

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 22, 2012 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
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:31 p.m.

ADOPTION OF MINUTES:

Council – October 9, 2012

MOVED by Councillor Green
Seconded by Councillor Copley, That the minutes of the Council meeting held on Tuesday, October 9, 2012, be adopted.

CARRIED

Committee of the Whole – October 15, 2012

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That the minutes of the Committee of the Whole meeting held on Monday, October 15, 2012, and the recommendations contained therein, be adopted.

Mayor Jensen drew attention to the recommendation in the October 15, 2012 minutes to refund a portion of the deposit for the Oak Bay Beach Hotel's Off-Site Servicing Agreement. He stated that in further discussions with staff, it was noted that approximately \$112,000 had accumulated in interest from the deposit, which was not initially anticipated, and that consideration could be given to returning these funds as well to the proponent. The Mayor observed that the funds should only be returned after the outstanding paving work on Beach Drive is complete.

The Director of Engineering Services noted that the paving company informed him that they would not be able to undertake the outstanding work at this time, but that he would be following up in respect to a revised timeline for the paving work.

The question was then called.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That if, following completion of the paving of a portion of Beach Drive, the cost of the paving and associated work is within the estimated amount, as determined by staff, contained in the Off-Site Servicing Agreement between the District of Oak Bay and Bison Properties Ltd., staff be authorized to refund to Bison Properties an amount equal to the interest earned on its deposit made pursuant to the agreement.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen noted that he will be attending the farewell reception for the outgoing Lieutenant Governor, the Honourable Steven L. Point, and spoke of His Honour's great service to the community. The Mayor also noted that the incumbent Lieutenant Governor brings many skills to the role and will serve the community well.

At the Mayor's request, Councillor Kirby offered thanks and appreciation to Public Works staff for their excellent work in addressing issues with catch basins during the recent rainfall, as had been passed along to her by Oak Bay residents.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2012-311 ROYAL ASTRONOMICAL SOCIETY OF CANADA, VICTORIA CENTRE, October 3, 2012
Re Cattle Point Star Park Designation

Mark Bohlmann, Royal Astronomical Society of Canada, Victoria Centre, Secretary provided an overview of his correspondence, describing the purpose of star parks and the advantages of the Royal Astronomical Society of Canada designating Cattle Point as such. He emphasized that the support of the Municipality would be a strong asset in the application for the designation and that it was his understanding that Cattle Point already complied with the Society's star park requirements.

In response to questions from Council, Mr. Bohlmann stated that some star-gazing events are planned and that consideration was also being given to an astro-photography seminar. He confirmed that community outreach by the Victoria Centre of the Society is part of the Urban Star Park designation and that, if so designated, Cattle Point would be the only Urban Star Park on Vancouver Island at this time.

Members of Council spoke in support of the Urban Star Park concept, noting that it was a good opportunity to celebrate Cattle Point at little expense to the Municipality and that consideration should be given to highlighting the star-gazing opportunities at Cattle Point on the new website.

MOVED by Councillor Copley

Seconded by Councillor Green, That Oak Bay Council support in principle the concept of Cattle Point being nominated for the Urban Star Park designation from the Royal Astronomical Society of Canada and that the request be referred to the Parks and Recreation Commission for consideration and a recommendation to Council.

It was noted that the Urban Start Park designation could be an excellent opportunity for enhancing tourism as well as community outreach.

The question was then called.

CARRIED

2. 2012-312 COMMUNITY ASSOCIATION OF OAK BAY, October 15, 2012
Re Grant Application – Windsor Rental Fee

A member of Council noted that consideration should be given to the forthcoming report by Parks and Recreation staff on the impact of free rentals for municipal advisory committees prior to considering any amendments to the current rental practices. It was also acknowledged that the Community Association of Oak Bay did receive a grant from the District which was meant to defray the cost of renting meeting space.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That correspondence item no. 2012-312, from the Community Association of Oak Bay, be received.

CARRIED

3. 2012-313 CASTAWAY WANDERER RUGBY FOOTBALL CLUB, October 16, 2012
Re Christmas Tree Shredding

MOVED by Councillor Herbert

Seconded by Councillor Copley, That approval be given for the temporary occupancy of public property as requested in correspondence item no. 2012-313, subject to the Castaway Wanderer Rugby Football Club entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

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

CARRIED

4. 2012-314 DIRECTOR OF BUILDING AND PLANNING, October 16, 2012
Re Zoning Bylaw Amendment – 757/767 St. Patrick Street

In considering the request to amend the Zoning Bylaw to create a new duplex zoning for 757/767 St. Patrick Street, a discussion ensued with some members of Council commenting that spot zoning can be problematic and that the request would best be considered as part of the Official Community Plan (OCP) review process. Other members of Council noted that the concept of a duplex could be supportable and that there is a report forthcoming on another duplex application. It was also noted that there is a non-conforming duplex already located on the subject property and that the current OCP does allow for consideration of duplex zoning on a case-by-case basis.

In response to questions from Council, the Director of Building and Planning noted that he has had a few other inquiries regarding potential duplex zoning. Mr. Thomassen stated that the current applicants were aware that this process could take some time and that they had not submitted plans for renovations at this point.

MOVED by Councillor Hebert

Seconded by Councillor Murdoch, That:

1. the application for a Zoning Bylaw Amendment for 757/767 St. Patrick Street be declined at this time;
2. further consideration to duplex zoning be given through the Official Community Plan review; and
3. the applicants be made aware of the Board of Variance process with respect to potential renovations to the existing non-conforming duplex at 757/767 St. Patrick Street.

Members of Council noted that it was not clear why the applicants had not made use of the Board of Variance process for any proposed renovations and that it would be preferable to receive more information on the proposal from the applicants.

The question was then called.

DEFEATED

(Mayor Jensen and Councillors Copley, Green, Kirby and Ney against the motion)

MOVED by Councillor Ney

Seconded by Councillor Copley, That further consideration of the application for a Zoning Bylaw Amendment for 757/767 St. Patrick Street be deferred to a future Council meeting to allow an opportunity for the proponents to attend and speak to the application.

CARRIED

(Councillors Herbert and Murdoch against the motion)

- 5. 2012-315 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, October 17, 2012
- 2012-315-1 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, October 17, 2012
- 2012-315-2 MUNICIPAL CLERK, October 18, 2012
 - 1. Oak Bay Christmas Festival
 - 2. Request to Waive Staff Costs for Christmas Festival

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the temporary road closures, the occupancy of the closed roads and the front lawn of the Municipal Hall, and the various events planned, including the sales of goods and services pursuant to the requirements of the Streets and Traffic Bylaw in relation to the Oak Bay Business Improvement Association Christmas Festival as laid out in correspondence item no. 2012-315 be approved, 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 providing 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; and
- 3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police,

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

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Ney, That approval be given to waive the Public Works Department costs related to erecting signage and barricades for the road closures associated with the Oak Bay Business Improvement Association's Christmas Light Up on Sunday, November 25, 2012 and for the Parade of Lighted Trucks on Saturday December 1, 2012, and for the staff overtime costs associated with the Christmas Light Up.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Notice of Motion – Sewage Treatment

Councillor Murdoch provided notice to Council that he would be bringing forward a motion to the next meeting of Council regarding sewage treatment in the region and the need for an environmental review process through higher levels of government.

Social Media Policy

Councillor Murdoch stated that the issue of a social media and electronic communication policy arose during the website review process and that it would be beneficial to have a staff report on such a policy, including information on the policies used by other municipalities.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That staff be directed to provide a report on a social media and electronic communication policy, including information on policies of other municipalities.

CARRIED

It was noted by the Mayor that the report would not need to be excessively detailed and that it was not especially time sensitive, given staff's current workload.

University of Victoria's Local Community Market

Councillor Copley encouraged members of Council to attend the University of Victoria's first Local Community Market on October 24, 2012 from 4:00 p.m. to 7:00 p.m.

Northern Gateway Pipeline – Recent Protest

Councillor Green commented that she attended the recent protest on the Northern Gateway Pipeline Project. She noted that the protest was well-attended, peaceful and respectful.

Willows School – Community Policing

Councillor Kirby noted that members of the Police Department are to be commended on their efforts at Willows School including speaking at a recent Parents Advisory Committee, their presence around the school in order to slow traffic, assisting the crossing guards, the ongoing student bike trains, and their participation in the recent bike rodeo.

RESOLUTIONS:

Development Permit – 1175 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That in accordance with Section 920 of the Local Government Act, the Director of Building and Planning be authorized to issue a Development Permit with respect to 1175 Beach Drive (Lot A, Section 23 & 73, Victoria District, Plan VIP82201), which would permit an air space parcel subdivision subject to the approval of the subdivision by the Approving Officer, as more particularly shown on the plans attached to Committee of the Whole agenda item #2012-308, being a memorandum from the Director of Building and Planning dated October 12, 2012, upon the applicant satisfying all conditions of preliminary approval set out by the Approving Officer.

CARRIED

Development Variance Permit – 2196 Lafayette Street

MOVED by Councillor Green

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2196 Lafayette Street (Parcel B (DD 121297-I) of Lots 15 and 16, Section 22, Victoria District, Plan 1022), 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. (6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	287 m ²	47 m ²
6.5.4. (11) Minimum second storey side lot line setback	3.0 m	2.37 m	0.63 m

to accommodate the construction of an addition to the existing residence as shown on the plans appended to Committee of the Whole agenda item 2012-309 being a memorandum from the Director of Building and Planning dated October 11, 2012.

MOVED by Councillor Green

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2196 Lafayette Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2258 Pacific Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2258 Pacific Avenue (Lot 8, Section 61, Victoria District, Plan 5527), 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. (6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	280 m ²	40 m ²
6.5.4. (6) (a) Maximum gross floor area	360 m ²	377 m ²	17 m ²

to accommodate the proposed addition to the existing residence as shown on the plans appended to Committee of the Whole agenda item 2012-310 being a memorandum from the Director of Building and Planning dated October 11, 2012.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 2258 Pacific Avenue 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 – 2564 Heron Street (Tod House)

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, 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, 2012 to October 31, 2013 to Lisa Mercure and Kevin Perkins for a base rent of \$1,645 per month.

CARRIED

BYLAWS:

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, Bylaw No. 4577, *Property Tax Exemption Bylaw, 2012*, be adopted.

In response to questions from Council, the Municipal Clerk stated that Council authorized a ten year agreement for the Oak Bay Lawn Bowling Club to occupy municipal property, which included a requirement to set rental rates for use of the meeting rooms by the public. Ms. Hilton noted that the agreement did not require that the Club provide updates to Council on any rentals of the property.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Green

Seconded by Councillor Copley, That the Council meeting be adjourned.

CARRIED

The meeting adjourned 8:32 p.m.

Certified Correct:

Municipal Clerk

Mayor