



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, MAY 7 2019 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Pam Copley  
Patrick Frey  
Virginia Holden

Kristina Leach  
Michael Low  
Kris Nichols

**MEMBERS ABSENT**

Caroline Smart  
Tim Taddy

**STAFF PRESENT**

Deborah Jensen, Manager of Planning  
Graeme Buffett, Planner

Warren Jones, Director of Corporate Services  
Krista Mitchell, Building and Planning Clerk

**1. Call to Order**

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

**2. Adoption of Minutes from April 2, 2019**

It was moved and seconded that the minutes from April 2, 2019 be adopted.

The motion was carried.  
None opposed.

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

The agenda was approved as presented with the addition of a Heritage Commission update (6b).

**4. New Business**

- a) ZON00032 – 2506 / 2512 Wootton Crescent  
To rezone to legalize an existing legal nonconforming duplex.

G. Buffett gave an overview of the application. Some of the comments were:

- Proposal is to change the zoning from One Family Residential Use (RS-5) to Two Family Residential Use (RD-1), in order to add on to the legal nonconforming duplex.
- The duplex was built in 1957 and continues to be used as a duplex.
- The proposal would remove the legal nonconforming status of the duplex and allow for structural alterations and additions not currently allowed under the RS-5 zone.
- An update to the Zoning Bylaw in 1986 resulted in lawfully constructed duplexes becoming legal nonconforming uses.
- The Local Government Act specifies that legal nonconforming uses cannot be expanded and structural changes would require Board of Variance approval; a rezoning to RD-1 would allow the proposed work.
- The Official Community Plan supports duplexes as an alternative form of housing.
- Applicant is not requesting any variances, the Urban Forest Strategy canopy coverage is exceeded, the secondary suite located in the basement would be removed, and the parking requirement is satisfied.

### **Commission Comments**

Commission members confirmed the proposal is for a second storey addition for both duplex units, that neighbours were consulted; and asked about the status of tenants in the secondary suite, identifying concern for the loss of an affordable housing unit.

G. Wakefield and M. Wakefield, owners, noted that neighbours within 50 metres were canvassed with no objection found. They also commented there was the possibility of selling both sides of the property if a subdivision application were approved, noting there are approximately 80 legal nonconforming duplexes in the community. G. Wakefield advised suite tenants would be required to move out.

Commission members expressed support for the application. Some of the comments were:

- This is an aesthetic improvement, both from a space and land use perspective.
- Consistent with OCP vision and policies, and with the OCP controlled survey results.
- Existing legal nonconforming duplexes should be legalized, there are no negative impacts on neighbourhoods, and this problem is emerging over and over again.
- Make Council aware of the approximately 80 legal nonconforming duplexes already existing and how they fit with the OCP.
- Process of going through Board of Variance creates a burden to staff and applicants.

It was moved and seconded to recommend that Council approve ZON00032.

The motion was carried.

None opposed.

G. Wakefield and M. Wakefield, owners, thanked D. Jensen and G. Buffett for their work on this application.

#### **b) Committee Review Process – Advisory Planning Commission**

W. Jones advised that a report is going forward to Council on May 13, 2019, requesting they approve the terms of reference for a review of the Committees and Commissions. He noted the review will include meeting with Council as well as the committees to discuss what is and is not working, what improvements could be made, and how communications could be improved. In addition, W. Jones commented that in order to focus on the goals of the community and Council's priorities for the next four years, Council needs to determine how to best utilize its resources to accomplish those goals.

Commission members requested the draft APC manual be provided as background to Council as part of the review process.

## **5. Old Business**

#### **a) Secondary Suite Study Update – Review of Introductory Open House**

Commission members provided comments on the Secondary Suite Open House, noting:

- The community newsletter and the Open House displays were well done, was good to have comparisons with other municipalities.
- Having the consultants, staff and APC members in attendance was good.
- Kept reminding people that the Open House was the beginning of the process, and people would have multiple opportunities to provide feedback.

- Is typically a narrow group of people who participate, sometimes those people are not supportive of the process; there were some people who wanted to fight old fights.
- Good broad cross section of comments from all ages.
- Participants had concerns about Airbnb and ensuring short term rentals not permitted.
- Applaud staff and the Urban Systems consultants as the story line and messaging was very clear, and providing multiple avenues for comments was well done.
- There is a lot of misinformation in the community, suggest Urban Systems clearly articulate the current bylaws and why this is a necessary process.
- Needs to be more alignment between bylaws and the OCP.

D. Jensen advised that a report will go to Council outlining the results of the open house and questionnaire.

## 6. Information Items

### a) Community Amenity Contribution Policy

D. Jensen gave a brief summary of the Community Amenity Contribution policy, noting that Council directed staff to prepare a policy, and it will be used to consider what contributions might be provided as part of a rezoning application. She noted the policy sets base target rates for different forms of development, as well as a priority list of amenities to be considered. These would be used for discussion with the applicant when negotiating the community amenity contribution.

Commission members noted the Zoning Bylaw does not currently reference density bonusing, and the heritage amenity should be referred to as heritage conservation.

### b) M. Low attended the April 9, 2019 Heritage Commission meeting, and V. Holden will attend the May 14, 2019 meeting.

## 7. Next Meeting

The next regular meeting of the Advisory Planning Commission is scheduled for Tuesday, June 4, 2019.

## 8. Adjournment

The meeting was adjourned at 5:52 pm.