

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 Tuesday October 11, 2016 at 7:00 PM.

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

Mayor Jensen called the meeting to order at 7:08 PM.

AMENDMENT OF AGENDA:

MOVED and seconded: That the agenda be amended to bring forward consideration of item 19 to immediately follow the Minutes and Reports Section.

CARRIED

MINUTES AND REPORTS:

1. **Public Hearing**
 - September 19, 2016

MOVED and seconded: That the minutes of the Public Hearing held September 19, 2016 be adopted.

CARRIED

2. **Council**
 - September 19, 2016

MOVED and seconded: That the minutes of the Council meeting held September 19, 2016 be adopted.

CARRIED

19. ***For Third Reading and Adoption (subject to the outcome of the Public Hearing)***

- Bylaw No. 4669 - Oak Bay Land Use Contract 3 Discharge Bylaw, 2016
- Proposed to Repeal - Bylaw No. 3059
- Proposed to Repeal - Bylaw No. 3109
- Proposed to Repeal - Bylaw No. 3219
- Proposed to Repeal - Schedule to Bylaw No. 3219
- Committee of the Whole Report - Planner, Jul. 5, 2016
- Plans - DP HAP ZON - 1701 Beach Dr, Aug 7, 2016
- Rpt. Attach. 2 - Environmental Plan, Murdoch, May 16, 2016
- Rpt. Attach. 3 - Applicant Letter, Rowe, Jun. 27, 2016
- Rpt. Attach. 4 - Statement of Significance

MOVED and seconded: That Bylaw No. 4669, Oak Bay Land Use Contract 3 Discharge Bylaw, 2016 be read a third time

In response to questions from Council regarding the need to discharge land use contracts, the Manager of Planning confirmed that, although this specific bylaw was before Council as a result of the development application for 1701 Beach Drive, the Province did legislate that all existing land use contract must be removed and that there are other existing land use contracts within Oak Bay which will need to be addressed.

The question was then called.

CARRIED

MOVED and seconded: That Bylaw No. 4669, Oak Bay Land Use Contract 3 Discharge Bylaw, 2016 be adopted.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

Leaf Clearing to Prevent Flooding

Mayor Jensen drew attention to the need for residents to pile leaves on boulevards and not on the street or sidewalks, where they can make it difficult for pedestrians and cyclists. He also noted that leaves can clog catch basins, resulting in potential flooding.

Goodlife Fitness Victoria Marathon

The Mayor commented on the launch over the weekend of the Goodlife Fitness Victoria Marathon, recognizing the volunteers that helped make the event successful.

Oak Bay High School Community Theatre Fundraiser

Mayor Jensen commented on the success of a recent event raising funds for a grand piano at Oak Bay High School Theatre. He commented on the success of the theatre, noting that 92 bookings had already been made for the space.

Oak Bay as a BC Climate Action Community

The Mayor commented that Oak Bay has again received recognition from the Climate Action Secretariat as a BC Climate Action Community.

PUBLIC PARTICIPATION PERIOD:

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

Phillip Wynn, Oak Bay resident, spoke with respect to opportunities to improve pathways in Oak Bay for cyclists and pedestrians. Mr. Wynn drew attention to ongoing issues, with particular emphasis on the south end of Henderson Road between Carnarvon Street and Haultain Street. He commented that the official Capital Regional District signage is good to see but that more work is needed to enhance this important connector route.

Gerald Smeltzer, Oak Bay resident, expressed concerns with regards to the intersection at Lansdowne Road and Foul Bay Road. He commented that this intersection is a common responsibility with the District of Saanich and that funding was received to enhance it. He questioned what work has been undertaken by the District on this intersection to date.

COMMUNICATIONS:

5. ***Uplands Combined Sewer Separation Project***
- Note - Deputy Director of Corporate Services - Uplands Combined Sewer Separation Project Recommendation
 - Report - Project Manager - Sept. 28, 2016

Jack Hull, Project Manager, HJA Consulting Ltd., in attendance for this item.

Mayor Jensen provided an overview of the project reviewing the consideration to date and the recent Special Committee of the Whole meeting held on October 5, 2016.

In response to questions from Council on the cost for the project, both to the Municipality and to taxpayers, the Director of Engineering Services noted that it is difficult to determine the impact of future funding opportunities at this point but that the goal of staff would be to maximize grants and minimize the cost impact where possible.

MOVED and seconded: That the recommendation from the Special Committee of the Whole on October 5, 2016 be adopted as follows:

That:

1. *The District of Oak Bay approve the recommendations of the pre-design report namely:*
 - a. *Option 4, a shallower gravity based storm system, including two isolated areas requiring municipal stormwater pumps;*
 - b. *Design by catchment area and not by construction phase;*
 - c. *Construction on a phased project basis, beginning with the Humber catchment, with contract packages at a minimum of \$2 million each; and*
 - d. *Development of a plan for rehabilitation of the existing pipes; and*
2. *The District of Oak Bay approve the submission to the Capital Regional District requesting an amendment to the Capital Regional District's Core Area Liquid Waste Management Plan.*

CARRIED

6. ***Request for Poppy Tag Days - Oct. 29 - Nov. 10, 2016***

- Note - Director of Corporate Services - Victoria Remembrance Day Committee, Oct. 31 - Nov. 10, 2016
- Corresp - Victoria Remembrance Day Committee, Sep. 15, 2016

MOVED and seconded: That permission be granted to the Victoria Remembrance Day Poppy Fund to conduct the sale of poppies in public places in Oak Bay from October 31 to November 10, 2016 exclusive of November 6, 2016.

CARRIED

7. ***Heritage Referral for Property on the Community Heritage Register - 1110 Beach Drive***

- Report - Manager of Planning, Sep. 30, 2016
- Rpt Attach 2 - Statement of Significance
- Plans - BP - 1110 Beach Dr, Aug 8, 2016

Councillor Murdoch declared a conflict inasmuch as he is a member of the Victoria Golf Club at 1110 Beach Drive. Councillor Braithwaite declared a conflict inasmuch as she is a member of the Victoria Golf Club at 1110 Beach Drive. Councillors Murdoch and Braithwaite then left the meeting at 7:38 PM.

MOVED and seconded: That the building and land located at 1110 Beach Drive be subject to a temporary protection order in accordance with Section 606 of the *Local Government Act* for a period of not more than 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

Councillors Murdoch and Braithwaite returned to the meeting at 7:40 PM.

8. ***Request to Consider Establishment of a Heritage Conservation Area***

- Note - Director of Corporate Services - Heritage Conservation Area, Oct. 4, 2016
- Corresp. - Grant et al, Heritage Conservation Area, Oct. 4, 2016

Michael Prince, Oak Bay resident, spoke to Council on the preliminary discussions being undertaken with respect to the potential for establishing a Heritage Conservation Area on York Place, San Carlos Avenue, a section of Beach Drive, a section of Oak Bay Avenue, and Prospect Place, as further outlined in his correspondence attached to the agenda. Mr. Prince commented that of the 58 homes in the proposed area, owners of 42 dwellings were interested in seeing the proposal succeed.

The remaining owners, he said, were either unavailable, not in support, or waiting to see the process unfold. He concluded his remarks by commenting that they hoped to have an opportunity to present at the Committee of the Whole and discuss the project further.

A discussion ensued with members of Council expressing interest in seeing more information on the proposal and thanking the residents for taking initiative on this item.

MOVED and seconded: That the proponents requesting consideration of a Heritage Conservation Area be invited to attend a future Committee of the Whole and provide a more detailed presentation.

CARRIED

9. ***Request for Tax Exemption - Threshold Housing Society***

- Note - Director of Corporate Services - Request for Tax Exemption
- Corresp. - Threshold Housing Society, Oct. 6, 2016

Dennis Anholt, Chief of the Board of Directors, Threshold Housing Society, spoke to the Society's request for a tax exemption, noting that like all non-profits, the Society struggling to provide needed services with a tight budget.

Mark Muldoon, Executive Director, Threshold Housing Society, provided an overview of the Society's work providing long-term transitional housing for youth between the ages of 16 and 21.

A discussion ensued, with Mr. Anholt and Mr. Muldoon responding to questions and comments from Council on the scope of the Society's actions and their funding sources. Members of Council commended the Society for its great work and noted that, given Oak Bay's historically limited practice for tax exemptions, a more appropriate avenue would be the annual grant process.

MOVED and seconded: That the Threshold Housing Society's October 6, 2016 request for tax exemption be received for information.

CARRIED

10. ***Notification Process for Development Applications With Variances***

- Report - Director of Corporate Services, Oct. 7, 2016

MOVED and seconded: That Council approve the revised process to improve efficiencies for notification of land use variances as outlined in the October 7, 2016 report of the Director of Corporate services.

CARRIED

11. ***Council Strategic Plan 2015 - 2018 - Quarterly Update***

- Report - Chief Administrative Officer, Oct. 5, 2016
- Rpt. Attach. - Council Strategic Plan Quarterly Report, Sep. 30, 2016

In response to a question from Council on the relationship between the Residential Infill Strategy, the Housing Strategy and the Secondary Suites Review, the Chief Administrative Officer noted that comments regarding housing and secondary suites have been provided through the Residential Infill Strategy. Ms. Koning noted that all three processes were identified in the Official Community Plan and noted that further clarification on these terms would be forthcoming

MOVED and seconded: That the third quarterly report for 2016 on Council's Strategic Plan 2015-2018 be received for information.

CARRIED

Councillor Zhelka against the motion

12. ***Advisory Design Panel (ADP) Minutes***

- Note - Director of Corporate Services - ADP Minutes - Sep. 6, 2016
- Minutes, ADP, Sep. 6, 2016

MOVED and seconded: That the minutes of the Advisory Design Panel meeting held September 6, 2016 be received for information.

It was noted that a correction was needed with regards to Councillor Croft's attendance. The question was then called.

CARRIED

13. ***Advisory Planning Commission (APC) Minutes***

- Note - Director of Corporate Services - APC Minutes - Sep. 6, 2016
- Minutes, APC, Sep. 6, 2016

The Chief Administrative Officer responded to a question from Council clarifying that the Chair and Vice Chair of the Commission are reviewing manuals from other Commissions and working towards streamlining communications with Council.

The Manager of Planning confirmed that as meetings of the Commission are not currently webcast, the Commission's minutes would continue to include a flavour of the discussion at the meeting as is done currently.

MOVED and seconded That the minutes of the Advisory Planning Commission meeting held September 6, 2016 be received for information.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

14. *Correspondence to be Received*

MOVED and seconded: That the correspondence with respect to the Development Variance Permit application for 2741 Dewdney Avenue be received for information

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

15. *New Business*

2016 Fall - Mayor's Caucus - BC Gas Tax Fund Overview

Mayor Jensen provided a presentation from the 2016 Fall Mayor's Caucus, outlining new eligible categories for grant funding.

Verbal Reports

It was confirmed that there had been no meetings of the Provincial Urban Deer Advisory Committee since the update in September.

Verbal reports were also provided on the Victoria Book Prize and the upcoming Heritage lecture on October 19, 2016.

TABLED RESOLUTIONS:

16. *Development Variance Permit (DVP) Application - 2741 Dewdney Avenue*

- Tabled Resolution Notice - 2741 Dewdney Avenue
- Plans - DVP - 2741 Dewdney Ave, Sep 7, 2016
- Committee of the Whole Report - Planner, Sep. 6, 2016

MOVED and seconded: That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2741 Dewdney Avenue (Lot 9, Block 9, Section 2, Victoria District, Plan 379A) 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>
6.4.4.(2)(e) Total Side Lot Lines	4.57 m	4.06 m	0.51 m
6.4.4.(11) Second Storey Setback	3.00 m	1.38 m	1.62 m

to accommodate the proposed addition to the second storey, as shown on the plans appended to the September 12, 2016 Committee of the Whole agenda item number 3, being a memorandum from the Planner dated September 6, 2016.

The applicant was in attendance.

No members of the public rose to speak.

The question was then called.

CARRIED

RESOLUTIONS:

17. **Execution of a 219 Covenant - 1660 Monterey Avenue**
- Resolution Notice - Execution of Covenant - 1660 Monterey
 - 219 Covenant - 1660 Monterey Ave.
 - Committee of the Whole Report - Planner, Apr. 15, 2016

A discussion ensued with respect to value of the proposed section 219 covenant. A member of Council spoke in opposition, commenting that the applicant had expressed concerns previously and that the approach was heavy-handed and not proportional to the environmental impact achieved. Another member of Council spoke in support, commenting that the proximity to Bowker Creek makes it crucial that the Municipality take this opportunity to influence change for the long-term and commented that it was her understanding that staff had made efforts not to make the process onerous or expensive. The Manager of Planning confirmed that the applicant has signed the covenant and is in agreement to proceed.

MOVED and seconded: That the Mayor and Director of Corporate Services be authorized to do all acts and things necessary to execute the Section 219 (Land Title Act) covenant between Donald Gordon McCarthy and The Corporation of the District of Oak Bay, as substantially set out in the form attached to the agenda considered by Council on October 11, 2016.

CARRIED

Councillors Braithwaite and Murdoch against the motion

BYLAWS:

18. ***Bylaw Memorandum***

- Memorandum - Deputy Director of Corporate Services, Oct. 6, 2016

The Mayor gave an overview of the bylaw reading process.

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

MOVED and seconded: That Bylaw No. 4670, Property Tax Exemption Bylaw, 2016 be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4670, Property Tax Exemption Bylaw, 2016 be read a second time.

CARRIED

MOVED and seconded: That Bylaw No. 4670, Property Tax Exemption Bylaw, 2016 be read a third time.

CARRIED

ADJOURNMENT:

21. ***Motion to Adjourn to In Camera***

MOVED and seconded: That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; labour relations or other employee relations; and litigation or potential litigation affecting the municipality.

CARRIED

Certified Correct:

Mayor

Director of Corporate Services