

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, June 7, 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 J. 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
Director of Engineering Services, D. Marshall

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

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2010-174 OAK BAY PARKS AND RECREATION COMMISSION, June 2, 2010
Re Minutes of the Meeting

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

Councillor Braithwaite thanked staff for their efforts during the unexpected pool closure in May that was due to some of the tiles lifting.

Attention was drawn to the Camosun College archaeological field assistant training program and recent success in its findings at Uplands Park.

Dog Off Leash Regulations – Willows Beach

In respect to a recommendation from the Commission to retain the existing regulations for dogs on Willows Beach, in response to a request to expand the times when dogs are permitted on the beach, a member of the Committee expressed interest in extending the times similar to what is permitted at Windsor Park and McNeill Bay, noting that when she monitored beach use for five mornings there was minimal use of the beach area.

There was discussion regarding the regulations with varying suggestions being made and views being expressed regarding such things as safety and keeping the beach clean. Councillor Braithwaite noted extensive discussion on the subject occurred at Commission on the same subject a few years ago, with the same concerns raised and a recommendation to leave the regulations as they are at present.

Some members of the Committee felt that the expanded off-leash hours at Windsor Park have been successful under the responsible leadership of the dog owners who frequent the Park, and it was suggested that perhaps a similar interest group could spearhead a request for changes to the off-leash regulations at Willows Beach at a later date, leaving the regulations as they are

for the time being. The Director of Parks and Recreation said she would pass along the Committee's comments to the letter writer who requested the change to the regulations.

Vernal Pool Update

Councillor Braithwaite noted that Commission members are seeking outside funding assistance for a protective rail fence to be built around the perimeter of the vernal pool area in Cattle Point.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, June 2, 2010, and the recommendations contained therein, be adopted.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

2. 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

The Director of Engineering Services said he visited the site noting that it was not a significant amount of rock on the public road right-of-way proposed to be blasted, and that, in his opinion, it would not dramatically alter the streetscape. Mr. Marshall drew attention to the drawings attached to correspondence item no. 2010-175 showing the dimensions of the rock proposed to be removed.

Following discussion, it was felt by the Committee members that the exact area to be blasted should be more clearly identified, and it was the consensus of the Committee members to defer correspondence item no. 2010-175 and 2010-171-1 to a future Committee of the Whole meeting to allow time for the applicant to provide more detailed information.

It was agreed that a site visit would be arranged for Committee members to view the proposed area of rock to be blasted in advance of the item returning to Committee of the Whole for further consideration.

TRAFFIC SAFETY SECTION: (Acting Chairman – Mayor Causton)

3. 2010-176 DIRECTOR OF ENGINEERING SERVICES, June 3, 2010
2010-176-1 COREY BURGER, [Undated]
Re Request to Review Cycling Lanes – Various Locations

The Director of Engineering Services provided an overview of his report, which was requested by Council to explore three bike lane infrastructure proposals to connect the existing infrastructure for commuting to and from the University of Victoria.

The first proposal, said, Mr. Marshall, would implement a cycling lane on the east side of Foul Bay Road between Middowne Road and Lansdowne Road, noting that parking would be lost in that area due to the narrowing width of the road.

With respect to the proposal to reduce the northbound car lanes at the Foul Bay Road/Lansdowne Road intersection to two and provide a 'biking box' similar to one on Wharf Street at the Blue Bridge, Mr. Marshall advised that during peak time staff observed that 54 cyclists traveled straight through the intersection and one turned right at this intersection. Mr. Marshall said, based on the usage, and discussions with cyclists, he would not recommend placing a biking box at this intersection as it would conflict with vehicles turning right and would require a new regulation for the right turn vehicles to stop at a red light. He recommended, however, that a dotted-line bike lane be extended through the intersection to guide cyclists.

Discussion regarding the Foul Bay and Lansdowne Road intersection ensued, and it was suggested that more statistical information on vehicles using the intersection should be brought forward before considering any significant changes at the intersection.

Corey Burger, City of Victoria resident and Community Initiatives Committee member, drew attention to the points raised in his letter, noting that the biking box that has been in place now for about six years at a Wharf Street intersection in the City of Victoria has the same configuration as the Lansdowne and Foul Bay Road intersection, and there have been no major conflict issues in that time. Mr. Burger added that he has not found the painted biking box to be slippery, as had been suggested.

It was noted by a member of the Committee that the biking box on Wharf Street is only in front of the straight through traffic, which reduces conflict between cyclists and motorists.

While members of the Committee agreed that there is a need to have continuous cycling lanes leading to the University, some members questioned the urgency to address this issue immediately, acknowledging the Community Initiatives Committee's mandate in this regard, and the need for further statistical information on the intersection.

It was also suggested that some thought should be put into changing the Traffic Bylaw to consider allowing motorized scooters to use cycling lanes and allowing delivery vehicles to park for a limited period of time along roads with cycling lanes.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That a Traffic Control Order to implement a cycling lane on the east side of Foul Bay Road from Middowne Road to Lansdowne Road and to extend the cycling lane, marked with dotted lines, through the intersection, be prepared and brought forward to Council for consideration.

Roy Thomassen, resident, pointed out the current difficulty residents have backing out of their driveways on Foul Bay Road, which could be even more difficult if cycling lanes were installed adjacent to the sidewalk.

The need to eliminate parking to accommodate the bike lane on both Foul Bay Road and Cedar Hill Cross Road (the third proposal), as noted in the staff report, was acknowledged, and following discussion members of the Committee agreed that affected residents should be notified of the proposed changes to parking on their street prior to making a decision.

The motion was withdrawn with consensus of the Committee.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That staff be requested to bring forward a detailed report on vehicle use statistics at the Foul Bay Road/Lansdowne Road intersection, and that residents on Cedar Hill Cross Road and Foul Bay Road that would be affected by eliminating the parking in those areas, in respect to the proposal to implement cycling lanes as described in correspondence item no. 2010-176, be advised of the opportunity to provide public input on the proposals when the staff report is placed before the Committee.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

4. 2010-177 DIRECTOR OF BUILDING AND PLANNING, May 28, 2010
Re Development Variance Permit Application –2061 Cedar Hill Cross Road

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 2061 Cedar Hill Cross Road, as outlined in correspondence item no. 2010-177, be prepared and brought forward to Council for consideration.

CARRIED

5. 2010-178 DIRECTOR OF BUILDING AND PLANNING, May 31, 2010
Re Development Variance Permit Application –2086 Marne Street

Councillor Jensen indicated a conflict inasmuch as a family relation has recently entered into a contractual relationship with the applicant, and left the meeting at 8:53 p.m.

Max Huxley, Contractor, commented that due to the slope of the land a seawall is required to retain the land along the shore, and that the variance is required because the uneven bedrock surface results in the land dipping for a 5.5 metre portion of the wall, creating a wall height in that area that is in excess of what is allowed.

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 2086 Marne Street, as outlined in correspondence item no. 2010-178, be prepared and brought forward to Council for consideration.

CARRIED

Councillor Jensen returned to the meeting at 8:55 p.m.

6. 2010-179 DIRECTOR OF BUILDING AND PLANNING, June 1, 2010
Re Uplands Permit Application – 3280 Ripon Road

Councillor Cassidy indicated a conflict inasmuch as he shares financial interest with the applicant's architect, and left the meeting at 8:56 p.m. Mayor Causton assumed the chair for this item.

Alan Lowe, Architect, and Troy McGuire, owner, were in attendance, and responded to various questions from the Committee, noting that the existing house will be deconstructed and a Georgian style home will be built in its place. Some of the bricks, it was noted, will be re-used for the fence in the front yard.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council the plans to construct a new residential dwelling at 3280 Ripon Road be approved as to siting and architectural design.

CARRIED

Councillor Cassidy returned to the meeting at 9:00 p.m.

7. 2010-180 DIRECTOR OF BUILDING AND PLANNING, June 1, 2010
Re Uplands Permit Application – 3175 Tarn Place

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that that the plans to enlarge the family room and kitchen at 3175 Tarn Place be approved as to siting and architectural design.

CARRIED

8. 2010-181 DIRECTOR OF BUILDING AND PLANNING, June 1, 2010
Re Uplands Permit Application – 3175 Ripon Road

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that the plans to construct stairs and a landing at the rear of the residential dwelling at 3175 Ripon Road be approved as to siting and architectural design.

CARRIED

9. 2010-182 DIRECTOR OF BUILDING AND PLANNING, May 28, 2010
Re Development Permit Application with Variances – 2080 Oak Bay Avenue

The Director of Building and Planning advised that the owners of Carlton House wish to have two free standing signs along the Oak Bay Avenue frontage in addition to the Serious Coffee sign. Mr. Thomassen said that the recently erected signs require a development permit to be allowed to stay, which includes variances as outlined in his memorandum, including the number of signs, height of the signs and square footage of the signs.

Rod Prewett, Carlton House of Oak Bay, advised that the two signs are replacing previous signs of similar size that have been fastened to the fence since 2004. The new signs are brighter in order to attract people to come in and look at the facility as the Carlton House is experiencing vacancies, he said.

Although some concern was expressed that signage for multiple residential areas should be the same throughout the municipality, Mr. Prewett said he just wants to have signs the same as the Baptist Housing signage on Foul Bay Road.

Mr. Prewett answered question from the Committee and advised that he would be happy having just one of its two new signs up at a time, alternating them in the two proposed locations while also retaining the Serious Coffee sign, which would vary the signs permitted to only two at one time. Also, he said, they are willing to conform the signs to the required size, which would reduce the number of variance being requested.

With respect to the height variance being requested, Mr. Prewett said that the ground below the sign is approximately three feet lower than street level, and that is where the height is measured from. In this regard, he said they are seeking a height variance to ensure the sign is above the level of the sidewalk. Members of the Committee indicated that allowing the signs to be approximately six feet above the level of the sidewalk should meet the applicant's needs.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That a resolution authorizing the Director of Building and Planning to issue a development permit, with variances, with respect to 2080 Oak Bay Avenue, including the amendments to the original application offered by the applicant, be prepared and brought forward to Council for consideration.

It was agreed that drawings to reflect the changes discussed would be brought forward to Council with the resolution.

The question was then called.

CARRIED

As a housekeeping note, Mayor Causton suggested a bylaw amendment be brought forward at some time to increase the allowable size of real estate signs to be in keeping with the regulations of the Greater Victoria municipalities.

There was a two minute recess at this point.

- 10. 2010-183 DIRECTOR OF BUILDING AND PLANNING, June 1, 2010
 - 2010-183-1 ROSEMARY SHORT, May 31, 2010
 - 2010-159-1 SARAH PEARCE, May 12, 2010
- Re Development Permit Amendment Application with Variances – 1175 Beach Drive

Kevin Walker, Bison Properties Ltd., introduced his team and provided a visual presentation regarding the twelve elements involved in the development permit amendment application as outlined in detail in correspondence item no. 2010-183. Mr. Walker commented that the variances being requested for this complex project are minor in nature compared to the size of the project.

There was detailed discussion on the various changes proposed, and although concern was expressed that wheelchair access would not be possible along the south path leading to the ocean due to the steep grade of the land, Brad Forth, Landscape Designer, showed, with the aid of a visual presentation, that accessibility was available along all other paths throughout the gardens, pool area and to the oceanside. Mr. Forth advised that to accommodate accessibility on the south side, greenspace would have to be surrendered in order to build switchbacks for wheelchair access.

Following discussion regarding the proposed development permit amendments, and various questions from the Committee being answered by the applicant and the Director of Building and Planning, it was the general consensus that the application should move forward to the notification stage.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development permit, with variances, to amend the previously issued development permit, as amended, with respect to 1175 Beach Drive, as outlined in correspondence item no. 2010-183, be prepared and brought forward to Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 10:56 p.m.

Certified Correct:

Municipal Clerk

Chairman, Recreation Section

Chairman, Public Works Section

Acting Chairman, Traffic Section

Chairman, Land Use Section