

MINUTES of a regular meeting of COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, October 18, 2010 at 7:30 p.m.

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

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green

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

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2010-268 OAK BAY PARKS AND RECREATION COMMISSION, October 6, 2010  
Re Minutes of the Meeting

*(Lorna Curtis, Director of Parks and Recreation, and Frank Carson, Acting Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item.)*

#### *Neighbourhood Learning Centre*

Councillor Braithwaite thanked Lorna Curtis, Director of Parks and Recreation, for all her work on the Neighbourhood Learning Centre project to date.

Lorna Curtis, provided an update on the consultation process with respect to the proposal to include a Neighbourhood Learning Centre as part of the Oak Bay High School rebuild project, saying that the recent public input sessions were very successful and feedback on the project was favourable. Ms. Curtis also commented that many letters of support have been received.

Ms. Curtis answered questions from members of the Committee with respect to the proposed Neighbourhood Learning Centre noting that the proposal is anticipated to be submitted to the Province by December 15, 2010. It was further noted that the topic of parking is being discussed.

Councillor Braithwaite said that a large banner of support will be circulated to the elementary schools that feed into Oak Bay High for student signatures and that the banner will then be submitted along with the Neighbourhood Learning Centre application.

#### *Hedge Maintenance on Public Property*

Attention was drawn to the request from the Commission for a draft policy that would address where the responsibility lies with regards to maintaining hedges on public property, with Frank Carson, Acting Chairman, acknowledging that the Parks Services Department does not have the resources to take over maintenance of hedges planted by homeowners or previous homeowners on public boulevards, and that a policy would help address the issue.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, October 6, 2010, and the recommendations contained therein, be adopted.

CARRIED

Councillor Braithwaite announced that the Oak Bay Recreation Centre will be celebrating its 35<sup>th</sup> anniversary on Saturday, October 24, 2010 and everyone is welcome.

TRAFFIC SECTION: (Chairman – Councillor Copley)

2. 2010-269 MUNICIPAL ADMINISTRATOR, October 14, 2010  
2010-269-1 TRICIA TIMMERMANS et al, September 14, 2010  
Re Request for Resident Only Traffic – Satellite Street

The Municipal Administrator noted that residents from Seaview Apartments Ltd. have requested that signage be erected to address what they feel is increased vehicle traffic on Satellite Street due to interest in the Oak Bay Beach Hotel construction.

Roger Frances, resident, read out another letter on behalf of Tricia Timmermans, expressing concern about the traffic on Satellite Street.

Referring to his memorandum, Mr. Brennan drew attention to his comments regarding the implementation of regulations to restrict the use of the street to local residents only versus erecting informational signage, saying that his recommendation, for the reasons outlined in his memorandum, would be to add informational signage requesting the public to refrain from using the street during the Oak Bay Beach Hotel construction period. He added that a “no turn around” sign could also be erected in the appropriate location.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That it be recommended to Council that staff be directed to, at the entrance to Satellite Street, erect a “no turn around” sign and an informational sign requesting the public to refrain from using the street during the Oak Bay Beach Hotel construction period, except for local traffic and deliveries.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2010-270 COX, TAYLOR BARRISTERS & SOLICITORS, August 18, 2010  
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING  
MINUTES, May 17, 2010  
2010-149 MUNICIPAL ADMINISTRATOR, April 19, 2010  
Re Setback Requirements for Structures on Golf Courses in P-3 Zone

Councillor Cassidy declared a conflict of interest noting he has a business relationship with the law firm representing a party involved in a legal matter with the Victoria Golf Club, which would be subject to the proposed bylaw.

Councillor Cassidy asked if the Committee would consider bringing forward correspondence item no. 2010-274 following correspondence item no. 2010-270, as he also has a conflict of interest with respect to the development variance permit request for 1392 Hampshire Road as he shares a financial interest with the applicant's architect.

It was the consensus of the Committee to amend the order of the agenda.

Councillor Cassidy left the meeting at 7:57 p.m. and Mayor Causton assumed the Chair for the two items.

The Municipal Administrator provided an overview of the process to date with respect to implementing setback requirements for structures on golf courses in the P-3 zone, and advised that the legal proceedings between the Victoria Golf Club and an adjacent property owner have apparently now concluded, therefore the subject is back before the Committee.

Mr. Brennan drew attention to the draft bylaw that had been presented at a previous meeting of the Committee of the Whole and noted it also includes a requirement for setbacks for unretained raised tee boxes as well as other structures, noting, however, that staff has some concerns with the regulations for unretained raised tee boxes given the inherent uncertainty regarding the point from which the setback would be measured.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the draft amendment to the Zoning Bylaw with respect to setback requirements for structures and unretained raised tee boxes on golf courses in the P-3 zone, included in correspondence item 2010-149, be brought forward to Council for formal consideration and the setting of a public hearing date.

CARRIED

4. 2010-274 DIRECTOR OF BUILDING AND PLANNING, October 12, 2010  
Re Development Variance Permit Application – 1392 Hampshire Road

Harvey Pinch, applicant, said he wishes to install a heat pump on the east side (front yard) of his property and will do whatever is necessary to hide the heat pump from view and will guarantee that the noise level will be under the 40 decibel maximum noise level at the property line.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1392 Hampshire Road, as outlined in correspondence item no. 2010-274, be prepared and brought forward to Council for consideration.

CARRIED

Councillor Cassidy returned to the meeting at 8:03 p.m. and assumed the Chair.

5. 2010-271 DIRECTOR OF BUILDING AND PLANNING, October 8, 2010  
Re Uplands Building Permit Application – 3355 Beach Drive

Sarah Carlisle, designer, confirmed that although it is a large home being proposed it will be for a single family, noting that the living area above the garage would be for visiting friends and family.

With respect to a member of the Committee pointing out that the large property has been vacant for years and is known to be an archaeologically sensitive area, Ms. Carlisle advised that the developers are aware of the sensitive nature of the land and measures have been taken to ensure the area will be protected. The house, she said, would be built two feet above grade, minimizing any disturbance.

It was pointed out that although the house would be large, it would only cover a small portion of the site compared to what is permitted.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That it be recommended to Council that the plans to construct a new residential dwelling at 3355 Beach Drive be approved as to siting and architectural design.

CARRIED

6. 2010-272 DIRECTOR OF BUILDING AND PLANNING, October 8, 2010  
Re Uplands Building Permit Application – 2510 Nottingham Road

MOVED by Councillor Jensen

Seconded by Councillor Ney, That it be recommended to Council that the revisions to the plans for construction of a new residential dwelling at 2510 Nottingham Road be approved as to architectural design.

CARRIED

7. 2010-273 DIRECTOR OF BUILDING AND PLANNING, October 12, 2010  
Re Development Permit Application (with Variance) – 2005 Oak Bay Avenue

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That a resolution authorizing the Director of Building and Planning to issue a development permit, with variance, with respect to 2005 Oak Bay Avenue, to permit the installation of business signs, including a projecting sign, as outlined in correspondence item no. 2010-273, be brought forward to Council for consideration.

Attention was drawn to the fact that the proposed projecting sign would also require the owners to enter into an air space encroachment agreement for the portion of the sign that would overhang public property.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the meeting of Committee of the Whole be adjourned.

CARRIED

The meeting adjourned at 8:22 p.m.

Certified Correct:

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Municipal Clerk

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Chairman, Recreation Section

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Chairman, Traffic Section

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Chairman, Land Use Section