

ITEM	8
MANAGER'S REPORT NO.	51
COUNCIL MEETING	91/09/09

TO: MUNICIPAL MANAGER 1991 September 04

FROM: DIRECTOR PLANNING AND BUILDING Our File: 16.300

SUBJECT: PROPOSED ZONING REGULATIONS FOR SINGLE FAMILY DWELLINGS

PURPOSE: To recommend new zoning regulations for single family dwellings.

RECOMMENDATIONS:

1. THAT Council direct staff to commence the preparation of an amendment to the Zoning Bylaw to change the regulations affecting the bulk of single family dwellings in the R1 to R5 and R9 to R10 Residential Districts, as outlined in this report.
2. THAT Council give notice that after 1991 September 27, all building permit applications that do not comply with the proposed bylaw amendments will be referred to Council for a resolution to withhold the permit.

REPORT

1.0 EXECUTIVE SUMMARY

In recent years, concerns have been expressed about the development of large single family houses, particularly in established neighbourhoods. The newer houses, commonly with two storeys above a cellar, tend to be markedly bulkier and taller than the older houses. Neighbouring properties have been impacted in varying ways: a loss of privacy, a reduction of sunlight into their dwelling or yard, and/or the loss of views.

The concern about the bulk of new houses was first addressed in the context of view blockage. As outlined in previous reports to Council, early into the review of the view preservation problem, it was found that view blockage was not limited to the sloping areas of the municipality, but was considered a problem in many of the flatter areas that have distant views of the mountains, the cityscape or the river.

Subsequent to the view preservation reports to Council, the issue of the lack of 'neighbourliness' of large new houses has been raised numerous times through delegations and petitions to Council. Concerns were expressed about new houses that are out of character with the existing houses in the area. There were several requests for new zoning regulations to address this problem.

To address the varied concerns expressed by many residents, the Housing & Civic Development Committee requested that staff prepare a proposal to amend the zoning regulations for single family dwellings and to present that proposal for public review.

In developing an approach to regulating the bulk of houses, it was necessary to balance the competing objectives of protecting the character of existing neighbourhoods and permitting the construction of new houses that meet the space needs of today's families.

Arising from comments raised during the public review process, and through further work refining the proposal, staff are recommending a number of improvements to the proposal. The recommended proposal provides for a standard of development throughout the municipality that will improve the 'neighbourliness' of new houses while allowing for development that will meet contemporary living standards.

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In summary, the following regulations are recommended (see Attachment A for a comparison between existing and proposed regulations):

Size of Houses:

- . The maximum gross floor area permitted in each residential district is not changed.
- . The maximum above grade floor area is determined by the greater of
 - a. 0.20 of the lot area + 1400 square feet OR
 - b. 0.40 of the lot area
- . Basements in new houses are included in the above grade floor area, while those in existing houses are not included. Cellars are not included in either case.
- . Parking areas in excess of 452.1 square feet are included in the gross floor area and above grade floor area.
- . In any space where the height from a floor to the top of the wall plate exceeds 12 feet, the aggregate floor area exceeding 100 square feet would be counted twice in the calculation of gross floor area and above grade floor area.

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Shape of Houses:

- . The maximum length of a house is the lesser of 50 percent of the lot depth or 60 feet.
- . The minimum distance between a house and a detached accessory building (e.g., garage or carport) is 15 feet.

Height of Houses:

- . The maximum height is 29.53 feet for houses with a sloping roof (pitch of 4 in 12 or greater) and 24.27 feet for houses with a flatter roof.
- . Height is measured from the lower of the average elevation of the finished grade along the front or rear of the building to the highest point.
- . The maximum height of a cellar is 8.2 feet measured from its finished floor surface to the underside of the joists of the next floor above.

Front Yard Setback:

- . The existing front yard setback for each residential district is maintained, except that where the average front setback of the two adjacent lots on each side is more than the minimum setback requirement by at least 5 feet, then the front yard setback would be determined by that average.

Location of Driveways:

- . There is no change to the existing regulation. On most streets, the location of a driveway at the front or rear of the lot is permitted, regardless of whether or not lane access exists.

This report also addresses a number of issues that were raised during the public review process. These issues include

- . non-conforming houses
- . regulation of house design
- . notification of demolition and building permit applications
- . area specific zoning

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- . impact on property values
- . an appeal process
- . illegal suites
- . needs of the multicultural community
- . retention of trees

Lastly, the report outlines a process for handling applications for building permits in the interim period before the amendment of the Zoning Bylaw.

2.0 BACKGROUND INFORMATION

2.1 The Context

In developing an approach to regulating the size, shape and height of houses to address the concerns about view preservation and the 'neighbourliness' of large houses, it was necessary to balance the competing objectives of protecting existing neighbourhoods and permitting the construction of new houses that meet the space needs of today's families.

It was recognized that even with the implementation of the proposed regulations, new houses will be significantly larger than the existing bungalows found in many neighbourhoods. Views presently enjoyed by those living in a bungalow may not be maintained as neighbouring properties are redeveloped. It was also recognized that zoning regulations cannot ensure quality or sensitive design, nor that a builder (owner) will properly take into account the site context.

At the outset, it was decided that it was important to set a new standard of development for single family dwellings throughout the municipality rather than undertake an area-by-area review. The problem of the construction of new houses that are perceived to be 'unneighbourly' is happening throughout the municipality, rather than in discreet neighbourhoods. Given the time and staff resources necessary to complete an area-by-area review, it is likely that areas in the latter part of such a program would continue to experience the impacts of large houses for years to come. After a new benchmark is created by the the implementation of new zoning regulations on a municipal wide basis, then it may be appropriate to evaluate the desirability of area specific zoning and to determine if more stringent regulations are required to address specific neighbourhood conditions.

2.2 The Regional Perspective

The concern about the recent trend towards the construction of large houses is a problem that is common to many Lower Mainland municipalities, particularly those in the more urban areas.

Within the past two years, the City of Vancouver, the City of North Vancouver, and the Districts of North Vancouver, West Vancouver, and Surrey have amended their zoning bylaws affecting single family dwellings. At the present time, the City of Richmond is considering amendments to its zoning bylaw, while the District of Coquitlam is reviewing its regulations affecting the size of houses.

Most of the municipalities are taking an approach similar to that of Burnaby in terms of reducing the overall bulk of single family houses. Each municipality, of course, tailors its regulations to meet its individual circumstances.

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3.0 THE OBJECTIVES

It was proposed that new zoning regulations affecting the shape and size of single family houses meet the following objectives:

- . balance the desire of residents to maintain the character of their single family neighbourhoods and views, and the desire of residents to develop their land to a reasonable extent;
- . reflect an approach that is easy to understand and simple to implement;
- . maintain equity in the treatment of single family lots throughout the municipality;
- . allow for development that will meet changing family and housing needs to a reasonable extent; and
- . improve the neighbourliness of new houses within established neighbourhoods.

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4.0 PUBLIC REVIEW PROCESS

4.1 The Process

To obtain public input on the proposed regulations, staff undertook the following tasks:

- . distributed a brochure outlining the proposal to every Burnaby household in early June 1991;
- . gave presentations at Open House meetings in four different areas of the municipality in June 1991:
 - Gilmore Ave Community School (79 people attended)
 - Burnaby Central Secondary School (48 people attended)
 - Second Street Community School (54 people attended)
 - Nelson Elementary School (200 people attended)
- . arranged a meeting with Council to hear delegations (about 150 people attended)
- . sent letters requesting input from the following organizations and businesses:
 - Greater Vancouver Homebuilders Association
 - Architectural Institute of B.C.
 - Real Estate Board of Greater Vancouver
 - Urban Development Institute
 - Applied Science Technologists and Technicians of B.C.
 - 14 design/drafting companies
- . consulted with planners in neighbouring municipalities about their by-laws and any proposed changes
- . met with about 100 local realtors in a requested meeting on 1991 July 19
- . participated in an interview on Cable 4
- . invited written and telephone responses.

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4.2 Public Response

In general, the majority of comments received from residents were in support of the proposal. Particularly, there was support for the regulation to reduce the building bulk. Most felt that the proposal reflected a satisfactory trade-off between encouraging single family development that is more 'neighbourly' and the need to provide for a standard of development that meets the needs of today's families.

Opposition to the proposal came primarily from those in the real estate industry and the house building industry. These people were of the opinion that the proposal would produce houses that were not large enough to meet the requirements of house buyers, reduce design flexibility, reduce property values, and increase the cost of construction that would force builders to construct in other municipalities. Some also felt that the normal cycle of neighbourhood change would be interrupted by the proposed changes.

Table 1 provides a summary of the responses received by the Planning Department. Detailed summaries of all the public meetings and copies of all correspondence received have been made available to Members of Council. It should be noted that the information in Table 1 does not represent the results from a rigorous survey process. Simply, the numbers represent those that made the effort to forward their views about the proposal.

Table 1

Letters	60	stated support for the proposal
	26	stated no support for the proposal
	2	stated the proposal was not restrictive enough
	4	recommended detailed changes to the proposal
	7	commented on other issues
Comment sheets from the Open Houses	54	proposal is about right
	36	proposal is too restrictive
	33	proposal is not restrictive enough
	7	no opinion
Petitions	203 names / 151 addresses	in support of proposal
	213 names / 154 addresses	not in support of proposal
Phone calls	150	(approximately)

Staff have considered the changes suggested by the residents during the review process and, in some instances, have incorporated them into the amended proposal. As well, staff have made refinements to the proposal following further review.

5.0 THE PROPOSAL

To address the concerns related to the bulk of housing, the recommended proposal is based on a combination of regulations affecting the size, shape and height of single family houses. There is also a regulation pertaining to the front yard setback.

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5.1 THE SIZE OF HOUSES

5.1.1 The Current Regulation

Building density is measured as the maximum floor area which is permitted on a lot. It has a direct effect on the physical bulk of the building. All floors, including cellars and basements*, are included in the maximum floor area ratio (0.60 of the lot area, up to a maximum area established for each residential district):

Table 2

Residential District	Maximum permitted floor area
R1 District	6,350.9 sq. ft.
R2 District	4,736.3 sq. ft.
R3 District	3,982.8 sq. ft.
R4 District	4,736.3 sq. ft.
R5 District	3,982.8 sq. ft.
R9 District	2,852.0 sq. ft.

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An additional 452.1 square feet is permitted for parking areas (i.e., an attached or detached garage/carport).

5.1.2 The Issues

For the majority of newer houses, there has been a tendency to build to the maximum permitted floor area. As well, there has been a tendency to build most of the floor area above the ground (that is, on the main and second floors). In doing so, many houses have included large areas of crawl spaces (less than 3.94 feet in height) which are not included in the floor area calculation.

The original proposal presented to the public involved a limit on the above grade floor area. The limit was based on 0.20 of the lot area + 1400 square feet.

The following issues were raised during the public review process:

- . In established neighbourhoods, there is a need to reduce the bulk of new houses (commonly with two storeys above a cellar). The construction of these large houses which are greater in height, floor area, and length than the older houses results in a loss of privacy, a loss of distant views, and/or a reduction of sunlight into their dwelling or yard areas.
- . On the larger lots or in newer subdivisions where large houses are the norm (e.g., larger than 3,000 square feet), the proposed regulation is overly restrictive and would result in houses that are smaller in appearance than the surrounding houses.

* A cellar is defined as having more than half of its height below average finished grade and is not considered to be a storey. See diagrams in Attachment B.

A basement is defined as having more than half of its height above average finished grade and is considered to be a storey. See diagrams in Attachment B.

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- . Larger houses are needed to provide for today's standard of living which often includes a family room, a study, and three or more bathrooms, which are not commonly found in older houses.
- . Larger houses are needed to accommodate extended families. It would be undesirable to limit the amount of above grade floor area, which would force the construction of living areas in a cellar in order to build to the maximum size.
- . The restriction on the above grade floor area would increase the cost of housing by having to excavate for a cellar in order to build up to the maximum size. As well, pumps to service the cellar may be needed if the main sewer lines are not sufficiently deep.

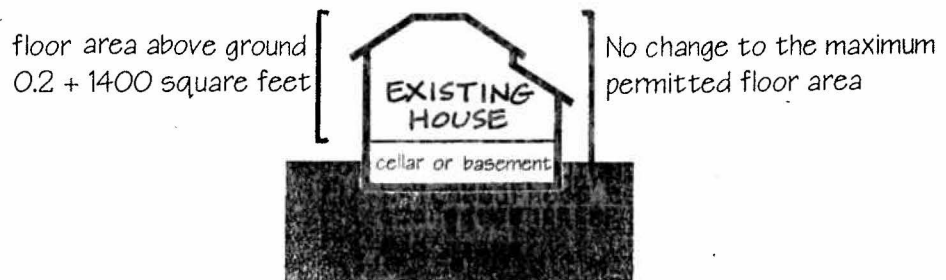
5.1.3 The Recommendations

There is no change to the maximum gross floor area permitted in each residential district. However, to control the bulk of houses, it is recommended that there be a limit on the amount of floor area that can be built above the ground.

To allow a greater amount of floor area above grade on larger lots (7,000 square feet or greater), it is now recommended that the maximum above grade floor area be determined by the greater of

- a. 0.20 of the lot area + 1400 square feet OR
- b. 0.40 of the lot area

- a. For houses existing prior to the bylaw amendment date, the above grade floor area shall not exceed that limit for all floors above a cellar, a basement, a crawl space or the ground surface.



- b. For houses constructed after the bylaw amendment date, the above grade floor area shall not exceed that limit for all floors, except for the floors of any cellar or crawl space. The height of the cellar would be limited to 8.2 feet, from its finished floor to the underside of the joists of the next floor above it.



Existing houses are proposed to be treated differently from new houses to be developed in terms of not including the basement in the calculation of above grade floor area. This is due to the fact that many of the older homes have a basement (defined as having more than half of its height above average finished grade). In order to allow for these older homes to expand, the regulation would not include the area of the basement as part of the above grade floor area. Otherwise, the potential to expand would be very restricted, thereby encouraging demolition and new construction.

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It is important to note, however, that by exempting existing basements from the maximum above ground floor area regulation, there is a potential for abuse. By substantially demolishing an existing structure and re-using an existing foundation in order to retain the basement exemption, one could achieve a much bulkier-looking building than what could be achieved through new construction. This potential situation will be monitored.

On the larger lots (7,000 square feet or greater), the maximum above grade floor area would be achieved by utilizing 0.40 of the lot area. At least two-thirds of the total floor area could be located above ground for those owners who wish to build to the maximum limit. For example, on a 100 ft. X 120 ft. lot in the R1 District, 4,800 square feet are permitted above grade (plus parking area). That is, up to 75 percent of the total permitted floor area may be located above grade.

On the smaller lots (less than 7,000 square feet), the maximum above grade floor area would be achieved by utilizing 0.20 of the lot area + 1,400 square feet. For example, on a 40 ft. X 120 ft. lot in the R5 District, up to 2,360 sq. ft. (82 percent) of the permitted floor area may be located above grade.

Table 3 shows the maximum above grade floor area for various lot sizes.

Table 3

District	Lot Size	Total Floor Area Permitted	Maximum Above Grade Floor Area determined by the greater of: (0.20 of lot area + 1400) OR (0.40 of lot area)
R1	80 X 120	5760	3840 + (452) >
R1	90 X 120	6350 *	4320 + (452) >
R1	100 X 120	6350 *	4800 + (452) >
R2, R4	60 X 120	4320	2880 + (452) >
R2, R4	66 X 120	4736 *	3168 + (452) >
R2, R4	70 X 120	4736 *	3360 + (452) >
R5	40 X 120	2880	2360 + (452) X
R5, R3	50 X 120	3600	2600 + (452) X
R5, R3	60 X 120	3982 *	2880 + (452) >
R5, R3	66 X 120	3982 *	3168 + (452) >
R9	33 X 120	2376	2192 + (452) X
R9	40 X 120	2852 *	2360 + (452) X

* Maximum permitted floor area for the District.
> Maximum above grade floor area is determined by 0.40 of lot area. An additional 452.1 square feet is permitted for parking areas.
X Maximum above grade floor area is determined by 0.20 of lot area + 1400 square feet.

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To enhance the livability of cellars (which may be about 4 feet above the ground on a flat lot), there would be provisions for window wells and entry areas to provide for light and access. The regulations would permit a localized lowering of the ground surface abutting the house without affecting the calculation of average finished grade (see Attachment C).

Concerns were expressed about higher costs associated with the construction of cellars in order to build to the maximum permitted floor area. However, most new houses that have been built in recent years have included rooms in a cellar as well as large areas of crawl space which are not included in the gross floor area calculation. This proposed regulation for the above grade floor area would reduce the amount of crawl space by encouraging a greater amount of floor area in the cellar if the owner wishes to build to the maximum limit. To save on the cost of excavating, an owner may choose not to build a cellar. In this case, it would not be possible to build to the maximum permitted floor area.

The current regulation of excluding up to 452.1 square of parking area from the calculation of gross floor area is not changed. The portion of a garage or carport (detached or attached) which exceeds 452.1 square feet would continue to be included in the gross floor area as well as being included in the above grade floor area.

Lastly, it is proposed that there be a regulation to control the overuse of tall ceilings and atriums which may contribute to the overall bulk of a house. To encourage innovative house designs without penalizing vaulted ceilings that do not significantly add to the bulk of a house, the following regulation is recommended:

- . In any space where the height from a floor to the top of the wall plate exceeds 12 feet, the aggregate floor area exceeding 100 square feet would be counted twice in the calculation of total floor area and above grade floor area.

5.2 THE SHAPE OF HOUSES

5.2.1 The Current Regulation

Presently, there is no regulation affecting the shape or length of houses provided that the minimum yard setbacks are met.

5.2.2 The Issues

Older houses tend to have a basement plus one storey or one and a half storeys, with the half storey contained within the main roof structure. The building length generally ranges between 30 and 40 feet.

The new houses are larger, typically with two storeys above a cellar. A boxy appearance results from the practice of maximizing the width of the house across the front for two storeys, with straight side walls rising from the ground up to the roof line.

The new houses, many with attached garages, also tend to extend deeper to the rear than the adjacent older houses. Recently, there have been building permit applications for houses that are greater than 80 feet in length. The potential impact is a reduction in privacy and sunlight into neighbouring yards.

In the original proposal, two new regulations were presented to reduce the bulk of houses:

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- . On lots greater than 45 feet, houses would be required to setback the second floor a greater distance than the first floor from the side lot line(s);
- . The length of the house would be limited to the lesser of 50 percent of the lot depth or 60 feet.

In response to these two proposed regulations, the following issues were raised during the public review process:

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- . A regulation using side yard setbacks to regulate the width of the second floor located above grade would create more interesting building designs.
- . The maximum house length of 60 feet is not restrictive enough.
- . The side yard setback requirement for the second floor is not desirable because it would limit design flexibility and increase the cost of construction.
- . The regulation on length of the house (60 feet maximum) is too restrictive for lots that are excessively deep (e.g., 200 feet).

5.2.3 The Recommendations

To assist in limiting the loss of privacy and sunlight for properties adjacent to large houses, it is recommended that the length of houses be limited to the lesser of 50 percent of the lot depth or 60 feet.

The length of the building would be measured between the point of the building face nearest the front lot line and the point of the face nearest the rear lot line (or in the case of a through lot, the other front lot line), excluding the projections into required yards permitted by Section 6.12(1) of the Zoning Bylaw.

A review of some recent building plans show that houses with attached garages are generally less than 60 feet in length. The regulation on the amount of floor area located above grade is another factor that would limit the length of the house.

For those wanting to build a house with a detached garage or carport, it is recommended that there be a minimum distance of 15 feet between the two structures. The present regulation allows for a minimum separation of 5.91 feet (excluding roof eaves) which may result in the perception of one large bulky structure, instead of two separate structures, from neighbouring properties.

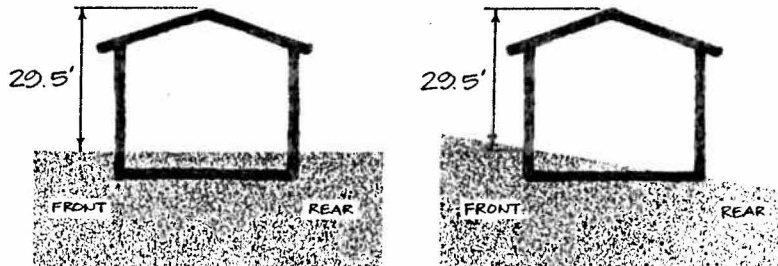
To allow for greater design flexibility (particularly on irregular shaped lots) and to simplify the overall concept to control the bulk of houses, the proposed regulation to limit the width of the second floor through the use of side yard setbacks will not be pursued.

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5.3 THE HEIGHT OF HOUSES

5.3.1 The Current Regulation

The height of single family houses is measured from the average elevation of the finished grade along the front of the building to the highest point. The height shall not exceed 29.53 feet and 2 1/2 storeys.



5.3.2 The Issues

This method of measuring height does not take into account the slope of the land, resulting in buildings on lots sloping down from the street having a height greater than 29.53 feet at the rear. This height has been considered excessive by many residents living downhill from the house.

As well, the current method of measuring height at the front of the building results in an inequitable situation for houses in sloping areas, depending on their orientation to the street. That is, there is greater height potential at the rear of houses which slope downhill from the street than for those which slope uphill from the street.

To make new houses fit better into established neighbourhoods and to minimize obstruction of existing views, the following height-related changes were originally proposed:

- . Changing the way that height is measured:
 - The height would be measured from the lower of the average elevation of the finished grade at the front or rear of the building.
- . Differentiating between wider and narrower lots and between sloping and flatter roofs:
 - On wider lots (greater than 40 feet wide), the maximum height would be 29.53 feet for houses with a sloping roof and 22 feet for houses with a flatter roof.
 - On narrower lots (40 feet wide or less), The maximum height would be 25 feet for houses with a sloping roof and 19 feet for houses with a flatter roof.
 - A sloping roof is defined as having one or more pitches of 4 in 12 or greater covering at least 80 percent of all roof surfaces, as measured in plan view.

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The public response to the height proposal was as follows:

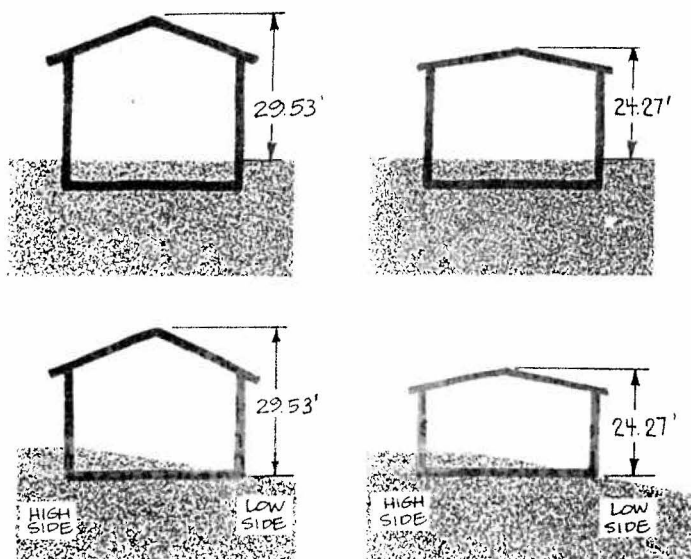
- . The proposed height regulations are desirable because they would eliminate the current potential of allowing a height of over 29.53 feet on the low side of downhill sloping lots, which is considered to be excessive.
- . The proposal is not restrictive enough -- the height limitation of 29.53 feet should be lowered.
- . The measurement of height from the lower side of the building is too restrictive and inequitable. Within the immediate area, large houses have been built to the maximum height of 29.53 feet (measured at the front side) on a downhill sloping lot. Neighbouring properties wanting to redevelop should be allowed to build a house just as tall as those large houses to regain lost views.
- . The height limit is too restrictive for narrower lots (40 feet wide or less). For older houses with one storey above a basement, the height limit of 25 feet would not allow for a half storey addition. Any expansion must take place to the rear of the building.
- . To encourage interesting designs and complex roof lines with different roof heights, the building height should be based on an average height of 29.53 feet, with the maximum height of structure at any point not higher than 35 feet.

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5.3.3 The Recommendations

It is now recommended that the proposed height for narrower lots be increased to allow greater design flexibility for houses on sloping sites and to allow existing houses with a basement to have a half-storey addition. With this amendment, there would be no difference in the permitted height between narrower and wider lots. In summary, the height regulations are as follows:

- . The height would be measured from the lower of the average elevation of the finished grade at the front or rear of the building. Houses on lots sloping uphill or downhill from the street would be given the same height potential.
- . For all lots, the maximum height would be 29.53 feet for houses with a sloping roof and 24.27 feet for houses with a flatter roof. A sloping roof is defined as having one or more pitches of 4 in 12 or greater covering at least 80 percent of all roof surfaces, as measured in plan view.



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5.4 FRONT YARD SETBACK

5.4.1 The Current Regulation

The front yard setback for each residential district is shown in Table 4:

Table 4

Residential District	Front Yard (Minimum Required)
R1	29.53 ft.
R2, R4	24.61 ft.
R3, R5, R9	19.69 ft.

5.4.2 The Issues

It is recognized that along many block faces, particularly in areas where redevelopment has not yet taken place, the front yard setbacks are fairly uniform. Along some blocks, existing front yards extend more than 10 feet beyond the requirement of the zoning district. However, there are also many block faces which have a mix of older and newer houses, and correspondingly, a mix of front yard setbacks. Given this situation, no changes were proposed for the front yard setback.

A number of residents expressed the following view concerning the front yard setback during the public review process:

- . The required front yard setback should reflect the existing setbacks of the houses along a block face in order to protect the front views and the aesthetics of a uniformly lined streetscape. Under the current regulation, there is potential for a large new house to be situated much closer to the street than the adjacent older houses.

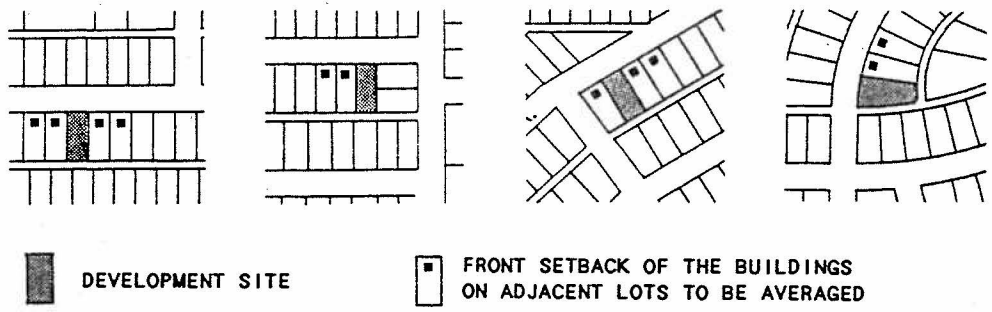
5.4.3 The Recommendation

It is now recommended that the existing front yard setbacks for each residential district would be maintained, except that where the average front setback of the two adjacent lots on each side is more than the minimum setback requirement by at least 5 feet, then the front yard setback would be determined by that average. This regulation is similar to the method used in the City of Vancouver.

The following conditions would apply in determining the average setback:

- . where an adjacent lot is vacant, the average setback shall be computed using the remainder of the adjacent lots;
- . if one or more of the adjacent lots front on a different street or if one or more of the adjacent lots are separated by a street or lane, then such adjacent lots shall not be used in computing the average setback;
- . where the lot is adjacent to a flanking street or lane, the average setback shall be computed using the remainder of the adjacent lots.

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This regulation would preclude a house from having a front yard that meets the minimum requirement, but would be too shallow in comparison to the rest of the yards on the block.

There would be an additional cost associated with having to survey adjacent properties. However, there would be many cases where the averaging provision clearly would not apply. In such cases, rather than requiring that an accurate survey of adjacent front yard setbacks be provided, it may be sufficient for a B.C. Land Surveyor to indicate on the survey plans that the front yard averaging provision is not applicable. This cost-saving measure will be more carefully considered.

5.5 THE STREETScape: DRIVEWAYS

5.5.1 The Current Regulation

Presently, the Zoning Bylaw permits a front driveway, regardless of whether or not lane access exists. However, the Engineering Department does not approve front driveway crossings on some streets for traffic management reasons.

5.5.2 The Issues

Many neighbourhoods are characterized by front yards with extensive landscaping and access to garages and carports from a lane. In some cases, however, the front streetscape is broken up by the construction of a new house with a driveway from the street. This driveway and the parking of vehicles on it may be visually disruptive to the character of the streetscape.

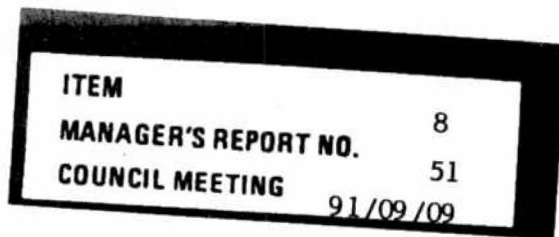
Besides the aesthetics factor, the construction of front driveways would reduce the amount of on-street parking. As well, there is a safety concern in pulling out of the driveway when visibility is limited by parked cars on the street or if the street has a steady flow of traffic.

The following proposal was presented to the public:

- On any lot where a lane exists, a front driveway would be permitted only if more than half of the existing houses on the same side of the block have a front driveway, including at least one of the two adjacent properties. A front driveway would also be permitted if access from a lane was not feasible due to topographic reasons.

During the public review process, the following reasons were given in support for the proposal:

- The parking of vehicles in front driveways detracts from the appearance of the streetscape.



- . The construction of front driveways reduces the amount of on-street parking which is in short supply in some areas.
- . The proposed regulation should also encourage detached garages or carports at the rear of the lot to reduce the noise impact of cars on neighbours.

On the other hand, there were a number of residents who spoke against the proposed regulation, for the following reasons:

- . A back driveway would reduce the amount of back yard space for children.
- . There is a concern for safety in walking to the house at night from a detached garage located in the back yard.
- . On lots sloping down from the street, it is difficult for elderly or people with disabilities to gain access to the main floor if the garage is located on a lower level at the back of the house.
- . It is more convenient to park in front of the house.
- . Homeowners should be given the choice in locating their garage at the front or rear of the house.

5.5.4 The Recommendation

Given that there has not been a significant amount of support for the driveway proposal, it is now recommended that it not be pursued. That is, on most streets, residents would have the option of locating their driveway at the front or rear of the lot, regardless of whether or not lane access exists.

6.0 OTHER ISSUES RAISED DURING THE PUBLIC REVIEW PROCESS

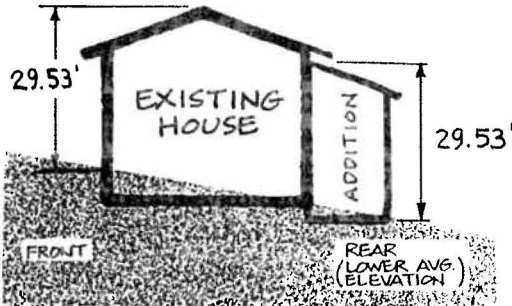
The following section outlines additional issues raised during the public review process and provides the Planning and Building Inspection Department's response.

6.1 Non-Conforming Houses

Many of the existing houses would not conform to all of the proposed regulations, particularly those which have been built with most of their floor area above grade. However, non-conformity does not necessarily preclude owners from renovating or expanding their houses.

Section 4.2(2) of the Zoning Bylaw states, "Any building conforming as to use and density, but which is non-conforming as to size, shape or siting, may be altered, repaired or extended provided that any alteration, repair or extension shall comply with the regulations specified for the zoning district in which it is located." For example, an extension cannot result in the house having a lot coverage, a building length or an above grade floor area greater than what the regulations permit.

However, it is recognized that the new method of measuring height (from the lower of the average elevation of the finished grade at the front or rear of the house) may preclude a house which slopes down from the street from making an addition to the rear, although such an addition would comply with all other regulations. This problem is illustrated below.



Therefore, it is recommended that for buildings which existed before the bylaw amendment date, the following conditions would apply to an addition:

- a. the height of the addition does not exceed the height of the existing structure;
- b. the height of the addition does not exceed 29.53 feet as measured from the lower average elevation; and
- c. the addition must not involve any further contravention of the bylaw beyond what existed before the renovation was commenced. That is, the new addition cannot result in a building that further exceeds the permitted dimensions for the building length, the above grade floor area, the lot coverage, etc.

6.2 Regulation of House Design

Some residents noted that there is a need for the municipality to review the design of single family dwellings with adjacent neighbours to determine their compatibility within a neighbourhood and to possibly allow flexibility in the zoning regulations for houses of architectural merit.

There is no specific legal framework under the Municipal Act for regulating architectural design of single family dwellings. For example, the District of Surrey is currently attempting to introduce voluntary design guidelines for single family dwellings in new subdivisions at the time of rezoning that would be administered by the developer. Since the use of the guidelines is not mandatory, it is recognized that they may be ignored.

Staff also have the following concerns about design control:

- . Good design is often a matter of personal taste.
- . Building permit applications should not be reviewed on the basis of specific comparisons with other houses in the neighbourhood in relation to style, colour or finishes. Otherwise, the approval process would become subjective. For the owner/builder a review process involving an advisory design panel could be lengthy in terms of time and costly if design changes are recommended.
- . There should be flexibility in designing a house within the zoning framework, particularly since preferences of styles, colours and materials change over time.

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6.3 Notification of Demolition and Building Permit Applications

Some people felt that neighbouring properties should be notified of applications for a demolition permit and/or a building permit. Presumably, this would allow neighbours to be informed of the new construction and allow for input into the eventual new dwelling. This notification could be, for example, similar to the notification given for Board of Variance appeals or for rezoning applications.

The purpose of the Zoning Bylaw is to set up the 'rules of the game' for the development of property. In essence, if one meets the requirements of the zoning district (be it commercial, industrial, institutional or residential), one can apply for a building permit with some certainty that the project would be approved if the regulations are met. The notification is used only if the proposed building or land use does not meet the requirements of the Zoning Bylaw, and rezoning or Board of Variance approval is required.

It is the opinion of staff that a notification procedure would be inappropriate for single family dwellings because it may raise expectations that surrounding residents have the ability to reject or influence a house design that conforms with the prevailing Zoning Bylaw. However, a builder or owner is under no obligation to make changes if the plans meet the regulations of the Bylaw.

In addition, with about 500 applications for new dwellings and about 1,000 applications for renovation work per year, such a notification process would involve significant staff resources and lengthen the building permit approval time.

6.4 Area Specific Zoning

Some residents have requested area specific zoning so that new housing would be compatible to the existing housing in their neighbourhood. While they were of the opinion that the proposed regulations would provide an improved relationship between new houses and older houses, they felt that the proposed regulations were not restrictive enough or not comprehensive enough to address the concerns of specific areas.

While a rezoning process is underway for Brentwood Park, other neighbourhoods have suggested that they also be considered for area specific zoning. They include Parkcrest, Garden Village/Old Orchard, Capitol Hill, Burnaby Hospital area, two blocks of Forest Street, the Crest area, and many areas in the South Slope.

As discussed earlier, staff felt from the outset that there is a need to change the rules affecting the development of single family dwellings throughout the municipality. The problem of newer houses that are perceived to be too large for the neighbourhood exists throughout the municipality. Therefore, before any area rezonings are considered, it is recommended that a new benchmark for single family development be created across the board.

It is also recommended that the new regulations for the Municipality as well as the regulations for Brentwood Park be monitored for a period of time to determine their effectiveness in meeting the objectives. Then, at a later time, if a specific neighbourhood wishes to have its zoning reviewed, there would be a better indication of what aspects of the zoning regulations should be amended for that neighbourhood.

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An area-by-area process, in the absence of a new municipal-wide standard, would mean that some areas would retain the existing zoning regulations for years to come, and could experience the impacts of large houses while they wait their turn. Furthermore, a set of criteria would have to be established to determine what areas would be eligible for area specific zoning. For instance, there have been requests to rezone a one-block area.

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If an area specific zoning approach was desired, staff estimate (from the Brentwood Park experience) that given current resources, one area rezoning per year could be completed at the expense, however, of other work priorities. Therefore, such an approach for a number of neighbourhoods would take many years to complete.

6.5 Impact on Property Values

The issue of the impact of the proposal on property values has been raised by those both in support and in opposition to the proposal. Some residents opposed to the proposal noted that property values would drop if the proposed regulations are implemented. More specifically, they felt that the limitation on the amount of floor area located above grade would reduce the value of their property.

Conversely, those in support of the proposal felt that it would enhance property values by creating more stability in the neighbourhood. Some felt that their property value would be reduced by the location of a very large house nearby.

In economic terms, those who feel that the proposal would reduce property values view houses in terms of their 'investment value'. Those who feel that the proposal would enhance property values view houses in terms of their 'utility value' which places an importance on the house and neighbourhood as a place to live.

While property value implications are a consideration in land use planning matters, the concern for community values in relation to livability and neighbourhood stability are paramount in this review. Given the generally positive response to the proposal, staff believe that the proposal is supportive of the larger community values.

6.6 An Appeal Process

Planning and Building Department staff have received comments regarding the necessity of having an appeal process to allow consideration of those dwellings that may not meet the new regulations, but deserve special consideration due to special circumstances such as architectural merit, unusual site circumstances or neighbourhood context. Some referred to the situation in Vancouver where the Director of Planning has the discretionary power to allow a greater height and a greater above grade floor area on larger lots only after consideration of the landscape plan, the view impact, and the effect on adjacent properties and the character of the neighbourhood.

One of the purposes of a Zoning By-law is to provide a level of certainty for current and future residents in a neighbourhood. Residents have some degree of confidence in knowing what can or cannot occur in their neighbourhood in the future. The introduction of a discretionary element such as an appeal process would reduce this certainty.

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Unlike the City of Vancouver, municipalities under the Municipal Act are constrained in terms of discretionary powers related to allowing relaxations in density. However, the Board of Variance exists to deal with, among other things, hardship caused by the enforcement of a bylaw when special situations (such as site conditions) exist.

While the Board of Variance cannot deal with increases in density and land use, it can deal with the siting and shape requirements of a by-law. For example, if an owner/builder found that the height regulation was too restrictive in a severely sloping lot situation, an appeal may be made to the Board of Variance for relaxation.

Staff believe that the need to maintain a level of certainty in the regulations of the Zoning Bylaw is paramount, and that any measure that reduces this certainty is undesirable. It is felt that the Board of Variance provides an appropriate method of appeal for special circumstances that do not involve an increase in density (i.e., in gross floor area and above grade floor area).

6.7 Illegal suites

A large number of residents were concerned that the new large houses were associated with illegal suites and requested better enforcement and resolution of the illegal suite issue.

Resolution of the secondary suite issue was not identified as an objective of this proposal, and therefore is beyond the terms of reference of this study. In itself, the matter of illegal suites is complex and would require comprehensive research and analysis.

6.8 Needs of the Multicultural Community

Some residents stated that the large houses are needed to meet the housing needs of those who live in extended families. Also, larger houses are required to provide housing to those members of the family being sponsored under the 'family reunification' category of the Immigration Act.

Further, it was noted that within the multicultural community, there is an expectation that the living spaces be adequate in contemporary terms (for example, a separate bedroom for each child, a computer room, a family room, three or more bathrooms).

It is recognized that many families live, by choice, in an extended family situation, and have housing requirements that are somewhat different from that of a nuclear family.

It is the opinion of staff that the proposed regulations would provide for the accommodation of larger families. As discussed earlier, for different reasons, the original proposal was amended to allow a greater amount of above grade floor area on the larger lots. This amendment would benefit larger families. Furthermore, there has been no reduction in the total floor area permitted in each residential district.

6.9 Retention of Trees

Many residents commented on the need to protect the trees and vegetation on sites that were being redeveloped. They were particularly concerned with the lack of landscaping on lots occupied by larger houses.

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The regulation on the amount of floor area permitted above grade should help to reduce the footprint of the dwelling and therefore increase the amount of lot area that could be landscaped.

Under the Municipal Act, there is no provision for regulating tree retention in single family areas. To address this concern, Council sent a resolution in June 1991 to the Union of B.C. Municipalities convention requesting the Provincial Government to give municipalities the authority to regulate the removal of trees on private property.

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7.0 BUILDING PERMIT APPLICATIONS FOR SINGLE FAMILY HOUSES

7.1 Withholding of Building Permits

The ability to withhold a building permit that is contrary to a proposed bylaw amendments is related to Section 981 of the Municipal Act. This section states that Council has the ability to withhold a building permit, if, at least 7 days before the application for a building permit was submitted, Council had instructed that the Zoning Bylaw be amended. If Council considers that a proposed building will be in conflict with the new Zoning Bylaw, Council must then pass a resolution identifying the conflict and direct that the building permit be withheld for 30 days. The 30 days can be extended for a further 60 days. If the bylaw amendment is not adopted within that 60 day period, the owners of the land for which a building permit was withheld are entitled to compensation for damages arising from the withholding of the permit.

If Council should accept Recommendation 1 of this report, there will be a resolution in place to allow staff to refer to Council, proposed dwellings that do not conform to the proposed regulations. However, as a matter of fairness to those who are in the design process and are planning to submit a building permit application under the current regulations of the Zoning Bylaw, adequate notice should be given as to when building permits for houses which do not conform to the proposed regulations would be withheld.

Therefore, it is recommended that after 1991 September 27, all building permit applications that are not in accordance with the proposed regulations will be referred to Council for a resolution to withhold the permit. By giving such notice, it is realized that some building designs that may be considered unacceptable by some residents in the community will be approved and issued a building permit in the interim.

7.2 Approved Building Permit Applications

Once an application has been approved and a building permit is issued, a builder has up to 90 days (which can be renewed for an additional 90 days) to start construction. Therefore, some single family dwellings approved under the current bylaw may start construction several months after the adoption of a new bylaw.

8.0 IMPLEMENTATION OF ZONING REGULATIONS

It is anticipated that the adoption of the new regulations will result in some increase in the time required to process building permit applications and conduct inspections, especially in the initial period as both builders/ designers and staff become familiar with the changes. The impact of the proposed changes on permit processing and inspection time will be monitored carefully in the year following bylaw adoption.

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Staff from both the Planning and Building Divisions intend to work together to create clear information guidelines that will explain the new regulations to designers, builders and homeowners. The guidelines will also make explicit the information that is required before a building application is submitted. This information, and possible procedural improvements, will hopefully offset any anticipated additional staff time required to explain the details of the new regulations as well as the administrative time required to deal with incomplete or inaccurate building permit applications.

9.0 CONCLUSION

After consideration of the comments received from the public review process, a number of changes have been made to the original proposal.

The revised proposal provides a good balance between the desire to maintain the character of single family neighbourhoods, and the desire to build housing of an adequate size that meets changing family and housing needs according to current living standards. The regulations affecting the size, shape and height of houses, when applied in combination, would address the concerns about the bulkiness of new houses and their impacts on neighbouring properties.

10.0 RECOMMENDATIONS

The recommendations are as follows:

- a. That staff be directed to commence the preparation of an amendment to the Zoning Bylaw to change the regulations affecting the bulk of single family dwellings in the R1 to R5 and R9 Residential Districts. As well, some 'housekeeping' text amendments are required for the R10 Residential District which was specifically developed for the Brentwood Park area.

If Council should adopt this recommendation, staff will prepare a further report to Council outlining the specific details of the proposal so that the Municipal Solicitor can prepare an amending bylaw to forward to a Public Hearing.

- b. That after 1991 September 27, all building permit applications that do not comply with the proposed regulations will be referred to Council for a resolution to withhold the permit.


A.L. Parr, Director
PLANNING AND BUILDING


BG/SL/jp

Attachment: 3

cc: Municipal Solicitor
Chief Building Inspector

Attachment A

COMPARISON BETWEEN EXISTING REGULATIONS AND
PROPOSED REGULATIONS FOR SINGLE FAMILY HOUSES

REGULATION	EXISTING REGULATION	PROPOSED REGULATION
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Gross floor area	0.60 of lot area, up to the following maximum: R1: 6350.9 sq. ft. R2, R4: 4736.3 sq. ft. R3, R5: 3982.8 sq. ft. R9: 2852.0 sq. ft. Parking areas in excess of 452.1 sq. ft. are included in the gross floor area.	Same as existing regulations. plus: In any space where the height from a floor to the top of the wall plate exceeds 12 feet, the aggregate floor area exceeding 100 sq. ft. is counted twice in the calculation of gross floor area and above grade floor area.
Above grade floor area	No regulation	The maximum above grade floor area is the greater of 0.20 of lot area + 1400 sq. ft. OR 0.40 of lot area. Basements* in new houses and parking areas in excess of 452.1 sq. ft. are included in the above grade floor area.
Length of principal building	No regulation	The maximum length is the lesser of 50% of lot depth OR 60 ft.
Separation between principal building & accessory building	5.91 ft. minimum	15 ft. minimum
Height	The maximum height is 29.53 ft. measured from the average elevation of the finished grade along the front of the building to the highest point No regulation on the height of a cellar.	The maximum height is 29.53 ft. for houses with a sloping roof and 24.27 ft. for houses with a flatter roof. Height is measured from the lower of the average elevation of the finished grade along the front or rear of the building to the highest point. The maximum height of a cellar is 8.2 ft. measured from its finished floor surface to the underside of the joists of the next floor above.
Front yard	Minimum required: R1: 29.53 ft. R2, R4: 24.61 ft. R3, R5, R9: 19.69 ft.	The existing front yard requirement for each district is maintained, except that where the average front setback of the two adjacent lots on each side is more than the minimum setback requirement by at least 5 feet, then the front yard setback would be determined by that average.
Driveway location	On most streets, the location of a driveway at the front or rear of the lot is permitted, regardless of whether or not lane access exists.	Same as existing regulation.

* A basement is defined as having more than half of its height above average finished grade and is considered to be a storey. See Attachment B.

Current Definitions in the Zoning Bylaw:

Basement:

means the portion of a building between two floor levels that is partly underground but has at least one-half its height (from its finished floor to the underside of the joists of the floor above it) above average finished grade as determined by the Building Inspector.

A basement shall be considered to be a storey.

Cellar:

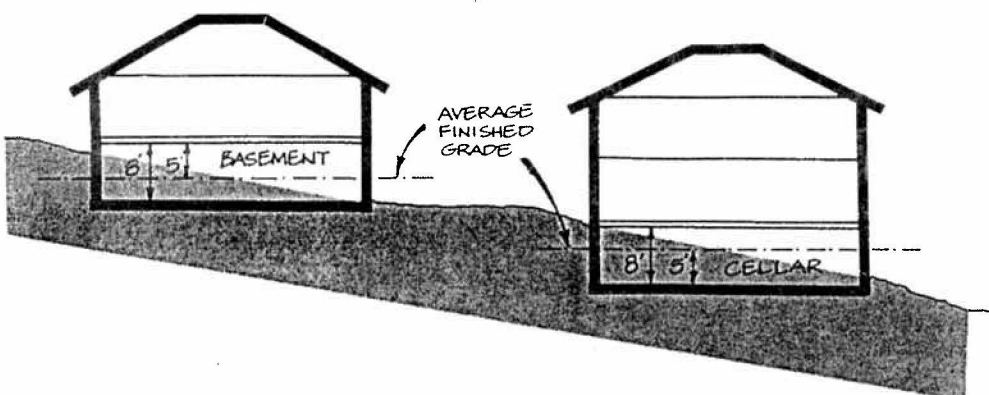
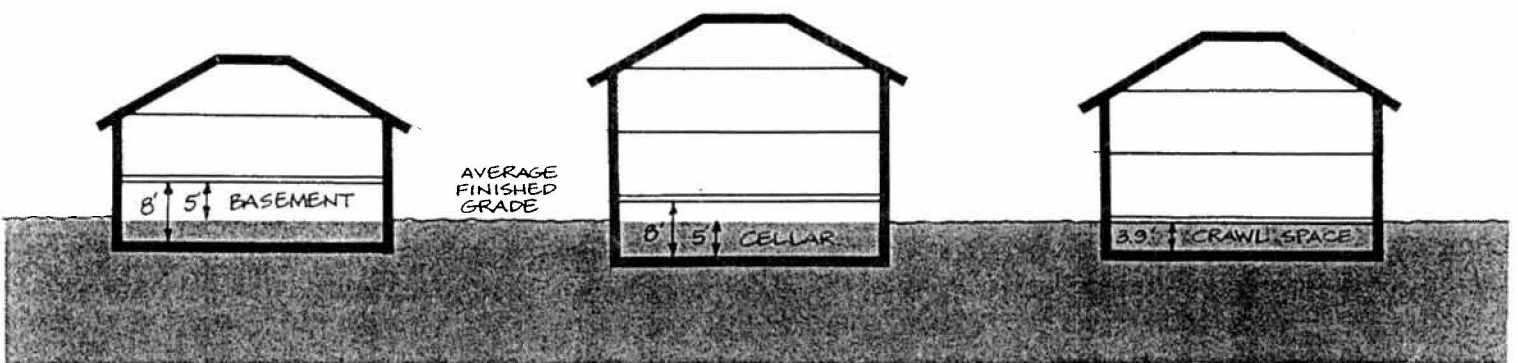
means the portion of a building between two floor levels that is partly or wholly underground but has more than one-half its height (from its finished floor to the underside of the joists of the floor above it) below average finished grade as determined by the Building Inspector.

A cellar shall not be considered to be a storey.

Crawl Space:

means floor areas at or below finished grade with a clear vertical height of less than 3.9 feet to the underside of the joists of the floor above it.

Examples:



Attachment C

PROPOSED REGULATIONS PERTAINING TO BASEMENT/CELLAR ACCESS AND WINDOW WELLS

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1. Access to a Basement or Cellar:

For the purpose of providing access to a basement or cellar (but excluding vehicular access to a garage), the surface of the ground adjoining a building can be lowered without affecting the calculation of average finished grade, if the lowered surface does not

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- a. exceed an aggregate area of 14.0 m² (150.7 sq. ft.);
- b. extend more than 3.0 m (9.84 ft.) from the building;
- c. exceed an aggregate length of 4.5 m (14.76 ft.); and
- d. extend into the required side yards or into the area between the front lot line and the face of the building.

2. Window Wells

For the purpose of providing light to a basement or cellar, the surface of the ground adjoining a building can be lowered without affecting the calculation of average finished grade, if the window well

- a. does not extend more than 0.9 m (2.95 ft.) from the building;
- b. does not extend more than 0.75 m (2.46 ft.) into the required side yards;
- c. is not located in the area between the front lot line and the face of the building; and
- d. along each wall face, does not exceed an aggregate length of 25 percent of the length of the wall.