



To: Planning Committee

Date: April 26, 2018

From: Wayne Craig
Director, Development

File: 08-4100-01/2018-Vol 01

Re: Secondary Suites in Duplexes

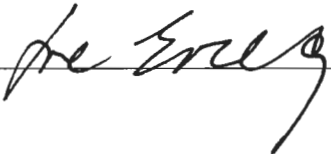

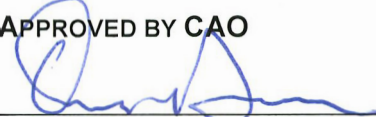
Staff Recommendation

1. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9865, to allow secondary suites as a permitted use in standard two-unit dwelling (duplex) zones, be introduced and given first reading.
2. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9864, to allow secondary suites as a permitted use in arterial road duplexes, be introduced and given first reading;
3. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9864, having been considered in conjunction with:
 - a. the City's Financial Plan and Capital Program; and
 - b. the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;is hereby found to be consistent with the said programs and plans, in accordance with Section 477(3)(a) of the *Local Government Act*;
4. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9864, having been considered in accordance with Section 475 of the *Local Government Act* and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation;
5. That upon submission of a Building Permit application for construction of a secondary suite in a two-unit dwelling (duplex), staff is authorized to discharge any restrictive covenants on title limiting the use of the property to a maximum of two dwelling units.
6. That Council Policy 5042 "Rezoning Applications for Two-Family Housing Districts – Involving Existing Non-Conforming Two-family Dwellings" adopted March 29, 2005, be amended to remove the requirement for the registration of a legal agreement limiting the use of the property to a maximum of two dwelling units.



Wayne Craig
Director, Development
(604-247-4625)

WC:sds
Att. 7

| REPORT CONCURRENCE | | |
|--|---|--|
| ROUTED TO: Affordable Housing Building Approvals Policy Planning | CONCURRENCE <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | CONCURRENCE OF GENERAL MANAGER  |
| REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE | INITIALS:  | APPROVED BY CAO  |

Staff Report

Origin

At the September 11, 2017 meeting of Regular Council, the following referral motion was passed:

That:

- 1) *staff provide a history of duplexes and their requirements; and*
 - 2) *staff provide information on options to legitimize secondary suites in duplexes that are within the City's jurisdiction*
- and report back.*

This report responds to the referral by providing information on the history of duplex development and presents a number of options to permit secondary suites in duplexes for Council's consideration.

This report also supports Council's 2014-2018 Term Goal #3: A Well-Planned Community:

Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.

Findings of Fact

From 1956 to 1987, Richmond Zoning Bylaw 1430 permitted the development of either single-family dwellings or two-family dwellings (duplexes) in a number of residential zones. Richmond Zoning Bylaw 1430 was amended in 1987 to prohibit any new development of two-family dwellings, due to public concerns at the time regarding two-family dwellings, including:

- The potential proliferation of two-family dwellings in predominantly single-family residential neighbourhoods;
- The trend of two-family dwellings being occupied on a rental basis; and
- The alteration of two-family dwellings into triplexes or fourplexes.

Previous Richmond Zoning and Development Bylaw 5300

Richmond Zoning and Development Bylaw 5300 replaced Richmond Zoning Bylaw 1430 in 1989 and excluded two-family dwellings as a permitted use, which resulted in all existing two-family dwellings becoming legal non-conforming uses. However, due to property owners' concerns regarding the non-conforming status, Zoning and Development Bylaw 5300 was further amended to create a new two-family dwelling zone (Two-Family Housing District) in order to:

- Give legitimacy to existing genuine (previously conforming) two-family dwellings;
- Establish areas where new two-family dwellings could be developed; and
- Regulate the future development and redevelopment of two-family dwellings.

Council also endorsed a temporary voluntary program in 1990, which gave property owners of existing two-family dwellings the opportunity to rezone to the new two-family dwelling zone without having to pay a rezoning application fee. This would allow previously authorized two-family dwellings to regain the lawful status that was lost with the introduction of Richmond Zoning and Development Bylaw 5300. Property owners who consented to the voluntary program were required to confirm bylaw compliance through a building inspection and were also required to register a legal agreement on Title, restricting the property to a maximum of two dwelling units. The purpose of this restrictive covenant was to:

- Make the current and future owners aware of the maximum number of units permitted;
- Prevent future alterations to triplexes or fourplexes; and
- Act as an additional enforcement tool to ensure compliance with the new two-family dwelling zone.

Approximately 354 properties were rezoned as part of the temporary voluntary program, which was terminated in 1995. Subsequent rezoning applications to legitimize existing two-family dwellings have been considered on a case-by-case basis. It is estimated that an additional 17 properties were rezoned since 1995 to legitimize the existing non-conforming two-family dwelling.

Single-Family Lot Size Policies

Single-Family Lot Size Policies were first introduced in 1989 in Richmond Zoning and Development Bylaw 5300 to protect existing single-family neighbourhoods from development pressure (rezoning and subdivision into smaller lots), and provide stability for neighbourhoods by defining a public process for any zoning changes that would facilitate subdivision.

In 1996, and again in 1998, the procedure for the Single-Family Lot Size Policies was amended to allow applications to rezone and subdivide existing two-family dwellings into two single-family lots to be considered on their own merits, without conducting a Lot Size Policy study. The rationale used at the time was that the subdivision of duplex lots was different than the subdivision of single-family lots, as it does not add to the number of units in the existing neighbourhood. Additionally, a survey was conducted by the City in 1992 within a specific Lot Size Policy area, which revealed that the majority of respondents supported subdivision of duplex lots, preferring two single-family dwellings to one duplex.

The provision to allow the rezoning and subdivision of existing two-family dwellings is contained in the current Richmond Zoning Bylaw 8500, under Section 2.3.7, whereby the requirements of the Single-Family Lot Size Policies (i.e. conducting a Lot Size Policy Study) do not apply to a property which is the subject of the application if the land is the site of a legal duplex and is intending to subdivide into no more than two single-family lots.

This provision has led to the redevelopment of many existing duplexes into two single-family dwellings. Should Council wish to revisit this provision, Council can pass a specific resolution to direct staff to review the City's zoning provisions and Single-Family Lot Size Policies supporting the subdivision of duplex lots and report back.

Attachment 1 provides more information on the history of duplex development and secondary suites.

Current Regulations of Duplexes and Secondary Suites in Richmond Zoning Bylaw 8500

Currently, Richmond Zoning Bylaw 8500 allows duplex development on properties zoned “Two Unit Dwellings (RD1, RD2)”, “Infill Residential (RI1, RI2)” and a number of site specific zones. In addition, owners of existing legal non-conforming duplexes zoned for single-family development can continue to apply for a rezoning to legitimize the existing duplex. More information regarding existing duplexes is provided in the “Analysis” section of this report.

Secondary suites are currently not a permitted use in any zones that allows duplexes. Richmond Zoning Bylaw 8500 allows secondary suites in a number of other zones, including all standard single-family and townhouse zones. Secondary suites became a permitted use in all single-family zones in 2007. Allowing secondary suites in single-family dwellings was an opportunity to address housing affordability issues and to provide more housing variety. In addition, it allowed greater control over health and safety issues in existing suites.

Secondary suites became a permitted use in standard townhouse zones more recently in May 2017, in order to provide additional opportunities to increase the supply of secondary suites city-wide through new townhouse developments. Incorporating secondary suites in new construction is significantly easier than retrofitting existing buildings to accommodate suites, which can be challenging and expensive, depending on the existing condition.

BC Building Code (BCBC)

The BCBC contains different construction requirements for a secondary suite within a single-detached dwelling compared to a suite within other forms of housing (i.e. duplexes), including, but not limited to, the following:

| BCBC requirements | Secondary suite in a single-detached dwelling | Suite in a multi-family dwelling (i.e. duplex) |
|--------------------------|---|--|
| Fire separation | 45 min. fire rating; or 30 min. if smoke alarmed; or 0 min. if sprinklered. | 1 hr. fire rating (2 storey building). |
| Smoke alarms | Not required if 45 min. fire rating. | Required in each unit. |
| Sound transmission | Not required. | Minimum sound transmission classification of 50 between units. |

Attachment 2 provides a comprehensive comparison table, produced by the Provincial Building and Safety Standards Branch, which identifies these differences. Generally, the requirements for a suite within a duplex are significantly more onerous and costly compared to a secondary suite within a single-detached dwelling.

Legitimizing an existing suite within a duplex may require extensive works, depending on the age and condition of the existing duplex. In addition to the BCBC requirements, other building and servicing concerns may need to be addressed, including, but not limited to, the following:

- Water and sanitary sewer pipe sizes and or material used may be inadequate and may require upgrades.
- If each side of the duplex is not already metered separately, the installation of a separate water service connection and meter would be required.
- If a gas line exists, separate services to each unit would be required.
- General upgrading and separation of existing electrical wiring.
- Asbestos may currently exist in the drywall, flooring, insulation, etc.
- Existing back-to-back fireplaces may be an issue in order to maintain fire separation and sound rating between units.

The scope of upgrades required for existing suites to meet current Building Code requirements and address building and servicing concerns will vary significantly depending on the age and condition of the existing duplex, making it difficult to provide cost estimates. Property owners are recommended to consult a BC Building Code Consultant or equivalent registered professional to determine the scope of upgrades and costs required in order to achieve compliance to the BCBC. At Building Permit stage, a detailed code analysis outlining the scope of upgrades would be required. The requirements noted above would apply to all duplexes, regardless if the property has been strata-titled or not.

Related Policies & Studies

Official Community Plan/Arterial Road Land Use Policy

The Official Community Plan (OCP) encourages a variety of forms of housing in neighbourhoods in appropriate locations to provide a range of housing choices, including duplexes and secondary suites. Secondary suites are identified in the OCP as an option to increase the affordability of housing for the homeowner, and at the same time provides affordable accommodations for renters.

The Arterial Road Land Use Policy contained within the OCP supports densification along arterial roads. It was recently updated in 2016 to include arterial road duplex and triplex development in order to encourage more housing variety.

Allowing secondary suites in duplexes would be consistent with the OCP policies that strive to encourage more varied housing forms.

Council Policies

Two other Council policies exist to provide direction to staff in the review of applications involving two-family dwellings (duplexes), specifically:

- Policy 5007 – “Rezoning of Strata-Titled Two-Family Dwellings to Two-Family Housing District” (1990) (Attachment 3), which allows the entire property to be considered for rezoning with the consent of the owner of one unit of a strata-titled two-family dwelling; and

- Policy 5042 – “Rezoning Applications for Two-Family Housing Districts – Involving Existing Non-Conforming Two-family Dwellings” (2005) (Attachment 4), which provides a list of requirements to guide staff review of these types of applications (legitimizing an existing duplex), including requiring registration of a restrictive covenant limiting the property to a maximum of two dwelling units prior to rezoning approval.
 - These types of rezoning applications are commonly accompanied by a Strata-title Conversion application. The purpose of stratifying an existing duplex is typically to have the ability to sell each unit of the duplex independently. Policy 5042 is used to guide the review of the Strata-title Conversion application, including those without an associated rezoning application.

Analysis

Existing Duplexes

There are currently approximately 547 existing duplex buildings city-wide. Additional information regarding these existing duplexes is provided below and in Attachment 5:

- 321 duplexes are conforming uses, on lots zoned for “two-unit housing” (i.e. RD1, RD2, RI1, RI2, and site-specific).
- 226 duplexes are existing legal non-conforming uses, on lots zoned for single-family development (i.e. RS1 and RS2).
- 304 of the 547 existing duplexes are currently strata-titled; meaning each unit of the duplex is its own strata unit (for a total of 608 strata units). 243 duplexes are not stratified.
- The average age of existing duplexes is 43 years.

There are two existing standard zones and six site-specific zones in Richmond Zoning Bylaw 8500 which permit the use of “two-unit housing”, including the following:

- Standard zones: “Two-Unit Dwellings (RD1, RD2)”, “Infill Residential (RI1, RI2)”.
- Site-specific zones: ZD1, ZD2, ZD3, ZD4, ZT56 and ZT61.

None of these zones currently permit the construction of a legal secondary suite.

Current Suite Requirements

Secondary suites are currently permitted only in standard single-family and townhouse zones, and are not permitted in duplex zones. Current regulations related to secondary suites in single-family dwellings and townhouses are included in Richmond Zoning Bylaw 8500, and provided in Attachment 6.

Specific provisions in the current secondary suite regulations included in Richmond Zoning Bylaw 8500 apply only to single-family development, due to the BC Building Code distinction between a secondary suite within a single-detached dwelling and a suite within a multi-family

dwelling. The definition of secondary suite in a single-family dwelling as per the BC Building Code includes the following requirements:

- Having a total floor space of not more than 90 m² in area; and
- Having a floor space less than 40% of the habitable floor space of the building.

Since a suite within a duplex is classified differently than a secondary suite within a single-family dwelling in the BC Building Code, it would not be subject to the same requirements from a code perspective. The proposed zoning bylaw amendment does not include a maximum floor area (i.e. 90 m²) for the secondary suite within a duplex, but does include a maximum percentage of floor area (i.e. 40%), in order to ensure the suite is a secondary use to the principal dwelling, consistent with the current requirements for suites in townhouse development.

Options

Allowing suites in duplexes presents a number of benefits and challenges. These are described below along with two options for Council's consideration, in order to address the referral.

1) *Status quo, continue to prohibit secondary suites in duplexes (not recommended):*

Benefits:

- No action required and no change to the existing single-family neighbourhoods.

Challenges:

- Does not address the demand for additional housing in single-family neighbourhoods.
- Existing illegal suites may have life and safety issues as they are built without City inspections.
- Enforcement of existing non-compliance would continue to be challenging. Enforcement of non-compliance (i.e. the construction and use of secondary suites in existing duplexes) would continue to be on a complaint basis and addressed by Community Bylaws.

2) *Allow secondary suites as a permitted use in two-unit dwelling (duplex) zones (recommended):*

Benefits:

- Would provide increased opportunities for affordable ground-oriented rental housing within existing single-family neighbourhoods.
- Would provide homeowners the option to utilize rental suites (secondary suites) as mortgage helpers.
- May allow older households, who may no longer need a large house, the opportunity to add a secondary suite in order to remain in their homes longer. This would facilitate aging in place and could also add a sense of security.
- Bringing existing secondary suites into BC Building Code compliance allows the City to have control over the health and safety conditions in such units.

- Provide incentive for property owners to retain existing duplexes, rather than pursue demolition and redevelopment. This can maintain alternative forms of housing and reduce demolition waste to the landfill.

Challenges:

- Retrofitting an existing duplex to accommodate a secondary suite to BC Building Code standard may require significant financial investment, depending on the age and condition of the building.
- In neighbourhoods where on-street parking is limited, secondary suites may potentially have an effect on parking availability.

In order to pursue this option, Richmond Zoning Bylaw 8500 would have to be amended to add secondary suites as a permitted use in standard duplex zones. Additionally, the Arterial Road Policy would have to be amended to remove the provisions which explicitly prohibit secondary suites in duplex development along arterial roads.

Richmond Zoning Bylaw 8500 Amendments

In order to allow secondary suites in duplexes, the following amendments to Richmond Zoning Bylaw 8500 would be necessary:

1. Update the definition of “secondary suites” (Section 3) to identify that secondary suites can also be contained within two-unit housing.
2. Update the *Specific Use Regulations for Secondary Suites* (Section 5.4) to accommodate secondary suites in duplex developments.
3. Amend the standard duplex zones to add “secondary suite” as a permitted use in duplex developments.

The following additional provisions would be required to ensure consistency with the existing requirements for secondary suites in single-family dwellings and townhouses. Secondary suites in a duplex:

- Must be completely enclosed within a duplex unit;
- Must not exceed 40% of the total floor area of the duplex unit (one side of the duplex);
- Must have an additional parking stall (over and beyond the number of parking stalls required for the duplex unit) for its exclusive use, if located on a lot fronting an arterial road. Where this is the case, allow the parking spaces to be provided in tandem arrangement;
- Must be the only secondary suite contained within the same duplex unit.

In order to prevent the future stratification of the secondary suites (the development of triplexes and fourplexes), an additional provision will be added to the Zoning Bylaw to prohibit the Strata-title Conversion of a secondary suite.

Official Community Plan (OCP) Bylaw 9000 Amendment

The Arterial Road Land Use Policy was recently updated to include arterial road duplex and triplex development. Amendments to the OCP would be required to remove the provisions in the Arterial Road Land Use Policy which explicitly prohibit secondary suites in new arterial road duplex development. This type of development requires a Development Permit, which provides staff greater control over the massing and design of the duplex. An additional parking space for the exclusive use of the secondary suite on lots along arterial roads would also be required.

The necessary provisions have been included in the proposed Zoning Bylaw 8500, Amendment Bylaw 9865 and Official Community Plan Bylaw 9000, Amendment Bylaw 9684.

Servicing and Parking

The City's Engineering Department has reviewed the option of allowing secondary suites in duplexes and has no servicing concerns, based on the proposed secondary suite regulations.

Zoning Bylaw 8500 currently requires two on-site parking stalls for each duplex unit. Consistent with the existing secondary suite regulations, the City's Transportation Department has confirmed that additional parking would not be required on-site for secondary suites in duplexes, except for lots that have frontage on arterial roads. In these locations, duplexes with secondary suites would be required to provide one additional parking stall for each secondary suite, which may be provided in tandem arrangement. This approach is consistent with the existing parking requirements for secondary suites in single-family development.

Legalization Process of Existing Suites in Duplexes

This section outlines some of the process and requirements that would be associated with legalizing existing secondary suites in duplexes.

Rezoning Application

Property owners of existing legal non-conforming duplexes (i.e. a property zoned for single-family development) who wish to construct or legalize a secondary suite would be required to rezone the property to a zone that permits duplexes in order to legitimize the existing duplex and allow the use of a legal secondary suite. If the property is already zoned for duplexes, no rezoning would be required.

Building Permit Application

Existing suites within duplexes, which were built without a Building Permit, would not immediately be made legal if the proposed amendments were adopted. Property owners would be required to submit a Building Permit application in order to legitimize the previous construction and identify any BC Building Code (BCBC) compliance issues. If outstanding Building Code issues are identified through the Building Permit process, the property owner would be required to correct any deficiencies and pass a building inspection to be granted occupancy.

Enforcement would continue to be on a complaint basis and addressed by Community Bylaws. Any outstanding code issues that are not addressed through a Building Permit application would be identified as Building Regulation Bylaw No. 7230 offences, which could ultimately lead to legal prosecution.

Existing Legal Encumbrances

As noted earlier, a number of duplexes were required to register a restrictive covenant on Title, which limits the property to a maximum of two dwelling units. These legal agreements would be required to be discharged if a secondary suite Building Permit application is submitted.

Standard process is to request Council's authority to discharge covenants on a case-by-case basis. However, the City's Law Department has advised that, should Council wish to proceed with the option of allowing secondary suites in duplex zones, Council can grant a blanket authorization for the discharge of these legal agreements at Building Permit stage.

Council Policy 5042, which provides requirements for rezoning applications involving non-conforming duplexes and strata-title conversions, would also be required to be amended (Attachment 7), to remove the requirement for the registration of a legal agreement limiting the use of the property to a maximum of two dwelling units.

Financial Impact

None.

Conclusion

This report responds to a Council referral to provide a history of duplexes and their requirements, and provides information on options to legitimize secondary suites in duplexes that are within the City's jurisdiction.

Staff recommend regulating secondary suites in zones that allow two-unit dwellings (duplexes). It is recommended that Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9864 and Richmond Zoning Bylaw 8500, Amendment Bylaw 9865, be introduced and given first reading.



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SDS:blg

- Attachment 1: History of Two-Family (Duplex) and Secondary Suite Regulations
- Attachment 2: Comparison of Code Requirements for Secondary Suites
- Attachment 3: Council Policy 5007
- Attachment 4: Council Policy 5042
- Attachment 5: Statistics of Existing Duplexes
- Attachment 6: Current Richmond Zoning Bylaw 8500 Secondary Suite Regulations
- Attachment 7: Council Policy 5042 Amendment

History of Two-Family Dwelling (Duplex) and Secondary Suite Regulations

| Date | Description |
|-------------------|--|
| October 29, 1956 | <ul style="list-style-type: none"> Zoning Bylaw 1430, the City's first zoning bylaw, was adopted, which permitted the development of either single-family dwellings (on lots with a minimum width of 18 m) or two-family dwellings (on lots with a minimum width of 24 m) in particular single-family residential zones. |
| December 14, 1987 | <ul style="list-style-type: none"> Zoning Bylaw 1430, Amendment Bylaw 4867 was adopted, which prohibited new development of two-family dwellings. The Zoning Bylaw was amended due to public concerns regarding two-family dwellings, including the potential proliferation of two-family dwellings in predominantly single-family residential neighbourhoods, the trend of two-family dwellings being occupied on a rental basis, and the alteration of two-family dwellings into triplexes or fourplexes. |
| April 3, 1989 | <ul style="list-style-type: none"> Zoning Bylaw 1430 was repealed and replaced by Richmond Zoning and Development Bylaw 5300. The new Zoning Bylaw intentionally excluded two-family dwellings as a permitted use and made all existing two-family dwellings non-conforming. |
| October 10, 1989 | <ul style="list-style-type: none"> Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 5386 was adopted, which created the "Two-Family Housing District (R5)" in order to accommodate the existing two-family dwellings. The Zoning Bylaw amendment responded to concerns regarding the non-conforming status of existing two-family dwellings (related to property insurance and mortgageability concerns). The purpose of creating the new two-family dwelling zone was to give legitimacy to all existing genuine two-family dwellings, establish areas where new two-family dwellings could be developed, and regulate the development and redevelopment of two-family dwellings. |
| April 23, 1990 | <ul style="list-style-type: none"> In order to further address the non-conforming two-family dwellings, Council endorsed a voluntary program, where property owners of existing two-family dwellings were contacted and provided the opportunity to rezone to the new two-family dwelling zone without having to pay a rezoning application fee, for a limited time only. Property owners who consented to the voluntary program were required to confirm bylaw compliance through an inspection and register a restrictive covenant on Title restricting the property to a maximum of two dwelling units. The purpose of the restrictive covenant was to make the current and future owners aware of the maximum number of units permitted, prevent future alterations to triplexes or fourplexes, and act as an additional enforcement tool. The requirement also provided consistency with existing strata-titled two-family dwellings, which had covenants registered at the time of strata-title conversion. |

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|---|---|
| <p>March 18, 1991 to October 16, 1995</p> | <ul style="list-style-type: none"> • On completion of a positive inspection and registration of the restrictive covenant, properties were included in comprehensive rezoning bylaws and rezoned to the new two-family dwelling zone. • From 1991 to 1995, a number of these comprehensive rezoning bylaws were adopted and approximately 354 properties were rezoned to the new two-family dwelling zone. • The voluntary program was terminated in 1995 and subsequent rezoning applications to legitimize existing two-family dwellings were considered on a case-by-case basis and subject to the applicable fees. |
| <p>October 15, 1996</p> | <ul style="list-style-type: none"> • Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 6584 was adopted, which amended the procedure for Single-Family Lot Size Policies to remove applications intending to rezone and subdivide existing two-family dwelling lots into two single-family lots. • The Zoning Bylaw was amended due to the rationale that the subdivision of duplex lots is different than the subdivision of single-family lots (i.e. does not add to the number of units in the existing neighbourhood). • Single-Family Lot Size Policy study conducted in 1992 within a specific area indicated that the majority of respondents supported subdivision of duplex lots, preferring two single-family dwellings to duplexes. |
| <p>September 14, 1998</p> | <ul style="list-style-type: none"> • Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 6904 was adopted, which amended the procedure for Single-Family Lot Size Policies again, to explicitly allow applications intending to rezone and subdivide existing two-family dwelling lots into two single-family lots to be examined on their own merits without conducting a lot size policy study, even if the proposal was inconsistent with the existing Single-Family Lot Size Policy. |
| <p>March 29, 2005</p> | <ul style="list-style-type: none"> • Council Policy 5042: <i>Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-Family Dwellings</i> was adopted. • The Policy provides information requirements for rezoning applications seeking a rezoning to the two-family dwelling zone, involving existing non-conforming two-family dwellings, in order to assist Council to assess the potential impacts. Requirements include a restrictive covenant limiting the property to a maximum of two dwelling units prior to final adoption of the rezoning bylaw. |
| <p>November 16, 2009 to Present</p> | <ul style="list-style-type: none"> • Currently, Richmond Zoning Bylaw 8500 allows duplex development on properties zoned the standard "Two Unit Dwellings (RD1, RD2)" zone and the less common "Infill Residential (RI1, RI2)". There are also a number of site specific zones which permit duplex development. • Secondary suites are currently not a permitted use within zones that permit duplexes. |



Information Bulletin

Building and Safety Standards Branch

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Victoria BC V8W 9T2

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Website: www.housing.gov.bc.ca/building

| | 9.36. Secondary Suite | single-family | Regular Suite | multi-family (i.e. duplexes) |
|--|-----------------------|---|----------------------|--|
| Height of Rooms or Spaces | 9.36.2.1.(1) | Min ceiling height 2.0m | 9.5.3.1.(1) | Min ceiling height 2.1m |
| Solid Blocking | 9.36.2.2.(1) | Not required for doors where interior wall finish adjacent the door is in place prior to construction. | 9.6.8.9.(1) | Required on both sides of door at lock height so jambs will resist spreading by force. |
| Exit Stairs | 9.36.2.3.(1) | Exit stairs to have min. width of 860mm | 9.8.2.1.(1) | Exit stairs to have min. width of 900mm. |
| Dimensions of Landings | 9.36.2.4.(1) | Landings serving both dwelling units need not exceed 900mm in length | 9.8.6.2.(4)(b) | Lesser of required width of stair or 1100mm. |
| Handrails and Guards | 9.36.2.5.(1) | Conform to 9.8.7. and 9.8.8. as if serving only one dwelling unit | 9.8.7. and 9.8.8. | Must fully conform to 9.8.7. and 9.8.8. |
| Means of Egress | 9.36.2.6.(1) | Width of every public and exit corridor shall not be less than 860mm. | 9.9.3.3.(1) | Width of every public and exit corridor shall not be less than 1100mm. |
| Fire Separation for Exits | 9.36.2.7.(1) | (a) 45 min., or (b) 30 minute fire resistance rating where smoke alarms conform to 9.36.2.19., or (2) no rating where sprinklered. | 9.10.9.14. | (2) 45 minute fire resistance rating between suites, or (3) 1 hr fire resistance rating where the dwelling unit is 2 storeys |
| Openings Near Unenclosed Exit Stairs and Ramps | 9.36.2.8.(1) | If unenclosed stairs or ramp is the only mean of egress from the building and it is exposed to unprotected openings in another fire compartment, the openings must meet 9.10.13.5. to 9.10.13.7. | 9.9.4.4. | Openings must meet 9.10.13.5. and 9.10.13.7. when the openings in the exterior walls of the <i>building</i> are within 3 m horizontally and less than 10 m below or less than 5 m above the <i>exit</i> stair or ramp. |
| Doors in a Means of Egress | 9.36.2.9. | Doors that provide access to exit from a suite must be 1980mm high, clear opening of 800mm and may swing inward. | 9.9.6.2. to 9.9.6.4. | Must be 2030mm high, clear opening of 800mm. |
| Travel Limit to Exits or Egress Doors | 9.36.2.10.(1) | Distance to an exit may exceed 1 storey if suite has operable window conforming to 9.9.10.1.(2) | 9.9.9.1. | Distance to an exit may only exceed 1 storey in limited circumstances. |
| Shared Egress Facilities | 9.36.2.11. | (1) except as provided in 9.9.7.3., exit doors that open to a shared hallway shall provide two opposite directions of travel to exit, unless the suite is equipped with a means of egress conforming to 9.9.10.1.(2). | 9.9.9.2.(1) | Except as provided in Sentence 9.9.7.3.(1), where an egress door from a <i>dwelling unit</i> opens onto a <i>public corridor</i> or exterior passageway it shall be possible from the location where the egress door opens onto the corridor or exterior passageway to go in |

| | | | | |
|---|---------------|--|--------------|--|
| | | | | opposite directions to 2 separate exits unless the dwelling unit has a second and separate means of egress. |
| | | (2) Each dwelling unit shall have a second means of egress conforming to 9.9.10.1. where the egress door from either dwelling unit opens to a space used by both suites with only one exit. | 9.9.9.3.(1) | Except as provided in 9.9.7.3., a separate means of egress to be provided where an exit door opens onto: (a) a stairway serving more than one suite, (b) a public corridor with a single exit stairway, (c) an exterior passageway more than 1.5m above ground and serving more than one dwelling unit, and (d) a balcony more than 1.5m above ground and serving more than one suite. |
| Exit Signs | 9.36.2.12.(1) | No exit signs required. | 9.9.10.3.(1) | Exit signs required in 3 storey building or where exit is not easily visible. |
| Structural Fire Resistance | 9.36.2.13.(1) | Table 9.10.8.1. does not apply. | 9.10.8.1. | All floors (except over crawl space) to have fire resistance rating of 45 min. |
| Combustible Drain, Waste and Vent Piping | 9.36.2.14. | (1) Drain, waste and vent piping may be combustible and penetrate a fire separation provided (a) (except as allowed in (b)), it is protected by 12.7mm gypsum board, (b)the penetration through gypsum is limited to the size of the pipe, and (c)pipe does not penetrate the underside of gypsum in a horizontal fire separation. | 9.10.9.7. | Combustible drain, waste and vent piping may only be used in limited circumstances. |
| Separation of Residential Suites | 9.36.2.15. | Dwelling units must be separated by 45min fire separation, 30min if smoke alarms meet 9.36.2.19., or no required rating if building is sprinklered. | 9.10.9.14. | 45min separation between dwelling units or 1hr if either dwelling unit is 2 storeys. |
| Separation of Public Corridors | 9.36.2.16. | (a) 45 min., or (b) 30 min. where smoke alarms meet 9.36.2.19., or (c) no required resistance if building is sprinklered. | 9.10.9.15. | 45min separation required |
| Air Ducts and Fire Dampers | 9.36.2.17. | (1) HVAC system that serves both suites shall be equipped to prevent movement of smoke when detected by alarm. (2) Ducts do not need | 9.10.13.13 | 1) Except as permitted by Sentences (2) to (5) and Sentence 9.10.5.1.(4), a duct that penetrates an assembly required to be a fire separation with a fire- |

| | | | | |
|---|------------|---|-----------------------|--|
| | | to be equipped with fire dampers as per 3.1.8.9. provided they are non-combustible with all duct openings serving a single fire compartment. | | <i>resistance rating</i> shall be equipped with a fire damper in conformance with Articles 3.1.8.4. and 3.1.8.9. |
| Exposing Building Face of Houses | 9.36.2.18. | (1) Except as provided in 9.10.15.3., 9.10.14.5. does not apply provided (a) 45min rating on wall with limiting distance less than 1.2m, and (b) non-combustible cladding used where limiting distance is less than 0.6m. (2) Window openings are not permitted in building face referred to in (1) with limiting distance less than 1.2m and must conform to 9.10.14.4. where limiting distance is greater than 1.2m. | 9.10.14. and 9.10.15. | If one of the dwelling units is above the other, 9.10.14. must be used. |
| Smoke Alarms | 9.36.2.19. | (1) Can/ULC-S531 Smoke Alarm to be installed in each suite. (2) Smoke alarms to be interconnected between suites. (3) Smoke alarms in (1) and (2) not required if (a) fire separations in 9.36.2.16. and 9.36.2.17. have a fire resistance rating of 45 min., or (b) the building is sprinklered | | Can/ULC-S531 Smoke Alarm in each dwelling unit. Smoke alarms must be interconnected within dwelling units but do not need to be interconnected between dwelling units. |
| Sound Control | 9.36.2.20. | Section 9.11.2. does not apply. | 9.11.2.1.(1) | Min. STC 50 between suites. |
| Attic Space Access | 9.36.2.21. | Attic hatchway of min. 0.32m ² in area of min. 545mm in any direction may serve both dwelling units | 9.19.2.1. | 1) Shared attic hatchway must be > 3 m ² in area, > 1 m in length or width, and > 600 mm in height over at least the area described above. 2) Single unit hatch may be 0.32 m ² in area with no dimension less than 545 mm. |
| Garages and Carports | 9.36.2.22. | Section 9.35. is applicable | | Section 9.35 does not apply. |



| | | |
|-------------------------------------|---|--------------------------------------|
| Page 1 of 1 | Rezoning of Strata-Titled Two-Family Dwellings to Two-Family Housing District (R5) | <input type="checkbox"/> Policy 5007 |
| Adopted by Council: October 9, 1990 | | |

POLICY 5007:

It is Council policy that:

Where the owner of one unit of a strata-titled two-family dwelling has consented to rezoning to Two-Family Housing District (R5), the entire property shall be considered for rezoning.



| | | |
|------------------------------------|--|--------------------|
| Page 1 of 1 | Rezoning Applications for Two-Family Housing Districts – Involving Existing Non-Conforming Two-family Dwellings | Policy 5042 |
| Adopted by Council: March 29, 2005 | | |

POLICY 5042:

It is Council policy that:

Rezoning applications seeking a rezoning to “Two-Unit Dwellings Zone (RD1)”, involving existing non-conforming two-family dwellings, must be supported with adequate information to assist Council assess all potential impacts arising from the rezoning application in the following areas:

1. A certificate prepared by a registered B.C. Land Surveyor showing the location, dimensions, and setbacks of all buildings and structures presently on the property, together with a floor area ratio calculation is required to verify Zoning Bylaw compliance.
2. An inspection of the existing structure by City Staff is required to confirm the building contains a maximum of two dwelling units. A Restrictive Covenant limiting the property to a maximum of two dwelling units is required as a condition of final adoption of a rezoning bylaw.
3. The property owner shall provide a written statement on the following items:
 - a) The building’s age, quality, general conditions and any measures proposed to upgrade or alter the buildings appearance; and
 - b) The occupancy of the existing structure and what impact the proposed rezoning may have on the existing residents of the two-family dwelling.
4. Where as a result of the normal rezoning process, the public has raised concerns over the design of an existing structure or construction of a new two-family dwelling on the subject site, staff will present to Council a summary of the public concerns along with options available to address the concerns.
5. Each application shall be reviewed to determine if there are any off-site improvements required to bring the site up to City standards. Should any off-site improvements be required, such improvements are required as a condition of final adoption of a rezoning bylaw.
6. Where a Council approved 702 Single Family Lot Size Policy would permit the subject site to be subdivided, Council will be advised of the site’s future subdivision potential.
7. Rezoning applications intended to facilitate a strata title conversion of the existing structure shall be accompanied by a Strata Title Conversion Application and such application forwarded to Council concurrently with the rezoning proposal.

Statistics of Existing Duplexes

| Zoning | Number of Duplexes | Sub-Zone | Number of Duplexes |
|---------------------------------|-------------------------|---|--|
| "Two-Unit Dwellings (RD1, RD2)" | 289 | RD1 RD2 | 286 3 |
| "Infill Residential (RI1, RI2)" | 26 | RI1 RI2 | 22 4 |
| Site Specific | 6 | ZD1 ZD2 ZT61 | 1 1 4 |
| "Single Detached (RS1 & RS2)" | 226 | RS1/A RS1/B RS1/C RS1/D RS1/E RS1/J RS2/B RS2/C RS2/K | 4 9 3 1 173 1 18 4 1 |
| Total | 547 | | |
| Type | Number of Duplexes | | |
| Strata-title | 304 (608 strata units) | | |
| Non-strata | 243 | | |
| Year Built | Number of Duplexes | | |
| 1925-1950 | 6 | | |
| 1951-1975 | 378 | | |
| 1976-2000 | 121 | | |
| 2001-present | 42 | | |
| Average age | 43 (e.g. built in 1975) | | |

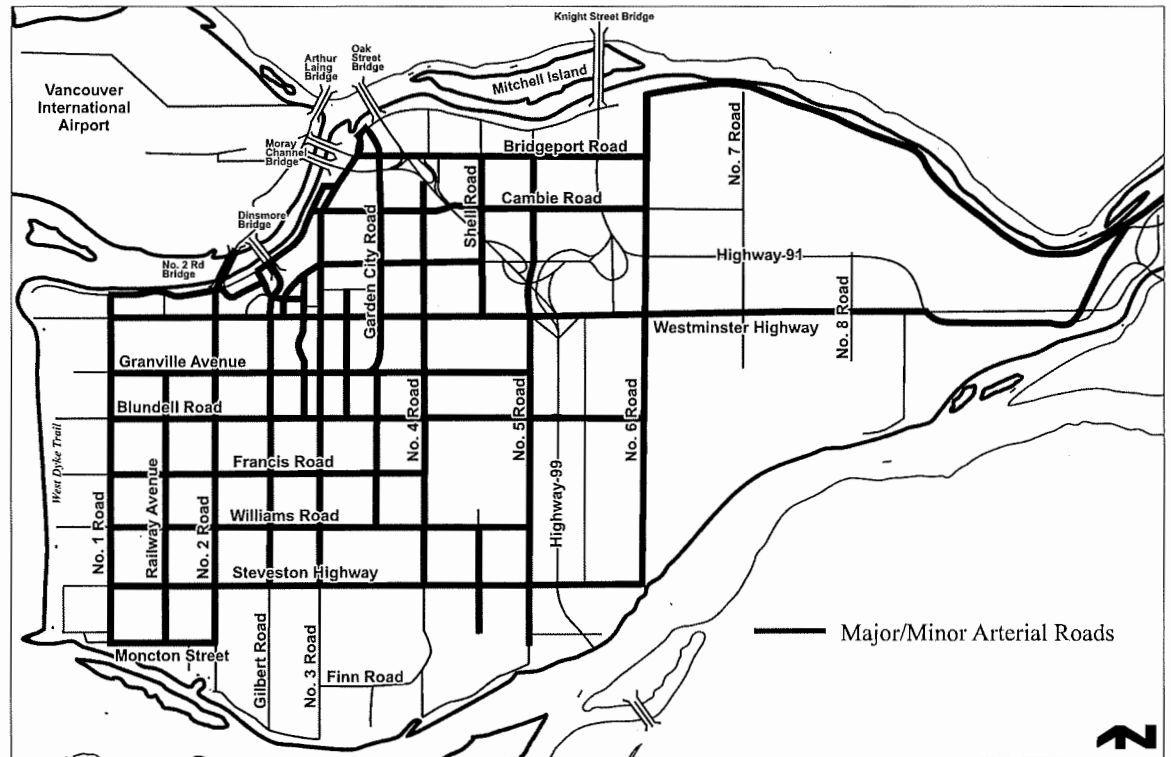
Current Richmond Zoning Bylaw 8500 Secondary Suite Regulations

5.4 Secondary Suites

5.4.1 The following regulations and prohibitions apply to every secondary suite permitted in a zone: ^[Bylaw 9715, May 15/17]

- a) the **secondary suite** must be completely enclosed within the same **building** as the **principal dwelling unit** in **single detached housing** or completely contained within the same townhouse unit or **strata lot** in **town housing**, and not in a detached **accessory building**; ^[Bylaw 9715, May 15/17]
- b) no more than one **secondary suite** shall be permitted per **principal dwelling unit** in **single detached housing** or per townhouse unit or **strata lot** in **town housing**; ^[Bylaw 9715, May 15/17]
- c) the **secondary suite** must be incidental and integrated with the **principal dwelling unit** so as not to externally appear as a separate unit; ^[Bylaw 9715, May 15/17]
- d) a **City** water meter must be installed on the **lot** on which the **secondary suite** is located; ^[Bylaw 9715, May 15/17]
- e) the **secondary suite** must have a minimum **floor area** of at least 33.0 m² and must not exceed a total **floor area** of 90.0 m² in **single detached housing**; ^[Bylaw 9715, May 15/17]
- f) the **secondary suite** must not exceed 40% of the total **floor area** of the **dwelling unit** in which it is contained; ^[Bylaw 9715, May 15/17]
- g) home business uses (i.e., licensed crafts and teaching; licensed residential registered office and licensed residential business office), but not child care programs, may be carried out within a secondary suite; ^[Bylaw 9715, May 15/17]
- h) boarding and lodging and minor community care facilities are not permitted in a secondary suite; ^[Bylaw 9715, May 15/17]
- i) a **secondary suite** is not permitted in conjunction with a **bed and breakfast**; ^[Bylaw 9715, May 15/17]
- j) the **building** must be inspected by the **City** for compliance with the *Building Code*, this bylaw and other applicable enactments; ^[Bylaw 9715, May 15/17]
- k) where a **secondary suite** is on a **lot** fronting an **arterial road** as shown in Diagram 1 below, one additional on-site **parking space** must be provided for the exclusive use of each **secondary suite**; ^[Bylaw 9715, May 15/17]

Diagram 1: Arterial Roads Where Additional On-Site Parking Space Required For Secondary Suites [Bylaw 9715, May 15/17]



- l) where an additional on-site **parking space** for a **secondary suite** is required, the required on-site **parking spaces** for the **principal dwelling unit** in **single detached housing** may be provided in a **tandem arrangement** with one **parking space** located behind the other; and [Bylaw 9715, May 15/17]
- m) internal **access** must be maintained between the **secondary suite** and the **principal dwelling unit** in **single detached housing** or between the **secondary suite** and the associated townhouse unit in **town housing**, except for a locked door. [Bylaw 9715, May 15/17]



POLICY 5042:

It is Council policy that:

Rezoning applications seeking a rezoning to “Two-Unit Dwellings Zone (RD1)”, involving existing non-conforming two-family dwellings, must be supported with adequate information to assist Council assess all potential impacts arising from the rezoning application in the following areas:

1. A certificate prepared by a registered B.C. Land Surveyor showing the location, dimensions, and setbacks of all buildings and structures presently on the property, together with a floor area ratio calculation is required to verify Zoning Bylaw compliance.
2. An inspection of the existing structure by City Staff is required to confirm no alterations have been made without a Building Permit. ~~the building contains a maximum of two dwelling units. A Restrictive Covenant limiting the property to a maximum of two dwelling units is required as a condition of final adoption of a rezoning bylaw.~~
3. The property owner shall provide a written statement on the following items:
 - a) The building’s age, quality, general conditions and any measures proposed to upgrade or alter the buildings appearance; and
 - b) The occupancy of the existing structure and what impact the proposed rezoning may have on the existing residents of the two-family dwelling.
4. Where as a result of the normal rezoning process, the public has raised concerns over the design of an existing structure or construction of a new two-family dwelling on the subject site, staff will present to Council a summary of the public concerns along with options available to address the concerns.
5. Each application shall be reviewed to determine if there are any off-site improvements required to bring the site up to City standards. Should any off-site improvements be required, such improvements are required as a condition of final adoption of a rezoning bylaw.
6. Where a Council approved 702 Single Family Lot Size Policy would permit the subject site to be subdivided, Council will be advised of the site’s future subdivision potential.
7. Rezoning applications intended to facilitate a strata title conversion of the existing structure shall be accompanied by a Strata Title Conversion Application and such application forwarded to Council concurrently with the rezoning proposal.



Richmond Official Community Plan Bylaw No. 9000 Amendment Bylaw No. 9864 (Secondary Suites in Duplexes)

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

- 1. Richmond Official Community Plan Bylaw 9000, as amended, is further amended at:
i. Section 3.6.1 (Arterial Road Land Use Policy) under "Arterial Road Duplex/Triplex Development Requirements" by deleting subsection 6; and
ii. Section 3.6.1 (Arterial Road Land Use Policy) under "Arterial Road Compact Lot Development Requirements" by deleting subsection 7 and 10, and renumbering as required.
2. This Bylaw may be cited as "Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9684".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

Four horizontal lines for signature or date entry.

CITY OF RICHMOND APPROVED by 8D APPROVED by Director or Solicitor BK

MAYOR

CORPORATE OFFICER



**Richmond Zoning Bylaw No. 8500
Amendment Bylaw 9865 (Secondary Suites in Duplexes)**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 3.4 [Use and Term Definitions] by deleting the definition of “**Secondary suite**” in its entirety and substituting the following:

“**Secondary suite** means an accessory, self-contained **dwelling** within **single detached housing, two-unit housing or town housing**, exclusively used for occupancy by one **household**.”

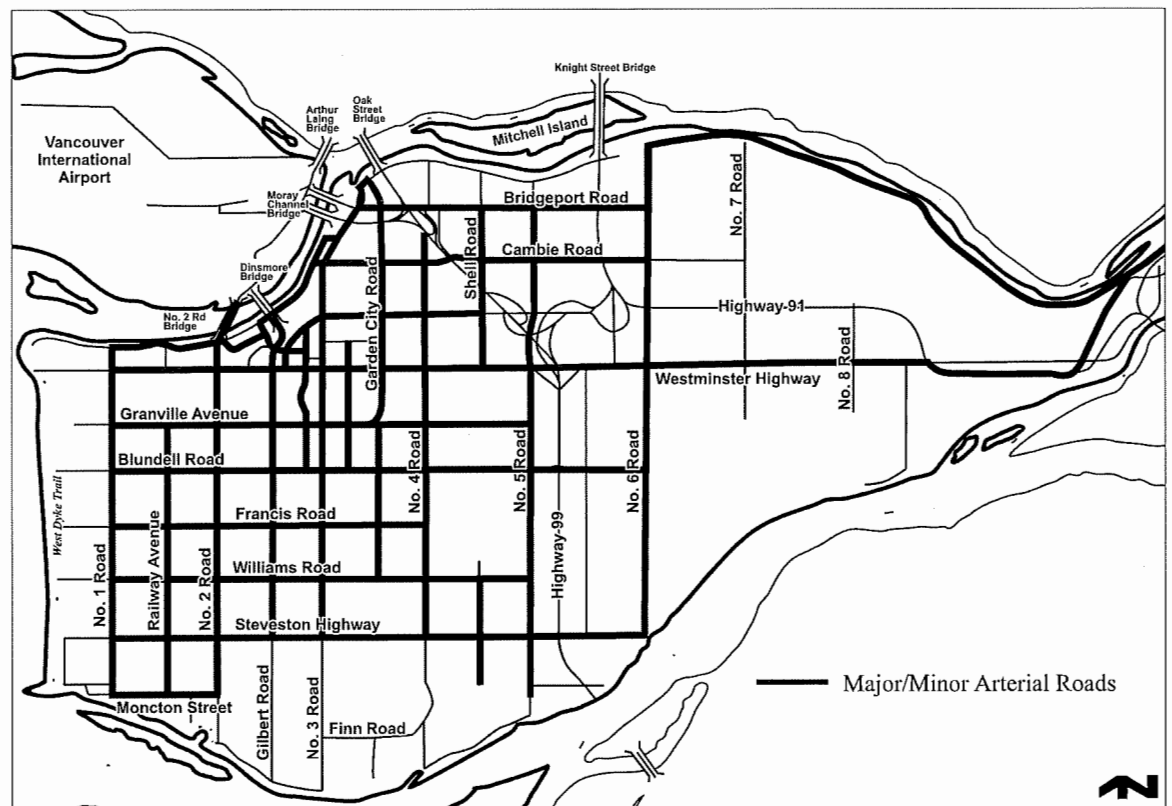
2. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 5.4 [Secondary Suites] by deleting Section 5.4.1 in its entirety and replacing it with the following:

“**5.4.1** The following regulations and prohibitions apply to every **secondary suite** permitted in a zone:

- a) the **secondary suite** must be completely enclosed within the same **building** as the **principal dwelling unit** in **single detached housing** or completely contained within the same **dwelling unit** or **strata lot** in **two-unit housing or town housing**, and not in a detached **accessory building**;
- b) no more than one **secondary suite** shall be permitted per **principal dwelling unit** in **single detached housing** or per **dwelling unit** or **strata lot** in **two-unit housing or town housing**;
- c) the **secondary suite** must be incidental and integrated with the **principal dwelling unit** so as not to externally appear as a separate unit;
- d) a **City** water meter must be installed on the **lot** on which the **secondary suite** is located;
- e) the **secondary suite** must have a minimum **floor area** of at least 33.0 m² and must not exceed a total **floor area** of 90.0 m² in **single detached housing**;
- f) the **secondary suite** must not exceed 40% of the total **floor area** of the **dwelling unit** in which it is contained;
- g) **home business uses** (i.e., **licensed crafts and teaching; licensed residential registered office and licensed residential business office**), but not **child care programs**, may be carried out within a **secondary suite**;
- h) **boarding and lodging** and **minor community care facilities** are not permitted in a **secondary suite**;

- i) a **secondary suite** is not permitted in conjunction with a **bed and breakfast**;
- j) the **building** must be inspected by the **City** for compliance with the *Building Code*, this bylaw and other applicable enactments;
- k) where a **secondary suite** is on a **lot** fronting an **arterial road** as shown in Diagram 1 below, one additional on-site **parking space** must be provided for the exclusive use of each **secondary suite**;

Diagram 1: **Arterial Roads** Where Additional On-Site **Parking Space** Required For **Secondary Suites**



- l) where an additional on-site **parking space** for a **secondary suite** is required, the required on-site **parking spaces** for the **principal dwelling unit** in **single detached housing** and **two-unit housing** may be provided in a **tandem arrangement** with one **parking space** located behind the other; and
- m) internal **access** must be maintained between the **secondary suite** and the **principal dwelling unit** in **single detached housing** or between the **secondary suite** and the associated **dwelling unit** in **two-unit housing** or **town housing**, except for a locked door.
- n) the **secondary suite** is not permitted to be stratified.”

- 3. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 8.4 [Two-Unit Dwellings (RD1, RD2)] by amending Section 8.4.3, by adding “secondary suite” to the list of permitted secondary uses.
- 4. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9865**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER