

**TO:** CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 January 3

**FROM:** GENERAL MANAGER **FILE:** 42000 20  
PLANNING AND DEVELOPMENT *Reference: Bylaw Amendment*

**SUBJECT: PROPOSED ZONING BYLAW AMENDMENTS – CELLAR FLOOR AREA IN R10, R11, AND R12 DISTRICTS**

**PURPOSE:** To propose amendments to the *Burnaby Zoning Bylaw* to facilitate construction of full cellars in the R10, R11, and R12 Districts and clarify other provisions related to cellars and basements.

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**RECOMMENDATION:**

1. **THAT** Council authorize the preparation of a bylaw amending the *Burnaby Zoning Bylaw, 1965*, as outlined in *Section 4.0* of this report and set out in *Appendix A*, for advancement to a Public Hearing on 2023 January 31.

**REPORT****1.0 INTRODUCTION**

On 2019 March 25, Council adopted amendments to the *Zoning Bylaw* to enable the construction of full cellars in single family dwellings in the R1, R2, R3, R4, R5, and R9 Residential Districts. At the time, it was recommended that similar amendments to support construction of full cellars in the R10, R11, and R12 Residential Districts be brought forward at a later date, to allow further review of density and built form requirements in these districts, and consult with affected residents.

On 2022 May 30, Council authorized staff to advance bylaw amendments to support construction of full cellars in the R10, R11 and R12 Districts, having reviewed survey results that indicated strong support among residents of those districts.

This report outlines the proposed *Zoning Bylaw* amendments for full cellars in the R10, R11, and R12 Districts and includes a number of housekeeping amendments for all of the applicable R Districts, to improve clarity and consistency in application of the full cellar requirements. The proposed amendments to the *Zoning Bylaw* are set out in *Appendix A*. The amendment bylaw appears elsewhere on the Council agenda.

There is a current non-market housing subdivision application in the R12 District that is intending to construct full cellars as part of the project, and this project has a Canada Mortgage and Housing Corporation (CMHC) funding application deadline of March 2023. This report is being brought directly to Council rather than the Planning and Development Committee in order to facilitate a Public

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Hearing on 2023 January 31 in respect to the proposed amendment bylaw and Council consideration of further readings of the amendment bylaw before the RHI application deadline. Staff provided the Planning and Development Committee with a verbal update on this matter at the Planning and Development Committee meeting held on 13 December 2022.

## 2.0 POLICY CONTEXT

The proposed *Zoning Bylaw* amendments align with the following Council-adopted plans, reports, and policies: *Corporate Strategic Plan* (2022), *Official Community Plan* (1998), *HOME: Burnaby's Housing and Homelessness Strategy* (2021), *Burnaby Housing Needs Report* (2021), and the *Mayor's Task Force on Community Housing Final Report* (2019).

## 3.0 REGULATION OF FLOOR AREA IN THE R1, R2, R3, R4, R5 AND R9 DISTRICTS

### Changes to Gross Floor Area (GFA) and Above Grade Floor Area (AGFA)

In 2019, Council amended the *Zoning Bylaw* to facilitate the construction of full cellars in the R1, R2, R3, R4, R5, and R9 Residential Districts (the “Amended R Districts”). Those 2019 *Zoning Bylaw* amendments (the “2019 Amendments”):

(i) **Removed gross floor area (GFA) standards<sup>1</sup>**

Gross floor area (GFA) refers to the area (square footage) of all interior floors of a building, both above and below ground. Previously, the bylaw limited the GFA of homes in the Amended R Districts to an area equivalent to 60% of lot area (0.6 FAR), or a set maximum of 265 m<sup>2</sup> (2,852.5 sq. ft.) to 590 m<sup>2</sup> (6,350.9 sq. ft.), depending on the applicable R District. The amendments removed those limits, while keeping a floor area limit on accessory buildings.

(ii) **Refined regulations for above grade floor area (AGFA)**

Above grade floor area (AGFA) refers to all floors that are located above (or primarily above) ground level. Cellar floor area is not included in AGFA, as cellars are defined as having less than half their height above ground level. Maximum AGFA in the Amended R Districts is an area equivalent to 40% of the lot area, or 20% of the lot area plus 130 m<sup>2</sup> (1,400 sq. ft.). On smaller lots, the latter standard generally provides more floor area.

Because AGFA is a subset of GFA, the ratio between the two affected the design of homes. In some cases, where GFA was 60% of lot area and AGFA was 40% of lot area, construction of a two-storey home with full cellar was simple, with each floor equal to 20% of the lot area. In other cases, where either GFA or AGFA was based on a set maximum or partial set maximum, the ratio between GFA and AGFA created trade-offs for homeowners. In many cases, construction of the maximum AGFA left insufficient floor area to construct a full cellar; or construction of a full cellar reduced the amount of floor area available for the upper storeys. By removing limits on GFA, the 2019 Amendments eliminated this trade-off.

The 2019 Amendments also limited the first storey of homes to no more than the maximum permitted AGFA minus 15% of the lot area. The purpose of this regulation was to encourage

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<sup>1</sup> GFA still applies to R District lots that are rezoned to the “a” subdistrict.

two storey homes, which have smaller footprints and allow for bigger yards, tree protection, stormwater infiltration, and other community benefits. This regulation also provided a limit on the floor area of cellars, as discussed below.

**(iii) Limited cellar floor area to the same as the floor area next above**

As the removal of limits on gross floor area also removed limits on the floor area of cellars (because as noted above, cellar floor area is not included in AGFA), a new limit on cellar floor area was introduced, stipulating that it could be no greater than the floor area of the storey next above it.

**Related Zoning Bylaw Provisions**

To encourage the use of cellars for secondary suites, Section 6.9(6) of the *Zoning Bylaw* requires cellars with a floor area exceeding 30.0 m<sup>2</sup> (322.93 sq. ft.) be “suite ready.”<sup>2</sup> A “suite ready” cellar must be constructed to a standard that facilitates its future conversion to a secondary suite, in accordance with the BC Building Code.

Under the *Zoning Bylaw*, in the Amended R Districts, a maximum 42.0 m<sup>2</sup> (452.1 sq. ft.) of an attached garage or carport is excluded in the calculation of AGFA. However, to ensure the gross floor area of a cellar does not exceed that of the storey next above it, that floor area is not excluded if the garage or carport is located in a cellar.

**4.0 PROPOSED ZONING BYLAW TEXT AMENDMENTS**

**4.1 Proposed Floor Area Regulations in the R10 and R11 Districts**

The R10 and R11 Districts were created and applied through neighbourhood-initiated area rezoning processes, for the purpose of protecting neighbourhood values, such as character, scale of development, and views. As such, these districts have specific GFA and AGFA regulations intended to achieve those purposes. For this reason, amendments to support construction of full cellars were delayed in these districts, in order to allow further analysis of the existing regulations, and to consult with residents.

Results from a survey conducted earlier this year indicate strong support among R10 and R11 District residents for new cellar regulations. When asked whether they support extending the cellar provisions in other R Districts to their neighbourhoods, 71% of respondents in the R10 District and 83% of respondents in the R11 District either “strongly” or “somewhat” agreed. A summary of survey results are shown in Table 1 below:

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<sup>2</sup> Except where there is an existing secondary suite in the building, or where a secondary suite is proposed to be constructed elsewhere in the building. As indicated in other sections of this report, it is proposed that the term “suite ready” be replaced with the term “rough-in secondary suite”, as it better describes the intent and the requirements of the *Zoning Bylaw*.

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**Table 1: Survey results, cellar provisions in R10 and R11 Districts**

District	Number of Properties	Survey Responses	Response Rate	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
R10	1,380	137	10%	61%	10%	11%	6%	12%
R11	113	24	21%	83%	--	8%	--	8%

In the R10 and R11 Districts, the issues regarding construction of full cellars are similar to those previously identified in the Amended R Districts. However, the density regulations in the R10 and R11 Districts are unique to each district, particularly for AGFA.

Table 2 outlines the maximum permitted densities for single family dwellings in the R10 and R11 Districts.

**Table 2: Maximum permitted densities in a single family dwelling in the R10 and R11 Districts.**

	Maximum GFA <sup>3</sup>	Maximum AGFA <sup>4</sup>	Accessory Buildings
R10	The lesser of: <ul style="list-style-type: none"> <li>0.6 of the lot area, or</li> <li>370 m<sup>2</sup> (3,982.8 sq. ft.)</li> </ul>	The lesser of: <ul style="list-style-type: none"> <li>0.2 of the lot area + 112 m<sup>2</sup> (1,205.6 sq. ft.), or</li> <li>242 m<sup>2</sup> (2,605 sq. ft.)</li> </ul>	56 m <sup>2</sup> (602.8 sq. ft.)
R11	For a house constructed after 1994, Oct. 1 with a height > 6.1 m (20 ft.), the lesser of: <ul style="list-style-type: none"> <li>0.6 of the lot area, or</li> <li>325.15 m<sup>2</sup> (3,500 sq. ft.)</li> </ul> For other SFDs, the lesser of: <ul style="list-style-type: none"> <li>0.6 of the lot area, or</li> <li>371.6 m<sup>2</sup> (4,000 sq. ft.)</li> </ul>	For a house constructed after 1994, Oct. 1 with a height > 6.1 m (20 ft.), the lesser of: <ul style="list-style-type: none"> <li>0.2 of the lot area + 112 m<sup>2</sup> (1,205.6 sq. ft.), or</li> <li>209 m<sup>2</sup> (2,250 sq. ft.), or</li> </ul> For other SFDs, the lesser of: <ul style="list-style-type: none"> <li>0.3 of the lot area, or</li> <li>185.8 m<sup>2</sup> (2,000 sq. ft.)</li> </ul>	56 m <sup>2</sup> (602.8 sq. ft.)

In addition, the R10 and R11 District regulations include specific requirements related to the bulk and floor area of the second storey, including size restrictions and additional setbacks to prevent the construction of imposing buildings that are not consistent with the existing neighbourhood. Table 3 outlines the maximum floor area requirements for the second storey in the R10 and R11 Districts.

<sup>3</sup> According to the Zoning Bylaw, in a single family dwelling with a cellar located in the R10-R12 Districts, GFA includes AGFA + floor area of the cellar + floor area of accessory buildings.

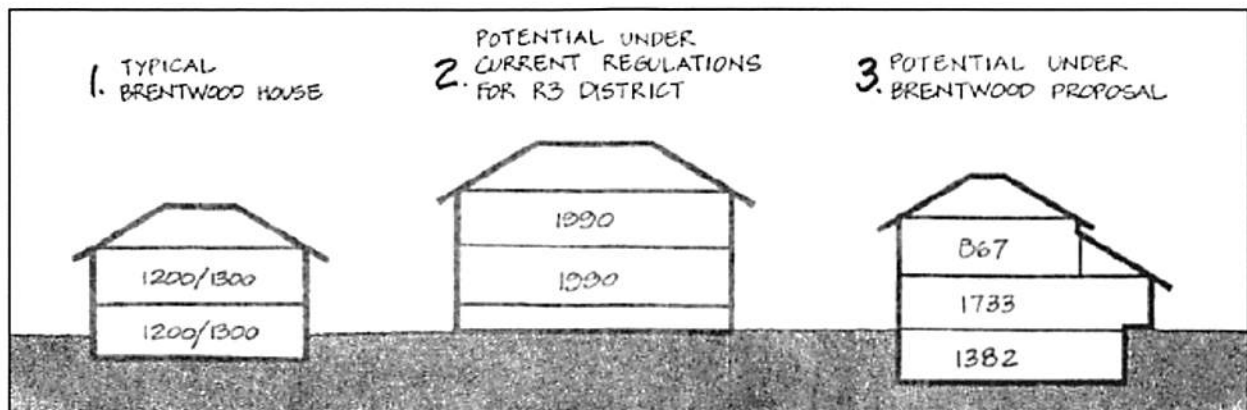
<sup>4</sup> Under the Zoning Bylaw, floor area of the cellar shall not be included in AGFA, and should be calculated as part of GFA.

**Table 3: Maximum permitted floor area of second storey in R10 and R11 Districts**

District	Max. Floor Area of 2 <sup>nd</sup> Floor
R10	50% of the floor area immediately below the 2 <sup>nd</sup> floor.
R11	For a house constructed after 1994, Oct. 1 with a height > 6.1 m (20 ft.): 74.32 m <sup>2</sup> (800 sq. ft.).

The diagrams in Figure 1 illustrate the intent of the R10 District when it was originally introduced in the Brentwood Park area, with the house on the right showing a restricted second floor intended to be similar in scale to typical Brentwood houses (house on left) and avoid the relatively boxy appearance that was permitted under the R3 District as it applied at the time (house in centre).

**Figure 1: Diagram showing restricted second storey in the R10 District (drawing #3)**



To facilitate full cellars in the R10 and R11 Districts, it is recommended that the same general approach taken with the Amended R Districts be followed, including:

- removing existing GFA standards for principal buildings;
- refining regulations for AGFA; and
- limiting the maximum floor area of the cellar to that of the main storey.

However, due to the restrictions on the second storey as illustrated in Figure 1, a different approach to regulating AGFA is needed in the R10 and R11 Districts. In the Amended R Districts, the main storey is limited to AGFA less 0.15 of the lot area, allowing in most cases a maximum floor area equivalent to 0.25 of the lot area on the main storey and the remaining AGFA (typically 0.15 of the lot area, or more if the main storey is not built to the maximum floor area) on the second storey.<sup>5</sup> In the R10 District, where the second storey floor area can be no greater than 50 percent of the main storey, applying the ratio used in the Amended R Districts could result in a proportionally larger second storey

<sup>5</sup> The main storey floor area can be smaller than AGFA less 0.15 of lot area, in which case the cellar floor area would also be smaller, resulting in less overall floor area in the building.

(e.g. ~60% on a 6,000 sq. ft lot or ~67% on a 7,000 sq.ft. lot) than is intended in the R10 District. Also, the formulas for determining AGFA in both the R10 and R11 Districts rely more on set maximum floor areas, rather than on a percentage of lot area. For these reasons, basing the main storey floor area on a maximum 0.25 of lot area is problematic in these districts.

It is therefore recommended that the floor area of the storey above the cellar in the R10 and R11 Districts be limited to 67% of the maximum permitted AGFA. In the R10 District, this would allow full utilization of permitted AGFA while limiting the second storey to 50% of the main storey (e.g., 67% of AGFA on the main storey and 33% of AGFA on the second storey). In the R11 District, where slightly more than 33% of AGFA is permitted on the second storey, a homeowner could choose to allocate slightly less than 67% of AGFA to the main storey. In both districts, it is recommended that the floor area of the cellar not exceed the floor area of the storey above, consistent with the regulations in the Amended R Districts.

A minor housekeeping amendment for side yard second floor setbacks in the R10 District is proposed to address an incorrect metric conversion (the 12.9 m reference to lot width should be noted as 42.3 ft. instead of 40 ft.) and also to relocate the second floor setback provisions to the Side Yards section of the R10 District Schedule.

Lastly, it is also recommended to clarify that in a single family dwelling with multiple cellars, the cumulative floor area of all portions of cellar shall not exceed the maximum prescribed floor area for the cellar.

**4.2 Proposed Floor Area Regulations in the R12 District**

The R12 District was also created and applied through neighbourhood-initiated area rezoning processes, but in this case for the purpose of increasing density. For single family homes, the density provisions in the R12 District are nearly the same as in the R5 District, but the lot sizes are generally smaller. Amendments to support construction of full cellars in the R12 District were delayed in order to allow further analysis of the existing regulations, and to consult with residents.

Results from a survey conducted earlier this year indicate support among R12 District residents for new cellar regulations. When asked whether they support extending the cellar provisions in other R Districts to their neighbourhoods, 60% of respondents either “strongly” or “somewhat” agreed. A summary of survey results are shown in Table 4 below.

**Table 4: Survey results, cellar provisions in R12 District**

District	Number of Properties	Survey Responses	Response Rate	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
R12	859	57	7%	49%	11%	19%	9%	12%

Floor area regulations for single family homes in the R12 District are very similar to those in the R5 District, prior to the 2019 Amendments to support full cellars. Current floor area regulations in the R12 District are shown in Table 5 below.

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**Table 5: Maximum permitted densities in a single family dwelling in the R12 Districts.**

	Maximum GFA <sup>6</sup>	Maximum AGFA <sup>7</sup>	Accessory Buildings
R12	The lesser of: <ul style="list-style-type: none"> <li>• 0.6 of the lot area, or</li> <li>• 370 m<sup>2</sup> (3,982.8 sq. ft.)</li> </ul>	The lesser of: <ul style="list-style-type: none"> <li>• 0.20 of the lot area + 130 m<sup>2</sup> (1,399.4 sq. ft.), or</li> <li>• 0.40 of the lot area</li> </ul>	56 m <sup>2</sup> (602.8 sq. ft.)

Unlike the R10 and R11 Districts, there are no restrictions on the size of the second storey in the R12 District.

Given its similarity to the Amended R Districts, it is recommended that the same approach be taken in amending the R12 District, including limiting the floor area of the main storey to AGFA less 0.15 of the lot area, and limiting the floor area of a cellar to that of the main storey. Although the R12 District lots are smaller than those in other R Districts, revising floor area regulations to support full cellars will not significantly increase the house size above grade than is currently permitted. As in the Amended R Districts, with appropriate limits on the size of the main storey, the proposed regulations would support the provision of secondary suites while maintaining the general form and density of R12 neighbourhoods.

As in the R10 and R11 Districts, it is also recommended to clarify that in a single family dwelling with multiple cellars, the cumulative floor area of all portions of cellar shall not exceed the maximum prescribed floor area for the cellar.

Table 6 outlines the proposed maximum floor area for each floor in a single family dwelling with a cellar in the R10, R11, and R12 Districts.

**Table 6: Maximum floor area for single family dwellings in R10, R11, and R12 Districts**

District	Max. Floor Area of the Floor Above Cellar	Max. Floor Area of 2 <sup>nd</sup> Floor <sup>8</sup>	Max. Floor Area of the Cellar
R10	67% of AGFA	AGFA less floor area used on Floor Above Cellar	No larger than the Floor Above Cellar
R11			
R12			

The intent of limiting the floor area of a cellar and the floor above a cellar is to regulate total GFA in a single family dwelling. As such, for clarity purposes, it is recommended that the term “floor area” be replaced with the term “gross floor area” in all sections of the *Zoning Bylaw* which regulate floor area

<sup>6</sup> According to the Zoning Bylaw, in a single family dwelling with a cellar located in the R10-R12 Districts, GFA includes AGFA + floor area of the cellar + floor area of accessory buildings.

<sup>7</sup> Under the Zoning Bylaw, floor area of the cellar shall not be included in AGFA, and should be calculated as part of GFA.

<sup>8</sup> This second floor area is further limited by the parameters in the R10 and R11 Districts described in Table 3.

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of the cellar and the storey above the cellar in the R1-R5, and R9-R12 Districts. For consistency and clarity, it is also recommended that the term “storey” be replaced with the term “floor” in the above noted sections of the bylaw.

The *Zoning Bylaw* defines “gross floor area” as “the total area of all floors measured to the outer limits of all buildings on a lot”. Considering that the proposed amendments are to regulate floor area of individual floors (i.e. cellar or the floor above a cellar) in a building, it is recommended that the definition of “gross floor area” be amended as follows:

**“Gross Floor Area”** means:

- (a) in respect of a lot, the total floor area of all floors of all buildings on the lot; and
- (b) in respect of a portion of a building, the total floor area of such portion of the building,

in each case measured to the outer limit of the applicable building, buildings or portion of the building on the lot, and in accordance with Sections 6.20 and 6.20.1 of this bylaw.

The amended definition stipulates that “gross floor area” may regulate floor area of a portion of a building, such as a cellar, or the total floor area of all floors in a building or multiple buildings on a lot. For consistency, it is also recommended that the term “floor area, gross” in Section 3 – Definitions of the *Zoning Bylaw* be replaced with “gross floor area”. For clarity, it is also recommended that the definition of “floor area ratio” be amended as follow:

**“Floor Area Ratio”** means the figure obtained by dividing the gross floor area of all buildings on a lot by the area of the lot.

The proposed definition clarifies that on a property with multiple buildings, FAR should be calculated based on total GFA of all buildings divided by the area of the lot.

#### **4.3 Gross Floor Area in a Building with Over-height Ceiling in the R10 District**

As noted above, in the R10 District, the second storey may not have a floor area greater than 50% of the floor area immediately below it. The purpose of this regulation is to limit the bulk of homes, particularly the upper storey, to reflect the low scale character of R10 District neighbourhoods. However, this regulation requires further clarification regarding the calculation of GFA in a single family dwelling with an over-height ceiling in the R10 District.

Under Section 6.20.1 of the *Zoning Bylaw*, floor area is calculated differently in rooms with ceiling heights greater than 4.5 m (14.8 ft.). First, the floor area of an over-height space is multiplied by the number of floors in the adjacent section of the house (i.e., an over-height room adjacent to a two storey section of the house would have its floor area doubled). Second, an area of 9.3 m<sup>2</sup> (100.1 sq. ft.) is subtracted (or “exempted”) from the total. The result is considered the floor area of the over-height space. The floor area of the over-height space is not allocated to a specific storey.



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As such, in the R10 District, it is unclear whether the over-height floor area, including the 9.3 m<sup>2</sup> (100.1 sq. ft.) exemption, is to be attributed to the second storey floor area or the main storey floor area. Considering that the intent of the R10 District is to limit the building bulk on the second storey, it is recommended that the bylaw be amended to clarify that in a single family dwelling with an over-height ceiling in the R10 District, the over-height floor area is to be included in the second storey floor area. This would enable the use of 9.3 m<sup>2</sup> (100.1 sq. ft.) exempted floor area in the building while ensuring that the building bulk on the 2<sup>nd</sup> floor does not exceed 50% of the bulk on the floor immediately below it.

It is also recommended that Section 6.20.1(b) of the *Zoning Bylaw* be amended to replace the wording “less 9.3 m<sup>2</sup> (100.1 sq.ft.)” with “less the lesser of (i) the area of the over-height portion(s) of the building; or (ii) 9.3 m<sup>2</sup> (100.1 sq.ft.)”. This is to clarify that buildings with over-height areas less than 9.3 m<sup>2</sup> (100.1 sq.ft.) will not receive the full exemption, but instead will receive an exemption equal to the over-height floor area.

#### 4.4 Cellars in Legally Non-Conforming Buildings

In the Amended R Districts, the regulations limit the floor area of the first storey above a cellar and require that the cellar not exceed the floor area of the floor next above it. These requirements are to prevent the construction of an extensive cellar, and an imposing building with a significantly higher total gross floor area. The restriction is not intended to apply to a single family dwelling without a cellar.

Currently, in the Amended R Districts, the addition of a cellar is not permitted where the floor area above the cellar exceeds AGFA less 0.15 of the lot area. This requirement is intended to prevent homeowners from abusing the *Zoning Bylaw* by adding a cellar at a future date to a building with a larger than permitted main storey.

However, it also prevents the addition of a cellar to many homes that existed prior to adoption of the full cellar provisions of the *Zoning Bylaw*, reducing the potential supply of rental housing units. To facilitate the construction of a cellar in a legally non-conforming building, it is recommended that a cellar be permitted in such a building provided that the gross floor area of the floor above the added cellar does not increase beyond what existed as of the date of adoption of the bylaw amendments recommended in this report. For the purpose of this requirement, a legally non-conforming building is a single family dwelling without a constructed or approved full cellar at the time of adoption of the full cellar provisions of the *Zoning Bylaw*, where the floor above a crawl space or ground surface exceeds the maximum permitted floor area of the floor above the cellar.

It is also recommended that such requirements apply to the Amended R Districts (R1 through R5, and R9 Districts) as well as the R10, R11, and R12 Districts. For the Amended R Districts, it is recommended that this requirement apply to single family dwellings that existed, or that were approved for construction, on 2019 March 25, which is the date the full cellar provisions were adopted in the Amended R Districts.

**4.5 Floor Area of a Garage or Carport in the R10, R11, and R12 Districts**

Under the *Zoning Bylaw*, in the R10 and R11 Districts, a maximum of 42.0 m<sup>2</sup> (452.1 sq. ft.) of an attached garage/carport is excluded from AGFA.<sup>9</sup> As in the Amended R Districts, it is recommended that the floor area of an attached garage or carport located in a cellar be included in cellar floor area, regardless of whether the property has lane access. This requirement would ensure that the actual floor area and footprint of the cellar with a garage or carport does not exceed the floor area of the storey next above it.

Where the garage or carport is detached from the principal building, in the R10, R11 and R12 Districts, it is recommended that the floor area of a detached garage or carport be included in the calculation of the gross floor area of accessory buildings, which is limited to 56.0 m<sup>2</sup> (602.8 sq. ft.), in alignment with the Amended R Districts.

**4.6 Maintaining GFA for Existing Buildings with a Basement**

As discussed above, to enable the construction of full cellars in single family dwellings in the R10, R11, and R12 Districts, it is recommended that the maximum GFA regulations be eliminated, as was done in the Amended R Districts.

However, the elimination of the GFA regulations removes the only limit currently in place for basements in older single family dwellings,<sup>10</sup> given that the *Zoning Bylaw* does not recognize a basement as an above grade floor in such older buildings. Table 7 specifies the age of single family dwellings in the R10, R11 and R12 Districts, for which basement floor area is excluded from AGFA.

**Table 7: Age of buildings in which the basement is excluded from AGFA**

District	Single Family Dwellings in which the Basement is excluded from AGFA
R10	Buildings that existed on 1991 July 22
R11	Buildings that existed on 1994 October 01, or were constructed after 1994 October 01 with a height of less than 6.1 m (20 ft.)
R12	Buildings that existed on 1994 October 01

To regulate the maximum floor area that may be added to such buildings, it is recommended that the floor area of a basement in such buildings be limited to the floor area of the storey immediately above

<sup>9</sup> Except where such garage or carport is attached to a principal building on a lot with lane access. The purpose of this requirement is to discourage the construction of an attached garage or carport on a lot with lane access. The exempted 42.0 m<sup>2</sup> (452.1 sq. ft.) exemption does apply to an attached garage or carport on a lot where access from a lane is not feasible due to an extreme grade or other restrictions, as approved by the General Manager Engineering.

<sup>10</sup> Under the *Zoning Bylaw* “basement” means a 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 next above it, above average natural grade as determined by the Building Inspector, whereas a “cellar” has at least one-half its height below average natural grade.

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provided that the gross floor area of the floor above such a basement does not increase beyond what existed as of the date of adoption of the bylaw amendments recommended in this report. It is recommended that this provision apply to the R10, R11, and R12 Districts, as well as to the Amended R Districts.

#### **4.7 Rough-in Secondary Suite**

Under Section 6.9 (6) of the *Zoning Bylaw*, in a single family dwelling located in the Amended R Districts, a cellar exceeding a floor area of 30.0 m<sup>2</sup> (322.93 sq. ft.) shall be suite ready, except where there is an existing secondary suite constructed or proposed to be constructed anywhere within the dwelling unit. This requirement facilitates the future conversion of all or a portion of a cellar to a secondary suite by requiring that a cellar be constructed to meet specific minimum standards (i.e. electrical, plumbing, fire safety, etc.) in accordance with the BCBC, as determined by the Chief Building Inspector.

To continue to support the construction of secondary suites as a source of affordable rental housing in single family residential neighborhoods, it is recommended that the “suite ready” requirements of the *Zoning Bylaw* [Section 6.9(6)] be extended to the R10, R11, and R12 Districts. However, to facilitate the provision of a secondary suite in any floor of a building, including a cellar, it is recommended to amend the definition of “suite ready.” Under the revised definition, an owner/developer may provide a rough-in design and standard, determined by the Chief Building Inspector and in accordance with the BCBC, in any portion of the building, including the cellar. This would allow the future conversion of any desired portion of a single family dwelling to a secondary suite.

It is further recommended that the term “suite ready” be replaced with the term “rough-in secondary suite” throughout the *Zoning Bylaw*. The term “rough-in secondary suite” implies that while the construction of a secondary suite in a single family dwelling is not mandatory, all single family dwellings containing a full cellar shall contain the necessary rough-in design and standard in accordance with the BCBC to facilitate the future construction of a secondary suite in any desired portion of the building.

#### **4.8 Application of Section 6.9 to the Principal Building Height**

Under the *Zoning Bylaw*, at least half of the height of a “basement,” from its finished floor to the underside of the floor next above it, shall be above natural grade, while in a “cellar,” more than half of the height shall be below average natural grade. Under Section 6.9, in R Districts, the surface of the ground adjoining a principal building may be lowered to provide light (i.e. window wells), or vehicular or pedestrian access to a basement or cellar, without affecting the determination between a basement and cellar, if the lowered area complies with the requirements of this section (e.g., for maximum area, width, length, setback). This section implies, but does not state, that finished grades in these lowered areas shall not be included in the calculation of principal building height.

For clarity, and considering that recessed areas that meet the requirements of Section 6.9 do not generally impact the observed building height, it is recommended that Section 6.9 be amended to state that lowered areas that meet all requirements of that section shall be excluded from the calculation of principal building height.

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: Proposed Zoning Bylaw Amendments – Cellar Floor Area  
in R10, R11, and R12 Districts  
2022 January 3 ..... Page 12

Section 6.9(3) of the Zoning Bylaw provides that in the R Districts, where a part of the principal building used for vehicular access is depressed into the grade, that part of the building shall be excluded when determining whether the building has a basement or cellar. It is recommended that the depressed area referenced in Section 6.9(3) be limited to a maximum width of 6.7 m (22 ft.), consistent with general design standards for driveways. This proposed amendment will serve to limit oversized driveways to attached garages.

## 5.0 CONCLUSION

The above *Zoning Bylaw* text amendments are proposed in order to facilitate the construction of full cellars in the R10, R11, and R12 Districts, and to improve clarity related to cellar requirements of the *Zoning Bylaw* in the R1 through R5 and R9 through R12 Districts. It is recommended that Council approve the above proposed amendments, as outlined in *Section 4.0* of this report and set out in *Appendix A*, for advancement to a Public Hearing on 2023 January 31. Appearing elsewhere on this Council agenda is the amendment bylaw for consideration of First Reading.



E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

CI:PS:LF:sa  
**Attachment**

Copied to: Deputy Chief Administrative Officer and Chief Financial Officer  
Acting General Manager Engineering  
General Manager Corporate Services  
General Manager Community Safety  
Sr. Manager Legislative Services  
City Solicitor  
Chief Building Inspector

**Recommended Bylaw Amendments**

1. **THAT** the definition of “suite ready” in Section 3.0 of the *Zoning Bylaw* be repealed in its entirety.
2. **THAT** Section 3.0 of the *Zoning Bylaw* be amended by adding a new definition for “rough-in secondary suite” with wording the same or similar to the following:

**““Rough-in Secondary Suite”** means a portion of a single family dwelling constructed to a rough-in design and standard, as determined by the Chief Building Inspector, to facilitate the future conversion of that portion of the single family dwelling to a secondary suite in accordance with the British Columbia Building Code.”

3. **THAT** the definition of “floor area, gross” in section 3.0 of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following, in alphabetical order:

**““Gross Floor Area”** means:

- (a) in respect of a lot, the total floor area of all floors of all buildings on the lot; and
- (b) in respect of a portion of a building, the total floor area of such portion of the building,

in each case measured to the outer limit of the applicable building, buildings or portion of the building on the lot, and in accordance with Sections 6.20 and 6.20.1 of this bylaw.”

4. **THAT** the definition of “floor area ratio” in section 3.0 of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same and similar to the following:

**““Floor Area Ratio”** means the figure obtained by dividing the gross floor area of all buildings on a lot by the area of the lot.”

5. **THAT** subsection 6.9(3) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

**“(3)** In the R Districts, for the purpose of providing vehicular access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, or the calculation of principal building height, if the lowered surface does not exceed a width of 6.7 m (22 ft.) along the wall.”

5. **THAT** subsection 6.9(4) of the *Zoning Bylaw* be amended by adding the words “or the calculation of principal building height,” after the words “determination between a basement and cellar,”.
6. **THAT** subsection 6.9(5) of the *Zoning Bylaw* be amended by adding the words “or the calculation of principal building height,” after the words “determination between a basement and cellar,”.
7. **THAT** subsection 6.9(6) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:
  - “(6) In the R1, R2, R3, R4, R5, R9, R10, R11, and R12 Districts, on a lot developed with a single family dwelling containing a cellar with a gross floor area exceeding 30.0 m<sup>2</sup> (322.9 ft.), the single family dwelling shall contain a rough-in secondary suite, except where there is an existing secondary suite constructed in the single family dwelling, or where a secondary suite is proposed to be constructed anywhere within the single family dwelling.”
8. **THAT** subsections 6.20(2)(a)(i) and (ii) of the *Zoning Bylaw* be repealed in their entirety and replaced with wording the same or similar to the following:
  - “(i) in the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts on a lot developed with a single family dwelling, where such garage or carport is located in a cellar; and
  - (ii) in the R10 and R11 Districts on a lot with lane access, where such garage or carport is attached to any portion of the principal building other than the cellar, unless the Director Engineering is satisfied that access from a lane is not feasible due to an extreme grade, or other restrictions.”
9. **THAT** subsection 6.20.1(b) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:
  - “(b) less the lesser of:
    - i. the area of the over-height portion(s) of the building; or
    - ii. 9.3 m<sup>2</sup> (100.1 sq. ft.),for each dwelling unit with a ceiling which exceeds the height specified in this section.”

10. **THAT** subsection 101.4(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a principal building that exists on December 16, 1991, and that contains a basement:

(a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and

(b) the floor area of the first floor located above the basement shall not exceed the greater of:

i. the maximum gross floor area permitted under subsection 101.5(1) less 0.15 of the lot area; and

ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

11. **THAT** sections 101.4(4), 102.4(4), 103.4(4), and 109.4(4) of the *Zoning Bylaw* be repealed in their entirety and replaced with wording the same or similar to the following:

“(4) The gross floor area of all cellars other than those constructed in the “a” sub-district, including any garage or carport located in a cellar, shall not exceed the gross floor area of the floor next above it.”

12. **THAT** subsection 101.5(4), of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(4) For a single family dwelling, other than one located in an R1a District, that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, the gross floor area of the first floor located above a cellar shall not exceed the greater of:

(a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or

(b) the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

13. **THAT** subsection 101.5(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a single family dwelling other than one that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, and other than one located in an R1a District, the gross floor area of the first floor

located above a cellar shall not exceed the maximum gross floor area permitted under subsection (2) less 0.15 of the lot area.”

14. **THAT** section 102.4(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a principal building that exists on December 16, 1991, and that contains a basement:

(a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and

(b) the floor area of the first floor located above the basement shall not exceed the greater of:

i. the maximum gross floor area permitted under subsection 102.5(1) less 0.15 of the lot area; and

ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

15. **THAT** subsection 102.5(4) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(4) For a single family dwelling, other than one located in an R2a District, that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, the gross floor area of the first floor located above a cellar shall not exceed the greater of:

(a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or

(b) the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

16. **THAT** subsection 102.5(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a single family dwelling other than one that exists, or that was approved for construction by the issuance of a building permit, on March 25, 2019, and other than one located in an R2a District, the gross floor area of the first floor located above a cellar shall not exceed the maximum gross floor area permitted under subsection (2) less 0.15 of the lot area.”

17. **THAT** section 103.4(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:



“(5) For a principal building that exists on December 16, 1991, and that contains a basement:

- (a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and
- (b) the floor area of the first floor located above the basement shall not exceed the greater of:
  - i. the maximum gross floor area permitted under subsection 103.5(1) less 0.15 of the lot area; and
  - ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

18. **THAT** subsection 103.5(4) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(4) For a single family dwelling, other than one located in an R3a District, that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, the gross floor area of the first floor located above a cellar shall not exceed the greater of:

- (a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or
- (b) the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

19. **THAT** subsection 103.5(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a single family dwelling other than one that exists, or that was approved for construction by the issuance of a building permit, on March 25, 2019, and other than one located in an R3a District, the gross floor area of the first floor located above a cellar shall not exceed the maximum floor area permitted under subsection (2) less 0.15 of the lot area.”

20. **THAT** subsection 104.4(1)(c) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(c) in an R4 District, for a principal building that exists on December 16, 1991, and that contains a basement:

- i. the basement shall not have a floor area that exceeds the floor area of the floor next above it; and

- ii. the floor area of the first floor located above the basement shall not exceed the greater of:
  - A. the maximum gross floor area permitted under subsection 104.5(1) less 0.15 of the lot area; and
  - B. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

21. **THAT** section 104.4(4) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(4) For a single family dwelling other than one located in an R4a District, the gross floor area of all cellars, including any garage or carport located in a cellar, shall not exceed the gross floor area of the floor next above it.”

22. **THAT** subsection 104.5(6) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(6) For a single family dwelling, other than one located in an R4a District, that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, the gross floor area of the first floor located above a cellar shall not exceed the greater of:

- (a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or
- (b) the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

23. **THAT** subsection 104.5(7) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a single family dwelling other than one that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, and other than one located in an R4a District, the gross floor area of the first floor located above a cellar shall not exceed the maximum floor area permitted under subsection (2) less 0.15 of the lot area.”

24. **THAT** subsection 105.4(1)(c) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(c) in an R5 District, for a principal building that exists on December 16, 1991, and that contains a basement:

- (i) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and
- (ii) the floor area of the first floor located above the basement shall not exceed the greater of:
  - A. the maximum gross floor area permitted under subsection 105.5(1) less 0.15 of the lot area; and
  - B. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

25. **THAT** section 105.4(4) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(4) For a single family dwelling other than one located in an R5a District, the gross floor area of all cellars, including any garage or carport located in a cellar, shall not exceed the gross floor area of the floor next above it.”

26. **THAT** section 105.5(6) of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(6) For a single family dwelling, other than one located in an R5a District, that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, the gross floor area of the first floor located above a cellar shall not exceed the greater of:

- (a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or
- (b) the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

27. **THAT** section 105.5(7) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(7) For a single family dwelling other than one that exists, or was approved for construction by the issuance of a building permit, on or before March 25, 2019, and other than one located in an R5a District, the gross floor area of the first floor located above a cellar shall not exceed the maximum gross floor area permitted under subsection (2) less 0.15 of the lot area.”

28. **THAT** section 109.4(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a principal building that exists on December 16, 1991, and that contains a basement:

- (a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and
- (b) the floor area of the first floor located above the basement shall not exceed the greater of:
  - i. the maximum gross floor area permitted under subsection 109.5(1) less 0.15 of the lot area; and
  - ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

29. **THAT** section 109.5(4), of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

“(4) For a single family dwelling, other than one located in an R9a District, that exists, or was approved for construction by the issuance of a building permit, on or before March 25, 2019, the gross floor area of the first floor located above a cellar shall not exceed the greater of:

- (a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or
- (b) the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

30. **THAT** section 109.5(5) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(5) For a single family dwelling other than one that exists, or that was approved for construction by the issuance of a building permit, on or before March 25, 2019, and other than one located in an R9a District, the gross floor area of the first floor located above a cellar shall not exceed the maximum gross floor area permitted under subsection (2) less 0.15 of the lot area.”

31. **THAT** section 110.4(1) of the *Zoning Bylaw* be repealed and replaced with wording the same or similar to the following:

“(1) For a principal building that exists on July 22, 1991, and that contains a basement:

- (a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and

- (b) the floor area of the first floor located above the basement shall not exceed the greater of:
  - i. 67% of the maximum above grade floor area permitted under subsection 110.5(1); or
  - ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.”

32. **THAT** subsection 110.4(4) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(4) The gross floor area of all cellars, including any garage or carport located in a cellar, shall not exceed the gross floor area of the floor next above it.”

33. **THAT** subsections 110.5(3) and 110.5(4) of the *Zoning Bylaw* be repealed in their entirety and replaced with wording the same or similar to the following:

“(3) A maximum 42.0 m<sup>2</sup> (452.1 sq. ft) of a garage or carport attached to any part of the principal building other than the cellar shall not be included as above grade floor area under subsections (1) and (2), except where the lot has lane access, unless the Director Engineering is satisfied that access from the lane is not feasible due to an extreme grade, or other restrictions.

(4) In a principal building that exists, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023, the gross floor area of the first floor located above any crawl space, ground surface, or cellar shall not exceed the greater of:

(a) 67% of the maximum above grade floor area permitted under subsection (1) or (2), as applicable; or

(b) the gross floor area of the first floor located above such crawl space, ground surface, or cellar that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.

(5) In a principal building other than one that exists, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023, the gross floor area of the floor next above a cellar shall not exceed 67% of the maximum above grade floor area permitted under subsection (2).

(6) The second floor located above any cellar, crawl space, or ground surface shall have a gross floor area not greater than 50% of the gross floor area of the floor immediately below it. For the purpose of this subsection, the gross floor area of the second floor located above any cellar, crawl space, or ground surface shall include

the area(s) of any over-height portion(s) of the building which extend to such second floor and that are subject to Section 6.20.1 of this bylaw.”

34. **THAT** subsection 110.9(3) be added to the *Zoning Bylaw* with wording the same or similar to the following:

“(3) The side yard setbacks for the second floor located above any cellar, crawl space or ground surface shall:

(a) be not less than 1.5 m (4.9 ft.) on each side; and

(b) be not less than the sum of 7.0 m (23.0 ft.) for both side yards, but this requirement shall not be applied so as to require an overall width of less than 9.8 m (32.2 ft.) for that second floor except where the lot has a width less than 12.9 m (42.3 ft.).

35. **THAT** section 111.4 of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

**“111.4 Development Density. Gross Floor Area:**

(1) For a principal building that exists on October 1, 1994, or that is constructed after October 1, 1994, with a height of 6.1 m (20.0 ft.) or less, and that contains a basement:

(a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and

(b) the floor area of the first floor located above the basement shall not exceed the greater of:

i. 67% of the maximum above grade floor area permitted under subsection 111.4.1(1); or

ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.

(2) A maximum of 42.0 m<sup>2</sup> (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area, except where such garage or carport is attached to a principal building on a lot with lane access. In cases where the Director Engineering is satisfied that access from a lane is not feasible due to an extreme grade, or other restrictions, a maximum 42.0 m<sup>2</sup> (452.1 sq.ft.) of the garage or carport attached to the principal building shall not be included as gross floor area.

(3) The gross floor area of all accessory buildings on a lot shall not exceed 56.0 m<sup>2</sup> (602.8 sq. ft.).

- (4) The gross floor area of all cellars, including any garage or carport located in a cellar, shall not exceed the gross floor area of the floor next above it.”

36. THAT section 111.4.1 be added to the *Zoning Bylaw* with wording the same or similar to the following:

**“111.4.1 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists on October 1, 1994, or that is constructed after October 1, 1994, with a height of 6.1 m (20.0 ft.) or less, the gross floor area for all floors located above a cellar, basement, crawl space, or ground surface shall not exceed the lesser of 0.30 of the lot area or 185.8 m<sup>2</sup> (2,000.0 sq. ft.).
- (2) For a principal building that is constructed after October 1, 1994 with a height greater than 6.1 m (20.0 ft.):
  - (a) the gross floor area for all floors, excluding the cellar, shall not exceed the lesser of 209.0 m<sup>2</sup> (2,250.0 sq. ft.), or 112.0 m<sup>2</sup> (1,206.0 sq. ft.) plus 0.20 of lot area; and
  - (b) the gross floor area of the second floor above grade shall not exceed 74.32 m<sup>2</sup> (800.0 sq. ft.).
- (3) In a principal building that exists, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023, the gross floor area of the first floor located above any crawl space, ground surface, or cellar shall not exceed the greater of:
  - (a) 67% of the maximum above grade floor area permitted under subsection (1) or (2)(a), as applicable; or
  - (b) the gross floor area of the first floor located above such crawl space, ground surface, or cellar that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.
- (4) In a principal building other than one that exists, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023, the gross floor area of the floor next above a cellar shall not exceed 67% of the maximum above grade floor area permitted under subsection (1) or (2)(a), as applicable.
- (5) A maximum 42.0 m<sup>2</sup> (452.1 sq. ft) of a garage or carport attached to any part of the principal building other than the cellar shall not be included as above grade floor area under subsections (1) or (2)(a), except where the lot has lane access, unless the Director Engineering is satisfied that access from the lane is not feasible due to an extreme grade, or other restrictions.”

39. **THAT** section 112.4 of the *Zoning Bylaw* be repealed in its entirety and replaced with wording the same or similar to the following:

**“112.4 Development Density. Gross Floor Area. Single Family Dwelling**

- (1) For a principal building of a single family dwelling that exists on October 1, 1994, and that contains a basement:
  - (a) the basement shall not have a floor area that exceeds the floor area of the floor next above it; and
  - (b) the floor area of the first floor located above the basement shall not exceed the greater of:
    - i. the maximum gross floor area permitted under subsection 112.4.1(1) less 0.15 of the lot area; or
    - ii. the gross floor area of the first floor that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed 56.0 m<sup>2</sup> (602.8 sq. ft.).
- (3) The gross floor area of all cellars, including any garage or carport located in a cellar, shall not exceed the gross floor area of the floor next above it.
- (4) A maximum of 42.0 m<sup>2</sup> (452.1 sq. ft.) of an attached garage or carport shall not be included as gross floor area under subsection (1).”

40. **THAT** section 112.4.1 be added to the *Zoning Bylaw* with wording the same or similar to the following:

**“112.4.1 Development Density. Above Grade Floor Area. Single Family Dwelling**

- (1) For a principal building of a single family dwelling that exists on October 1, 1994, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of:
  - (a) 0.20 of the lot area plus 130.0 m<sup>2</sup> (1,399.4 sq. ft.), or
  - (b) 0.40 of the lot area.
- (2) For a principal building of a single family dwelling that is constructed after October 1, 1994, the gross floor area for all floors, excluding the cellar, shall not exceed the greater of:
  - (a) 0.20 of the lot area plus 130.0 m<sup>2</sup> (1,399.4 sq. ft.), or



- (b) 0.40 of the lot area.
- (3) In a principal building of a single family dwelling that exists, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023, the gross floor area of the first floor located above any crawl space, ground surface, or cellar shall not exceed the greater of:
  - (a) the maximum gross floor area permitted under subsection (1) or (2), as applicable, less 0.15 of the lot area; or
  - (b) the gross floor area of the first floor located above such crawl space, ground surface, or cellar that existed, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023.
- (4) In a principal building of a single family dwelling other than one that exists, or that was approved for construction by the issuance of a building permit, on or before February 6, 2023, the gross floor area of the floor next above a cellar shall not exceed the maximum floor area permitted under subsection (2) less 0.15 of the lot area.
- (5) A maximum 42.0 m<sup>2</sup> (452.1 sq. ft) of a garage or carport attached to any part of the principal building other than the cellar shall not be included as above grade floor area under subsections (1) and (2).