



The Corporation of **THE CITY OF NORTH VANCOUVER**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**REPORT**

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To: Mayor Darrell R. Mussatto and Members of Council

From: Barbara Westmacott, Planning Technician II

SUBJECT: WORKSHOP FOLLOW-UP: ACCESSORY DWELLING UNITS IN  
DUPLEX BUILDINGS

Date: February 19, 2013 File No: 3200-01

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**RECOMMENDATION:**

**PURSUANT** to the report of the Planning Technician dated February 19, 2013, entitled "Workshop Follow-up: Accessory Dwelling Units in Duplex Buildings":

**THAT**, as per Option 1 of said report, "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2013, No. 8296" (To permit Accessory Dwelling Units in Two-Unit Residential buildings) be considered and referred to a Public Hearing:

**AND THAT** the existing moratorium on the enforcement of existing Accessory Dwelling Units in duplexes be extended pending the consideration of said Bylaw 8296;

**ATTACHMENTS:**

1. Staff Presentation: November 5, 2012 Accessory Dwelling Units in Duplex Buildings
2. Zoning Amendment Bylaw 8296 (Accessory dwelling Units in Duplexes)

**PURPOSE:**

The purpose of this report is to provide a summary of comments and feedback provided at the November 5<sup>th</sup>, 2012 Council Workshop on Accessory Dwelling Units in Duplex Buildings and to propose for consideration and referral to a Public Hearing a Zoning Amendment Bylaw to permit Accessory Dwelling Units in duplex buildings.

## **BACKGROUND:**

On March 5, 2012, Council resolved to establish a moratorium on the Zoning Bylaw enforcement of accessory dwelling units in duplexes until the end of 2012. This was intended to allow time for a policy review on the prohibition of accessory dwelling units in duplexes. It was also intended to provide time for the City to pursue Building Code changes to make it more practical to have legal accessory dwelling units in duplexes.

During this moratorium staff are continuing to apply the BC Building Code with regard to life safety concerns. Building Division staff continues to work with the BC Standards Branch on possible changes to the BC Building Code that would ensure that retrofitting of existing duplexes to accommodate accessory rental units was more practical.

## **DISCUSSION:**

The November 5<sup>th</sup> Council Workshop began with a staff presentation on existing duplex dwellings in the City of North Vancouver, including the location and the number of duplexes that currently exist and statistics on duplex buildings in other jurisdictions (Attachment #1).

Staff also presented on the BC Building Code implications of permitting accessory dwelling units in duplex buildings, including how staff are currently addressing life safety issues during the enforcement moratorium.

Council members discussed the options available and overall there seemed to be general agreement that accessory dwelling units in duplex buildings are worth pursuing with the following issues to be considered:

### **1. On Site Parking**

Required onsite parking is typically one stall per dwelling unit for both duplex units and secondary suites in One Unit Dwellings. Existing duplex buildings may have difficulty providing additional parking for accessory dwelling units and a lesser parking requirement may be necessary to permit these rental units. On narrower lots or lots without lane access, it may not be possible to provide one onsite parking stall per unit and accessory dwelling units may not be an option on these sites without a reduction in this parking requirement.

Staff currently recommends requiring an additional stall for any accessory dwelling unit, with further consideration of relaxations on this requirement in the upcoming Zoning Bylaw Comprehensive Review Phase 2: Supporting Affordable Housing.

### **2. Liveability**

Current duplex buildings often include Cellar areas (more than 5 ft. below average grade) due to floor area exclusions that are available. If an accessory



dwelling unit is located entirely in a cellar, the livability of these units should be assessed. The provision of outdoor living space and unit orientation are also livability considerations which should be addressed.

Staff recommends pursuing the Zoning Bylaw Amendment to permit accessory dwelling units in duplexes, while staff consider changes to the Zoning Bylaw to address the liability of cellar living areas in the Zoning Bylaw Comprehensive Review Phase 4: Supporting Better Design.

### **3. Owner Occupancy**

Currently secondary suites in a one family dwelling require the property owner to occupy one of the units on the property. Staff research indicates that only 15% of the known unauthorized accessory dwelling units in duplex buildings are owner occupied. It is worth noting that several other municipalities, such as the District of West Vancouver and the City of New Westminster do not require properties with accessory suites to be owner-occupied.

In order to achieve parity between accessory dwelling units in duplex buildings and secondary suites in single family buildings, staff recommends at this time that the owner occupancy requirement be required for accessory dwelling units in duplex buildings.

The issue of accessory rental units operating without legal permit would likely continue, in the majority of cases, given that only 15% of known suites in duplexes are owner-occupied. A proposed amendment to the Zoning Bylaw to address the owner occupancy requirement for secondary suites and accessory dwelling units will be considered by Council in the near future, in relation to the Zoning Bylaw Comprehensive Review Phase 2: Supporting Affordable Housing.

### **4. Minimum Lot Size**

Currently the minimum lot size for a two-unit residential use is 5,900 sq. ft., which is typically a 50 ft. x 120 ft. site. Numerous smaller lot duplexes have been approved over the past decade. These have been very successful and help reduce land costs and result in smaller duplex units. Staff recommends changing the Zoning Bylaw to reduce the minimum lot size for two-unit residential use from 5900 sq. ft. to 4,800 sq. ft. (40 ft. x 120 ft.), and this option will be proposed in the Zoning Bylaw Comprehensive Review Phase 2: Supporting Affordable Housing.

### **5. Maximum Unit Size**

Staff recommend that the maximum size of the Accessory Dwelling Unit follow the same formula that regulates the size of Secondary Suites in One Unit dwellings. The size permitted would be no more than 90 square metres (969 square feet) or 40% of the total Gross Floor Area, whichever is less.

## **6. BC Building Code compliance**

Without changes to the BC Building Code, the cost of providing an Accessory Dwelling unit in a duplex building may be financially prohibitive in many cases, particularly for those cases that involve existing buildings.

Staff have been in contact with the Building Policy Branch of the Provincial Government, regarding the necessary changes to the BC Building Code (BCBC). Staff at the Building Policy Branch are reviewing the National Building Code (NBC) in detail to determine what can be adopted from the NBC in order to permit Accessory Dwelling Units.

The Manager of Inspections has the authority to approve alternative solutions that meet the intent of the Code. Proceeding with a zoning bylaw amendment will allow those owners who achieve code compliance the ability to develop accessory suites and will put pressure on the provincial government and reduce ambiguity for both homeowners and tenants.

## **PLANNING ANALYSIS:**

Suites in duplexes provide a market housing option that is usually reasonably affordable. They only occur in areas that are designated for multi-family dwellings. As such, they are expected to be higher density than one-unit designated areas.

The past practice of prohibiting suites in duplexes seems inconsistent with the City's desire to provide a diversity of housing including rental and more affordable housing. This is an opportunity to add to this housing stock at no cost to the City.

Staff are recommending that the City proceed with the consideration of a Zoning amendment to permit suites in duplexes. Since accessory secondary suites in single family dwellings (SFD) have a unique meaning, a new term is being used: "Accessory Dwelling Unit". It is recommended that similar Zoning standards to SFD Accessory Secondary Suites be used. This includes 1 parking stall per unit, an identical maximum unit size and the requirement for owner occupancy.

It is anticipated that Building Code changes will be forthcoming, especially to make it easier to convert existing duplexes. Rather than wait for this to occur, staff believe that the City should proceed with the Zoning change in anticipation. This will create more reason for the Province to respond. This same approach was used when the City first approved secondary suites in SFD's in advance of Building Code changes. If the Building Code does not change, suites can still occur, but with more effort to meet the Building Code. Staff are confident that the Province will come forward with Building Code changes in the future.



## **OPTIONS FOR CONSIDERATION:**

**PURSUANT** to the report of the Planning Technician dated February 13, 2013, entitled "Workshop Follow-up: Accessory Dwelling Units in Duplex Buildings," the following options are presented for Council's consideration:

Option 1 (Recommended Option)

**THAT**, as per Option 1 of said report, "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2013, No. 8296" (To permit Accessory Dwelling Units in Two-Unit Residential buildings) be considered and referred to a Public Hearing;

**AND THAT** the existing moratorium on the enforcement of existing Accessory Dwelling Units in duplexes be extended pending the consideration of said Bylaw 8269.

Option 2 (not recommended)

**THAT** said report be received and filed, and staff be directed to proceed with enforcement action regarding illegal accessory dwelling units in duplex buildings.

Option 3 (not recommended)

**THAT** Council extend the moratorium on the enforcement of accessory dwelling units in duplex buildings and defer proceeding with the Zoning Bylaw amendments until such time as changes are made in the BC Building Code for the provision of accessory dwelling units in two-unit buildings.

## **SUSTAINABILITY IMPLICATIONS:**

Increasing the number of rental dwelling units in areas of high walkability minimizes the need for private vehicles and maximizes pedestrian, bicycle and transit travel.

Retaining and repurposing existing duplex buildings to permit accessory dwelling units allows the capturing the embodied energy in these existing buildings, reducing the likelihood of demolition, and increasing the relative affordability of the units.

**FINANCIAL IMPLICATIONS:**

The primary financial impact of accessory dwelling units in duplex buildings is additional tax revenue from these additional dwelling units, in addition to decreases in staffing and legal costs related to enforcement.

**INTER-DEPARTMENTAL IMPLICATIONS:**

This report was approved by the Civic Projects Team on February 19, 2013.

**CORPORATE PLAN AND / OR POLICY IMPLICAITONS**

The proposed zoning bylaw amendment supports policy objectives in the Official Community Plan related to the provision of housing choices, and units that are diverse in type, location, tenure and cost.

RESPECTFULLY SUBMITTED:



Barbara Westmacott  
Planning Technician II

Attachment

BW:eb:slj



[www.cnv.org](http://www.cnv.org)  
City of North Vancouver

# Accessory Dwelling Units in Duplex Buildings

November 5, 2012



Attachment #1

# Agenda

1. Introduction
2. Current City Policy
3. Building Code Implications
4. Policy Options
5. Council comments and questions





# 1. Introduction

- This Workshop is in response to Council's direction to hold a workshop to consider the legalization of suites in duplexes



# Moratorium Enforcement Policy

- March 5, 2012 Council passed a resolution to establish a moratorium on the enforcement regarding accessory dwelling units in duplexes until the end of 2012.

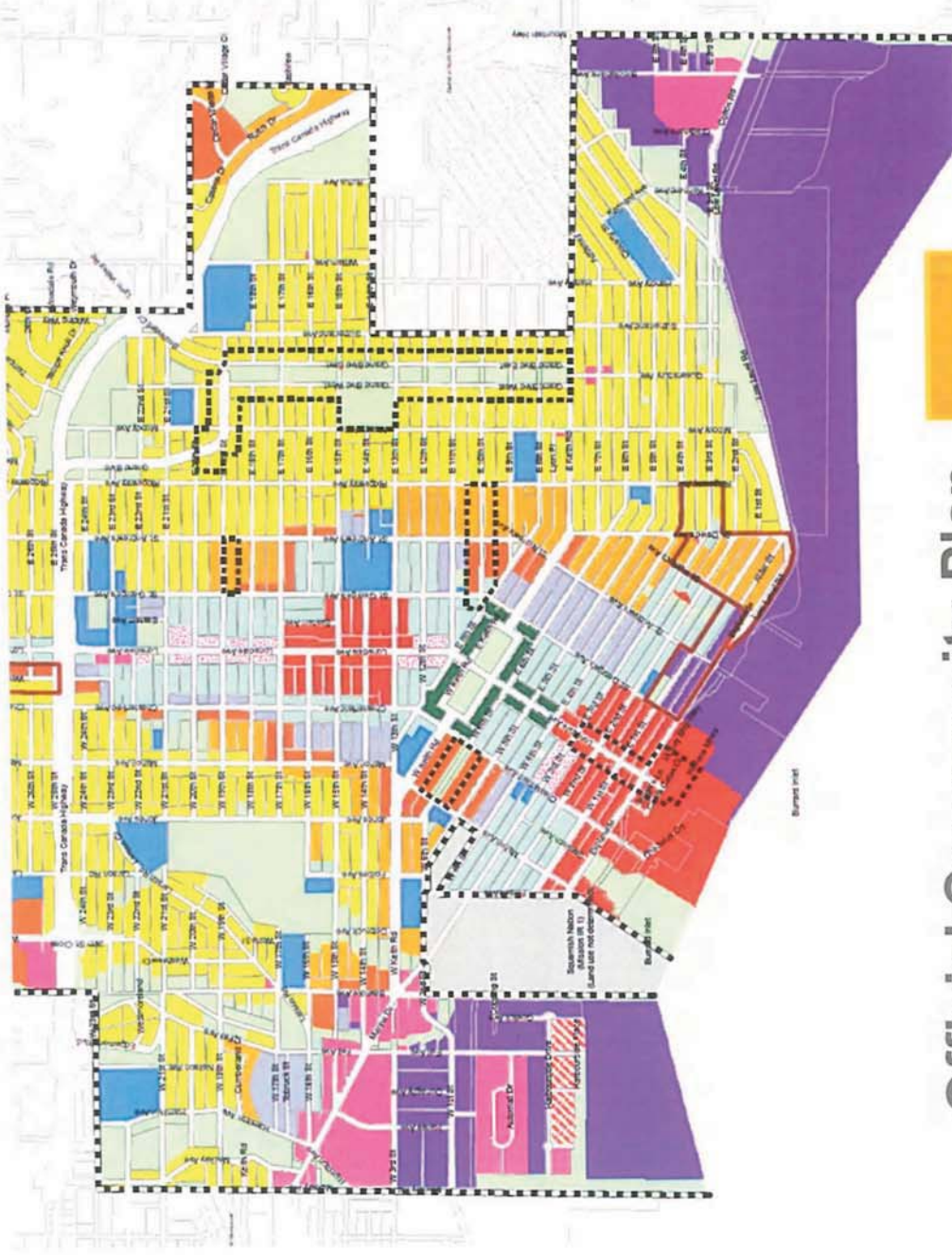




## 2. Currently in the City of North Vancouver

- Approximately 670 lots in the City with Level 2 designation (duplexes may also be built in higher OCP level designations)
- 471 duplex buildings (942 dwelling units)
- City records indicate 130 unauthorized accessory dwelling units in duplexes (These are known units. Others certainly exist, but are not quantified.)
- Only 15 of the duplexes with unauthorized units are owner occupied (11.5%)





## Official Community Plan

Level Two – Low Density Attached – 670 lots

## Recent Duplex Construction

- 2010 – 9 new duplexes, 18 dwelling units
- 2011 – 7 new duplexes, 14 dwelling units





## Statistics Canada 2006 Census

- 3.1% of private dwellings are duplexes in British Columbia (50,938 units)
- 2.3% of private dwellings are duplexes in the Metro Vancouver Area (18,796 units)
- 3.8% of private dwellings are duplexes in the City of North Vancouver (811 units)





### 3. Building Code Implications

#### DEFINITIONS

- BC Building Code defines a **Secondary Suite** as an additional dwelling unit located within a **single family dwelling**
- To distinguish between suites in sfd's versus duplexes, secondary units in duplexes will be referred to as "**Accessory Dwelling Units**"
- Accessory Dwelling Units could not be stratified and would therefore be rental

## National Building Code (NBC)

- Published every 5-6 years by the National Research Council
- National model construction code (resource document)
- No legal status unless adopted by a provincial government
- Current NBC 2010 is the first edition allowing accessory secondary suites in any residential buildings. This includes duplexes.

## BC Building Code

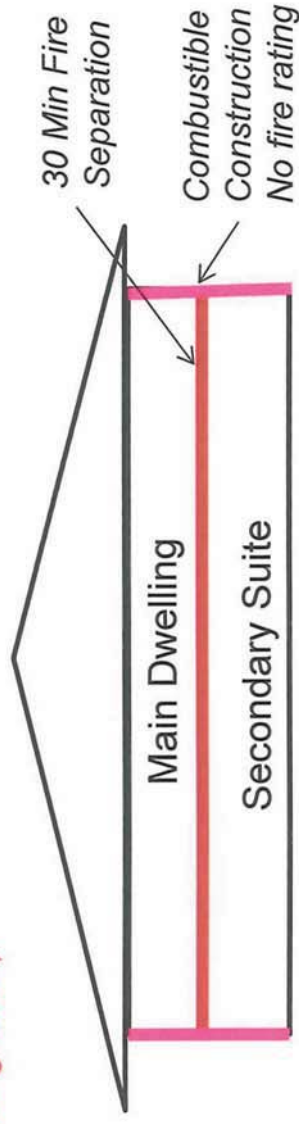
- BC Building Standards Branch modifies the NBC and creates a British Columbia Code (secondary suites in sfd's was an amendment in 1998)
- Updated BC Building Code issued every 5-6 years
- New 2012 BC Building Code will take effect in December (but will not include NBC suites in duplexes provisions)



## Impact of BCBC Code Standards on Duplexes with Accessory Units

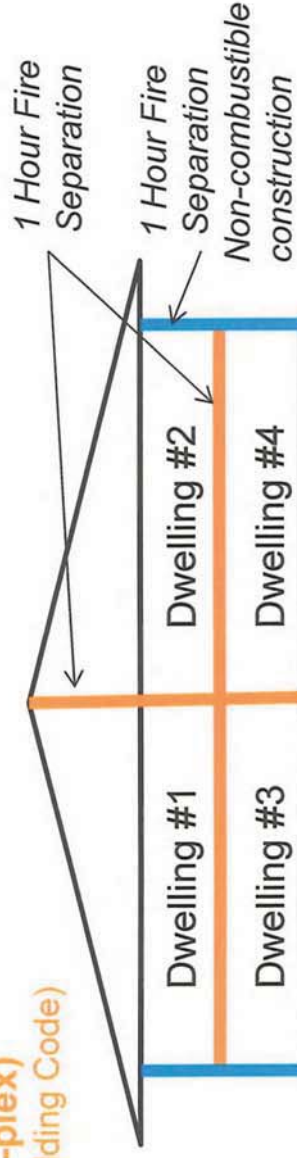
- BC Building Code currently treats duplexes with accessory suites the same as 4-plex strata buildings
- Subject to more restrictive life safety requirements such as:
  - Increased fire ratings to walls and floors
  - Non-combustible wall construction requirements to exterior walls facing neighbouring properties

### Single Family Dwelling and Secondary Suite (Current BC Building Code)

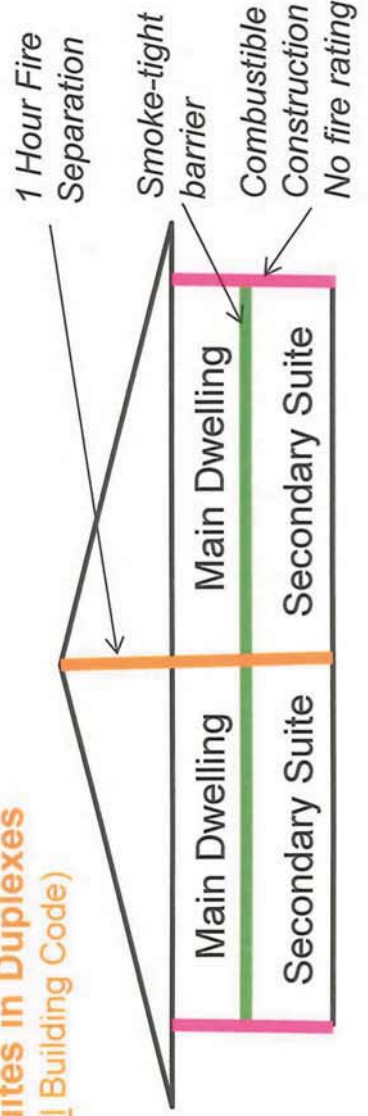


### Duplex with Accessory Dwelling Unit (Defined as 4-plex)

(Current BC Building Code)



### Secondary Suites in Duplexes (Current National Building Code)



## Code Changes Recommended by the City

- Meeting with Housing Minister R. Coleman at UBCM Conference in September 2012
- City requested BC Building Code changes to facilitate accessory dwelling units in duplexes:
- Adopt the NBC requirement that permits secondary suites in duplexes providing the party wall is constructed as a 1hour fire separation
- Adopt the NBC requirement that permits a smoke-tight barrier to be used in lieu of the fire separation currently required between the main dwelling and a secondary suite



## Current Status BC Building Code Review:

- Staff met with Provincial Code Advisors
- Senior Provincial code advisors are giving priority to this issue
- New BC Building code will reserve areas in the code to allow the potential insertion of NBC accessory secondary suite requirements
- Currently awaiting response from Provincial Code Advisors



## 4. City Policy Options: Are Accessory Dwelling Units a desirable option?

- Reasonably Affordable rental units
- Duplex owner mortgage helper
- Little visual change to neighbourhoods
- Gentle densification

- Density increase
- Parking / Traffic concerns
- Open Space /Livability



## Option A:

### Maintain the Status Quo

(Secondary suites would continue to be illegal and the City would return to enforcement of unauthorized suites)

- No change to duplex areas
- Loss of opportunity to create new rental housing
- Tenants will be displaced upon enforcement
- Uncertainty for tenants in living in existing unauthorized units
- Duplex owners do not get the benefit of a mortgage helper, as SFD owners now do
- Ongoing enforcement costs / complaint process





## Option B: Allow Accessory Dwelling Units in Duplexes

- Direct staff to bring forward a Zoning Bylaw amendment for referral to a Public Hearing (current moratorium would be extended)
- Continue to provide input to the Provincial Government to make changes to the BC Building Code. (Report on progress at 1<sup>st</sup> Reading and at Public Hearing)
- Staff would continue to apply the current BC Building Code until changes are made

## 5. Council Comments & Next Steps

- Direction on Options A or B
- Report back to Council with results from this Workshop



**THE CORPORATION OF THE CITY OF NORTH VANCOUVER****BYLAW NO. 8296****A Bylaw to amend “Zoning Bylaw, 1995, No. 6700”**

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw shall be known and cited for all purposes as **“Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2013 No. 8296”** (Accessory Dwelling Units in Two-Unit Residential Buildings).
2. Zoning Bylaw 1995, No. 6700 is hereby amended as follows:
  - A. In Division I: Part 2 Interpretation after “Accessory Drive-Through Use” adding the definition of **“Accessory Dwelling Unit”** as follows:

**“Accessory Dwelling Unit** means a separated designated area within a Two-Unit Residential Use, containing toilet, bathroom, sleeping and living areas and cooking facilities permitted under Section 507 (13) of this Bylaw;”
  - B. In Division III: Part 5: Residential Zone Regulations, Section 502 (2) by adding (d) as the following:

“(d) Accessory Dwelling Unit, subject to Section 507 (13) of this Bylaw;”;
  - C. In Division III: Part 5: Residential Zone Regulations, Section 503 (2) by adding (d) as the following:

“(d) Accessory Dwelling Unit, subject to Section 507 (13) of this Bylaw;”;
  - D. In Division III: Part 5: Residential Zone Regulations, Section 504 (2) by adding (d) as the following:

“(d) Accessory Dwelling Unit, subject to Section 507 (13) of this Bylaw;”;
  - E. In Division III: Part 5: Residential Zone Regulations, Section 505 (2) by adding (d) as the following:

“(d) Accessory Dwelling Unit, subject to Section 507 (13) of this Bylaw;”;



- F. In Division III: Part 5: Residential Zone Regulations, Section 507 (5) by deleting (i) in its entirety and replace it with (i):

“(i) On a Lot containing an approved Accessory Secondary Suite Use, an Accessory Coach House Use or an Accessory Dwelling Unit, both the principal Dwelling Unit and the Accessory Secondary Suite, Accessory Coach House or Accessory Dwelling Unit may independently contain only one Accessory Home Occupation Use. Accessory Home Office Uses are allowed in each Dwelling Unit.”

- G. In Division III: Part 5: Residential Zone Regulations, Section 507 (7) by deleting (f) in its entirety and replace it with (f):

“(f) not be allowed on a Lot where the residential Unit to which it is Accessory contains an Accessory Boarding Use, Accessory Secondary Suite Use, Accessory Coach House Use, Accessory Dwelling Unit, Assembly Use, or another Accessory Home Occupation Use;”

- H. In Division III: Part 5: Residential Zone Regulations, Section 507 by adding (13) as the following:

(13) **Accessory Dwelling Unit**

On a Lot containing an approved Two-Unit Residential Use, an Accessory Dwelling Unit is permitted in each of the approved Dwelling Units provided that:

- (a) it is only permitted where the Dwelling Unit to which it is Accessory is Owner-occupied;
- (b) it is Enclosed within the Principal Building;
- (c) it is not less than 37.16 square metres (400 square feet) in area; nor more than 90 square metres (969 square feet) or 40% of the total Gross Floor Area, whichever is less;
- (d) it is limited to one Accessory Dwelling Unit within a principal Dwelling Unit;
- (e) there is one Accessory Off-Street Parking Space provided for the exclusive use of the Accessory Dwelling Unit as per Part 9 of this Bylaw;
- (f) shall not be stratified as a separate unit as per the Strata Property Act.

- I. In Division IV: Part 9: Parking and Access Regulations, Figure 9-3, amend this table by adding, under Class of Building, A. Residential Uses, after Accessory Secondary Suite Use:

Accessory Dwelling Unit

1 space

READ a first time by the Council on the <> day of <>, 2013.

READ a second time by the Council on the <> day of <>, 2013.

READ a third time and passed by the Council on the <> day of <>, 2013.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the <> day of <>, 2013.

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MAYOR

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CITY CLERK