



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, FEBRUARY 7, 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  
Virginia Holden

Kristina Leach  
Kris Nichols  
Esther Paterson  
Tim Taddy

**MEMBERS ABSENT**

Michael Low

**STAFF PRESENT**

Deborah Jensen, Manager of Planning  
Roy Thomassen, Director, Building & Planning  
Krista Mitchell, Building and Planning Clerk

**1. Call to Order**

The meeting was called to order at 5:04 pm.

**2. Adoption of Minutes**

It was moved and seconded that the Minutes from January 3, 2017 meeting:

1. be amended as follows:

- a. To include the wording "In response to a question from a member of the Commission regarding traffic planning documents identified in the OCP," in advance of the first paragraph on page 7; and
- b. To include the wording "It was clarified that these documents would be provided to Council and were not typically made available to the Commission." At the end of the first paragraph on page 7; and

2. be adopted as amended.

The motion was carried.  
None opposed.

A discussion ensued with respect to content in the minutes of the January 11, 2017 meeting with regards to the role of staff during the facilitated workshop. A member of the Commission made a point of order with respect to the potential wording of this section of the minutes of the January 11, 2017 meeting. The point of order was well-taken.

### 3. Adoption of Minutes

It was moved and seconded that the Minutes from January 11, 2017 meeting be amended as follows:

1. be amended as follows:
  - a. to include the following wording under item 3.a: “A member of the Commission made a point of order that staff should not participate in Commission discussions other than as a resource in accordance with the *Community Charter* (Section 5) and the *Local Government Act* (Part 14, Section 461 (5)). The point of order was well-taken and staff relocated from the Commission table to the audience during the facilitated workshop”; and
  - b. to correct the spelling of Ms. Paterson’s name.
2. be adopted as amended.

The motion was carried.  
None opposed.

### 4. Approval of Agenda and Late Items

It was moved that the agenda be approved as presented with the addition of the draft checklist for complex applications, to be circulated and discussed by Commission members at a future meeting.

A member of the Commission made a point of order that the chair drafts the agenda, that it is not set until the members adopt the agenda, and that the checklist is proposed to be circulated so the Commission can discuss it at a future date.

There was no second and the motion failed.

It was moved that the agenda be approved as presented with the addition of the Chair’s report titled “Rationale for APC Housing Motions” submitted as an addendum to Item 8 of the Council meeting of January 23, 2017, to be circulated to Commission members.

A discussion ensued with respect to content of the report that had not been circulated to Commission members, and which changes the role and time commitment of Commission members. A member of the Commission further stated that the recommendation approved by Council is in conflict with the mandate of the Advisory Planning Commission, clause 461 of the Local Governance Act and clause 898 of the Community Charter. The point of order was well-taken.

There was no second and the motion failed.

E. Paterson announced she is resigning from the Advisory Planning Commission and will forward her resignation to Council.

E. Paterson left the meeting at 5:22 pm.

It was moved and seconded that the agenda be approved as presented.

## 5. New Business

### a. DVP00026 – 36 Sylvan Lane

To permit construction of an accessory building.

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

- Proposal is to construct a detached garage in front of the existing home to accommodate vehicle parking, which would provide the required covered parking space and adequate room in front of the garage to accommodate on site parking for one vehicle.
- The current driveway is challenging as a car cannot be parked on the site without sitting out over the property line.
- The applicant is requesting a 0 metre setback from the front lot line and staff have concerns with the zero lot line setback and any future works that may happen within the roadway, including tree plantings.
- Variances requested are to front lot line setback, interior side lot line setback, and distance between buildings and structures.

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

- Previous accessory building was removed due to poor condition, and would like to construct another garage close to the house.
- Building the garage in other parts of the lot would result in a too steep driveway, need a second access, or require the removal of two or three trees.
- Proposed design will be used to store collector cars and daily parking.
- No trees will be removed and the adjacent large cedar tree will be unaffected.
- Existing utilities in the roadway are under the paved surface and not the other portion of the boulevard.

### ***Commission Comments***

Commission members expressed concern over the large variance and zero lot line setback, and inquired both as to why the driveway was not constructed to access the rear of the property and the proposed size of the garage.

N. Beattie, applicant, commented that the steep site would require the garage pushed back quite far to make the grade work or else build the garage up, which is expensive. He noted the garage is approximately 550 ft<sup>2</sup>.

Commission members noted the site is sloped and challenging, but inquired whether the garage could be sited on the east side of the property and whether the garage would facilitate aging in place.

N. Beattie, applicant, confirmed that siting the garage on the east portion of the lot would be challenging due to boulevard tree removal for access, tree removal on the site, and loss of parking spaces.

Commission members noted that the applicant could consider other options such as building a one car garage to satisfy covered parking and provide the uncovered parking spot next to the garage, or creating a new entry way and attaching the garage to the house. They also expressed concern over potential impact to trees with the proposed siting.

D. Jensen advised the District arborist had requested a tree protection plan previously, and it has still not been submitted. She also noted that the underground services are on the road, but it was difficult to predict what will happen with Sylvan Lane in the future if the garage was to be built.

N. Beattie confirmed that the owners would provide an arborist report, and that attaching the garage to the home would be very costly.

Commission members noted the applicants are proposing to site the manual door for the garage that would access directly onto public property.

D. Jensen advised the Engineering Department had reviewed the application and had significant concerns around any future works done on the roadway, including infrastructure maintenance and tree plantings, noting the draft urban forest strategy recommends that buildings should not be to zero lot line.

It was moved and seconded to recommend that Council deny DVP00026.

The motion was carried.

None opposed.

b. PL190 / PL191 – 2326 Oak Bay Avenue – Preliminary Review

Zoning amendment and development permit application to permit a multifamily development.

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

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

- Community engagement indicated residents want to downsize in their community and into multifamily buildings.
- The subject property was designated multifamily in the OCP in 2014.
- Two separate traffic studies completed to address visitor parking, which indicates visitor parking would be available on Oak Bay Avenue, in front of the building.
- Community amenities include the building itself, sidewalk widening and extending the sidewalk to the crosswalk, and a public bench.
- Applicant purchased the property to the north, and sold it to owners who are aware of the proposed development.
- The Garry oak tree on the adjacent property will be impacted, so they are looking at urban forest renewal and proposing to replace the oak tree with another the choice of the property owners, provide \$25,000 to the owners for loss of the tree, and \$10,000 to the District of Oak Bay toward the urban forest renewal program.
- Community engagement, including two open houses, indicates that 144 of the 160 homes contacted were in support, and they are meeting with the York development residents on March 6<sup>th</sup>.
- Project represents the best planning that can be done under the OCP.
- Project received preliminary review by the Advisory Design Panel in October 2016 and the applicant, who had minor comments but were overall supportive of the proposal.

P. Johannknecht, architect, gave a presentation of the proposal. Some of the general comments were:

- OCP recognizes the site is appropriate for multifamily buildings, which is currently underutilized and flanked by two RM3 developments, and is an excellent location in relation to the village, reduces the need for cars, walkability is good.
- Will be building to a minimum LEED certification, and will explore higher certification as this supports the concept of sustainable design.
- Reduced overall size of original design by pulling back building and removing one unit.
- 19 underground parking stalls will be accessed from Oak Bay Avenue.
- Advisory Design Panel had positive comments from their preliminary review.
- Will be intensifying plantings on site compared to what is currently there, and suggest a copper beech tree for replacement of the adjacent oak tree.
- Unit sizes include 1 bedroom and den, to 2 bedroom units and a penthouse level.
- Overall design was reduced, and northwest penthouse suite was removed to allow more light for neighbour to the north, setbacks have increased.
- Four level wood frame structure, with rooftop housing fitness area and garden plots.
- Building will be slightly higher than older buildings as market demands higher ceilings.
- ADP suggested wrapping ground level patios at rear, they are exploring this option.

### **Commission Comments**

Commission members inquired about the difference in height between the proposed building and adjacent building to the west, the number of units proposed, and noted that the narrowness of the site makes it challenging.

P. Johannknecht, architect, stated there is an approximate 13 foot height difference as compared to the building to the west, and that they have revised the plan to include 14 residential units with 19 underground parking stalls.

Commission members commented on the possibility of going beyond LEED certification and creating a leadership role of ecological preservation, but noted that could have an impact on unit affordability for families. They also noted that if the project is considered a high end proposal without affordability in the mix, a leadership role needs to be taken with resources used in the building, for example, solar power and stormwater management.

P. Johannknecht commented that all 19 underground parking spaces will have electric charging stations, and that on site stormwater management has not been included as there is not significant soil depth with the underground parking.

R. Collins returned to the meeting at 6:26 pm.

#### c. Zoning Bylaw – General Amendments

D. Jensen, gave a brief description of the five general amendment items that are proposed for the zoning bylaw.

- Add a definition for lot depth.
- Clarify the definition for Structure by adding 'and not limited to'.
- Clarify siting exceptions for eaves within interior side yard setbacks.
- Exempt pedestrian elevators from gross floor area in single family homes from gross floor area calculations to support aging in place.
- Allow filming in parks, with authorization from the Director of Parks.

Commission members asked for more clarification of the definition of structure.

D. Jensen noted the current definition leads to very specific items, which causes additional complexity and confusion.

## 5. Old Business

### a) APC Procedures Manual

D. Jensen distributed the APC Procedures Manual for review.

## 6. Information Items

The Chair commented on the activities leading to her presentation at the January 23, 2017 Council meeting. Some of the comments were:

- APC crafted three motions at their January 11, 2017 meeting that went forward to Council.
- A Council strategic priorities session was held two days after the APC meeting, and Council asked for more information.
- Council requested the Chair present the motions at their January 23, 2017 meeting, with additional information relating to background, context and rationale; the Chair presented to Council, and explained the information reflects previous discussions, survey information, and OCP vision and policies.
- Council had a split vote, but motions are going forward to budget estimates meetings in March or April where Council can determine how to move forward on the motions.
- Council has set no role for APC at this point, and no comments were made to indicate the APC would carry out the housing strategy, but rather that they would encourage the strategy taking place.
- The Chair apologized for any misstep, that she represented the APC in good faith, and would correct any information not considered accurate. The Chair offered to step down as chair should that be the direction of Commission members.

Commission members commented that the Chair should have contacted Commission members prior to the January 23, 2017 meeting as they were being represented, and indicated Concern about Council asking for additional information at a late date that impacts the APC.

Commission members would like to review the rationale for APC housing motions at a future meeting.

## 7. Next Meeting

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

## 8. Adjournment

The meeting adjourned at 6:48 pm.