

Attachment 1

February 4, 2019 Council Report

– Phase One Infill Housing

Program: One-Year Update



Corporation of the City of
NEW WESTMINSTER

REPORT

Development Services

To: Mayor Côté and Members of Council **Date:** 2/4/2019

From: Emilie K Adin, MCIP **File:** 13.2525.10
Director of Development Services **Item #:** 26/2019

Subject: **Phase I Infill Housing Program: One-Year Update and Zoning Amendment Bylaw No. 8067, 2019 - Bylaw for First and Second Readings**

RECOMMENDATION

THAT Council consider Zoning Amendment Bylaw No. 8067, 2019 for First and Second Readings, and forward the Bylaw to a Public Hearing on February 25, 2019 and for consideration of adoption following the Public Hearing.

EXECUTIVE SUMMARY

Phase One of the Infill Housing Program, which includes laneway and carriage houses, and infill townhouses and rowhouses, was implemented concurrently with the adoption of the Official Community Plan (OCP) in October 2017. As part of the OCP Implementation Work Program, the City is undertaking a two-year monitoring program to assess the success of Phase One. This report provides Council with a one-year update on the program. In consideration of various lessons learned during the review of application proposals to date, staff is also recommending amendments to the Zoning Bylaw.

PURPOSE

This report provides an update on Phase One of the Infill Housing Program and also includes proposed Zoning Bylaw amendments for Council's consideration.

POLICY AND REGULATIONS

Official Community Plan

The first phase of the City's Infill Housing Program was implemented in October 2017 with the adoption of the City's new Official Community Plan (OCP). The OCP includes policies and actions that identify the need for and support the implementation of infill housing.

Laneway and Carriage Houses

Laneway and carriage houses are a permitted building form on single detached residential properties that are designated Residential – Detached and Semi-Detached Housing (RD), or Residential – Ground Oriented Infill Housing (RGO) in the OCP.

A Development Permit is required to ensure that laneway and carriage houses are designed to fit within existing neighbourhoods, have minimal impact on streetscapes or privacy, and ensure the livability of the dwelling unit. Development permit guidelines have been established for building siting, setbacks, massing, roof forms, private open space, and landscaping. The approval of Development Permits was delegated to the Director of Development Services by Council to ensure applications are processed as efficiently as possible.

Infill Townhouses and Rowhouses

Infill townhouses and rowhouses are permitted on properties that are designated Residential – Ground Oriented Infill Housing (RGO) or Residential – Infill Townhouse (RT).

Similar to laneway and carriage houses, the OCP includes a Development Permit Area with guidelines for infill townhouses and rowhouses to ensure that they complement the existing single detached dwelling context through appropriate building form, scale, and design.

Zoning Bylaw

Laneway and Carriage Houses

On October 2, 2017, Council adopted Zoning Bylaw amendments that permitted laneway and carriage houses on most single detached dwelling properties. These zones contain regulations for density, height, and required parking. This allows property owners to apply to build a laneway or carriage house without having to go through an individual rezoning process.

Infill Townhouses and Rowhouses

As part of the October 2017 Zoning Bylaw amendments, a new Infill Townhouse and Rowhouse Residential (RT) zone was created with the intent of facilitating smaller scale, infill projects. No properties were rezoned to this RT zone. An applicant wishing to develop an infill townhouse or rowhouse project would be required to go through a rezoning process.

BACKGROUND

The OCP which was adopted in October 2017 includes policies that encourage ground-oriented infill housing forms, such as laneway and carriage houses, townhouses, and rowhouses. Each of these housing forms will contribute to increasing the diversity of housing choice available in the city. Laneway and carriage houses will also contribute to the amount and diversity of rental housing available in the city.

As part of the implementation of Phase One of the Infill Housing Program, staff committed to reporting back to Council after one year with an update on the Program, which is the subject of this report. Staff also committed to doing a comprehensive review of the Program and will assess each of the components of the Program, including the development permit guidelines, zoning regulations, and approval process, and identify any refinements required. The comprehensive review process will also explore whether any minor refinements should be made to the land use designation map specifically through additional Residential Ground Oriented Housing (RGO) or Residential – Infill Townhouse (RT) designated properties, with purpose of facilitating additional opportunities to allow infill townhouses and rowhouses. Discussion on the timing of this comprehensive review will be the subject of an upcoming Council report regarding the OCP implementation work plan.

ANALYSIS

Summary of Applications Received

Laneway and Carriage Houses

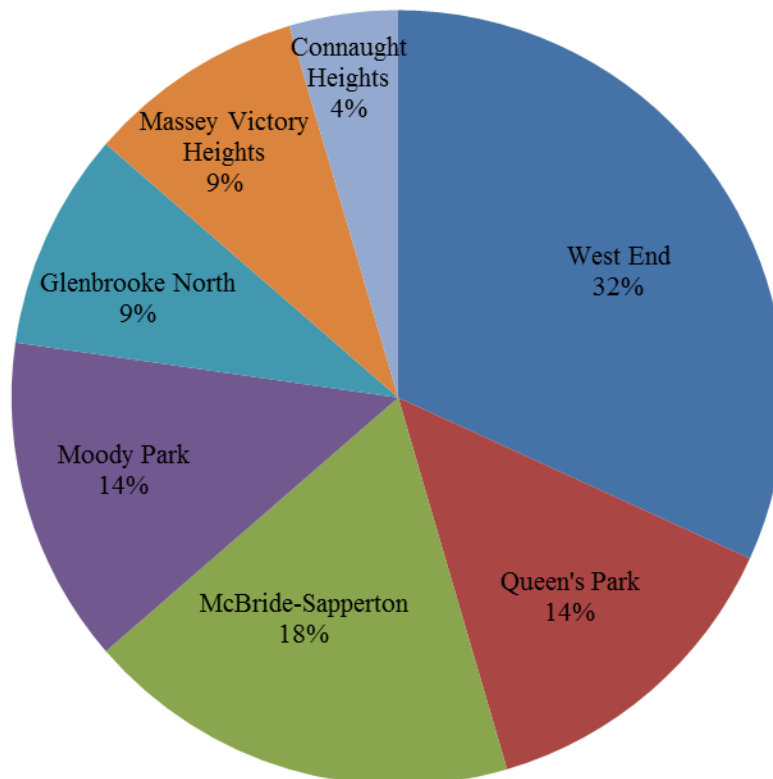
Staff has been holding individual pre-application meetings with any interested property owners to review the requirements and application process. At these meetings, staff also collects information on issues that prevent certain properties from being able to accommodate a laneway or carriage house.

As of December 31, 2018 staff has received over 185 inquiries from property owners, realtors and builders interested in laneway and carriage houses. A total of 22 formal

Development Permit (DP) applications have been received. Seven DPs have been issued, and of these one Building Permit has been issued. Additional numbers on the DP applications are provided below:

- 19 laneway houses (with lane) and two carriage houses (no lane);
- 11 single level and 11 one-and-a-half storey buildings;
- The average building size is 67 square metres (727 square feet);
- Six one-bedroom units and 16 two-bedroom units;
- Eight constructed with new principal dwellings, five with principal dwellings built within the last two years, and eight retaining the existing principal dwelling;
- Neighbourhood breakdown: seven in the West End; four in McBride-Sapperton; three each in Moody Park and Queens Park; two each in Glenbrooke North and Massey Victory Heights; and one in Connaught Heights. No applications have been received for Brow of the Hill, which is mostly designated for RGO or RT, allowing other building forms. These figures exclude laneway houses approved through Heritage Revitalization Agreements.

Figure 1: Laneway and Carriage House Applications by Neighbourhood



Note: No applications have been received for those neighbourhoods not represented in the figure.

Infill Townhouses and Rowhouses

Two Preliminary Application Review applications had been received, as of December 31, 2018, one of which has proceeded to the Rezoning and Development Permit application stage. There have also been a number of preliminary inquiries for properties across the city.

The first proposal, located in the West End neighbourhood, consists of 22 townhouse units across five properties. The application is generally consistent with the RT zoning provisions; however, the applicant is proposing more above grade FSR than permitted to allow more light to the lower levels, which is being considered due to the topography of the site.

The second proposal, located in the McBride-Sapperton neighbourhood, consists of 37 townhouse units across seven properties. Preliminary plans show some of the units with proposed rental lock-off suites as an option. This is being considered as a pilot project for this specific site. The site has significant natural grade, which could provide livable basements, if enough additional parking for the extra units can be provided.

As both proposals are requesting relaxations due to the topography of the sites, these proposals are not expected to be representative of future applications.

DISCUSSION

The Infill Housing Program includes three main components: Zoning Bylaw regulations, development permit guidelines, and the approval process.

The focus of this report is on proposed amendments to the Zoning Bylaw that would address the issues identified through the last year. No changes are proposed to the development permit guidelines or approval process at this time. Staff is successfully using the flexibility built into the guidelines and process to facilitate efficient review to achieve projects that meet the intent. Staff will continue to monitor the process and for transparency, update the guidelines and approval process as part of the comprehensive review. In the meantime, minor changes are being implemented by staff as identified, such as no longer requiring a shadow study for single storey laneway or carriage houses.

Proposed Zoning Bylaw Amendments

There are five areas of refinements to the Zoning Bylaw proposed at this time, which are detailed below. The proposed Zoning Amendment Bylaw is included in Attachment 2, with a red-line version included in Attachment 1 to clearly indicate the changes being proposed.

Laneway and Carriage Houses

1. Lanes

The current requirement for access from a 6.1 metre wide lane is inconsistent with the Subdivision Control Bylaw (6.0 metres). The discrepancy is due to a rounding error. The proposed amendment would change the requirement to 6.0 metres.

2. Parking

The current requirement for the rear setback of laneway houses to be 6.71 metres (22 feet) less the width of the lane is intended to apply to allow for sufficient turning radius of vehicles from a lane into off-street parking. As written, the setback applies to the entire laneway or carriage house building resulting in buildings being set back further than necessary. The proposed amendment clarifies that the “6.71 metres (22 feet) less width of the lane” setback would only apply to spaces used for vehicle parking.

The laneway and carriage house guidelines encourage the creation of single storey accessible buildings to facilitate aging in place. One accessible (24.8 square metres / 267 square feet) parking space is encouraged. The size of an internal garage in a laneway or carriage house is limited to a single parking space of 21 square metres (226 square feet). The proposed amendment would allow accessible sized garage parking spaces on accessible laneway or carriage houses.

The Zoning Bylaw currently exempts laneway houses from bicycle parking requirements in the RS-1 zone. The proposed amendment would also apply this exclusion to the NR-1 zone. The development permit guidelines outline the expectations for secure, weather protected bicycle parking.

3. RS-1 Attached Garage Area

The Zoning Bylaw currently exempts the floor area of garages attached to the principal dwelling in the Single Detached Residential Districts (RS-1) zone up to 41.81 square metres (450 square feet), sufficient for a double car garage. There is no garage area exemption in the Neighbourhood Single Detached Residential Districts (NR-1) zone, and in Queensborough Neighbourhood Residential Districts (RQ-1) zone the exemption is 20.90 square metres (225 square feet) for the first parking space, and an additional 20.90 square metres (225 square feet) if the second space is tandem.

The laneway and carriage house program intended to permit either a detached garage or a laneway house, but not a laneway house and garage attached to the principal residence. That the floor area exemption in the RS-1 zone is currently permitted in addition to a laneway house is an error. The proposed amendment would remove this exemption from the RS-1

zone for new houses approved after June 1, 2019. Attached garages would continue to be permitted, but they would count towards to maximum floor area allowed for the principal building.

4. Detached Accessory Structure Area

For laneway and carriage houses, the maximum permitted area calculation currently includes all floor space including the area of attached accessory structures such as decks and porches. This reduces the amount of interior living space where a porch or deck is proposed. The proposed amendment would add the following exemptions for the area calculation of laneway and carriage houses, which would continue not to apply to the principal dwelling. These changes would allow for more livable laneway and carriage houses without having a significant impact of the overall massing of the buildings:

- 3.0 square metres (32 square feet) for an exterior front entry landing, in order to encourage larger, more welcoming front stoops.
- 7.0 square metres (75.3 square feet) for uncovered, upper-level decks, in order to improve the design of upper level rooflines. The development permit guidelines already contain provisions to control deck placement and overlook. Covered or enclosed decks (beyond safety guard rails) would continue to be permitted, but not be excluded from the floor area.
- 3.0 square metres (32 square feet) for externally accessed bicycle storage, with a floor to ceiling height of 1.83 metres (6 feet) or less.

Infill Townhouses and Rowhouses

5. Basement Floor Space Ratio

For lots that are less than 36.5 metres (119.75 feet) deep, the RT zoning district allows an above grade Floor Space Ratio (FSR) of 0.75 and a basement FSR of 0.15 for a maximum overall FSR of 0.90. On deeper lots, the permitted above grade FSR is slightly higher at 0.85, while the basement FSR remains the same at 0.15 for a maximum overall FSR of 1.00. The intent of the floor space allocations is to control above grade building massing so that developments do not overwhelm neighbouring single detached dwelling neighbourhoods. The above grade FSR limit is sufficient to achieve this.

The proposed amendment would remove the maximum basement FSR. This would allow an applicant to have the option of allocating more floor space as basement as long as there is a corresponding decrease in the above grade FSR. By retaining the above grade FSR regulation and specifying the maximum overall FSR, the RT zone would still meet the intent of limiting the above grade building bulk.

NEXT STEPS

One Year Update: Zoning Bylaw Amendments

Should Council give the Zoning Amendment Bylaw first and second readings, the Bylaw would be forwarded to a Public Hearing and considered for adoption following the Public Hearing.

Comprehensive Review

Community Consultation

The next step in the monitoring program would be to begin the comprehensive review. A report will be presented to Council at an upcoming meeting to discuss the timing of this work along with other OCP implementation projects.

As the first step in the comprehensive review, staff would conduct two online surveys to consult with the community about infill housing. First, a project-specific survey would be delivered to applicants, designers, and neighbours following the completion of a laneway house, carriage house, or townhouse project. This survey would focus on the application and design review processes. Second, there would be a survey or larger consultation process to provide all community members with the opportunity to provide feedback on the success of the Infill Housing Program in general. As part of this, the development permit guidelines, regulations, and approval process would be reviewed. Meetings would also be held with members of the building and design community to review the feasibility of any proposed changes.

Program Review and Proposed Revisions

Through the comprehensive review, staff will be exploring revisions to the development permit guidelines and approval process, as well as possible further Zoning Bylaw amendments, based on issues identified and feedback from consultation.

The following revisions to the Program would also be considered:

- The density allocation for the RT zone (using in-stream application as a pilot project).
- Whether lock-off suites are an appropriate option (using in-stream application as a pilot project), and if so, the necessary conditions such as parking, open space, and other regulations and development permit guidelines.
- Additional locations for RGO and RT designations. Additional consultation would be held related to any changes proposed.

INTER-DEPARTMENTAL LIAISON

Staff from the Engineering Department, Parks and Recreation Department, and Building Division will continue to be consulted throughout the process.

OPTIONS

The following options are presented for Council's consideration:

1. That Council consider Zoning Amendment Bylaw No. 8067, 2019 for First and Second Readings, and forward the Bylaw to a Public Hearing on February 25, 2019 and for consideration of adoption following the Public Hearing.
2. That Council provide staff with alternative direction.

Staff recommends Option 1.

ATTACHMENTS

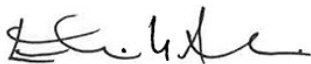
Attachment 1: Zoning Amendment Bylaw - Redline changes

Attachment 2: Proposed Zoning Amendment Bylaw (Infill Housing) No 8067, 2019

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Approved for Presentation to Council



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Attachment 1

Zoning Amendment Bylaw – Redline Changes

310 Single Detached Residential Districts (RS-1)

310.1

The intent of this district is to allow single detached dwellings, secondary suites, and laneway or carriage houses in residential neighbourhoods.

Permitted Uses

310.2

The following principal and accessory uses are permitted in the RS-1 zoning district. For uses accompanied by a checkmark, there are either Use Specific Regulations in the Conditions of Use within this zoning district or within the General Regulations or Special Conditions Sections of this Bylaw.B/L 7937, 2017

Permitted Principal Uses	Use Specific Regulations
Accommodation for youth in foster care and transitioning from foster care;	✓
Single detached dwellings;	
Public utilities;	
Women's transition houses;	

Permitted Accessory Uses	Use Specific Regulations
Uses accessory to any permitted principal uses;	
Detached accessory dwelling units;	
Home based business;	✓
Secondary suites;	
Keeping of not more than four foster children in a dwelling unit or more than eight child care children on a site;	

Definitions

310.3

Despite definitions elsewhere in the Bylaw, the following shall be defined as noted below for the purposes of this Zoning District:

310.4

Detached accessory area means the numerical value determined by measuring the horizontal cross-sectional area of detached accessory buildings and structures on a site including:

- (a) the floor area of all enclosed accessory buildings and structures including but not limited to garages, detached accessory dwelling units and sheds; and

(b) the site coverage of all unenclosed accessory buildings and structures including but not limited to carports, gazebos and swimming pools, and calculating the total of all such areas.

.5

310.6

Floor area means the numerical value determined by measuring the horizontal cross-sectional area of all buildings on a site to the outside of the outer walls at each storey and calculating the total of all such areas, excluding:

- (a) the net floor area within the principal building to be used exclusively for up to two parking spaces, to a maximum of 41.81 square metres (450 square feet), [for buildings approved for construction before June 1, 2019 only](#), and;
- (b) any area having a floor to ceiling height of 1.22 metres (4 feet) or less.

310.7

Floor space ratio means the numerical value determined by dividing the floor area on a site by the site area.

Density – Units

310.8

One principal dwelling unit is permitted per site.

310.9

Where an amenity is provided, consisting of building and landscape design features which conform to City of New Westminster “Design Standards and Guidelines for Secondary Suites” attached hereto as Appendix G and forming part of this Bylaw, one accessory dwelling unit is permitted in the form of a secondary suite. A provision of this amenity and an increase in the density will only be allowed if all “Requirements for Secondary Suites” set out in Section 190.29 of this Bylaw are complied with in all respects.

310.10

In addition to the principal dwelling unit and a secondary suite, one detached accessory dwelling unit is permitted.

Density – Principal Building Area

310.11

The floor space ratio for the principal building shall not exceed 0.5.

310.11.1

The maximum floor space ratio on a parcel may be increased by:

- (a) 0.01 if the building meets Step 3 of the Energy Step Code;
- (b) 0.03 if the building meets Step 4 of the Energy Step Code; or
- (c) 0.05 if the building meets Step 5 of the Energy Step Code, or is a Passive House.

Site Area and Frontage

310.12

A site shall be not less than 557.40 square metres (6,000 square feet) in area and shall have a frontage of not less than ten percent (10%) of its perimeter.

Principal Building Envelope

310.13

All principal buildings and structures shall be sized and sited according to the following:

Regulation	Requirement
Minimum Front Yard	5.79 metres (19 feet), twenty percent (20%) of the depth of the site, or the average depth of the front setback of existing principal buildings on sites on either side of the site, whichever is less.
Minimum Rear Setback	7.62 metres (25 feet) or twenty percent (20%) of the depth of the site, whichever is less.
Minimum Side Setback	For <i>lots</i> with a frontage of more than 12.19 metres (40 feet), ten percent (10%) of the width of the <i>lot</i> on each side of the <i>building</i> , or 1.52 metres (5 ft.), whichever is less. For <i>lots</i> with a frontage of 12.19 metres (40 ft.) or less, not less than 1.22 metres (4 ft.)
Maximum Building Height	7.62 metres (25 feet), or 8.84 metres (29 feet) for a principal building that meets Step 5 of the Energy Step Code, or is a Passive House.
Maximum Peak Height	10.67 metres (35 ft.) from height datum.
Maximum Site Coverage	Thirty five percent (35%)

Projections

310.14

Projections are permitted in accordance with the relevant provisions of the ‘Projections into Yards’ portion of the General Regulations section of this Bylaw, except that projections for detached accessory dwelling units shall be permitted in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan.

Attached Accessory Structures

310.15

The combined area of all attached accessory structures shall not exceed ten percent (10%) of the site area.

Detached Accessory Buildings Size

310.16

The maximum permitted detached accessory area is 10% of the site area.

310.17

~~For sites which include a detached accessory dwelling unit, up to 21 square metres (226 square feet) are permitted in addition to the maximum detached accessory area otherwise permitted, for a detached carport.~~

The following are permitted in addition to the maximum *detached accessory area* otherwise permitted, provided they are attached to a *detached accessory dwelling unit*:

- (a) up to 21 square metres (226 square feet) for a carport, and
- (b) up to 3.0 square metres (32 square feet) for a front entry landing, and
- (c) up to 7.0 square metres (75.3 square feet) for an uncovered, upper-level deck, and
- (d) up to 3.0 square metres (32 square feet) for externally accessed bicycle parking, with a floor to ceiling height of 1.83 metres (6 feet) or less.

310.18

The maximum permitted detached accessory area may be increased by up to 5% of the site area provided that there is a corresponding decrease in floor area of the principal building and the additional floor area is within a detached accessory dwelling unit.

310.18.1

The maximum detached accessory area may be increased by (B/L 7953, 2018):

- (a) 0.01 if the detached accessory building meets Step 3 of the Energy Step Code;
 - (b) 0.03 if the detached accessory building meets Step 4 of the Energy Step Code;
- or
- (c) 0.05 if the detached accessory building meets Step 5 of the Energy Step Code, or is a Passive House.

Detached Accessory Dwelling Unit Regulations

310.19

An accessory building which includes a detached accessory dwelling unit:

- (a) shall not exceed a detached accessory area of 89 square metres (958 square feet) in area;

- (b) shall not exceed a height of 7 metres (22.97 feet) as measured from the base height plane, as established by the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, to the highest point of the building;
- ~~(c) shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;~~
- (c) shall not have any portions of the structure used for parking a vehicle located closer to a lane than 22 feet (5.71 metres), less the width of such lane;
- (d) shall not be located, nor have access taken from a point closer than 4.57 metres (15 feet) from the corner of the site at an intersection of two streets, the intersection of two lanes, or the intersection of a street and lane; and
- ~~(e) shall not include more than 21 square metres (226 square feet) for an enclosed garage within the detached accessory dwelling unit.~~
- (e) shall not include more than 21 square metres (226 square feet) for an enclosed garage within the *detached accessory dwelling unit*, except for an accessible dwelling unit, provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, where not more than 27.9 square metres (300 square feet) for an enclosed garage shall be permitted.

310.20

A detached accessory dwelling unit is not permitted where full or partial dedication is needed from a site for a lane for the purposes of providing alternate vehicular access from a city collector, arterial or major road network as identified in the New Westminster Master Transportation Plan unless:

- ~~(a) a dedication of land or a Statutory Right-of-Way to the City for the purpose of providing a public access lane of a width not less than 6.1 metres (20 feet) is provided; and~~
- (a) a dedication of land or a Statutory Right-of-Way to the City for the purpose of providing a public access lane of a width not less than 6.0 metres (19.69 feet) is provided; and
- (b) an on-site vehicle turnaround is provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, so that no reversing of vehicles onto the city collector, arterial or major road is required to access the road.

For clarity, these requirements shall include lots with frontage on a city collector, arterial or major road network, as well as lots which abut the lane, or would abut a future lane, providing alternate access from the city collector, arterial or major road network after dedication or right-of-ways have been provided.

Detached Accessory Building without Detached Accessory Dwelling Unit Regulations

310.21

Detached accessory buildings that do not contain a detached accessory dwelling unit:

- (a) shall not exceed one storey, and:
 - (i) in the case of a peaked roof, no portion of the roof shall exceed a height of 4.57 metres(15 feet), or
 - (ii) in the case of a roof having a pitch of 4:12 or less, no portion of the roof shall exceed a height of 3.6 metres (12 feet);
- (b) shall not be located in the required front yard;
- (c) shall not be located less than twice the width of the minimum required side setback from the window of a habitable room on an adjoining site unless such window is entirely above the roof line of the accessory building;
- (d) if the detached structure is a garage or carport, it shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;
- (e) if the detached structure is a swimming pool or swimming pool enclosure, shall not be less than 1.52 metres (5 feet) from side and rear site lines;
- (f) shall not be less than 4.57 metres (15 feet) from the corner of the site at an intersection of a street and lane;
- (g) shall not be less than 1.52 metres (5 feet) from any rear or side site line bounded by a street;
- (h) shall not have dormers; and
- (i) shall contain no plumbing fixtures other than one toilet and one sink.

Off-Street Parking and Loading Requirements

310.22

Off-Street parking shall be provided in accordance with the provisions of Section 150 of this Bylaw.

310.23

Despite provisions elsewhere in this bylaw, on sites with a detached accessory dwelling unit:

- (a) parking spaces may be provided adjacent to windows used for residential purposes; and
- (b) parking spaces may be laid out such that a vehicle is required to reverse for more than 10.06 metres (33 feet) to access a highway, unless an on-site vehicle turnaround is required by this district.

310.24

Bicycle Parking is not required to be provided.

320 Neighbourhood Single Detached Residential District (NR-1)

320.1

The intent of this district is to allow single detached dwellings, secondary suites, and laneway or carriage houses in the West End, Kelvin and Connaught neighbourhoods.

Permitted Uses

320.2

The following principal and accessory uses are permitted in the NR-1 zoning district. For uses accompanied by a checkmark, there are either Use Specific Regulations in the Conditions of Use within this zoning district or within the General Regulations or Special Conditions Sections of this bylaw. B/L 7937, 2017

Permitted Principal Uses	Use Specific Regulations
Accommodation for youth in foster care and transitioning from foster care;	✓
Single detached dwellings;	
Public utilities;	
Women's transition houses;	

Permitted Accessory Uses	Use Specific Regulations
Uses accessory to any permitted principal uses;	
Detached accessory dwelling units;	
Home based business;	✓
Secondary suites;	
Keeping of not more than four foster children in a dwelling unit or more than eight child care children on a site;	

Definitions

320.3

Despite definitions elsewhere in the Bylaw, the following shall be defined as noted below for the purposes of this Zoning District:

320.4

Average basement height above grade means:

- (a) the average of the distances between the main floor level and existing grade measured at the corners of the principal building; or
- (b) the weighted average of such distances measured along the entire perimeter of the principal building.

320.5

Basement means either:

- (a) for buildings approved for construction on or after January 1, 1997, the area of a principal building which is:
 - (i) more than 0.61 metres (2 feet); and
 - (ii) a maximum of 1.22 metres (4 feet) from existing grade to the finished floor level above the area; or
- (b) for buildings approved for construction before January 1, 1997, the lowest level of a principal building which has any of its height below grade.

320.6

Cellar means the area of a principal building which is approved for construction on or after January 1, 1997 and which is a maximum of 0.61 metres (2 feet) from existing grade to the finished floor level above the area.

320.7

Detached accessory area means the numerical value determined by measuring the horizontal cross-sectional area of detached accessory buildings and structures on a site including:

- (a) the floor area of all enclosed accessory buildings and structures including but not limited to garages, detached accessory dwelling units and sheds; and
- (b) the site coverage of all unenclosed accessory buildings and structures including but not limited to carports, gazebos and swimming pools, and calculating the total of all such areas.

320.8

Existing grade means the undisturbed ground level as indicated on a survey prepared and certified by a British Columbia Land Surveyor provided that localized depressions will not be considered in this determination.

320.9

Flat roof means:

- (a) a roof with less than a 4 in 12 pitch;
- (b) a roof which does not form a peak; or
- (c) a roof system the main roof of which does not form a peak when viewed from any elevation.

320.10

Floor area means the numerical value determined by measuring the horizontal cross-sectional area of all buildings on a site to the outside of the outer walls at each storey and calculating the total of all such areas, excluding:

- (a) the cellar; and
- (b) any area having a floor to ceiling height of 1.22 metres (4 feet) or less.

320.11

Floor space ratio means the numerical value determined by dividing the floor area on a site by the site area.

320.12

Localized depression means areas for window wells and for entrances for pedestrians which shall not exceed the following:

- (a) an area of 1.49 square metres (16 sq. feet) for pedestrian entrances, excluding stairways;
- (b) an area of 2.79 square metres (30 sq. feet) for pedestrian entrances to a secondary suite, excluding stairways;
- (c) a width of 0.91 metres (3 feet) as measured from the foundation wall to the exposed face of any localized depression; and
- (d) a combined total of 25% of the length of the adjacent foundation wall.

Density – Units

320.13

One principal dwelling unit is permitted per site.

320.14

Where an amenity is provided, consisting of building and landscape design features which conform to City of New Westminster “Design Standards and Guidelines for Secondary Suites” attached hereto as Appendix G and forming part of this Bylaw, one additional accessory dwelling unit is permitted in the form of a secondary suite. A provision of this amenity and an increase in the density will only be allowed if all “Requirements for Secondary Suites” set out in Section 190.29 of this Bylaw are complied with in all respects.

320.15

In addition to the principal dwelling unit and a secondary suite, one detached accessory dwelling unit is permitted.

Density – Principal Building Area for Buildings Constructed in 1997 or Later

320.16

Principal buildings approved for construction on or after January 1, 1997 shall not exceed a floor space ratio of 0.5 provided that the floor space ratio of all floors above a basement, cellar or slab level shall not exceed a floor space ratio of 0.4.

320.16.1

The maximum floor space ratio of all floors above a basement, cellar or slab level on a parcel may be increased by:

- (a) 0.01 if the building meets Step 3 of the Energy Step Code;
- (b) 0.03 if the building meets Step 4 of the Energy Step Code; or
- (c) 0.05 if the building meets Step 5 of the Energy Step Code, or is a Passive House (B/L7953, 2018)

Density – Principal Building Area for Buildings Constructed Prior to 1997

320.17

Principal buildings approved for construction before January 1, 1997 shall not exceed a floor space ratio of 0.4 above a basement, slab or crawl space level.

320.18

The total floor space ratio on a site shall not exceed that indicated in the table below:

Average Basement Height Above Grade		Maximum Total Floor Space Ratio
From	Less than	
-	0.61 metres (2 feet)	0.75 Floor Area Ratio
0.61 metres (2 feet)	0.91 metres (3 feet)	0.65 Floor Area Ratio
0.91 metres (3 feet)	1.22 metres (4 feet)	0.60 Floor Area Ratio
1.22 metres (4 feet)	1.83 metres (6 feet)	0.50 Floor Area Ratio

320.19

For any site with an average basement height above grade of more than 1.83 metres (6 feet) but less than 2.13 metres (7 feet), the total permitted floor space ratio shall not exceed the amount determined by the following calculation:

$$\text{Maximum FSR} = 0.4 + 0.1 (2.13 \text{ Metres} - \text{Average Basement Height Above Grade in Metres})$$

320.20

For any site with an average basement height above grade of more than 2.13 metres (7 feet), the total permitted floor space ratio shall not exceed 0.40.

Site Area and Frontage

320.21

A site shall be not less than 557.40 square metres (6,000 square feet) in area and shall have a frontage of not less than ten percent (10%) of its perimeter.

Principal Building Envelope

320.22

All principal buildings and structures shall be sized and sited according to the following:
(B/L 7953, 2018;7924, 2018)

Regulation	Requirement
Minimum Front Yard	5.79 metres (19 feet), twenty percent (20%) of the depth of the site, or the average depth of the front setback of existing principal buildings on sites on either side of the site, whichever is less.
Minimum Rear Setback	7.62 metres (25 feet) or twenty percent (20%) of the depth of the site, whichever is less.
Minimum Side Setback	1.22 metres (4 ft.)
Minimum Combined Side Setbacks	Twenty five percent (25%) of the frontage of the site.
Maximum Building Height	7.62 metres (25 feet), or 8.84 metres (29 feet) for a principal building that meets Step 5 of the Energy Step Code, or is a Passive House. 6.09 metres (20 feet) for Flat or Mansard Roofs.
Maximum Peak Height	10.67 metres (35 ft.) from height datum.
Maximum Site Coverage	A principal building shall not cover more than thirty five percent (35%) of the site area.
Maximum Upper Level Site Coverage	If the building has two habitable levels, then the upper habitable level is limited to eighty percent (80%) of the area of the floor below, and for this purpose the area of the floor below includes 100% of the area of porches and verandahs attached solely to the front and side walls of the principal building and 50% of the area of porches, verandahs, and sun decks that are attached solely to the rear wall. 2018

320.23

No portion of a basement, cellar or crawl space shall extend beyond the perimeter of the floor above it.

Projections

320.24

Projections are permitted in accordance with the relevant provisions of the 'Projections into Yards' portion of the General Regulations section of this Bylaw, except that projections for detached accessory dwelling units shall be permitted in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan.

Attached Accessory Structures

320.25

The combined area of all attached accessory structures shall not exceed ten percent (10%) of the site area.

Detached Accessory Buildings Size

320.26

The maximum permitted detached accessory area is ten percent (10%) of the site area.

320.27

~~For sites which include a detached accessory dwelling unit, up to 21 square metres (226 square feet) are permitted in addition to the maximum permitted detached accessory area otherwise permitted, for a detached carport.~~

The following are permitted in addition to the maximum *detached accessory area* otherwise permitted, provided they are attached to a *detached accessory dwelling unit*:

- (a) up to 21 square metres (226 square feet) for a carport, and
- (b) up to 3.0 square metres (32 square feet) for a front entry landing, and
- (c) up to 7.0 square metres (75.3 square feet) for an uncovered, upper-level deck, and
- (d) up to 3.0 square metres (32 square feet) for externally accessed bicycle parking, with a floor to ceiling height of 1.83 metres (6 feet) or less.

320.28

The maximum permitted detached accessory area may be increased by up to 5% of the site area provided that there is a corresponding decrease in floor area of the principal building above any basement, cellar or slab level and the additional floor area is within a detached accessory dwelling unit.

320.28.1

The maximum detached accessory area may be increased by(B/L 7953, 2018):

- (a) 0.01 if the building meets Step 3 of the Energy Step Code;
- (b) 0.03 if the building meets Step 4 of the Energy Step Code;
- (c) 0.05 if the building meets Step 5 of the Energy Step Code, or is a Passive House.

Detached Accessory Dwelling Unit Regulations

320.29

An accessory building which includes a detached accessory dwelling unit:

- (a) shall not exceed a detached accessory area of 89 square metres (958 square feet) in area;
- (b) shall not exceed a height of 7 metres (22.97 feet) as measured from the base height plane, as established by the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, to the highest point of the building;
- ~~(c) shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;~~
- (c) shall not have any portions of the structure used for parking a vehicle located closer to a lane than 22 feet (5.71 metres), less the width of such lane;
- (d) shall not be located, nor have access taken from a point closer than 4.57 metres (15 feet) from the corner of the site at an intersection of two streets, the intersection of two lanes or at an intersection of a street and lane; and
- ~~(e) shall not include more than 21 square metres (226 square feet) for an enclosed garage within the detached accessory dwelling unit.~~
- (e) shall not include more than 21 square metres (226 square feet) for an enclosed garage within the *detached accessory dwelling unit*, except for an accessible dwelling unit, provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, where not more than 27.9 square metres (300 square feet) for an enclosed garage shall be permitted.

320.30

A detached accessory dwelling unit is not permitted where full or partial dedication is needed from a site for a lane for the purposes of providing alternate vehicular access from a city collector, arterial or major road network as identified in the New Westminster Master Transportation Plan unless:

- ~~(a) a dedication of land or a Statutory Right of Way to the City for the purpose of providing a public access lane of a width not less than 6.1 metres (20 feet) is provided; and~~

(a) a dedication of land or a Statutory Right-of-Way to the City for the purpose of providing a public access lane of a width not less than 6.0 metres (19.69 feet) is provided; and

(b) an on-site vehicle turnaround is provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, so that no reversing of vehicles onto the city collector, arterial or major road is required to access the road.

For clarity, these requirements shall include lots with frontage on a city collector, arterial or major road network, as well as lots which abut the lane, or would abut a future lane, providing alternate access from the city collector, arterial or major road network after dedication or right-of-ways have been provided.

Detached Accessory Building without Detached Accessory Dwelling Unit Regulations

320.31

Detached accessory buildings that do not contain a detached accessory dwelling unit:

(a) shall not exceed one storey, and:

(i) in the case of a peaked roof, no portion of the roof shall exceed a height of 4.57 metres (15 feet), or

(ii) in the case of a roof having a pitch of 4:12 or less, no portion of the roof shall exceed a height of 3.6 metres (12 feet);

(b) shall not be located in the required front yard;

(c) shall not be located less than twice the width of the minimum side setback from the window of a habitable room on an adjoining site unless such window is entirely above the roof line of the accessory building;

(d) if the detached structure is a garage or carport, it shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;

(e) if the detached structure is a swimming pool or swimming pool enclosure, shall not be less than 1.52 metres (5 feet) from side and rear site lines;

(f) shall not be less than 4.57 metres (15 feet) from the corner of the site at an intersection of a street and lane;

(g) shall not be less than 1.52 metres (5 feet) from any rear or side site line bounded by a street;

(h) shall not have dormers; and

(i) shall contain no plumbing fixtures other than one toilet and one sink.

Off-Street Parking and Loading Requirements

320.32

Off-Street parking shall be provided in accordance with the provisions of Section 150 of this Bylaw.

320.33

Despite provisions elsewhere in this bylaw, on sites with a detached accessory dwelling unit:

- (a) parking spaces may be provided adjacent to windows used for residential purposes; and
- (b) parking spaces may be laid out such that a vehicle is required to reverse for more than 10.06 metres (33 feet) to access a highway, unless an on-site vehicle turnaround is required by this district,

320.34

Bicycle Parking is not required to be provided.

405 Infill Townhouse and Rowhouse Residential District (RT)

405 .1 The intent of this district is to, in combination with the design guidelines for infill townhouse and rowhouse within the Official Community Plan, allow infill townhouses and rowhouses which integrate well into existing single detached residential neighbourhoods

Permitted Uses

405 .2 The following principal and accessory uses are permitted in the RT zoning district. For uses accompanied by a checkmark, there are either Use Specific Regulations in the Conditions of Use within this zoning district or within the General Regulations or Special Conditions Sections of this bylaw.

Permitted Principal Uses	Use Specific Regulations
Single detached dwellings;	✓
<i>Multiple dwellings;</i>	

Permitted Accessory Uses	Use Specific Regulations
<i>Uses accessory to any permitted principal uses;</i>	
<i>Home based businesses;</i>	✓

Conditions of Use

405 .3 A single detached dwelling shall conform to the regulations in the NR-2 zoning districts for lots located east of Eighth Street and north of Sixth Avenue, otherwise they shall conform to the regulations in the RS-2 zoning district.

Density

405 .4 The floor space ratio shall not exceed the following:

	Lot depth of less than 36.5 metres (119.75 ft)	Lot depth of 36.5 metres (119.75 ft) or more
Above-Grade Floor Space Ratio	0.75 FSR	0.85 FSR
Basement Floor Space Ratio	0.15 FSR	0.15 FSR

	Lot depth of less than 36.5 metres (119.75 ft)	Lot depth of 36.5 metres (119.75 ft) or more
Total Floor Space Ratio Inclusive of Basement	0.90 FSR	1.00 FSR
Total Floor Space Ratio Excluding Basement	0.75 FSR	0.85 FSR

405 .5 For the purposes of this district, basement shall mean the lowest storey of a unit which, on the side of the unit with the highest existing grade level, shall not, at any point along that side of the unit, be more than 1 metre (3.28 feet) above the existing grade level.

405 .6 A basement shall not extend beyond the walls of the storey above.

Principal Building Height

405 .7 All *principal buildings* and *structures* shall not exceed a height of 10.67 metres (35 feet) as measured from averaged, existing grade at the four corners of the building to the highest point of the building.

Detached Accessory Building Regulations

405 .8 *Detached accessory buildings:*

- (a) shall not cover more than fifteen percent (15%) of the *site* area;
- (b) shall not exceed one *storey*;
- (c) shall not be located within the required *front yard*;
- (d) shall not exceed 3.6 metres (12 feet) measured from the finished floor to the highest point of the building;
- (e) shall not be enclosed on more than two sides, excluding the roof;
- (f) shall not have dormers;
- (g) shall not be located closer than 1 metre (3.28 feet) from the *principal building* ;
- (h) in the case of a carport, where the vehicle entry faces the *lane*, shall not be located closer to a *lane* than 6.71 metres (22 feet), less the width of such *lane*;
- (i) shall not be located closer than 4.57 metres (15 feet) from the corner of a *site* at an intersection of streets, at the intersection of lanes or at the intersection of a

- street and a *lane*; and
- (j) shall be located not closer than 1.52 metres (5 feet) from a *site line* bounded by a street.

Off-Street Parking and Loading Requirements

- 405 .9 Off-street automobile parking shall be provided in accordance with the Off-Street Parking Regulation section of this bylaw except the following:
- (a) one (1) parking space per unit shall be provided;
 - (b) 0.1 parking space per unit shall be provided for visitor parking for units in a stratified development;
 - (c) visitor parking is not required in a non-stratified development;
 - (d) parking shall not be permitted in the front yard;
 - (e) where a site is abutted by a *lane* of 12 feet (3.66 metres) or more in width, all parking access is required from that *lane*;
 - (f) where a site is abutted by a lane of less than 12 feet (3.66 metres), or is not abutted by a lane, parking access may be provided by one driveway from a *street* if that driveway is less than 9 feet (2.74 metres) not more than 18 feet (5.49 metres) in width; and
 - (g) parking shall not be located closer than 4.57 metres (15 feet) from the corner of a *site* at an intersection of streets, at the intersection of lanes or at the intersection of a street and a *lane*.
- 405 .10 Off-street bicycle parking is required in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan.
- 405 .11 Off-street loading is not required.

Attachment 2

Proposed Zoning Amendment Bylaw (Infill Housing) No 8067, 2019

CORPORATION OF THE CITY OF NEW WESTMINSTER

**ZONING AMENDMENT BYLAW (INFILL HOUSING)
NO. 8067, 2019**

ADOPTED _____

A Bylaw to Amend Zoning Bylaw No. 6680, 2001.

The Municipal Council of the City of New Westminster, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Infill Housing) No. 8067, 2019”.
2. Zoning Bylaw No. 6680, 2001 is hereby amended as follows:
 - a) Deleting section 310.6 and replacing section 310.6(a) with:

310.6 (a) the net floor area within the principal building to be used exclusively for up to two parking spaces, to a maximum of 41.81 square metres (450 square feet), for buildings approved for construction before June 1, 2019 only, and;
 - b) Replacing section 310.17 with the following:

310.17 The following are permitted in addition to the maximum *detached accessory area* otherwise permitted, provided they are attached to a *detached accessory dwelling unit*:

 - (a) up to 21 square metres (226 square feet) for a carport, and
 - (b) up to 3.0 square metres (32 square feet) for a front entry landing, and
 - (c) up to 7.0 square metres (75.3 square feet) for an uncovered, upper-level deck, and
 - (d) up to 3.0 square metres (32 square feet) for externally accessed bicycle parking, with a floor to ceiling height of 1.83 metres (6 feet) or less.
 - c) Replacing section 310.19(c) with:

310.19(c) shall not have any portions of the structure used for parking a vehicle located closer to a lane than 22 feet (5.71 metres), less the width of such lane;
 - d) Replacing section 310.19(e) with:

310.19(e) shall not include more than 21 square metres (226 square feet) for an enclosed garage within the *detached accessory dwelling unit*, except for an accessible dwelling unit, provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, where not more than 27.9 square metres (300 square feet) for an enclosed garage shall be permitted.

e) Replacing section 310.20(a) with:

310.20 (a) a dedication of land or a Statutory Right-of-Way to the City for the purpose of providing a public access lane of a width not less than 6.0 metres (19.69 feet) is provided; and

f) Replacing section 320.27 with the following:

320.27 The following are permitted in addition to the maximum *detached accessory area* otherwise permitted, provided they are attached to a *detached accessory dwelling unit*:

(e) up to 21 square metres (226 square feet) for a carport, and

(f) up to 3.0 square metres (32 square feet) for a front entry landing, and

(g) up to 7.0 square metres (75.3 square feet) for an uncovered, upper-level deck, and

(h) up to 3.0 square metres (32 square feet) for externally accessed bicycle parking, with a floor to ceiling height of 1.83 metres (6 feet) or less.

g) Replacing section 320.29(c) with

320.29(c) shall not have any portions of the structure used for parking a vehicle located closer to a lane than 22 feet (5.71 metres), less the width of such lane;

h) Replacing section 320.29(e) with

320.29(e) shall not include more than 21 square metres (226 square feet) for an enclosed garage within the *detached accessory dwelling unit*, except for an accessible dwelling unit, provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, where not more than 27.9 square metres (300 square feet) for an enclosed garage shall be permitted.

i) Replacing section 320.30 with:

320.30 a dedication of land or a Statutory Right-of-Way to the City for the purpose of providing a public access lane of a width not less than 6.0 metres (19.69 feet) is provided;

j) Adding to section 320:

320.34 Bicycle Parking is not required to be provided;

k) Replacing section 405.4 with the following:

405.4 The floor space ratio shall not exceed the following:

	Lot depth of less than 36.5 metres (119.75 ft)	Lot depth of 36.5 metres (119.75 ft) or more
Total Floor Space Ratio Inclusive of Basement	0.90 FSR	1.00 FSR
Total Floor Space Ratio Excluding Basement	0.75 FSR	0.85 FSR

GIVEN FIRST READING this _____ day of _____, 2019.

GIVEN SECOND READING this _____ day of _____, 2019.

PUBLIC HEARING held this _____ day of _____, 2019.

GIVEN THIRD READING this _____ day of _____, 2019.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this _____ day of _____, 2019.

MAYOR

CITY CLERK