

CITY OF BURNABY

COMMUNITY PLANNING & HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

RE: SUITES IN SMALL LOT SEMI-DETACHED UNITS IN THE R12 DISTRICT

RECOMMENDATION:

1. **THAT** Council authorize the City Solicitor to prepare a bylaw to amend the text of the R12 District Schedule of the Burnaby Zoning Bylaw to limit kitchen facilities/cooking facilities in semi-detached units on small lots (45 feet wide or less) to the first floor only, and to remove the current provision for in-law suites as an accessory use for such dwelling units.

REPORT

The Community Planning and Housing Committee, at its Open meeting held on 2001 January 23, received the attached report summarizing an approach to prevent the development of secondary suites in two family dwellings on small lots in the R12 District. The Committee advised that this approach includes changes to the text of the Zoning Bylaw that would restrict the placement of kitchens and cooking facilities to the first floor of such units and remove the option of building an in-law suite as an accessory use. The Committee also outlined a notification approach where owners/developers or real estate agents of units being marketed as having illegal conversion potential would be notified in writing that the City is aware of a potential suite and will be following up to ensure compliance with the Zoning Bylaw.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor G. Begin
Member

Councillor D. Johnston
Member

<p>: COPY - CITY MANAGER - DIR. PLNG. & BLDG. - CHIEF BUILDING INSPECTOR - CITY SOLICITOR</p>

TO: CHAIR AND MEMBERS
COMMUNITY PLANNING AND
HOUSING COMMITTEE

2001 JANUARY 15

FROM: DIRECTOR PLANNING AND BUILDING

Our File: 2.240 Sec. 112

SUBJECT: SUITES IN SMALL LOT SEMI-DETACHED UNITS IN THE R12 DISTRICT

PURPOSE: To recommend to the Committee and Council an approach to prevent the development of secondary suites in two family dwellings on small lots in the R12 District.

RECOMMENDATION:

1. THAT the Community Planning and Housing Committee recommend that Council authorize the City Solicitor to prepare a bylaw to amend the text of the R12 District Schedule of the Burnaby Zoning Bylaw to limit kitchen facilities/cooking facilities in semi-detached units on small lots (45 feet wide or less) to the first floor only, and to remove the current provision for in-law suites as an accessory use for such dwelling units.

REPORT

1.0 BACKGROUND

Recently, it has come to the attention of Planning Department staff that in some instances, new two family dwellings on small lots in the Norfolk area (west of Douglas Avenue, north of Highway 1) are being advertised as having the potential to add an additional suite. The building permit plans for the units show a full kitchen on the second floor, and recreation room with bar sinks on the first floor.

The area is zoned R12 (Residential) District. In essence, if such a development were to occur, it could result in 4 units on a small lot (that is, a lot with a *minimum* width of 30 feet). This density is clearly in contradiction of the Zoning Bylaw which permits, as a maximum, two units on a small lot. This report proposes measures to address this concern including amendments to the text of the Zoning Bylaw, and suggests a bylaw notification approach in those cases where it is evident that a semi-detached unit on a small lot is being marketed as having potential for additional accommodation.

2.0 CONTEXT

The R12 District allows for an alternate form of affordable, owner occupied, ground oriented housing in a single and two family setting. The semi-detached units also offer many of the benefits of townhouse style living such as affordable price and less maintenance without the drawbacks of strata title ownership. Current real estate listings show 3 bedroom R12 semi-detached units are priced in the low \$200,000's. The units are typically 1,000 - 1,300 square feet in floor area each.

The R12 District was developed after an extensive neighbourhood consultation in the Norfolk neighbourhood in 1993 and 1994. Arising from this consultation was a willingness on the part of residents and property owners to permit higher density single and two family development provided that adequate provisions were made for the additional units. By explicitly permitting a two family dwelling (either front to back or side by side) on a small lot (defined as a lot 45 feet wide or less), it was felt that the property tax assessed for these dwellings would reflect the two units and that adequate off-street parking could be provided.

As indicated in the following chart, the net density resulting from the introduction of the R12 District is 8-10 units per acre for single family and 16-20 units per acre for two family, which is comparable to a low density ground-oriented multiple family dwelling. The inclusion of illegal occupancy in the two family dwellings raises the density to 32-40 units, which is similar to the RM2 density for stacked townhouses and apartments.

Zoning District and Housing Type	Typical Net Density (not including roads, but including lanes and internal roads)
R5-Small lot Single Family	8-10 units per acre
R12- Small lot Single Family	8-10 units per acre
R12-Small lot Two Family	16-20 units per acre
R12- Small lot Two Family with 2 illegal suites	32-40 units per acre
RM1 Townhouse	10-30 units per acre*
RM2 Stacked Townhouse Apartments	30-40 units per acre*

*Densities at the high end of these ranges are dependent upon the provision of underground parking.

Neighbourhoods that request rezoning to the R12 District are the subject of an area rezoning consultation process and any change in zoning is approved by Council. During the consultation process, residents and property owners are assured that two units are the maximum number of units permitted on a small lot.

To discourage suites in two family dwellings on small lots, the Zoning Bylaw restricts the size of the second floor to a maximum of 700 square feet. The intent of this restriction is to encourage bedrooms and bathrooms on the second floor and kitchens and living space on the main floor (cellars are not permitted), thus limiting the potential to build a suite.

Recently, a small number of floor plans have been submitted to the Building Department that show a kitchen on the second floor and a main floor design which would allow for conversion to a suite. Real estate listings for these units refer to the ability to convert the first floor into an “unauthorized” mortgage helper. In these few units, the intent is clearly to accommodate the illegal conversion to suites.

To counter this situation and to provide further assurance to neighbourhoods seeking an R12 area rezoning, it is recommended that amendments to the R12 regulations be made to restrict the potential to build additional units in two family dwellings in the R12 District.

3.0 MEASURES TO ADDRESS CONCERNS

Planning staff has met with staff from Plan Checking and Bylaw Enforcement to explore potential methods to address concerns regarding suites in semi-detached units on smaller lots. The measures are divided into two areas, as described below: changes to the text of the Zoning Bylaw and enforcement procedures. It is recognized that the proposed changes described below are at best blunt instruments to deal with this problem, but they should discourage the practise of building illegal accommodation and send out the message that the City does not view such activity as acceptable in R12 areas.

3.1 Changes to the Text of the Zoning Bylaw

Two changes to the text of the Zoning Bylaw are required to better clarify the intent of the R12 District to not permit secondary suites in semi-detached units on small lots.

First, the small lot semi-detached unit provisions of the R12 District were designed to allow two-storey units with the living area primarily on the first floor and the sleeping area primarily on the second floor (limited to 700 square feet of floor area). Units advertised with secondary suites have typically included all living and sleeping areas on the second floor and left the first floor developed with recreation rooms with bar sinks and extra bedrooms.

It is recommended that the R12 Schedule of the Zoning Bylaw be amended to restrict kitchen facilities to the main floor in small lot semi-detached units. This will be accomplished by including, in the definition section of the bylaw, a new definition for “semi-detached units on small lots” that restricts kitchen, cooking facilities and bar sinks to the main floor only, and prohibits kitchens on the second floor.

The second proposed text amendment involves a clarification of the in-law suite provisions of the Zoning Bylaw. Currently, an in-law suite is permitted as an accessory use in single family and two family dwelling units. The purpose of this provision is to allow close family members to live in separate accommodation within the principal dwelling unit, but to make it clear that this is clearly accessory to the principal use.

In-law accommodation is not permitted as an accessory use in townhouse or other multiple family units, in part due to the smaller size of such units and the significant impact that extra accommodation could have on the larger neighbourhood. Considering the small size of the R12 semi-detached units, it is recommended that in-law suites not be permitted as an accessory use in small lot semi-detached dwellings in the R12 District. It should be noted that this does not preclude in-laws and close family members from sharing accommodation in for example, a bed-sitting room. The proposed amendment recognizes the fact that R12 semi-detached dwellings on small lots do not have sufficient floor area to contain an in-law suite that is truly “accessory” to the main unit. In-law suites would remain a permitted use in single family dwellings that are located in the R12 District, similar to all single family uses in the City.

Finally, to ensure that the above provisions are adhered to at the time of Building Permit, it will be necessary for all plans submitted for Building Permit to show full extent of the finishing of both floors.

3.2 Bylaw Notification Approach

The potential impact of illegal occupancy of semi-detached units on small lots in a single family area may be significant. Up to four units on a small lot may generate greater amounts of traffic, parking and levels of occupancy than what is acceptable in a single and two family area. Because of this, it is suggested that owners/developers or real estate agents of units being marketed as having illegal conversion potential be notified in writing that the City is aware of the advertising of a potential suite and will be following up to ensure compliance with the Zoning Bylaw.

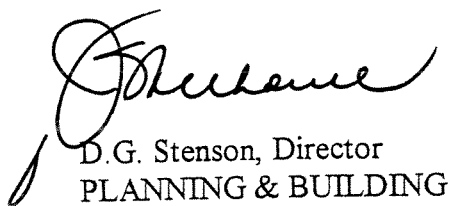
The objective of this more pro-active notification approach is to make it clear to developers and builders of semi-detached units on small lots and to the real estate

agents that sell them that two suites in one unit is contrary to the Zoning Bylaw. If builders/developers are aware that the City is willing to take action, then there may be a reduced tendency to build for illegal conversion later.

4.0 CONCLUSION

Semi-detached housing units on small lots provide an affordable housing alternative in single and two family areas. The R12 District regulations guiding this form of housing were carefully drafted to prevent the inclusion of space that could easily be converted for additional illegal accommodation. However, it has come to the attention of Planning and Building Department staff that some semi-detached buildings have been constructed with space that is being marketed as being appropriate for conversion to a suite.

To counteract this, staff are recommending actions that will help discourage the development of illegal suites in semi-detached buildings on small lots. The involves changes to the text of the R12 District Schedule of the Zoning Bylaw that would restrict the placement of kitchens and cooking facilities to the first floor of such units and remove the option of building an in-law suite as an accessory use. Another suggested action involves a notification approach where owners/developers or real estate agents of units being marketed as having illegal conversion potential would be notified in writing that the City is aware of the advertising of a potential suite and will be following up to ensure compliance with the Zoning Bylaw. In order to implement these actions, building permits for semi-detached units on small lots must indicate full finishing of both floor areas.


D.G. Stenson, Director
PLANNING & BUILDING

BG/ma

cc: City Manager
City Solicitor
Chief Building Inspector