

2013-293

MEMORANDUM

TO: Council

FROM: Hope V. Burns, mcip, RPP, Consulting Planner

DATE: October 9th, 2013

RE: Zoning Regulations, Large Lot Development, Options for Discussion

BACKGROUND:

In a review of outstanding Council motions, the Interim Chief Administrative Officer noted that the following matter had not yet been addressed with respect to *Zoning Regulations for Large Lots*.

It is noted from the Minutes of the June 27th, 2011 Council meeting, that Councillor Herbert had expressed his concern regarding the potential for very large houses being built on large lots, and said he would like to see staff look at possible changes to the Zoning Bylaw regulations with respect to lot coverage and floor area maximums for larger lots. He suggested that staff look into all options in this regard including implementing a sliding scale to reduce the lot coverage and maximum gross floor area with increased lot size. It was suggested that the allowable paving be re-examined as well.

The following motion was subsequently carried:

That staff be directed to bring forward a report regarding options to amend the Zoning Bylaw to decrease the floor area and lot coverage maximums for large properties.

DISCUSSION:

When this item was discussed by Council in 2011, concerns were raised on the construction of very large residences on larger lots in the municipality and subsequent impacts on the character of existing neighbourhoods. The intent of this report is not to necessarily recommend specific zoning regulation changes but to discuss alternative options to be considered so that this matter can be thoughtfully addressed by Council which may then result in bylaw changes.

It was suggested by the Interim Chief Administrative Officer that the signatory to this report could analyse the subject, and perhaps provide some options for Council to consider using a planning lens and based on significant experience with this issue in other jurisdictions. Specifically, the author participated as the staff planner on the Mayor appointed "Monster House Review Task Force" established in the 1980's in the District of North Vancouver. This Task Force was made up of architects, developers, landscape architects, builders and residents that met for over three years analysing this subject and creating recommended strategies and options for regulating the size of houses.

On the north shore of Vancouver, in the late 1980's, real estate was increasing in value and off shore investment was significant. Most of the concerns revolved around very large houses two-three storeys in height being constructed in neighbourhoods mainly comprised of single-storey ranchers and much smaller houses built in the 1950'-60's. View obstruction, overlooking and loss of privacy were frequent complaints of neighbouring residents with the redevelopment of houses on existing lots or on subdivided lots. The sloping hillside lots also created issues with height calculations resulting in massive filling of sites with material, manipulation of the grade, which created huge retaining walls and relatively huge houses with overshadowing effects on neighbouring properties. An example of buyers purchasing two or more lots and demolishing the smaller houses and then building one massive house was not uncommon.

It took three years, retention of two architectural consultant firms and significant staff research and public consultation to create some options to deal with these issues. Establishing "datum determination points" based on existing natural grade on a lot and restricting fill helped immeasurably to regulate the height of buildings. However, the total size of houses remained contentious and the municipality went and created several neighbourhood zones to try and regulate the size and massiveness of the houses and tie the house area to the size of the property (reduced Floor Space Ratios were established-similar to Floor Area Ratios used in Oak Bay).

Experience showed though that even with this extensive process, no matter what the mathematical calculations are for regulating house construction by means of zoning regulations, "appropriate" design could not be regulated as the community was not willing to accept design guidelines and control for single family development.

PLANNING COMMENTARY

It is understood that the concerns raised by Oak Bay Council is with the possible construction of very large houses and extensive paving (hard surfacing) which may not be in context with surrounding houses and appear out of context with the neighbourhood environment and can change the "gardenesque" impression of an area. The purpose of this report is to provide some brief commentary for Council's consideration with the main conclusion that there is no easy, quick resolve unless there is consensus in the community that there should be a maximum dwelling unit size no matter how large the property and that the floor area ratio is to be reduced significantly from what is now allowed. To determine if this is in fact the case, it should be ascertained with public input and discussion at facilitated sessions with landowners, builders and designers.

It would not be the recommendation to simply consider an amendment to the Land Use Regulations (zoning) to restrict the maximum size of a house in the District of Oak Bay. This would certainly generate significant concern in the community and may generate opposition before the analysis has been undertaken of the impacts of any such changes.

It is noted that Council recently established the Floor Area Review Committee to review house size on smaller lots and it could be suggested that its mandate be amended to also review the matter of very large houses on larger lots.

In reviewing background for preparing this report, it is noted that other jurisdictions are also struggling with this issue and discuss “mansionization” of areas and regulating “monster houses”. One city unanimously passed a temporary bylaw limiting home expansions and new builds after a demolition to a size no more than 15 per cent larger than the square footage of the existing home. Evidently this created significant consternation in the community and was quickly abandoned.

Research also indicates that infill intensification is happening in most of Ottawa's older neighbourhoods, and that the city is considering imposing a number of restrictions on new construction such as: increase minimum setbacks from property lines; calculate the maximum footprint of a house as a fixed percentage of the lot size; prohibit the manipulation of the grade of a lot; include rooftop projections when establishing the final height of a structure; demand that infill respect the character and style of existing homes, etc. This shows the complexity of the regulations required to address the concerns and the ramifications of such changes must also be studied to ensure the outcomes create the desired effects.

The present OCP is silent on regulating the size of houses in the community. It does make general references to respecting neighbourliness and the character of the community but there are no specific recommendations with respect to the further regulation of house size. It will be interesting to see if the public input for the OCP renewal brings this forward as an issue. The OCP of course would not provide zoning options but might identify that this would be a matter for further review and discussion.

CONCLUSION:

If Council wishes to proceed with further dialogue on this matter now, this report could be sent to the recently established Floor Area Review Committee as an adjunct to its discussion of regulating infill house construction on the smaller lot sizes. Alternatively, this report could be referred to the strategic planning/priorities' session for 2014 for Council to determine the appropriate priority and amount of resources to be applied to a detailed study of further regulation of house size on larger lots.

Whatever Council decides, it is strongly recommended that a planning lens be applied to the discussion and that extensive public consultation be undertaken before any bylaw amendments are even contemplated or drafted. It is therefore suggested that both public consultation and professional planning advice should be sought before any decisions or further directions are to be provided to amend the zoning regulations.

OPTIONS:

One of the purposes of this report is to outline some possible options for Council consideration with respect to dealing with the construction of very large houses on large properties in the municipality.

Option 1.

Refer the matter of regulating large houses on large lots to the Floor Area Review Committee for inclusion in its mandate.

Option 2

Refer this matter to Council's strategic planning /priorities' session for 2014 to determine the priority and required resources for undertaking this review.

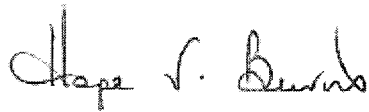
Option 3

Defer further consideration of this item for the present, awaiting the outcome of the OCP review and subsequent recommendations before proceeding further in authorizing staff time in researching different scenarios and creating a process to undertake a review of possible regulations.

RECOMMENDATION:

It is recommended that this report be received for informational purposes at this time, and if Council wishes to pursue this matter further, that it be forwarded to Council's 2014 strategic planning/priorities session for further discussion and direction.

Respectfully Submitted,



Hope V. Burns, mcip
Consulting Planner

I concur with the recommendation in this report.

Roy Thomassen
Director of Building and Planning Services

I concur with the recommendation in this report.



Gary C. Nason
Interim Chief Administrative Officer

2013-295

MEMORANDUM

TO: Mayor and Council

FROM: Director of Building and Planning
Roy Thomassen

DATE: October 17, 2013

RE: Property Protected Pursuant to Section 962 of the *Local Government Act*
2086 Byron Street
Lot 23, Block 3, Section 69, Victoria District, Plan 298

BACKGROUND:

At the September 9, 2013 Council meeting, Council ordered that temporary protection be placed on the property located at 2086 Byron Street for a period of not longer than 60 days. This property was then referred to the Heritage Commission for its assessment and recommendation with respect to the proposed renovation.

The property and plans were considered by the Heritage Commission on October 8, 2013. The minutes of the Heritage Commission appear later on the agenda. The Commission did not have any concerns with the requested alterations to the building as shown on the attached plans.

OPTION(S):

Unless Council wishes to pursue formal heritage designation of the property, the appropriate action would be to lift the Temporary Protection Order which will allow staff to issue the building permit for the proposed renovations.

RECOMMENDATION(S):

If Council wishes to allow the alterations to 2086 Byron Street as recommended by the Heritage Commission, the following motion should be adopted:

"That the 60 day temporary protection order in respect to 2086 Byron Street, made September 9, 2013 pursuant to *Section 962* of the *Local Government Act*, be lifted."

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

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



Gary Nason
Chief Administrative Officer

2013-296

MEMORANDUM

TO: Mayor and Council

FROM: Director of Building and Planning

DATE: October 24, 2013

RE: Advisory Design Panel Recommendation Siting and Design
Approval
1220 Roslyn Road
Lot 2, Section 23, Block 1, Victoria District, Plan EPP32418

BACKGROUND:

An application for a building permit has been submitted for construction of a residential dwelling and garage at 1220 Roslyn Road.

DISCUSSION:

At the October 1, 2013 Advisory Design Panel meeting, the panel discussed the proposal for a new dwelling and garage on the newly created lot through subdivision and Heritage Revitalization Agreement. The subdivision included siting and architectural design approval by registration of a Section 219 Restrictive Covenant. The Advisory Design Panel did not have any issues in regards to the siting and architectural design; however, it did suggest that Council refer the application to the Oak Bay Heritage Commission for a recommendation to Council in regards to Heritage.

The proposal does involve variances which will be brought forward to the next meeting of the Committee of the Whole.

Attached for your information are:

- a) The report of the Advisory Design Panel meeting of October 1, 2013 relating to the construction of a residential dwelling and garage at 1220 Roslyn Road.
- b) Memo dated August 22, 2013 from the Municipal Arborist regarding trees on the subject property.
- c) Reduced copies of the plans of the proposed work.

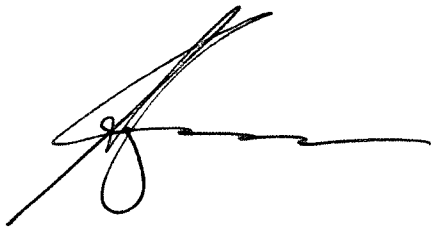
OPTIONS:

- 1. That it be recommended to Council that the proposed plans for the construction of a new residential dwelling and garage at the newly created lot located at 1220 Roslyn Road be referred to the Oak Bay Heritage Commission for discussion and recommendation to Council.
- 2. That the application not be referred to the Oak Bay Heritage Commission.

RECOMMENDATION(S):

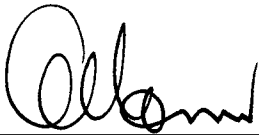
THAT it be recommended to Council that the proposed plans for the construction of a new residential dwelling and garage at the newly created lot located at 1220 Roslyn Road be referred to the Oak Bay Heritage Commission for discussion and recommendation to Council.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small loop.

Roy Thomassen
Director of Building and Planning

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

A handwritten signature in black ink, featuring a large, stylized 'G' followed by a series of loops and a horizontal line.

Gary Nason
Chief Administrative Officer

Report of a meeting of the Oak Bay Advisory Design Panel held on Tuesday, October 1, 2013 commencing at 9:00 a.m. in the Council Chamber of the Oak Bay Municipal Hall.

PRESENT: Adam Fawkes, Acting Chair
Patricia Wilson
Duane Ensing

ALSO PRESENT: Roy Thomassen, Director of Building and Engineering
Hope Burns, Consultant
Christine Currie, Recording Secretary

1220 Roslyn Road Paul Terry, Contractor
Brian Kendrick, Designer

The proposal is for the construction of a residential dwelling and garage at the property located at the newly created lot at 1220 Roslyn Road. Variances are required.

At the September 3, 2013 meeting, the panel asked for additional information, including the design for the proposed garage, reconfiguration of the walk out patio and design of the streetscape.

The applicant presented the colour scheme for the house, describing the colour scheme proposed as softened yellow tones with darker tones to emphasize some of the massing. The stone detailing, as suggested, has been applied more strongly.

The design for the garage is sympathetic to the house, the applicant stated. Colours for the garage will follow that of the house.

Materials and colours for the proposal include:

- Vinyl windows in black
- Fir panel exterior and garage doors in Medium Walnut
- Wood doors and windows in Stoney Plain (GP CLW 1037W)
- Fiberglass composite roofing in “weathered” wood
- Exterior cladding cedar shingles in Lacache (GP CLC 1238W) & Hipster (GL C1226D)
- Rock cladding in River Rock facing
- Driveway, walkways and patio in Hydra-pressed pavers in Indian Summer
- Cedar custom panel fencing in grey weathered wash

The applicant brought the panel’s attention to the partial street view profile. He explained that the streetscape demonstrates that the scale and massing of the proposed house is considerably smaller than those that flank it. As well, he pointed out that it almost completes a rhythm that extends down the street.

Discussion then focused on the contextual setback requirement for the proposal. The Director noted that a variance for the contextual setback is required for the project. The house, he explained is required to be set further back on the property than is currently proposed.

Further to the discussion on contextual setbacks the applicant rebutted that because of the wedge shape of the lot the contextual setback is problematic. He explained that if the house was to be pushed further back it would cause a narrowing of the house and would significantly compromise any backyard space. In response to a question posed by the panel, the applicant noted that it appears that the front yard setback is 25 feet for the houses to the south except for 1220 Roslyn Road.

The Director of Building and Planning pointed out that the application is part of a Heritage Revitalization Agreement (HRA). A portion of the agreement includes the streetscape. The Director noted that the panel may want to comment on whether the application should be forwarded to Heritage Commission for consideration. The panel agreed the application should be forwarded to the Commission and acknowledged that it was Council's decision to do so.

Attention was then turned to landscaping, specifically trees on the property. The panel asked for the applicant to clarify whether the site plan indicated existing or proposed trees. The Director then read aloud the Municipal Arborist's memo in regard to tree protection for the project. The memo indicated there were two Garry Oaks to be removed and five trees, two on the boulevard, which will require protection which will include fencing. The trees to be removed will require replacement trees. The applicant stated that the foundation plan will be altered if root zones are found to be compromised.

The panel then discussed the proposal.

When asked about hardscape, the designer stated that grass-crete and Hydra-pressed pavers would be used. The Director noted that the amount of paving exceeds the allowable amount and a variance will be required.

There was discussion over the siting for proposed house and whether it should be moved further north to mitigate the impact on the neighbour to the south. It was pointed out that if the house were to be sited further north a narrowing corridor of the streetscape would be created.

The Chair then reviewed the Panel's Assessment Checklist in connection with the proposed work:

(a) Siting of Buildings

1. Maintenance of the residential park setting –n/a
2. Setbacks- contextual variance, some concern to south setback although consistent
3. Relationship in character and massing to the image of the area- consistent
4. Impact on scale and rhythm of development –works
5. Relationship to adjacent buildings – ties in
6. Effect of shadows on neighbouring properties – mitigated
7. Overlook and privacy issues – addressed
8. Transition between private and public space – traditional
9. Accessory buildings- garage fits well

(b) Design of Buildings

1. General massing, proportion and overall articulation of building in relation to established housing- fine
2. Roofscape -ok
3. Garages and outbuildings –ties in well with house

(c) Landscaping

1. Fencing and screening – to come
2. Native plants and vegetation-to come
3. Preservation of significant healthy trees and plant material- see memo
4. Play and recreation areas -patio
5. Hard landscaping-ok
6. Parking and driveways-ok

MOVED BY: Duane Ensign
SECONDED: Pat Wilson

THAT it be recommended to Council that the proposed plans for the construction of a new residential dwelling and garage at the newly created lot located at 1220 Roslyn Road be approved as to siting and architectural design subject to the issuance of a development variance permit.

CARRIED

Pat Wilson voted in the negative

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Memo

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To: Roy Thomassen, Director of Building and Planning
From: Chris Paul, Municipal Arborist
Date: August 22, 2013
Subject: 1220 Roslyn Road

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The letter with the application discusses the removal of two Garry Oak trees. One, to the east end of the lot, is in poor shape and is a poor candidate for retention. The second Oak is a large tree to the north and it is very close to the proposed foot print of the house. Any excavation for a foundation will impact the roots of this tree. Retention of this tree would not be recommended as the roots on the south side of the tree will be removed by the excavation. Two Garry oaks would be have to be planted to replace the Gerry Oak removed for the construction.

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There will need to be tree protection fencing installed around the trees that are to remain on the site as per the tree protection brochure. The fencing around the large Garry oak to the north will have to extend to within 1.5 meters of the excavation and back to the original house for the full length of its root zone. The oak to the south will have to have fencing to within 2 meters of the excavation site. The two oaks on the boulevard will need protection extending 15 feet out from the trunk along the boulevard and 15 feet back from the trunk on to the property. There is a maple tree at the south east corner of the property that will require fencing 10 feet out from the trunk.

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These fences are to stay up during construction to keep materials out of the root zones of the trees.