Building and Planning dated March 14, 2011.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the motion in respect to the development permit with variances for 1175 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 824 St. Patrick Street

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 824 St. Patrick Street (Lot 38, Block B, Section 22, Victoria District, Plan 1092), 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) (c) Minimum interior side lot line setback	1.52 m	1.2 m	0.32 m
6.5.4. (2) (d) Minimum exterior side lot line setback	3.65 m	0.3 m	3.35 m
6.5.4. (2) (e) Maximum total of side lot lines	4.57 m	1.52 m	3.05 m

to accommodate the renovations as shown on the plans appended to Committee of the Whole agenda item #2011-114, being a memorandum from the Director of Building and Planning dated March 16, 2011.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 824 St. Patrick Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 542 St. Patrick Street

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 524 St. Patrick Street (Lot 35, Block D, Section 22, Victoria District, Plan 1092), varying 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) (a) Maximum gross floor area above .8 meters below grade	240 sq m	245 sq m	5 sq m

to accommodate the addition of a greenhouse on top of an existing deck as shown on the plans appended to Committee of the Whole agenda item #2011-115, being a memorandum from the Director of Building and Planning dated March 18, 2011.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 524 St. Patrick Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Permit with Variances – 2228 Oak Bay Avenue

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2228 Oak Bay Avenue (Lot A, Section 69, Victoria District, Plan VIP 71633), to amend Development Permit 00-08 by replacing the proposed parking layout plan with the parking plan date stamp received by the Oak Bay Building Department March 8, 2011 and appended to Committee of the Whole agenda item #2011-117, being a memorandum from the Director of Building and Planning dated March 16, 2011, and further varying the following provisions of Bylaw No. 3540, being the *Parking Facilities Bylaw, 1986*, as amended:

- Section 4.3.1 and Section A.3 of Schedule ‘A’ – to reduce the minimum number of required spaces to 9;
- Section 7.4.1 – to vary the maximum percentage of spaces dimensioned for small car use to 89%; and
- Section 7.3 and Schedule ‘B’, B.6 (e) – to permit a minimum aisle width of 4.88 m

to accommodate the change of use of a portion of the property to restaurant use.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the motion in respect to the development permit with variance for 2228 Oak Bay Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For First and Second Reading and Setting of Public Hearing Date

MOVED by Councillor Jensen

Seconded by Councillor Copley, That *Bylaw No. 4530, Eighty-Seventh Zoning Bylaw Amendment Bylaw, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Jensen

Seconded by Councillor Copley, That *Bylaw No. 4530, Eighty-Seventh Zoning Bylaw Amendment Bylaw, 2011*, be read a second time.

CARRIED

MOVED by Councillor Jensen

Seconded by Councillor Copley, That a public hearing on Bylaw No. 4530 be held at the Oak Bay Municipal Hall, on April 11, 2011, at 7:30 p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the open portion of the meeting of Council 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 8:42 p.m.

Certified Correct:

Municipal Clerk

Mayor