

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, Victoria, B.C., on Monday April 8, 2019 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: Mayor K. Murdoch, Chair
Councillor, A. Appleton
Councillor, H. Braithwaite
Councillor, C. Green
Councillor, T. Ney
Councillor E. Paterson

REGRETS: Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, W. Jones
Deputy Director of Corporate Services, D. Hopkins
Deputy Director of Financial Services, D. Costin
Director of Building and Planning, B. Anderson
Manager of Planning, D. Jensen
Recording Secretary, V. McKean

MINUTES:

1. ***Minutes***

MOVED and seconded: That the meeting minutes of the March 25, 2019 Council meeting and the meeting minutes and recommendations contained therein of the March 28, 2019 Special Committee of the Whole meeting be adopted.

CARRIED

MAYOR'S REMARKS:

2. Mayor Murdoch acknowledged the passing of former Mayor Nils Jensen on Sunday, April 7, 2019. Mayor Murdoch recognized Nils' 22 year membership of Council, serving Oak Bay with passion, pride and dedication. He expressed the sadness felt within the community at Nils' passing and shared Council's condolences to the Jensen family. The Mayor said that Nils Jensen leaves behind a significant legacy as an advocate for the arts and the environment within the community and throughout the region. Mayor Murdoch noted Nils' leadership on the Regional Water Commission, the Urban Forest Strategy, and the establishment of the Arts Laureate position within the larger Oak Bay Public Arts program. Mayor Murdoch, on behalf of the community, expressed gratitude for Nils' many years of service and his great commitment to the well-being of the community and its citizens. He identified Nils as an unsung hero who worked hard in and out of the public eye to enrich the community and recognized the significant bonds of friendship Nils leaves behind across the community, region, province and country.

A minute of silence was then observed.

PUBLIC PARTICIPATION PERIOD:

3. C. Smart, Chair, B.C. and Victoria Chapters of the Royal Architectural Institute of Canada (RAIC), spoke in support of the proposed declaration of a climate emergency. She highlighted the RAIC's mission to promote excellence in the built environment and advocate for responsible architecture. She identified support for this declaration as an important initiative and encouraged Council to discuss how the municipality is going to transform its draft Strategic Priority of climate change into measurable goals. Ms. Smart said that supporting this request will strengthen Oak Bay's commitment to climate action by joining other CRD municipalities who have also formally made this declaration. She urged Council to support the CRD's request and leverage it to facilitate a serious and science-based conversation on how the municipality is going to lead and achieve climate change goals in this year, over the next five years, and by 2030. Ms. Smart stated that the municipality needs to take action and Council must lead. She noted that Oak Bay used to have a climate action task force and an environmental committee and asked that Council form a volunteer task force or committee to help guide climate action priorities within the District. Ms. Smart encouraged Council to consider what the municipality's goals will be post-2020 commenting that if the municipality waits to act it will be too late to avoid significant negative impacts and that the cost of inaction will only increase in the future.

A. Leamy, Oak Bay resident, expressed his support for the subdivision application at 785 Island Road with the proposed heritage designation of the existing home. He noted his appreciation of the collaborative efforts of the developer in working with neighbours and in addressing issues pertaining to older homes. Mr. Leamy said that he supported the development application due to the heritage designation component but that he would be troubled if the development proceeded without the existing home being designated as heritage.

T. Williams, former president of RAIC British Columbia and Oak Bay resident, encouraged Council to endorse and adopt the CRD's proposed Declaration of Climate Emergency and commitment to achieve carbon neutrality by 2030. He emphasized that local government is the most approachable and direct form of governance and encouraged Council to think globally and act locally to look forward and be prepared for the effects of climate change. Mr. Williams expressed his sadness at the news of Nils Jensen's passing and proposed that Council dedicate the progressive and forward thinking action of the Declaration of a Climate Emergency to the former Mayor. Mr. Williams urged Council to adopt the initiative of the CRD and to establish a Community Action Plan Committee.

F. D'Ambrosio, architect and Oak Bay resident, stated that Council could join the international movement in adopting the Declaration of Climate Emergency and could either set their own goals for achieving carbon neutrality or start by declaring a climate emergency without indicating a date for becoming carbon neutral. He said that to make and measure progress goals need to be set. Mr. D'Ambrosio noted that the Official Community Plan suggests that Oak Bay work with the CRD to achieve climate change action and commented that the proposed Declaration of a Climate Emergency is the opportunity. He supported the suggestion that the declaration be dedicated to the memory of Nils Jensen. Mr. D'Ambrosio asked Council to act as leaders in reducing the human impact on climate change and urged them to lead the municipality towards that goal with an action plan that includes a reinstated committee or task force to guide and oversee progress.

COMMUNICATIONS:

4. **Ride Don't Hide Funding Request - Canadian Mental Health Association**

- Note - Director of Corporate Services - Ride Don't Hide 2019 Financial Assistance
- Correspondence - 2019 Ride Don't Hide Funding Request

The Director of Corporate Services provided an overview of this request. Mr. Jones commented that this event is held annually in Oak Bay and that Council has historically agreed to offset the policing costs associated with staging the event. He noted that the cost would be included in the Police Budget.

MOVED and Seconded: That the funding request for the 2019 Ride Don't Hide event in the amount of \$517.00 be approved.

CARRIED

5. **Climate Emergency Declaration**

- Report - Climate Emergency Declaration
- Correspondence - CRD Climate Emergency Declaration
- Addenda Correspondence – CRD Climate Emergency Declaration

The Director of Corporate Services noted that when requests come from different levels of government staff brings the request to Council for their consideration. Mr. Jones clarified that this is an important declaration but that the declaration does not constitute a state of emergency as defined by the *Local Government Act* or the *Community Charter*.

MOVED and Seconded: That the District of Oak Bay declare a climate emergency and work towards the goal of carbon neutrality by 2030; and that the District incorporate revised carbon neutrality goals into the 2020 and subsequent year strategic plans.

In response to questions from Council, the Director of Corporate Services said that the establishments of a climate action Task Force or Committee could be considered during the upcoming review of Advisory Bodies.

The question was then called.

CARRIED

6. **Building and Planning Department Quarterly Report of Active Land Use Applications**

- Memo - Quarterly Report of Active Land Use Applications (31-Mar-19)

The Manager of Planning provided a summary of the land use applications received by the department. Ms. Jensen noted that the numbers are relatively constant with the previous quarter, that the department currently has 653 active applications on the books and that building permit processing times have been reduced to 2 - 3 weeks from 8 weeks previously.

MOVED and Seconded: That the Building and Planning Department Quarterly Report of Active Land Use Applications be received for information.

CARRIED

7. **Oak Bay Advisory Planning Commission Minutes**

- Advisory Planning Commission meeting held February 5, 2019

Meeting minutes from the Oak Bay Advisory Planning Commission meeting held July 3, 2018 that Council is requested to receive for information.

MOVED and Seconded: That the July 3, 2018 Oak Bay Advisory Planning Commission Minutes be received for information.

In response to questions from Council, staff said that a report on Phase I of the Secondary Suites Study would be available after the Open House is held in late April and will include background information and feedback collected during the Open House; there may be a need to review the processes and procedures of circulating information to Committees as part of the upcoming Advisory Body review; and that there was no information issued by the department to the Advisory Planning Commission pertaining to the Secondary Suites Study beyond an update on when and where the Open House was going to take place and that staff are currently that the working on the information that will be going to the Open House.

The question was then called.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S):

8. **Correspondence to be received**

- Addenda Correspondence - 2970 Rutland Road (DVP00090)

MOVED and Seconded that the correspondence be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

9. **New Business**

Mayor Murdoch said that discussions had been held about renaming the Oak Bay Public Arts Fund and that he would like to seek Council's approval of this proposal.

MOVED and Seconded: That the Oak Bay Public Arts fund be formally renamed the Mayors' Arts Legacy Fund.

CARRIED

The Mayor also raised the question of changing the start time for the two upcoming Financial Plan (Estimates) meetings to 6:00 p.m.

MOVED and Seconded: That the Financial Plan (Estimates) meetings scheduled to be held on April 10 and April 17 start at 6:00 p.m.

CARRIED

Verbal Reports

Councillor Paterson shared her attendance at the Vancouver Island Health Authority (VIHA) and CRD Meeting on April 5 and noted the focus was on air quality and the increased use of vaping by youth. Councillor Paterson noted that this represents a significant health concern and suggested that VIHA should provide guidance. She suggested foot patrols, updating signage and information to circulate in order to address this concern. Councillor Paterson also noted the upcoming Oak Bay Heritage Presentation at the Windsor Park Pavilion on April 17, 2019.

Councillor Green reported that she attended the Oak Bay Tourism Committee, and noted that they are searching for a new volunteer photographer and any interested persons should contact Michelle Le Sage. Councillor Green also reported that the Greater Victoria Labour Relations Association AGM held this past weekend was productive and that the Urban Deer Management Conference was well attended online and in person at the Oak Bay Deer Management Program was highlighted.

Councillor Braithwaite acknowledged Ms. Margaret Lidkea as the only Victorian to be awarded the BC Achievement Award, and noted that the presentation will take place on May 1 at the Lieutenant Governor's House. She expressed appreciation for the outstanding work Ms. Lidkea does in Uplands Park noting that she is a wonderful volunteer in our community. She said that she attended the Acorn Arts Award in place of the Mayor and noted that the award was given to the Canadian College of Performing Arts and added that Councillors Appleton, Ney and Paterson and the Arts Laureate were also in attendance. Councillor Braithwaite also commented that Council will be attending the Association of Vancouver Island and Coastal Communities Conference in Powell River from April 12 – 15, 2019.

Councillor Appleton reported that he attended the March 26 Greater Victoria Library Board. He noted that the Planning and Policy Committee are working towards developing a revised Terms of Reference and facilities planning. He noted the demand for libraries has continued to rise and advocated for funding in this area. Councillor Appleton also reported that the CRD Task Force met on April 3 and discussed the Climate Emergency Declaration. He thanked Council and all who spoke in favour of this matter. Councillor Appleton said he spoke to the Clean BC Program and noted its ambitious goals, emphasizing that 75% of its goals are planned and 25% are yet to be confirmed and suggested there is opportunity for local governments to play a strong role in developing the remaining 25%. He also toured the SPCA's Wild Arc facility, a local rescue and rehabilitation of wild animals. He commented that the facility is exceptional, highlighting the exceptional staff and volunteers, and that we are fortunate to have this in our community

Mayor Murdoch recognized that this marked Ms. Lou Varela's first day as the Chief Administrative Officer for the District, noting that she had previously been serving as the Interim CAO. He welcomed Ms. Varela to the permanent role and thanked her for her hard work.

Mayor Murdoch noted that he attended the Police Board Governance Conference over the past weekend. He commented that the conference was productive and discussed issues and potential resolutions facing policing including governance of Integrated Police Units and appropriate oversight for these services. The Mayor stated that he will bring back a report in the future for Councils' consideration. The Mayor also reported that he met with Heritage Canada about the historical significance of the Uplands.

RESOLUTIONS:

10. **Development Variance Permit Application (DVP00090) - 2970 Rutland Road**

- Resolution Notice - 2970 Rutland Road
- Report – 2970 Rutland Road (DVP00090/ADP00105)
- Plans – 2970 Rutland Road, March 11, 2019
- Arborist Memo – January 25, 2019
- Draft - Development Variance Permit DVP00090

The Manager of Planning gave an overview of the application and requested variances included in the proposal. She then responded to questions from Council.

The Mayor invited members of the public to provide input on the proposed application.

B. Adams, Oak Bay resident, supported the application and noted that she has worked closely with the parties involved with the development application. She commented that the completed project would represent an aesthetic asset to the neighbourhood and that the renovated house would sit comfortably on the lot. Ms. Adams emphasized that there is aesthetic and visual value in the proposed renovation and that variances are essential to maintain the symmetry and functionality of the existing home and concluded that the landscape team will ensure the home will be an asset to the Uplands.

R. Townsend, Timothy Townsend Design, said that he has been working on the proposed development for 1.5 years ensuring excellence and expanding the original vision of the Uplands. Mr. Townsend highlighted the reduced coverage of the lot and emphasized that it is a renovation of an existing house and not a subdivision application. He stated that the proposed development will preserve the view corridor and enhance the park-like setting.

C. O'Connor, Oak Bay resident, supported the proposed development and noted that the owners are compassionate about the history and tradition of Oak Bay. He emphasized that local residents are supportive of the proposal and stated that Oak Bay needs to partner with new residents on these types of applications.

C. Denford, Oak Bay resident, spoke in favour of the application and supported the proposed variances. He said that the symmetry of the proposed development is an improvement upon the existing house.

M. Gustavson, Oak Bay resident, expressed his support for the proposed development and stated that local residents have been included in the process and as a result are very supportive of the proposal.

A. Miller, Oak Bay resident, offered support for the proposal and noted she was the previous owner of the property. Ms. Miller said that the associated variances would improve and mitigate some aspects of the house that were previously lacking. She expressed her happiness that the more than 100 year old house will be renovated and will save the existing façade as well as add to it. Ms. Miller added that the area near to the proposed development is currently clear cut and suggested that this proposal would serve to improve this section of Beach Drive.

C. Hobson, Oak Bay resident, said that the development should not be considered a renovation because the façade of the house is being preserved but everything else is

being removed. He expressed his concern with the size of the variances being proposed and opposed the expansion of the lot. Mr. Hobson referred to the conversation surrounding climate change and stated that the proposed development is incongruous with the desire to take steps to mitigate the negative impacts of climate change.

M. Rainsbury, Oak Bay resident, supported the application stating that the proposed renovation is complementary to the existing home. Mr. Rainsbury identified the owners as a young couple who are enhancing the community with this development and stated that the proposed development is thoughtful, artful and of a high quality.

J. & D. Gustavson, Oak Bay residents, identified themselves as the subject property owners and thanked the community for the support they have received and thanked Council for considering their application. They noted they canvassed the neighbourhood and received positive feedback from every household they were in contact with. They commented that they have lived at the property for 9 years and now need more space for family. They expressed their love for gardens and green space, and that combining the two lots on Beach Drive and Rutland Road would allow for them to create a large garden and green space.

MOVED and Seconded: That the Director of Building and Planning be authorized to issue Development Variance Permit DVP00090 with respect to 2970 Rutland Road, as appended to the Council agenda of April 8, 2019.

Discussion ensued around the environmental impacts of this proposal, adherence to the Uplands Design Guidelines, preservation of the park-like setting, heritage preservation, responsible housing, perceived ability to meet current zoning requirements without the use of variances, benefits of building one house over two lots, small variance requested, the constraints of the right of way, that the massing and expanded basement will not negatively impact neighbours, and concerns that the preliminary plans did not identify proposed type and location of accessory buildings or installations for the Beach Drive lot.

The Question was then called.

DEFEATED

With Councillors Appleton, Green and Paterson opposed

11. ***Development Variance Permit Application (DVP00091) - 787 Transit Road***

- Resolution Notice –787 Transit Road
- Report – 787 Transit Road (DVP000091)
- Plans – 787 Transit Road, December 13, 2018
- Arborist Memo – March 7, 2019
- Draft – Development Variance Permit DVP000091

The Manager of Planning provided an overview of the application.

No members of the public rose to address Council on this matter.

MOVED and Seconded: That the Director of Building and Planning be authorized to issue Development Variance Permit DVP00091 with respect to 787 Transit Road, as appended to the Council agenda of April 8, 2019.

CARRIED

ADJOURNMENT:

12. ***Motion to Adjourn***

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:36 p.m.

Certified Correct:

Mayor

Deputy Director of Corporate Services