

MINUTES of a special 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 Monday, July 12, 2010 at 7:30 p.m.

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

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

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

Mayor Causton explained that Section 131 of the *Community Charter* provides for the Mayor to require Council reconsideration of a matter, and that the purpose of the meeting was to reconsider the following resolution to issue a development permit to amend the previous development permit for the Oak Bay Beach Hotel development at 1175 Beach Drive, which was defeated on June 28, 2010:

Reconsideration of Resolution to Issue Development Permit with Variances – 1175 Beach Drive Pursuant to Section 131 of the Community Charter

“That the Director of Building and Planning be authorized to do all acts and things necessary to issue a Development Permit to Bison Properties Ltd. with respect to Lot A, Sections 23 and 73, Victoria District, Plan VIP82201 and the abutting foreshore zoned CD-1 (hereinafter together called the “Land”), substantially as set out in the document (hereinafter called the “Amended Development Permit”) appended to the resolution with respect to the Land forming part of the regular meeting agenda package considered by Council on June 14, 2010, with the exception of plans DPA3 and DPA5, dated May 31, 2010, which are replaced by Plans DPA3 and DPA5 dated June 15, 2010, and included in the regular meeting agenda package considered by Council on June 28, 2010 for the purpose of amending Development Permit No. 001-07 issued to Bison Properties Ltd. pursuant to a resolution of Council dated June 11, 2007, which was subsequently amended by Development Permit No. 004-07 and Development Permit No. 027-2009 (together hereinafter called the “Original Development Permit as Amended”) to allow changes to the proposed development of the Land as depicted in the Original Development Permit as Amended and to increase and alter the variances granted in the Original Development Permit as Amended as set out in the Amended Development Permit.”

COMMUNICATIONS:

1. 2010-202 CAROL WALKER, July 7, 2010
- 2010-202-1 THE RALPHS, July 7, 2010
- 2010-202-2 DAN LUNDGREN, July 7, 2010
- 2010-202-3 VICTORIA KRUEGER, July 7, 2010
- 2010-202-4 PETER ROWAND, July 7, 2010
- 2010-202-5 STAN DAVIS, July 7, 2010
- 2010-202-6 LUKE MILLS, July 7, 2010
- 2010-202-7 BARRY LUSK, July 8, 2010
- 2010-202-8 JANE ROBERTS, July 8, 2010

2010-202-9 LENO AND CAROLANNE PAPOUTSIS, July 9, 2010
2010-202-10 WAYNE AND WYN CLEWS, July 8, 2010
2010-202-11 DON AND JUDY EASTON, July 8, 2010
2010-202-12 SARAH PEARCE, July 8, 2010
2010-202-13 WARREN ROBERTSON, July 8, 2010
2010-202-14 CHRISTOPHER HODGKINSON, July 7, 2010
2010-202-15 ANNE JACKSON, July 8, 2010
2010-202-16 DIANA AND MIGS TURNER, July 9, 2010
2010-202-17 TRICIA TIMMERMANS, July 9, 2010
2010-202-18 MARGARET AND PETER ROBERTS, July 7, 2010
2010-202-19 PAT FARARD FAMILY, July 8, 2010
2010-202-20 HENRY MCCANDLESS, July 9, 2010
2010-202-21 PAMELA SANSOM, July 10, 2010
2010-202-22 BRUCE CUTHBERT, July 10, 2010
2010-202-23 PATTERSON ADAMS BARRISTERS & SOLICITORS, July 8,
2010
2010-202-24 DOUG TAYLOR LEE, June 30, 2010
2010-202-25 RONALD SCHLOSBERG, July 5, 2010
2010-202-26 MICHAEL AND ELAINE POUNTNEY, July 12, 2010
2010-201 ANDREW ROSS AND SANDRA WADDINGTON, June 22, 2010
2010-201-1 CHRISTOPHER HODGKINSON, June 24, 2010
2010-201-2 PATTERSON ADAMS BARRISTERS & SOLICITORS, June 24,
2010
2010-201-3 J. JUDD BUCHANAN, June 28, 2010
2010-201-4 SARAH PEARCE, June 28, 2010
2010-183-1 ROSEMARY SHORT, May 31, 2010
2010-159-1 SARAH PEARCE, May 12, 2010
Re Development Permit with Variances – 1175 Beach Drive

Kevin Walker, Bison Properties Ltd., thanked Council for the opportunity to revisit his application, and introduced his team in attendance at the meeting.

Bas Smith, Architect, provided a brief presentation on the application, describing the main amendments being requested as laid out in the plans attached to the draft permit included in the agenda package. Mr. Smith drew particular attention to the changes to the east terrace and the south side of the building, explaining the reasons for relocating the terrace stairs and the changes to the wall face and balconies on that side of the building.

Specifically, Mr. Smith said the Juliet balconies are replacing the full size balconies to maximize the available floor space within the guest rooms, and the varying southward expansion of the walls on different floors is meant to reduce the monolithic look of the existing approved plans.

Acknowledging that there was some confusion at the last meeting when the application was considered regarding how the “stepped” walls on the various floors of the south side of the building would actually look, Mr. Smith drew attention to a colour artistic rendering that he distributed to Council which illustrated the changes in that regard.

Judd Buchanan, resident, asked for further clarification regarding the south walls and whether or not they would be extending further south than previously approved, wondering what actual square footage would be transferred from deck space to interior space.

Summarizing the information provided by Mr. Smith, Mayor Causton confirmed that the walls do extend southward to varying degrees, but meet the required setbacks, although the balconies require a further variance in that regard. He also noted that the square footage of the balconies proposed to be moved inside the building meets the approved floor area for the development.

Jack Angus, Patterson Adams, Barristers & Solicitors, noted he was in attendance representing his clients, Mr. and Mrs. Hopkins of Hampshire House. Mr. Angus drew attention to the previous and new floor plans which were attached to his letter to Council, noting that the south wall would extend outwards resulting in the increased mass or bulk of the building that would adversely affect the view of residents to the south.

Mr. Angus made the point that he did not hear good reasons for the proposed changes to existing plans that had already been carefully reviewed prior to their approval.

Responding to questions, Mr. Walker reiterated earlier points made about using the previously approved balcony floor area inside the guest rooms instead, noting that as balconies do not really provide year-round use, the floor area would be better used inside the building. Mr. Walker pointed out that only about one-third of the south wall face would be extended out, as much of the south elevation would stay as originally approved. He also drew attention to the anticipated reduced noise levels by removing the larger balconies and replacing them with narrow Juliet balconies which would not accommodate outside seating.

In response to a question from Mayor Causton, Mr. Walker confirmed that, other than minor changes that would not require Council approval, it was not his intention to seek further changes to the proposed design.

With no other members of the public wishing to speak to the matter, the discussion turned to the individual views of members of Council.

Councillor Cassidy reiterated comments he made over the last several meetings where the application was considered, noting that he recognizes that changes will be needed for projects the size of the Oak Bay Beach Hotel, and that the changes now proposed are minor in the grand scheme of the development.

On balance, he said, the changes are positive in his opinion, although there are some minor design details which he does not favour. The architect and applicant have acted in good faith, he said, and he expects them to continue on that way, incorporating small improvements at the finer level of detail.

Councillor Braithwaite agreed with the comments made by Councillor Cassidy, noting that she would have voted in favour of the proposed plans if this had been the initial application and not an amendment to the original plans. Councillor Braithwaite expressed the view that the changes to the walls on the south side were an improvement to the design overall.

Councillor Herbert noted that he has supported the development in the past, and that he was disappointed to have had to vote against the application at the last meeting because the information provided was unclear with respect to the expansion of the walls on the south side of the building.

Councillor Herbert made the point that while his personal preferences may not all be mirrored in the changes, he is not troubled by the changes overall. With respect to the terrace stairs being relocated to the south side of the building, he said he is satisfied that they will not be intrusive on the neighbours to the south.

Councillor Copley said that when the application was last considered and she voted against it, she had been uncertain about how the proposed changes would be represented in the appearance of the building, as she was concerned that it would appear monolithic. The new elements added to the south side, she said, allay her concerns over the flatness of that façade, although she does not necessarily agree with every change proposed.

Councillor Copley noted with her questions having now been answered she did not see a reason to hold up the development further, although she commented that she would like to see the design reflect the traditional aspects of the previous hotel as much as possible.

Councillor Ney acknowledged that residents of Hampshire House to the south would be concerned regarding the proposed development, noting, however, that the applicant has attempted to be thoughtful with the amended design being presented at this time.

With respect to the balconies being reduced in size and the floor area from them being transferred inside the building, Councillor Ney agreed with comments made by Councillor Cassidy previously that as a trade-off for a larger building, such a change would be an improvement for the neighbours to the south as it would reduce outdoor noise.

Councillor Ney said she agreed with the comments made by others that it is time to get the project moving forward, noting her support for the application.

Mayor Causton thanked his Council colleagues for giving serious reconsideration to the application. He noted that the applicant came forward with clarification where requested, saying that he expects that the overall effect for the large project will be excellent.

Mayor Causton commented that he has great faith in Mr. Smith as the project architect, drawing attention to his past projects that have been so successful in fitting in with the surrounding areas, such as Carlton House. He said he was confident that the Oak Bay Beach Hotel will be a good fit and look great as Mr. Smith has assured Council it will.

The community, said Mayor Causton, has said it is time to get on with the project.

The question on the motion was then called.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence items no. 2010-202 to 2010-202-26, 2010-201 to 2010-201-4, 2010-183-1 and 2010-159-1 be received.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 8:37 p.m.

Certified Correct:

Municipal Clerk

Mayor