

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, March 25, 2013 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch

STAFF: Municipal Administrator, G. Nason
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Council – March 11, 2013

MOVED by Councillor Herbert
Seconded by Councillor Kirby, That the minutes of the Council meeting held on Monday, March 11, 2013, be adopted.

CARRIED

Committee of the Whole – March 18, 2013

MOVED by Councillor Copley
Seconded by Councillor Green, That the minutes of the Committee of the Whole meeting held on Monday, March 18, 2013, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen noted that, on March 23, 2013, the District of Oak Bay participated in Earth Hour, where operations permitted, along with nearly 100 other municipalities throughout the province. The Mayor also noted that a new charging station for electrical vehicles has been installed in the parking lot of the Municipal Hall.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2013-82 VICTORIA WHEELERS CYCLING CLUB, March 5, 2013
Re Windsor Park Road Races – May 19, July 7, July 28, 2013

MOVED by Councillor Kirby

Seconded by Councillor Green, That permission be granted for the temporary road closures and occupancy of the roads detailed in correspondence item no. 2013-82, for the staging of the Windsor Park Road Races on Sunday, May 19, 2013, Sunday, July 7, 2013, and Sunday, July 28, 2013, 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 provide evidence of public liability insurance in the amount of not less than \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event;
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
- 4) agree to provide sufficient notice to all property owners along the proposed route,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

2. 2013-83 MANAGER OF RECREATION PROGRAM SERVICES, March 20, 2013
2013-83-1 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, March 18, 2013
Re Oak Bay Eco Week – May 4, 2013

MOVED by Councillor Herbert

Seconded by Councillor Copley, That:

1. The temporary road closures approved in principle for the Oak Bay Business Improvement Association's use in relation to Oak Bay Village Eco Week 2013 be amended to remove the closure of Hampshire Road from Oak Bay Avenue to Theatre Lane; and
2. That the temporary road closures of Hampshire Road and Wilmot Place from Oak Bay Avenue to Theatre Lane, for the purpose of a not-for-profit community event under the auspices and control of the Corporation, which Council has determined to be for the benefit of the Municipality at large, be approved, subject to the approval of a traffic plan by the Chief Constable.

CARRIED

3. 2013-84 GREATER VICTORIA PUBLIC LIBRARY, February 28, 2013
Re 2013 Operating Budget and Five Year Financial Plan

From the Greater Victoria Public Library, the following representatives were in attendance for this item: Greg Bunyan, Board Chair; Maureen Sawa, Chief Executive Officer; Lynne Jordan, Deputy Chief Executive Officer; and Donna Phillips, Finance Manager.

Greg Bunyan, Chair, Greater Victoria Public Library Board, provided an overview of the 2013 budget, highlighting that this budget will allow the library to maintain services levels, including the popular Sunday openings. Mr. Bunyan also noted the value of libraries as a meeting place for the community and the increase in their use during difficult economic times. In concluding his remarks, he commented that the Board is committed to exploring and developing new sources of income.

There was discussion regarding the budget and the financial statements provided by the Greater Victoria Public Library and Mr. Bunyan and the Greater Victoria Public Library staff answered questions from members of Council in this regard. It was noted that the 2012 audited financial statements could be provided once they are finalized.

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That Oak Bay's share of the 2013 operating budget for the Greater Victoria Public Library in the amount of \$931,826.00 be approved.

Members of Council spoke in support of the 2013 budget, noting the high circulation rate, multi-use facilities, community education and Sunday openings are all of benefit to the community.

The question was then called.

CARRIED

4. 2013-85 VANCOUVER ISLAND SOUTH FILM AND MEDIA COMMISSION,
February 26, 2013
Re Request for Financial Assistance

Kathleen Gilbert, Film Commissioner, provided an overview of the 2012 activities by the Vancouver Island South Film and Media Commission and associated economic benefits.

Ms. Gilbert responded to questions from Council with respect to Commission activities. She also provided clarification on amounts requested from other municipalities in the region and on the Commission's financial statements.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the Vancouver Island South Film and Media Commission in the amount of \$3,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

5. 2013-86 GREATER VICTORIA BIKE TO WORK WEEK, February 27, 2013
Re Request for Financial Assistance

Frank Hudson, Executive Director, Greater Victoria Bike to Work Week, provided an overview of Greater Victoria Bike to Work Week's request for financial assistance, highlighting that the purpose of Bike to Work Week is to promote cycling as a viable method of commuting to work.

There was discussion on the in-kind income, including volunteer hours, as compared to cash income received by the Greater Victoria Bike to Work Society and Mr. Hudson responded to questions from Council in this regard.

MOVED by Councillor Copley

Seconded by Councillor Kirby, That the request for financial assistance from the Greater Victoria Bike to Work Week Society in the amount of \$3,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Herbert, That permission be given to Greater Victoria Bike to Work Week to host a celebration station on the front lawn of the Oak Bay Municipal Hall, as was undertaken in 2012, 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 occupancy and provide evidence of public liability insurance in the amount of not less than \$2,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

6. 2013-87 OAK BAY RESTORATIVE JUSTICE SOCIETY, February 28, 2013
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Green, That the request for financial assistance from the Greater Victoria Bike to Work Week Society in the amount of \$5,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

A discussion ensued with respect to the Oak Bay Restorative Justice Society's application, specifically with regards to the intention to "grow the organization", which is difficult to understand as the Society takes cases that have been referred by the Police Department. It was noted that it would be helpful if the Society could provide clarification with regards to this issue for the Estimates Committee deliberations.

The question was then called.

CARRIED

7. 2013-88 ST. JOHN AMBULANCE, February 26, 2013
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the St. John Ambulance Brigade in the amount of \$600.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

8. 2013-89 GREATER VICTORIA DEVELOPMENT AGENCY, February 5, 2013
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the Greater Victoria Development Agency in the amount of \$18,015.00 be received.

CARRIED

9. 2013-90 OAK BAY HERITAGE FOUNDATION, February 28, 2013
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Green, That the request for financial assistance from the Oak Bay Heritage Foundation in the amount of \$5,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

A discussion ensued on the Foundation's financial statements, specifically with respect to the funds currently available in guaranteed investment certificates (GIC's). It was noted that it would be helpful if clarification could be provided on the purpose of the GIC's and on the Foundation's mandate.

The question was then called.

CARRIED

10. 2013-91 COWICHAN ENERGY ALTERNATIVE, February 28, 2013
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the request for financial assistance from Cowichan Energy Alternatives in the amount of \$2,000.00 be received.

CARRIED

11. 2013-92 FRIENDS OF UPLANDS PARK, February 26, 2013
Re Request for Financial Assistance

Margaret Lidkea and Kathleen Matthews, Co-Chairs, Friends of Uplands Park, provided an overview of the document, "Table 1: Balance and Expenses from April 2012 to March 2013 for Friends of Uplands Park". Details on the Friends of Uplands Park's upcoming events were also provided.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the Friends of Uplands Park in the amount of \$1,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

12. 2013-93 CITY OF VICTORIA, March 4, 2013
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Green, That the request for financial assistance from the City of Victoria in the amount of \$1,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

13. 2013-94 OAK BAY TOURISM COMMITTEE, March 20, 2013
Re 2012 Year End Report and 2013 Budget and Business Plan

From the Oak Bay Tourism Committee, Shawna Walker and Mario Gedicke, Co-Chairs, and Alfred Lyon and Tom Croft, Committee members, were in attendance for this item.

Shawna Walker, Co-Chair, Oak Bay Tourism Committee, commented on Oak Bay Tourism's 2012 Year End Report and 2013 Budget and Business Plan, highlighting a strategic planning session on April 20, 2013 and upcoming events to which the Committee will provide support.

There was discussion on the Oak Bay Arts Laureate and on the discretionary spending categories in the budget, with Ms. Walker responding to questions from Council in this regard.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the Oak Bay Tourism Committee's 2013 budget and business plan be approved.

CARRIED

14. 2013-95 NORMAN THERRIEN, March 14, 2013
2013-95-1 MUNICIPAL CLERK, March 18, 2013
2013-95-2 STEPHEN CLARK ET AL, Received March 25, 2013
 Re Tree Permit Refusal (2519 Currie Road) - Request for Council
 Reconsideration

Norman Therrien, applicant, and Sylvie Therrien, resident, were present to speak to the request for Council to reconsider the decision by the Manager of Parks Services to refuse a tree permit to remove a Lombardi Poplar tree from 2519 Currie Road. Mr. Therrien drew Council's attention to his March 14, 2013 correspondence in which he describes the benefits of the proposed location for the garage, which would require the removal of the Lombardi Poplar tree, and the issues that would arise from locating the garage elsewhere on the property. He noted that the neighbouring residents are in support of the proposed tree removal and highlighted the petition to that effect circulated to Council as correspondence item no. 2013-95-2.

There was a discussion with regards to the request for reconsideration, with members of Council noting that locating the garage elsewhere on the property would cause a hardship by detracting aesthetically from the existing heritage dwelling, requiring the removal of additional trees and impacting the heritage ambience of the existing country lane.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the issuance of a permit for the removal of the Lombardi Poplar tree, located on the private property at 2519 Currie Road, be ordered pursuant to Section 6 (5) of the Tree Protection Bylaw.

CARRIED

15. 2013-96 DIRECTOR OF BUILDING AND PLANNING, March 21, 2013
 Re Property Protected Pursuant to Section 962 of the Local Government Act
 (2519 Currie Road)

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the 60 day temporary protection order for 2519 Currie Road made by Council on March 11, 2013, in accordance with Section 962 of the Local Government Act, be lifted.

CARRIED

16. 2013-97 DIRECTOR OF BUILDING AND PLANNING, March 21, 2013
Re Property Protected Pursuant to Section 962 of the Local Government Act
(516 Newport Avenue)

MOVED by Councillor Herbert

Seconded by Councillor Green, That the 60 day temporary protection order for 516 Newport Avenue made by Council on March 11, 2013, in accordance with Section 962 of the Local Government Act, be lifted.

CARRIED

17. 2013-98 DIRECTOR OF BUILDING AND PLANNING, March 21, 2013
Re Building Permit Referral - Property on Oak Bay Community Heritage
Register (3110 Weald Road)

MOVED by Councillor Herbert

Seconded by Councillor Green, That the report of the Director of Building and Planning dated March 21, 2013, correspondence item no. 2013-98, be received for information.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Councillor Kirby noted the Active Transportation Advisory Committee has expressed interest in having the full number of members allowed under the terms of reference.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That an advertisement for appointments to the Active Transportation Advisory Committee be placed on the municipal website.

CARRIED

TABLED:

Development Variance Permit – 3260 Exeter Road

MOVED by Councillor Herbert

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 3260 Exeter Road (Lot 32, Block B, 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</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2) (c) + Schedule 'C' 4.6.5 and 4.6.5.(2) Minimum side lot line setbacks (eave projection)	3.82 m	2.90 m	.92 m

6.2.4.(2) (c) + Schedule 'C' 4.6.5 and 4.6.5.(2) Minimum total side lot line setbacks (eave projection)	10.07 m	8.23 m	1.84 m
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to accommodate the construction of a single family dwelling as shown on the plans appended to Committee of the Whole agenda item 2013-50 being a memorandum from the Director of Building and Planning dated February 5, 2013.

CARRIED

John Graham, architect was present to respond to questions.

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

CARRIED

RESOLUTIONS:

Local Government Leadership Academy – 2013 Chief Elected Official Forum

MOVED by Councillor Herbert
 Seconded by Councillor Green, That Council approve the attendance of Mayor Jensen at the *Local Government Leadership Academy's 2013 Chief Elected Official Forum*, to be held in Vancouver, BC, June 13 & 14, 2013, and the payment of expenses necessarily incurred.

CARRIED

2321 Lansdowne Road

MOVED by Councillor Herbert
 Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2321 Lansdowne Road (Lot 37, Section 31, Victoria District, Plan 7700), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (6) (b) Maximum gross floor area above .8 meters below grade	360 m ²	552 m ²	192 m ²
6.4.4. (6) (b) Maximum gross floor area	480 m ²	552 m ²	72 m ²

to accommodate the existing non-conforming lower deck as shown on the plans appended to Committee of the Whole agenda item 2013-76 being a memorandum from the Director of Building and Planning dated March 11, 2013.

MOVED by Councillor Herbert
 Seconded by Councillor Green, That the motion in respect to the development variance permit for 2321 Lansdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

2028 Runnymede Avenue

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 2028 Runnymede Avenue (Lot B, Section 47, Victoria District, Plan 20683), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (6) (b) Maximum gross floor area above .8 meters below grade	360 m ²	500.7 m ²	140.7 m ²
6.4.4. (6) (b) Maximum gross floor area	480 m ²	500.7 m ²	20.7 m ²

to accommodate the construction of a raised patio area as shown on the plans appended to Committee of the Whole agenda item 2013-77 being a memorandum from the Director of Building and Planning dated March 11, 2013.

MOVED by Councillor Herbert
 Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2028 Runnymede Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

2280 Florence Street

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 2280 Florence Street (Lot 34, Block 1, Section 28, Victoria District, Plan 915), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (6) (a) Maximum gross floor area above .8 meters below grade	240 m ²	319 m ²	79 m ²

to accommodate the renovation to the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2013-78 being a memorandum from the Director of Building and Planning dated March 13, 2013.

MOVED by Councillor Herbert
 Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2280 Florence Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

2405 Hamiota Street

MOVED by Councillor Herbert
 Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2405 Hamiota Street (Lot 8, Block 2, Section 61, Victoria District, Plan 876), varying the following provision of Bylaw No. 3540, *Parking Facilities Bylaw, 1986*, as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule "A", A.1.(a) Maximum number of parking spaces	2 (one must be in a building)	1 (space not in a buidilng)	1 covered parking space

to accommodate the basement development and elimination of a covered parking space as shown on the plans appended to Committee of the Whole agenda item 2013-79 being a memorandum from the Director of Building and Planning dated March 14, 2013.

MOVED by Councillor Herbert
 Seconded by Councillor Green, That the motion in respect to the development variance permit for 2405 Hamiota Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

2423 Beach Drive

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 2423 Beach Drive (Lot 18, Block 14, Section 2, Victoria District, Plan 379), varying the following provision 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. (2) (e) Minimum total of side lot lines setbacks	4.57 m	4.35 m	.22 m
6.5.4. (6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	305 m ²	65 m ²
6.5.4. (11) Minimum second storey side lot line setback (North Side)	3.0 m	1.82 m	1.18 m

6.5.4. (11) Minimum second storey side lot line setback (South Side)	3.0 m	2.53 m	.47 m
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to accommodate the basement development as shown on the plans appended to Committee of the Whole agenda item 2013-80 being a memorandum from the Director of Building and Planning dated March 14, 2013.

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2423 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

3063 Larkdowne Road

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 3063 Larkdowne Road (Lot 31, Section 31, Victoria District, Plan 7700), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (2) (e) Minimum total of side lot line setbacks	4.57 m	4.42 m	0.15 m

to accommodate the reconstruction of an existing non-conforming rear deck as shown on the plans appended to Committee of the Whole agenda item 2013-81 being a memorandum from the Director of Building and Planning dated March 14, 2013.

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the motion in respect to the development variance permit for 3063 Larkdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For First, Second and Third Reading

MOVED by Councillor Green
Seconded by Councillor Kirby, That Bylaw No. 4583, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2013*, be introduced and read a first time.

CARRIED

(Councillors Herbert and Murdoch against the motion)

MOVED by Councillor Green

Seconded by Councillor Kirby, That Bylaw No. 4583, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2013*, be read a second time.

It was noted that, as previously requested, a report will be forthcoming from the Municipal Treasurer, in advance of the consideration of the 2014 sewer user charges, regarding options for allocating regional sewer costs.

Responding to questions from Council regarding the risk of relying on charges based on water consumption to fund sewer costs, the Municipal Treasurer noted that some reserve funds have already been allocated in order to defray potential future shortfalls and that the water consumption rates are set very conservatively.

The question was then called.

CARRIED

(Councillors Herbert and Murdoch against the motion)

MOVED by Councillor Green

Seconded by Councillor Copley, That Bylaw No. 4583, *Sewer User Charge Bylaw Amendment Bylaw No. 2, 2013*, be read a third time.

CARRIED

(Councillors Herbert and Murdoch against the motion)

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality and labour relations.

CARRIED

The meeting adjourned 9:04 p.m.

Certified Correct:

Municipal Clerk

Mayor