

BY-LAW NO. 12719

A By-law to amend Zoning and Development By-law No. 3575 regarding floor space below finished grade

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. In section 3.2, Council:

(a) inserts the following as a new section 3.2.11:

“3.2.11 The Director of Planning, on the advice of the Chief Building Official, may relax any necessary provisions in an RS district schedule in order to permit additional above grade floor area if soil or hydrological conditions on a site are not suitable to below grade construction, provided that:

(a) the soil or hydrological conditions are documented to the satisfaction of the Director of Planning; and

(b) the area of all floors at or above finished grade does not exceed a floor space ratio of 0.6.”; and

(b) renumbers the existing 3.2.11 as 3.2.12.

3. Council strikes out section 10.21 and substitutes:

“10.21 **Living Accommodation Below Finished Grade**

10.21.1 In the case of multiple dwellings:

(a) living accommodation may be located below finished grade provided the floor is no more than 0.8 m below the finished grade of the adjoining ground, except that the Director of Planning may increase this dimension to 1.5 m subject to applicable policies and guidelines; and

(b) where existing utility, recreational or storage areas are located below finished grade, a minimum of 20% of the floor area below finished grade shall be retained for such uses, except that the Director of Planning may allow a lesser amount where the Director of Planning is satisfied that adequate utility, recreational and storage space is provided elsewhere in the building.

10.21.2 Storage rooms shall be excluded from the provisions of section 10.21.1.

10.21.3 In the case of a one-family dwelling, one-family dwelling with secondary suite, two-family dwelling, two-family dwelling with secondary suite, or two-family dwelling with lock-off unit:

(a) a secondary suite, lock-off unit or bedroom may be located in a basement; and

(b) no portion of a living room, kitchen, dining room or bedroom can be located 1.5 m or more below the finished grade of the adjoining ground.

10.21.4 In the case of a one-family dwelling or a one-family dwelling with secondary suite existing prior to June 23, 2020, a secondary suite, lock-off unit or bedroom may be located in a cellar, provided that the cellar is no more than 1.83 m below the average finished grade.”.

4. In the RS-1 District Schedule, Council strikes out section 4.3.4 and substitutes:

“4.3.4 Notwithstanding the height limitation in section 4.3.1, the Director of Planning may permit a building to exceed a height of 9.5 m but not to exceed a height of 10.7 m provided that:

(a) for all uses other than one-family dwelling with secondary suite, the Director of Planning considers:

(i) the impact of the increased height on views from surrounding development,

(ii) the extent to which the increased height improves the roof lines of the building, and

(iii) the effect of the increased height on adjacent properties and the character of the area; and

(b) for one-family dwelling with secondary suite:

(i) all roofs, except roofs covering only the first storey, have no flat portions, have a minimum slope of 7:12 ratio over the whole roof area and are limited to gable, hip or gambrel roofs, and

(ii) the Director of Planning considers the relationship between the height of the floors above the basement floor and the adjacent finished grade.”.

5. In the RS-1, RS-3 and RS-3A, and RS-5 District Schedules, Council strikes out section 4.17.2 and substitutes:

“4.17.2 There shall be no more than:

- (a) one separate and distinct front entrance to a one-family dwelling; and
- (b) two separate and distinct front entrances to a one-family dwelling with secondary suite.”.

6. In the RS-6 and RS-7 District Schedules, Council strikes out section 4.17.3 and substitutes:

“4.17.3 There shall be no more than:

- (a) one separate and distinct front entrance to a one-family dwelling; and
- (b) two separate and distinct front entrances to a one-family dwelling with secondary suite.”.

7. In the RS-1, RS-3 and RS-3A, and RS-5 District Schedules, Council strikes out section 4.17.4 and substitutes:

“4.17.4 The surface of the ground adjoining a building can be lowered only for the purpose of providing:

- (a) a window well for a basement or a cellar, provided that the lowered surface does not extend more than 1.0 m from the surface of a wall;
- (b) a sunken entrance for a basement, provided that:
 - (i) the portion of the building abutting the lowered surface faces either the front street or the rear property line,
 - (ii) the lowered surface does not extend more than 3.1 m into the required front or rear yard, measured from the street-facing wall and including stair runs or vertical change in grade between the basement and the existing grade, and
 - (iii) the sum of the widths of all lowered surfaces abutting the building is not greater than half the width of the building or 4.6 m, whichever is the lesser; or
- (c) a sunken entrance for a cellar in buildings existing prior to June 23, 2020, provided that:
 - (i) it complies with sections 4.17.4(b)(i) through (iii), and

- (ii) the depth of the lowered surface does not exceed 1.83 m below the average finished grade.”.

8. In the RS-6 District Schedule, Council strikes out section 4.17.5 and substitutes:

“4.17.5 The surface of the ground adjoining a building can be lowered only for the purpose of providing:

- (a) a window well for a basement or a cellar, provided that the lowered surface does not extend more than 1.0 m from the surface of a wall;
- (b) a sunken entrance for a basement, provided that:
 - (i) the portion of the building abutting the lowered surface faces either the front street or the rear property line,
 - (ii) the lowered surface does not extend more than 3.1 m into the required front or rear yard, measured from the street-facing wall and including stair runs or vertical change in grade between the basement and the existing grade, and
 - (iii) the sum of the widths of all lowered surfaces abutting the building is not greater than half the width of the building or 4.6 m, whichever is the lesser; or
- (c) a sunken entrance for a cellar in buildings existing prior to June 23, 2020, provided that:
 - (i) it complies with sections 4.17.5(b)(i) through (iii), and
 - (ii) the depth of the lowered surface does not exceed 1.83 m below the average finished grade.”.

9. In the RS-1 and RS-5 District Schedules, Council strikes out section 4.17.5 and substitutes:

“4.17.5 Notwithstanding section 4.17.2 or section 4.17.3, the Director of Planning may, on the advice of the Chief Building Official, permit one additional entrance facing a front yard or a side yard if it provides access to a building existing prior to March 14, 1989.”.

10. In the RS-3 and RS-3A Districts Schedule, Council:

- (a) strikes out section 4.17.5 and substitutes:

“4.17.5 Notwithstanding section 4.17.2, the Director of Planning may, on the advice of the Chief Building Official, permit one additional entrance facing a front yard or a side yard if it provides access to a building existing prior to March 14, 1989.”; and

- (b) adds a new section 4.17.6 as follows:

“4.17.6 Exterior windows in a secondary suite or lock off unit must have:

- (a) a minimum total glazing area of 10% of the total floor area of the room, in each of the kitchen, living room and dining room; and
- (b) a minimum total glazing area of 5% of the total floor area of the room, in all other rooms, except bathrooms and laundry rooms.”.

11. In the RS-6 District Schedule, Council strikes out section 4.17.6 and substitutes:

“4.17.6 Notwithstanding section 4.17.3 or 4.17.4, the Director of Planning may, on the advice of the Chief Building Official, permit one additional entrance facing a front yard or a side yard if it provides access to a building existing prior to March 14, 1989.”.

12. In the RS-7 District Schedule, Council strikes out section 4.17.5 and substitutes:

“4.17.5 Notwithstanding section 4.17.3 or 4.17.4, the Director of Planning may, on the advice of the Chief Building Official, permit one additional entrance facing a front yard or a side yard if it provides access to a building existing prior to March 14, 1989.”.

13. 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.

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

ENACTED by Council this 23rd day of June, 2020

Signed _____ “Kennedy Stewart”
Mayor

Signed _____ “Rosemary Hagiwara”
Acting City Clerk