



ROCKLAND NEIGHBOURHOOD ASSOCIATION

January 24, 2011

Dear Mayor and Council:

We are happy to see that several of our longstanding concerns are being addressed in the Planning Department's "proposed improvements to the Zoning Regulation Bylaw"; however, itemized below are serious issues that we are anxious to see included in any rewriting of the bylaws.

Floor Space Ratio

We recommend including floor space ratio stipulations in the new R-1A Zoning Regulations.

We have previously questioned the absence of a floor space ratio (FSR) in the R-1A Zone as this is included in other zoning regulations. It appears logical to control the maximum floor areas of various uses in all zones

"Attached" and "Semi-attached" Dwellings in Rockland

We strongly recommend the removal of these dwellings as a permitted use in the new R-1A Zoning Regulations.

As a result of recent examples of "attached" and "semi-attached" dwelling projects in the R-1A Zone, we are strongly in favour of the removal of these dwellings as a permitted use. If it is decided to permit these uses, we recommend not only that the two dwelling units in "a building" share a common roof but that in addition they share a common party wall.

This would avoid the type of construction proceeding at 1535 and 1537 Despard Avenue supposedly as a semi-attached building but which, in fact, quite obviously constitutes two completely detached buildings or "single family dwellings" on one lot with windowed elevations on all four sides of each building. The normal zoning requirement for such buildings would be two separate lots with a combined width of 48m (approximately 160ft); whereas, they are permitted by interpretation of the current zoning by-laws to occupy one lot 30m (100ft) wide.

Side Yards

We recommend that the city develop a side yard policy to be set as a percentage of total lot width.

An advantage to the developer of the city permitting two substantial dwelling units on one lot (see 1535 and 1537 Despard) is the reduction of side yards to a total of only 6m

rather than the 12m which would be required if they were on two lots. If zoning changes to preclude this type of development are not made, the entire architectural ambience of Despard Avenue, where there are several adjacent 30m wide lots, would be destroyed by an inevitable proliferation of such developments. Obviously this could happen elsewhere in the Rockland neighbourhood where similar lots are available.

A proposal which would provide more open space for landscaping and view corridors between buildings with larger frontages would be to base side yard widths on lot widths. For instance, the present total side yard width requirement for an R-1A lot 24m wide is 6m or 25% of the lot width. Therefore, if side yard width was changed to 25% of lot width, a 30m wide lot similar to the Despard Avenue lot would be 7.5m which would still provide a 22.5m or 75ft width for a large residence. Most existing larger lot residences in the neighbourhood have side yards far exceeding 3m wide and this is a feature contributing to the Rockland Neighbourhood character.

Grade Manipulation

We recommend that the city develop a policy on grade manipulation.

We have previously expressed concern to the city on several occasions regarding the major increase in grade elevation in the rear yard of the 1535 and 1537 Despard Avenue development and have been advised that the city has no regulations either to prevent or regulate this. We note that the matter is not referred to in the documentation prepared by the planning department relating to proposed zoning by-law changes. The grade manipulation in question has raised the grade to the extent that the deck of the newly constructed swimming pool is at the level of the top of surrounding six foot high boundary fences as is a substantial part of the rear yard. Needless to say, this is a level that seriously affects the privacy of adjoining properties. If the city does not regulate this practice, new average grades will be created that the city has no record of and this, apart from the immediate privacy issues, would permit future accessory buildings on the raised grades to be higher by several metres above the original grade than the permitted 3.5m height. There is additionally the issue of the engineering and seismic stability of the high unreinforced and unmortared dry rock retaining walls, which support a large amount of back fill.

Purpose Statement

We support the purpose statement in the R-1G Zone By-law Regulations and are puzzled at the Planning Department's recommendation to remove it.

We recommend that the Rockland R-1A Zoning By-Law include a purpose statement to recognize that the city has traditionally accepted that this is a special area as defined in the *Rockland Plan 1987*.

Height Restrictions and Rooftop Decks

We support the proposed height limit of 7.5m above average grade and a complete ban

on rooftop decks.

These are issues of great concern with respect to the retention of the Rockland Neighbourhood character and we are encouraged to see that they are addressed in the proposed zoning by-law changes.

Development Permit Area

We support the development of a Development permit area for the Rockland Neighbourhood.

The *Rockland Plan 1987* which was adopted by council contains a recommendation that the creation of a Development Permit Area is a means by which to achieve the preservation of the Rockland Neighbourhood character.

“Daycares”

We recommend that the city establish maximum limits for numbers of clients and hours of operation for “Daycares” operating in residential areas of Victoria.

As currently proposed, new “daycare” provisions will default to provincial daycare guidelines, which regulate only adult day cares up to 8 persons. We propose that the city also limit the maximum size of these operations to 8 persons and the hours of operation to regular daytime hours. We recommend that the city review the bylaws drawn up by the city of West Kelowna, which limit client numbers and intended uses, among other things. At the time of writing, we believe that only Fire Department approval is required to operate any adult “Daycare” facility which houses more than 8 persons Victoria.

Thank you for taking issues of concern to Rockland residents into consideration.

Sincerely,

Janet Simpson, President

Rockland Neighbourhood Association