

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 December 11, 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 H. Braithwaite, Chair  
Mayor N. Jensen  
Councillor T. Croft  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Chief Administrative Officer, H. Koning  
Deputy Director of Corporate Services, M. Jones  
Director of Financial Services, D. Carter  
Deputy Director of Financial Services, D. Costin  
Acting Director of Building and Planning, D. Jensen  
Director of Engineering Services, D. Horan

CORPORATE ITEMS

1. ***Oak Bay Police Five Year Strategic Plan***
  - Note - Director of Corporate Services - Police Strategic Plan
  - Presentation - Oak Bay Police Department - Strategic Plan 2018 - 2022, Received Dec. 7, 2017

Chief Constable A. Brinton and Deputy Chief Constable R. Bernoties gave a presentation to the Committee outlining the Oak Bay Police Department - Strategic Plan 2018-2022.

J. Sultanum, Oak Bay resident, offered his congratulations to staff on the strategic plan and asked for clarification on what if any provisions are being undertaken to address the forthcoming legalization of marijuana and if any additional resources will be required.

The Deputy Chief responded to Mr. Sultanum, stating that the primary responsibility of Oak Bay Police in regards to marijuana will be the impact on impaired driving. Mr. Bernoties commented that the required additional training is already underway, and that no further resource implications are anticipated.

K. Matthews, Oak Bay resident, requested further information on Oak Bay Police's role in bylaw enforcement and noted that being able to submit complaints via social media would be of assistance.

The Deputy Chief responded to Ms. Matthews, noting that when bylaw enforcement is not available the Police are happy to assist and that they do have the authority to issue tickets; however, he noted, this is primarily a function provided by the Bylaw Enforcement Officer at the Municipal Hall. He commented that the existing 911 system has many advantages to

submitting complaints by social media and that the current practice is for social media to be used as a community outreach tool.

MOVED and seconded: That it be recommended to Council that the “Oak Bay Police Department 2018 – 2022 Strategic Plan” be received for information.

CARRIED

*The Chief Constable and the Deputy Chief Constable then left the meeting and did not return.*

LAND USE ITEMS:

2. ***Community Association of Oak Bay Turkey Head Recommendation***

- Report - Director of Corporate Services, Dec. 6, 2017
- Corresp. Turkey Head - Nichols, Nov. 27, 2017
- Addenda - Presentation - Community Association of Oak Bay - Turkey Head, Received Dec. 11, 2017
- Addenda - Corresp. Turkey Head Public Engagement Handout, received Dec. 11, 2017

K. Nichols, President of the Community Association of Oak Bay and A. Appleton, Greater Victoria Placemaking, gave a presentation to the Committee on their joint community visioning exercise for Turkey Head.

S. Dewhurst, Oak Bay resident, noted that prior to this presentation, he had been unaware that Turkey Head was public space. He commented that the concepts presented for new events to enhance public awareness of Turkey Head are supportable and that he would be excited to participate.

J. Sirois, Oak Bay resident, commented that Turkey Head has great potential to be a unique public space in the region.

K. Matthews, Oak Bay resident, stated that she worries about the potential for over development of the area and that the impact on the ecology, particularly the native plants, should be considered.

MOVED and seconded: That it be recommended to Council that the presentation by the Community Association of Oak Bay and Greater Victoria Placemaking on the response to their visioning exercise for Turkey Head be received for information.

CARRIED

3. ***Application for Heritage Revitalization Agreement (HRA00003) - 960 Foul Bay Road***

- Memorandum - Acting Director of Building and Planning, Dec. 5, 2017
- Rpt. Attach. 1 - Plans - HRA - 960 Foul Bay Road, Dec 5, 2017
- Memorandum - Acting Director of Building and Planning, Nov. 14, 2017
- Plans - HRA - 960 Foul Bay Rd., Oct 26, 2017
- Report - Acting Director of Building and Planning, Sept. 1, 2017
- Rpt. Attach 1 - Site Plan
- Rpt. Attach. 2 - Heritage Home Plans and Elevations

- Rpt. Attach. 3 - Statement of Significance, Feb. 2017
- Rpt. Attach. 4 - Conservation Plan, Donald Luxton, Apr. 2017
- Rpt. Attach. 5 - Talbot Tree Report, Feb. 24, 2017
- Rpt. Attach. 6 - District Arborist Memo, 960 Foul Bay, Nov 7, 2016
- Rpt. Attach. 7 - Correspondence Received for Application, Sep. 1 2017
- Corresp. - Sep. 15 to Sep. 18, 2017 - 960 Foul Bay Ave
- Addenda - Presentation Applicant - 960 Foul Bay Road, received Dec. 8, 2017

S. Dewhurst, owner and applicant, gave a presentation to the Committee as attached to the agenda, highlighting the amendments to the proposal since it was last considered in September.

Mr. Dewhurst then responded to various question from the Committee. He clarified that a carport is not currently envisioned on proposed lot 3, but that it could be accommodated. With respect to the two suites proposed within the existing dwelling, he commented that it would make sense for him to complete them while undertaking the rest of the construction, but that he was happy to take alternate direction in this regard.

In response to questions from the Committee regarding the potential for alternate configurations, such as a multifamily development on the site or relocating the buildings further back on the lot to allow for on street parking, Mr. Dewhurst commented that the current site layout reflects the concerns voiced by neighbouring residents during the consultation process. He noted that shading was a particular concern, as was increasing street parking, which it was felt could change the character of the neighbourhood. He also noted that he would work with Engineering Services to design any sidewalks and boulevards to the appropriate standards for the District.

Mr. Dewhurst concluded his response to questions from the Committee, commenting that the existing dwelling doesn't lend well to an interior conversion as several heritage features on the inside of the dwelling would need to be lost.

J. Armitage, Oak Bay resident, commented that the proposed development should take into account the importance of the Brighton corridor, which is well-used by pedestrians and cyclists. He stated that it would be unfortunate to overdevelop this area.

W. Cornock, Victoria resident, stated that the plan has improved since September, when it was originally considered at Committee of the Whole, and that she appreciates the efforts by the applicant to address the neighbouring residents concerns. She commented that she and the applicant have not yet had the opportunity to speak and that she has a different perspective. She stated that she would prefer having Brighton Avenue widened and on street parking provided, given that there is no on street parking along Foul Bay Road and that enforcement in the area is challenging. Ms. Cornock stated that the development would have less of an impact on her property if the proposed dwellings were moved to allow for a better view. She commented that, although the proposal is to have the existing building as a single family dwelling with 2 legal suites, the number of proposed rooms in the single family portion could lend to having additional suites. Ms. Cornock concluded her remarks, stating that there have been many positive changes, but that she still has some concerns to be addressed.

C. Hobbs, Oak Bay resident, commented that he wonders about the root zone of the tree which will now be retained and whether the proposed development will have an impact. He stated that consideration should be given to requiring a bond of the proponent in the event of a catastrophic

failure when the existing house is relocated. He concluded his remarks by commenting that consideration should be given to what benefit is gained by the Municipality in approving this proposal.

MOVED and seconded: That it be recommended to Council to consider the heritage revitalization agreement and preserve the Lawson Residence as a municipal heritage site at 960 Foul Bay Road and

- a) direct staff to draft a Heritage Revitalization Bylaw to address the proposed works;
- b) direct staff to draft a heritage designation bylaw to designate the existing home at 960 Foul Bay Road as a municipal heritage site; and
- c) direct staff to proceed with placing the existing home at 960 Foul Bay Road on the Oak Bay Community Heritage Register.

CARRIED

REGULATORY ITEM(S):

4. ***Single-Use Checkout Bag Regulations***

- Report - Director of Corporate Services, Nov. 16, 2017
- Rpt. Attach. A - City of Victoria Mayoral Letter and Proposed Bylaw, Nov. 2, 2017
- Rpt. Attach. B - Environmental Resource Mgmt. Letter. and Proposed Bylaw, Nov. 2, 2017

No members of the public rose to speak.

MOVED and seconded: That it be recommended to Council that the report of the Director of Corporate Services dated November 17, 2017 in regards to Single-Use Checkout Bag Regulations be received for information.

CARRIED

5. ***Mayors Task Force on Community Engagement - Achieving Transparency***

- Report - Mayors Task Force on Public Engagement, Nov. 16, 2017
- Proposal for Public Meetings on Public Engagement in Oak Bay
- Addenda - Corresp. Mayors Task Force on Community Engagement, Nov. 19, 2017
- Addenda - Mandate, Dec. 11, 2017

E. Paterson, Oak Bay resident, thanked the task force for their work on the report. She commented that she was pleased to see reference to the International Association of Public Participation in the report and the emphasis on transparency, accountability and sharing information in a timely manner. Ms. Paterson emphasized the importance of public engagement in decision-making, commenting that if the reports on asset management and building management analysis had been released in advance of the Community Satisfaction Survey, the results might have been different. She also noted that if these reports had been available during the project planning for the Uplands Combined Sewer Separation project, greater consideration might have been given to financing the sewer separation. Ms. Paterson concluded her remarks by noting that the many of the hundreds of residents that have recently attended meetings for various land use applications have expressed concern regarding the public engagement process.

K. Matthews, Oak Bay resident, commented that lack of public engagement by the District has been an issue. She stated that, although registering makes sense, putting a cap on the number of attendees who can participate in the public forum is concerning. She commented that the goal of public engagement should be empowering the community. She stated that increasing communication with the public through the Oak Bay News should be considered. Ms. Matthews concluded her remarks by stating that District staff should improve their acknowledgement processes with emails.

A. Appleton, Oak Bay resident, stated that during the recent visioning exercise for Turkey Head undertaken by the Community Association of Oak Bay and the Greater Victoria Placemaking Networking, members of the public were concerned that there had already been some kind of decision made in advance of the consultation. He commented that a more free-form discussion could lead to a positive result.

C. Hobson, Oak Bay resident, commented that he is also concerned about the proposal to limit the number of attendees at the public forum. He encouraged the Committee to read through the correspondence on the agenda.

J. Sultanum, Oak Bay resident, stated that he is unable to determine either the purpose of the task force's report or the intention of the Committee with regards to the report. He stated that the report is not acceptable and that it contains factual errors, as noted in the correspondence. He commented that this is the last year of Council's current term and that the members of Council seem divided. He questioned if it makes sense to discuss this issue now and stated that it should be left for consideration after the next municipal elections.

W. Cornock, Victoria resident, commented that it was difficult to determine when the Heritage Revitalization Agreement for 960 Foul Bay Road was coming forward to this meeting and asked for clarification on the signage requirements for land use applications.

In response to questions from the public, the Acting Director of Building and Planning confirmed that the District's signage requirements are contained in the Land Use Procedures and Fees Bylaw. Ms. Jenson clarified that the meeting date advertised on the sign is the Public Hearing and that a Public Hearing for 960 Foul Bay Road has not yet been called.

MOVED and seconded: That it be recommended to Council that the report by the Mayor's Task Force on Public Engagement dated November 16, 2017, the "Proposal for Public Meetings on Public Engagement in Oak Bay", and the Task Force Mandate dated December 11, 2017 be received for information, and further that the task force report be brought forward to a future public forum.

CARRIED

Councillors Braithwaite and Murdoch against the motion

## ADJOURNMENT

### 6. *Motion to Adjourn - Special Council to Reconvene*

The Chair noted that, following adjournment of the Committee of the Whole, a 5 minute recess would be held before the Special Council meeting reconvened.

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:21 PM.

Certified Correct:

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Chair

*Maura Jones*  
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Deputy Director of Corporate Services