

**DISTRICT OF NORTH VANCOUVER
PUBLIC HEARING**

**Standards and Regulations in Single Family Zones
Zoning Bylaw Amendments**

REPORT of the Public Hearing held on Tuesday, January 26, 2021 commencing at 7:04 p.m. The meeting was held virtually with participants appearing via video and telephone conference.

Present: Mayor M. Little
Councillor J. Back
Councillor M. Bond
Councillor M. Curren
Councillor B. Forbes
Councillor J. Hanson
Councillor L. Muri

Staff: Mr. B. Dwyer, Assistant General Manager – Regulatory Review and Compliance
Mr. J. Gordon, Manager – Administrative Services
Ms. G. Lanz, Deputy Municipal Clerk
Ms. S. Dale, Confidential Council Clerk
Ms. C. Archer, Clerk Typist 3
Ms. S. Clarke, Clerk Typist 3
Ms. S. Ferguson, Customer Service Representative

1. OPENING BY THE MAYOR

Mayor Little welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaws as outlined in the Notice of Public Hearing.

He further noted that this Public Hearing is being convened pursuant to Section 464 of the *Local Government Act* and Ministerial Order M192.

This hearing will be held virtually with all participants, including Council, staff, applicant, signed up speakers and observers all doing so by electronic means.

Public participation in this hearing is being accommodated by speakers having signed up in advance, as stated in the Notice of Hearing, as well as being streamed live over the internet. In addition, those observing over the internet who did not sign up in advance to speak but decide to do so once the hearing is underway, may dial-in via telephone to speak. Information on how to do this will be shared over the live stream once we have exhausted the speakers list of first time speakers.

The electronic means being employed for this hearing allow for effective two-way audio communications while those who have signed up in advance will also receive video of the hearing via the Zoom software.

As always, written submissions will be received by the Municipal Clerk, on behalf of, and shared with, Council, at any time up to the time the hearing is closed. These may be submitted to input@dnv.org

Therefore, in this manner, all persons who believe that their interest in property is affected by the proposed bylaws will be afforded a reasonable opportunity to be heard and to present written submissions.

Mayor Little stated that:

- We will first go through the established speakers list. At the end of the speakers list, the Chair may call for any other speakers not on the speakers list – these are the dial-in speakers if any;
- You will have 5 minutes to address Council for a first time. Begin your remarks to Council by stating your name and approximate street address;
- After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute opportunity;
- Any additional presentations will only be allowed at the discretion of the Chair;
- Please do not repeat information from your previous presentations and ensure your comments remain focused on the bylaws under consideration this evening;
- If you have provided a written submission there is no need to read it as it will have already been seen by Council. You may summarize or briefly reiterate the highlights of your submission but ensure your comments pertain to the bylaws under consideration at this hearing;
- Council is here to listen to the public, not to debate the merits of the bylaws. Council may ask clarifying questions;
- The Clerk has a binder containing documents and submissions related to the bylaws which Council has received and which you are welcome to review. This is available online at DNV.org/agenda;
- Everyone at the hearing will be provided an opportunity to speak. If necessary, we will continue the hearing on a second night;
- At the conclusion of the public input Council may request further information from staff which may or may not require an extension of the hearing; or, Council may close the hearing after which Council should not receive further new information from the public; and,
- This hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAWS BY CLERK

Ms. Genevieve Lanz, Deputy Municipal Clerk, introduced the proposed bylaws, stating that Bylaw 8472 proposes to amend the District's Zoning Bylaw to change how retaining wall heights are measured. She further stated that Bylaw 8476 proposes to amend the District's Zoning Bylaw to change how the height of detached accessory buildings, including garages, are measured.

3. PRESENTATION BY STAFF

Mr. Brett Dwyer, Assistant General Manager – Regulatory Review and Compliance, provided an overview of the proposal elaborating on the introduction by the Deputy Municipal Clerk. Mr. Dwyer advised that:

- Bylaw 8472, if adopted, would change the way retaining walls are regulated under the siting exceptions section in the District's Zoning Bylaw.
- The Zoning Bylaw currently limits retaining walls in required setbacks as follows:
 - The first wall is limited to a maximum height of 4';
 - Any subsequent retaining wall must be contained within a height envelope of 45 degrees projected from the top of the first retaining wall; and,
 - There is no height limit on subsequent retaining walls provided they are contained within the 45 degree height envelope;
- If adopted, the revision to the retaining wall siting exception regulation would be as follows:
 - The first wall is limited to a maximum height of 3';
 - Subsequent retaining walls must be contained within a height envelope of 35 degrees projected from the top of the first retaining wall; and,
 - Subsequent retaining walls are limited in height to 8';
- This may result in more requests for variances, particularly on steep cross-sloping lots;
- Bylaw 8476, if adopted, would change the way the height of detached accessory buildings, including detached garages, is regulated in the District's Zoning Bylaw;
- The Zoning bylaw currently does not limit the floor height of detached accessory buildings including garages and this can result in very high foundation wall heights on steeply sloping sites;
- If adopted, the revision to the heights of detached accessory structures and buildings would be as follows:
 - The floor height of accessory buildings could be no more than 4' from natural grade and this may result in more requests for variances, particularly on steeply sloping sites;
- Staff have carried out both the standard statutory public notification procedures for a public hearing and additional public outreach;
- Staff completed outreach by requesting input via a letter, from design professionals (five companies who work in the District);
- Staff sent a letter with information to community associations which also informed them of the public hearing should they, as a community association or as individual members, want to provide input;
- Staff also created a news article with link available on the home page of the District's website;
- Any public input received has been included in the public input section on District's web page containing information about the public hearing. Responses received outlined the following concerns:
 - Results in more variance applications;
 - Additional stress/cost/time on developers and owners of steep sites;
 - Retaining wall change impedes usability of site-substandard yard space and space between walls is unusable;
 - Retaining wall reduced height plane may be challenging to achieve in side yards;
 - Considering the unchanged definitions of maximum eave height and lower floor net area calculations this proposal is counterproductive when considering an intent of reducing visible building bulk;
 - Accessory building change causes issues with negative drainage: increasing the potential chances of water damage and drainage issues. By creating

bylaws that force buildings into the ground with negative slopes, you are increasing maintenance requirements and potential problems;

- Increases the concrete requirement towards the front and side of the accessory building, and for concrete requirement for the retaining walls leading up to the garage doors as it causes issues with cost and access. By installing the concrete retaining walls, the turning circle access to the garage door is significantly affected especially rear lane access only. An additional consideration is that to maintain that concrete curb, excavation for a footing will have to be completed which is not allowed to encroach into the rear lane (public property) further complicating the process;
- Can negatively impact neighbor relationships through DVP/BOV process
- Support was due to safety and esthetics;
- The bylaws are not retroactive and should the bylaws be adopted by Council any retaining wall or accessory structure legally existing at the time of bylaw adoption would be grandfathered under the non-conforming provisions contained in the *Local Government Act* (section 529);
- These provisions allow such structures to be maintained, repaired, extended or altered provided there is no further contravention of the new bylaw;
- Regarding existing permits and approvals, any permit issued, under review or submitted before the date of bylaw adoption would be subject to review and compliance with the existing regulations; and,
- The new regulations would only apply to applications submitted after the date of adoption of the new bylaws.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Peter Teevan, 1900 Block Indian River Crescent:

- Spoke to the complexity of building a new home;
- Spoke to the lengthy process of obtaining a building permit and its associated costs; and,
- Suggested creating a committee to expedite and delegate the issuance of development variances permits that don't comply with the bylaw without having to come forward to Council.

4.2. Mr. Corrie Kost, 2800 Block Colwood Drive:

- Spoke in opposition to reducing the height of retaining walls on property lines from 4 ft. to 3 ft.;
- Spoke in opposition to reducing the slope of retaining walls from 45 degrees to 35 degrees; and,
- Questioned how many lots would be effected in the District of North Vancouver.

4.3. Mr. Peter Teevan, SPEAKING A SECOND TIME:

- Commented that the information presented is technical;
- Questioned how the heights in this regulation match up with the heights of coach houses;
- Expressed concern with water management and flooding, and,
- Spoke to the issue of non-conforming retaining walls.

In response to a question from Council, staff advised that the proposed amendment to the Zoning Bylaw to change how retaining walls are measured apply to front, back and side yard setbacks.

In response to a question from Council, staff advised that properties with challenging topography may have difficulty meeting regulations.

In response to a question from Council, staff advised that an outreach was completed by requesting input via a letter, from design professionals and five companies who work in the District were contacted.

In response to a question from Council, staff advised that a Public Hearing is a statutory process that allow residents to provide their views on the proposed amendment to the Zoning Bylaw and Council cannot debate the merits of the bylaw until second and third readings.

In response to a question from Council, staff advised that approximately ten retaining wall permits were issued in 2020.

In response to a question from Council, staff advised that the *Local Government Act* prohibits the delegation of development variance permits because a notification process is required. It was further noted that there are two methods to seek a variance to a Zoning Bylaw:

- Council can approve a development variance permit; or,
- The Board of Variance committee can order a minor variance to address a hardship related to siting, size or dimensions of a building or structure.

In response to a question from Council, staff advised that there is no current regulation related to exposed foundation wall face between floor elevation and grade resulting from a sloping lot.

In response to a question from Council, staff advised that at the time a new land use regulation bylaw is adopted, if an existing use of land or a building is lawfully used and it does not conform to the bylaw, then it may be continued as legally non-conforming. In most cases, legally non-conforming use cannot be expanded however it can be maintained under certain circumstances. If the use and density of an existing building conforms to a new land use regulation bylaw, but the building's siting, size or dimensions do not, the building may be maintained, extended or altered as long as it does not result in further contravention of the bylaw.

In response to a question from Council, staff advised that the Wedge House and property on Skyline Drive are situated on challenging sites.

In response to a question from Council, staff advised that previous Council's have generally been supportive of issuing development variance permits for retaining wall structures.

In response to a question from Council with regards to water management, staff advised that water would not be attracted from the road and a trench or a cut-off drain can be used.

In response to a question from Council, staff advised that the majority of accessory buildings that are not parking structures are generally at grade.

In response to a question from Council, staff advised that the proposed regulation on retaining walls would not apply to coach houses.

In response to a question from Council, staff advised that the Zoning Bylaw restrict building size, coverage, setbacks, building depth, and upper floor area.

Council expressed concerns regarding the loss of green space and permeable surface area.

In response to a question from Council, staff advised that applications would be considered on a case-by-case basis and would consider the specific proposal and site against relevant District regulations.

4.4. Mr. Mitchell Baker, 600 Block Mt. Seymour Drive:

- Expressed concern that very few properties are impacted by the proposed bylaw and questioned if this is necessary;
- Opined that not enough detail was provided in the proposed bylaw;
- Commented on the importance of educating residents; and,
- Suggested that more research needs to be done.

4.5. Mr. Corrie Kost, SPEAKING A SECOND TIME:

- Questioned if minor repairs require applying for a building permit; and,
- Suggested any unintended consequences be identified and addressed prior to adoption.

Staff clarified that minor repairs do not require building permits.

4.6. Mr. Peter Teevan, SPEAKING A THIRD TIME:

- Commented that new single-family dwelling and retaining walls are expensive and are not affordable housing options; and,
- Encouraged Council to listen to the public's concerns.

5. COUNCIL RESOLUTION

MOVED by Councillor MURI

SECONDED by Councillor BACK

THAT the January 26, 2021 Public Hearing is closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" be returned to Council for further consideration;

AND THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" be returned to Council for further consideration.

CARRIED
(8:21 p.m.)

CERTIFIED CORRECT:



Confidential Council Clerk