

1979 October 31

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: RESIDENTIAL OCCUPANCY STANDARDS

RECOMMENDATIONS:

1. THAT this report be referred to the Housing Committee to assist in its review of the matter.
2. THAT a copy of this report be sent to Mrs. Stella White, 5514 East Georgia Street, Burnaby, B.C. V5B 1V6

REPORT

The purpose of this report is to provide a summary of the past actions which have been taken with respect to the recommended Zoning By-law amendments on residential occupancy standards and to respond to the questions raised and the views expressed concerning the proposed regulations. A further objective will be to clarify the need for a strengthening of the existing standards governing residential occupancy and to review the effects of the amendment proposals.

A. SUMMARY OF ACTIONS AND RESPONSES

1. 1979 July 30 - The Council adopted the following recommendations:
 - (1) THAT the report of the Planning Department be received and the preparation of a by-law by the Municipal Solicitor be requested to permit the introduction of the proposed text amendments into the Burnaby Zoning By-law and that these amendments be advanced to a Public Hearing.

- (2) THAT representation be made to the Province to request the amendment of the Strata Titles Act to provide that all strata plan applications, whether or not new and unoccupied buildings are involved, be made subject to the approval of the Approving Officer of the municipality, and that this be followed, if necessary, by the submission of a resolution to the 1980 annual convention of the Union of British Columbia Municipalities.
- (3) THAT all approvals of duplex strata title applications be deferred until enabling legislation is obtained clarifying the impact of strata titling on the illegal fourplexing of two-family dwellings in the municipality.

The Council also sought clarification and review of a number of points prior to the setting of a public hearing date.

2. 1979 September 10 - The Council received the report containing the review of the points raised (i.e. floor, storey, height, effect on single family houses) and approved a recommendation to advance the proposed amendments to a public hearing on October 16.
3. 1979 October 16 - A number of concerns were expressed at the public hearing on the proposed amendments, particularly with respect to the definitions of cellar, basement, storey and home occupation, as well as on the effects of the proposed changes on housing and residential areas in general. These will be covered in Section "C" of this report.
4. 1979 October 22 - The Council approved a motion that the proposed Zoning By-law text amendments be referred to the Housing Committee.

B. THE NEED FOR A STRENGTHENING OF RESIDENTIAL OCCUPANCY STANDARDS

As noted in the report of 1979 July 11 on this subject, semi-detached two-family dwellings are overbuilt with full area, above ground basements not used in conjunction with the main floor dwelling unit. The unused basement is capable of being roughed in and finished to duplicate the layout of the main floor dwelling unit. Single family dwellings are similarly overbuilt, but the conversion of basements in this instance is not as prevalent as in the case of two-family dwellings.

This overbuilding has, in many instances, required the purchaser to supplement his income in order to meet the resulting high payment obligations by renting out excess building space not required for the principal dwelling unit. The situation has been seized upon by the speculative builders to the point that now the majority of single-family dwellings and most two-family, semi-detached dwellings are prepared with extra space capable of providing rental income. This condition is growing very rapidly throughout the entire Lower Mainland Area.

In 1977 it was estimated that there were approximately 3,290 illegal suites in the municipality from a total of 29,509 units in the five residential district categories (R1, R2, R3, R4, R5), which would account for 13.3 percent of the total. Although this was an approximation only, it provided an indication of the magnitude of the problem. The housing survey, which began in 1978 March will provide more precise information on this matter in the future.

The fourplexing of two-family dwellings results in the doubling of existing densities in the R4 District from approximately 8 to 16 units per acre, while in the R5 category this would increase from about 9.5 to 19 units per acre, figures which are higher than townhousing (i.e. 10 to 12 units per acre) and more characteristic of apartment use, yet without the consideration that is given to this type of development (i.e. usable open space, parking, availability of community and recreation facilities, etc.).

In fact, under the Zoning By-law an apartment is defined as a building divided into three or more units. Such densities have a considerable impact on the residential areas in which they occur including the creation of parking problems, a growth in traffic volumes on residential streets, an added load on municipal services and utilities, and increased pressures on neighbourhood parks and community facilities. These fourplex developments are quite out of scale with the densities of the areas in which they are located. They also tend to effect the social fabric of a neighbourhood since, in many cases, the units involved are rented out by absentee landlords. Maintenance and upkeep problems are often the result of such cases.

A continuation of illegal fourplexing would also have the effect of changing the character of many of the R4 and R5 areas which, although zoned for two-family use, are predominantly developed with single family dwellings. In many cases these are occupied by owners who, unaware of the ramifications of R4 and R5 Zoning, believe they live in areas zoned exclusively for single family use. Thus, when a duplex is proposed for development, the result is generally one of opposition. An example of this is the concern expressed by the residents of the Malvern area.

Similar concerns are expressed by Mrs. White in her letter of 1979 October 19. These included a major loss of view, light and privacy, the high density of occupancy (5 families) and the parking problem (7 vehicles). Mrs. White supports the proposed amendments, recognizing that they are primarily designed to prevent the type of development referred to in her letter.

C. A REVIEW OF THE PROPOSED AMENDMENTS: THEIR INTENT AND EFFECTS

This section of the report sets forth the items proposed for amendment, the recommended changes or additions, their intent and effects. This material is included in the table which follows.

<u>Item</u>	<u>Proposed Changes</u>	<u>Intent & Effects of Changes</u>
1) Definition of "Building"	The deletion of the last sentence, i.e. "When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building."	Will prevent a dwelling unit from being considered as a separate building when divided by a strata lot line from another dwelling unit.
2) Definition of "Cellar"	The addition of the following sentence to this definition: "No dwelling unit, house-keeping unit, sleeping unit, bedroom or living quarters of any kind shall be permitted in a cellar."	To prevent living accommodation in a cellar (more than one half of its height below average adjacent finished grade). However, this would not effect the provision of bedrooms, bathrooms or in-law suites, which meet the applicable by-law requirements, within a basement.
3) Definition of "Dwelling, Duplex" (new)	"Dwelling, Duplex means a two-family dwelling wherein the two dwelling units are placed one above the other."	To differentiate between up-and-down and side-by-side two-family dwellings in order to assist in controlling illegal fourplexing.

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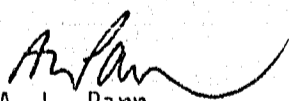
Item	Proposed Changes	Intent & Effects of Changes
4) Definition of "Dwelling, Semi-Detached" (new)	"Dwelling, Semi-Detached means a two-family dwelling wherein the two dwelling units are placed side-by-side under one roof."	As Item 3 above. 184
5) Definition of "Home Occupation"	The permitting of up to two boarders or lodgers in single family dwellings only.	Will remove a loophole in the regulations in the case of two-family dwellings, where boarders or lodgers occupy additional illegal dwelling units and contribute to the fourplexing problem. Will still allow for the keeping of two boarders or lodgers in a single family dwelling.
6) Definition of "Storey"	"A basement shall be considered as a storey" (This would replace - "a basement which contains habitable accommodation shall be considered as a storey").	Under the existing regulations, a semi-detached (side-by-side) two-family dwelling may include two storeys and thus provide the basis for fourplexing. By making a basement a storey, and limiting the height of the building to one storey, the current practice of developing additional units in a basement would be removed in the case of semi-detached two-family dwellings. Where duplex (up and down) two-family dwellings are concerned the available alternatives would include the provision of a basement and a storey above to provide the two units or the development of a two storey structure on a slab or over a cellar. In either case, the height of the building would not exceed 9.0 m (29.53 feet) nor two storeys. With respect to single family dwellings, the number of permitted storeys would remain at 2½ under the proposed regulations. Thus, a house could consist of a basement plus 1½ storeys above or, alternatively, a 2½ storey structure on a slab or over a cellar. This would tend to reduce building heights in the case of the first of the above alternatives, particularly where the floor of a basement is mainly at grade. On the other hand, it would prevent the construction of unduly high buildings in residential areas and assist in the view protection which has also been a cause of concern to Council in the past. This would also apply to two-family dwellings.
7) Application of by-law regulations regardless of form of ownership or tenure.	The addition to Section 4.1 (Application) of: "regardless of form of ownership or tenure".	This is an all embracing measure which is intended to include <u>all</u> forms of ownership and tenure and make them subject to the by-law regulations.

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<u>Item</u>	<u>Proposed Changes</u>	<u>Intent & Effects of Changes</u>
8) Development Under the Strata Titles Act (new)	The addition of a new section 6.18 - Development Under The Strata Titles Act: "Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of this by-law."	Will apply to strata titling only and not effect residential developments under other forms of ownership.
9) Maximum permitted gross floor areas for two-family dwellings in R4 and R5 Districts.	Maximum permitted gross floor areas of 116 m ² (1247 sq. ft.) per dwelling unit.	To control the fourplexing problem and reduce building bulk.
10) Maximum permitted building heights in Residential Districts	Maximum permitted building heights of: a) Single family dwelling - 9.8 m (32.12 feet) b) Duplex dwelling - 9.0 m (29.53 feet) c) Semi-detached dwelling - 5.5 m (18 feet)	To control the problems of increased densities and excessive building bulk and height.

In conclusion, it should be emphasized that the proposed amendments are designed primarily to control the ever increasing problems in residential areas resulting from the fourplexing of two-family dwellings. The effects on other forms of residential development are quite minimal.

Single family dwellings in relation to the definition of "storey" and building heights are referred to under the preceding item (6). In all other respects the regulations governing this type of accommodation would remain unchanged from those which presently apply in the Zoning By-law. The Chief Building Inspector has indicated in his review of the proposed text amendments that "we see no adverse effect in the proposed regulations on single-family dwellings".


A. L. Parr
DIRECTOR OF PLANNING

RBC/hf

c.c. - Chief Building Inspector
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