

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Garry Oak, Monterey Centre, 1442 Monterey Avenue, Oak Bay, BC., on Tuesday, March 11, 2014 following the Public Hearing at 7:00 p.m.

PRESENT: Mayor, N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

STAFF: Municipal Administrator, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, C. Denomme
Director of Building and Planning, R. Thomassen

Mayor Jensen called the meeting to order at 10:10 p.m.

ADOPTION OF MINUTES:

Council – February 24, 2014

MOVED by Councillor Ney
Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Tuesday, February 24, 2014, be adopted.

CARRIED

MAYOR'S REMARKS:

Public Hearing

Mayor Jensen thanked everyone who came out to the Public Hearing this evening. He said that there were 46 people who spoke which contributed to a great evening of debate and discussion.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

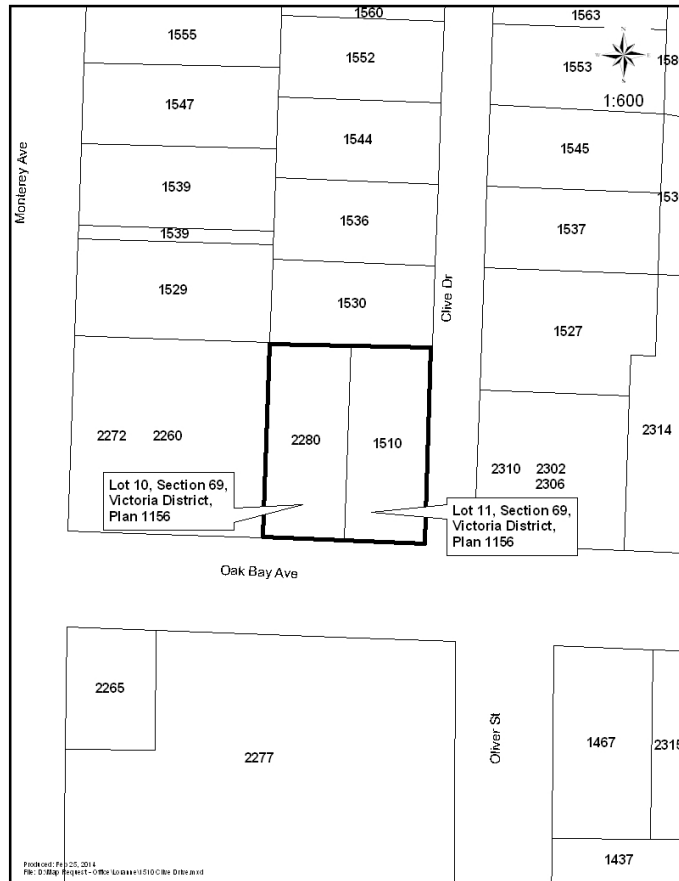
BYLAWS

There was consensus of Council to consider the Bylaws that were the subject of the Public Hearing at this time.

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4606, *Ninety-Second Zoning Bylaw Amendment Bylaw, 2014*, as at second reading, be amended as follows:

by deleting Section 5 and substituting the following:

“5 The parcels of land described as Lot 10, Section 69, Victoria District, Plan 1156 and Lot 11, Section 69, Victoria District, Plan 1156, as shown in bold outline on the sketch reproduced below:



are hereby rezoned from RM-3 (Three Storey Multiple Dwellings Use) to RM-3HD (High Density Three Storey Multiple Dwellings Use), and the “Zoning Map of the Corporation for the District of Oak Bay:, which is appended to and forms a part of the said Bylaw, is amended accordingly.”

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Ney, That Bylaw No. 4606, *Ninety-Second Zoning Bylaw Amendment Bylaw, 2014*, as amended, be read a third time.

Councillor Murdoch commented that this project has come a long way and he thanked everyone for the discussion. In regard to his concerns about parking, shadowing and rear setbacks, he said that there have been improvements, acknowledging that this is a difficult lot. Councillor Murdoch said that when all aspects are weighed the project has merit and has his support.

Councillor Kirby noted she has always seen value in the project, and that she was glad to see the younger generation turn out to the meeting. She said that the people in support of the project spoke about the vision for the future of Oak Bay and she heard support for the same values she holds. She noted the community will benefit from incremental change, speaking in support of the

principles of Green Growth and neighbourhood walkability. Councillor Kirby said she is supportive of the proposal and thanked the people for coming out to the meeting.

Councillor Ney said that the application has hit a nerve in the community and the fact that so many people wrote and came out to the meeting demonstrates that the people care about the future of Oak Bay. In regard to parking and massing issues, which appear to be the most critical issues, Councillor Ney said she is happy with the covenant and parking variances, and she feels the latest revisions change the massing experience. She said the residents of Oak Bay want more housing options and the project is in line with the emerging direction of the Official Community Plan, noting the lack of housing is why people leave Oak Bay. Councillor Ney said she is in support of the project and that it is the right project, the right place and the right time.

Councillor Copley said she heard there is a need in the community for affordable rental housing that is close to the commercial area and to transportation, which keeps a community vital and sustainable. She said the project will be LEED certified and cutting edge. Councillor Copley commented that the developer worked very hard and made changes to the project as requested. She thanked the developer who has been mindful of the community through out the project and commented that this is a test case/model for future housing in Oak Bay.

Councillor Green provided an overview of research she undertook in relation to land use planning, and noted that the Clive development helps meet the goals of the Regional Sustainability Strategy, and represents the first new rental housing constructed in a long time in Oak Bay. Councillor Green commented that she has seen a lot of literature on the project lately and not all of it accurate. She thanked everyone who wrote and came out to speak on the matter this evening. The Clive does not require an amendment to the Official Community Plan and the process has been open and transparent, she said. In closing Councillor Green noted the proposed development will illustrate Oak Bay's inclusiveness by providing welcome housing options.

Councillor Herbert thanked everyone for coming out to the meeting and he thanked the developer for all of the changes that have been made to the project. He said his major concern is that the Official Community Plan has not been completed. Councillor Herbert said that at a meeting a few weeks ago Council deferred another project until the Official Community Plan is in place. He said that the people in Oak Bay use cars and there are cars parked up and down all the streets now. Councillor Herbert said that he is concerned how this development will affect the neighbours, that the building is too large for the lot, there is not enough parking and he does not feel that the parking covenant will be enforceable without having to go to court. Councillor Herbert said he will not support the proposal.

Mayor Jensen said it was great to see the energy in the room and that it speaks well for the community of Oak Bay. People have taken the time to give their thoughts and it has been very helpful to Council, he said. Mayor Jensen noted from the comments made at the Public Hearing that there is a need for growth and change and that Oak Bay wants and needs this project. He said he also heard people have changed their minds on the project over the course of the last 18 months as changes to the project were made. Mayor Jensen quoted additional comments heard at the Public Hearing in support of the project. He said that this project will be a benefit to the community and good for business. The project will also fill a need for seniors as they sell their homes and look for affordable rental housing.

The question on the motion was then called.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4607, *The Clive Housing Agreement Authorization Bylaw, 2014*, be read a third time.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4608, *Parking Facilities Bylaw Amendment Bylaw No. 1, 2014*, be read a third time.

CARRIED
(Councillor Herbert against the motion)

COMMUNICATIONS:

1. 2014-66 MUNICIPAL ADMINISTRATOR, Feb 27, 2014
Re Deer Management Funding

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That a letter be sent to the Premier and Minister of Forests and Lands & Natural Resources Operations requesting that the Province give consideration to shared funding for urban deer management.

CARRIED

2. 2014-67 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, Mar 4, 2014
Re Excerpt from Minutes of Meeting

MOVED by Councillor Kirby
Seconded by Councillor Copley, That staff be authorized to make an application on behalf of the Active Transportation Advisory Committee to the Healthy Communities Capacity Building Fund for a grant up to \$20,000.00 to develop a Complete Streets Implementation Plan.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

3. 2014-68 BRUCE KIRKPATRICK, Feb 25, 2014
2014-68-1 TINA VAN DER LEE, Feb 27, 2014
2014-68-2 COREY BURGER, March 11, 2014
Re Longboarding Regulations

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That correspondence items no. 2014-68 and 2014-68-2 be received.

CARRIED

BYLAWS:

For First, Second and Third Reading

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4609, *Animal Control Bylaw Amendment Bylaw No. 1, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4609, *Animal Control Bylaw Amendment Bylaw No. 1, 2014*, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4609, *Animal Control Bylaw Amendment Bylaw No. 1, 2014*, be read a third time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That the meeting continue past 11:00 p.m.

CARRIED UNANIMOUSLY

MOVED by Councillor Murdoch
Seconded by Councillor Copley, That Bylaw No. 4610, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Green
Seconded by Councillor Murdoch, That Bylaw No. 4610, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2014*, be amended in Schedule 3 by deleting "\$500.00" next to the words "Feed Deer. 33.2(1)" and replacing it with "\$300.00."

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4610, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2014*, as amended, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Copley, That Bylaw No 4610, *Ticket Information Utilization bylaw Amendment Bylaw No. 2, 2014*, be read a third time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Murdoch, That Bylaw No. 4611, *Streets and Traffic Amendment Bylaw No. 2, 2014*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Ney, That Bylaw No. 4611, *Streets and Traffic Amendment Bylaw No. 2, 2014*, be read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4611, *Streets and Traffic Amendment Bylaw No. 2, 2014*, as at second reading, be amended as follows:

By deleting Section 37(5) and substituting the following:

“37 (5) No person shall ride any roller-skates, skateboard, in-line skates or similar apparatus on:

- (a) Christie Way; or any roadway, boulevard, sidewalk, curb or other public place within ten (10) metres of any point on Christie Way;
- (b) any sidewalk, boulevard or curb abutting the roadway portion of Oak Bay Avenue lying between Foul Bay Road and Monterey Avenue;
- (c) any concrete path or walkway situate on the following described lands (Turkey Head Walkway):

Block B, Section 23, Victoria District, Plan 368
Block C, Section 23, Victoria District, Plan 368
Block A, District Lot 144, Victoria District
District Lot 252, Victoria District; and
- (d) Barkley Terrace, Sylvan Lane or Denison Road, including in addition to the roadways, all boulevards, sidewalks and curbs situate thereon.”

CARRIED

(Mayor Jensen and Councillor Herbert against the motion)

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That Bylaw No. 4611, as amended, be read a third time.

MOVED by Councillor Kirby
Seconded by Councillor Green, That the motion in respect to Third Reading of Bylaw No. 4611, *Street and Traffic Amendment Bylaw No. 2, 2014*, as amended, be tabled.

CARRIED

(Councillor Murdoch against the motion)

ADJOURNMENT:

MOVED by Councillor Murdoch
Seconded by Councillor Kirby, That the Council meeting be adjourned.

CARRIED

The meeting adjourned at 11:10 p.m.

Certified Correct:

Municipal Clerk

Mayor