



POLICY REPORT URBAN STRUCTURE

Report Date: June 9, 2009
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Meeting Date: June 16, 2009

TO: Vancouver City Council

FROM: Director of Planning in consultation with the General Manager of Engineering Services, Director of Development Services, Manager of Sustainability, and Chief Building Official

SUBJECT: Implementing Laneway Housing in RS-1 and RS-5 Single Family Areas

RECOMMENDATION

- A. THAT the Director of Planning be instructed to make application to:
- (i) amend District Schedules RS-1 and RS-5 of the Zoning and Development By-law, generally in accordance with Appendix A, to implement laneway housing;
 - (ii) amend the Zoning and Development By-law for consequential amendments, generally in accordance with Appendix A;
- FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law for consideration at Public Hearing;
- AND FURTHER THAT the application and amending by-law be referred to a Public Hearing.
- B. THAT subject to enactment of the amending by-law, Council adopt the Laneway Housing Guidelines, generally in accordance with Appendix B;
- C. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Parking By-law, requiring a minimum of two on-site parking spaces, along with other consequential amendments, generally in accordance with Appendix C.

- D. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Vancouver Building By-law, generally in accordance with Appendix D;
- E. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Sewer and Watercourse By-law, generally in accordance with Appendix E;
- F. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Waterworks By-law, generally in accordance with Appendix F;
- G. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Solid Waste By-law, generally in accordance with Appendix G;
- H. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Vancouver Development Cost Levy By-law, generally in accordance with Appendix H;
- I. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Oakridge-Langara Levy Area in the Area Specific Development Cost Levy By-law, generally in accordance with Appendix I;
- J. THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, new Strata Title Policies for RS, RT and RM Zones, generally in accordance with Appendix J; and repeal the current Strata Title Policies for RS-7, and RT Zones; and
- K. THAT Council confirm instructions to staff to monitor and report back after 3 years or 100 projects, whichever comes first.

CONSIDERATION

If Council does not support C, the Director of Planning submits for consideration

- A. THAT the following two parking options for LWH be referred to Public Hearing:
 - i) a requirement for a minimum of two on-site parking spaces, generally in accordance with Appendix C, and
 - ii) a requirement for a minimum of one on-site parking space, generally in accordance with Appendix K;

FURTHER THAT, subject to approval of one of the options, the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, the related amendments to the Parking By-law, along with other consequential amendments, generally in accordance with either Appendix C or Appendix K.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the Recommendations and puts forward the Consideration for Council determination.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the recommendations.

In regard to the consideration item, the City Manager proposes a thoughtful approach in regard to parking capacity, in order to mitigate the risk of tensions in regard to parking becoming a negative feature of an important strategic initiative in the area of affordable housing.

COUNCIL POLICY

On June 10, 2008, Council approved the EcoDensity Charter and a series of Actions, including laneway housing (LWH)(Action C-5).

On October 30, 2008, Council approved 25 directions for LWH, and directed staff to bring forward amendments to existing zoning and related by-laws and policies to allow LWH in most single family areas, in accordance with these directions.

Current Council priorities for affordable housing support work on a variety of housing initiatives to increase affordability including rental opportunities such as LWH.

SUMMARY

This report introduces by-law amendments to allow laneway housing (LWH) in the RS-1 and RS-5 single family zones, which make up 94% of the city's single family lots.

Ideas for housing on lanes in single family areas arose from EcoDensity discussions and were approved by Council as an Action item in June 2008. In October 2008, Council approved specific directions, after further public consultation on an issues and options paper. The current Council priority for affordable and rental housing has reemphasized the importance and timing of this work.

The proposed amendments would create a new type of lane housing in Vancouver, designed to fit well into single family areas. In the main body of this report, these amendments are grouped under the applicable by-law (e.g., Zoning and Development By-law, Parking By-law, Building By-law). However, in this summary, the key proposals are linked back to the main themes from the October 2008 Council-approval:

1. Affordability

The proposals would not allow strata titling of the site when a LWH is added.. This enables new rental opportunities, and/or family use for elderly parents, caregivers, or adult children, as well as mortgage helpers. This is consistent with Council's overall priority for affordable housing by providing new rental opportunities specifically in single family areas which make up most of the city.

2. Retention of Existing Homes and Homeowner Opportunity to Add LWH

Retention of existing houses, with homeowners adding a LWH to their own property was a key Council direction, to retain neighbourhood character and minimize demolition of existing houses. The proposed regulations address this through measures which limit property value

impacts and provide assistance to the homeowner -- including prevention of strata titling; setting a maximum LWH unit size; not requiring upgrades to the existing main house; adapting fire access and safety regulations; providing assistance to the homeowner in the form of a guide; minimizing City fees for utility installation; and monitoring of LWH outcomes.

3. Livable and Neighbourly Units

Eligible lots would be those that are 33 feet or wider, and on an open lane (or a corner site with a lane dedication, or double fronting lot). The LWH could be on a lot with or without a secondary suite in the main house. Key aspects of livability and neighbourliness addressed in the proposed amendments are:

- **Backyard Open Space:** Maintaining backyard open space as normally exists in single family areas was another very important aspect of the LWH concept in public consultations and is one of the Council-approved directions. The regulations in this report provide for situating LWH in the area already zoned for garage space, so that LWH does not intrude into backyard open space used for recreation, landscaping, and urban agriculture. The regulations also keep the LWH building to the same amount of site coverage as would otherwise be permitted for a garage.
- **Design:** The Council-approved directions specified allowing 1 and 1 ½ storey LWH to provide for a diversity of unit types, while also minimizing shadowing, privacy, and massing impacts. The proposed regulations define the ½-storey as 60% of the floor area of the main floor. This allows enough space for a studio or 1 bedroom unit on 33-foot wide lots, and up to 2 bedrooms on larger lots. Heights could be up to six feet more than are now permitted for a garage. Proposed guidelines further address aspects of privacy, massing, and shadowing of the upper storey. In developing design regulations staff were influenced by the models at the recent Home Show and the FormShift competition winner, in terms of the variety of roof forms, green roofs, and modular construction possibilities. All of these approaches would be allowed by the proposed zoning regulations and guidelines.
- **Parking:** Council directed that LWH regulations consider 1 and 2 parking spaces on 33-foot wide lots, and 1, 2, and 3 spaces on wider sites. This refers to minimum on-site parking requirements for the whole lot: main house, possible secondary suite, and LWH. The recommendation in this report is for a minimum requirement of 2 on-site spaces on all lots. Most existing houses are now required to have 1 space, with or without a suite. Adding a second space would be in recognition of the new LWH. With 2 parking spaces, it is possible, given the open space and height proposals described above, to accommodate, even on a 33-foot wide lot, up to a 1-bedroom unit, including some ground level living space (or a small all-ground-level studio).

As well as the recommendation for 2 parking spaces, this report includes a Consideration if Council wishes to also send a 1-parking space option to Public Hearing. This would not increase the permitted total LWH size, but would be a way to allow full living space on the ground floor. Engineering supports the 2 parking space recommendation, but not the 1-space option due to on-street parking impacts.

4. Green Building and Site

Green-oriented proposals include application to LWH of the single-family Green Homes Program requirements, which the Sustainability Office advises is the most green in North American; maintaining backyard open space and site permeability; requiring surface parking spaces to be permeable; adding new side yard and lane setbacks for additional planting;

requiring separated storm and sanitary sewers, including permitting rock pits for on-site storm water; and allowing for green roofs and for passive solar orientation.

5. Contributing to the Lane

LWH would provide living space and planting, where regulations otherwise permit garage and paving. This contributes to the appearance, 'greening', and safety of the lane.

The above package of LWH proposals has been discussed recently in a meeting with members of Vision Implementation Committees (these are neighbourhood groups set up after completing a *CityPlan* Community Vision, for follow through on program implementation), and a meeting with builders. Staff also will hold two public information open houses before the Public Hearing, as well as meet with additional stakeholder groups.

The proposals in this report are aimed at the majority of single family lots and lot sizes. There could be further work in future phases to add LWH to additional RS zones and to investigate other ideas that people have raised, such as thinner lots, lots without lanes, and zero lot lines - in addition to issues or ideas that arise through the monitoring which is part of this program.

PURPOSE

This report recommends that Council refer to Public Hearing amendments to the RS-1 and RS-5 District Schedules to implement LWH, along with consequential amendments to related sections of the Zoning and Development By-law, the Parking By-law, the Vancouver Building By-law (VBBL) and other by-laws and policies, and Laneway Housing guidelines. These amendments add this new land use and the regulations for it to be implemented.

BACKGROUND

Housing Initiatives Context

This report on laneway housing (LWH) is one of a number of initiatives that involve zoning amendments to further Council priorities on Affordable Housing and Sustainability, as well as directions contained in the EcoDensity initial actions. In addition to LWH, Council has referred to Public Hearing a report on Enabling Functional Basements, and will be receiving a report on secondary suites in apartments at the same time as this LWH report. All of these initiatives enable provision of mortgage helpers, rental opportunities, and a cost-effective means to co-locate with close family members (e.g. elderly parents) or caregivers. They provide greater flexibility, affordability, and long-term sustainability in the city's housing stock, and do so in a manner which provides little or no visible change in existing neighbourhoods.

History of Lane Houses

Housing on back lanes is not a new concept -- called coach houses, granny flats, accessory units, and infill housing. In Vancouver, there have long been 'RT' zones (mostly located in older higher density areas, such as Kitsilano, Mt Pleasant, Grandview-Woodland) that permit a form of lane housing called 'Infill'.

However, during the EcoDensity public dialogue in 2007-2008, people were envisioning a new form of lane housing that would be especially suited to the city's lower-density single family areas -- with more of the concept of a cottage on the lane that individual homeowners could add to their own property, while keeping their main house and maintaining backyard open

space. This new concept was embodied in an issues and options paper discussed with the public in the fall of 2008. In October 2008 Council approved a set of directions under several main themes, and directed staff to report back with the by-law and related amendments to implement these. This is the subject of this report. (See Appendix L for Council-approved directions.)

DISCUSSION

The following sections of this report are organized according to the by-law or policy which requires amending. Each Council approved direction is described, followed by proposals for implementing the direction, and a discussion section. Taken together, these amendments achieve the key themes identified in the issues and options paper: Affordability, Retention and Homeowner Opportunity, Livable and Neighbourly Units, Green Building and Site, Where LWH should be allowed, and Contributing to the Lane.

Appendix M provides conceptual diagrams of LWH siting and illustrative examples.

The Discussion section ends with commentary on tracking and monitoring and information on public and stakeholder consultation.

STRATA TITLE POLICIES AMENDMENT

AFFORDABILITY THROUGH RENTAL OR FAMILY ONLY

This section proposes amendments to the Strata Title Policies to include LWH.

Council Direction:

- Do not allow strata titling of the property when LWH is built, using the same mechanisms as for secondary suites in single family areas. This means that LWH will be used for family or rental, like a secondary suite.

Proposal:

- Add LWH to new Strata Title Policies (Recommendation J, Appendix J), and repeal existing Strata Title Policies.

Discussion:

Affordable rental housing is a key priority of Council and an issue raised by the public during LWH consultation. LWH can contribute to the rental housing mix and housing choice by providing small rental units in established neighbourhoods. Similar to secondary suites in single family houses, LWH is also a cost-effective way to co-locate with close family members, young and old, or serve as a mortgage helper. Like a secondary suite, over time and through different stages in a family cycle, a LWH may be used for a variety of these needs. Further, not allowing strata-titling helps with retention of existing houses in two ways: no strata titling means no upgrades are required to the main house, and rental tenure helps to moderate land value increases.

The current and proposed Strata Title Policies require registration of a section 219 covenant to prohibit strata titling of newly constructed space without consent of the City. This mechanism is currently used for all legal secondary suites, to ensure that they are not strata titled and remain available for rental. The proposal is to add the laneway housing use to this Policy. The covenant is prepared by City staff, and processing time is about 1 - 2 weeks; the

LWH would be defined as a detached one-family dwelling constructed in the rear yard of a site containing a one-family dwelling or a one-family dwelling with secondary suite. It is recommended that LWH be allowed on 10.0m (33') lots and wider, and on lots with an open lane (or a corner site with a lane dedication, or a double fronting lot).

HOW-TO OF LWH: REGULATIONS, GUIDELINES AND THE LWH GUIDE

Council Directions:

- Develop user-friendly permit process with a view to balancing flexibility and quality of design.
- Develop a homeowner manual.

Proposals:

- Apply a modified 'outright' approval process: a combination of outright regulations for measurable aspects (e.g., height, setbacks, size), and accompanying guidelines for qualitative aspects (e.g., landscaping; upper storey impacts on shadowing, overlook, and massing).
- Develop a user-friendly homeowner manual, or *Laneway Housing Guide*, to contain guidelines and serve as explanatory notes for regulations.

Discussion:

The next sections of this report explain the proposed LWH Zoning amendments, referring to both regulations and guidelines. Provided below is some background on the application of these regulations and guidelines and the proposed process.

The challenge for LWH is to make a process which is homeowner-friendly (akin to the 'outright' process used for most single family principal houses), but that is also sophisticated enough to allow for a variety of design expressions and address impacts on neighbouring properties (especially impacts which can arise from a building somewhat taller than a garage).

To address this challenge, staff proposes a process specifically tailored for LWH in single family areas. The proposed process will be a user-friendly combination of outright regulations and accompanying guidelines which together ensure quality and allow for flexibility of design (from traditional to modern), as follows:

- **Outright regulations:** The outright approach (as used in RS-1, which is most of the single family zoning in the city) has specific measurable regulations. These regulations enable a streamlined process for homeowners and provide certainty for homeowners and neighbours on issues like height, size, and backyard open space.
- **Guidelines:** Guidelines that accompany the regulations provide further direction on more qualitative aspects. However, since most single family zones do not have guidelines for the main house, the LWH guidelines would not involve review of architecture details (e.g., architectural character), nor would there be notification of neighbours, as sometimes occurs in zones with guidelines. The LWH guidelines would focus mostly on ensuring that height above garage height is compatible in terms of shadowing, overlook, and massing. (More detail is provided in a following section on Unit Height, Type, and Design.)

Both the guidelines and an explanation of the regulations would be included in an anticipated *Laneway Housing Guide* (to be finalized following Council approval). This would help homeowners and designers assess whether or not their lot is eligible for a LWH, how to navigate the process, and what to consider when siting and designing their LWH.

WHERE ON THE SITE - BACKYARD OPEN SPACE, SETBACKS AND PERMEABILITY

Council Directions:

- Retain currently required backyard open space: develop regulations for LWH within the garage area.
- Retain site permeability, in keeping with existing single family regulations.
- Require and/or enable planting between lane and LWH - e.g., an unpaved setback between lane and LWH.

Proposals:

- Restrict the LWH to the garage area (i.e. the rear 7.9m / 26' of the site).
- Require a minimum distance of 4.9m (16') between the main house and the LWH; (for typical houses and lots this distance would be about 9m (29'); this minimum would ensure that a reasonable amount of backyard open space remains even in cases of shallow lots, and main houses that are long or have unusual siting).
- Require the LWH (dwelling unit and enclosed parking) footprint not to exceed the maximum allowable garage footprint as specified by the relevant district schedule, thereby maintaining site permeability.
- Require LWH to be subject to the same sideyard setbacks as those required for the main house.
- Require the LWH to be set back by a minimum of 0.6m (2') from the rear property line at the lane.
- Provide guidelines for landscaping in the setbacks, and types of permeable surface treatments, as well as tree retention.

Many of these proposals are illustrated in Appendix M.

Discussion:

Current regulations for single family areas require a certain percentage of the lot to be 'backyard area'. Within this area there is designated garage/parking area, namely, the rear 7.9 m (or 26 feet) of the site. The remaining space between the garage/parking area and the main house is the backyard open space. The preservation of this backyard open space was seen as a key consideration for the development of a LWH model appropriate for existing single family neighbourhoods. Backyard open space is valued as space for outdoor living, gardening, urban agriculture, biodiversity and permeable area. Accordingly, proposed regulations preserve existing backyard open space by restricting LWH to the rear 7.9 m (26') of the site. It is further proposed that a minimum backyard open space of 4.9m (16') be required between the main house and the LWH. For typical houses and lots, this distance would be about 9m (29'); the 4.9m minimum ensures provision of a reasonable amount of backyard open space even on shallow lots or lots with longer than typical main houses.

The allowable location of LWH is further restricted by sideyards, which would be required to be the same as those provided for the main house. It is also proposed that LWH be set back from the rear property line at the lane by a minimum of 0.6m (2'), to allow for planting along the lane, an important element in permeability and 'lanescape'.

Lastly, in order to ensure no net loss of existing permeable area, it is proposed that the LWH footprint (the ground area covered by the LWH building including the living unit and any enclosed or covered parking/accessory uses) not exceed the maximum allowable garage footprint and regulations for site coverage and permeability as specified by the relevant district schedule.

UNIT HEIGHT, TYPE AND DESIGN

Council Directions:

- Develop regulations for 1 and 1 ½ storey LWH to allow for a variety of unit sizes and types (including exploring maximum height for 1 ½ storey, roof design, orientation, upper storey windows etc.).
- Require and/or enable the LWH structure to contribute to the lane.
- Develop zoning regulations that would not preclude the future addition of green features such as solar panels and encourage passive design where possible.

Proposals:

- Allow a maximum of 1 ½ storeys with maximum heights of 5.5m-6.1m (18'-20'), about 1.5m-1.8m (5'-6') above existing maximum garage heights; limit the upper storey to 60% of the main floor area and allow for a variety of roof forms such as pitched, flat, shed.
- Provide guidelines for:
 - Enhancing the relationship to the lane, e.g. permeable, landscaped setback.
 - Locating upper storey massing, windows, and dormers to reduce shadowing, overlook and perceived scale.
 - Allowing LWH orientation for passive energy performance.

Many of these proposals are illustrated in Appendix M.

Discussion:

During public consultation last fall, many people favoured the 1 ½ storey option for the opportunity to combine both a one or two bedroom unit and parking. With a 1 ½ storey structure it is possible to meet both the recommended parking minimum of two cars (see Parking section of this report) and produce a variety of unit types and sizes to satisfy various housing needs. Unit types may range from studio and one bedroom units on 10.0m (33') lots to studio, one and two bedroom units on larger lots. Two bedroom units are suitable for two unrelated renters (particularly students) or for a small family.

In developing design regulations staff were influenced by the models at the recent Home Show and the FormShift competition winner, in terms of the variety of roof forms, green roofs, and modular construction possibilities. All of these approaches would be allowed by the proposed zoning regulations and guidelines.

Proposed height regulations for the 1 ½ storeys will allow a variety of roof forms (e.g., pitched, flat, shed), while ensuring that the overall scale of the building is modest and neighbourly. Height regulations proposed reflect a maximum of a 1.5m (5') increase above current allowable garage heights for a traditional roof, and 1.8m (6') for a flat roof. The maximum ridge height possible for any roof would be 6.1m (20'), while current garages are allowed to a maximum of 4.6m (15 ft.). For comparison, the maximum height for the main house in RS-1 and RS-5 is 9.2m (30 ft.) and 10.7m (35 ft.) respectively.

To reduce impacts on neighbouring properties, the upper level would be limited to 60% of the main floor. In addition, the proposed guidelines for upper storey roof design, windows, and roof decks address massing, shadowing and privacy. These upper storey guidelines are intended to limit the height of the LWH building on the face adjacent to backyard open space, in order to enhance solar access and also to limit the sense of scale as perceived by the main house and by neighbouring backyards. Also, upper storey massing guidelines would step the building back on the upper level for flat roof designs and limit the maximum eave height and dormer extent for more traditional pitched roofs.

Upper storey windows facing the garden and sideyards would be limited for privacy and overlook. Upper storey windows would be primarily located facing the lane. Indeed many of the LWH controls for upper storeys are intended to emphasize the lane as a primary outlook and orientation. This approach also carries over to upper level decks, which will be allowed, and would be limited in size to no more than 8m² (86sq.ft.) and will be required to face the lane, not the backyard or neighbouring garden. The guideline regarding passive energy orientation is in addition to other green requirements in this report, such as permeability, and the Green Homes Program (see Building By-law section).

UNIT SIZE MAXIMUM and MINIMUM

Council Direction:

- Set a maximum unit size for LWH to balance achieving livable and diverse housing, while minimizing any land value and redevelopment impacts.

Proposals:

- Set a maximum unit size based on lot size, to a maximum of 70m² (750 sq. ft.). This allows for a 46.5m² (500 sq.ft.) studio and 1 bedroom units on 10.0m (33') lots and up to 70m² (750 sq.ft.) 2 bedroom unit on wider lots (illustrated in Appendix M).
- Set a minimum size of 26m² (280 sq.ft.) (relaxable to 19m² /205 sq.ft.).

Discussion:

Some concern was expressed during the public process that LWH could increase land values to the point where demolition of existing houses results. The recommendations in this report address this concern in a number of ways (e.g., no strata titling). This concern also leads to proposed regulations to limit LWH unit size. LWH floor space would not be included in or added to the floor space ratio allowed for the principal house, but rather be considered as a separate floor area that reflects the size of the lot, as is currently done with garages.

The proposed regulations have been set to allow a maximum of a 46m² (500 sq.ft.) LWH dwelling unit (typically a one bedroom) on a 10.0m (33')-wide lot, and a 70m² (750 sq.ft.) LWH dwelling unit (typically a two bedroom) on a 15m (50')-wide lot. LWH on larger lots would also be limited to a maximum of 70m². These regulations allow for a range of viable unit types and sizes, yet are not seen to significantly affect property values. (It should be noted that these unit size limits refer to living space only and do not include any enclosed parking/accessory uses. The total footprint of the LWH and enclosed parking is the same as a garage; it is controlled by regulations in the "Where on Site" section.)

A minimum unit size of 26m² (280 sq.ft.), relaxable to 19m², (205 sq.ft.) is proposed to allowing for very small laneway houses. This size of unit is in keeping with secondary suites within apartments currently allowed elsewhere in the city (e.g. Fraser Lands); livability would

be aided by adjacency to ground floor open space. This minimum is to assist with affordability and flexibility.

PARKING BY-LAW AMENDMENTS

This section contains parking by-law amendment proposals for LWH related to the following sub-topics:

- Number of On-Site Parking Spaces
- Permeability of Surface (Outdoor) Parking

This section relates to Recommendation C and Consideration A; the proposed by-law amendments are in Appendix C and Appendix K.

NUMBER OF ON-SITE PARKING SPACES

Council Direction:

- Develop regulations that would work with 1 and 2 parking space configurations on 10.0m (33') wide lots and 1, 2 and 3 parking space configurations on wider lots. Do not explore further: 0 spaces; 3 spaces on 10.0m (33') lots; or tandem configuration, as parking space would encroach into backyard space.

Proposal:

- Recommended: require a minimum of 2 on-site parking spaces for all lot sizes

OR

- Consideration: that two parking options be referred to Public Hearing: a requirement for a minimum of 2 on-site parking spaces and a requirement for a minimum of 1 on-site parking space;

Discussion:

Parking requirements discussed here refer to minimum requirements for on-site parking spaces for the entire lot: main house with or without secondary suite, and LWH. The current parking requirement for most existing houses is one parking space on site, with or without a secondary suite. For homes developed after 2004 with a secondary suite, the requirement is one parking space per unit, for a total of two parking spaces.

The Council approved direction for LWH of 1 and 2 parking spaces on 10.0m (33') wide lots, and 1, 2 and 3 parking spaces on wider lots was a key factor in the development of LWH options. Through design exploration in collaboration with Engineering, staff recommends requiring a minimum of 2 on-site parking spaces for all lot sizes. This minimum would apply for the LWH and the principal dwelling, regardless of the existence of a secondary suite in the main house. This is the maximum parking that could fit on a 10.0m/33 ft-wide lot while still providing for a 1-bedroom LWH contained within 1 ½ storeys.

However, there are three key objectives to be balanced - parking, ground floor living space, and backyard open space. Exploration of alternatives has shown that there are tradeoffs among these objectives, in particular for the very prevalent 10.0m (33') lots. On a 10.0m/33' lot, the two car requirement leaves much less space for ground floor living, when the backyard open space is respected, as per Council direction. Both parking and a livable unit

may be achieved with a 1 storey structure, but the unit size and configuration would be constrained to a small studio. (These design options are illustrated in Appendix M). (However, the Director of Planning has authority to relax parking requirements for units that voluntarily meet universal design requirements. For LWH this means that a 2-parking space requirement could be relaxed to 1 space, to allow room on a 33-ft wide lot for the complete LWH on one storey, without needing stairs to an upper floor.)

During LWH consultations last fall and more recently, staff heard strong support for retaining backyard open space as exists now, but heard a great diversity of opinions regarding the amount of parking to be provided on a single family lot. While there was strong support for the provision of some parking on site, some people wanted less emphasis on provision for cars for environmental reasons and to provide for ground floor accessible units, and more emphasis on the provision of housing. Others were concerned about the difficulty of finding convenient on-street parking

Because of this diversity of opinion, a consideration item is proposed: reduce the required parking minimum to one space, thereby allowing more ground floor area and single storey options. This would enable a homeowner to choose between providing the full allowable unit size at grade or in a 1 ½ storey design. The option to provide more than the minimum amount of parking would remain available to the homeowner. The Consideration item "A" refers both 1 and 2 parking spaces to Public Hearing for further input from the public on this topic, and gives Council the opportunity to decide on the priority of these objectives.

Engineering supports the proposal for a minimum of 2 required off-street spaces, but does not support having only 1 required off-street space. The 1 space option is a lower standard than currently exists in single-family areas, noting that the current standard already exempts secondary suites from parking when the suite is in an existing house (prior to 2004). Many existing RS-1 and RS-5 areas have on-street parking demands that require parking management programs, such as the Residential Parking Only and Residential Parking Permits restrictions. These programs are intended to protect residents from the parking pressures of non-residents, such as commuters or commercial/retail businesses. The tools in place do not work well if the competition for street space is resident based. Increasing floor space to an area without addressing on-site parking needs will put pressure on and reduce on-street parking availability for the existing residents. From our experience in neighbourhoods with parking pressures, this will create conflict for residents who are not benefiting from the laneway housing developments adjacent to their properties.

Staff note that analysis regarding the pace of LWH development suggests it would be gradual - the equivalent of about 1 house per block every 3 ½ years on average. Recognizing uncertainty in future transportation preferences and transit options, as well as the role LWH will play, the provision of parking spaces will be monitored as part of the tracking and monitoring proposed later in this report.

A note on parking for LWH and parking for secondary suites in apartments: Council is receiving two reports at the same Council meeting that include new rental opportunities- i.e., this report on LWH and a report on permitting secondary suites in apartment buildings in existing C-zones along arterials and existing Downtown zoning. While the parking recommendations are different in each report, they follow a consistent approach, as follows:

- For the secondary suites in apartments, no additional parking is proposed. This is because the total amount of building on the site is not increasing.
- For LWH, an additional parking space is being proposed versus what would otherwise be required on most sites. This is because the total amount of built space on the site is increasing. Thus, the recommendation for 2 parking spaces means, for most houses, that 1 additional space would be required with the new LWH. (The Consideration of 1 space instead of 2, would mean adding built space without adding extra parking -- although there are other variables to consider such as more on-street parking availability in many single family areas than in apartment zoned areas).

PERMEABILITY OF SURFACE (OUTDOOR) PARKING

Council Direction:

- Require permeable surface treatment where surface parking and driveway is permitted (as opposed to a garage or carport).

Proposal:

- Require surface parking to be permeable

Discussion

This amendment is proposed to ensure that the addition of a laneway house does not impact on site permeability by keeping surface parking permeable.

BUILDING BY-LAW AMENDMENTS

This section contains Building By-law amendment proposals for LWH related to the following sub-topics:

- Building By-law Upgrades to the Main House
- Fire Department Access
- Universal Design
- Green Homes Program
- Garage Conversions

This section of the report relates to Recommendation D; the proposed by-law amendments are in Appendix D.

BUILDING BY-LAW UPGRADES TO THE MAIN HOUSE

Council Direction:

- Require LWH to be family or rental -- do not allow strata titling of the property when LWH is added. This means upgrades would not be required to the main house.

Proposal:

- Confirm in the Building By-law that no upgrades to the existing house will be triggered by adding LWH.

Discussion:

This clause has been added to give homeowners who are contemplating adding LWH to their property assurance that no Building By-law upgrades will be required to the existing house (unless a renovation or alteration is done to that building). This is intended to support

retention of the existing home and deal with homeowners concerns that their existing house would need to be brought into conformance with the current Building By-law.

Retention was a very significant issue in the public consultations about LWH. A variety of measures have been taken in the LWH regulations to assist in retention (e.g., maximum unit size for LWH; not allowing strata titling; fire access adjustments). This particular measure of not requiring upgrades to the main house is a key measure that assists in both retention and in enabling homeowners to actually build a LWH. Staff did contemplate requiring green retrofits to the main house; however, because of cost analysis and homeowner disruption issues, it was realized that this would make it much less likely that a homeowner would undertake adding a LWH while maintaining their existing house.

Furthermore, since demolition of existing houses in single family areas occurs through the usual rate of replacement of the main house, staff have initiated interdepartmental discussions about how to improve retention more generally, to recognize embodied energy, and will report back to Council separately on the broader issue.

FIRE DEPARTMENT ACCESS

Council Direction:

- Prepare amendments to the Building By-law regarding fire access and safety requirements, as described in this report.

Proposals:

- Require a paved, continuous path of travel that connects the street to the lane and is at least 900mm wide, with a minimum 3.0m overhead clearance, and a travel distance not more than 45m measured from the street to the principal entrance of the LWH.
- Require enhanced sprinklering in the LWH -- to include small bathrooms, closets and pantries.
- Require a strobe light at the LWH entrance that is electrically interconnected to the internal smoke alarm.
- Require the LWH to have a separate address that is visible from the street.

Discussion:

Achieving fire department access to LWH is a challenge for a number of reasons. The majority of lots are 10.1m (33') wide. This lot width, combined with current fire department access and side yard requirements can pose a significant constraint in those cases where LWH is added to a property with an existing home that is retained. To respond to these constraints, staff developed a package of amendments that combine to achieve adequate fire department access, noting that all emergency response occurs from the street, not the lane. While the amendments include an access path with a significantly reduced width, this is to be provided in conjunction with a series of mitigating features to offset the requirement for more onerous fire department access requirements that are currently mandated by the By-law. These features include improved access path design, enhanced sprinkler protection, and improved identification of the LWH location for emergency responders.

Sprinklering has been a requirement for all new one and two family dwelling units since 1990, and the enhanced sprinklering that is an essential component of the safety and fire protection package for LWH includes sprinkler heads in small spaces such as closets and small bathrooms. The improved identification includes the requirement that the LWH address be visible from the street (on a gate or post at the front of the main) house, and a requirement for an

exterior strobe light that is electrically interconnected with the smoke alarm in the LWH. The increased sprinkler protection helps to reduce the risk of a fire condition in the LWH while the strobe light and address features assist fire fighters in locating a fire condition should it occur.

UNIVERSAL DESIGN

Council Direction:

- Develop regulations for universal design where possible, e.g. height of electrical outlets; lever-type door handles, etc.

Proposal:

- Staff is currently investigating appropriate requirements for all new one and two family dwellings, including LWH. This will be the subject of a separate report to Council in 2009.
- (The Director of Planning already has authority to relax parking requirements for units that voluntarily meet universal design requirements. For LWH this means that a 2-parking space requirement could be relaxed to 1 space, to allow room on a 33-ft wide lot for the complete LWH on one storey, without needing stairs to an upper floor.)

Discussion:

Universal design features would help make LWH suitable for a variety of users, including the elderly. The work underway in the Chief Building Official's office will result in universal design features that will be required for all newly constructed one and two family dwellings, LWH, and apartment units. Meanwhile, the Director of Planning relaxation authority provides an option for assisting with this issue for those who decide to build universal design.

GREEN HOMES PROGRAM

Council Direction:

- Require LWH to meet the high standards for all single family homes set by the City's new Green Homes Program, with some adaptations where appropriate in relation to the size of building, as described in this report.

Proposal:

- Apply the high standards of the Green Homes Program requirements to all LWH including modular construction, but require a fan instead of a heat recovery ventilator (HRV), and waive the requirement to install pre-piping for renewable energy which is not needed because of ease of access to the roof on LWH.
- Apply regulations and guidelines that also allow for additional green features, such as green roofs and passive solar.

Discussion:

The Green Homes Program promotes energy efficient design and construction best practices in North America in one and two family dwellings. Staff recommends the Green Homes Program apply to LWH but also propose adaptations to recognize the small size of LWH, and to aim for greater affordability (recognizing that fixed costs result in higher per square foot costs). Adequate ventilation can be achieved in LWH with an energy efficient, low velocity bathroom fan that runs at all times. This fan costs considerably less than a HRV, and is built into the ceiling, taking up no space. Further, because roof access for rooftop energy is easily achieved in LWH, pre-piping is not required. The regulations and guidelines do provide for green roofs and passive solar applications.

GARAGE CONVERSIONS

Council Direction:

- There is no specific Council direction; staff reviewed this item in response to inquiries from the public.

Proposal:

- Allow conversions that meet the current requirements applied to new construction, while investigating relaxations to facilitate conversions.

Discussion:

The proposed Building By-law amendments apply to the construction of new laneway houses only; relaxations or exemptions to facilitate the conversion of an existing garage to a laneway house will be investigated as part of an overall review of requirements for conversions, planned for 2010. At this time, conversions undertaken will need to meet the requirements of new construction.

SEWER AND WATERCOURSE BY-LAW AMENDMENTS

SEPARATED SEWER SYSTEMS AND ON-SITE STORMWATER MANAGEMENT

Council Direction:

- Require separated storm and sanitary sewage connections for LWH, as would be required for any new housing.
- Investigate ways to deal with roof runoff other than piping into stormwater/sewer system; e.g., rock infiltration pits; collection in rain barrels.

Proposals:

- Apply residential installation rates (rather than commercial rates) so that LWH is treated the same as a single family dwelling or a single family dwelling with secondary suite;
- Require separated stormwater and sanitary sewers, as for all new residential construction since 1985, and accept installation of a rock pit as a way of managing stormwater on site, instead of a separate stormwater sewer;
- While excavating adjacent to the main house, homeowners be encouraged to include a stormwater sewer system to pick up roof runoff from the main house if the main house does not already have this.

This section of the report relates to Recommendation E; the proposed by-law amendments are in Appendix E.

Discussion:

The current Sewer By-law has rates for residential and commercial installations. These rates are based on recovering the cost of City services provided. The more costly commercial rates apply when there are 3 or more dwelling units on a lot, and are due to the higher cost of rebuilding commercial grade sidewalks, curbs, gutters, and pavement after sewer connection. In some cases, the LWH would be the 3rd dwelling unit on a site, along with the principal dwelling unit and a secondary suite. However, because LWH will occur only in residential rather than commercial areas, staff propose By-law amendments that treat the addition of LWH, when it is the 3rd dwelling unit, as a residential installation, not triggering the higher cost.

With respect to roof runoff, an alternative to installing a stormwater sewer system is installing a rock pit; which is chosen depends on factors such as site and soil conditions. Currently, rock pits are permitted to be used for roof runoff for garages, and the experience over the last several years they have been allowed has been positive. Because the LWH footprint will not exceed that of a garage, staff proposes to allow and encourage those adding a LWH to use rock pits to deal with roof runoff. (Rock pits will not be required as they are not suitable for all soil conditions.)

By managing stormwater on-site, a rock pit has a number of benefits. From an environmental perspective, rock pits help recharge ground water. From a city-wide perspective, rock pits help reduce the flows directly into the sewer system. Installing a rock pit has benefits for homeowners as well. Rock pits are easy and inexpensive to install, and work well where soils are porous. They are preferred where the grade of the lot relative to the depth of the sewer mains would necessitate pumping in order to achieve drainage; pumps add expense to the system, and pumps can malfunction.

Currently, the addition of a LWH does not trigger any requirements for upgrades to the plumbing system of the existing house, and no changes are proposed to this. However, staff notes that the addition of a LWH provides a good opportunity to reduce the amount of stormwater runoff from the main house, and would contribute significantly to the objectives of green site and building. For principal dwellings built before 1985, the roof runoff is typically routed directly into an on-site combined sanitary/storm sewer. As with the LWH, there are important environmental and city-wide benefits from routing the roof drainage into a separated sewer, and it is a City objective to reduce the overall impact of stormwater on the sanitary sewer system. There are also benefits to the homeowner, related to extending the life of the existing drain tile system. Staff propose to encourage (not require) homeowners adding a LWH to include storm sewer piping around the main house, where excavation is needed to install water and sewer to the LWH.

WATERWORKS BY-LAW AMENDMENTS

Council Direction:

- There is no specific Council direction; staff reviewed this item due to potential cost implications.

Proposal:

- Apply residential installation rates.
- Do not require a water meter so that LWH is treated the same as a single family dwelling or a single family dwelling with secondary suite. (Apply Council's future decisions on water meters for single family, to LWH also, as determined appropriate as part of a separate upcoming report.)

This section of the report relates to Recommendation F; the proposed by-law amendments are in Appendix F.

Discussion:

The current Waterworks By-law has two provisions that apply when there are 3 dwelling units per property, with cost implications for LWH in those cases where LWH would be the 3rd dwelling unit on a site.

The first cost implication is that commercial connection rates apply when there are 3 or more dwelling units on a site. As with sewers, this higher cost is due to the higher grade of, for example, sidewalks and curbs that are more costly to rebuild after the water connection work. Because LWH will occur in a residential context, staff propose to amend the Waterworks By-law to not trigger the higher cost.

A second cost implication is that three units on one lot currently initiate the requirement for a water meter. The proposed amendment would result in not triggering this requirement, so that LWH would be treated the same as a single family dwelling or a single family dwelling with suite. Water meter costs would be higher on a square foot basis for a LWH due to its small size, and staff has been conscious of ensuring that LWH regulations are not more onerous than for a larger main house due to economic feasibility analysis of LWH. Staff is preparing a separate report to Council on the topic of water metering more generally and Council's decision would apply to LWH as considered appropriate at that time.

Staff notes that the addition of a LWH will not trigger upgrades to the water system of the main house for reasons as discussed earlier in this report under Building By-law amendments, in the section on "buiding upgrades to the main house."

SOLID WASTE BY-LAW AMENDMENTS

Council Direction:

- There is no specific Council direction; staff reviewed this item to include the new LWH land use in the Solid Waste By-law.

Proposal:

- Add LWH to uses which receive recycling and yard waste services. (Garbage services are already covered; no amendments in this regard are required.)

This section of the report relates to Recommendation G; the proposed by-law amendments are in Appendix G.

Discussion:

Recycling and yard waste services are delivered to a number of residential uses, including "houses". Houses are defined to include any single family dwelling, which in turn is defined as including a single family dwelling and a single family dwelling with secondary suite. A definition change is recommended to include a LWH in this definition.

VANCOUVER DEVELOPMENT COST LEVY (DCL) BY-LAW and the AREA SPECIFIC DEVELOPMENT COST LEVY BY-LAW AMENDMENTS

Council Direction:

- There is no specific Council direction; staff reviewed this item to ensure that this new residential use contributes to paying for amenities needed as neighbourhoods grow, as noted in the October 2008 issues and options paper.

Proposal:

- Amend both the Vancouver DCL By-law and the Oakridge Langara Levy Area in the Area Specific DCL By-law to include LWH and a levy for this use.

This section of the report relates to Recommendations H and I; the proposed by-law amendments are in Appendices H and I.

Discussion:

Just like all new development in the City, including single family housing, LWH would pay DCLs, which, for single family and other lower scale development, are currently \$1.75 per square foot. DCL revenue helps pay for the capital costs of amenities needed for new population, such as parks, park improvements, daycare, social housing and transportation projects including greenways and bikeways. Due to the small size of LWH, the cost to the homeowner of contributing to providing for amenities needed by a growing population is small (a cost of about \$875 for the maximum size LWH on a 10m/33' wide lot and a cost of about \$1300 for the maximum size LWH allowed).

OTHER COUNCIL DIRECTIONS

TRACKING AND MONITORING

Council Directions:

- Require tracking and monitoring - with a report back to Council after 3 years or 100 projects, whichever is first.

Proposal:

- Develop a system to track and monitor LWH projects related to rates of retention and size, height, massing and design quality, etc., as noted below.

This section of the report relates to Recommendation K.

Discussion:

Monitoring was initially proposed for retention and size, height, massing and design quality. Staff proposes to use existing City systems and other methods to track the following key variables:

- locations of LWH projects (geographic distribution)
- pace of development
- part of a site redevelopment or added to an existing house (retention or redevelopment)
- size of LWH (including enclosed parking area), massing, quality of design
- size and type of dwelling unit (no. of bedrooms)
- nature of parking provided (small car or reg. size, enclosed, surface or carport), parking impacts
- green site and building features (e.g. green roofs, 'waterwise' landscaping)

Tracking will commence as the first application is received, and include analysis of both the development applications as well as built LWH. Staff will report back the earlier of 100 projects or 3 years, or sooner should unintended consequences arise.

CONSULTATION AND INFORMATION

Council Direction:

- Further consult with the public, neighbourhoods and stakeholder groups including Vision Committees, on height, type and parking options, prior to by-law preparation.

Proposal:

- In addition to the public processes completed as part of EcoDensity and as part of the development of the issues and options paper last fall, meet with the public and stakeholder groups - as described below.

Discussion:

During this phase of LWH regulation development, staff met with members of the City's Vision Implementation Committees (29 individuals on May 14, 2009; these are neighbourhood groups set up after completing a *CityPlan* Community Vision, for follow through on program implementation), and with a small group of builders and architects who are actively interested in building LWH (18 individuals on May 26, 2009). At both of these meetings, staff presented the proposed regulatory changes, received comments and answered questions. Due to the shortened time frame for preparation of the LWH regulations, the intent of these meetings was primarily to provide information, although suggestions were also received.

In addition, two public information open houses are scheduled for the end of June, and staff plan on meeting with the VCPC and other stakeholder groups to present the proposed changes and answer questions.

FINANCIAL IMPLICATIONS

There are no financial implications to the City.

One of the key aspects that staff investigated is financial implications for the homeowners wanting to add LWH, and their neighbours. Related to property taxes, there are two aspects of property assessments: the building and the land. For the homeowner adding a LWH, they would expect a higher assessment of the actual building on their site, just as if they made any other significant renovation/improvement to their home. However, for property values, the objective has been to maintain stable property values. This is to avoid property tax increases for people not adding LWH, and also to aid in retention of existing houses when LWH is added.

Financial analysis has indicated that stable property values and retention of existing houses is assisted by allowing LWH city-wide, instead of in only a few areas; by setting a maximum unit size for LWH; and by not permitting strata titling. Analysis suggests that LWH will be economically feasible to build, but not be a big 'money-maker'. This should yield LWH units, while at the same time minimizing impacts on property values and property taxes, and also make LWH a unit that an existing homeowner would add while maintaining their existing house.

Because of the limited financial return expected from LWH, and because of its small scale (meaning certain fixed costs are higher on a per square foot basis), staff has also taken steps related to other City requirements, to assist the homeowner by minimizing costs where possible and where the same objectives can be achieved in other ways, such as adapting some of the Green Homes Program requirements; not requiring upgrade of the existing main house; and providing for residential installation rates for sewer and water.

PERSONNEL IMPLICATIONS

Existing processing staff is expected to be able to handle the volume of applications.

CONCLUSION

The zoning and other amendments proposed in this report allow for the development of a new type of lane housing, designed to fit into single family areas. This first phase of amendments applies to RS-1 and RS-5 and covers most single family lots in the City. Generally, the amendments help meet Council priorities for affordability and increased rental opportunities. More specifically, the amendments include provisions to not allow for strata-titling which assists with both rental and with the retention of existing homes. LWH could be built on most single-family lots in the City, within the area where a garage is typically located, while preserving backyard open space. Both 1 and 1 ½ storey options are possible, and staff is forwarding 2 options for on-site parking: a recommendation for 2 spaces on site, and a consideration item of 1 space on site, recognizing tradeoffs between backyard open space, parking and building size and massing. Amendments are also included related to green building and site features and the relationship of the LWH to the lane.

* * * * *

PROPOSED AMENDMENTS TO THE ZONING AND DEVELOPMENT BY-LAW

Laneway houses

Draft for public hearing

BY-LAW NO. _____

**A By-law to amend
Zoning and Development By-law No. 3575
regarding laneway houses**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Zoning and Development By-law.
2. To section 2 after the definition of "Infill Two-Family Dwelling" under the definition of "Dwelling Uses", Council adds:

"Laneway House means a detached one-family dwelling constructed in the rear yard of a site on which is situate a one-family dwelling or one-family dwelling with secondary suite."

3. From section 3.2.1(g)(i), Council strikes out "a one-family dwelling, two-family dwelling, or one-family dwelling with secondary suite", and substitutes "a one-family dwelling, two-family dwelling, one-family dwelling with secondary suite, or laneway house".
4. From section 10.15.3, Council strikes out "a one- or two-family dwelling or multiple conversion dwelling", and substitutes "a one-family dwelling, two-family dwelling, multiple conversion dwelling, or laneway house".
5. After section 11.23, Council adds:

"11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 A laneway house is not permissible except on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane;
or

- (c) a double-fronting site served by a street at both the front and rear of the site.
- 11.24.3 The width of a site on which a laneway house is situated must be at least 10.0 m.
- 11.24.4 Subject to sections 11.24.5 and 11.24.6, the height of a laneway house must not exceed:
- (a) 6.1 m to the ridge of a gable, hip, or gambrel roof;
 - (b) 5.5 m to the highest point of a flat roof; or
 - (c) 5.8 m to the highest point of a shed or arched or butterfly roof.
- 11.24.5 If a laneway house does not include dwelling space located above an accessory parking area, the height of the roof over the accessory parking area must not exceed the maximum height for accessory buildings under the applicable district schedule.
- 11.24.6 A laneway house must not exceed one storey and a partial second storey that does not exceed 60% of the footprint of the laneway house and does not include exclusions allowed by the Director of Planning under section 11.24.16.
- 11.24.7 A laneway house may have a basement which the calculation of the floor area is to include.
- 11.24.8 The location of a laneway house must be:
- (a) within 7.9 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.6 m from the rear property line at the lane; and
 - (d) a distance from each side property line equal to the required side yards for the site.
- 11.24.9 The width of a laneway house must not exceed that permitted for an accessory building under the applicable district schedule.
- 11.24.10 The projections into required yards regulated under section 10.7 apply to the location of a laneway house under sections 11.24.8 and 11.24.9.

- 11.24.11 The floor area of a laneway house, not including enclosed or covered parking spaces, must not exceed the lesser of:
- (a) 0.125 multiplied by the site area; and
 - (b) 70 m².
- 11.24.12 Despite section 10.21, the floor area of a laneway house must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning is satisfied that the design and location of the unit provides satisfactory living accommodation, having regard to the type of occupancy proposed.
- 11.24.13 Floor area used for off-street parking or loading, bicycle storage, or accessory uses that support urban agriculture must not exceed 21 m² on a site of 740 m² or less or 42 m² on a site of more than 740 m².
- 11.24.14 Computation of floor area for a laneway house must include:
- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
 - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
 - (c) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.
- 11.24.15 Computation of floor area for a laneway house must exclude:
- (a) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
 - (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;

- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,
 - (iii) the total excluded area does not exceed 3 m², and
 - (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000; and
- (e) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

11.24.16 Computation of floor area may exclude, at the discretion of the Director of Planning, if the Director of Planning first considers all applicable policies and guidelines adopted by Council:

- (a) open residential balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if:
 - (i) the total area of all open balcony, sun deck, or roof deck exclusions does not exceed 8 m², and

- (ii) the open balconies, sundecks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.14(c), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.11, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor space; and
- (d) despite section 11.24.14(c), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor space allowed under section 11.24.11, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor space.

11.24.17 The Director of Planning may relax sections 11.24.4 and 11.24.8 (a), (c), and (d) if:

- (a) the relaxation would assist in addressing issues arising from site topography or other site conditions;

(b) the Director of Planning first considers:

- (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council, and
- (ii) the effects on neighbouring properties.

11.24.18 Section 4.8 of each of the RS-1 District Schedule and RS-5 District Schedule applies to a laneway house."

6. To the first sentence of section 1 of each of the RS-1 District Schedule and RS-5 District Schedule, after "suites", Council adds "and laneway houses".

7. Council repeals section 2.2A(c) of the RS-1 District Schedule, and substitutes:

"(c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 30% of the minimum rear yard prescribed in this Schedule, or 48 m², whichever is the greater, except that:

- (i) floor area previously excluded from existing development pursuant to section 4.7.3(c), and
- (ii) the floor area of a laneway house,

shall be deducted from the total allowable accessory building floor area;" .

8. Council repeals section 2.2A(c) of the RS-5 District Schedule, and substitutes:

"(c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than the area given by the following formula except:

- (i) this area need not be less than 48 m², and
- (ii) the floor area of a laneway house shall be deducted from the total allowable accessory building floor area;" .

9. To section 3.2.1.DW of each of the RS-1 District Schedule and RS-5 District Schedule, after:

"● One-Family Dwelling with Secondary Suite."

Council adds:

"● Laneway House, subject to the provisions of section 11.24 of this By-law."

10. In section 4.7.3 of the RS-1 District Schedule, Council:

(a) re-letters subsections (h) and (i) as (i) and (j) respectively; and

(b) after subsection (g), adds:

“(h) the floor area of a laneway house;”.

11. In section 4.7.3 of the RS-5 District Schedule, Council:

(a) re-letters subsections (i) and (j) as (j) and (k) respectively; and

(b) after subsection (h), adds:

“(i) the floor area of a laneway house;”.

12. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

13. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

Laneway House (LWH) Guidelines

These guidelines will be part of the 'LWH Guide'. In addition to these guidelines, the 'LWH Guide' will provide illustrations and a user-friendly explanation of the regulations governing LWH, references to other by-laws that apply, and information regarding the application process.

Intent:

These guidelines are to be used in conjunction with the Section 11 regulations of the Zoning and Development by-law pertaining to LWH throughout the city. The regulations and guidelines focus on creating neighbourly relationships with adjacent properties, a positive lanescape, and an enhanced environmental performance of the site overall.

The guidelines are organized into the following topic areas:

Quality, Durability and Expression
Scale and Massing
Privacy and Overlook
Lane Frontage
Landscape

Quality Durability, and Expression

Laneway housing should be designed to be a lasting, quality addition to the neighbourhood. Buildings which are not designed to last are not environmentally sustainable, nor can they be considered affordable when the costs of maintenance and replacement of materials over time is considered.

- Material selection and detailing should ensure performance over time. Vancouver building by-law requirements cover many aspects of building performance, but in addition consideration should be given to elements such as roof overhangs and building projections that both protect surfaces and assist with passive energy performance.
- Modular construction can be used to advantage to reduce on site construction time and costs, however, LWH using modular construction must be permanent non-moveable dwellings following all the by-laws that apply to conventional site-built dwellings. Once assembled, a LWH of modular construction should be indistinguishable from a site-built dwelling.
- While LWH may have a full range of architectural expressions, a LWH should clearly express its function as a residence.

Scale and Massing Guidelines

Homeowners can choose to build a single storey laneway house, or a 1 ½ storey laneway house. The following guidelines focus on the upper level of a 1 ½ storey design as it has greater potential to affect the solar access, privacy and outdoor enjoyment of neighbours. The guidelines apply to any orientation of site, as they are intended address both solar access and perceived scale from adjacent neighbours. In general the guidelines direct upper level massing and primary outlook toward the lane so that it becomes a safe and welcoming public space, and a neighbourly relationship is maintained with adjacent properties.

Numerical values are given to assist with quick evaluation of proposed LWH designs. Flexibility is intended, and the numbers should be seen as neither finite limits nor conversely a means to justify height unnecessary to the building design.

Pitched roofs and dormers

The eave height of a LWH with a sloping roof should be no more than:

- **3.7m** above grade adjacent to the garden where the main ridge of the roof runs across the width of the property, or
- **3.7m** above grade adjacent to a required side-yard where the main ridge of the roof runs perpendicular to the lane and garden.

This may be accomplished by the main roof of the building, or by a section of lower roof that extends a minimum of **1.5m** back over the building from the garden or side-yard face. Dormers are not restricted by this setback.

On a roof where the ridge runs across the property:

- The largest dormer(s) should face the lane, and should not exceed **60%** of the building width
- Dormers facing the garden should not exceed **30%** of the building width

On a roof with gable ends facing the lane:

- Dormers facing a required side-yard should not exceed **50%** of the building length

Cross-gable roof designs:

- In a cross-gable roof design, the gables may be equal in size, but the windows in each gable end should be sized to reflect the spaces they overlook – most window to the lane, less to the garden and side-yards.

Flat roofs, shed roofs, and roof pitches less than 7:12:

- A flat roof, shed roof, or shallow pitched roof LWH should have an area of lower height adjacent to the garden. The roof should not exceed a height of **3.7m within 1.5m** of the garden. Projections may be allowed into this area provided they do not exceed 30% of the width of the building and are located to minimize shadowing on adjacent sites.
- Tallest elements and upper level floor space should be located adjacent to the lane, and/or centrally located on the site on larger lots

East/West oriented sites

- LWH should generally be located toward the south side of the site to reduce shadowing on the site to the north, except where topography or retention of existing significant trees or landscape suggests otherwise.

Area Exclusions

The by-law identifies areas that may be excluded at the discretion of the Director of Planning. To get the exclusion for volume space and/or reduced height areas under sloping roofs, the following conditions need to be met to the satisfaction of the Director of Planning:

- The exclusions do not noticeably increase the visible mass of the building, or shadowing of neighbouring properties
- The exclusions assist in creating a simple, logical roof form.
- The excluded areas do not create the potential to 'fill-in' with additional rooms beyond the allowable floor area.

Height and Location Relaxations

The Director of Planning has the ability to relax the Height and Location provisions of the by-law. These regulations have been set to ensure a modest, neighbourly scale of building, located in the area of the site that might otherwise be occupied by garage, and any relaxation considered must be evaluated against these objectives.

The DOP may consider relaxation of location provisions where:

- there are site circumstances, such as sloping topography or existing trees to be retained,
- The existing principal house to be retained is sited unusually. – ie a laneway house may be allowed in the front portion of the site when the existing principal house is located at the rear of the site.

In all cases, a minimum distance of 4.9m must be maintained between the LWH and the existing principal house. Sites where this distance cannot be achieved will not be considered eligible for a laneway house.

The DOP may consider minor increases in height:

- to accommodate sloping topography,
- where the proposed LWH building and the upper floor massing are, in the opinion the Director of Planning, sufficiently distant or shielded from neighbouring properties to mitigate the effect of any increase.
- Where the increase will assist in the provision of a green roof
- Where existing buildings immediately adjacent to the proposed laneway house exceed the by-law maximums

Privacy and Overlook Guidelines

The following guidelines focus on access and overlook from the upper level of a 1 ½ storey LWH. The guidelines address exterior stairs, window placement, and the design and use of flat roofs at upper levels. As with scale and massing, the guidelines direct outlook and upper level roof decks toward the lane in the interests of making the lane the focus of the LWH, and maintaining a neighbourly relationship with adjacent properties.

Stairs

- Stairs to the upper level should be enclosed within the allowable footprint and building area, except that the main entry may have outside stairs and a landing/porch area within 1.2m of grade.

Upper Level Windows

- Living rooms and bedrooms on the upper level should have their primary windows facing the lane.
- Upper level windows facing the garden and side-yards should be modestly sized. Skylights, clerestory windows, or obscured glazing should be considered as a means to enhance interior daylighting without creating overlook.
- Laneway houses should be designed with consideration given to the relationship between desired window size and placement and the scale of building faces, projections and dormers. Dormers and building faces should not be windowless.
- On a corner lot, primary windows to living rooms and bedrooms may face the lane and/or street.

Outdoor Roof Decks and Balconies

Balconies and roof decks (other than intensive green roofs) should be designed and located as follows:

- The total area should not exceed 8 m²
- Located facing the lane on a mid-block lot
- Located facing the lane and/or the flanking street on a corner lot

To ensure that other flat roof areas are not accessible for use other than as intensive green roof areas:

- Balcony railings are not allowed around intensive green roofs (except where required under VBBL) or flat or shallow pitched areas other than outdoor decks described above.
- Doors from the upper level may not open out to intensive green roofs or flat or shallow pitched areas other than outdoor decks described above
- Flat roofs above the upper storey cannot be used as roof deck areas, and must not have stair access, or railings. Ladder and roof hatch access necessary for green roof maintenance can be provided.

Lane Frontage Guidelines

LWH should be designed to enhance the lane. In effect, the lane becomes the public space or 'street' on which the laneway house is located.

- Consideration should be given to placing entries and doors on the lane where feasible.
- Dwelling units should have an outlook to the lane on the lower level, and primary windows facing the lane on upper levels
- The space between the lane and the dwelling unit should be permeable and landscaped.
- The LWH should be designed with lighting that enhances the pedestrian experience of the lane at night. This may include eave lighting, porch lighting, bollard, or garden lights, etc. High-wattage, motion-activated security lights are discouraged.
- Garbage and recycling needs should be considered, and provided with space at the lane, in a garage, or on-site adjacent to parking areas.

Alternative parking configurations may be considered if it can be demonstrated that the quality and function of the lanescape is not compromised. Parking configurations must provide:

- A positive relationship of dwelling unit to the lane as described above
- A 0.6m landscaped setback
- High quality screening between the lane and any parking parallel to the lane
- No increase in required maneuvering area within the 0.6m setback area adjacent to the lane, or decrease in landscape potential in this area
- Permeable surfaces for both parking and maneuvering
- Demonstration of maneuvering acceptable to the Director of Engineering Services
- Building elements that are not vulnerable to vehicle movement on site or in the lane
- Green roof areas to compensate for any increased on-site maneuvering area

Landscape Guidelines

The landscape of a laneway house should enhance the experience of the lane, improve the environmental performance of the property, and assist with the creation of privacy for the dwelling and for neighbours.

The following guidelines apply to the design and review of laneway houses:

- The Laneway House should be located and designed to preserve existing trees where possible. The Director of Planning may require the retention of a significant tree. The Director of Planning may relax the regulations regarding LWH location and massing, and the required number of parking stalls to accomplish this.
- The laneway house should be provided with access to private outdoor space as part of the backyard, an area adjacent to the lane, and/or an upper level roof deck.
- High quality screening/ fencing should be provided along the property line adjacent to surface parking spaces where the Director of Planning has relaxed the landscape setback requirement, and where possible, adjacent to paths required for fire access to the dwelling and lane. Where space is constrained, a narrow area sufficient for vine growth should be provided at the base of the screening or fence, or at the foot of the laneway house structure.
- Surface parking spaces should have permeable surfaces: permeable pavers, gravel, grass-crete, or impermeable wheel paths with ground-cover planting in the centre and sides
- The 0.6m minimum setback between the building and the lane should be permeable and landscaped where not required for vehicle access. Landscaping in this area should not be low ground cover, but rather should be comprised of plantings that are tall enough to have greater visual impact in the lane.

The following should be considered in the landscape design of laneway houses:

- The landscape plan should be developed with consideration of Council-approved Water-wise Landscaping Guidelines
- Provision of rain barrels
- Where more than the minimum 0.6m setback is provided adjacent to the lane, consideration should be given to planting trees in this area. Tree selection should take into account overhead wires and lane visibility.
- Vertical greening should be used as a means to improve both privacy and environmental performance. Vertical greening can include using building walls and/or the provision of fences and arbors as support structures for plants. Tall plantings such as some varieties of bamboo can also provide effective screening and greening in a constrained area.
- Green roofs should be considered to compensate for ground area occupied by dwelling and parking and to provide an amenable outlook from upper levels of neighbouring houses.
- Planting of deciduous trees for summertime shading of the laneway house should be considered where feasible

PROPOSED AMENDMENTS TO THE PARKING BY-LAW: 2 SPACES OPTION

Council should note that references to section numbers of the Parking By-law set out below may change if Council approves the Central Area report (RTS- 07674) on the Parking By-law and enacts the appropriate by-law before Council approves this report and enacts this by-law.

Laneway housing

BY-LAW NO. _____

**A By-law to amend Parking By-law No. 6059
with regard to parking requirements for laneway housing**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Parking By-law.
2. Council repeals section 4.2.1.2, and substitutes:

4.2.1.2	One-Family Dwelling with Secondary Suite	A minimum of one space for every dwelling unit, except that for a building constructed before April 20, 2004, a minimum of one space.
	One-Family Dwelling with Laneway House	A minimum of two spaces.
	One-Family Dwelling with Secondary Suite and Laneway House	A minimum of two spaces.

3. To section 4.8.10, after "City Engineer", Council adds ", except that any parking area that is not covered or enclosed on a site that includes a laneway house must be permeable".
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

PROPOSED AMENDMENTS TO THE VANCOUVER BUILDING BY-LAW

BY-LAW NO. _____

A By-law to amend Building By-law No. 9419
regarding laneway houses

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Building By-law.
2. In Sentence 1.1.1.1.(2) of Part 1 of Division A, Council:
 - (a) from the end of clause (h), strikes out "and";
 - (b) from the end of clause (i), strikes out the period, and substitutes ", and"; and
 - (c) after clause (i), adds:
 - "(j) existing *one-family dwellings* and *one-family dwellings with secondary suites* located on a parcel which is the subject of an application for a *building permit* to *construct a laneway house* unless the existing *one-family dwelling* or *one-family dwelling with secondary suite* is to undergo renovation or a change of use."
3. To Sentence 1.4.1.2.(1) of Part 1 of Division A, after the definition of "journeyman plumber", Council adds:

lane means a public thoroughfare or way not more than 10.1 m in width which affords only a secondary means of access to a site, at the side or rear.

laneway house means a detached *dwelling unit* constructed in the rear yard of a parcel on which is situate a *one-family dwelling* or *one-family dwelling with secondary suite*."
4. In Sentence 3.2.5.13.(3) of Part 3 of Division B, Council:
 - (a) from clause (a), strikes out "or";
 - (b) from sub-clause (b(v)), strikes out the period, and substitutes ", and"; and
 - (c) after clause (b), adds:
 - "(c) only *laneway housing*, except that, despite the exemptions set out in NFPA 13D, each bathroom less than 5.1 m², clothes closet, linen closet, and pantry must have sprinkler coverage pursuant to the requirements of NFPA 13D for other rooms in the *dwelling unit*."

5. After Sentence 9.10.20.3.(3) of Part 9 of Division B, Council adds:

- "(4) Despite anything to the contrary in this By-law, the path of foot travel for fire fighters to each *laneway house* must:
- (a) be continuous from, and connect, the *street* at the front of the parcel on which *the laneway house* is situate to the *lane* at the rear of such parcel,
 - (b) consist of a travel distance of not more than 45 m measured from the *street* to the principal entrance to the *laneway house*,
 - (c) be at least 900 mm wide,
 - (d) have an overhead clearance of at least 3 m, and
 - (e) have a surface of concrete, asphalt, or similar material.
- (5) A *laneway house* must have a strobe light installed and maintained outside the principal entrance, and connected to an internal smoke alarm within the *laneway house*."

6. After Sentence 12.2.2.7.(3) of Part 12 of Division B, Council adds:

- "(4) Instead of a heat recovery ventilator, each bathroom fan in a *laneway house* must meet the following design criteria:
- (a) air flow - 7.0 m³/min minimum (1 air change per hour),
 - (b) efficacy - at least 0.08 m³/min/W, and
 - (c) sound rating - no more than 3.0 sone."

7. To Sentence 12.2.2.9.(1) of Part 12 of Division B, before the period, Council adds ", except that this requirement does not apply to a *laneway house*".

8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2009

Mayor

City Clerk

PROPOSED AMENDMENTS TO THE SEWER AND WATERCOURSE BY-LAW

BY-LAW NO. _____

A By-law to amend
Sewer and Watercourse By-law No. 8093
regarding laneway houses

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Sewer and Watercourse By-law.

2. To section 1.2, after the definition of "Inspector", Council adds:

"laneway house" means a detached one-family dwelling constructed in the rear yard of a site on which is situate a one-family dwelling or one-family dwelling with secondary suite;".

3. To each of sections 1 and 2 of Part I of Schedule A, after "One-Family or Two-Family Dwellings", Council adds "with or without a Laneway House".

4. To Part II of Schedule A, after the definition of "single family dwelling", Council adds:

"single family dwelling with laneway house" means each dwelling unit within any residential property classified as a "single family dwelling with laneway house" or other similar classification on the most recent assessment roll;".

5. To Part II of Schedule A, after the definition of "single family dwelling with suite" Council adds:

"single family dwelling with suite and laneway house" means each dwelling unit, including the accompanying suite and laneway house, within any residential property classified as a "single family dwelling with suite and laneway house" or other similar classification on the most recent assessment roll;".

6. From Part III of Schedule A, Council repeals the table, and substitutes:

FOR UNMETERED PROPERTY

Single Family Dwelling	\$195.00
Single Family Dwelling and Laneway House	\$264.00
Single Family Dwelling with Suite	\$264.00
Single Family Dwelling with Suite and Laneway House	\$333.00
Strata Duplex (per dwelling unit)	\$132.00
2 Services, 1 Lot	\$390.00
3 Services, 1 Lot	\$585.00
4 Services, 1 Lot	\$780.00
Parking Lot/Garden	\$111.00

7. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

PROPOSED AMENDMENTS TO THE WATER WORKS BY-LAW

BY-LAW NO. _____

A By-law to amend Water Works By-law No. 4848
regarding laneway houses

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Water Works By-law.
2. To section 2, after the definition of "INSPECTORS", Council adds:

' "LANEWAY HOUSE" means a detached one-family dwelling constructed in the rear yard of a site on which is situate a one-family dwelling or one-family dwelling with secondary suite;'.

3. To section 29, after "units", Council adds "with or without a laneway house".

4. In the first table in Schedule A, Council:
 - (a) to the title in the second column, after "Dwellings", adds "with or without a Laneway House"; and
 - (b) in the last line of the second column, strikes out "4,051.00", and substitutes "4851.00".
5. Council repeals the table comprising Schedule B, and substitutes:

"The following charges apply to single family dwellings and dwellings comprising not more than two separate dwelling units:

Single Dwelling Unit	\$379.00
Single-Family with suite or laneway house	513.00
Single-Family with suite and laneway house	647.00
For each strata title duplex	256.00

6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

PROPOSED AMENDMENTS TO THE SOLID WASTE BY-LAW

BY-LAW NO. _____

A By-law to amend Solid Waste By-law No. 8417
regarding laneway housing

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. From section 2 of the Solid Waste By-law, Council repeals the definition of "single family dwelling", and substitutes:

' "single family dwelling" means any residential property classified as:

- (a) a single family dwelling,
- (b) a single family dwelling with basement suite,
- (c) any residential property subject to section 26(4), or successor section, of the Assessment Act on the most recent assessment roll, or
- (d) a laneway house as defined under section 2 of the Zoning and Development By-law.'

2. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

3. This By-law is to come into force and take effect from and after the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

EXPLANATION

Solid Waste By-law amending by-law
re laneway housing

The attached by-law will implement Council's resolution of _____ __, 2009 to amend the Solid Waste By-law to have recycling service and yard waste services apply to laneway housing.

Director of Legal Services
_____ __, 2009

PROPOSED AMENDMENTS TO THE VANCOUVER DEVELOPMENT COST LEVY BY-LAW

BY-LAW NO. _____

A By-law to amend
Vancouver Development Cost Levy By-law No. 9755
regarding laneway housing

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Vancouver Development Cost Levy By-law.
2. To section 1.2, after the definition of "industrial zone", Council adds:
"laneway house" has the meaning ascribed to it by section 2 of the Zoning and Development By-law;".
3. In section 3.2, Council:
 - (a) to subsection (a), after "use", adds ", except for a laneway house,";
 - (b) re-letters subsections (b) to (g) of section 3.2 as subsections (c) to (h) respectively; and
 - (c) after subsection (a), adds:
"(b) a laneway house, the levy is \$18.84 for each square metre of floor area;".
4. Council repeals section 3.3, and substitutes:
"3.3 A levy is payable where a building permit authorizes the construction, alteration, or extension of a building that, after the construction, alteration, or extension, will:
 - (a) contain less than four self-contained dwelling units;
 - (b) be put to no other use other than residential use in those dwelling units; and
 - (c) in the case of an alteration or extension, except for the alteration or extension of a garage into a laneway house, include an addition of 46.5 m² or more of floor area."

5. Council repeals section 3.4, and substitutes:

“3.4 If a development consists only of the alteration or extension of an existing building or structure to increase its floor area, except for the alteration or extension of a garage into a laneway house, the levy applies only to the additional floor area.”

6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

PROPOSED BY-LAW AMENDMENTS TO THE AREA SPECIFIC DEVELOPMENT COST LEVY BY-LAW

BY-LAW NO. _____

A By-law to amend
Area Specific Development Cost Levy By-law No. 9418
regarding laneway housing

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Area Specific Development Cost Levy By-law.
2. To section 1.2, after the definition of "industrial use", Council adds:

"laneway house" has the meaning ascribed to it by section 2 of the Zoning and Development By-law;".
3. In section 3.4, Council:
 - (a) to subsection (a), after "use", adds ", except for a laneway house,";
 - (b) re-letters subsections (b) to (e) of section 3.4 as subsections (c) to (f) respectively; and
 - (c) after subsection (a), adds:

"(b) a laneway house, the levy is \$18.84 for each square metre of floor area;".
4. In section 3.9, Council:
 - (a) to subsection (a), after "use", adds ", except for a laneway house,";
 - (b) re-letters subsections (b) to (f) of section 3.9 as subsections (c) to (g) respectively; and
 - (c) after subsection (a), adds:

"(b) a laneway house, the levy is \$18.84 for each square metre of floor area;".
5. Council repeals section 3.12, and substitutes:

"3.12 In the Cedar Cottage/Welwyn Street area and Oakridge/Langara area, a levy is payable where a building permit authorizes the construction, alteration, or extension of a building that, after the construction, alteration, or extension, will:

- (a) contain less than four self-contained dwelling units;
- (b) be put to no other use other than residential use in those dwelling units; and
- (c) in the case of an alteration or extension, except for the alteration or extension of a garage into a laneway house, include an addition of 46.5 m² or more of floor area."

6. Council repeals section 3.13, and substitutes:

"3.13 If a development consists only of the alteration or extension of an existing building or structure to increase its floor area, except for the alteration or extension of a garage into a laneway house, the levy applies only to the additional floor area."

7. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

Draft Strata Title Policies for RS, RT and RM Zones

Application and Intent

These guidelines apply to the strata titling of previously occupied buildings or new construction in the RS, RT and RM zones.

Under Section 242 (1) of the **Strata Property Act** of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into strata lots. Pursuant to Section 242 (10) of the **Strata Property Act**, Council has delegated its approval authority to the Approving Officer for previously occupied buildings containing less than six dwelling units.

Newly constructed buildings, which are not occupied prior to registration of a strata plan at the Land Title Office, do not require the approval of City Council or the Approving Officer.

Secondary Suite

In the RS, RT and RM zones, one secondary suite is conditionally permitted. The suite can either be built at the same time a new one-family dwelling (i.e. house) is being constructed, or a suite can be incorporated into an existing one-family dwelling. The construction and safety requirements of the Vancouver Building By-law (VBBL) for a secondary suite within an existing one-family dwelling (which may not be strata titled) are less demanding than for new construction.

Terms regarding suites are not the same in the Vancouver Building By-law and the Zoning and Development By-law (Z&D). The VBBL terms include Secondary Suite and Group "C" Residential Occupancy Classification. The Z&D terms include Multiple Conversion Dwelling, Two-Family Dwelling and Infill. Contact Development Services staff (VBBL) or Planning staff (Z&D) for how these two by-laws apply in your specific situation.

Laneway House

In the RS-1 and RS-5 zones, a laneway house is conditionally permitted. A new laneway house can be built on a site which accommodates an existing one-family dwelling, or a new laneway house can be built in conjunction with a new one-family dwelling. In both cases, the one-family dwelling can also include a secondary suite.

The following outlines the policies for the conversion of previously occupied buildings or new construction to strata title ownership in applicable zoning districts.

In the RS-1 and RS-5 Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;
- (c) a unit is approved as a laneway house as defined in the Zoning and Development By-law; or
- (d) a unit is approved as a laneway house as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new One-Family Dwelling with a Secondary Suite;
- (b) a new One-Family Dwelling with a new laneway house; or
- (c) a new One-Family Dwelling with a Secondary Suite and a new laneway house

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

In the RS-1A, RS-2, RS-3, RS-3A, RS-4 and RS-6 Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for a new One-Family Dwelling with a Secondary Suite, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

In the RS-7 Zone

Conversions

Council, or the Approving Officer, will not entertain any application to convert a previously occupied building to strata title ownership where:

- (a) the site is less than 668 m²;
- (b) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (c) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new Two-Family Dwelling on a site less than 668 m²; or
- (b) a new One-Family Dwelling with a Secondary Suite

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

In the RS-1B, RT and RM Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

An exception may be made for an existing One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling. In these cases, Council, or the Approving Officer, may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).

All other applications to convert previously occupied buildings to strata title ownership will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.

New Construction

(a) One-Family Dwelling with Secondary Suite

As a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

(b) One-Family Dwelling with Secondary Suite and Additional On-site Development

As a condition of development permit approval for a new One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling, the registered owner shall execute a covenant which must be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).

PROPOSED AMENDMENTS TO THE PARKING BY-LAW: ONE-SPACE OPTION

Council should note that references to section numbers set out below may change if Council approves the Central Area report (RTS- 07674) on the Parking By-law and enacts the appropriate by-law before Council approves this report and enacts this by-law.

Laneway housing

BY-LAW NO. _____

**A By-law to amend Parking By-law No. 6059
with regard to parking requirements for laneway housing**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Parking By-law.
2. Council repeals section 4.2.1.2, and substitutes:

4.2.1.2	One-Family Dwelling with Secondary Suite	A minimum of one space for every dwelling unit, except that for a building constructed before April 20, 2004, a minimum of one space.
	One-Family Dwelling with Laneway House	A minimum of one space.
	One-Family Dwelling with Secondary Suite and Laneway House	A minimum of one space.

3. To section 4.8.10, after "City Engineer", Council adds ", except that any parking area that is not covered or enclosed on a site that includes a laneway house must be permeable".
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk

Approved Council Directions for Laneway Housing (LWH)

The following was approved by City Council on October 30, 2008:

- A. THAT Council approve the recommendations from the issues and options paper [as listed below], as directions to staff in the development of regulations and policies to implement Laneway Housing; and instruct staff to prepare and report back with amendments to the Zoning and Development By-law, the Parking By-law, the Vancouver Building By-law, and related by-laws and policies.

Affordability

- 1) Require laneway housing to be family or rental, using the same mechanisms as for secondary suites in single family areas. Do not allow strata titling of the property when LWH is built.

Retention of Existing Houses with Opportunity for Homeowners to Add LWH

- 2) Require LWH to be family or rental - do not allow strata titling of the property when a LWH is added (as in Recommendation 1 above) - this means upgrades would not be required to the main house when a LWH is added.
- 3) Prepare amendments to the Vancouver Building By-law regarding fire access and safety requirements, as described in the issues and options paper.
- 4) Develop a homeowner manual.
- 5) Set a maximum unit size for LWH to balance achieving livable and diverse housing, while minimizing any land value and redevelopment impacts.
- 6) Monitor the pace of retention and redevelopment related to LWH, to see if there is any increase in the rate of demolition beyond the normal single family rate, and if so, report to Council (See also Recommendation 21 below).

Liveable and Neighbourly Units

- 7) Backyard open space: Develop regulations for LWH within the garage area, thereby retaining currently required backyard open space.
- 8) Height and Unit Type: Develop regulations for 1 and 1 ½ storey LWH to allow for a variety of unit sizes and types (including exploring maximum height for 1 ½ storey, roof design, orientation, upper storey windows, etc.).
- 9) Parking: Develop regulations that would work with 1 and 2 parking space configurations on 33 foot wide lots and 1, 2 and 3 parking space configurations on wider lots. Do not explore further the following: 0 spaces; 3 spaces on 33 foot lots; or tandem configuration, as parking space would encroach into backyard space.
- 10) Universal Design: Develop regulations for universal design where possible (Vancouver Building By-law), e.g., height of electrical outlets, etc.
- 11) Process: Develop approval process with a view to balancing flexibility, quality of design, and a user-friendly permit process for the homeowner.

Green Building and Site

The yard (site)

- 12) Retain permeable backyard open space, as per existing single family regulations (as above in Recommendation 7).
- 13) Require permeable surface treatment where surface parking and driveway is permitted (as opposed to a garage or carport).
- 14) Investigate ways to deal with roof runoff other than piping into stormwater/sewer system, e.g., rock infiltration pits; collection in rain barrels.
- 15) Encourage use of waterwise landscaping guidelines.

The building

- 16) Require laneway housing to meet the high standards for all single family homes set by the City's new Green Homes Program, with some adaptations where appropriate in relation to the size of building, as described in the issues and options paper.
- 17) Require separated storm and sanitary sewage connections for the laneway house, as would be required for any new housing.
- 18) Develop zoning regulations that would not preclude the future addition of other green features, such as solar panels, and encourage passive design where possible.

Where Should LWH Be Allowed

- 19) Permit LWH in all single family areas (i.e., RS-1- RS-3, RS-3A, RS-5, and RS-6).
- 20) Test regulations with design professionals and builders for possible unintended consequences before finalizing regulations.
- 21) Require tracking and monitoring - with a report back to Council after 3 years or 100 projects, whichever is first.

Lanes

Private property

- 22) Require and/or enable the LWH structure to contribute to the lane - e.g. exterior motion sensor lane lighting for safety; doorways onto lane, etc.
- 23) Require and/or enable planting between lane and LWH - e.g., an unpaved setback between lane and LWH (see Recommendation 13 for permeable driveway surfacing).

City lane right-of-way

- 24) Improve green performance and maintain usability of lane ROW -- see Engineering Services Report on 'Enhanced Centre Strip' (<http://vancouver.ca/ctyclerk/cclerk/20081030/documents/pe4.pdf>) . In addition, explore in further work the possibility of other features such as alternative paving materials (more permeable and that also meet Engineering standards) for the connection between the 'centre strip' lane paving and private parking areas

Further Consultation (added by Council)

- 25) Further consult with the public, neighbourhoods and stakeholder groups including Visioning Committees, on the height, type and parking options referred to in Recommendations 8 and 9 above, prior to by-law preparation.

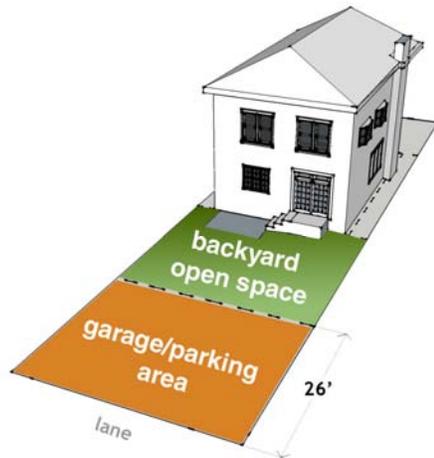
B. THAT based on Council directions given, staff report back to Council by memo with an estimated time line for the development of regulations.

Appendix M: Concept Diagrams and Illustrative Examples

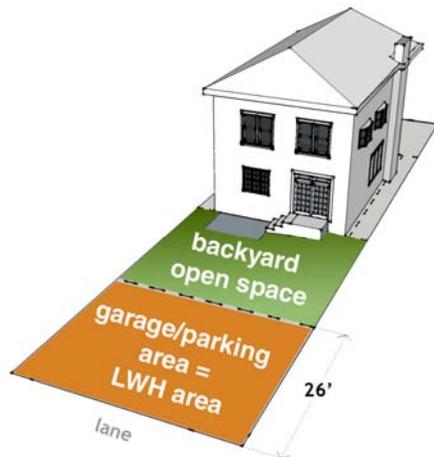
CONTENTS:

- Where on the Site – Backyard Open Space, Setbacks & Permeability
- Parking
- LWH Definitions: Footprint, Upper Storey, Unit Size
- Illustrative Examples of LWH: 33' and 50' lots

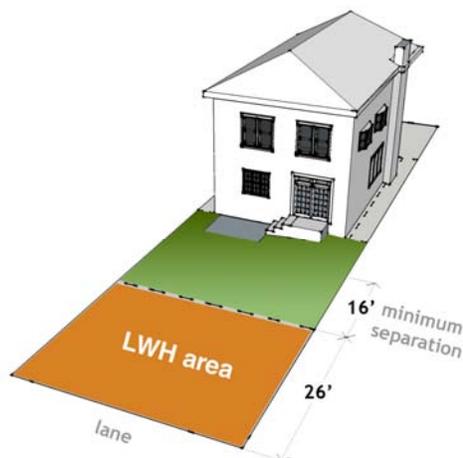
Where on the Site – Backyard Open Space, Setbacks & Permeability



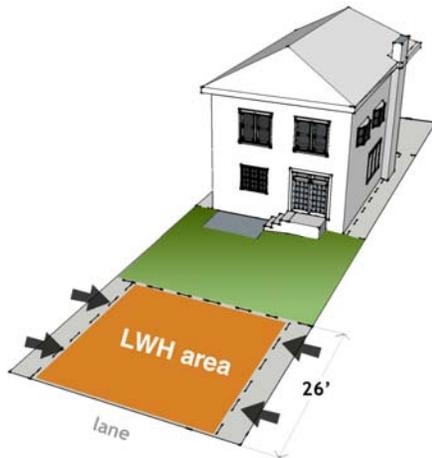
Left is an example of a 33 foot wide lot, showing the location of the garage/parking area in the rear 26 feet of the lot, and the remaining backyard open space.



It is proposed that in order to ensure the preservation of backyard open space, LWH be limited to the garage/parking area.

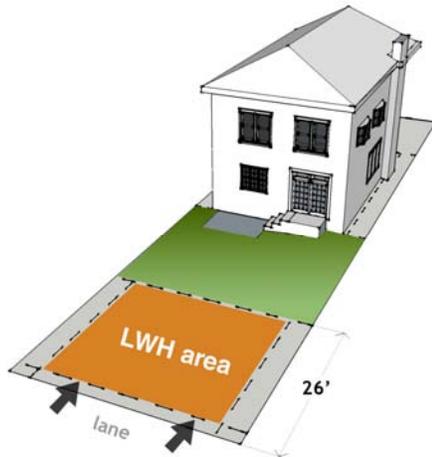


It is also proposed that there be a minimum distance of 16' between a potential LWH and the main house. This is to ensure that on shallower lots and on lots with long main houses, there is a reasonable amount of open space between the two structures, for use by residents of the main house and the LWH.



Where on the Site – Backyard Open Space, Setbacks & Permeability Cont'd

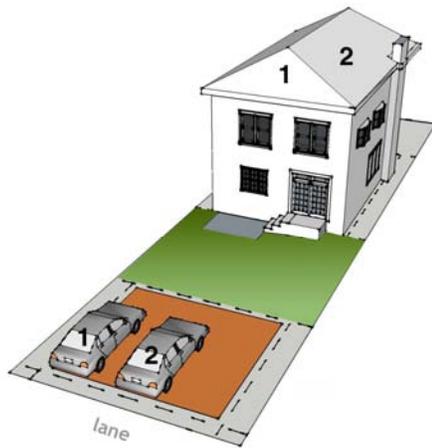
To reduce impacts on neighbouring yards, the LWH area is further limited by sideyard setbacks, which would be the same as are currently required for the main house in the relevant zone.



A 2 foot rear setback from the lane is also proposed to allow for planting along the lane and functions such as garbage and recycling.

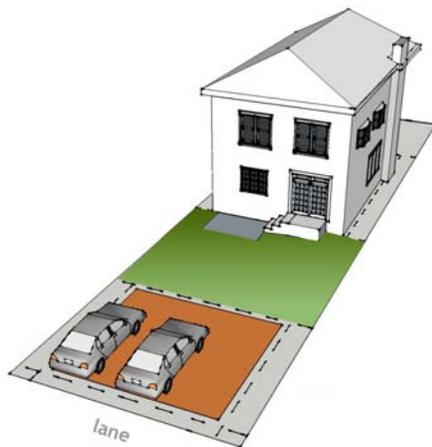


Lastly, it is proposed that the LWH would not be allowed to exceed the maximum allowable footprint or ground coverage of a garage for any given lot. This is intended to ensure that units mirror the massing of a garage as much as possible, and also ensures there is no loss of existing permeable area on the lot.

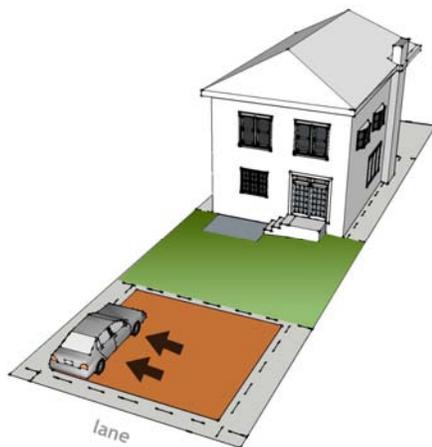


Parking

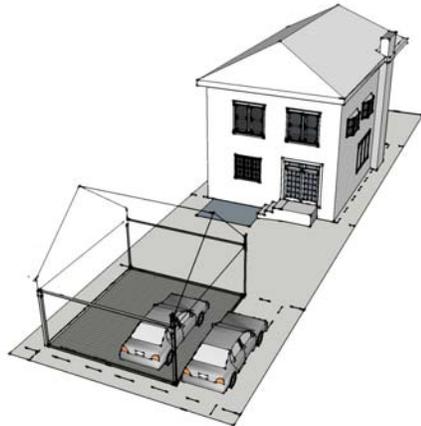
The parking requirement for most homes (those built before 2004) is 1 onsite parking space, with or without a secondary suite. For homes built after 2004, the requirement is 1 space per dwelling unit. As shown on the 33 foot lot example to the left, if a secondary suite were added to a house built after 2004, 2 onsite spaces would be required.



As a balance between providing some room for a LWH and also providing enough onsite parking as to mitigate potential impacts to on-street parking, a 2 space minimum is proposed for all lots that add a LWH, with or without a secondary suite (as shown on the 33' lot example to the left).



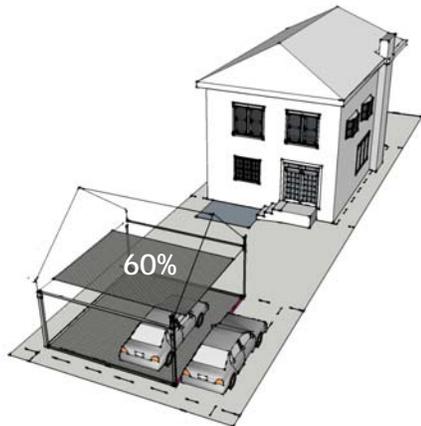
In recognition of the tradeoffs between parking and groundfloor, accessible living space, particularly for certain user groups such as elderly family members, a consideration item is proposed of a minimum parking requirement of 1 space per lot with a LWH (as shown on the 33' lot example to the left). Homeowners could still choose to provide more than this minimum.



LWH Definitions

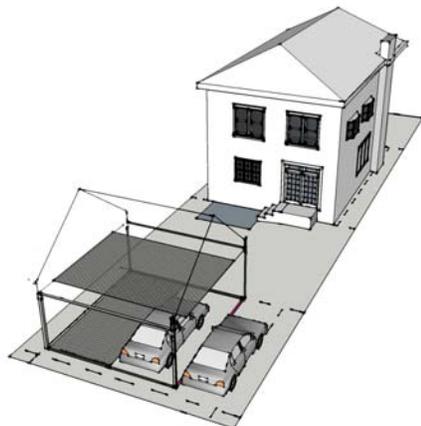
Footprint

On the 33' lot example to the left, the darker shaded area shows what is meant by 'footprint', also referred to as the main floor area. As shown, the footprint is basically the ground floor area covered by the LWH building, including unit living area and enclosed or covered parking. The LWH footprint would not be allowed to exceed the maximum allowable garage footprint for any given lot.



Upper Storey

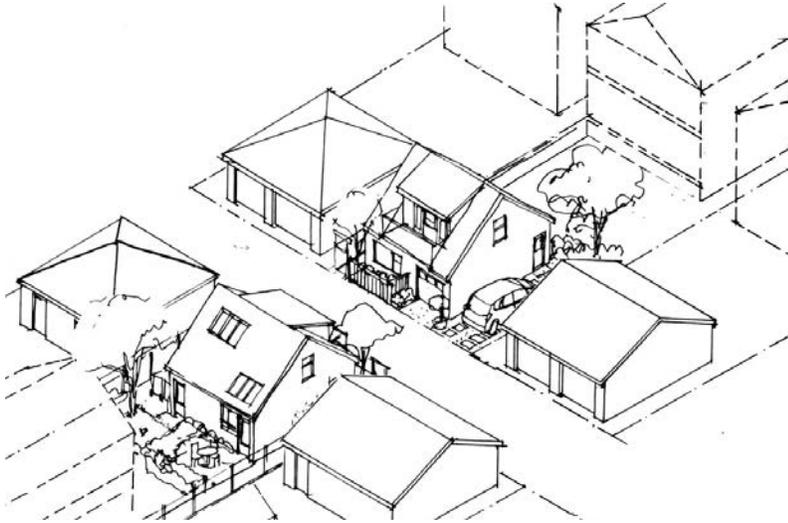
A LWH may have upper storey floor area which is 60% of the footprint or main floor, as shown by the darker shaded areas on the left. Areas that don't have head room (under 7 feet) are not counted.



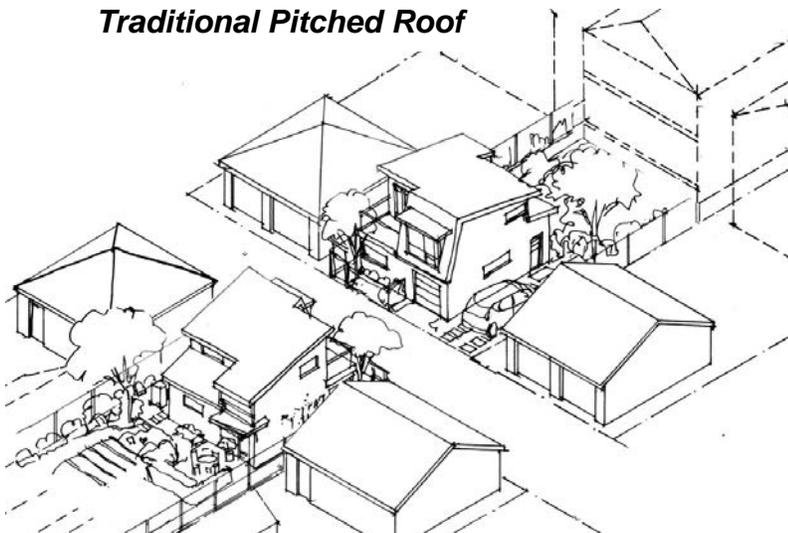
Unit Size

The report describes maximum and minimum unit sizes. As shown by the darker shaded areas on the 33' lot example to the left, unit size would not include covered or enclosed parking areas.

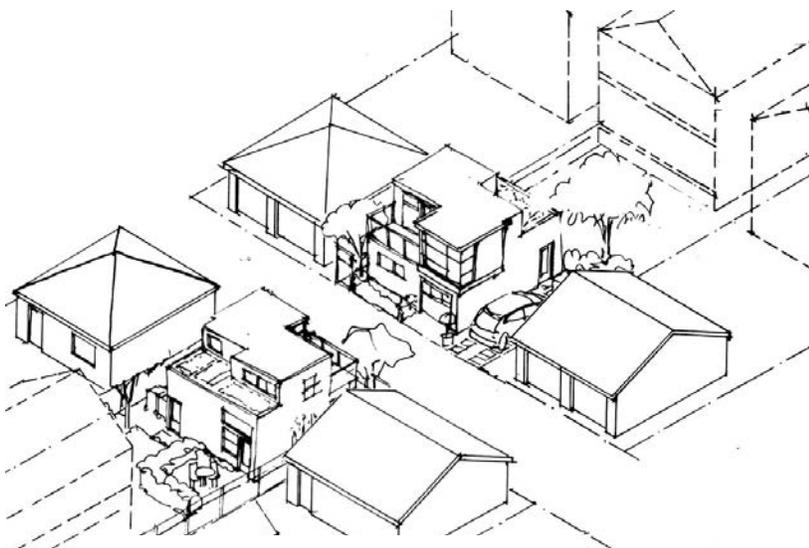
Illustrative Examples: 33 foot lot



Traditional Pitched Roof



Contemporary Pitched Roof



Modernist Flat Roof

These drawings illustrate how a 1 ½ storey laneway house would sit within the context of the lane and back yards of a neighbourhood of 33 foot lots.

The three examples show a range of architectural expressions: traditional, contemporary, and modernist.

Each illustration shows the same laneway house as it would be viewed from the lane on one side, and from the rear yard on the other.

The garages on either side represent the height and size of what is currently allowed. The proposed maximum height for laneway houses would range from 18 to 20 feet depending on the roof type – this is 5 to 6 feet higher than the current maximum height for a garage.

Main houses are shown in dashed lines. Houses in RS-1 can be 30' tall as illustrated here, and in RS-5 they can be 35' tall.

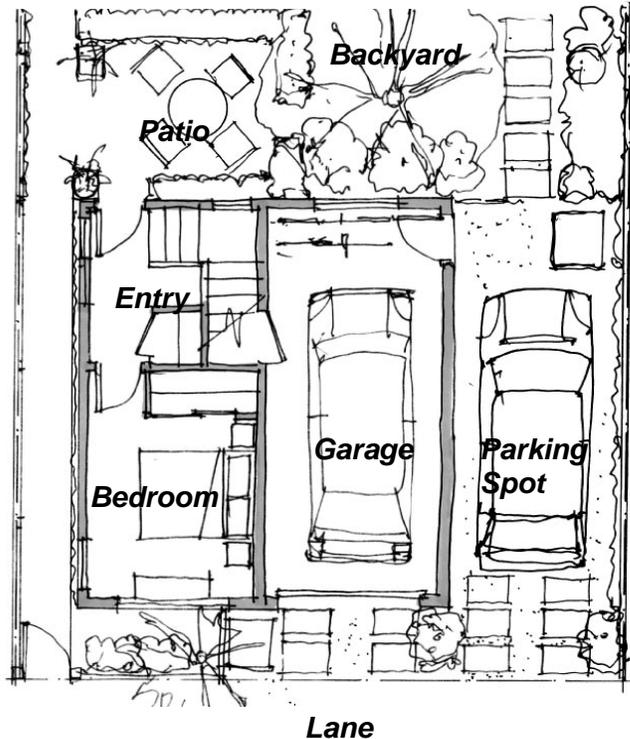
These sketches illustrate the maximum LWH unit size of 500 sq.ft. on a 33 foot lot, and the maximum overall building size which accommodates the unit plus an enclosed or covered parking space. An outdoor parking spot is also located beside the garage.

Key Regulations and Guidelines for Upper Storey:

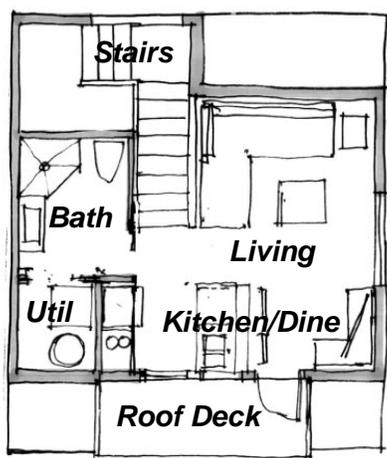
- Maximum height 18 to 20 feet
- 1 ½ storey – upper floor limited to 60% of floor below
- Upper floor set back away from backyard and toward lane.
- On the upper floor:
 - Roof decks limited in size and must face the lane
 - Windows to main living spaces oriented to lane
 - Limits on windows facing sideyards

Illustrative Plans: 33 foot lot

1 ½ storey unit, approx. 500 sq.ft.



Ground Floor



Upper Floor

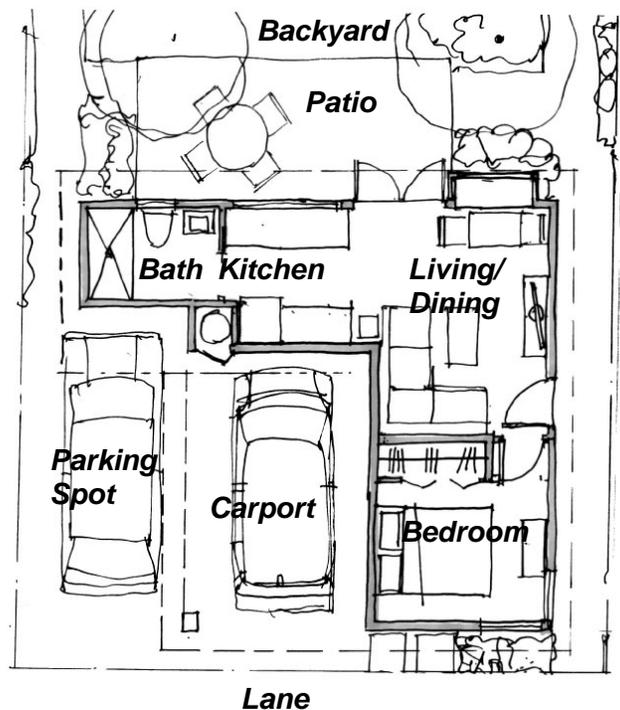
The drawings on the left illustrate possible floor plans for the 1 ½ storey LWH illustrations on the previous page. The floor plans are intended as an example of what could be done, but there are many other possibilities.

Illustrated is a one bedroom unit of approximately 500 sqft. + one enclosed parking space in a garage, on a 33 foot lot. A surface parking spot is provided beside the garage.

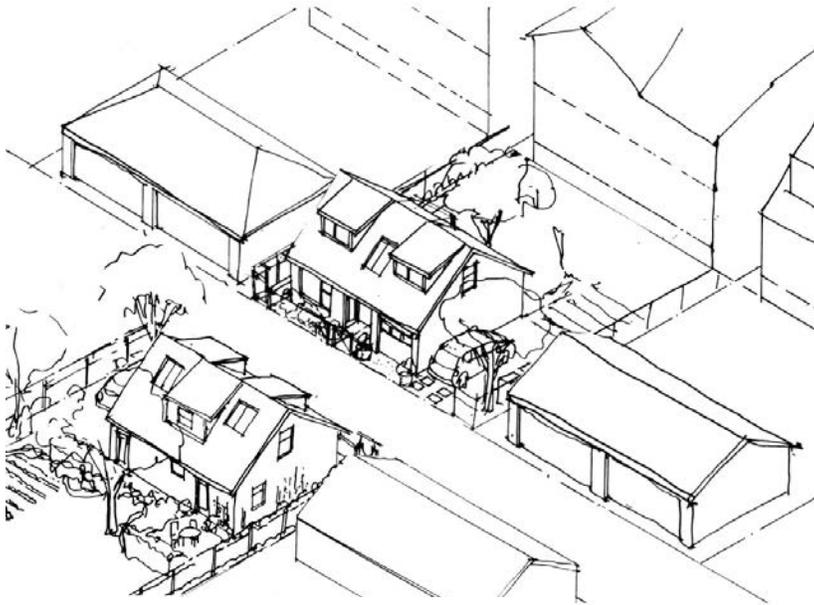
In this case the bedroom is shown on the ground level, with living space on the floor above. It should be noted that the ground floor or 'footprint' of this laneway house would be about 100 sq.ft smaller than the current allowable garage area.

The drawing below illustrates a possible floor plan for a single level unit with a covered car port and an exterior parking space. The plan illustrates a small one bedroom/studio sized unit of about 370 sq.ft.

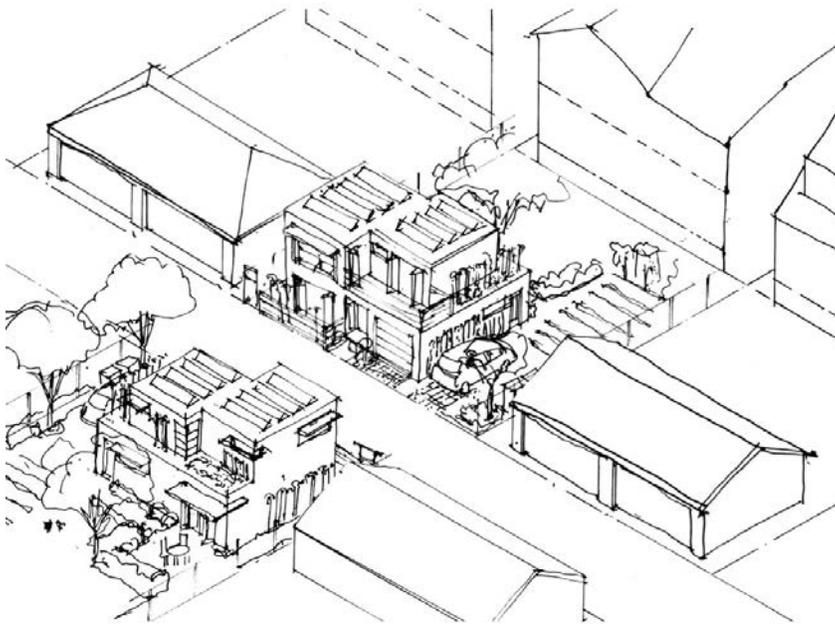
Single Level ground-oriented unit, approx. 370 sq.ft.



Illustrative Examples: 50 foot lot



Traditional Pitched Roof



Modernist Flat Roof

These drawings illustrate how a 1 ½ storey laneway house would sit within the context of the lane and back yards of a neighbourhood of 50 foot lots.

The examples show a traditional pitched roof and a modernist flat roof architectural expression.

Each illustration shows the same laneway house as it would be viewed from the lane on one side, and from the rear yard on the other.

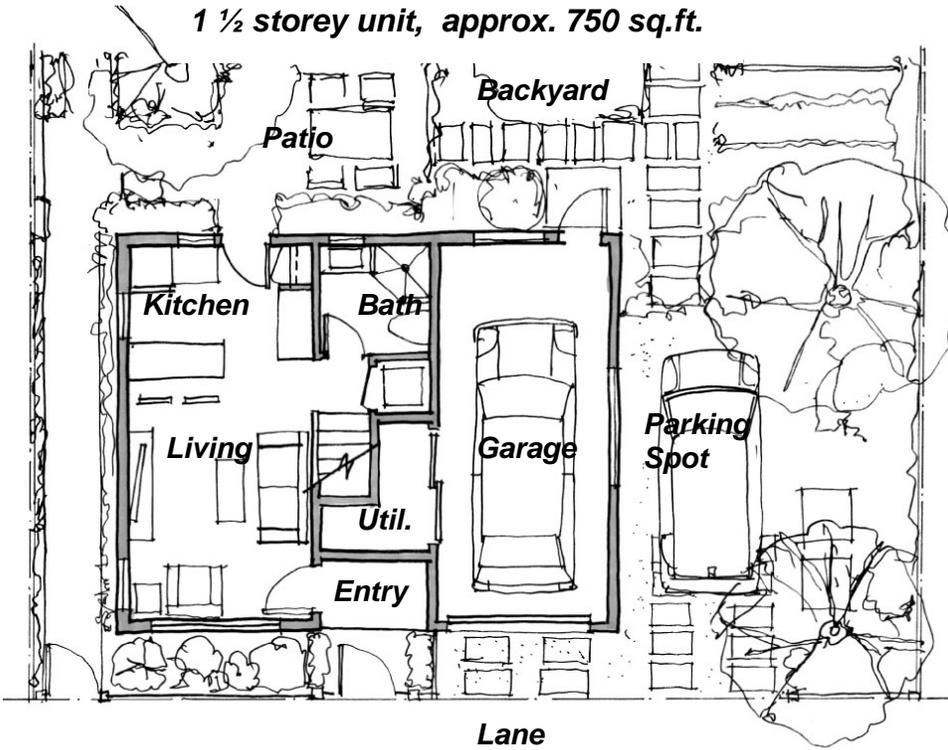
These sketches illustrate the maximum unit size of approximately 750 sq.ft. on a 50 foot lot, and the maximum overall building size which accommodates the unit plus an enclosed or covered parking space. An outdoor parking spot is located beside the garage.

Key Regulations and Guidelines:

- Floor area of dwelling unit = $0.125 \times \text{lot area}$, to a maximum of 70m² (approx. 750sq.ft)
- Maximum dwelling unit size on 33 foot lot: approx. 500 sq.ft.
- Maximum dwelling unit size on 50 foot lot: approx. 750 sq.ft.
- Maximum laneway house size = maximum dwelling unit size + one covered or enclosed parking space
- 'Footprint' can't exceed current garage maximum area and width

Illustrative Plans: 50 foot lot

1 ½ storey unit, approx. 750 sq.ft.



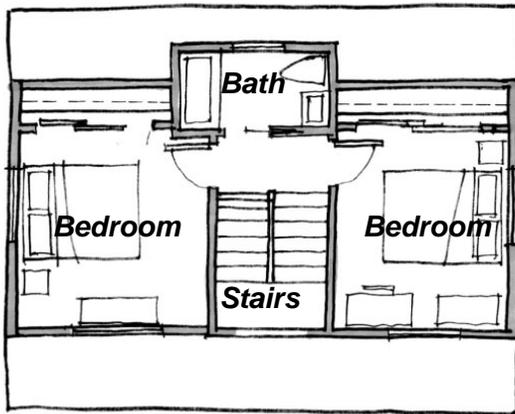
Ground Floor

The drawings on the left illustrate possible floor plans for the 1 ½ storey LWH illustrations on the previous page. The floor plans are intended as an example of what could be done, but there are many other possibilities.

Illustrated is a two bedroom unit of approximately 750 sqft. + one enclosed parking space in a garage, on a 50 foot lot. A surface parking spot is provided beside the garage.

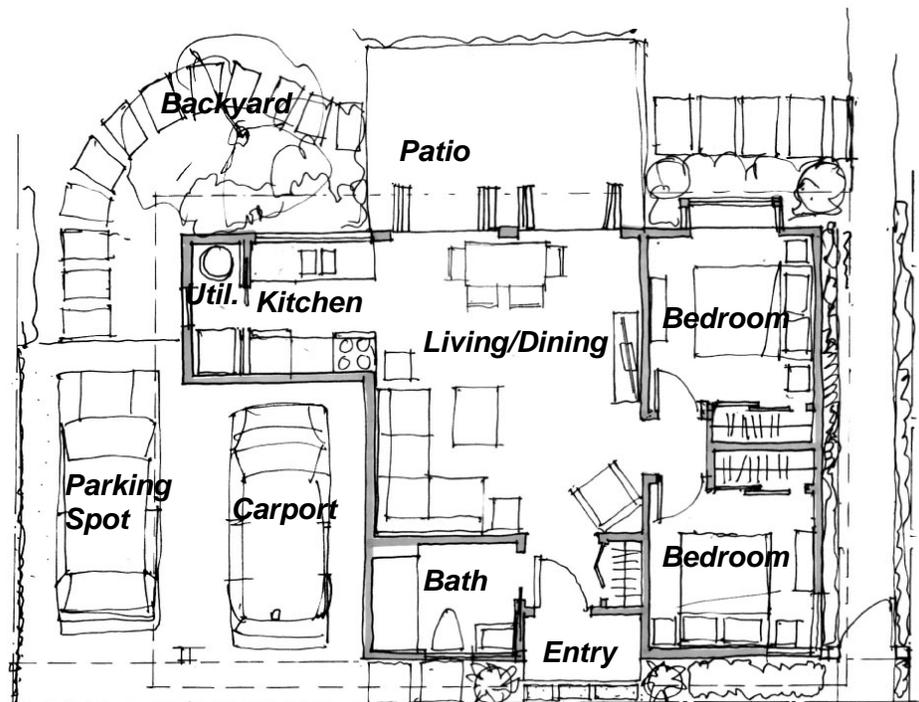
In this case the main living area is shown on the ground level, with two relatively equally sized bedrooms on the floor above.

The drawing below illustrates a possible floor plan for a single level unit with a covered car port and an exterior parking spot. The plan illustrates a two bedroom unit of about 680 sq.ft.



Upper Floor

Single Level ground-oriented unit, approx. 680 sq.ft.



Lane