



MEMO

2012-339

TO: Committee of the Whole
FROM: Director of Engineering Services
DATE: November 28, 2012
RE: Pavement Management System (PMS) Report and Findings

BACKGROUND

The Engineering Department received approval from Council to undertake a detailed assessment of all the municipal roads using a consultant experienced in this field of study.

DISCUSSION

EBA Engineering Consultants Ltd. from Vancouver was awarded the contract to assess all of the municipal roads using laser pick-up methods as well as on-site visual observations conducted by trained staff. The data was then compiled and processed by means of computer software to graduate and assess the various characteristics of the municipal pavement surfaces and underlying base. The compilation of the work is summarized in Attachment #1 of this memo. Specialists from EBA will be in attendance at the December 3, 2012 Committee of the Whole meeting to deliver a power-point presentation, explain the process and answer any questions from the Committee.

RECOMMENDATION

That Committee of the Whole receives this report as information.

D. Marshall B.Sc., A.Sc.T.
Director of Engineering Services



MEMO

2012-340

TO: Committee of the Whole
FROM: Director of Engineering Services
DATE: November 28, 2012
RE: Request to Relocate Overhead Electrical
Cables Underground

BACKGROUND

Over the years, the Municipality has received requests to 'underground' overhead electrical cables. These types of requests are on-going and the purpose of this report is to provide the Committee with a recommended response to such requests.

DISCUSSION

In the case of requests to bury overhead cables, the Engineering Department has operated under the general procedures as outlined in the April 17, 2008 report to Committee of the Whole (Attachment #2). As a result of some recent requests for undergrounding of cables, staff contacted BC Hydro to obtain its current position on the subject. The response from BC Hydro accompanies this memo as Attachments 1 and 1A. It is clear that the position taken by the Municipality in 2008 is consistent with BC Hydro's position today.

RECOMMENDATION

That Committee recommend to Council to support the current policy which is reflected in BC Hydro's letter dated October 19, 2012 (Attachment 1) including a non-refundable deposit to cover any municipal Engineering Department staff time related to the proposed project.

D. Marshall B.Sc., A.Sc.T.
Director of Engineering Services



MEMO

2012-341

TO: Committee of the Whole
FROM: Director of Engineering Services
DATE: November 28, 2012
RE: Request to Allow a Taxi Stand at Police Post on Oak Bay Avenue

BACKGROUND

The Municipality has received a request from the Oak Bay Business Improvement Association and Mr. Owen Brandon to designate the existing police post on Oak Bay Avenue adjacent to the Oak Bay Municipal Hall as a taxi stand as well to facilitate the drop-off and pick-up of village passengers.

DISCUSSION

The current police post is occasionally used by police. There are times when it is free. Dual use of this space will increase the usage efficiency. However, there may be conflicts in the future between police and taxis using this space. The Oak Bay Police Chief has expressed no concerns with allowing a taxi stand in the same location as the police post. It should be noted that use of the space would be on a first come first served basis (ie. there would be no obligation on the part of a driver of a taxi or Police Department vehicle to move for the other should the space be occupied).

RECOMMENDATION

That staff be directed to bring forward a Traffic Control Order to implement a taxi stand at the same location as the Police Post on Oak Bay Avenue.

D. Marshall B.Sc., A.Sc.T.
Director of Engineering Services

2012-342

MEMO



TO: Committee of the Whole
FROM: Director of Engineering Services
DATE: November 28, 2012
RE: New Traffic Signage in the Vicinity of Oak Bay Beach Hotel

BACKGROUND

The new Oak Bay Beach Hotel has partly opened. Before the construction, some temporary traffic signs were installed to accommodate construction activities and a new parking bay was built on Beach Drive adjacent to the Hotel.

DISCUSSION

As a result of the construction of the hotel and the parking bay, some changes in signage are required, as shown on the attached plan. However, the only change that requires Council approval is the proposal to implement a 15 minute limited time parking zone adjacent to the hotel in the new parking bay. This request has arisen from the owners of the Hotel in anticipation of high turnover of vehicles stopping briefly to access the café.

RECOMMENDATION

That it be recommended to Council that a traffic control order to implement a 15 minute limited time parking zone in the parking bay adjacent to the Oak Bay Beach Hotel be brought forward for consideration.

A handwritten signature in black ink, appearing to read "D. Marshall", is located in the bottom right area of the page.

D. Marshall B.Sc., A.Sc.T.
Director of Engineering Services

2012-343

TO: Committee of the Whole

DATE: November 15, 2012

FROM: Director of Building and Planning

SUBJECT: Gross Floor Area Regulations Review – RS-4 and RS-5 Zones

Background

The Director of Building and Planning drew concerns to Council regarding gross floor area and small lots, based on the fixed floor area amount that was adopted in 2007. The issues at the time that provoked Zoning Bylaw amendments pertained to “monster houses” and basements with low ceiling heights, which were counted as floor area when the basement height was higher than 1.2 meters. This issue arose again when a development on Monterey Avenue for a new house began construction, and even though this lot is not a small lot at 9000 square feet, massing concerns were raised by residents.

Discussion

Prior to 1990, floor area ratio (gross floor area of all buildings divided by the area of the lot) was set at a ratio of 0.5 to 1 which produced buildings which were felt to be contextually inappropriate relative to the neighborhood. At that time, Council’s Committee ‘A’ recommended that the floor area ratio be changed to 0.4 to 1, which was proven to be a reasonable correction.

In many older homes, the lower floor (basement) was designed as a storage and service area. These basement storage areas count as part of the permitted total floor area depending on the depth in the ground of the basement floor. Many homeowners have enhanced the usability of their homes by lowering the floor or raising the home to improve the ceiling heights of these basements.

The clear height for basements to be developed has been lowered since 2008 to 2.0 meters (6’ 7”). With this change, developing basements has been made easier. Rather than raising a home or digging the basement floor lower to achieve livable space, the majority of homes can now simply raise the support beams in the basement into the floor system at a substantially reduced cost. This has resulted in basements that were previously too low for development now being able to be developed into recreation rooms and bedrooms. This change has produced benefits to owners wanting to develop a basement which previously could not be developed.

In 1993, Committee ‘A’ recommended a conditional augmentation of density relative to the area and depth of the floor area below grade, and this formula addressed concern for homes with low basements. The augmentation was for existing construction built prior to January 1, 1993. This special consideration for existing construction provided further opportunity to increase the floor area of a dwelling - essentially the augmentation permitted an increase in floor area based on a formula that depended on area and the depth of a floor below grade.

Committee ‘A’ at the time observed that with any regulation there was likely to be anomalies. The key question was what impact any changes to the Zoning Bylaw would have on the bulk of houses. While the Zoning Bylaw might impact negatively on the amount of living space available to residents due to undevelopable basements, its primary focus must be the protection of neighborhood streetscapes.

Committee 'A' reviewed other measures which restrict the size and mass of a house, such as lot coverage, building height and setbacks, and noted that floor area ratio was an important part of this calculation.

In 2005, the Floor Area Ratio Review (FAR) Committee was formed by Council, and the Committee was tasked with proposing changes to the Zoning Bylaw to address the issue of under height basements that are not usable under the BC Building Code but are counted as floor area in the Zoning Bylaw. In 2006, the FAR Committee was also tasked with addressing what was considered "monster homes" which arose when a large two storey home was being constructed in a neighborhood of generally one storey homes with basement.

The FAR Committee considered lot coverage, setbacks and height limitations as adequate controls on massing and thought that the FAR control was a redundant factor. With that in mind, the resulting Zoning Bylaw changes involved elimination of the 0.4 to 1 Floor Area Ratio for lots in both the RS-4 and RS-5 zones. This ratio was replaced with a fixed maximum gross floor area permitted for each of the two zones, depending on the lot size. This fixed gross floor area was also removed from the definition of density which permitted Council the opportunity to vary the maximum allowable floor areas through a Development Variance Permit application process.

The number of Development Variance Permit (DVP) applications has increased by approximately 500% since the Zoning Bylaw was amended in 2007 to change to a fixed gross floor area. Of these DVP applications, approximately 96 to 97% received approval. This is not to say that all DVP applications involve floor area variances, but when the approval rate is that high it fosters further applications for variances to the Bylaw. Council has identified a review of its bylaws as one of its top priority items and this report deals with the bylaw regulations for gross floor area for single family residential properties.

This now leads us into the discussion at hand and we must keep in mind reasons the Zoning Bylaw has received amendments in 1990, 1993 and 2007. The two main issues are "monster homes" and "basement floor areas counted in gross floor areas" when further development is contemplated by owners.

Interestingly, when we look at the two dwellings that have been identified by residents as monster homes, both of these dwellings involved large atrium spaces which are exempt from calculation of gross floor area. The home in 2006 (monster home) had approximately 700 sq. ft. of atrium space not counted in floor area which is approximately 33% of the top floor area. If the atrium space had been counted in the floor area, a substantial design change would have reduced the massing of this dwelling. The home that raised an issue in 2012 involved an atrium space accounting for approximately 14% of the top floor area. This is not to say that all homes with atrium spaces are monster homes; however, these spaces add to the overall massing of the dwelling and are not counted as floor area.

Option #1: To tighten control and clarify what is counted as floor area, consideration should be given to changing the definition of gross floor area to include these void spaces such as atriums in the calculation of what is floor area.

Large homes on small lots have also been a problem with the fixed floor area limit currently in the Zoning Bylaw for the RS-4 and RS-5 zones. This could be exacerbated by small lots in the RS-4 zone which are permitted a larger gross floor area than in the RS-5 zone but the lot size is small.

The following table shows what the current Zoning Bylaw permits:

	Lot Size	Fixed Floor Areas Permitted *	FAR
RS-5	400m ²	240m ² / 360 m ²	.60
	500 m ² (small)	240m ² / 360 m ²	.48
	600 m ²	240 m ² /360 m ²	.40
	≤ 750 m ²	240 m ² /360 m ²	.32
	> 750 m ²	300 m ² /420 m ²	.40 or less
RS-4	400 m ²	300 m ² / 420 m ²	.75
	500m ² (small)	300 m ² / 420 m ²	.60
	600 m ²	300m ² /420 m ²	.50
	750m ²	300 m ² / 420 m ²	.40
	≤ 1100 m ²	300 m ² /420 m ²	.27
	> 1100 m ²	360 m ² / 480 m ²	.33 or less

* The second figure is the overall maximum. The first figure is for anything higher than 0.8 metres below grade.

From the above table, one can see that as the lot reduces in size, the permitted Floor Area Ratio (gross floor area divided by lot area) increases – based on a fixed gross floor area. In the RS-5 zone, an owner with a lot size of 750 m² is allowed the same floor area as an owner with a lot size of 400 m². Similarly, in the RS-4 zone, an owner with a lot size of 1100m² is allowed the same floor area as an owner with a lot size of 400 m². This comparison clearly shows that there is an inequality in the amount of floor area permitted based on the size of the lot. Overall, large massing and larger floor areas for small lots are not consistent with maintaining neighborhood streetscapes.

Option #2: An option to correct this situation for the RS-5 zone would be to introduce another fixed floor area limit for smaller lots. For example, lots less than 550m² could be permitted a fixed floor area of 180m²/ 260m².

Option #3: For the RS-4 zone, it could be stated that for lots less than 750m² the regulations of Zone RS-5 shall apply. This would essentially apply the RS-5 zone floor area maximums to smaller RS-4 zoned properties.

When the fixed floor area amounts were introduced into the Zoning Bylaw in 2007, accessory buildings were excluded from floor area calculations. The previous Zoning Bylaw calculated floor area as a ratio to land, for all buildings. In other words, the FAR was set at .4 to 1 which included floor areas of all buildings, principal and accessory, on the property. The floor area ratio method had been used successfully for twenty years prior to the change to fixed floor area in 2007.

Removal of accessory buildings as part of the gross floor area occurred with the Bylaw changes in 2007. Coupled with a lot coverage increase for accessory buildings in 2009 (approximate size permitted 475 ft²), this has increased the amount of development permitted on a given lot. **Please note that the above table showing fixed floor area limits for various size lots does not include accessory buildings that would also be permitted.**

Option #4: Add a clause that states the gross floor area is for the total of all buildings.

A request from community members received by Council was to revert back to the Zoning Bylaw requirements prior to 2007 which involved a Floor Area Ratio. In terms of determining limits of massing and density of a particular property, FAR is used by the majority of municipalities in British Columbia. This is the fairest and most equitable method for owners, as it is a ratio to land formula and is the same for all single family properties. A Zoning Bylaw amendment cannot be created that will not produce some anomalies for certain properties as it will never address all scenarios. We should be looking to produce a Bylaw that minimizes non-compliance and produces the desired result of maintaining streetscapes.

Option #5: Reintroduce the floor area ratio for the RS-4 and RS-5 zones at .4 to 1 ratio as it was in 2006.

Option #6: Introduce an 'Above Ground Formula' which is an improvement over the augmentation formula previously used to increase floor area in homes created not later than January 1, 1993. Include for these homes built prior to 1993 a Floor Area Ratio cap at .5 to 1, as density above this ratio would be undesirable for continuity of streetscapes.

Prior to 2007, the floor area ratio method worked quite well for the community with the 1993 introduction of a formula that permitted an augmentation to the floor area. This formula based the amount of additional floor area that would be permitted on how deep the basement floor was in the ground. Essentially, the greater the depth of a basement floor in the ground, the higher the increase in the augmented floor area amount permitted. This formula was used to permit additional floor area where owners had basements that were under height for development based on the BC Building Code requirement for height at 2.1 meters (6'-11").

One option that was proposed in 2006 involved an "above ground" formula to address further development when a basement floor level was less than one meter below grade, replacing the augmentation formula that was previously used. The "above ground" formula was based on the size of existing lower floor level, the height of the main floor above grade and a lot size factor. The product of this formula resulted in an amount of floor area that was exempt from the calculation of floor area ratio. In other words, if a basement is less than one meter below grade, the above ground formula produces an amount which would not be used in the calculation of the building's floor area ratio, allowing for further development.

The report of May 2006 from the Municipal Administrator at the time demonstrated the concept of the "Above Ground" method in 50 different scenarios which seemed to work quite well. The summary of the test examples is attached as Appendix 'A'. Looking at the summary, one can see that the current Bylaw fixed maximums are quite restrictive compared to the old bylaw or the 'Above Ground Approach' method. This has resulted in a large number of variances for floor area increases.

This formula has been tested with approximately 30% of actual variance applications that have been made over the last four years; the results of those comparisons are also attached as Appendix 'B'. The above ground approach provides for flexibility in being able to add floor area to the majority of examples. The cases where it would not permit additional floor area are where the FAR is already close to .5 to 1.

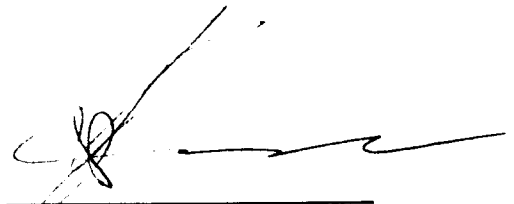
As the main trend for development has changed from building the minimum that meets the owners' needs to building to the maximum permitted by the Zoning Bylaw, close consideration of tightening controls in the Zoning Bylaw is required.

The Committee has multiple options available at this time, as follows:

1. Recommend to Council that staff draft a Zoning Bylaw amendment which includes options #1, #4, #5 and #6. Option #5 and #6 work together for reinstating floor area ratio at .4 to 1 with a formula to permit some additional development for older homes.
2. Recommend to Council that staff draft a Zoning Bylaw amendment which includes options #1, #2, #3 and #4. Option #2 and #3 work together to introduce another fixed floor area amount for smaller lots. This option will retain and possibly increase the number of development variance permit applications made to Council.
3. Do nothing at this time and include fixed floor area, density and massing discussions in the OCP process.

Recommendation

That the Committee receive this report for information and direction.



Roy Thomassen, Director
Building and Planning