

THE CORPORATION OF THE DISTRICT OF BURNABY
HOUSING COMMITTEE

HIS WORSHIP, THE MAYOR
AND MEMBERS OF COUNCIL

Madam/Gentlemen:

RE: RESIDENTIAL OCCUPANCY STANDARDS

RECOMMENDATIONS:

1. THAT the Council approve the proposed Zoning By-law text amendments as outlined in Section "D" and that these be advanced to a reconvened Public Hearing on 1980 February 26.
2. THAT those persons who made representation at the adjourned Public Hearing on 1979 October 16 be invited to the reconvened Public Hearing, together with those individuals who have sent written submissions to the Council on this subject.

REPORT

A. BACKGROUND

The Housing Committee met with representatives of the Building and Planning Departments on 1979 November 27, 1979 December 19 and 1980 January 03 to examine in detail the proposed Zoning By-law text amendments to the residential occupancy standards.

It was concluded at these meetings that it was the Committee's intent to protect and preserve the character of the single and two-family residential neighbourhoods. The proposed regulations, which would apply to new development, are designed to maintain residential occupancy densities designated in the by-law which, in turn, reflect the policy of the Council to provide the municipality with a balanced range of housing to meet the varying needs of its residents.

It should be noted that the Housing Committee has indicated a desire in hearing from persons interested in the present rental housing situation involving existing housing stock, and to this end the Committee is proposing a public information meeting on 1980 February 05 and, if necessary, on February 12.

While the whole question of illegal suites was discussed it was considered that the immediate emphasis should be directed to the introduction of effective measures into the Zoning By-law to control the fourplexing problem in the future and to ensure that these would not cause unintentional hardship for single family owners.

Certain of these earlier amendment proposals have been revised as a result of the deliberations of the Committee, including the definitions of cellar, dwelling semi-detached and home occupation. In addition, interest was expressed in examining the possibilities offered by a half-storey for the expansion of single family dwellings. These items are dealt with in the section which follows.

- AGENDA 1980 01 14
- COPY- MANAGER
- PLANNER
- CHIEF BUILDING INSPECTOR

B. EXAMINATION OF AREAS OF CONCERN

- (1) Definition of "Cellar" - The removal of "sleeping unit, bedroom or living quarters of any kind" from the originally proposed definition to ensure that such facilities as a bedroom, bathroom or a recreational room would not be excluded from a cellar, which would be intended to be occupied as an integral part of the dwelling unit above. This would, however, continue to prevent a dwelling unit from being provided in a cellar.
- (2) Definition of "Dwelling, Semi-Detached" - The deletion of the words "under one roof" from the definition, as the existence of this phrase could weaken the definition in view of a current practice of having separated roofs on what rightly should be classed as a side by side semi-detached dwelling.
- (3) Definition of "Home Occupation" - Under the existing Zoning By-law regulations provision is made for "the keeping of not more than 2 boarders or lodgers or not more than 4 foster children in each dwelling unit" in the definition of "Home Occupation". The originally proposed amendment would have confined boarders or lodgers and foster children to a single family dwelling. This was the subject of a considerable amount of discussion at the Housing Committee meetings.

With regard to boarders and lodgers, it was felt that the proposed changes in bulk regulations would tend to reduce the impact of additional persons in two-family dwellings. It was also considered that emphasis should be placed on making the physical changes to the by-law in order to control directly the fourplexing problem at this time.

It was also concluded that it would be inappropriate to prevent the keeping of foster children in a two-family dwelling. In addition, the need for limiting the number of foster children per dwelling unit was questioned. The Environmental Health Department was contacted on this matter and advised that the placement of foster children is administered solely by the Ministry of Human Resources. It was also indicated that there had been no record of complaints with respect to the present limit of 4 foster children creating any hardship. The placement officer for the Provincial Ministry of Human Resources advises that their placement policies take into consideration the physical accommodations of a prospective foster home and the ability of the foster parents to provide care and attention. The usual maximum that they will permit to be placed in one foster home is three foster children, although they have one instance of four foster children. The social worker in charge has stated that she finds it helpful for the Municipality to have a numerical limit in its by-law, to assist the Ministry in dealing with requests for greater numbers of children where their experience leads them to deny proposals for greater numbers.

- (4) Height of Single Family Dwellings - As mentioned earlier the possibilities offered by a half-storey for the expansion of single family dwellings were examined by the Housing Committee. The provision for two and one-half storeys for single family dwellings allows for the modification of roof structures to permit additional living area above the second level, subject to the provisions of the definition for "storey, half".

"Storey, Half", means a storey under a gable, hip or gambrel roof the wall plates of which on at least two opposite exterior walls are not more than 600 mm (1.97 feet) above the floor of such storey.

In physical terms, this is frequently accomplished by the construction of dormers, by raising a portion of an existing roof to create sufficient head room for occupancy of part of a former attic space, or by reconstructing a roof to a higher level in some central location between the two opposite exterior walls, such that the height of the wall plates on those exterior walls does not exceed the limits stated. All of the foregoing of course would be subject to the maximum height dimension set out in the by-law and the normal structural considerations of the Building By-law and codes, and can produce very attractive and useful living spaces. Sketches describing the various configurations will be available at the Council meeting.

The section which follows is devoted to a review of those proposed amendments approved by the Housing Committee noting their rationale and implications in written and, where feasible, in visual form.

C. REVIEW OF PROPOSED AMENDMENTS

(1) Definition of "Building":

a) Existing Definition-

"BUILDING" means a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property. When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building.

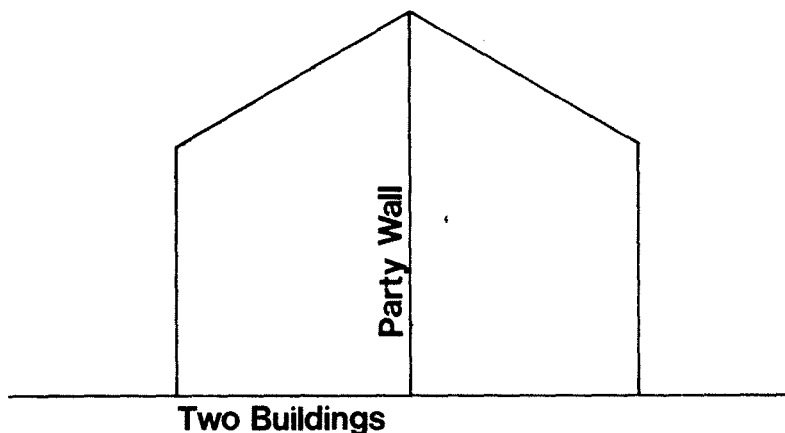
b) Proposed Definition-

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."

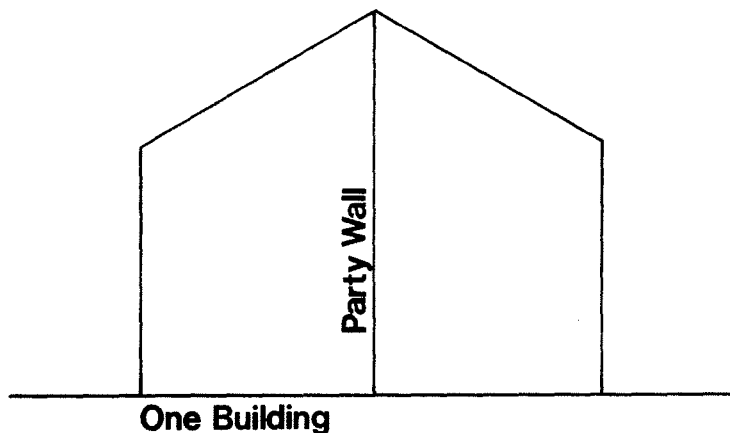
c) Intent and Effects of Changes-

Is designed to prevent a dwelling unit from being considered as a separate building when divided by a strata lot line from another dwelling unit, as in the case of a number of recently strata titled buildings which, in turn, has resulted in the fourplexing of such structures.

EXISTING REGULATIONS



PROPOSED REGULATIONS



(2) Definition of "Cellar":

a) Existing Definition-

"CELLAR" means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished ceiling, below average adjacent finished grade as determined by the Building Inspector. The height measured between floor and ceiling surfaces shall be not less than 1900 mm (6.23 feet).

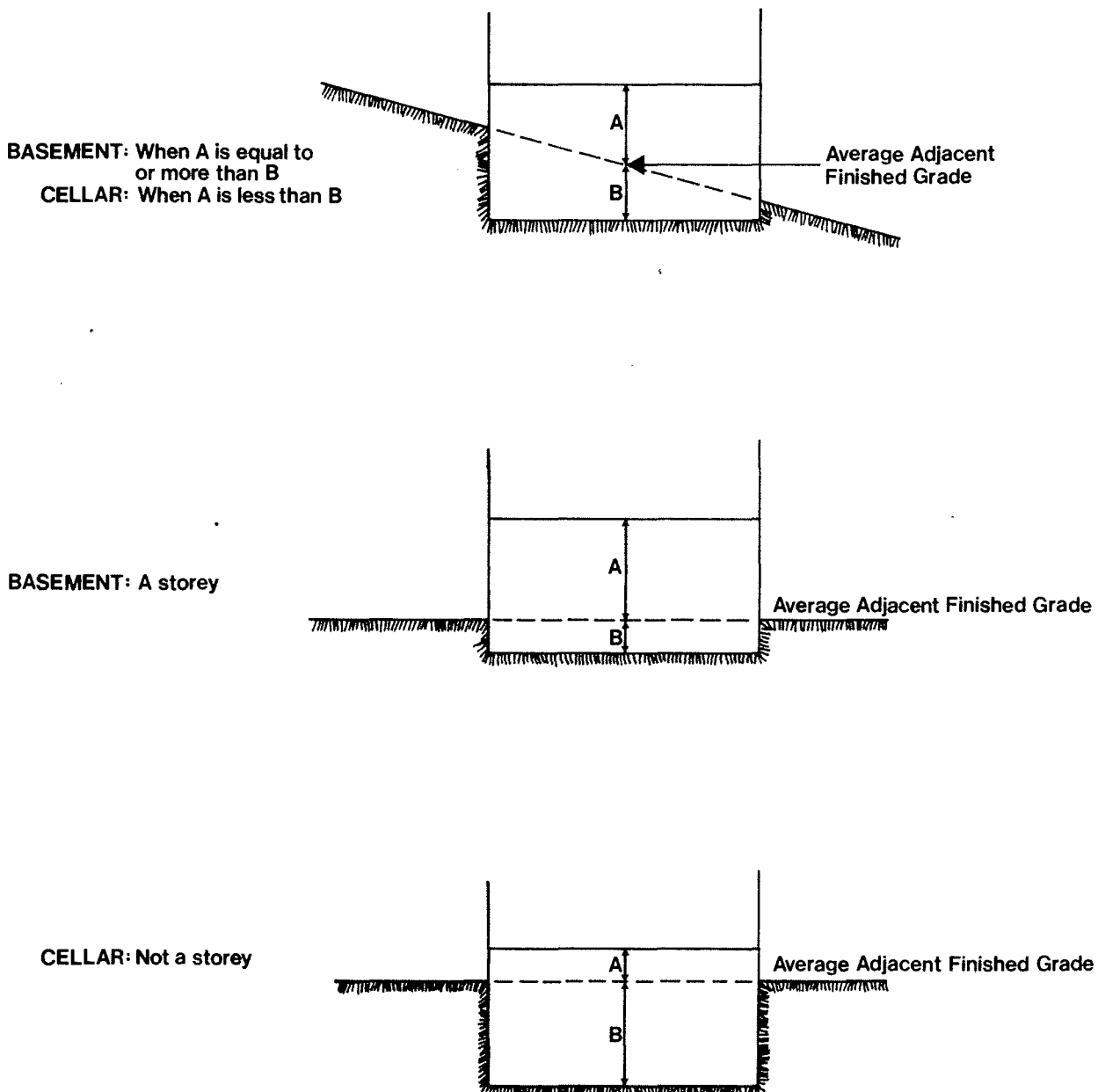
b) Proposed Definition-

The addition of the following sentence to this definition: "No dwelling unit or housekeeping unit shall be permitted in a cellar."

c) Intent and Effects of Changes-

Is designed to prevent dwelling unit accommodation in cellars, while continuing to allow for such facilities as a bedroom, bathroom or recreational room.

EXAMPLE OF A CELLAR AND BASEMENT

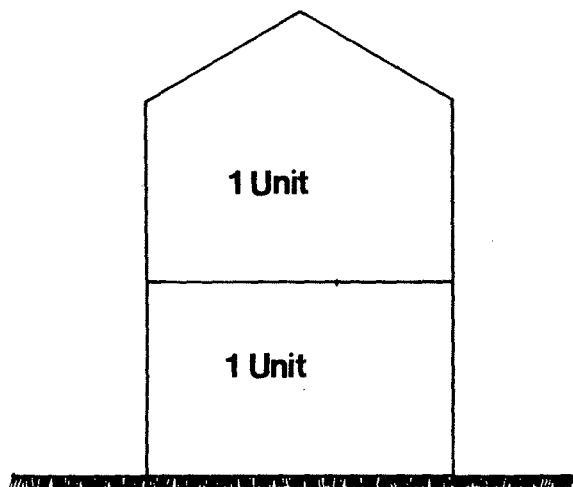


(3) Definitions of "Dwelling, Duplex" and "Dwelling, Semi-Detached"(new)

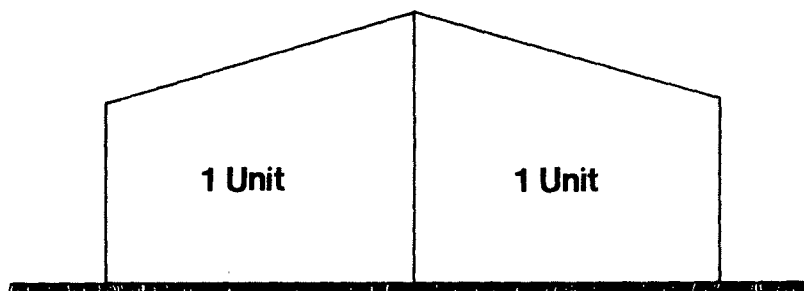
- a) "Dwelling, Duplex" means a two-family dwelling wherein the two dwelling units are placed one above the other.
- b) "Dwelling, Semi-Detached" means a two-family dwelling wherein the two dwelling units are placed side by side.
- c) Intent and Effects of Changes-

These proposed definitions would differentiate between up-and-down and side-by-side two family dwellings in order to assist in controlling illegal fourplexing. The present regulations merely define "two-family dwelling" and do not distinguish between these two basic types.

**DUPLEX
DWELLING**



SEMI-DETACHED DWELLING



(4) Definition of "Storey":

a) Existing Definition-

"STOREY" means a habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. A basement which contains habitable accommodation shall be considered as a storey.

b) Proposed Definition-

The deletion of the last sentence and its replacement by: "A basement shall be considered a storey."

c) Intent and Effects of Changes-

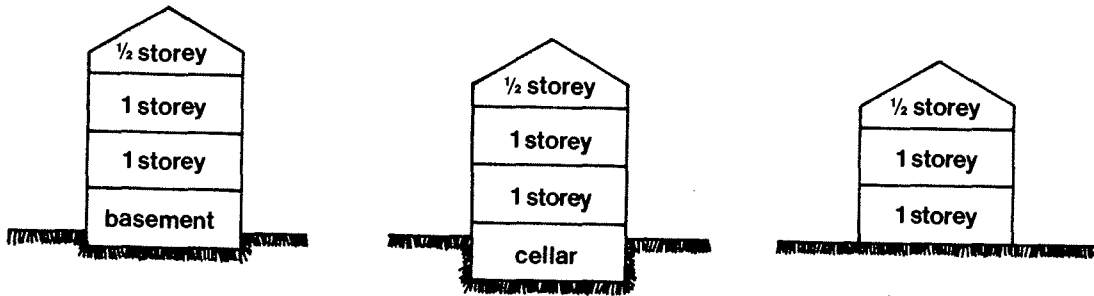
These proposed amendments are designed to control the illegal conversion problem and to prevent the construction of unduly high buildings. Under the existing regulations, a semi-detached (side by side) two-family dwelling may include two storeys and thus provide the basis for fourplexing. By making a 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.

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.

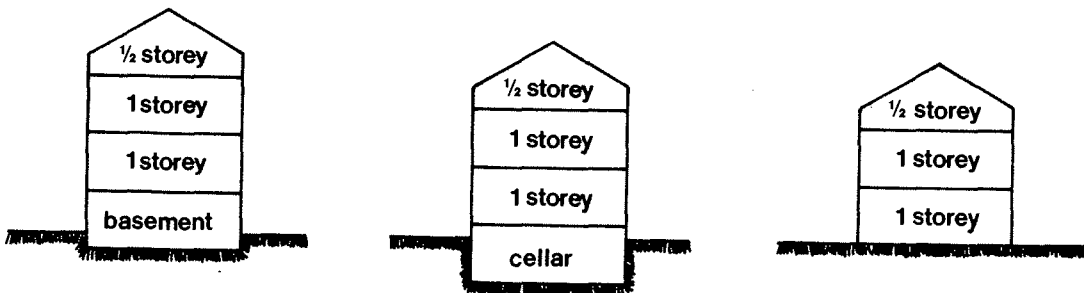
With respect to single family dwellings, the number of permitted storeys would remain at 2-1/2 under the proposed regulations. Thus, a house could consist of a basement plus 1-1/2 storeys above or, alternatively, a 2-1/2 storey structure on a slab or over a cellar. This would not preclude the addition of a second storey to a one storey dwelling. A half-storey could also be added to an existing two-storey structure, within the dimensional height limits, to allow, for example, for the provision of a new bedroom, den or similar usable area within a building.

(Sketch on above - see Page 7)

EXISTING REGULATIONS

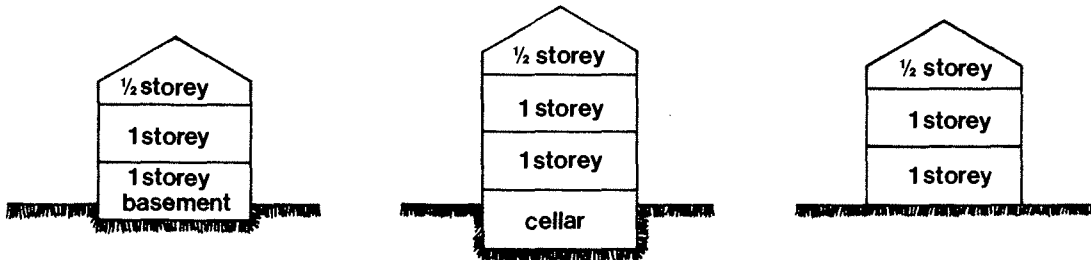


a: Single Family Dwellings (2½ storeys)

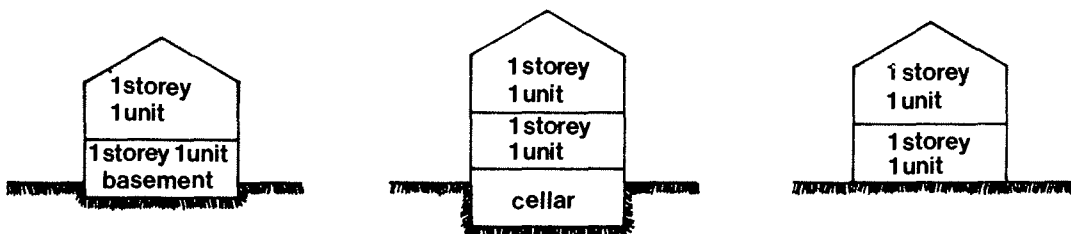


b: Two-Family Dwellings (2½ storeys)

PROPOSED REGULATIONS



a: Single Family Dwellings (2½ storeys)



b: Duplex Dwellings (2 storeys)



c: Semi-Detached Dwellings (1 storey)

(5) Application of by-law regulations regardless of form of ownership or tenure:

a) Existing Regulations-

4.1 Application

Within the Corporation of the District of Burnaby no land, buildings and structures, including the surface of water, shall hereafter be used or occupied, and no buildings or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this Bylaw, and the contrary shall be unlawful.

b) Proposed Regulations-

Amend this section to read as follows:

Within the Corporation of the District of Burnaby no land, buildings or structures, regardless of the form of ownership or tenure, including the surface of water, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this By-law, and the contrary shall be unlawful.

c) Intent and Effects of Changes-

This is an all embracing measure which is intended to include all forms of ownership and tenure and make them subject to the by-law regulations.

(6) Development Under the Strata Titles Act (new)

a) Proposed New Section-

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."

b) Intent and Effects of Changes-

It has always been the intent of the Zoning By-law that each type of dwelling should be subject to the same regulations which apply to the district category in which it is located, regardless of the form of ownership (including strata titles). However, under the existing legislation, the strata titling of new and unoccupied buildings is not subject to compliance with the zoning regulations. This has had serious implications for the municipality, particularly with respect to the fourplexing problem. This proposed addition to the Zoning By-law is being put forward in an effort to deal with this matter by requiring conformity with the bulk regulations which include maximum building height, minimum lot area and width, minimum front, side and rear yards and maximum lot coverage and floor area. There would still, however, be the question of the relationship between the proposed section 6.18 and the provisions of the Strata Titles Act. Because of this, the report on Residential Occupancy Standards (1979 July 11) included a recommendation that representation be made to the Province to amend 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. This was approved by the Council on 1979 July 30.

(7) Maximum Permitted Gross Floor Areas For Two-Family Dwellings in R4 and R5 Districts (new)

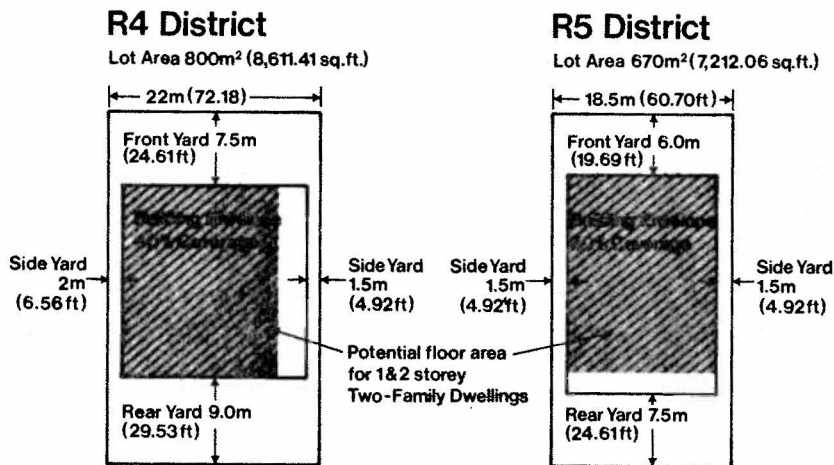
a) Proposed Regulations-

Maximum permitted gross floor areas of 116 m² (1247 sq.ft.) per dwelling unit.

b) Intent and Effects of Changes-

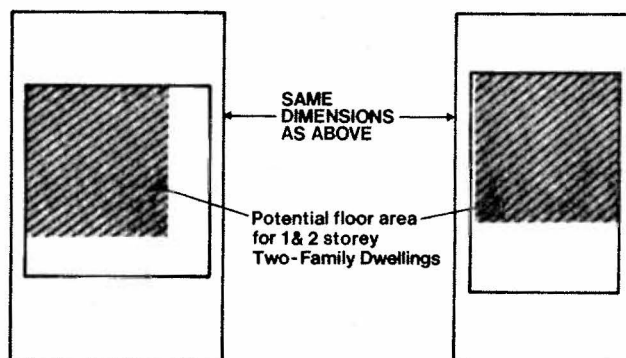
The objective of this proposed amendment is to control the fourplexing problem and reduce building bulk. A further effect will be to provide a greater degree of protection for single family dwellings from the excessive mass of many two-family dwellings (i.e. view obstruction, reduction in privacy, increased traffic congestion, aesthetic incompatibility, etc.) that are quite out of scale with the character of most of the R4 and R5 zoned areas which are predominantly developed with single family houses.

EXISTING REGULATIONS (on a standard sized lot)



PROPOSED REGULATIONS (on a standard sized lot)

Maximum 116m² (1247 sq.ft.) per dwelling unit. (i.e. : on each side of a semi-detached dwelling or on each floor of a duplex)



(8) Maximum Permitted Building Heights In Residential Districts

a) Existing Regulations-

Maximum permitted building height of 10.5 m (35 ft.) for both single family and two-family dwellings.

b) Proposed Regulations-

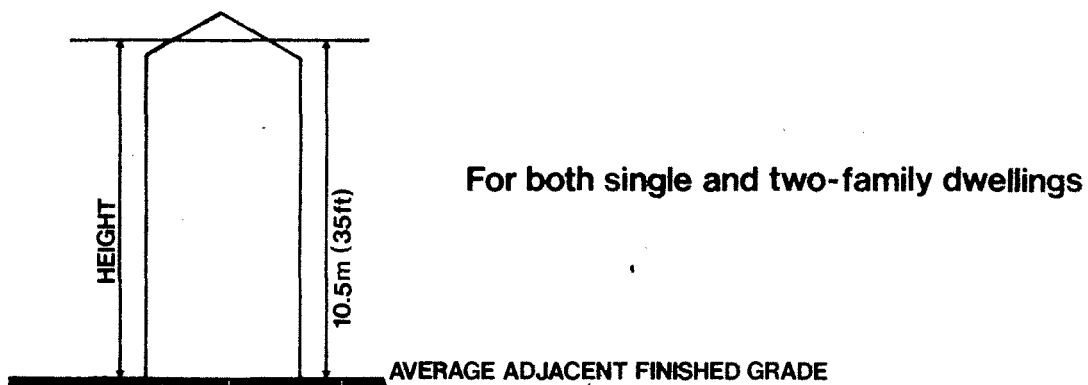
Maximum permitted building heights of:

- Single family dwelling - 9.8 m (32.12 ft.)
- Duplex dwelling - 9.0 m (29.53 ft.)
- Semi-detached dwelling - 5.5 m (18.0 ft.)

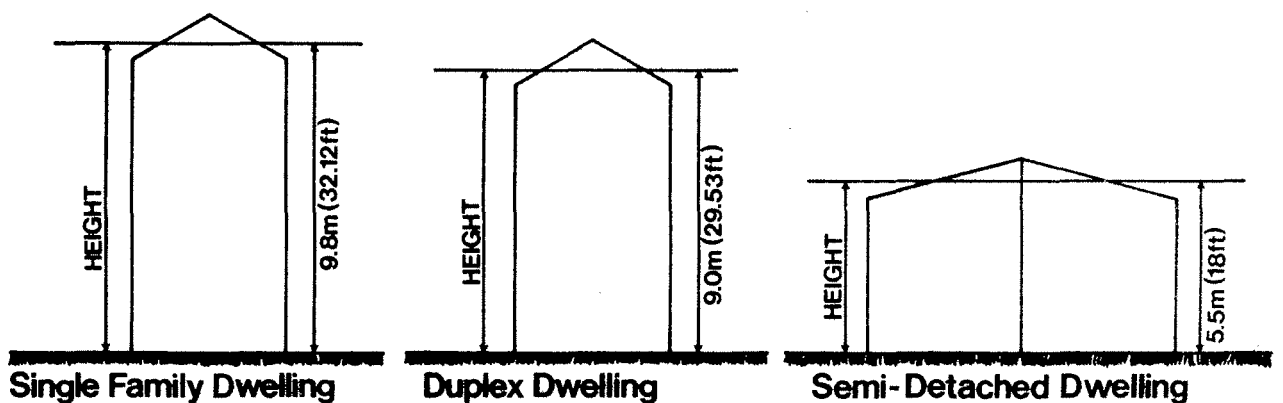
c) Intent and Effects of Changes-

These proposed regulations are designed to prevent the construction of unduly high buildings in residential areas and assist in view protection which has been a cause of concern to Council in the past. They would also help to control the problems of increased densities and excessive building bulk associated with the development of duplex and semi-detached two-family dwellings.

EXISTING REGULATIONS



PROPOSED REGULATIONS



D. PROPOSED ZONING BY-LAW AMENDMENTS

The following amendments are proposed to the regulations governing residential occupancy in the Burnaby Zoning By-law:

1. Definition of "Building"

The deletion of the last sentence from the definition of "Building" in Section 3 which is as follows:

"When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building."

2. Definition of "Cellar"

The addition of the following sentence to the definition of "Cellar" in Section 3:

"No dwelling unit or housekeeping unit shall be permitted in a cellar."

3. Definition of "Dwelling, Duplex"

The addition of the following definition to Section 3:

"Dwelling, Duplex means a two-family dwelling wherein the two dwelling units are placed one above the other."

4. Definition of "Dwelling, Semi-Detached"

The addition of the following definition to Section 3:

"Dwelling, Semi-Detached means a two-family dwelling wherein the two dwelling units are placed side by side."

5. Definition of "Storey"

The deletion of the last sentence from the definition of "Storey" in Section 3 and its replacement by:

"A basement shall be considered as a storey."

6. Regulations applicable Regardless of Form of Ownership

The amendment of Section 4.1 (Application) to read as follows:

"Within the Corporation of the District of Burnaby no land, buildings or structures, regardless of the form of ownership or tenure, and including the surface of water, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this By-law, and the contrary shall be unlawful."

7. The addition of a new Section (6.18) to the by-law (Supplementary Regulations)

"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."

8. Height of Buildings in the R1 District

The deletion of Section 101.2 (Height of Buildings) and its replacement by:

"The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys."

9. Height of Buildings in the R2 District

The deletion of Section 102.2 (Height of Buildings) and its replacement by:

"The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys."

10. Height of Buildings in the R3 District

The deletion of Section 103.2 (Height of Buildings) and its replacement by:

"The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys."

11. Uses Permitted in the R4 District

The deletion of Clause (2) of Section 104.1 (Two-family dwellings) and its replacement by:

"Semi-detached or duplex dwellings with a maximum gross floor area of 116 m² (1247.30 square feet) per dwelling unit."

12. Height of Buildings in the R4 District

The deletion of Section 104.2 (Height of Buildings) and its replacement by:

- "(1) The height of a single family dwelling shall not exceed 9.8 m (32.12 feet) nor 2½ storeys.
- (2) The height of a duplex dwelling shall not exceed 9.0 m (29.53 feet) nor 2 storeys.
- (3) The height of a semi-detached dwelling shall not exceed 5.5 m (18 feet) nor 1 storey."

13. Uses Permitted in the R5 District

The deletion of Clause (2) of Section 105.1 (Two-family dwellings) and its replacement by:

"Semi-detached or duplex dwellings with a maximum gross floor area of 116 m² (1247.30 square feet) per dwelling unit."

14. Height of Buildings in the R5 District

The deletion of Section 105.2 (Height of Buildings) and its replacement by:

- "(1) The height of a single family dwelling shall not exceed 9.8 m (32.12 feet) nor 2½ storeys.
- (2) The height of a duplex dwelling shall not exceed 9.0 m (29.53 feet) nor 2 storeys.
- (3) The height of a semi-detached dwelling shall not exceed 5.5 m (18 feet) nor 1 storey."

E. CONCLUSION

In light of the Housing Committee's deliberations on this subject, and the revisions that have been made to the original proposed text amendments, it is felt that the amendments set out in Section "D" provide for the preservation of our single and two-family neighbourhoods and will create effective controls on new development in the community, while avoiding unintentional secondary effects that might create any unnecessary hardship. Accordingly, it is being recommended that these amendments be approved and advanced to a reconvened Public Hearing.

Respectfully submitted,

Chairman: F. G. Randall
Alderman

Members: D. P. Drummond
Alderman

A. H. Emmott
Alderman

