

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, November 14, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
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

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

AGENDA:

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That the order of the agenda be amended to consider the Development Variance Permit for 2251 Cadboro Bay Road following the adoption of the minutes of meetings.

CARRIED

ADOPTION OF MINUTES:

Special Council – October 24, 2011

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, October 24, 2011, be adopted.

CARRIED

Council – October 24, 2011

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, October 24, 2011, be adopted.

CARRIED

Special Council – November 3, 2011

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Thursday, November 3, 2011, be adopted.

A member of Council drew attention to the section of the minutes relating to the possibility of applying for a grant for the proposed pedestrian walkway for Elgin Road to Oak Bay Avenue, and requested that staff revise the plan to include a pedestrian walkway between Elgin and Yale through the public right of way north of St. Mary's Church, instead.

It was the consensus of Council to ask staff to revise the plan as noted.

The question was then called.

CARRIED

Committee of the Whole – November 7, 2011

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the minutes of Committee of the Whole meeting held on Monday, November 7, 2011, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

7. 2011-356 BAPTIST HOUSING, November 9, 2011
- 2011-356-1 CATHY AND DON PREVOST *et al*, November 9, 2011
- 2011-356-2 DAVID AND IRMA RODENHUIS, November 9, 2011
- 2011-356-3 MICHAEL HAYES, November 9, 2011
- 2011-356-4 BRUCE FILAN, November 8, 2011
- 2011-356-5 BRUCE FILAN, November 7, 2011
- 2011-356-6 PAUL MERNER, November 8, 2011
- 2011-356-7 CAROL DAVIES, October 27, 2011
- 2011-356-8 GWEN HOWEY, October 29, 2011
- 2011-356-9 MARGARET PALMER, October 30, 2011
- 2011-356-10 MAGGIE HAYES, November 9, 2011
- 2011-356-11 LEO AND JUDITH MARTIN, November 11, 2011
- 2011-356-12 CHRISTINE MCLAUGHLIN, November 12, 2011
- 2011-356-13 DIANNE BURGESS, November 12, 2011
- 2011-356-14 DAVID AND MARLENE ACKERMAN, November 12, 2011
- 2011-356-15 EARL AND VIRGINIA DENTON, November 12, 2011
- 2011-356-16 DOUG MOLLARD AND LOIS BENDER, November 12, 2011
- 2011-356-17 KEITH AND DELIA MATHERS, November 12, 2011
- 2011-356-18 JOHN RANKIN, November 13, 2011
- 2011-356-19 RONALD SCHLOSBERG, November 13, 2011
- 2011-356-20 ROB WATSON, November 13, 2011
- 2011-356-21 JANICE LAIDLAW *on behalf of* ELIZABETH BENTON, November 13, 2011
- 2011-356-22 CAROLINE RIEDEL, November 13, 2011
- 2011-356-23 RICK LEE, November 13, 2011
- 2011-356-24 JILL CROFT, November 13, 2011
- 2011-356-25 JOHN MAYZEL, November 13, 2011
- 2011-356-26 MICHAEL HOFMANN AND FAMILY, November 14, 2011
- 2011-356-27 NORMAN WALE, November , 2011
- 2011-356-28 CORY HERRERA, November 14, 2011
- 2011-356-29 DOROTHY CLIPPINGDALE, November 14, 2011
- 2011-356-30 JEAN RYCE *et al*, November 14, 2011
- 2011-356-31 ROSEMARY JAMES CROSS, November 14, 2011
- 2011-356-32 ROSELLA FRIESEN, November 14, 2011
- 2011-356-33 CATHERINE BACON, November 12, 2011
- 2011-356-34 LINDA ANN CUTTING, November 12, 2011
- 2011-356-35 KATHLEEN AND ROBERT SHIRLEY, November 12, 2011

2011-356-36 W. ROBERT ARNOLD, November 14, 2011
2011-356-37 PATRICIA JOHNSON, [Undated]
2011-356-38 MARGARET BLACKSTAFFE, November 11, 2011
2011-356-39 RAY TORONTOW, November 14, 2011
2011-356-40 DAVID BLEAKNEY, November 14, 2011
2011-356-41 PIP COWAN, November 10, 2011
2011-356-42 LINDA REID, November 14, 2011
2011-356-43 PETER KNAPP, November 14, 2011
2011-356-44 ALLISON HOLT, November 14, 2011
2011-356-45 WING QUAN, November 14, 2011
2011-356-46 BEATRICE HORWOOD, November 14, 2011
2011-356-47 TAYLOR MARGO, October 11, 2011
2011-356-48 BRIAN ROBERTS, [Undated]
2011-356-49 BAPTIST HOUSING, [Undated]
2011-356-50 BYRON MCALLISTER, November 14, 2011
2011-356-51 KATHY GAUL, ROB LEAHY AND FAMILY, November 14, 2011
2011-335 DIRECTOR OF BUILDING AND PLANNING, October 18, 2011
2011-335-1 BAPTIST HOUSING, October 20, 2011
2011-335-2 MICHAEL HAYES, October 13, 2011
2011-335-3 JESSICA VAN DER VEEN, October 14, 2011
2011-335-4 JOHN RANKIN *et al*, October 20, 2011
2011-335-5 MICHAEL AND MAGGIE HAYES, October 21, 2011
2011-335-6 LINDA REID, September 26, 2011
2011-335-7 JAMES PIERCEY, [Undated]
2011-313-1 PAUL MERNER, October 4, 2011
2011-313-2 JOHN RANKIN, October 4, 2011
2011-313-3 S. DALE PERKINS, October 5, 2011
2011-313-4 DUNCAN NIXON, October 5, 2011
2011-313-5 JOHN RANKIN, October 6, 2011
2011-313-6 MICHAEL AND MAGGIE HAYES, October 6, 2011
2011-313-7 LOIS BENDER *et al*, October 5, 2011
2011-313-8 JAMES, LORI, MEGHAN, TYSON CHESTNUT, October 6, 2011
2011-313-9 JOHN RANKIN *et al*, October 10, 2011
2011-305 BAPTIST HOUSING, September 30, 2011
2011-305-1 JOHN RANKIN *et al*, September 28, 2011
2011-305-2 LORI CHESTNUT, September 29, 2011
2011-305-3 JAMES, LORI, MEGHAN AND TYSON CHESTNUT, September 28,
2011
2011-305-4 JOHN AND AKEMI RANKIN, September 28, 2011
2011-305-5 JESSICA VAN DER VEEN, September 26, 2011
2011-305-6 SOUTH ISLAND HEALTH COALITION, September 26, 2011
2011-286-1 JOHN AND AKEMI RANKIN, August 24, 2011
Re Development Variance Permit – 2251 Cadboro Bay Road (Oak Bay
Lodge)

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the correspondence items regarding the development variance permit application for 2251 Cadboro Bay Road be received.

The view was expressed by some members of Council that there was not enough time to review the new correspondence attached to the amended agenda, and that the application process seemed to be rushed.

CARRIED

Patrick Cotter, Architect, Howard Johnson, Chief Executive Officer, Baptist Housing, Bob Lapham, General Manager, Planning and Protective Services, Capital Regional District and Executive Director, Capital Regional Hospital District, Howard Waldner, President and Chief Executive Officer, Vancouver Island Health Authority, were in attendance in respect to the proposed redevelopment of the Oak Bay Lodge property.

Development Variance Permit – 2251 Cadboro Bay Road

Councillor Copley excused herself from the discussion, citing a conflict with respect to the development variance permit application for 2251 Cadboro Bay Road as her father is a resident of Oak Bay Lodge. Councillor Copley left the meeting at 7:40 p.m.

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 2251 Cadboro Bay Road (Lot 1, Sections 28 & 61, Victoria District, Plan 23992), which would vary the provisions of Bylaw No. 3531, the Zoning Bylaw, 1986, and Bylaw No. 3540, the Parking Facilities Bylaw, 1986, as follows:

| <u>Zoning Bylaw Section</u> | <u>Permitted/Required</u> | <u>Requested</u> | <u>Variance</u> |
|---|---------------------------|------------------|-----------------|
| 11.2.5.(1)(a) Minimum Front Lot Line Setback (Cadboro Bay Road) | 7.62 m | 4.5 m | 3.12 m |
| 11.2.5.(2) Maximum Building Height | 10.7 m | 23.9 m | 13.2 m |
| 11.2.5.(3) Maximum Occupiable Height | 4.6 m | 19.3 m | 14.7 m |
| <u>Parking Facilities Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
| 4.1 + Schedule "A", A.7 Minimum Number of Parking Spaces | 320 | 107 | 213 |

to accommodate the construction of a new six storey, plus basement, care facility as shown on the plans appended to Committee of the Whole agenda item #2011-313, being a memorandum from the Director of Building and Planning dated October 7, 2011.

Opposition to the motion from some members of Council was noted, and concerns were expressed that the Council Chambers was not a suitable venue for such a large crowd as all in attendance could not view or hear the discussions, the process is being rushed, and that there was no opportunity to view the model of the proposal prior to the meeting. It was suggested that the resolution to approve the development variance permit application should be re-tabled and the decision left to the new Council.

Attention was drawn to the new correspondence from people in favour of the proposal, saying that this issue needs more time for discussion to weigh the pros and cons, and to digest the information before making a final decision that will affect the community for many years.

The comment was made that it is clear that the community is in favour of having a senior care facility in Oak Bay, however, the discussion needed is in respect to the size of the proposed development.

In response to a question regarding the effect postponing the development variance permit application would have on the project, Howard Johnson advised that the development variance permit application is an integral part of the whole project, which includes the Mt. View development (that has been approved by the District of Saanich) as well, and pointed out that without approval from Oak Bay by the financial deadline of December 31, 2011, the whole project will be at risk from a financing point of view. Mr. Waldner advised that should the project not be approved within the required timeframe, the Vancouver Island Health Authority Board would have to consider an alternative location for the project.

Following further discussion, it was suggested that the development variance permit application be postponed to a Special Council meeting to be held at 7:00 p.m., on Monday, November 21, 2011, at the Monterey Centre, to allow full participation by the public.

With consensus of Council the motion to lift from the table was withdrawn.

MOVED by Councillor Herbert,

Seconded by Councillor Braithwaite, That the Development Variance Permit application for 2251 Cadboro Bay Road be re-tabled to a Special Council meeting Monday, November 21, 2011 at 7:00 p.m. at the Monterey Centre.

While both Councillors Jensen and Ney expressed concern that the proposed timeline would still be too quick and that they would prefer to postpone the application until there is a new Mayor and Council, and suggested hiring an independent consultant to represent the Municipality regarding the proposed development of the Oak Bay Lodge property, it was the majority view that the postponement to next week was supportable.

In respect to timelines for the application process, it was pointed out that the Vancouver Island Health Authority first came to Council at a meeting in January 2010 to advise Council of the proposed redevelopment of the property.

The question was then called.

CARRIED

(Councillors Jensen and Ney against the motion)

Councillor Copley returned to the meeting at 8:15p.m.

The Mayor called a brief recess at this point.

1. 2011-350 DIRECTOR OF PARKS AND RECREATION, November 3, 2011
Re Library Signage

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the approval be given for the Greater Victoria Public Library to install a "Library Open" sign in the common lobby area of the Monterey Centre, at the cost of the Greater Victoria Public Library.

CARRIED

2. 2011-351 GREATER VICTORIA PUBLIC LIBRARY, October 28, 2011
Re 2012 Operating Budget and Five Year Financial Plan – Provisional

Councillor Copley noted that the Greater Victoria Public Library's five year financial plan and strategic plan was outlined in the materials included in the agenda package. Councillor Copley answered various questions from Council noting that the library collection overall has increased, and that the facility plan is not scheduled to take place until five to ten years from now.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That correspondence item no. 2011-351 be received.

CARRIED

In response to the questions that arose regarding the Greater Victoria Public Library collection and the Oak Bay Branch collection, it was noted that staff would ask the Board to be prepared to share information in that regard when it presents the 2012 budget in the Spring.

3. 2011-352 GREATER VICTORIA DEVELOPMENT AGENCY, October 27, 2011
Re Request for Financial Assistance

Sasha Angus, Economic Development Officer, Greater Victoria Development Agency, provided an overview of the benefits and purpose of the Greater Victoria Development Agency saying it is a support agency for local businesses and provides an industry-led solution to coordinated regional economic development. Mr. Angus drew attention to the operational activities and the strategic priorities of the Agency to support growth and retention of local businesses.

It was pointed out that any grant to the Agency would have to be tied to a specific project or activity which was of benefit to the community at large and which could not be construed as providing assistance to a business, and an agreement would be required in that regard.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the grant request from the Greater Victoria Development Agency in the amount of \$10,000 be referred to Council's Estimates Committee for consideration during budget deliberations, and that the Greater Victoria Development Agency be requested to submit a list of potential projects for funding.

CARRIED

4. 2011-353 CASTAWAY WANDERER RUGBY FOOTBALL CLUB, November 4,
2011
Re Request to Occupy Public Property for Christmas Tree Recycle
Fundraising Event

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That approval be given for the temporary occupancy of public property as requested in correspondence item no. 2011-353, subject to the Castaway Wanderer Rugby Football Club 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

5. 2011-354 OAK BAY HERITAGE COMMITTEE, October 18, 2011
Re Minutes of Meeting

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Committee meeting held on October 18, 2011 be received.

A member of Council drew attention to the reference to Lighthouse Protection, saying it should credit The Heritage Canadian Foundation and The Land Conservancy as hosting the information session on designation of lighthouses rather than BC Heritage.

The question was then called.

CARRIED

6. 2011-355 ALFRED EHRENBERG, November 6, 2011
2011-355-1 MICHAEL BLAIR, [Undated]
2011-355-2 SCOTT AND SANDI PIERCY, November 14, 2011
Re Development Variance Permit – 966 Monterey Avenue

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence items no. 2011-355 to 2011-355-2 be received.

CARRIED

8. 2011-357 PAT WILSON, November 3, 2011
2011-357-1 CARL PETERSON, November 3, 2011
Re Bylaw No. 4550, Heritage Commission Establishment Bylaw, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That correspondence items no. 2011-357 and 2011-357-1 be received.

CARRIED

9. 2011-358 PATRICIA WILSON AND BRIAN MCKINNELL, November 10, 2011
Re Development Variance Permit – 1354 St. David Street

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That correspondence item no. 2011-358 be received.

CARRIED

10. 2011-359 PHILIP AND NANCY WHITE, November 10, 2011
Re Development Variance Permit – 3555 Beach Drive

MOVED by Councillor Copley
Seconded by Councillor Braithwaite, That correspondence item no. 2011-359 be received.

CARRIED

There was consensus to amend the order of the agenda to bring forward the tabled resolutions at this time.

TABLED:

Development Variance Permit – 1110 Newport Avenue

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 1110 Newport Avenue (Lot 10, Block I, Section 23, Victoria District, Plan 1212), 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> |
|--|-------------------------------|---------------------------------|---------------------------------|
| 4.15.1. Maximum Paved Surface (rear yard) | 25% (34.8 m ²) | 67.1% (93.6 m ²) | 42.1% (32.3 m ²) |

to accommodate the proposed paving as shown on the site plan appended to Committee of the Whole agenda item 2011-325, being a memorandum from the Director of Building and Planning dated September 19, 2011.

CARRIED

Nigel Beattie, consultant, advised that the existing amount of paving will be reduced from 50% to 42% coverage using a permeable material.

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 – 376 King George Terrace

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 376 King George Terrace (Lot 15, Section 22, Victoria District, Plan 1048), 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) <i>Minimum interior side lot line setback</i> | 1.52 m | 1.17 m | 0.35 m |
| 6.5.4.(3) (a) <i>Maximum building height</i> | 6.83 m | 9.2 m | 2.37 m |
| 6.5.4.(3) (b) <i>Maximum occupiable height</i> | 4.27 m | 6.53 m | 2.26 m |
| 6.5.4.(3) (c) <i>Maximum roof height</i> | 8.53 m | 9.34 m | 0.81 m |
| 6.5.4.(6) (a) <i>Maximum gross floor area at a level higher than .8 meters below grade</i> | 240m ² | 352.8m ² | 112.8m ² |
| 6.5.4.(11) <i>Maximum interior side lot line setback of the second storey</i> | 3.0 m | 1.17 m | 1.83 m |

to accommodate the renovations as shown on the plans appended to Committee of the Whole agenda item 2011-326, being a memorandum from the Director of Building and Planning dated October 12, 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 – 966 Monterey Avenue

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 966 Monterey Avenue (Lot 3, Section 22, Victoria District, Plan 1150), varying section 4.10.5 of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended, to accommodate the installation of a heat pump in the front yard as shown on the plan appended to Committee of the Whole agenda item 2011-327, being a memorandum from the Director of Building and Planning dated October 13, 2011.

CARRIED

The Director of Building and Planning provided an overview of the variance being requested to accommodate the installation of a heat pump that would be screened with greenery and would be set back from the front yard property line.

With respect to a question from a member of Council re screening, Catherine Nickerson, owner, and Julie Lommerse, landscape designer, provided information regarding screening, noting the

entire yard will be fenced and hedged and they are considering a low lying solid wood and stonework structure to shroud the proposed heat pump.

With respect to the noise level of the heat pump, Robert Barry, Island Energy Inc., was in attendance to provide information in this regard, saying that this particular heat pump is a small, very quiet, European designed product with low decibel readings.

The homeowner agreed to address any noise issues that may arise due to the installation of a heat pump.

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 – 2041 Townley 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 2041 Townley Street (Lot 9, Block 4, Section 28, Victoria District, Plan 1155), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

| <u>Zoning Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
|--|-------------------|-------------------|------------------|
| 6.5.4.(2) (e) <i>Minimum total of side lot line setbacks</i> | 4.57m | 4.17m | 0.4m |
| 6.5.4.(6) (a) <i>Maximum gross floor area above .8 meters below grade</i> | 240m ² | 262m ² | 22m ² |
| 6.5.4.(11) <i>Minimum interior side lot line setback of the second storey</i> | 3.0m | 1.67m | 1.32m |

and also varying Section 4.7 and Schedule 'A', A.1 (a) of Bylaw No. 354, Parking Facilities Bylaw, 1986, to relax the requirement that one of the two required parking spaces must be covered to accommodate the renovations as shown on the plans appended to Committee of the Whole agenda item 2011-328, being a memorandum from the Director of Building and Planning dated October 13, 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 – 2014 Chaucer Street

MOVED by Councillor Herbert

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 2014 Chaucer Street (Parcel A (DD 2871511) of Lots 1 and 2, Block 2, Section 69, District, Plan 298), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:

| <u>Zoning Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
|--|--------------------|--------------------|-------------------|
| 6.5.4.(2) (c) <i>Minimum interior side lot line setback</i> | 1.52 m | 1.2 m | 0.32 m |
| 6.5.4.(2) (e) <i>Minimum total of side lot lines</i> | 4.57 m | 1.52 m | 3.05 m |
| 6.5.4 (3) (a) <i>Maximum building height</i> | 4.78 m | 6.45 m | 1.67 m |
| 6.5.4 (3) (b) <i>Maximum occupiable height</i> | 2.99 m | 4.30 m | 1.31 m |
| 6.5.4. (3) (c) <i>Maximum roof height</i> | 5.98 m | 8.65 m | 2.67 m |
| 6.5.4 (6) (a) <i>Maximum gross floor area above .8 metres below grade</i> | 240 m ² | 286 m ² | 46 m ² |
| 6.5.4 (11) <i>Minimum interior side lot line setback of the second storey</i> | 3.0 m | 2.16 m | 0.84 m |

to accommodate the renovations as shown on the plans appended to Committee of the Whole agenda item 2011-329, being a memorandum from the Director of Building and Planning dated October 13, 2011.

CARRIED

Robert Somogyi, applicant, described the renovation project.

The Director of Building and Planning advised that the applicant is reinstating a triplex back to a single family dwelling, and correcting work done without the necessary permits and approvals.

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 – 1354 St. David 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 1354 St. David Street (Lot 5, Section 23, Victoria District, Plan 878), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:

| <u>Zoning Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
|---|-------------------|---------------------|--------------------|
| 6.5.4.(6) (b) Maximum gross floor area | 480m ² | 556.2m ² | 76.2m ² |

to accommodate the addition and renovation as shown on the plans appended to Committee of the Whole agenda item 2011-330, being a memorandum from the Director of Building and Planning dated October 14, 2011.

CARRIED

The Director of Building and Planning explained the requested variances regarding the proposed renovation involving a rear addition, new covered deck, converting an existing low ceiling height garage into a storage area, and building a new garage.

David Yamamoto, Designer, provided an overview of the application for a maximum gross floor area variance, and answered various questions from Council, noting that a seriously damaged Garry Oak tree would have to be removed.

It was noted that although the house is mentioned in Stuart Starks book it is not on the Community Heritage Register, and it was noted that the garage was not part of the original build.

Regarding concern expressed by Brian McKinnel and Pat Wilson, Oak Bay residents, about the variance being requested, Mr. Thomassen explained that the requested variance is due to the existing basement and garage being less than 0.8 metres below grade, and although not considered an occupiable living space, it must be included in the gross floor area calculation.

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 – 3555 Beach Drive

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 3555 Beach Drive (Lot 2, Section 31, Victoria District, Plan 6997), 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) (a) Minimum front lot line setback | 10.66 m | 8.8 m | 1.86 m |
| 6.2.4.(2) (c) + Schedule "C" Minimum interior side lot line setbacks | 4.57 m | 2.4 m | 2.17 m |

| | | | |
|---|---------|-------|--------|
| 6.2.4.(2) (e) + Schedule "C" | | | |
| Minimum total of side lot line setbacks | 12.19 m | 7.5 m | 4.69 m |
| 6.2.4.(3) (b) | | | |
| Maximum occupiable height | 4.57 m | 4.7 m | 0.13 m |

to accommodate the renovations and additions as shown on the plans appended to Council agenda item 2011-334, being a memorandum from the Director of Building and Planning dated October 20, 2011.

CARRIED

It was noted that as part of the application, a Geo-tech engineering firm would be retained in respect to ensuring the stability of the area along the foreshore. It was further noted that the renovation plans have been modified to protect an existing Garry Oak tree from removal.

There was discussion regarding the design and layout of the renovations and addition, with questions from Council being answered by staff and the Architect, Sylvia Bonet.

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

CARRIED

NEW BUSINESS:

CUPE Agreement

Mayor Causton announced that an agreement between the Employer and CUPE has been reached.

Proposed Development of 1969 Oak Bay Avenue

Mayor Causton drew attention to a proposed development at 1969 Oak Bay Avenue, noting that the City of Victoria asked the applicant, as a courtesy, to advise the District of Oak Bay of the development plans. It was noted that as neighbouring property owners Oak Bay will receive formal notice of the development when the time comes.

RESOLUTIONS:

Development Permit – 2151 Haultain Street

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2151 Haultain Street (Lot 1, Section 28, Victoria District, Plan 14993), which will permit the exterior renovations to the existing building as more particularly shown on the plans attached to Committee of the Whole agenda item #2011-345, being a memorandum from the Director of Building and Planning dated October 31, 2011.

CARRIED

Development Variance Permit – 1619 Wilmot Place

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 1619 Wilmot Place (Lot 11, Section 69, Victoria District, Plan 922), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

| <u>Zoning Bylaw Section</u> | <u>Required/ Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|--|--------------------------------|----------------------|--------------------|
| 6.5.4 (3) (a) + Schedule 'B' Maximum building height | 6.83 m | 7.0 m | 0.17 m |
| 6.5.4.(3) (b) + Schedule 'B' Maximum occupiable height | 4.27 m | 4.55 m | 0.28 m |
| 6.5.4 (6) (a) Maximum gross floor area above .8 metres below grade | 240 m ² | 246.3 m ² | 6.3 m ² |

to accommodate the construction of a dormer above the front entry as shown on the plans appended to Committee of the Whole agenda item 2011-347, being a memorandum from the Director of Building and Planning dated November 2, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 1619 Wilmot Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3235 Exeter Road

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3235 Exeter Road (Lot 6, Block C, Section 31, Victoria District, Plan 3599), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

| <u>Zoning Bylaw Section</u> | <u>Required/ Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|---|--------------------------------|------------------|-----------------|
| 6.2.4 (2) (c) + Schedule 'C' Minimum interior side lot line setback | 4.27 m | 3.1 m | 1.17 m |
| 6.2.4.(2) (e) + Schedule 'C' Minimum of total side lot line setbacks | 10.97 m | 6.7 m | 4.27 m |

to accommodate the extension of the existing deck as shown on the plans appended to Committee of the Whole agenda item 2011-348, being a memorandum from the Director of Building and Planning dated November 1, 2011.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 3235 Exeter Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Traffic Control Order No. 2011-11– Passenger Zone at 2188 Oak Bay Avenue

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the existing 10 minute passenger loading zone adjacent to 2188 Oak Bay Avenue be removed and that signs be erected adjacent to 2188 Oak Bay Avenue, as more particularly shown in the sketch attached hereto, to indicate that parking in the area so marked is restricted to 10 minutes at all times.

CARRIED

Tourism Victoria’s Board of Directors and Destination Marketing Commission Elections

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the District of Oak Bay, as a member of Tourism Victoria, appoint Mayor Causton to participate in voting, on behalf of the District of Oak Bay, in the Tourism Victoria’s Board of Directors and Destination Marketing Commission elections for 2012.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Jensen

Seconded by Councillor Copley, That Bylaw No. 4546, *Animal Control Bylaw Amendment Bylaw No. 3, 2011*, be adopted.

CARRIED

MOVED by Councillor Jensen

Seconded by Councillor Copley, That Bylaw No. 4547, *Ticket Information Utilization Bylaw Amendment Bylaw No. 4, 2011*, be adopted.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That Bylaw No. 4550, *Heritage Commission Establishment Bylaw, 2011*, be introduced and read a first time.

Pat Wilson, Chair of the Oak Bay Heritage Committee, requested that Council consider increasing the maximum number of years a member can serve from six to eight, noting it is difficult to recruit volunteers. She also requested that the number of members be increased from eight to eleven. Ms. Wilson also expressed the view that including an Architect on the Commission would be desirable.

There was discussion regarding the proposed amendments and there was consensus to withdraw the motion of first reading to allow staff to make further changes to the draft Bylaw for Council's consideration.

Council agreed that the draft bylaw should be amended to set the membership at a minimum of five and a maximum of eleven, and setting the requirement for a quorum at a majority of appointed members.

Staff was also requested to draft a policy that would see an Architect appointed to the Heritage Commission whenever possible.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Bylaw No. 4551 *Mayor and Councillors Annual Indemnity Bylaw, 2012*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Bylaw No. 4551 *Mayor and Councillors Annual Indemnity Bylaw, 2012*, be read a second time.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Bylaw No. 4551 *Mayor and Councillors Annual Indemnity Bylaw, 2012*, be read a third time.

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 a position appointed by the municipality, and to discuss labour relations or other employee relations.

CARRIED

The meeting adjourned at 9:43 p.m.

Certified Correct:

Municipal Clerk

Mayor