

DISTRICT OF  
**OAK BAY**

**REPORT TO:** Advisory Planning Commission

**FROM:** Deborah Jensen, Acting Director of Building and Planning

**DATE:** June 26, 2017

**RE:** Development Variance Permit Application (DVP00066)  
RS-5, One Family Residential Use – 362 Sunset Avenue  
Lot 2, Section 22, Victoria District, Plan 13899

## **EXECUTIVE SUMMARY**

The District of Oak Bay is in receipt of a development variance permit application to construct an addition at the rear of an existing home at 362 Sunset Avenue. The proposal requires varying provisions of the District of Oak Bay Zoning Bylaw No. 3531 by relaxing the rear lot line setback to accommodate the second storey addition on the west side of the property.

## BACKGROUND

The District of Oak Bay has received a development variance permit application to construct a second storey addition at the rear of the existing home at 362 Sunset Avenue. The proposal requires varying the provisions of the District of Oak Bay Zoning Bylaw No. 3531 by permitting a variance to the rear lot line setback.

The subject property is designated Established Neighbourhoods under the Official Community Plan and zoned One Family Residential Use (RS-5). The Zoning Bylaw sets out the minimum permitted setback for the rear lot line for principal buildings.

## *Proposed Development*

The approximately 937 m<sup>2</sup> (10,093 ft<sup>2</sup>) subject property is located along the northwest side of Sunset Avenue, south of Beach Drive. A single family dwelling, built in 1912, occupies the site.



The applicant is proposing to upgrade the home by adding additional living space above the main level, while still respecting the character of the existing home. The new addition would not result in any additional building footprint.

#### *Variances Requested*

The development variance permit, as requested, would vary the following section(s) of the Zoning Bylaw:

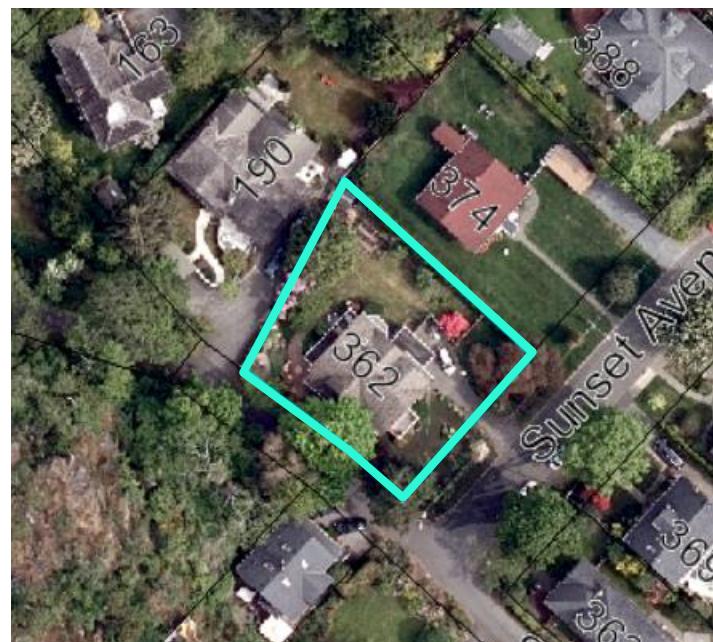
| <b>Zoning Bylaw Section(s)</b>                | <b>Required / Permitted</b> | <b>Requested</b> | <b>Variance</b> |
|---|-----------------------------|------------------|-----------------|
| 6.5.4.(2)(b) Minimum Setback<br>Rear Lot Line | 8.22 m (27 ft)              | 7.20 m (24 ft)   | 1.02 m (3 ft)   |

*Note: Imperial measurements are approximate and provided for convenience only.*

#### **ANALYSIS**

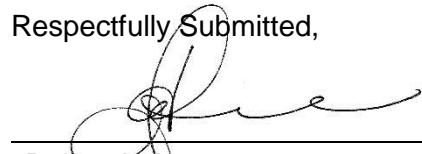
The subject property is located on Sunset Avenue, south of Beach Drive. It is bordered to the north, east and south by single family homes, and by a laneway and parkland to the west. The site slopes up from northeast to southwest, with the existing home slightly lower than the adjacent homes to the south and northwest.

The existing two storey home is located in an area of one to two storey homes. The proposed addition conforms with the maximum permitted floor area for the subject property and all other setbacks. The addition is proposed in a manner that has minimal impact on neighbouring properties, is sited above the existing main level of the home and reflects the character of the home, and does not increase building footprint.



A number of trees are located on the site; however, the District arborist indicates only one large fir tree will require protective fencing during construction. No trees will be removed as a result of this application.

Respectfully Submitted,

  
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Deborah Jensen  
Acting Director of Building and Planning

DISTRICT OF  
**OAK BAY**

**REPORT TO:** Advisory Planning Commission

**FROM:** Deborah Jensen, Acting Director of Building and Planning

**DATE:** June 26, 2017

**RE:** Development Permit Application (DP000017)  
RS-5, One Family Residential Use – 383 King George Terrace  
Lot 22, Section 22, Victoria District, Plan 1048

## EXECUTIVE SUMMARY

The District of Oak Bay is in receipt of a development permit application to undertake remediation and landscaping works along the waterfront at 383 King George Terrace as a result of bylaw enforcement action. Works will include stabilizing the base of the slope using Green Shores program strategies, installing a grassed pathway with adjacent, low retaining walls, and planting a series of terraces down the bank. The proposal is subject to the Shorelines Development Permit Area for environmental protection along the waterfront. No variances are requested.

The subject property is currently designated Established Neighbourhoods under the Official Community Plan and zoned One Family Residential Use (RS-5). Staff have reviewed the proposed development in respect of OCP policies, other District requirements, and context with the surrounding residential neighbourhood. The overall results of this review are contained within this report.

## BACKGROUND

The District of Oak Bay has received a development permit application to remediate and install landscaping works along the waterfront area at 383 King George Terrace. The subject property is designated Established Neighbourhoods and zoned One Family Residential Use (RS-5). It is also located within the Shorelines Development Permit Area (SDPA) as set out in the District of Oak Bay Official Community Plan, which is intended for the protection of the natural environment, its ecosystems and biological diversity. Consideration of a development permit is necessary where structures and landscaping beyond general gardening and yard maintenance activities are proposed.



### ***Proposed Development***

The approximately 899 m<sup>2</sup> (9680 ft<sup>2</sup>) subject property is located on the south side of King George Terrace, near the intersection with Beach Drive. A new single family dwelling is currently under construction, where site preparation has taken place and the foundation has been laid out. The owner has also undertaken works along the waterfront that has altered the vegetation and soil profile. Enforcement action was taken to stop any further work within the Shorelines Development Permit Area (SDPA). At that time, the owner was advised to tarp the affected area and install silt fencing to prevent any further damage to the bank or foreshore.



It was also recommended that an environmental professional be consulted to determine how to remediate the damage that had occurred and restore the landscaping. The site has now been reviewed and analyzed by qualified environmental professionals, a program developed for how to best restore the area, and the applicant proposes to undertake restorative work through comprehensive landscaping and Green Shores strategies for the disturbance that has occurred within the SDPA. Landscaping would include: a patio and lawn area to the rear of the house that is located outside of the SDPA 15 metre setback; a grassed pathway leading from the patio to the ocean with vegetated benches (native species) forming the boundary of that pathway; construction of a number of low retaining walls to minimize slope and reduce soil erosion; and introduction of a transition zone at the toe of the slope that would include a treed edge and large, anchored wood.

### **ANALYSIS**

The 899 m<sup>2</sup> (9680 ft<sup>2</sup>) subject property is located on the south side of King George Terrace, near its intersection with Beach Drive. The rectangular shaped property is bordered to the north, west and east by single family homes, and by the ocean to the south. The site is relatively flat, with the exception of a sloped area leading down to the waterfront. The shoreline itself consists of a steep bank and gravel beach with rocky outcrops found at each end of the bay.

New house construction at this address, as approved by Council through Development Variance Permit DVP00050 in February 2017, will be sited outside of the 15 metre setback of the Shorelines Development Permit Area (SDPA). However, excavation work within the SDPA has significantly altered the landscaping and soil profile of the bank area. Temporary measures including tarping and installation of a silt fence have been put into place to minimize any damage to the foreshore, and a completed environmental assessment indicates that the recent excavation has not harmed the beach or intertidal zone.

The environmental report submitted by the applicant indicates a series of measures to be taken to remediate and improve environmental protection for the affected area, including erosion and sediment control, and revegetation. For example:

- Tarping and silt fence installation have been installed to prevent any further erosion or silt runoff to the foreshore area.
- Confirmation of on site emergency spill kit for equipment.
- Patio area at rear of home to be constructed outside of the 15 metre SDPA setback.
- Shoreline slope to be revegetated and incorporate a mixed grass pathway leading from the patio to the ocean, which will optimize rainwater infiltration and help stabilize slope soils.
- Plantings to include a mix of native species and trees that will achieve a 35% tree canopy cover as per the Urban Forest Strategy recommendations.
- Incorporate a series of low retaining walls that will reduce potential for soil erosion, increase available planting surface, and reduce potential for soil erosion.
- Introduce a transition zone at the toe of the slope that would include a treed edge and large, anchored wood potentially utilizing existing concrete buttresses. This would incorporate strategies of the Green Shores program, which has been designed to protect shoreline erosion through natural, shore friendly practices.

The Official Community Plan recognizes the importance of the natural environment, and specifically sets out objectives to restore native ecosystems, promote environmental stewardship on private property, conserve and manage the shoreline to protect its environmental integrity, and encourage green space and gardens on private property.

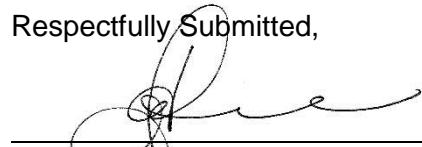
A review of the application as it pertains to guidelines set out in the SDPA results in the following:

- Subject area is not in a naturalized condition. The property had undergone significant disturbance, including pathways and landscaping that introduced ornamental plants and invasive species. Excavation work has subsequently removed all vegetation from within the 15.0 metre setback area. The proposal to reinforce the bank through a series of terraces planted with native species, and a sloped grass pathway would further OCP policies to support environmental restoration and enhancement.
- Stabilize the shoreline to manage erosion. The environmental report indicates planted terraces and introduction of Green Shores strategies will help to mitigate erosion of both the bank area and the toe of the slope along the gravel beach.
- Guidelines recommend siting uses in areas outside the SDPA where available, or consider siting of buildings and structures within the 15.0 m (50 ft) where the development is supported by a qualified professional. The previously approved development variance permit allowed house and patio construction to occur outside of the 15.0 metre setback. The applicant has provided an environmental report, completed by a qualified professional, which indicates no further development of buildings and structures within the 15.0 metre SDPA setback.
- Where there is significant disturbance within the Shorelines Development Permit Area, restore and enhance the vegetation per a vegetation restoration plan. A landscaping plan prepared by the qualified environmental professional indicates the proposed planting activity for the area to the rear of the home. Ideally this work will take place during the summer months to give the vegetation an opportunity to establish itself before becoming dormant for the winter. Detailed information will also be required for works at the toe of the slope, as per the Green Shores program.

- Avoid or minimize filling, deposit, excavation, shoreline hardening or other disturbance within the Shorelines DPA. Significant disturbance of the SDPA has already occurred. Mitigation strategies are now proposed to remediate this damage, including a more sensitive approach to shoreline stabilization through vegetation enhancement and natural hardening treatments. These works will require supervision by qualified environmental professionals and will include on site design of the toe of slope and placing the large wood during high tide, manually placing concrete, and planting vegetation.

With its location in an environmentally sensitive area, staff will be recommending conditions be placed on the development permit to ensure appropriate protection strategies are adhered to during construction. The District of Oak Bay will also require a security deposit, the amount to be determined based upon the value of proposed works, to be held for correction of any further damage to the environment should it occur.

Respectfully Submitted,



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Deborah Jensen  
Acting Director of Building and Planning

DISTRICT OF  
**OAK BAY**

**REPORT TO:** Advisory Planning Commission

**FROM:** Deborah Jensen, Acting Director of Building and Planning

**DATE:** June 23, 2017

**RE:** Zoning Amendment (ZON PL190)  
Development Permit (DP PL191)  
2326 Oak Bay Avenue

## EXECUTIVE SUMMARY

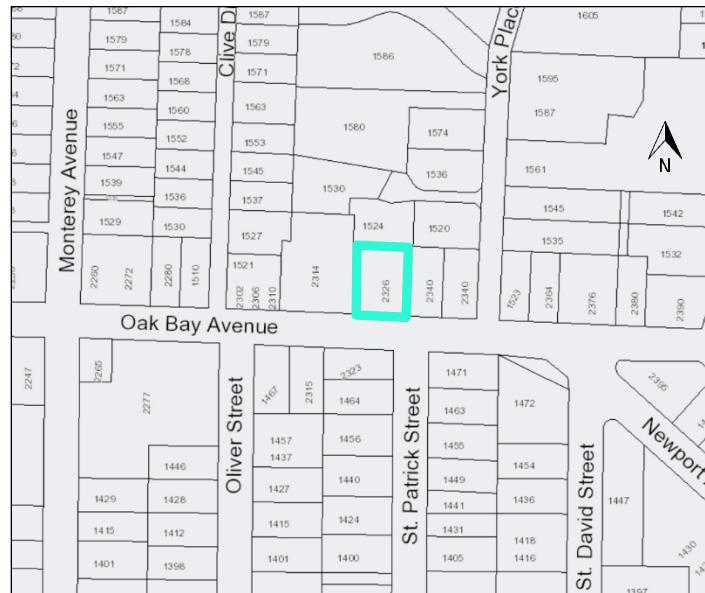
The District of Oak Bay is in receipt of zoning amendment and development permit applications to construct a multifamily development at 2326 Oak Bay Avenue. The proposed development would rezone the property from One Family Residential Use (RS-5) to a new multiple dwelling use (RM) zone. The proposed multifamily use along Oak Bay Avenue is supported by Official Community Plan policies, however the scale of development is not anticipated by Zoning Bylaw No. 3531 and a new zone is required.

Located along Oak Bay Avenue, near the village core, the site is currently occupied by a single family home. The proposed development would entail the removal of this home and constructing a new multifamily building.

Staff have reviewed the proposed development in respect of OCP policies, other District requirements, and context with the surrounding residential neighbourhood. The overall results of this review are contained within this report.

## BACKGROUND

The District of Oak Bay has received rezoning and development permit applications to permit a multifamily residential development. The rezoning application would rezone the subject area from One Family Residential Use (RS-5) to a new multiple dwelling (RM) zone. The development permit application would set out the form and character of the proposed building.



The characteristics of the subject area are as noted below:

| <b>Subject Property</b> |  |
|-------------------------|--|
| Current OCP Designation | Multi Unit Residential                         |
| Current Zone            | One Family Residential Use (RS-5)              |
| Proposed Zone           | Multi Family Use                               |
| Current Use             | Single Family Residential                      |
| Proposed Use            | Multi Family Residential                       |
| Location                | Oak Bay Avenue – 36 Metres West of York Place  |
| Lot Size                | 983.6 m <sup>2</sup> (10,587 ft <sup>2</sup> ) |

The site is located along Oak Bay Avenue, and is surrounded by a mix of uses including single family homes and multifamily developments. A single family home currently occupies the site.

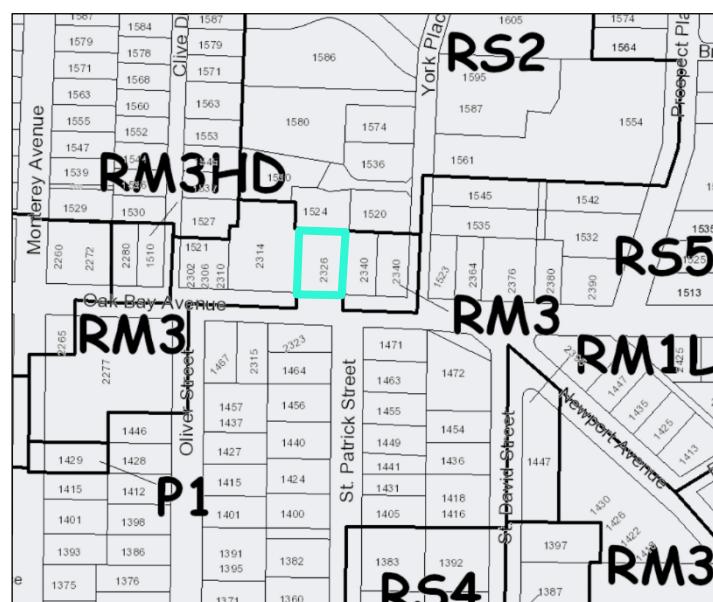
The proposed development was originally submitted in February 2014. At that time, Council directed the application be deferred until the Official Community Plan (OCP) was adopted. The application was resubmitted in early 2016 following adoption of the OCP, and has been undergoing staff review. The applicant has also been undertaking additional studies, particularly with respect to tree status.

### **Official Community Plan**

The subject area is designated Multi Unit Residential through the Official Community Plan (OCP). The Multi Unit Residential designation supports an expansion of housing units while still addressing concerns such as tree protection, parking, traffic, noise, effects on other properties, and neighbourhood character. Policies for this land use designation specifically encourage increases in the number of housing units through redevelopment projects with parking provided below grade or underground.

### **Proposed Development and Rezoning**

The applicant proposes to rezone the subject area in order to construct a five storey multifamily development. In addition to 4 levels of residential units, the building would also incorporate a partial fifth storey with fitness room and rooftop terrace, and an underground parkade. A total of 14 multifamily residential units are proposed, with pedestrian and underground parking accessed from Oak Bay Avenue.



is in keeping with the site's proximity to the village and meets the policies of the Official Community Plan.

The proposed development presents the following characteristics:

| <b>Lot Characteristics</b> |   |
|----------------------------|---|
| Total Lot Size             | 983.6 m <sup>2</sup> (10,587 ft <sup>2</sup> )  |
| Use(s)                     | Multifamily Dwellings, Underground Parkade  |
| Number of Units            | 14 Residential Units  |
| Unit Sizes                 | 1 and 2 Bedroom Units<br><i>Sizes Ranging From 67 m<sup>2</sup> (720 ft<sup>2</sup>) to 80 m<sup>2</sup> (860 ft<sup>2</sup>)</i> |
| Floor Area Ratio           | 1.8   |
| Lot Coverage               | 50.4%   |
| Building Height            | 15.7 m (51 ft) – 5 Storeys  |
| On Site Parking            | 18 – Residential Parking Stalls<br>0 – Visitor Parking Stall<br>10 – Bicycle Parking Stalls                                       |
| Access                     | Oak Bay Avenue  |

A development permit application to address form and character is running concurrently with the rezoning application. The contemporary design of the building is intended to meet LEED certification and includes a mix of vertical cedar siding and stucco, with vertical metal panels, concrete and stacked bond brick accenting the structure. Should the rezoning application be approved, the development permit application will be brought forward to Council for consideration of approval.

## ANALYSIS

The Official Community Plan (OCP) land use designation sets a vision for the subject area, and with the existing use is currently underutilized. The introduction of 14 dwelling units provides for increased housing units in the neighbourhood, with a mix of unit types and sizes, which satisfies multiple OCP policies.

The proposed development represents a residential density of 142 units per hectare, with a total floor area ratio (FAR) of 1.8. This exceeds the FAR of any existing multifamily zone but with no specific density or height ranges attributed to the OCP land use designations, the proposed development is not inconsistent with OCP policy.

As part of the overall analysis of the project, staff have reviewed the proposed development in



context with the surrounding properties. The proposed use is in keeping with other multifamily developments along Oak Bay Avenue, and the contemporary style and proposed setback is reminiscent of the new Clive development. There is a certain lack of transition, however, between the proposed building and the one single family home to the north.

The Parking Facilities Bylaw, 1986 sets out the minimum number of parking spaces required for any given use located within the Oak Bay community. The development as proposed in a similar zone would require a total of 32 parking spaces, 28 for the residential use and 4 for visitor parking. The applicant is proposing a total of 18 parking spaces. On street parking currently accommodates three vehicles along Oak Bay Avenue. With the proposed curb extension and access to the underground parkade, it is anticipated on street parking will be reduced to one parking stall. Should the rezoning application be approved, a development variance permit will be required to address the parking variance.

As outlined in section 4.1.2 of the OCP, community amenity contributions should be considered in context of the proposed development and may include items such as affordable housing, protection of large trees or natural features, public art, attractive paving, street trees and site furniture, and sidewalk, trail, path, road or bike route improvements. The applicant is proposing a number of community amenities. Those directly attributable to the site include providing housing suitable for seniors, a rental allowance, paving, and a water feature. Within the public realm includes a curb extension for the nearby crosswalk, sidewalk improvements, and a public bench. Cost of these off site works is estimated at \$76,500. In addition, the applicant is also proposing to contribute \$10,000 toward the Urban Forest Strategy implementation and \$25,000 toward an upgrade of a beach access route from Prospect Place to Beach Drive (within the proposed heritage conservation area). The applicant estimates total cost of all amenities at \$194,500.

Additional works and services will also be required to proceed with the proposed development, including any necessary upgrades to infrastructure, sidewalks and road.

Tree reports prepared by LADR Landscape Architects and Talbot Mackenzie indicate a total of 13 unprotected trees will be removed from the site, and will be replaced with eight deciduous and three coniferous trees. This would produce an approximate 33% tree canopy cover in 30 to 40 years. The Talbot report addressed the 110 cm dbh Garry oak tree located on the neighbouring property, suggesting the canopy and critical root zone spreads to the subject property. Further analysis by Gye + Associates indicates this mature tree has an asymmetric crown and substantial root zone utilizing the subject property. Overall health of the tree is good and is rated as having low to moderate probability of partial or entire tree failure as it exists today. With the proposed development, that risk moves to moderate to high.

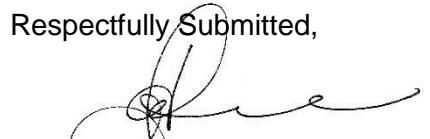
The municipal arborist and Parks Department have been involved with the review of the Garry oak tree and indicates the tree has a large branch growing to the west that would come into direct contact with the proposed building. In addition, excavation for the underground parkade would directly impact the protected root zone. There may be some opportunity to mitigate potential impact to the tree by reducing the size of the parkade and removing approximately five parking spaces, noting that Garry oaks can be resilient and adapt to construction within their root zone.

The application was presented for preliminary review at the October 4, 2016 meeting of the Advisory Design Panel and the February 7, 2017 meeting of the Advisory Planning Commission. Modifications to the proposal were suggested at the time, including reducing parking spaces to encourage retention of the tree, going beyond LEED certification for ecological preservation in exchange for a lack of affordability, narrowing the parking ramp width, utilizing one of the at grade

units as a townhouse unit with individual access, and wrapping north ground floor units to allow for additional light. Some modifications were subsequently made to the design to address these concerns, including wrapping of the north ground floor units to the sides of the building.

The Design Panel subsequently reviewed the application at their meeting of June 6, 2017 and indicated the project achieves many of the OCP objectives and is a good example of a good building on a restrained site. The Panel noted the challenge of the site given the neighbouring Garry oak tree. Overall the Panel was supportive of the proposed development, indicating the design of the building was well handled, the streetscape was respected, and the rooftop garden and hard landscaping were well designed.

Respectfully Submitted,



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Deborah Jensen  
Acting Director of Building and Planning