



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, JANUARY 3, 2017 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Andrew Appleton  
Pam Copley  
Rus Collins  
Kristina Leach

Michael Low  
Kris Nichols  
Esther Paterson  
Tim Taddy

**MEMBERS ABSENT**

Virginia Holden

**STAFF PRESENT**

Deborah Jensen, Manager of Planning  
Roy Thomassen, Director, Building & Planning  
Christine Currie, Development Services & Licensing Clerk

**1. Call to Order**

The meeting was called to order at 5:00 pm.

- a. Introductions
- b. Elections

It was moved and seconded that Pam Copley be elected as Chair.

The motion was carried.  
None opposed.

It was moved and seconded that Tim Taddy be elected as Vice Chair.

The motion was carried.  
None opposed.

**2. Adoption of Minutes**

It was moved and seconded that the Minutes from December 6, 2016 be adopted as amended.

The motion was carried.  
None opposed.

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

The agenda was approved as presented.

#### 4. New Business

- a. DVP00052 – 2275 Neil Street  
To permit an addition to a single family dwelling.

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

- The proposal is to construct a second storey above the one storey home, part of which will be located over the existing garage, and requires a variance to the front lot line.
- A variance was previously granted to construct an attached garage on the front of the building.
- Second storey is pulled forward to maintain natural light in neighbouring yard.

N. McAleese, applicant, presented the proposal. Some of the comments were:

- Has owned the house for 15 years, with a variance for the garage approved in 2002.
- Neighbours have been consulted.

#### **Commission Comments**

Commission members confirmed that the existing home has a flat roof and the garage is constructed in front of the home. Commission members also asked for clarification on whether the second storey could be constructed without a variance.

D. Jensen confirmed that no variance would be required if the front portion of the proposed second storey were sited further back on the home.

It was moved and seconded to recommend that Council approve DVP00052.

The motion was carried.  
None opposed.

- b. DVP00053 – 19 King George Terrace  
To permit relaxation to lot dimensions, relocation of an existing single family dwelling and construction of a new single family dwelling.

R. Collins recused himself citing potential conflict of interest.

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

- Proposal is to construct a single family dwelling on the smaller of two lots, and relocate the existing character home on the larger, southerly lot.
- Applicant is proposing to adjust the lot line between the two lots, which requires a relaxation to both the lot frontage and lot width.
- This is a sloped site, and variances are requested for both lots to address lot line setbacks, roof heights, and paved surface for the shared driveway.

K. Koshman, applicant, gave some brief comments of the application. Some of the comments were:

- Shared driveway will eliminate the need for an extra driveway onto a steep part of King George Terrace, and oak trees at the rear of the property are being protected.
- Existing house is overheight, and in its new location will be about 4.5 feet lower.
- The adjacent neighbours are generally in support of the project.

**Commission Comments**

Commission members confirmed requested variances for the lots are for lot frontage and lot width, and inquired whether other small lots had been granted variances.

R. Thomassen advised other small lots have been approved for lot frontage and lot width variances.

D. Jensen clarified minimum parcel size is being met with the lot line adjustment.

Commission members asked for further clarification on neighbourhood support and tree preservation, and expressed concern regarding preservation of the existing character home, encouraging the owner to consider placing the home on the Heritage Register.

M. Ruthven, owner, advised they had received written support from six of the seven adjacent neighbours that they had contacted, and that the home would not be demolished as it has been fully renovated.

K. Koshman commented that the tree located at the back of Lot B is to be removed as the arborist has indicated it is in severe decline.

R. Thomassen noted a covenant for protection of the Garry oak meadow will be registered as part of the subdivision process.

D. Jensen advised the proposed plans are attached to the development variance permit, and if the development were changed from what was approved, they would have to go through another process.

R. Thomassen also noted the Subdivision Approving Officer could consider the proposal not in the public interest if the existing character home was not relocated as proposed, which may result in the subdivision application not being approved.

It was moved and seconded to recommend that Council approve DVP00053.

The motion was carried.

None opposed.

c. DVP00054 – 1984 Crescent Road

To permit an addition to an existing single family dwelling.

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

- Proposal is to construct an attached garage at the front of the existing home to provide covered parking.
- Site is steeply sloping, and house already has a nonconforming situation, so variances are being requested for height relaxation, second storey setback, lot line setbacks, retaining wall height and maximum paved surface.

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

- Existing house is sited at the rear of a very steeply sloped property, and with the proposed renovations, this application will legalize the non-conforming condition.

- After consultation with the neighbours, the owners decided to renovate rather than construct a new house, noting the house in its current state has minimal impact on adjacent neighbours.
- The new driveway would result in a single driveway crossing with an s-curve leading to the new garage.

### **Commission Comments**

Commission members clarified the application included variances to the existing home and not just the construction of the attached garage, and commended the owners for renovating the home on such a challenging site, noting the proposed elevator will make the home livable for aging in place.

K. Koshman noted the proposal includes a small expansion of the upper floor as well as the elevator space, and all the existing nonconforming situations of the house would be dealt with in the variance application.

R. Thomassen advised a minor rear yard variance was not included in the application but will be addressed as part of the permit process.

It was moved and seconded to recommend that Council approve DVP00054.

The motion was carried.

None opposed.

R. Collins returned to the meeting at 5:55 pm.

K. Leach arrived at the meeting at 5:55 pm.

T. Taddy recused himself citing potential conflict of interest.

- d. ZON00023 / DVP00031 – 1605 York Place  
To permit a two lot subdivision.

K. Jordan, owner, and T. McElvaine presented the application. Some of the comments were:

- Owners are proposing a modest home on the new lot to allow them to downsize and stay in the community.
- Neighbourhood response has been favourable.
- By rezoning only a portion of the lot it deters future development of the lot.

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

- The current property is zoned RS-2, and the proposal is to create a two lot subdivision with the smaller lot zoned RS-3 consistent with the adjacent strata properties.
- The existing home would be retained on the lot to the south and would require construction of a garage for provision of covered parking.
- The municipal arborist has reviewed the site for tree protection strategies and special construction techniques may be needed. An eagle nest tree is also located on the northeast portion of the property and will require special considerations.

**Commission Comments**

Commission members confirmed that the subject property is not on the Heritage Register, but noted that it is historically significant as it was constructed by Frances Rattenbury in 1904. They also noted that the site would be located in the proposed heritage conservation area, and inquired whether the owners would consider adding the home to the Heritage Register.

T. McElvaine indicated they would be willing to include the home on the Heritage Register.

Commission members expressed concern for existing vegetation and mature trees on the site as there is no applicable environmental development permit area, and inquired about the eagle nest tree.

D. Jensen noted the environmental aspects of the site have been reviewed, and while there is no applicable environmental development permit area, the proposal would be subject to the residential infill development permit area. She also advised the eagle nest tree is located at the northwest portion of the site and that provincial legislation requires protection of the eagle nest tree itself, but conditions could be imposed with respect to protection of the area around the tree and scheduling of construction.

R. Thomassen also confirmed that a covenant for restriction on construction scheduling could be registered as part of the application.

K. Jordan advised they are in agreement with a covenant being registered for protection of the eagle nest tree and surrounding area.

A Commission member reiterated concern that there is no environmental development permit area applicable to all residential infill development.

It was moved and seconded to recommend that Council approve ZON00020 / DVP00031.  
The motion was carried.  
None opposed.

T. Taddy returned to the meeting.

R. Collins recused himself citing potential conflict of interest.

- e. ZON00023 / DP000013 – 2296 Cadboro Bay Road  
To permit a mixed use commercial – multifamily development.  
*Includes 2258 / 2268 / 2276 / 2296 Cadboro Bay Road and 2247 Bowker Avenue*

D. Jensen gave an overview of the development. Some of the comments were:

- The subject properties are currently zoned multifamily and have both an Official Community Plan Multifamily and a Secondary Village land use designation.
- Proposing a multi-storey, multifamily development with ground floor commercial use facing Cadboro Bay Road and the remainder of ground floor use being multifamily.
- Initial comments from committees included transition from the site to single family homes, tree retention, parking and building massing; and the applicant as addressed these items by stepping back the building, reducing the number of multifamily units from 49 to 43, and increasing the number of underground parking spaces.
- The Advisory Design Panel has recommended approval of the development.

G. Damant, applicant, gave an overview of the proposal. Some of the comments were:

- Ongoing consultation with the adjacent neighbours indicates an expectation for a mixed use, multi-unit residential and commercial building on the site, and which includes a neighborhood gathering place and offers a neighbourhood identity.
- The neighbours have concern about traffic speed and parking at the Cadboro Bay Road and Bowker Avenue intersection.

G. Damant, applicant, noted changes that were incorporated as per preliminary APC recommendations including:

- 10 of the 43 residential units will be 3 bedroom units, and the two units accessed from Cadboro Bay Road will be designed for disabled persons or ageing in place.
- Applicant will enter into an agreement for no restriction on housing rentals, that the corner commercial space will be utilized for restaurant use, and that a portion of the corner plaza area will remain open for community gathering space.
- Stormwater and irrigation strategies will be incorporated into the project, and on street improvements will include Garry oak tree planting and sidewalk widening.
- Proposing \$50,000 contribution to improve the adjacent intersection.
- Parking stalls have increased from 50 to 59, scooter charging stations are provided.
- Increased glazing for townhomes fronting Bowker Avenue reads as a two storey home, the penthouse level has been stepped back, and balconies are further articulated.
- Western end of building pushed back to align with adjacent apartment building.
- Increased landscaping and balcony articulation along Cadboro Bay Road.
- Fourth floor reduced to two residential units with private rooftop terrace access, the main stairwell to the rooftop has been removed.
- Cadboro Bay Road will have new Garry oak trees planted on the boulevard, and recessed parking will help the bike path to continue on Cadboro Bay Road.

S. Murdoch, applicant, gave a summary of the changes to the landscape design, including:

- Rain gardens are incorporated to manage runoff from the building, and structural soil cells for street trees are increased in volume for 20 m<sup>3</sup> to 25 m<sup>3</sup> per tree.
- An approximately 200 m<sup>2</sup> courtyard design has been modified to provide a contemplative landscape space with secondary access, rain gardens and opportunities for small group connections.

### **Commission Comments**

Commission members commented that a preliminary review process was very helpful, and noted that the Advisory Design Panel had now recommended approval of the application but emphasized the applicant review saving select trees.

Commission members inquired about the size and design of housing units, and indicated no information had been provided as to the provision of affordable, inclusive housing.

G. Damant, applicant, advised the three bedroom units will be approximately 1150 ft<sup>2</sup> to 1850 ft<sup>2</sup> in size, with the option of utilizing the third room as a bedroom or den.

Commission members noted the problematic intersection, and suggested additional parking at the intersection is not beneficial. Additional information was also requested on the scale and height of the building, and whether the density was appropriate for Oak Bay.

In response to a question from a member of the Commission regarding traffic planning documents identified in the OCP, D. Jensen advised that the applicant was required to submit documentation on transportation and parking, and the impact of the proposed development, which has been reviewed by the District Engineering department; and noted the information provided by the applicant refers to a 2009 study undertaken by the municipality for intersection upgrades. It was clarified that these documents, although publically available by request, are not typically brought forward to the Commission, but would be included in Council's package should the application proceed.

K. DaSilva, applicant, advised two studies had been commissioned regarding the intersection, and results showed the development would have negligible impact on the intersection, and that parking was adequate given the demand on adjacent properties.

G. Damant, applicant, stated the building height is comparable to the adjacent four storey apartment building but will read as a five storey building at the intersection, noting that as a landmark location the building demarcates the entrance to the neighbourhood. He also noted the shadow study shows the development does not impact the adjacent buildings, it is the Oak Bay Lodge that creates the dominant shadow for the adjacent neighbourhood.

P. Johannknecht, applicant, explained that the building has been pushed back at the intersection so the corner has actually been opened up.

Commission member's reiterated concern for building height at the intersection, questioned whether neighbours understand the massing and height, and commented that the community amenity contribution was not sufficient given the significance of the development and encouraged the applicant to think creatively about the contribution.

G. Damant, applicant, noted they have reduced the size of the building by six units, but this is not reflected in the floor area ratio as Oak Bay zoning bylaw also counts the balconies and rooftop terraces. He also indicated the corner site is challenging and inflates the floor area ratio due to topography and above grade, underground parking.

Commission members discussed the lack of policies regarding community amenity contributions and village urban design plans, but noted this project cannot be held up because no policies are in place, and that their role is to look at the overall community vision and whether a proposal is in keeping with the vision of the Official Community Plan.

G. Damant, applicant, stated the project is not out of scale with the surrounding four storey buildings and reiterated the difficulties with the triangular sloped site. He also commented the site is a Secondary Village, and is one of the few areas where density can be added.

In summary, the Commission members noted the following items of concern to be considered by Council:

- Overall massing of the building and its scale within the neighbourhood;
- Height of the development at the corner of Cadboro Bay Road and Bowker Avenue;
- Transition of the proposal with adjacent single family and multifamily developments;
- Impact of the reduction in parking;
- Lack of affordable, inclusive housing; and
- Community amenity contribution not in keeping with the scale and impact of the development.

It was moved and seconded to recommend that Council approve ZON00023 / DP000013.  
The motion was carried.  
E. Paterson opposed.

## 5. Old Business

### a) APC Procedures Manual

D. Jensen advised staff are continuing to review the draft document in keeping with other municipal policies, and a final document will be distributed to the Commission at their February meeting.

## 6. Information Items

### a) APC Review – Application Status

D. Jensen distributed a schedule of applications and their status that had been considered by the Advisory Planning Commission.

## 7. Next Meeting

The next special meeting of the APC is scheduled for Wednesday, January 11, 2017 at Windsor Park.

The next regular meeting of the APC is scheduled for Tuesday, February 7, 2017.

## 8. Adjournment

The meeting adjourned at 8:30 pm.