

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 27, 2008 following a Public Hearing at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite (arrived at 7:50 p.m.)
Councillor S. F. B. Carson (arrived at 7:52 p.m.)
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen

STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 7:38 p.m.

ADOPTION OF MINUTES:

Council – October 14, 2008

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Tuesday, October 14, 2008, be adopted.

Organic Kitchen Waste Pilot Program - Update

As noted at the October 14, 2008 meeting, Mayor Causton advised that he contacted the Capital Regional District (CRD) to inquire as to whether or not the CRD's recycling contractor might be interested in extending its service to include compost pickup along with the recycling materials in Oak Bay. Mayor Causton added that he is anticipating a response from the CRD with respect to that inquiry and on the CRD providing public composting education and information on a regional basis.

Public Lane Adjacent to 2765 Lansdowne Road

Mayor Causton advised that he met on site with Mr. Zaban and the Selwoods to discuss potential options acceptable to both parties with respect to the lane adjacent to their properties. Mayor Causton noted that it was agreed to meet again after the tree at 2755 Lansdowne Road was removed as it may change the nature of land, helping a mutually acceptable option to emerge that can be proposed to Council.

Fire Engine Replacement

Responding to a question from Council, the Municipal Administrator said he will ask the Fire Chief if a secured price (in Canadian dollars) for the fire engine was agreed upon as had been understood by Councillor Jensen in his discussions with the Fire Chief.

The question was then called.

CARRIED

Committee of the Whole – October 20, 2008

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the minutes of the Committee of the Whole meeting held on Monday, October 20, 2008, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2008-266 PACIFIC MOBILE DEPOTS LTD., October 9, 2008
Re Licence to Occupy a Portion of Carnarvon Park – Soft Plastics Recycling Depot

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That, pursuant to Section 11.1 of the Zoning Bylaw, 1986, licence to occupy a portion of Carnarvon Park be granted to Pacific Mobile Depots Ltd. for the purpose of providing a soft plastics recycling depot on the fourth Saturday of each month of 2009 between the hours of 9:00 a.m. and 11:30 a.m.

CARRIED

2. 2008-267 POLICE BOARD SECRETARY, October 22, 2008
Re Operating Grant Request – Restorative Justice Oak Bay

(Jo-Anne Stoltz, Co-Chair, Restorative Justice Oak Bay was in attendance for this item.)

Mayor Causton explained that at its meeting of October 21, 2008, the Oak Bay Police Board referred the operating grant request received from Restorative Justice Oak Bay (RJOB) to Council as the Board does not have statutory authority to grant financial assistance.

Jo-Anne Stoltz provided an overview of Restorative Justice Oak Bay's history of working with the community, noting it is a non-profit organization chiefly relying on volunteerism.

Ms. Stoltz advised that the Restorative Justice Oak Bay's request for an operating grant would be used towards supporting a part time executive director position, which currently exists as a volunteer position.

It was suggested that before Council makes a decision on the operating grant request, RJOB may wish to look into the possibility of sharing one executive director with all of the Restorative Justice organizations in the region. In response, Ms. Stoltz noted that RJOB could look into this option, however, time is of the essence as the Society is currently seeking funding through the Gaming Commission as well, and part of the criteria is for the applicant to have matching funds available. Therefore, RJOB is before Council at this time requesting an operating grant of \$12,000.

Following further discussion, and in recognition of the good working relationship developed between the Police Department and RJOB, it was the consensus of Council members to include some funding in the provisional budget and to refer the remainder of the operating grant request to Estimates Committee for consideration.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That a grant in the amount of \$2,000 to Restorative Justice Oak Bay be included in the provisional budget, with the remaining \$10,000 of the request being referred to Estimates Committee.

CARRIED

3. 2008- 268 COMMUNITY INITIATIVES COMMITTEE, October 2, 2008
2008- 268-1 MUNICIPAL CLERK, October 23, 2008
Re 1) Fund Reallocation Request
2) Sea of Lights Event

Fund Reallocation Request

Councillor Herbert noted that the request to approve funding being reallocated from the Salish Monuments budget to help fund the 2009 Pre-Olympics Theatre Project would be to assist with the purchase of electronic equipment.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That \$6,000.00 from the Salish Monuments budget be reallocated to the Sports View Lounge Theatre Project.

Responding to a question from a Council member, Councillor Herbert explained that because the Salish Monuments Project is not anticipated to be completed in the timeframe required in relation to the grant acquired through the Province, the reallocation of funds to a new project has been proposed. He further noted that six of the eight Salish monuments will be completed by the end of the year.

The question was then called.

CARRIED

Sea of Lights Event

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 5, 2008 be approved as a Municipal Event, including the lighting of a bonfire pursuant to Section 46 of the Fire Regulation Bylaw.

CARRIED

4. 2008- 269 HERITAGE COMMITTEE, September 11, 2008
Re Minutes of the Meeting

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the minutes of the Oak Bay Heritage Committee meeting held on September 11, 2008 be received.

CARRIED

5. 2008-270 NAJIB ASFAR, October 23, 2008
2008-270-1 DIRECTOR OF BUILDING AND PLANNING, October 17, 2008
2008-255 ROBERT HALL, October 7, 2008
2008-255-1 QUADRA PACIFIC PROPERTIES CORP., October 9, 2008
2008-255-2 MICHELE LONGPRE AND MICHAEL BOHNET, October 10, 2008
Re Development Variance Permit – 2181 Haultain Street

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2008-270 to 2008-270-1 be received.

CARRIED

6. 2008-271 COLIN AND ROBERTA SMITH, October 20, 2008
Re St. Ann Street and Cranmore Road Intersection

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence item no. 2008-271 be received.

CARRIED

7. 2008-272 SHERIDAN COOPER, October 27, 2008
Re Development Variance Permit – 2342 Hamiota Street

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence item no. 2008-272 be received.

CARRIED

NEW BUSINESS:

Economic Downturn

A member of Council drew attention to the present economic situation acknowledging that it would also have an impact at the local level with respect to the budget.

Deconstruction/Demolition Permits

Drawing attention to the deconstruction notice circulated for information with respect to a property on Yale Street that currently fits in well with the streetscape, a member of Council expressed his concern about how the new proposed replacement building might fit with the character of the neighbourhood.

Responding to questions regarding whether or not it is possible to tie a demolition permit to the plans for the replacement building, the Municipal Administrator advised there is no mechanism available for that.

With respect to questions regarding the options available to Council, the Municipal Administrator advised that in relation to concerns about the *existing* house, Council could implement a temporary protection order, although members of Council felt that inasmuch as there was no warning to the owner that there were any concerns regarding the existing house, it was too far into the process to contemplate such an action.

Should the house have been on the Community Heritage Register, pointed out Mr. Cochrane, a demolition permit could have been withheld until the plans for the new building were approved through the issuance of a building permit.

TABLED:

Development Variance Permit – 2342 Hamiota Street

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 2342 Hamiota Street (Lot 14, Block 1, Section 61, Victoria District, Plan 876) that will vary 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 Lot Line Setback (New Deck)	7.62 m	4.06 m	3.56 m
6.5.4.(2) (a) + 4.6.5.(1) Minimum Front Lot Line Setback + stair/landing permitted projections	6.42 m	2.89 m	3.53 m

to accommodate enclosing an existing covered front porch and construction of a deck addition at the front of the dwelling as shown in the plans attached to Committee of the Whole agenda item #2008-247, being a memorandum from the Director of Building and Planning dated September 30, 2008.

CARRIED

The question on the main motion was then called.

CARRIED

Development Variance Permit – 2181 Haultain Street

Councillor Cassidy declared a conflict inasmuch as he has had a business relationship with a member of the applicant's family. Councillor Cassidy left the meeting at 8:43 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 2181 Haultain Street (Lots 1, 2, 3, Section 28, Victoria District, Plan 9860) that will vary the following provisions of Bylaw No. 3540 (*Parking Facilities Bylaw, 1986*), with respect to the number of required on-site parking spaces:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.3.1 and Schedule A. 2 Minimum No. of Parking Spaces	5	0	5

to accommodate the creation of two additional residential rental suites within an unused space in the existing building as shown on the plans attached to Committee of the Whole agenda item #2008-235, being a memorandum from the Director of Building and Planning dated September 10, 2008.

As requested at the last meeting of Council, the applicant provided information on the number of tenants in his building with vehicles. Najib Asfar, owner of the building, said that he has observed that there is a lot of parking availability on the streets surrounding the apartment building and he feels that the bigger issue to be addressed is the limited rental units in the region.

Discussion on the topic followed with some Council members stating that the more pressing issue of providing additional rental accommodation made the variance supportable.

The question was then called.

CARRIED

Councillor Cassidy returned to the meeting at 8:54 p.m.

RESOLUTIONS:

Development Permit with Variance – 2000 Cadboro Bay Road

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2000 Cadboro Bay Road (Lot A, Section 28, Victoria District, Plan 43167), which will vary the following provision of the *Sign Bylaw, 1997*:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6. (5) Maximum Free-Standing Sign Area within Commercial Use	1.86 sq. m per face	6.1 sq. m per face	4.24 sq. m per face

to accommodate the proposed addition to the existing free standing sign, as more particularly shown on the plans attached to Committee of the Whole agenda item #2008-264, being a memorandum from the Director of Building and Planning dated October 15, 2008.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect of the development permit with variance for 2000 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Permit with Variance – 2571-2579 Cadboro Bay Road

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2571-2579 Cadboro Bay Road (Lot 3 & 4, Block 1, Section 61, Victoria District, Plan 379), which will permit the replacement of the existing awnings and vary the following provision of the *Sign Bylaw, 1997*:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6. (5) Maximum Free-Standing Sign Area within Commercial Use	1.86 sq. m per face	4.3 sq. m per face	2.47 sq. m per face

to accommodate the proposed replacement of the existing free-standing sign, as more particularly shown on the plans attached to Committee of the Whole agenda item #2008-265, being a memorandum from the Director of Building and Planning dated October 15, 2008.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect of the development permit with variance for 2571-2579 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Traffic Control Order No. 2008-10 – Four-Way Stop at St. Ann Street and Cranmore Road

MOVED by Councillor Herbert

Seconded by Councillor Copley, That signs bearing the word “Stop” be erected on St. Ann Street at its intersection with Cranmore Road, facing both northbound and southbound traffic.

CARRIED

Attendance at the Canadian Mortgage and Housing Corporation Victoria Housing Outlook Seminar, November 24, 2008

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Council approve the attendance of Mayor Causton at The Canadian Mortgage and Housing Corporation Victoria Housing Outlook Seminar, Making Sense of the Housing Market Numbers, to be held in Victoria, BC, November 24, 2008, and payment of the registration fee of \$79.80.

CARRIED

BYLAWS:

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4438, *Land Use Application Procedure and Fee Assessment Bylaw Amendment Bylaw, 2008*, be adopted.

CARRIED

It was noted that Councillors Braithwaite and Carson were absent from the Public Hearing on Bylaw No. 4436. Inasmuch as they had not heard the input from the public on the Bylaw, the

Municipal Administrator advised that either consideration of the Bylaw could be postponed to the next meeting of Council once the report of the public hearing was available for the absent Councillors to review prior to further readings of the Bylaw being considered, or the Municipal Clerk could provide a synopsis of the public hearing submissions and the Bylaw could be considered following that time.

The Municipal Clerk was requested to provide a synopsis of the comments made by Oak Bay residents, Christin Geall and Diane Erickson, during the Public Hearing with respect to Bylaw No. 4436, *Eighty-First Zoning Bylaw Amendment Bylaw, 2008*.

Ms. Hilton noted that Ms. Geall requested that Council reconsider the proposed changes to the Zoning Bylaw, which, she said, would affect larger properties such as hers by reducing the allowable area for a garage/shed. Ms. Geall noted that although she understood there would be an opportunity for residents with larger lots to apply for a variance to construct an accessory building larger in size than allowed under the proposed Bylaw, it would not be a path she would choose to take.

Ms. Hilton reviewed the comments made by Ms. Erickson, noting that Ms. Erickson agreed with the previous speaker's views and asked what percentage of properties in Oak Bay would be affected by the proposed bylaw change by having to apply for a variance, pointing out that many accessory buildings would be rendered non-conforming with the change.

Ms. Erickson expressed her concern that the Bylaw would not be an appropriate tool, and would affect her ability to enjoy her property as she would like to. She voiced her concern about variance applications costing applicants and the District of Oak Bay.

Finally, Ms. Erickson said she did not understand the urgency for the change to the Zoning Bylaw, adding that the development variance permit application process, which involves notice to neighbours, could come at the cost of community spirit by possibly causing some discord with neighbours.

In the course of further discussion on the merits of the Bylaw and the submissions received during the public hearing, members of Council felt that further information on the number of RS-5 lots that would be affected by the proposed change, along with number of permits issued for accessory buildings, should be obtained prior to consideration of further readings of Bylaw No. 4436.

Responding to questions, Mr. Cochrane noted that in his opinion factual information requested would be an acceptable "post public hearing" submission, however, should any further input be accepted by Council from the public, a second public hearing would be required.

MOVED by Councillor Carson

Seconded by Councillor Braithwaite, That Bylaw No. 4436, *Eighty-First Zoning Bylaw Amendment Bylaw, 2008*, be deferred pending receipt of the following information from staff:

- 1) an estimate of the number of parcels in the RS-5 zone whose accessory building site coverage entitlement would be significantly reduced by Bylaw 4436;
- 2) building permit volume for detached garages and accessory buildings generally, in the RS-5 zone.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4439, *Refuse Collection and Disposal Bylaw Amendment Bylaw No. 1, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4439, *Refuse Collection and Disposal Bylaw Amendment Bylaw No. 1, 2009*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4439, *Refuse Collection and Disposal Bylaw Amendment Bylaw No. 1, 2009*, be read a third time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4440, *Streets and Traffic Bylaw Amendment Bylaw No. 4, 2008*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4440, *Streets and Traffic Bylaw Amendment Bylaw No. 4, 2008*, be read a second time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4440, *Streets and Traffic Bylaw Amendment Bylaw No. 4, 2008*, be read a third time.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 9:17 p.m.

Certified Correct:

Municipal Clerk

Mayor