



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, JUNE 7, 2016 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Andrew Appleton  
Rus Collins  
Pam Copley  
Brian Holl  
Michael Low

Kris Nichols  
Esther Paterson  
Andrew Stinson  
Tim Taddy

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Deborah Jensen, Planner  
Roy Thomassen, Director, Building & Planning  
Krista Mitchell, Building & Planning Clerk

**1. Call to Order**

The meeting was called to order at 5:02 pm.

P. Copley welcomed the new Advisory Planning Commission member Andrew Appleton.

**2. Adoption of Minutes**

It was moved and seconded that the Minutes from April 5, 2016 be adopted.

The motion was carried.  
None opposed.

P. Copley advised a biannual meeting will be scheduled, starting October 2016 to review the Advisory Planning Commission (APC) process and identify any difficulties with respect to process or District regulations.

**3. Approval of Agenda and Late Items**

The agenda was approved as presented subject to the addition of the Mayor's housing retention task force (see 6 c) and Process (see 6 d)

**4. Old Business**

None.

## 5. New Business

- a. DVP00040 – 2666 Dewdney Avenue  
To permit the height of an existing accessory building.

D. Jensen gave a summary of the application. Some of the comments were:

- Application is for an existing detached garage that was constructed over the allowable building height.
- Applicant requesting a variance of 0.63 metres for the maximum building height rather than modifying the garage to bring it into compliance with height requirements.

J. Von Kaldenberg, applicant, presented the application. Some of the comments were:

- Applicant made an error in height calculations during the building process but overall roof height is less than that permitted by the Zoning Bylaw.
- Lowering the building height would not be feasible due to post and beam construction.
- Neighbours are not opposed, and overall height is comparable to neighbouring accessory buildings.

### ***Commission Comments***

Commission members asked for clarification of building height versus roof height, and whether the original design submitted with the building permit application was compliant.

D. Jensen advised building height is measured at the highest wall height, that the roof height meets zone requirements.

R. Thomassen confirmed the original design was compliant with height requirements, but final building construction was approximately two feet overheight.

Commission members noted the variance was being requested after the building was built and was not built according to the approved plans.

It was moved and seconded to recommend that Council approve DVP00040.

The motion was carried.

None opposed.

R. Collins left the meeting at 5:24 pm.

- b. DVP00041 – 1017 Monterey Avenue  
To permit construction of a new single family dwelling and detached garage.

D. Jensen gave a summary of the proposal. Some of the comments were:

- Proposal is for a new single family dwelling with detached garage, and the existing house will be removed.
- All buildings meet setback requirements, with the exception of distance between buildings for the detached garage and the residence.

K. Koshman, applicant, presented the application. Some of the comment were:

- This is a shallow lot so the accessory building does not meet the setback requirements to the residence, but it does meet the side yard setback.
- To reduce impact on neighbours, requesting a 0.95 metre variance between buildings.

***Commission Comments***

A Commission member questioned whether the proposal exceeded allowable lot coverage and whether the distance between the buildings is acceptable for emergency services.

D. Jensen confirmed the proposed development meets lot coverage requirements and distance is sufficient for emergency access.

It was moved and seconded to recommend that Council approve DVP00041.

The motion was carried.

None opposed.

R. Collins returned to the meeting at 5:27 pm.

c. DVP00042 – 494 Beach Drive

To permit construction of an accessory building.

D. Jensen gave a summary of the proposal. Some of the comments were:

- Request is to increase height on an existing nonconforming accessory building sited in the front yard to provide for additional storage.
- Variances are for front yard and side yard setbacks, as well as distance between buildings.
- The existing building will be renovated, not removed, in order to maintain its nonconforming status.

J. Martin, applicant, presented the application indicating that the existing accessory structure will be retained with some repairs to remove rot, and concrete stairs and foundation will be repurposed.

***Commission Comments***

A Commission member asked if the application was for a renovation or construction of a new building.

R. Thomassen clarified the proposal is to renovate an existing building to resolve the rot problems on walls and increase the roof height by approximately four feet.

D. Jensen noted that if a building was damaged to more than 75% of its value above foundation, then it would lose its nonconforming status.

It was moved and seconded to recommend that Council approve DVP00042.

The motion was carried.

None opposed.

- d. OCP00002 /ZON00019 / DP000006 – 1632 Yale Street  
Official Community Plan amendment and rezoning to permit three small single family residential lots.

B. Patterson, applicant, presented the application, clarifying information and advising of modifications from the January 2016 Advisory Planning Commission meeting. Some of the comments were:

- Property is owned by Masonic lodge with current building in poor shape and a financial drain on the owners.
- Three small lots was proposed in consultation with the neighbourhood residents.
- With P2 zoning, could probably build a two or three storey building near the church with a maximum footprint of approximately 3600 ft<sup>2</sup> and parking that meets the bylaws could not be accommodated.
- Building has been neglected for many years and refurbishing would be very costly.
- Believes nothing will happen if the property is left in P2 zone.

D. Jensen provided a summary of the proposal. Some of the comments were:

- Application previously considered by the Advisory Planning Committee in January 2016 and it was recommended Council deny the application
- Application involves an OCP amendment from Community Institutional and rezoning from P2 to permit three small single family lots.
- Three small lots range in size from 356 m<sup>2</sup> to 394 m<sup>2</sup>.
- The applicant has responded to concerns raised at the January meeting by providing a rationale for the OCP amendment, including parking challenges, narrow streets, and unsuitability of the site as an institutional use. The applicant has also replaced with permeable grass grid, redesigned the Lot 2 residence to reduce massing, and provided detail of the community amenity contribution.
- The District arborist has indicated there is a potential loss of 9 of the 13 trees.
- Access to the lots is presented at a width greater than that permitted by District bylaws, and on street parking will have to be removed from in front of 1635 and 1645 Yale Street to accommodate fire truck access to Byron Street.

### ***Commission Comments***

Commission members commented they were in favour of the OCP amendment due to the unsuitability of institutional use at this location, and approved of the daycare remaining in the area.

B. Patterson stated he will fund \$30,000 to \$35,000 of the cost to create a new play area on the church property, and equipment in the new reclaimed space, and the community amenity contribution includes other items as well.

A Commission member stated the current building is in poor condition and would be cost prohibitive to make it meet building code requirements.

D. Jensen noted the property would be redesignated Established Neighbourhoods and rezoned to a site specific zone.

A Commission member indicated the proposed development was in a location close to Oak Bay Avenue, encouraging walking, and the homes are family oriented.

B. Patterson confirmed the Lot 3 access will be from Byron Street where no on street parking will be allowed, and the eclectic style of homes are designed to be innovative and fit into the neighbourhood.

A Commission member stressed the need to retain as many trees as possible and be cautious of construction around the trees.

B. Patterson advised a cantilever system will help to protect the trees and an additional eight replacement trees will be planted.

D. Jensen noted there discrepancies between the arborist report and the Municipal arborist's findings, confirming replacement trees must be planted.

D. Jensen confirmed an easement on the south side of proposed Lot 1 is for sewer.

B. Patterson advised the easement will be dissolved with the redevelopment.

Commission members encouraged Council to continue moving forward with the Residential Infill Strategy, noting this application was a good example of infill and exceeded the City of Victoria small lot zoning standards. The members also commented that densification is supported by OCP policy and the applicant has worked with the residents to move forward a development that supports the spirit of the OCP.

Commission members commented on the proposed community amenity contribution, noting a monetary contribution toward trail development that Council will determine how to use.

B. Patterson responded that pathways and cycle routes were determined to be a community need, and the community has a long term plan for pathway development around the Bowker Creek area.

D. Jensen advised OCP policy speaks to various items considered for community amenity contributions as part of a rezoning application, and the applicant proposes a \$40,000 cash contribution toward trail development as well as undertaking an upgrade of Byron Street for improved pedestrian and cycle access.

B. Patterson advised a sand wash concrete finish is proposed for Byron Street, with no change to grade, but will require approval from the District.

A Commission member indicated support for the site specific zoning as it does not set a precedent prior to completion of the Residential Infill Strategy process.

It was moved and seconded to recommend that Council approve OCP000002 / ZON00019 / DP000006.

The motion was carried  
None opposed.

## 6. Information Items

### a. Residential Infill Strategy – Designer’s Workshop

D. Jensen provided an update of the Residential Infill Strategy process, noting:

- Council approved terms of reference for the project and Urban Form Associates and Ramsay Worden Architects have been retained to work on the project.
- Public engagement will begin in the fall with a survey underway over the summer to receive initial feedback.
- District will host a Designers Workshop on June 28, 2016, by invitation only to local architects and designers, including members of the Advisory Design Panel.
- A design charrette, which will accommodate approximately 45 participants, will be held in September.

### b. Development Applications and Site Visits

D. Jensen advised Commission members are encouraged to do site visits, however they should not be on site without permission and should not be in direct contact with the applicant. If requested, the Commission chair can contact staff to arrange for a site visit.

### c. Task Force on Housing Retention

T. Taddy advised he was appointed to the mayor’s task force, noting the task force is a preliminary step on the issue of housing retention, and that a report will be coming to Council on June 13, 2016.

### d. Advisory Planning Commission Process

A Commission member requested that the minutes and staff report both go the Council at the same time.

D. Jensen advised this would be quite difficult due to time restraints and Commission approvals, but noted the staff reports now include additional information items as a result of the Commission’s review of an application to accurately reflect what appears in the minutes. She also noted that, in the case of applications such as a development variance permit or rezoning, Council would have the minutes available prior to final approvals.

A Commission member commented that the planner has been very diligent in reflecting the details of Commission review in the staff reports.

## 7. Next Meeting

The next regular meeting of the Advisory Planning Commission is scheduled for Tuesday, July 5, 2016.

## 8. Adjournment

The meeting was adjourned at 7:25 pm.