



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

MEMBERS PRESENT

Rus Collins
Pam Copley
Brian Holl
Michael Low

Esther Paterson
Andrew Stinson
Tim Taddy

MEMBERS ABSENT

Kris Nichols

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 5:06 pm.

2. Election (For Vice Chair)

It was moved and seconded that M. Low be elected as Vice-Chair.

The motion was carried.
None opposed.

3. Adoption of Minutes

It was moved and seconded that the Minutes from March 1, 2016 be adopted.

The motion was carried.
None opposed.

4. Approval of Agenda and Late Items

The agenda was approved as presented.

5. Presentations

None

6. Information Items

D. Jensen advised of the process for advertising through the Oak Bay News and District website, and subsequent selection of new members, noting both the Advisory Planning Commission and Board of Variance both have one vacancy.

P. Copley noted she will try to attend most Council meetings should there be questions on projects that have been vetted through the Commission, noting that individual Commission members should not be speaking on behalf of the Commission.

P. Copley advised the chair of the Esquimalt APC has invited Commission members to attend their next meeting.

D. Jensen gave a summary of the Residential Infill Strategy, noting that: the process was previously approved by Council; the request for proposal has now been advertised; and the strategy will focus on infill within the Established Neighbourhoods.

7. Old Business

None.

8. New Business

- a. DVP00036 – 127 Barkley Terrace
To permit alterations to the roof of an existing single family dwelling.

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

- Proposal to increase height of the main floor area, requiring a variance to maximum building height and maximum roof height.
- Replacement of the sloping roof with a flat roof.

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

- Existing roof is non-conforming and proposed roof will be lower than the existing.
- Neighbours on both sides have taller homes than what they are proposing, and the neighbour to the south is well below their foundation level.
- No plan to increase the foot print of the house, and proposal will not affect view of surrounding properties.
- Had positive response from the neighbours, and the municipal arborist indicated the renovation would have minimal impact on the existing trees.

Commission Comments

Commission members determined the application was a nice modification to existing housing stock, with the applicant reusing and reclaiming much of the existing home. The house fits into the context of the neighbourhood.

It was moved and seconded to recommend that Council approve DVP00036.

The motion was carried.
None opposed.

b. DVP00037 – 941 Island Road

To permit an addition to the second storey of a single family dwelling.

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

- Applicant proposing additional living space to the second floor of a 1913 single family home, approximately 180 ft² on the north side.
- Home is legal non-conforming for height and the owners are seeking variances for maximum building height and maximum occupiable height.

N. Banks, applicant, presented the proposed application. Some of the comments were:

- The house appears from the road as quite substantial, but the basement is mostly unusable as it barely meets the minimum height in some areas.
- Previous renovation was done to the main floor in the 1990's.
- The upper floor is approximately 840 ft², but side walls of the rooms are only 5.5 feet high on the outside wall.
- The goal is to create three good sized bedrooms, a second bathroom, and additional closet space for each room. The variance is an extension of the existing roof line, as well as addition of a dormer on the north side.
- Have letters of support from neighbours to the north and south.

Commission Comments

Commission members inquired if the subject home was on the Heritage Register, and commented that the addition would not have an impact on lighting for adjacent properties.

N. Banks confirmed the property is not on the Heritage Register.

It was moved and seconded to recommend that Council approve DVP00037.

The motion was carried.

None opposed.

c. DVP000039 – 2664 Dunlevy Avenue

To permit the removal of covered parking.

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

- Wants to better utilize the back yard, which currently has two available parking spots.
- Basement is currently empty and would like to renovate by adding a bedroom, workshop, storage room, bathroom and family room.
- Do not want to build a garage or carport, would rather have green space, which is supported by the neighbour.

D. Jensen noted Council has previously approved applications to remove covered parking. The District wants to ensure there is adequate parking for two vehicles on the site, and the owner does have adequate parking off the laneway.

Commission Comments

Commission members commented this was a good example of a variance that encourages maintenance of a small modest dwelling, and that a future owner could still build a garage if they chose to do so.

A Commission member noted they were not in support of cutting down trees to construct garages that are environmentally unfriendly.

It was moved and seconded to recommend that Council approve DVP00039.

The motion was carried.

None opposed.

d. DP000001 – 1660 Monterey Avenue

To permit construction of a new single family dwelling within the Watercourse Development Permit Area.

D. Jensen commented on the proposed development. Some of the comments were:

- Existing home will be replaced with a new dwelling that meets lot coverage requirements, but it subject to the Watercourses Development Permit Area.
- Environmental assessment was accepted by the Province, but did indicate concern regarding any activity around the driveway that is within the Streamside Protection Development Permit Area. The driveway could be maintained or regraded, but no new construction.
- Trees will need to be protected as construction takes place.

D. McCarthy, applicant, presented the application: Some of the comments were:

- A native plant garden is proposed along the north side of the property, next to the house and driveway. The landscape plan includes a gravel pathway, native plant garden, and retention of the driveway.
- The front north corner of the house is affected by the Streamside Protection Enhancement Area.

Commission Comments

Commission members inquired regarding establishment of the Streamside Protection Enhancement Area (SPEA), and commented the public walkway is close to the applicant's driveway with a hedge blocking the sight lines.

D. McCarthy indicated the SPEA was set at 10 metres, and that the hedge is sited on municipal property and does cause safety concerns.

D. Jensen noted the high water mark is set at the retaining wall bordering the creek.

A Commission member questioned if there would be drainage issues from the runoff going into the creek during construction and if an interceptor drain would be in place.

D. McCarthy advised screening material would be in place during construction to mitigate runoff to the creek.

D. Jensen noted the requirement for a vegetation restoration plan as prepared by a professional, and that the municipality is working with the applicant to make the park side and the owner's property consistent with native vegetation, which is also in support of the Bowker Creek Blueprint.

It was moved and seconded to recommend that Council approve DP000001.

The motion was carried.

None opposed.

The Commission also stated they had encouraged the applicant to develop an appropriate restoration plan for the north boundary of the property in consultation with the Municipality, but did not consider this to be a part of the approval.

e. DP000008 – 3475 Ripon Road

To permit construction of a small boat storage area within the Shorelines Development Permit Area.

T. Taddy excused himself from consideration of the application and left the room.

D. Jensen introduced the proposed development. Some of the comments were:

- Proposing to use a small portion of open water at the northwest portion of the site and fill it in to accommodate for the storage of small boats.
- Filling about 2000 ft² of foreshore with quarry rock and capping it with asphalt.
- A 900 ft² boat ramp will be constructed to launch small non-motorized water craft.
- Overall regrading of the existing boat storage area to improve surface drainage that is diverted to their catchment system.
- An environmental assessment was completed for this site indicating proposed work did not require referral to the Department of Fisheries and Oceans per their guidelines.

D. Best, representing the Yacht Club, presented the proposal. Some of the comments were:

- The Royal Victoria Yacht Club is at capacity and there is demand for kayak and standup paddleboard storage.
- Proposing to use existing tidal grid and cover with quarry rock, cap with asphalt and construct concrete lockblock retaining walls to create storage for dinghies, skiffs, kayaks and other non-motorized watercraft.
- Existing tidal grid has not been used since the 1990's and is considered obsolete.
- A new ramp for hand launching nonmotorized watercraft will be constructed
- The area to be redeveloped is already significantly modified.
- Consultant advised there is limited environmental impact and that the project would likely not harm aquatic life and no Fisheries Act authorization will be required.
- Consultant proposed mitigation measures and they will be implemented.
- The work schedule will be dictated by Fisheries and Oceans allowable periods of construction below the high tide level. The work window is the summer for the daytime low tides.
- One of the OCP objectives is to improve small boat water access.

Commission Comments

Commission members commented on the benefit for increasing small boat access and inquired whether the proposal will alter property within the foreshore lease.

D. Best stated that the area of growing interest is non-motorized small boats.

D. Jensen advised that the proposed development will also require approval from the Province, which is still outstanding.

It was moved and seconded to recommend that Council approve DP000008.

The motion was carried.

B. Holl opposed.

T. Taddy returned to the meeting

f. DP000010 – 3155 Beach Drive

To permit construction of a patio and landscaping within the Shorelines Development Permit Area.

M. Williams, applicant, presented the application. Some of the comments were:

- The property slopes toward the shoreline and they are trying to eliminate runoff into the ocean. Requesting permission to encroach in the SDPA with a small surface area.
- Proposing to remove invasive species, add native plantings as a buffer to the shoreline and create habitat.
- Will protect Garry oak meadows and place fill to create a flatter surface that impedes run off to the ocean. A dry stacked rock wall will be built to protect Garry oak trees and create habitat.
- Different habitats and native plantings are proposed, some of which are non- native and non-invasive but appropriate to the northwest coast and deer resistant.
- An organic lawn will be planted that requires minimal maintenance, is top dressed and composted annually. An irrigation system will ensure the survivability of the plants.
- Fill will be from the existing site. Grade will be raised to lessen drop between the surface of the patio and the current grade.
- Sediment erosion control plan will be in place as the work is being done.

D. Jensen provided information on the proposed development. Some of the comments were:

- Current home is under construction and owners propose to create a large patio at the rear of the property, which encroaches into the Shorelines Development Permit Area 15 metre setback. Staff worked with the applicant that resulted in a modification of the original submission.
- Existing site was not in a naturalized state. The applicant is proposing substantial native species plantings across the site to compensate for intrusion of the patio into the 15 metre setback area. The municipal arborist has indicated placement of the retaining wall must not disturb the critical root zones of the Garry Oak trees.
- The house under construction is exempt from the Development Permit Area.

Commission Comments

A Commission member asked if the applicant had considered siting the home further away from the shoreline so no encroachment would be needed.

M. Williams replied the Parks department requested the house be moved closer to the shoreline in order to protect two Garry oak trees on the property.

A Commission member commented that the proposal is better than what has been on the site in the past, and while it is encroaching, it does preserve and protect the habitat and natural ecological diversity not currently present on the site.

A Commission member recommended the applicant not use geotextile fabric it can create drainage problems in the long term.

Commission members commented that this is a trade-off to ensure the area that is most important, the Shorelines Development Permit Area, is retained in a naturalized state.

It was moved and seconded to recommend that Council approve DP000010.

The motion was carried.

None opposed.

The Commission also stated particular attention be paid to the long term maintenance of the proposed planted area through an appropriate protection mechanism.

g. DP000011 – 1231 / 1237 Beach Drive

To permit construction of a single family dwelling within the Shorelines Development Permit Area.

D. Jensen, introduced the proposed development. Some of the comments were:

- Property also under a subdivision application to realign the interior side lot line.
- Existing house and accessory building at 1231 Beach Drive will be removed and a new home will be constructed.
- Variances are for second storey setback, front lot line setback, and maximum paved surface of the front yard of 1231 Beach Drive.
- Accessory building at 1237 Beach Drive is subject to an interior side lot line variance.
- The proposal is also subject to the Shorelines Development Permit Area (SDPA).
- An environmental assessment was conducted as part of the application and the site is not in a naturalized state. There is an existing retaining wall and the applicant is proposing a new native species garden on the site.
- The proposed landscaping in the front yard for 1231 Beach Drive is for a walkway, driveway and front patio area.

C. Kierulf, applicant, presented the application. Some of the comments were:

- The change to the lot line between the two properties will straighten the lot line. Once approved the existing home and accessory building will be removed.
- The request for a variance to the front yard setback was preferable to intruding further into the Shorelines Development Permit Area.

- Attempting to site the proposed home in almost the same location as the existing house, and proposing native plantings to remediate a portion of the site.
- Flood construction level is 3.96 metres, so mechanical and electrical systems have been located outside of the flood level.
- The environmental assessment report details a native planting list and strategy.
- The view corridor is improved for the neighbours across the street.

P. Lucey, representative for the applicant, advised there is an existing mortar rock wall that physically separates two different shore line zones and suggests water drainage continue to flow into the intertidal zone.

D. Jensen advised that the municipal bylaws require a connection to the stormwater system for residential properties and that the proposed development was recommended for approval by the Advisory Design Panel.

Commission Comments

Commission member inquired about potential flooding, amount of hard surfacing and permeable materials.

D. Jensen advised the Capital Regional District has prepared some sea level rise mapping, which affects the Oak Bay area, that that the applicant is required to provide a geotechnical report that indicates flood construction level to the year 2100.

C. Kjerulf stated the applicant proposes to use pavers, but is unclear whether permeable pavers are exempt from the paves surface requirement. The permeable pavers will be sited on drain rock and not a sand bed.

D. Jensen confirmed the Zoning Bylaw hard surface regulation would include most permeable surface materials, and that the applicant could provide an amended landscape plan that specifically identifies those areas with permeable paved surfaces. The staff report submitted to Council will reference a variance to paved surface.

D. Jensen commented that the Commission could set an agenda item biannually, for example, to discuss regulations that are problematic, and that staff will also be preparing a sustainability checklist.

It was moved and seconded to recommend that Council approve DP000011.

The motion was carried.

None opposed.

9. Next Meeting

The next regular meeting of the APC is scheduled for Tuesday, May 3, 2016.

10. Adjournment

The meeting adjourned at 8:06 pm.