

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 May 13, 2019. The meeting adjourned to In Camera at 6:00 PM and reconvened for regular business 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
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Deputy Director of Corporate Services, D. Hopkins
Director of Financial Services, D. Carter
Director of Building and Planning, B. Anderson
Manager of Planning, D. Jensen
Director of Engineering Services, D. Horan
Superintendent of Public Works, D. Brozuk

ADJOURNMENT TO IN CAMERA:

1. *Motion to Adjourn to In Camera*

MOVED and seconded: That in accordance with section 90(1)(e) of the *Community Charter*, that the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

OPEN PORTION OF THE MEETING TO RECONVENE AT 7:00 PM:

Mayor Murdoch called the meeting to order at 7:00 p.m.

MINUTES AND REPORTS:

2. **Minutes**

- Council Meeting held April 8, 2019
- Financial Plan (Estimates) Meeting held April 10, 2019
- Committee of the Whole held April 15, 2019 (Revised)
- Financial Plan (Estimates) Meeting held April 17, 2019
- Council Meeting held April 23, 2019
- Special Committee of the Whole held April 29, 2019

MOVED and seconded: That the meeting minutes of the April 8, 2019 Council meeting be amended to add “and concerns that the preliminary plans did not identify proposed type and location of accessory buildings or installations for the Beach Drive lot” to the discussion section of item agenda item No. 10 on page 8.

CARRIED

MOVED and seconded: That the meeting minutes of the Council meeting held April 8, 2019 be adopted as amended.

CARRIED

MOVED and seconded: That the meeting minutes and recommendations contained therein be adopted from the April 23, 2019 Council meeting, April 10 and 17, 2019 Financial Plan (Estimates) meetings and the April 15, 2019 Committee of the Whole and the April 29, 2019 Committee of the Whole meetings.

CARRIED

MAYOR'S REMARKS:

3. Mayor Murdoch reported that he attended the YES Awards and thanked Councillors Braithwaite and Appleton for their work on the event. He expressed appreciation for the businesses and individuals who contribute to make the fantastic event happen and highlighted the incredible cohort of award recipients.

The Mayor thanked Ms. Cindy Denomme, Executive Assistant to the Mayor and CAO, and staff for their work organizing the Municipal Dinner to recognize the District's volunteers that contribute so much to our community that was held on May 9, 2019.

He highlighted the work of the Oak Bay Police Department and Parks, Recreation and Culture staff for their management of the protest that occurred at Windsor Park Pavilion on May 2, 2019.

In addition, Mayor Murdoch acknowledged members of the Advisory Planning Commission for their assistance at the Secondary Suites Study Open House held April 25, 2019.

He acknowledged the recent provincial government announcement by the Honourable Lisa Beare, Minister of Tourism, Arts and Culture, of new funding and longer term funding for the arts held at Oak Bay Municipal Hall on April 29, 2019. He said the support is appreciated, as well as the acknowledgement of the significant work undertaken in Oak Bay to support the arts.

The Mayor also noted that he was pleased to help host the Monterey Volunteer Dinner and thanked all of volunteers for hosting a great evening and for their ongoing significant community involvement.

PUBLIC PARTICIPATION PERIOD:

4. J. Tiffany, Oak Bay resident, expressed concerns over the Quest building proposal. He said that the present proposal is the same basic building from the previous proposals and is too massive for the size of the lot. Mr. Tiffany commented that the proposal does not adhere to the District's building bylaws and is over 70% non-compliant with the Official Community Plan (OCP) siting guidelines and does not incorporate the wishes of neighbours and previous Councils.

N. Barnes, Oak Bay resident, asked about how the District's zoning bylaws factor into assessing large multi-family proposals specifically in relation to the Quest proposal. Ms. Barnes noted that proposal includes numerous discrepancies from the zoning requirements for the land zoned RM-4. She questioned why a proposal that is so far outside of the zoning bylaws should be allowed to proceed to another process. Ms. Barnes requested an update on the provision of additional guidelines to the Advisory Planning Commission (APC) as noted in the July 2017 Commission meeting minutes. She commented that neither the APC nor the Advisory Design Panel consider the details of applications for large multi-family projects in the same way they do for smaller single family residential projects. She asked whether this proposal was far enough outside of the bylaws that staff or advisory bodies would conclude that it does not justify another length process. Ms. Barnes then requested that Council consider making it standard practice to include a table in the staff reports the current zoning regulations with a detailed list of the discrepancies comprising the application.

Mayor Murdoch said that this proposal has not come to Council yet for consideration. He said the process is iterative between the applicant and staff in an effort to make it as compliant with the Official Community Plan guidelines as possible so that in their professional opinion they can support it. The Mayor commented that the applicant can bring the proposal to Council with or without staff recommendations and is the responsibility of Council to make a decision to approve the project or not. He noted that staff's opinion comes to Council to aid in decision-making, but that they are unable to prevent an application from proceeding to Council.

G. Ross, Oak Bay resident, provided suggestions to be included as requirements for the Committee and Commissions Review, specifically four conditions to be considered for membership on the advisory bodies:

- 1) Commitment to the community: must be a resident of Oak Bay, not necessary to look outside of the community to find qualified candidates;
- 2) Adding value: must demonstrate knowledge and understanding of Oak Bay's governance;
- 3) Conflict Avoidance: must assure recusals where applicable and candidates must be willing to have their appointments announced publicly, including disclosing occupation and employer, if applicable; and
- 4) Renewal of membership: at the end of terms, if members desire reappointment an application must be submitted.

S. Murphy, Oak Bay resident, asked Council and Public Works staff to consider Island Road between Currie Road and Central Avenue for pavement upgrades. He said that the road desperately needs a complete resurfacing and not a patch job.

C. Hobson, Oak Bay resident, acknowledged the strong public stance and communications approach to the SOGI 1 2 3 event that took place in Oak Bay. He thanked Planning staff for their prompt and thorough response to his inquiry regarding the state and status of Rights of Way in the Uplands area. Mr. Hobson also expressed appreciation to Engineering Services staff with their helpful response to his parking concerns on Granite Street at Mitchell Street and noted that the issue has been alleviated. Mr. Hobson thanked staff and Council for their work.

R. Noel, Oak Bay resident, said that the Quest redevelopment is proposing a building that is too large for the lot. He highlighted the transitional quality of the building's location within the neighbourhood. Mr. Noel suggested that the best way to determine

whether a building fits into a neighbourhood is by the floor area ratio (FAR). He compared the FAR and associated lot sizes of neighbouring buildings with the FAR and massing of the Quest proposal concluding that the proposal does not fit into the area and the building is too large for the small lot.

COMMUNICATIONS:

5. ***South Island Prosperity Partnership***

- Presentation - South Island Prosperity

Mr. Bruce Williams, Interim Chief Executive Officer and Mr. Dallas Gislason, Director of Economic Development presented an update on behalf of the South Island Prosperity Partnership.

6. ***Asphalt Resurfacing & Miscellaneous Concrete Program - Tender Award PW05-2019***

- Report - Asphalt Resurfacing & Miscellaneous Concrete Program (PW05-2019)

The Superintendent of Public Works provided a summary of Tender Award PW05-2019.

MOVED and seconded: That the contract for the Asphalt Resurfacing and Miscellaneous Concrete Program be awarded to Island Asphalt Company in accordance with their tender submission in the amount of \$664,700.

CARRIED

7. ***Assessment of Local Government Interest in a Regional Foodland Access Program***

- *Correspondence - CRD Assessment of Local Government Interest in a Regional Foodland Access Program*
- *Correspondence - CRD Regional Foodland Access Program (May 2019)*

Mayor Murdoch provided an introduction to the correspondence received from the CRD dated April 24, 2019.

MOVED and seconded: That the correspondence from the Capital Regional District dated April 24, 2019 be received for information.

CARRIED

With Councillor Appleton opposed

MOVED and seconded: That Mayor Murdoch write a letter to the CRD indicating Oak Bay's support for food security in the region and expressing concerns regarding the appropriateness of the proposed tool.

CARRIED

With Councillor Appleton opposed

Council asked that the letter include a request for the CRD to continue to explore other options to address regional food security.

MOVED and seconded: That the CRD be notified that there is no municipal land available in Oak Bay for the use of a lands trust.

CARRIED

8. **Funding for the Victoria Sexual Assault Centre**

- Correspondence - Funding for the Victoria Sexual Assault Centre

Mayor Murdoch introduced the correspondence received from the District of Saanich dated April 23, 2019.

MOVED and seconded: That the Mayor write, on behalf of Council, to the Premier of, copying Ministers responsible for Health and Social Services as well as Members of the Legislative Assembly representing constituencies within the Capital Regional District, as well; as copying Brenda Butterworth-Carr, Assistant Deputy Minister and Director of Police Services, the Minister of Public Safety and Solicitor General, the Minister of Health, the Minister of Mental Health and Addictions, and local Police Boards and the RCMP requesting that the Government of British Columbia provide the Victoria Sexual Assault Centre with continuous provincial funding.

CARRIED

9. **Climate Action through a Major Expansion of Public Transit Ridership**

- Correspondence - Resolution Climate Action through Expansion of Public Transit Ridership
- Addenda - Correspondence - Resolution Climate Action

The Mayor presented Council with options for proceeding with the correspondence received from the City of Victoria dated April 29, 2019.

MOVED and seconded: That the correspondence from the District of Victoria dated April 29, 2019 be received for information.

CARRIED

Mayor Murdoch noted that he would be taking the main points of Council's discussion regarding free ridership for youth under 18 years old and increasing service levels rather than cost reductions to encourage increased public transit ridership to the Greater Victoria Regional Transit Commission for consideration in the broader conversation of planning.

10. **Advisory Design Panel Minutes**

- Note - Advisory Design Panel Minutes of March 5, 2019
- Advisory Design Panel Minutes - March 5, 2019

MOVED and seconded: That the minutes from the Advisory Design Panel meeting held March 5, 2019 be received for information.

CARRIED

11. **Advisory Planning Commission Minutes**

- Note - Advisory Planning Commission Minutes of April 2, 2019
- Advisory Planning Commission Minutes - April 2, 2019

MOVED and seconded: That the minutes of the Oak Bay Advisory Planning Commission held on April 2, 2019 be received for information.

CARRIED

12. **Review of Council Committees & Commissions Terms of Reference**

- Report of the Director of Corporate Services dated May 2, 2019 - Review of Council Committees and Commissions Terms of Reference

The CAO stated that currently there is no established timeline for completion of this review because the scope of required work has not yet been determined. Ms. Varela said that approval of this request allows staff to undertake a background analysis and that she anticipates that this will be an iterative process with Council.

MOVED and seconded: That the Terms of Reference for the Review of Council Committees and Commissions attached to the report of the Director of Corporate Services dated May 2, 2019 be approved.

CARRIED

13. **Housing Needs Report – Request for Funding – PLP00016**

- Report of the Manager of Planning dated May 7, 2019 - Housing Needs Report (PLP00016) – Request for Funding

The Manager of Planning provided an overview of the funds available to support the completion of a Housing Needs Report through the Union of British Columbia Municipalities.

MOVED and seconded: That Council approve a funding application to the UBCM Housing Needs Reports Program and provide support for the current proposed activities and willingness to provide overall grant management.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S):

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

14. **CRD Update**

The Mayor noted that the audited financial statement review process is complete, the wastewater treatment budget increase of 1.4% was approved, implementation of the monthly decision dashboard was approved to try to increase understanding of decisions as well as approval of the Rise and Report process for In-Camera decisions, and that a request for expressions of interest process has been moved forward for treating organics locally. He added that there is a short term plan of the disposition of bio-solids from the waste secondary treatment plant that is close to completion. The Mayor added that a bylaw will be proceeding to Council for consideration of the Royal McPherson Theatres Society funding formula which will require 2/3 approval of the funders to approve the changes before proceeding to the province for approval.

Verbal Reports

Councillor Braithwaite said that she attended the presentation ceremony for the BC Achievement Awards to see Margaret Lidkea receive her honours and noted that the event was well attended.

Councillor Green commented that she attended the Oak Bay Tourism booth at the Victoria Conference Centre today and highlighted that there was a lot of interest generated at the booth.

Councillor Paterson reported that she attended the BC Heritage Conference in Nanaimo May 9 – 11. She reported that the conference started with an announcement that the Ministry of Natural Resources contributed \$500,000 to the Legacy Grants Program which provides BC Heritage with a stronger financial position. Councillor Paterson noted that the information focussed on information to test the waters in changing heritage concepts compiled from last year's surveys and workshops held across the province, noting the Oak Bay Heritage Commission's participation in the survey. She summarized the emerging points as heritage is tied to the land and needs to be inclusive of all peoples' heritage; heritage is what matters to the community; and that there needs to be greater representation from voices that matter other than heritage experts, recognizing the value and contribution of passionate volunteers in contributing to programs throughout the process. Other aspects considered were adaption to the impact of climate change, recognition that the *Conservation Act* and *Local Government Act* legislation are outdated to changed references of heritage and that BC Heritage is looking for support from the municipalities to provide support to updating this. Councillor Paterson added that there was commendation for Oak Bay's Prospect Place Heritage Conservation Area process and appreciated the information provided by Council, staff and working group members who provided her with information to share with attendees. She said that the conference was great and that she plans to share her leanings with the Oak Bay Heritage Committee and Foundation.

Councillor Zhelka provided an update from the CRD Water Commission with a reminder that Stage 1 watering restrictions are in effect through to the end of September. He also provided an update in behalf of the Oak Bay Emergency Program (OBEP). Councillor Zhelka reported the OBEP has been successful in all three of its Community Emergency Preparedness Funds grant applications since late 2017 worth \$25,000. He noted that two of the grants have enabled refurbishing of equipment and increase disaster preparedness including increasing radio work at a separate facility. He said the third grant is intended to be used to update out Municipal Evacuation Plan and contribute to a Regional Evacuation Plan as a member of a municipal consortium undertaking development in this plan. Councillor Zhelka noted that the OBEP is part of a separate consortium set to undertake a regional review of the Tsunami Modeling Project which is part of a larger Flood Hazard Risk Modelling project initiated by the CRD. To conclude, Councillor Zhelka reported that in the last two months there were two Level 1 call outs with one evacuee at each incident and he is pleased to note that there were no fatalities.

Mayor Murdoch said he attended a planning session with the Greater Victoria Regional Transit Commission and that they are just starting this year's budget cycle. He noted that he has completed three days at the Institute of Corporate Development training provide by the province for Police Board members with two days left to complete. He said that the training has been very valuable and that he intends to make the materials available with Council to review. The Mayor thanked the Royal Victoria Yacht Club for inviting him to their opening ceremonies and that he enjoyed the event. He highlighted that Rotary held a successful Mardi-Gras themed fundraising dinner with funds to be used to renew the water park. Mayor Murdoch said that he also attended the Oak Bay High School graduation event at Willows Park with Councillor Braithwaite, and that he completed the TC 10k road race in response to Mayor Helps' challenge to local Mayors.

TABLED RESOLUTIONS:

15. **Resolution - Integrate Secondary Suite Implementation in Conjunction with Comprehensive Housing Study**

- Resolution Notice - Integrate Secondary Suite Implementation - Proposed by Councillor Zhelka
- Attachment 1 - Secondary Suites Terms of Reference (09-Jul-2019)
- Attachment 2 - Secondary Suites Terms of Reference Minutes Excerpt (09-Jul-2019)
- Attachment 3 - Report Secondary Suites Infill/Housing Options Process (11-Mar-2019)
- Attachment 4 - Housing Options Minutes Excerpt (11-Mar-2019)

Councillor Zhelka introduced the motion that was revised after initial consideration at the Special Council meeting held May 6, 2019.

MOVED and seconded: That:

WHEREAS Council at its meeting of July 9, 2018 approved Terms of Reference and directed District Staff to initiate implementation of a secondary suite process;

AND WHEREAS following the October 2018 Municipal Election the elected Council at its meeting of March 11, 2019 authorized the early approval of funds for District Staff to commence work on the Housing Needs Report simultaneously with the Secondary Suites Implementation;

THEREFORE BE IT RESOLVED THAT the Approvals process identified in the Terms of Reference for the Secondary Suites Study commence after Council direction is provided by resolution;

AND FURTHER THAT any Approvals process approved by Council for the Secondary Suites Study commence following completion of the Housing Needs Report.

CARRIED

BYLAWS:

16. **Bylaw Memorandum**

- Memorandum of the Director of Corporate Services dated May 8, 2019 - Bylaw Nos. 4727, 4728 and 4729

17. **For Final Reading**

- Bylaw No. 4727, Financial Plan Bylaw, 2019
- Report - 2019-2023 Financial Plan
- Report - 2018 Year-End and 2019 Budget (PR&C)

MOVED and seconded: That Financial Plan Bylaw 2019, No. 4727 be adopted.

CARRIED

18. **For Final Reading**

- Bylaw No. 4728, Tax Rates Bylaw, 2019

MOVED and seconded: That Tax Rates Bylaw 2019, No. 4728 be adopted.

CARRIED

19. **For Final Reading**

- Bylaw No. 4729, Boulevard Frontage Tax Bylaw Amendment Bylaw, 2019.

MOVED and seconded: That the Boulevard Frontage Tax Bylaw Amendment Bylaw, 2019 No. 4729 be adopted.

CARRIED

ADJOURNMENT:

20. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:00 p.m.

Certified Correct:

Mayor

Deputy Director of Corporate Services