

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 November 16, 2015 at 7:00 PM.

PRESENT: Councillor H. Braithwaite, Chair
Mayor N. Jensen
Councillor T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. A. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Prior to the meeting being called to order, Mayor Jensen, on behalf of Oak Bay Council, expressed deepest condolences to the people of Paris on the recent terrorist attacks. The Mayor offered thanks to staff for the tricolor lights erected on the front of the Municipal Hall, showing Oak Bay's support for the victims of this tragedy. Mayor Jensen, as the District's representative on the international organization Mayors for Peace, read out a statement calling on the international community and the public to work together to establish a safe and peaceful world for all.

Councillor Braithwaite then called the meeting to order at 7:05 PM.

PARKS AND RECREATION ITEM(S):

1. ***Parks and Recreation Commission (P&RComm) Minutes***
 - Note - Municipal Clerk - P&RComm Minutes, Nov. 4, 2015 – additional recommendation re 2016 budget and fees
 - Minutes - P&RComm - Nov. 4, 2015
 - Rpt. Attach. 1 - Program Reports Oct. 2015
 - Rpt. Attach. 2 - Finance Summary Sep. 2015
 - Rpt. Attach. 3 - Proposed Golf and Film Production Fees and Charges

Ray Herman, Director of Parks and Recreation, Janet Barclay, Manager of Recreation Program Services, and Sandi Piercy, Parks and Recreation Commission Chair, in attendance for this item.

A discussion ensued with members of the Committee commenting on: the proposed golf and film production fees and charges; the expectations for the 2016 Parks and Recreation budget; and the value of the "Walking Wednesdays" program for the After School Care Program at the Neighbourhood Learning Centre.

MOVED by Councillor Murdoch, seconded by Councillor Ney: That:

1. The minutes of the meeting of the Oak Bay Parks and Recreation Commission held on November 4, 2015, and the recommendations contained therein, with the exception of the recommendations with respect to the budget and the 2016 fees and charges be adopted;
2. The proposed Parks and Recreation 2016 operating budget and capital budget and the 2016 fees and charges, with the exception of the golf and film production fees and charges, be referred to Estimates Committee; and
3. That it be recommended to Council that the proposed golf and film production fees for 2016 be approved.

CARRIED

2. ***Proposed Amendment to Parks and Recreation Commission Bylaw to Include Culture***

- Report - Manager of Recreation Program Services, Nov. 9, 2015
- ADDENDA Rpt. Attach. 1 - Draft Bylaw No. 4656 Oak Bay Parks, Recreation and Culture Commission Bylaw Amendment Bylaw
- Corresp. - Heritage Commission, Sept. 1, 2015

Ray Herman, Director of Parks and Recreation, Janet Barclay, Manager of Recreation Program Services, and Sandi Piercy, Parks and Recreation Commission Chair, in attendance for this item.

A discussion ensued with members of the Committee commenting on the value of providing a specific definition for culture in respect to its inclusion in the mandate of the Parks and Recreation Commission.

Patricia Wilson, Heritage Commission, responded to the Committee's questions with respect to the Heritage Commission's correspondence. Ms. Wilson noted that from the public's perspective, heritage is typically an element of culture. She commented that enhanced communication with the Heritage Commission would be appreciated, particularly when there is an overlap between the two commissions' mandates, such as with special events or land use in certain parks.

MOVED by Councillor Ney, seconded by Councillor Kirby: That the draft amendment to the Oak Bay Parks and Recreation Commission Bylaw as attached to the report of the Manager of Recreation Program Services, dated November 9, 2015, be brought forward to Council for formal consideration.

CARRIED

FINANCE ITEM(S):

3. ***Monthly Financial Report***

- Report - Municipal Treasurer, Nov. 8, 2015
- Rpt. Attach. - Statement, Capital, Investments, Prop. Taxes, Oct. 2015

MOVED by Councillor Murdoch, seconded by Councillor Kirby: That the monthly financial report of the Municipal Treasurer dated November 8, 2015 be received for information.

CARRIED

4. **2016 Water and Sewer Budgets and Rates**
- Report - Municipal Treasurer, Nov. 12, 2015
 - Rpt. Attach. 1 - Water Fund, 2016 Budget
 - Rpt. Attach. 2 - Sewer Fund, 2016 Budget

David Brozuk, Superintendent of Public Works, in attendance for this item.

The Municipal Treasurer provided an overview of her report and responded to questions from the Committee with respect to the formulas used to calculate water and sewer rates. Ms. Walker also provided clarification on the funding for the Water Master Plan.

MOVED by Councillor Ney, seconded by Councillor Croft: That the Committee of the Whole receive the November 12, 2015 report of the Municipal Treasurer and that staff be instructed to prepare the necessary amendments to the water rate bylaw and sewer rate bylaw for formal consideration by Council.

CARRIED

LAND USE APPLICATIONS:

5. **Development Variance Permit (DVP) Application - 2540 The Esplanade**
- Report - Director of Building and Planning, Nov. 9, 2015
 - Rpt Attach 1 - Applicant's Letter, OConnell, Sep 17, 2015
 - Plans - DVP - 2540 Esplanade, Aug 18, 2015

The Director of Building and Planning provided an overview of his report and responded to questions from the Committee regarding the definition of paved surface in the Zoning Bylaw and the environmental benefits and disadvantages of the application, particularly with respect to stormwater retention and reduced water consumption.

Rory O'Connell, WSP Canada Inc., spoke on behalf of the applicants, noting that although the variance request is significant, it is also mitigated by the substantial tree canopy on site. The landscape rock, he noted, would not create parking on site, as would more traditional paved surfaces. Mr. O'Connell commented that landscape rock is also a permeable surface, which, he said addresses issues of stormwater retention and drainage; he proceeded to read out correspondence to this effect from a geotechnical engineer. He concluded his remarks by noting that the Official Community Plan speaks to climate change issues, such as seasonal water shortage, and that the proposed variance would allow for landscaping which requires less water consumption.

Esther Paterson, Oak Bay resident, commented that, having recently attended the Urban Forest Symposium, she is particularly concerned with the lack of greenscaping in this application. Ms. Paterson spoke in favour of the use of native plantings to reduce water consumption and noted that too many trees have been cut down in her neighbourhood.

Members of the Committee expressed varying views with respect to the application. Some members questioned the definition of paved surfaces in the bylaw, which if changed might result in a substantially reduced variance request; however, other members expressed concern regarding the lack of greenscaping resulting from the use of landscape rock.

MOVED by Councillor Croft, seconded by Councillor Braithwaite: That it be recommended to Council that the Development Variance Permit application for the property at 2540 The Esplanade, as outlined in the report of the Director of Building and Planning dated November 9, 2015, be denied.

A discussion ensued in which members of the Committee considered the advantages and disadvantages of amending the paved surfaces definition in the Zoning Bylaw. The Committee also raised the question of what if any process could be undertaken without amending the current Zoning Bylaw, should the application be approved, to restrict potential future owners from replacing the landscaping rock with paving. It was determined that, procedurally, deferring further consideration of the application would allow staff to review these issues and provide a response.

The motion was withdrawn with the unanimous consent of the Committee.

MOVED by Councillor Croft, seconded by Councillor Ney: That further consideration of the Development Variance Permit application for the property at 2540 The Esplanade, as outlined in the report of the Director of Building and Planning dated November 9, 2015, be deferred to a future Committee of the Whole meeting.

CARRIED

REGULATORY ITEM(S):

6. ***Proposed Amendments to Procedure Bylaw***
- Report - Municipal Clerk, Nov. 11, 2015

The Municipal Clerk provided an overview of her report and responded to questions from the Committee with respect to the deletion of the prohibition on electronic participation in meetings that are closed to the public. It was noted that, should Council adopt the proposed amendments, the changes would come into effect in the new year.

MOVED by Councillor Kirby, seconded by Councillor Croft: That the draft bylaw to amend the Procedure Bylaw, as attached to the report of the Municipal Clerk dated November 11, 2015, be brought forward to Council for formal consideration.

CARRIED

7. ***Proposed Amendments to Business License Bylaw***
- Report - Director of Building and Planning, Nov. 4, 2015

The Director of Building and Planning provided an overview of his report and responded to questions from the Committee, clarifying that the proposed amendments would allow for a more streamlined approach to the business license program, in keeping with other municipalities in the region.

MOVED by Councillor Murdoch, seconded by Councillor Ney: That it be recommended to Council that the business license bylaw amendments as described in the report of the Director

of Building and Planning dated November 4, 2015 be brought forward to a future Council meeting for consideration, and that notice of the proposed amendments be published in the Oak Bay News and on the Oak Bay Municipal Website prior to consideration of the final adoption of a Bylaw.

CARRIED

ADJOURNMENT:

8. ***Motion to Adjourn***

MOVED by Councillor Kirby, seconded by Councillor Croft: That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:42 PM.

Certified Correct:

Municipal Clerk

Chair