

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, May 10, 2010 at 7:30 p.m.

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

STAFF: Deputy 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 REPORT:

Public Hearing – April 26, 2010

MOVED by Councillor Copley
Seconded by Councillor Ney, That the report of the Public Hearing held on Monday, April 26, 2010, be adopted.

CARRIED

ADOPTION OF MINUTES:

Council – April 26, 2010

MOVED by Councillor Ney
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, April 26, 2010, be adopted.

CARRIED

Committee of the Whole – May 3, 2010

MOVED by Councillor Copley
Seconded by Councillor Braithwaite, That the minutes of Committee of the Whole meeting held on Monday, May 3, 2010, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2010-150 HOLLY HAWKER AND JEFFREY MCCRACKEN, [Undated]
Re Request to Occupy Public Property – Marne Street

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, approval be given for the closure and occupancy of a portion of Marne Street adjacent to 2132 and 2142 Marne Street, for the purpose of a wedding reception event to be held Saturday, August 28, 2010 from 4:00 o'clock p.m. to 10:00 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

It was noted that permission from the Municipality as property owner would be a prerequisite to the issuance of a special occasion licence by the Liquor Control and Licensing Branch.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That approval be given for a special occasion liquor licence application for the consumption of alcohol on public property adjacent to 2132 and 2142 Marne Street for August 28, 2010 wedding reception event.

CARRIED

2. 2010-151 STEPHANIE DELACRETAZ, April 27, 2010
Re Request to Occupy Public Property for Block Party – Yale Street

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That permission be given for the closure of Yale Street between the north side of Theatre Lane and the north end of Yale Street on Sunday, August 29, 2010, from 4:00 o'clock p.m. to 9:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

3. 2010-152 DIRECTOR OF BUILDING AND PLANNING, May 5, 2010
2010-152-1 DAVID WILLIAMS AND PATRICIA SWIFT, May 6, 2010
2010-152-2 MARION CUMMING, May 7, 2010
Re Property Subject to Section 929 of the Local Government Act –
Withholding of Permits and Licences Conflicting with Bylaws in
Preparation – 63 Sylvan Lane

With respect to 63 Sylvan Lane and Council, on April 26, 2010, exercising its authority under Section 929 of the *Local Government Act* to withhold a permit that conflicts with a bylaw in preparation, the Deputy Municipal Administrator noted that of the two options available under the *Act*, the appropriate option in this circumstance would be to direct the Director of Building and Planning to withhold the Building Permit for a further 60 days. Mr. Brennan advised that the decision concerning the Building Permit application would then lie with the Director of Building and Planning.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Council receive this report for information and pursuant to Section 929(3)(a) of the *Local Government Act* direct the Director of Building and Planning to withhold the Building Permit for a further 60 days; and

That as a result of the adoption of Bylaw No. 4505 on April 26, 2010, and Council's resolution under Section 929(3)(a) of the *Local Government Act* that the Building Permit be withheld, the Building Inspector be directed to advise the owners of the property at 63 Sylvan Lane of his decision concerning the application for the Building Permit as soon as is practicable within that 60 day period.

CARRIED

4. 2010-153 DIRECTOR OF PARKS AND RECREATION, May 6, 2010
2010-153-1 SONGHEES FIRST NATION, April 29, 2010
Re Camosun College Archaeological Field Assistance Training Program
– Uplands Park

Councillor Braithwaite advised that Darcy Mathews attended the May 5, 2010 Parks and Recreation Commission meeting requesting permission for Camosun College to hold its one month course 'Archaeological Field Assistance Training Program' in Uplands Park for three weekends in May for each of the next three years.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That approval be given to Camosun College to conduct its Archaeological Field Assistant Training Program in Uplands Park for three weekends over the next three years each May commencing May 15, 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 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.

Darcy Mathews, University of Victoria student and Camosun College Instruction, thanked Council for considering his proposal, saying that should permission be granted to allow Camosun College to occupy Uplands Park, the results of each field session would be provided to the community, at no cost, regarding archaeological information that could aid in the management of heritage values in Uplands Park.

Mr. Mathews commented that Uplands Park is a well known precontact burial cairn cemetery dating to about 1000 years ago, and he assured Council that any discovered items would be protected under the British Columbia Heritage Conservation Act.

Mr. Mathews responded to various questions from members of Council with respect to the aspects of the Program being offered through Camosun College, and he noted that educational information would be available to the public.

Mr. Mathews confirmed the College has at least \$2,000,000 in liability insurance.

Noting that the proposed resolution would require \$3,000,000 liability insurance, members of Council agreed that given the nature of the occupancy a reduced amount of insurance of \$2,000,000 was acceptable.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion be amended to revise the amount of insurance required to \$2,000,000.

CARRIED

The question on the main motion, as amended, was then called.

CARRIED

5. 2010-154 EDWARD CURTIS AND JEANNINE ALAIN, May 3, 2010
Re Development Variance Permit – 2551 Florence Street

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the correspondence item no. 2010-154 be received.

CARRIED

NEW BUSINESS:

Oak Bay Child and Youth Committee - Youth Forum – May 11, 2010

Councillor Braithwaite extended an invitation to members of Council to attend the Oak Bay Child and Youth Committee's Youth Forum to be held May 11, 2010 at the Windsor Pavilion from 7:00 p.m. to 9:00 p.m.

With respect to the recent YES Awards, Councillor Braithwaite congratulated the eleven awards recipients. Members of Council thanked Councillor Braithwaite for organizing a very successful event.

TABLED:

Development Variance Permit – 2644 Cavendish Avenue

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 2644 Cavendish Avenue (Lot 67, Section 61, Victoria District, Plan 874), 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)(b) Maximum Gross Floor Area Higher than 0.8 metres Below Grade	300 sq m	359 sq m	59 sq m

to accommodate the construction of a two storey addition as shown on the plans appended to Committee of the Whole agenda item #2010-106, being a memorandum from the Director of Building and Planning dated March 26, 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 – 2551 Florence 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 2551 Florence Street (Lot 2, Block 2, Section 28, Victoria District, Plan 915), varying the following provision of Bylaw No. 3540, being the *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)	2 spaces (none in a building)	No covered parking provided

to accommodate two uncovered parking spaces as shown on the plan appended to Committee of the Whole agenda item #2010-131, being a memorandum from the Director of Building and Planning dated April 14, 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 – 2555 Lansdowne Road

MOVED by Councillor Copley

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 amending Development Variance Permit No. 39-2009 with respect to 2555 Lansdowne Road (Lot 6, Block 19, Section 31, Victoria District, Plan 1216A), 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>
6.2.4(3)(a) and Schedule 'B' Maximum Building Height	7.32 m	8.3 m	0.98 m

to correct an error on the original renovation plans to reflect the actual building height as shown on the plans appended to Committee of the Whole agenda item #2010-132, being a memorandum from the Director of Building and Planning dated April 14, 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 – 3460 Beach Drive

MOVED by Councillor Copley

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 with respect to 3460 Beach Drive (Lot 4, Section 31, Victoria District, Plan 10433), 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 Interior Side Lot Line Setbacks	4.57 m	3.5 m	1.07 m
6.2.4(2)(e) and Schedule 'C' Minimum Total of Side Lot Line Setbacks	12.19 m	7.8 m	4.39 m

to accommodate the addition of a carport as shown on the plans appended to Committee of the Whole agenda item #2010-133, being a memorandum from the Director of Building and Planning dated April 10, 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 – 3195 Cadboro Bay Road

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 with respect to 3195 Cadboro Bay Road (Lot D, Block 17, Section 31, Victoria District, Plan 2682), 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>
6.2.4(3)(c) and Schedule 'B' Maximum Roof Height	9.14 m	9.4 m	0.26 m

to accommodate a second floor addition and renovations as shown on the plans appended to Committee of the Whole agenda item #2010-134, being a memorandum from the Director of Building and Planning dated April 10, 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 – 2744 Bowker Avenue

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 2744 Bowker Avenue (Lot 30, Section 61, Victoria District, Plan 874), 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)(b) Maximum Gross Floor Area at a Level Higher Than .08 metres Below Grade	300 sq m	306.8 sq m	6.8 sq m

to accommodate the construction of a deck as shown on the plan appended to Committee of the Whole agenda item #2010-147, being a memorandum from the Director of Building and Planning dated April 22, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2744 Bowker Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2383 Lyn Crescent

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 2383 Lyn Crescent (Amended Lot C, (DD216809-I), Section 22, Victoria District, Plan 8358), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(2)(b) Minimum Rear Lot Line Setback, Principal Building	7.62 m	0.61 m	7.01 m
6.5.4(7) Minimum Clear Space Between Buildings	3.00 m	1.50 m	1.50 m

to accommodate the construction of a garage and deck as shown on the plan appended to Committee of the Whole agenda item #2010-148, being a memorandum from the Director of Building and Planning dated April 22, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2383 Lyn Crescent be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Bank Signing Authority

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Council adopt The Royal Bank of Canada Form 380(01/2007) regarding signing officers for the Municipality, who shall be either the Mayor (or in his absence the Acting Mayor), the Finance Chair, the Chief Administrative Officer, or the Deputy Chief Administrative Officer as the case may be, together with the Municipal Treasurer (or in her absence the Deputy Municipal Treasurer), and the transactions that these officers can undertake.

CARRIED

Power Smart Incentive Fund Agreement

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Municipal Clerk be authorized, on behalf of the District of Oak Bay, to execute the agreement with the British Columbia Hydro and Power Authority with regard to the Power Smart Incentive Program in respect to electrical energy efficiency projects in the District of Oak Bay, substantially in the form attached to the resolution printed for the purposes of the May 10, 2010 Council agenda.

CARRIED

BYLAWS:

Mayor Causton then asked if anyone in attendance wished to address Council regarding the Financial Plan Bylaw, 2010.

Stephen O'Hanlon, resident, said he would like to see the resumption of funds being put aside for underground wiring in next year's budget, and in future years as well.

Seeing no one else come forward, it was

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4506, *Financial Plan Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4507, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4508, *Heritage Reserve Fund Appropriation Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4509, *Land Sale Reserve Fund Appropriation Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That Bylaw No. 4510, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4511, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4512, *Tax Rates Bylaw, 2010*, be adopted.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That the open portion of the Council meeting be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who is being considered for a municipal award or honour.

CARRIED

The meeting adjourned at 7:58 p.m.

Certified Correct:

Municipal Clerk

Mayor