

14. Re: Guidelines for the Municipal Approval of Strata Plans for Residential Duplex Condominiums and Conversions

Following is a report from the Director of Planning regarding guidelines for the Municipal approval of strata plans for residential duplex condominiums and conversions.

RECOMMENDATIONS:

THAT Section 5.0 and Section 6.0 be adopted as guidelines to assist Council in the approval of Duplex Condominium and Conversion Strata Plans under the municipally delegated powers of the Strata Titles Act; and

THAT the Municipal approval process for the strata titling of duplex condominiums and conversions be reviewed by the Planning Department within one year of the Council adoption of the Duplex Condominium and Conversion Guidelines, in conjunction with the review of the General Report on Condominiums and Conversions (adopted November 26, 1973).

\* \* \* \* \*

PLANNING DEPARTMENT

January 25, 1974.

SUBJECT: GUIDELINES FOR THE MUNICIPAL APPROVAL OF STRATA PLANS FOR RESIDENTIAL DUPLEX CONDOMINIUMS AND CONVERSIONS.

1.0 Background.

Bill 124, an amendment to the Strata Titles Act 1966 which was enacted in April 1973, gives the Municipality the authority to approve a Strata Plan or refuse to approve it, or to approve it subject to such terms and conditions as it considers appropriate, and the decision of the Municipality is final.

Representatives of those Municipal Departments felt to have an interest in the general topic of residential condominiums have studied the matter and collaborated in developing a set of guidelines to assist Council in dealing with applications for residential Strata Title developments in general.

On July 23, 1973, the Planning Department submitted a General Report on Residential Condominiums and Conversions for the consideration of Council outlining residential Strata Title guidelines. On August 20, 1973, the Advisory Planning Commission, at the request of Council, submitted comments on the General Report on Residential Condominiums and Conversions which were incorporated in the General Report. The section on duplex condominiums and conversions was included in the General Report reviewed by the Advisory Planning Commission.

Council subsequently invited interested community groups and individuals to submit briefs on the general subject of residential condominiums (including duplexes) and comments on the General Report. On October 1, 1973, Council received a number of briefs and heard various spokesmen at a public meeting. As a result of these briefs, various pertinent adjustments were made to the General Report.

On October 15, 1973, Council deleted the section on duplex condominiums and conversions. The Planning Department was requested to consider the simplification of procedures for the Municipal approval of duplex strata plans and to seriously study the possibility of allowing the actual subdivision of side-by-side duplexes along the common party wall into two legal lots.

After a final review of and final adjustments to the General Report, Council on November 26, 1973, gave final ratification to the General Report on Residential Condominiums and Conversions.

The following report on guidelines for the Municipal Approval of strata plans for residential duplex condominiums and conversions is submitted to Council for its consideration.

2.0 General Comments on Duplex Condominiums and Conversions.

2.1 For the purposes of this report the term :

"duplex" means any two-family dwelling on a single legal lot.

2.2 Under the current zoning bylaw, duplexes are allowed in the R4 and R5 Residential Districts. The minimum zoning requirements for duplexes are:

	R4	R5
Lot Area	8600 sq. ft.	7200 sq. ft.
Lot Width	72 feet	60 feet
Lot Coverage	40% n	40%
Front Yard	25 feet	20 feet
Side Yard	5 ft. min.	5 ft. min.
Rear Yard	12 ft. min. total	10 ft. min. total
	30 feet	25 feet

2.3 The major difficulty in duplex condominiums would stem from the fact that the Strata Corporation will be composed of two equal owners. Any disagreement between the two owners would create a deadlock situation. The potential areas of disagreement include the maintenance of the grounds, the maintenance of the exterior of the building, remodeling of the building, and additions to the building (ie. porches, screen doors, carports, fences, storage sheds, etc.).

2.4 Duplexes possess almost all of the family oriented advantages of single-detached dwellings.

2.5 A recent October 1973 condominium study in Metropolitan Vancouver indicated that there were 42 strata plans registered for duplex condominiums representing 23.7% of all strata plans registered but only 1.4% of all strata lots.

- 2.6 The Planning Department has pending two probable duplex condominium applications and a number of serious enquiries with regard to duplex condominium approvals, all of which are awaiting the adoption of duplex condominiums and conversion guidelines by Council.

To our knowledge, at least one duplex has been sold to two owners under a "tenancy in common" arrangement subject to the Strata Titling of the subject duplex once the duplex condominium guidelines have been established.

3.0 Comments on Subdivision.

The Planning Department had suggested in its previous General Report that serious consideration be given to the actual subdivision of semi-detached duplexes into two separate lots. Upon further study, the Planning Department would recommend against the actual subdivision of duplex lots in the R4 and R5 Residential Districts using the R6 zoning regulations on the following grounds.

- 3.1 The R6 Residential District with regard to duplex situations would require the subdivision of a given duplex site into two 36 foot wide lots (overall 72 feet wide) and require side yards of 12' minimum.

In addition, the subdivision of duplexes according to the R6 regulations would require complex rezoning procedures (from R4 or R5 zoning district to R6) including presentation of the project to a public hearing.

- 3.2 The intent of current residential zones is to maintain relatively homogeneous neighborhoods. Subdivision of duplexes in predominantly R4 and R5 areas will promote the indiscriminate scattering of 36 foot and 30 foot wide lots in among the overwhelming majority of 60 foot and 50 foot wide single family dwelling lots.

The redevelopment of these narrow isolated fee simple lots that would be thus created would appear to be a problem in the future.

- 3.3 However, under the current Comprehensive Development District regulations, neighborhood groups of duplexes may be proposed in appropriate locations utilizing the subdivision of duplexes into narrower (say 36 feet wide) lots.

4.0 Approach to Residential Duplex Condominiums Conversions.

- 4.1 It is suggested that a prospectus not be required at this time for duplex condominiums, since it would add an unnecessarily complex element to the strata titling of a two-unit dwelling. In any case, almost all the usual prospectus requirements for multi-family dwellings as outlined in the General Report on Residential Condominiums and Conversions would not apply to duplexes.

- 4.2 There does not appear to be any significant difference between new duplex condominiums and duplex condominium conversions insofar as the requirements outlined in Section 6.0 are met.

- 4.3 The Engineering Department has recommended that water, storm sewers, and sanitary sewers be on a separate service to each unit. The Planning Department agrees in principle with this requirement. It is noted, however, that this requirement will affect adversely a few new potential duplex condominiums which are unoccupied, awaiting the adoption of condominium guidelines but which would not meet at present any requirement for separate water, storm sewer, and sanitary sewer service. This requirement will also affect duplex conversions in the same way.
- 4.4 As is the case for other R4 and R5 duplexes and single family dwellings, duplex condominiums would have Municipal garbage collection.
- 4.5 The potential deadlock problem of two equal owners in a duplex condominium has not been resolved. It is the opinion of the Planning Department that the duplex condominium does open up another range of homeownership in the residential field and that the beneficial aspects of duplex condominiums outweigh at this time any potential operational problems.

However, the Planning Department would suggest that the Province as framers of the Strata Titles Act, be approached with reference to an examination of this deadlock problem. It may be necessary to provide appeal procedures through which duplex condominium deadlock situations may be quickly and efficiently resolved.

- 4.6 Basement areas should be clearly allocated between each of the duplex strata lots. An informal equitable division of usable site open space should be discernable.
- 5.0 Duplex Condominium Guidelines.
- 5.1 Sanitary sewer, storm sewer, and water connections and basement storm drainage for duplexes shall be on a separate service to each unit in accordance with Municipal specifications and requirements. No septic tanks would be allowed for duplex condominiums or conversions.
- 5.2 All necessary utilities including electrical metering, gas, telephone and heating shall be on a separate service to each unit.
- 5.3 Particulars should be submitted by the applicant of all encumbrances both existing and proposed and the provisions made or to be made for their discharge.
- 5.4 The submission of any proposed amendments to the Strata Corporation Bylaws.
- 5.5 The requisite R4 and R5 Residential District zoning regulations shall be met.
- 5.6 Any changes to the exterior (including materials, colour, texture, accessory structures) of a project would require the consent of both owners and be so specified in the Strata Corporation Bylaws.

6.0 Duplex Conversion Guidelines.

- 6.1 Any developer wishing to convert an existing occupied residential duplex to condominium shall meet all applicable duplex condominium guidelines in force at the time of the conversion application.
- 6.2 Points 1, 2, 3, 4, 5 and 6 in the Duplex Condominium Guidelines outlined in Section 5.0 of this report should apply to condominium conversions.
- 6.3 An independent health consultant should be retained by the applicant and a certificate guaranteeing that the premises are free of any infestation is to be obtained by the developer.
- 6.4 Any revisions or improvements to the project should be detailed.
- 6.5 For every conversion, the certification by qualified engineer/architects (at the applicant's expense) that the building is structurally and mechanically sound is required. Such certification will include information as to the condition of the exterior and interior surfaces and details of the building. These certificates would, then, be processed by the Building Department.
- 6.6 Each application for approval of a Strata Plan for a duplex conversion be circulated to the Engineering, Building, Health and Fire Departments for comment.

Specified services shall be brought up to the requisite standard as required by the relevant Municipal Departments.

7.0 Summary Comments.

The duplex condominium guidelines outlined in this report apply to both new duplex condominiums and conversions of existing duplexes. These guidelines will provide direction for those interested in applying for Municipal approval of residential Strata Plans, enable the Planning and other Municipal Departments to measure proposals against some criteria in preparing reports for Council on future specific applications, and assist Council in its consideration of the merits of specific requests for approval of Strata Plans.

In conclusion, it is emphasized that this report does not have the force of a Municipal Bylaw but it is recommended that Council adopt this report as a guideline. Council will retain full discretionary powers to consider Strata Plan approvals for a given residential duplex proposal on its own merits in accordance with the recent amendment, Bill 124, to the Strata Titles Act.

8.0 Recommendation.

It is recommended that:

1. Section 5.0 and Section 6.0 be adopted as guidelines to assist Council in the approval of Duplex Condominium and Conversion Strata Plans under the municipally delegated powers of the Strata Titles Act.

ITEM 14

MANAGER'S REPORT NO. 9

COUNCIL MEETING Feb. 4/74

-6-

2. The municipal approval process for the strata titling of duplex condominiums and conversions be reviewed by the Planning Department within one year of the Council adoption of the Duplex Condominium and Conversion Guidelines, in conjunction with the review of the General Report on Condominiums and Conversions (adopted November 26, 1973).

Respectfully submitted,

*AL*  
KI:dp

*A. L. Parr*  
A. L. Parr,  
DIRECTOR OF PLANNING.

c.c. Health Department  
Engineering Department  
Building Department