

2014-252

To: Committee of the Whole, Finance Section
From: Municipal Treasurer
Date: October 9, 2014
Re: Monthly Statement of Revenues and Expenditures for September 2014

BACKGROUND:

As part of our commitment to fiscal transparency and accountability, in January 2012 the monthly financial information was expanded to include explanations for variances that are +/- 5% beyond what might be expected. This should make it easier to decipher whether variances are reasonable and expected, and will also point out potential issues of which the Committee should be aware. The notes in this memorandum tie into the numbers on the Statement of Revenues and Expenditures.

DISCUSSION:

REVENUES

(1) Taxes YTD: \$35,725,525 Budget: \$36,881,251 96.87%

The property tax notices were mailed on May 26 and the due date was July 2, after which the 10% penalty was added onto all outstanding balances.

(2) Services Provided to Other Governments YTD: \$12,805 Budget: \$13,000 98.50%

This payment is received from the Province when we forward the school taxes that we have collected on its behalf. This took place in July.

(3) Solid Waste YTD: \$1,449,027 Budget: \$1,455,432 99.56%

The solid waste fees are collected on the property tax notice and the total amount billed, rather than collected to August 31, is shown.

(4) Licenses and Permits YTD: \$824,959 Budget: \$787,400 104.77%

This is higher than we might otherwise expect because the dog and business licenses are paid at the beginning of the year, during January the building permit for the Oak Bay High School was received (\$264,645) and more large house building permits have come in during the year than expected. The budget for building permits is set conservatively each year, because we are unable to accurately estimate how much money will come in .

At September 30 the licenses and permits are as follows:

	Year to Date	Budget	% Collected
Dog licenses	\$61,419	\$60,000	102.36%
Business licenses	\$91,786	\$87,000	105.50%
Building permits	<u>\$648,917</u>	<u>\$615,000</u>	105.51%
	<u>\$802,122</u>	<u>\$762,000</u>	

(5) Fines YTD: \$25,779 Budget: \$32,000 80.56%

Fine revenue is recorded as it is paid, not as the tickets are written.

(6) Rentals YTD: \$287,948 Budget: \$323,000 89.15%

In February the Marina paid its annual payment to cover the foreshore lease annual fee (\$81,305).

(7) Returns on Investments YTD: \$118,174 Budget: \$175,000 67.53%

The working capital that we have available to invest drops during the first 5 months of the year, and then once the property tax notices are mailed our invested money increases again. It is therefore usual for our investment returns to be under budget the first half of the year. The last three months it has picked up and should continue to be stronger in future months.

(8) Penalties and Interest on Taxes YTD: \$191,029 Budget: \$114,000 167.57%

Penalties account for \$100,000 of the budget. These are brought into revenue in July, after the tax due date, and are charged on all outstanding 2014 property taxes. The interest is reflected in income as taxes from 2013 and 2012 are paid off. This year we had a much larger than usual amount of outstanding taxes at the end of July 2.

(9) Transfers from Reserve Funds YTD: \$0 Budget: \$1,905,051

Transfers from our own reserve funds are made at the end of the year. This is done for two reasons: most of the transfers fund particular projects and if monthly transfers were to be made, it would involve a great deal of additional accounting work without any real benefit, and, for those funds which are in statutory reserves, by keeping the money in the reserves until the year-end, the reserves earn interest on that money.

(10) Parks and Recreation Revenues YTD: \$5,772,545 Budget: \$7,037,839 82.02%

Please refer to the minutes and reports of the Parks and Recreation Department for further information regarding their revenues.

(11) Miscellaneous Other Revenues YTD: \$80,781 Budget: \$596,961 13.53%

\$300,000 of the budget is made up of internal transfers. These take place at the end of the year, and show up as an expense of the same amount in "Transfer to own Reserves and Utilities" line under expenditures. Another \$150,000 of the budget represents the short term loan which will be entered into at the end of October to fund the purchase of the breathing apparatus for the Fire Department.

(12) Cond.'l Transfers from Other Gov'ts YTD: \$389,061 Budget: \$1,214,917 32.02%

A capital grant for Bowker Creek remediation work accounts for \$738,000 of the budget. \$288,873 of the budget is made up of grants provided to small municipalities, which were received in June.

EXPENDITURES

(13) General Administration YTD: \$930,175 Budget: \$1,413,147 65.82%

The budget in this category includes consulting, legal and audit fees, a large percentage of which have not yet been spent.

(14) Police Protections YTD: \$3,021,550 Budget: \$4,382,624 68.94%

There are a number of accounts that are underbudget. The more notable ones are the Mobile Youth Services Team, which is showing a credit balance because the other municipalities that contribute towards the costs have paid their annual portion, conversion costs for the new vehicle P72 which was purchased in September and will have the required work done in October/November, and legal costs.

(15) Emergency Preparedness YTD: \$58,397 Budget: \$106,508 54.83%

The training, contracts and transfer to reserve to cover the future purchase of a new vehicle are all under budget.

(16) Building Dept., Bylaw Enforcement, Animals

YTD: \$380,577 Budget: \$590,627 64.44%

The budget for sundry contracts has only a small amount charged to it to date.

(17) Common Services (Engineering) YTD: \$832,863 Budget: \$1,190,347 69.97%

The accounts for the replacement of small equipment have not had much spent in them.

(18) Roads, Sidewalks, Transportation YTD: \$946,665 Budget: \$1,640,737 57.70%

Included in these expenses is the leaf pickup program. Due to last year's dry weather, most of the leaves were picked up during 2013 and the rest of the 2014 budget will not be spent until the fall of this year.

(19) Garbage Collection & Disposal YTD: \$821,182 Budget: \$1,239,458 66.25%

The September tipping fees will be paid in October.

(20) Other Recreation & Cultural Services YTD: \$65,643 Budget: \$94,553 69.42%

The Archives and Heritage Commission have used less than 40% of their respective budgets (\$15,800 and \$20,250), and none of the \$15,000 budgeted for Oak Bay Marina repairs has been spent.

(21) Debt Charges YTD: \$368,813 Budget: \$447,242 82.46%

The annual principal payment on MFA debt of \$144,000 was made at the end of September for the October due date. The Fire Department's breathing apparatus has not yet been purchased. When it is, at the end of October, part of the funding will come from a lease, for which \$31,600 has been budgeted.

(22) Transfers to Own Reserves YTD: \$1,309,991 Budget: \$2,990,588 46.73%

A monthly transfer is made to the Sewer Fund. In July a number of the one-time transfers to the Capital Works Replacement Reserve Fund were made, but the largest transfers will be carried out at the end of the year.

(23) Transfer to Library, Social Grants YTD: \$896,919 Budget: \$984,634 91.09%

Under the terms of the Library Agreement, we have to pay the library two months in advance. Therefore, the amount paid by the end of September covers the rent to the end of November.

(24) Capital Expenditures YTD: \$1,658,845 Budget: \$3,398,777 48.66%

Until the budget was adopted in May, only capital projects that had received early approval from Council could proceed. Please see the Capital Projects Financial Report for a summary of the projects.

(25) Transmit Taxes to Others YTD: \$15,921,043 Budget: \$16,391,206 97.13%

These are the taxes that are collected on the Oak Bay property tax notices and subsequently remitted to various organizations. In most cases the remittances must be made by the beginning of August. School taxes and Transit taxes are paid as they are collected.

(26) Misc. Other Services YTD: \$211,989 Budget: \$417,225 50.81%

The money that has been spent was for the removal of Christmas decorations, installation of hanging baskets, various committees, the Oak Bay Tea Party and the payment of retirement allowances.

WATER UTILITY FUND

(27) Water Revenues YTD: \$2,347,396 Budget: \$3,396,183 69.12%

Since the first half of the year was cool, less water was used outside and therefore we can expect the actual revenue to be low. Water is billed every 4 months, and each month a quarter of the municipality receives its bill. Therefore, it takes until the November bills for all the summer water to have been billed (they will cover August – November).

(28) Internal Revenues YTD: \$0 Budget: \$340,552

These internal revenues come from our own reserve funds. Please see the explanation above regarding "Transfers from Reserve Funds".

(29) Water Supply and Operation YTD: \$1,851,914 Budget: \$2,716,315 68.18%

\$1,952,000 of the budget is for the purchase of water from the CRD. The bill for each month's water is received the following month, and therefore the actual figure is low.

SEWER UTILITY FUND

(30) Internal Revenues YTD: \$923,022 Budget: \$1,586,937 58.16%

A monthly transfer is made from the General Fund to the Sewer Fund. The remaining transfers from reserves are made at the end of the year, when the cost of the capital projects that they are funding is known.

(31) Sewer Supply and Operation YTD: \$2,109,710 Budget: \$3,355,543 62.87%

\$1,957,995 of the budget is the July payment that was made to the CRD for its costs to run the sewer system. Another \$921,324 is the transfer to the Capital Works Reserve for the funding of future sewer work, and the transfer takes place at the end of the year.

RECOMMENDATION:

Once Committee members have received answers to any questions they might have, I recommend that the September 2014 financial report be received.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer



Helen Koning
Chief Administrative Officer

STATEMENT OF REVENUES AND EXPENDITURES
 FOR THE PERIOD ENDING SEPTEMBER 30, 2014 - 75.00%
 (numbers refer to explanations for variances shown in accompanying memorandum)

	<u>YEAR TO DATE</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
Taxes	\$35,725,525	\$36,881,251	\$1,155,726 (1)	96.87%
Federal Government		\$4,500	\$4,500	0.00%
University of Victoria		\$57,000	\$57,000	0.00%
Prov Gov't Agcy Hydro	\$114,874	\$114,874	\$0	100.00%
Subtotal: Grants in Lieu of Taxes	\$114,874	\$176,374	\$61,500	65.13%
Services Provided to Other Gov'ts	\$12,805	\$13,000	\$195 (2)	98.50%
Solid Waste Disposal	\$1,449,027	\$1,455,432	\$6,405 (3)	99.56%
Licences & Permits	\$824,959	\$787,400	(\$37,559) (4)	104.77%
Fines	\$25,779	\$32,000	\$6,221 (5)	80.56%
Rentals	\$287,948	\$323,000	\$35,052 (6)	89.15%
Returns on investments	\$118,174	\$175,000	\$56,826 (7)	67.53%
Penalties and Interest on taxes	\$191,029	\$114,000	(\$77,029) (8)	167.57%
Transfers from reserve funds	\$5,772,545	\$1,915,551	\$1,915,551 (9)	0.00%
Parks and Recreation revenues	\$80,781	\$7,037,839	\$1,265,294 (10)	82.02%
Miscellaneous other revenues		\$596,961	\$516,180 (11)	13.53%
Subtotal: other revenue from own sources	\$8,750,242	\$12,437,183	\$3,686,941	70.36%
Federal Government	\$25,000	\$738,000	\$713,000	3.39%
Prov Government	\$363,545	\$466,917	\$103,372	77.86%
Other Local Governments	\$516	\$10,000	\$9,484	5.16%
Subtotal: Conditional Transfers From Other Governments	\$389,061	\$1,214,917	\$825,856 (12)	32.02%
Total Revenue	\$44,992,507	\$50,722,725	\$5,730,218	88.70%

STATEMENT OF REVENUES AND EXPENDITURES
 FOR THE PERIOD ENDING SEPTEMBER 30, 2014 - 75.00%
 (numbers refer to explanations for variances shown in accompanying memorandum)

	YEAR TO DATE	BUDGET	VARIANCE	% TO DATE
Executive and Legislation	\$73,576	\$97,782	\$24,206	75.24%
General Administration	\$930,175	\$1,413,147	\$482,972 (13)	65.82%
Other General Government	\$658,495	\$892,705	\$234,210	73.76%
Subtotal: General Government	\$1,662,246	\$2,403,634	\$741,388	69.16%
Police Protection	\$3,021,550	\$4,382,624	\$1,361,074 (14)	68.94%
Fire Protection	\$2,738,492	\$3,860,637	\$1,122,145	70.93%
Emergency Preparedness	\$58,397	\$106,508	\$48,111 (15)	54.83%
Building Dpt., bylaw enforcement, animals	\$380,577	\$590,627	\$210,050 (16)	64.44%
Subtotal: Protective Services	\$6,199,016	\$8,940,396	\$2,741,380	69.34%
Common Services (Engineering)	\$832,863	\$1,190,347	\$357,484 (17)	69.97%
Roads, Sidewalks, Transportation	\$946,665	\$1,640,737	\$694,072 (18)	57.70%
Subtotal: Transportation Services	\$1,779,528	\$2,831,084	\$1,051,556	62.86%
Garbage Collection & Disposal	\$821,182	\$1,239,458	\$418,276 (19)	66.25%
Parks & Recreation Facilities	\$8,179,502	\$10,760,928	\$2,581,426	76.01%
Other Recreation & Cultural Services	\$65,643	\$94,553	\$28,910 (20)	69.42%
Subtotal: Recreation & Cultural	\$8,245,145	\$10,855,481	\$2,610,336	75.95%
Debt Charges	\$368,813	\$447,242	\$78,429 (21)	82.46%
Transfer to Own Reserves & Utilities	\$1,309,991	\$2,803,088	\$1,493,097 (22)	46.73%
Transfer to Library, social grants	\$896,919	\$984,634	\$87,715 (23)	91.09%
Capital Expenditures	\$1,658,845	\$3,409,277	\$1,750,432 (24)	48.66%
Transmit Tax to Others	\$15,921,043	\$16,391,206	\$470,163 (25)	97.13%
Subtotal: Fiscal Services	\$20,155,611	\$24,035,447	\$3,879,836	83.86%
Misc. Other Services	\$211,989	\$417,225	\$205,236 (26)	50.81%
Total Expenditures	\$39,074,717	\$50,722,725	\$11,648,008	77.04%

STATEMENT OF REVENUES AND EXPENDITURES
 FOR THE PERIOD ENDING SEPTEMBER 30, 2014 - 75.00%
 (numbers refer to explanations for variances shown in accompanying memorandum)

	<u>YEAR TO DATE</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
WATER UTILITY FUND				
Water revenues	\$2,347,396	\$3,396,183	\$1,048,787 (27)	69.12%
Internal revenues		\$340,552	\$340,552 (28)	0.00%
Total Revenues	\$2,347,396	\$3,736,735	\$1,389,339	62.82%
Expenditures:				
Water supply & operation	\$1,851,914	\$2,716,315	\$864,401 (29)	68.18%
Capital expenditure	\$393,695	\$1,020,420	\$626,725 (24)	38.58%
Total Expenditures	\$2,245,609	\$3,736,735	\$1,491,126	60.10%
SEWER UTILITY FUND				
Sewer revenues	\$1,292,284	\$1,671,057	\$378,773	77.33%
Internal revenues	\$923,022	\$1,586,937	\$663,915 (30)	58.16%
Grants, outside contributions	\$392,994	\$531,324	\$138,330	73.97%
Total Revenues	\$2,608,300	\$3,789,318	1,181,018	68.83%
Expenditures:				
Sewer supply & operation	\$2,109,710	\$3,355,543	\$1,245,833 (31)	62.87%
Capital expenditure	\$34,586	\$433,775	\$399,189 (24)	7.97%
Total Expenditures	\$2,144,296	\$3,789,318	\$1,645,022	56.59%

THE CORPORATION OF THE DISTRICT OF OAK BAY
 CAPITAL PROJECTS FINANCIAL REPORT
 FOR THE PERIOD ENDING SEPTEMBER 30, 2014 - 75.00%

EXPENDITURE (INCLUDING ENCUMBRANCES)	BUDGET	VARIANCE	% SPENT	<u>COMPLETE?</u>
OFFICE EQUIPMENT	\$ 7,000	\$ 7,000	0.00%	
ENGINEERING OFFICE EQUIPMENT	\$ 13,976	\$ 3,574	79.64%	
FINANCE COMPUTER UPGRADES	\$ 40,278	\$ 17,222	70.05%	
ENGINEERING COMPUTER EQUIPMENT	\$ 3,300	\$ 3,300	0.00%	
RECYCLING DEPOT WALL	\$ 15,432	\$ 3,568	81.22%	
POLICE OFFICE EQUIPMENT	\$ 4,986	\$ 11,364	30.50%	
FIRE EQUIPMENT	\$ 166,457	\$ 43,543	79.27%	
POLICE AUTO EQUIPMENT	\$ 41,579	\$ 11,721	78.01%	
POLICE COMPUTER EQUIPMENT	\$ 3,755	\$ 25,595	12.79%	
PLANT GENERAL	\$ 362,325	\$ 75,075	82.84%	
PUBLIC WORKS BUILDING ROOFS	\$ 44,500	\$ 44,500	0.00%	
SUNDRY JOINT PROJECTS	\$ 3,000	\$ 3,000	0.00%	
SIDEWALK DROPS	\$ 36,000	\$ 22,660	37.06%	
BUS SHELTERS	\$ 1,615	\$ 18,385	8.08%	
TRAFFIC CALMING	\$ 11,632	\$ 8,368	58.16%	
BIKE SHELTERS	\$ 1,614	\$ 8,386	16.14%	
PAVEMENT MANAGEMENT PROGRAM	\$ 250,000	\$ 5,000	98.04%	
SIDEWALKS	\$ 60,878	\$ 6,822	89.92%	
ATAC-RELATED PROJECTS	\$ 40,000	\$ 40,000	0.00%	
TRAFFIC LIGHTS, ETC., FOUL BAY/LANDSOWNE	\$ 220,700	\$ 220,700	0.00%	
CATCH BASINS	\$ 29,800	\$ 11,700	71.81%	
STORM DRAIN MANHOLES	\$ 24,500	\$ 24,500	0.00%	
ST. PATRICK STORM DRAIN PUMP STATION	\$ 131,200	\$ 19,834	84.88%	Y
CENTRAL STORM DRAIN	\$ 67,650	\$ -	100.00%	Y
HAMPSHIRE STORM DRAIN	\$ 55,000	\$ 2,292	95.83%	Y
THOMPSON STORM DRAIN	\$ 113,550	\$ 113,550	0.00%	
MUSGRAVE STORM DRAIN	\$ 121,500	\$ 54,890	54.82%	Y
HAMPSHIRE PART 2 STORM DRAIN	\$ 80,250	\$ 1,696	97.89%	
LINKLEAS STORM DRAIN LINING	\$ 25,400	\$ 25,400	0.00%	
ENGLEWOOD STORM DRAIN LINING	\$ 22,700	\$ 22,700	0.00%	
QUIMPTER PARK CLIMBING APPARATUS	\$ 7,553	\$ 1,640	78.29%	
PARKS IRRIGATION & WASHROOM CONTROLS	\$ 16,312	\$ 12,688	56.25%	

THE CORPORATION OF THE DISTRICT OF OAK BAY
 CAPITAL PROJECTS FINANCIAL REPORT
 FOR THE PERIOD ENDING SEPTEMBER 30, 2014 - 75.00%

EXPENDITURE (INCLUDING ENCUMBRANCES)	BUDGET	VARIANCE	% SPENT	<u>COMPLETE?</u>
GYRO PARK WASHROOMS	\$ 3,186	\$ (10)	100.31%	Y
MONTEREY BUILDING UPGRADES	\$ 52,000	\$ 23,000	55.77%	
CLIMBING WALL IN POOL	\$ 10,900	\$ 10,900	0.00%	
HENDERSON PARKING LOT REPAIRS	\$ 4,100	\$ -	100.00%	Y
INFORMATION KIOSK @ UPLANDS PARK	\$ 5,000	\$ 5,000	0.00%	
RECREATION CENTRE EQUIPMENT	\$ 93,000	\$ 38,944	58.12%	
OAK BAY REC. CENTRE ENERGY PROJECT	\$ 33,364	\$ 30,796	7.70%	
HENDERSON FITNESS SPIN BIKES	\$ 25,839	\$ 2,161	92.28%	
HENDERSON BUILDING UPGRADES	\$ 23,759	\$ 5,741	80.54%	
MONTEREY BLINDS, CHAIRS	\$ 20,513	\$ 4,987	80.44%	
HENDERSON CENTRE EXPANSION	\$ 1,734	\$ 5,766	23.12%	
HENDERSON TENNIS COURTS REFINISHED	\$ 4,358	\$ 416	91.29%	Y
FORESHORE PROTECTION	\$ 35,000	\$ 35,000	0.00%	
RAIN GARDENS	\$ 20,000	\$ 20,000	0.00%	
BOWKER CREEK REMEDIATION	\$ 738,000	\$ 690,605	6.42%	
FENCING	\$ 25,547	\$ 6,453	79.83%	
TOTAL GENERAL FUND	\$ 3,409,277	\$ 1,750,432	48.66%	

THE CORPORATION OF THE DISTRICT OF OAK BAY
 CAPITAL PROJECTS FINANCIAL REPORT
 FOR THE PERIOD ENDING SEPTEMBER 30, 2014 - 75.00%

	EXPENDITURE (INCLUDING ENCUMBRANCES)	BUDGET	VARIANCE	% SPENT	<u>COMPLETE?</u>
SEWER FUND					
MANHOLES	\$ 9,047	\$ 48,498	\$ 39,451	18.65%	
REMOTE MONITORING (SCADA SYSTEM)	\$ 1,678	\$ 24,777	\$ 23,099	6.77%	
UPLANDS SEWER SEPARATION	\$ 7,783	\$ 200,000	\$ 192,217	3.89%	
I & I LINING		\$ 82,100	\$ 82,100	0.00%	
DENISON PIPE LINING		\$ 53,400	\$ 53,400	0.00%	
COMBINED MANHOLE SEPARATION		\$ 10,000	\$ 10,000	0.00%	
FLOWMETERS	\$ 16,078	\$ 15,000	\$ (1,078)	107.19%	
TOTAL SEWER CAPITAL	<u>\$ 34,586</u>	<u>\$ 433,775</u>	<u>\$ 359,738</u>	<u>7.97%</u>	
WATER FUND					
WATER MAIN LINING	\$ 153,331	\$ 370,000	\$ 216,669	41.44%	
COMPUTER EQUIPMENT	\$ 23,523	\$ 34,500	\$ 10,977	68.18%	
CROSS CONNECTIONS	\$ 15,717	\$ 50,000	\$ 34,283	31.43%	
WATER MAIN REPLACEMENT	\$ 144,168	\$ 425,000	\$ 280,832	33.92%	
NEW SERVICES & REPLACEMENTS	\$ 56,956	\$ 60,000	\$ 3,044	94.93%	
FIRE HYDRANT REPLACEMENT		\$ 80,920	\$ 80,920	0.00%	
TOTAL WATER CAPITAL	<u>\$ 393,695</u>	<u>\$ 1,020,420</u>	<u>\$ 626,725</u>	<u>38.58%</u>	

INVESTMENTS
As at September 30, 2014

<i>Fund</i>	<i>Investments</i>	<i>Total</i>
General	MFA Fund	\$17,885,934
Land Sale	MFA Fund	\$1,766,181
Heritage	MFA Funds	\$2,013,940
Legacies	MFA Fund	\$377,053
Capital Works	MFA Funds	\$12,475,490
Park Acquisition	MFA Funds	\$264,202
Tod House	MFA Fund	\$250,090
Village Parking	MFA Fund	\$882,591
Machinery & Equipme	MFA Fund	\$1,729,690
Fire Equipment	MFA Fund	<u>\$644,021</u>
Total		<u><u>\$38,289,192</u></u>

TO: Committee of the Whole, Finance Section

FROM: Municipal Treasurer

October 1, 2014

RE: Property Taxes as at September 30, 2014

	Current		Arrears	
	#	Amount	#	Amount
2014	225	\$1,176,171.32	36	\$ 144,699.75
2013	113	<u>\$ 404,329.81</u>	37	<u>\$ 130,042.61</u>
2014 compared to 2013		<u>\$771,841.51</u>		<u>\$14,657.14</u>
		190.89%		11.27%



Patricia A. Walker

2014-253

MEMORANDUM

TO: Mayor and Council
FROM: Director of Engineering Services
DATE: October 9, 2014
RE: Request for Curbs, Sidewalks and Road Widening
[3100 Block Weald Road]

BACKGROUND:

A request has been received from residents of Weald Road, requesting that various works, including curbs, sidewalks, and parking lanes on each side of Weald be installed.

DISCUSSION:

Residents of the street have presented what they would like to see done ranging from no work at all to basic maintenance, all the way to a fully developed road that would accommodate two way traffic.

Staff undertook several site visits, gathered measurements and generated approximate costs to address the various requests.

The existing asphalt road surface is 4.5 to 6.5 metres wide and 190 metres long with no curbs. The asphalt edge abuts a grass boulevard which is quite common in the Uplands [see attachment 'A']. The condition of the grass boulevard has been adversely affected as a result of the extensive construction work that has taken place on the street over the past few years. [see attachment 'B']

There are a number of trees that are close to the existing road edge and their roots are just under the road surface. The existing cross fall of the road surface causes poor drainage and an accumulation of water on the east side boulevard. [see attachment 'C']

With a 'fully developed' treatment, new curbs would be 11 metres face to face, consistent with engineering specifications, and sidewalks would be outside of this resulting in a width of 14 metres from back of sidewalk to back of sidewalk. [see attachment 'D'] This would require the removal of most of the existing trees.

There is no storm main or catch basin(s) on the street; however catch-basins would be installed in conjunction with the Uplands Sewer\Storm Separation Project.

To produce an accurate estimate to reflect widening (with or without sidewalks), a full topographical survey and design would be required. This would be required even if a narrower design was considered. If curbs were installed at the edge of the existing asphalt there would be loss of tree root structure. It is estimated that a project in this range of development would be in the \$300,000 to \$400,000 price range.

To undertake an improvement project that would basically leave the look of the road the same, public works could undertake work that would include the installation of asphalt water control on the east side, the re-grading at least two existing east side driveways (both public and private portions) and possibly the installation of a catch basin at the Cotswold Road end. It is estimated that a project of this scale would be in the \$20,000 to \$30,000 price range.

OPTIONS:

1. That staff be directed to proceed with a full design\cost estimating process for the incorporation of road widening, curbs & sidewalks for consideration in the 2015 budget. (The preliminary cost estimate for this project is in the \$300,000 - \$400,000 range.)
2. That staff be directed to proceed with the development of a *scaled* plan that would include the installation of asphalt water control on the east side, possible re-grading of at least two existing east-side driveways both public and private portions and the possible addition of a catch basin at the Cotswold end for consideration in the 2015 budget. (The preliminary cost estimate for this project is in the \$20,000 - \$30,000 range.)
3. That staff be directed to address any road work in conjunction with the Uplands Sewer & Storm Project.
4. That alternate directions be provided.

FINANCIAL IMPACT:

There is currently no funding in the budget to address this project however, if option 1 or 2 above is selected by Committee of The Whole, the corresponding amount would need to be included in the 2015 budget.

RECOMMENDATION(S):

That engineering staff develop a *scaled* plan that would include the installation of asphalt water control on the east side, possible re-grading of at least two existing east-side driveways (both public and private portions) and the possible addition of a catch basin at the Cotswold Road end be considered for the 2015 budget. (The preliminary cost estimate for this project is in the \$20,000 - \$30,000 range.)

Respectfully Submitted,



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

Source of Funds/I concur with the recommendation of the Director of Engineering Services.



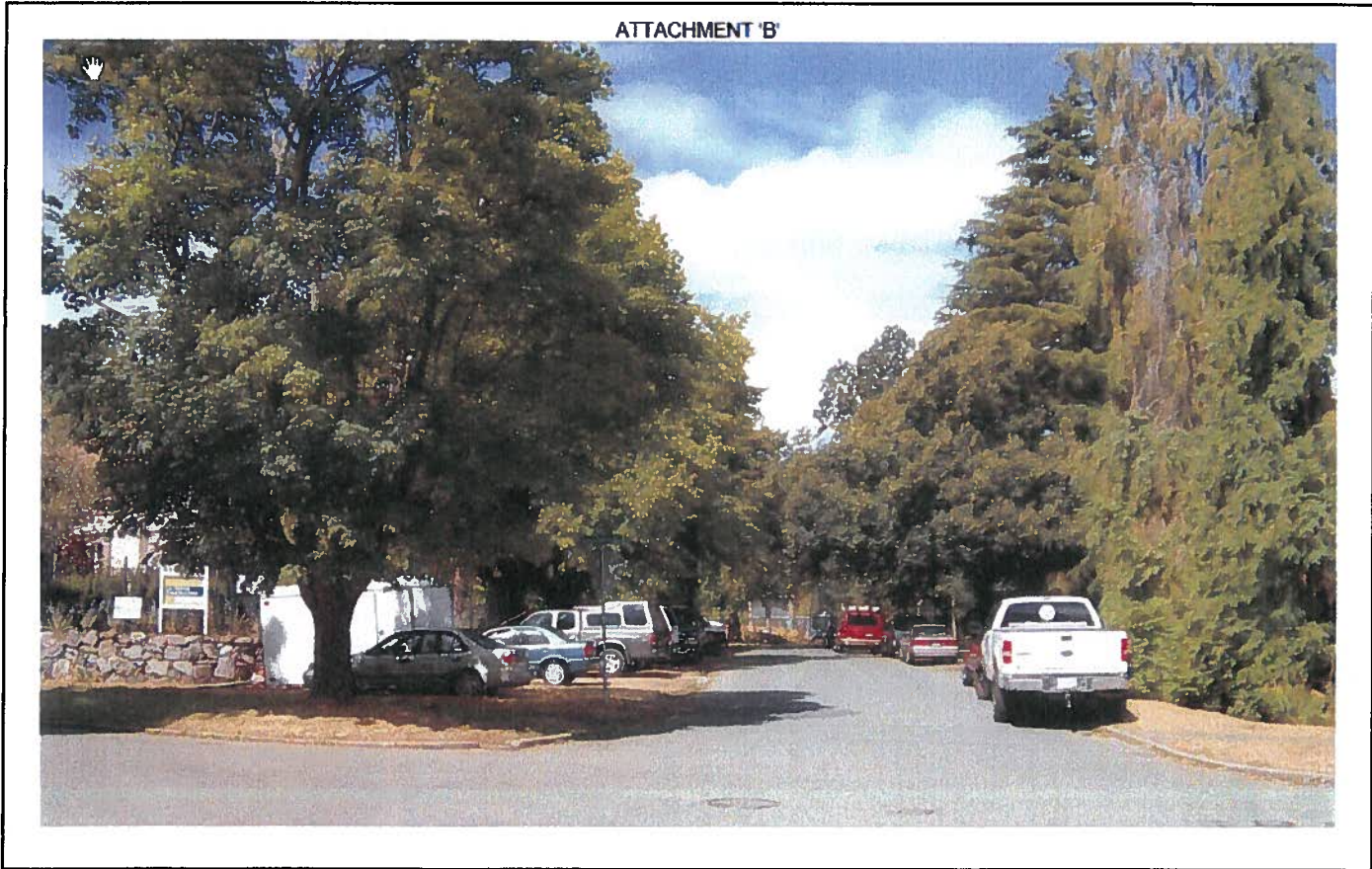
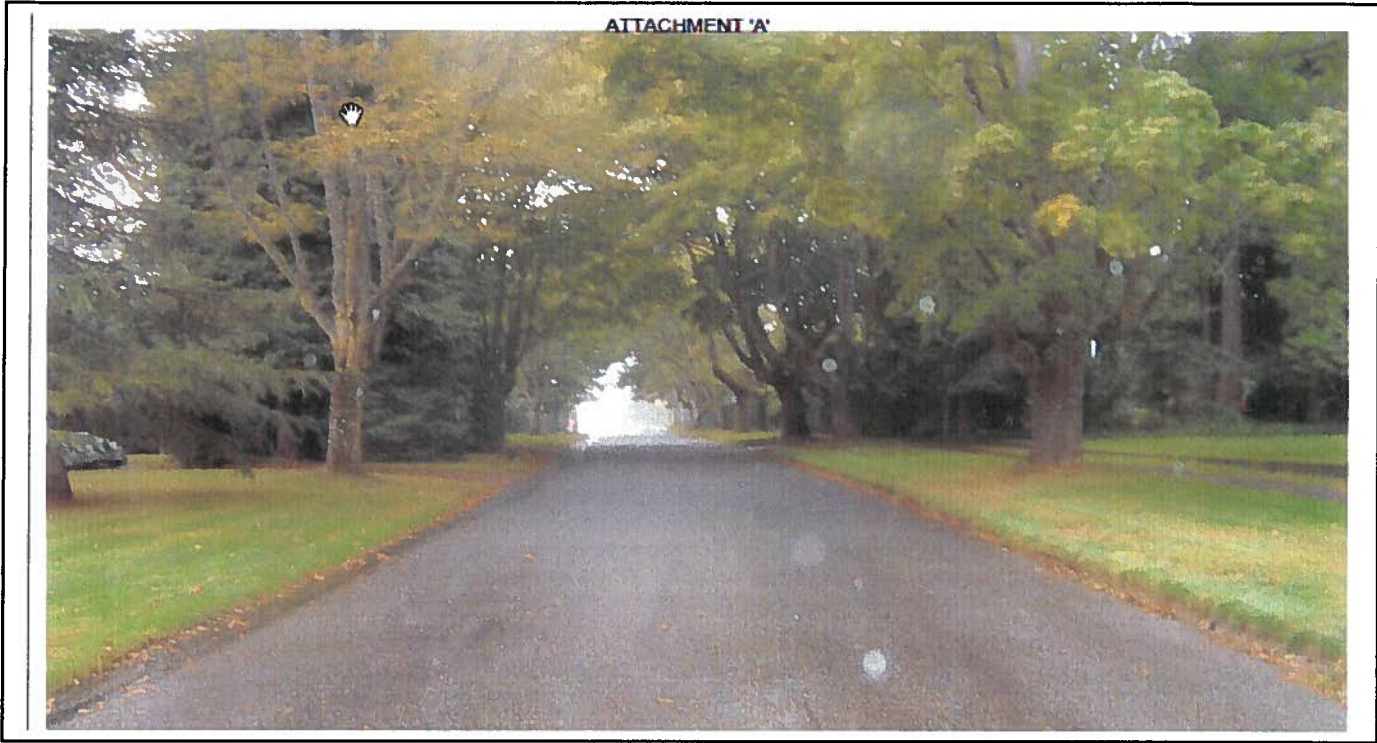
Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Director of Engineering Services.

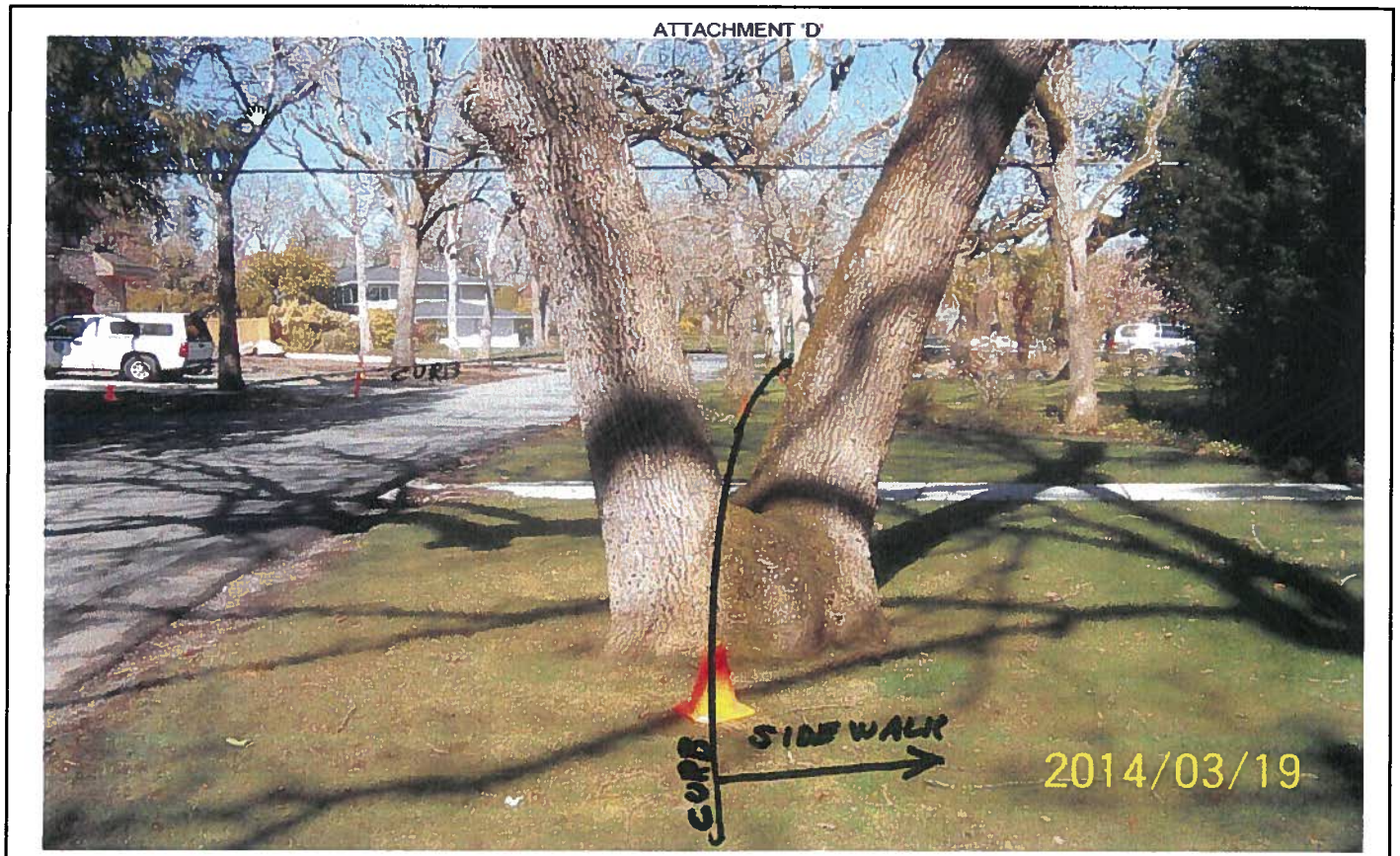


Helen Koning
Chief Administrative Officer

ATTACHMENTS



ATTACHMENTS (CONTINUED)



2014-254

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Engineering Services
DATE: October 9, 2014
RE: Sidewalk and Roadway at York Place

BACKGROUND:

The York Place Strata Council (1650 York Place) have requested a new sidewalk along the east-side of York Place and a new roadway just outside of their gate. A "York Place Sidewalk Inspection Report" was prepared for the Strata council by Dr. Elaine Gallagher.

York Place is a 188 metres long, 8.3 metres wide no-through road off of Oak Bay Avenue. There are 8 properties in the York Place Strata.

DISCUSSION:

The existing sidewalk is 1.2 metres wide, is concrete and is on the east side of York Place. Some areas are damaged; some areas are covered with moss on account of extensive tree and hedge cover. The Engineering Department maintains a sidewalk replacement priority list for all asphalt sidewalks in Oak Bay, but not for concrete sidewalks. The rationale for this is that the asphalt sidewalks are generally in worse repair than the concrete sidewalks so directing the limited sidewalk funds, directed towards asphalt sidewalks, has long been considered the best approach. The roadway surface on York Place is in fair-to-good condition, with the exception of the 30 metres in front of the gate to the Strata, where there is a high incidence of cracking. Roots from a massive sequoia tree close to the Strata gate, within private property, have caused road damage by heaving the asphalt surface. The street is 8.3 metres wide and parking is allowed on both sides of the street.

After receiving the request from the Strata in regards to the sidewalk and road condition, staff from engineering, public works and parks visited the site. Public works staff power-washed the sidewalk and repaired damaged areas (see figures 1 & 2) Parks staff will cut back hedges on public property, and notify private home owners to cut back hedges on private property. All these activities will address tripping concerns and sidewalk access and represent standard practice by staff when dealing with these types of complaints.

The roadway surface in front of the gate could be considered for an overlay in the 2015 budget but the works may be short-lived on account of the tree roots being so close to the surface. These roots should not be cut but more investigation is needed by the municipal arborist to see what, if anything can be done in regards to treating the roots. In the long term, the roots will come back again and cause damage to the road and sidewalk.

Additionally, the report from the Strata, requested that one side of parking be eliminated, however, considering the low traffic volume on this street and the benefit of a narrow street for traffic calming, both sides parking is a benefit to the neighbors and engineering staff does not recommend removing parking.

Figure 1: Sidewalk cleaned and power washed



Figure 2: Sidewalk Repaired



Figure 3: The large private tree causing road damage



OPTIONS:

1. That staff be directed to investigate a practical treatment to improve the asphalt surface at the north end of York Place considering the sensitive and recurring nature of the sequoia tree roots and that the cost to do so be considered in the 2015 Budget. It is expected that the cost to investigate and implement a repair will be under \$20,000.
2. That alternate directions be provided.
3. That this report be received for information.

FINANCIAL IMPACT:

The treatment method is to be determined and the cost is to be considered in the 2015 budget.

RECOMMENDATION(S):

That staff be directed to investigate a practical treatment to improve the asphalt surface at the north end of York Place considering the sensitive and recurring nature of the sequoia tree roots and that the cost to do so be considered in the 2015 Budget. It is expected that the cost to investigate and implement a repair will be under \$20,000.

Respectfully Submitted,



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

Source of Funds/I concur with the recommendation of the Director of Engineering Services.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Director of Engineering Services.



Helen Koning
Chief Administrative Officer

2014-255

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Engineering Services
DATE: October 9, 2014
RE: New Stop Sign on Redwood Avenue at Cardiff Place

BACKGROUND:

Engineering staff received a letter from the Oak Bay Police Department (OBPD) referencing their response to a resident's traffic complaint in the Redwood Avenue area. In the letter the OBPD recommends a new stop sign to be installed on Redwood Avenue at Cardiff Place.

DISCUSSION:

Engineering staff visited the site, investigated the complaint and found that a new stop sign is warranted. Engineering staff concur with the OBPD recommendation.

OPTIONS:

1. That staff be directed to generate a Traffic Control Order for the installation of a stop sign on Redwood Avenue at Cardiff Place.
2. That alternate directions to staff be provided.

FINANCIAL IMPACT:

The cost to install a single stop sign is \$150 and funds are available in the 2014 budget.

RECOMMENDATION(S):

That staff be directed to generate a Traffic Control Order for the installation of a stop sign on Redwood Avenue at Cardiff Place.

Respectfully Submitted,



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

Source of Funds/I concur with the recommendation of the Director of Engineering Services.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Director of Engineering Services.



Helen Koning
Chief Administrative Officer

2014-245

MEMORANDUM

TO: Mayor and Council

FROM: Director of Building and Planning

DATE: October 6, 2014

**RE: Request for amendment to Section 219 covenant as part of subdivision approval.
131 Beach Drive
Lot A, Section 22, Victoria District, Plan EPP35523**

BACKGROUND:

The owner's have recently purchased the subdivided property at 131 Beach Drive and would like to request a covenant change to accommodate their preliminary design of their new home. The proposed changes would alter the current building envelope established through approval of Development Variance Permit #PL116-2013 (see attached). The building envelope was part of the registered covenant of the subdivision to maintain the streetscape and trees on and near the subject property.

DISCUSSION:

In 2003/2004 an application for subdivision could not move forward to final approval as an application for a development variance permit did not receive approval of Council. In addition to neighbours concerns Council was concerned that a subdivision would impact the streetscape of that portion of Beach Drive and it would not be in keeping with the current neighbourhood.

During the 2013 subdivision application there were some concerns from the neighbourhood on the effect of the streetscape however some also supported the subdivision provided consideration of the existing streetscape be maintained. To accommodate these concerns a new building envelope was developed through a certified arborist report, identifying areas of no excavation, limited excavation with no crawl space or basement development and an area of limited concern. The building envelope provided for all buildings to have an exterior side lot line setback of 7.62 meters (25 ft) from Beach Drive (maintaining the streetscape), a rear lot line of 4.2 meters to protect the neighbours tulip tree, and a front lot line setback of 11.1 meters from Sylvan Lane in order to protect a number of Garry Oak trees, a large Douglas Fir tree and the streetscape. (See arborist report dated April 29, 2013 attached)

The architect for the owner, Ryan Hoyt has now developed a design for the new owners however the designed buildings would not meet the restrictive covenant registered on the property at the time of subdivision. The proposal shows approximately a 1.5 meter encroachment into the root zones beyond the identified root trench which originally stated no ground disturbance beyond this root trench. The proposed accessory building would encroach on the Beach Drive setback identified as 7.62 meters (25 ft) by approximately 3.6 m (12 ft). The proposed accessory building would also encroach 3.6 meters (12 ft) on the south/east side towards the neighbour's tulip tree resulting in the garage within .65 meters of this tree.

The certified arborist (Gye and Associates Ltd.) have now resubmitted a report dated September 8, 2014 and an additional letter dated September 15, 2014 outlining that he thinks it is possible to accommodate foundation designs, however further investigation is required of the below ground conditions.

The municipal arborist has provided a memorandum outlining some concerns with the change to the covenant based on impacts on the trees that are likely to occur.
(See Attached)

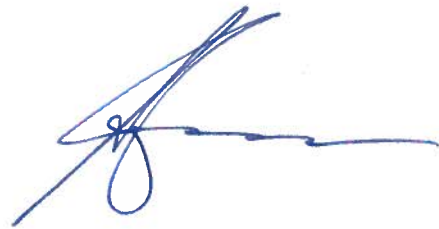
OPTIONS:

1. That Council receive this report for information.
2. That Council refer this application to Committee of the Whole for further detailed discussion, and have the municipal arborist in attendance to answer any questions of the Committee.
3. If Council is in agreement with the proposal to amend the covenant, that direction be given to the applicant to have their lawyers draft the necessary changes for Councils consideration at a future Council meeting.

RECOMMENDATION(S):

That Council refer this application to Committee of the Whole for further detailed discussion, and have the municipal arborist in attendance to answer any questions of the Committee.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-256

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: October 7, 2014
RE: Advisory Design Panel Recommendation Design Approval-
648 Linkleas Avenue
Lot 2, Section 73, Victoria District, Plan VIP 72171 except plan part
over VIP 72171

BACKGROUND:

An application has been received to construct a single family residential dwelling located at 648 Linkleas Avenue. A covenant on the property requires Advisory Design Panel and Council approval prior to the issuance of a building permit.

DISCUSSION:

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of October 7, 2014 relating to the proposed works at 648 Linkleas Avenue.
- b) Memo from Municipal Arborist dated September 23, 2014 regarding trees on the subject property.
- c) Reduced copies of the plans of the proposed work.

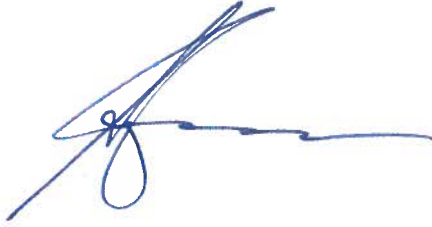
OPTIONS:

1. That it be recommended to Council that the plans to construct a new single family residential dwelling at 648 Linkleas Avenue be approved as to siting and architectural design.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the plans to construct a new single family residential dwelling located at 648 Linkleas Avenue be approved as to siting and architectural design.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-257

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: September 29, 2014
RE: Uplands Building Permit/Development Variance Permit Application
3155 Beach Drive
Lot 3, Block 10, Section 31, Victoria District, Plan 1216A
RS-1, One Family Residential

BACKGROUND:

An Uplands application has been submitted for construction of a new dwelling at 3155 Beach Drive. The new dwelling is quite large with a steep roof line. The design has not followed our Zoning Bylaw in regards to the maximum heights permitted; consequently a variance to the Zoning Bylaw is required to accommodate this proposal.

Attached for your information are:

1. The report of the Advisory Design Panel meeting of August 5 and September 2, 2014 relating to the construction of the proposed new dwelling at 3155 Beach Drive.
2. Memo from Municipal Arborist dated July 23, 2014 regarding trees on the subject property.
3. Reduced copies of the plans of the proposed work.

DISCUSSION:

The applicant is requesting a Development Variance Permit granting relief from the following section(s) of the Zoning Bylaw:

Zoning Bylaw Section(s)	Required	Requested	Variance
6.1.4.(3)(a) Maximum building height	7.32 m (24 ft)	7.87m (25.8 ft)	0.55m (1.8 ft)
6.1.4.(3)(b) Maximum occupiable height	4.57 m (15 ft)	4.75 m (15.6 ft)	0.18 m (0.6 ft)
6.1.4.(3)(c) Maximum roof height	9.14 m (30 ft)	11.63 m (38.16 ft)	2.49 m (8.17 ft)

*Imperial measurements are approximate and for convenience only.

With the proposal being a new single family dwelling consideration should be given to the established Bylaws of the community. The roof height variance request is quite large and could be reduced or eliminated with careful design.

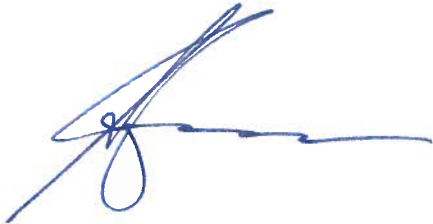
OPTIONS:

1. That it be recommended to Council that the applicant be requested to modify the design to eliminate the need for variances for the proposed new dwelling.
2. That it be recommended to Council that the plans to construct a new single family dwelling at 3155 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, as outlined in the September 29, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
3. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the applicant be requested to modify the design to eliminate the need for variances for the proposed new dwelling.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-258

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: September 25, 2014
RE: Uplands Building Permit/Development Variance Permit Application
3265 Beach Drive
Lot A, Section 31, Victoria District, Plan 3695

RS-2, One Family Residential

BACKGROUND:

An Uplands building permit application has been submitted to add a conservatory to the side of the existing dwelling. The owner obtained a DVP in October 2013 for an addition to the north side which permitted a reduced combined setback of 11.36 meters from the required 12.19 meters. The new proposed construction of a conservatory to the south side of the dwelling will require a further relaxation of the already varied setback. The dwelling minimum side lot line setback and the combined setback would not be met; consequently a variance to the Zoning Bylaw is required to accommodate this proposal.

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of September 2, 2014 relating to the proposed landscaping at 3265 Beach Drive.
- b) Memo from Municipal Arborist dated August 29, 2014 regarding trees on the subject property.
- c) Reduced copies of the plans of the proposed work.

Discussion:

The applicant is requesting a Development Variance Permit granting relief from the following section(s) of the Zoning Bylaw:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) Minimum Interior side lot line setback	4.57 m (15ft)	3.1 m (10.15ft)	1.47m (4.8 ft)
6.2.4.(2)(e) Minimum total of side lot line setbacks	12.19 m (40 ft)	7.9 m (26 ft)	4.29 m (14 ft)

**Imperial measurements are approximate and for convenience only.*

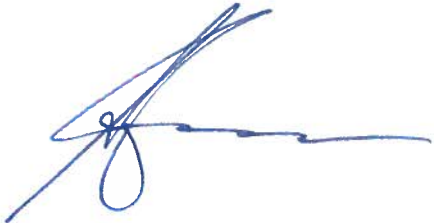
OPTIONS:

1. That it be recommended to Council that the plans to construct an addition on the south side of 3265 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, as outlined in the September 25, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the plans to construct an addition on the south side of 3265 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, as outlined in the September 25, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-259

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: October 9, 2014
RE: Uplands Building Permit/Development Variance Permit Application
2527 Nottingham Road
Lot 1, Block 43, Section 31, Victoria District, Plan VIP8777
RS-2, One Family Residential

BACKGROUND:

An Uplands building permit application has been submitted to alter a previously approved accessory building under DVP #PL200-2014. The proposal now is to separate the one building into two buildings, one for a workshop and the second as a garage. Both accessory buildings would not meet the minimum height requirements; consequently a variance to the Zoning Bylaw is required to accommodate this proposal.

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of October 7, 2014 relating to the proposed two accessory buildings at 2527 Nottingham Road.
- b) Reduced copies of the plans of the proposed work.

Discussion:

The applicant is requesting a Development Variance Permit granting relief from the following section(s) of the Zoning Bylaw No. 3531:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(b) Maximum occupiable height (Garage)	0.25 m (10 in.)	0.41 m (1.4 ft)	0.16 m (.53 ft)
6.2.4.(3)(a) Maximum building height (Workshop)	3.0 m (10 ft)	3.34 m (11 ft)	0.34 m (1.1 ft)
6.2.4.(3)(b) Maximum occupiable height (Workshop)	0.25 m (10 in.)	0.88 m (2.89 ft)	0.63 m (2.1 ft)

**Imperial measurements are approximate and for convenience only.*

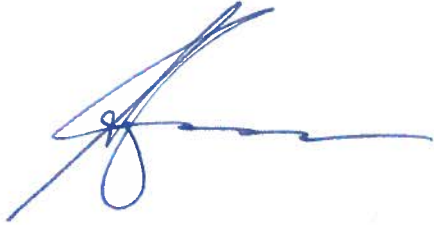
OPTIONS:

1. That it be recommended to Council that the plans to construct two accessory buildings at 2527 Nottingham Road be approved as to siting and architectural design, subject to the issuance of a development variance permit, as outlined in the October 9, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the plans to construct two accessory buildings at 2527 Nottingham Road be approved as to siting and architectural design, subject to the issuance of a development variance permit, as outlined in the October 9, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-260

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: October 9, 2014
RE: Development Variance Permit Application
2765 Lansdowne Road
Lot 6, Block 22, Section 31, Victoria District, Plan 1216A
RS-2, One Family Residential

BACKGROUND:

The owner's are in the middle of a substantial landscaping project for their property and have now revised the original plan to have a hot tub in the front yard. The front yard is off of Ripon Road, however the house faces Lansdowne Road and they use the side to the Uplands Park as their back yard. The proposed hot tub emits noise and is not permitted in the front yard; consequently a variance to the Zoning Bylaw is required to accommodate this proposal. The decibel level for the hot tub will be below the maximum 40 dba at the property line.

Discussion:

The applicant is requesting a Development Variance Permit granting relief from the following section(s) of the Zoning Bylaw:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.5	No structure shall be sited in the front yard.		*

The variance is to permit the structure in the front yard.

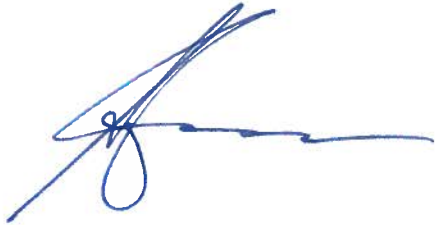
OPTIONS:

1. That it be recommended to Council that the plans to locate the hot tub in the front yard be approved, subject to the issuance of a development variance permit, as outlined in the October 9, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

1. That it be recommended to Council that the plans to locate the hot tub in the front yard be approved, subject to the issuance of a development variance permit, as outlined in the October 9, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-261

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: September 22, 2014
RE: Development Variance Permit – 2120 Marne Street
Lot A, Section 19, Victoria District, Plan VIP 68729
RS-5, One Family Residential

BACKGROUND:

The owners' have planned a major renovation to the home which they have purchased and with the exterior changes a number of variances would be required. The proposal will involve lowering the basement floor to have the lowest level considered as a basement, a new pitched roof over the front sunroom, addition of shed dormer on the front elevation, and replacing the rear roof with new configuration, new siding and windows. Although the building exists non-conforming further variances would be involved; consequently variances are required from the Zoning Bylaw to accommodate this proposal.

DISCUSSION:

The applicants are requesting relief from the following section(s) of Zoning Bylaw #3531:

<u>Zoning By-law Section(s)</u>	<u>Required/Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(e) Minimum total of side lot lines	4.57m (15 ft)	3.38m (11 ft)	1.19m (3.9 ft)
6.5.4.(3)(a) Maximum building height	6.83 m (22.4 ft)	6.96 m (22.8 ft)	0.13m (.43 ft)
6.5.4.(3)(b) Maximum occupiable height	4.27 m (14 ft)	4.5 m (14.7 ft)	0.23m (.75 ft)
6.5.4. (3)(c) Maximum roof height	8.53 m (28 ft)	8.61 m (28.25 ft)	.08 m (.26 ft)
6.5.4.(6)(b) Maximum gross floor area above .8 meters below grade	300 m ² (3229 ft ²)	340 m ² (3662.5 ft ²)	40m ² (430.5 ft ²)
6.5.4.(6)(b) Maximum gross floor area	420 m ² (4521ft ²)	530.8m ² (5713 ft ²)	110.8 m ² (1193 ft ²)
6.5.4.(11) Minimum second storey side lot line setback (South)	3.0 m (9.8 ft)	2.85 m (9.35 ft)	0.15m (0.5 ft)

6.5.4.(11) 3.0 m (9.8 ft) 1.6 m (5.25 ft) 1.4 m (4.6 ft)
Minimum second storey side lot line setback (North)

** Imperial measurements are approximate and for convenience only.*

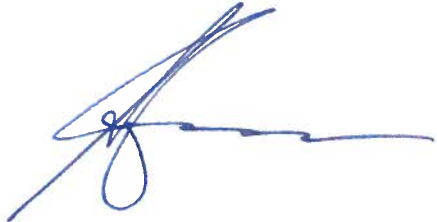
OPTIONS:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the September 22, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION:

That a resolution authorizing the issuance of a development variance permit, as outlined in the September 22, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Office

2014-262

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: October 8, 2014
RE: Development Variance Permit – 3025 Eastdowne Road
Lot 11, Section 31, Victoria District, Plan 5925
RS-4, One Family Residential

BACKGROUND:

The owner currently has renovations developing the basement area of the existing home. The proposal now is to develop the existing garage into two bedrooms and eliminate the one covered parking stall as shown on the attached plans. Eliminating the parking to create two bedrooms would be non-conforming; consequently variances are required from the Parking Facilities Bylaw No. 3540 to accommodate this proposal.

DISCUSSION:

The applicants are requesting relief from the following section(s) of Parking Facilities Bylaw #3540:

<u>Parking Facilities By-law Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule "A", A.1.(a) Minimum No. of Parking Spaces	2	1	*

**Note: The requested variance is to delete the required covered parking space and have 1 uncovered parking stall.*

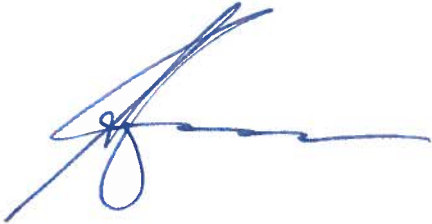
OPTIONS:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the October 8, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That a resolution authorizing the issuance of a development variance permit, as outlined in the October 8, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director Building and Planning

I concur with the recommendation of the Director of Planning and Building.



Helen Koning
Chief Administrative Officer

2014-263

MEMORANDUM

TO: Committee of the Whole
FROM: Director of Building and Planning
DATE: October 8, 2014
RE: Development Variance Permit – 1883 Lulie Street
Lot 8, Block 2, Section 61, Victoria District, Plan 1361
RS-5, One Family Residential

BACKGROUND:

The owner would like to raise the building approximately 1.2 meters(4 ft) to develop the lower floor which would be at grade. The proposal will involve a complete renovation to the house including a rear addition. The existing siting of the building is non-conforming; consequently variances are required from the Zoning Bylaw to accommodate this proposal.

DISCUSSION:

The applicants are requesting relief from the following section(s) of Zoning Bylaw #3531:

<u>Zoning By-law Section(s)</u>	<u>Required/Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above .8meters below grade	240 m ² (2583 ft ²)	247.2 m ² (2661ft ²)	7.2 m ² (78 ft ²)
6.5.4.(11) Minimum second storey side lot line setback (North)	3.0 m (9.8 ft)	2.5 m (8.2 ft)	0.5 m (1.6 ft)
6.5.4.(11) Minimum second storey side lot line setback(South)	3.0 m (9.8 ft)	2.56m (8.4 ft)	.44 m (1.44 ft)

** Imperial measurements are approximate and for convenience only.*

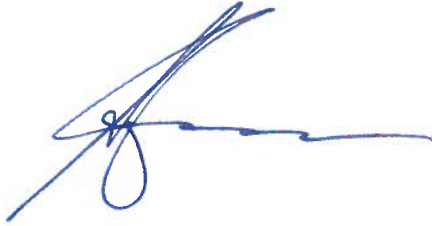
OPTIONS:

1. That a resolution authorizing the issuance of a development variance permit, as outlined in the October 8, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION:

That a resolution authorizing the issuance of a development variance permit, as outlined in the October 8, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Office

2014-264

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: October 7, 2014

RE: Shoreline Development Permit
2064 Esplanade
Lot 34, Section 61, Victoria District, Plan 874

RS-5, One Family Residential

BACKGROUND:

The Official Community Plan (OCP) identifies this property as part of the Shoreline Development Permit Area as shown on Schedule E of the OCP. The DPA involves the area 15 meters horizontally upland from the natural boundary of the sea. The designation is for the protection of the natural environment, its ecosystems and biological diversity.

DISCUSSION:

The owner's have submitted a building permit for a new home at 2064 Esplanade. The area of the work is just within the 15 meters of the natural boundary of the sea. Aqua Tex Scientific consulting have provided a report (attached) confirming that there is no ecological risk to the aquatic or shoreline habitat, nor does it interfere with shoreline integrity or natural processes. (Guidelines for Shoreline Development Permit Area is attached)

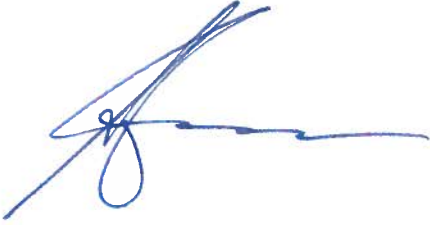
OPTIONS:

1. That it be recommended to Council that the plans to build a new dwelling be approved for 2064 Esplanade , as outlined in the October 7, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the plans to build a new dwelling be approved for 2064 Esplanade , as outlined in the October 7, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-265

MEMORANDUM

TO: Committee of the Whole

FROM: Director of Building and Planning

DATE: October 7, 2014

RE: Shoreline Development Permit
2011 Crescent Road
Lot B, Section 19, Victoria District, Plan 40700

RS-5, One Family Residential

BACKGROUND:

The Official Community Plan (OCP) identifies this property as part of the Shoreline Development Permit Area as shown on Schedule E of the OCP. The DPA involves the area 15 meters horizontally upland from the natural boundary of the sea. The designation is for the protection of the natural environment, its ecosystems and biological diversity.

DISCUSSION:

The owner's have removed contaminated soils from an old oil tank that leaked underneath there residence. This work did not require a development permit as it is exempted in the Official Community Plan. Now that the area under the dwelling has been excavated the owner's would like to create an outdoor room while completing the repairs to the foundations and structure as directed by their professional engineers. The area of the work is within the 15 meters of the natural boundary of the sea. Creation of this room under the building is considered an alteration to the building and the shoreline development permit requirements are applicable to alterations. (Guidelines for Shoreline Development Permit Area is attached)

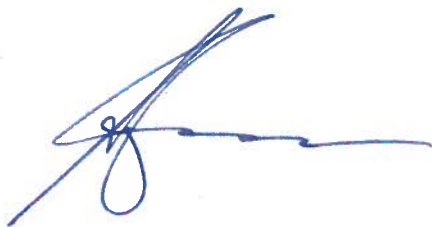
OPTIONS:

1. That it be recommended to Council that the plans to develop an outdoor room under the existing dwelling be approved for 2011 Crescent, as outlined in the October 7, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.
2. That it be recommended to Council that the application be denied.

RECOMMENDATION(S):

That it be recommended to Council that the plans to develop an outdoor room under the existing dwelling be approved for 2011 Crescent, as outlined in the October 7, 2014 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

2014-237

MEMORANDUM

TO: Mayor and Council
FROM: Director of Building and Planning
DATE: September 19, 2014
RE: Floor Area Review Committee Report

BACKGROUND:

Council created the Oak Bay Floor Area Review Committee in 2013 to address concerns that had been raised in regards to large houses on small lots where the current Zoning Bylaw has fixed floor area limits for four different lot sizes in the RS-4 and RS-5 zones. The FAR Committee has worked for many months and has produced the RS-4 and RS-5 Bylaw Recommendations Report attached.

DISCUSSION:

The FAR Committee was established to:

- Review the permitted size of residential dwellings in RS-4 and RS-5 zones;
- Review other jurisdictions method of regulating floor areas;
- Review the fixed floor area method and possible ways to address the inconsistencies of the method as it relates to smaller lots;
- Review the floor area ratio method, with exclusion or exemption of floor area by formula, addressing homes older than January 1993;
- Consider how floor area regulations impact environmentally-friendly building practices;
- Consider the benefits and impacts of measuring gross floor area from the interior of the outside wall of a dwelling;
- Consider the extent of the public engagement required at the committee level for this process;
- Consider whether further planning input is required before a final recommendation is made to Council; and
- Advise Council on the options available and make a recommendation on the most appropriate regulatory method.

As this report involves the majority of single family residential properties in Oak Bay being the RS-4 and RS-5 properties we would recommend advertising when this will be coming back for further discussions.

OPTIONS:

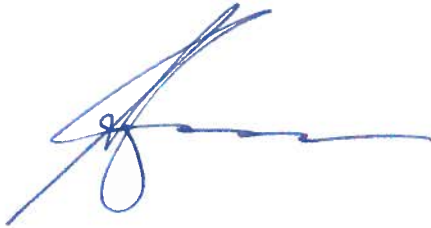
1. That Council receive this report for information.

2. That Council refer the Floor Area Review Committee RS-4 and RS-5 Bylaw Recommendations Report to the October COW meeting or a future Committee of the Whole meeting as directed for further discussion and public input, and further, that the meeting be advertised.
3. That Council direct staff to draft the Zoning Bylaw Amendments as recommended in the FAR Committee Report dated July 2014 to be brought back to a future COW meeting.

RECOMMENDATION(S):

That Council refer the Floor Area Review Committee RS-4 and RS-5 Bylaw Recommendations Report to the October COW meeting or a future Committee of the Whole meeting as directed for further discussion and public input, and further, that the meeting be advertised.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Lorraine Hilton
Municipal Clerk/Deputy Chief Administrative Officer



DISTRICT OF
OAK  **BAY**

Floor Area Review (FAR) Committee

RS-4 RS-5 Bylaw Recommendations Report

July 2014

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INTRODUCTION.....	4
BYLAW RECOMMENDATIONS.....	5
1. Floor Area Measure.....	5
2. Floor Area Definition:.....	6
3. Lot Coverage.....	6
4. Lot Coverage Definition.....	7
5. Height Controls.....	7
6. Setbacks.....	8
7. Atriums.....	9
8. Interior Stairs.....	9
9. Grade Regulations.....	10
10. Garages.....	11
11. Verandah, doorway, and Porte Cochere Exemptions from Gross Floor Area.....	12
12. Deck and Balcony Exemptions.....	13
13. Basement Exemptions.....	14
14. Single Storey Lot Designation.....	15
ADDITIONAL BACKGROUND INFORMATION.....	16
1. Floor Area Background:.....	16
2. Massing Factors.....	18
3. Definitions.....	18
4. Exemptions.....	20
5. Bylaw Planning Flowchart.....	22
6. Options Considered / Pros and Cons.....	23
7. Bylaw Comparison Summary by Jurisdiction.....	28
8. History of Floor Area Regulations.....	29
APPENDIX 1: RS-4 / RS-5 DUPLEX BYLAW REGULATIONS.....	30

INTRODUCTION

The Oak Bay Floor Area Review (FAR) Committee was formed by motion of Council in 2013 to look at zoning bylaw regulations in RS-4 and RS-5 lots. This review was held in parallel with the Official Community Plan Review. At the outset, the FAR Committee made a decision to take a holistic look at the land use regulations rather than just controversial aspects of the current regulations.

Through the summer and fall months of 2013, the FAR Committee collected information related to zoning bylaw regulations from sources and other jurisdictions in BC and around North America. A thorough review of all possible options and resulting impacts was compiled through this process. At the end of this "Data Collection" phase, the FAR Committee hosted two public input sessions on December 11th, 2013. These were well attended by around 75 individuals from both industry and the general public. The feedback from these sessions helped round out the large volume of ideas, suggestions, and concerns collected prior.

In January 2014, the FAR Committee moved on to the "Analysis and Recommendation" phase, in which the various options were considered for merit. A number of tools were developed internally to test and compare different scenarios, with the intent to seek consensus on the final recommendation. It should be noted that the core Committee was frequently joined by other interested members of the community who contributed greatly to the discussions and whose consensus was sought as well. These guests brought valuable additional expertise in urban planning, housing design, and engineering. In May 2014, another two public input sessions were held to present the high-level draft recommendations for comment.

Throughout the Assessment and Recommendation Phase, the Committee asked the following questions to guide the recommendations: *Do the specifics of the regulations:*

- *Help maintain the legal, conforming status of the vast majority of existing housing stock?*
- *Create equivalent rules for equivalent parcels of land?*
- *Facilitate the preservation of heritage homes?*
- *Provide clear guidelines that minimize "interpretation"?*
- *Minimize possible risk (unintended consequences)?*
- *Encourage excellence in building function, including environmentally-friendly design?*
- *Have a positive effect on neighbours and streetscape?*

With that background, the members of the Oak Bay Floor Area Review Committee submit their report.

Regards,



Kevin Murdoch, Chair
On Behalf of the Oak Bay Floor Area Review Committee (2013-2014)

BYLAW RECOMMENDATIONS

The recommendations are broken down by bylaw topics, each with a summary of recommendations highlighted in a box, followed by a brief explanation of rationale for specific points.

1. Floor Area Measure

Recommendation: Change from a "Fixed Floor Area" model to a "Floor Area Ratio" model.

- Set floor area ratio at 0.4 to 1.0
- Include accessory buildings in floor area ratio calculation

Background

Change from a "Fixed Floor Area" model to a "Floor Area Ratio" model.

Rationale: A ratio model is (a) inherently equitable for all landowners, (b) provides proportional house sizes by default, (c) clarifies the rules for builders, staff, and Council, (d) reduces the number of variances, and (e) addresses concerns raised about large houses on small lots. The potential issues that can arise in older homes with the more rigid (non-variable) FAR definition is managed through a "sliding scale" basement exemption model plus targeted exemptions for items such as verandahs, decks, etc. The Ratio model was used in Oak Bay until 2007, and is the primary method used throughout North America.

- Set floor area ratio at 0.4 : 1.0

Rationale: 0.4 : 1.0 was the ratio in place for the longest period of Oak Bay's history and has generally worked well to control massing. Some basements and all accessory buildings were included in the FAR from 1986 to 1993, with a sliding scale of basement exemption based on depth in place from 1993-2007. A more complete history, model comparison, and explanation of rationale can be found in the section "[ADDITIONAL BACKGROUND INFORMATION](#)"

- Include accessory buildings in floor area ratio calculation

Rationale: this is the model used prior to 2007. Including accessory buildings in floor area calculation allows homeowners to prioritize the land use based on need and captures the total land use impact in a single calculation.

Note that between 0% and 100% of qualifying basements, as well as some other floor areas, may be exempted from this calculation. Specific exemptions are detailed throughout the recommendations in this document.

2. **Floor Area Definition:**

Recommendations:

- Floor Area to be measured to outside face of building sheathing (*current*)
- Exclude exterior stairs from building envelope measure (*current*)
- Exclude "low" Decks from Floor Area measure (*new*)

Background

- Floor Area to be measured to outside face of building sheathing (structure behind exterior cladding)

Rationale: (a) aligns with most other jurisdictions, (b) maintains consistency between lot coverage and floor area measures, and (c) allows for insulation renovations of older homes without penalty

- Exclude "low" Decks (*new*) from gross floor area measure

Rationale: See [Section 12: Deck and Balcony Exemptions](#) for more details.

3. **Lot Coverage**

Recommendation: Set total Lot Coverage to 30% (*modification of current*)

- Include accessory Buildings in Lot Coverage calculation (*modification of current*)
- Limit accessory buildings to a maximum of 7% of lot (*modification of current*)

Background

Set total Lot Coverage for standard RS-4 and RS-5 lots to 30%

Rationale: This is a slight revision of the 1986-2007 25+5% lot coverage and current 25%+5-7% lot coverage allowance

- Include accessory Buildings in Lot Coverage calculation

Rationale: Combining lot coverage encourages a rational prioritization of land use by need, rather than encouraging the maximizing of accessory buildings only because the lot coverage can't be used elsewhere. This also has the effect of encouraging more floor area on the first storey of the primary building rather than pushing massing to the second storey.

Note: the inclusion of decks and patios in lot coverage has changed. See [Section 12: Deck and Balcony Exemptions](#) for details.

4. Lot Coverage Definition

Recommendations:

- Special allowance in setbacks for 100mm of additional cladding (insulation, brick, other) (modification of current)
- Include decks in lot coverage measure (current)

Background

- Special allowance in setbacks for 100mm of additional cladding (insulation, brick, other):
Rationale: (a) maintains alignment of floor area measures with most other jurisdictions, (b) maintains consistency between lot coverage and floor area measures, and (c) allows for retrofit insulation renovations of older homes without impacting floor area or lot coverage calculation.
- Include decks in lot coverage measure.
Rationale: While low decks are excluded from floor area calculation (see "Decks" section for more details), decks still reduce green space on lots and this definition captures that impact.

5. Height Controls

Recommendations: Keep Building Heights, Roof Height, and Occupiable Heights the same as the current bylaw, with the following adjustments:

- Definitions of heights will be updated to better clarify regulations, particularly with non-traditional designs
- Building, Roof, and Occupiable Height regulations for "single-storey" designated lot
- General improvement of definitions and inclusion of diagrams for better clarity

Background:

- Definitions of heights will be updated to better clarify regulations with non-traditional designs
Rationale: current definitions work well, but some building designs lack the architectural elements used to define certain heights. Better clarity of language to update will clarify the guidelines.
- Set unique building height, roof height, and occupiable height regulations for "single-storey" designated lots
Rationale: see [Section 14: Single Storey Lot Designation](#)

6. Setbacks

Recommendations: Keep Current Setbacks, with the following modifications:

- Allow Eaves to extend 0.76m (30") into side-yard setbacks
- Modify primary building rear-yard setback to the greater of:
 - 7.62 meters (25') (current regulation), or
 - 20% of lot depth
- Setbacks for Accessory Buildings maintained at current values
- Below-Grade structures require a side-yard setback of 1.5m (5') (New)*

Background:

- Allow Eaves to extend 0.76m (30") into side-yard setbacks
Rationale: the current 18" limit can create overhangs inadequate for rain protection and limit architectural styling. Eaves larger than 30" may run afoul of building code requirements for building separation.
- Modify primary building rear-yard setback to the greater of:
 - 7.62 meters (current)
 - 20% of lot depth*Rationale: Modifying the rear-yard setback to include a percentage of lot depth prevents extremely long houses from breaking up the continuity of backyard green space from property to property on deep lots. Percentages up to 35 percent are used in other jurisdictions; the choice of 20 percent is a conservative implementation of the rule and may be modified in future after assessing its effectiveness.*
- Setbacks for Accessory Buildings* will be kept as they are.
**Note: Should the OCP change to allow secondary living quarters in accessory buildings, the current accessory building definitions (setbacks, etc.) are not in compliance with building code for occupied buildings, and would have to be rewritten to meet that use.*
- Below-Grade structures require a side-yard setback of 1.5m (5') (New)*.
Rationale: below-grade patios or stairs occupying the entire side-yard setback can have negative consequences for ground stability of neighbouring properties and for safe passage from front to rear. The exact wording of this change is subject to finalization, to ensure reasonable implementation of stairs on steep property and changes to existing stairwells is not overly restrictive. This rule change would be subject to change under a bylaw variance application process.

7. **Atriums**

Recommendations: Atrium space Gross Floor Area measurement defined and changed to:

- Atrium space with ceiling height up to 4.3m (14') counted only once as part of gross floor area
- Atrium space with a ceiling height over 4.3m (14') counted 2x as gross floor area

Background:

Atrium is defined as interior space with elevated ceiling height.

- Atrium space with a ceiling height over 4.3m (14') counted 2x as gross floor area

Rationale: 2-storey atrium space creates massing equivalent to 2x the actual floor area currently counted. These rules reflect the impact of an atrium on external massing. The 4.3m (14') limit is derived from the combined height of first and second storey under a sloped roof where floor area is counted 2x (i.e. 9' ceiling height + 1' joists + 4' under roof). Interior stairs are excluded from this definition.

8. **Interior Stairs**

Recommendations:

- Floor Area of interior stairs are counted only once per floor (current)
- The basement floor under stairs with less than 1.2m of height excluded from floor area

Background:

Recommendation: Interior Stair Measurement

- Gross Floor Area for each flight of interior stairs is counted once for purposes of floor area.

Rationale: this codifies the measurement model currently used in practice.

9. Grade Regulations

Recommendations: Generally maintain current grade regulations, with specifics below:

- Use Natural Grade (current)
- Use "Smallest Rectangle" measure of primary building excluding decks (modification of current)
- For deck height calculations, the natural grade will be calculated for the area directly below the deck (*NEW*)

Background:

- Use Natural Grade (current)

Rationale: The use of natural grade remains the best measure of realistic impact on neighbours. The consideration of "lower or natural or final" grade has some good qualities, but could result in odd impacts if a corner of a building were excavated.

- Use "Smallest Rectangle" measure of primary building excluding decks (modification of current)

Rationale: The difference between the "smallest rectangle containing the primary building" and "actual building outline" means of measuring grade is very minor. On almost all Oak Bay lots the actual difference in allowable height between the current and more complicated formulas would be measured in inches or fractions of inches, and was not deemed to be worth changing.

As decks are exempted from floor area calculation based on their height, decks have been removed from the "smallest rectangle" calculation of average grade and only the primary building is used.

- For deck height calculations, the natural grade will be calculated for the area directly below the deck.

Rationale: decks on sloped land can extend well beyond the main building. Decks should not be counted in the calculation for the main building height. Further, "Height above grade" for decks should reflect their actual height on sloped land.

10. Garages

Recommendations:

- Garage exemption will be changed from 19m² to 22m²
- The 22m² Garage exemption will only apply where the garage is in line with or behind the front face of the primary building, or where the garage door is turned at a right angle to the street.

Background:

- Garage exemption will be changed from 19m² to 22m²

Rationale: Garage exemptions have been changed many times over the decades in response to changing needs and to encourage specific goals. The restriction of paving to 25% of the front yard, for example, was implemented to restrict wide driveways and hence front-facing double garages. 22m² is considered the current minimum workable standard for a single-car garage.

- The 22m² Garage exemption will only apply where the garage is in line with or behind the front face of the primary building, or where the garage door is turned at a right angle to the street.

Rationale: In the previous bylaw, there was incentive to discourage garages from dominating the front façade of houses, by allowing the lot coverage for accessory buildings to be added to the house if turned at right angles. With the removal of separated accessory building lot coverage, that former incentive is removed. This change re-instates the incentive.

The actual wording will reflect the original bylaw: the exemption is applied where:

- a) the garage is sited so that the vertical plane of the vehicle entrance makes an angle between 85 degrees and 90 degrees, both inclusive, with a straight line connecting the endpoints of the front lot line; or
- b) the garage is sited entirely within the area of the lot bounded by the rear lot line, the side lot lines and the front face of the principal building projected in a straight line to both side lot lines;

Note: The exemption being tied to these restrictions reflect a cautious decision to maintain these incentives. While current architectural styles do not typically present garages in front of the house, there was seen to be some value in providing a small incentive to encourage non-dominant garages in front yards.

11. Verandah, doorway, and Porte Cochere Exemptions from Gross Floor Area

Recommendations:

- Exempt verandahs and door overhangs from gross floor area (new), with the following specifics:
 - Verandahs and overhangs can be contiguous or separated
 - Exempt up to 2.5% of the Lot size to a maximum of 17m²
 - Exempt Verandahs only where the following attributes are in place:
 - The verandah abuts the primary building, and
 - The verandah is in alignment with first floor, and
 - The verandah is facing the street, and
 - The verandah is open to the street except for a railing or guard, and
 - The verandah railing height is no more than 4 cm above the minimum railing height required by building code
 - The verandah is covered by a roof, and
 - The verandah ceiling is less than 3.2m above verandah, and
 - The verandah has no habitable living space above or below
- Porte Cocheres excluded from Floor Area and included in Lot Coverage (current)

Background:

- Exempt verandahs and door overhangs.

Rationale: Current regulations include verandahs in the floor area calculations, and since adding a verandah takes away from allowed interior living space, few owners choose to build verandahs on new buildings. Furthermore, many original verandahs have been enclosed on older buildings over the years. Verandahs are seen to have a positive community benefit, in that they present a welcoming "face" to the street and tie inside living space to the broader community. For this reason, the recommendation is to allow some relief from floor area calculations for verandahs and door openings. The many specifics of the regulation are intended to prevent negative consequences through misinterpretation.

12. Deck and Balcony Exemptions

Recommendations: Remove some decks from gross floor area calculations (new), per the following:

- Decks higher than 1.2m (approximately 4 feet) above natural grade are counted towards both gross floor area and lot coverage
- Decks equal to or lower than 1.2m (approximately 4 feet) above natural grade are exempt from gross floor area calculations, but are counted in lot coverage
- Patio space is exempt from floor area and lot coverage calculations, where such patio is comprised of landscaping material and where the highest point is less than .6m (approximately 2 feet) from average natural grade.
- Decks must meet setback requirements
- Balconies are considered equivalent to decks for purposes of floor area calculation
- "Natural Grade" for decks and patios to be calculated separately, specifically for the area used by the deck (new, see [Section 9: Grade Regulations](#)).

Background:

Remove "low" decks from floor area calculations, but continue to include in lot coverage. "High" decks continue to be counted in floor area.

Rationale: Oak Bay regulations currently include decks in floor area calculations, which very few jurisdictions do. The "Community Benefit" of decks and balconies is seen in encouraging the use of outdoor space, however high decks can impinge on the enjoyment and privacy of neighbours, and take up space that would otherwise be green space. The approach recommended here is a cautious exclusion of decks which incents lower decks.

- Balconies are considered equivalent to decks for regulations

Rationale: This has the effect of maintaining current regulation where most first-storey and all second-storey balconies are included in floor area and lot coverage calculations

- Patio space is exempt from floor area and lot coverage calculations, where such patio is comprised of landscaping material and where the highest point is less than .6m (approximately 2 feet) from average natural grade.

Rationale: this clarifies the current regulations by better defining "patio"

- For further clarification and diagrams, see the following section "ADDITIONAL BACKGROUND INFORMATION"

13. Basement Exemptions

Recommendations:

Basements will be exempted from the calculation of gross floor area on a sliding scale depending on the height of the first floor above average grade.

- For New Homes (Post-1986):
 - 100% exclude basement if first storey floor height is less than 1.22m (4') above average grade
 - Sliding scale of exemption up to 1.52m (5') above average grade
 - Exemption limited to lesser of actual basement square footage or 25% of lot area
- For Older Homes (1986 and earlier):
 - 100% exclude basement if first storey floor height is less than 1.22m (4') above average grade
 - Sliding scale of exemption up to 2.24m (7' 4") above average grade.
 - Exemption limited to lesser of actual basement square footage or 25% of lot area

Background:

Basements will be exempted from the calculation of floor area on a sliding scale depending on the height of the first floor above average grade. There are two different measures, depending on the age of the home. 1986 is the cut-off age for new homes

Rationale: 1986 marked the implementation of floor area limits and the modern building code, and makes a logical divide

When house size limits were initiated in Oak Bay in 1986, basements were included in the total floor area. In the 1990's, basements became either 100% or 0% exempted based on their depth. This model had negative impacts on older homes, many of which have shallow but short basements and reasonable changes could not be accommodated under the bylaws. Change to a sliding scale exemption, combined with the allowable living height reduction from 7' to 6'7," allowed many older basements became both usable and largely exempt from the floor area calculations. Some large old homes on small lots, however, still presented problems, and the inability to address some homes was a driving factor towards the "Fixed Floor Area" model, which allows floor area to be varied under the BC Local Government Act.

With a recommendation to return to the Floor Area Ratio model, the issue of large older homes on small lots requires detailed consideration. The bylaw as drafted is intended to address 95-98% of older home needs. For severe outliers, which would be houses considerably larger than would be allowed if built new, it should be noted that exemptions can still be made to floor area for older homes either under a Heritage Revitalization Agreement or rezoning process, which allows for any changes under a Council-based process, and can be tied more specifically to verified heritage value.

14. **Single Storey Lot Designation**

Recommendation: Create a new “Single Storey” lot definition within the RS-4 and RS-5 zoning.

- “Single Storey” houses would qualify for larger combined lot coverage of 35%
- Would be limited to a maximum of one storey
- Have unique height definitions
- Exempt Basements are permitted

Background

Create a new “Single Storey” definition within the RS-4 and RS-5 zoning.

Rationale: There is a demand for single-storey living but 30% lot coverage restricts a single-storey home on a standard 6,000 sq. ft. lot to just 1800 sq. ft including all outbuildings. A larger footprint of 35% allows for a 2100 sq. ft. home, which allows for two bedrooms plus living space and makes single-storey design more viable. As a “community amenity” for the larger coverage, a house so designated would be restricted to a single storey, increasing natural light and privacy for neighbouring lots.

To qualify for increased lot coverage, a home must meet the following guidelines:

- Maximum lot coverage: 35%
- Maximum occupiable height (floor height) restricted to 0.61m (2') on all lots
- Maximum building height (exterior wall height) and roof heights restricted according to the following table:

Lot Width	Building Height	Roof Height
15m-18.3m (50'-60'):	3.96m (13')	5.79m (19')
18.3m-21.34m (60'-70'):	4.12m (13' 6")	5.94m (19' 6")
21.34m (70') or larger :	4.27m (14')	6.10m (20')

ADDITIONAL BACKGROUND INFORMATION

1. Floor Area Background:

Prior to 2007, Oak Bay, like most other communities in North America, used "Floor Area Ratios" to limit house sizes. This meant that the maximum buildable area of a house on any lot was directly proportional to lot size: the smaller the lot, the smaller the house size allowed. In 2007 Oak Bay went to a "Fixed Floor Area" model for lots in RS-4 and RS-5 zones (which make up the large majority of lots in the municipality.) This meant that for a specific zone, any lot above a certain size could have one fixed amount of floor space and any lot below that size could have another, smaller fixed amount of floor space.

Some of the drivers of this new system were to provide size flexibility in older homes (Council is not permitted by provincial law to give variances on Floor Area Ratios, but is permitted to give variances on Fixed Floor Areas), and to limit the size of houses that could be built without design review. Under the previous Floor Area Ratio system, the owner of a large lot could build a large house without Council having any say in the design. Under the Fixed floor area system, an owner who wants a larger house than the Fixed Floor Area has to apply to Council for a Development Variance.

The Fixed Floor Area system has now been in place for almost 7 years and public feedback has suggested the changes have solved some problems such as reducing the number of larger houses built without design review, but has created other problems such as increasing floor area and building mass on smaller lots without design review.

Current (2007) Zoning: uses a "Fixed Floor Area" model and has floor area limited to:

RS-4:

On Lots < 1,100m²: house size = max 420m² total, with max 300m² > 0.8m above grade

On Lots > 1,100m²: house size = max 480m² total, with max 360m² > 0.8m above grade

Accessory Bldgs: 2 units, max size=GREATER OF: (lower of 44m² or 7% lot coverage) AND 5% lot area

Accessory Structures (non-roofed): 2 units, max, size= 5% of lot area

RS-5:

On Lots < 750m²: house size = max 360m² total, with max 240m² > 0.8m above grade

On Lots > 750m²: house size = max 420m² total, with max 300m² > 0.8m above grade

Accessory Buildings: 2 units, size=GREATER OF: (lower of 44m² or 7% lot coverage) AND 5% lot area

Accessory Structures (non-roofed): 2 units max, size= 5% of lot area

Accessory buildings Zoning: An Accessory Building is currently defined as "a building of secondary use; the uses of such buildings are limited to that of a garage, carport, toolshed, greenhouse, gazebo or enclosed swimming pool." (Bylaw 3864)

The inclusion or exclusion of out-buildings can have an impact on the massing of buildings and lot coverage. The current bylaw allows for accessory building to have square footage and lot coverage over

and above the allowable lot coverage and floor area of the primary building, but the two amounts cannot be combined.

A comparison of allowable floor area between the 2007 regulations and the 40% Floor Area Ratio which preceded it can be seen in the following graphs:

Diagram 1: RS-5 House Size Comparison: current Fixed-Floor-Area vs. Previous Floor-Area-Ratio.

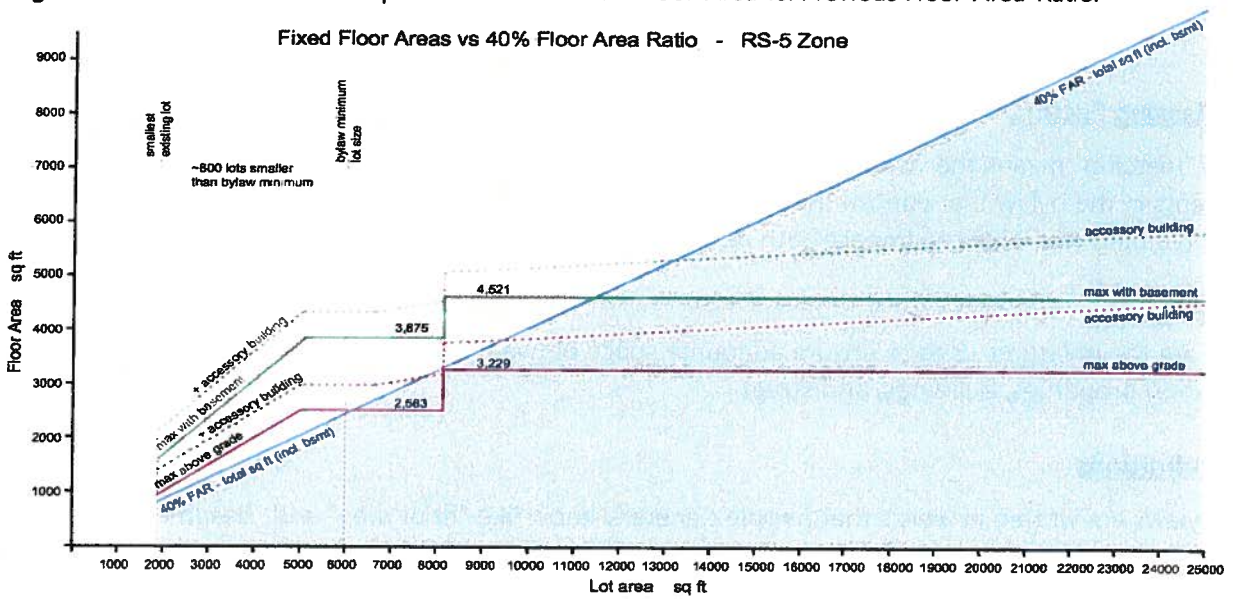
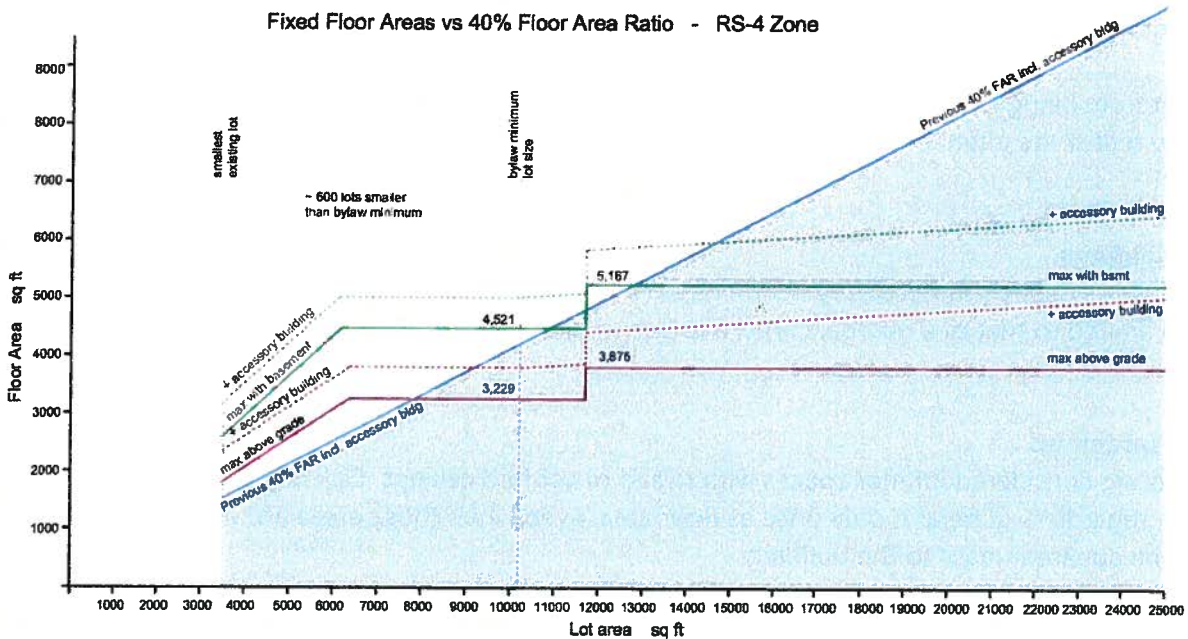


Diagram 2: RS-4 House Size Comparison: current Fixed-Floor-Area vs. Previous Floor-Area-Ratio.



Lot Coverage is currently defined as: "the area covered by all parts of a building or structure, including balconies, bay windows and sundecks; but excluding belt courses, sills, cornices, eaves, gutters and fire escapes." (Bylaw 4335).

Floor Area is currently defined as "the area of all portions of a building serving an occupancy that have a clear height above the floor of more than 1.2 m (3.9 ft)." (Bylaw 3561)

2. Massing Factors

The term "massing" means the visible bulk of the primary and secondary buildings. "Massing factors" are the elements in the bylaw that control the size and location of buildings. Setbacks of buildings and height of building elements can impact both massing and design.

Setbacks:

Setbacks are the measures used to ensure adequate space between the buildings on the site and the neighbouring properties, buildings, and street.

3. Definitions

Zoning bylaws are written in words that people generally know like "floor area" and "basement". But these words often have meanings that are different than people expect. "Floor area", for example, can include areas that don't have floors such as walls and roof overhangs. There are good reasons for these differences but the reasons aren't always intuitively clear. To ensure everyone can understand the bylaws the same way, every zoning bylaw defines the key terms in a very specific way, and those definitions are often different from municipality to municipality.

Terms benefit from being clearly defined and the definitions should benefit the community. Definitions should clearly reflect the intent of the bylaw regulations. Some background on terminology is outlined in this section:

Accessory Buildings

The Current bylaws defines an Accessory Buildings as "a building of secondary use; the uses of such buildings are limited to that of a garage, carport, toolshed, greenhouse, gazebo or enclosed swimming pool."

Atrium Measurement:

Atrium spaces are considered interior spaces with raised or vaulted ceilings. Oak Bay currently counts all atrium space, regardless of height, only once as floor area, even when those areas are double height and add double the apparent mass to the building.

Deck, Patio, Verandah, Balcony, Rooftop Decks:

The general terms used here are:

Patio: At-grade outdoor living area

Deck: Above-Grade (raised) outdoor living area

Balcony: Outdoor living area enclosed by a wall or balustrade on the outside of a building, with access from an upper-floor window or door.

Verandah: First-floor covered attached outdoor living area

Rooftop Deck: Outdoor living area on roof of building

Grade Definition

All Building heights are measured from "grade" – but grade can be defined in a number of ways, most commonly as either finished or natural grade, or some calculation between those two. Oak Bay has historically measured from natural grade (i.e. the grade of the land prior to landscaping). The area used for the calculation can also vary, from "the smallest rectangle that encompasses the whole building" to the specific height of each facet of the building itself.

Interior Stair Measurement

As an internal staircase between floors uses floor area from both stories, the amount of floor area can be measured in a number of ways. Some jurisdictions measure the floor area for both stories, Oak Bay currently measures a staircase just once per flight.

4. Exemptions

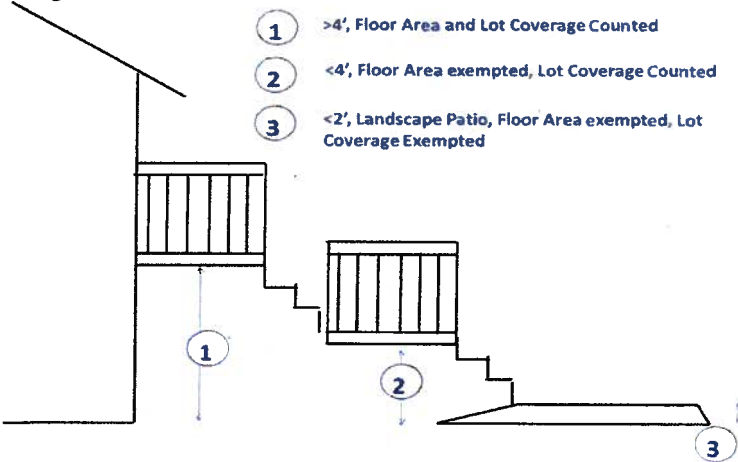
For simplicity, "floor area" is defined as everything within the defined living space of a building. But in reality that's not a complete definition because it may include things that aren't really floor area, like bay windows, front steps and many other things which are not useful to include in floor area. To deal with this, zoning bylaws generally include a list of items which do not have to be counted as floor space, and these are called "exemptions."

Exemptions are intended to "fine tune" the land use bylaw. By exempting items from inclusion in the gross floor area or lot coverage, more massing is added to the building(s), so a fine balance must be met between the benefits and "cost" of the cumulative effect of the exemptions. Also note that exempting items from gross floor area but not lot coverage has the effect of "squeezing" the building higher by having the same mass in a smaller footprint.

Deck exemptions

Oak Bay regulations currently include decks in floor area and lot coverage calculations, which very few jurisdictions do.

Diagram:



Exterior Finishes

Standard exterior finishes (i.e. stucco, shingles, etc.) have traditionally been excluded from floor area, lot coverage, and setback calculations in Oak Bay. Thicker finishes have counted against lot coverage and setbacks. The definitions in the current bylaw do not provide great clarity with regard to the finishes, thicknesses, and their calculation.

Basement Exemptions

When house size limits were initiated in Oak Bay in 1986, basements were included in the total gross floor area allowed (initially 50% then quickly reduced to 40%). When basement exemptions were introduced in the 1990's, they were exempted based on how deep the basement floor was put into the ground. Initially,

basements deeper than 1m were exempted and those shallower than 1m were 100% included in gross floor area calculations. All these models had negative impacts on older homes, many of which have shallow but short basements; reasonable changes could not be accommodated under the bylaws. The exempted depth was later changed to 0.8m, and a sliding scale used to exempt up to 50% of the basement based on depth into the ground. Combined with the allowable living height reduction from 7' to 6'7," many older basements became both usable and largely exempt from the floor area calculations. Some large old homes on small lots, however, still presented problems, and this inability to address some issues was a driving factor towards the "Fixed Floor Area" model with allows floor area to be varied under the BC Local Government Act.

Exemption of Basements from floor area can be considered either universally (new and old buildings) or separately.

With a recommendation to return to the Floor Area Ratio model, the issue of large older homes on small lots requires a great deal of detailed consideration. It should be noted that exemptions can still be made to gross floor area for older homes under a Heritage Revitalization Agreement or rezoning which allows for any changes under a Council-based process, and can be tied more specifically to verified heritage value.

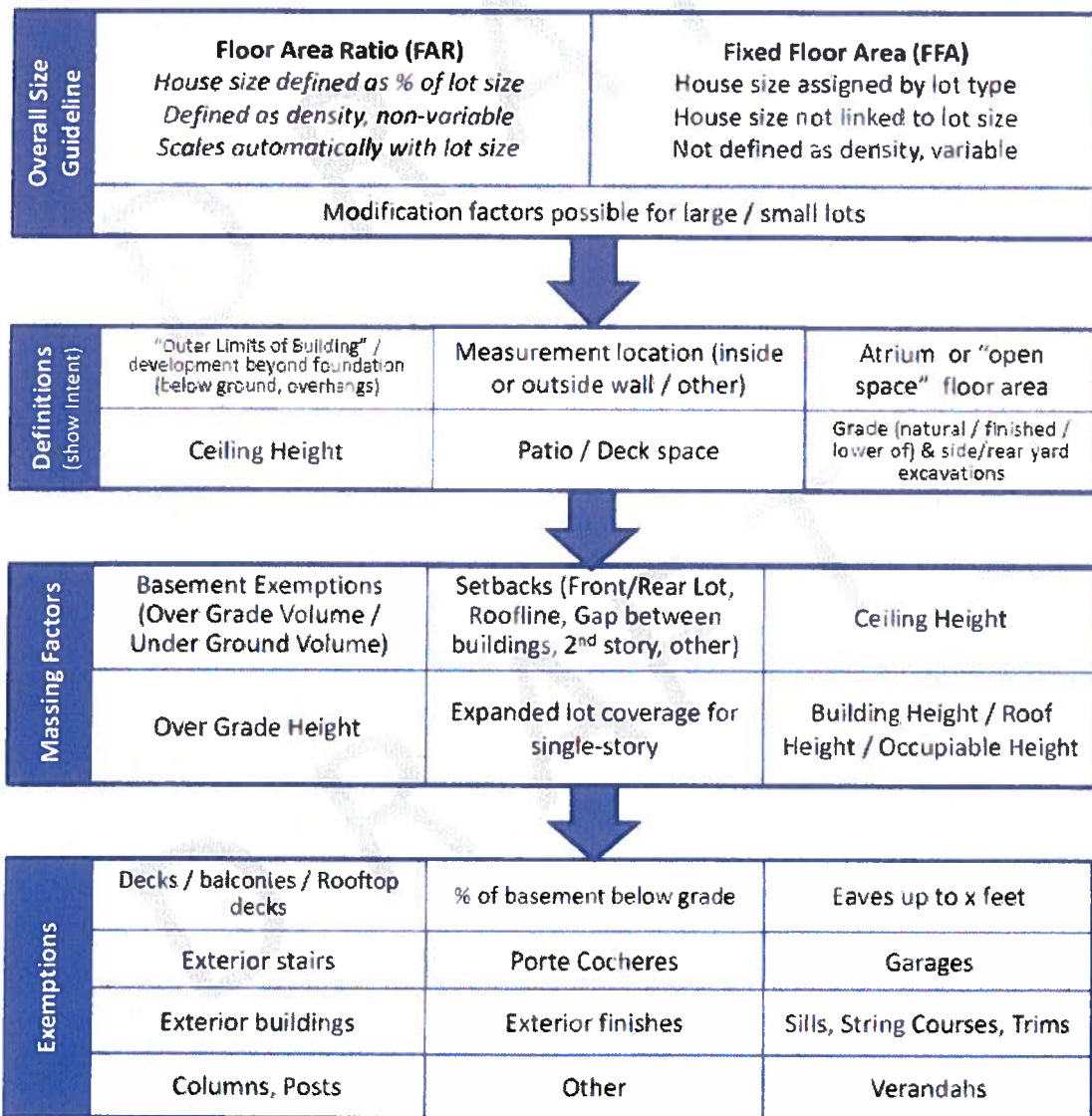
5. Bylaw Planning Flowchart

The following flowchart was used to define the elements necessary for a complete zoning bylaw.

FAR Committee Draft Bylaw Planning Flowchart

Version 1.2 - December 11, 2013

To minimise unforeseen impacts of bylaw changes, the drafting of land use regulations must consider all aspects of the bylaws. The draft flowchart below illustrates the areas of consideration by the Floor Area Review Committee. The Public Input Sessions on December 11th will capture related to these subjects. Some details and background on each section are included in the following pages.



6. Options Considered / Pros and Cons

1. Floor Area Ratio

Used in Oak Bay until 2007 and the most common form of massing control, this was dropped in 2007 bylaw revisions.

POSITIVES	<ul style="list-style-type: none"> • Very clear and well understood rules • Reduces Variance requests • In alignment with broader region • "Fairer" – equal rules for all • Non-Variable reduces staff time, politicization of process, and pitting neighbour against neighbour 	CAUTIONS	<ul style="list-style-type: none"> • Non-variable rule could lead to reasonable needs being unreasonably refused • Bylaws must ensure that exemptions be kept to a minimum • Steep slope average grade hard to have "basement" qualify (older homes specifically) • Concerns over older homes being torn down due to inflexible rules • May lead to "variance by rezoning" seen in other jurisdictions • Caution required to prevent widespread "legal non-conforming" existing houses
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2. Fixed Floor Area

POSITIVES	<ul style="list-style-type: none"> • Variances allow for case-by-case interpretation • Variance process allows neighbours to provide input on design and impact • Small reasonable variances to gross floor area can be allowed, even if over limits 	CAUTIONS	<ul style="list-style-type: none"> • Small and large lots can have "unfair" home sizes (too small/too large) • Inject political process into house sizes • Inconsistency in rules • Can encourage square homes on small lots • Use of "multi-stepped" zones for various lot sizes not feasible • Can put neighbours in awkward position with good or bad neighbor
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Individual Options / Exemptions to above approaches:

3. Basement depth:

At what depth should basements stop being counted in floor area (currently 0.8m) for purposes of massing?

POSITIVES	<ul style="list-style-type: none"> • Building deeper has minimal impact on streetscapes / massing • Clearly recognize difference between "under ground volume" and "over grade volume" 	CAUTIONS	<ul style="list-style-type: none"> • First (main) Floor / occupiable / roof height the key impact on neighbours • Very large basements add numerous sub-grade items such as patios, window wells, stairs, etc. • Requires careful definition of basement "ceiling height" • If % volume model, deeper basement gains more credit for same above-grade volume • Grade definition important (i.e. finished/natural/lower of)
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Age Based Bylaw:

An age-based bylaw would provide different rules for older homes. Depending on the approach taken, age-based exemptions may be required to preserve older housing stock that does not comply with the new rules. May be based on pre- and post-1993 building dates (when the 0.4 ratio w/ basement exclusion was implemented). General consensus was the *preferred approach* is to address heritage needs within the main bylaw, but this would be a viable option *if necessary*.

POSITIVES	<ul style="list-style-type: none"> • Can facilitate the unique needs of older buildings and preserve heritage • Allows for exemptions of low-ceilinged basements • Allows bylaw to "look forward" and not have to accommodate older buildings • "bonus" model for keeping older homes 	CAUTIONS	<ul style="list-style-type: none"> • Creates a two-tier rule • Current houses still require a bylaw revision • Two bylaws must be created and administered • Should massing be different for different aged houses? • Massive remodeling of older homes could still qualify for bonus, not heritage goal
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4a. First-floor height ("Above Ground Formula")

Used only for older homes to recognize unique issues with low basements, this was #2 option behind "fixed floor area" in 2007 review. Adds a formula for first-floor height to encourage lower houses.

POSITIVES	<ul style="list-style-type: none"> • Older homes only – recognizes unique needs of older homes • Keeping first floor closer to ground level reduces impact on streetscape/neighbours • Rewards efforts to keep massing below grade • Keeps "Floor Area Ratio" intact for clarity of rules • Automatically provides additional floor area for low-ceilinged basements • Encourages set-back top storey 	CAUTIONS	<ul style="list-style-type: none"> • Complicated formula (for home owners, not professionals) • Requires very accurate "average grade" calculation, as so much is based on this • Uniqueness of rule may result in unanticipated consequences • Encouraging deep/large basements increases demand for sub-grade development (patios, window wells, stairwells, etc.) • Calculations on steep slopes may cause issues
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4. Grade Calculation: Natural Grade vs. Finished Grade

POSITIVES	<ul style="list-style-type: none"> • Natural grade prevents manipulation of grade • Finished Grade is reflective of real-world massing 	CAUTIONS	<ul style="list-style-type: none"> • Natural Grade may not reflect the finished reality of the lot • Finished grade can be manipulated upwards to gain exemption • Finished grade from corners only allows deep yard excavations between without penalty. • Significant slope, rock outcroppings, and other unusual features need to be considered
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Notes:

- Current "grade" calculations use the smallest rectangle that can encompass the whole building, but this can be changed to the actual grade of the building footprint (more accurate)
- Consideration for "Lesser of" clause (i.e. lesser of the natural or finished grade)
- Grade measurements used for exemptions on steeply sloping lots can cause unwanted results.

5. Accessory Buildings (exempted 2007)

POSITIVES	<ul style="list-style-type: none"> Allows additional buildings without penalizing homeowner for Sq footage Flexibility of land use Recognizes need for yard storage, play areas, separate garages, etc. Garage space encourages off-street parking, safer biking, better views 	CAUTIONS	<ul style="list-style-type: none"> Increases lot coverage from 25% to 32%, reducing drainage and green space Adds to massing Location near property line (2 foot setback) impacts neighbours Change to internal garages may lead to large street-facing garages
Notes: <ul style="list-style-type: none"> Consider percentage of lot for external buildings (i.e. % to a m² maximum) Combine garage/building exemptions (currently garage exemption is 205 ft²) Consider eliminating exemption – change from 25% + 5% to 30% total Consider setback implications Consider “underground” garage bonus 			

6a. Garage Exemptions

In many cases internal garage floor area is exempt from the floor-area calculation. Addition exemption is granted for garages with entrances away from street side. External garages are measured under “Accessory Building” 5% additional lot coverage.

POSITIVES	<ul style="list-style-type: none"> Recognizes off-street parking benefit of garages Side-access benefit improves streetscapes with windows, not garage doors 	CAUTIONS	<ul style="list-style-type: none"> Garages still add to massing Only single-car garage space recognized, small by modern standards
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6. Front Verandah Exemptions

POSITIVES	<ul style="list-style-type: none"> Encourage friendly streetscape Helps older homes to retain existing verandahs May encourage “de-enclosure” of some verandahs. 	CAUTIONS	<ul style="list-style-type: none"> Complicated to write into bylaw, may require significant rework of several bylaws. Verandah space still adds to massing. Unclear whether this would fit under age exemptions or global exemptions May provide massing bonus for standard door entrances – could be good or bad if encouraging more entrance space adds to streetscape
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7. Count Atrium Space in Floor Area

Atrium space, while contributing to massing, is not counted under floor area calculations as it has no “floor”

POSITIVES	<ul style="list-style-type: none"> More directly addresses massing impact 	CAUTIONS	<ul style="list-style-type: none"> Would be different from other jurisdictions Penalizes atrium space Would require careful wording of bylaws as to what is considered “atrium” space (i.e. what height would kick in “atrium”
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8. Measurement to inside walls

POSITIVES	<ul style="list-style-type: none"> Encourage high-R-Value insulation walls for max energy efficiency of buildings Massing still limited by lot coverage limitations 	CAUTIONS	<ul style="list-style-type: none"> Massing controls hampered by reduced control over outside walls May encourage blocky homes Overall floor area loss under current bylaw fairly minimal (100-200sq feet on average home) Requires feedback from builder community Defined point difficult (i.e. "exterior sheathing" does not apply to some building materials) Care needed to exempt "reasonable thickness"
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Alternative Options:

9. More descriptive wording in bylaws

Bylaws should show intent and be clear in their wording. While bylaw enforcement staff (building or other) will tend to be consistent in their interpretation, making the bylaws more specific and clear can help ensure the intent is achieved.

P POSITIVES	<ul style="list-style-type: none"> "Gross Floor Area" could be better defined, with exceptions more clearly defined Would allow for more granular control over massing Could better manage deck heights, atriums, etc. 	CAUTIONS	<ul style="list-style-type: none"> Bylaws fairly functional as they are, architects and builders understand the rules as-is More complexity for builders Extra work for staff to re-write Relies more tightly on enforcement to control floor space "grabs" by enclosing "outdoor" space
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10. Exclusion or control of stairs/excavation in side-yard setbacks

POSITIVES	<ul style="list-style-type: none"> Reduce impact on neighbours Ensure setbacks truly provide a "buffer" to neighbouring properties Ensures emergency access along sides of homes Impact of current bylaw gap needs addressing in some way 	CAUTIONS	<ul style="list-style-type: none"> Unclear consequences of such a change Grandfathering of existing stairs needs to be managed (hard to change access point to basements)
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11. Green Space Rules

POSITIVES	<ul style="list-style-type: none"> Ensure green space in front and back yards is maintained Improve percentage of "permeable surface" on each lot Reduce runoff to storm drains 	CAUTIONS	<ul style="list-style-type: none"> Is it necessary? Definition of hard surface would need to be carefully considered (i.e. interlocking pavers) May need filter pool or other guides for runoff How to recognize trees?
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12. Decks

POSITIVES	<ul style="list-style-type: none"> • Decks as floor areas unique to Oak Bay • High decks do have impact on neighbours • Encouraging lower decks seen as positive 	CAUTIONS	<ul style="list-style-type: none"> • Decks as floor areas unique to Oak Bay • Decks as landscaping vs. structure needs definition (affects floor area and site coverage)
<p>Notes:</p> <ul style="list-style-type: none"> • Idea: Use building code as guide for landscape vs. structure: 2' or lower drop does not require railing, treated as landscape. 			

13. Heritage as bonus

POSITIVES	<ul style="list-style-type: none"> • "Carrot" to heritage get registrations • Improve heritage register 	CAUTIONS	<ul style="list-style-type: none"> • Cannot vary density, so must vary bylaw (i.e. calculation) •
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14. Increased Overhangs

POSIT	<ul style="list-style-type: none"> • Better design and building practices 	CAUTI	<ul style="list-style-type: none"> • Setback intrusion issues
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7. Bylaw Comparison Summary by Jurisdiction

Floor Area Regulation Comparison					
Jurisdiction	# of SF Zones	FSR	Lot Coverage	Gross Floor Area	Form Controls / Notes
Victoria	4	N/A	25% 40%	N/A (control by LC) GFA Max by lot size, small lots > GFA	Max reduced by 1st/2nd FA and form (1.5 vs. 2 story)
Saanich	20	Varies 0.5 - 1	40%	FSR or Set Max GFA by zone, varied by large non-conforming lots	GFA reduced by % non-basement (<5' below grade)
Esquimalt	5	0.35:1	30%		
Langford	+/- 18	N/A	10% - 50%		Envelope controls (setbacks and height)
Cohovod	8	0.4:1	35% (25% duplex)		
View Royal	4	40% (or set max)	35% (40% single story)		
Metchosin	4 (mostly acreage)	N/A	20% or max 186m ² on lots <930m ²		
Central Saanich	5	0.4:1 - 0.5:1 varies by lot size	2-5% rural, 20-40% urban, varies by lot size		
North Saanich	3	0.25-0.3:1	15-25%	Max Floor area by zone	
Sidney	7 (some multi-unit)	N/A	Varies		Lot coverage decreases as height increases
Sooke	5	N/A	25-45%		Envelope controls (setbacks and height)
CVRD	6		30%, 35% impervious		Envelope controls (setbacks and height)
RD of Nanaimo	4	N/A	35%		Envelope controls (setbacks and height)
Parksville	2 (reg & small lot)	Reg: 0.5:1 Small: 0.50-0.55:1	Reg: 33% Small: 33%-50%		
Qualicum Beach	14 (3 SFD only)	N/A	35%		Envelope controls (setbacks and height)
West Vancouver	10	0.35:1 if > 677m ² 237m ² if 474m ² -677m ² 0.5:1 if < 474m ²	30% for large lots, 40% for lots under 7000 sq ft		Note: Sliding scale allows higher ratio on smaller lots
Vancouver	10	Wide variety, up to 0.75:1 with specific bonuses	40% (some special zones 35%)		0.2:1 FSR + 130m ² per floor (1.8m above grade), reward floors < 6' above grade; neighbourhood character requirements, lots of exemptions and bonuses; NOTE: acts under Vancouver Charter, not Municipal Act, so has more powers to regulate
North Vancouver	3	Lesser of: 0.5:1 or 0.3:1 plus 92.9m ²	30% for principle building, 40% total		sliding scale for slightly bigger houses on small lots and slightly smaller houses on big lots; exemptions for exterior cladding systems so people are not penalized for using stone or other thick materials
Richmond	10 + 10 w/ suites	SF: 0.55 on first 464m ² , 0.3:1 on remainder	45% for all buildings		
		SF: 0.4 on first 464m ² , 0.3:1 on remainder unless site (then 0.55:1)			incentive to build suites in suite zoning
Delta	11	Large: 0.3:1 + 93m ² Med: 0.25:1 + 125m ²	45% (infill housing zones 41%)		Equates to ~0.4:1 on 1000m ² lot, "lesser of" provisions to handle odd lot sizes Equate to ~0.45:1 on 600m ² lot, "lesser of" provisions to handle odd lot sizes

8. History of Floor Area Regulations

Although extensively amended, the general form of the modern Zoning Bylaw dates back to 1986.

Timeline:	Description	Formulae
1986-1990	Max allowable FAR for single family property was 0.5 : 1. Entire basement counted unless ceiling height < 1.2m	0.5 : 1 Ratio, Fixed. Everything included.
1990-1993	"Monster House" term arrives, FAR reduced to 0.4 : 1. Basements with floors >1m below grade excluded from calculations. "Hard" 1m measure causes some fairness issues as a home 1.1m below grade allowed much more floor area than one 0.9m below grade.	0.4 : 1 ratio, fixed. Basements w/ floors 1m below grade excluded
1993-2007	New sliding formula for measuring basement floor area of older homes (pre-1993) created, formula based on depth and size. This determined the amount of floor area > 0.4:1 allowed. Still in place for RS-1, RS-2, and RS-3 lots	0.4 : 1 ratio, fixed, with addition floor area calculated: (Basement Floor Area/2)*Depth of Basement. i.e. 100m ² basement 0.9m below grade = 100/2*0.9= 45m ² additional Floor Area
2007-Current	With older homes containing low basements still being demolished, a committee was struck to address issue. New bylaw resulted in move from Floor-Area-Ratio to a fixed house size based on lot type (RS-4/RS-5 Residential lots). Pre-1993 age recognition removed (universal rules for all homes)	RS4: Lot <= 1100m ² = 420m ² / 300m ² above .8m below grade RS-4: Lot > 1100m ² = 480m ² / 360m ² above .8m below grade RS-5: Lot <= 750m ² = 360m ² / 240m ² above .8m below grade RS-5: Lot > 750m ² = 420m ² / 300m ² above .8m below grade

APPENDIX 1: RS-4 / RS-5 DUPLEX BYLAW REGULATIONS

In anticipation of applications for development of two-family housing (“duplexes”) in current RS-4 and RS-5 zones, the Floor Area Review (FAR) Committee has agreed to provide some “best practices” that can guide Council both in specific applications and perhaps even in the OCP development.

In looking at duplex regulations in other jurisdictions, the OCPs of those communities directly addressed the intent and general guidelines for location, acceptable lots, and design of duplexes, with a range or granularity. In general, the allowed massing, setbacks, etc. in duplex zones are equal to single-family residences. Duplex zoning, particularly as it is “injected” into fully developed streets with single-family homes, needs to be carefully controlled and match OCP intentions.

In the bylaw regulations, it is standard practice to clearly articulate specific controls for duplex zoning. The members of the FAR Committee would recommend that any future zoning bylaw regulations contain most or all of the attributes listed below – NOTE THAT THE NUMBERS HERE ARE ONLY GENERAL SUGGESTIONS, AND THAT FINAL DETERMINATION OF APPROPRIATE ZONING GUIDELINES SHOULD GO THROUGH A THOROUGH DUPLEX ZONE DEVELOPMENT PROCESS.

- **Process:** The committee recommends two-family homes require a rezoning or other process described as in bylaw to be subject to a rezoning and/or Development Permit Area process. This would allow review by the Advisory Design Panel or other planning advisory panel – a process that can happen at staff level that should result in an approved design scheme prior to the rezoning request reaching Council. This process is considered important, as duplexes can be difficult to design in a way that integrates with the surrounding housing. Importantly, the rezoning process also allows for community input.
- **Minimum Lot Size:** the committee would recommend a minimum duplex lot size for both RS-4 and RS-5 lots. The exact minimum lot size would be determined in the careful process of bylaw creation, but would be recommended to be larger than the minimum lot size for each zone. Most jurisdictions require a lot 15%-35% larger than a “normal” lot to allow for adequate floor area, green space, parking, etc. An example of possible lot size minimums in Oak Bay:
 - a. RS-5: 670m² / 7,200 sq. feet (+20%)
 - b. RS-4: 1140m² / 12,250 sq. feet (+20%)
- **Minimum Lot width:** The committee recommends a minimum lot width (“frontage”) larger than the minimum width in the existing RS-4 and RS-5 zones, with some possible exemptions for specific lot configurations. This is consistent with other jurisdictions. The extra width allows for better design and reduced impact of garage/driveway doubling. RS-5 lots currently have a minimum lot width of 50’, and RS-4 lots a minimum lot width of 70’ (Bylaw 3531, Schedule A). Example lot width minimums could be:
 - a. RS-5 Minimum Lot Widths:
 - i. 18.3m / 60’-70’ for normal interior lots

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- ii. 15.24m / 50'-60' for corner lots
 - iii. 15.25m / 50'-60' for interior lots with lane access.
 - b. RS-4 Minimum Lot Widths:
 - i. 24.4m / 80'-90' for normal interior lots
 - ii. 21.34m / 70'-80' for corner lots
 - iii. 21.34m / 70'-80' for interior lots with lane access
 - **Maximum Lot Coverage:** Same as single family in existing RS-4 or RS-5 zone
 - **Maximum Floor Area:** same as single family
 - **Maximum Height, Occupiable Height, Building Height:** same as single family
 - **Setbacks:** Same as single family, see "Design Comments" below for more detailed consideration
 - **Parking:** Committee recommendations are that Duplexes require parking for each unit – most jurisdictions require two parking spots per unit, Victoria only one. The Committee noted that inadequate parking can have significant direct impact on neighbours, and reduction in required parking could be seen a negative by neighbours. The committee recommends that the same exemptions for garage square footage be applied to the whole of a duplex (i.e. same as single-family dwelling on the same lot).
 - **Expansion or Secondary Suites:** It should be noted that Duplexes cannot house secondary suites, as this is contrary to building code.
 - **Design Comments:** The Committee noted that duplexes can integrate very well with established neighbourhoods, but in addition to ensuring adequate "space" defined in bylaw, success requires careful design and consideration of the neighbouring properties. Design guidelines should be developed to inform developers and future advisory panels. Some general comments were agreed upon as high-level guidelines to help designers, developers, design panels, and Councils determine appropriate proposals. These include:
 - a. Look like a single family dwelling
 - b. Side/side duplexes were generally preferred, some upper/lower or front/back designs can work well on specific lot configurations
 - c. Garages should not dominate the front of the house
 - d. Non-symmetrical design is encouraged, recognizing that symmetric design can be appropriate on the right property.
 - e. Buildings should not overlook or intrude upon neighbour's rear yards
 - f. Glazing (windows) should minimize loss of privacy to neighbours.

Table of Duplex Comparative Values

	Saanich	Esquimalt	Victoria	Oak Bay (example)
Lot Size	130% of min. lot size of adjacent lots or 750m ²	668m ²	555m ² min	RS-5: 670m ² RS4: 1140m ²
Lot Coverage	30%	30% all buildings (accessory blgs < 10%)	40%	30%-32% all buildings (current bylaw)
Lot Width	Greater of 20m or 1.3x the minimum width of the largest adjacent lot zone	Min 18.3m (front)	15m minimum	RS-5: >18.5m (consider ~16m for corner/lane lots) RS-4: 24.5m (consider ~22m for corner/lane)
FAR:	.35 to 1 .5 to 1 max gross FA Garage exempt: 75m ²	>800m ² = .35 to 1 <800m ² = .4 to 1	0.5 to 1 (280m ² first and second floors, 380m ² all floors)	Same floor area as RS-5 and RS-4 lots
Setbacks	7.5m front 10.5m rear	7.5m front / 7.5m rear / 4.5m sides combined	Lesser of 7.5m or neighbours	7.62m / contextual (same as current zones)
Heights	7.5m (3.75m accessory) 6.5m for flat roofs	7.3m (3.6m accessory)	7.6m (1½ storey w/ basement, 2 storeys without)	Same as current zones
Parking	2 spaces per dwelling unit	2 spaces per dwelling unit	2 car total, spots farther from road than front face of building	1.5 - 2 spaces per dwelling unit
Zoning Process	Rezoning process	No new zoning, just redevelop existing duplex zones		Rezoning process / Development Permit Area w/ design review
Notes:	Corner lots given preference	Home occupation use only		Design or Planning Panel process to be implemented

Contributors

We would like to recognize all those who contributed so much time and expertise to the process, including:

- All who attended one or more of the public input sessions
- All who attended the committee discussions
- The many committed Oak Bay Staff who contributed their time and expertise

The Floor Area Committee was struck by motion of Council to include 3 members at large, two councillors, and the head of Building and Planning. Additional members attended regularly ex-officio and contributed greatly to the content of the report. Together, the committee members contributed over two hundred person-hours to researching and developing this report.

Committee Members:

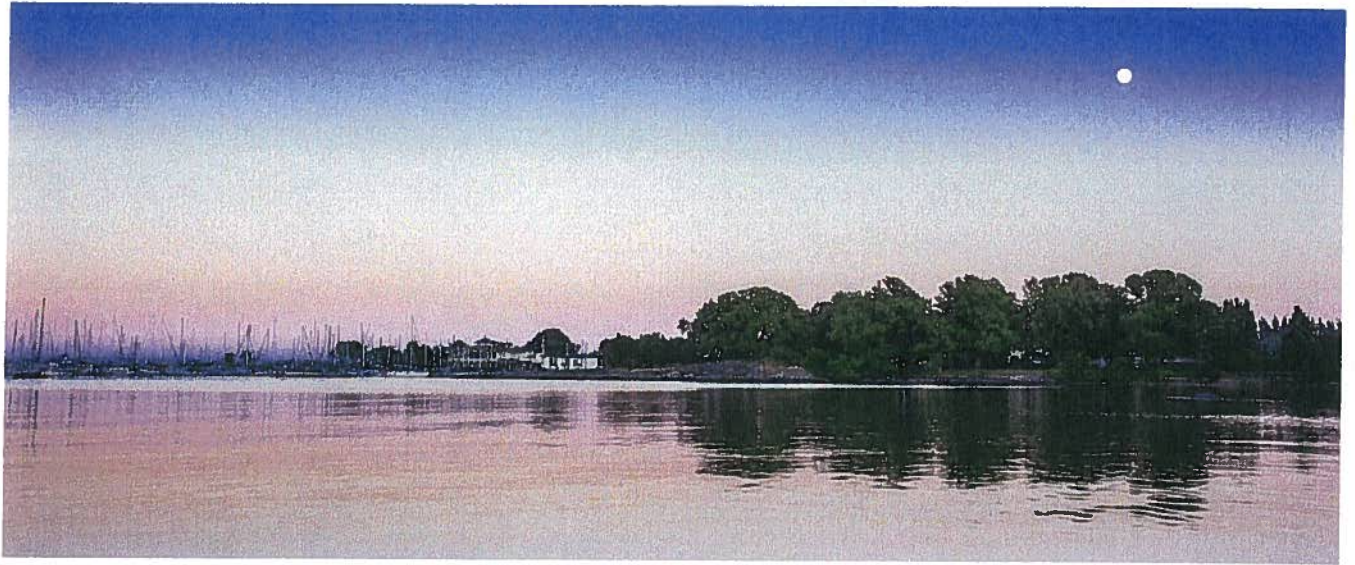
- Nigel Banks
- Pam Copely
- John Graham
- Kevin Murdoch
- Tim Taddy
- Roy Thomassen

Ex-Officio attendees:

- Hope Burns
- Rus Collins
- Roger Tinney
- Eric Zhelka

A special thanks to Roy Thomassen, Oak Bay's Director of Building and Planning, for his many long hours, late nights, and detailed research to ensure information was accurate and relevant.

Photos provided by K. Murdoch.



DISTRICT OF
OAK  **BAY**

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