

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 15, 2015 at 7:00 PM.

PRESENT: Councillor K. Murdoch, Chair
Mayor N. Jensen
Councillor H. Braithwaite
Councillor T. Croft
Councillor T. Ney

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. A. Walker
Director of Engineering Services, D. Marshall

PARKS AND RECREATION ITEM(S)

1. ***Parks and Recreation Commission Minutes***
 - Note - Municipal Clerk - P&RComm Minutes, Jun. 3, 2015
 - Minutes - Oak Bay Parks & Recreation Commission, Jun. 3, 2015
 - Rpt Attach 1 - Program Reports May 2015
 - Rpt Attach 2 - April Finance Summary 2015
 - Rpt Attach 3 - Habitat Stewardship Report for Uplands Park
 - Rpt Attach 4 - Organization of Culture Within Parks & Recreation

Ray Herman, Director of Parks and Recreation, in attendance for this item.

The Director of Parks and Recreation provided an overview of the two reports attached to the Parks and Recreation Commission's minutes, Habitat Stewardship Report for Uplands Park and Organization of Culture Within Parks and Recreation.

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on June 3, 2015, and the recommendations contained therein, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That it be recommended to Council that, as described in the June 3, 2015 report of the Manager of Recreation Program Services:

1. Staff be directed to draft an amendment to the Parks and Recreation Commission Bylaw to incorporate culture into the title and mandate of the Commission; and

2. Staff be directed to draft an amendment to the Terms of Reference for the Oak Bay Arts Laureate to liaise with the Parks and Recreation Commission and the Manager of Recreation Program Services;
with these amendments to be brought forward to a future meeting in October 2015.

CARRIED

FINANCE ITEM(S):

2. ***Monthly Financial Report***

- Report - Municipal Treasurer, Jun. 10, 2015
- Rpt Attach - Statement, Capital , Investments, Prop. Taxes, May 2015

MOVED by Councillor Ney

Seconded by Councillor Croft, That the monthly financial report of the Municipal Treasurer dated June 10, 2015 be received.

CARRIED

ENGINEERING SERVICES ITEM(S):

3. ***Request for Concrete Fence Barrier at 1767 & 1769 Elgin Road***

- Report - Director of Engineering Services, Jun. 1, 2015
- Rpt Attach 1 - Applicant's Letter, Dante Pastro, Jun. 10, 2014
- Rpt Attach 2 & 3 - Photos, North Boundary, 1769 Elgin Road, Jun 1, 2015

The Director of Engineering Services provided an overview of his report and recommendation.

Dante Pastro, applicant, commented on his request that a concrete fence barrier be installed to mitigate the impact of the noise and dust from the adjacent Public Works Yard. Mr. Pastro noted that the owners chose to remove the pine trees from the subject property due to the excessive dust released from these trees by blowing wind. He emphasized that there has been a significant increase in the intensity of the work undertaken on the Public Works Yard after his family purchased the property and commented that private businesses would be expected to undertake mitigation measures to reduce the impact of their activities on surrounding neighbours. Mr. Pastro concluded his remarks by noting that a fence had been constructed along another area of the Public Works Yard to address this issue.

The Director of Engineering Services responded to questions with respect to fencing on the Public Works Yard, noting that this fencing was undertaken in part to allow for more usable space in the yard and that the cost was approximately \$14,000.

Jim Allen, Oak Bay resident, noted that, as a resident of the subject property, he felt that a higher fence than permitted under the bylaw would be needed in order to mitigate the noise. He also commented that the removal of the pine trees from the property had made a significant improvement with respect to the dust.

Committee discussion ensued with respect to the proposal, in which some members commented that more information would be useful on the effectiveness of a concrete wall in addressing noise mitigation.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That staff be directed to provide a report on the effectiveness and associated cost of potential fencing materials, with particular reference to the fence already installed at the Public Works Yard.

The Director of Engineering Services commented that, given current strategic priorities, it would be likely that a consultant would need to be hired to undertake this work.

Tania Ferbey, Oak Bay resident, noted that information should be available online on how best to mitigate the impact of noise and dust on the subject property.

The motion was withdrawn with the consent of all members of the Committee.

Committee discussion turned to the question of what information would be helpful in making a determination with respect to the proposal. It was noted that providing a specific concept and clarification on the effectiveness of the concept, including potential impacts on other neighbouring properties, would be of assistance. Given the need for further information, no consensus was reached with respect to the potential for cost-sharing.

MOVED by Councillor Croft

Seconded by Councillor Braithwaite, That the applicant be requested to provide a more detailed concept and design, including any requested variances, for the applicant's proposal to install a concrete fence intended to address the applicant's concerns with the impact of noise from the Public Works Yard on the property at 1767 and 1769 Elgin Road.

It was noted that depending on the details of any subsequent proposal, two different processes could be undertaken:

- If the applicant proposed to locate the concrete fence on the subject property, he could also bring forward a cost-sharing component; or
- If the applicant proposed to locate the concrete fence on municipal property, the proposal would be considered as a potential capital works project, to be reviewed at the 2016 Estimates Committee in the context of Council's existing strategic priorities and operational commitments.

The question on the motion was then called.

CARRIED

LAND USE APPLICATIONS

4. ***Uplands Building Permit Application (UBP) - 3320 Weald Road***

- Report - Director of Building & Planning, Jun. 2, 2015
- Rpt Attach 1 - ADP Minutes, Jun. 2, 2015

- Rpt Attach 2 - Municipal Arborist's Memo, May 22, 2015
- Rpt Attach 3 - Applicant's Letter, Bentzon, May 5, 2015
- Plans - UBP - 3320 Weald Rd, rcvd, May 5, 2015

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposed plans for the replacement of the existing double overhead rolling garage doors to a single overhead rolling garage door located on the existing garage located at 3320 Weald Road be approved as to architectural design.

CARRIED

5. ***Uplands Building Permit Application (Design Approval) - 3390 Beach Drive***

- Report - Director of Building & Planning, Jun. 2, 2015
- Rpt Attach 1 - ADP Minutes, Jun. 2, 2015
- Rpt Attach 2 - Municipal's Arborist's Memo, May 22, 2015
- Rpt Attach 3 - Applicant's Letter, M. Moody, May 15, 2015
- Rpt Attach 4 - Materials & Colours Checklist, Mar. 24, 2015
- Plans - UBP - 3390 Beach Dr., rcvd, June 8, 2015

The Chair provided an overview of the process for the application to date, noting that the issue of siting had been addressed at a previous Committee meeting.

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That it be recommended to Council that the proposed plans for the construction of a residential dwelling located at 3390 Beach Drive be approved as to architectural design.

CARRIED

6. ***Development Variance Permit (DVP) Application - 1241 Hampshire Road***

- Report - Director of Building & Planning, Jun. 9, 2015
- Rpt Attach - Applicant's Letter, R. Hoyt, Jun. 8, 2015
- Plans - DVP - 1241 Hampshire Rd, rcvd, Jun. 8, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That it be recommended to Council that the proposal to expand the deck area at 1241 Hampshire Road be approved, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the June 9, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

7. ***Development Variance Permit (DVP) Application - 2358 Beach Drive***

- Report - Director of Building & Planning, Jun. 10, 2015
- Rpt Attach - Applicant's letter, Longridge, Jun. 8, 2015
- Plans - DVP - 2358 Beach Dr, rcvd, Jun. 9, 2015

MOVED by Councillor Croft

Seconded by Councillor Ney, That it be recommended to Council that the proposal to increase gross floor area at 2358 Beach Drive be approved, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the June 10, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

8. ***Development Permit with Variances - 2120 Penzance Road***

- Report- Director of Building & Planning, Jun. 9, 2015
- Rpt Attach - Applicant's Letter, Mildner & Betkowski, May 29, 2015
- Plans - DP - 2120 Penzance Rd, rcvd, Jun. 4, 2015

The Chair gave an overview of the application and process to date.

MOVED by Councillor Ney

Seconded by Councillor Croft, That it be recommended to Council that a resolution authorizing the issuance of a development permit with variances to facilitate the proposed subdivision at 2120 Penzance Road, as outlined in the June 9, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 8:23 p.m.

Certified Correct

Municipal Clerk

Chair