

REPORT of a PUBLIC HEARING of the Municipal Council of The Corporation of the District of Oak Bay, held at the Monterey Centre, 1442 Monterey Avenue, Oak Bay, B.C., on Bylaw No. 4620, Tuesday, September 9, 2014.

PRESENT: Mayor, N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

STAFF: Municipal Administrator, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, C. Denomme
Director of Building and Planning, R. Thomassen

Mayor Jensen called the public hearing to order at 6:00 p.m.

Mayor Jensen outlined the procedure the public hearing would follow, noting that all persons who deem their interest affected by the Bylaw would have an opportunity to speak.

(Michael Dillistone, Consulting Planner and Catherine Berris, Consultant, in attendance)

BYLAWS:

Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014

The Municipal Clerk explained that pursuant to the *Local Government Act*, a local government may adopt a community plan, which is a general statement of the objectives and policies of the local government to guide decisions on planning and land use management respecting the purposes of local government. Ms Hilton gave a brief overview of the contents of Bylaw No. 4620, stating that the last Official Community Plan was adopted in 1997 and Bylaw No. 4620 repeals the 1997 Plan and replaces it with a new document.

2014-228	MUNICIPAL CLERK, September 3, 2014
2014-228-1	SONGHEES FIRST NATION, July 23, 2014
2014-228-2	CAPITAL REGIONAL DISTRICT, August 30, 2014
2014-228-3	CAPITAL REGIONAL DISTRICT, September 3, 2014
2014-228-4	CITY OF VICTORIA, September 4, 2014
2014-228-5	DISTRICT OF SAANICH, September 2, 2014
2014-228-6	AGRICULTURAL LAND COMMISSION, September 2, 2014
2014-228-7	GREATER VICTORIA PUBLIC LIBRARY, August 14, 2014
2014-228-8	GREATER VICTORIA PUBLIC LIBRARY, August 20, 2014
2014-228-9	ISLAND HEALTH, August 20, 2014
2014-228-10	BC MINISTRY OF FORESTS, LANDS, AND NATURAL RESOURCES OPERATIONS – ENVIRONMENTAL STEWARDSHIP DIVISION, July 25, 2014
2014-228-11	BC MINISTRY OF FORESTS, LANDS, AND NATURAL RESOURCE OPERATIONS – HERITAGE BRANCH, July 17, 2014
2014-228-12	DEPARTMENT OF FISHERIES AND OCEANS, July 4, 2014

2014-228-13 TRANSPORT CANADA, July 29, 2014
2014-228-14 PAUL WORSLEY, June 22, 2014
2014-228-15 DAVID KING, June 26, 2014
2014-228-16 ST. MARY'S ANGLICAN CHURCH, June 27, 2014
2014-228-17 JACQUES SIROIS, June 27, 2014
2014-228-18 BOWKER CREEK INITIATIVE, September 5, 2014
2014-228-19 PATRICIA J. BATTLES, September 2, 2014
2014-228-20 TOM CROFT, September 4, 2014
2014-228-21 LAURIE KIMBER, August 25, 2014
2014-228-22 BRIGITTE PAYNE, September 8, 2014
2014-228-23 P. BAILLIE, September 8, 2014
2014-228-24 TOM MACDONALD, September 8, 2014
2014-228-25 LIZ COOKSON, September 9, 2014
2014-228-26 DEAN MCLEOD, September 9, 2014
2014-228-27 BRUCE FILAN, September 9, 2014
2014-179 CHIEF ADMINISTRATIVE OFFICER, June 16, 2014
2014-181 DIRECTOR OF BUILDING AND PLANNING, June 18, 2014
2014-181-1 JEREMY AND GEORGIE WILSON, June 8, 2014
2014-181-2 BARBARA JULIAN, June 14, 2014
2014-181-3 BRUCE FILAN, June 20, 2014
2014-181-4 BRUCE FILAN, June 23, 2014
2014-162 DIRECTOR OF BUILDING AND PLANNING, June 5, 2014
2014-162-1 ANITA WOLFE, May 31, 2014
2014-162-2 BRUCE FILAN, June 1, 2014
2014-162-3 OAK BAY HERITAGE FOUNDATION, June 3, 2014
2014-162-4 JACQUES SIROIS, June 4, 2014
2014-162-5 CARL PETERSON, June 4, 2014
2014-162-6 KEN and BARB GRANT, June 5, 2014
2014-162-7 ELIZABETH ZACKS, June 6, 2014
2014-162-8 BARRY THOMAS, June 8, 2014
2014-43 VICTORIA REAL ESTATE BOARD, Jan 8, 2014
2013-105 MUNICIPAL ADMINISTRATOR, April 8, 2013
2013-105-1 MIKE WILMUT, April 8, 2013
2013-122 HOPE BURNS, CONSULTING PLANNER, May 7, 2013
2013-221 MUNICIPAL ADMINISTRATOR, Aug. 12, 2013

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That these correspondence items be received.

CARRIED

The Municipal Clerk confirmed that there was no additional correspondence received other than that which was already before Council members.

Catherine Berris gave an overview of the process which started 1 ½ years ago. Ms. Berris commented that the community is passionate and creative with a wide range of ideas which helped create the Official Community Plan which is the Community's plan.

Mayor Jensen thanked the Official Community Plan Project Advisory Committee and staff for all their efforts.

PUBLIC INPUT:

Nick Redding, resident, said the Official Community Plan is a general framework document. The OCP does not have the level of detail that an OCP should provide in regards to some degree of guidance on how to develop bylaws, he said. Mr. Redding said this OCP does not provide any guideline at all and it is not a useful document. He commented that all areas are designated for infill, everywhere but the Uplands. He expressed concern that 44% of all RS4 and RS5 zones are already legal non conforming properties and the OCP invites decreased setbacks etc. without regard to the size of lots. The OCP could have provided better protection, he said.

Patrick Skillings, resident, thanked Council members for their time and effort spent on this Official Community Plan. He said he is concerned that we are becoming too politically correct and have the need to change something that isn't broken. He said that Oak Bay is the only municipality in the Greater Victoria area that does not have a legal duplex zone. This addition to the OCP is making it more like Victoria, Esquimalt and Saanich, he said, and it will tend to devalue the single family homes. Council has not understood that we should not be doing something that will provide more affordable housing and we will be saddened in Oak Bay about losing space which is what we enjoy, he said, adding that Council has overstepped the bounds of propriety.

Pat Kehl, resident, commented that there are two residents on her street wishing to subdivide their property and 32 neighbours signed a petition to stop any zoning changes or bylaw changes in the neighbourhood. She said they want to know they are protected from future zoning and subdivision proposals.

David King, resident, said page 98 of the draft Official Community Plan makes reference to faith based institutions such as Oak Bay United Church. Mr King said he is speaking for 5 other church properties with some having residential zoning on their property. The Canadian College of Performing Arts could be looking for space that could be available at the church and the church community would welcome the possibility and he suggested that it should not be a precluded use.

Pat Wilson, resident, thanked Council, staff and all the volunteers who put together this plan. She said that there are lots of issues regarding densification and she said she realizes this will be dealt with in the bylaws and the community will have a say at that time. Ms. Wilson said she is concerned that there is nothing in the OCP regarding encouragement for green space on private property.

Lars Junker, resident, said in regard to section H12 and H13 that all his neighbours are opposed to this type of development and he would like to see more public discussion. Mr. Junker questioned the hurry for the OCP.

Mike Miller, thanked Council and staff for their efforts. He said the existing Official Community Plan is 17 years old and the new Plan brings clarity and certainty which is imperative and will provide something for the community to work with. He said the document enhances neighbourhoods while retaining a sense of space which is a reasonable change. The existing form and character of Oak Bay sets a high bar, he said. He commented that business is diminishing in Oak Bay and any reasonable injection will keep the village alive. The new Official Community Plan is a step in the right direction and opens the door for further discussions, he said.

Lynne Reed-Limbert, resident, thanked everyone involved for a Plan she said all can be proud of. It will bring Oak Bay into the 21st century with the guidelines, heritage policies and bylaws to come, she said. The Committee was passionate about Oak Bay and the desire to get the community's input was a recurring theme and the Plan is consistent with the survey results, she said, noting that she strongly supports this Plan.

Peter DeGroot, resident, commented about the OCP envisioning having coffee shops and community facilities within a 5 minute walking distance and he wondered if the survey found that people in the Henderson area really wanted this. He said that there were only two locations in the area identified, one being Camosun College, and the other Emmanuel Baptist Church.

Kathleen Matthews, resident, acknowledged the process of engaging the community for input into the Plan. She said she is co founder of Friends of Uplands Park and attended many meetings. She said she had hoped a special designation for Uplands Park would be included in the Official Community Plan as it does speak to dogs, trails and Bowker Creek. Anderson Hill and Uplands Park need special designation to protect them from development and over tourism, she said.

Jody Doan, resident, said she moved here from Vancouver 3 years ago and if Council lets this planning take place it will be sorry and Oak Bay will become like Vancouver, and it will lose its soul.

Paul Thomas, resident, said a better place for a coffee shop would be at the Henderson Community Centre. Mr. Thomas said a galleria at the parade ground would be a nice development.

John Rankin, resident, acknowledged the efforts put into the new Plan and he said that increased housing opportunities are necessary and can occur without changing Oak Bay. He said he has faith in the Council and the Community that change can occur without the negative impact some people are suggesting will happen. Some lots are not appropriate for housing changes as they are too small and larger lots should not necessarily be subdivided, he said. He commented that there are appropriate areas where changes can occur without it becoming like Vancouver as long as there are controls in place.

Sandra Friesen, resident, said that Map B, land use framework map, has a designated area in Oak Bay Village which includes the property at 1531 Hampshire that is owned by the municipality and it is zoned residential. She asked why it is not included on Map H and what the process would be if the property were to be rezoned.

Ron Knott, resident, said he is concerned with the use of the words density and densification in the Official Community Plan. He said that means more people, more buildings, more cars and more problems. There is a proposal to take down two houses adjacent to him and put up a three storey condominium with 10 suites and parking for 22 cars, which is completely unacceptable to him and others in Oak Bay, he said. He reminded Council that in the 1970's there was a new Mayor, Brian Smith, and that the old Mayor and Council were sent packing because of the huge apartment buildings being built. He said he does not want to see density in Oak Bay.

Karla Perry, resident, said she stands firmly with those who wish to keep the heritage of Oak Bay. Her block has 16 houses on it and her father could name the owners of houses from the last century who had large families with lots of children, she said. She said now there are only 3 houses that have children, 9 with middle aged, older couples and the remaining 4 have single middle aged or older people in them. There needs to be other housing options available for seniors who want to remain and for the young families who wish to live in the area, she said. Ms. Perry said she wants to live in a living community and not a museum. She continued by saying she has seen her street shrinking and growing old and she welcomes sensitive, innovative and cautious change.

Paul Worseley, resident, said he lives next to an ugly house that is being built and was supported by some members of Council. He said there is a discrepancy in the Official Community Plan and what is happening all around us. This Council is not listening to what people are saying, he said. Mr. Worseley said he agrees with most of what the population responded to in the survey. He commented that the OCP is a pretty good framework for future development in Oak Bay but he said the Plan is only as good as the people carrying it out and it has to be followed. He said he does not believe this Council plans on following the Plan. He commented that when they were pleading for public spaces, wanting to protect the streetscape it fell on deaf ears and what has happened in Vancouver will happen in Oak Bay if the OCP is not followed, he said. He said the Uplands is a special heritage site and has special protection, but the regulations can be interpreted too freely. He continued by saying that the OCP is a good document but that it will not be implemented as survey respondents expect it to be.

Helen Johnston, resident, said she could not find any specifics regarding park protection. She said that the vagueness of how bylaws can be interpreted make her nervous and she cautioned Council to be specific when dealing with the bylaws and to ensure that open public debate occurs.

Tom Dolan, resident, said that there are large lots that are ripe for subdividing. Mr. Dolan said he is not in favour of laneway housing, subdividing properties, or pan handle lots and he is opposed to secondary suites. He said it would not be the place he bought 20 years ago if these were to happen.

David Isles, resident, said he bought a single family house and the houses around him have continued to develop. Mr. Isles commented that densification is a slippery slope and said that Council should be very careful with it.

Bruce Filan – resident, read the letter he submitted to Council, correspondence item no. 2014-228-27.

Mayor Jensen called for a five minute recess at 7:30 p.m.

Nick Redding, resident, said there were three motions at the June 16, 2014 Council meeting that could have provided guidance to the OCP but he said did not. Mr. Redding said a motion to amend the wording in Section 1.4 Vision of Draft Official Community Plan had reference to “high quality“ removed from the motion before it was carried, a motion to add a goal to Section 1.5 Goals of the Draft Official Community Plan to ensure long term financial sustainability was defeated and a motion to amend a clause regarding off street parking in Section 5.1.2a Transportation Policies T4 of the Draft Official Community plan was also defeated.

Bruce Filan, resident, said the results of the OCP survey should not be relied on when dealing with single family dwellings. The survey asked for opinions on laneway houses and asked if you agreed or disagreed assuming parking, traffic and noise would be addressed, he said. He continued by saying the survey participants were to expect these things would be addressed, and he said that would be impossible for Council to guarantee. He said that Oak Bay has limited resources to deal with bylaw enforcement and bylaws lack teeth because there is no dedicated enforcement as bylaws are complaint driven. He said the survey failed to address how single family home owners felt about laneway houses, and apartments and these are the people who would be most affected.

The Chair requested that Mr. Dillistone and staff address technical questions raised.

Michael Dillistone said there were a number of questions around future process, infill housing and subdivisions. He explained that the Plan contemplates future growth to add to the community with a very broad brush with policies to be considered in the future. The Plan very clearly sets out that there is another stage that needs to take place which involves developing criteria for development, he said. He noted that on page 160, implementation table, there is reference to making Zoning Bylaw changes relating to infill housing, which will require a high level of effort. He said rezoning applications do involve a public process.

In regard to the issue of parks and the lack of detail for specific parks in the Plan Mr. Dillistone pointed out that on page 160 a Parks and Recreation Master plan is included. He said all these implementation steps will be brought back to Council at a later date.

The Director of Building and Planning Roy Thomassen said that in terms of the potential for commercial uses in the North Henderson Area an application process would be involved.

Mr. Thomassen said the property included on Schedule B, in Oak Bay Village, was purchased by the municipality and was intended to be a parking lot; the new OCP has identified that it could be developed for mixed commercial uses.

In regard to the concern regarding the two houses on Beach Drive being demolished, Mr. Thomassen said he has not seen an application on this. He said if the owners wanted a change from single family dwelling it would require an Official Community Plan amendment and a Rezoning application.

Marion Cummings, resident, said her favourite quote regarding The Quest development previously considered by Council, which would have taken down a single family home and put up a condo building, is that Oak Bay is rural and people want to keep it that way. She said that she has concerns in regard to the proposed densification and what may occur on large lots that have heritage homes on them. She said that she would hope there could be incentives to protect heritage homes and designate lands to be protected in the future. Ms. Cummings commented that in the Vancouver Sun she saw that on a 160 ft frontage there are 3 duplexes priced at 1.3 million. She said that Oak Bay could be headed in that direction with the Plan being so open. Ms. Cummings said she hoped an affordable housing organization would be set up. She said there are many older people who would like to remain in their home and they would welcome the younger people into their home which could result in a home share/ home care situation and she said there would be plenty of support in Oak Bay for this. Ms. Cummings said she shares concerns about parking since the survey assumed that parking concerns would be taken care of and she does not believe that is the

case. She said that it would be lovely to see affordable housing but not growth for the sake of growth. She thanked everyone for their efforts involved in the Plan.

Susan Roundtree, resident, said that her grandparents cleared land in the 1920's and she said she has seen plenty of infill. She said infill in West Vancouver occurred with negative costs to transportation and air pollution. She said that aging in place is important and there is a lot of money coming to Oak Bay as Vancouver Island is becoming the new Florida. She said that she came back to Victoria and can see the incredible pressures for densification as the mainland becomes maxed out. She said that people will come in and flip properties and then move out and this is not representative of what the community wants to see here. She continued by saying people with less income will be pushed out. She said she wants to see affordable housing using existing houses as she loves the character of the community. She said there are ways it can work if all want to build more houses, save our gardens and get cars off the roads and she continued by saying she would love to downsize and stay in the area.

Dave Friesen, resident, said that 1531 Hampshire Road on Schedule B should not be included in the Village and that it should be shown as residential.

Karen Adams, resident, said there is a huge amount of passion for our community and neighbourhoods and we need a framework and vision to proceed and she said what we have here is a document that will enable that to happen. She continued by saying that all the issues raised will have to come before Council at some point. Ms. Adams said we live in a beautiful community and we need to protect it while moving forward and she also said she is in favour of the new Official Community Plan.

Mat McNeil, resident, said he is not a resident but he pays taxes in Oak Bay and he said he has concerns with the lack of parking. Mr. McNeil said on page 133 it identifies funds have been collected from developers yet there is still a lack of parking. He said the empty house behind the Penny Farthing Pub should be demolished and a parking lot put in.

Michael Dillistone, advised that there are two areas of the Plan that require an amendment. He said that the development permit areas map schedule G and Commercial Mixed Use Schedule H should be consistent with those on schedule B and noted that staff will make a recommendation to make them consistent during the Council meeting to follow the Public Hearing. He said that the regional context statement went from supporting a 1% growth rate down to .5% growth rate and that should be made consistent with increase of population numbers as well.

Kathleen Matthews, resident, asked about the apartment buildings in the Windsor park area and if they could be torn down and taller ones put in. Mr. Thomassen noted that in response to Ms. Matthews question, those properties are zoned specifically and it sets out how tall they can be. He said that page 62 states how tall and if they wanted to build more storeys a rezoning amendment and an OCP amendment would be required.

Susan Roundtree, resident, asked if we have to comply with the Capital Regional District ratio regarding densification.

Michael Dillistone responded by saying that the CRD regional growth strategy sets out growth rates with overall maximums and that each municipality responds through its regional context statement. He continued by saying that as part of the OCP process the

municipality was required to refer the Plan to the CRD for its review of the Regional Context Statement to make sure it complies with the growth strategies that they have in place and it was approved by the CRD Board.

ADJOURNMENT:

The Mayor asked three times if anyone else wished to speak at the public hearing. Seeing no one come forward, it was

MOVED by Councillor Copley
Seconded by Councillor Ney, That the public hearing do now adjourn.

CARRIED

The public hearing adjourned at 8:23 p.m.

Certified Fair and Accurate:

Municipal Clerk

Mayor