



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, JUNE 5 2018 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Andrew Appleton  
Pam Copley  
Patrick Frey  
Virginia Holden

Kristina Leach  
Michael Low  
Kris Nichols  
Tim Taddy

**MEMBERS ABSENT**

n/a

**STAFF PRESENT**

Deborah Jensen, Acting Director of Building and Planning  
Krista Mitchell, Building and Planning Clerk

**1. Call to Order**

The meeting was called to order at 5:00 pm.

**2. Adoption of Minutes from April 3, 2018**

It was moved and seconded that the minutes from April 3, 2018 be adopted.

The motion was carried.  
None opposed.

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

The agenda was approved as amended (Heritage Commission update)

**4. New Business**

a. DP000019 – 1159 Beach Drive

To permit patio construction within the Shorelines Development Permit Area (SDPA).

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

- As a result of bylaw enforcement action for works along the shoreline at Hampshire House, the applicant is requesting to retain the constructed patio and install some additional native plantings at the rear of the building that is located inside the Shorelines Development Permit Area 15 metre setback.
- Applicant has consulted with environmental professional to enhance the work that was already completed in an area that was not previously in a naturalized condition.
- Applicant proposing to plant approximately 57 ft<sup>2</sup> of previously hard packed landscape, and retain a second low wall installed at the top of the bank.

M. Rogerson, applicant, commented they were not aware of the Shorelines Development Permit Area, and the original patio area was overgrown with invasive weeds, was suffering from erosion, and was a safety hazard. He also noted the new wall is sited 1.6 metres back from the existing retaining wall.

### **Commission Comments**

Commission members confirmed the patio materials consist of semi permeable, concrete pavers on top of existing gravel, and asked how the project enhances diversity and habitat along the shoreline.

J. Sector, environmental consultant, stated in his opinion, the project has benefited the environment by removing invasive plants, improving drainage and aesthetics, and minimizing further erosion. He also noted the new surface is located on bedrock, that nothing of value is destroyed, and that the works and plantings have been an improvement for small critters.

Commission members commented that the cinder block wall presents a physical, visual and psychological barrier from the public beach, and the works are not in keeping with the intent of Green Shores guidelines. Members also noted that a staggered wall with plantings is better for the environment than a straight wall on solid rock, that the choice of design and patio materials is concerning, and questioned whether the works meet the Development Permit Area guidelines.

J. Sector, environmental consultant, stated in his opinion, the works do not interfere with the function and structure of the shore ecosystems, and that the works are on the land side of the natural boundary.

Commission members noted they were not in favour of recommending the application be approved as they were not satisfied the works, as built, conform to the objectives of the Shorelines Development Permit Area.

It was moved and seconded to recommend that Council deny DP000019.

The motion was carried.

V. Holden opposed.

D. Jensen noted the applicant does have an opportunity to work with staff to modify the application before proceeding to Council.

b. DP000021 – 43 Maquinna Street

To permit stabilization and enhancement of a steep slope within the Shorelines Development Permit Area.

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

- Application due to the oceanfront bank undergoing erosion and presence of invasive species, and a qualified environmental professional was retained to determine best way to remediate and restore the site.
- Proposed works include stabilizing the slope using Green Shores strategies, terracing the slope and creating natural spacing with large boulders, removing invasive species and replacing with native plants and other landscaping.

L. May, landscape architect, gave a summary of the proposed design. Some of the comments were:

- Native plantings will follow a natural drift to stabilize the soil and look organic.

- Drought tolerant plants will be used, with approximately 90% of plantings being native species, and with staggered boulders placed on the slope to reinforce the bank.
- M. Thompson, applicant, commented that stability of multiple stacking boulders is an issue, so the staggered boulders will be placed on the shoreline to disorganize the water. The property is in a depositional environment and the staggered rock allows sediments to settle in. A retaining wall would create more scallop, and the erosion and deposition on the site is also due to non-native vegetation, such as ivy as it does not retain soil.

### ***Commission Comments***

Commission members inquired if neighbouring property owners have been consulted as to the plan to stabilize the shoreline and manage erosion, and noted the erosion needs to be addressed. Commission members also inquired as to the boat house and retaining wall, noting that the structures have been in place since the 1950s and are located below the high water mark.

L. May and M. Johnson, applicants, commented that some neighbours have already done work to stabilize the shoreline and manage erosion on the shoreline side of their homes, and suggested the municipal storm drain next to the property would benefit from boulders being placed in front of the storm drain.

D. Jensen advised she would discuss potential works with the Engineering Department.

L. May, applicant, advised the works would not be below the high water mark.

Commission members commented that this is an excellent opportunity to look at an evaluative process going forward for owners of shoreline properties, and encouraged the applicant to remove the concrete retaining wall as it is not consistent with Official Community Plan policies.

It was moved and seconded to recommend that Council approve DP000021.

The motion was carried.  
None opposed.

It was moved and seconded to recommend that the Engineering Department investigate whether remediation work can be done around the drain pipe next to 43 Maquinna Street, which is currently inconsistent with the proposed environmental design, and that staff work with senior agencies and the owner to remove the retaining wall near the boat house.

The motion was carried.  
None opposed.

It was moved and seconded that the Commission recommend to Council that the site at 43 Maquinna Street be used as an opportunity for the Engineering Department to monitor and evaluate over a three to five year period, and model as a Green Shores project, for evaluation and communication of the long term sustainability of the topography to reach desired outcomes.

The motion was carried.  
None opposed.

Commission members noted that the presence of the retaining wall and boat house may have an impact on how well the project succeeds.

## 5. Information Items

### a. Heritage Conservation Area Working Group Update

P. Frey advised the Working Group is meeting weekly and targeting completing the report.

### b. Heritage Commission Update

A. Appleton reported that he attended the Heritage Commission meeting, noting that much of the discussion was around the application for demolition of 599 Island Road, which the Heritage Commission recommended against.

### c. APC Membership

D. Jensen commented that appointments to the Advisory Planning Commission would likely occur as part of the regular appointment cycle.

### d. In House Training

V. Holden will lead a session on affordable housing initiatives, BC policy and programs.

### e. Policies / Procedures – Procedures Manual Checklist

Commission members commented that the intent of the checklist is to deal with each application in a similar manner, and is meant as a high level summary to ensure consistency and communication to Council.

D. Jensen noted that draft minutes could proceed to Council at the same time as applications reviewed by the Commission, that the checklist could also be included, and that a draft checklist will be brought forward at the next Commission meeting.

### f. Building and Planning

D. Jensen advised that the District will be undertaking public consultation on the BC Energy Step Code, which has been implemented by the Province.

K. Nichols departed at 7:19 pm.

## 6. Information Items

None

## 7. Next Meeting

The next regular meeting of the APC is scheduled for Tuesday, July 3, 2018.

## 8. Adjournment

The meeting was adjourned at 7:20 pm.