

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, September 21, 2009 at 7:30 p.m.

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

STAFF: Municipal Administrator, W. E. Cochrane  
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.

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2009-299 OAK BAY PARKS AND RECREATION COMMISSION September 9, 2009  
Re Minutes of the Meeting

*(Agnes Szilos, Director of Parks and Recreation, and Monty Holding, Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item.)*

*Wall of Fame*

Appreciation was expressed regarding the Recognition Committee's work with respect to the recommended Parks and Recreation 'Wall of Fame' proposal as a way to recognize community contributions.

Responding to a suggestion that other sports or individuals be recognized as well, Monty Holding advised that this was looked at by the Committee and it was found that athletes and sports teams are well represented and recognized through clubs and schools and that it was felt the focus should be on recreation in this case.

*Tree Protection Bylaw and Urban Forestation*

Committee members expressed their appreciation for the Tree Protection Bylaw Committee's hard work towards helping protect Oak Bay's urban forest, recognizing that challenges lie ahead.

With respect to the Tree Protection Bylaw Committee's plan to reconvene to discuss the implications of the recent changes to the Bylaw and their affect on the urban forest, it was hoped that any recommendations from the Committee in this regard will recognize and try to balance competing environmental interests.

*Program Reports – Summer 2009*

Responding to a question regarding the morning Paddington Station daycare program, Ms. Szilos said it was cancelled due to lack of registration.

*Report on Pesticide Control Meeting*

The Commission's concerns regarding the costs associated with the possible implementation of a pesticide control bylaw (i.e. enforcement, training, and information materials), were recognized. Responding to questions, Mr. Holding said that the group will continue meeting to discuss the matter of a possible Bylaw, and plans to monitor the District of Saanich's progress in this regard, noting that it is anticipated such a Bylaw will be to be considered by Saanich Council this fall.

*Energy Project Report*

Ms. Szilos noted that a Request for Proposals (RFP's) for the energy project is now in place and that while a great deal of the work will be undertaken this year, some of the work will have to be carried forward to early next year.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, September 9, 2009, and the recommendations contained therein, be adopted.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

2. 2009-300 DIRECTOR OF ENGINEERING SERVICES, September 17, 2009  
Re Cadboro Bay Road and Bowker Avenue Intersection

The Director of Engineering Services noted that at its March 16, 2009 meeting, the Committee of the Whole recommended that an engineering consulting firm be engaged to undertake a preliminary traffic study with respect to the Cadboro Bay Road and Bowker Avenue intersection.

Referring to his memorandum attached to the agenda package, Mr. Marshall advised that the consulting firm determined the 'Level of Service' at which the intersection is currently operating is Level "B" on a scale from "A" to "F", which he said indicates good traffic flow. He also noted that no particular trend was identified with respect to seven previously reported accidents, therefore varying circumstances led to those accidents.

The consultant's report proposed several treatments, and Mr. Marshall provided an overview of the three options that could be considered to improve the intersection. Mr. Marshall summarized the options beginning with Option 1, estimated cost of \$39,000, which would include refreshing and adding line work (including lines for a proposed cycling lane), widening the north-west corner of the road to accommodate buses, relocating a utility pole, and spot repairs to the paved surface. For Option 2, estimated at \$125,000, Mr. Marshall said that this option would include some of the same features as Option 1, as well as adding a series of chicanes, significant radius reduction of the curb at the south-east corner, relocating a utility pole, and adding a pedestrian island on the south side of Cadboro Bay Road. And finally, he

said, Option 3, estimated at \$275,000, would see a traffic roundabout installed, however, he noted that following the consultants report, it would be difficult to justify the significant cost of such a treatment at this location in light of the relatively high “Level of Service” rating for the current configuration.

Mr. Marshall indicated that Option 1 seems most logical as indicated by the consultant’s report, noting it could be built upon incrementally in the future if required. He responded to questions regarding the various options and their components as laid out in his report.

The topic turned to the condition of the road surface, and Mr. Marshall, responding to a question, said that it is not intended to repair the cracks in the pavement at this time, as this stretch of the road is no different than most of the road surfaces in the municipality.

With respect to monitoring the result of the proposed changes set out to address the concerns, Mr. Marshall suggested that traffic speed data could be taken, as well as obtaining feedback from the nearby residents regarding their observations.

The question of street parking arose and concern was expressed that parking spaces may be lost with the configuration of the proposed sidewalk improvements. Mr. Marshall advised that street parking would not be reduced, however the proposed plans may consider marking the parallel parking spaces with painted “T”s, which could inadvertently reduce the amount of street parking but would have the effect of slowing traffic.

Regarding a suggestion to continue on with the cycling lanes towards Foul Bay Road, Mr. Marshall advised that, although the proposal before the Committee relates only to the Cadboro Bay Road and Bowker Avenue intersection and that including cycling lanes through this intersection would still be considered beneficial to the biking community.

Cathy Prevost, resident, said that a ‘hidden driveway’ sign was erected to draw attention to her driveway, which, for the most part, seems to be ignored by motorists that are travelling too fast along Bowker Avenue. Ms. Provost said she is often afraid to pull into or out of her driveway because of the speeding motorists along this stretch of the road.

Amanda Cooper, resident, voiced her frustration that the report indicates the average speed to be 44 kilometres per hour when she continuously observes vehicles and buses speeding terribly through this intersection. Ms. Cooper said that unlike other houses in the area that have experienced interior and exterior cracks to the plaster of the home due to the vibrations from the speeding BC Transit buses, she lives in a very old house that actually moves or jumps when the buses speed by.

Ms. Cooper asked for clarification with regard to police reports indicating only seven accidents (over the past ten years or so) saying that the resident’s have observed many accidents at the intersection and that the number of police reports are likely significantly less than the number of claims received by the Insurance Corporation of British Columbia.

It was suggested that the Police Department be requested to increase its enforcement of traffic speeds, and that staff undertake additional traffic speed counts. It was also suggested the speed limit signage be reviewed to eliminate any confusion over the two speed zones in the area.

David Rodenhuis, resident, suggested that traffic be observed again now that school is back in session, although he noted that with Willows School being closed for the 2009/10 school year it would be difficult to get a true reading at this time.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That it be recommended to Council that Option 2 for changes to the Cadboro Bay Road/Bowker Road intersection, as outlined in correspondence item 2009-300, be supported in principle and referred to Estimates Committee for consideration of a staged implementation.

CARRIED

It was requested that staff send a letter to BC Transit regarding concerns raised with respect to vibrations and safety arising from speeding buses.

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2009-301 DIRECTOR OF BUILDING AND PLANNING, September 9, 2009  
Re Development Permit Application – 1477 Yale Street

Councillor Ney declared a conflict of interest with respect to this item as a family member lives at 1477 Yale Street. Councillor Ney left the meeting at 8:40 p.m.

Lara Eichhorn, Chatwin Engineering Ltd., advised that the exterior cladding of the building is proposed to be removed and replaced with stucco cladding that would match the existing colour of the building. Ms. Eichhorn provided an overview of the proposed work as described in detail in the correspondence attached to the agenda (item no. 2009-301) saying the main reason is to provide a rainscreen to the exterior of the building.

With respect to some of the existing detailing being eliminated to accommodate the exterior insulation and finish system, some members of the Committee expressed their desire to see the fittings reinstated.

In response, Lorna Gail Proudfoot, resident, advised that the owners decided that rather than focusing on the aesthetics of the building it was more important to put funds towards an effective rainscreen to protect the exterior of the building.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development permit with respect to 1477 Yale Street (Lot 1, Section 23 & 69, Victoria District, Plan 47554), as outlined in correspondence item no. 2009-301, be brought forward to Council for consideration.

Noting that only one elevation was included in the package, the applicant was requested to provide the remaining elevations to the Building Department prior to the application being further considered at the next Council meeting.

The question was then called.

CARRIED

Councillor Ney returned to the meeting at 8:49 p.m.

4. 2009-302 DIRECTOR OF BUILDING AND PLANNING, September 16, 2009  
Re Development Variance Permit Application – 63 Sylvan Lane

Darren Behn, applicant, explained that during the recent renovations it was found that the house, constructed in the early 1900's, was built on rock and as a result a new foundation was required. During construction, it was decided to rebuild the garage with a suspended slab, which provides either storage or a garage for winter use. Dr. Behn said that the space is empty and if the variance for the garage area is not approved, he would infill the area, which he said would be costly and would impact his neighbours.

Noting the applicant was advised that an additional development variance permit would be necessary before adding a storage area under the garage and that the lower space of the garage was not included in the original plans, the Director of Building and Planning said the owners proceeded to excavate for the additional four car garage below the existing garage area which adds significant floor area to the dwelling.

Addressing the Committee, Todd Martin, Abstract Developments Inc., noted that given the rotten rock that had to be removed, it was more cost effective to put the concrete slab in that created the extra floor area.

Members of the Committee expressed their concerns over the developer and homeowners choosing to move forward with different plans without the benefit of a development variance permit application. Putting that aside and turning to the application at hand, it was the view of the Committee that the application should be deferred to allow members to visit the site.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a development variance permit with respect to 63 Sylvan Lane, as outlined in correspondence item no. 2009-302, be deferred and that a site visit be arranged.

CARRIED

5. 2009-303 DIRECTOR OF BUILDING AND PLANNING, September 16, 2009  
Re Development Variance Permit Application – 2130 McLaren Avenue

Cheryl Casias, resident, explained that she had a wheelchair ramp installed at the front entrance of her home for her mother.

Ms. Casias said that when she became aware that the contractor had not met the conditions (applying for appropriate permits, etc.) prior to commencing the work, she then applied for the development variance permit, with permission from the property owner, to correct the misunderstanding.

Ms. Casias noted that she has an agreement with the owner to remove the ramp if she moves out. She further acknowledged that in order to comply with the minimum standards the slope of the ramp requires additional modification.

A member of the Committee expressed his concern over contractors undertaking work without following the municipal regulations with respect to development in Oak Bay, inquiring what options there are to deal with such transgressions.

The Municipal Administrator advised that a permit fee can be doubled under the Bylaw, however, as far as revoking a business licence as an option that had been raised, this would be a very serious process.

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 2130 McLaren Avenue, as outlined in correspondence item no. 2009-303, be prepared and brought forward to Council for consideration.

Drawing attention to Ms. Casias' agreement with the owner to remove the ramp when she moves out, and members of the Committee inquired as to how this could be ensured, if that was desired. The Municipal Administrator advised that although it may be difficult to enforce, a covenant could be registered against the property.

There was no appetite to pursue registration of a covenant for the ramp's removal at a later date, and there was consensus that the tenant's agreement with the owner in that regard was sufficient.

The question was then called.

CARRIED

6. 2009-304 DIRECTOR OF BUILDING AND PLANNING, September 16, 2009  
Re Development Variance Permit Application – 2054 Penzance Street

Susan Greenwood and her brother James Grant, were in attendance on behalf their mother, the homeowner, requesting permission to install a wheelchair accessible door for Mr. Grant, which was in the process of being installed when the Bylaw Enforcement Officer pointed out that a permit is required for the work. Ms. Greenwood noted that the door would provide easier wheelchair access to the main level and would allow the wheelchair to be parked indoors.

Responding to a suggestion from a member of the Committee that the garage door could be used for entry using a remote control, Mr. Grant said that, due to the exposure from the elements, entering and exiting the house through the garage door causes the wind (and rain) to blow cold air and debris into the house. He added that he has never seen a vehicle parked in this small garage space.

Acknowledging that the garage is being remodelled into a laundry room, and therefore does not provide the parking required, Ms. Greenwood said that no existing parking is actually being removed through the renovation, as you cannot get a vehicle into the garage area now. Further, said Ms. Greenwood, the driveway easily has room for two vehicles to park.

The Director of Building and Planning responded to comments regarding the plumbing and building permit requirements and the development of the garage area meant to make it easier for Mr. Grant to reside on this level of the home.

MOVED by Councillor Ney

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2054 Penzance Street, as outlined in correspondence item no. 2009-304, be prepared and brought forward to Council for consideration.

CARRIED

7. 2009-305 DIRECTOR OF BUILDING AND PLANNING, September 16, 2009  
Re Development Variance Permit Application – 1442 Monterey Avenue

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1442 Monterey Avenue, as outlined in correspondence item no. 2009-305, be prepared and brought forward to Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:46 p.m.

Certified Correct:

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Municipal Clerk

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Chairman, Recreation Section

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Chairman, Public Works Section

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Chairman, Land Use Section