

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Tuesday, April 10, 2012 at 7:30 p.m.

PRESENT: Acting Mayor J. Herbert, Chair
Councillor P. Copley
Councillor C. Green
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Council – March 26, 2012

MOVED by Councillor Ney
Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Monday, March 26, 2012, be adopted.

CARRIED

Estimates Committee – March 28, 2012

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the meeting of Estimates Committee held on Wednesday, March 28, 2012, and the recommendations contained therein, be adopted.

CARRIED

Estimates Committee – April 4, 2012

MOVED by Councillor Ney
Seconded by Councillor Murdoch, That the minutes of the meeting of Estimates Committee held on Wednesday, April 4, 2012, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2012-124 STEPHANIE DELACRETAZ, March 22, 2012
Re Request for Temporary Road Closure for Block Party, Yale Street –
August 26, 2012

MOVED by Councillor Ney
Seconded by Councillor Green, That permission be given for the closure of Yale Street north of Theatre Lane on Sunday, August 26, 2012, from 4:00 o'clock p.m. to 9:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

2. 2012-125 DIRECTOR OF BUILDING AND PLANNING, April 3, 2012
Re Application for Change to Food Primary Liquor Licence – 1175 Beach Drive

MOVED by Councillor Kirby

Seconded by Councillor Green, That Council's support of the entertainment endorsement for the Oak Bay Beach Hotel (1175 Beach Drive) liquor licence be conveyed to the Liquor Control Licencing Branch, indicating that the endorsement would not, in Council's view, result in the establishment being operated contrary to the primary purpose, that the potential for noise and the impact on the community would be minor, and further that the views of the residents were not gathered in respect to the proposed endorsement as the redevelopment of the property included rezoning and a development permit in respect to plans that included a theatre, which were subject to a public consultation process.

CARRIED

3. 2012-126 COMMUNITY ENGAGEMENT WORKING GROUP, April 3, 2012
Re Final Report

Councillor Green introduced the Community Engagement Working Group final report, noting it is the result of three months work of weekly meetings, and expressed sincere appreciation for the hard work of the Committee.

Councillors Green and Murdoch answered various question from members of Council regarding the report and the recommendations contained therein, and it was noted that the report should be reviewed annually for potential implementation of various suggestions.

Members of Council thanked the Community Engagement Working Group for a job well done.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the recommendations as outlined in the Community Engagement Working Group report (correspondence item no. 2012-126) be endorsed, and further that the 2012 budget item recommendations be referred to Estimates Committee.

CARRIED

4. 2012-127 OAK BAY HERITAGE COMMISSION, March 20, 2012
2012-127-1 OAK BAY HERITAGE COMMISSION, March 23, 2012
Re Minutes of the Meeting / Report on War Memorial Handrails

Patricia Wilson, Chair, Oak Bay Heritage Commission, drew attention to a recent request from the homeowner of 1101 Beach Drive to have the property removed from the Oak Bay Community Heritage Register, which was referred to the Commission by Council. The topic, she said, had been discussed at length at two Heritage Commission meetings, one with the owner in attendance.

While she was not in attendance at the March 20, 2012 meeting, Ms. Wilson drew attention to the close vote on the Commission's recommendation, noting the lack of reliable information in respect to the documentation around obtaining consent from the owner to have the home placed on the register, which was a primary factor in the positions taken by members.

Council discussion ensued with various opinions and comments being expressed regarding whether or not the property should be removed from the register as requested by the owner. It was confirmed that consent is not required under the applicable legislation.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the request for removal of 1101 Beach Drive from the Community Heritage Register be referred to the next Committee of the Whole meeting for further discussion.

While some members of Council felt that inasmuch as past practice has seen owners consent to their properties being included on the register before hand, the request should be complied with, although the majority felt further discussion on the request at the Committee of the Whole level would be beneficial.

The question was then called.

CARRIED

(Councillors Herbert and Murdoch against the motion)

Report on War Memorial Handrails

It was suggested that correspondence item no. 2012-127-1 be referred to the Police and Fire Departments as organizers of the Remembrance Day ceremonies.

MOVED by Councillor Green

Seconded by Councillor Herbert, That the Oak Bay Heritage Commission war memorial handrails report be referred to the Police and Fire Departments for consideration and possible discussion with veterans groups in respect to future Remembrance Day ceremonies.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Copley, That the minutes of the Oak Bay Heritage Commission meeting held on March 20, 2012 be received.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Copley, That the Oak Bay Heritage Commission war memorial handrails report be received.

CARRIED

5. 2012-128 DIRECTOR OF PARKS AND RECREATION, April 10, 2012
Re Wording of Plaque for Monterey Centre

(Ray Herman, Director Parks and Recreation, in attendance for this item.)

In response to a question from a member of Council regarding the proposed wording for the plaque to be affixed to the Monterey Centre to commemorate its opening, Mr. Herman advised that the Seniors Activity Association members would like to see the original name of the Seniors Activity Centre be preserved on the plaque.

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That the wording for a bronze plaque that is to be installed on the exterior of the Monterey Centre be approved as outlined in correspondence item no. 2012-128.

CARRIED

6. 2012-129 PETER BUTTERFIELD, AND ON BEHALF OF SARAH FRYER, April 3, 2012
Re Development Variance Permit – 3290 Upper Terrace Road

MOVED by Councillor Ney

Seconded by Councillor Copley, That correspondence item no. 2012-129 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Oak Bay Child and Youth Committee – YES (Young Exceptional Stars) Awards

Councillor Kirby drew attention to the upcoming Oak Bay Child and Youth Committee's YES Awards to recognize exceptional young stars for their outstanding contributions to the community will be held May 2, 2012. Councillor Kirby said the nomination period has been extended to Friday, April 13, 2012.

TABLED:

Development Variance Permit – 3290 Upper Terrace Road

MOVED by Councillor Ney

Seconded by Councillor Green, 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 3290 Upper Terrace Road (Lot 2, Section 31, Victoria District, Plan 4111), 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' <i>Minimum interior side lot line setbacks</i>	4.57 m	1.52 m	3.05 m
6.2.4. (2) (e) & Schedule 'C' <i>Minimum total of side lot line setbacks</i>	12.19 m	5.17 m	7.02 m

to accommodate the construction of an addition as shown on the plans appended to Committee of the Whole agenda item 2012-115, being a memorandum from the Director of Building and Planning dated March 13, 2012.

CARRIED

Peter Butterfield, Oak Bay resident, drew attention to his opposition to the variances being requested as laid out in his letter to Council, noting that one of his bedroom windows would look directly out onto the proposed garage, which would be significantly closer to his house than the current carport.

Mr. Butterfield added his concerns about the effect of the construction on the park like setting of the Uplands, which, he said, should be preserved and was a primary aspect of choosing to purchase a home in the Uplands.

Responding to questions, Mr. Butterfield confirmed that if the height of the garage was lowered to where he could not see it above the hedge between the properties, he would not object.

Kevin Bradley, applicant, acknowledged his neighbour's concerns about the view from his window, noting, however, that the buildings would be approximately 45 feet apart, where now they are about 65 feet apart, which is not unusual for other adjacent properties in the neighbourhood.

Mr. Bradley noted that alternate designs and locations for the garage had been explored, and advised that the Advisory Design Panel wanted the garage design to match the house, which he felt had been achieved with the current plans.

There was discussion regarding the requested side lot line variances in the context of the plans, and it was noted that while the Advisory Design Panel had recommended design and siting approval, it had also expressed concerns in respect to the variances that would be required.

Varying views and opinions regarding the application were noted and while the design of the garage was felt to be attractive, the height of it in relation to the proximity to the neighbouring house raised concerns amongst some members of Council.

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

DEFEATED

(*Councillors Copley, Green, Herbert, Murdoch and Ney against the motion*)

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Green, That the open portion of the meeting being 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 the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

The meeting adjourned at 8:43 p.m.

Certified Correct:

Municipal Clerk

Acting Mayor