

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, July 12, 2010 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. Herbert
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 8:44 p.m.

FINANCE AND REGULATORY SECTION: (Acting Chairman – Mayor Causton)

1. 2010-203 MUNICIPAL TREASURER, June 2, 2010
Re May and June Monthly Financial Reports

The Municipal Treasurer drew attention to the outstanding taxes, noting they are higher than last year at this time.

Responding to a member of Council requesting that some method of identifying cost savings in relation to the Recreation Centres' energy projects, Ms. Walker said she would pass along the request to the Parks and Recreation Department staff to consider ways to have the information reported, perhaps on an annual basis, through the Parks and Recreation financial reports.

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the May and June monthly financial reports be received.

CARRIED

2. 2010-204 MUNICIPAL ADMINISTRATOR, July 8, 2010
2010-167 DEPUTY MUNICIPAL ADMINISTRATOR, May 14, 2010
Re Liquor License Application, Oak Bay Lawn Bowling Club –
Opportunity for Public Input

(John Cossom, President, and Joan Firkins, Assistant Treasurer, Oak Bay Lawn Bowling Club, in attendance for this item.)

The Municipal Administrator referred to his memorandum to the Committee of the Whole which provides an overview of the Oak Bay Lawn Bowling Club's liquor license application. Mr. Brennan noted that part of the process includes asking Council to review the application, and gather the views of residents, and report back with their comments and recommendation to the Liquor Control and Licensing Branch.

Along with notifying Carnarvon Park's neighbouring residents, Carnarvon Park user groups and advertising in the local newspaper regarding the application and the opportunity to provide input at this meeting, Mr. Brennan said that staff also notified the Building Department, Police Department, Fire Department, and Parks and Recreation Commission of the application, confirming that no issues arose regarding the application for those departments.

It was confirmed that at the suggestion of the Director of Building and Planning, the Club will amend its application to reduce its capacity 140 people.

Committee members and staff questioned the accuracy of contravention statistics information included in the Application Summary from the Liquor Control and Licensing Branch that identifies contraventions within a two block radius of the proposed location, and Mr. Brennan advised that the police confirmed there have been no contraventions as noted in the report attached to correspondence item no. 2010-204.

Joan Firkins answered questions from members of the Committee regarding the Club's liquor license application.

Responding to a question from a member of the Committee with respect to the premises being used by other groups in the future should the license agreement permit that in the future, it was noted those groups would be required to obtain a special occasion liquor license which would not affect the Club's license.

Mayor Causton asked if any members of the public wished to speak to the application. No one came forward.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the following resolution be forwarded to the Liquor Control and Licensing Branch:

"That:

1. Council recommends the issuance of the liquor-primary license to the Oak Bay Lawn Bowling Club for the following reasons:

- there will be minimal, if any, impact on the users of the park, the surrounding neighbourhood, or the community in general.*

2. Council's comments on the prescribed consideration are as follows:

(a) The location of the establishment:

The Oak Bay Lawn Bowling Club is located in a municipal park, which in turn is located in a residential neighbourhood. However, given the nature of this application, is not anticipated that there will be any noise, nuisance, or in any way have an impact on the surrounding area.

(b) The proximity of the establishment to other social or recreational facilities and public buildings:

There are other recreational facilities and programs in Carnarvon Park, such as playing fields, a playground, a water park, a daycare and an after-school

program. All of the user groups have been contacted, as well as the Parks and Recreation Commission, and none of them have expressed any concerns.

- (c) *The person capacity and hours of liquor service of the established:*

The hours requested in the application cause no concern. However, municipal staff are recommending that the capacity be reduced to 140 persons. The applicant is agreeable to that amendment.

- (d) *The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:*

There are no liquor-primary license establishments within a reasonable distance. In any case, there would be no impact on any such establishment, given that the Oak Bay Lawn Bowling Club would exclusively be serving their own members and guests.

- (e) *Traffic, noise, parking and zoning:*

The application has been reviewed by the Building and Planning Department. The proposed use is consistent with current zoning. It is anticipated that there will be no issue with noise, and there should be no impact on traffic or parking.

- (f) *Population, population density and population trends:*

Not applicable.

- (g) *Relevant socio-economic information:*

Not applicable.

- (h) *The impact on the community if the application is approved:*

It is anticipated that the granting of this application will have no impact on the community.

3. *Council comments on the views of residents are as follows:*

There was a notice mailed to all owners and occupants of properties adjacent to Carnarvon Park, as well as to all groups using the park. The notice was also published in the local newspaper, the Oak Bay News. The notice advised of the application and announced that there would be a Public Information Session held on Monday, July 12, 2010. The public were invited to attend to express their views. They were also advised that they could respond in writing prior to the Public Information Session. There were no written responses received, and at the Public Information Session no-one, other than the applicant, chose to speak.

The application was also referred to the Police Department, the Fire Department and the Parks and Recreation Commission, none of whom expressed any concerns.

Given this response, Council is of the view that residents have no objection to this application.”

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2010-205 DIRECTOR OF BUILDING AND PLANNING, July 7, 2010
Re Development Variance Permit Application – 2213 Windsor Road

Dan and Phil Horton, developers/builders, provided information on the proposed development, noting that they wish to renovate and update the property by raising the house to improve the grade to services and provide better drainage. Mr. Horton said that although they wish to push the peak of the roof up, it will still be lower than the neighbouring roof. He noted that the house will not be any closer to the lot line as the house will be raised using the existing footprint.

Members of the Committee congratulated the applicants for choosing to renovate rather than demolish the home.

Responding to a member of the Committee expressing concern that the proposed development of the basement level appears to be laid out for a secondary suite, which is not permitted in Oak Bay, Mr. Horton assured the Committee it is not their intention to suite the basement level but to create a liveable space.

The applicant responded to questions regarding the development, noting that the materials used will be suited to the neighbourhood.

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 2213 Windsor Road, as outlined in correspondence item no. 2010-205, be prepared and brought forward to Council for consideration.

CARRIED

4. 2010-206 DIRECTOR OF BUILDING AND PLANNING, July 7, 2010
Re Uplands Building Permit/Development Variance Permit Application –
3015 Valdez Place

The homeowner, Gerard Price, responding to a question about the excessive amount of front yard paved surface being proposed, said that the designer felt this was the best configuration for the property given the unusual lot configuration and the narrow frontage. Mr. Price added that currently the property is all set in tarmac. It was noted that the new plan would reduce the current paved surface.

The Director of Building and Planning noted that due to the small frontage of this property any proposed paving plan would likely trigger a variance request.

Concern was expressed about the number of trees that may be affected by the development. In response, Mr. Price advised that as many trees as possible are being saved and that the tree slated for removal is within the building envelope. He also advised that the Garry oak trees will be protected and kept as a feature as they link to the front landscaping.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That it be recommended to Council that the plans to construct an new dwelling at 3015 Valdez Place 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 be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

5. 2010-207 CAPITAL REGIONAL DISTRICT, July , 2010
Re Regional Curbside Recycling Program

(Wendy Dunn and John Craveiro, Environmental Resource Management, Capital Regional District, in attendance for this item.)

John Craveiro and Wendy Dunn provided a visual presentation with respect to the Capital Regional District's curbside recycling program, and its request for proposals to include compost collection (kitchen scraps), as outlined in correspondence item no. 2010-207. Mr. Craveiro noted that the Capital Regional District's curbside recycling contract will expire in 2012.

It was noted by a member of the Committee that the costs to implement curbside compost collection seem extraordinarily high and that perhaps the Capital Regional District should also include in its presentation the cost to increase the size of the landfill area as an alternative to compost collection, at least for comparison sake.

Some members of the Committee expressed their support for the inclusion of compost pickup in the curbside recycling program, noting that through the pilot project in Oak Bay it is evident that the community is ready to engage in this service.

There was discussion regarding various aspects of the curbside program and Mr. Craveiro responded to questions from the Committee and the public in this regard.

Mr. Craveiro noted that a further presentation from the Capital Regional District would be forthcoming to the Capital Regional District Municipal Councils following selection of the preferred proponent.

6. 2010-208 CHRISTIAN BARNARD LAND STUDIO, July 7, 2010
2010-175 DIRECTOR OF ENGINEERING SERVICES, June 3, 2010
2010-175-1 CHRISTIAN BARNARD LAND STUDIO, May 6, 2010
Re Request to Blast on Public Property -168 Barkley Terrace

It was noted that prior to further consideration of the request to blast on public property at 168 Barkley Terrace, it was agreed at the June 7, 2010 Committee of the Whole meeting to conduct a site visit for Committee members to view the proposed area of rock to be blasted in advance of the item returning to Committee of the Whole.

Christian Barnard, landscaper, provided a summary of the proposed landscaping plans and the request to remove a portion of existing rock on the boulevard adjoining 168 Barkley Terrace.

John Schofield, resident, said that he and other neighbours have serious concerns with respect to the effects of earlier blasting at the property, noting nearby houses have experienced damaged plaster, stucco, and rock garden walls, and that the neighbours are concerned about further damage to their homes.

Responding to questions regarding monitoring the blasting activity, the Municipal Administrator noted the municipality is not involved in that regard.

It was pointed out that the amount of rock to be removed is relatively small and Mr. Barnard advised that the most severe blasting has already been done and that he has been looking into using a hoe ram method to remove the remaining rock rather than blasting, if approved.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That it be recommended to Council that approval be given to remove a portion of existing rock on the boulevard adjoining 168 Barkley Terrace, as outlined in correspondence item no. 2010-208, subject to the removal not incorporating the use of explosives.

CARRIED

TRAFFIC SAFETY SECTION: (Chairman – Councillor Copley)

- 7. 2010-209 DIRECTOR OF ENGINEERING SERVICES, July 7, 2010
 - 2010-209-1 JAMES GRAYSON, July 6, 2010
 - 2010-209-2 SAFER CYCLING OAK BAY, July 7, 2010
 - 2010-209-3 KAREN WONDERS, July 7, 2010
 - 2010-176 DIRECTOR OF ENGINEERING SERVICES, June 3, 2010
 - 2010-176-1 COREY BURGER, [Undated]
- Re Request to Review Cycling Lanes – Various Locations

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence items no. 2010-209-2010-209-3, 2010-176 and 2010-179-6-1 be received.

CARRIED

Councillor Copley drew attention to the new information provided by the Director of Engineering Services that augments the previous report (correspondence item no. 2010-176), regarding the proposed implementation of cycling lanes on a portion of Foul Bay Road and Cedar Hill Cross Road and installing a 'bike box' at the Lansdowne/Foul Bay Road intersection.

The Director of Engineering Services provided an overview of his report (correspondence item no. 2010-209), noting that the Administration staff sent notices to area residents as requested, regarding the possibility of creating the proposed bike lanes and the potential impact on parking. Mr. Marshall advised that the Engineering staff also conducted a review of the intersection statistics, and surveyed cyclists, as summarized in his memorandum.

John Luton, the Executive Director of the Capital Bike and Walk Society, said that cyclists are looking for a sense of continuity and find cycling lanes and bike boxes helpful in providing guidance for cyclists and motorists as they share the road. Mr. Luton felt that adding the dashed lines, which would indicate a cycling lane, through the intersection would be very helpful.

Elaborating on the idea of adding bike boxes at this intersection, Mr. Luton said that the boxes eliminate confusion in that cyclists move ahead of the cue becoming more visible and predictable to motorists.

Mr. Luton concluded by saying that bike usage would go up with improvements to the cycling infrastructure.

Corey Burger, resident of Saanich and Community Initiatives Committee member, said that in a study conducted by the University of Victoria in October 2008, it was observed that out of 3,600 people cycling to the University, approximately 1,200 cyclists approach the University through the Henderson and Cedar Hill Cross Road intersection.

Mr. Burger said during peak times he observed cyclists going to the front of the traffic lane at the Foul Bay Road/Lansdowne Road intersection, as if there was a bike box. He also observed buses and larger vehicles intruding into the cycling lanes north of the intersection. Mr. Burger agreed that adding a dashed cycling lane through that intersection would be helpful to cyclists and motorists. With respect to a bike box, he felt that it would serve more people if a box replaced the northbound vehicle right turn lane.

In conclusion, Mr. Burger drew attention to Attachment 'E', saying this scenario would create uncertainty and he did not think it was a good idea to have a shared lane that would see a bike lane combined with the vehicle right turn lane at Foul Bay and Lansdowne Road.

Kathryn MacLean, resident, spoke in favour of installing bike lanes, although she is concerned about parking, and said that cyclists, particularly the youth and tentative riders, need to feel safe knowing what to do and a bike box would help encourage more cycling.

Ken Whittaker, resident, said he lives on Lansdowne Road and although he supports bike lanes he is concerned about parking and asked if the one hour parking restriction for the parking bay immediately east of Foul Bay Road on Lansdowne Road could be changed to 'resident only' parking so that it would be available for use by himself and the residents across the street.

With respect to the Foul Bay/Lansdowne Road intersection, Mr. Whittaker suggested that due to the crest in the road causing poor visibility, a left turn advance light should be installed for southbound traffic turning left onto Lansdowne Road.

In response to a question from members of the Committee asking if the northbound right lane was necessary, Mr. Marshall advised that during the surveillance period, 39 vehicles turned right at this intersection. It was noted that the right turn lane could be combined with the straight through lane as is the case with most intersections.

Although a member of the Committee agreed that a bike box works well on a flat grade, he felt that a bike box at a sloped intersection may cause drivers to become frustrated with the slow start up the hill when entering the intersection.

Following further discussion, it was suggested that this item be referred to the Community Initiatives Committee for further consideration.

Mayor Causton pointed out that at a previous meeting, although acknowledging the Community Initiatives Committee's mandate in regard to cycling issues, it was decided to refer the topic to the Committee of the Whole instead as there was a sense of urgency to implement the suggested changes prior to the 2010 school year. Members of the Committee felt,

however, that the Community Initiatives Committee was the most appropriate body to review the proposal for bike lanes and the installation of a bike box.

MOVED by Councillor Cassidy

Seconded by Councillor Ney, That the proposal to install cycling lanes on Foul Bay Road and Cedar Hill Cross Road, and to install a bike box at the Foul Bay Road/Lansdowne Road intersection, be referred to the Community Initiatives Committee for review and a recommendation.

Karl Gustafson, resident, said he lives on Cedar Hill Cross Road and supports the biking traffic. Mr. Gustafson drew attention to a safety-motivated campaign presented to Council by the residents some years ago requesting Council move the parking from the south side to the north side of Cedar Hill Cross Road, and he expressed his concern that this Council might decide to reverse that decision. Mr. Gustafson said he would not have a problem with eliminating parking on the north side of the road, although, he said that some of the residents do park there now.

Leon Ulysses, resident, agreed with the previous speaker saying that allowing parking on the south side of Cedar Hill Cross Road would again cause a safety issue for residents attempting to exit their driveways. Mr. Ulysses said he did not have an issue with 'no parking' restrictions being imposed on both sides of the road.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 10:49 p.m.

Certified Correct:

Municipal Clerk

Acting Chairman, Finance and
Regulatory Section

Chairman, Land Use Section

Chairman, Public Works Section

Chairman, Traffic Section