

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, February 20, 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: Mayor N. Jensen, Chair  
Councillor H. Braithwaite  
Councillor T. Croft  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney (via telephone conference)  
Councillor E. W. Zhelka

STAFF: Chief Administrative Officer, H. Koning  
Director of Building and Planning, R. Thomassen  
Fire Chief, D. Cockle  
Manager of Planning, D. Jensen  
Director of Engineering Services, D. Horan  
Superintendent of Public Works, D. Brozuk  
Director of Parks, Recreation & Culture, R. Herman  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, M. Jones

The Mayor called the meeting to order at 7:00 PM.

PARKS, RECREATION AND CULTURE ITEMS:

1. ***Parks Recreation and Culture Commission Minutes***
  - Note - Deputy Director of Corporate Services - PR&C Comm Minutes, Feb.1 2017 - additional recommendation re 2017 budget and fees
  - Minutes - PR&C Comm – Feb. 1, 2017
  - Rpt. Attach. 1 - Program Reports Feb. 2017
  - Rpt. Attach. 2 - Finance Summary
  - Rpt. Attach. 3 – Public Art Policy Feb. 2017
  - Rpt. Attach. 4 – Tree Summary

*The Director of Parks, Recreation and Culture was in attendance for this item.*

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks, Recreation and Culture Commission held on February 1, 2017, and the recommendations contained therein, with the exception of the recommendations with respect to the proposed Public Arts Policy and the proposed Public Art Committee Terms of Reference, be approved; and further that it be recommended to Council that:

1. the funding requested for the Public Art Policy be referred to the 2017 Estimates Committee sessions; and

2. the Public Art Policy and Public Art Committee Terms of Reference be approved in principle, subject to funding approval following the conclusion of the Estimates Committee budgetary process.

CARRIED

#### EMERGENCY SERVICES ITEMS

2. ***Expansion of Public Opportunities for Beach Fires***
  - Note – Deputy Director of Corporate Services - Expansion of Public Opportunities for Beach Fires
  - Report – Fire Chief, Dec. 5, 2012

*The Fire Chief was in attendance for this item.*

MOVED and seconded: That it be recommended to Council that staff report on the feasibility of lifting the ban on beach fires in Oak Bay.

DEFEATED

Mayor Jensen and Councillors Braithwaite, Croft, Kirby, Ney & Zhelka against the motion.

#### ENGINEERING SERVICES ITEMS

3. ***Fees for Services: Provision of Sewer, Water and Driveway Access***
  - Report – Director of Engineering Services, Feb. 20, 2017
  - Rpt. Attach. 1 – Public Sewer Bylaw Schedule A Proposed Changes
  - Rpt. Attach. 2 – Driveway Access Bylaw Schedule A Proposed Changes
  - Rpt. Attach. 3 – Water Rates Bylaw Connection Fees Proposed Changes
  - Rpt. Attach. 4 – Public Sewer, Driveway Access and Water Rates Cost Breakdowns
  - Rpt. Attach. 5 – Rates Comparison, Oak Bay and Capital Region

*The Superintendent of Public Works was in attendance for this item.*

E. Paterson, Oak Bay resident, stated that there were three unfinished driveways on her street and she asked who would be responsible for the cost of their completion – the past owner, the contractor or the new owners.

In response, the Director of Engineering Services stated that each case would have to be evaluated on an individual basis. He said that proposed policy and fees would help to ensure that in the future enough money was collected to ensure that all required works could be completed.

R. Collins, Oak Bay resident, commented that he had been originally informed that the storm drain connection for his property would be \$3,800 to \$4,000, but that when he received his formal estimate it was \$11,000.

MOVED and seconded: That it be recommended to Council that the Director of Engineering Services bring forward amendments to the Public Sewer Bylaw, the Driveway Access Bylaw and the Water Rates Bylaw, that reflect the actual costs for the provision of municipal services in accordance with the report of the Director of Engineering Services dated February 20, 2017.

CARRIED

Councillor Kirby against the motion.

#### LAND USE APPLICATIONS

4. ***Uplands Siting & Design Application (ADP00056) – 3145 Exeter Road***

- Report – Manager of Planning, Feb. 14, 2017
- Plans – ADP – 3145 Exeter Rd., Jan. 27, 2017

MOVED and seconded: That it be recommended to Council that the proposal to modify the exterior design of the home at 3145 Exeter Road, as outlined in the February 14, 2017 report for ADP00056 be approved as to architectural design and siting.

CARRIED

5. ***Uplands Siting & Design Application (ADP00063) – 3200 Exeter Road***

- Report – Manager of Planning, Feb. 14, 2017
- Plans – ADP – 3200 Exeter Rd., Dec. 16, 2016

R. Collins, representing the application, responded to questions from the Committee. In response to a question he said that consistent with the original design the siding on the house would be “squared” and the siding on the carport would be “angled”.

MOVED and seconded: That it be recommended to Council that the proposal to undertake exterior renovations and enclose the existing carport at 3200 Exeter Road, as outlined in the February 14, 2017 report for ADP00063 be approved as to architectural design and siting.

CARRIED

6. ***Uplands Siting & Design Application (ADP00065) – 2345 Cadboro Bay Road***

- Report – Manager of Planning, Feb. 14, 2017
- Plans – ADP – 2345 Cadboro Bay Rd., Jan. 12, 2017

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building at 2345 Cadboro Bay Road, as outlined in the February 14, 2017 report for ADP00065, be approved as to architectural design and siting.

CARRIED

7. ***Development Permit Application (DP000014) – 2200 Oak Bay Avenue***

- Report – Manager of Planning, Feb. 14, 2017
- Plans – DP – 2200 Oak Bay Ave., Feb. 15, 2017

R. Collins and A. Tucker representing the application, responded to questions from the Committee. In response to a question concerning the condition of the sidewalk Mr. Tucker commented that it appeared that tree roots were causing the sidewalk to heave at times. The Director of Engineering responded that staff regularly monitor and repair the sidewalk in an attempt to reduce tripping hazards.

MOVED and seconded: That it be recommended to Council that the proposal to undertake exterior renovations for the existing building at 2200 Oak Bay Avenue be approved subject to the issuance of Development Permit DP000014.

CARRIED

8. ***Zoning Amendment (ZON00020) & Development Variance Permit Application (DVP00031) – 1605 York Place***

- Memorandum - Manager of Planning, Feb. 14, 2017
- Memo. Attach. - Statement of Significance
- Excerpt - Committee of the Whole, Jan. 16, 2017
- Jan. COW Report - Manager of Planning, Jan. 10, 2017
- Plans - ZON DVP -1605 York Pl, Sept 20, 2016
- Rpt. Attach. 2 - Draft Bylaw No 4675, Ninety-Sixth Zoning Bylaw Amendment Bylaw, 2017 (1605 Yale Street)
- Rpt. Attach. 3 - Tree Resources
- Rpt. Attach. 4 - Correspondence Received

K. Jordan and T. McElvaine, applicants, appeared before the Committee to say that they are committed to having the property designated under provincial legislation as “Heritage”. Mr. McElvaine said that they chose not to put in a garage in order to protect a large Sequoia tree.

P. Wilson, Oak Bay resident, said she supported the subdivision and the heritage designation for the existing house. She asked that when the new home is constructed that the owners consider adopting the guidelines and objectives of the proposed Heritage Conservation Area.

J. Sultanam, Oak Bay resident, said it was good news that the property was going to be designated “Heritage”. He asked if any compensation to the property owners would be required. The Director of Building and Planning responded that because the designation was voluntary no compensation would be required.

MOVED and seconded: That it be recommended that Council consider the applications to develop two single family residential lots at 1605 York Place; and

- a) consider a draft bylaw to rezone a portion of lands from One Family Residential Use (RS-2) to One Family Residential Use (RS-3);
- b) direct staff to secure registration of an environmental covenant prior to adoption of the Zoning amendment bylaw;
- c) direct staff to proceed with placing the existing home at 1605 York Place on the Oak Bay Community Heritage Register;
- d) give notice of Council's consideration of DVP00031; and
- e) approve the application for DVP00031, to permit a relaxation of minimum lot width for proposed Lots A and B, and currently known at 1605 York Place subject to approval of ZON00020.

CARRIED

9. **Zoning Amendment Application (ZON00023) – Cadboro Bay Road, Bowker Avenue**
- Memorandum - Manager of Planning, Feb. 16, 2017
  - Memo Attach. 1 - Draft Zoning Amendment Bylaw
  - Memo Attach. 2 - Correspondence from Applicant, Feb. 16, 2017
  - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017, Pt. 1 of 3
  - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 2 of 3
  - Plans - ZON - 2296 Cadboro Bay Rd., Feb. 15, 2017 Pt. 3 of 3
  - Presentation - Applicant, ZON00023, Feb. 17, 2017
  - Corresp. - January 23 - Feb. 16, 2017 - Zoning Amendment Application (ZON00023)
  - ADDENDA Corresp. - February 17 - 20, 2017 - Zoning Amendment Application (ZON00023)
  - Excerpt - Committee of the Whole, Jan. 16, 2017
  - Jan. COW Report - Manager of Planning, Jan. 10, 2017
  - Jan. COW Plans - ZON - 2296 Cadboro Bay Rd
  - Jan. COW Plans Concept - ZON - 2296 Cadboro Bay Rd
  - COW Rpt. Attach. 2 - Draft Zoning Amendment Bylaw
  - COW Rpt. Attach. 3a - Report on Tree Resources (1 of 2)
  - COW Rpt. Attach. 3b - Report on Tree Resources (2 of 2)
  - COW Rpt. Attach. 4a - Reports on Transportation, Parking and Infrastructure (1 of 2)
  - COW Rpt. Attach. 4b - Reports on Transportation, Parking and Infrastructure (2 of 2)
  - COW Rpt. Attach. 5 - District Report on CB Rd - Bowker Ave Intersection, Sep. 15, 2009
  - COW Rpt. Attach. 6 - Correspondence Received
  - COW Corresp. - Jan. 13 - 16, 2017 - Zoning Amendment Application (ZON00023)
  - Excerpt - Council, Jan. 23, 2017
  - Council Note - Deputy Director of Corporate Services - Zoning Amendment Application (ZON00023)
  - Council Corresp. - Jan. 16 - 20, 2017 - Zoning Amendment Application (ZON00023)
  - Council Corresp. - Jan. 20 - 23, 2017 - Zoning Amendment Application (ZON00023)
  - Council Corresp. - Applicant, Jan. 20, 2017
  - Council Corresp. - Applicant, Jan. 23, 2017
  - Council Presentation Request - Supplementary Information, Applicant, Jan. 23, 2017

M. Miller and G. Damont appeared on behalf of the applicant, Abstract Developments. M. Miller outlined the consultation and engagement process the applicant has undertaken in the past few years. He said that following the last meeting Abstract amended their application to include a greater setback on Bowker and a \$50,000 increase to their contribution to assist in upgrading the intersection at Bowker and Cadboro Bay. G. Damont reviewed the property and building design plans and responded to questions by members of Council.

L. Frenette, Oak Bay resident, said she supports the development and that the process has been good. She said the applicant has listened to the neighbours. She commented that parking is not a problem in the neighbourhood.

L. Lalonde, Oak Bay resident, said she did not support the development as it stands. She said her primary concern was the setback on Cadboro Bay. She stated that the variances are very significant and that this is an issue for all of Oak Bay not just the immediate neighbours.

J. Herbert, Oak Bay, said the building will change the nature of future construction in Oak Bay. He said that the rest of Oak Bay needs to be informed about the proposal and that Council should hold a public meeting on the development where all people in Oak Bay were invited.

P. Wilson, Oak Bay resident, said that the building has too much mass especially on the Cadboro Bay side. She said she supports more density on the site, but that the Cadboro Bay side is not appropriate. She stated that the project should be reviewed by all Oak Bay residents.

B. Filan, Oak Bay resident, said that the massing of the building was too great and that the proposal was not the right development for the site. He said that the intersection is already dangerous and that this development would make it more dangerous. He said that there is no evidence that Oak Bay needs more commercial development. He stated that the development does not respond to the need for affordable housing nor to the needs of seniors.

MOVED and seconded: That the meeting continue past 10:30 PM to 11:00 PM.

CARRIED

A. Mears, Oak Bay resident, asked what the applicant might have paid in (Development Cost Charges) DCC's if the District had them in place. The Director of Corporate Services responded that the given the fact the DCC calculations have not been done it would not be appropriate to guess an amount.

M. Cumming, Oak Bay resident, asked if the proponent was planning to move the blue house on Bowker and the timber-framed house on Cadboro Bay. She said she was grateful for many aspects of the development, but that there should be more benefits to the community. She suggested that affordable housing should be included in the development and that the District should be looking for innovate ways to incent and provide affordable housing.

B. Robbins, Oak Bay resident, said that he supported the development. He said the setbacks are fine and that the development, through its design and financial contributions, will help with the intersection and traffic problems.

S. Scott, Oak Bay resident, said that she does not support the development as it is too big, too large and a bad precedent for Oak Bay.

R. McDonald, Oak Bay resident, said that the development is far too big and the massing too great. She said there were too many variances and that the development should adhere to setback requirements. She stated that Oak Bay needs more rental housing and that this should be a focus of the District.

E. Walker, Oak Bay resident, said he cannot support the development because there are too many variances and it is the wrong development for the site.

M. Miller, Abstract Properties, responded to an earlier question saying that they plan to move all four houses from the development site.

MOVED and seconded: That the meeting be extended to 11:30 PM.

CARRIED

MOVED and seconded; That it be recommended to Council to consider the application to develop a mixed use commercial and multifamily development on properties at the corner of Cadboro Bay Road and Bowker Avenue; and

- a) consider a draft bylaw to rezone a portion of lands from Three Storey Multiple Dwellings Use (RM-3) to a new Comprehensive Development Use - Bowker Village (CD-3);
- b) direct staff to secure registration of a covenant to secure the front commercial space as restaurant use;
- c) direct staff to secure registration of a statutory right of way to secure the front plaza area for public use; and
- d) direct staff to secure a housing agreement that will restrict any limitations on the rental of housing units.

CARRIED  
Councillors Braithwaite, Murdoch  
and Zhelka against the motion

MOVED and seconded: That the meeting be extended beyond 11:30 PM.

CARRIED

#### REGULATORY ITEMS

10. ***Zoning Bylaw General Amendments (ZON00026)***

- Report – Manager of Planning, Feb. 14, 2017
- Rpt. Attach. 1 – Draft Zoning Amendment Bylaw

MOVED and seconded: That it be recommended to Council to consider the general amendments as set out in the draft bylaw for ZON00026.

CARRIED

MOVED and seconded: That wording be included in the draft bylaw for ZON00026 for consideration at Council that addresses the garage exemption so as not to require that garages be located 1 metre back from the remainder of the front face of the principal building.

CARRIED

MOVED and seconded: That the meeting continue past 11:30 PM.

CARRIED

11. ***Election Signs – Bylaw 4671***

- Report – Director of Corporate Services, Jan. 23, 2017
- Corresp. – Election Signs – Bylaw 4671, Oct. 21, 2016 – Feb. 20, 2017

J. Sultanam, Oak Bay resident, said that he was opposed to having to receive the consent of a property owner in order to place an election sign on a public boulevard adjacent to a property owner. He said it was common sense to attain the approval, but requiring it by bylaw was unconstitutional.

MOVED and seconded: That it be recommended to Council that consideration of Bylaw 4671 be referred to the February 27, 2017 Council meeting.

CARRIED

ADJOURNMENT:

12. ***Motion to adjourn***

MOVED and seconded: That the meeting be adjourned.

CARRIED

The Meeting adjourned at 11:36 PM.

Certified Correct:

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Chair

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Director of Corporate Services