

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, January 17, 2011 following a Special Council meeting 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 N. B. Jensen
Councillor T. Ney
STAFF: 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

Mayor Causton called the meeting to order at 7:40 p.m.

AGENDA:

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That the agenda be amended to add correspondence item no. 2011-20 being a memorandum from the Director of Building and Planning regarding a development variance permit application for 3053 Henderson Road.

CARRIED

FINANCE SECTION: (Chairman – Councillor Jensen)

1. 2011-38 MUNICIPAL TREASURER, January 7, 2011
Re Monthly Financial Reports

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That the December monthly financial reports be received.

CARRIED

RECREATION SECTION: (Chairman – Councillor Braithwaite)

2. 2011-39 OAK BAY PARKS AND RECREATION COMMISSION, January 5, 2011
Re Minutes of the Meeting

(Lorna Curtis, Director of Parks and Recreation, Lorne Middleton, Manager of Parks Services, Chris Paul, Municipal Arborist, and Donald Farquhar, Past Chair, Oak Bay Parks and Recreation Commission Tree Protection Committee, were in attendance for this item.)

MOVED by Councillor Herbert
Seconded by Councillor Jensen, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, January 5, 2011, and the recommendations contained therein, with the exception of the Tree Protection Committee recommendations, be adopted.

Mayor Causton drew attention to the new electric zamboni, noting it is the first of its kind on Vancouver Island, and Lorna Curtis agreed to recirculate information on the expected energy and cost savings in that regard.

Lorne Middleton, responding to questions, advised that the level of graffiti increased over the holiday season and continues to come in waves.

Councillor Braithwaite thanked Parks Department staff for installing the split rail fence around the Vernal Pools at Cattle Point, noting that information signage will be erected advising park users of the area being protected.

The question was then called.

CARRIED

Tree Protection Committee Report

Donald Farquhar provided a brief overview of the Tree Protection Committee's recommendations to amend the Tree Protection Bylaw as well as adjust some of the bylaw offence penalty fees as outlined in the Parks and Recreation Commission minutes attached to the agenda. Mr. Farquhar noted that the most significant change would revise the regulations for trees within a building envelope to ensure that even on small lots, the need for tree removal must be illustrated in building construction plans which have been approved by the Municipality. The intention, said Mr. Farquhar, is to reduce the number of trees removed and to discourage clear-cutting just because the trees are located within the building envelope.

Further discussion ensued with members of the Committee commenting on the bylaw amendment recommendations and various questions being answered by staff and Mr. Farquhar.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That staff be directed to bring forward for consideration by Council draft amendments to the Tree Protection Bylaw and the Ticket Information Utilization Bylaw incorporating the proposed recommendations of the Parks and Recreation Commission's Tree Protection Committee, as outlined in correspondence item no. 2011-39.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2011-40 DIRECTOR OF BUILDING AND PLANNING, January 10, 2011
Re Uplands Building Permit Application – 3295 Upper Terrace Road

MOVED by Councillor Herbert

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

CARRIED

4. 2011-41 DIRECTOR OF BUILDING AND PLANNING, January 12, 2011
Re Uplands Building Permit/Development Variance Permit Application –
3025 Cadboro Bay Road

With respect to concerns raised about the trees in the vicinity of the proposed driveway, the Director of Building and Planning confirmed that an Arborist would be required to be on-site during excavation and to be involved in the design and construction of the driveway.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That it be recommended to Council that the plans to construct a new garage at 3025 Cadboro Bay 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, as outlined in correspondence item no. 2011-41, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

5. 2011-42 DIRECTOR OF BUILDING AND PLANNING, January 12, 2011
Re Uplands Building Permit/Development Variance Permit Application –
3465 Midland Road

The Director of Building and Planning confirmed that the new driveway will be designed around the Garry Oak tree in the front yard as noted in the agenda materials.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans for construction of an addition at 3465 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, as outlined in correspondence item no. 2011-42, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

6. 2011-43 DIRECTOR OF BUILDING AND PLANNING, January 12, 2011
Re Uplands Building Permit/Development Variance Permit Application –
2990 Midland Road

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That it be recommended to Council that the plans to construct a new deck at 2990 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, as outlined in correspondence item no. 2011-43, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

7. 2011-44 DIRECTOR OF BUILDING AND PLANNING, January 13, 2011
Re Development Variance Permit Application – 298 Beach Drive

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 298 Beach Drive, as outlined in correspondence item no. 2011-44, be prepared and brought forward to Council for consideration.

CARRIED

8. 2011-20 DIRECTOR OF BUILDING AND PLANNING, December 20, 2010
Re Development Variance Permit Application – 3053 Henderson Road

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That the following motion be lifted from the table:

That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 3053 Henderson Road, as outlined in correspondence item no. 2011-20, be prepared and brought forward to Council for consideration.

CARRIED

As requested by the Committee of the Whole at its January 4, 2011 meeting, Saul Proctor, applicant, attended the meeting to provide details leading up to making a development variance permit application, noting that during renovations it was determined that it would be more beneficial for his growing family to convert the small, unusable garage into living space composing a bedroom and laundry room.

Mr. Proctor confirmed that the existing driveway can accommodate parking for three vehicles.

The question on the motion was then called.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

9. 2011-45 DIRECTOR OF ENGINEERING SERVICES, January 13, 2011
2011-45-1 IAN ROGERS, [Undated]
2011-45-2 IAN ROGERS, November 29, 2010
Re Boulevard Encroachment Application – 3140 Midland Road

The Director of Engineering Services drew attention to his memorandum pointing out the areas of concerns and deficiencies in relation to the boulevard encroachment application based on the usual evaluation criteria.

It was confirmed that the fence already exists, and members of the Committee expressed their concern regarding its visual impact, and it was the majority view of the Committee that the fence is not in keeping with the area and the natural state of the streetscape. It was further noted that should there be any sightline issues arising from vegetation on public property, the Parks Department could remedy it.

MOVED by Councillor Copley

Seconded by Councillor Cassidy, That it be recommended to Council that the application for a boulevard encroachment agreement for 3140 Midland Road be denied.

CARRIED

TRAFFIC SECTION: (Chairman – Councillor Copley)

- 10. 2011-46 DIRECTOR OF ENGINEERING SERVICES, January 13, 2011
- 2011-46-1 JANET JOHNSTONE, November 16, 2010
- 2011-46-2 LISE HISCOCK, December 13, 2010
- 2010-258 DIRECTOR OF ENGINEERING SERVICES, September 30, 2010
- 2010-258-1 DAVE PETTENUZZO, April 29, 2010
- 2010-258-2 MICHAEL YAKUBOWICH, September 8, 2010
- 2010-258-3 ANITA WOLFE AND SUZANNE DEARMAN, September 29, 2010
Re Musgrave Street Parking

Councillor Copley drew attention to the report from the Director of Engineering Services with respect to parking in the 2700 block of Musgrave Street and its recommendations to address some of the area residents parking concerns, which was requested by the Committee of the Whole at its October 4, 2010 meeting.

Mr. Marshall advised that staff conducted site visits at different times and days to observe the parking situation in this area and that staff also met with residents in December 2010.

During staff site visits, said Mr. Marshall, it was observed that parking was limited during the school's peak drop-off and pick-up hours. He said it was also observed that parking was available on Hamiota Street and Estevan Avenue.

Although it was pointed out that the residents would like to see 'resident only' parking implemented along Musgrave Street, it was noted by Mr. Marshall that it would likely have the effect of shifting the parking issues to another street, and it was suggested that two hour parking restrictions be considered as a first step to deter staff from the Village businesses from parking on Musgrave Street all day, prior to considering resident only parking regulations. This would not address school pick-up and drop-off parking, however, he said.

Sue Yakubowich, resident, stated that it is the school and the business employees that cause the parking issue. Ms. Yakubowich said she counted 20 businesses and 34 apartments in the Estevan Village and there are only 52 off-street parking spaces, which she said is not enough. With respect to restricting parking to two hours, Ms. Yakubowich felt that vehicles would just be moved from spot to spot. Ms. Yakubowich said that the school does not provide enough parking for its facility.

Lise Hiscock, resident, questioned the need for and location of the two handicapped parking spaces at either end of the noted block of Musgrave Street, saying they are seldom used for the intended purpose, and that the handicapped parking space closest to the Village is used by trucks delivering to the nearby businesses. Ms. Hiscock commented that although the school has four handicapped parking spaces, they never seem to be utilized.

Dave Pettenuzzo, resident, said he also does not see the handicapped parking spaces being used at the school. Mr. Pettenuzzo added that it would have been nice if residents were notified before a handicapped parking space was installed on Musgrave Street, and he thought a better location for this type of parking space would have been in the Village business section.

The issue of safety arose with respect to the handicapped parking location, with Mr. Pettenuzzo saying that the Musgrave corridor is dangerous for seniors and the parking space is too close to the busy five way intersection. With respect to the intersection, he said he worries that there may be a serious accident and said that a traffic circle would be a good idea at this location. In conclusion, Mr. Pettenuzzo said that the two-hour limited parking restrictions may help.

Michael Yakubowich, resident, said he agrees with the idea of a roundabout at the five way intersection. Mr. Yakubowich distributed an aerial map and photos of the 2700 block of Musgrave, saying that this is a unique situation as the area is sandwiched between a school and businesses, adding that some of the businesses and the school do not have enough available parking, and therefore, the parking problem shifts to Musgrave Street. Mr. Yakubowich said that the issue of parking is not a new one, but it has changed over the years as new businesses open in the Estevan Village. He felt that the area residents should be protected, and that vehicles should be pushed to park in other areas, such as the Lokier Garden area, as he has often observed available space for parking there.

It was Mr. Yakubowich's opinion that the request to create 'resident only' parking was justified.

There was discussion on various points that had been raised, and possible improvements for traffic safety that might be made to the Estevan Village area in the future. It was the view of the Committee that some dialogue with the representatives of Willows School would be helpful in terms of exploring the possibility of the school providing more off street parking for its use, along with dialogue with the businesses in the Estevan Village regarding the issues raised, such as staff parking along Musgrave Street, and the use of handicapped parking spaces.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that staff undertake a consultation process with the representatives of Willows School and businesses in the Estevan Village regarding the parking issues along Musgrave Street that have been raised, and the possibility of implementing parking restrictions to address the issues, along with exploring with the school the possibility of the creation of more parking on site.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:12 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Chairman, Land Use Section

Chairman, Public Works Section

Chairman, Traffic Section