

MINUTES of a regular meeting of COMMITTEE OF THE WHOLE 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, Victoria, B.C., on Monday March 20, 2017 at 7:00 PM.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT:           Councillor M. Kirby, Chair  
                  Mayor N. Jensen  
                  Councillor H. Braithwaite  
                  Councillor M. Kirby  
                  Councillor T. Ney  
                  Councillor E. W. Zhelka

STAFF:            Chief Administrative Officer, H. Koning  
                  Director of Corporate Services, W. Jones  
                  Deputy Director of Corporate Services, M. Jones  
                  Director of Building and Planning, R. Thomassen  
                  Manager of Planning, D. Jensen  
                  Director of Engineering Services, D. Horan

#### REFERRAL FROM COUNCIL

1. to    ***Zoning Amendment Application ZON00023 - Cadboro Bay Road, Bowker Avenue***  
3.

Referral from Council, Feb. 27, 2017, For First and Second Reading and Proceeding to Public Hearing

- Excerpt - Council, Feb. 27, 2017
- Bylaw No. 4680, Ninety-Seventh Zoning Bylaw Amendment Bylaw, 2017
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017, Pt. 1 of 3
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 2 of 3
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 3 of 3

Previously Recieved Items Regarding Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue

- Excerpt - Committee of the Whole, Jan. 16, 2017
- Jan. 16, 2017 COW - Report - Manager of Planning, Jan. 10, 2017
- Jan. 16, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd
- Jan. 16, 2017 COW - Plans Concept - ZON - 2296 Cadboro Bay Rd
- Jan. 16, 2017 COW - Rpt. Attach. 2 - Draft Zoning Amendment Bylaw
- Jan. 16, 2017 COW - Rpt. Attach. 3a - Report on Tree Resources (1 of 2)
- Jan. 16, 2017 COW - Rpt. Attach. 3b - Report on Tree Resources (2 of 2)
- Jan. 16, 2017 COW - Rpt. Attach. 4a - Reports on Transportation, Parking and Infrastructure (1 of 2)
- Jan. 16, 2017 COW - Rpt. Attach. 4b - Reports on Transportation, Parking and Infrastructure (2 of 2)

- Jan. 16, 2017 COW - Rpt. Attach. 5 - District Report on CB Rd - Bowker Ave Intersection, Sep. 15, 2009
- Jan. 16, 2017 COW - Rpt. Attach. 6 - Correspondence Received
- Jan. 16, 2017 COW - Corresp. - Jan. 13 - 16, 2017 - Zoning Amendment Application (ZON00023)
- Excerpt - Council, Jan. 23, 2017
- Jan. 23, 2017 Council - Note - Deputy Director of Corporate Services - Zoning Amendment Application (ZON00023)
- Jan. 23, 2017 Council - Corresp. - Jan. 16 - 20, 2017 - Zoning Amendment Application (ZON00023)
- Jan. 23, 2017 Council - Corresp. - Jan. 20 - 23, 2017 - Zoning Amendment Application (ZON00023)
- Jan. 23, 2017 Council - Corresp. - Applicant, Jan. 20, 2017
- Jan. 23, 2017 Council - Corresp. - Applicant, Jan. 23, 2017
- Jan. 23, 2017 Council - Presentation Request - Supplementary Information, Applicant, Jan. 23, 2017
- Excerpt - Committee of the Whole, Feb. 20, 2017
- Feb. 20, 2017 COW - Memo - Manager of Planning, Feb. 16, 2017
- Feb. 20, 2017 COW - Memo Attach. 1 - Draft Zoning Amendment Bylaw
- Feb. 20, 2017 COW - Memo Attach. 2 - Correspondence from Applicant, Feb. 16, 2017
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017, Pt. 1 of 3
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 2 of 3
- Feb. 20, 2017 COW - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 3 of 3
- Feb. 20, 2017 COW - Corresp. - January 23 - Feb. 16, 2017 - Zoning Amendment Application (ZON00023)
- Feb. 20, 2017 COW - Corresp. - February 17 - 20, 2017 - Zoning Amendment Application (ZON00023)

New Items Received Following Council, Feb. 27, 2017

- ADDENDA - Presentation - Applicant, ZON00023, Mar. 20, 2017
- ADDENDA Corresp. - Applicant, Additional Information, Mar. 20, 2017
- Corresp. - Applicant, Mar. 9, 2017
- Corresp. - Applicant, Street Sections and Sidewalk Widths, Mar. 9, 2017
- Corresp. - Feb. 26 - Mar. 16, 2017 - Zoning Amendment Application (ZON00023)
- ADDENDA - Corresp. - Mar. 17 - 20, 2017 - Zoning Amendment Application (ZON00023)

The Manager of Planning introduced the application and gave an overview of her reports.

Greg Damant, Cascadia Architects, gave a presentation on the proposal, reviewing supplementary information provided following the Council meeting on February 27, 2017.

Mr. Damant responded to questions from the Committee with respect to proposed sidewalk widths and streetscape design. It was noted that the sidewalk along the Bowker Avenue frontage could be expanded to 8 feet in width if preferable. Mr. Damant also clarified the proposed street plantings, the outcome of the shadow study, and discussed the proposed percentage of landscape coverage.

In regards to the design of the Cadboro Bay Road frontage, Mr. Damant noted that design options to break up the effect of the massing of the top floor could be considered.

Mike Miller, President, Abstract Developments, responded to questions from the Committee in regards to parking. Clarification was also provided on the proposed bicycle parking and the opportunities to expand charging stations for electric vehicles. Mr. Miller noted that it would be supportable to expand the proposed covenant so that future stratas would not be able to impose age restrictions.

MOVED and seconded: That speakers be limited to no more than 3 minutes time for their first speaking opportunity and that subsequent speaking opportunities be permitted.

CARRIED

Councillor Zhelka against the motion

G. Mayhew, Oak Bay resident, stated that he appreciated hearing the applicant's presentation, but that the proposed design was more in keeping with buildings constructed in the City of Victoria. He questioned whether due consideration had been given to the potential impact of increasing density, given Oak Bay's location and noted that he had not seen if any units would be wheelchair accessible.

R. Gonder, Oak Bay resident, spoke in favour of the proposal, commenting that it would allow residents to downsize and age in place. He commented that the development would revitalize the intersection and bring needed services to the neighbourhood. Mr. Gondor noted that he had spoken with the applicant regarding his concerns and that the applicant had been very responsive. He encouraged those opposed to the development to do the same.

N. Barr, Oak Bay resident, spoke in opposition to the application, commenting that the development was too large for the subject property and that it was not in keeping with the Official Community Plan. Ms. Barr commented that a housing strategy should be put into place first to determine the needs of the community.

C. Brown, Oak Bay resident, spoke in favour of the proposal, stating that it fits in well with the community and that although it will have a larger impact when constructed, residents will become acclimatized to the development. He commented that it is a beautiful and unique design and that the increased density is needed to allow other demographics, such as his children and his mother, to reside in the municipality. He noted that the proposed streetscape is a more inviting use of public space and that the application has been before the Committee multiple times.

M. Douglas-Hunt, Oak Bay resident, spoke in opposition, commenting that the size should be reduced and other options considered for the site. She stated that the massing is excessive and commented that residential parking is already an issue in the neighbourhood. The proposed visitor parking, she said, is insufficient. Ms. Douglas-Hunt commented that she supported the idea of a balloon study to show the proposed height of the project. She concluded her remarks by asking the Committee to consider if they would want this development across from their home.

D. Dawson, Oak Bay resident, spoke in opposition to the proposal, commenting that he lived across the street from the project and that the height and setbacks, which would significantly impact the privacy of his property, were not supportable. He commented that the shadowing would also have a negative impact. He commented that he had reviewed the correspondence online which provided comments on potential advantages and drawbacks of the proposal. He concluded his remarks by asking for clarification of what impact there would be in reducing the development to two storeys in height.

M. Meichsner, Oak Bay resident, spoke in support of the proposal, commenting that he was excited for this project which would provide an affordable alternative for housing in the District. He stated that the design fits in well with the existing context of the neighbourhood and that the applicant was making a quality investment in the area.

A. Lyon, Oak Bay resident, stated that he was trying to keep an open mind with respect to the proposal and that something does need to be done with the existing property; however, he expressed concern whether the current application was out of keeping with the character of the area. Mr. Lyon noted that there were several comparisons made between the proposal and Village Walk, but that the character of this neighbourhood was different. He commented that parking could be an issue and noted that neither a concept for the Bowker Village area nor a housing strategy for the District had yet been developed.

A. Mears, Oak Bay resident, commented that it was his understanding that once the rezoning was approved there could not be further changes to the development. He noted that there were other apartment buildings along Bowker Avenue and that approving this zoning could set a precedent. Unlike the Clive redevelopment, he said, there has been no rationale given as to why the application would be supportable and that it should be significantly reduced. He asked for clarification, given the aging infrastructure in the area, when and how it would be determined what infrastructure upgrades are needed as a result of the development.

L. Mills, Oak Bay resident, spoke in support of the proposal, stating that he thinks it will be a beautiful building. He commented that the application represents positive change and the evolution of the community. He concluded his remarks by stating that in order for his children to live in Oak Bay, the density will need to increase.

D. Mollard, Oak Bay resident, asked for clarification on whether speakers needed to state any conflicts of interest and for the area of notification used by the applicant.

G. Maroon, Oak Bay resident, stated that although she lives in the area, she wasn't contacted by the applicant and that the signage only states "to be announced". Ms. Maroon commented that the other apartment buildings in the area are significantly set back from the street which reduces their impact and makes for a pleasant pedestrian environment. She stated that traffic and parking are a concern and that increasing traffic would change the character of the street. The proposal, she said, is too dense for the site, although the building is attractive. She concluded her remarks by stating that she is most concerned for the impact on residents living adjacent to the development.

G. Hobart, Oak Bay resident, stated that he is not completely opposed to development on the site, but that the current proposal is too large. He commented that he is not fond of Village Walk and that a similar design is proposed for the subject property. He concluded his remarks by stating that the applicant will see a significant financial benefit if the application is approved and

that there should be green space provided as a community benefit, instead of the current application which infringes on to public space.

G. Ross, Oak Bay resident, stated that although the applicant spoke regarding what work for him the concern should be what works for the District of Oak Bay. He commented that the proposal will not provide affordable housing and that the applicants should comply with the existing Zoning Bylaw. Spot zoning, he said, is not a supportable practice. He concluded his remarks by stating that a housing strategy for the District should be addressed first.

R. Frenette, Oak Bay resident, commented on the need for affordable housing in the District. She commented that the purchasing price for units in the development would likely be half the cost or less than for the cheapest single family dwellings in the District. Ms. Frenette commented that it takes significantly longer for members of her generation to save up for a down payment and that attaining housing at all is a growing concern. She encouraged the Committee to make this decision with the future in mind and that increasing density is a step towards increasing affordability. In concluding her remarks, she stated that denying the proposal would send a clear message that the District of Oak Bay is not open for business.

R. McDonnell, Oak Bay resident, stated that overdevelopment is a major concern and that multi-million dollar developments are not affordable housing. She commented that there is a desperate need for rental housing. The proposal she said, although it has beautiful aspects, it far too high with excessive massing that will overlook on to adjacent properties.

A. Mears, Oak Bay resident, speaking for a second time, stated that there is a need for a housing strategy in order to have an appropriate balance between housing options and taxation. He commented that there are major traffic issues in the area already twice daily, due to Oak Bay High School and that another traffic study needs to be undertaken for the area. He commented that dropping standards for traffic and parking would negatively impact the existing character of Oak Bay.

There being no further speakers from the public, staff responded to questions from the previous speakers clarifying: the provisions of the Subdivision and Development Bylaw as it pertains to off-site servicing agreements; the traffic studies previously undertaken with respect to the Cadboro Bay Road and Bowker Avenue intersection; and the provisions of the Community Charter with respect to conflict of interest.

Mr. Miller responded to questions raised by speakers, commenting that reducing the height and other requested variances would have a significant impact and that he was unsure it would allow for a workable project. He outlined the process undertaken to date with developing the current application and stated that consideration had been given to how the proposal interfaced with the Official Community Plan. In concluding his remarks, Mr. Miller spoke to the design of the units and the development overall, noting that consideration had been given to the needs of the aging demographic and accessibility.

MOVED and seconded: That the correspondence circulated with agenda items no. 1, 2 and 3 be received for information.

CARRIED

MOVED and seconded: That the Zoning Amendment Application ZON00023 for the properties at Cadboro Bay Road and Bowker Avenue be brought forward to Council for the purpose of calling a Public Hearing.

CARRIED  
Councillors Braithwaite and Zhelka against the motion

*A recess was then called. The Chair called the meeting back to order at 9:52 PM, at which time Councillor Ney gave her regrets that she was unable to stay for the remainder of meeting.*

PARKS, RECREATION AND CULTURE ITEM(S):

4. ***Parks Recreation and Culture Commission Minutes***
- Note - Deputy Director of Corporate Services - PR&CComm Minutes, Mar. 1, 2017
  - Minutes - PR&CComm - Mar 1, 2017
  - RPT. Attach. 1 - Program Reports March 2017
  - RPT. Attach. 2 - MEC Paddlefest 2017
  - RPT. Attach. 3 - Sausage Fest Request 2017

*Ray Herman, Director of Parks, Recreation and Culture in attendance for this item.*

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks Recreation and Culture Commission held March 1, 2017, and the recommendations contained therein, be adopted except for the recommendations with respect to the permission for the conducting of commercial activities in Willows Beach Park for the MEC Paddlefest and, granting of park occupancy for the Oak Bay Fire Fighter Charitable Foundation's 'Sausage Fest' Event, both of which will be placed on a future Council agenda

CARRIED

REGULATORY ITEM(S):

5. ***Efficiency and Red Tape Reduction***
- Report - Deputy Director of Corporate Services, Mar. 15, 2017
  - Draft Bylaw No. 4687, Special Events Delegation and Boulevard Encroachment Delegation Amendment Bylaw, 2017

*Manager of Parks Services, Chris Hyde-Lay, in attendance for this item.*

MOVED and seconded: That:

1. The Special Events Delegation and Boulevard Encroachment Delegation Amendment Bylaw be brought forward to a future meeting of Council; and
2. It be recommended to Council that the Director of Corporate Services or designate be delegated authority to approve occupancy of the front lawn and back lawn of the Municipal Hall and to approve not-for-profit sales on sidewalks, subject to the conditions outlined in the report of the Deputy Director of Corporate Services dated March 15, 2017 and to the general policies and practices of the Corporation of the District of Oak Bay.

CARRIED

LAND USE APPLICATIONS:

6. ***Architectural Siting and Design Application (ADP00059) - 3155 Sherringham Place***

- Report - Manager of Planning, Mar. 13, 2017
- Plans - ADP -3155 Sherringham Pl, Mar. 8, 2017

T. Rados and N. Rados, owners, were in attendance to speak to the application.

A Committee discussion ensued with respect to the Tree Measurement Plan circulated with the agenda. Mr. Rados responded that it was his understanding that the siting of the garage did not impact tree removal and that an arborist's report had been provided to the Advisory Design Panel to that effect. He expressed concern that deferring the application would delay his project.

No members of the public rose to speak on this item.

MOVED and seconded: That further consideration of the architectural siting and design application for 3155 Sherringham Place be deferred to the next Committee of the Whole to allow for clarification from the arborist with respect to whether the siting of the garage impacted the removal of trees.

CARRIED

Councillor Braithwaite against the motion

7. ***Architectural Siting and Design Application (ADP00066) - 3188 Wessex Close***

- Report - Manager of Planning, Mar. 13, 2017
- Plans - ADP - 3188 Wessex Cl, Mar. 8, 2017

No members of the public rose to speak on this item.

MOVED and seconded: That it be recommended to Council that the proposal to undertake exterior renovations to the single family home at 3188 Wessex Close, as outlined in the March 13, 2017 report for ADP00066 be approved as to architectural design and siting.

CARRIED

8. ***Development Variance Permit (DVP00058) & Uplands Siting and Design (ADP00067) Applications - 3125 Uplands Road***

- Report - Manager of Planning, Mar. 15, 2017
- Plans - ADP DVP -3125 Uplands, Mar. 8, 2017

No members of the public rose to speak on this item.

MOVED and seconded: That it be recommended to Council that the proposal to:

- a) construct an accessory building and undertake additions to the principal building at 3125 Uplands Road be approved as to architectural design and siting;

- b) construct an accessory building and undertake additions to the principal building at 3125 Uplands Road be approved subject to issuance of Development Variance Permit DVP00058; and that
- c) notification be given of Council's consideration of DVP00058.

CARRIED

9. ***Development Variance Permit Application (DVP00026) - 36 Sylvan Lane***

- Report - Manager of Planning, Mar. 13, 2017
- Plans - DVP -36 Sylvan Ln, Jan. 26, 2017

N. Beattie, representing the application, responded to questions from the Committee regarding the challenges related to relocating the proposed garage or driveway elsewhere on the site.

A. Walsh, owner, commented that he had previously emailed owners within 100 metres of his property and that the only response he received was in support of the proposal.

No members of the public rose to speak on this item.

MOVED and seconded: That

- a) it be recommended to Council that the application to construct an accessory building at 36 Sylvan Lane be approved subject to issuance of Development Variance Permit DVP00026; and that
- b) notification be given of Council's consideration of DVP00026.

CARRIED

Councillor Zhelka against the motion

MOVED and seconded: That the meeting extend to 11:00 PM.

CARRIED

10. ***Development Variance Permit Application (DVP00056) - 668 Byng Street***

- Report - Manager of Planning, Mar. 13, 2017
- Plans - DVP - 668 Byng St, Feb. 5, 2017

No members of the public rose to speak on this item.

MOVED and seconded: That

- a) it be recommended to Council that the application to construct a carport adjacent to an existing detached garage at 668 Byng Street be approved subject to issuance of Development Variance Permit DVP00056; and that
- b) notification be given of Council's consideration of DVP00056.

CARRIED

11. ***Development Variance Permit Application (DVP00057) - 1934 Crescent Road***

- Report - Manager of Planning, Mar. 13, 2017
- Plans - DVP - 1934 Crescent Rd, Feb. 26, 2017

No members of the public rose to speak on this item.

MOVED and seconded: That

- a) it be recommended to Council that the application to construct a detached garage and entry way for the existing single family home at 1934 Crescent Road be approved subject to issuance of Development Variance Permit DVP00057; and that
- b) notification be given of Council's consideration of DVP00057.

CARRIED

12. ***Zoning Amendment Application (ZON00024) - 1327 Beach Drive***

- Report - Manager of Planning, Mar. 13, 2017
- Plans - ZON - 1327 Beach Dr, Jun. 6, 2016

No members of the public rose to speak on this item.

MOVED and seconded: That it be recommended to Council to consider the application to allow bicycle rentals and bicycle tours at 1327 Beach Drive and consider a draft bylaw to permit bicycle rentals and bicycle tours within the Marine Commercial Use (CS-2) zone.

CARRIED

ENGINEERING SERVICES ITEM(S):

13. ***Municipal Assets and Asset Management Practices***

- Report - Director of Engineering Services, Mar. 20, 2017
- Rpt. Attach. 1 - 2016 Asset Management Plan, Opus International Consultants, Jun. 23, 2016

(Due to their size, the 2016 Asset Management Plan and the Building Asset Management Plan, were made available on the Projects and Initiatives Section of the municipal website).

The Director of Engineering Services gave an overview of his report and the Director of Building and Planning the introduced the Building Needs Assessment.

MOVED and seconded: That the meeting extend to 11:30 PM.

CARRIED

Carolynn Wilson, Moore Wilson Architects Ltd., gave a presentation to the Committee on the Options Analysis undertaken for the Building Needs Assessment.

MOVED and seconded: That the meeting extend to 11:45 PM.

CARRIED

Esther Paterson, Oak Bay resident, stated that she has attended many meetings to speak on the annual report and on the municipal budget. The issue of asset management, she said, is of great significance for the entire community. She commented that asset management can be broken down into manageable portions and highlighted that the report was a multi-departmental initiative. She encouraged the Committee to support the item and noted that consideration should be given to a communication plan to advise the community.

James Sultanum Oak Bay resident, commented that this was the most important item at the meeting and that he is very pleased with this comprehensive report. He noted that the Municipality is clearly in a dire position where a quick resolution will not be possible. He expressed concern that no budgetary amount was associated to move the initiative forward and questioned how much money will be set aside for asset replacement.

The Chief Administrative Officer clarified that the issue of asset management continues to be part of Council's Strategic Plan and noted that the intention was that further discussions on potential budgetary allocations would be continued at the upcoming Budget Estimates Committee meetings.

Mary Douglas-Hunt, Oak Bay resident, stated that consideration should be given to holding a town hall meeting on the issue of asset management to get ideas from the public on how to address this issue.

MOVED and seconded: That it be recommended to Council that:

- a) the issue of an immediate annual funding program for building renewal be referred to Estimates, so that an annual amount can be transferred to Reserves in order to address, in the 2020s, building upgrades and renovations; and,
- b) staff be directed to engage a consultant to assist in developing an asset management plan that captures financial and asset information in a way that enables Council to make evidence-based decisions on assets and funding priorities.

CARRIED

ADJOURNMENT:

***Motion to Adjourn***

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:41 PM.

Certified Correct:

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Chair

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Director of Corporate Services