

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 Tuesday, May 25, 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 MINUTES:

Council – May 10, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That the minutes of the Council meeting held on Monday, May 10, 2010, be adopted.

CARRIED

Committee of the Whole – May 17, 2010

MOVED by Councillor Braithwaite
Seconded by Councillor Ney, That the minutes of Committee of the Whole meeting held on Monday, May 17, 2010, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2010-167 DEPUTY MUNICIPAL ADMINISTRATOR, May 14, 2010
Re Liquor Licence Application – Oak Bay Lawn Bowling Club

(John Cossom, President, and Joan Firkins, Assistant Treasurer, Oak Bay Lawn Bowling Club, in attendance for this item.)

Referring to his memorandum, the Deputy Municipal Administrator explained that the Oak Bay Lawn Bowling Club, which occupies a portion of Carnarvon Park, has applied to the Ministry of Housing and Social Development Liquor Control and Licensing Branch for a Liquor-Primary Licence and as part of the licence application process, Council is being asked to review the application and to report back with their comments and recommendation to the Liquor Control and Licensing Branch.

Mr. Brennan outlined the consideration process, noting that the Municipality is required to gather the views of residents, recommending that a public input session be held in conjunction with a Committee of the Whole meeting. The meeting scheduled for June 21, 2010 could accommodate this purpose, he said.

Along with notifying Carnarvon Park's neighbouring residents and advertising in the local newspaper, it was suggested that the Carnarvon Park user groups be notified of the public input session as well.

Responding to a question from a member of Council with respect to liability, Mr. Brennan advised that although the Municipality owns the building, it is the Oak Bay Lawn Bowling Club, as the liquor licence holder, who is responsible for insuring adequate liability insurance coverage.

Joan Firkins agreed that the Club would be responsible for obtaining adequate liability insurance. Ms. Firkins said that the reason for applying for a liquor licence at this time is because the Club is growing and they wish to regulate the serving of liquor to members and their guests.

Responding to a question about the impact of the proposed liquor licence on other community groups potentially using the facility, Mr. Brennan advised that the current agreement with the Municipality restricts the use of the municipally owned buildings for the Club's purposes. However, he added that should the premises be used by other groups in the future, they would be required to obtain a special occasion liquor licence. It was noted that some members of Council have previously expressed a desire to see the facility more widely used.

With respect to the liquor licence application, the Director of Building and Planning suggested that the Club consider amending its application to reduce its capacity from 150 to 140 people, to avoid having to install a fire alarm system that would be required with a capacity of 150 people or more.

MOVED by Councillor Ney

Seconded by Councillor Copley, That staff be directed to arrange a public input session on the issue of the Oak Bay Lawn Bowling Club primary liquor licence application, and that the licence application be referred to the Parks and Recreation Commission for comment, and that staff be directed to obtain background information on matters such as parking, traffic and zoning, etc., as may be appropriate, to assist Council in its consideration of the liquor licence application.

CARRIED

2. 2010-168 MICHELLE KIRBY, May 19, 2010
Re Request to Occupy Public Property for Block Party on Dalhousie Street – June 19, 2010

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That permission be given for the closure of 2200 block of Dalhousie Street between Eastdowne Road and Cadboro Bay Road on Saturday, June 19, 2010, from 3:00 o'clock p.m. to 9:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

3. 2010-169 ED WALKER, May 17, 2010
Re Request to Occupy Public Property for Block Party on Pacific Avenue – July 1, 2010

MOVED by Councillor Copley

Seconded by Councillor Jensen, That permission be given for the closure of Pacific Avenue between Eastdowne Road and Cadboro Bay Road on Thursday, July 1, 2010, from 1:00 o'clock p.m. to 6:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

4. 2010-170 LISE JOHNSON, May 20, 2010
Re Request to Occupy Public Property for Block Party on Lane Between Musgrave Street and Dunlevy Street – July 1, 2010

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That permission be given for the closure of the Lane between Musgrave Street and Dunlevy Street on Thursday, July 1, 2010, from 3:00 o'clock p.m. to 7:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

5. 2010-171 OAK BAY HERITAGE COMMITTEE, May 12, 2010
2010-171-1 MAP OF PROPOSED SALISH MONUMENTS SITES
Re Minutes of the Meeting

MOVED by Councillor Copley

Seconded by Councillor Ney, That the minutes of the Oak Bay Heritage Committee meeting held May 12, 2010, be received.

CARRIED

Heritage Strategic Planning Meeting

Councillor Ney advised that the Heritage Committee plans to retain a Heritage Planning Consultant to provide information with respect to Oak Bay creating a heritage strategic plan, along with training on the legislative heritage tools, with a view to developing an effective heritage program. Councillor Ney said that Council members and staff are invited to attend the planning meeting to be held June 9, 2010 at 5:00 p.m. at the Municipal Hall.

Salish Monument Project

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That Council approve the Oak Bay Heritage Committee's recommendation to locate the four remaining Salish monuments at the following sites:

- 1) Willows Beach
- 2) Anderson Hill
- 3) Tafalgar Lookout
- 4) Kitty Islet.

CARRIED

6. 2010-172 OCEAN BLUE DEVELOPMENTS LTD., May 11, 2010
2010-172-1 OCEAN BLUE DEVELOPMENTS LTD., May 20, 2010
2010-172-2 LARRY AND LESLEY ATHERTON, May 21, 2010
Re Development Variance Permit – 2744 Bowker Avenue

MOVED by Councillor Jensen

Seconded by Councillor Ney, That the correspondence items no. 2010-172, 2010-172-1 and 2010-172-2 be received.

CARRIED

NEW BUSINESS:

Proposed Motion by Councillor Jensen – Cycling Lanes

Councillor Jensen noted that he had circulated information on a proposed resolution to improve cycling lanes in Oak Bay.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That staff be requested to bring forward a report to Council as soon as possible that addresses the following information:

1. Completing the bike lanes on the east side of Foul Bay Road south of Landsdowne Road.
2. Reducing the northbound car lanes at that intersection to two and providing a 'biking box' similar to one on Wharf Street at the Blue Bridge.
3. Creating bike lanes on Cedar Hill Cross Road in the area west of the entrance to the University of Victoria in order to connect with the District of Saanich's bike lanes that end at the Oak Bay border.

Following the Forum of Councils meeting last week, Councillor Jensen felt it was necessary to bring forward a request for staff to gather information that would improve cyclist safety by connecting the existing infrastructure for commuting to and from the University of Victoria with additional cycling lanes.

Councillor Jensen said he is cognizant that the Community Initiatives Committee has been tasked with looking at a wider cycling plan for Oak Bay, however he said he would like to see Oak Bay have an improved system that connects to the neighbouring cycling networks leading to the University by September 2010. The changes suggested, he said, are quick fixes that could be undertaken now. He also raised the question of moving existing cycling lanes closer to the sidewalks with parking outside of them, noting, however, that would be something to look at in the long term through the Community Initiatives Committee.

While members of Council agreed that there is a need to have continuous cycling lanes leading to the University, some members felt that the Community Initiatives Committee has the issue well in hand and should be allowed to continue with the task of investigating transportation alternatives for the community as directed, while others felt the work should go ahead now.

Responding to questions, the Director of Engineering Services said that the report requested would not be difficult to produce. However, he said, it may be that parking would have to be eliminated to accommodate some of the suggestions.

Mayor Causton said he supports the suggestions themselves, but noted that if it is Council's wish to move forward with this proposal then the appropriate process, in his mind, would see the report going directly to the Community Initiatives Committee for review. He also reminded members of Council that the Community Initiatives Committee has the ability to engage a consultant on this as \$20,000 was set aside for this purpose.

Councillor Jensen felt that the routes leading to the University should be addressed soon for the safety of the students going back to school in September, and in this regard it would be more timely for Council to deal with the issue now.

Responding to a question with respect to when the newly appointed members of the Community Initiatives Committee, or members of the public, would have an opportunity for input on this issue, it was suggested that it be brought forward to the Committee of the Whole, instead of Council, for that purpose.

There was consensus to amend the motion to direct that a staff report be brought forward to the Committee of the Whole before June 21, 2010.

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

CARRIED

Oak Bay Lodge

Councillor Copley said she gave a presentation to the Vancouver Island Health Authority regarding the future of the Oak Bay Lodge, where she reiterated the views expressed by Oak Bay Council at its March 22, 2010 meeting, saying it supports retaining public ownership of land and continuing to provide long term care for seniors.

At Councillor Copley's suggestion, Council expressed interest in touring the Oak Bay Lodge to gain a better understanding of its deficiencies, and requested that staff contact the Vancouver Island Health Authority to request a tour with the staff most knowledgeable in this regard.

Youth Forum

Councillor Braithwaite thanked members of Council that attended the Youth Forum held May 11, 2010.

Oak Bay Volunteer Services

Mayor Causton noted that he will be recognizing more than the usual number of volunteers for their outstanding service to the community at the upcoming Oak Bay Volunteer Services annual general meeting.

TABLED:

Development Variance Permit – 2744 Bowker Avenue

MOVED by Councillor Jensen

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 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.

CARRIED

Nev Smith-Daniels, Ocean Blue Developments Ltd., said that after speaking with the neighbour to the left it was requested that a solid screen be placed on the proposed deck between the neighbour's property at 2744 Bowker Avenue, a rendering of which he showed to Council.

Larry Athereton, adjacent resident, concurred that following a discussion with the developer he would not be opposed to the variance as long as a privacy screen was erected on the west side of the proposed deck as described. Mr. Atherton requested that the screen somehow be officially recognized and documented for future homeowners of 2744 Bowker Avenue.

Following discussion with staff, it was the consensus of Council that the screen, which did not require a variance, should be included on the development variance permit plans.

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

CARRIED

Development Variance Permit – 2383 Lyn Crescent

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 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.

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 – 2620 Cavendish 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 2620 Cavendish Avenue (Lot 65, Section 61, Victoria District, Plan 874), 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(2)(a) Minimum Front Lot Line Setback	7.62 m	7.28 m	0.34 m
6.5.4(3)(b) and Schedule 'B' Maximum Occupiable Height	4.57 m	4.65 m	0.08 m
6.5.4(6)(b) Maximum Gross Floor Area at a Level Higher Than 0.8 metres Below Grade	300 sq m	384.1 sq m	84.1 sq m

to accommodate the floor area for an addition as shown on the plans appended to Committee of the Whole agenda item #2010-163, being a memorandum from the Director of Building and Planning dated May 12, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2620 Cavendish Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2635 Musgrave Street

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 2635 Musgrave Street (Lot 13, Block 7, Section 2, Victoria District, Plan 379), 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>
6.4.4(2)(e) Minimum Total of Side Lot Line Setback	4.57 m	4.02 m	0.55 m
6.4.4(11) Minimum Second Storey Setback (North Side)	3.00 m	1.60 m	1.40 m
6.4.4(11) Minimum Second Storey Setback (South Side)	3.00 m	2.88 m	0.12 m

to accommodate the raising of the dwelling to construct a full floor below on the existing foundation as shown on the plans appended to Committee of the Whole agenda item #2010-164, being a memorandum from the Director of Building and Planning dated May 13, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2635 Musgrave Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3295 Midland Road

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 3295 Midland Road (Lot 11, Section 31, Victoria District, Plan 10433), 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) and Schedule 'C' Minimum Interior Side Lot Line Setbacks	4.57 m	0.15 m	4.42 m
6.2.4(2)(e) and Schedule 'C' Minimum Total of Side Lot Line Setbacks	12.19 m	4.72 m	7.47 m

to accommodate the construction of a patio and water fall feature as shown on the plans appended to Committee of the Whole agenda item #2010-165, being a memorandum from the Director of Building and Planning dated May 11, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 3295 Midland Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3046 Valdez Place

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit amending Development Variance Permit No. 071-2009 with respect to 3046 Valdez Place (Lot 18, Block B, Section 31, Victoria District, Plan 3560) to permit the variances to 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>
6.2.4 (3)(a) and Schedule 'B' Maximum Building Height	7.32 m	7.46 m	0.14 m
6.2.4 (3)(b) and Schedule 'B' Maximum Occupiable Height	4.57 m	5.15 m	0.58 m
6.2.4 (3)(c) and Schedule 'B' Maximum Roof Height	9.14 m	9.91 m	0.77 m

to accommodate the proposed changes to the original plans attached to DVP No. 071-2009, as shown on the plans attached to Committee of the Whole agenda item #2010-166, being a memorandum from the Director of Building and Planning dated May 12, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 3046 Valdez Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

(Councillor Braithwaite against the motion)

Deputy Municipal Clerk Designation

MOVED by Councillor Ney

Seconded by Councillor Jensen, That the Municipal Administrator designate, Mark A. Brennan, be appointed to the office of Deputy Municipal Clerk pursuant to Section 148 of the *Community Charter*, effective June 1, 2010.

CARRIED

Summertime Meeting Schedule

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That the regular meeting schedule be suspended for the months of July and August 2010, and that the following schedule be substituted:

July 2010

Committee of the Whole Council	July 12, 2010 @ 7:30 p.m. July 19, 2010 @ 7:30 p.m.
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August 2010

Committee of the Whole Council	August 9, 2010 @ 7:30 p.m. August 16, 2010 @ 7:30 p.m.
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CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 8:43 p.m.

Certified Correct:

Municipal Clerk

Mayor