

To: City of Victoria Planning Department
From: Rockland Neighbourhood Association (RNA)
Re: Zoning Regulation Review and Amendment Initiative
Date: June 15, 2010

Time Frame Provided for Responses

The RNA has a critical interest in any moves made by the city to alter the wording of the contents of the R1-A Zoning Regulations. The calibre of the current interpretations of the existing R1-A bylaw suggests that improvement in intent and clarity is overdue. However, the RNA was surprised to learn that a project to revise the R1-A by-laws was not only underway but had reached the point of recommending changes for implementation; apparently achieved without any communication with or the involvement of the RNA. In addition, the RNA was given the binder of materials and a notification of the Information Open House on June 1, although the Open House is to be held on June 15. A two week time frame barely permits adequate dispersal of the materials to interested parties let alone the development of an appropriate response. We require ample time to provide a meaningful response.

As part of the correspondence that accompanied the binder of materials, it was revealed that the current changes proposed are of a “housekeeping” nature only and that there is a second phase of the review that will address the substantive content of the regulations. In view of the sort of development either completed or in process in Rockland, this review is crucial and cannot take place too soon. It is critical, however, that the RNA be involved early in the process to ensure that all issues are identified and addressed. Requests for public input after the work has been done only serve to lengthen the process unnecessarily and delay resolution.

Protecting the Rockland Neighbourhood Character

The *Rockland Plan 1987, Major Recommendations & Objectives & Policies*, produced by the Planning Department and approved by City Council, adequately describes the special character of the Rockland district and this does not require repetition. What is evident is that, in the twenty-three years that have elapsed since publication of the Rockland Plan, the zoning by-laws have not been redesigned to provide the protections envisioned. Instead, developments proliferate which seriously erode the Rockland character.

The development currently underway at 1535 and 1537 Despard Avenue demonstrates many of the concerns regarding the inadequacy of the current R1-

A Zoning Regulations to ensure the objective of sensitive and appropriate new building in the Rockland area. Moreover, it demonstrates how quickly the special *ambience* of Despard, a street one block long and with several large lots that could be similarly developed, might be irrevocably altered. Examples can also be found on Joan Crescent and Terrace Avenue. This fear is exacerbated by the likelihood that developers aware of impending changes to the by-laws will step up their efforts to acquire Rockland properties and building permits before implementation of new regulations.

While the Rockland Plan may require some updating, its recommendations and objectives remain sound and reflect the substantial work of many participants as well as consultation with Rockland inhabitants. Members of the RNA believe that the second phase of the project to revise the zoning regulations should recommit to the goal of preserving the Rockland character and develop improved regulations and controls such as are modeled in the recently developed R1-G Gonzales District Zone.

Specific Issues of Concern

Issues exemplified to date in the Despard Avenue Development but which can be extrapolated to any area of Rockland and which a new zone should address include but are not limited to:

Attached and Semi-attached Dwellings

These terms with their references to “attachment” are misnomers. What the poor wording of the bylaw is actually permitting, the bylaw reference to “a” building notwithstanding, is two detached buildings rather than two dwelling units in a single building. This grossly increases the massing of the buildings and does nothing to create the single family dwelling appearance originally intended.

If these distinctions are to be retained, the “attached” definition should clearly require each dwelling unit to share one or more party walls. “Semi-attached dwelling” is a meaningless title and should be dropped. The appropriately descriptive title for a single building containing two side-by-side dwelling units is “semi-detached”.

Needless to say, we approve of the removal of all references to any of the vestigial attachments permitted in the present bylaw.

Rooftop Living Areas

We note that the proposal for the next review phase to make substantive changes to the zoning bylaw suggests that staff “could examine the best approach to dealing with this”, referring to rooftop decks. We strongly recommend that such use of a roof should not be permissible. Roof top living

areas pose serious privacy issues for surrounding properties. The issue is especially acute when the decks in question include such amenities as a rooftop kitchen and fire pit suggesting large scale rooftop entertainment as well as overlook.

Grade Manipulation

The hilly topography of Rockland is a strong feature of its character. The default position should be for the preservation of natural grades. The development on Despard Avenue has set a precedent by radically altering the original sloping site. Major topographical changes have been achieved by means of construction of a three metre high retaining wall along with earth fill. The new grade has been raised well above adjoining properties affecting privacy and *ambience*. As the city currently has no regulation to govern this practice, it should be included in the revised bylaw.

Mature Trees

A prominent feature of the Rockland neighbourhood is the abundance of mature trees forming an urban forest. A tendency that has evolved with new Rockland developments is to remove most or all of the trees from a lot. In fact, the first move by the developer of Despard Avenue was to strip the lot of all mature trees some of which were maples of substantial trunk girth. The City of Victoria Parks Department response to inquiries is that the trees were probably not indigenous and, consequently, it was not inappropriate to remove them. It would be advisable to develop a more comprehensive tree preservation requirement in the revised bylaw that identifies preservation of an arboreal landscape as a goal whether or not indigenous trees are involved.

Floor Space Ratio

We note that, while most zones in the bylaw, including R1-G, have floor space ratio requirements, R1-A does not. The revision initiative should develop an appropriate floor space ratio for inclusion in new R1-A zoning.

Architectural Design

In view of the importance of architectural character to the *ambience* of Rockland, it would be advantageous to seek some description of architectural form conducive to the built fabric of the area. There is a concern that some recent construction, of which that at Despard is a prime example, is not complementary to surrounding buildings. *The Rockland Plan 1987* recommended a Development Permit Area, however, if this is not feasible, an alternative design control mechanism ought to be identified.

Future Collaboration

As can be seen from the comments above, the Rockland Neighbourhood Association is anxious to be involved in the development of a new Rockland District Bylaw that will preserve and protect the appearance and character of the Rockland area. We believe it is in the interests of all Victorians that the special *ambience* of the neighbourhood be maintained and that new building initiatives should enhance rather than prejudice it. We are happy to commit our knowledge and our resources to the achievement of a bylaw that we can all be proud of.

Critical Time Frame

In view of the issues arising daily from new Rockland developments, it cannot be stated too strongly that the need for the new Rockland District Bylaw is urgent and that the architectural character and neighbourhood *ambience* of Rockland are in immediate danger. We urge the Planning Department to launch this initiative with dispatch.