

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, March 16, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
Councillor N. B. Jensen
Councillor T. Ney
STAFF: Municipal Administrator, W. E. Cochrane
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 7:30 p.m.

FINANCE SECTION: (Chairman – Councillor Jensen)

1. 2009-104 MUNICIPAL TREASURER, March 3, 2009
Re February Monthly Financial Report

The Municipal Treasurer noted the tax pre-payments are down from last year and that although there is an economic downturn, building permit and Parks and Recreation revenues are remaining strong.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the February monthly financial reports be received.

CARRIED

RECREATION SECTION: (Chairman – Councillor Braithwaite)

2. 2009-105 OAK BAY PARKS AND RECREATION COMMISSION, March 4, 2009
Re Minutes of Meeting

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

Hood Lane – Public Lookout and Municipal Property on Radcliffe Lane

Responding to questions, Agnes Szilos said that the Hood Lane right of way leads to a beach that is not walkable. It was the view of the Commission, she said, that construction of a lookout would be appropriate for the public to appreciate the view from that vantage point.

Some Committee members felt that the proposed lookout fencing should fit with the natural setting of the area and should not impede the view. Ms. Szilos responded by saying that no decision on the type of fencing has been made but the purpose of the fencing would be to deter people from scrambling down the embankment to the beach. Ms. Szilos added that it is hoped that a bench could be placed at the lookout as well.

Ms. Szilos noted that both the public right of way on Hood Lane and the Municipal park on Radcliffe Lane are often perceived as being private property and that signage to indicate they are public property is proposed to be erected.

With respect to the parking area on Radcliffe Lane, it was suggested that parking restrictions be imposed to discourage overnight and long term parking.

BC Hydro Power Smart Energy Savings Opportunity Energy Study Fund

Responding to questions from the Committee, Ms. Szilos noted that the energy study conducted through funds from BC Hydro has resulted in various options arising to reduce energy costs, recommendations regarding which will be coming forward to Council.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, March 4, 2009, and the recommendations contained therein, be approved with the exception of the recommendations regarding the fees and charges, the operating budget, and the capital requests, which are referred to Estimates Committee, and further that a Traffic Control Order be prepared to implement a two hour parking restriction and a parking prohibition from 12:00 a.m. to 6:00 a.m. daily, in the parking area of the municipal property on Radcliffe Lane and the adjacent boulevard.

Facilities Committee – Proposed Redevelopment of Carnarvon Park

Mayor Causton drew attention to the Facilities Committee portion of the minutes, noting that Commission was looking for further direction by the Committee on the proposed redevelopment of Carnarvon Park. He noted that federal funding assistance was anticipated in relation to the project, suggesting that any public consultation process should perhaps be held off until such time as there is some indication that funding assistance may be obtained, so as not to create an expectation with the public which may not be able to be met. It was agreed that further direction could be given to the Commission at a later date.

The question was then called.

CARRIED

PUBLIC WORKS SECTION: (Acting Chairman – Mayor Causton)

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| 3. | -- | EXCERPT FROM MINUTES OF THE COMMITTEE OF THE WHOLE MEETING, February 2, 2009 |
| | 2009-89 | DIRECTOR OF ENGINEERING SERVICES, February 26, 2009 |
| | 2009-89-1 | OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, February 26, 2009 |
| | 2009-89-2 | SAFER CYCLING OAK BAY, February 3, 2009 |
| | 2009-48 | DIRECTOR OF ENGINEERING SERVICES, January 29, 2009 |
| | | Re Bicycle Rack Shelter - Oak Bay Village |

Councillor Ney declared a conflict inasmuch as she has a business adjacent to the proposed location of the bicycle rack shelter, indicating that she would be unable to participate in discussion or vote on the matter. Councillor Ney left the meeting at 7:50 p.m.

The Director of Engineering Services provided a brief overview of his memorandum, noting that at its February 2, 2009 meeting, Committee of the Whole asked staff to look at shifting the proposed bicycle rack shelter from the corner of Wilmot Place and Oak Bay Avenue to the Municipal Hall front lawn adjacent to the information kiosk. Mr. Marshall added that following inspection of the proposed area it was determined to be a suitable location for the bicycle rack shelter, however, it would require some site preparation, including pouring a concrete pad.

It was agreed that the Municipal Hall front lawn would be a preferred location because it does not displace parking nor does it interfere with the sidewalk, however, it was noted that a setback variance would be required.

Although it was felt by one member of the Committee that the proposed design was uninspired, it was agreed that the design was suitable for the location and purpose, and, inasmuch as the Rotary Club of Oak Bay has committed to providing a contribution, there was no desire to delay the project to accommodate a design process.

The Committee acknowledged the support given by the Oak Bay Business Improvement Association for the proposed installation of the bicycle rack shelter at this location, and the use of the Parking Reserve Fund for that purpose.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That it be recommended to Council that approval be given to install a bicycle rack shelter on the Municipal Hall front lawn as outlined in the memorandum from the Director of Engineering Services (correspondence item no. 2009-89), subject to the issuance of a development variance permit, and with the funds to be transferred from the Parking Reserve Fund to the Alternative Transportation Infrastructure Reserve Fund for this purpose.

CARRIED

Mr. Cochrane drew attention to the two bus shelters being replaced along Oak Bay Avenue, which are also to be funded from the Alternative Transportation Infrastructure Reserve Fund, noting that one of the shelters would be partially situated on private property, requiring a right of way agreement to be entered into with the adjacent property owners, which is currently being pursued.

The question was then called.

CARRIED

Councillor Ney returned to the meeting at 8:05 p.m.

4. 2009-106 DIRECTOR OF ENGINEERING SERVICES, March 11, 2009
- 2009-106-1 PURA VIDA LANDSCAPING, March 3, 2009
- Re Boulevard Encroachment Application – 622 Linkleas Avenue

Noting the applicant was not in attendance, a Committee member suggested that because the application may not be in keeping with the existing streetscape, the applicant should perhaps canvass the neighbours for their opinion on the proposed project.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That the boulevard encroachment application for 622 Linkleas Avenue be deferred to a future meeting and that the applicant be requested to canvass the neighbours on the proposed encroachment and report back to the Committee.

CARRIED

5. 2009-107 DIRECTOR OF ENGINEERING SERVICES, March 11, 2009
2009-107-1 DENNIS ROBINSON, February 4, 2009
Re Cadboro Bay Road and Bowker Avenue Intersection

Drawing attention to his memorandum (correspondence item no. 2009-107), the Director of Engineering Services said that many of the suggested solutions presented over the years to improve safety and reduce speed at the Cadboro Bay Road and Bowker Avenue intersection are not appropriate for that location, with the exception of perhaps the roundabout concept.

With respect to a suggestion that the Insurance Corporation of British Columbia (ICBC), through its Road Improvement Program, be contacted regarding possible assistance with engineering and funding to implement any proposed traffic/road safety measures, Mr. Marshall indicated that based on the accident history at the intersection, ICBC would not likely contribute to any capital cost funding but would contribute up to \$3,000 towards a preliminary traffic study. The estimated cost to have a local firm conduct a traffic study would be in the range of \$5,000 and \$6,000, said Mr. Marshall.

Mr. Marshall said it is hoped that a study would assess how the intersection is functioning now and verify if there is a problem with the intersection layout, and if so, provide options to address any issues.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That it be recommended to Council that subject to confirmation of funding from the Insurance Corporation of British Columbia, staff be directed to engage an engineering consulting firm to undertake a preliminary traffic study with respect to the Cadboro Bay Road and Bowker Avenue intersection.

CARRIED

6. 2009-108 DIRECTOR OF ENGINEERING SERVICES, March 11, 2009
2008-108 CARLTON HOUSE PROPERTIES LTD., April 1, 2008
Re Oak Bay Avenue – Sidewalk Widening Options

The Director of Engineering Services drew attention to his report, which was generated at the direction of Council in response to a request from Carlton House Properties Ltd. to widen the north sidewalk on Oak Bay Avenue between Mitchell Street and Wilmot Place. Mr. Marshall noted that over the years many concepts to improve the Avenue have been contemplated by Council with the latest being to widen the sidewalks to improve accessibility for all. Mr. Marshall added that the proposed plan, which addresses Oak Bay Avenue from Foul Bay Road to Monterey Avenue, is at the conceptual stage at this point, acknowledging that no funding has been allocated for any work.

The approach taken with the concept before the Committee, said Mr. Marshall, would allow two vehicle traveling lanes, parallel parking on both sides of the Avenue, with the remaining width used for widening sidewalks or landscaping. Additionally, he noted that it would be

most cost efficient to leave the lamp standards and curbs in place. Mr. Marshall noted that there is scope for discussion with respect to landscaping versus sidewalk widening along the Avenue.

With respect to a question regarding bicycle lanes being included in the concept, Mr. Marshall indicated it was not previously requested and therefore was not included in the plans. However, he said it would not be possible to have bicycle lanes, two traffic lanes, parking on both sides of the street, and widened sidewalks in the available space. Nonetheless, members of the Committee indicated their desire to see options for including bicycle lanes explored.

It was agreed by the Committee that creating a more walkable and bikeable Village area is a worthy endeavour to pursue. It was suggested that by creating pedestrian friendly wider sidewalks it would encourage people to linger, which would contribute to creating a sense of community.

Members of the Committee acknowledged that a plan for beautification of the Avenue including the various elements that have been discussed would not necessarily have to be as proposed in the concept before the Committee, and the ability to do the work in sections over time was noted.

Cory Burger, said he likes the idea of widening the sidewalks and would like to see bike lanes incorporated along the Avenue.

John Armatage, said he is astonished that bike lanes are not as front and centre as the sidewalks and parking, adding that bike lanes are a must even if it affects parking. It was Mr. Armatage's view that it is possible to include bike lanes on the Avenue.

Responding to a question from a Committee member, Mr. Armatage advised that he would be willing to advocate for bike lanes along the City of Victoria's portion of Oak Bay Avenue as well.

Seona Stephen, in attendance representing the residents of Carlton House, said that the residents are delighted with the proposal and fully supports the sidewalks being widened.

Edward Walker, stated that as an avid pedestrian, he very much supports the narrow sidewalks being widened.

A Committee member recommended that a small working group be set up, which could include representation from Council, the Oak Bay Business Improvement Association, the Engineering Department, the cycling community, or perhaps other community representatives to outline options and issues for further consideration.

Responding to a suggestion by a member of the Committee, the Municipal Administrator advised that a portion of the work could possibly be eligible for funding from the Municipality's new Alternative Transportation Infrastructure Reserve Fund, and that he would look into what would be considered permissible expenditures.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a working group be established, with membership to be recommended by Mayor Causton, to review the concept plan for the proposed improvements along Oak Bay Avenue and undertake a public consultation process in that regard, and report back to Committee of the Whole.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

7. 2009-91 DIRECTOR OF BUILDING AND PLANNING, February 24, 2009
 2009-56 DIRECTOR OF BUILDING AND PLANNING, February 2, 2009
 2009-56-1 MUNICIPAL ADMINISTRATOR, February 4, 2009
 Re Heritage Revitalization Agreement Application - 1226 Roslyn Road

At the request of the Chairman, the Director of Building and Planning provided an overview of the variances being requested for proposed Lot #1 and Lot #2. Mr. Thomassen noted that the applicant's proposal for a Heritage Revitalization Agreement is to facilitate a subdivision of the existing lot and to maintain the existing triplex on one of the lots. He added that creating two lots results in a number of the variances being requested.

Mr. Thomassen noted that the original proposal has been modified by the applicant to move two parking stalls to the front of the property, which eliminates the rear yard paved surface variance. As well, the south stair has been moved to the Roslyn Road frontage, which eliminates the side yard setback variance, and the owner has opted not to modify the second floor north dormer. It was further noted that the proposed modifications for the rear porch area would create the need for a rear yard setback variance.

John Young, applicant, confirmed that several modifications have been made since the February meeting as pointed out by Mr. Thomassen, and pointed out that several changes came after discussions with neighbours. He suggested that the proposed new lot have a ten foot setback from the center boundary to protect the Garry Oak trees and to create more space between a new building on the proposed new lot and the existing triplex.

With respect to a point raised at a previous meeting that consideration of installing a building sprinkler system might be used as an alternative compliance method versus undertaking all of the fire safety upgrades, Mr. Young said he would be amenable to that suggestion, and in response to concerns raised about the timing of the upgrades related to the subdivision, he said he would have the work completed prior to the subdivision of the land.

The use of a covenant with respect to ensuring an appropriate interior lot line setback for a building on the proposed new lot was discussed, and Mr. Young noted his agreement in that regard.

A member of the Committee drew attention to the use of covenants in infill subdivisions to control the design of new dwellings to ensure a good fit with the established streetscape. Mr. Young indicated that he was amenable in principal to the use of a typical covenant for infill subdivisions, however he would not like to see anything overtly restrictive as it may affect the marketability of the new lot.

The Municipal Administrator noted that the mass of the current house relative to the entire property may be appropriate, however, given the increased density that would arise through

subdivision, it may be that restrictions on the size of any new house on the second lot should be considered and addressed in a Heritage Revitalization Agreement.

Following Mr. Cochrane providing an overview of the use of Heritage Revitalization Agreements to achieve preservation of a building of heritage significance, the point was raised that the Roslyn Road property has not been evaluated by the Heritage Advisory Panel. It was noted that the property does appear on Stuart Stark's supplementary list in his book "More Than Just Bricks and Boards", however, it was the majority view of the Committee that the property should be reviewed by the Panel.

Mr. Thomassen added that the Heritage Advisory Panel may be able to comment on the proposed upgrades and restoration, although more detailed information would be required from the applicant first with respect to Building Code compliance issues.

The Chair pointed out that it would be useful to have detailed information on the proposal so that the applicant can determine the viability of the project, which he has not yet confirmed, perhaps through a professional review.

Mr. Cochrane indicated that should a Heritage Revitalization Agreement be entered into, detailed plans for the building's upgrades, including exterior treatments, would be required for that purpose. Mr. Cochrane also noted that the applicant has not yet submitted a survey plan, which would also be necessary for accuracy in determining the requested variances.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That the application for a Heritage Revitalization Agreement for 1226 Roslyn Road be referred to the Heritage Advisory Panel for a heritage assessment of the building and the proposed treatments following receipt of a Building Code review, site survey, and exterior treatment details from the applicant.

CARRIED

8. 2009-109 DIRECTOR OF BUILDING AND PLANNING, March 11, 2009
Re Development Variance Permit Application – 686 Linkleas Avenue

Karen Hillel, Hillel Architecture Inc., was in attendance on behalf of the homeowners, and said that the variances being requested would allow the owners to build an attached garage onto the south side of their home, which further increases the already non-conforming floor area of the dwelling. The owners also wish to recover the traditional home presence by removing the Central Avenue driveway and therefore improving the street front view of their home.

Ms. Hillel advised that the owners wish to re-establish a parking area/garage, as the previous owners had removed the carport without municipal approval, which is now being applied for.

Responding to various questions from the Committee, Ms. Hillel confirmed that the homeowners realize they would be responsible for the reinstatement of the municipal sidewalk and boulevard along Central Avenue, adding that a boulevard encroachment application to permit additional landscaping is being prepared.

Ms. Hillel confirmed that the neighbours were contacted with respect to the proposed development and no objections were voiced at that time.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 686 Linkleas Avenue, as outlined in correspondence item no. 2009-109, be prepared and brought forward to Council for consideration.

CARRIED

9. 2009-110 DIRECTOR OF BUILDING AND PLANNING, March 3, 2009
Re Uplands Building Permit / Development Variance Permit Application –
3045 Beach Drive

MOVED by Councillor Ney

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct a garden shed at 3045 Beach Drive 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

10. 2009-111 DIRECTOR OF BUILDING AND PLANNING, March 3, 2009
Re Uplands Building Permit / Development Variance Permit Application –
3295 Upper Terrace Road

Councillor Copley advised that the Uplands Building Permit Subcommittee was not able to access the property and suggested that the application be deferred to allow time for the Subcommittee to visit the site.

Noting that the application has been reviewed and approval recommended by the Advisory Design Panel, it was the view of some Committee members that if the application proceeded to the required notification process it would provide an opportunity for neighbours to comment on it, should there be any concerns in that regard.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the Uplands Building Permit/Development Variance Permit application for 3295 Upper Terrace Road be deferred to allow time for the Uplands Building Permit Subcommittee to view the property.

DEFEATED

(Mayor Causton, Councillors Braithwaite and Cassidy against the motion)

MOVED by Councillor Braithwaite

Seconded by Mayor Causton, That it be recommended to Council that the plans to renovate the dwelling at 3295 Upper Terrace 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 be prepared and brought forward to the next meeting of Council for consideration.

DEFEATED

(Councillors Copley, Jensen and Ney against the motion)

Acknowledging that with both of the previous motions being defeated the Committee would be unable to deal with the application, Mayor Causton returned the tabling motion for reconsideration.

The question was then called.

CARRIED

It was agreed that the intent of bringing back the tabling motion was to allow the Uplands Building Permit Subcommittee to visit the property prior to the next Council meeting at which time further consideration could be given to the application versus delaying consideration until the next Committee of the Whole meeting.

Dave Perron, Maximilian Huxley Building & Renovations Ltd., apologized that the Subcommittee was not able to access the property noting that the homeowners are away and it was a miscommunication that prevented him from being there to allow access to the site. He offered to meet members of the Subcommittee, at their convenience, to view the garden shed.

11. 2009-112 DIRECTOR OF BUILDING AND PLANNING, March 4, 2009
Re Uplands Building Permit Application – 3475 Ripon Road

Mayor Causton declared a conflict inasmuch as he is an honorary member of the Royal Victoria Yacht Club, indicating that he would be unable to participate in discussion or vote on the matter. Mayor Causton left the meeting at 10:04 p.m.

MOVED by Councillor Copley

Seconded by Councillor Ney, That it be recommended to Council that the proposed plans to replace the remaining section of blue wooden parapet wall on the storage area at 3475 Ripon Road be approved as to architectural design.

CARRIED

- 12 2009-113 DIRECTOR OF BUILDING AND PLANNING, March 4, 2009
Re Uplands Building Permit Application – 3160 Uplands Road

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposed plans to change the exterior of the existing residential dwelling from shingles to stucco at 3160 Uplands Road be approved as to architectural design.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 10:05 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Acting Chairman, Public Works
Section

Chairman, Land Use Section