



Report to Council

From the Office of Councillor Steve Milani

Date: October 17, 2020
Subject: RS1 Zoning Anomaly

Purpose

For Council to address a zoning anomaly that has led to unintended consequences related to the construction of laneway houses on some RS1 zoned properties.

Recommendation

THAT staff be directed to approve Detached Accessory Dwelling Unit applications based on the total square footage of the property and not based on the property's existing zoning, as recommended in the report dated October 17, 2020 from the Office of Councillor Steve Milani regarding RS1 Zoning Anomaly;

AND THAT staff be directed to identify all pre-existing RS1 zoned properties that meet the current RS1-S zoning requirements and report back with associated costs and implications on rezoning them as such.

Background

Small lot subdivisions that were created long before RS1-S zoning existed were classified as RS1. When an owner of one of these properties submits a building application for a Detached Accessory Dwelling Unit (<https://www.portmoody.ca/en/business-and-development/resources/Documents/A-Guide-to-Detached-Accessory-Dwelling-Units-Laneway-Homes-in-Port-Moody.pdf>), they are then subject to the larger setbacks and reduced site coverage of the RS1 zoning requirements even though the property's area meets the specifications of an RS1-S zoned property.

Email From Property Owner To Provide Context

I am writing you today to discuss the matter of a zoning anomaly that now exists on my property, and a handful of others, due to the recent introduction of the RS-1S small lot zoning. As you are likely aware, my property and my neighbours in my block, and some others nearby, are already 'small lot' size as they were subdivided many decades ago. In 1914 to be exact!

Prior to the zoning bylaw change in 2018 that created the RS-1S zone, our lots were in fact, and continue to be, non-compliant in the RS-1 zone as they are below the minimum lot size in area and width. I understand also that our properties were in fact used/referenced in the creation of

the RS-1S small lot zone, and I was and remain very much in favour of this change to the zoning bylaw. Our property has demonstrated the effectiveness and livability of the small lots for many years, and it is easy to see that these small lots have indeed been more affordable than the other larger lots in the neighbourhood.

An interesting outcome of the creation of the new zone is that my lot, and my neighbours lots, would now be compliant with the RS-1S zoning – but they are not RS-1S zoned. They are still zoned as RS-1.

In discussion with my neighbours, we all believe and agree that this was effectively an oversight on the part of the City when the RS-1S zone was created, to not bring our lots into conformity with the zoning bylaw by rezoning them to RS-1S.

We, at XXXX XXXXX are currently in the process of determining the feasibility of building a laneway house but are burdened with the issue of being zoned as RS-1. It is not fair or logical that the land owners of historical small lots have to absorb the significant costs and time set backs for rezoning to RS1-S because we stand to gain very little compared to that of a full lot being subdivided now.

The costs of rezoning a property, as you are aware, is quite substantial, and in this case quite un-necessary as it is really nothing more than a housekeeping matter. There is no implication of the rezoning as the properties currently, and for the past 100 years, have existed in this form. We are, therefore, requesting Council to initiate a City led rezoning of these properties, collectively, to RS-1S.

Discussion

Laneway housing was introduced to Port Moody as a way of providing gentle density in neighbourhoods consisting of mainly single-family homes. This option would provide the property owner with the opportunity to create a rental opportunity or a private space for seniors or young-adult family members. While laneway housing has been widely accepted, getting to the point where a development permit can be issued has proven difficult for some due to a zoning anomaly created when the RS1-S zone came into effect.

The following guidelines present major challenges for these existing small lots because currently, they must abide by the requirements for larger lots. This makes designing an efficient and liveable laneway house difficult since the smaller lots have a limited amount of space to work with.

The following are the Zoning Bylaw Requirements for DADU's

Under the RS1 zoning, the FAR (Floor Area Ratio) is 0.5 while it is 0.7 for an RS1-S zoned lot. The interior side yard set back for RS1 is 1.5m yet only 1.2m for RS1-S. Exterior yard side yard setback is 3m minimum for RS1 and only 1.8m for RS1-S. Lot Coverage for all buildings under RS1 is 40% while it is 45% under RS1-S.

Therefore, rezoning an undersized RS1 property to RS-1S would allow 20% more building to be built which could cover an additional 5% of the lot. If these existing small RS1 lots were to be rezoned by the City, this would provide an added benefit to the owner at no cost. In the case of a new house being built on the lot, the cost incurred by rezoning and the length of time the process takes may well be warranted. However, if the goal is to leave the existing house in

place and simply build a laneway house, rezoning may not be necessary if an alternative approach is adopted.

The suggested approach is to base the allowable size of the laneway house on the existing square footage of the property instead of the zoning. This would allow a laneway house to be built to the specifications of RS1-S if the area of the lot is less than 555 square metres or the width is less than 15 metres, both of which are minimum requirements for a property to be zoned as RS as specified in section 3.2.1 of BYLAW NO. 2937.

(<https://www.portmoody.ca/en/services/edocs.ashx?docnumber=461917>). This approach would allow property owners to proceed with the creation of this much-needed alternative housing without incurring the additional costs and time delays associated with a rezoning application. To eliminate the possibility of any future issues with these pre-existing small lots, Council may also choose to direct Staff to identify and rezone all affected properties as also recommended in this report.

Other Option(s)

THAT report dated October 17, 2020 from Councillor Steve Milani regarding RS1 Zoning Anomaly be received for information.

Financial Implications

Staff time would be required to prepare the paperwork needed to amend related bylaws.

Communications and Civic Engagement Initiatives

There are no communication and civic engagement initiatives related to this report.

Council Strategic Plan Objectives

The recommendations in this report align with the following Council Strategic Plan Objectives:

Healthy City: Plan for a variety of housing types to meet community needs. Ensure that available housing meets the community's diverse and emerging needs

Community Evolution: Look for creative ways to enable diverse housing forms and heritage revitalization