

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2018 March 22

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000.20
Reference: Bylaw Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2018 MARCH

PURPOSE: To propose a number of text amendments to the Burnaby Zoning Bylaw.

RECOMMENDATION:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 2.0 of this report, for advancement to the Public Hearing on 2018 April 24.

REPORT**1.0 BACKGROUND INFORMATION**

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the bylaw and the general need to update the bylaw, text amendments are brought forward from time to time. These text amendment reports are submitted in order to provide clarification and improvements to the wording of the bylaw, and to respond to changes in related legislation and changes in forms of development, land uses and social trends.

This report presents four Zoning Bylaw amendments regarding 1) definition of “Bay Window”; 2) adaptable housing units; 3) Metrotown payment-in-lieu of parking program; and 4) calculation of gross floor area and above grade floor area for any portion of a building with a clear height of more than 3.7 m (12.1ft.).

2.0 PROPOSED BYLAW TEXT AMENDMENTS**2.1 *Definition of “Bay Window”*****Issue**

In order to ensure bay window projections contain a significant glazed element in line with the intended use and function of a bay window, there is a need to amend the definition of “Bay Window” in Section 3.0 of the Zoning Bylaw to specify a minimum amount of glazing.

Discussion

Section 3.0 of the Zoning Bylaw states:

“BAY WINDOW” means a projection from the wall of a building that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor structure.

The primary function of a bay window is to provide additional light, and to a lesser extent ventilation, into an interior space. They also often add architectural interest to a building, without extending the floor plate and increasing bulk. In recognition of these qualities, the Zoning Bylaw contains a number of provisions designed to facilitate, and even promote the inclusion of bay windows in development proposals. Specifically, in accordance with Sections 6.12(1)(c) and 6.20(5)(d) of the Zoning Bylaw, bay windows are permitted to project up to 900 mm (2.95 ft.) into required yards, and are exempt from gross floor area (GFA).

However, given that the definition of “Bay Window” does not specify the size or extent of glazed elements within a bay window projection, a bay window may contain only a token amount of glazing, and may be predominantly opaque wall. As a consequence of this, bay windows are often used as a mechanism to help expand interior space to accommodate various uses that do not reflect the intended function of a bay window. For instance, bay windows that are predominantly walled are often used for wardrobe space, media consoles, and other similar uses. These types of bay windows do not reflect the intended primary function of a bay window, and rarely contribute to the architectural quality of the building.

Specifying a minimum amount of glazing in the definition of “Bay Window” would help ensure bay window projections contain a significant glazed element in line with the intent of a bay window. It is therefore, recommended that the definition of “Bay Window” be amended to require at least 50 percent of the projection be glazed when viewed in elevation. For clarity, it is also recommended that the definition of “Bay Window” require that the projection be at least 46 cm (1.5 ft.) above the adjacent floor surface.

Recommended Bylaw Amendment

1. **THAT** the definition of “Bay Window” in Section 3.0 of the Zoning Bylaw be amended with wording the same or similar to the following:

“BAY WINDOW” means a projection from the wall of a building that is at least

- (a) 46 cm (1.5 ft.) above the level of the adjacent floor surface, and*
- (b) 50 percent glazed when viewed in elevation.*

2.2 Adaptable Housing Units

Issue

In accordance with Section 6.20(5)(j) of the Zoning Bylaw, in the RM, C and P Districts, the first 1.85 m² (20 sq. ft.) of floor area of each adaptable housing unit is excluded from GFA. This provision does not sufficiently incentivize the development of adaptable units with two or more adaptable bedrooms, which would allow greater access by residents with access requirements.

Discussion

The City's *Adaptable Housing Policy*, which was adopted by Council on 2013 November 18, requires developments in all areas of Burnaby, subject to the Comprehensive Development (CD) rezoning process, to supply 20% of single-level units as adaptable in new market and non-market multiple family developments, which employ interior corridors or exterior passageways to access the dwelling units. Similarly, purpose-built seniors-orientated developments in all areas of Burnaby, that are subject to rezoning, are required to supply 100% of single-level units as adaptable in new market and non-market multiple family developments, which employ interior corridors or exterior passageways to access the dwelling units.

To help offset the additional space required for adaptable housing and the associated costs in both market and non-market developments, a floor area exemption of 1.85 m² (20 sq. ft.) per adaptable unit was adopted by Council on 2014 June 23. The exemption was calculated based on the requirements of the BC Building Code, which requires one bathroom, one bedroom, the common living area, and the unit's entrance to meet adaptable unit access standards.

Through the rezoning process, staff request developments to provide an adaptable unit mix that is representative of the overall development unit mix. However, because the current floor area exemption for adaptable units does not scale in relation to the provision of access provided, developers have typically only met the required standard for adaptable units, as set by the BC Building Code. The result is that residents with access requirements, living in units with multiple bedrooms, may not have access to all areas of their home. This is not consistent with this Department's view that individuals with access requirements should be able to fully utilize all parts of their home.

Therefore, to support the provision of units with multiple bedrooms that allow for individuals with access requirements to fully utilize all parts of their home, it is recommended that the adaptable housing unit floor area exemption be amended to also exclude 0.93 m² (10 sq. ft.) of floor area of each adaptable bedroom provided in excess of the required one adaptable bedroom.

Planning staff have reviewed floor area exemptions for adaptable housing units in neighbouring municipalities including the City of New Westminster, North Vancouver, Port Coquitlam, and Delta. Floor area exemptions typically range from 1.86 m^{2A} (20 sq. ft.) to 4.19 m² (45 sq. ft.) depending on the number of bedrooms and the level of access provided. As such, the above

A 20 sq. ft. equals 1.858 m². Therefore, to account for accurate rounding, the recommended Bylaw amendment will reference a 1.86 m² (20 sq. ft.) exclusion.

mentioned amendment to the Burnaby Zoning Bylaw would be generally consistent with the planning practices of neighbouring municipalities.

Recommended Bylaw Amendment

1. **THAT** Section 6.20(5)(j) of the Zoning Bylaw be amended with wording the same or similar to the following:

in the RM, C and P Districts only, 1.86 m² (20 sq. ft.) of each adaptable housing unit and 0.93 m² (10 sq. ft.) of each adaptable bedroom in excess of one bedroom within an adaptable housing unit.

2.3 Metrotown Payment-in-Lieu of Parking Program

Issue

There is a desire to update the provisions of the Metrotown payment-in-lieu of parking program to apply more widely to commercial developments within the Metrotown Downtown Plan area. There is also a desire to include language to this effect in the Zoning Bylaw.

Discussion

The payment-in-lieu of parking program was established by Council in 1982 February, with the purpose of supporting development where parking provision may be restricted, and assisting the City in acquiring and developing public parking facilities within the Metrotown area. At that time, Council approved a recommendation which proposed that Comprehensive Development (CD) rezonings for major office developments within Metrotown be permitted a reduction in the parking ratio of up to 20% from the standard requirement (1 space per each 46 m² (495.16 sq. ft.) to 1 space per 55.8 m² (600.37 sq. ft.) provided that a deposit of \$2,000 was made for each parking space reduced from the standard requirement. The original payment-in-lieu amount has been raised over the years. It was last raised in 1994 from \$8,000 to the current \$10,000 per space. Funds from the program are used to support public parking.

The public parking facility developed to date is the public underground parking facility provided under the Metrotown Civic Square and public library, which has approximately 200 public parking spaces, in addition to the library parking. Parking may also be provided through small lots or on-street in City constructed spaces.

Over the years, the Metrotown payment-in-lieu parking program has been used sparingly. The payment-in-lieu program is helpful however, to establish development proposals, or after construction is completed, when additional parking spaces cannot be facilitated on-site (e.g. to help facilitate changes of use requiring additional parking, and minor floor area additions on straight zoned commercial sites). At this time, expanding the program to include all commercial developments and non-CD District commercial zoned sites, would help facilitate the adaptive reuse of existing commercial buildings, assist local businesses undergoing expansion that may be constrained by existing parking, and support the City's ability to offset costs of shared parking

facilities. This approach is already being utilized in the Hastings Street payment-in-lieu of parking program, which is considered to have contributed to the economic viability of commercial developments along Hastings Street.

Therefore, given the above, it is recommended that the Metrotown payment-in-lieu of parking program be made available to all commercial uses within the Metrotown Downtown Plan area, and that the program be further expanded to also include the Edmonds, Lougheed, and Brentwood Town Centre areas. It is also recommended that language to this effect be inserted into the Zoning Bylaw. Following the adoption of the proposed recommendations outlined above, staff will monitor demand for the program and revisit the associated fees as warranted.

Recommended Bylaw Amendment

1. **THAT** Section 800.4 of the Zoning Bylaw be amended by inserting Section 800.4(37) with wording the same or similar to the following:

Commercial uses in the Metrotown, Edmonds, Lougheed, and Brentwood Town Centres. The owner may elect to pay \$10,000 for each required parking space not provided.

- 2.4 **Calculation of Gross Floor Area and Above Grade Floor Area for any Portion of a Building with a Clear Height of More Than 3.7 m (12.1 ft.)**

Issue

There is a need to clarify the language of Section 6.20(4) regarding the calculation of GFA and above grade floor area (AGFA) for any space where the height from a floor to the top of the wall plate exceeds 3.7 m (12.1 ft.).

Discussion

Section 6.20(4) of the Zoning Bylaw states:

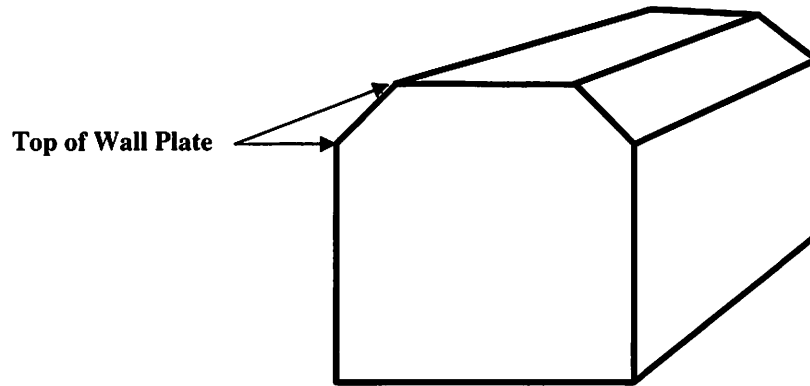
In the R1, R2, R3, R4, R5, R9, R10, R11, R12, A1, A2 and A3 Districts, the calculation of gross floor area and above grade floor area for any space where the height from a floor to the top of the wall plate exceeds 3.7 m (12.1 ft.) shall be in accordance with the following:

- (a) *the floor area of the space; plus*
- (b) *the amount by which the floor area of the space exceeds 9.3 m² (100.1 sq. ft.)*

The purpose of the above provision is to control the overuse of tall ceilings, which may contribute to the overall bulk of a building. The provision also limits the ability to construct, and conceal additional floors within a building, which would otherwise not be permitted. However, in application of this requirement, there are a number of ambiguities. For example, when a building contains a number of such spaces, it is not clear whether the 9.3 m² (100.1 sq. ft.)

exemption is applicable to each such space or only once to the cumulative floor area of all such spaces. In addition, the Zoning Bylaw does not specify which wall plate should be used for measurement of height when a building contains a vaulted ceiling or a ceiling with several wall plates, as shown below in Figure 1.

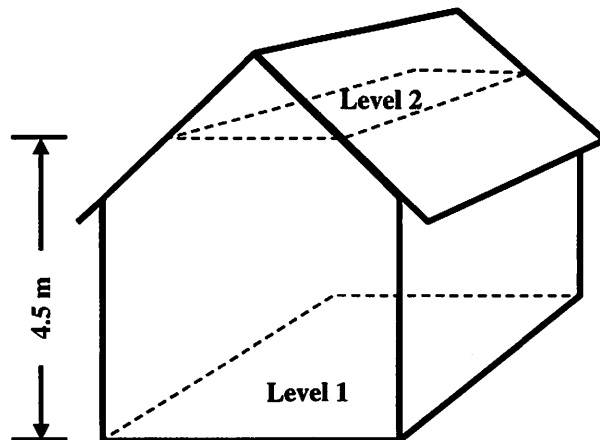
Figure 1: A building containing a vaulted ceiling with multiple wall plates.



In order to clarify this Section of the Zoning Bylaw, it is recommended that the 9.3 m² (100.1 sq. ft.) exemption from GFA only apply once to the cumulative floor area of any portion(s) of a building with a ceiling height exceeding the defined height limit, with the exception of staircases and stairwells.

To provide consistency in measurement of the height of the subject portions of the building containing vaulted ceilings and other types of ceiling with several wall plates, it is also recommended that the height shall be measured “from the floor to the ceiling directly above” instead of “from the floor to the top of the wall plate”, as shown below in Figure 2.

Figure 2: Methodology for calculating GFA and AGFA for any space where the height from floor to the ceiling directly above exceeds 4.5 m (14.8 ft.).



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It is further recommended that floor area only be double counted for spaces where the ceiling height exceeds 4.5 m (14.8 ft.), rather than 3.7 m (12.1 ft.) as currently specified. The proposed 4.5 m dimension allows for a vaulted ceiling in a full height accessory building with a sloped roof^B, and above a typical storey within a single or two-family dwelling, without double counting floor area. The proposed dimension also balances the desire to limit the overuse of tall ceilings, which may contribute to building bulk.

Planning staff have reviewed the zoning regulations in neighbouring municipalities pertaining to double height spaces. The proposed 4.5 m (14.8ft.) dimension and measurement methodology is generally consistent with the planning practices of neighbouring municipalities, including the City of West Vancouver, Surrey, and North Vancouver.

Recommended Bylaw Amendment

1. **THAT** Section 6.20(4) of the Zoning Bylaw be amended with wording the same or similar to the following:

For single family dwellings and two family dwellings, gross floor area and above grade floor area, for any portion of a building, with the exception of staircases and stairwells, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft.), shall be calculated in accordance with the following:

- (a) *cumulative floor area of such portion(s) of the building, multiplied by two, and less 9.3 m² (100.1 sq. ft.); and*
- (b) *the 9.3 m² (100.1 sq. ft.) exemption under Section 6.20(4)(a) shall apply to each dwelling unit on a lot.*

3.0 CONCLUSION

The above Zoning Bylaw text amendments are proposed in order to clarify certain aspects of the Bylaw, make amendments in support of existing practices and Council policies, and achieve other regulatory changes. It is recommended that Council approve the above proposed text amendments, as outlined in Section 2.0 of this report, for advancement to the Public Hearing on 2018 April 24.


Lou Pelletier, Director
PLANNING AND BUILDING

MN:eb

cc: City Manager
Chief Building Inspector

City Solicitor
City Clerk

Chief Licence Inspector

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B The maximum height of an accessory building with a sloped roof is 4.6 m (15.1 ft.).