

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, July 18, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor P. Copley
Councillor J. D. Herbert
Councillor T. Ney
STAFF: Municipal Administrator, M. Brennan
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Council – June 27, 2011

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, June 27, 2011, be adopted.

CARRIED

Special Council – July 11, 2011

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, July 11, 2011, be adopted.

CARRIED

Committee of the Whole – July 11, 2011

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, July 11, 2011, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2011-225 DIRECTOR OF BUILDING AND PLANNING, June 21, 2011
2011-239 FIRE CHIEF, July 4, 2011
Re Building Permit Referral, Property Listed on Community Heritage Register – 1703 Monterey Avenue

The Municipal Administrator noted that the request to replace the windows at 1703 Monterey Avenue was deferred by Council at its June 27, 2011 meeting. The Director of Building and Planning advised that the Heritage Advisory Panel recommended that the windows not be replaced as they are considered a heritage feature. It was recommended that an energy audit be

conducted. The Deputy Fire Chief advised that it is very difficult to weatherproof the Fire Hall, and that they planned to replace the old windows with exactly the same type of window.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That staff be directed to conduct an energy audit of the Fire Hall and to consider alternative options to replacing the windows.

CARRIED

2. 2011-240 JEANNINE ALAIN, July 3, 2011
Re Request for Road Closure for Block Party on Epworth Street – September 4, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Epworth Street between Fair and Haultain Street on Sunday, September 4, 2011, from 4:30 o'clock p.m. to 9:00 o'clock p.m.

CARRIED

3. 2011-241 JANET KNIGHT, July 4, 2011
Re Request for Road Closure for Block Party on Wilmot Place – July 23, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That permission be given for a road closure for the purpose of a neighbourhood block party on Wilmot Place on Saturday, July 23, 2011, from 4:30 o'clock p.m. to 11:00 o'clock p.m.

CARRIED

4. 2011-242 JILL ANN SIEMENS, July 1, 2011
Re Request for Road Closure for Block Party on Hamiota Street – August 1, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That permission be given for a road closure for the purpose of a neighbourhood block party on Hamiota Street between Musgrave Street and Cadboro Bay Road on Monday, August 1, 2011, from 12:00 o'clock p.m. to 9:00 o'clock p.m.

CARRIED

5. 2011-243 DEIRDRE VINCENT *et al*, July 13, 2011
Re Request for Road Closure for Block Party on Dover and Devon Roads –September 11, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That permission be given for a road closures for the purpose of a neighbourhood block party on Dover and Devon Roads on Monday, September 11, 2011, from 12:00 o'clock p.m. to 9:00 o'clock p.m.

CARRIED

6. 2011-244 THE DE MEZEY MEMORIAL–ABBEYFIELD LEGACY SOCIETY,
[Undated]
Re Budget Approval

MOVED by Councillor Copley

Seconded by Councillor Herbert, That correspondence item no. 2011-244 be received, and that the remaining \$1,500 of the De Mezey Memorial-Abbeyfield Legacy Society's 2011 grant-in-aid be released.

CARRIED

7. 2011-245 MUNICIPAL ADMINISTRATOR, July , 2011
2011-245-1 OAK BAY HERITAGE COMMITTEE, July 6, 2011
Re Request to Restructure Heritage Committee and Heritage Advisory Panel

Pat Wilson of the Oak Bay Heritage Committee stated that the current system of having a separate Committee and Heritage Advisory Panel is not working. In her opinion there should be just one body, a Heritage Commission, with the autonomy to deal with heritage issues in general. It was pointed out that heritage commissions are common in other municipalities.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That staff be directed to prepare a report on the issue of forming a Heritage Commission, and to include comparisons to other Council committees and their terms of reference.

CARRIED

8. 2011-246 OAK BAY TOURISM, July 14, 2011
Re Request to Hold 50/50 Draw – Classic Car Show, August 14, 2011

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Oak Bay Tourism's request to hold a 50/50 draw at the Classic Car Show, August 14, 2011 be approved.

CARRIED

9. 2011-247 MUNICIPAL TREASURER, July 14, 2011
2011-247-1 TERRY GROGAN, July 13, 2011
2011-247-2 ANITA WOLFE, July 14, 2011
Re Request to Make Application to Minister for Special Authority to Write Off Late Tax Payment Penalty

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That the requests for write off of 2011 late tax payment penalties for Terry Grogan and Anita Wolfe be denied.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That staff be directed to investigate the option of splitting the 10% late tax payment penalty into two 5% penalties.

CARRIED

10. 2011-248 MAYOR CAUSTON, July 14, 2011
Re Welcome to Oak Bay Sign

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That the “Welcome to Oak Bay” sign be installed at the south east corner of McNeill Avenue and Foul Bay Road.

CARRIED
(Councillor Herbert against the motion)

11. 2011-249 OAK BAY COMMUNITY INITIATIVES COMMITTEE, May 18, 2011
Re Minutes of Meeting

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the May 18, 2011 meeting of the Oak Bay Community Initiatives Committee be received.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the expenditure of \$1,000 towards the celebration of the Monterey Centre’s 40th anniversary be approved.

CARRIED

12. 2011-250 MUNICIPAL CLERK, July 11, 2011
Re Vacancy on Council

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That a by-election not be held to fill the current vacancy on Council.

CARRIED

13. 2011-255 OFFICE OF THE ASSOCIATE VICE-PRESIDENT STUDENT
AFFAIRS (University of Victoria)
Re Advance Polling Stations during Municipal Elections

Dylan Sherlock of the University of Victoria’s Students’ Society advised that both Saanich and Victoria are considering having an advance poll at UVic, and so Oak Bay should consider it also. The Municipal Administrator commented that there is a timing problem if a bylaw has to be passed for this year. Neither Victoria or Saanich have made a final decision on the issue. Although some Council expressed their support, it was recognized that timing is an issue.

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the issue of having an advance poll at the University of Victoria be considered for future elections.

CARRIED

The Municipal Administrator indicated that he would follow up with staff at Victoria and Saanich to see what they are doing in this regard.

Correspondence re Items Appearing Later on the Agenda

14. 2011-251 JOHN MOCHRIE, July 15, 2011
Re Development Variance Permit – 843 Newport Avenue

MOVED by Councillor Herbert
Seconded by Councillor Copley, That correspondence item no. 2011-251 be received.

CARRIED

15. 2011-220-1 PAUL AND HELGA WORSLEY, May 26, 2011
Re Development Variance Permit – 2990 Beach Drive

MOVED by Councillor Herbert
Seconded by Councillor Copley, That correspondence item no. 2011-220-1 be received.

CARRIED

16. 2011-233-1 SHANE AND CHRISTINE O'LEARY, July 10, 2011
Re Development Variance Permit – 363 King George Terrace

MOVED by Councillor Herbert
Seconded by Councillor Copley, That correspondence item no. 2011-233-1 be received.

CARRIED

17. 2011-252 DIRECTOR OF PARKS AND RECREATION, July 11, 2011
Re Energy Management Project

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That additional surplus from the Energy Management Project – Phase 1 be put aside to be used to implement Energy Management Plan – Phase 2 as projects are approved by Council, and that the \$35,000 of the Phase 1 surplus funds be used to insulate the 3 Court Bubble in 2011.

CARRIED

18. 2011-253 MARK AND KATHERYN BOHLMAN, July 15, 2011
Re Development Variance Permit – 2635 Cranmore Road

MOVED by Councillor Herbert
Seconded by Councillor Copley, That correspondence item no. 2011-253 be received.

CARRIED

19. 2011-254 HENRY AND CATHERINE MCCANDLESS, July 18, 2011
Re Development Variance Permit – 843 Newport Avenue

MOVED by Councillor Herbert
Seconded by Councillor Copley, That correspondence item no. 2011-254 be received.

CARRIED

NEW BUSINESS:

Councillor Braithwaite commended recreation staff for having the Oak Bay Recreation Centre voted number one in the region.

TABLED:

Development Variance Permit – 2635 Cranmore Road

MOVED by Councillor Braithwaite

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 2635 Cranmore Road (Lot 3 & Lot 4, Block 4, Section 61, Victoria District, Plan 1029A), 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> |
|---|-----------------|------------------|-----------------|
| <u>Lot #3 (west)</u> | | | |
| 6.5.4. (2) (e) Minimum total of side lot line setbacks | 4.57 m | 3.45 m | 1.12 m |

| <u>Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
|---|-----------------|------------------|-----------------|
| <u>Lot #4 (east)</u> | | | |
| 6.5.4. (2) (e) Minimum total of side lot line setbacks | 4.57 m | 1.52 m | 3.05 m |

to accommodate renovations and additions to the dwelling as shown in the plans appended to Committee of the Whole agenda item 2011-215, being a memorandum from the Director of Building and Planning dated June 14, 2011.

CARRIED

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

CARRIED

(Councillor Herbert against the motion)

Development Variance Permit – 2620 Cavendish Avenue

MOVED by Councillor Copley

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 2620 Cavendish Avenue (Lot 65, Section 61, Victoria District, Plan 874), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:

| <u>Bylaw Section</u> | <u>Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|---|------------------------------|--------------------------------|--|
| 4.15.1 Maximum paved surface of front yard | 25% (40.6m ²) | 34.2% (55.6m ²) | 9.2 percentage points (15m ²) |

to accommodate the paved surface of the front yard as shown in the plan appended to Committee of the Whole agenda item 2011-217, being a memorandum from the Director of Building and Planning dated June 15, 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 – 843 Newport Avenue

MOVED by Councillor Copley

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 843 Newport Avenue (Lot A (DD ET51389), Block 1, Section 73, Victoria District, Plan 992), 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 of rear yard | 25% (58m ²) | 31% (72m ²) | 6 percentage points (14m ²) |
| 4.15.1 Maximum paved surface of front yard | 25% (58.1m ²) | 38% (88.3m ²) | 13 percentage points (30.2m ²) |

to accommodate the paved surface of the front yard and rear yard as shown in the plans appended to Committee of the Whole agenda item 2011-218, being a memorandum from the Director of Building and Planning dated June 15, 2011.

CARRIED

Larry Gowan, applicant, said that there will be permeable surface, so the drainage should not be an issue. He will discuss it with the neighbour, Mr. Mochrie.

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 – 2990 Beach Drive

MOVED by Councillor Ney

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 2990 Beach Drive (Amended Lot A (DD 309858-I) Section 31, Victoria District, Plan 12166), 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 of rear yard | 111.8m ² | 178.4m ² | 66.6m ² |
| 4.17.1 Maximum exposed face of retaining wall | 1.2m | 2.2m | 1.0m |
| 4.17.1 Maximum exposed face of retaining wall | 1.2m | 1.9m | 0.7m |

to accommodate the paved surface of the rear yard and proposed retaining walls as shown in the plans appended to Committee of the Whole agenda item 2011-220, being a memorandum from the Director of Building and Planning dated June 16, 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 – 363 King George Terrace

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 363 King George Terrace (Lot A, Section 22, Victoria District, Plan VIP72360), 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. (6) (b) Maximum gross floor area | 420 m ² | 456.9 m ² | 37 m ² |
| 6.5.4 (6) (b) Maximum gross floor area | 300 m ² | 337m ² | 37 m ² |

to accommodate the construction of a new single family dwelling as shown in the plans appended to Committee of the Whole agenda item 2011-233, being a memorandum from the Director of Building and Planning dated July 6, 2011.

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 363 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 798 Oliver Street

MOVED by Councillor Copley
Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 798 Oliver Street (Amended Lot 18 (DD 976601), Block A, Section 22, Victoria District, Plan 1092), 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 (8) & 6.5.4 (2) (e) Side lot line setback requirements for accessory building within 25 m from front lot line. | 3.05 m | 0.97 m | 2.08 m |

to accommodate the construction of an accessory building as shown in the plans appended to Committee of the Whole agenda item 2011-234, being a memorandum from the Director of Building and Planning dated July 6, 2011.

MOVED by Councillor Copley
Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 798 Oliver Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2140 Lorne Terrace

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 2140 Lorne Terrace (Lot A, Section 46, Victoria District, Plan 16299), 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. (3) (b) + Schedule 'B' Maximum occupiable height | 4.57 m | 4.92 m | 0.35 m |

to accommodate renovation, including a three storey addition, as shown in the plans appended to Committee of the Whole agenda item 2011-235, being a memorandum from the Director of Building and Planning dated July 6, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2140 Lorne Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 777 Falkland Road

MOVED by Councillor Copley

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 777 Falkland Road (Lot 1, Section 22, Victoria District, Plan 38499), 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. (6) (b) Maximum gross floor area above .8 metres below grade | 300 m ² | 361.2 m ² | 61.2 m ² |

to accommodate the construction of a front deck and entry porch as shown in the plans appended to Committee of the Whole agenda item 2011-236, being a memorandum from the Director of Building and Planning dated July 6, 2011.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 777 Falkland Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1273 Hampshire Road

MOVED by Councillor Ney

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1273 Hampshire Road (Lot B (DD1395631) of Lots 1, 2, and 3, Block 3, Section 23, Victoria District, Plan 1091), 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) (a) Minimum front line setback | 7.62 m | 5.56 m | 2.06 m |
| 6.5.4.2 (2) (d) Minimum exterior side lot line setback | 3.65 m | 1.33 m | 2.32 m |
| 6.5.4 (3) (b) + Schedule B Maximum occupiable height | 4.27 m | 5.17 m | 0.9 m |

6.5.4 (6) (a)
Maximum gross floor area above .8 metres 240 m² 302 m² 62 m²
below grade

to accommodate the renovation and raising of the dwelling as shown in the plans appended to Committee of the Whole agenda item 2011-237, being a memorandum from the Director of Building and Planning dated July 6, 2011.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 1273 Hampshire Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Attendance at 2011 Union of British Columbia Municipalities Convention

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Council approve the attendance of Oak Bay Council Members, at the *2011 Union of British Columbia Municipalities Convention*, to be held in Vancouver, BC, September 26 to September 30, 2011, and the payment of expenses necessarily incurred by them.

CARRIED

Appointment of Acting Mayor for Month of August

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Councillor Braithwaite be appointed as Acting Mayor for the month of August 2011.

CARRIED

Traffic Control Order No. 2011-07 – Stop Sign at Currie Road and Transit Road

MOVED by Councillor Herbert

Seconded by Councillor Copley, That a sign bearing the word “STOP” be erected and a stop bar be painted on the east side of Currie Road where it intersects with Transit Road, as more particularly shown on the sketch attached to the Order.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That Bylaw No. 4541, *Animal Control Bylaw Amendment Bylaw No. 2, 2011*, be adopted.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Ney, That Bylaw No. 4542, *Ticket Information Utilization Bylaw Amendment Bylaw No. 3, 2011*, be adopted.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4543, *Financial Plan Bylaw, 2011, Amendment Bylaw No. 1, 2011*, be adopted.

Mayor Causton asked if anyone in attendance wished to address Council regarding the proposed amendment to the Financial Plan. No one come forward.

The question was then called.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Ney, That Bylaw No. 4544, *Elections and Voting Bylaw Amendment Bylaw, 2011*, be adopted.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That Bylaw No. 4545, *Financial Plan Bylaw, 2011, Amendment Bylaw No. 2, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That Bylaw No. 4545, *Financial Plan Bylaw, 2011, Amendment Bylaw No. 2, 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4545, *Financial Plan Bylaw, 2011, Amendment Bylaw No. 2, 2011*, be read a third time.

Mayor Causton asked if anyone in attendance wished to address Council regarding the proposed amendment to the Financial Plan. No one come forward.

The question was then called.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 9:25 p.m.

Certified Correct:

D/Municipal Clerk

Mayor