

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, Oak Bay, B.C., on Tuesday, October 11, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
Councillor P. Copley  
Councillor J. D. Herbert  
Councillor N. B. Jensen  
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green  
Director of Building and Planning, R. Thomassen  
Municipal Treasurer, P. Walker  
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 7:30 p.m.

ADOPTION OF MINUTES:

*Council – September 12, 2011*

MOVED by Councillor Braithwaite  
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, September 12, 2011, be adopted.

*BC Hydro's Smart Meter Exchange Program Presentation*

Responding to a question from Mayor Causton regarding whether BC Hydro had undertaken a public consultation and information session with the Oak Bay community regarding the Smart Meter program, the Municipal Administrator said he was unaware of any session taking place in Oak Bay, however, he would contact BC Hydro in this regard.

The question was then called.

CARRIED

*Committee of the Whole – September 19, 2011*

MOVED by Councillor Herbert  
Seconded by Councillor Jensen, That the minutes of Committee of the Whole meeting held on Monday, September 19, 2011, and the recommendations contained therein, be adopted.

CARRIED

*Special Council – September 23, 2011*

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That the minutes of the Special Council meeting held on Friday, September 23, 2011, be adopted.

CARRIED

*Committee of the Whole – October 3, 2011*

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the minutes of Committee of the Whole meeting held on Monday, October 3, 2011, and the recommendations contained therein, be adopted.

*Traffic Calming at Windsor Road and Monterey Avenue*

Mayor Causton drew attention to correspondence items no. 2011-314 and 2011-314-1 appearing later in the agenda that pertains to correspondence item no. 2011-304, discussed at the October 3, 2011 Committee of the Whole meeting, regarding traffic calming at Windsor Road and Monterey Avenue.

The view was expressed that the work proposed for the corner of Windsor Road and Monterey Avenue really had more to do with providing a safer route for school children, with the added benefit of calming traffic in this vicinity, and was supportable.

*Monthly Financial Reports – August 2011*

Responding to a question regarding licences and permits fees, the Municipal Treasurer advised that it was anticipated that the permit fees for the new Oak Bay High School project would have been received in 2011, which was not the case.

Ms. Walker answered various other questions from members of Council regarding the financial reports.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2011-306 MUNICIPAL CLERK, September 21, 2011  
2011-306-1 DIRECTOR OF BUILDING AND PLANNING, September 7, 2011  
Re Bylaw Enforcement – Recommendation to File Contravention Notice Against Title – 1586 York Place

The Director of Building and Planning, referring to his memorandum, provided an overview of the bylaw enforcement process that has taken place and a summary of the timeline leading up to the staff recommendation to file a contravention notice against the title, noting the reason for this action is to achieve compliance with the applicable regulations and to ensure that potential purchasers of the property are made aware of outstanding violations and to protect the Municipality against future liability.

Mr. Thomassen advised that along with the required building permits, variances would also be necessary to ensure the renovation work would comply with the regulations. He also stated that once the dwelling is in compliance with the regulations to the satisfaction of the Director of Building and Planning, the notice on title could be removed.

James Piercey, owner, came forward to provide information regarding the renovation and bylaw enforcement process from his point of view, noting he had intended to remedy the hazard of rotting stairs by removing them and erecting a ladder, which had also been deemed a hazard. After a stop-work order, he said, he undertook work on the exterior of the garage, which was, he said, permitted by staff. Ultimately, he said, he was just attempting to restore the original building.

Following discussion and various questions from Council being answered by staff and the homeowner, it was suggested that further consideration of placing notice against the title be postponed for nine months to allow the owners time to complete all the required work with the appropriate approvals in place.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That consideration of placing a Bylaw Contravention Notice against title of 1586 York Place be postponed for nine months to provide the owners with an opportunity to obtain the required approvals and complete the work on the accessory building.

CARRIED

2. 2011-307 KELLIE WHITE, August 25, 2011  
Re Request for Financial Assistance

While the terrific accomplishments of the U14 Metro soccer team were acknowledged, it was pointed out that granting financial assistance in an instance such as this could set a precedent for future requests for sports teams, and that it would be unusual to provide assistance as requested.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the request for financial assistance towards sponsoring the Victoria Capital U14 Metro Soccer team be received.

CARRIED

3. 2011-308 SHIRLEY HUNTER, September 27, 2011  
Re Request for Road Closure for Block Party on Norfolk Road – October 31, 2011

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That permission be given for the closure of Norfolk Road, between 3150 and 3200 Norfolk Road, on Monday, October 31, 2011, from 6:00 p.m. to 9:00 p.m., for the purpose of a neighbourhood Halloween party.

CARRIED

4. 2011-309 VICTORIA CAR SHARE CO-OPERATIVE, October 3, 2011  
Re Request to Occupy Municipal Parking Space – Monterey Centre

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That permission be given for the Victoria Car Share Cooperative to occupy one parking space at the Monterey Avenue parking lot adjacent to the Monterey Centre for a two year period, and that the Mayor and Municipal Clerk be authorized to execute an agreement with the Victoria Car Share Cooperative for the use of the parking space.

CARRIED

5. 2011-310 ROTARY CLUB OF OAK BAY, October 4, 2011  
Re Request to Occupy Public Property – Corner of Wilmot Place and Oak Bay Avenue

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That permission be given to the Rotary Club of Oak Bay for temporary occupancy of the public sidewalk at the corner of Wilmot Place and Oak Bay Avenue during lunch hour on October 24, 25, 26, 2011 and the sidewalk adjacent to Scotia Bank on Hampshire Road during the evening October 24, 2011 for purpose of a World Polio Day campaign, subject to the event organizer entering into a public property occupancy agreement in which it will among other standard requirements:

- 1) release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of adequate public liability insurance in that regard; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event.

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

6. 2011-311 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, October 3, 2011  
Re Request to Occupy Public Property – Municipal Hall Back Lawn

MOVED by Councillor Copley

Seconded by Councillor Ney, That permission be given to the Oak Bay Business Improvement Association to temporarily occupy the green space behind Oak Bay Municipal Hall from October 28 to October 31, 2011, for the purpose of displaying Halloween pumpkin art, subject to the event organizers entering into a public property occupancy agreement in which it will, among other standard requirements:

- 1) release and indemnify the Municipality from any claims or liability associated with the occupancy and provide evidence of public liability insurance in the amount of not less than \$3,000,000; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

Heather Leary, representing the Oak Bay Business Improvement Association, was in attendance to provide an overview of the event, noting that there would be window displays in the shops as well as a pumpkin art display behind the Municipal Hall. The Association will erect a temporary fence around the perimeter of the area and will have a security guard on site overnight during the four day event, she said.

The question was then called.

CARRIED

7. 2011-312 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, October 5, 2011  
Re Request for Approval of Plans for 2011 Oak Bay Christmas Festival

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the temporary road closures, the occupancy of the closed roads and the front lawn of the Municipal Hall, and the various events planned, including the sales of goods and services pursuant to the requirements of the Streets and Traffic Bylaw in relation to the Oak Bay Business Improvement Association Christmas Festival as laid out in correspondence item no. 2011-312 be approved, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

- 1) release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event; and
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay, and further, that approval be given to waive the Public Works Department costs related to erecting signage and barricades for the road closures associated with the Oak Bay Business Improvement Association's Christmas Light Up on Sunday, November 27, 2011 and for the Parade of Lighted Trucks on December 6, 2011, and for the staff overtime costs associated with the light up.

CARRIED

8. 2011-313 DIRECTOR OF BUILDING AND PLANNING, October 7, 2011  
2011-313-1 PAUL MERNER, October 4, 2011  
2011-313-2 JOHN RANKIN, October 4, 2011  
2011-313-3 S. DALE PERKINS, October 5, 2011  
2011-313-4 DUNCAN NIXON, October 5, 2011  
2011-313-5 JOHN RANKIN, October 6, 2011  
2011-313-6 MICHAEL AND MAGGIE HAYES, October 6, 2011  
2011-313-7 LOIS BENDER *et al*, October 5, 2011  
2011-313-8 JAMES, LORI, MEGHAN, TYSON CHESTNUT, October 6, 2011  
2011-313-9 JOHN RANKIN *et al*, October 10, 2011  
2011-305 BAPTIST HOUSING, September 30, 2011  
2011-305-1 JOHN RANKIN *et al*, September 28, 2011  
2011-305-2 LORI CHESTNUT, September 29, 2011  
2011-305-3 JAMES, LORI, MEGHAN AND TYSON CHESTNUT, September 28, 2011  
2011-305-4 JOHN AND AKEMI RANKIN, September 28, 2011  
2011-305-5 JESSICA VAN DER VEEN, September 26, 2011  
2011-305-6 SOUTH ISLAND HEALTH COALITION, September 26, 2011  
2011-286-1 JOHN AND AKEMI RANKIN, August 24, 2011  
2011-260 DIRECTOR OF BUILDING AND PLANNING, August 4, 2011  
Re Development Variance Permit Application– 2251 Cadboro Bay Road (Oak Bay Lodge)

Councillor Copley excused herself from the discussion, citing the perception of conflict with respect to the development variance permit application for 2251 Cadboro Bay Road as her father is a resident of Oak Bay Lodge. Councillor Copley left the meeting at 8:13 p.m.

Although not the usual process at a meeting of Council, Mayor Causton said that due to the public interest regarding the development variance permit application for 2251 Cadboro Bay Road (Oak Bay Lodge) and the recently revised plans, Council would hear from the public.

Patrick Cotter, Architect, Howard Johnson, Chief Executive Officer, Baptist Housing, Bob Lapham, General Manager, Planning and Protective Services, Capital Regional District and Executive Director, Capital Regional Hospital District, and Rudi van den Broek, Chief Project Officer & General Manager Special Projects, Vancouver Island Health Authority, were in attendance in respect to the proposed redevelopment of the Oak Bay Lodge property.

Patrick Cotter provided an overview, with the aid of a PowerPoint presentation, of what has transpired since the Committee of the Whole meeting of October 3, 2011, noting that the team returned to the Oak Bay Lodge site to re-look at ways to address the concerns regarding the neighbourhood impact of the proposed development due to the siting and height of the building, and the anticipated increase in traffic. Mr. Cotter said the Committee's suggestion that the building could perhaps be shifted towards Cadboro Bay Road further away from the neighbouring houses, and other changes, are reflected in the new plans submitted for the meeting. Mr. Cotter pointed out that the other proposed changes include rotating the stairwells and wings inward, closing the Cranmore Road entrance to vehicle traffic and focusing on more of a pedestrian gateway at that location, reducing, and relocating the kitchen and loading zone. With these proposed changes, an additional variance for the front set back on Cadboro Bay Road would be required, although the building has been lowered by approximately one metre, which has reduced the height variances.

Mr. Cotter said that due to the tight timeline, there was no time for individual contact with the neighbourhood, however, he stated that there was communication through a spokesperson for the neighbourhood, and the revised site plans currently before Council were also distributed to the neighbourhood.

With respect to the fate of the Garry Oak trees located along Cadboro Bay Road, Mr. Cotter advised that of the seven trees that would need to be removed, three were assessed as being in poor condition. This area would receive landscaping treatment including some tree replanting and plant screenings, he said.

Mr. van den Broek advised that he was in attendance on behalf of the Vancouver Island Health Authority to answer any health care related question regarding the proposed project.

#### PUBLIC INPUT:

Lois Bender, Oak Bay resident, stated that she was part of a group of about 30 neighbouring residents who share the same concern since reviewing the proposed Garry Oaks Village project development at an open house in September. Ms. Bender read from a letter on behalf of the neighbours saying that they strongly support having a care facility at this location and they are pleased the property will remain in public hands. Ms. Bender said that they reviewed the revised plans presented at tonight's meeting, and acknowledged the many improvements. However, she said, the main issues have yet to be addressed, one being the variance request for parking stalls and the proposed height. Both of these issues are driven by density and the number of beds should be reduced from the proposed 320 beds. She said the development is simply too big for the site, which is already elevated by a knoll. Ms. Bender asked how the mobility challenged

residents are supposed to regularly access the greenspace when living on the upper floors, and if the situation arose, how the building would be evacuated due to an emergency.

Ms. Bender continued by saying that a five or six storey building seriously impacts the neighbouring property values, and quality of life of area residents. She said from a monetary point of view projects have been designed that are financially feasible in line with the current size of the Lodge.

In closing, Ms. Bender said there is a need for sincere, meaningful and transparent consultation on a building the community will be living with and possibly living in, and there are too many unanswered questions. Council and the community should not be pressured, she said, urging Council to vote against the variance requests and to encourage an opportunity for a two-way dialogue, and take the time to build a quality facility that fits the neighbourhood.

John Rankin, Oak Bay resident, stated that the application before Council is for a height variance of 45 feet and a reduction in the number of parking spaces, both of which are significant requests. Mr. Rankin said this is a major decision that will impact the community and that two additional storeys, parking and traffic consequences will impact more than just the neighbourhood and will change the skyline. Mr. Rankin said he and the neighbours are not against having a care facility rebuilt on the property, but that concerns stem from the lack of communication and consultation with the developers, saying they did not know the request was coming to Council, even though the application was submitted to the Municipality months ago.

Mr. Rankin acknowledged that progress has been made and that Baptist Housing has been very cooperative, but said there is still not enough information and the building being proposed is still too big, noting that there are other options than a six storey building. He felt that the onus should be on Baptist Housing to resolve these issues.

Mr. Rankin closed by saying that the focus should be on relevant issues and Council getting the relevant information and assessing the impact the development could have on the community. He said Council should not be rushed or pushed into a bad decision on a building that will be there for 60 years and the issues need to be thoroughly addressed before moving forward.

The Director of Building and Planning confirmed that the application was received in May 2011 but was held at the request of the applicant until an announcement about the proposed new facility could be made by the Vancouver Island Health Authority.

Rudi van den Broek confirmed that the announcement could not be made until government approval was given.

With respect to the question about mobility issues, Mr. van den Broek said that residents would access the greenspace via the elevators, and should an emergency or disaster strike, the building code addresses containment of resident wings, and that building safety would be in compliance with the Fire Code, the same as other such facilities.

Answering the question regarding the number of beds, Mr. van den Broek advised that the proposed development was designed to match the number of spaces needed in the region.

A member of Council questioned why Oak Bay is being asked to provide 320 beds and the District of Saanich Mt. View project will be providing 260 beds, and that perhaps the numbers could be reversed. The question was also asked if the project could be done without variances.

Howard Johnson responded by saying that the number of beds is driven by the funding available, and that the Saanich project has been approved for a seven storey facility, which will provide an

opportunity to add 120 beds at that site in the future as more funds become available. Responding to the second question, he said that the size needs to accommodate the required number of replacement beds for the region overall. He noted that the two projects are intertwined and changing the model now would collapse the deal due to multiple pieces that have to fit, and the whole project would have to start over. Mr. Johnson confirmed that Oak Bay's decision will affect the Saanich facility in that they are considered together as one financed package.

Mr. van den Broek, responding to comments from members of Council, said that old stock needs to be replaced and building a smaller facility would not be the best way to spend tax dollars. He pointed out that the project would be 18 feet over the existing facility's height and he urged Council to consider this major capital investment that will provide 320 people with more appropriate and well designed living space. This proposal, he said, will maximize the value of the land and keep a care facility in Oak Bay.

Duncan Nixon, Oak Bay resident, asked if the trees shown in the digital model were to scale. Mr. Nixon then read from a letter, saying that this stage of the proposed project should be considered the beginning of the dialogue. However, he said, without a model it is difficult to grasp the scale and he found the reduced plans were too small. Mr. Nixon expressed his concern that there has been a lack of consultation with the public and he reminded Council that it is the proponent that is propelling this limited timeline, which is not allowing for the appropriate studies etc. to be done, noting that the community would rather see everything done right the first time.

Mr. Nixon concluded by saying that without more consultation, a model, and a traffic study, etc., he believes that Council should resist rushing ahead, and request that Baptist Housing find a way to make it work because the building will be there for 60 years.

Leona Frenette, Oak Bay resident, said she has worked at the Oak Bay Lodge and family members have been patients. Ms. Frenette said her property backs onto the site and she is not against having a care facility on the property, however, she feels that the development has to be right for the neighbourhood, and 320 beds is more beds on one site than any other facility. Ms. Frenette expressed her concern that the original plan to provide a Campus of Care and Adult Daycare facility is no longer being considered. Ms. Frenette said the process has been so compact and quick, questioning why Oak Bay is under pressure to approve the variances.

With respect to funding issues raised, Ms. Frenette believes that with all the proponents involved, there should not be an issue, and she pointed out that Vancouver Island Health Authority has many other properties to build a large facility on, and a smaller project could be planned for Oak Bay.

Ms. Frenette commented that the Municipality should not be bearing the pressure to build a facility of this size on this lot. Ms. Frenette concluded by saying that here is an opportunity for Council to do something right and to create a legacy to be proud of.

Michael Hayes, Oak Bay resident, said his property does not back onto the Oak Bay Lodge property but the increased height will have a significant impact on afternoon sunlight on his property. There is also the traffic issue that will affect the neighbourhood, he said. Reading from a letter, Mr. Hayes reiterated that the residents are in support of the continuation of senior's care at this site, as they have lived amicably with the Lodge for many years.

Mr. Hayes thanked the applicants for trying to address some of the concerns, however tinkering with the footprint is not enough, he said. The issues that need to be addressed are the project size, height, and resident capacity, none of which respect the bylaws and nor the variance application process. He expressed concern that the Municipality is being pressured due to a



private financing timeline of the developer. Mr. Hayes urged Council not to fold under the pressure of an implied threat that the project will not go through if the variances are not approved. The neighbours feel that solutions can be found with all those involved working together to find a design that fits and meets the needs of seniors, complies with the regulations, and includes public consultation.

Mr. Hayes suggested that it is not just the surrounding neighbours that should be heard from but the broader Oak Bay community should also have a voice. The service delivery model needs to be openly discussed and understood by all concerned, he said, and there are still many unanswered questions that should be addressed at public consultations. Council must be prepared to speak for the community and not approve the request for variances at this time, and take the time to do it right.

Doug Mollard, Oak Bay resident, expressed his appreciation to the architect, Mr. Cotter, and commended Baptist Housing as a caring developer. Mr. Mollard said he lives at the end of the Lodge's driveway and he is pleased to see the land continue to be used as a public facility.

Mr. Mollard said that what is being proposed for the Cadboro Bay Road site includes a six storey building, with 107 parking spaces, 320 residents, staff, and visitors which would amount to 500 people on a small lot. He also expressed concern that residents will not have easy the access to the outdoors due to the height of the building. Mr. Mollard commented on similar concerns expressed by others about the safety, noting that the project should be done right, and that an open dialogue session to discuss the concerns being noted by the residents in attendance should be held.

James Chestnut, Oak Bay resident, said the focus should be kept on the variances being requested and not the financing issue that Council has no control over. Mr. Chestnut said that although the setbacks have been increased with the changes to the plans, the towering building will still obstruct sunlight to the neighbouring properties.

He said more time is needed to continue making changes to the proposal so that it fits the site, will satisfy the need to care for the elderly, and will fit with the neighbourhood. There is no need to rush, he said.

Maggie Hayes, Oak Bay resident, said she was dismayed to learn that the application was submitted in May 2011 but was not brought forward to Council until months later.

Ms. Hayes expressed her appreciation for changes made and said she approves of the closure of the Cranmore Road access, but the building is still too high and too big for the site. She suggested that if possible the applicant should consider removing the rock knoll, which could help reduce the height of the proposed building. She asked Council to consider seriously any changes to the "community plan" and not be in such a hurry at the developer's demands. She said she looks forward to more consultation for a project that will be with the Municipality for 60 years.

Jim Kirk, Oak Bay resident, spoke in favour of the project and commented on the idea of perspective, saying that in urban living six storeys is not very high. The other issue being focused on is density, he said, and there is a need for growth and for facilities to accommodate the increase in population. There must be an economy of scale and if 40 beds are removed from the project, as previously suggested by some of the speakers, the facility will still require a kitchen, access, elevators, etc., he said. He also noted that most of the residents will not be driving cars.

Mr. Kirk said if he lived on Hampshire Road perhaps he may think differently, however, as a member of the larger community, he questioned if this was just a storm in a tea cup.

Paul Merner, Oak Bay resident, said the scale of the benefit of the project versus the scale of the detriment to the neighbourhood should be considered, and increasing the height that much just to add 40 beds is out of scale. Public organizations, he said, should be held to a higher standard. With respect to parking, he said that most public organizations are moving away from increasing the number of required parking stalls and reducing traffic.

Jessica Van der Veen, Oak Bay resident, wanted to reiterate comments she made at the last meeting saying she is pleased that the property will remain in public hands and will continue to be used for seniors care. Ms. Van der Veen expressed her concern that the original intent of offering the Campus of Care model at this location is no longer being considered, and she would like Council to ask about the number of beds being allocated to each level of care. In conclusion, Ms. Van der Veen said she would like to see a Campus of Care model, independent living units which allow couples to continue living together, and an adult daycare program to be a part of the proposal.

Raysa Frenette, Oak Bay resident, said she would like to see the attention put back on the variances and the neighbouring residents rather than the applicant's financing issues, which are being put before her family and her neighbours' livelihoods. Ms. Frenette said her family was not asked what it thought about the plans, noting the application should only go forward with the support of the community.

#### APPLICANT'S RESPONSE:

Mr. Cotter spoke to three main items that arose, saying that with respect to the quality of care as it relates to a six storey building, this particular model of care, which is accepted worldwide, offers the highest level and quality of care, and this layout is considered to be optimum for the ratio of "resident neighbourhoods" to staff. Mr. Cotter said that changing the size would compromise the quality and comfort of residents, as the building design has a direct relationship with the wellness of residents.

In regard to the life safety, Mr. Cotter explained that these buildings are built with non-combustible concrete construction of the highest quality, and that whether on the second or sixth floor, will have to use the vertical circulation of the building in the same manner. There would be many opportunities and activities, through the daily cycle of residents, for continued life experience within the entire facility and outside, he said.

Mr. Cotter reiterated that life safety is not an issue because of the building height. He explained the way the buildings would be attended to during a fire, saying that the building is compartmentalized with fire compartments on each floor, which are separated into three separate segments. He added that care facility residents are only evacuated in very rare situations, and are typically moved to a compartment of the building that is secured. The building is designed to provide the life safety requirements as mandated in the Building Code, and he added that the Fire Department would likely be able to provide further information in this regard.

Mr. Cotter said he wished to clarify that the existing building already is non-conforming in terms of height and site coverage, and he explained that the relative difference between the proposed and existing building is 5.47 meters (17.9 feet), with the current building occupying 36% of the site and the proposed building covering 29.5% of the site. In saying this, he advised, the developers are not in any way suggesting that the new proposal will not have any impact on nearby residents.

In response to a question from a member of Council about whether or not it was possible to reduce the size of the proposed building and spread it out over the site, Mr. Cotter first spoke to the physical responses regarding the site, saying it has a knoll that they considered removing but decided it created a buffer between the neighbours and the building. As well, consideration was given to complying with the existing bylaws as much as possible, therefore reducing the site coverage of the building to what is permitted.

With respect to the design of the building relative to the kind of care environment that is being discussed, he again drew attention to the “resident neighbourhoods” population and related number of staff which creates an ideal model for care. He said there is not enough area to physically accommodate additional neighbourhoods on the floors to be able to reduce the overall height, and the only other way to spread it out would be to extend the wings in some way. However, he said, this would severely impact the building block of the household model they wish to create, compromise the size of each resident neighbourhood, and would revert the site back to the more institutionalized model that currently exists.

Mr. Cotter said he appreciated the notes of thanks from some of the neighbours regarding the efforts undertaken to date, and in speaking to the developer’s commitment, said they will continue to take into consideration all comments received throughout the evolution of the project.

With respect to the way the project has unfolded and the process that had to be followed, Mr. Cotter explained that, through a series of events, and awaiting Government approval to proceed, the developers had to follow protocol in terms of receiving the approval for this development before moving forward to this stage.

Howard Johnson said Baptist Housing, a non-profit organization, has over thirty years of experience in providing senior housing within communities, and in that respect, they take the concerns of neighbours seriously. In regard to what they want to bring to Oak Bay, he provided a summary of the process in terms of research, design, etc. to get to this point. Mr. Johnson said that very careful consideration has been given to the proposed development that will offer two levels of care, licensed dementia housing, and complex care. Responding to a question about access to outdoors, Mr. Johnson said that each level will have a deck area.

Mr. Johnson commented that the Vancouver Island Health Authority does not have the ability to fund independent living at this facility, however, he assured Council that the Vancouver Island Health Authority is committed to assisting the current residents of the Oak Bay Lodge to remain in the Community. With respect to the adult day services, he said that there is a provision of space where they would be able to replicate the adult day services, however, that program was not part of Vancouver Island Health Authority’s Request for Proposal process. He said that Baptist Housing recognizes that a day services area is needed.

Mr. Johnson said this is a complex situation involving many different representatives, and is not just a financing issue.

Following the various questions being answered by the applicants, the discussion focused on the views of the members of Council and whether or not they were prepared to forward the application to the public notification stage.

The view was expressed that while the changes to the original design in response to concerns raised were appreciated, the building as it is currently proposed still seems too large for the site and would not fit in with the community. Another concern raised was regarding the process and the lack of dialogue and two way discussion between the neighbours and the applicants, which was felt to be necessary prior to moving forward. While keeping a care facility on the property was supported overall, it was felt by some that further information was required on the proposal

before Council, such as a traffic and parking study. Discussion turned to the requirement for 320 beds as explained by the applicants, and while it was acknowledged that the building would impact the surrounding neighbours, it was suggested that Council should not lose sight of the great benefit to the community and the capital region that the project would provide.

There was discussion regarding timelines and process, and there was consensus not to send the application to the notification stage, but defer further consideration to the next Council meeting to provide the applicants with an opportunity to engage the community further and provide a forum for open dialogue.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the development variance permit application with respect to 2251 Cadboro Bay Road be deferred to the October 24, 2011 meeting of Council.

CARRIED

Moved by Councillor Braithwaite

Seconded by Councillor Herbert, That the meeting proceed beyond the 11 o'clock p.m. hour of adjournment fixed by the *Procedure Bylaw*.

CARRIED UNANIMOUSLY

Councillor Copley returned to the meeting at 10:56 p.m.

9. 2011-314 AMY SOPINKA, October 3, 2011  
2011-314-1 GEOFF MORRISON, October 3, 2011  
Re Traffic Calming at Windsor Road and Monterey Avenue

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence items no. 2011-314 and 2011-314-1 be received.

CARRIED

10. 2011-315 OAK BAY COMMUNITY INITIATIVES COMMITTEE, July 13, 2011  
Re Minutes of Meeting

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the minutes of the Oak Bay Community Initiatives Committee meeting held on July 13, 2011 be received.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That approval be given to provide \$2,000 from the Oak Bay Community Initiatives Committee budget for the purpose of providing funding to the Oceanside Marine Life information area project, at the proposed location at the foot of Radcliffe Lane beach access.

Noting that the proposed location for the project could change, Councillor Herbert indicated that any new location would be brought to Council for consideration and approval.

The question was then called.

CARRIED

11. 2011-316 OAK BAY COMMUNITY INITIATIVES COMMITTEE, September 23, 2011  
Re Active Transportation Report

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the active transportation report be referred to back to the Oak Bay Community Initiatives Committee to undertake the steps laid out in correspondence item no. 2011-316.

CARRIED

12. 2011-317 OAK BAY HERITAGE COMMITTEE, June 21, 2011  
2011-317-1 OAK BAY HERITAGE COMMITTEE, September 20, 2011  
Re Minutes of Meeting

Mayor Causton left the meeting and Councillor Jensen was requested to Chair this item.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the Oak Bay Heritage Committee meetings held on June 21, 2011 be received.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Committee meetings held on September 20, 2011 be received.

It was noted that the Municipal Administrator would be bringing forward a report regarding the potential restructuring of the Heritage Committee to the next Council meeting.

The question was then called.

CARRIED

13. 2011-318 OAK BAY HERITAGE COMMITTEE, September 2, 2011  
Re Trial Island Lighthouse – Federal Designation of Heritage Status

Gwen Ewan, Oak Bay Heritage Committee member, advised that in regard to the Committee seeking heritage status designation under the *Federal Heritage Lighthouse Protection Act* for Trial Island Lighthouse, no staff involvement or Council approval would be required, and that the Committee had secured signatures for the necessary petition to the Federal Government in that regard.

Members of Council expressed their gratitude for the work done by the Committee towards this initiative.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2011-318 be received.

CARRIED

Mayor Causton returned to the meeting and resumed the chair at 11:10 p.m.

14. 2011-319 MUNICIPAL ADMINISTRATOR, October 6, 2011  
Re Food Primary Liquor Licences

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That correspondence item no. 2011-319 be deferred to the next meeting of Council.

CARRIED

15. 2011-278 CHRIS ZATYLNKY AND LEANNE LA PRAIRIE, July 25, 2011  
2011-320 MICHAEL BELL, October 3, 2011  
2011-320-1 R. L. SHENKENFELDER, October 4, 2011  
2011-320-2 LINDA SKOOG, October 10, 2011  
2011-320-3 MICHAEL BELL, October 11, 2011  
2011-320-4 ELAINE TRANT, October 11, 2011  
Re Development Variance Permit – 2608 Lincoln Road

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence items no. 2011-278, 2011-320 and 2011-320-1 be received.

CARRIED

16. 2011-321 DANIEL ROBBINS, September 19, 2011  
2011-281-1 DANIEL ROBBINS, August 22, 2011  
2011-281-2 DANIEL ROBBINS *et al*, September 2, 2011  
Re Development Variance Permit – 295 King George Terrace

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence items no. 2011-321, 2011-281-1 and 2011-281-2 be received.

CARRIED

17. 2011-322 DAVID ANDERSON, October 9, 2011  
Re Development Variance Permit – 3205 Exeter Road

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence item no. 2011-322 be received.

CARRIED

NEW BUSINESS:

*Recognition of Renovation and Building Achievement Awards*

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That, in honour of and out of respect for Councillor Allan Cassidy, the Recognition of Renovation and Building Achievement Awards be renamed as the “Allan Cassidy Recognition of Renovation and Building Achievement Awards”.

CARRIED

*Review of Regulations for Sound Emitting Structures*

With respect to the Zoning Bylaw's current maximum decibel level regulations for sound emitting structures, Councillor Herbert said he would like the regulations amended in such a way as to encourage residents to install generators on private property as he feels it would be a value to the community from a safety and emergency preparedness point of view, and asked Council to consider having staff review the regulations and provide options in this regard.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That staff be requested to bring forward a report regarding options for amending the Zoning Bylaw regulations in respect to the use of generators.

CARRIED

TABLED:

***Development Variance Permit – 2608 Lincoln Road***

Councillor Braithwaite declared a conflict of interest with respect to the development variance permit application for 2608 Lincoln Road as she lives near the applicant. Councillor Braithwaite left the meeting at 11:15 p.m.

MOVED by Councillor Copley

Seconded by Councillor Ney, 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 2608 Lincoln Road (Lot 26, Block 11, Section 2, Victoria District, Plan 379), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.4 and 4.10.5 <i>No sound emitting structure shall be sited within 3 m of any property line, or in a side yard</i>	3.0m	0.8m	2.2m

*to accommodate the siting of a heat pump as shown on the plans appended to Committee of the Whole agenda item 2010-130, being a memorandum from the Director of Building and Planning dated April 14, 2010.*

CARRIED

Chris Zatylny, homeowner, provided an overview of the application, noting that he has installed sound barriers around the heat pump.

With respect to the letters received regarding this application, Mr. Zatylny said he was not aware of any correspondence in this regard. It was suggested that Mr. Zatylny contact the Municipal Clerk to obtain copies of the letters, and that the resolution be re-tabled to allow him to review them.

The Director of Building and Planning advised that when tested in 2010 the pump met the noise level requirements, however, when staff recently revisited the site the current noise level was found to exceed the allowable noise level.

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That the motion in respect to the Development Variance Permit for 2608 Lincoln Road be re-tabled to the October 24, 2011 meeting of Council.

CARRIED

Councillor Braithwaite returned to the meeting at 11:20 p.m.

***Development Variance Permit – 1070 Transit Road***

MOVED by Councillor Herbert  
Seconded by Councillor Jensen, 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 1070 Transit Road (Lot 7, Section 23, Victoria District, Plan 3828), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.6.5.(1) <i>Permits additional projections into the required front setback of 1.2 meters</i>			
<i>Front stair</i>	6.42m	5.93m	.49m
6.5.4.(2)(a) <i>Minimum front lot line setback</i>	7.62m	7.5m	0.12m
6.5.4.(7) <i>Minimum clear space between buildings</i>	3.0m	.95m	2.05m
6.5.4.(11) <i>Minimum interior side lot line setback of the second storey</i>	3.0m	2.48m	.52m

*to accommodate the raising of the existing dwelling, and construction of a new deck and front stair as shown on the plans appended to Committee of the Whole agenda item 2011-280, being a memorandum from the Director of Building and Planning dated August 25, 2011.*

CARRIED

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

***Development Variance Permit – 295 King George Terrace***

MOVED by Councillor Copley  
Seconded by Councillor Herbert, 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 295 King George Terrace (Parcel A (DD 104638I), of Lot R, Block 2, Section 22, Victoria District, Plan 1087, and of Lot 1, Section 22, Victoria District, Plan 3318), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*



<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4.(6)(b) Maximum gross floor area above .8 meters below grade	360m <sup>2</sup>	450.6m <sup>2</sup>	90.6m <sup>2</sup>

to accommodate a roof deck as shown on the plans appended to Committee of the Whole agenda item 2011-281, being a memorandum from the Director of Building and Planning dated August 30, 2011.

CARRIED

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

By consensus, the order of the agenda was varied to postpone consideration of the Development Variance Permit for 3205 Exeter Road to allow the applicant time to read the correspondence with respect to the request.

RESOLUTIONS:

***Development Variance Permit – 2130 Crescent Road***

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2130 Crescent Road (Lot 18, Block 6, Section 46, Victoria District, Plan 1250), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3) (a) + Schedule 'B' Maximum building height	7.07 m	7.47 m	0.4 m
6.5.4.(3) (b) + Schedule 'B' Maximum occupiable height	4.42 m	4.88 m	0.46 m
6.5.4.(6) (b) Maximum gross floor area above .8 metres below grade	300 m <sup>2</sup>	338.4 m <sup>2</sup>	38.4 m <sup>2</sup>

to accommodate the addition of a top floor with deck to the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2011-291, being a memorandum from the Director of Building and Planning dated September 12, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 2130 Crescent Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Traffic Control Order No. 2011-08 – Stop Signs on Heron Street at Burdick Avenue***

MOVED by Councillor Jensen  
Seconded by Councillor Braithwaite,

1. That the Traffic Control Order 2000-03 be repealed and the yield signs be removed from both sides of Heron Street where it intersects with Burdick Avenue.
2. That signs bearing the word “STOP” be erected and stop bars be painted on both sides of Heron Street where it intersects with Burdick Avenue, as more particularly shown on the sketch attached to the Order.

CARRIED

***Traffic Control Order No. 2011-09 – Stop Sign on Burdick Avenue at Lincoln Road***

MOVED by Councillor Jensen  
Seconded by Councillor Herbert,

1. That signs bearing the word “STOP” be erected and stop bars be painted on the south side of Burdick Avenue where it intersects with Lincoln Road, as more particularly shown on the sketch attached to the Order.

CARRIED

TABLED Continued:

***Development Variance Permit – 3205 Exeter Road***

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That the following motion be lifted from the table:

*That the Director of Building and Planning be authorized to issue a Development Variance Permit to amend Development Variance Permit #049-2009 and Development Variance Permit #024-2011, with respect to 3205 Exeter Road (Amended Lot 8 (DD 253708-I), Block C, Section 31, Victoria District, Plan 3599), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(a) <i>Minimum front lot line setback</i>	10.66m	10.26m	0.4m
6.2.4.(2)(e) + Schedule ‘C’ <i>Total of side lot lines setback</i>	10.97m	7.43m	3.54m

*to accommodate the construction of additions to the dwelling as shown on the plans appended to Committee of the Whole agenda item 2011-282, being a memorandum from the Director of Building and Planning dated August 30, 2011.*

CARRIED

Responding to questions, the Director of Building and Planning advised that the foundation of the house has been completed and following inspection the Municipal Arborist was satisfied that no trees were impacted, other than the exposure of roots from one Cedar tree.

With no other members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

BYLAWS:

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

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4548, *Property Tax Exemption Bylaw, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That Bylaw No. 4548, *Property Tax Exemption Bylaw, 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That Bylaw No. 4548, *Property Tax Exemption Bylaw, 2011*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4549, *Guide Hall Licence Authorization Bylaw 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4549, *Guide Hall Licence Authorization Bylaw 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That Bylaw No. 4549, *Guide Hall Licence Authorization Bylaw 2011*, be read a third time.

CARRIED

ADJOURNMENT:

There was consensus of Council not to convene the closed session of the meeting due to the late hour.

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 11:27 p.m.

Certified Correct:

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Municipal Clerk

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Mayor