

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Monday November 14, 2016 at 7:00 PM.

PRESENT: Mayor N. Jensen, Chair  
Councillor H. Braithwaite  
Councillor M. Kirby  
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 Financial Services, D. Carter  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Horan

ADOPTION OF AMENDED AGENDA:

MOVED and seconded: That the amended agenda as circulated be adopted.

CARRIED

MINUTES AND REPORTS:

1. ***Council***
  - October 24, 2016

MOVED and seconded: That the minutes of the Council meeting held October 24, 2016 be adopted.

CARRIED

2. ***Special Council***
  - October 24, 2016

MOVED and seconded: That the minutes of the special Council meeting held October 24, 2016 be adopted.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

***1st Anniversary of Raising Sno'uyutth Welcome Pole***

The Mayor noted that the one year anniversary of the raising the Sno'uyutth Welcome Pole was forthcoming, commenting on the value that community-led process had played in enhancing collaboration between the District of Oak Bay and the Esquimalt First Nation, the Songhees First Nation, and School District 61. He offered his thanks to the Rotary Foundation and the Community Association of Oak Bay, as well as the many community volunteers for their involvement.

***Canadian Mental Health Association BC Division - #B4STAGE4 Conference***

Mayor Jensen stated that he was honoured to participate in the announcement last Friday by the Canadian Mental Health Association of their upcoming three-day conference on the need for improved access to mental health services, particularly noting the need for addressing addiction as a mental health issue.

***Grants-in-Lieu - Ongoing Challenges***

The Mayor drew attention to recent correspondence received from the Minister for Advanced Education, commenting that it was regrettable that no action was being taken to address ongoing issues with the decrease in funding made available through the grants-in-lieu process.

***Association of Vancouver Island Coastal Communities Conference - Call for Resolutions***

Mayor Jensen noted that the call for resolutions was under way for the upcoming 2017 Association of Vancouver Island Coastal Communities Conference.

***Remembrance Day - Oak Bay Cenotaph Task Force***

The Mayor commented on the moving Remembrance Day celebrations he had attended at local schools and the Oak Bay Cenotaph, offering thanks to Councillor Ney and the Oak Bay Cenotaph Task Force for the compliments received regarding the ceremony. He concluded his remarks by highlighting "School District 61 Remembers...." created by the School District Archivist Judy Stevenson which has been provided to Oak Bay Archives.

**PUBLIC PARTICIPATION PERIOD:**

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

Rod Sim, Oak Bay Rotary Foundation, spoke to Council on the Sno-uyutth Legacy Scholarship, noting that the scholarship had been created through the Sno-uyutth Welcome Pole fund raising process. Mr. Sim commented that the Foundation is asking for Council's support to increase the annual scholarship amount and expand the scholarship availability to include Greater Victoria.

Vivian Smith, Oak Bay resident, noted that as a long-term resident who grew up in the community she was concerned regarding the issue she had faced with renovating her house and expressed concerns regarding the District's response to her concerns.

COMMUNICATIONS:

5. ***Request for Financial Assistance - Threshold Housing Society***

- Note - Deputy Director of Corporate Services - Request for Financial Assistance, Threshold Housing Society, Oct. 24, 2016
- Corresp. - Threshold Housing Society, Oct. 24, 2016

Mark Muldoon, Executive Director, Threshold Housing Society, provided an overview of the Society's grant request, clarifying that the current submission is a request for 2016 and that a subsequent request would be submitted for 2017.

MOVED and seconded: That a grant to the Threshold Housing Society equivalent to five twelfths of the value of the 2016 municipal taxes for the transitional housing project at 2095 Granite Street be approved.

CARRIED

6. ***Application to Renew - Greater Victoria Public Library (GVPL) Operating Agreement***

- Note - Deputy Director of Corporate Services - Library Operating Agreement Renewal
- Corresp. - Greater Victoria Public Library, Nov. 1, 2016

MOVED and seconded: That the November 1, 2016 correspondence from the Greater Victoria Public Library with respect to the proposed Library Operating Agreement Renewal be received.

CARRIED

7. ***Request for Motion of Support to Establish a Regional Transportation Service***

- Note - Director of Corporate Services - Request for Motion of Support for Regional Transportation Service
- Corresp. - Capital Regional District, Oct. 21, 2016

MOVED and seconded: That Oak Bay Council support the establishment of a regional transportation service through the Capital Regional District.

CARRIED

8. ***Update on Capital Integrated Services and Governance Initiative***

- Note - Deputy Director of Corporate Services - Capital Integrated Services and Governance Initiative
- Corresp. - Capital Integrated Services and Governance Initiative, Nov. 7, 2016

MOVED and seconded: That the November 7, 2016 correspondence from the Capital Integrated Services and Governance Initiative with respect to future engagement opportunities be received for information.

CARRIED

9. ***Request for Budget Approval - LED Street Light Project, Next Phase***
- Report - Director of Engineering Services, Nov. 14, 2016

MOVED and seconded: That Council give approval for the next phase of the LED Street Light Project "Last Incentive" at a cost of \$130,000, to be completed in early 2017.

CARRIED

10. ***Grant Opportunity - Clean Water and Wastewater Fund***
- CORRECTED Report - Director of Engineering Services, Nov. 14, 2016

MOVED and seconded: That

1. The Director of Engineering Services be authorized, on behalf of the District of Oak Bay, to submit a Clean Water and Wastewater Fund application to the province of British Columbia for the beginning of the detailed design phase of the Uplands Sewer Separation project; and that \$135,440 from Capital be committed in order to cover the municipal portion of the full cost, that is, 17% of the full cost of the Humber catchment detailed design if the requested grant is awarded; and
2. The Director of Engineering Services be authorized, on behalf of the District of Oak Bay, to submit a Clean Water and Wastewater Fund application to the province of British Columbia for the remaining phases of the Henderson Water Main extension project; and that the approximately \$480,000 spent this year from the Water Capital Fund for the first phase of the project be used to demonstrate the District's commitment to cover the municipal portion of the full cost, that is, 17% of the full project cost.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

11. ***Correspondence to be Received***
- ADDENDA - Corresp. - Nov. 10 - Nov. 14, 2016 - HAP and DP 1701 Beach Drive
  - ADDENDA - Corresp. - Nov. 10 - Nov. 14, 2016 - DVP 2985 Rutland Road

MOVED and seconded: That the correspondence with respect to the Heritage Alteration Permit with Variance and Development Permit for 1701 Beach Drive and the correspondence with respect to the Development Variance Permit for 2985 Rutland Road be received for information.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

12. ***Deer Management Strategy***

MOVED and seconded:

WHEREAS the Oak Bay Community Satisfaction Survey Report (2016) showed that “..more effective control of [the] deer population” is one of the most important issues; and

WHEREAS the Province of BC acknowledges that “there is no simple answer when it comes to managing urban deer, but effective plans usually include a combination of both conflict and population reduction strategies.” <https://news.gov.bc.ca/factsheets/factsheet-urban-deer-management-in-bc>:

THEREFORE BE IT RESOLVED that Oak Bay submit an application to the BC Ministry of Forest, Lands, and Natural Resource Operations to meet the November 22, 2016 deadline for matching funds of up to \$20,000 to contract with the Urban Wildlife Stewardship Society to develop and implement a deer-reduction plan based on fertility control.

CARRIED

Councillor Braithwaite against the motion

***Report on the Capital Regional District***

It was noted that the District of Oak Bay's submission to the Capital Regional District regarding Oak Bay's proposed amendment to the Core Area Liquid Waste Management Plan to address requirements with respect to the separation of the combined sewers in the Uplands is currently before the CRD's technical committee for comment.

***Official Opening of the Oak Bay High School Turf Field***

It was noted that the Oak Bay High School turf field has now been officially opened.

**RESOLUTIONS:**

13. ***Heritage Alteration Permit with Variances (HAPV) & Development Permit Application - 1701 Beach Drive***
- CORRECTED - Resolution Notice - 1701 Beach Drive
  - Plans - DP HAP ZON - 1701 Beach Dr, Aug 7, 2016
  - Council Report - Manager of Planning, Oct. 17, 2016
  - Rpt. Attach. 1 - Bylaw No. 4669 - Oak Bay Land Use Contract 3 Discharge Bylaw, 2016
  - Rpt. Attach. 2 - Committee of the Whole Report - Planner, Jul. 5, 2016
  - Rpt. Attach. 3 - Environmental Plan, Murdoch, May 16, 2016
  - Rpt. Attach. 4 - Applicant Letter, Rowe, Jun. 27, 2016
  - Rpt. Attach. 5 - Statement of Significance
  - Rpt. Attach. 6 - Plans - DP HAP ZON - 1701 Beach Dr, Aug 7, 2016
  - Rpt. Attach. 7a - Committee of the Whole Presentation - Applicant - 1701 Beach Dr. - Site Photos
  - Rpt. Attach. 7b - Committee of the Whole Presentation - Applicant - 1701 Beach Dr. - Development Plan
  - Rpt. Attach. 7c - Committee of the Whole Presentation - Applicant - 1701 Beach Dr. - Accessory Buildings
  - Rpt. Attach. 7d - Committee of the Whole Presentation - Applicant - 1701 Beach Dr. - Variances and Shoreline DPA

- Rpt. Attach. 7e - Committee of the Whole Presentation - Applicant - 1701 Beach Dr. - Heritage and Traffic
- Rpt. Attach. 8 - Corresp. for Bylaw No. 4669, Sep. 30 to Oct. 11, 2016

MOVED and seconded: That:

1. The Director of Building and Planning be authorized to issue a Heritage Alteration Permit with respect to 1701 Beach Drive (Lot B, Section 69, Victoria District, Plan 11836) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
11.2.5.(1)(a) Minimum Setback Front Lot Line	7.62 m	5.00 m <sup>A</sup> 6.10 m <sup>B</sup>	2.62 m <sup>A</sup> 1.52 m <sup>B</sup>
<sup>A</sup> For Junior Kindergarten Building			
<sup>B</sup> For Coach House			
11.2.5.(1)(e) Minimum Setback Total Side Lot Lines	58.76 m <sup>C</sup>	19.77 m	38.99 m
<sup>C</sup> 40% of Lot Width			

and

2. The Director of Building and Planning be authorized to issue a Development Permit with respect to 1701 Beach Drive (Lot B, Section 69, Victoria District, Plan 11836);

to accommodate renovations and additions to an existing heritage property, the Glenlyon Norfolk School, as shown on the plans appended to the October 24, 2016 Council agenda item number 8, being a report from the Manager of Planning dated October 17, 2016.

Naomi Pope, Oak Bay resident, commented on the proposed redevelopment of 1701 Beach Drive, expressing her concerns regarding consultation and the potential impact on views through the site as further outlined in her correspondence attached to the agenda. She noted that residents involved with the potential Heritage Conservation Area nearby were unaware of the status of this redevelopment. Ms. Pope concluded her comments by noting that it was her intention to voice her concerns and to take this opportunity to work collaboratively with the proponent to enhance the architecture.

Karen Wallace-Prince, Oak Bay resident, stated that she was unaware that the proposed redevelopment of 1701 Beach Drive was at this stage of the process. Ms. Wallace-Prince commented that her family had loved having students attend the campus of Glen Lyon Norfolk school and that the renovations were badly needed. She expressed concerns about relocation of the coach house, the impact of blasting on the neighbourhood and on heritage dwellings and emphasized that the heritage dwellings on site were an anchor to the neighbourhood. She concluded her remarks by commenting that she would like an opportunity for further consultation with the school on the proposed redevelopment.

Chris Denford, Board Chair of the Glen Lyon Norfolk School Society, outlined the engagement process taken over the last year and a half with respect to the application, clarifying that the plans commented on by Ms. Pope were in regards to the phasing process and noting that the design plans had been made available to the community during this time.

Christopher Rowe, Architect, responded to questions and comments regarding the proposed redevelopment. Mr. Rowe clarified that the amount of blasting required was still to be determined, but that a process to contact residents regarding the impact was still forthcoming. He then commented on the proposed streetscape, noting that the original intent had been not to make a strong statement, but rather to highlight the heritage dwellings while still addressing privacy impacts of adjacent residents and the students on site. Mr. Rowe further clarified that the requested variance was not with respect to height and that the proposed development would in some areas be lower than the existing dwellings. He concluded his remarks by noting that the roof line was pitched not a continuous straight line.

The question was then called.

CARRIED

14. ***Development Variance Permit (DVP) Application - 2985 Rutland Road***

- Resolution Notice -2985 Rutland Road
- Plans - DVP ADP - 2985 Rutland Rd, Oct 7, 2016
- Committee of the Whole Report - Manager of Planning, Oct. 11, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2985 Rutland Road (Lot 24, Block B, Section 31, Victoria District, Plan 3560) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) Interior Side Lot Line	4.27 m	3.64 m	0.63 m
6.2.4.(2)(e) Total Side Lot Lines	10.97 m	8.45 m	2.52 m

to accommodate the addition and exterior modification of the principal building, as shown on the plans appended to the October 17, 2016 Committee of the Whole agenda item number 7, being a memorandum from the Planner dated October 11, 2016.

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

Bruce Pegler, applicant, responded to questions regarding tree retention, clarifying that, although the goal is to retain the large pine tree near the proposed addition the arborist's report by Talbot and McKenzie has indicated the potential for root damage.

The question was then called.

CARRIED

15. ***Development Variance Permit (DVP) Application - 3450 Upper Terrace***

- Resolution Notice -3450 Upper Terrace
- Plans - DVP ADP - 3450 Upper Terrace Rd, Oct 12, 2016
- Committee of the Whole Report - Manager of Planning, Oct. 11, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3450 Upper Terrace (Lot B, Section 31, Victoria District, Plan 4962) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) Interior Side Lot Line	4.57 m	4.4 m	0.17 m
6.2.4.(2)(e) Total Side Lot Lines	12.19 m	5.9 m	6.29 m

to accommodate the construction of an enclosure over the existing patio adjacent to the principal building, as shown on the plans appended to the October 17, 2016 Committee of the Whole agenda item number 8, being a memorandum from the Planner dated October 11, 2016.

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

CARRIED

16. ***Increasing Notice for Public Meetings***

- Resolution Notice - Increasing Notice for Public Meetings

MOVED and seconded:

WHEREAS, early in 2012, the District of Oak Bay, seeking to foster more engaged community, struck an advisory committee called the Community Engagement Working Group and that the final report out from that group included the suggestion:

“...to provide the general public an additional full working day (or two) to read the agenda for the following Monday; and



WHEREAS, in Bylaw No. 4647, the Bylaw to Establish the Oak Bay Advisory Planning Commission, in the section relating to Agendas and Minutes, where the wording currently reads,

7.2 The order of business is to be as set out in an agenda package to be provided to Commission members in advance of the meeting date, and at least three (3) working days prior to the scheduled meeting date. Agendas shall be posted to the District website,

there should be similar rules and expectations for all public meetings of the District; and

WHEREAS, on September 14, 2016, Committee of the Whole recommended support in principle of all of the recommendations contained in the staff proposed “Efficiency & Red Tape Reduction” initiative, recommendations designed to speed up Council and District business, and that this may thereby reduce the number of times agenda items and issues may be before the public for their review and comment; and

WHEREAS, nothing is to prevent Council or staff from making last minute changes or additions to the agenda as per normal District process and procedures:

THEREFORE BE IT RESOLVED, that staff prepares the necessary documentation and notice to amend Bylaw No. 4052, the Bylaw to regulate the proceedings of the Municipal Council of The Corporation of the District of Oak Bay (\*\*amended by Bylaws No. 4088, 4203, 4278, 4479, 4565, and 4657), as follows:

For Section 10 relating to the Agenda, which currently read as,

10. The Municipal Clerk shall prepare an agenda for each meeting of Council or a Committee and shall deliver a copy of the agenda, with supporting documents, to each member of Council or the Committee, at least 24 hours before the meeting

that the notice be increased from 24 to 72 hours; and

For Section 15 relating to Meeting Notice, which currently reads as,

15. At least 24 hours before a meeting of Council or a Committee of Council, the Municipal Clerk shall cause a Notice of Meeting to be posted at the places hereby designated as public posting places within the meaning of the legislation governing local government in British Columbia, being the outside notice boards located on the north and south facades of the Oak Bay Municipal Hall, with such notice to include the time, date and place of the meeting

that the notice be increased from at least 24 to at least 72 hours, with the expectation being that the website will be updated in a similar timeline.

DEFEATED  
Mayor Jensen and Councillors Braithwaite,  
Kirby and Ney against the motion

BYLAWS:

17. **Bylaw Memorandum**

- Memo - Deputy Director of Corporate Services, Nov. 8, 2016

The Mayor gave an overview of the bylaw reading process.

18. **For First, Second and Third Reading**

- Bylaw No. 4673, Mayor & Cllrs Annual Indemnity Bylaw, 2017
- Bylaw No. 4674, Greater Victoria Public Library Operating Agreement Authorization Bylaw, 2016

MOVED and seconded: That Bylaw No. 4673, *Mayor and Councillors Annual Indemnity Bylaw, 2017*, be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4673, *Mayor and Councillors Annual Indemnity Bylaw, 2017*, be read a second time.

CARRIED

MOVED and seconded: That Bylaw No. 4673, *Mayor and Councillors Annual Indemnity Bylaw, 2017*, be read a third time.

CARRIED

MOVED and seconded: That Bylaw No. 4674, *Greater Victoria Public Library Operating Agreement Authorization Bylaw, 2016*, be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4674, *Greater Victoria Public Library Operating Agreement Authorization Bylaw, 2016*, be read a second time.

CARRIED

MOVED and seconded: That Bylaw No. 4674, *Greater Victoria Public Library Operating Agreement Authorization Bylaw, 2016*, be read a third time.

CARRIED

ADJOURNMENT:

19. **Motion to adjourn**

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:34 PM.

Certified Correct:

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Mayor

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Director of Corporate Services