



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, NOVEMBER 3, 2015 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Pam Copley  
Michael Low  
Kris Nichols

Esther Paterson  
Tim Taddy

**MEMBERS ABSENT**

Hope Burns  
Rus Collins

Brian Holl  
Andrew Stinson

**STAFF PRESENT**

Deborah Jensen, Planner  
Roy Thomassen, Director Building and Planning

Krista Mitchell, Building / Engineering Clerk

**OTHERS PRESENT**

Rory O'Connell  
Ken and Joelle McLeod  
Members of the Public: 2

Councillor Eric Zhelka

Prior to the meeting being called to order, a member of the public expressed an interest in recording the Advisory Planning Commission meeting. The majority of the Commission members indicated they did not wish to be taped, and asked the member of the public to not record the meeting.

**1. Call to Order**

The meeting was called to order at 5:05 pm.

The Commission members appointed P. Copley to chair the meeting.

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

The agenda was approved with addition of the following items:

- Item 7.b – Complete Streets
- Item 7.c – Advisory Planning Commission / Board of Variance

**3. Correspondence**

#### 4. Presentations

#### 5. Information Items

#### 6. Old Business

#### 7. New Business

- a. DVP00027 - 2540 Esplanade  
To permit additional hard surfacing for landscaping.

D. Jensen introduced the application. Some of the comments were:

- Variance request to permit additional hard surfacing for landscaping.
- Works undertaken include a mix of hard materials distributed through the front yard, resulting in hard surfacing of 88.5%.
- Requesting a variance of just over 63%

R. O'Connell gave a presentation for the proposal. Some of the comments were:

- The applicants interpret the intent of bylaw as primarily to restrict additional parking in front yards.
- Drain rock sits on top of filter fabric, allowing for rainwater infiltration and natural groundwater recharge. There was no additional compaction during the installation.
- The drought resistant vegetation provides ample shade and eliminates urban heat island effect.
- Goal was to minimize maintenance of front yard and lower water consumption.
- No increase of parking in front yard is possible and landscaping complements the beach environment across the street.

K. McLeod, owner, stated they had no intention of violating the bylaw and believes the works do not impact neighbours and the enjoyment of their property. There is significant vegetation on site and micro-irrigation has been installed.

#### ***Commission Comments***

Commission members asked about and expressed concern regarding gravel compaction, permeability, tree protection, and whether deer and drought resistant species had been considered. A Commission member also noted the importance of considering Official Community Plan (OCP) policy with respect to climate change, energy, and green spaces and gardens.

The applicants responded there has been no soil compaction, and they will be keeping all existing vegetation, which forms a significant canopy, to pursue the theme of a Japanese garden. K. McLeod questioned the validity of the paved surface regulation.

D. Jensen advised there is little vegetation that is protected under the Tree Bylaw with the exception of the chestnut tree; and identified the general aspects of heat island effect, and how materials such as asphalt and concrete can generate an overall increase in temperature. D. Jensen also stated the paved surface within the meaning of the regulation is the use.

Commission members commented that this is a significant variance and did not want to set a precedent of large variances for paved surface.

It was moved and seconded to recommend that Council deny DVP00027.

The motion was carried.

None opposed.

b. Complete Streets

A Commission member advised an open house for the Complete Streets project will be held November 5, 2015. This project sets out how streets will be designed and maintained for all users, including pedestrians, cyclists, transit and vehicles.

D. Jensen confirmed the date of the open house.

c. Advisory Planning Commission / Board of Variance

D. Jensen advised that a board of variance can consider variance applications where a hardship is present. Development variance permit applications do not have the same hardship requirement. If a board of variance application is denied, the applicant can subsequently apply for a development variance permit.

R. Thomassen stated a member of an advisory planning commission is not eligible for appointment to a board of variance.

**8. Next Meeting**

The next regular meeting of the APC is scheduled for Tuesday, December 1, 2015.

**9. Adjournment**

The meeting adjourned at 6:06 pm.