

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 1, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor P. Copley  
Councillor J. D. Herbert  
Councillor N. B. Jensen  
STAFF: 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.

LAND USE SECTION: (Acting Chairman – Mayor Causton)

1. 2009-197 DIRECTOR OF BUILDING AND PLANNING, May 27, 2009  
Re Development Variance Permit Application – 2178 Beaverbrooke Place

The Director of Building and Planning noted that the variances being requested are for a minor addition to the home to enlarge the existing top floor washroom. Mr. Thomassen advised that the existing roof height and occupiable height are non-conforming and that the proposed plans do not increase the existing non-conformities.

Jane Ellis, homeowner, said she wishes to increase the size of the washroom to better serve the three bedrooms on that floor.

Michael Lloyd, contractor, commented that the total increase in floor area with the additional washroom space would be 2.07%. Mr. Lloyd also mentioned that the nearest neighbour's house is currently a one storey home that would not be affected by the addition of the proposed roof dormer.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2178 Beaverbrooke Place, as outlined in correspondence item no. 2009-197, be prepared and brought forward to Council for consideration.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

2. 2009-198 RUBY CHAPMAN, May 27, 2009  
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING  
MINUTES, May 19, 2009  
2009-186 DIRECTOR OF ENGINEERING SERVICES, May 13, 2009  
2009-186-1 RUBY CHAPMAN, April 20, 2009  
Re Revised Boulevard Encroachment Application – 3230 Henderson Road

Councillor Herbert advised that at the May 19, 2009 Committee of the Whole meeting a concern was raised regarding the possible effect of the proposed boulevard plantings on the root structure of the existing boulevard tree and therefore the application was deferred pending receipt of information in that regard.

Ruby Chapman, homeowner, was in attendance to clarify that the Municipal Arborist has slated the existing Dogwood tree for removal and that the Municipality will be planting a replacement tree in the same location this fall.

Responding to a member of the Committee expressing concern that the boulevard plantings may interfere with the new tree's root system, Ms. Chapman said that she has been assured by the gardener that the type of plantings used have shallow roots and will not negatively impact the tree.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 3230 Henderson Road, consisting of plantings of the size and type and in the locations shown attached to correspondence item no. 2009-198, subject to the owners of the property entering into a boulevard encroachment agreement.

CARRIED

- 3. 2009-199 MARK DAVIES, May 21, 2009
- 2009-199-1 MUNICIPAL ARBORIST, May 26, 2009
- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING MINUTES, May 19, 2009
- 2009-187 DIRECTOR OF ENGINEERING SERVICES, May 13, 2009
- 2009-187-1 MARK DAVIES, April 28, 2009
- Re Revised Boulevard Encroachment Application – 658 Transit Road

Councillor Herbert said that at its meeting held May 19, 2009, the Committee of the Whole denied the applicant's request to plant Katsura trees on the boulevard due to the potential for the trees to interfere with overhead power lines once they matured. It was then recommended that the applicant discuss with the Parks Department a more suitable species of tree that would be acceptable for boulevard planting. It was noted that the Parks Department suggested that Dogwood trees be planted in this location, to which the applicants have agreed.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 658 Transit Road, consisting of plantings of the size and type and in the locations shown attached to correspondence item no. 2009-199, subject to the owners of the property entering into a boulevard encroachment agreement, and subject to the Municipal Arborist's recommendations contained in correspondence item no. 2009-199-1.

CARRIED

- . 2009-200 MUNICIPAL ADMINISTRATOR, May 27, 2009
- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING MINUTES, May 19, 2009
- 2009-183 SCOTT WOODCOCK AND ANNA MASON, April 28, 2009
- 2009-183-1 MUNICIPAL CLERK, May 13, 2009
- Re Request for Amendment to Driveway Access Bylaw – Corner Lots

It was agreed that, with this being a significant policy issue, having more members of the Committee in attendance would be desirable, and that consideration of the request for an

amendment to the Driveway Access Bylaw should be deferred to a future meeting of Committee of the Whole when this could be accomplished.

5. 2009-201 CHERYLE SCOTT, May 15, 2009  
Re Request for New Bus Shelter – Foul Bay Road (Between Oak Bay Avenue and Granite Street)

The Municipal Administrator advised that with respect to the request to place a bus shelter on the east side of Foul Bay Road between Oak Bay Avenue and Granite Street it was important to note that there is no public property available for a shelter at this location and that a right of way would be required. Mr. Cochrane added that many years ago a bus shelter was proposed to be placed at this location, however a right of way could not be secured at that time and that the ownership of the apartment building has not changed since then.

Mayor Causton recalled that at that time the property owners may have objected to the bus shelter because of the potential for advertisements being placed on the shelters and that perhaps the owners may be willing to reconsider their position with respect to entering into a right of way agreement.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That staff be requested to send a letter to the property owners (1063 Foul Bay Road) to explore the possibility of entering into a right of way agreement for a new bus shelter to be erected on that parcel.

CARRIED

The Municipal Administrator added that should the response be favourable, the item would be brought forward to next year's Estimates Committee.

6. 2009-202 GAIL FLOWERS, May 9, 2009  
Re Request for New Bus Shelter – Oak Bay Marina

The Committee was advised that BC Transit is currently reviewing the bus stop that is located in the Oak Bay Marina parking lot with respect to possibly relocating the stop to Beach Drive adjacent to Queens' Park.

Although it was expressed by Mayor Causton that the current bus stop location works well, the Director of Engineering Service commented that apparently at times there is a traffic congestion issue.

It was agreed to await a response from BC Transit with respect to possibly moving the bus stop to Beach Drive.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the request to erect a bus shelter at the current Oak Bay Marina bus stop parking lot location be deferred pending receipt of information from BC Transit with respect to its review to consider relocating the bus shelter to Beach Drive.

It was noted that if the decision is to leave the bus stop at its current location, the bus shelter request could be referred to Estimates Committee in 2010.

CARRIED

- 7. 2009-203 BYRON BARNARD, May 21, 2009
- 2009-203-1 BYRON BARNARD *et al*, May 19, 2009
- EXCERPT FROM COUNCIL MEETING MINUTES, September 29, 2008
- EXCERPT FROM COUNCIL MEETING MINUTES, October 14, 2008
- Re Request to Remove Boulders on Boulevard – Tinto Street

Byron Barnard asked how, without consultation with the nearby residents, it came about that boulders were placed on the boulevard on Tinto Street adjacent to Monterey School.

Mayor Causton advised that in September 2008, responding to a resident's concern, he felt the Municipality should take action to repair and protect the damaged public boulevard as a result of vehicles parking where parking is prohibited. At that time it was agreed to place physical barriers on the boulevard to prevent unauthorized parking and to reinstate the boulevard area. It was further noted that any action taken could be revisited in the future.

Mr. Barnard said that in canvassing the neighbours he found that no long time residents objected to the vehicles parking on the south side of Tinto Street and that they would like to see the boulders and no parking signs removed.

It was noted that most of the damage is found at the west end gate to the Monterey School field and Mr. Barnard suggested that a second access gate could be installed to redirect pedestrian traffic from the Tinto Street boulevard.

Responding to questions, the Municipal Administrator advised that the no parking restrictions were implemented at this location in 1989.

Discussion turned to the current state of the boulevard and who is responsible for maintaining the area. It was suggested that the Committee look at a different boulevard configuration altogether and to determine the rationale to having just one gate access to the field.

Concern was expressed by some members of the Committee that if the boulders and parking restrictions are removed the area could become more unsightly.

William Gilchrist felt that the boulevard looks worse with the rocks, long grass, and weeds around the boulders. Residents have suffered enough, he said, with the lengthy school renovations that recently concluded.

It would be appreciated if the Municipality could come up with a design agreeable to all, said Mr. Gilchrist, and that if the no parking signs are to remain they should be moved to a more visible location. In closing Mr. Gilchrist suggested adding a new gate and placing paving stones at the entrances to help preserve the boulevard.

Carey Barnard commented that in 1989 a member of Council was upset about the parking on the boulevard and canvassed the residents for suitable solutions to resolve the issue. Ms. Barnard said she submitted a proposal at that time and suggested that the current Council should look back at some of those suggestions.

Ms. Barnard also suggested that the principal of Monterey School be contacted about the demand for parking. Currently the surrounding streets (Monterey and Oliver) are wall to wall with parked cars, she said.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That Engineering staff be directed to provide a report, including a cost estimate, to consider removing the existing boulders and implementing other possible treatment options to avoid mud holes on the west end of the Tinto Street boulevard, and to address the possibility of allowing parking on all or the west end portion of the boulevard.

The Municipal Administrator noted that twenty years ago the residents on the north side did not want to see the parking prohibited but the Council of the day decided to go ahead with the parking restrictions in order to preserve the public boulevard.

Tony Farr said that he once had to call the police to report that a vehicle was blocking traffic because it was parked on the road beside the boulders. Mr. Farr added that Council should make sure it is safe for the children.

The question of maintenance was again mentioned and Mr. Cochrane advised that as this is an unpaid boulevard it would be the responsibility of the adjacent property owner, however, he said he was unsure if an historical arrangement was in place for this property.

Responding to an inquiry, the Director of Engineering Services advised that approximately twenty years ago the Engineering Department looked at different parking configurations for this site, which, he said, could be brought forward for reconsideration.

It was noted that the situation requires a thorough review in order to choose an appropriate course of action that will take into account the impact on the neighbours.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Jensen

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

CARRIED

The meeting adjourned at 8:20 p.m.

Certified Correct:

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Municipal Clerk

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Acting Chairman, Land Use Section

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Chairman, Public Works Section