

REPORT of a PUBLIC HEARING of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Dave Dunnet Community Theatre, l'Ecole Secondaire Oak Bay High School, 2121 Cadboro Bay Road, Victoria, BC, on Bylaws No. 4686, 4689 & 4680, Wednesday May 3, 2017 at 6:00 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
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Director of Corporate Services, W. Jones
Deputy Director of Corporate Services, M. Jones
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Horan
Manager of Planning, D. Jensen
Municipal Arborist, C. Paul
Recording Secretary, C. Duncan

CALL TO ORDER:

The Mayor called the meeting to order at 6:00 PM and provided opening remarks with respect to the conduct of a Public Hearing.

BYLAWS TO BE CONSIDERED - NO. 4686 & 4689

1. ***Description of the Purpose of Purpose of Bylaws No. 4686 and 4689***
 - Notice of Public Hearing
 - Bylaw No. 4686, Ninety-Ninth Zoning Bylaw Amendment Bylaw, 2017
 - Bylaw No. 4689, One Hundredth Zoning Bylaw Amendment Bylaw, 2017

At the request of the Mayor, the Manager of Planning described the purpose of Bylaw No. 4686, *Ninety-Ninth Zoning Bylaw Amendment Bylaw, 2017* commenting that this bylaw, if adopted, would amend the Zoning Bylaw No. 3531 by including bicycle rentals and bicycle tours as permitted uses within the Marine Commercial Use (CS-2) zone at 1327 Beach Drive, the Oak Bay Marina. Ms. Jensen noted that in 2016, Council had chosen to allow this activity on a trial basis and that since that time no concerns have arisen.

Turning to Bylaw No. 4689, Ms. Jensen described the purpose of the *One Hundredth Zoning Bylaw Amendment Bylaw, 2017* commenting that this bylaw, if adopted, would amend the Zoning Bylaw No. 3531 by deleting paragraph 10.2.4.(3) of the Marine Commercial Use (CS-2) zone to allow for whale watching tours at 1327 Beach Drive, the Oak Bay Marina.

2. ***Meeting excerpt and written submissions for Bylaw No. 4686, received prior to April 10, 2017 and distributed prior to Public Hearing, to be received***

- Excerpt – April 10, 2017
- April 10, 2017 Council Memo - Deputy Director of Corporate Services, Apr. 5, 2017
- Bylaw No. 4686, Ninety-Ninth Zoning Bylaw Amendment Bylaw, 2017
- Mar. 20, 2017 COW Report - Manager of Planning, Mar. 13, 2017
- Plans - ZON - 1327 Beach Dr, Jun. 6, 2016

MOVED and seconded: That the meeting excerpt and written submissions for Bylaw No. 4686 distributed prior to the Public Hearing, as attached to Agenda Item 2, be received.

CARRIED

3. ***Meeting excerpt and written submissions for Bylaw No. 4689, received prior to April 10, 2017 and distributed prior to Public Hearing, to be received***

- Excerpt - Apr. 10, 2017
- Apr. 10, 2017 Council Report - Director of Corporate Services, Apr. 5, 2017
- Bylaw No. 4689, One Hundredth Zoning Bylaw Amendment Bylaw No. 4689, 2017

MOVED and seconded: That the meeting excerpt and written submissions for Bylaw No. 4689 distributed prior to the Public Hearing, as attached to Agenda Item 3, be received.

CARRIED

4. ***Written submissions to May 3, 2017 Public Hearing for Bylaws No. 4686 and 4689, not previously distributed, to be received***

- Corresp. - Apr. 11 - 27, 2017 - Bylaws No. 4686 & 4689
- ADDENDA - Corresp. - Apr. 27 - May 3 - Bylaws No. 4686 & 4689

MOVED and seconded: That the written submissions for Bylaws No. 4686 and No. 4689 not previously distributed and as attached to Agenda Item 4, be received.

CARRIED

5. ***Reading of New Correspondence***

The Deputy Director of Corporate Services read correspondence from Oak Bay resident C. Green into the record, expressing opposition to Bylaw No. 4689. This correspondence was received after the submission deadline for the amended agenda.

6. ***Public Input***

Mayor Jensen invited members of the public to come forward to speak on Bylaws No. 4686 and 4689.

J. Sirois, Oak Bay resident, stated that the seafront near the Marina is of exceptional natural and cultural heritage and that the community needs to develop a plan for the seafront.

B. Eisenhower, Oak Bay resident, spoke in favour of the proposal which, if operated responsibly, would encourage tourists and animate the marina area.

M. Kelly, Oak Bay resident, expressed concerns about the proposal. She noted that there is already a great deal of activity in the area by paddle boarders, kayakers, and children. She stated that whale watching boats are already a problem in the area with operators not adhering to the rules of proximity to the whales.

B. McPhee, Oak Bay resident, stated that the purpose of the tours is not only to see whales but also to take in the beauty of the natural area and there is a risk of damaging this natural area in the process. He urged Council to consider the impact before making a decision.

S. Artz, Oak Bay resident, spoke in support of the letter read into the record.

R. Marshall, Oak Bay resident, stated that the whale watching bylaw was not given the same attention as the bike rental bylaw despite whale watching having a much more significant impact. He noted that the whale watching proposal did not come from the Marina but came instead from municipal staff. He stated that there was no sign posted at the property as there was for the bike proposal, that the whale watching proposal was not considered by the Committee of the Whole. He stated that the whale watching proposal has been expedited and was raised only three weeks ago whereas the bike rental proposal has been discussed for 11 months. He questioned why the proposal is being brought forward by the municipality. He stated that there are no regulations included in the proposal, such as hours of operation. He believes that there has not been enough review of the whale watching proposal and that it does not meet the municipality's own procedural obligations including the requirement for public notification at the site. He stated that the bylaw should be withdrawn for these reasons.

J. Sultanum, Oak Bay resident, spoke in support of the comments by Mr. Marshall and stated that the bylaw should be withdrawn. He noted pending UNESCO (United Nations Educational, Scientific and Cultural Organization) applications and raised concerns about the impact on First Nations. He spoke in support of the letter read into the record.

L. Cairns, Oak Bay resident, expressed support for the concerns raised by previous speakers and voiced her support of Mr. Marshall's suggestion that the proposal be withdrawn.

L. Mildon, Oak Bay resident, noted that the proposal does not include limits on the number of trips, times of day, or out of bound areas. Through his experience in the Oak Bay Sea Rescue he believes that whale watching boats will run at full power and will add noise to the area.

P. Cassidy, Oak Bay resident, commented that over the years we have been able to keep the community special and this should be kept in mind. She stated that the proposal needs to fit in with the community.

D. Savard, Oak Bay resident, stated that further review is necessary and that there should be clear benefits to Oak Bay. He noted that the area is primarily residential and that there are potential drawbacks.

Mayor Jensen asked two more times if any members of the public would like to come forward to speak on Bylaws No. 4686 and 4689. No one came forward.

7. ***Motion to Adjourn the Public Hearing for Bylaws No. 4686 and 4689***

MOVED and seconded: That the Public Hearing for Bylaws No. 4686 and 4689 be adjourned.

CARRIED

The Public Hearing for Bylaws No. 4686 and 4689 adjourned at 6:36 PM.

The Mayor called the Public Hearing with respect to Bylaw No. 4680 to order at 6:37 PM.

BYLAW TO BE CONSIDERED - NO. 4680

8. ***Description of the Purpose of Purpose of Bylaw 4680***

- Notice of Public Hearing
- Bylaw No. 4680, Ninety-Seventh Zoning Bylaw Amendment Bylaw, 2017

At the request of the Mayor, the Manager of Planning described the purpose of Bylaw No. 4680, *Ninety-Seventh Zoning Bylaw Amendment Bylaw, 2017* commenting that this bylaw, if adopted, would amend the Zoning Bylaw No. 3531 by rezoning the property at 2258, 2268, 2276 and 2296 Cadboro Bay Road, and 2247 Bowker Avenue from Three Storey Multiple Dwellings Use (RM-3) to a new Comprehensive Development Use - Bowker Village (CD-3) zone to permit a mixed use development including commercial use and multifamily dwellings.

9. ***Written submissions to Committee of the Whole on January 16, 2017 and meeting excerpt to be received***

- CORRECTED Excerpt - Committee of the Whole, Jan. 16, 2017
- Jan. 16, 2017 COW Report - Manager of Planning, Jan. 10, 2017
- Plans - ZON - 2296 Cadboro Bay Rd
- Plans Concept - ZON - 2296 Cadboro Bay Rd
- Rpt. Attach. 2 - Draft Zoning Amendment Bylaw
- Rpt. Attach. 3 - Report on Tree Resources
- Rpt. Attach. 3a - Report on Tree Resources
- Rpt. Attach. 4a - Reports on Transportation, Parking and Infrastructure (1 of 2)
- Rpt. Attach. 4b - Reports on Transportation, Parking and Infrastructure (2 of 2)
- Rpt. Attach. 5 - District Report on CB Rd - Bowker Ave Intersection, Sep. 15, 2009
- Rpt. Attach. 6 - Correspondence Received
- Presentation 1 of 5 - ZON00023 - Introduction
- Presentation 2 of 5 - ZON00023 - Renderings
- Presentation 3 of 5 - ZON00023 - Plans and Materials
- Presentation 4 of 5 - ZON00023 - Landscape
- Presentation 5 of 5 - ZON00023 - Community Amenity
- Corresp. - Jan 13 - 16, 2017 - Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue

MOVED and seconded: That the written submissions to Committee of the Whole on January 16, 2017 and meeting excerpt as attached to Agenda Item 9 be received.

CARRIED

10. ***Written submissions to Council on January 23, 2017 and meeting excerpt to be received***
- Excerpt - Council, Jan. 23, 2017
 - Jan. 23, 2017 Council Note - Deputy Director of Corporate Services - Consideration of Proposed Zoning Amendment Cadboro Bay Road and Bowker Avenue (ZON00023)
 - Corresp. - Jan. 16 - 20, 2017 - Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue
 - Corresp. - Jan. 20 - 23, 2017 - Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue
 - Corresp. Applicant Jan. 20, 2017
 - Corresp. - Applicant, Jan. 23, 2017
 - Presentation Request - Supplementary Information, Applicant, Jan. 23, 2017

MOVED and seconded: That the written submissions to Council on January 23, 2017 and meeting excerpt as attached to Agenda Item 10 be received.

CARRIED

11. ***Written submissions to Committee of the Whole on February 20, 2017 and meeting excerpt to be received***
- Excerpt - Committee of the Whole, Feb. 20, 2017
 - Feb. 20, 2017 COW Memorandum - Manager of Planning, Feb. 16, 2017
 - Feb. 20, 2017 COW Memo Attach. 1 - Draft Zoning Amendment Bylaw
 - Feb. 20, 2017 COW Memo Attach. 2 - Correspondence from Applicant, Feb. 16, 2017
 - Plans - ZON - 2296 Cadboro Bay Rd, Feb 15, 2017 Pt 1
 - Plans - ZON - 2296 Cadboro Bay Rd, Feb 15, 2017 Pt 2
 - Plans - ZON - 2296 Cadboro Bay Rd, Feb 15, 2017 Pt 3
 - Presentation - Applicant, ZON00023, Feb. 17, 2017
 - Corresp. - January 23 - Feb. 16, 2017 - Zoning Amendment Application (ZON00023)
 - Corresp. - Feb. 17 - 20, 2017 - Zoning Amendment Application (ZON00023)

MOVED and seconded: That the written submissions to Committee of the Whole on February 20, 2017 and meeting excerpt as attached to Agenda Item 11 be received.

CARRIED

12. ***Written submissions to Council on February 27, 2017 and meeting excerpt to be received***
- Excerpt - Council, Feb. 27, 2017
 - Feb. 27, 2017 Council Memo - Deputy Director of Corporate Services, Feb. 23, 2017
 - Bylaw No. 4680, Ninety-Seventh Zoning Bylaw Amendment Bylaw, 2017

MOVED and seconded: That the written submissions to Council on February 27, 2017 and meeting excerpt as attached to Agenda Item 12 be received.

CARRIED

13. ***Written submissions to Committee of the Whole on March 20, 2017 and meeting excerpt to be received***

- Excerpt - Committee of the Whole, Mar. 20, 2017
- Presentation - Applicant, ZON00023, Mar. 20, 2017
- Corresp. - Applicant, Additional Information, Mar. 20, 2017
- Corresp. - Applicant, Mar. 9, 2017
- Corresp. - Applicant, Street Sections and Sidewalk Widths, Mar. 9, 2017
- Corresp. - Feb. 26 - Mar. 16, 2017 - Zoning Amendment Application (ZON00023)
- Corresp - Mar. 17 - 20, 2017 - Zoning Amendment Application (ZON00023)

MOVED and seconded: That the written submissions to Committee of the Whole on March 20, 2017 and meeting excerpt as attached to Agenda Item 13 be received.

CARRIED

14. ***Written submissions to Council on March 27, 2017 and meeting excerpt to be received***

- Excerpt - Council, Mar. 27, 2017 (correspondence)
- Excerpt - Council, Mar. 27, 2017 (bylaw section)
- Corresp. - Mar. 21 - 23, 2017 - Zoning Amendment Application (ZON00023 - Cadboro Bay Road, Bowker Avenue)
- Corresp. - Mar. 24 - 27, 2017 - Zoning Amendment Application (ZON00023 - Cadboro Bay Road, Bowker Avenue)
- Mar. 20, 2017 Council Memo - Deputy Director of Corporate Services, Mar. 23, 2017
- Bylaw No. 4680, Ninety-Seventh Zoning Bylaw Amendment Bylaw, 2017

MOVED and seconded: That the written submissions to Council on March 27, 2017 and meeting excerpt as attached to Agenda Item 14 be received.

CARRIED

15. ***Written submissions to Council on April 10, 2017 and meeting excerpt to be received***

- Excerpt - Apr. 10, 2017 (correspondence)
- Excerpt - Council, Apr. 10, 2017 (bylaw)
- Corresp. - Applicant, Bylaw No. 4680 (Zoning Amendment Application ZON00023 - Cadboro Bay Road, Bowker Avenue), Apr. 7, 2017
- Apr. 10, 2017 Council Memo - Deputy Director of Corporate Services, Apr. 5, 2017

MOVED and seconded: That the written submissions to Council on April 10, 2017 and meeting excerpt as attached to Agenda Item 15 be received.

CARRIED

16. ***Written submissions to Council on April 24, 2017 to be received***

- Apr. 24, 2017 Council Memo - Manager of Planning, Apr. 20, 2017
- Memo Attach. 1 - Corresp. Applicant, Apr. 7, 2017
- Memo Attach. 2 - Corresp. Landscape Architect, Tree Canopy Coverage, Apr. 7, 2017
- Memo Attach. 3 - Tree Canopy Drawings, Apr. 7, 2017

- Corresp. - Mar. 27 - Apr. 19, 2017 - Zoning Amendment Application (ZON00023 - Cadboro Bay Road, Bowker Avenue)
- Corresp. - Apr. 21 - 24, 2017 - Zoning Amendment Application (ZON00023 - Cadboro Bay Road, Bowker Avenue)

MOVED and seconded: That the written submissions to Council on April 24, 2017 as attached to Agenda Item 16 be received.

CARRIED

17. ***Written submissions to May 3, 2017 Public Hearing for Bylaw No. 4680 not previously distributed to be received***

- ADDENDA - Presentation 2 (Public - Mr. D. Dawson) - Bylaw No. 4680
- ADDENDA - Presentation 3 (Public - Mr. G. Hobart) - Bylaw No. 4680
- ADDENDA Corresp. - April. 25 - 27, 2017 - Zoning Amendment Application (ZON00023 - Cadboro Bay, Bowker Avenue)
- ADDENDA Corresp. - Apr. 27 - May 1, 2017 - Zoning Amendment Application (ZON00023 - Cadboro Bay, Bowker Avenue)
- ADDENDA - Corresp. - May 1 - 3, 2017 - Zoning Amendment Application (ZON00023 – Cadboro Bay, Bowker Avenue)

MOVED and seconded: That the written submissions for Bylaw No. 4680 not previously distributed and as attached to Agenda Item 17 be received.

CARRIED

18. ***Reading of New Correspondence***

The Deputy Director of Corporate Services read correspondence from Oak Bay resident D. Dawson into the record, expressing opposition to Bylaw No. 4680. This correspondence was received after the submission deadline for the amended agenda.

19. ***Presentation from the Applicant***

- ADDENDA Applicant Presentation 1 of 3 at Public Hearing - Bylaw No. 4680
- ADDENDA Applicant Presentation 2 of 3 at Public Hearing - Bylaw No. 4680
- ADDENDA Applicant Presentation 3 of 3 at Public Hearing - Bylaw No. 4680

Mike Miller, President, Abstract Developments, provided background information about the company. He stated that since 1999, the company has built 70 projects of which 18 have been in Oak Bay. He spoke about the company's acquisition of the Bowker properties, which began in 2013. He described the community engagement meetings that took place beginning in December 2015 and the public feedback received at these meetings. He stated that there have been more than 20 significant changes to the project since the start.

Greg Damant, Cascadia Architects, provided comment on Oak Bay's Official Community Plan (OCP) and the location of secondary villages, such as Bowker Village. He described Oak Bay as a suburban community with space for increased density along the arterial roads. He described the Bowker site, noting its triangular shape and unique challenges.

He commented on the need to make the street more pedestrian friendly and reviewed the process that was used in conceptualizing the project. He spoke about the placement of the commercial units along Cadboro Bay Road and how the design is intended to create a sense of place. He noted that the green space behind the proposed units would be for residents only. He stated that the four storey design is compatible with surrounding buildings but that the overall height of the proposed structure is greater, because of the use of higher ceilings and the elevation of the site. He stated that they have worked to pare back the apparent height of the building and believes it fulfills the OCP.

Scott Murdoch, Murdoch and de Greef, described how the attributes of the landscape contribute to the public space. In describing storm water management in the Bowker Creek watershed, he explained that roof water runoff from the project will be directed into planters and will infiltrate through the soil. He stated that the hydrological functionality of the site can be improved and pleasant features for residents created. With regard to trees on the property, he gave an overview of the trees that would be removed and commented that the landscaping plan includes planting a total of 50 trees on the site. He spoke about the need for sufficient soil volume to support large trees and the plan to address this by providing two to three feet of soil across the entire surface. He described the landscape features for the residential area on Bowker and the commercial area on Cadboro Bay Road and the creation of multi-functional landscapes in these areas. In concluding his comments, Mr. Murdoch emphasized that the intention is to create opportunities for the public to gather in a high quality space designed for pedestrians not cars.

Turning to the shadow study of the proposal, Mr. Damant described how the shadows could impact the surrounding areas at various times of year. He acknowledged the concerns regarding shading to neighbouring houses, stating that the development would increase the number of hours some of the nearby houses are shaded.

Mr. Damant then provided a visual tour around the exterior of the building, including the entranceways, setbacks, and the exterior brick finish which he described as an historic “distressed” brick. He described the sidewalk widths, the street signage, and the stepped articulation of the roofline to bring light into the upper floors. In concluding his remarks, he spoke on how the development would improve the visibility and safety of the intersection.

Beginning his concluding remarks, Mr. Miller reiterated that the property is designated in the OCP as a secondary village, four to six storeys, with commercial development. He provided statistics regarding parking ratios and commented that the development is along an arterial road and fits within the OCP. He stated that the development will result in improvements to the intersection of Cadboro Bay Road at Bowker Avenue and will include electric vehicle charging for residents, as well as two electric bicycles for residents. He stated that there would be no age restrictions and that a restrictive covenant would ensure restaurant use on site is maintained in perpetuity. In conclusion, he stated that the proposal is consistent with the 2014 OCP, that an extensive planning process was followed that included community consultation and consultation with Oak Bay staff. He stated that there is a need for additional housing in Oak Bay and that he feels the proposal is green, sustainable and walkable. He stated that the proposal will create new amenities for the community and a new neighbourhood gathering space.

20. ***Public Input***

Mayor Jensen asked if any members of the public would like to come forward to speak on Bylaw No. 4680.

J. Herbert, Oak Bay resident, stated that based on his past interaction with residents he believes that something needs to be built on the site but believes the proposed building is too large. He questioned the Mayor's position on the project and commented that the proposal ignores existing regulations. He noted that the massing would be twice the proposed expansion of Oak Bay Lodge and more than the Oak Bay Beach Hotel. He believes that the development is out of keeping with the adjacent properties and hopes Council will carefully consider their decision.

B. Filan, Oak Bay resident, stated that although he is not opposed to the redevelopment of the property he is opposed to the current proposal. He believes it is wrong for the site and wrong for Oak Bay. He noted that the intersection is on a bend and on a slope and that it has been a safety concern for years. He is concerned that the developer did not consider the traffic patterns in the early morning or the additional traffic from the restaurant which would be open all day. He gave the example of Pure Vanilla Bakery on Cadboro Bay Road which has cars lined along the street during its open hours. He believes that the proposed development will add to the problems that already exist in the neighbourhood and he questioned the accuracy of the parking study provided by the developer noting that residential visitors and business customers will come and go at all hours of the day. He questioned the justification for the significant reduction in parking spaces proposed by the developer. He noted that the bylaw requires a 30 foot setback and is concerned that the current proposal has almost no setbacks. He believes the building is too large and will look like one solid mass. He noted that the OCP says that Oak Bay is defined by its residential neighbourhoods and the goal is to respect that. He stated that the proposal is wrong for the site and for the neighbourhood and it should be rejected.

P. Booth, Oak Bay resident, questioned why Oak Bay has bylaws if they are not followed. She commented that Council has a duty of care and a duty to protect all citizens. She believes that the bylaws are being ignored by some Councillors. She commented that the process is undemocratic and needs to stop.

N. Gudewill, Oak Bay resident, spoke in support of the proposal. He believes there is strong connectivity to the community and likes that Abstract is a local company. He believes that the proposed development adds value to the community as well as adding to the tax base. He commented that sustainable planned growth is needed in the community and urged Council to support the proposal.

L. Brookes, Oak Bay resident, spoke in support of the proposal. She believes that it would create opportunities for younger people to purchase a home in Oak Bay.

G. Hobart, Oak Bay resident, reminded Council that he will be doing a presentation from the perspective of nearby residents and encouraged members of the public to stay and listen.

N. Lampard, Oak Bay resident, spoke in support of the project, commenting that it will provide housing options in the community. He noted that the role of Council is to see that the proposal conforms to the OCP.

J. Roberts, Oak Bay resident, spoke against the proposal, noting that the OCP also has bylaw restrictions within it and that this project requires rezoning because it goes beyond the OCP. He stated that the proposed development has insufficient parking for condominium owners, visitors, and commercial users and that the residential density exceeds that of any structure in Oak Bay. He expressed concerns regarding the height of the proposed building and the loss of Garry Oak trees.

He noted that the choice is not between this development and nothing and is concerned that it will become a template for other developments. He stated that the proposal does little or nothing to address affordability and that allowing rentals of condominium units encourages investors. He suggested exploring the idea of rental only units on arterial roads and spoke about rezoning opportunities to allow duplexes on smaller lots. He commented that Council has the opportunity to influence future developments and he urged Council to reject the proposal.

L. Barber, Victoria resident, spoke in support of the proposal and commented on the quality of Abstract homes.

R. Gonder, Oak Bay resident, spoke in support of the proposal. He referred to the Carlton proposal twelve years ago noting that since then there has been no mixed use developments on the scale proposed tonight. He believes the proposal provides opportunities for older people to downsize. He stated that the proposal conforms to the OCP and has had the support of the Planning Department and Design Panel on multiple occasions. He commented that Oak Bay is in need of multi-unit accommodation and that the proposed development may allow first time buyers into the market. He encouraged Council to be guided by their own staff.

M. Lapointe, Oak Bay resident, stated that she is not opposed to some kind of development at Cadboro Bay Road and Bowker Avenue but has concerns with the current proposal, specifically that the height and mass are too large for the area, that wider setbacks are needed to ensure maximum green space, and that parking needs to be addressed with regard to safety, particularly for school children. She believes more discussion is needed before such developments are approved and is concerned that this proposal would be a precedent for other developments.

J. Brookes, Oak Bay resident, spoke about the lack of affordable housing in Oak Bay. He is in favour of the proposal and feels there is a need to supply alternatives to single family homes. He commented that the proposal would provide younger people and others the opportunity to own a property in Oak Bay and that he believes Abstract is a good community builder.

Mayor Jensen called a recess at 8:15 PM. The meeting then reconvened at 8:30 PM.

Oak Bay residents D. Dawson and G. Hobart made a PowerPoint presentation to Council.

During his presentation, D. Dawson, Oak Bay resident, spoke against the development in its current form. He stated that he is part of a group he helped form called "Get Bowker Right". He stated that the group believes the site should be developed but that the current proposal is too large for the lot. He noted that the developer is asking for rezoning and variances for height and width of the building as well as reduced parking. He commented that the adjacent properties all have ample setbacks giving privacy and landscaping. He noted that there is already a parking problem on Bowker and that the visitor parking spaces in the proposal are insufficient. He addressed the descriptive material shared by his group and the rebuttal that those in favour of the project have made. He questioned how the proposal is called a four storey building when it is five floors with upper floors built to the property line. He stated that 88.7% lot coverage is too much and that the proposal covers almost every square inch on the property. He believes that the developer should be limited to three storeys and asked Council to enforce bylaws with regard to height, setbacks, and parking.

Continuing the presentation, G. Hobart, Oak Bay resident, speaking for a second time, spoke against the proposal and commented that the visuals in the applicant's presentation are misleading and that the developer's renderings of property lines and other components are inaccurate. He compared the height and setback of Village Walk with the proposed development. He spoke about the habitat of the existing tree canopy and noted that the trees planted as part of the proposal will take many decades to mature. He raised concerns about the potential for conflicts of interest among members of Council. He commented that the majority of neighbours in the immediate proximity are opposed to the development. He believes that improvements to the intersection could be completed for much less than \$100,000.

S. Rowntree, Oak Bay resident, expressed concerns regarding the height and scale of the building and commented that the proposed development is very dark. She commented that the proposed building is unfriendly and that a terraced, stepped-back building would be preferable. She is concerned that the proposal will set a precedent for other buildings in Oak Bay.

L. Polson, Oak Bay resident, spoke against the current proposal but noted that she is not opposed to a new development on the site. She raised concerns with the traffic at the existing intersection and believes the proposal would make it worse. She noted that the proposal does not conform to height, setbacks or parking.

L. Gordon-Findlay, Oak Bay resident, spoke in support of the proposal, commenting that Oak Bay has a responsibility to absorb some of the growth in the region. She stated that the proposal will provide new housing options and she believes that Council's obligation is to approve and encourage this type of development.

G. Lewis, Oak Bay resident, spoke in support of the proposal, noting that amenities in the neighbourhood such as schools, the recreation centre, and shopping make it a suitable place for density.

D. Kallal, Oak Bay resident, spoke against the proposal, citing the height and setbacks. She stated that the hidden garden should not be included in the tree canopy as it is not visible to the street. She does not believe the proposal addresses the issue of affordability in Oak Bay and is concerned that approval of the proposal will be a precedent for other large developments.

L. Johnson, Oak Bay resident, spoke against the current proposal but noted that she is in support of densification in the community. She would like to see modifications to the proposal, citing the issue of setbacks as a primary concern. She commented that the setbacks should refer to all storeys, not just the ground floor and that the upper storeys will overhang in the current proposal. She is concerned that the development will set a precedent if approved.

J. Tiffany, Oak Bay resident, is opposed to the development and is concerned that it will set a precedent.

L. Lalonde, Oak Bay resident, commented that it is not an all or nothing situation. She stated that she supports change but has concerns with this development, particularly regarding the setbacks and the precedent it will set if approved. She commented that the developer should be asked to add additional green space. She commented that the proposed building extends to the sidewalk and that the impact of the loss of setbacks was not well understood in the community.

J. Tinney, Oak Bay resident, spoke in favour of the proposal commenting that it will enhance growth and provide more diverse housing options. He believes that the proposal meets the guidelines outlined in the OCP and that it will improve the safety of the intersection.

E. Stathopoulos, Oak Bay resident, commented that existing residents want to defend their community and future residents need to recognize that what they want to attain is what the existing residents are trying to protect. She noted that communities have unique identities including architectural styles and way of life. She suggested that we need to ask what it is we like about Oak Bay and commented on the natural environment, mature trees, architectural styles, peace and quiet, single family homes, low traffic, shops on the Avenue, social interaction, heritage and history. She stated that the very reason why people want to live in Oak Bay will no longer exist if we do not protect it.

P. Dehoog, Oak Bay resident, spoke in support of the proposal and stated that it will make the street more interesting. He commented that the OCP is a blueprint to explore where Oak Bay goes in the next thirty years. He believes that the proposal would set a positive precedent.

S. Artz, Oak Bay resident, spoke in favour of the project, stating that she believes it fits with the overall plan for Oak Bay. She stated there is nothing to fear from setting a precedent because the next proposal will be judged on its own merits.

M. King, Oak Bay resident, spoke in favour of the proposal. She commented that without development people will be priced out of Oak Bay and thinks the development will provide housing for young professionals and those downsizing.

B. McPhee, Oak Bay resident, stated that he has concerns about the proposal as it exists, including how the information was distributed to the public. He noted that he did not attend earlier events because he was unaware they were taking place. He expressed concerns about the amount of time given to the developers to speak and commented that the developers did not address public concerns in their presentation. He believes that better communication about this and other proposals is needed.

R. Gregory, Oak Bay resident, spoke in support of densification and commented that he has confidence that Council will address the setbacks, parking, and other issues.

D. Kirzinger, Oak Bay resident, commented that he has trust in Council and staff. He stated that the OCP calls for densification and he believes the current proposal is right for the Bowker site, providing thoughtful density along transportation routes.

P. Vaartnou, Oak Bay resident, stated that although he supports development on the site he believes the proposal should be sent back to the developer for a redesign to reduce the height and massing. He commented that he would like to see a softer design and that terracing off the corner would be better.

A. Lyon, Oak Bay resident, spoke about the process and noted that residents are limited in their time to present but the developer is allowed unlimited time. He commented that he and others are not against development at that location but would like to have reasonable and justifiable development. He believes current proposal is too big and takes up too much space. He stated that he cannot support the proposal as it is currently formulated.

S. Bamford, Oak Bay resident, spoke in support of the proposed development and believes that it will set a precedent in a positive way.

J. Long, Victoria resident, spoke in support of the development and commented that the taxes from the new housing will support the community.

D. Brown, Oak Bay resident, spoke in support the development and the need to prepare for densification in the region.

J. Van Sickle, Oak Bay resident, commented that her family has been in the neighbourhood for four generations and believes the development is too large. She referred to Abstract's building at Oak Bay Avenue and Foul Bay Road and what she considers an oppressive overhang. She supports development and densification but believes the current proposal is too large.

D. Sargent, Oak Bay resident, stated that he is sympathetic to both sides of the argument. He noted that he has lived in the area for many years and has concerns with the lack of parking and the potential impact on the neighbourhood. He stated that there is significant parking congestion at peak times around Willows School, the tennis club and other facilities. He cannot support the development because of concerns with parking.

J. Kliman, Oak Bay resident, spoke in support of the proposal commenting that it will attract younger people to the neighbourhood.

L. Mildon, Oak Bay resident, spoke against the proposal stating that massing, height, density, lack of green space, and lack of parking are just the start of what is wrong with it. He commented that we should be exploring other densification options and that it is not the job of Oak Bay to make a profit for developers. He noted that Abstract knew the rules before they started out.

L. Cairn, Oak Bay resident, stated that she was surprised to see in today's newspaper an advertisement by Abstract marketing units in the proposed property and questioned why it is being marketed before the outcome of the public hearing.

I. Ken, Oak Bay resident, spoke about the complexity of dealing with Council and zoning, that design and development work is not an easy job, and that he believes the developer has done a good job.

J. Owens, Oak Bay resident, spoke in support of the development commenting that more diversity will come from it. As a business owner in Oak Bay, she hopes that the development will bring more people to the area.

W. Ganong, Victoria resident, spoke in support of the proposal. He noted that he is employed as a carpenter with Abstract development and believes that the proposed project will enhance the corner.

C. Neilsen, Oak Bay resident, spoke in support the proposal. He stated that Oak Bay's tax revenue is insufficient and that growth is needed. He commented that the proposal will add to the housing stock and may attract younger people.

G. Cuthbert, Oak Bay resident, read a statement from F. Cortini, Oak Bay resident, who was unable to stay. Mr. Cortini voiced concerns about the proposed development and referred to the traffic volume study noting that it was done in August and thus did not account for school traffic. Mr. Cortini questioned the validity of the traffic study and believes that Council does not have sufficient information to make an informed decision. Ms. Cuthbert stated that she is not opposed to development on this corner but cannot support the current proposal. She voiced concerns about building height, traffic, and insufficient parking for commercial use and visitors which bylaws should protect against. She stated that the proposed development may act as a catalyst for the erosion of the character of the community.

S. Bowker, Oak Bay resident, referred to a 2014 Provincial document on housing affordability that was co-authored by the UBCM (Union of British Columbia Municipalities) and commented that Oak Bay does not have a housing strategy. He noted that other communities have incorporated the Provincial document into their housing strategies. He stated that the underlying problem for lack of affordable housing is the profitable strata market. He commented that Council can bargain for and enforce rental housing.

A. Bekes, Victoria resident, compared the proposed development with the Pure Vanilla complex and how that has added to the neighbourhood. He supports the development and believes the site is appropriate and will provide additional housing options. He commented that Oak Bay needs a stronger tax base to support infrastructure.

S. Menjies, Oak Bay resident, spoke in support the development commenting that it will improve the aesthetics of the corner and will improve the tax base.

A. Stewart, Oak Bay resident, commented that future improvements to the intersection might require additional land, including some on the development site.

M. Cumming, Oak Bay resident, echoed Mr. Bowker's concern about affordable housing and commented that she hopes the developer will be persuaded to include affordable housing. She stated that Oak Bay does not have an affordable housing policy and noted that Victoria has a regional housing trust fund and Saanich charges developers a fee.

D. Blacoe, Oak Bay resident, raised concerns about the size and density of the proposal and the loss of green space. He commented that the OCP encompasses the values and beliefs of the community and includes the urban forest. He stated that he is concerned about the intersection, which has been recognized as a problem, and believes there should be feedback from BC Transit and a more comprehensive analysis.

J. Sutton, Oak Bay resident, spoke against the project in its current form. She commented that the mass is comparable to the Abstract building at Oak Bay Avenue and Foul Bay Road but at least there it is commercial facing commercial. She stated that increased densification requires sufficient off-street parking. She voiced concerns about affordability and referred to the high rental cost in the Clive.

P. Copley, Oak Bay resident, stated that the proposal fits within the OCP and is appropriate for the site. She spoke about the benefits of a gathering place in the neighbourhood and emphasized the opportunity the proposal brings to improve the intersection.

She commented that growth has remained stagnant in Oak Bay and that people and taxes are needed in order to remain vibrant and vital. She stated that more housing options will bring people to Oak Bay.

E. Kuston, Victoria resident, supports the proposal.

B. Robbins, Oak Bay resident, stated that he believes the corner at Cadboro Bay and Bowker Avenue is dangerous. He commented that the development will not set a precedent because the secondary village is limited. He commented that the OCP represents a plan for the future, one of increasing growth and the tax base. He stated that the decision needs to be made in relation to the OCP and believes the OCP supports the proposal.

M. Wilmut, Oak Bay resident, raised concerns that the proposal is too big for the lot. He spoke against spot zoning and commented that the new OCP was meant to avoid this. He urged Council to vote against the proposal until there is a housing strategy in Oak Bay.

L. Hiscock, Oak Bay resident, voiced concerns with the overall size and height of the proposed building, the lack of parking, and the impact on the residents of Bowker.

R. Frenette, Oak Bay resident, spoke in support of the proposal and asked Council to consider her age demographic and how the development will impact her generation twenty years from now.

M. Yakubowich, Oak Bay resident, voiced concerns regarding parking and the increased traffic from commercial trucks.

D. Kallal, Oak Bay resident, read a letter from G. Morton, Oak Bay resident, who commented that the neighbourhood currently has a friendly feel, but that the proposal shows no care or compassion for the residents across the street. Ms. Morton believes the development should be scaled back and should adhere to the existing bylaws. She commented that acceptance of the proposal is an admission that we want to change Oak Bay's character. Ms. Kallal, speaking for herself a second time, commented that the conversation has been skewed towards affordable housing and should focus instead on the requested variances.

C. Brown, Oak Bay resident, spoke in support of the proposal. He commented that most people agree the location is under-used. He stated that a developer has come forward and this is an opportunity that might be difficult to replicate.

D. Schean, Oak Bay resident, spoke in support of the proposal and believes similar projects are needed. He commented that he trusts the process and staff.

D. Adams, Oak Bay resident, commented that he believes the process has been fair and that people have been allowed to speak freely without criticism. He noted that much of what he intended to say has already been said. With regard to density and parking he provided an example of Harris Green in Victoria which he stated had no density and parking requirements. He believes that the OCP should govern the process and urged Council to adopt the bylaw.

B. Young, Oak Bay resident, spoke in opposition to the variances. He noted that he is not opposed to change and that the opportunity exists to have a building that everyone is happy with.

D. Mollard, Oak Bay resident, raised concerns about a lack of genuine public engagement and commented that more discussion with neighbours should have taken place. He stated that a balance is needed between neighbourhoods and secondary business centres. He commented on the need for a vital business community and amenities in the community, but urged Council to vote against the proposal to allow more work to be done to get it right.

M. Douglas, Oak Bay resident, commented that she understands that Abstract has put in a great deal of effort, but believes the building is wrong for the site. She stated that the location is a transition and the current proposal is not a transition building. She gave examples of other buildings with greater setbacks and more parking. She referred to meetings of the Advisory Design Panel and Advisory Planning Commission and commented that she does not feel that the concerns of the Commission members are reflected in the minutes.

L. Mills, Oak Bay resident, spoke in support of the project and urged Council to vote in favour.

L. Frenette, Oak Bay resident, spoke in support of the proposed development. She noted that she has lived on Hampshire near Oak Bay Lodge for many years and described her early meetings with the developer as very positive. She drew attention to the challenges of living near sites which are likely to be redeveloped, referring to them as “sleeping giants”. She commented that this has been an open process and voiced her appreciation for staff.

A. Mears, Oak Bay resident, noted that three Council members have asked previously for the development to be scaled back. He is concerned that the developer is already advertising the units for sale. He raised concerns regarding a lack of transition zone, insufficient parking, and inadequate research. He stated that zoning should not be rewritten in favour of developers. He raised concerns that the development will attract speculators, not families.

G. Hobart, Oak Bay resident, speaking for a third time, stated that when he purchased his house it was across from an R-3 zoned house. He raised concerns about the size of the proposed development, the consultation process which he believes is flawed, and the inadequate traffic study that was carried out in August and does not take into consideration the school traffic.

S. Bowker, Oak Bay resident, speaking for a second time, stated that he believes we are in a negotiation situation and that unless Council says no this time we are accepting that future developments will not include rentals. He questioned why the developer is not providing community amenities in lieu of rentals.

Mayor Jensen called a recess at 12:09 AM. The meeting then reconvened at 12:17 AM.

C. Causton, Oak Bay resident, commented that he is not sure whether the application is too big or whether it has the right number of parking spaces, but does know that the site is right for development. He stated that the proposal is not unique in the way that the Oak Bay Hotel or Oak Bay Lodge or Carlton House are unique because of their use. He commented that proposal is a simple four storey residential building and that it needs to be viewed not as a one-off but as a new normal. He stated that he cannot recall a proposal being sent to a public hearing where there has been a 3-3 split at Council. He believes that in such situations it should go back for more work and compromise before bringing it to the public.

J. Mears, Oak Bay resident, commented that she understands the issues and challenges for the neighbourhood. She stated that she believes the project serves the community well and will provide more housing options for younger people. She raised concerns about the process which she believes has been politicized. She commented that the Advisory Design Panel worked hard on the proposal to consider all aspects and that it is unfortunate that the community was not engaged earlier.

The Mayor called for any more speakers on Bylaw No. 4680; seeing none, he asked the applicant if he would like to speak again.

The applicant, Mr. Miller, thanked participants and offered to answer specific questions.

Councillor Braithwaite asked Mr. Miller if the rental suite initiative that was referred to during the presentation applies to this project. Mr. Miller replied that it is a future initiative of Abstract and does not apply to the current proposal.

A. Mears, Oak Bay resident, speaking for a second time, stated that the Advisory Design Panel minutes describe the proposed building as a cliff-face and that there were significant concerns about the density.

Mayor Jensen asked if any members of the public would like to come forward to speak on Bylaw No. 4680 for a final time. No one came forward.

21. ***Motion to Adjourn the Public Hearing for Bylaw No. 4680.***

MOVED and seconded: That the Public Hearing for Bylaw No. 4680 be adjourned.

CARRIED

ADJOURNMENT:

22. There being no further items, the meeting then adjourned at 12:35 AM.

Certified Fair and Accurate:

Chair

Deputy Director of Corporate Services