

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, February 2, 2009 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, 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.

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

1. 2009-47 DIRECTOR OF ENGINEERING SERVICES, January 29, 2009
2009-47-1 DENNIS ROBINSON, January 24, 2009
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING
MINUTES, January 19, 2009
2009-42 DIRECTOR OF ENGINEERING SERVICES, January 15, 2009
2008-259 DIRECTOR OF ENGINEERING SERVICES, October 16, 2008
Re Cadboro Bay Road and Bowker Avenue Intersection

Councillor Herbert noted that at its January 19, 2009 meeting, Committee of the Whole deferred discussion with respect to the Cadboro Bay Road and Bowker Avenue intersection to allow time for staff to bring forward for consideration all the options proposed for the intersection, and to provide an opportunity for input from area residents on the options. A report on accident statistics for the intersection was also requested.

The Director of Engineering Services provided a brief overview of the memorandum on accident statistics, saying that four accidents have been reported at the intersection over the past five years, with one of the accidents arising from a medical situation.

The Chairman then invited members of the public to speak.

Cathy Prevost said that Cadboro Bay Road and Bowker Avenue is a terrible intersection and that between Cadboro Bay Road and Hampshire Road there are often several cars blocking access to her driveway on the south side of Bowker Avenue, just east of Cadboro Bay Road. As well, she said there is a utility pole that blocks the sightline when trying to exit her property. Ms. Prevost added that a 'hidden driveway' sign was erected to draw attention to her driveway, which, for the most part, seems to be ignored by motorists.

Don Prevost commented that the four way stop at Hampshire Road and Bowker Avenue is observed approximately 50 percent of the time and that most of the traffic is speeding when turning off of Cadboro Bay Road onto Bowker Avenue.

Mr. Prevost said that when driving in the Western Communities he has seen roundabouts that work, however, he suggested the Committee consider less costly solutions such as installing rumble strips.

The discussion turned to alternative solutions and it was suggested by Committee members that perhaps thought should be given to removing the dedicated right turn lanes (slip streams), moving the crosswalk heading east onto Bowker Avenue to the west, installing speed plateaus or bike lanes, and changing the yield signs to stop signs.

It was also suggested that Mayor Causton, as the Oak Bay Police Board Chair, speak with the Police Department to request that police presence be increased to enforce the regulations.

Amanda Cooper said she has lived in the neighbourhood for eleven years, noting that it is an area full of children and people from the Oak Bay Lodge with compromised mobility. Ms. Cooper said that the number of close calls, yelling and screeching tires is unreal and not befitting of Oak Bay. She noted that her father works for the Insurance Corporation of British Columbia (ICBC) and he felt that a roundabout would be the best option for this intersection.

Ms. Cooper said that although she has many concerns, such as having to lay on her horn when backing out of the driveway, along with speeding buses (particularly at night), which rattle the house, her main issue is the safety of the children.

Responding to Mayor Causton, Ms. Cooper said that in lieu of a roundabout, which she considers to be the ideal solution, an alternative would be eliminating the slip streams (right hand turn lanes) and replacing the yield signs with stop signs.

The Director of Engineering Services, responding to questions, advised that he has been in contact with ICBC with respect to the ICBC Road Improvement Program in which assistance (engineering and funding) is available by request to municipalities to implement traffic/road safety measures. However, he said, he has not yet had a reply.

Emily Fodor was in attendance to express her support for a roundabout and for the suggested rumble strips at this intersection. Ms. Fodor further suggested that Council consider installing bike lanes to slow traffic, or place concrete planters in the middle of the intersection instead, with cascading plantings, such as those found on San Carlos Avenue.

Kelly Rose said she experienced one accident in her yard along with the more recent accident that took out the fence and arose from a medical situation. Ms. Rose expressed her support for a roundabout and agreed that the slip stream needs to be addressed. She said that when walking to the Oak Bay Lodge she has to be very cautious using the crosswalk and she waits until the traffic has stopped before crossing the street. Ms. Rose said she would appreciate the implementation of any means necessary to slow down the traffic. Ms. Rose also commented about the impact of bus vibrations and speeding buses.

Dave Rodenhuis said he lives in the third house from the intersection on the north side of Bowker and experiences firsthand the congestion due to street parking and the busy intersection, which often causes him difficulty when backing out of his driveway. Mr. Rodenhuis expressed his support for a roundabout, as well as installing bike lanes on Bowker and eliminating parking close to the intersection.

Kay Collis drew attention to the buses, saying they are the biggest problem. She said cars speed down Bowker Avenue as they turn right on to Cadboro Bay Road, noting the intersection is not engineered properly. Ms. Collis said a roundabout is worth the money and urged Council to make it happen.

Jane Van Sickle commented that she is fully in favour of a roundabout adding that she almost lost her family due to speeding cars. Ms. Van Sickle said that it often takes five minutes to get out of her driveway on Cadboro Bay Road and she cannot turn left from her driveway because it is too busy and dangerous.

Don Prevost added to his previous comments noting that a roundabout is the most attractive solution but in the interim, he would like to see rumble strips or speed bumps installed south and north of the intersection to adjust the speed of all vehicles.

Corey Burger suggested that removable bollards or planters would be less expensive than a roundabout, would narrow the road, and would cause traffic to slow down.

Sarah Britman said she is Amanda Cooper's daughter and she is afraid to cross the road because speeding motorists ignore pedestrians. Miss Britman added that it is a dangerous intersection and that people of all ages are afraid to be hit. Money should not matter when it comes to the safety of residents, she said. Miss Britman expressed concern that the rumble strips would not be suitable because buses already rumble enough.

Jane Van Sickle said she agrees with Miss Britman that rumble strips would be noisy for residents, adding that speed bumps would also create noise due to vehicles slowing and accelerating when crossing the bump.

Following further discussion and comments, Committee members agreed that a report on all of the proposed solutions raised, temporary and permanent, should be brought forward for further review, along with the possibility of addressing bus speeds through a lower speed limit than regular vehicle traffic.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That staff be directed to provide additional information on the suggested solutions to address speed and safety concerns at the intersection of Cadboro Bay Road and Bowker Avenue for review and further discussion at a future Committee of the Whole meeting.

CARRIED

2. 2009-48 DIRECTOR OF ENGINEERING SERVICES, January 29, 2009
Re Bicycle Rack Shelter – Wilmot and Oak Bay Avenue

It was noted that at a previous meeting of Council staff was directed to bring forward design plans and the estimated cost for the possible installation of a bicycle rack shelter at the corner of Wilmot Place and Oak Bay Avenue.

The Director of Engineering Services drew attention to his memorandum outlining the proposed styles saying that the top photograph shown on page two is similar to the one erected at the Oak Bay Recreation Centre.

Mr. Cochrane noted that the project was brought forward for discussion by Mayor Causton, who at that time advised that the Rotary Club of Oak Bay would be willing to donate \$6,000 towards a bicycle rack shelter.

With respect to funding the remainder of the project, the Municipal Administrator advised that a bicycle shelter project would be eligible for funding from the Municipality's new Alternative Transportation Infrastructure Reserve Fund. Mr. Cochrane added that it would be permissible, by bylaw, to transfer funds from the Parking Reserve Fund to the new fund. However, he added, because the proposed project at this location would displace two parking spaces, and in keeping with previous discussions in this regard, the Committee may wish to ask the Oak Bay Business Improvement Association to comment regarding the potential use of the Parking Reserve Fund for the proposed bicycle rack shelter.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That staff be directed to send a letter to the Oak Bay Business Association inviting its comments on the proposed bicycle rack shelter and proposed use of the Parking Reserve Fund for its construction.

Councillor Cassidy arrived at meeting at 8:32 p.m.

A member of the Committee expressed her concerns about the proposed location taking away two parking spaces from an area that is already considered tight for parking, suggesting that the shelter be placed near the Kiwanis Kiosk on the Municipal Hall front lawn.

At this suggestion, the Committee agreed to ask staff to provide a plan with respect to the proposed new location for the bicycle rack shelter to be considered at a future meeting.

The question was then called.

CARRIED

3. 2009-49 DIRECTOR OF ENGINEERING SERVICES, January 29, 2009
Re Proposed Bus Shelter Replacement – Oak Bay Avenue

The Director of Engineering Services advised that BC Transit provided a list of bus shelters that it would like to see replaced or upgraded to increase pedestrian safety and access in Oak Bay. He drew attention to the two shelters proposed to be replaced, noting that BC Transit would contribute 50% of the estimated \$22,000 cost.

With respect to the portion of the bus shelter cost that would not be covered by BC Transit, the Municipal Administrator advised that Oak Bay's portion would be eligible for funding from the Municipality's new Alternative Transportation Infrastructure Reserve Fund, which at the moment has no funds. Mr. Cochrane added that it would be permissible, by bylaw, to transfer funds from the Parking Reserve Fund to the new fund to be used for the shelters.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That it be recommended to Council that approval be given to replace two bus shelters on Oak Bay Avenue as outlined in the memorandum from the Director of Engineering Services with funds to be transferred to the Alternative Transportation Infrastructure Reserve Fund for this purpose.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

4. 2009-50 DIRECTOR OF BUILDING AND PLANNING, January 26, 2009
Re Development Variance Permit Application – 3648 Crestview Road

James Colgan, applicant, said he wishes to replace the whole existing non-conforming driveway that was installed by a previous owner. In talking to the Bylaw Enforcement Officer, Mr. Colgan was advised that he would require a variance to carry out the work on his property.

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 3648 Crestview Road, as outlined in correspondence item no. 2009-50, be prepared and brought forward to Council for consideration.

Responding to a question from a Committee member, the Municipal Administrator advised that the Driveway Access Bylaw regulates the width of driveways where they cross the municipal boulevard, noting that if the original driveway crossing was legally constructed it may be eligible for reconstruction to its current width, noting that the applicant could explore that issue further with Engineering Department staff.

The question was then called.

CARRIED

5. 2009-51 DIRECTOR OF BUILDING AND PLANNING, January 27, 2009
Re Development Variance Permit Application – 63 Sylvan Lane

Darren Behn, applicant, noted that during the current renovations they realized they would like to have ground level access to their backyard by wrapping the deck around the rear of their house. He noted that the deck would increase the already legally non-conforming floor area, however, it would not be visible to others.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 63 Sylvan Lane, as outlined in correspondence item no. 2009-51, be prepared and brought forward to Council for consideration.

CARRIED

6. 2009-52 DIRECTOR OF BUILDING AND PLANNING, January 27, 2009
Re Development Variance Permit Application – 3265 Beach Drive

Jonathan Craggs, Jonathan Craggs Garden & Consultation, in attendance on behalf of the applicant, said the owners are looking to create a relaxing area by constructing a custom whirlpool hot tub at the southeast corner of their property.

Responding to a question, Mr. Craggs said that the motor and pumps will be underground and soundproofing will be carried out as necessary.

Following discussion regarding the development variance permit application, and various questions from members of the Committee being answered by Mr. Craggs, concerns were expressed by the Committee members about the potential noise which may be generated by the hot tub and its potential impact on the neighbours along with their possible loss of privacy, as the structure appears to be in close proximity to the property line. Concerns about safety, due to the twenty foot drop down to the ocean from the hot tub, were also expressed.

It was agreed that the notification process for the development variance permit application would provide an opportunity for neighbours to voice any concerns they may have, and the applicant was urged to also talk with the neighbours.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 3265 Beach Drive, as outlined in correspondence item no. 2009-52, be prepared and brought forward to Council for consideration.

CARRIED

7. 2009-53 DIRECTOR OF BUILDING AND PLANNING, January 28 , 2009
Re Development Variance Permit Application – 1009 St. David Street

David Green, homeowner, said he originally intended to build his new home with no variances and that he was unaware of the bylaw restrictions with respect to maximum paved surface.

Responding to concerns regarding the extent of the proposed paving, Mr. Green noted that the driveway as proposed is needed to access the new garage, advising that any other possible location for the garage would affect the established hedge and his enjoyment of the garden.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1009 St. David Street, as outlined in correspondence item no. 2009-53, be prepared and brought forward to Council for consideration.

The view was expressed that the variance was supportable in that the driveway would be in the best location for the lot without having to remove the existing hedge and it presents little change in the view from the street.

The question was then called.

CARRIED

8. 2009-54 DIRECTOR OF BUILDING AND PLANNING, January 28 , 2009
Re Development Variance Permit Application – 2654 Dalhousie Street

Bill Thomson, homeowner and Archie Willie, A. Willie Design, were in attendance to speak to the requested variances for gross floor area and the interior side lot line setback that arose as a result of the proposed additions. Mr. Willie drew attention to the existing basement saying that it is just two inches shy of being considered a basement under the Zoning Bylaw and if it were slightly deeper, the needed variances for gross floor area would be very minor. Further, he

said, with the basement being considered the main floor under the Bylaw, the main floor (actually the second storey) requires a minimum interior side lot line setback variance as well.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2654 Dalhousie Street, as outlined in correspondence item no. 2009-54, be prepared and brought forward to Council for consideration.

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 9:28 p.m.

Certified Correct:

Municipal Clerk

Chairman, Public Works Section

Chairman, Land Use Section