

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, August 9, 2010 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor J. Herbert
Councillor T. Ney
STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Director of Engineering Services, D. Marshall

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

LAND USE SECTION: (Chairman – Councillor Cassidy)

There was consensus to amend the order of the agenda.

1. 2010-218 BUILDING OFFICIAL, August 3, 2010
Re Uplands Building Permit Application – 2480 Cardigan Road

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to construct an addition at the rear of the dwelling at 2480 Cardigan Road be approved as to siting and architectural design.

CARRIED

2. 2010-219 BUILDING OFFICIAL, August 3, 2010
Re Uplands Building Permit Application – 3295 Ripon Road

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that the plans to construct a deck at the rear of the dwelling at 3295 Ripon Road be approved as to siting and architectural design.

CARRIED

3. 2010-217 DIRECTOR OF BUILDING AND PLANNING, July 26, 2010
Re Development Variance Permit Application – 480 Beach Drive

Mayor Causton declared a conflict of interest inasmuch as his home would likely be in the notification area for the application should it move forward, and left the meeting at 7:33 p.m.

Nick Wise, owner, explained that they wished to expand the existing front and side deck, which are currently non-conforming, resulting in the requested variances as laid out in the staff report.

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 480 Beach Drive, as outlined in correspondence item no. 2010-217, be prepared and brought forward to Council for consideration.

CARRIED

Mayor Causton returned to the meeting at 7:35 p.m.

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

4. 2010-220 DIRECTOR OF ENGINEERING SERVICES, August 4, 2010
- 2010-220-1 DOROTHY MORRISON, April 22, 2010
- 2010-220-2 PETER AND PATRICIA CLARK, August 9, 2010
- 2010-220-3 TERRY WICKSTROM, August 9, 2010
Re Driveway Access – 149 Barkley Terrace

It was noted that Councillors Cassidy and Herbert had visited the subject property, and they agreed that it was not clear how the requested work on municipal property, i.e. the paving and removal of the stairs that provide access to 145 Barkley Terrace, was necessary in order to solve what had been described as a line of sight issue arising from the vegetation on the boulevard west of Ms. Morrison's driveway. It was suggested that perhaps trimming of the vegetation would solve the problem that has arisen for Ms. Morrison.

Deborah Gogela, speaking on behalf of Ms. Morrison, noted that she does find the driveway challenging, and that there is a safety issue that could be eliminated with the relocation of the stairs on the boulevard and the removal of the plantings, which Ms. Morrison is willing to pay for, she said. Ms. Gogela advised that the location of the stairs requires a complicated backing in process to park in the driveway, suggesting that they be removed, and the boulevard paved to provide an asphalt apron to facilitate better access to the driveway.

Responding to questions from a member of the Committee, Ms. Gogela indicated that even if the vegetation was cut back, she felt Ms. Morrison would still experience safety issues in respect to her driveway access.

Terry Wickstrom, Barkley Terrace resident, indicated that although residents along the street do have to be careful exiting their driveways, the street has remained the same over many years, recommending that nothing be done in respect to Ms. Morrison's request other than perhaps some trimming of underbrush adjacent to her driveway entrance.

Lesley Morrison, Ms. Morrison's daughter, speaking on her behalf, pointed out that Mr. Wickstrom does not have to back into his property and therefore has room to turn his vehicle around on his property, unlike Ms. Morrison.

Gordon McDonald, Barkley Terrace resident, said he is opposed to the application from Ms. Morrison, noting that although he is not directly affected by the request, the street is very unique and any changes such as those suggested would perhaps lead to other changes on the street that are undesirable.

Mr. McDonald said that to his knowledge, the previous two owners of Ms. Morrison's property did not have issues entering or exiting the driveway, nor do other current owners on the street.

Ms. Morrison, applicant, noted that Mr. McDonald and other residents on the street do not have to back into their driveways like she does, which creates more of a challenge.

Bruce Whitten, owner adjacent to Ms. Morrison, noted that Ms. Morrison is requesting that the stairs that lead to his property be removed from the portion of the boulevard in front of her property, and if relocated to the boulevard in front of his property, the grade of the stairs would be an issue as it would be steeper. He said he did not want to lose the stairs as they are currently, noting that they have been in the same location for over 80 years. The landscaping proposed to be removed by Ms. Morrison, he said, has been maintained by him and his wife.

Ruth Whitten said she and her husband back into their driveway without issue, noting that they are able to see through the vegetation between the two properties Ms. Morrison proposes to have removed. Responding to a question, Ms. Whitten noted that there has not been an accident exiting her driveway in the 38 years they have lived there.

Eleanor Morrison, said the traffic sightlines are definitely a concern for her mother's property, and that many close calls have been reported to the Police Department. Although Barkley Terrace is beautiful, she said, change can be good, and her mother is proposing an improvement to public property. The fact that the stairs have been in their location for 80 years is no reason not to allow change, said Ms. Morrison.

In response to questions regarding the motivation for the recently built retaining wall to the west of her mother's driveway, Ms. Morrison indicated that the intent was to be able to actively use the property for planting flowers and to address a safety situation, along with providing more parking for short periods of time.

With respect to Ms. Morrison's proposal to widen the driveway crossing to her property, the Director of Engineering Services explained that the current width is at the maximum allowed by the Driveway Access Bylaw and that any further widening to the west would require removal of part of the east side of the driveway to ensure the maximum width is adhered to. It was acknowledged that such a reconfiguration would actually impede access to the existing garage.

There was further discussion on the proposal before the Committee and the view was expressed that there was no compelling argument to change the driveway crossing configuration and remove the stairs as requested, although it was acknowledged that the vegetation around the stairs may need to be cut back to improve sightlines.

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That it be recommended to Council that Parks Department and Engineering Department staff work with the owner of 149 Barkley Terrace on a plan to trim the vegetation contained in the adjacent boulevard to address line of sight issues in relation to exiting the driveway at that address.

It was pointed out that the owners of the adjacent property, 145 Barkley Terrace, should also be included in any discussions regarding trimming the vegetation on the boulevard between the two properties, and there was consensus that those owners also be contacted to participate in any discussions in that regard.

The question was then called.

CARRIED

5. 2010-221 DIRECTOR OF ENGINEERING SERVICES, August 4, 2010
2010-221-1 CHERYL J. KEYES, July 19, 2010
Re Request for Financial Assistance for Installation of Fence at 2576 Dalhousie Street Adjacent to Public Pathway

It was noted that although the fence installed by the owner of 2576 Dalhousie Street, adjacent to the public walkway, did not meet the usual municipal standards for its various components, the view was expressed that it was a strong fence, and better than the previous one.

In response to questions regarding the delay in requesting cost sharing assistance until months after the installation of the fence, Cheryl Keyes, applicant, explained the series of events that had postponed her application to Council in this regard.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That it be recommended to Council that the Municipality pay a 50% share of the fence replacement cost paid by the owner of 2576 Dalhousie Street for the portion of the fence bordering that property and the adjacent public pathway, to a total amount of \$ 1,533.00.

CARRIED

6. 2010-222 DIRECTOR OF ENGINEERING SERVICES, August 5, 2010
Re Excess Funds – Paving

There was discussion regarding the approximately \$80,000 remaining from the Central Avenue road rebuild project, and the staff recommendation that the funds be used to expand the “mill and fill” program for various roads in the Municipality. An expanded program, said the Director of Engineering Services, is a good way to expand the life of the roads, noting there are many areas that could benefit from the work.

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That it be recommended to Council that approval be given to use excess funds from the Central Avenue road rebuild project to expand the mill and fill program as outlined in the memorandum from the Director of Engineering Services dated August 5, 2010.

While the importance of the mill and fill program was acknowledged, the point was made that there are perhaps other priorities for which the excess funds could be used. There was consensus from the Committee that the motion be withdrawn, and that the matter be deferred pending a report from staff on other potential options for the use of the remaining funds.

TRAFFIC SECTION: (Acting Chairman – Mayor Causton)

7. 2010-223 DIRECTOR OF ENGINEERING SERVICES, August 4, 2010
2010-223-1 JOHN H. SYLWESTER, July 12, 2010
Re Request to Reduce Length of Yellow Curb Line Adjacent to 1812 St. Ann Street

John Sylwester explained that his request to shorten the yellow line adjacent to his property is a result of the four way stop that was installed after the painting of the yellow line. The four way stop, he said, addressed the traffic issues that led to the installation of the 11 metre yellow line in the first place.

Responding to questions from the Committee, the Director of Engineering Services indicated that the Transportation Association of Canada recommends no parking for 30 metres in advance of a crosswalk, and 15 metres after a crosswalk. However, he agreed that in practice it would be unusual to implement such regulations. He advised, however, that a longer yellow line helps to address potential sight line issues.

A member of the Committee commented on the effectiveness of the four way stop, and it was the general view of the Committee that the yellow line could be reduced, and if any issues arose from that action, they could be addressed at that time.

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That a Traffic Control Order be prepared and brought forward to Council to reduce the yellow line adjacent to 1812 St. Ann Street to approximately 21 feet.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 8:59 p.m.

Certified Correct:

Municipal Clerk

Chairman, Land Use Section

Chairman, Public Works Section

A/Chairman, Traffic Section