

MINUTES of a SPECIAL meeting of MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Garry Oak Room, Monterey Centre, 1442 Monterey Avenue, Oak Bay, B.C., on Monday, November 21, 2011 and Tuesday, November 22, 2011.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
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

Mayor Causton called the Special Council meeting to order at 7:00 p.m.

Mayor Causton advised that Councillor Copley will not be attending the meeting as she has declared a conflict with respect to the development variance permit application for 2251 Cadboro Bay Road as her father is a resident of Oak Bay Lodge.

COMMUNICATIONS:

1. 2011-360 VANCOUVER ISLAND HEALTH AUTHORITY, November 16, 2011
- 2011-360-1 PAT DOHENY, November 14, 2011
- 2011-360-2 ALIX AND CHRISTOPHER HARVEY, November 14, 2011
- 2011-360-3 JAMES, LORI, MEGHAN AND TYSON CHESTNUT, November 14, 2011
- 2011-360-4 JEFF AND KATE DORION, November 14, 2011
- 2011-360-5 ANN KUCZERPA, November 15, 2011
- 2011-360-6 PAULINE AND MARK FORD, November 15, 2011
- 2011-360-7 JOHN RANKIN, November 15, 2011
- 2011-360-8 DORIS MICHAUX, November 12, 2011
- 2011-360-9 DONNA HARRISON, November 17, 2011
- 2011-360-10 ROSALYN AND GORDON ALEXANDER, November 17, 2011
- 2011-360-11 DAVID COBURN, November 17, 2011
- 2011-360-12 MARINA SMITH, November 18, 2011
- 2011-360-13 MARK CRAFT, November 18, 2011
- 2011-360-14 KEITH AND DELIA MATHERS, November 20, 2011
- 2011-360-15 MICHAEL HAYES, November 20, 2011
- 2011-360-16 DENNIS MCCARTHY, November 20, 2011
- 2011-360-17 JOHN RANKIN, November 21, 2011
- 2011-360-18 MARINA SMITH, November 21, 2011
- 2011-360-19 JOAN ARCHIBALD, November 21, 2011
- 2011-360-20 MICHAEL WILMUT, November 21, 2011
- 2011-360-21 PAT WILSON, November 21, 2011
- 2011-360-22 JAMES ARGUE, November 21, 2011
- 2011-360-23 L. FRAIKIN, November 21, 2011
- 2011-356 BAPTIST HOUSING, November 9, 2011
- 2011-356-1 CATHY AND DON PREVOST *et al*, November 9, 2011
- 2011-356-2 DAVID AND IRMA RODENHUIS, November 9, 2011
- 2011-356-3 MICHAEL HAYES, November 9, 2011
- 2011-356-4 BRUCE FILAN, November 8, 2011
- 2011-356-5 BRUCE FILAN, November 7, 2011

2011-356-6 PAUL MERNER, November 8, 2011  
2011-356-7 CAROL DAVIES, October 27, 2011  
2011-356-8 GWEN HOWEY, October 29, 2011  
2011-356-9 MARGARET PALMER, October 30, 2011  
2011-356-10 MAGGIE HAYES, November 9, 2011  
2011-356-11 LEO AND JUDITH MARTIN, November 11, 2011  
2011-356-12 CHRISTINE MCLAUGHLIN, November 12, 2011  
2011-356-13 DIANNE BURGESS, November 12, 2011  
2011-356-14 DAVID AND MARLENE ACKERMAN, November 12, 2011  
2011-356-15 EARL AND VIRGINIA DENTON, November 12, 2011  
2011-356-16 DOUG MOLLARD AND LOIS BENDER, November 12, 2011  
2011-356-17 KEITH AND DELIA MATHERS, November 12, 2011  
2011-356-18 JOHN RANKIN, November 13, 2011  
2011-356-19 RONALD SCHLOSBERG, November 13, 2011  
2011-356-20 ROB WATSON, November 13, 2011  
2011-356-21 JANICE LAIDLAW *on behalf of* ELIZABETH BENTON, November  
13, 2011  
2011-356-22 CAROLINE RIEDEL, November 13, 2011  
2011-356-23 RICK LEE, November 13, 2011  
2011-356-24 JILL CROFT, November 13, 2011  
2011-356-25 JOHN MAYZEL, November 13, 2011  
2011-356-26 MICHAEL HOFMANN AND FAMILY, November 14, 2011  
2011-356-27 NORMAN WALE, November , 2011  
2011-356-28 CORY HERRERA, November 14, 2011  
2011-356-29 DOROTHY CLIPPINGDALE, November 14, 2011  
2011-356-30 JEAN RYCE *et al*, November 14, 2011  
2011-356-31 ROSEMARY JAMES CROSS, November 14, 2011  
2011-356-32 ROSELLA FRIESEN, November 14, 2011  
2011-356-33 CATHERINE BACON, November 12, 2011  
2011-356-34 LINDA ANN CUTTING, November 12, 2011  
2011-356-35 KATHLEEN AND ROBERT SHIRLEY, November 12, 2011  
2011-356-36 W. ROBERT ARNOLD, November 14, 2011  
2011-356-37 PATRICIA JOHNSON, [Undated]  
2011-356-38 MARGARET BLACKSTAFFE, November 11, 2011  
2011-356-39 RAY TORONTOW, November 14, 2011  
2011-356-40 DAVID BLEAKNEY, November 14, 2011  
2011-356-41 PIP COWAN, November 10, 2011  
2011-356-42 LINDA REID, November 14, 2011  
2011-356-43 PETER KNAPP, November 14, 2011  
2011-356-44 ALLISON HOLT, November 14, 2011  
2011-356-45 WING QUAN, November 14, 2011  
2011-356-46 BEATRICE HORWOOD, November 14, 2011  
2011-356-47 TAYLOR MARGO, October 11, 2011  
2011-356-48 BRIAN ROBERTS, [Undated]  
2011-356-49 BAPTIST HOUSING, [Undated]  
2011-356-50 BYRON MCALLISTER, November 14, 2011  
2011-356-51 KATHY GAUL, ROB LEAHY AND FAMILY, November 14, 2011  
2011-335 DIRECTOR OF BUILDING AND PLANNING, October 18, 2011  
2011-335-1 BAPTIST HOUSING, October 20, 2011  
2011-335-2 MICHAEL HAYES, October 13, 2011  
2011-335-3 JESSICA VAN DER VEEN, October 14, 2011  
2011-335-4 JOHN RANKIN *et al*, October 20, 2011  
2011-335-5 MICHAEL AND MAGGIE HAYES, October 21, 2011  
2011-335-6 LINDA REID, September 26, 2011

2011-335-7	JAMES PIERCEY, [Undated]
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 <i>et al</i> , October 5, 2011
2011-313-8	JAMES, LORI, MEGHAN, TYSON CHESTNUT, October 6, 2011
2011-313-9	JOHN RANKIN <i>et al</i> , October 10, 2011
2011-305	BAPTIST HOUSING, September 30, 2011
2011-305-1	JOHN RANKIN <i>et al</i> , 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 – 2251 Cadboro Bay Road (Oak Bay Lodge)

**TABLED:**

***Development Variance Permit – 2251 Cadboro Bay Road***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, 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 2251 Cadboro Bay Road (Lot 1, Sections 28 & 61, Victoria District, Plan 23992), which would vary the provisions of Bylaw No. 3531, the Zoning Bylaw, 1986, and Bylaw No. 3540, the Parking Facilities Bylaw, 1986, as follows:*

<u>Zoning Bylaw Section</u>	<u>Permitted/Required</u>	<u>Requested</u>	<u>Variance</u>
<i>11.2.5.(1)(a) Minimum Front Lot Line Setback (Cadboro Bay Road)</i>	<i>7.62 m</i>	<i>4.5 m</i>	<i>3.12 m</i>
<i>11.2.5.(2) Maximum Building Height</i>	<i>10.7 m</i>	<i>23.9 m</i>	<i>13.2 m</i>
<i>11.2.5.(3) Maximum Occupiable Height</i>	<i>4.6 m</i>	<i>19.3 m</i>	<i>14.7 m</i>
<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
<i>4.1 + Schedule "A", A.7 Minimum Number of Parking Spaces</i>	<i>320</i>	<i>107</i>	<i>213</i>

to accommodate the construction of a new six storey, plus basement, care facility as shown on the plans appended to Committee of the Whole agenda item #2011-313, being a memorandum from the Director of Building and Planning dated October 7, 2011.

Although Councillor Jensen felt consideration of the request for variances should be postponed for the new Council to address in a more thorough manner, it was the majority view to lift the motion to authorize issuance of the permit from the table.

CARRIED  
(Councillor Jensen against the motion)

Mayor Causton outlined the process to be followed for the meeting.

A member of the public interjected to express his opposing views on the procedure that should be followed.

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That the Chairman be sustained.

CARRIED

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, Rudi van den Broek, Chief Project Officer and General Manager Special Projects, and Stewart Muir, Acting Vice President of Communications and External Relations, Vancouver Island Health Authority, were in attendance in respect to the proposed redevelopment of the Oak Bay Lodge property.

Rudy van den Broek read a letter (correspondence item no. 2011-360) from Howard Waldner, President and Chief Executive Officer, Vancouver Island Health Authority, expressing the view that the variance decision regarding the Oak Bay Lodge renewal project is of critical importance to the delivery of residential care to local seniors, which has been worked on in partnership with Baptist Housing and the Capital Regional Hospital District for the past two years. Mr. Waldner also wrote, said Mr. van den Broek, that there is a real risk the project will fail as a result of the inability to meet the conditions and timetables for the project, and they may be forced to look for a location outside of Oak Bay to accommodate the urgent needs of the growing and aging population of Greater Victoria.

PUBLIC:

Clarice Dernerin, Oak Bay resident, said she happily lives in the Shannon Oaks senior housing complex and asked what is to happen to seniors in Oak Bay, who want to stay in Oak Bay, when they require the next level of care.

John Rankin, Oak Bay resident, referred to a timeline he submitted (attached to correspondence item no. 2011-360-17), and said he disagreed with the Vancouver Island Health Authority's timeline, noting there should have been enough time to do due diligence from when the Health Authority advised Council in January 2010 of a project coming forward to when the application was submitted to the Building Department in May 2011 and then brought forward, once a public announcement was made, to Council in August 2011.

Mr. Rankin questioned the Municipality's thoroughness with respect to details such as the applicant's qualifications to handle such a large building, financing etc, and expressed

concern that the community should not be threatened by the applicant's financially sensitive deadline.

Mr. Rankin concluded by saying he felt staff misinformed Council with respect to comparing the current footprint and size of the Lodge to what was being proposed.

Gwen Glew, Oak Bay resident, said as a long time resident of Oak Bay it is vital to support senior health care, which allows aging residents to stay in their community. Ms. Glew expressed her support for Baptist Housing, and urged Council to support the application.

John Taylor, Oak Bay resident, asked the Vancouver Island Health Authority to clarify its "first available bed" policy, saying it may not guarantee residents a bed in Oak Bay.

Shirley Ludermann, Oak Bay resident, expressed support for the redevelopment of the Oak Bay Lodge, and noted her concern about where residents of Shannon Oaks needing the next level of care would move to.

Upon receiving literature from those against the proposed redevelopment, and after some research, she said she questions the accuracy of the information that was circulated, i.e. the lot coverage would actually be reduced.

Susan Roundtree, Oak Bay resident, touched on the need for more long term beds for the increasing population, to alleviate the burden for caregivers and to reduce the number of hospital beds being used as a holding area for those waiting to be placed in a care facility.

Ms. Roundtree provided some suggestions of alternate plans for the Capital Regional Hospital District to consider, such as the Jubilee Hospital site.

Charlie Frenette, Oak Bay resident, said he is in favour of keeping seniors care in Oak Bay, but wants a facility that fits the neighbourhood. Mr. Frenette asked what, if any, is the BC tax assessment for the Lodge property, and questioned whether Oak Bay's current level of emergency services and resources could manage a larger facility.

Diane Kallal, Oak Bay resident, said she bought her home behind the Oak Bay Lodge seven years ago, not anticipating that a new bigger facility would be contemplated. Ms. Kallal expressed concern about the significant variances being requested and the potential for property values going down. She also said this is a self imposed hardship for the applicant and that the proposed design is contrary to the Official Community Plan that notes the design and scale of institutional facilities should fit with the neighbourhood.

Lois Bender, Oak Bay resident, said she is in favour of a senior care facility in Oak Bay, but urged Council to vote against the proposal before Council because it is too big and too tall for the neighbourhood, adding that tree foliage would not cover a six storey building. Ms. Bender also expressed concern about the project not complying with the Official Community Plan, the applicant not being more forthcoming with information and addressing Oak Bay's concerns, and said the process should slow down.

Gordon Alexander, Oak Bay resident, said he felt it was appropriate for the current Council, who has been reviewing all the material, to deal with the development variance permit application. Mr. Alexander added that it does not make sense to build a facility the same size as what exists now, pointing out most residential and commercial redevelopments increase the size of the buildings. In closing, Mr. Alexander drew attention to the fact that with this proposal the land remains in public hands and he urged Council to support the variance application.

Andrea Swan, Oak Bay resident, noted the various capacities she has been involved in regarding long term care and she urged Council to move forward with this well designed, 'best practices' facility. Ms. Swan expressed her support for Baptist Housing, saying it is one of two non-profit organizations that is qualified to manage such a facility, noting that non-profit means the profits pour back into the facility. Ms. Swan pointed out that the new facility would accommodate 320 beds versus the existing Oak Bay Lodge's 280 beds.

Raisa Frenette, Oak Bay resident, reading from a document, said she and neighbours felt it was unethical when a proponent of the Oak Bay Lodge approached neighbouring homeowners in 2009 asking if they would sell their house. Ms. Frenette expressed frustration with respect to the process, the lack of staff studies, transparency and consultation, adding that a project of this size should be endorsed by all stakeholders involved.

Norman Wales, Oak Bay resident, referred to comments in a recent newspaper article and he questioned the issue of the developer's deadline being sufficient reason to curtail adequate discussion on such a major project, and he urged Council to delay the application until the new Council is installed.

Michael Donald, Oak Bay resident, said he felt that the elevation of the proposed new facility would be more like eight stories (19 feet) and agreed with other speakers' comments about it going against the Official Community Plan, noting it would be 44 feet above the allowable height restriction. Mr. Donald also drew attention to potential emergency services and mutual aid issues emerging, and concluded by saying the land redevelopment should not be rushed due to the imposed financial deadline and threats that the project could go elsewhere.

Joan Bancroft, Oak Bay resident, said she has been with Baptist Housing for 15 years and said she supports the Oak Bay Lodge property redevelopment, and is impressed with the care facility being proposed and feels it is needed and will be a great benefit to the community.

Corey Burger, Oak Bay resident, had questions for the applicants about the exterior finishing materials, and he asked if revised shadow studies would be submitted with respect to the building being shifting towards Cadboro Bay Road. Mr. Burger also asked if the coffee shop would be open to the public, and if the transportation study included motor chair use, and he questioned the effect free parking may have on encouraging more driving.

Doris Michaux, Oak Bay resident, spoke on behalf of herself and Kenneth Kerr, Oak Bay resident, expressing support for the Baptist Housing's plan to rebuild the Lodge, noting the benefits it would have on those residents transitioning to the next level of care the new facility would offer. Ms. Michaux said Baptist Housing earnestly endeavours to enhance the lives of people in many ways and has a good record to prove it, and she and Mr. Kerr are in full support of the plans.

Caroline Reidel, Oak Bay resident, said she lives adjacent to the Lodge and although she is not against the proposal, she is concerned about safety issues with respect to two major construction projects (the Oak Bay High School and a new senior care facility) potentially being built at the same time, and requested that a thorough independent traffic study be undertaken.

Marg Bowers, Oak Bay resident, advised she is in support of Baptist Housing's proposed new senior care facility, creating more care beds, which are necessary for the aging population. With respect to the 'first available bed' policy, Ms. Bowers said the new facility would at least provide a better chance for residents to stay in Oak Bay. She also drew attention to the

fact that the care facility residents would not have cars, therefore reducing the number of parking spaces needed.

Paul Merner, Oak Bay resident, stated he is not opposed to the complex care facility, and expressed concern that the process has caused a resident dispute. Mr. Merner said what he expects is that the Bylaws be upheld, and he encouraged Council to send this proposal to the new Council and to engage all of the Oak Bay community to address the redevelopment of the property.

Paul Rothe, Oak Bay resident, said as he ages he hopes to have a facility such as this available, and he encouraged Council to support the redevelopment proposal and to look at the long term effect for what is best for all.

Terry Wickstrom, Oak Bay resident, said he sees both sides, and read a letter from Jeffrey and Kate Dorion, Oak Bay residents, who disagree with the proposal, expressing concern about the lack of a model and public consultation, and the need to improve the quality of the roads surrounding the Lodge.

James Chestnut, Oak Bay resident, said he is in support of senior care in Oak Bay, but expressed his disagreement with the process and the limited notification area, which includes notices being sent out to residents within a 100 foot radius of a property applying for a development variance permit, saying he felt the rest of the community was at a disadvantage with respect to having the proper information in this regard. Mr. Chestnut said he objects to the finance driven timeline that does not allow for due diligence to thoroughly contemplate the proposed project.

Mike Wilmut, Oak Bay resident, agreed with previous speakers saying he is not against the Baptist Housing or a senior care facility, but does object to the lack of transparency, information, particularly regarding the financing terms, and the consultation process, as well as the project decision deadline being driven by a question of financing. Mr. Wilmut felt that Council should be held to its consultation commitment and build consensus in the community.

Leo Martin, Oak Bay resident, asked Council to think about the elderly and allowing a facility to be built that will help thousands of people over the years. He said he is not part of the loud minority group and he urged Council to go ahead and allow this quality project without further delay.

Don Highsted, Oak Bay resident, said although he was in agreement with those in favour of the project, he questioned the fairness of Vancouver Island Health Authority's project timelines for an \$80 million project, saying more consultation is needed, and he questioned the scale of the model provided by the developers.

Ben Friesen, Oak Bay resident, said he works at Shannon Oaks and often hears concerns from residents about what the next step for their care will be and their desire to stay in the community. Mr. Friesen said he knows Baptist Housing will build a place the community will be proud of and asked Council to approve the application.

Eric Fraikin, Oak Bay resident, asked why the rush, and that although it has been said the current facility is failing, he wondered if Council read the Engineering report in this regard. It was Mr. Fraikin's opinion that the current building is in good repair and should be upgraded not replaced.

David Rodenhuis, Oak Bay resident, asked what plan is in place for seniors currently residing at the Oak Bay Lodge during the construction, and when the project would be completed. Mr.

Rodenhuis expressed his support for the redevelopment, noting the reduced footprint and improved parking, and also he expressed his appreciation to the applicants for the adjustments they have made in response to some of the neighbours concerns. However, Mr. Rodenhuis questioned the process and commented that some of the community feels the trust has been broken and it should be done right.

Michelle Coburn, Oak Bay resident, asked for information regarding the contract that would be between the Vancouver Island Health Authority and Baptist Housing, its terms, conditions, and the stability of the lease over a 60 year period.

Rosella Friesen, Oak Bay resident and Shannon Oaks Independent Senior Housing employee, commented that residents at Shannon Oaks often express their concern about where they will have to move next and she invited everyone to come for a tour at Shannon Oaks and see what Baptist Housing has accomplished. Ms. Friesen urged the community and Council to embrace the proposed redevelopment, saying everyone will face the need for care at some time.

Jessica Van der Veen, Oak Bay resident, drew attention to the need to keep the land and the care beds in public hands. Ms. Van der Veen said she was told by staff that the existing Lodge was in good shape, and she asked for a cost comparison with respect to renovating versus constructing a new building. Although it is agreed that there is a shortage of senior care beds in South Vancouver Island, she feels this proposed project is simply too big, and said why not keep Oak Bay Lodge and build another facility elsewhere.

Lois Bender, spoke on behalf of Michael Hayes, Oak Bay resident, who, she said, questioned why there was more public consultation with respect to the Oak Bay High School renewal process than there has been for the Oak Bay Lodge property redevelopment. She said he expressed opposition to the application being dominated by a financial timeline, the size of the proposed building, and the applicant's threat of losing the project in Oak Bay altogether. He urged that due diligence be taken, she said.

Elizabeth Garrett, Oak Bay resident, said she has worked at the Oak Bay Lodge for a number of years, and she wished to clarify that Oak Bay residents would not be guaranteed a bed, noting that only a small fraction of the current residents are from Oak Bay.

Barbara Williamson, Oak Bay resident, stated she has sympathy for the neighbouring homeowners who are concerned about having a massive building in place of the Lodge, and although she is unaware of the condition of the current building, she felt it was a shame to tear it down. Ms. Williamson agreed with some of the other speakers saying there is a need, but it should not be so big or so rushed.

Heather Vincent, Oak Bay resident, said that at a neighbourhood block watch meeting, concern was expressed about the process, and comparing the public process undertaken with respect to the Oak Bay High School redevelopment. Ms. Vincent reiterated comments made earlier about there being no guarantee for Oak Bay residents to reside at the new Lodge.

Cathy Prevost, Oak Bay resident, said like many others she is not opposed to senior care in Oak Bay, but felt the proposed development would be too big for this corner, would add to the already dangerous traffic issues, and would devalue surrounding properties. She drew attention to a petition with almost 100 signatures, with 90% of those signatories in the immediate area being unaware of the building proposal.

Colleen Crisp, Oak Bay resident, said she supports senior care in Oak Bay. Ms. Crisp drew attention to the possibility of blasting should the variances for the redevelopment of the Lodge be approved and the potential for damage to neighbouring properties. As well, Ms. Crisp



asked if Council has considered the effect of construction traffic on the neighbourhood and how that issue would be addressed. In conclusion, she urged Council to consider protecting the natural environment of Oak Bay.

Leona Hutchinson, said Marrion Gardens towers over her home, and this new building would be even higher because of the topography of the land, adding that new construction should remain low to fit in with the neighbourhood. Ms. Hutchinson suggested putting more funds into recreation programs to help keep people healthy.

Don Prevost, Oak Bay resident, spoke on behalf of a neighbour who moved to Victoria from Indonesia where he said rules were often bent by developers. Concern was expressed about process transparency, and the potential for the value of neighbouring homes to be reduced. He questioned why the proposed development requires another two storeys to accommodate 40 more beds. In closing, support was noted for keeping senior care in Oak Bay.

Mekha Lazar, Oak Bay resident, said she bought her home knowing the Oak Bay Lodge was a neighbour, and noted her concerned that the project is being financially driven, that allowing the variances could be precedent setting, and that the process is happening so quickly. Ms. Lazar expressed concern about traffic and questioned if the Municipality will research the issue.

Bruce Filan, Oak Bay resident, referring to his letter, said although he is in favour of increasing senior care in the region, he and many other residents are strongly opposed to the major variances being requested, and it should not be allowed.

Leona Frenette, Oak Bay resident, spoke about her involvement with various senior care facilities and experiences, and she expressed her concern about the intricacies of such partnerships, noting no contract is iron clad. She also questioned the sustainability of the facility given decreased transfer payments from higher levels of government. Ms. Frenette felt that the Vancouver Island Health Authority should be held responsible for mishandling this project from the beginning, and that other land could handle this proposed building height.

Catherine Grant, Oak Bay resident, reading a letter from her elderly neighbour Hilda Wharf, which said she has been able to stay in her home with help from neighbours, and although she welcomes Baptist Housing to the neighbourhood, she questioned their lack of consultation and communication with the neighbours, the timing, the potential noise during construction, the cost to taxpayers, as well as saying the development will overpower and destroy the character of the neighbourhood.

Donna Harrison, Oak Bay resident, said she is in a conflicting position because she recently bought her home to benefit her Mother's participation in the day program at the Oak Bay Lodge, adding that the program is an important part of allowing seniors to remain in their homes, and asked if the program is guaranteed with the new proposal. Ms. Harrison said she is opposed to the lack of earlier consultation with neighbours, and asked why the rush if public funds are being used. Ms. Harrison also questioned the effect a larger building would have on the municipal and regional infrastructure and on various Oak Bay services.

In response to questions raised by members of the public, Mr. Cotter provided information on the proposed materials for the building, the shading studies, how parking during construction would be managed, and parking and traffic information contained in the study undertaken by a consultant. He also responded to questions regarding the care model that would be implemented, and how onerous it would be to accommodate that model within a retro-fitted building.

Mr. Lapham provided information in respect to the land ownership and lease arrangements that are part of the redevelopment proposal as a result of the request for proposals process, and Mr. van den Broek provided further detailed information on behalf of the Vancouver Island Health Authority regarding the proposed care model, along with information regarding the proposed number of care beds to be provided to meet the need for complex care.

Further questions were noted from the public regarding the payment of property taxes, and Mr. Johnson provided some information in this regard, noting that the Capital Regional Hospital District would own the property, and that Baptist Housing would lease it to provide the service. Regarding the need to rebuild versus renovating the current building, Mr. Johnson referred to a study that was done in 2009 to support that course of action, noting that it emerged from the study that it would not be feasible to retain the current building.

In respect to concerns raised about blasting, Mr. Johnson noted that an assessment process would be undertaken, as Baptist Housing would be responsible for any damage attributable to the blasting work.

Mr. Johnson went on to respond to the many other questions posed by the public in relation to, among other things, the temporary relocation of current Oak Bay Lodge residents, which was the responsibility of the Vancouver Island Health Authority, the timing of construction which was estimated at approximately two and a half years, and the fact that Baptist Housing is a not-for-profit organization that is subject to close review by the Vancouver Island Health Authority.

Mr. Johnson reiterated details of the request for proposals process, and the unique financing arrangement that has been secured in relation to the project which has a deadline for drawing down the funds.

Responding to questions from a member of Council regarding the business plan for the project, Mr. Johnson reviewed information regarding the number of beds required through the request for proposals process, noting that through its submission, Baptist Housing met those obligations. Baptist Housing, he said, would not have been selected if it did not propose the best and most economical project.

Regarding some concerns about a development company approaching area residents to sell their properties, Mr. Johnson advised that Baptist Housing, early on in the process, was in discussions with a company in that regard, however, he was unaware of residents being contacted.

In respect to how he envisaged continuing to work with the neighbours and community throughout the development process, Mr. Johnson said as with the open houses and previous public meetings on the subject, they would continue to consider comments and suggestions received and incorporate them where possible.

Further questions arose from members of Council, and Mr. Johnson noted that Baptist Housing has been in discussions with the Vancouver Island Health Authority regarding the possibility of relocating the care facility elsewhere if the current application is unsuccessful.

Questions regarding the Vancouver Island Health Authority's first available bed policy were answered by Mr. Johnson.

At the request of Council, Mr. Johnson reiterated previously stated benefits of the proposed development, including the retention of employees locally, the fact that the current site would

remain public land, the increased setbacks compared to the current building, on-site construction parking, removal of the general access from Cranmore Road, potential retention of the adult day care program, and the unique funding opportunity which would provide lower costs to the taxpayers.

Mayor Causton asked if any members of the public wished to speak a second time.

Susan Roundtree, questioned the waiting list and asked where the needed acute care beds are.

James Chestnut, agreed the region is short on beds and suggested keeping the current facility and building another facility elsewhere.

Diane Kallal, commented on a business plan, parking and why the current building could not be retrofit. She also thought the model of the proposed facility was not to scale.

Doug Mollard, Oak Bay resident, again questioned fire safety, site accessibility, whether or not the Oak Bay Fire Department is big enough, and he suggested an independent liability study should be undertaken.

J. Lamorte, Oak Bay Lodge resident, questioned the timeline from demolition to completion and suggested that bringing the current building electrical and plumbing systems up to code would be very expensive and felt it should be torn down and a new facility built.

Cathy Prevost, she first heard about the proposal several weeks ago and she takes exception in hearing “it has been in the works for two years”.

Michael Donald, Oak Bay resident, said he is a retired City of Victoria Fire Chief and confirmed it is common practice for neighbouring communities to offer mutual aid.

Mr. Donald asked if the current Lodge residents would have priority with respect to being given a room at the new Oak Bay facility.

Jane Van Sickle, Oak Bay resident, again expressed her concern about the current traffic issue on Cadboro Bay Road, noting there have been a number of accidents in an already too busy traffic area, and adding the one and only entrance and exit to the new Lodge will only worsen the issue. Ms. Van Sickle said even the Director of Engineering Services felt the proposed access was not ideal.

Leona Frenette, asked the Vancouver Island Health Authority about the press release regarding the Request for Proposal for 320 beds, and asked if consideration could be given to keeping the existing 280 beds and building a new facility in a more economical site.

Charlie Frenette, asked if Oak Bay has been guaranteed that the number of beds will remain at 320. He also asked if the Municipality has done an independent parking/traffic study, a credit check on the applicant, new shadow studies, and if BC Transit has been notified of the potential change.

Raisa Frenette, asked where the documents were proving the financial commitment from the lender, and why has the applicant not been transparent with neighbours if this has been ongoing since 2009.

Don Prevost, raised concerns about the number of parking spaces being enough to accommodate the needs of the proposed facility, and said the Municipality should conduct an independent and thorough parking investigation in that regard.

Agreeing with other comments made regarding the need for an independent traffic study, the impact of emergency services, and concern about the loss of independent housing, the speaker also questioned who would operate the onsite coffee kiosk, and asked if the lender had been approached for an extension to the finance deadline.

Paul Merner, expressed concern about the democratic process and his opposition to the whole situation.

Responding to a question from Don Highsted, Oak Bay resident, about a potential conflict of interest in this matter, Mayor Causton advised that as a Director with Capital Regional Hospital District, a legal opinion was sought and it was advised that there was no conflict with respect to making a decision on a proposal at the two different levels of governance.

Gordon Alexander, asked if Council was aware of any other propositions that could come forward in the next five years or so.

Byron McAllister, Oak Bay resident, felt a better and more-to-scale model could have been produced. He also commented that he is concerned with the entrance/exit being on Cadboro Bay Road and it creating a safety issue for his children when in the front yard. He concluded by saying he does not want to look at two more storeys, as proposed.

Corey Burger, asked if funding could be used for the current Lodge if another facility is built elsewhere.

Doug Mollard, commented he wanted it on record that there were seven proxies not heard.

James Chestnut, asked if the Vancouver Island Health Authority had funding to operate the Oak Bay Lodge whether or not it was replaced.

Moved by Councillor Herbert

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

CARRIED UNANIMOUSLY

Paul Rothe, supported building senior beds elsewhere.

James Chestnut, asked how much the Municipality is willing to contribute to the neighbouring residents' loss of property value for the greater good.

Mr. van den Broek answered the questions posed by the public and reiterated the need for the new beds, noting the existing beds do not meet the needs for safe and quality care. The Vancouver Island Health Authority, he said, has a full business plan for the project which has also been received by the Province.

In respect to questions regarding operating funding for the existing Lodge, he noted that a new building would mean that Oak Bay Lodge would close, as there is no funding for both.

As for the information related to the proposed financing, Mr. van den Broek noted the Vancouver Island Health Authority is in receipt of all relevant information as is the Auditor General and Controller. He emphasized that the model proposed is the best model for complex care patients.

Should a different opportunity than is presently before Oak Bay Council be pursued, he said, it would require a new Request for Proposal process according to procurement law.

Answering further questions about the risk to the project if the development variance permit is denied, Mr. van den Broek noted it is very high and that staff has been directed by the Vancouver Island Health Authority Board to look at alternate sites.

Mr. Cotter answered additional questions regarding fire suppression, noting that a Fire and Life Safety Engineer was engaged in this regard, and that a very comprehensive plan would be developed during the building permit process.

In response to questions regarding notification to current residents, Mr. Cotter stated that they would be given one year advance notice, noting that partial closures of some areas would occur first for partial demolition.

In respect to parking, Mr. Cotter referred to the study provided in that regard, reviewing its findings.

Responding to concerns about the model, Mr. Cotter confirmed that he had done his best within the time frame that he had, noting it was not meant to be an exact replica of the proposed building but was meant to convey the siting and scale, and is meant to be viewed along with the digital model. The model is, he said, a fair and accurate representation of the proposal.

Concerns regarding parking in the area were again raised, and Mr. Johnson reiterated that parking on site would be free, and that Baptist Housing intends to keep it that way as long as it is running the facility. Citing the traffic and parking study, Mr. Cotter indicated that the onsite parking would meet the needs for any increased staff at the new facility.

As for contributing to further traffic studies in respect to the facility's impact on certain intersections and areas, Mr. Johnson indicated Baptist Housing would contribute to studies in that regard, and Mr. Cotter acknowledged that the study that was undertaken did not isolate specific intersection and areas, which could be done.

Jacqueline Roodbol, Oak Bay resident, asked if Council could, in good conscience, pass the variances at this stage.

Kathleen Mathews, Oak Bay resident, commented on the hugely disruptive project that would not directly benefit Oak Bay residents because it is not just for Oak Bay. Ms. Mathews also noted that there is no tax revenue from this property.

Roseann Whitton, Oak Bay resident, said there is confusion because of the misinformation and unanswered questions. Ms. Whitton asked how a decision could be made with first seeing a business plan.

Cathy Prevost, again expressed her concern about the added traffic to the existing chaos at the Bowker Avenue and Cadboro Bay Road intersection.

Robin Woods, Oak Bay resident, questioned Vancouver Island Health Authority if a 60 year agreement is standard and what is the expected life of the new building. The question also arose whether there was a penalty if Baptist Housing stepped away from the project.

Catherine Grant, Oak Bay resident, questioned the legality of the model if it is not to scale. She also asked for clarification on the funding deadline and Baptist Housing's statement

saying if the development variance permit application is denied they will have to go elsewhere.

Doug Mollard, again drew attention to fire safety concerns saying questions need to be answered.

An Oak Bay resident expressed concern about the model not being an accurate description of what the building would look like, and that the applicant should be requested to provide a new model.

Paul Bramadat, Oak Bay resident, questioned the process to date, saying he cannot imagine that a rational decision could be made. He also asked how many lenders Baptist Housing approached in this regard.

Leona Frenette, asked for clarification on the Baptist Church project in Sidney that has collapsed, and why this 80 bed facility could not be used for senior housing.

James Chestnut, said he is concerned about how little Council knows about the project, its inability to answer questions in this regard, and how, in good conscience, can Council make such an important decision without enough information.

Brian Savard, Oak Bay resident, said the height variance is too much, and it is really a variance on a variance. He too, would be concerned if he owned a home near the Lodge, and asked if Council has considered seeking expert advice, and if it felt it has sufficient information to make a decision.

Charlie Frenette, asked if Oak Bay has done the appropriate studies, i.e. environmental and again asked if Council has done its own due diligence in this regard.

A member of the public asked what the actual height difference would be when comparing the existing building with the proposed, and she clarified that it is just the height and parking variances that are being considered.

John Rankin, referring to the applicant's traffic study, asked how it could confirm the required number of parking spaces if it is not yet know the number of employees working at the proposed facility.

Susan Roundtree, asked if other sources of funding could be sought.

Leona Frenette, pointed out that the current Oak Bay Lodge is the largest senior's facility on the Island.

The applicants responded to the remainder of the various questions raised by members of the public regarding the size of the site, noting that information regarding staff for the proposed facility would have to be provided by the Vancouver Island Health Authority, and advising that the hours of care are mandated by the health authority.

Also in response to questions, Mr. Johnson reviewed the funding scenario in relation to the request for proposal process, noting it was Baptist Housing's responsibility to secure funding, noting many potential lenders were pursued.

Mr. van den Broek provided further details on the contract between the Vancouver Island Health Authority and Baptist Housing, noting that the funding arrangement would provide a 25 year fixed interest rate, allowing for costs to be anticipated for a long period of time. It is

the Vancouver Island Health Authority's intention, he said, to build a 320 bed facility for complex care.

The question of emergency response was again raised, and responding to questions, the Municipal Administrator advised that the Oak Bay Fire Department has reviewed the application and is satisfied with the plans as they relate to emergency response, noting that Oak Bay does have mutual aid agreements with other Fire Departments in the event of a large incident.

Regarding the amount of parking proposed, Mr. Thomassen referred to the parking information he provided in relation to parking requirements for other care facilities in the region, which coincides with the findings of the Bunt and Associates report provided by the applicants.

Following the close of the public input session, comments were heard from each member of Oak Bay Municipal Council in attendance in respect to the application.

Councillor Ney stated her understanding of the need for complex care beds, and expressed her appreciation for the work the applicants put into it and the way all worked with Council. However, she said, she could not support the current application given her views about needing further independent study, answers to questions raised regarding traffic and parking, and the massing of the building. She could not, she said, make a complete and informed decision at this point. The size of the building was not in keeping with the goal of preserving residential areas as laid out in the Official Community Plan.

Councillor Ney went on to say that the stated benefits to the community were not, in her mind, compelling enough, and that there has been a lack of process. Councillor Ney added that she did not want to make a decision based on fear of a collapsed financing arrangement; the project also has to be the right project for Oak Bay, she said.

Councillor Herbert said that he had not heard anything that had not been previously raised, noting that he talked with staff, visited the site, and spoke with neighbours many times. He felt that no new information could be provided that would help him to make a decision on the application, noting that his job is not to design the health care system. He acknowledged that even with the Shannon Oaks development and the construction of Carlton House, there is still a need for seniors care.

Councillor Herbert noted he was pleased upon hearing that Oak Bay Lodge was to be redeveloped, although he also knew that the higher structure would impact neighbors to the development. In an effort to mitigate some of the concerns, the building footprint was shifted north to reduce the impact on some residents, and the Cranmore Road entrance was eliminated except for emergency access, he said.

Turning to traffic concerns and the requested parking variance, Councillor Herbert noted that the amount of parking proposed was consistent with that required by other municipalities for similar types of development, and that he has never observed municipalities hiring their own professional consultants in relation to traffic and parking impacts of proposed developments. Councillor Herbert agreed that while there are traffic concerns in the area, the increased traffic is not coming from Oak Bay Lodge.

In respect to the proposed building, Councillor Herbert acknowledged that while it would house only an additional 40 residents, which would not increase the overall operational requirements significantly, the single rooms result in increased size.

While the timeframes, he said, have caused him concern as well, they have been reasonable and the proposal is the type of facility that Oak Bay has been trying to attract.

During his campaign, said Councillor Herbert, he found many residents in favour of the project, noting that in terms of what is best for the entire community, he is not prepared to risk losing the facility in Oak Bay.

Councillor Jensen acknowledged the need for complex care beds, but stated he could not support the current proposal. He said his opposition was not about the suitability of the Baptist Housing Society as an operator, as it is clearly suitable, nor is it about the neighbours being against a facility adjacent to them.

The decision is about two things, said Councillor Jensen, which are the appropriateness of the process to date, and the appropriateness of the proposed building for the neighbourhood. He drew attention to the need for an open and transparent process which, he said, all candidates in the recent election supported.

Councillor Jensen said that the initial discussions in September on the proposed project came too late, noting that if it had been before Council earlier, it would have allowed for true discussion at the municipal level including consideration of the possibility of siting a senior's facility on municipal property.

The model, said Councillor Jensen, had only been completed the previous week, and pictures of it should have been readily available electronically and otherwise. The process, he said, has not been fair and has resulted in an information deficit, where too many unanswered questions remain. The decision should not be made tonight and should be made by the new Council, he said.

In regard to the appropriateness of the size of the proposed building, Councillor Jensen said he felt it was too big for the site.

Councillor Braithwaite acknowledged the very difficult decision before Council, saying that she is unhappy with the Vancouver Island Health Authority and the process that has unfolded, which has not been as open as she would have liked. However, she said, the project is about caring for seniors which is very important, noting that the project would provide an opportunity for Oak Bay residents to remain in Oak Bay, although it would not be guaranteed.

Councillor Braithwaite cited the dilemma she was in, noting that if she was moving forward as a member of Council, the decision would be easier, and she would not feel her decision was being put on another Council.

Councillor Braithwaite drew attention to the need to keep the care beds in Oak Bay, acknowledging Oak Bay's role as part of the greater region and responsibility in that regard.

In the end, said Councillor Braithwaite, in the interest of what she felt was best for the community at this time, she found herself unable to support the proposed project.

Mayor Causton expressed his thanks to members of Council for their deliberations on a very large issue that did not come at a good time.

Mayor Causton provided an overview of the particularly contentious issue of the Currie Road pump station that was before Council 24 years prior, which he had decided to support for what he felt was the community good. Since that time, he said, that project has been looked upon as the way to do it right, and, in opposition to the fear of reduced neighbouring property values,



the house next door has doubled its value. He cited Carlton House as another example of where property values in the area of redevelopment have increased.

There is not a single improvement in Oak Bay in the last 24 years, said Mayor Causton, that did not have to be fought for. All had protesters, all met with resistance from those arguing from their own perspective next to them. His job as Mayor, he said, is to look at the big picture, which sometimes means making tough decisions that are right for the whole community.

Turning to the application at hand, Mayor Causton expressed the view that it would be very unfair to leave such an extremely difficult decision to the newly elected Council, and stated that in his opinion there is enough information and due diligence by all to make a decision. Sometimes, he said, things for the greater good are worth doing, such as the very large height variance granted for a University of Victoria building in the past.

Acknowledging that more information could be sought, but that new Council would take some time to get up to speed on the application, Mayor Causton said he did not want to take the risk that the seniors facility would have to be built somewhere else. It may be, he said, that the decision could be put off to the new Council, but there may no longer be a decision to make. If the facility had to be built elsewhere, he said, that would be a very big loss for Oak Bay.

The question was then called.

DEFEATED  
*(Councillors Braithwaite, Jensen, and Ney against the motion)*

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

CARRIED

The special meeting of Council adjourned at 12:22 a.m. November 22, 2011.

Certified Correct:

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Municipal Clerk

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Mayor