



City of Richmond

Report to Committee

TO OPEN PLN - MAY 7, 2013

To: Planning Committee

Date: April 25, 2013

From: Gavin Woo, P. Eng.
Senior Manager, Building Approvals

File: 08-4430-03-07/2013-
Vol 01

Re: Multiple Dwellings on Single-Family Lots and Agricultural Lands Referral

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9023, to add Other Regulations to the Agriculture (AG) zone to regulate multiple dwellings on single-family lots and agricultural lands, be introduced and given first reading.

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(604-276-4113)

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law	<input checked="" type="checkbox"/>		
REVIEWED BY DIRECTORS	INITIALS: DW	REVIEWED BY CAO	INITIALS:

Staff Report

Origin

The purpose of this report is to respond to the following referral from the September 8, 2010 Planning Committee:

“That staff be directed to examine whether a common wall and roof should be required for additions to single-family and duplex dwellings and report back.”

Specifically, this referral was made in response to the concern that existing single-family houses in the Agriculture (AG) zone were being added onto (often by a breezeway) and becoming two single-family houses where this is not permitted.

Findings of Fact

Richmond Zoning Bylaw 8500 permits one single-family house and a secondary suite having a maximum floor area of 90 m² (970 ft²) in the Agriculture (AG) zone. The only exception to this is if the property is 8.0 ha (20 acres) or larger, in which case additional single-family houses are permitted for full-time farm workers of a farm operation employed on the lot in question if justified by a certified professional registered with the BC Institute of Agrologists. So, in the majority of cases, only one single-family house and one secondary suite are permitted in the AG zone. The purpose this Staff Report is to ensure that two single-family houses aren't built on an AG zoned lot where this is not permitted.

It should be emphasized that this report does not deal with the issue of the size of single-family houses in the AG zone. The City of Richmond has taken the position that the Province needs to take the lead on the house size issue as it applies to all Agricultural Land Reserve (ALR) lands in the Lower Mainland (i.e., this is a Provincial issue which requires consistency among local governments). In response to a request from the Metro Vancouver (MV) Board, the Minister of Agriculture has advised MV that Ministry staff are working with other ministries and agencies to examine the mechanisms which may be available to require local government bylaws to have mandatory standards regarding the siting and footprint of single-family houses (not the house size) in the ALR. The focus of this Staff Report is on the use of AG zoned lands, not the size, siting or footprint of that house.

The construction of a major addition or expansion to an existing single-family house in the AG zone does not occur that frequently. In fact, over the past eight years there have only been five Building Permits of this nature where an existing single-family house is being retained. One of these Permits is what led to the referral from Planning Committee in September 2010 to more clearly regulate this type of situation.

In response to the specific direction given by Planning Committee, staff have examined and agree that a common wall and roof could be required for additions to single-family houses in the AG zone to prevent them from becoming duplex dwellings. However, in doing so, it should be recognized that the common wall and roof would not apply to a legal secondary suite if it was being added to the single-family house. The Zoning Bylaw already requires that the secondary

suite must be completely enclosed within the single-family house and not in a detached building, that it must be incidental and integrated within the single-family house so as not to externally appear as a separate house, and that the secondary suite must not exceed 40% of the total floor area of the existing single-family house. It is also suggested that the common wall and roof not apply to a small building addition of 35 m² (375 ft²) or less (e.g., the construction of a recreation room onto an existing single-family house or the expansion of the current kitchen).

Where the existing single-family house has the typical shape of a box or rectangle (i.e., four exterior walls), it is proposed that one of the walls of the new addition or expansion should be permanently attached to the entire wall face of one of the four exterior walls of the existing house. Where the existing single-family house has an irregular shape (i.e., more than four exterior walls), it is proposed that one of the walls of the new addition or expansion be permanently attached to the wall face of one of the exterior walls of the existing house and that attachment must be either 7.62 m (25 feet) wide or 10% of the total of all the exterior walls of the single-family house, whichever is greater. The purpose of this requirement is to prevent a breezeway from being used to connect the existing single-family house to the addition or expansion. It should be noted that a similar provision has already been added to the Two-Family (RD) zone in response to previous concerns from Council that a duplex in non-agricultural areas could be connected by a breezeway (i.e., the party wall between the two dwelling units has to be at least 20% of the total length of all the exterior walls, excluding the garage, indentations and projections).

Where the existing single-family house and the addition or expansion have the same number of floors (i.e., both are one storey or both are two storeys), the roof of the existing single-family house should be required to extend over the new addition or expansion so as to become one continuous roof with the same pitch, slope or design. If however, the existing single-family house and the addition or expansion have a different number of floors, the roof of the new addition or expansion should have a similar style pitch, slope and design as the existing single-family house.

In addition to a common wall and roof, staff would also recommend five other requirements.

1. The first would be that the addition or expansion must not be attached by a breezeway, but instead, similar to a secondary suite, should be required to be integrated with the existing single-family house so as to form one house. In doing so, the addition or expansion should also be incidental and integrated with the existing single-family house so as not to externally appear or be internally laid out as a separate unit (e.g., should add to or expand an existing kitchen, create a common living/family/great room or have a hallway connection with no internal doors). This requirement would address the concern that the existing single-family house and the addition or expansion externally look like two single-family houses and are designed internally to easily be converted into two single-family houses.
2. The second additional requirement would be that there only be one door, whether an entrance door into the dwelling or a sliding door onto a deck or patio, to the existing single-family house and the new addition or expansion facing the road. If the property happens to be a corner lot or a lot with double road frontages (i.e., roads in the front and

back), no additional doors would be permitted other than the one facing the primary road from which the house is addressed. The purpose of this requirement is to prevent two front doors and the potential for the building to be converted into two single-family houses with separate entrances.

3. The third new requirement recommended by staff is that both the primary kitchen and any permitted secondary kitchen be located either in the existing single-family house or the new addition or expansion, but not in both. All single-family houses are limited to two kitchens, not including the kitchen for a legal secondary suite. Typically, these are located side-by-side, and there shouldn't be one kitchen in the existing single-family house and a second kitchen in the new addition or expansion. Again, the intent of this requirement is to prevent the expanded single-family house from becoming two single-family houses with separate kitchens.
4. The fourth new requirement is that there should only be one garage that is shared and used by both the existing single-family house and the new addition or expansion. This would make it clear that there is only one single-family house on the property. There is no need for a single-family house to have two garages as part of the house.
5. The final additional requirement, besides the common wall and roof suggested by Planning Committee, gives the building inspector residual authority to impose additional design limitations if the effect of a proposed addition or expansion would, in his/her opinion, either give the single-family house an external appearance of being two units or have the capability of being separated into two units. This will help Building staff to ensure compliance with the proposed new zoning regulations.

Analysis

Two different options on how to proceed are suggested for Planning Committee and Council consideration.

The first option is to continue the current practice of relying on the Zoning Bylaw and Building Bylaw as they presently exist. Richmond Zoning Bylaw 8500 is quite clear that only one single-family house is permitted in the AG zone (unless the lot is 8 ha (20 acres) or more and certain requirements are met for an additional single-family house). Furthermore, Building Regulation Bylaw No. 7230 gives the Building Inspector the authority to refuse to issue a Building Permit where the proposed work will contravene the provisions of any other applicable bylaws of the City (i.e., Richmond Zoning Bylaw 8500). This option may however be open to interpretation as the current Richmond Zoning Bylaw 8500 does not address the issue in any depth. It remains a viable option because in the past few years there has on average only been one Building Permit per year to construct a major addition or expansion to an existing single-family house.

The second option is to put the requirements noted above in the Findings of Fact section into Richmond Zoning Bylaw 8500. Specifically, they could be added to the Other Regulations in the Agriculture (AG) zone. This is what Richmond Zoning Bylaw 8500, Amendment Bylaw 9023 proposes to do. The advantage of this option is that it provides the greatest certainty and, after being vetted by the public at the required Public Hearing, gives clear Council direction. The disadvantage of this option is that it takes away some of the flexibility. Should a Building

Permit applicant not be able to meet all of these zoning requirements, the only alternative to the changing the Building Permit application is to seek a Development Variance Permit that the Development Permit Panel would consider and Council would issue.

This referral was considered by the Agricultural Advisory Committee on March 14, 2013. The Committee unanimously agreed to the following motion:

That the Agricultural Advisory Committee support the proposed bylaw amendments to the Agricultural (AG) zone as presented to prevent construction of duplexes and multiple-dwelling buildings on agricultural land.

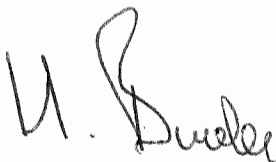
Financial Impact

None.

Conclusion

Planning Committee on September 8, 2010 directed staff to examine whether a common wall and roof should be required for additions to single-family and duplex dwellings and report back. Staff have done this and concluded that a common wall and roof should be required for additions to single-family houses in the Agriculture (AG) zone to prevent them from becoming duplex buildings. At the same time, staff would also recommend that: a breezeway connection be specifically prohibited so as create one single-family house both externally and internally; that there be only one door (including a sliding door) facing the road(s); that any kitchen(s) be located in either the existing single-family house or the addition/expansion (not in both); that only one garage be permitted; and that the building inspector be given residual authority to impose additional design limitations to prevent the single-family house from having the external appearance of being two units or the capability of being separated into two units.

Two options are presented to Planning Committee and Council in proceeding. The first option is to continue the current practice of relying on the Zoning Bylaw and Building Bylaw as they presently exist (i.e., don't change the Zoning Bylaw). The second option is to put the aforesaid new requirements into the AG1 zone. Staff are recommending the second option and that Richmond Zoning Bylaw 8500, Amendment Bylaw 9023 be introduced and given first reading. The Agricultural Advisory Committee supports this option.



Holger Burke, MCIP
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HB:cas



**Richmond Zoning Bylaw 8500, Amendment Bylaw 9023
Agriculture (AG) Zone - City of Richmond**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500, as amended, is further amended by:

a) Inserting the following new section in the Agriculture (AG) zone:

“14.1.11.15 The following provisions shall apply where existing **single detached housing** is added to or expanded on, but do not apply to a legal **secondary suite** which must not exceed a total **floor area** of 90.0 m² or to an addition or expansion having a **lot coverage** of 35 m² or less:

- a) if the existing **single detached housing** has:
 - i) four exterior walls, one wall of the new addition or expansion must be permanently attached to the entire wall face of one of the four exterior walls of the existing **single detached housing**;
 - ii) more than four exterior walls, one wall of the new addition or expansion must be permanently attached to the wall face of one of the exterior walls of the existing **single detached housing** and that attachment must be either at least 7.62 m (25 ft) wide or 10% of the total of all exterior walls of the existing **single detached housing**, whichever is greater;
- b) the roof of the existing **single detached housing** must:
 - i) extend over the new addition or expansion so as to become one continuous roof with the same pitch, slope or design if the existing **single detached housing** and the new addition or expansion have the same number of floors (e.g., both are one **storey** or both are two **storeys**);
 - ii) have a similar style pitch, slope and design if the existing **single detached housing** and the new addition or expansion have a different number of floors (e.g., one is one **storey** and the other is two **storeys**);
- c) the addition or expansion must:
 - i) not be attached by a breezeway, but be integrated with the existing **single detached housing** to form one **single detached housing** unit;
 - ii) be incidental and integrated with the existing **single detached housing** so as not to externally appear or be internally laid out to be a separate unit (e.g., should add to or expand an existing **kitchen**, create a common living/family/great room or have a hallway connection with no internal doors);

- d) there must be only one door, whether an entrance door into the **dwelling** or a sliding door onto a deck or **patio**, to the **single detached housing** and the new addition or expansion facing the **road** on an **interior lot** and no additional doors facing the other **road** on a **corner lot** or a **double fronting lot**;
 - e) both the primary **kitchen** and any permitted secondary **kitchen** must be located in either the existing **single detached housing** or the new addition or expansion, but not in both;
 - f) there must be only one **garage** that is shared and used for both the **single detached housing** and the new addition or expansion; and
 - g) the building inspector may impose additional design limitations if the effect of a proposed addition or expansion would, in the opinion of the building inspector, either give the **single detached housing** an external appearance of being two units or have the capability of being separated into two units."
- b) Renumbering existing section 14.1.11.15 to a new section 14.1.11.16.
2. This Bylaw may be cited as "**Richmond Zoning Bylaw 8500, Amendment Bylaw 9023**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED by H.B.
APPROVED by Director or Solicitor [Signature]