

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 23, 2007 at 7:30 p.m.

PRESENT: Mayor C. M. Causton  
Councillor H. Braithwaite  
Councillor A. R. Cassidy  
Councillor S. F. B. Carson  
Councillor P. Copley  
Councillor J. D. Hebert  
Councillor N. B. Jensen

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

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

MINUTES OF MEETINGS:

***Council – June 25, 2007***

MOVED by Councillor Herbert  
Seconded by Councillor Jensen, That the minutes of the Council meeting held on Monday, June 25, 2007, be adopted.

CARRIED

***Committee of the Whole – July 16, 2007***

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That the minutes of the Committee of the Whole meeting held on Monday, July 16, 2007, and the recommendations contained therein, be adopted, with the exception of item no. 7, Traffic and Cycling Design Concepts – North Henderson Road.

Mayor Causton drew attention to the Capital Regional District Housing Trust presentation and the reference to the City of Victoria's regulations for the Gonzales area with respect to secondary suites, noting that Council may want to consider asking staff to bring forward an analysis report sometime in the late fall with respect to the issue of secondary suites in Oak Bay. There was some agreement that this would be desirable.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2007-198 DIRECTOR OF BUILDING AND PLANNING, July 17, 2007  
Re Uplands Building Permit Application – 3110 Midland Road

It was noted that the Advisory Design Panel had recommended approval of the plans once its suggested revisions to the garage had been made as presented to Council in the agenda materials.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the plans to construct a new single family dwelling at 3110 Midland Road be approved as to siting and architectural design.

CARRIED

2. 2007-199 DIRECTOR OF BUILDING AND PLANNING, July 17, 2007  
Re Design Approval – 2055 Edgecliffe Place

The Director of Building and Planning advised that the proposed design is the final design for the new houses in the subdivision at 2055 Edgecliffe Place (925 Foul Bay Road), and that the Advisory Design Panel recommended approval.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the plans for construction of a new single family dwelling at 2055 Edgecliffe Place be approved as to siting and architectural design.

Responding to a member of Council who noted that the design put forward seems to be out of context with the original heritage house located in the subdivision, Mr. Beattie agreed that all of the proposed new buildings are uniquely designed, and that this last house is next to the older home. Due to the topography of the land, he said, the old and new house would not be able to be viewed together.

The question was then called.

CARRIED

3. 2007-200 DIRECTOR OF ENGINEERING SERVICES, July 19, 2007  
2007-200-1 BRENDA SORLEY AND ANDREA HUGHES, July 4, 2007  
Re Boulevard Encroachment Application – 2880 Eastdowne Road

The Director of Engineering Services noted that the applicant's proposed plantings could impair sight lines in the future due to their potential to grow to up to six metres (approximately 19 feet). Therefore, he said, he would recommend the use of alternate plants that could be maintained at a height of 450 millimetres (18 inches).

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That approval be given for a boulevard encroachment for 2880 Eastdowne Road for the purpose of installing landscaping, subject to the owners entering into a boulevard encroachment agreement on terms set by the Municipality, and subject to alternate plantings being used that are to be maintained at a height of 450 millimetres (18 inches) or less.

The footpath, it was noted, would be dealt with through the Engineering Department inasmuch as the delegated authority for such lies there.

The question was then called.

CARRIED

4. 2007-201 DIRECTOR OF BUILDING AND PLANNING, July 17, 2007  
Re Development Permit Amendment Application – 1175 Beach Drive  
(Oak Bay Beach Hotel)

Kevin Walker, of Bison Properties Ltd., provided a slide presentation summarizing the progress of the Oak Bay Beach Hotel's redevelopment to date, which included the site preparation process, the conservation of heritage elements, and the demolition process, which Mr. Walker was pleased to say, resulted in 95% of the demolition materials being recycled.

Bas Smith, of Bas Smith Architect Inc., showed, with the aid of a visual presentation, the areas requiring an amendment to the approved development permit, including the areas of variance. Mr. Smith summarized the process of how the changes to the plans arose. He noted that with the retraction of the garden hotel units and increasing the underground parking area, the hotel, as viewed from the ocean side, will appear lower.

With respect to the changes themselves, Mr. Smith noted the following:

- 19 residences instead of the 20 originally planned;
- 15 two-car enclosed garages and four one-car enclosed garages;
- Removal of the two-storey garden units;
- Larger salt water pool and hot tub complex;
- Spa building moved back from the shoreline and removal of the pool extension;
- Changes in the exterior materials to be used;
- Height of the principal building from the east elevation reduced;
- Updated landscape plan.

The proposed changes would result in some further variances to the zoning requirements, said Mr. Smith. These include the continuation of the previously approved three metre variance to the south side lot line to permit the encroachment into the setback to be continued towards the ocean for a longer distance. Additionally, the erection of some columns to support an overhang at the front of the main building would encroach into the setback from Beach Drive. Finally, there is also a new encroachment of the principal building on the north side into the setback from Beach Drive.

Mr. Smith described the anticipated development progression from now to the proposed completion date of the hotel in September 2009.

There was discussion regarding the proposed changes and Mr. Smith and Mr. Walker answered questions from Council in this regard.

With respect to the space shown on the plans behind the boathouse, Mr. Smith noted this area was to be used as a storage/maintenance area. Responding to questions from Council regarding the boathouse now being identified for spa use, Mr. Smith confirmed that the building would remain as proposed, while being used for a spa now instead.

It was also noted that the balcony was now proposed to be smaller, while still accommodating the 20 seats as previously anticipated.

Regarding questions about public access to the waterfront area, Mr. Smith confirmed that no changes had been made in this regard.

A member of Council noted that a Willow tree that was supposed to be retained seems to be slated for removal on the new plans. Mr. Walker confirmed that the tree, given its root system near the planned pool, was not practical to retain. He further noted that likely some residents of adjacent properties would be supportive of its removal as it could open up certain views.

Mayor Causton thanked the applicant for the update on the progress of the Oak Bay Beach Hotel redevelopment.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That correspondence item no. 2007-201 be received.

CARRIED

By consensus, the order of the agenda was varied to consider the development permit amendment resolution for 1175 Beach Drive at this time.

RESOLUTION:

***Development Permit Amendment – 1175 Beach Drive***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to do all acts and things necessary to issue a Development Permit to Bison Properties Ltd. with respect to Lot A, Sections 23 and 73, Victoria District, Plan VIP82201 and the portion of abutting foreshore zoned CD-1 (hereinafter together the “Land”), substantially as set out in the document (hereinafter the “Amended Development Permit”) appended to the resolution with respect to the Land forming part of the regular meeting agenda package considered by Council on July 23, 2007, for the purpose of amending the Development Permit issued to Bison Properties Ltd. pursuant to a resolution of Council dated June 11, 2007 (hereinafter the “Original Development Permit”), to allow changes to the proposed development of the Land as depicted in the Original Development Permit and to add to and alter the variances granted in the Original Development Permit as set out in the Amended Development Permit.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the motion in respect of the development permit with variances for 1175 Beach Drive be tabled to allow notice to be given in accordance with *the Local Government Act*.

CARRIED

5. 2007-202 DIRECTOR OF BUILDING AND PLANNING, July 17, 2007  
Re Application for Rezoning , C1 to C2 – 677 St. Patrick Street

The Director of Building and Planning explained that de'lish Fine Foods and Catering, Casey's Market, and Demitasse Bakery Store all have different zoning regulations with Casey's also having a covenant restricting hours of operation, number of seats, and permitted uses as noted in the Municipal Administrator's note attached the Director of Building and Planning's memorandum (correspondence item no. 2007-202).

The issue for de'lish Fine Foods and Catering, said Mr. Beattie, is that it is zoned for retail only and does not permit seating. With the growing success of the business, he said, the owners have indicated that people want to sit and enjoy a coffee or a light meal and this could be accommodated by changing the zoning from C1 to C2, which would allow some seating.

Mayor Causton asked what would be the implications should a new zone be created to permit similar businesses to provide seating in accordance to what each of the premises could accommodate (perhaps up to 20 seats). Items that would need to be considered in the context of increasing seating, he said, are parking and washrooms. Mayor Causton suggested that should this option be pursued, the businesses could possibly work together in seeking similar zoning to help reduce their costs and make the regulations consistent for like-businesses.

Mark Davis, 677 St. Patrick Street, de'lish Fine Foods and Catering, expressed his gratitude to the community for the success experienced since the opening of de'lish. In response to questions from members of Council, Mr. Davis said that a 20 seat limit would certainly be welcomed, noting that their prime focus has been take-out, coffee and pastries. As the bakery/deli closes at approximately 4:30 or 5:00 p.m., there is no desire to open in the evenings, or to have a liquor licence, said Mr. Davis.

Responding to a question from Council, the Municipal Administrator explained that hours of business was not something that was regulated in the Zoning Bylaw, and has previously been addressed through the use of restrictive covenants.

Kathryn Pineo, 2164 McNeill Avenue, Demitasse Bakery Store, was in attendance to speak to the potential change to the zoning, saying that as an owner of Demitasse, she was before Council in a similar position ten years ago, and they opened with no seats, unlike de'lish. As a successful business in the community, Ms. Pineo indicated an increase in seating would be welcomed as would having one zone for like businesses in the area. Demitasse Bakery Store has gone through the time and expense of rezoning once, said Ms. Pineo, however, she would not be averse to revisiting a rezoning application. Additionally, Ms. Pineo said, she would like to add more square footage to the Demitasse, taken from the residence at the back of the building.

It was suggested that staff and the business owners have discussions to identify the needs of both businesses and that regulations be drafted that would address them, to be brought forward for consideration.

MOVED by Councillor Carson

Seconded by Councillor Jensen, That staff be requested to consult with affected business owners and draft an amendment to the Zoning Bylaw to allow seating for up to 20 customers to be brought forward to Committee of the Whole for consideration.

CARRIED

6. 2007-203 DIRECTOR OF BUILDING AND PLANNING, June 27, 2007  
Re Heritage Revitalization Agreement Application – 825 Foul Bay Road

The Director of Building and Planning explained that one of the first heritage revitalization agreements entered into in the Province was for 825 Foul Bay Road. The new owners are asking for an amendment to that agreement to expand from five to six residential units in the existing house, as a means to assist with the financial costs of the necessary upgrades and maintenance, as described in the letter attached to the Director of Building and Planning's memorandum, he said.

John Keay, of Keay and Associate Architecture Ltd., speaking on behalf of the applicants, commented that after purchasing the home, they realized a lot of the work required under the heritage revitalization agreement had not been carried out. In addition, Mr. Keay explained that the homeowners are planning several upgrades and improvements to the house such as seismically upgrading the house, installing a sprinkler system, upgrading the fire alarm system and addressing the serious structural issues of work previously undertaken.

As well, with respect to the current parking spaces, the applicant would like to reduce the requirement for the number of spaces from twelve to six, to reflect a change in attitude toward car use and the closeness of the bus route. In any event, he said, twelve spaces were never delineated on the property.

Responding to a question from Council, Mr. Keay noted that the proposed changes would be to the interior of the building only, with no external alterations.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That staff be directed to draft a bylaw authorizing the amendments to the Heritage Revitalization Agreement for 825 Foul Bay Road, in accordance with the applicants' request, to be brought forward to Council for formal consideration.

The Municipal Administrator noted that as a portion of the property is located in the City of Victoria it would be necessary for the applicants to go before the City of Victoria to request the changes as well and an agreement would be required between the owners, the District of Oak Bay and the City of Victoria to amend the existing heritage revitalization agreement. Mr. Cochrane went on to say that the amendment document would need to be authorized by bylaw, and would be subject to a public hearing process.

Should a Bylaw receive second reading by Council, assurances would be sought that the City of Victoria was at the same stage prior to a public hearing date being set, said Mr. Cochrane.

As to whether the request should be referred to the Heritage Advisory Panel, it was noted that because the work does not affect the exterior of the building, referral to the Panel was not necessary.

The question was then called.

CARRIED

7. 2007-204 ESTEVAN VILLAGE MERCHANTS ASSOCIATION, July 3, 2007  
Re Request for Permission to Hold a Tag Day and to Occupy Public  
Property

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That approval be given for the occupancy of the three westernmost angle parking spaces on the south side of Estevan Avenue in the block between Musgrave Street and Dunlevy Street by the Estevan Village Merchants Association on Saturday, July 28, 2007 from 9:00 a.m. to 12:00 noon, subject to the execution of a Letter of Undertaking setting out the terms and conditions under which the occupancy is permitted, indemnifying the Municipality from any liability arising from staging of the event, including satisfactory evidence of insurability, and agreeing to bear any extraordinary costs incurred by the Municipality; and further that the Victoria Branch of the Society for the Prevention of Cruelty to Animals be permitted to hold a tag day on the said date and time, in the said parking spaces and on the public sidewalk in the said block of Estevan Avenue.

CARRIED

8. 2007-205 CIBC RUN FOR THE CURE, July 6, 2007  
Re Request for Partial Street Closure – September 30, 2007

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That approval be given for the closure of Cedar Hill Cross Road between Henderson Road and Gordon Head Road, and the east side of Gordon Head Road from Cedar Hill Cross Road to the municipal boundary with the District of Saanich, on Sunday, September 30, 2007 to facilitate the staging of the 2007 CIBC Run for the Cure, subject to:

- (a) The event organizers indemnifying the Municipality from any liability in connection with the event and providing evidence of insurability in this regard;
- (b) Adherence with the traffic management plan approved by the Oak Bay Police Department; and
- (c) The event organizers bearing any extraordinary costs incurred by the Municipality in connection with the road closure.

CARRIED

9. 2007-206 RACEWEB.CA, [Undated]  
Re Request for Revised Routing and Road Closures—Cadboro Bay  
Triathlon Event – August 11, 2007

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the revised request for routing and road closures as detailed in correspondence item no. 2007-206 in relation to the Cadboro Bay Triathlon

event, be approved, subject to all the requirements noted in the original approval given on January 22, 2007.

CARRIED

10. 2007- KIRK AND JUDIE HANCOCK, July 16, 2007  
207 Re Request for a Road Closure for Block Party on Epworth Street –  
September 2, 2007

MOVED by Councillor Herbert

Seconded by Councillor Copley, That permission be given for the closure of Epworth Street between Fair Street and Haultain Street on Sunday, September 2, 2007, from 4:30 o'clock p.m. to 9:30 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

11. 2007- CLARE SQUIRES, July 18, 2007  
208 Re Request for a Road Closure for Block Party on Westdowne Road  
– September 1, 2007

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That permission be given for the closure of Westdowne Road between Middowne Road and the lower end of Westdowne Road on Saturday, September 1, 2007, from 2:00 o'clock p.m. to sundown, for the purpose of a neighbourhood block party.

CARRIED

12. 2007- MUNICIPAL ADMINISTRATOR, July 3, 2007  
209 Re View Royal Purchase of Interest in Central Library Premises

The Municipal Administrator explained that when the Town of View Royal applied to join the Greater Victoria Public Library (GVPL) in 2002, the members waived the normal requirement to provide a branch library and the Town of View Royal agreed to purchase a share of the Central Library premises at a percentage share of 4.85%. Mr. Cochrane said that the City of Langford did not agree with View Royal's ability to join under these conditions and launched a lawsuit. The City of Victoria is now coordinating the completion of the purchase and sale and although Oak Bay Council endorsed the admission of View Royal in 2002, it had not formally passed a motion to approve the sale.

At its August 20, 2007 meeting Council amended the July 23, 2007 minutes on page 8 to replace "4.83%" with "4.85%" in the two places it appears.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That Council endorse the sale of a 4.85% interest in Strata Lot 1 of Lots 79, 80, 81, 82, 83, 84, 85, 89, 90, 91, 92, Victoria City, Strata Plan VIS4516 together with an interest in the Common Property in proportion to the unit entitlement shown on Form 1 (PID 024-029-505) to the Town of View Royal for the price of \$301,000; that notice of the proposed disposition be published in accordance with the Community Charter, and that the Mayor and Municipal Clerk be authorized to do all things required to complete the sale.

CARRIED

13. 2007-210 GREATER VICTORIA PUBLIC LIBRARY, July 13, 2007  
Re Five Year Financial Plan and Strategic Plan Update 2007/08

Councillor Copley noted that the Greater Victoria Public Library's (GVPL) five year financial plan and strategic plan was outlined in the materials included in the agenda package (correspondence item no. 2007-210). She noted that there is an opportunity for providing input for consideration during the Boards core review scheduled to take place in September.

Some members of Council expressed concerns with respect to the unnecessary expense of providing each member of Council with a glossy pamphlet. Regarding the Strategic Plan, another member of Council noted that he would like to see the operating expenses surplus go back into the operating budget rather than being set a side for a specific project, and that he would like to see specific projects listed as separate budget items. Also mentioned was the 6.6% budget increase contained in the Financial Plan. The expectation, it was noted, was that the higher levels of increase would not be continued into future years, and concerns were raised in that regard.

It was pointed out that a good portion of the proposed increase was attributable to the new branch library construction of which had been endorsed by Council.

Councillor Copley commented on the current cohesiveness of the Board, noting its agreement to look "long term" at the library system and undertake a core review, and its agreement to look at issues on a regional basis over time.

It was agreed that Councillor Copley would take forward Council's concerns to the Greater Victoria Public Library Board.

Mayor Causton expressed his appreciation for Councillor Copley's work on the Greater Victoria Public Library Board, and acknowledged the community benefit of the library system.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2007-210 be received.

CARRIED

14. 2007-211 ANN WILMUT, July 18, 2007  
2007-211-1 JILL CROFT, July 18, 2007  
2007-211-2 PAUL EBY, July 18, 2007  
2007-211-3 RON CARTER, July 18, 2007  
2007-211-4 PAUL ROTHE, July 18, 2007  
2007-211-5 MARK WESTON, July 6, 2007  
2007-211-6 JOHN SHIPLEY AND NANCY CAMPBELL, [Undated]  
2007-211-7 THERESA AND ALEC WALTON, July 23, 2007  
Re Cycling Design – North Henderson Road

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2007-211 to 2007-211-7 be received.

CARRIED

REPORT FROM CAPITAL REGIONAL DISTRICT DIRECTOR:

Referring to a proposal the Capital Regional District Board received from the District of Highlands requesting an amendment to the Regional Growth Strategy to modify the Urban Containment Boundary between the City of Langford and the District of Highlands, Mayor Causton noted that he voted against Highland's proposed amendment. He explained that he was Chair of the Capital Regional District Board when the Regional Growth Strategy was adopted and it was agreed at that time to review the agreement after five years. He felt that the District of Highlands' request for an amendment was premature inasmuch as there is a process in place for review following the originally agreed upon five year period.

NEW BUSINESS:

*3400 Block of Upper Terrace - Curbing*

Mayor Causton drew attention to a request from a resident of the 3400 block of Upper Terrace that consideration be given to constructing curbs in the area of Upper Terrace where watermain work is currently being undertaken, which would be in keeping with the other areas of the Uplands.

Councillor Herbert indicated that he had a discussion with members of staff on this subject who were unsure as to whether or not there was a water runoff problem in the area that would highlight the need for curbing there. However, he said, staff agreed to look into the issue further to determine if there is a problem and whether or not there are options, such as curbing, that would address it.

RESOLUTIONS:

*Development Variance Permit – 1852 Hampshire Road*

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1852 Hampshire Road (Lot 11, Section 61, Victoria District, Plan 1266), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the siting of a structure:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(2)(c) Minimum Interior Side Lot Line Setback	1.52 m	0.61 m	0.91 m
6.5.4(7) Minimum Clear Space Between Buildings and Structures	3.0 m	0.51 m	2.49 m

to accommodate the construction of a "rose arbor", as shown on the sketches appended to Committee of the Whole agenda item #2007-192, being a memorandum from the Director of Building and Planning dated June 22, 2007.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect of the development variance permit for 1852 Hampshire Road be tabled to allow notice to be given in accordance with *the Local Government Act*.

CARRIED

***Development Variance Permit – 2861 Eastdowne Road***

At the Committee of the Whole meeting held July 16, 2007, it was noted that some members had not yet been able to visit the site, and Mayor Causton had suggested that an opportunity to decide whether or not to proceed to the next step of the development variance permit process could be provided at this meeting of Council. It was confirmed that all Council members have now viewed the site.

MOVED by Councillor Carson

Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2861 Eastdowne Road (Lot 34, Section 28, Victoria District, Plan 8990), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the siting of a building:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(2)(a) Minimum Front Lot Line Setback	7.62 m	1.22 m	6.4 m
6.5.4(2)(c) Minimum Interior Side Lot Line Setback	1.52 m	0.60 m	0.92 m
6.5.4(2)(e) Minimum Total of Side Lot Line Setbacks	4.57 m	2.22 m	2.35 m

to accommodate the addition of a double garage to the front of the principal building, as shown on the sketches appended to Committee of the Whole agenda item #2007-193, being a memorandum from the Director of Building and Planning dated July 4, 2007.

Discussing the application, the views expressed by members of Council varied, with some indicating that the front setback variance request was large and that the proposed garage siting seems out of context with the other properties on the street. It was also suggested that a single car garage, sitting further back, may be a better fit for the neighbourhood. Other views indicated that the proposed garage is more suitable than what is there now, and with the substantial boulevard, it appears further back than the setback implies.

The suggestion was made to have the Advisory Design Panel review the proposal and report back to Council, prior to consideration of proceeding with the notification process.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect of the development variance permit for 2861 Eastdowne Road be tabled and further, that the plans be referred to the Advisory Design Panel for review and comment on the scale and context of the proposed plans.

CARRIED

***Development Variance Permit – 880 St. Patrick Street***

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 880 St. Patrick Street (Lot 33, Block B, Section 22, Victoria District, Plan 1092), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the maximum floor area of a principal building:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(6)(a) Maximum Gross Floor Area, Principal Bldg.	360 m <sup>2</sup>	439 m <sup>2</sup>	79 m <sup>2</sup>
6.5.4(6)(a) Maximum Gross Floor Area Above Basement, Principal Bldg.	240 m <sup>2</sup>	439 m <sup>2</sup>	199 m <sup>2</sup>

to dispense with the requirement to eliminate pre-existing floor space that would otherwise be necessary to accommodate the development of new floor space in the attic area of the principal building on 880 St. Patrick Street, as more particularly described in Committee of the Whole agenda item #2007-194, being a memorandum from the Director of Building and Planning dated July 4, 2007.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion in respect of the development variance permit for 880 St. Patrick Street be tabled to allow notice to be given in accordance with *the Local Government Act*.

CARRIED

***Licence to Occupy a Portion of Carnarvon Park – Soft Plastics Recycling Depot***

MOVED by Councillor Braithwaite

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 following dates and at the following times:

- July 28, 2007 from 9:00 a.m. until 11:30 a.m.;
- August 25, 2007 from 9:00 a.m. until 11:30 a.m.;
- September 22, 2007 from 9:00 a.m. until 12:30 p.m.;

October 27, 2007 from 9:00 a.m. until 12:30 p.m.;  
November 24, 2007 from 9:00 a.m. until 12:30 p.m.; and  
December 22, 2007 from 9:00 a.m. until 12:30 p.m.

CARRIED

***Union of British Columbia Municipalities (UBCM) 2007 Convention***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Council approve the payment of expenses for the Mayor and Council members to attend the ***Union of British Columbia Municipalities (UBCM) 2007 Convention*** in Vancouver, BC, September 24 to 28, 2007.

CARRIED

***Community Tourism Funding Program Grant Application***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That as proposed by the Community Initiatives Committee, Council approve the application in the form appended to the resolution with respect to the Community Tourism Funding Program forming part of the regular meeting agenda package considered by Council on July 23, 2007, for a grant in the approximate amount of \$58,000 under the Program, and accept the terms and conditions of the program as set out in the Community Tourism Program and Access Guide.

CARRIED

***Measuring Up Accessibility and Inclusion Funding Program Grant Application***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That as proposed by the Community Initiatives Committee, Council approve the application in the form appended to the resolution with respect to the “2010 Legacies Now” Measuring Up Accessibility and Inclusion Funding Program forming part of the regular meeting agenda package considered by Council on July 23, 2007, for a grant in the amount of \$25,000 under the Program.

Councillor Copley drew attention to the Provincial 10 x 10 Challenge Program to encourage employment for persons with disabilities, noting that the province is asking employers to help meet the target of increasing employment for persons with disabilities by 10% by 2010. She felt that this challenge program, information on which was previously circulated to members of Council, could go hand in hand with the Measuring Up Accessibility and Inclusion Funding Program grant application.

Attention was drawn to the capital funding nature of the Measuring Up Accessibility and Inclusion Funding Program for access improvements to parks and sidewalks, which was felt to be quite different from establishing policy on hiring practices.

It was pointed out that the 10 x 10 Challenge could have a significant impact on administration, and it was further noted that Council was not involved in the hiring process now.

Responding to questions, the Municipal Administrator said he was aware of the 10 x 10 Challenge, however, inasmuch as Oak Bay is already an open employer with no systemic barriers in regards to hiring, he felt the work involved with the program would not be a productive use of staff time. He would not initiate participation in the Program, he said, unless Council direction was received to do so.

Following discussion, it was the majority view of Council not to participate in the Program at this time, however it was agreed that Councillor Copley would forward available information to be circulated for Council's information.

CARRIED

***Traffic Control Order No. 2007-06 – Parking Regulations, Cadboro Bay and Cranmore Road Municipal Parking Lot***

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy:

1. That signs be erected to indicate that parking in the municipal lot situate at the intersection of Cadboro Bay Road and Cranmore Road, legally described as: Parcel 1 (DD 136140-I) of Parcel "A" (DD 77566-I) of Lots 9 and 10 of Sections 28 and 61, Victoria District, Plan 69, the said Parcel 1 lying wholly within the said Lot 10 and Section 28, is restricted to three (3) hours duration between the hours of 6:00 a.m. and 5:00 p.m., Monday to Friday, excluding holidays, save and except that such restriction shall not apply to employees of The Corporation of the District of Oak Bay during the period corresponding to their work shift with The Corporation of the District of Oak Bay including the extension thereof by not more than thirty (30) minutes at either end; and
2. That Traffic Control Order No. 2007-02 be repealed.

CARRIED

***Traffic Control Order No. 2007-07 – Cycling Lanes and Parking Prohibitions on Henderson Road***

MOVED by Councillor Jensen  
Seconded by Councillor Copley,

1. That lines be painted adjacent to the curbs on both sides of Henderson Road between Gibbs Road and Cedar Hill X Road, as more particularly shown on the sketch attached hereto, to indicate that the portions of roadway so marked are designated as bicycling lanes;
2. That with the exception of bus zones, parking and stopping on both sides of the portion of Henderson Road described in Paragraph 1 be prohibited at all times;
3. That any existing traffic control orders or resolutions dealing with parking on Henderson Road be rescinded or amended to the extent required to remove any conflict with Paragraphs 1 and 2, namely:

- (a) That the existing parking regulations on Henderson Road between Gibbs Road and Cedar Hill X Road, being:  
  
No Parking East Side Monday to Friday, 8:00 a.m. to 10:00 a.m.  
No Parking West Side Monday to Friday, 3:00 p.m. to 5:00 p.m.  
  
as ordered by Oak Bay Council on February 16, 1976, be rescinded;
- (b) That Traffic Control Order No. 84-11 (No Parking West Side of Henderson Road between Gibbs Road and Kendal Avenue, Monday to Friday, 9:00 a.m. to 5:00 p.m.) be repealed;
- (c) That Traffic Control Order No. 96-27 (Residential Parking Only, 3500 block of Henderson Road) be repealed.

Councillor Herbert reiterated his previous comments saying the North Henderson Road is not unsafe for bicyclists and he disagrees with replacing residential street parking with bicycle lanes which would significantly impact the residents. He said the current parking regulations work well in terms of motorists and bicyclists.

Councillor Herbert noted he is a supporter of bike lanes where there are safety issues or where residents would not be significantly impacted. Otherwise, as is the case on Henderson Road, he said, there is no need to impact the neighbours with “no parking” regulations.

Councillor Jensen expressed his views in support of bicycle lanes, noting their positive impact as a step towards addressing climate change. He said that many residents of Oak Bay that cycle use this corridor and they have a right to a safe passage, noting it is necessary for Council to balance the rights of all in this case, cyclists and residents alike. It is time for Oak Bay to take the lead and to take a different direction and support initiatives that help address the issue of global warming by working towards connecting with a region wide network of cycling corridors, he said.

Councillor Carson said he reviewed all the many persuasive materials, including the 24 recommendations made by the North Henderson Traffic Committee in 2003, but felt it was not enough for him to agree with placing cycling lanes along the North Henderson Road corridor when there is no obvious danger posed, as according to Oak Bay Police data, not a single accident involving a cyclist has been reported. The street is flat, wide, with clear sightlines, speed limits below the norm and it is well lit, he said. He went on to say that taxpayers should not be expected to fund symbolic gestures and that although street parking is not a legal entitlement, it is a benefit that is enjoyed by most residents in Oak Bay.

Councillor Cassidy drew attention to what he sees as a greater need to upgrade the Lansdowne and Foul Bay Road intersection as it is not a safe area for bicyclists. He agreed that the Henderson corridor should include bike lanes to complete the network from downtown to the University but felt that it is premature to come to a decision to add cycling lanes at what seems to be at any cost. It would be preferred to see a clear and comprehensive solution that all agree on and because of that he is not ready to support the traffic control order proposed, noted Councillor Cassidy.

Councillor Copley said having cycling lanes is not a safety issue for her but a quality of life issue and Oak Bay should show leadership in supporting connection with other cycling lanes in the region. She disagreed that cycling lanes would just be a symbolic gesture, noting that there are many good reasons to support the proposal. She also said that cycling lanes are considered to calm traffic, which is required on Henderson Road, and for the reasons noted she supports the installation of cycling lanes.

Councillor Braithwaite expressed that although she is in favour of improving conditions for cyclists she could not support the proposal, feeling that it is not a good plan to achieve this. She further noted that there are no other cycling lanes provided around the University of Victoria or around Ring Road. Councillor Braithwaite said that she could not support the lanes based on emotional reasons alone.

Mayor Causton noted that properties along Henderson Road were relatively large and generally provided a reasonable amount of off-street parking for residents, which is sufficient most of the time. He felt that including alternate transportation options in the corridor will help balance loss of parking for residents by reducing vehicle traffic and will add to the cycling network.

Mayor Causton commented that the funding request made through the Capital Regional District Gas Tax Funding for the proposed North Henderson Road cycling lanes was denied with the funds being allocated to the Greenways trail rather than to cycling lanes.

Councillor Cassidy explained that although the consequences of not adopting the motion at this time assumes there will be no cycling lanes along this corridor, he felt it important to say that Council should continue to work towards a solution and readdress the issue.

The question on the motion was then called.

DEFEATED

*(Councillor Braithwaite, Carson, Cassidy, and Herbert against the motion)*

MOVED by Councillor Jensen

Seconded by Councillor Copley, That staff be directed to bring forward a proposal to be considered for 2008 municipal budget that would include bicycle lanes, and placement of parking bays along North Henderson Road, and a review of potential funding sources.

Some members of Council expressed concerns that the proposed motion anticipates that staff can provide a solution, and does not seem to involve dialogue with residents. It was pointed out that the opportunity for dialogue would be when staff brings back the report, and further, that discussion on other facets of the original plan, such as crosswalks and traffic islands, could occur in the future as well.

The question was then called.

CARRIED

*(Councillor Carson and Councillor Cassidy against the motion)*

BYLAWS:

*For Adoption*

**Bylaw No. 4368**

MOVED by Councillor Jensen  
Seconded by Councillor Cassidy, That Bylaw No. 4368, *Public Sewer Bylaw Amendment Bylaw, 2007*, be adopted.

CARRIED

**Bylaw No. 4371**

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That Bylaw No. 4371, *Refuse Collection and Disposal Bylaw, 2007*, be adopted.

CARRIED  
(Councillor Cassidy against the motion)

**Bylaw No. 4372**

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That Bylaw No. 4372, *Ticket Information Utilization Bylaw Amendment Bylaw No. 4, 2007*, be adopted.

CARRIED  
(Councillor Cassidy against the motion)

**Bylaw No. 4373**

MOVED by Councillor Jensen  
Seconded by Councillor Braithwaite, That Bylaw No. 4373, *Streets and Traffic Bylaw Amendment Bylaw No. 4, 2007*, be adopted.

CARRIED

*For First and Second Reading and Setting of Public Hearing Date*

**Bylaw No. 4374**

MOVED by Councillor Jensen  
Seconded by Councillor Cassidy, That Bylaw No. 4374, *Seventy-Fourth Zoning Bylaw Amendment Bylaw, 2007*, be introduced and read a first time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Cassidy, That Bylaw No. 4374, *Seventy-Fourth Zoning Bylaw Amendment Bylaw, 2007*, be read a second time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Jensen, That a public hearing on Bylaw No. 4374 be held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, at 7:30 p.m. on Monday, September 10, 2007, and that notice of the hearing be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, 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.

CARRIED

The meeting adjourned at 10:37 p.m.

Certified Correct:

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Municipal Clerk

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Mayor