

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, November 16, 2009 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, 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.

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2009-349 OAK BAY PARKS AND RECREATION COMMISSION, November 4, 2009
Re Minutes of the Meeting

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

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the proposed Parks and Recreation 2010 fees and charges be approved.

CARRIED

Tree Protection Bylaw

Responding to questions from a member of the Committee with respect to whether or not the proposed amendments to the Tree Protection Bylaw addressed the issue of permits being requested to remove trees for competing environmental benefits, Mr. Holding noted that the recommendations put forward by the Parks and Recreation Commission's Tree Protection Committee specifically addressed recent changes made to the Bylaw and that a more thorough review of the Bylaw would occur at a later date.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That staff be directed to bring forward for consideration by Council a draft amendment to the *Tree Protection Bylaw* incorporating the proposed recommendations of the Parks and Recreation Commission's Tree Protection Committee as outlined in correspondence item no. 2009-349.

The Municipal Administrator, responding to questions from the Committee, clarified that the Tree Protection Committee's recommendations would narrow the very broad discretion afforded Council in the Bylaw currently, which, he said, is on the cusp of what is acceptable to include in a bylaw. Some of that discretion would be transferred to the Manager of Parks Services, and in the case of an application for reconsideration of his decision, Council could order the issuance of a permit. The more broad Council discretion that currently allows Council to issue a permit where the withholding of a permit creates or perpetuates an undue hardship due to the material and deleterious effect of the tree on the ordinary amenities that can reasonably be expected to be enjoyed by residents, would be removed, he said.

With respect to questions regarding the reasons for the removal of the broad discretion currently included in the Bylaw, Mr. Farquhar advised that the current wording is very broad and subjective, and in his opinion, challengeable.

Discussion turned to the proposed section 6 (12) of the Bylaw dealing with circumstances where the Manager of Parks Services could issue a permit where in his opinion the withholding of a permit would result an undue hardship due to the deleterious effect of a tree on an improvement of significant value, which authority currently rests with Council.

Responding to a question, the Municipal Administrator noted that the term hardship is not defined in provincial legislation in relation to the Board of Variance's authority, which includes hearing appeals regarding refusals to issue tree removal permits, although it is generally something that is not based on the circumstances related to the applicant, such as monetary impacts, therefore it would be difficult to define in the Tree Protection Bylaw.

The question was then called.

CARRIED

Mr. Farquhar, responding to a question, noted that a more broad review of the Tree Protection Bylaw by the Committee is expected to commence sometime in the new year.

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, November 4, 2009, and the recommendations contained therein, with the exception of the recommendations from the Tree Protection Committee, and regarding approval of the 2010 fees and charges, be adopted.

CARRIED

FINANCE SECTION: (Chairman – Councillor Jensen)

2. 2009-350 MUNICIPAL TREASURER, November 2, 2009
Re Monthly Financial Reports

Referring to having not yet received the University of Victoria's (UVIC) grant in lieu of taxes, the Municipal Treasurer advised that payment would be forthcoming once UVIC has received payment from the Province.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the October monthly financial reports be received.

CARRIED

There was consensus to vary the order of the agenda.

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2009-351 DIRECTOR OF BUILDING AND PLANNING, November 3, 2009
Re Uplands Building Permit Application – 3165 Tarn Place

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that the construction plans for 3165 Tarn Place be approved as to siting and architectural design.

CARRIED

5. 2009-353 DIRECTOR OF BUILDING AND PLANNING, November 9, 2009
Re Development Variance Permit Application – 2578 Eastdowne Road

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2578 Eastdowne Road, as outlined in correspondence item no. 2009-353, be prepared and brought forward to Council for consideration.

CARRIED

4. 2009-352 DIRECTOR OF BUILDING AND PLANNING, November 3, 2009
Re Uplands Building Permit Application – 3023 Beach Drive

Councillor Cassidy indicated a conflict inasmuch as his firm has advised the applicant regarding the project, and left the meeting at 7:59 p.m. Mayor Causton assumed the Chair for this item.

The Director of Building and Planning noted that the renovations for this property were the subject of a development variance permit application, along with the Uplands design approval requirement. Although the applicant has refined the design and modified some of the finishing materials he said, no variances are involved with these minor changes, and in his opinion do not change the basis in which the development variance permit was approved, therefore it is not necessary to go forward with a second development variance permit notification process.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the revised plans to construct a new residential dwelling at 3023 Beach Drive be approved as to siting and architectural design.

CARRIED

Councillor Cassidy returned to the meeting at 8:03 p.m.

TRAFFIC AND PEDESTRIAN SAFETY: (Chairman – Councillor Copley)

6. 2009-354 DIRECTOR OF ENGINEERING SERVICES, November 12, 2009
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING
MINUTES, October 19, 2009
2009-354-1 SKYE HERRMANN AND RONATO PAMA, October 18, 2009
2009-354-2 JOHN OWEN, October 29, 2009
2009-354-3 KEITH AND MARGUERITE MCCALLION, November 1, 2009
2009-354-4 MARGARET LEWIS, November 3, 2009
2009-354-5 ALLAN LEWIS, November 3, 2009
2009-354-6 WARREN ROBERTSON, November 4, 2009
2009-328 ROSEMARY O'CONNELL, September 10, 2009
2009-328-1 SHIRLEY HOLLINGSWORTH, September 10, 2009
2009-328-2 SHARON FAIRCHILD, September 16, 2009
2009-328-3 JOYCE FEHELEY, October 15, 2009
Re Parking and Traffic Concerns – Central Avenue and St. Patrick Street

At its meeting of October 19, 2009, the Committee of the Whole directed staff to provide a report with respect to parking and traffic concerns in the vicinity of the 600 block of St. Patrick Street. The Director of Engineering Services noted that following staff observing the area, it was found that the main concerns seemed to relate to vehicles parking too close to driveways and blocking sight lines for vehicles exiting driveways. It was therefore recommended that the yellow curb at 652 and 657 St. Patrick Street be repainted and that a new one metre yellow line be painted on the curb on each side of the driveway at 650 St. Patrick Street.

With respect to whether or not a four way stop should be installed at the intersection, Mr. Marshall noted that while this has not been formally investigated it would not likely be warranted at that location. As for extending further the proposed one metre yellow lines adjacent to driveways to ensure they are not blocked, Mr. Marshall did not feel that was necessary based on the observations of the area that had been made.

In respect to the possibility of delineating street parking, Mr. Marshall pointed out there is no history of painting lines for street parking, and it can result in less available parking.

A member of the Committee noted that he has checked the area many times and did not see any parking infractions, and further, as requested, the Commissionaire has increased his visits to the area and also did not find any issues to report.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a correspondence items no. 2009-354 to 2009-354-6 and 2009-328 to 2009-328-3 be received.

The possibility of installing a crosswalk at the intersection was raised, and Mr. Marshall noted that one was not technically warranted in that location.

Jim O'Connell, resident, thanked Committee members for addressing the issue by painting yellow lines on the curbs. However, he said that the greater issue is ensuring bylaws are adhered to, particularly as when de'lish Fine Foods and Catering first opened it offered seating when it was not zoned for seating and then requested forgiveness versus permission. Mr. O'Connell said it is unfair to the residents to allow a restaurant in the area.

Committee members acknowledged both the residents' safety concerns and the important contribution businesses in the area provide. It was agreed that the suggested yellow lines

would help alleviate the issue of driveways and sight lines being blocked, and further, it was suggested that both residents and businesses be encouraged to communicate their concerns with each other to address the issues raised.

It was noted that additional parking was available not far from the St. Patrick/Central Avenue area, which could be utilized.

The question was then called.

CARRIED

7. 2009-355 DIRECTOR OF ENGINEERING SERVICES, November 12, 2009
2009-355-1 VICTORIA GOLF CLUB, August 9, 2009
Re Crosswalk Solar Powered Pedestrian Activated Flashing Light System
– Beach Drive and Newport Avenue

The Director of Engineering Services provided a brief overview of his memorandum noting that the study conducted for the crosswalk at Beach Drive and Newport Avenue indicated that a crosswalk is not technically warranted at this location. However, said Mr. Marshall, the crosswalk has been at this location for years and is well used, primarily by golfers.

Mr. Marshall said that the Victoria Golf Club has offered to pay \$5,000 towards the estimated cost of \$7,000 to install a pedestrian activated flashing light system, although the Municipality would be responsible for any ongoing maintenance, which he noted would be minimal.

MOVED by Councillor Ney

Seconded by Councillor Herbert, That it be recommended to Council that the installation of solar powered pedestrian activated flashing amber light system at the crosswalk located on Beach Drive at Newport Avenue be approved.

With respect to funding the remaining \$2,000 to install the crosswalk flashing lights, the Municipal Administrator advised that the funds, if available, could come from the Traffic Calming budget this year, otherwise the project could be completed in 2010.

The question was then called.

CARRIED

8. 2009-356 M. C. HALL-PATCH, [Undated]
Re Parking and Traffic Concerns – Woodlawn Crescent

Attention was drawn to the letter from M. C. Hall-Patch regarding the current traffic and parking situation along Woodlawn Crescent and the request for replacement of the missing “no exit” sign.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that staff be directed to prepare a report, in due course, with respect to the request to implement resident only parking on Woodlawn Crescent, to be brought forward to Committee of the Whole for consideration.

The Director of Engineering Services noted that staff would ensure the sign was replaced.

The question was then called.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

9. 2009-357 DIRECTOR OF ENGINEERING SERVICES, November 12, 2009
-- EXCERPT FROM COUNCIL MEETING MINUTES, April 27, 2009
2009-357-1 WENDY EHLERS, May 13, 2009
2009-158 LINDA SHEPPARD *et al*, [Undated]
Re Request for Sidewalk and Street Asphalt Replacement – Roslyn Road,
North of Windsor Road

At the April 27, 2009 meeting of Council, staff was requested to bring forward a multi-year plan, including a cost estimate, with respect to replacing the sidewalks, storm drain and street asphalt on Roslyn Road, north of Windsor Road.

Referring to his memorandum, the Director of Engineering Services drew attention to the proposed cost estimate and the timeline set out to complete the restoration of Roslyn Road and the sidewalks between Windsor Road and Brighton Avenue, noting the work could be carried out over a number of years.

The Municipal Administrator advised that should the sidewalk replacement component be considered a priority for sidewalk replacement work for which funding is budgeted each year, then some of the work could be done without increased property tax revenue being required to accomplish it.

Questions were raised with respect to the option of widening the sidewalks to allow more room for scooters, strollers, etc., or perhaps, to remove the sidewalk on one side, or install rolled curb sidewalks to retain a country feel.

The suggestion was made that now may be a good opportunity for Engineering staff to consult with the area residents regarding the proposed work and their views on various options in that regard.

Linda Sheppard, resident, said that both sides of the street need sidewalks to accommodate children walking to and from school. Ms. Sheppard added that speeding is an issue along Roslyn Road as well.

Doug Loraas-Pletsch, resident, commented that the sidewalks add to the ambience of the street, and that he hoped Council would see fit to construct concrete sidewalks; asphalt, he noted, breaks down.

Mr. Loraas-Pletsch said he agreed with the previous speaker's comments about speeding being an issue, adding that a lot of bicycle and pedestrian traffic is generated from using the Centennial Trail.

Keith McCallion, resident, commented that the existing road is very old and he thought it would be a great idea to have community input on reconstruction options, adding that he is pleased that the re-surfacing is being considered.

Rick Marshall, resident, said he is grateful that the Municipality is receptive to repairing the road and agrees with the idea to engage residents in discussions on the options to make the area attractive while dealing with pedestrian and cycling traffic in the area as well.

Wendy Ehlers, resident, expressed her concern that paving the road will invite speeding and skateboarders, and she suggested that 'dead end' signs be posted in a more visible location at the entrance to Roslyn at Windsor Road. Ms. Ehlers said she would like to see the street stay the same but agreed that the sidewalks are in need of some repair, although the irregularity of the street adds to its charm. With ongoing residential projects and various municipal work having been carried out over the years, Ms. Ehlers said she is not looking forward to more years of upheaval should the project go ahead. In conclusion, Ms. Ehlers said she welcomes the opportunity to meet with the residents and staff to discuss the proposed work.

Peter Ehlers, resident, suggested that two large 'dead end' signs be placed on either side of Roslyn Road. Mr. Ehlers said he agreed with the previous speaker, his wife, that redoing the street will change the ambiance. Mr. Ehlers felt the sidewalks do need some repairs but thought the suggestion to widen sidewalks was a terrible idea as it would only encourage skateboarders and cyclists to use the sidewalks. He suggested that the Municipality send out a neighbourhood survey regarding the issue.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Engineering staff consult with area residents regarding the desired/proposed road and sidewalk work on Roslyn Road and report back to Committee of the Whole.

CARRIED

10. 2009-358 DIRECTOR OF ENGINEERING SERVICES, November 12, 2009
-- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING
MINUTES, June 1, 2009
2009-203 BYRON BARNARD, May 21, 2009
2009-203-1 BYRON BARNARD *et al*, May 19, 2009
Re Boulevard Treatment Options – Tinto Street

At its June 1, 2009 meeting, Committee of the Whole directed staff to provide a report, including a cost estimate, to consider removing the boulders and implementing other treatment options to avoid mud holes on the west end of the boulevard, and to address the possibility of allowing parking on the street.

The Director of Engineering Services drew attention to the options described in his memorandum that include removing the boulders and installing parking, with the choice of either turf-stone, which provides good drainage, or curb, gutter and asphalt, which is not as costly.

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

Referring to previous discussions regarding the Tinto Street boulevard, a member of the Committee acknowledged that some area residents were in favour of it, while another member recalled that years ago, when parking was permitted, residents at the time found it very busy and an issue with respect to children darting through parked cars.

The question of maintenance of the boulevard was raised, and the Municipal Administrator advised that as this is an “unpaid” boulevard maintenance falls to the adjacent property owner.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That it be recommended to Council that a letter be sent to the School District to request that two new gates accessing the school field be installed adjacent to the boulevard along Tinto Street adjacent to the Monterey School.

Michele Kirby, resident, felt that this relates to a discussion heard at an active transportation forum she recently attended and she suggested that the Municipality plan for transportation challenges by addressing traffic congestion issues and encouraging cycling and walking instead of driving. Ms. Kirby stated that this is a seven-day a week issue and that the school should have bike racks and entrances on both sides of the school.

Stephen O’Hanlon, resident, suggested that if the boulders are to be removed, at least some should be retained to protect the saplings on the boulevard.

Following discussion, and noting the varying views and opinions that have been expressed by members of the Committee and that no residents were in attendance to speak to the issue, it was agreed that area residents and the Principal of Monterey School should be invited to a future Committee of the Whole meeting to discuss how best to address the use of the boulevard.

With consensus of the Committee, the motion was withdrawn.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That this item be deferred and that the Principal of Monterey School and area residents be invited to attend a future Committee of the Whole meeting to discuss maintenance and use of the public boulevard along Tinto Street adjacent to Monterey School.

CARRIED

11. 2009-359 DIRECTOR OF ENGINEERING SERVICES, November 12, 2009
Re Boulevard Encroachment Policy

Attention was drawn to the Director of Engineering Services memorandum which noted that at its July 13, 2009 meeting, the Committee of the Whole expressed agreement in principle with the proposal to set out more prescriptive guidelines for the content of boulevard encroachment applications, possibly including a checklist of required information to be completed by the applicant as well. At that time, the amount of involvement in the processing of boulevard encroachment applications was acknowledged and the Committee also supported the imposition of an application fee.

Mr. Marshall provided an overview of his recommended revised process for boulevard encroachment applications, saying that the process would see applicants being required to follow the detailed guidelines, that would include an approved planting list. Mr. Marshall’s proposal suggests that site visits and inspections would not be required for ‘plantings only’ boulevard encroachment applications. Structures on boulevards would still need to be approved by Council, it was noted, and both types of applications could incorporate a fee.

There was discussion regarding the proposed boulevard encroachment process for plantings, and the streamlining it would provide was acknowledged, although it was also pointed out that some staff time would still be required.

With respect to another option for boulevard plantings that would eliminate staff involvement, the Municipal Administrator advised that the Streets and Traffic Bylaw could be amended to specify what is allowed for boulevard encroachments, without Council approval, including approved plants and planting parameters.

Through further discussion it emerged that the Bylaw amendment approach was supported by the Committee, and it was clarified that should plantings not be installed as laid out it would become a bylaw enforcement issue.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That staff be directed to bring forward for consideration by Council a draft amendment bylaw to the *Streets and Traffic Bylaw* with respect to boulevard encroachments.

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 10:08 p.m.

Certified Correct:

Municipal Clerk

Chairman, Recreation Section

Chairman, Finance Section

Chairman, Land Use Section

Chairman, Traffic and Pedestrian
Safety Section

Chairman, Public Works Section