

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, October 24, 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
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 – October 11, 2011

MOVED by Councillor Copley
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Tuesday, October 11, 2011, be adopted.

CARRIED

Committee of the Whole – October 17, 2011

MOVED by Councillor Herbert
Seconded by Councillor Jensen, That the minutes of Committee of the Whole meeting held on Monday, October 17, 2011, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2011-333 FIRE CHIEF, October 19, 2011
- 2011-333-1 VERDA TECH ENERGY MANAGEMENT & CONSULTING, October 18, 2011
- EXCERPT FROM COUNCIL MEETING MINUTES, July 18, 2011
- 2011-239 FIRE CHIEF, July 4, 2011
- 2011-225 DIRECTOR OF BUILDING AND PLANNING, June 21, 2011
- 2011-183 DIRECTOR OF BUILDING AND PLANNING, May 19, 2011
Re Request to Replace Windows at Oak Bay Fire Hall/ Energy Audit –
1703 Monterey Avenue

(Fire Chief Adam was in attendance for this item.)

Referring to his memorandum, Fire Chief Adam provided information regarding the portion of the energy audit that pertains to the value of replacing the upstairs windows at the Fire Hall, noting that with installation of the proposed energy efficient windows there would be a

significant cost savings of approximately \$700 a year, as well as an increased level of comfort for the occupants. Chief Adam pointed out that the new windows would look the same as the existing windows.

Chief Adam noted that the \$20,000 cost of the new windows was already approved by Council in the 2011 budget.

While some members of Council expressed concern with respect to altering a municipal building being on the Community Heritage Register, and the precedent it may set for the community, and suggested that a less costly option of installing storm windows could be considered instead, other members of Council felt that storm windows could cause other issues and would detract from the aesthetics of the Fire Hall. Reference was made to the recommendation from the Heritage Advisory Panel in this regard as well.

Following discussion and questions from Council being answered by staff, it emerged that some Council members would like to see the final energy audit of the whole building prior to making a decision, and that the audit should also be reviewed by the Heritage Advisory Panel.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the installation of replacement windows for 1703 Monterey Avenue (Municipal Fire Hall), as outlined in correspondence item no. 2011-333, be approved.

It was suggested that more information be sought from the Heritage Advisory Panel prior to making a final decision regarding window replacement at the Fire Hall.

The question was then called.

DEFEATED

(Councillors Copley, Jensen, and Ney against the motion)

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the request to replace the windows at 1703 Monterey Avenue be referred back to the Heritage Advisory Panel for further review and a recommendation to Council.

CARRIED

2. 2011-334 DIRECTOR OF BUILDING AND PLANNING, October 20, 2011
- 2011-331 DIRECTOR OF BUILDING AND PLANNING, October 12, 2011
Re Uplands Building Permit / Development Variance Permit Application
– 3555 Beach Drive

In response to concern that arose at the October 17, 2011 Committee of the Whole meeting regarding the effect of the proposed renovation on a Garry Oak tree on the property, the Director of Building and Planning advised that the Designer has revised the second storey plans to accommodate the Garry Oak tree.

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 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.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 3555 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

3. 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 DIRECTOR OF BUILDING AND PLANNING, October 7, 2011
- 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
- 2011-260 DIRECTOR OF BUILDING AND PLANNING, August 4, 2011
Re Development Variance Permit – 2251 Cadboro Bay Road (Oak Bay Lodge)

Councillor Copley excused herself from the discussion, citing the perception of bias 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 7:53 p.m.

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, and Graham Hill, Chair, Capital Regional Hospital District were in attendance in respect to the proposed redevelopment of the Oak Bay Lodge property.

As requested by Council at its meeting of October 11, 2011, Patrick Cotter provided information regarding an additional public consultation opportunity undertaken by the applicants, and the traffic and parking assessment carried out in relation to the development variance permit application for building height and parking variances for the proposed Oak Bay Lodge renewal project.

Howard Johnson briefly described the list of items discussed at the public consultation that took place October 18, 2011, as detailed in correspondence item no. 2011-335-1, noting the applicants have appreciated input from the neighbours and will continue to consult with residents about any issues that may arise throughout the entire process. Mr. Johnson said that 25 people attended the neighbourhood public session.

With the aid of a PowerPoint, Patrick Cotter showed photographs that indicated the potential impact of the proposed building from different views on and around the site, and Mr. Cotter answered various questions from members of Council in this regard.

Graham Hill noted the importance of ensuring connectivity during the whole process, stating the need to expand the stock of care beds in the region and saying this facility would be a vital part of a healthy community. Mr. Hill added that with this proposal the land remains in public hands under the Capital Regional Hospital District.

Mr. Hill said that approval of this 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, pointing out that without approval from Oak Bay the whole project will be at risk of not moving forward.

In response to a comment from a member of Council regarding timelines, and concerns that the public consultation process came late, Mr. Hill advised that the challenge has been in relation to funding discussions with all parties involved, which could not be publicly announced until negotiations were finalized.

Robert Lapham, in response to further questions from Council, explained the request for proposal process, noting that providing 320 beds in Oak Bay was a requirement in the proposal.

PUBLIC INPUT:

John Rankin, Oak Bay resident, said he was dismayed to learn that the traffic and parking study was not available to residents at the most recent Baptist Housing public consultation, and that the applicants made it clear there was no more room for modifications to the proposed development. Mr. Rankin said the Municipal bylaws should be adhered to, and that it is not just about variances, but about a massive building being situated in a residential area. Mr. Rankin concluded by saying the process has not been done well enough.

Michael Hayes, Oak Bay resident, said he agrees with Mr. Rankin's comments, and that there has been no meaningful attempt to consult with residents. Revisiting the PowerPoint photographs, Mr. Hayes said that with respect to the accuracy of photographs, they are not to scale and do not truly show the context of the mass of the building in comparison to the area, and do not show the wall mass that would be adjacent to Cadboro Bay Road. He also expressed his concern that the property values in the area will be affected.

In response, Mr. Cotter noted that the photographs were shown as a tool to indicate the building placement from different locations around the site, confirming they were not to scale.

Leona Frenette, Oak Bay resident, said the traffic and parking study, which she noted was commissioned by the applicant, is not extensive enough, and a decision should not be based on that study alone. Ms. Frenette urged Council to consider the affect on the community, including the parking, the added traffic, and the increased number of emergency vehicles. In closing, she pointed out that it would be the largest care facility on the island.

In response to a question from Council, the Director of Engineering Services said from a traffic point of view closing the Cranmore Road access is not optimal as it will cause more traffic flow on Cadboro Bay Road.

Paul Merner, Oak Bay resident, said this proposed project is driven by the number of beds and he asked why Oak Bay is responsible for accommodating more than other facilities in the region.

Jane Van Sickle, Oak Bay resident, said she has been trying for many years to address the existing issue of heavy traffic on Cadboro Bay Road, and that having only one entrance/exit to the proposed development would only increase the existing traffic issues. Ms. Van Sickle said she is not against having a care facility for the elderly in the neighborhood, however, she said, the proposed building does not fit with the character of Oak Bay. She concluded by saying she would be looking at the wall of the building from her home, and this proposed development will destroy the area.

A member of Council commented that having the building closer to Cadboro Bay Road could impact residents across from that side of the proposed development but would be further from Hampshire Road residents, which is something the applicants were asked to consider.

Doug Mollard, Oak Bay resident, commented that the proposed building will be approximately the size of the new Atrium building (located at Johnson and Blanshard Streets) and would be 1/5 the size of Windsor Park. Mr. Mollard said he supports having a care facility, but it needs to be right for the area. He questioned where the number of 20 residents for each of the "contained neighbourhoods" came from, if the number could be reduced, and if there was evidence based research done in this regard.

At the request of Council, Mr. Johnson again provided information regarding the rationale supporting the care model proposed for this site.

Members of Council asked further questions regarding the model of care proposed, and how beds are assigned to residents, which were answered by Mr. Waldner and Mr. Johnson.

Discussion turned to whether or not the application had enough merit to proceed to the public notification stage of the process, and varying views and opinions were noted.

Some members of Council stated they did not feel there was enough information before Council to move to that stage, noting concerns about the lack of a model to demonstrate the impact of the

proposed building and the fact that new photographs still do not tell the whole story in that regard, along with concerns about the short period of community consultation, parking and traffic issues, and whether or not the Oak Bay Lodge location was appropriate for the scale of the proposed development.

The view was also expressed that while the development would impact the community and adjacent neighbours, who have valid concerns regarding the massing of the building, having the care facility in Oak Bay was critical in respect to the aging population of the community, and that it was important that the opportunity for the facility not be lost. The efforts of the applicants to mitigate some of the concerns expressed were also acknowledged, as was the commitment to continued engagement with the neighbours throughout the design process.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, 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.

MOVED by Councillor Jensen

Seconded By Councillor Braithwaite, That the motion in respect to the development variance permit for 2251 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Councillor Copley returned to the meeting at 10:26 p.m.

4. 2011-336 ROYAL VICTORIA YACHT CLUB, October 6, 2011
2011-336-1 MUNICIPAL CLERK, October 20, 2011
Re Sea of Lights Event – December 2, 2011

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That in relation to the Sea of Lights Event, the activities planned for Willows Beach, on December 2, 2011 be approved as a Municipal Event, including the lighting of a bonfire pursuant to Section 46 of the Fire Regulation Bylaw.

CARRIED

5. 2011-337 MUNICIPAL ADMINISTRATOR, October 20, 2011
2011-245 OAK BAY HERITAGE COMMITTEE, July 6, 2011
Re Establishment of a Heritage Commission

Referring to his memorandum, the Municipal Administrator drew attention to the Oak Bay Heritage Committee's request to unify the Heritage Committee and the Heritage Advisory Panel to create an Oak Bay Heritage Commission, which the Committee feels would strengthen the effectiveness of heritage stewardship in Oak Bay. Mr. Brennan also drew attention to a draft Heritage Commission Establishment Bylaw attached to his memorandum.

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the draft Heritage Commission Establishment Bylaw, as attached to correspondence item no. 2011-337, be brought forward to Council for formal consideration.

Further discussion ensued with members of Council commenting on various aspects of the Bylaw and various questions from Council being answered by Mr. Brennan. There was consensus to include in the mandate of the Commission, responsibility for maintaining the Heritage Strategic Plan and a Heritage Management Plan, although it was acknowledged that both would require approval by Council.

The question was then called.

CARRIED

6. 2011-338 FEDERATION OF CANADIAN MUNICIPALITIES, September 23,
2011
Re Annual Municipal Dues

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That payment of the invoice for the 2012-2013 Federation of Canadian Municipalities membership dues in the amount of \$2,669.90 (which excludes the optional travel contribution) be approved.

CARRIED

7. 2011-319 MUNICIPAL ADMINISTRATOR, October 6, 2011
Re Food Primary Liquor Licences

At a previous meeting of Council a member of Council had expressed concern that currently a restaurant could have 20 percent of its seats classified as 'lounge' seating and Council requested that staff review Oak Bay's regulations in the context of Council's powers and options in respect

to approval being regulated by the Municipality for Liquor Primary endorsements, and prepare a report in this regard.

After researching the issue in question, the Municipal Administrator drew attention to the three options listed in his report (correspondence item no. 2011-319).

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That staff be directed to bring forward bylaw amendments that would have the effect of requiring that all Lounge Endorsements be approved by Council, and further, to draft a policy setting out the process and guidelines for Lounge Endorsement approvals.

Discussion arose regarding revising the Zoning Bylaw in this regard, and although it was suggested that it could be useful for Council to have options with respect to this topic, it was the majority view that there was no need to change Council's authority regarding liquor primary licence endorsements in Oak Bay.

The question was then called.

DEFEATED

(Mayor Causton, Councillors Braithwaite, Copley, Jensen and Ney against the motion)

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2011-319 be received.

CARRIED

8. 2011-339 OAK BAY COMMUNITY INITIATIVES COMMITTEE, September 22, 2011
Re Minutes of Meeting

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the minutes of the Oak Bay Community Initiatives Committee meeting held on September 22, 2011 be received.

CARRIED

9. 2011-340 DIRECTOR OF BUILDING AND PLANNING, October 21, 2011
2011-320 MICHAEL BELL, October 3, 2011
2011-320-1 R. L. SHENKENFELDER, October 4, 2011
2011-320-2 LINDA SKOOG, October 10, 2011
2011-320-3 MICHAEL BELL, October 11, 2011
2011-320-4 ELAINE TRANT, October 11, 2011
2011-278 CHRIS ZATYLNKY AND LEANNE LA PRAIRIE, July 25, 2011
Re Development Variance Permit – 2608 Lincoln Road

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence items no. 2011-340, 2011-320 to 2011-320-4 and 2011-278 be received.

CARRIED

NEW BUSINESS:

Request to Revise Parking Regulations Adjacent to 2188 Oak Bay Avenue

Mayor Causton suggested changing the existing passenger loading zone adjacent to 2188 Oak Bay Avenue to a 10 minute parking zone.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That a Traffic Control Order to eliminate the existing passenger loading zone adjacent to the 2188 Oak Bay Avenue, and implement a 10 minute parking zone in its place, be prepared and brought forward to Council for consideration.

CARRIED

TABLED:

Development Variance Permit – 2608 Lincoln Road

Councillor Braithwaite declared a conflict of interest with respect to the development variance permit application for 2608 Lincoln Road as she lives near the applicant. Councillor Braithwaite left the meeting at 10:48 p.m.

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 2608 Lincoln Road (Lot 26, Block 11, 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>
4.10.4 and 4.10.5 <i>No sound emitting structure shall be sited within 3 m of any property line, or in a side yard</i>	3.0m	0.8m	2.2m

to accommodate the siting of a heat pump as shown on the plans appended to Committee of the Whole agenda item 2010-130, being a memorandum from the Director of Building and Planning dated April 14, 2010.

CARRIED

With respect to correspondence received regarding the development variance permit application, it was noted that one of the writers may have been referring to a property other than 2608 Lincoln Road.

The Director of Building and Planning advised that a second noise level reading was taken, and was found to slightly exceed the maximum level of 40 decibels permitted by the Zoning Bylaw at that time.

Chris Zatylny, homeowner, provided an overview of the application, noting he had consulted an Acoustic Engineer about the sound barrier fencing that has been installed around the heat pump to help reduce the noise level.

Mr. Zatylny distributed copies of a package of various information he gathered regarding climate change, an energy evaluation summary for his home, photographs, noise levels and sensitivities, and he pointed out that Oak Bay's Climate Change Task Force report encourages homeowners to take steps to alter buildings to improve energy efficiency. The information also included common noise level comparisons, and Mr. Zatylny said that, for example, a quiet whisper at distance of three feet has a reading of 30 decibels.

Mr. Zatylny advised that he spoke with the neighbours regarding the application and found that other than one neighbour, who has noted his concern, no one else has expressed any objection.

Moved by Councillor Herbert

Seconded by Councillor Jensen, That the meeting proceed beyond the 11 o'clock p.m. hour of adjournment fixed by the *Procedure Bylaw*.

CARRIED UNANIMOUSLY

Mr. Zatylny added that he is sensitive to the situation of his neighbour and will install a thermostat which will turn the heat pump off at night.

Michael Bell, Oak Bay resident, said the issue for him with respect to the heat pump noise is medical and sleep interruption related. Mr. Bell said that his wife and another neighbour have heard the heat pump at night as well. He indicated his willingness to work with Mr. Zatylny on a satisfactory solution regarding the noise level at night, and that he is in agreement with the applicant's plan to modify the night time noise emissions by installing a timed thermostat.

Although it seemed steps have been taken to address concerns, it was the consensus of Council to postpone consideration of adoption of the authorizing resolution until the New Year, and allow time for the applicant to ensure the heat pump will meet the noise regulations, and to install a regulating thermostat, as discussed.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect to the Development Variance Permit for 2608 Lincoln Road be re-tabled to the first meeting of Council in January 2012.

CARRIED

Councillor Braithwaite returned to the meeting at 11:12 p.m.

Development Variance Permit – 2130 Crescent Road

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 2130 Crescent Road (Lot 18, Block 6, Section 46, Victoria District, Plan 1250), 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) (a) + Schedule 'B' Maximum building height	7.07 m	7.47 m	0.4 m

6.5.4.(3) (b) + Schedule 'B' Maximum occupiable height	4.42 m	4.88 m	0.46 m
6.5.4.(6) (b) Maximum gross floor area above .8 metres below grade	300 m ²	338.4 m ²	38.4 m ²

to accommodate the addition of a top floor with deck to the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2011-291, being a memorandum from the Director of Building and Planning dated September 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

RESOLUTIONS:

Development Variance Permit – 1110 Newport Avenue

MOVED by Councillor Herbert

Seconded by Councillor Jensen, 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.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 1110 Newport Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 376 King George Terrace

MOVED by Councillor Herbert

Seconded by Councillor Jensen, 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) Minimum interior side lot line setback	1.52 m	1.17 m	0.35 m
6.5.4.(3) (a) Maximum building height	6.83 m	9.2 m	2.37 m
6.5.4.(3) (b) Maximum occupiable height	4.27 m	6.53 m	2.26 m
6.5.4.(3) (c) Maximum roof height	8.53 m	9.34 m	0.81 m
6.5.4.(6) (a) Maximum gross floor area at a level higher than .8 meters below grade	240m ²	352.8m ²	112.8m ²
6.5.4.(11) Maximum interior side lot line setback of the second storey	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.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 376 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 966 Monterey Avenue

MOVED by Councillor Herbert

Seconded by Councillor Jensen, 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.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 966 Monterey Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2041 Townley Street

MOVED by Councillor Herbert

Seconded by Councillor Jensen,

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) Minimum total of side lot line setbacks	4.57m	4.17m	0.4m
6.5.4.(6) (a) Maximum gross floor area above .8 meters below grade	240m ²	262m ²	22m ²
6.5.4.(11) Minimum interior side lot line setback of the second storey	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.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 2041 Townley Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2014 Chaucer Street

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2014 Chaucer Street (Parcel A (DD 287151I) 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) Minimum interior side lot line setback	1.52 m	1.2 m	0.32 m
6.5.4.(2) (e) Minimum total of side lot lines	4.57 m	1.52 m	3.05 m
6.5.4 (3) (a) Maximum building height	4.78 m	6.45 m	1.67 m
6.5.4 (3) (b) Maximum occupiable height	2.99 m	4.30 m	1.31 m

6.5.4. (3) (c) Maximum roof height	5.98 m	8.65 m	2.67 m
6.5.4 (6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	286 m ²	46 m ²
6.5.4 (11) Minimum interior side lot line setback of the second storey	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.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 2014 Chaucer Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1354 St. David Street

MOVED by Councillor Herbert

Seconded by Councillor Jensen, 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.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 1354 St. David Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Authorization for Disposition of Property by Way of a Lease, 2565 Heron Street (Tod House)

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That authorization be given for the disposition of property located at 2564 Heron Street (Tod House), legally described as Amended Lot 26 (DD 225937I), Block 9, Section 2, Victoria District, Plan 379 and Lot 27, Block 9, Section 2, Victoria District, Plan 379 by way of a lease (fixed term tenancy) for a one year period from November 1, 2011 to

October 31, 2011 to Lisa Mercure and Kevin Perkins for a base rent of \$1,645 per month.

CARRIED

December Meeting Schedule

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the regular meeting schedule of Council and Committee of the Whole be suspended for the month of December 2011 and the following substituted:

December 2011

Council (Inauguration)
Council

Monday, December 5, 2011 @ 7:30 p.m.
Monday, December 12, 2011 @ 7:30 p.m.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That Bylaw No. 4548, *Property Tax Exemption Bylaw, 2011*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That Bylaw No. 4549, *Guide Hall Licence Authorization Bylaw 2011*, be adopted.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4546, *Animal Control Bylaw Amendment Bylaw No. 3, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4546, *Animal Control Bylaw Amendment Bylaw No. 3, 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4546, *Animal Control Bylaw Amendment Bylaw No. 3, 2011*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4547, *Ticket Information Utilization Bylaw Amendment Bylaw No. 4, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4547, *Ticket Information Utilization Bylaw Amendment Bylaw No. 4, 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4547, *Ticket Information Utilization Bylaw Amendment Bylaw No. 4, 2011*, be read a third time.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 11:15 p.m.

Certified Correct:

Municipal Clerk

Mayor