

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 Tuesday May 23, 2017 at 7:00 PM.

PRESENT: Mayor N. Jensen, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney, in attendance electronically at 8:57 PM
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
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

AMENDMENT OF THE AGENDA:

MOVED and seconded: That the agenda be amended to bring forward Agenda Item No. 18 for consideration in advance of the Minutes and Reports Section.

CARRIED

18. ***For Third Reading (subject to the outcome of the Public Hearing)***
• Zoning Amendment Bylaw No. 3531.101, 2017

MOVED and seconded: That *Zoning Amendment Bylaw No. 3531.101, 2017* be read a third time.

CARRIED

MINUTES AND REPORTS:

1. ***Council***
• May 8, 2017

MOVED and seconded: That the minutes of the Council meeting held May 8, 2017 be adopted.

CARRIED

2. ***Committee of the Whole***
• May 15, 2017

MOVED and seconded: That the minutes of the Committee of the Whole meeting held May 15, 2017 and the recommendations contained therein be adopted.

CARRIED

3. ***Special Council***

- May 8, 2017
- May 11, 2017
- May 15, 2017

MOVED and seconded: That the minutes of the Special Council meetings held May 8, 2017, May 11, 2017 and May 15, 2017 be adopted.

CARRIED

MAYOR'S REMARKS:

4. The Mayor provided the following remarks:

Unveiling of the Heritage Plaque at the Union Club

Mayor Jensen noted that he was pleased to attend the recent unveiling of a heritage plaque at the Union Club, recognizing the heritage value of the recently-restored site. The Mayor commented on the Union Club's connection to the District of Oak Bay, given that the Club's founder was Francis Rattenbury, who was also the District's third Reeve.

ArtsAlive 2017

The Mayor highlighted the beginning of the District's annual summer sculpture program, ArtsAlive 2017, noting that pieces are beginning to be installed.

Oak Bay Tourism Walking Tour

Mayor Jensen offered congratulations to Oak Bay Tourism on their recent publication of a self-guided walking tour brochure.

Letters of Thanks

The Mayor drew attention to a letter of thanks recently received by Oak Bay High School, following their graduation block party. He also noted that the Oak Bay Lawn Bowling Club sent a letter of thanks to Council and staff for their efforts in maintaining the Club's field.

5. ***Introduction of Deputy Police Chief***

Mayor Jensen advised that the newly-appointed Deputy Police Chief Ray Bernoties would be introduced to Council at the upcoming joint meeting with the Oak Bay Police Board on June 12, 2017 at 6:00 PM.

PUBLIC PARTICIPATION PERIOD:

6. The following speakers addressed Council during the Public Participation Period:

F. Blue, Oak Bay resident, commented that he is requesting that Council give consideration to amending the acceptable use of accessory buildings under the Zoning Bylaw to include day cares. He noted that he and his wife run Seedlings Day Care, a facility that provides needed care in the District of Oak Bay and that their accessory building had been designed and built for this purpose.

T. Blue, Oak Bay resident, confirmed the request is to amend the bylaw to allow daycares to be operated out of accessory buildings. She noted that the current legislation is out of keeping with the Official Community Plan and that other jurisdictions in the region, such as Sidney, Saanich and Colwood are more inclusive in this regard.

S. Pridy, Victoria resident, noted that her son attends Seedlings Day Care and that she hopes to also send her daughter there. Ms. Pridy commented on the significant challenges she has faced in finding child care, particularly quality care for children under 2.5 years old. She commented that Seedlings has been an excellent experience for her family and that she hopes Council will consider bringing forward the requested amendment.

L. McKenzie, Oak Bay resident, spoke in support of the requested bylaw amendment noting the many challenges facing parents in finding child care. She emphasized the importance of investing in the early years for children's development and concluded her remarks by noting that the accessory building is a needed space for Seedlings.

L. Russell, Oak Bay resident, commented on the challenges of finding quality child care. She commented that the accessory building is a safe, dedicated space for Seedlings and expressed support of the requested bylaw amendment.

L. Lalonde, Oak Bay resident, noted that it is difficult to find child care. She also brought Council's attention to the issue of challenging neighbourhood transitions, such as is being faced for residents near the new development at Cadboro Bay Road and Bowker Avenue, commenting that more consideration should be given to this issue in the future.

J. Sultanum, Oak Bay resident, expressed support for the previous speakers regarding Seedlings Day Care. He provided comments on Agenda Item No. 9, stating that Council should consider recommending that staff also apply for a capacity-building grant, in addition to the other grant applications under the Strategic Priorities Fund. He noted that although there is a tight timeline, Council could consider getting a grant writer. He concluded his remarks by emphasizing the importance of building capacity with respect to asset management, which would assist both Council and staff.

By unanimous consent, Council agreed to allow the Public Participation Period to exceed the 20 minutes allotted under the bylaw to accommodate a final speaker.

E. Shardlow, Saanich resident, provided comments on her experience as a parent whose child attends Seedlings Day Care. She noted that she respects and admires the heritage of Oak Bay and that she now frequents many business in the District as a result of her child attending

Seedlings. She commented that daycares are necessary for a community to thrive and that a well-run daycare becomes an extension of a child's family. She concluded her remarks by emphasizing the difficulties in finding quality child care with an educational program, as is offered at Seedlings.

COMMUNICATIONS:

7. ***Presentation - City of Victoria - Royal and McPherson Theatre Society***

- Corresp. - City of Victoria, Mar. 8, 2017
- ADDENDA - Presentation, Royal and McPherson Theatres Society, May 23, 2017

Councillor Marianne Alto, City of Victoria, Councillor Pam Madoff, City of Victoria, Bryan Smith, Past President of the Royal and McPherson Theatre Society and Randy Joynt, Manager of External Affairs for the Royal and McPherson Theatre Society were in attendance for this item.

Councillor Madoff began the presentation, introducing the representatives in attendance and outlining the purpose of the presentation.

Mr. Joynt continued the presentation as provided on the agenda, outlining the background, partners and activities of both theatres.

Councillor Alto concluded the presentation, commenting on the stakeholder engagement currently underway and outlining potential discussions to ensue with respect to the governance of the theatres.

MOVED and seconded: That, in response to the presentation by the City of Victoria on May 23, 2017, Council express interest in participating in future discussions on aligning the Royal Theatre and the McPherson Playhouse.

CARRIED

8. ***Purchase of Public Art***

- Report - Director of Parks, Recreation & Culture, May 23, 2017

Janet Barclay, Manager of Recreation and Culture in attendance for this item.

MOVED and seconded: That Council approve the purchase of the Sleeping Giants art work as recommended by the Parks, Recreation and Culture Commission at a cost of \$15,500 plus \$775 GST and \$1,085 PST, with funding to come from the Public Art Fund.

CARRIED

9. ***Grant Opportunity - Strategic Priorities Fund (Federal Gas Tax Fund)***

- Report - Director of Engineering Services, May 23, 2017
- ADDENDA - Corresp. Grant Application - Strategic Priorities Fund, May 19 - 23, 2017

MOVED and seconded: That staff be authorized, on behalf of the District of Oak Bay, to submit an application for a Federal Gas Tax Fund – Strategic Priorities Fund grant, in order to complete the Humber Catchment construction phases of the Uplands Sewer Separation Project.

CARRIED

MOVED and seconded: That staff be authorized, on behalf of the District of Oak Bay, to submit an application for a Federal Gas Tax Fund – Strategic Priorities Fund grant, in order to complete the Oak Bay Recreation Centre Energy Recovery Project.

CARRIED

MOVED and seconded: That staff be authorized, on behalf of the District of Oak Bay, to apply for a grant under the capacity-building stream of the Federal Gas Tax Fund – Strategic Priorities Fund for an appropriate project, to be chosen by staff.

MOVED and seconded: That the motion be amended to read, "That staff be authorized, on behalf of the District of Oak Bay, to apply for a grant under the capacity-building stream of the Federal Gas Tax Fund – Strategic Priorities Fund for a project related to asset management".

CARRIED

The question on the motion as amended was then called.

DEFEATED

Mayor Jensen and Councillors Croft
and Kirby against the motion

10. ***Request for Financial Assistance - Ride Don't Hide***

- Note - Director of Corporate Services - Request for Financial Assistance, Ride Don't Hide Special Event, May 17, 2017
- Corresp. - Canadian Mental Health Association, Apr. 28, 2017

Jocelyn de Montmorency, Program Manager, Canadian Mental Health Association BC Division, offered thanks to Oak Bay Council and Oak Bay Police for their of support of Ride Don't Hide in 2016.

MOVED and seconded: That a grant be approved for police marshaling costs related to the Ride Don't Hide Event on June 25, 2017.

CARRIED

11. ***Foreign Purchaser Property Transfer Tax***

- Corresp. - CRD, Apr. 24, 2017

MOVED and seconded: That the correspondence from the Capital Regional District on April 24, 2017 with respect to a Foreign Purchase Property Transfer Tax be received.

CARRIED

12. ***Capital Regional District Bylaw No. 4166, Traffic Safety Commission Establishment Bylaw No. 1, 1990 Amendment Bylaw No. 4, 2017***

- Corresp. - CRD, Apr. 18, 2017

MOVED and seconded: That in accordance with Section 346 of the *Local Government Act*, consent be given by Oak Bay Council for adoption of Capital Regional District Bylaw No. 4166, *Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 4, 2017*.

CARRIED

13. ***Oak Bay Heritage Commission (HComm) Minutes***

- Note - Director of Corporate Services - HComm Minutes - Apr. 6 & 11, 2017
- Minutes, HComm, April 6, 2017
- Minutes, HComm, April 11, 2017

MOVED and seconded: That the meetings of the Oak Bay Heritage Commission held on April 6, 2017 and April 11, 2017 be received for information.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S):

14. ***Correspondence to be received.***

- ADDENDA - Corresp. Bowker Village Housing Agreement Bylaw 2017, No. 4690, May 19 - 23, 2017
- ADDENDA - Corresp. Development Permit with Variances, Cadboro Bay Road and Bowker Avenue (DP000013), May 19 - 23, 2017

MOVED and seconded: That the correspondence attached to the May 23, 2017 agenda for Agenda Item No. 16 and Agenda Item No. 19 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

15. ***Priority Protocol - Zoning Bylaw Amendment for Allowing Day Care Use in Accessory Buildings***

MOVED and seconded: That, in keeping with Council's priority protocol, staff be requested to bring forward a report on the implications with respect to staff time and cost of undertaking a process to consider amending the Zoning Bylaw to permit day care use in accessory buildings.

CARRIED

Councillor Zhelka against the motion

Verbal Reports

Councillor Braithwaite provided a verbal report on the great success of the Young Exceptional Star (YES) Awards recognition dinner.

Councillor Murdoch highlighted the newly released program guide for the Greater Victoria Public Library, which includes many upcoming events for the summer ahead.

At the request of Council, the Chief Administrative Officer advised the an update on deer management would be provided at a future Council meeting.

RESOLUTIONS:

16. ***Development Permit Application with Variances (DP000013) - Cadboro Bay Road/Bowker Avenue***

- Report - Manager of Planning, May 15, 2017
- Rpt. Attach. 1 - Bylaw No. 4680 - Comprehensive Development Use - Bowker Village, 2017
- Rpt. Attach. 2 - Jan. 23, 2017 COW Report - Manager of Planning, Jan. 10, 2017
- Rpt. Attach. 3 - Development Permit With Plans and Drawings

Councillor Ney joined the meeting electronically by phone at 8:57 PM.

MOVED and seconded: That Council approve the application for DP000013, to allow construction of a mixed use commercial and multifamily building on the property collectively known as 2296 Cadboro Bay Road and located at the corner of Cadboro Bay Road and Bowker Avenue.

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

The question was then called.

CARRIED
Councillors Braithwaite, Murdoch
and Zelka against the motion

BYLAWS:

17. ***Bylaw Memorandum***

- Memo - Director of Corporate Services May 18, 2017

The Mayor provided an overview of the bylaw process.

19. ***For Amendment and Third Reading***

- Bowker Village Housing Agreement Bylaw 2017 No. 4690
- Schedule A, Bowker Village Housing Agreement 2017, No. 4690
- ADDENDA - Previous Version, Bowker Village Housing Agreement Bylaw 2017, No. 4690

MOVED and seconded: That the motion made on May 8, 2017 with respect to first three readings of the Bowker Village Housing Agreement 2017 Bylaw No. 4690 be withdrawn.

CARRIED

MOVED and seconded: That Bowker Village Housing Agreement Bylaw 2017 No. 4690 be given first three readings.

CARRIED

ADJOURNMENT:

20. ***Motion to Adjourn***

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:07 PM.

Certified Correct:

Mayor

Deputy Director of Corporate Services