

TO: MAYOR & COUNCIL
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: HOUSING CHOICES – PHASE 1A ZONING BYLAW AMENDMENTS
PURPOSE: To propose amendments to the *Burnaby Zoning Bylaw* to implement the final program for Housing Choices Phase 1a.

RECOMMENDATION

THAT the proposed amendments to *Burnaby Zoning Bylaw No. 4742*, as described in *Sections 3.1, 3.2 and 3.3* of the report titled “Housing Choices - Phase 1a Zoning Bylaw Amendments” dated July 10, 2023, be approved; and

THAT the City Solicitor be authorized to bring forward amendments to *Burnaby Zoning Bylaw No. 4742* effective September 18, 2023, to implement the final program for Housing Choices Phase 1a, substantially as set out in (*Attachment 1*) of the report titled “Housing Choices – Phase 1a Zoning Bylaw Amendments” dated July 10, 2023, and that the bylaw be advanced to First Reading and to a Public Hearing at a future date.

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS

I concur with the recommendation of the General Manager Planning and Development.

EXECUTIVE SUMMARY

This report outlines the proposed *Zoning Bylaw* amendments to implement Phase 1a of the Housing Choices program. These amendments will permit laneway homes and suites in semi-detached homes on properties with laneway access, as well as corner lots and through lots¹, in Burnaby’s single and two family neighbourhoods. The proposed amendments to the *Zoning Bylaw* are set out in (*Attachment 1*). The amendment bylaw appears elsewhere on the Council agenda.

1.0 POLICY SECTION

The Housing Choices program generally aligns 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’s Housing*

¹ Corner lots and through lots are subject to the approval of the General Manager Engineering with respect to street access.

Needs Report (2021) and the Mayor’s Task Force on Community Housing Final Report (2019).

2.0 BACKGROUND

Housing Choices is a City program to introduce more housing variety to Burnaby’s single and two family neighbourhoods. The program was set up to implement one of the actions from Burnaby’s 10-year housing action plan (*HOME: Burnaby’s Housing and Homelessness Strategy*), adopted by Council on December 6, 2021.

On June 19, 2023, Council approved the first phase of the program, “Phase 1a,” to permit laneway homes and secondary suites in semi-detached homes on properties with lanes, as well as on corner lots and through lots,² in Burnaby’s single and two family neighbourhoods. At the same meeting, Council also authorized staff to prepare bylaw amendments to implement Phase 1a.

Additional housing types will be introduced in Phase 1b of the program. The scope of work and schedule for Phase 1b was also approved by Council on June 19, 2023.

Further changes are currently being explored to simplify regulations throughout the *Zoning Bylaw*. This is intended to make it easier to build new housing and may result in subsequent updates to the proposed *Zoning Bylaw* amendments presented within this report.

3.0 GENERAL INFORMATION

Sections 3.1 to 3.3 provide an overview of the proposed *Zoning Bylaw* amendments as they pertain to laneway homes, suites in semi-detached homes and parking regulations for both housing types. The proposed text amendments are detailed in (*Attachment 1*). These amendments are proposed to come into effect on September 18, 2023.

The proposed amendments are intended to implement the program elements approved by Council on June 19, 2023. The proposed amendments integrate the program elements into the appropriate sections of the *Zoning Bylaw*, and in some cases amend definitions and other regulations to support program requirements. Further rationale for the proposed amendments can also be found in the Council report titled “Housing Choices Phase 1a: Draft Program”, dated February 27, 2023.

3.1 Laneway Homes

The following amendments to the *Zoning Bylaw* are proposed to permit the construction of laneway homes in the R1, R2, R3, R4, R5, R6, R9, R10, R11, R12 and RM6 Districts:

² For corner lots and through lots, with the approval of the General Manager Engineering in respect to access to adjacent streets.

(i) Changes to Section 3 Definitions:

- Adding a definition for “Laneway Home”, where “laneway home” means a detached accessory dwelling unit, and for the purposes of the *Zoning Bylaw*, is not an accessory building.
- Excluding laneway homes from the definition for “Accessory Building,” as many of the regulations for accessory buildings, such as maximum height and floor area, conflict with the proposed regulations for laneway homes.

(ii) Changes to Section 6 Supplementary Regulations:

- Setting the minimum distance between buildings on the same lot in R Districts at 2.4 m (7.87 ft.) and allowing projections up to 0.6 m (1.97 ft.) into this distance for certain design features, such as cornices and bay windows.
- Allowing one laneway home per lot, including lots with secondary suites.
- Prohibiting subdivision and/or stratification of laneway homes.
- Restricting certain uses in laneway homes, such as a boarding use; boarding, lodging or rooming houses; group homes; private hospitals; supportive housing and home occupations that include on-site client services.
- Requiring vehicular access to laneway homes from a lane or, subject to the approval of the General Manager Engineering, adjacent side or rear streets for corner lots and through lots.
- Prohibiting cellars and crawl spaces in laneway homes, to encourage livability.
- Setting laneway home side and rear setbacks to a minimum of 1.2 m (3.94 ft.), and outside of flanking side yards on corner lots, and outside of vision clearance areas at street and lane corners.
- Establishing fire safety and fire access requirements (e.g. provision of a 0.91 m (3 ft.) fire access corridor to the laneway home, and establishing a maximum distance between unsprinklered laneway homes and the street).
- Defining a minimum floor area of 32.52 m² (350 sq. ft.) for laneway homes, to align with BC Housing guidelines.
- Requiring laneway homes to be located in a rear yard or, in the case of a through lot, behind the main residence.
- Prohibiting short-term rental of laneway homes.

(iii) Changes to R1, R2, R3, R4, R5, R9, R10, R11 and R12 Residential District Schedule Regulations:

- Permitting 45% maximum lot coverage for lots with a laneway home.
- Establishing a maximum gross floor area of the lesser of 0.2 FAR or 140 m² (1,507 sq. ft.) for laneway homes.
- Excluding laneway homes from above grade floor area calculations for the single family dwelling on the same lot.
- Limiting laneway home height to 2 storeys and a maximum of 5.8 m (19.0 ft.) to 7.62 m (25 ft.), depending on whether the roof is sloping or flat and subject to certain District-specific height considerations.

- Allowing an additional 0.5 m (1.64 ft.) in height to support laneway homes that meet or exceed the highest performance standards for Step 5 of the BC Energy Step Code or the BC Zero Carbon Step Code.

3.2 Suites in Semi-Detached Homes

The following amendments to the *Zoning Bylaw* are proposed to permit the construction of suites in semi-detached homes in the R4, R5, R6, R12 and RM6 Residential Districts:

(i) Changes to Section 3 Definitions:

- Revising the definition for “Basement” so that basements are not counted as a storey if stated elsewhere in the *Zoning Bylaw*. This amendment aligns with proposed amendments to R4, R5 and R12 District regulations, which state that, in a semi-detached dwelling with a secondary suite, a basement shall not be considered a storey.
- Excluding semi-detached dwellings with secondary suite(s) from the definition for “Dwelling, Multiple Family,” which is currently defined as being any building consisting of three or more dwelling units. As the regulations for multiple family dwellings are more suitable for townhouse and apartment-style building forms and higher density settings, it is proposed that semi-detached dwellings be excluded from the definition of “Dwelling, Multiple Family.”
- Adding a definition for “Primary Dwelling Unit,” to assist in distinguishing a principal unit from a secondary suite in a semi-detached home, and the main residence from a secondary suite or laneway home on a single family lot.
- Clarifying the definition for “Dwelling, Semi-Detached” to include front to back as well as side by side primary dwelling unit configurations.
- Revising the definition for “Dwelling, Single Family” to mean any building consisting of one primary dwelling unit.
- Revising the definition for “Dwelling, Two Family” to mean a semi-detached dwelling or a duplex dwelling.
- Adding a definition for “Ground Level Suite,” which is a unit at or below grade that is certified by the SAFERhome Standard Society as meeting certain universal design standards and is accessed by an accessible path.
- Revising the definition for “Secondary Suite” to mean an accessory dwelling unit fully contained within a primary dwelling unit.

(ii) Changes to Section 6 Supplementary Regulations:

- Amending the minimum floor area for secondary suites to 32.52 m² (350 sq. ft.) to align with BC Housing guidelines.
- Removing the requirement that a secondary suite not exceed 40% of the gross floor area of the principal dwelling, to encourage a variety of secondary suite sizes in single and two family dwellings.

- Limiting secondary suites to one per primary dwelling unit and allowing them to be located anywhere within the primary dwelling unit.
- Prohibiting subdivision and/or stratification of secondary suites.
- Restricting certain uses in a primary dwelling unit that contains a secondary suite, including within the secondary suite, such as a boarding use; child care facilities; boarding, lodging and rooming houses; group homes; private hospitals; supportive housing and home occupations that include on-site client services.
- Requiring vehicular access from a lane or, subject to the approval of the General Manager Engineering, adjacent side or rear street for corner lot and through lots.
- Prohibiting short-term rental in semi-detached dwelling units containing a secondary suite, including within the secondary suite.

(iii) Changes to R4, R5 and R12 Residential District Schedule Regulations:

- In the R4 and R5 Districts, setting the minimum lot area for two family dwellings at 557.4 m² (6,000 sq. ft.), consistent with the requirement for single family dwellings.
- In the R4 and R5 Districts, setting the minimum lot width for two family dwellings at 15.0 m (49.2 ft.), consistent with the requirement for single family dwellings in those Districts.
- Revising the floor area requirements for second storeys in two-storey semi-detached dwellings, by removing floor area limits and requiring that at least one-third of the constructed gross floor area of the primary dwelling unit be located on the second storey.
- Restricting the floor area of a floor containing a secondary suite in a semi-detached dwelling unit to no greater than that of the storey next above or below it.
- Excluding the floor area of a secondary suite from the calculation of gross floor area for a semi-detached dwelling.
- Excluding a basement or floor containing a ground level suite from the storey count of a semi-detached dwelling containing a secondary suite.
- Revising the height limits for semi-detached dwellings, to permit additional height for dwellings with secondary suites. The revised heights (for sloping roofs) are up to 10.5 m (34.4 ft.) for a two-storey semi-detached dwelling with a ground level suite and 9 m (29.5 ft.) for a two-storey semi-detached dwelling with a secondary suite other than a ground level suite.
- Providing additional height up to a maximum (for sloping roofs) of 7.62 m (25 ft.) for one-storey semi-detached homes to accommodate ground level suites.
- Prohibiting cellars in new one-storey semi-detached dwellings, to encourage livability (cellars are already prohibited in two-storey).
- Allowing secondary suites in existing semi-detached homes with cellars within the existing floor area of the cellar.

- In the R4 District, reducing the minimum side yard setback to 1.5 m (4.9 ft.) for an interior lot and to 3.0 m (9.84 ft.) for side yards adjoining the flanking street, consistent with the side yard setbacks in the R5 District.
- In the R12 District, removing reference to “front-to-back two-family dwellings” in the list of uses permitted, as this dwelling type is now included under the revised definition for semi-detached dwellings.
- In the R12 District, removing Section 112.12, which limits kitchens to the ground floor only, in order to accommodate suites with kitchens on any floor of the building.

3.3 Parking Regulations

The proposed parking amendments for properties containing laneway homes and two family dwellings with secondary suites include introducing the following requirements to Section 800 of the *Zoning Bylaw*:

- Providing one van accessible parking space per property containing a single family dwelling with a laneway home or semi-detached dwelling with a ground level suite.
- Providing one regular accessible parking space per property containing a single family dwelling with only a secondary suite and for each primary dwelling unit in a semi-detached dwelling with a secondary suite that is not a ground level suite.
- Providing all of the above-noted required parking spaces on an uncovered outdoor parking pad or in a carport (additional parking spaces on the property may be uncovered, in a carport or in a garage).
- Removing the exception for the requirement to provide an energized outlet capable of Level 2 electric vehicle charging or higher for parking spaces for secondary suites, so that all required parking spaces for new dwelling units will be required to include electric vehicle charging infrastructure.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Community engagement for the Housing Choices program began in spring 2022. A dedicated project webpage was established at that time. As of June 6, 2023, the project webpage has been accessed 27,758 times by a total of 17,647 users.

Phase 1a included three rounds of community engagement and directly involved over 4,000 people. Events included two public surveys, three virtual workshops, one in-person workshop and three open houses. A final round of engagement was held in spring 2023 to present the draft program to the public before finalizing the details. A summary of what we heard was provided in reports to Council on May 30, 2022, February 27, 2023, and June 19, 2023.

5.0 FINANCIAL CONSIDERATIONS

The proposed amendments implement Phase 1a of the Housing Choices program. Financial considerations for this program were discussed in the June 19, 2023, Council report.

Respectfully submitted,

E.W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – Proposed Text Amendments

REPORT CONTRIBUTORS

This report was prepared by Andrew Macaulay, Planner 2, and reviewed by Lily Ford, Planner 3, Carl Isaak, Director Community Planning, Jennifer Wong, Assistant City Solicitor, and Lee-Ann Garnett, Deputy General Manager Planning and Development.