

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, October 20, 2008 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor S. F. B. Carson
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen

STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. A. Walker
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 7:30 p.m.

FINANCE SECTION: (Chairman – Councillor Braithwaite)

1. 2008-257 MUNICIPAL TREASURER, October 1, 2008
Re September Monthly Financial Report

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the September monthly financial reports be received.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

2. 2008-258 GERIANNE KNOWLES-ROBSON *et al*, September 25, 2008
2008-258-1 DIRECTOR OF ENGINEERING SERVICES, October 16, 2008
2008-258-2 GAIL EVANS, October 19, 2008
2008-103 DIRECTOR OF ENGINEERING SERVICES (*excerpt*), April 3, 2008
Re St. Ann Street and Cranmore Road Intersection

Councillor Copley drew attention to the letter and petition (correspondence item no. 2008-258) received from residents expressing their concern about pedestrian and traffic safety at the intersection at St. Ann Street and Cranmore Road. The letter was prompted by a recent discussion at Committee of the Whole on possibly installing bike lanes along St. Ann Street, which in the petitioners' opinion does not address the real issue. The petition proposes that a more holistic approach be taken, including reducing the speed limit, reconfiguring the intersection to a four-way stop or a traffic circle, and retaining the existing crosswalks.

Referring to his memorandum (correspondence item no. 2008-258-1), the Director of Engineering Services noted that sightlines have been improved where possible by trimming vegetation. Mr. Marshall said from experience and from monitoring the area over a period of six months, motorists seemed confused about whether or not to stop at the intersection and it seemed that this was in part due to the number of existing crosswalks. Therefore, following a crosswalk warrant study indicating that none of the crosswalks were warranted at this

intersection, the Engineering Department recommended that three of the four crosswalks be removed.

With respect to the option of installing a four-way stop, Mr. Marshall noted that consideration should be given to the fact that this intersection is a main artery for emergency vehicles.

As to a member of the Committee suggesting that a traffic circle be considered at this intersection, the Director of Engineering Services noted that possibly a small traffic circle could be worked into the existing area, however, it would be a concern for emergency vehicles traveling this route as has been previously discussed at the Committee level.

Although varying views were expressed with respect to what the most appropriate traffic calming and safety measures would be, it did not appear to be the wish of the Committee to remove any crosswalks, and that a four-way stop could be supportable at this particular intersection. Support for reducing the speed limit was also expressed, although it was acknowledged from data provided by Mr. Marshall that 85% of vehicles along the St. Ann/Monterey corridor are travelling at 40 kilometres per hour. It was further noted that although some opposition had been expressed with respect to the installation of the four-way stop at Hampshire Road and St. Ann Street, it has proven to be a success as the number of incidents have notably declined.

Gerianne Knowles-Robson, Oak Bay resident, commented that the petition shows the number of residents that are concerned about the pedestrian and traffic safety at the intersection and along St. Ann Street with many in attendance at the meeting to support the petition. Ms. Knowles-Robson said the crosswalks, which have not been there very long, should remain as they offer some form of traffic calming to the area. She also expressed the view that a four-way stop or a traffic circle should be installed to improve the safety at the intersection, however, responding to a question from Mayor Causton, she feels that the simplicity of a four-way stop is what most people would like to see.

Ms. Knowles-Robson urged the Committee to consider the residents and to take into consideration the safety issues experienced firsthand by the people living along the St. Ann Street corridor. It is the view of the residents that speeding traffic continues to be a problem and should be addressed by police enforcement, added Ms. Knowles-Robson.

Denis Paré, Oak Bay resident, said he was in attendance to support Ms. Knowles-Robson adding that without stop signs vehicles tend to speed along St. Ann Street using it as a thoroughfare access to and from the Oak Bay Village. Mr. Paré further noted that it can be difficult for a pedestrian to cross the intersection as vehicles do not always stop even with the posted stop signs.

Thor Henrich, Oak Bay resident, said he was the resident that submitted the detailed summary of traffic conditions at Cranmore Road, Monterey Avenue and St. Ann Street to the Committee of the Whole at its October 6th meeting. Mr. Henrich also noted his support of Ms. Knowles-Robson comments adding that he hopes that Council will decide to implement a four-way stop which could be tried for a one year period and then reviewed.

Norman Pearson, Oak Bay resident, said he moved to the area 36 years ago, and it is common to hear vehicles screeching and crashing, noting he endorses the four-way stop as well as traffic calming measures such as narrowing the roadway.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that a traffic control order be prepared to create a four-way stop at the intersection of St. Ann Street and Cranmore Road, that an amendment to the Streets and Traffic Bylaw be prepared to reduce the speed limit from 50 kilometres per hour to 40 kilometres per hour along St. Ann Street/Monterey Avenue from Oak Bay Avenue to Bowker Avenue, and that the existing crosswalks at the intersection remain.

A member of the Committee commented that as well as the recommendations being made to Council, consideration should be given to installing refuge islands to allow pedestrians to cross St. Ann Street at Cranmore Road in two stages, simplifying the crossing task. It was suggested that the concept of installing pedestrian islands could be looked at in the future once the proposed measures have been in place for a while.

Responding to questions with respect to emergency vehicles accessing a four-way stop, the Municipal Administrator advised that the protocol is to have the fire trucks come to a rolling stop, noting that the increased number of stops, as a result of implementing a four-way stop, may become an issue of wear and tear on the vehicles.

It was agreed to ask staff to report back to Committee of the Whole in six months time regarding any recommendations to install pedestrian islands.

The question was then called.

CARRIED

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| 3. | 2008-259 | DIRECTOR OF ENGINEERING SERVICES, October 16, 2008 |
| | 2008-259-1 | KELLY ROSE, October 20, 2008 |
| | 2008-191 | JANE VAN SICKLE, June 30, 2008 |
| | | Re Cadboro Bay Road and Bowker Avenue – Traffic Safety |

Councillor Copley provided an overview of the issue noting that at its meeting of July 21, 2008 Council directed staff to bring forward a report with respect to recommendations for improving traffic and pedestrian safety at the intersection of Cadboro Bay Road and Bowker Avenue.

The Director of Engineering Services, referring to his memorandum, drew attention to the findings of the traffic counts conducted noting that there were very few northbound left turns onto Bowker Avenue from Cadboro Bay Road. Mr. Marshall described Option A as attached to his memorandum which would eliminate the northbound left turn lane and would see a longer low-profile median island installed on Cadboro Bay Road with a rounded curb and possibly low-growing plantings to help provide more of a presence to help calm traffic. This option would include a new curb extension at the southwest corner of the intersection which would reduce the pedestrian crossing by approximately three metres.

Referring to Option B being proposed, Mr. Marshall said it would be similar to Option A with the exception that the northbound left turn lane would be retained.

Mr. Marshall also suggested installing a 30 kilometres per hour warning sign south of the intersection for northbound traffic prior to motorists approaching the curve in the road.

Mr. Marshall responded to various questions and comments from members of the Committee regarding possible alternatives to those proposed to improve safety in the intersection, such as installing traffic lights, looking at the feasibility of installing a traffic circle, or installing lighted bollards (as currently situated on Foul Bay Road at Haultain).

The length of the proposed traffic island was questioned by some members of the Committee, and it was suggested that part of the "island" be painted at each end which would create the appearance of a longer island.

Jane Van Sickle, Oak Bay resident, said she was before Council eight years ago requesting that an island or traffic circle be installed at this intersection, and more recently she presented a petition citing safety concerns, which was triggered by an accident. Ms. Van Sickle agreed that placing something in the centre of the intersection would be preferred to traffic lights, which in her opinion would cause congestion and extra pollution from more vehicles stopping and starting.

Ms. Van Sickle submitted correspondence from her neighbour, Amanda Cooper, who was unable to attend the meeting. Ms. Van Sickle provided a summary of the correspondence saying the writer's father is head of Traffic Research for the Insurance Corporation of British Columbia (ICBC) and offered his opinion after having observed the intersection noting that he felt there is plenty of room for a traffic circle at this intersection. The letter also went on to draw attention to the ICBC Road Improvement Program in which assistance (engineering and funding) is available by request to municipalities to implement traffic/road safety measures.

Although it was the general consensus of the Committee members that Option A would be a reasonable approach, it was agreed that all options should be explored before moving forward. The discussion turned to the possibility of installing a traffic circle, which could be a capital expenditure that would have to be budgeted for. Mayor Causton noted that since two traffic accidents have been reported at the intersection it may raise the interest of ICBC to participate in safety improvements in that location.

MOVED by Councillor Jensen

Seconded by Councillor Carson, That it be recommended to Council that staff be directed to provide a report to Committee of the Whole, including cost estimates, for the possible construction of a traffic circle at the intersection of Cadboro Bay Road and Bowker Avenue.

Steve Huxter, Willows Elementary School Parent Advisory Council (PAC), advised that the PAC hired consultants to look at safety issues in and around the school and that the intersection at Cadboro Bay Road and Bowker Avenue was identified as being a dangerous section for children commuting to and from school. Some of the concerns noted in this area were the long intersection crossing and the downhill slope, which appeared to increase vehicle speed. The review recommended moving the Bowker Avenue crosswalk further down the road to a safer crossing area.

It was suggested that the Director of Engineering Services consult with the Willows School Parent Advisory Council in this regard.

The question was then called.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

4. 2008-260 DIRECTOR OF BUILDING AND PLANNING, October 7, 2008
Re Uplands Building Permit Application – 3085 Southdowne Road

In response to the Advisory Design Panel's suggestion to add a window that matches the existing window of the garage, David Mackenzie, Designer, commented that it may be difficult to find a window to match but agreed to add a window should it be required by the Committee.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That it be recommended to Council that the proposed plans for renovations at 3085 Southdowne Road be approved as to siting and architectural design, and subject to a window being added to the street elevation of the garage that is in keeping with the character of the existing window in the garage.

CARRIED

5. 2008-261 DIRECTOR OF BUILDING AND PLANNING, October 7, 2008
Re Uplands Building Permit Application – 3210 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That it be recommended to Council that the proposed plans for renovations at 3210 Beach Drive be approved as to siting and architectural design.

CARRIED

6. 2008-262 DIRECTOR OF BUILDING AND PLANNING, October 7, 2008
Re Uplands Building Permit Application – 2475 Cardigan Road

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the proposed plans for the construction of a new dwelling at 2475 Cardigan Road be approved as to siting and architectural design.

Responding to a question from a Committee member, Richard Pattee, applicant, said that they had just been advised that they would be able to use the existing foundation for the garage and therefore the nearby trees will not be affected.

The question was then called.

CARRIED

7. 2008-263 DIRECTOR OF BUILDING AND PLANNING, October 7, 2008
Re Uplands Building Permit / Development Variance Permit Application
– 3150 Rutland Road

The Director of Building and Planning provided a brief overview of the proposed application where the owners wish to relocate the existing house off the property and build a new single family dwelling. It was noted that an application to move the existing dwelling off the property has not yet been received. The plan as proposed, said Mr. Thomassen, is to reuse the existing foundations for the pool and to construct the home attached to the pool deck area. The variances pertain to accessory buildings as the owners wish to build two more in addition to the four that

already exist, with the regulations only permitting two. Additionally, the pool extension will encroach into the front lot line setback, necessitating a variance.

Paul Merrick, Merrick Architecture, speaking on behalf of the applicants, Kevin and Sabrina Jardine, provided a detailed overview of the proposed development, which would leave the existing landscaping and trees virtually untouched. Mr. Merrick advised that the plans before the Committee are the result of extensive discussions with both the Advisory Design Panel and the Heritage Advisory Panel. Through these discussions and because of the extent of the alterations over the years to the existing house, the Heritage Advisory Panel felt that it was not worthy of heritage designation or protection, he said. Mr. Merrick noted that the Jardine's own the adjacent land as well and have discussed moving the existing house onto that property although the owners are disinclined to pursue that option. He added that it is not the intention of the homeowners to demolish the house and they are currently discussing relocation possibilities with Nickel Bros. House Moving Ltd.

Mr. Merrick answered various questions from the Committee regarding the proposed development, and noted that the proposed dwelling will be the same distance from the property line along the ocean, and because the house is low lying and within dense vegetation, with the exception of one small area having a second level, very little of the development will be seen from the road.

Although it was acknowledged that most of the proposed development would not be seen from neighbouring properties, some members of the Committee expressed their uncertainty about the fit of the proposal in the context of the Uplands Design Guidelines, the neighbouring properties, and the Uplands in general. Mr. Merrick responded, noting that with the direction and guidance received from the Advisory Design Panel, he felt that the proposed development falls within the expectations of the guidelines.

In recognition of the importance of the existing house in the community, questions arose from a member of the Committee with respect to the heritage assessment process.

With it being noted that the proposed development had already been considered by the Heritage Advisory Panel before a formal referral to that body as would be the normal process, Mayor Causton explained that he initiated having the application considered by the Panel in advance as he had recognized the importance of the property and felt that it would be beneficial for the Committee to have advice from the Panel when it first considered the application.

Responding to the Committee's invitation to the owners to address the application, Sabrina Jardine, stated that their vision for the property is to create an 'old' village setting that will blend with the history of the landscape. Ms. Jardine commented that the existing house has been redone so many times over the years it has lost any historical value, however, she considered the land an historical site.

Kevin Jardine said they are wanting to create a home that respects the environment within which it sits. It has been three years since purchasing the property, he said, and now with the economic downturn they could be pausing on the construction, however, they remain 100 percent committed to the design.

Responding to questions, Mr. Jardine confirmed that they are not comfortable with a neighbouring house on the adjacent lot which they own, therefore are not inclined to move the existing house next door as originally considered.

Following further discussion with varying views and opinions noted, it was the view of the Committee that the application should be deferred pending receipt of further information from the applicant that would include:

- Larger more detailed colour plans;
- Demonstration of sightlines from neighbouring properties;
- Modeling in the form of the applicant's choice (i.e. physical model or detailed computer generated model); and
- Information with respect to the LEED technology proposed to be used.

It was also noted that inasmuch as the existing house is a significant structure within the community, information on the applicant's plans for the house would be desirable.

Mr. Merrick posed questions to the Committee regarding the relationship between the plans for the existing house and the requested approval for siting and design of the new house.

In response to questions from the Committee, the Municipal Administrator advised that there is no statutory authority to tie the disposition of the existing house to the decision before the Committee with respect to siting and architectural design and the associated variances unless the Committee was to recommend that Council take action under its statutory authority with respect to heritage protection of the existing house. In that regard, he said, if the Committee was so inclined to recommend approval of the plans before it, it may wish to make that recommendation without prejudice to any statutory powers Council has to protect the existing house.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Uplands Building Permit and Development Variance Permit Application for 3150 Rutland Road be deferred to a future meeting of Committee of the Whole to allow the applicant an opportunity to provide additional information.

CARRIED

MOVED by Councillor Carson

Seconded by Councillor Braithwaite, That the meeting continue past the 11 o'clock p.m. hour of adjournment fixed by the Procedure Bylaw.

CARRIED UNANIMOUSLY

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the application be referred to the Heritage Advisory Panel.

In discussion on the motion, it was noted that the proceedings at the Heritage Advisory Panel level did not appear to have included a formal site visit, nor did they appear to reflect a rigorous assessment of heritage significance in the context of the established criteria normally employed by the Panel for that purpose.

Although the consensus of the Committee was that the Panel's assessment of heritage significance should be taken on its face without the subsequent imposition of a Council requirement for the application of specific criteria, it was agreed that the Panel should be asked to supplement its investigation by a site visit. It was also noted that the Panel's conclusions had been provided in the context of advice from the applicants to the effect that the existing house at 3150 Rutland Road would be moved to the adjacent vacant lot. With the applicants now stating

that they were disinclined to pursue this option, the Committee felt that it would be in order for the Panel to be asked whether its initial assessment would stand in light of this new information along with impressions gained from a site visit.

The question was then called.

CARRIED

8. 2008-264 DIRECTOR OF BUILDING AND PLANNING, October 15, 2008
Re Application for Development Permit with Variance – 2000 Cadboro
Bay Road

Buzz Parsons, Triad Signs, said the applicant would like to add a panel to the free standing sign for the new M & M Meats opening at this location.

MOVED by Councillor Carson

Seconded by Councillor Braithwaite, That a resolution authorizing the issuance of a development permit with variance as outlined in correspondence item no. 2008-264 be prepared and brought forward to Council for consideration.

CARRIED

9. 2008-265 DIRECTOR OF BUILDING AND PLANNING, October 15, 2008
Re Application for Development Permit with Variance – 2571-2579
Cadboro Bay Road

MOVED by Councillor Carson

Seconded by Councillor Braithwaite, That a resolution authorizing the issuance of a development permit with variance as outlined in correspondence item no. 2008-265 be prepared and brought forward to Council for consideration.

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 11:09 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Public Works Section

Chairman, Land Use Section

