



MINUTES
OAK BAY ADVISORY PLANNING COMMISSION
TUESDAY, JULY 4 2017 AT 5:00 PM
COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE

MEMBERS PRESENT

Andrew Appleton
Rus Collins
Pam Copley
Virginia Holden

Kristina Leach
Patrick Frey
Kris Nichols
Tim Taddy

MEMBERS ABSENT

Michael Low

STAFF PRESENT

Deborah Jensen, Manager of Planning
Krista Mitchell, Building and Planning Clerk

Chris Hyde-Lay, Manager of Park Services
Councillor E. Zhelka

1. Call to Order

The meeting was called to order at 5:03 pm.

2. Adoption of Minutes

It was moved and seconded that the Minutes from June 6, 2017 be adopted as amended.
The motion was carried.
None opposed.

3. Approval of Agenda and Late Items

The agenda was approved as presented with the addition of item 5a.

4. New Business

- a. DVP00066 – 362 Sunset Avenue
To facilitate an addition to an existing single family home.

P. Frey recused himself from the meeting, citing conflict of interest.

D. Jensen gave a brief overview of the application, noting the proposal is to construct a second storey addition at the rear of the home, in keeping with the character of the existing home, but requires a variance for the rear lot line setback.

M. Smith, applicant, and N. Rendell, owner, presented the proposal. Some of the comments were:

- There is an existing single storey portion of the house with a flat roof at the rear of the home, and they propose to expand over that flat roof area.
- Windows and exterior finishes will be sympathetic to the 1912 character home, and for which the addition will also enhance.
- There will be no change to the footprint of the home.
- Encroachment on the setback is at the corner of the home, not the entire house.

Commission Comments

Commission members inquired if the north neighbour had been consulted.

N. Rendell, owner, confirmed the proposal has been discussed with the neighbour.

It was moved and seconded to recommend that Council approve DVP00066.

The motion was carried.

None opposed.

b. DP000017 – 383 King George Terrace

To facilitate landscaping works within the Shorelines Development Permit Area (SDPA).

P. Frey returned to the meeting.

K. Leach recused herself from the meeting, citing conflict of interest.

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

- A development variance permit was approved by Council in February 2017 for new house construction outside of the SDPA 15 metre setback.
- Staff were subsequently made aware of excavation work within the 15 metre SDPA.
- Temporary protection measures have been implemented, including tarping and silt fence installation to minimize any foreshore damage, and an environmental report indicates the recent excavation has not harmed the beach or intertidal zone.
- Owner now working on meeting the guidelines of the DP area.

D. Hamilton, owner, P. Lucey, consultant, and P. de Greeff, consultant, presented the proposed remediation plan. Some of the comments were:

- Misunderstanding by the owner, who understood he could not build in the 15 metre setback area, and was pulling out invasive species.
- Previous owner had landscaped all the way to the beach, including with poured concrete and a staircase.
- Key issues identified by the consultant are erosion and sediment control, and need to protect upper intertidal zones.
- A replanting plan would include activity within a short time frame before September or October, noting they would like to get planting done in July and August before the fall rains begin.

Commission Comments

Commission members advised that, during consideration of the DVP, there was much discussion about the SDPA 15 metre setback and the site has now been stripped down with pretty dramatic excavation of an area that was not to be touched without approval.

Commission members discussed a bond being placed on the property to guarantee remediation, that the restoration plan is adequate but could be improved, and inquired about using stacked dry rock instead of retaining walls and about possible changes in topography.

D. Jensen advised a security deposit will be implemented and that the owner is responsible for all costs respecting mitigation.

P. de Greeff, consultant, noted stacked rock was considered, but preferred the retaining wall as it covers less surface area so will achieve more landscape area, and will not be as infested with invasive species such as weeds and ivy. He also noted the remediation plan is about balancing for the long term.

P. Lucey, consultant, advised the slope remains the same, which is similar to the property to the east, noting the overall site has been excavated down to the lower floor of the house, with a gentle grass walkway leading down to the shoreline.

Commission members commented that public awareness needs to be addressed, suggesting a one page information sheet of responsibilities be given to waterfront property owners, and that protective fencing be installed on sites even if proposed work is not in the SDPA setback area.

A Commission member noted the application is not about landscaping, but about managing the natural shoreline ecology to sustain and maintain species and habitat.

Commission members provided concluding comments, noting:

- There was previous significant disturbance within the SDPA, and remediation and replanting will make the end result better than it was.
- Given thoroughness of consultant's report and landscape plans, support application.
- Would like to see information about the security deposit.

D. Jensen advised a security deposit is calculated based on bylaw and will be required if Council approves the development permit, and that staff will continue to work with the applicant to monitor and ensure works are done within the specified timeline.

It was moved and seconded to recommend that Council approve DP000017.

The motion carried.

None opposed.

- c. ZON PL190 / DP PL191 – 2326 Oak Bay Avenue
To permit a multifamily residential development.

K. Leach returned to the meeting.

R. Collins recused himself from the meeting, citing conflict of interest.

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

- Proposal would rezone property from One Family Residential Use (RS-5) to a new multiple dwelling use (RM) zone.
- Multifamily use along Oak Bay Avenue is supported by OCP policy, however the scale of development is not anticipated by the Zoning Bylaw and a new zone is required.
- Application came before Council in 2014 but was deferred until the OCP was adopted; the application was resubmitted with additional studies, including tree status, and has been under staff review.

K. Colpman, applicant, P. Johannknecht, architect, J. Gye, arborist, gave a presentation of the proposal. Some of the comments were:

- Proposing a 4 storey, LEED certified, 14 unit multifamily residential building with 18 underground parking stalls.
- Site orphaned between two multifamily buildings on a lot the OCP recognizes for multifamily development; site has high walk score and is close to amenities.
- The OCP 0.5% target growth rate is not being obtained.
- Local residents have asked for housing diversity in order to downsize.
- Proposal is to widen the sidewalk, and install a public bench and rooftop gardens.
- Will install new features and landscaped areas that contribute to the streetscape, and retain existing trees and vegetation where possible.
- Building will be solar ready, with innovative heating and hot water systems, and on site rainwater collection, stormwater retention will be installed below parking for irrigation.
- Floor Area Ratio has been reduced from 2.1 to 1.8, with one penthouse removed to allow more privacy and light for north neighbour.
- Shadow study results show that neighbouring properties on the east and west also have an effect on the neighbour to the north.
- Have done thorough investigation of Garry oak tree on neighbouring property to determine extent of root system, would lose all parking stalls if tree retained.
- Building could be constructed without tree removal, but would impact tree by cutting roots; tree canopy is leaning to the west with shallow roots in the first metre of soil.
- Propose replacing the Garry oak tree with a Copper Beech tree of significant size, which would contribute long term to the urban forest.
- Proposing \$10,000 to the urban forest initiative, \$25,000 to neighbouring residents for loss of their tree, and \$5000 to replace the approximately 150 to 180 year old tree.

Commission Comments

Commission members asked for further information with regard to potential zoning, about the maximum size possible for a replacement tree, and whether the existing tree could be saved by reducing underground parking.

D. Jensen advised the proposal could be accommodated through a comprehensive development zone or a multifamily zone.

P. Johannknecht, architect, provided the following comments respecting the Garry oak tree:

- Any multifamily building will destroy tree roots as they are shallow and would be impacted by the foundation, and cantilevering is not feasible; root zone is very large.
- Parking ratio is proposed at 1.2 for a 1.8 FAR.
- Need to think about responsibility and liability if the tree goes into decline.

C. Hyde-Lay commented that without the removal of some parking stalls, the Garry oak would likely not be saved as the critical root zone needs to be protected.

J. Gye, arborist, advised the Garry oak tree has a lot of life expectancy if no development occurs, but would be shortened if the root zone is reduced, noting a replacement tree would adapt to new site conditions and provide 150 year value to urban forest. He also noted the replacement tree would be about 15 years old with 15 cm dbh, but soil volume would be crucial to support new tree.

K. Colpman, applicant, noted that 11 new trees will be added to the site, some of them growing to 30 feet tall.

A Commission member commented that the trees planted above the parking structure will need to be replaced in about 25 years.

Commission members commented this site is the right spot for density as it is close to amenities, on an arterial road and close to transit, and there is an opportunity for reduced parking. They also noted the target market is empty nesters, and suggested the District prepare a strategy on how to bring other housing forms into the community, for example offering incentives to developers for lower priced units, waiving development cost charges.

K. Colpman, owner, advised they are targeting a higher end market for community residents wanting to downsize, but rentals will be allowed in the project.

D. Jensen commented that a housing agreement could be required that would prohibit rental restrictions.

Commission members discussed the community amenity package, noting the proposed amenities included curb extension at the St Patrick Street crosswalk, sidewalk widening onto private land, water feature, extra paving, bench, \$10,000 to the Urban Forest Strategy, and \$25,000 to the Beach Drive – Prospect Place trail upgrade within the proposed Heritage Conservation Area. They also noted the lack of policy regarding community amenity contributions, but recognized their role is to look at overall community vision and whether a proposal is in keeping with the vision of the Official Community Plan.

D. Jensen advised contributions to a specific organization are not considered a community amenity, that it should benefit the community as a whole, and clarified the \$25,000 proposed is specific to the trail upgrade and not the Heritage Conservation Area.

Commission members suggested this proposal will make Oak Bay incrementally less affordable again, that the density seems high, and that other jurisdictions are permitting multifamily developments with no parking and this could potentially retain the tree.

In summary, the Commission members noted the following items for consideration:

- Housing agreement to be placed on title ensuring no rental restrictions.
- If development recommended in its proposed form, tree will not be retained.
- Applicant to continue to work with District staff toward optimal tree replacement where necessary.

A Commission member noted there is a need for more policy to help assess multifamily developments coming forward in the future.

It was moved and seconded to recommend that Council approve ZON PL190 / DP PL191.
The motion was carried.
None opposed.

5. Information Items

a. Oak Bay Marina

D. Jensen relayed information from Warren Jones, Director of Corporate Services with respect to marina uses and the public hearing held May 3, 2017.

Commission members commented the zoning bylaw change was more than a text amendment, and the municipality needs to be transparent and improve the process going forward.

6. Next Meeting

The next regular meeting of the APC is scheduled for Tuesday, September 5, 2017.

7. Adjournment

The meeting was adjourned at 7:52 pm.