

ITEM	6
MANAGER'S REPORT NO.	9
COUNCIL MEETING	90/02/05

RE: RESIDENTIAL VIEW PRESERVATION STUDY

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1990 January 31

FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File:

SUBJECT: RESIDENTIAL VIEW PRESERVATION STUDY

PURPOSE: To inform Council of the findings of research into the issue of view preservation and to recommend a specific approach for further refinement for the consideration of Council.

RECOMMENDATION:

1. THAT staff be authorized to refine an approach to the protection of existing views that involves an amendment to regulations affecting the way height and bulk of single and two-family dwellings are calculated.

R E P O R T

1.0 PURPOSE

Municipal Council has requested that Planning & Building Inspection Department staff undertake a review of the issue of the preservation of existing views in sloping areas of the Municipality.

The purpose of this report is to inform Council of the findings of the research undertaken with regards to view preservation, and to recommend a specific approach to deal with the issue of view preservation.

2.0 BACKGROUND

Historically, residents in various areas of the Municipality have enjoyed views due to the sloping nature of the terrain. Two areas in particular that are known for views are Capitol Hill and the South Slope.

Much of the housing stock in these areas was developed in the post World War II era, with the typical housing form being the one or one and one-half story bungalow, with usually about 1,000 to 1,400 sq. ft. of finished floor area. In recent years, this stock has begun to be replaced by much larger houses, typically with two to two and one-half stories and over 2,000 sq. ft. of floor area. The shift to larger houses seems to reflect changing tastes in architectural design, market demand, and the need to maximize building area due to increased land values.

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The introduction of new housing in existing neighbourhoods often leads to concerns related to neighbourliness of the new development and compatibility with the 'style' of existing developments. Existing residents may find the new development out of character with the older neighbourhood. These concerns are exacerbated in sloping areas where the new development may block views that were previously enjoyed, and where the presence of a view is felt to enhance the value of the property. As a result, residents in areas with sloped terrain have requested that zoning by-laws and other regulations be changed to protect their views.

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3.0 RESEARCH

A literature review on the issue of view presentation was undertaken and the experiences of other Municipalities who may have a similar problem were sought. Specifically, the following communities were contacted:

- District of West Vancouver
- District of North Vancouver
- City of Tacoma, Washington
- City of San Francisco, California
- City of San Diego, California
- City of Kingston, Ontario

Many other communities have undertaken view preservation studies. However, the focus of these studies was on protection of public view corridors, i.e., views from public areas to mountains, landmarks, buildings and the skyline, rather than the subject of private views, i.e., views enjoyed from private properties, which is the subject of this report.

4.0 APPROACHES

Three approaches to the topic of view preservation were identified in the literature and the experience of others. These approaches are described below.

4.1 Bulk Regulations Affecting House Size

In North Vancouver, West Vancouver, San Diego, California, and Kingston, Ontario, the question of the preservation of existing views has been considered as part of an overall review of regulations affecting the bulk of single and two-family dwellings. This is the most common method of dealing with view preservation questions, with the rationale being that more sensitive or restrictive requirements should result in less bulkier buildings and therefore, less view obstruction from the construction of new residences. Usually, changes to bulk regulations affect all single family zones rather than just view areas.

The most significant bulk regulation that may affect views are those regarding maximum height and the method by which it is measured. The comprehensive changes adopted for single family dwellings in North Vancouver include a very complex calculation of building height that attempts to relate the three-dimensional building envelope to the slope of the land. West Vancouver is also in the process of developing a comprehensive amendment to their zoning by-law affecting bulk regulations. West Vancouver staff acknowledge that they are finding a solution to the issue of building height on sloping sites a challenge that will take some time to sort out.

In addition, those regulations that effect the overall bulk of the building, such as maximum allowable Floor Area Ratio (F.A.R.) and building setbacks could have some impact on the potential for view blockage by new buildings. The rationale is that the view blockage problem is related to the absolute bulk of the building, especially that part of the building above grade.

It is important to note that while a zoning by-law may regulate the siting, size and dimension of buildings, there is no provision in the legislation to control the actual design of buildings in single-family residential areas or for discretionary powers. Therefore, changes to bulk regulations can be a rather coarse method of trying to achieve the objective of ensuring sensitive design.

4.2 Area Specific Regulations

Some areas have adopted specific regulations for areas with sloping terrain. This can be achieved by, for example, creating a separate zoning district with regulations that better reflect the conditions caused by the sloping land.

The problem with this approach is that it is often difficult to define all of the areas and properties that may enjoy a view. Within an area that is defined as 'view sensitive' that actual degree of view opportunity can vary greatly from one property to another. Therefore, uniform regulations designed for sloping properties may not be appropriate to all properties.

In addition, since properties in view areas would be subject to more restrictive requirements under the area specific approach, property owners in such areas may feel that they are being treated inequitably. This reaction would be strongly felt in already developed areas where there was a perception that property owners were losing their redevelopment potential. During the rezoning process, there would no doubt be debate on what property should be "in" the designated area and what properties should be "out". For example, property owners in an area may petition neighbours to be either included or excluded in an area designation.

The area specific approach would be most appropriate to newly developing areas where comprehensive regulations can be applied with consideration to the specific conditions of the site without special regard to existing development.

4.3 Site Specific Approaches

Some jurisdictions deal with the issue of new construction in view areas on a site by site basis. In San Francisco, property owners wishing to redevelop property with buildings that are larger than the average height and depth of adjacent buildings (even though they are within the limits of the planning code) must go through a notification process. The rationale is that potential problems can be resolved at an early stage if neighbours are notified about the construction of new buildings. Another way to achieve the objective of having a site specific review of single family dwellings would be to reduce the existing bulk regulations significantly, and require those that wish to build larger houses to rezone, similar to Burnaby's "a" category rezonings in single and two family areas.

There are two main constraints posed by the site specific approaches. First, as mentioned previously, there is no clear authority for the Municipality to require either notification of residents for proposed changes unless zoning is required, or for the Municipality to comment on the design aspects of buildings that otherwise meet the requirements of the zoning by-law. Second, a site by site analysis of building design for single family dwellings could become a cumbersome process involving a subjective evaluation of design aspects. Also, the requirement of a site specific rezoning to achieve a reasonable size dwelling would also prove to be a time consuming process involving a public hearing.

A similar approach would be to establish voluntary guidelines for the construction of single family housing in view sensitive areas. Such guidelines could include recommended methods of orienting houses to prevent view blockage depending on site circumstances, and recommend more sympathetic building forms. Since such guidelines would be voluntary, the question of legal authority is not an issue.

The most significant disadvantage of this approach is that it involves voluntary compliance with guidelines that are not enforceable, in essence, the municipality must rely on "moral suasion". Given that the majority of new houses constructed in the view sensitive areas are built for the "speculative" housing market, rather than the custom house that is found in new subdivisions, the use of voluntary guidelines would most likely be rejected. There is concern that one builder may use the guidelines and build a house that is sensitive to surrounding views, while another builder may ignore the guidelines when building on a neighbouring property, thus penalizing the efforts of the builder who may have taken measures such as reducing height or bulk to protect surrounding views.

5.0 DISCUSSION

In its review of the development of single family housing in view areas staff have found the following premises to be generally true:

- new construction results in housing that is significantly larger than the existing modest housing stock thereby resulting in some view blockage;
- given its modest size and age, existing housing will be under continued pressure to redevelop;
- there does not appear to be a 'legal' right to a view through a neighbour's property, unless a legal instrument was registered against the view blocking property in the past, nonetheless, views are seen as an integral part of the value of the property;
- the issue of views is more acute in existing neighbourhoods as compared to newly developing neighbourhoods, since in new neighbourhoods, all housing is being built to the same bulk standards.

In examining the alternatives in addressing the view preservation issue, staff considered the following objectives:

- i) To balance the desire of existing residents to protect their views and the desire of residents to develop their land to a reasonable extent;

- ii) To develop an approach that is easily understandable and simple to implement.
- iii) To maintain equity in the treatment of single family residential lots throughout the municipality.

6.0 SUGGESTED APPROACH

In reviewing the three approaches mentioned above, staff found that there is merit in reviewing the regulations affecting the maximum height and bulk of residential buildings. It was evident that a site by site rezoning process would result in a method that would be complicated and cumbersome to Council, staff, and the applicant.

The identification of 'view sensitive areas' for the application of specific guidelines was found to be difficult, in that many seemingly flat areas (e.g. Brentwood) also enjoy existing views. Similarly, there are sites in areas considered to be view sensitive that due to local changes in topography, do not enjoy views and therefore the application of criteria for sloping sites would be onerous. In essence, a property by property inventory may be required to identify view sensitive areas. In addition, given that the identified view sensitive areas are already developed, property owners may feel that they were being treated inequitably, or being "down-zoned", as compared to non-view areas.

It was found, however, that the current method regulating building bulk contained in the zoning by-law was problematic with respect to sloping sites. In essence, the method of calculating maximum height from the front of the building only does not take into account the circumstance of a sloping site. There is no incentive, for example, to modify a flat land building design to a sloping situation. Changes to the method by which height is measured on a slope could result in building forms that are more sympathetic to sloping sites.

This approach also recognizes that the problem of view obstruction may be partially related to the issue of building bulk. Currently, for example, the calculation of allowable floor area does not encourage the inclusion of below grade basements, therefore much of the building bulk appears above grade. A review of the way allowable floor area is measured, as well as the absolute amount of allowable floor area that can be built may assist in the creation of guidelines that are more sensitive to sloping areas, and possibly other areas.

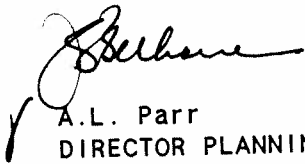
7.0 CONCLUSION

It is suggested that there is merit in examining bulk regulations affecting single family lots as a method to assist the objective of preserving existing views. It is recognized, however, that such changes would probably not address the view blockage problem related to a single story house that is uphill from a newly constructed house. Without significantly changing future redevelopment potential, and possibly causing stagnation of the neighbourhood, it appears unlikely that private views from existing houses can be fully preserved.

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However, it appears that the existing regulations affecting the bulk of residential buildings may be exacerbating the view blockage problem. With the above discussion as the basis, unless directed otherwise by Council, staff will review in greater detail, the implications of changes to the bulk regulations affecting the size and shape of residential buildings, including the method by which height of houses is measured as well as factors affecting absolute building bulk. Staff have already undertaken a considerable amount of research, and have held meetings with other staff on this issue, and expect to report back at the Council Meeting (restricted agenda) to be held 1990 February 26.

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A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION


BG/mcb

cc: Chief Building Inspector