

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, May 17, 2010 at 7:30 p.m.

PRESENT: Acting Mayor, H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
Councillor N. B. Jensen
Councillor T. Ney

STAFF: Deputy 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

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

FINANCE SECTION: (Chairman – Councillor Jensen)

1. 2010-155 MUNICIPAL TREASURER, May 3, 2010
Re Monthly Financial Reports

The Municipal Treasurer drew attention to capital projects noting that the unexpected increase for playground upgrades due to a quote that did not include a piece of equipment as originally expected, will be offset by other completed projects that have come in under budget.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the April monthly financial reports be received.

CARRIED

RECREATION SECTION: (Chairman – Councillor Braithwaite)

2. 2010-156 OAK BAY PARKS AND RECREATION COMMISSION, May 5, 2010
Re Minutes of the Meeting

(Lorne Middleton, Manager of Parks Services, and Monty Holding, Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item.)

MOVED by Councillor Ney

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, May 5, 2010, and the recommendations contained therein, be adopted.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Acting Mayor Braithwaite)

3. 2010-157 DIRECTOR OF ENGINEERING SERVICES, May 13, 2010
2010-157-1 RUSNAK GALLANT LTD., March 16, 2010
Re Boulevard Encroachment Application – 963 Beach Drive

Responding to questions from the Committee, the Director of Engineering Services noted that the rock walls are integral to the driveway. Mr. Marshall said that there are no engineering issues with respect to the decorative landscaping rocks being placed on the boulevard, noting that the existing sidewalk would likely result in pedestrians using that versus traversing the boulevard, and potentially tripping on the rocks.

Illarion Gallant, landscape designer, responding to a question from a member of the Committee, advised that the top of the boulders would be level with the sidewalk grade and would be integrated into the hillside with plantings to give a natural look to the area.

MOVED by Councillor Cassidy

Seconded by Councillor Ney, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 963 Beach Drive, consisting of rock walls and recessed boulders in the locations shown attached to correspondence item no. 2010-157-1, subject to the owners of the property entering into a boulevard encroachment agreement.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

4. 2010-158 UPLANDS GOLF CLUB, May 12, 2010
2010-158-1 VICTORIA GOLF CLUB, May 13, 2010
2010-149 MUNICIPAL ADMINISTRATOR, April 19, 2010
2010-149-1 VICTORIA GOLF CLUB, April 30, 2010
Re Setback Requirements for Structures on Golf Courses in P-3 Zone

Councillor Cassidy declared a conflict of interest with respect to the setback requirements for structures on golf courses in the P-3 zone as 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 left the meeting at 7:38 p.m. and Acting Mayor Braithwaite assumed the Chair for this item.

As requested at a previous Committee of the Whole meeting, the Victoria Golf Club and the Uplands Golf Club confirmed in writing that structures that would not comply with the proposed bylaw would not be erected prior to the conclusion of the legal proceedings between the Victoria Golf Club and an adjacent property owner. It was agreed that staff would bring this item back at the appropriate time.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That correspondence items no. 2010-158, 2010-158-1, 2010-149 and 2010-149-1 be received.

CARRIED

Councillor Cassidy returned to the meeting at 7:39 p.m.

5. 2010-159 DIRECTOR OF BUILDING AND PLANNING, May 10, 2010
2010-159-1 SARAH PEARCE, May 12, 2010
Re Development Permit Amendment Application – 1175 Beach Drive

(Bas Smith, of Bas Smith Architects Inc., Kevin Walker, owner and Therese Eley, Director of Communications, Bison Properties Ltd., in attendance for this item.)

Using a visual presentation Kevin Walker updated the Committee on the progress of the Oak Bay Beach Hotel development that included a summary of events to date and outlined the projected schedule with an anticipated occupancy date of November 2011.

Bas Smith drew attention to and explained the development permit amendments being requested as outlined in correspondence item no. 2010-159.

Following discussion regarding the proposed development permit amendments, and various questions from the Committee being answered by the applicant, concern was expressed by members of the Committee that the 2010 amended plans differ from the 2007 approved plans (attached to correspondence item no. 2010-159). In particular, it was observed that not all of the modifications were specifically identified or included in the development permit amendment request currently before the Committee, such as pathways, hardscape, greenscape and stairs.

Although Mr. Walker assured the Committee that it is in fact just six specific amendments to the development permit being requested, it was the consensus of the Committee that new drawings that clearly show only the six requested changes would be desirable inasmuch as any approval of the plans as submitted would result in authorizing changes not contemplated by the applicant. Each of the amendments being requested were discussed with the applicant answering questions from the Committee in this regard.

A member of the Committee asked the applicant to take into consideration the concerns raised by Sarah Pearce (correspondence item no. 2010-159-1) regarding the proposed relocation of the exterior stairs leading from the East Terrace to the gardens, specifically potential light pollution and noise pollution from hotel guests.

Sarah Pearce, resident, said she was happy to answer any questions from the Committee regarding her concerns as noted in her letter. Ms. Pearce advised that her concerns relate to the main stairs being relocated closer to the property line of Hampshire House and that having the stairs at this proposed location would cause a high level of noise and create more light, which would disturb nearby residents. Ms. Pearce suggested the applicant consider relocating the stairs to a more central location, or indoors or near the service vehicle exit.

Rosemary Short, resident, also expressed her concern regarding the proposed new stair location. As well, Ms. Short questioned the beach access path (from Beach Drive down to the beach) that was to be restricted from dawn to dusk, saying that open access could encourage unwanted activities on the beach. Another concern she expressed was to do with there not being enough room between the proposed stair location and the property line for landscaping.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2010-159 and 2010-159-1 be received and that the development permit application with respect to 1175 Beach Drive be deferred to the next Committee of the Whole meeting in order to allow time for the applicant

to bring forward plans that more specifically outline the amendments to the existing development permit being requested.

CARRIED

6. 2010-160 DIRECTOR OF BUILDING AND PLANNING, May 6, 2010
Re Uplands Permit Application – 3130 Exeter Road

MOVED by Councillor Copley

Seconded by Councillor Ney, That it be recommended to Council that the plans to replace the existing stucco with tongue and groove cedar siding at 3130 Exeter Road be approved as to architectural design.

CARRIED

7. 2010-161 DIRECTOR OF BUILDING AND PLANNING, May 6, 2010
Re Uplands Permit Application – 3265 Beach Drive

With respect to the Garry Oak tree possibly being affected by the placement of the rock wall, it was pointed out that the rock wall would either skirt around or be cantilevered over the tree roots in question.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to construct a garden shed, outdoor chimney and gas fireplace, and rock wall at 3265 Beach Drive be approved as to siting and architectural design.

CARRIED

8. 2010-162 DIRECTOR OF BUILDING AND PLANNING, May 6, 2010
Re Uplands Permit Application – 3005 Lansdowne Road

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to construct new decks and install new doors at 3005 Lansdowne Road be approved as to siting and architectural design.

CARRIED

9. 2010-163 DIRECTOR OF BUILDING AND PLANNING, May 12, 2010
Re Development Variance Permit Application – 2620 Cavendish Avenue

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2620 Cavendish Avenue, as outlined in correspondence item no. 2010-163, be prepared and brought forward to Council for consideration.

CARRIED

11. 2010-164 DIRECTOR OF BUILDING AND PLANNING, May 13, 2010
Re Development Variance Permit Application – 2635 Musgrave Street

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2635 Musgrave Street, as outlined in correspondence item no. 2010-164, be prepared and brought forward to Council for consideration.

CARRIED

12. 2010-165 DIRECTOR OF BUILDING AND PLANNING, May 11, 2010
Re Uplands Building Permit / Development Variance Permit
Application – 3295 Midland Road

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That it be recommended to Council that the plans for landscaping and construction of a patio and water feature at 3295 Midland Road be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

13. 2010-166 DIRECTOR OF BUILDING AND PLANNING, May 12, 2010
Re Uplands Building Permit / Development Variance Permit
Application – 3046 Valdez Place

Councillor Cassidy said that the applicant is requesting an amendment to the previously approved plans (development variance permit #071-2009), drawing attention to a number of more significant changes made during construction as noted in correspondence item no. 2010-166.

Andrea Nemeth, applicant, was in attendance to explain the changes, apologizing to the Committee for carrying out the unapproved work.

Following discussion the view was expressed that perhaps the unauthorized construction should be removed, and although others also expressed concern about the unauthorized work, it was the majority view that the process should proceed to the public notification stage to receive input from neighbouring properties on the merits of the development.

MOVED by Councillor Ney

Seconded by Councillor Jensen, That it be recommended to Council that the revised plans to renovate the dwelling at 3046 Valdez Place be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

It was noted that a stop work order was issued and the applicant has been charged with a double permit fee penalty.

The question was then called.

CARRIED
(Councillor Braithwaite against the motion)

ADJOURNMENT:

MOVED by Councillor Cassidy
Seconded by Councillor Jensen, That the meeting of the Committee of the Whole be adjourned.

CARRIED

The meeting adjourned at 10:15 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Acting Chairman, Public Works Section

Chairman, Land Use Section