



AGENDA
City of Salmon Arm
Development and Planning Services
Committee

Monday, June 5, 2023
8:00 a.m.
Council Chambers, City Hall
500 – 2 Avenue NE
Salmon Arm, BC

GoTo Meeting Link: <https://meet.goto.com/877601757>
 Phone Access: Access Code: 877-601-757 / Canada: +1 (647) 497-9373

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	3.	REVIEW OF AGENDA
	4.	DISCLOSURE OF INTEREST
	5.	REPORTS
1 - 14	1.	Development Variance Permit Application No. VP-581 [Vandermeer, R. & M.; 2900 40 Street NE; Servicing requirements]
15 - 28	2.	Development Variance Permit Application No. VP-567 [McLeod, T./Launch Construction Ltd.; 3390 30 Street NE; Servicing requirements]
29 - 44	3.	Proposed Strata Conversion of a Previously Occupied Building [Brentwell Venture Ltd./Crevier, L. E. & S.; 31 4 Street SE]
45 - 60	4.	Zoning Amendment Application No. ZON-1264 [Brentwell Construction Ltd./Crevier, L. & S.; Text Amendment; Addition to Definitions and to R-5 (High Density Residential Zone)]
	5.	Development Variance Permit Application No. VP-582 [Brentwell Construction Ltd./Crevier, L. & S.; 31 4 Street SE; Off Street Parking requirements] <i>(See Item 5.4 for Staff Report)</i>
61 - 76	6.	Development Variance Permit Application No. VP-574 [0695662 BC Ltd./Massier, G.; 1631 10 Street SE and 1561, 1581, 1621, 1641, 1661 and 1681 9 Street SE; Servicing and retaining wall requirements]
77 - 88	7.	Zoning Amendment Application No. ZON-1269 [City of Salmon Arm; Text Amendment; Accessible Parking Regulations]

6. FOR INFORMATION
7. ADJOURNMENT

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: May 23, 2023

SUBJECT: Development Variance Permit Application No. VP-581 (Servicing)
 Legal: That Part of the North East ¼ of Section 19 Shown on Plan B4242; Township 20;
 Range 9, W6M, KDYD
 Civic Address: 2900 40 Street NE
 Owner/Applicant: Ruth and Mike Vandermeer

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP – 581 be authorized for issuance to vary the Subdivision and Development Servicing Bylaw No. 4163, for the 30 Avenue NE frontage of That Part of the North East ¼ of Section 19 Shown on Plan B4242; Township 20; Range 9, W6M, KDYD, waiving the requirement to upgrade 30 Avenue NE, including road widening and ditching.

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP – 581 be authorized for issuance to vary the Subdivision and Development Servicing Bylaw No. 4163, for the 30 Avenue NE frontage of That part of the North East ¼ of Section 19 Shown on Plan B4242; Township 20, Range 9, W6M, KDYD, to waive the requirement to upgrade 30 Avenue NE, subject to the owner providing the required road dedication (approximately 3.965m);

AND THAT: the owner submit a cash in lieu payment amounting to the cost of upgrades to 30 Avenue NE (including road dedication and ditching) minus the value of the road dedication (including legal and surveying fees). The final amount of the cash in lieu payment shall be approved by the City Engineer.

PROPOSAL

The applicant is requesting to waive servicing upgrades that would be triggered by the proposal for the construction of a single family dwelling. A letter submitted by the applicant in support of their application is attached as Appendix 5.

BACKGROUND

The subject property is approximately 6.11ha (2.47ac) in area (see Appendices 1 and 2). The subject property is designated Acreage Reserve in the City's Official Community Plan (OCP) (Appendix 3). The subject property is zoned A2 (Rural Holding Zone) in Zoning Bylaw No. 2303 (Appendix 4). The A2 zoning permits agricultural development and limits residential development to a single family dwelling and a Rural Detached Suite. The subject property is within the Agricultural Land Reserve (ALR).

Adjacent land uses include the following:

North: A2 (Rural Holding Zone) – Agriculture and Single Family Residence
 South: A2 (Rural Holding Zone) – Agriculture and Single Family Residence

East: A2 (Rural Holding Zone) – Agriculture and Single Family Residence
West: A2 (Rural Holding Zone) – Agriculture and Single Family Residence

The applicant has submitted a Building Permit for a single family dwelling. As a requirement under the Building Permit, the applicant is required to upgrade 30 Avenue NE to the Rural Local Road (RD-7) Standard. Cost estimates, provided by the applicant's consulting Engineer, for the upgrades are \$77,042.96. 30 Avenue NE in this section is approximately 198m in length (Appendix 6). Servicing upgrades to the 40 Street NE frontage are not required. The subject property does not use 30 Avenue NE for access.

COMMENTS

Engineering Department

The Engineering Department has provided comments which form the basis for the above staff recommendation. The Engineering Department comments are attached as Appendix 7. Staff do not support the variance request and cite that the existing road width does not accommodate two-way traffic, therefore, road dedication and a cash in lieu contribution for the future improvement of 30 Street NE is needed to address this concern. Staff have presented a compromise that should the owner dedicate the land needed to widen the road, the land value, legal and survey costs incurred by the owner can be deducted from the cash in lieu contribution.

Building Department

No concerns

Fire Department

No response

Public Consultation

Pursuant to the *Local Government Act* and the Development Variance Permit Procedures Bylaw notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on June 12, 2023.

Planning Department

When considering servicing variances a number of factors are taken into consideration, including physical or legal constraints such as ALR status, scale of proposed development and growth potential in the area. The subject property is outside the Urban Containment Boundary and is within the ALR – development potential on the subject property and adjacent properties is limited given the lack of servicing, OCP polices and ALR designation.

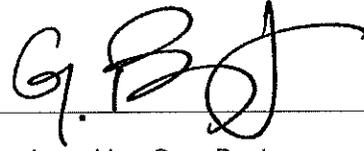
Generally, road improvements, such as road widening and construction, occur at the time of development or as capital projects. Lands within the Acreage Reserve designation of the OCP have limited development potential and there are few infrastructure demands in these areas due to lower density. Infrastructure improvements in the Acreage Reserve area are rarely made a priority as capital projects and with limited development potential infrastructure improvements through development do not occur often. The Subdivision and Development Servicing Bylaw is structured so that should a Building Permit be applied for there is an opportunity for the City to evaluate existing infrastructure and require levels be brought to current standard. In the staff analysis of a servicing variance, the timing and location of capital projects and the development potential of adjacent lands are considered.

Staff recognize that there are constraints on future development potential in the area; however, completely offsetting the cost of upgrading and construction of 30 Avenue NE onto the future

developer/land owners or the City is problematic. Waiving the requirements entirely would place additional financial burden on the City for the improvements in the future or increase costs onto future developers of adjacent properties. Staff do not recommend the variances as requested by the applicant be granted and have provided an alternative to providing the full scope of servicing requirements.



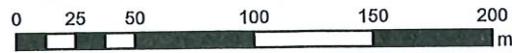
Prepared by: Melinda Smyrl, MCIP, RPP
Planner



Reviewed by: Gary Buxton
Director of Planning and Community
Services

OrthoMap

Variance Request:
To waive frontage improvements
along 30 Avenue NE, triggered by
Building Permit for SFD

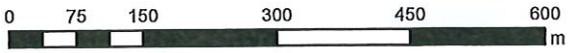
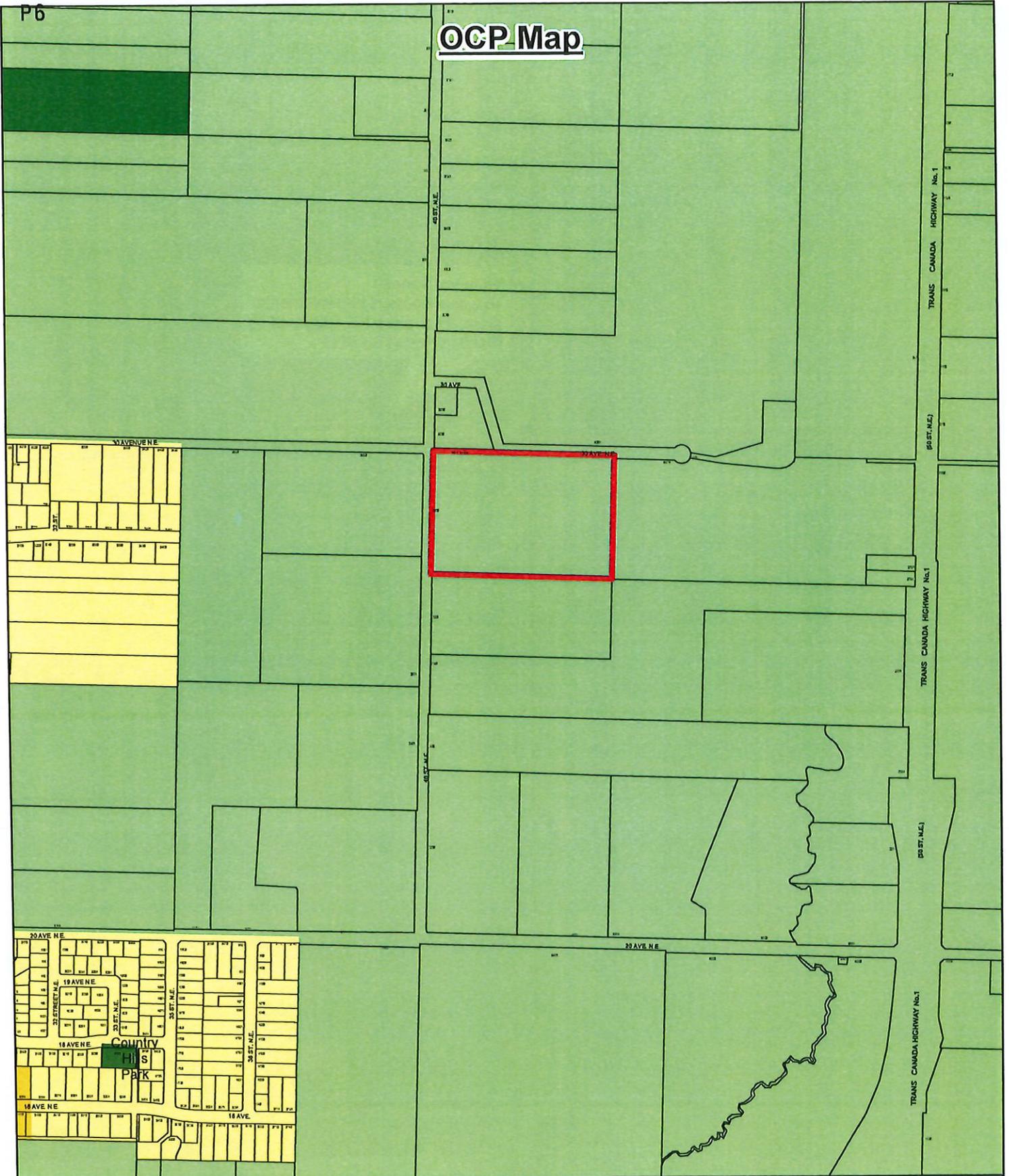


Subject Property



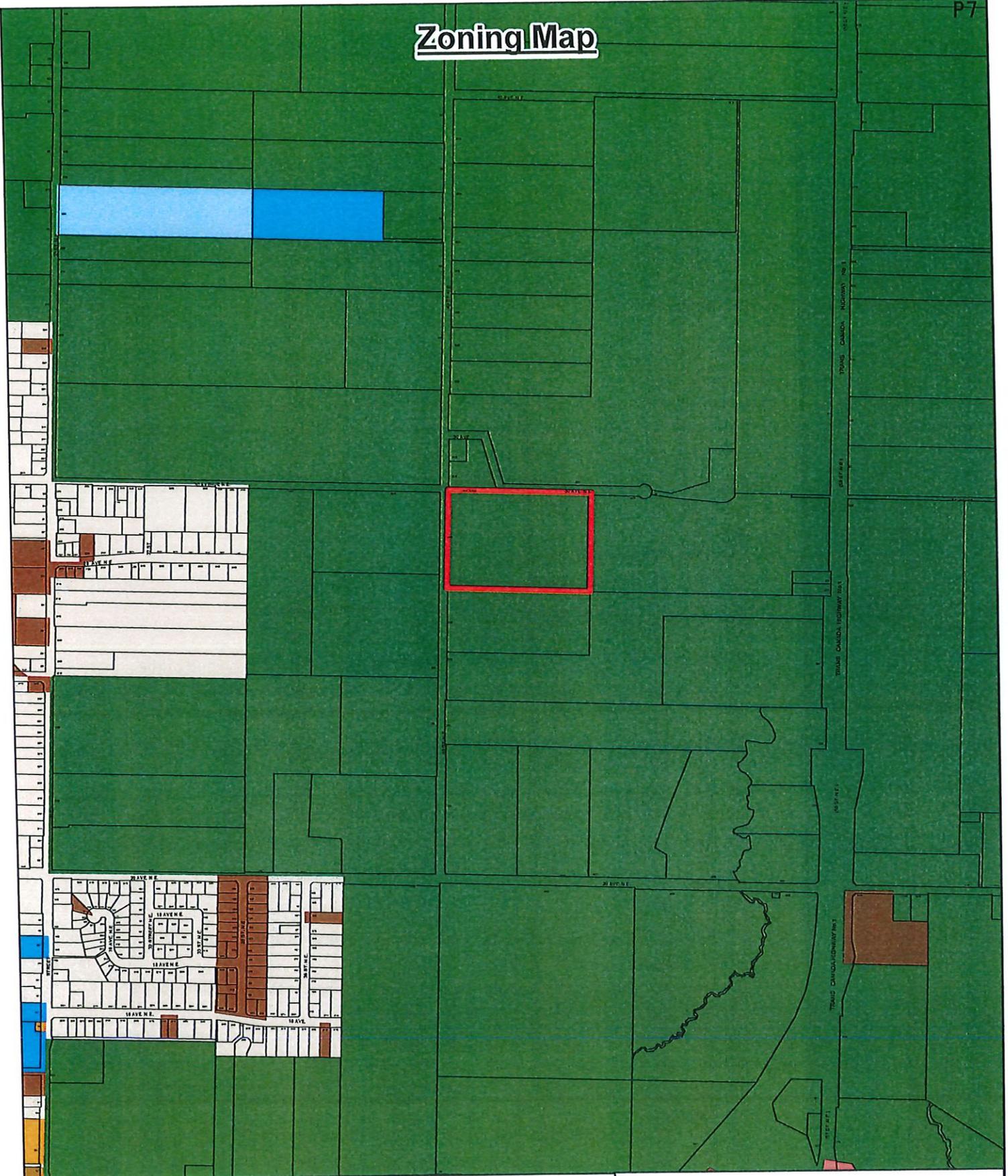
Parcels

OCP Map



-  Subject Property
-  Parcel
-  Acreage Reserve
-  Park
-  Residential - Low Density
-  Residential - Medium Density
-  Commercial - Highway Service / Tourist

Zoning Map



	Subject Property		A-2		C-6		R-4
	Parcels		C-3		P-1		R-5
			C-4		P-3		R-6
			C-5		R-1		R-8

March 16th 2023

Variance permit Application: Ruth and Mike Vandermeer

Requesting variance to Bylaw # 4163

History (Refer to attached aerial view of property and adjacent properties)– The City of Salmon Arm has requested road upgrades under Bylaw 4163 to 30th Ave Ne. These upgrades have been triggered by our residential building permit.

Property Address: 2900 40th St. NE

Property Size: 15 Acres

Construction type: Single family residence

Current Building Permit # 17267B

Property Description: Our property is bordered on the west by 40th Street NE (Paved Road), which provides sole access to our (under construction) residence via the existing driveway. To the North, part of our property is bordered by 30th Ave NE, which ends in a cul-de-sac . This road provides access to 3 rural properties. The road works being requested by the City are where 30th Ave NE partially runs parallel along our property line on the North side

Rationale for variance request – Refer to Bylaw 4163

Section 3.0:

3.1.2 (i) There is no need for the capacity for increased flow as;

- a) 30 Ave NE is a no through road that ends in a cul-de-sac.
- b) Just 3 rural properties are accessed along 30 Ave NE at or near the end of the cul-de-sac. All are zoned A-2 and are designated as Acreage Reserve in the OCP. None of these properties are likely to be developed in the future
- c) We will not be requiring any access to our property via 30 Ave NE. We will be accessing our new home via the existing driveway off 40th St. NE
- d) We are not developing our property. We are simply building a single family home. We would understand if we were subdividing and requiring access and services off 30 Ave NE. Such a development would result increased traffic flow, but that is not the case with our construction.

3.1.2 (ii) Safety is not a concern:

- a) We are not now, nor will we in the future be drawing on any services that may be present along 30 Ave NE
- b) If safety has been a concern in the past, then why hasn't the City addressed it already?

Section 5.0:

5.3.1 (a)(b) Exemptions

- a) The bylaw plainly states that new works and services shall not be required where
 - a. "The Development is limited to the construction of an addition to a Low Density Residential Dwelling or the construction of a Building or Structure accessory to a Low Density Residential Dwelling" – *We understand that ours is not an addition to an existing low density dwelling, but we don't understand why the building of a new home of the same location as the old home,*

which utilizes no more land including building and landscaping as the old home, would face different rules as an addition.

Theoretically, certain additions to homes may require different access, or require services on an adjacent street – why would those be exempt?

- b. *“Existing Works and Services have sufficient capacity for any demands directly attributable to the proposed Development.”
Our construction in no way impacts any existing works and services in place along 30th Ave NE.*

Further:

1. As mentioned, 30th Ave NE does not provide any access to our property, therefore, the upgrades would provide no value or benefit to us in any way - no additional or improved access or services and no increase in property value. Any improvement to this road would be for the sole benefit of the 3 rural properties that are accessed from 30 Ave NE.
2. 30th Ave NE has received recent upgrades (ditching/grading) to the East of our property line extending towards the end of the road at the cul-de-sac. These improvements end at our property line on the Northeast corner. We are not sure why these improvements weren't completed to extend along 30th Ave NE where it runs parallel to our property.
3. We are not developing our property. We are simply rebuilding a new home on a pre existing home site . We would understand if we were subdividing and requiring access and services off 30th Ave NE as a development would result in increased traffic flow etc., but that is simply not the case.
4. With the addition of our new home onto this property, the City will benefit from an increase in assessment value and thusly, increased tax revenue for many years to come. That in turn will help provide funding for any future upgrades to 30th Ave NE

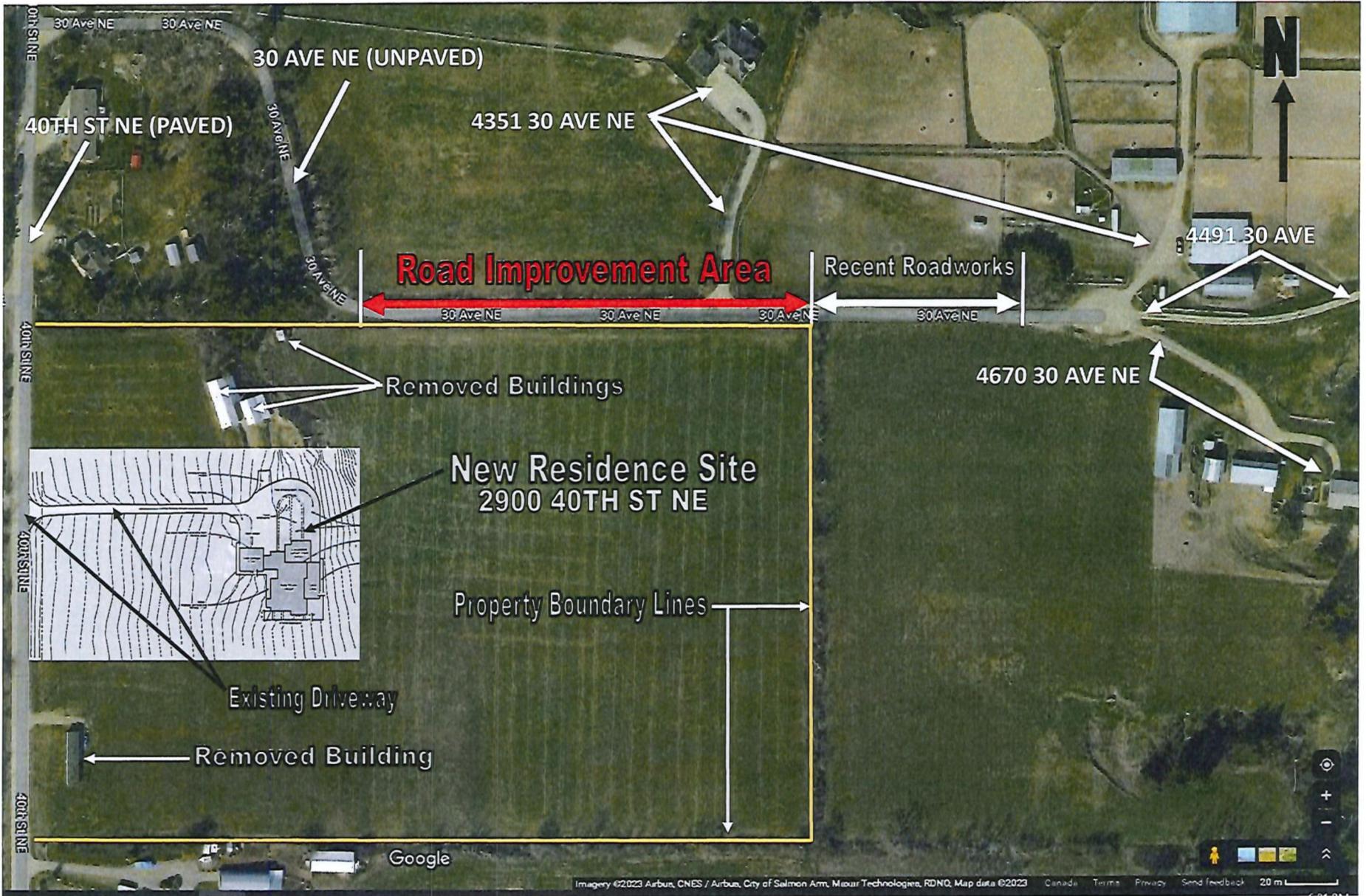
Thank you for your attention and consideration.



Ruth Vandermeer



Mike Vandermeer



MIKE AND RUTH VANDERMEER
OCTOBER 2022
2900 - 40th STREET NE SUBDIVISION
OPINION OF PROBABLE COST

SCHEDULE OF APPROXIMATE QUANTITIES AND UNIT PRICES
(*Denotes Nominal Quantity)

Item No.	DESCRIPTION OF WORK	UNIT	QUANTITY	UNIT PRICE \$	AMOUNT \$
1.0	ROADS AND EARTHWORKS SECTION 1				
1.1	Clearing & Grubbing	LS	1	\$ 5,000.00	\$ 5,000.00
1.2	Common Excavation and Disposal	m³	890 *	\$ 20.00	\$ 17,800.00
1.3	Supply & Place Sub-Base	m³	240 *	\$ 75.00	\$ 18,000.00
1.4	Supply & Place Base	m³	25 *	\$ 95.00	\$ 2,375.00
1.5	Supply & Place Shouldering	m³	25 *	\$ 150.00	\$ 3,750.00
	Sub-Total: Roads and Earthworks				\$ 46,925.00
2.0	STORM SEWER WORKS SECTION 4				
2.1	Ditching	m	190 *	\$ 45.00	\$ 8,550.00
	Sub-Total: Storm Sewer Works				\$ 8,550.00

SUMMARY					
1.0	ROADS AND EARTHWORKS				\$ 46,925.00
2.0	STORM SEWER WORKS				\$ 8,550.00
					\$ 55,475.00
3.0	ENGINEERING				
	Design/Inspection/Records (as per quote)			\$ 16,235.00	
	Geotechnical Testing (3%)			\$ 1,664.25	\$ 17,899.25
	SUB-TOTAL				\$ 73,374.25
	GST (5%)				\$ 3,668.71
	TOTAL				\$ 77,042.96

***Opinion of Probable Cost Notes**

- 1) Quantities may vary depending on field revisions and/or conditions encountered at the time of construction, thereby affecting the final cost.
- 2) Unit Prices are influenced by supply & demand for both contractors and materials at the time of construction, thereby affecting the final cost.
- 3) Prices do not include BC Hydro, Telus, Gas, Legal Survey (BCLS) and property/right-of-way acquisitions.
- 4) Prices do not include Geotechnical, Environmental and Archaeological studies, reviews and approvals.
- 5) Unit Prices are estimated in 2022 Canadian Dollars for similar works and exclude taxes.



EGBC #1000946

TO: Director of Development Services
DATE: 11 May 2023
PREPARED BY: Chris Moore, Engineering Assistant
SUBJECT: **VARIANCE PERMIT APPLICATION FILE NO. VP- 581**
OWNER: **R. Vandermeer, - 2900 – 40 Street NE, BC V1E 1Z6**
AGENT: **Mike Vandermeer**
LEGAL: That Part of the North East ¼ of Section 9 Shown on Plan B4242:
Township 20, Range 9, W6M, KDYD
CIVIC: **2900 – 40 Street NE**

Further to the request for variance dated 23 March, 2023; the Engineering Department has reviewed the site and offers the following comments and recommendations relative to the requested variance.

The applicant is requesting that Council waive the requirements of the Subdivision and Development Servicing Bylaw No. 4163 (SDSB) to upgrade the frontage on 30 Avenue NE to the Rural Local Road (gravel) standard (RD-7).

Background:

Where construction of a home is proposed on bareland within the rural area, the SDSB requires full upgrade of the road(s), works and services within the property's frontage. This generally helps to bring the existing City roads closer to the current approved standards.

The subject property has extensive frontage onto 40 Street NE which is constructed to the current rural standard, and no upgrades are required. However, the property also has frontage onto 30 Avenue NE at rear / side of the property which currently only has a road width of 4.5 to 5.2m, with no shoulder. The RD-7 standard is 7.3m road width with a 1.25m shoulder, and it is generally accepted that for two vehicles to pass safely a minimum width of 6.0m is required.

Insufficient road width makes two way traffic difficult, especially in rural areas with large farm vehicles. However, 30 Avenue NE is a very quiet cul-de-sac with only 3 properties beyond the subject property and further subdivision is not supported by the OCP.

It is noted that the City does not have sufficient dedication in this location to widen the road and ditching, and 3.965m additional dedication is required (to be confirmed by a BCLS). Widening could be completed under a right of way from the subject property, which can be requested at Building Permit stage, but it would be preferable if the applicant was willing to provide the additional 3.965m dedication that is required.

Recommendation:

The Engineering Department recommends that the request to waive the requirements of the Subdivision and Development Servicing Bylaw No. 4163 (SDSB) to upgrade the frontage on 30 Avenue NE to the Rural Local Road (gravel) standard (RD-7) be denied. The current road width does not meet the bylaw standard and although 30 Avenue NE has low traffic volumes, widening the road to allow for two way traffic will improve traffic safety in this location. Should the owner be willing to provide the additional 3.965m of dedication that is required from the subject property on the 30 Avenue NE frontage, staff would support a cash in lieu payment for the future road widening less the value of the dedication given, together with legal and surveying costs.



Chris Moore
Engineering Assistant



Gabriel Bau P.Eng.,
City Engineer

CITY OF
SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: May 12, 2023

Subject: Variance Permit Application No. VP-567 (Servicing)

Legal: Lot 1, Section 30, Township 20, Range 9, W6M, KDYD, Plan EPP123104
 Civic Address: 3390 – 30 Street NE
 Owner: Terry McLeod
 Agent/Applicant: Launch Construction Ltd. (Brad Long)

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-567 be authorized for issuance to vary the Subdivision and Development Servicing Bylaw No. 4163, for the frontage of Lot 1, Section 30, Township 20, Range 9, W6M, KDYD, Plan EPP123104 as follows:

- i) waive the installation of a bike lane (including ditching);**
- ii) waive the provision of a Statutory Right of Way in favour of the City for the bike lane; and**
- iii) waive the installation of one (1) fire hydrant.**

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP-567 be authorized for issuance to vary the Subdivision and Development Servicing Bylaw No. 4163, for the frontage of Lot 1, Section 30, Township 20, Range 9, W6M, KDYD, Plan EPP123104 as follows:

- i) waive the installation of a bike lane (including ditching) and;**
- ii) waive the installation of (1) fire hydrant.**

AND THAT: the owner provide the road dedication for the required off-site works;

AND FURTHER THAT: the applicant/owner submit a cash in lieu payment amounting to the cost of bike lane installation (including road dedication and ditching) minus the value of the road dedication (including legal and surveying fees). The final amount of the cash in lieu payment shall be approved by the City Engineer.

PROPOSAL

The applicant is requesting to vary Subdivision and Development Bylaw No. 4163 to waive the requirement to upgrade the existing roadway to the required standard. The requirements to upgrade the road frontage are triggered by a building permit for a single-family dwelling. The owner has provided a letter of rationale in support of their application (Appendix 6).

BACKGROUND

The subject property is in the North Broadview area and is designated Acreage Reserve (AR) in the City's Official Community Plan (OCP), zoned A-2 (Rural Holding) in the City's Zoning Bylaw and is entirely within

the Agricultural Land Reserve (ALR) (Appendices 1 to 5). The property is approximately 30 acres in size and currently contains an older (built in 1930) single-family dwelling (that is to be demolished) and two accessory buildings/structures. All lands within the ALR are subject to the regulations of the Agricultural Land Commission.

Adjacent land uses include the following:

North:	single family dwelling and accessory buildings/structures (ALR)	Zoned A-2
South:	vacant lot (ALR)	Zoned A-2
East:	single family dwelling and accessory buildings/structures (ALR)	Zoned A-2
West:	30 Street NE; single family dwellings	Zoned A-2, R-1, & R-8

COMMENTS

Fire Department

No Fire Department concerns.

Engineering Department

Engineering staff have provided a response to the application (Appendix 7). The RD-9 Rural Arterial Road Cross-Section is included as Appendix 8. An Opinion of Probable Costs (OPC) provided by Lawson Engineering is included as Appendix 9. The OPC amount of \$162,910.44 does not include surveying or legal costs that may be associated with the construction of the works. The approximate area affected by the improvements is shown on the map included as Appendix 10.

Staff are recommending that the owner provide a cash in lieu payment for the installation of the bike lane and ditching so that the works may be completed at a later date. Typically, the cash in lieu amount is calculated from the OPC that is provided by the owner's consulting engineering. However, given the complexity of the legal status of the road, staff is recommending that this be taken into account. The amount suggested is calculated by obtaining the value of the land (total area for road, bike lane and ditching) and subtracting the legal and surveying costs undertaken by the owner.

As shown on Appendix 10, the subject property line extends to the centerline of 30 Street NE. In this location, 30 Street NE fronting the subject property is deemed by staff to be a *Transportation Act* Section 42 Road, meaning that if public money is spent on a travelled road, then the travelled portion (asphalt to asphalt) is deemed and declared to be a highway. City records indicate that 30 Street NE has been maintained as a public road.

The required off-site works are to be constructed outside of the existing asphalt area, beyond that portion of "Section 42" road. In order to construct the required off-site works, the total area of road, bike lane and ditching must either be dedicated to the City as 'road' or a statutory right of way granted in favour of the City. The dedication or right-of way area is approximately 2300m² and would have to be confirmed by a surveyor. Appendix 10 shows the approximate amount of land that that would be needed for the road dedication or Statutory Right of Way.

It should be noted that at the time that the bike lane and ditching is to be installed by the City it is likely that ALR regulations would require additional approvals from the ALC in order to permit a trail corridor through ALR land.

As noted in the staff recommendation and the enclosed report from the Engineering Department, waiving the requirement to install one fire hydrant is supported as Engineering staff feel that the installation of the fire hydrant would not significantly improve fire safety, while at the same time would increase on-going maintenance costs in an area with limited infrastructure.

Building Department

No concerns.

Public Consultation

Pursuant to the *Local Government Act* and *City of Salmon Arm Development Variance Permit Procedures Bylaw*, notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advise those with interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on June 12, 2023.

Planning Department

Development Variance Permits are considered on a case-by-case basis, and in doing so, a number of factors are taken into consideration. These factors include site-specific conditions, such as lot configuration and connecting new infrastructure to existing infrastructure to ensure continuity of services.

30 Street NE is designated as both an Urban Arterial Road and Rural Arterial Road, meaning it is an important corridor for facilitating movement through the community. Staff note that the adjacent parcels to the west of the subject property along this corridor have development potential (i.e. all have the potential to rezone to R-8 to permit either a secondary or detached suite) and highlight the need to consistently meet the standards required along this key roadway.

30 Street NE is identified as a "bike route" in Map 12.2 – Cycle Network Plan of the OCP. The City of Salmon Arm is committed to making it safer, easier, and more enjoyable to walk, bicycle, and use other forms of active transportation, as detailed in Connect Salmon Arm, the City's Active Transportation Network Plan (ATNP). 30 Street NE is noted in the ATNP. The request to waive this requirement entirely is not supported by staff.

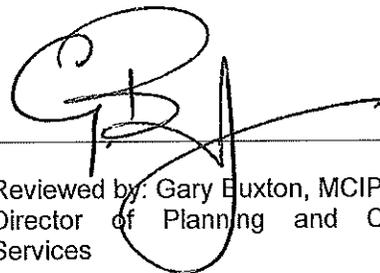
CONCLUSION

The minimum servicing levels specified by the City's Subdivision and Development Servicing Bylaw have been adopted to ensure that basic infrastructure is provided to support development. The implication of granting variances to minimum service levels is that these costs (the burden of providing minimum servicing) are then deferred to future property owners or the City (taxpayers).

Staff recognize the financial constraints on development; however, waiving the requirements of the Subdivision and Development Servicing Bylaw No. 4163 would place an additional financial burden on the City for those improvements in the future or increase costs onto future developers of adjacent properties. As such, Staff recommends the requested variance to waive the requirement to construct facilities be denied, and that cash in lieu be provided.



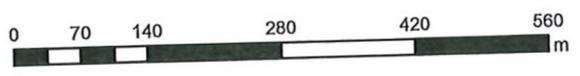
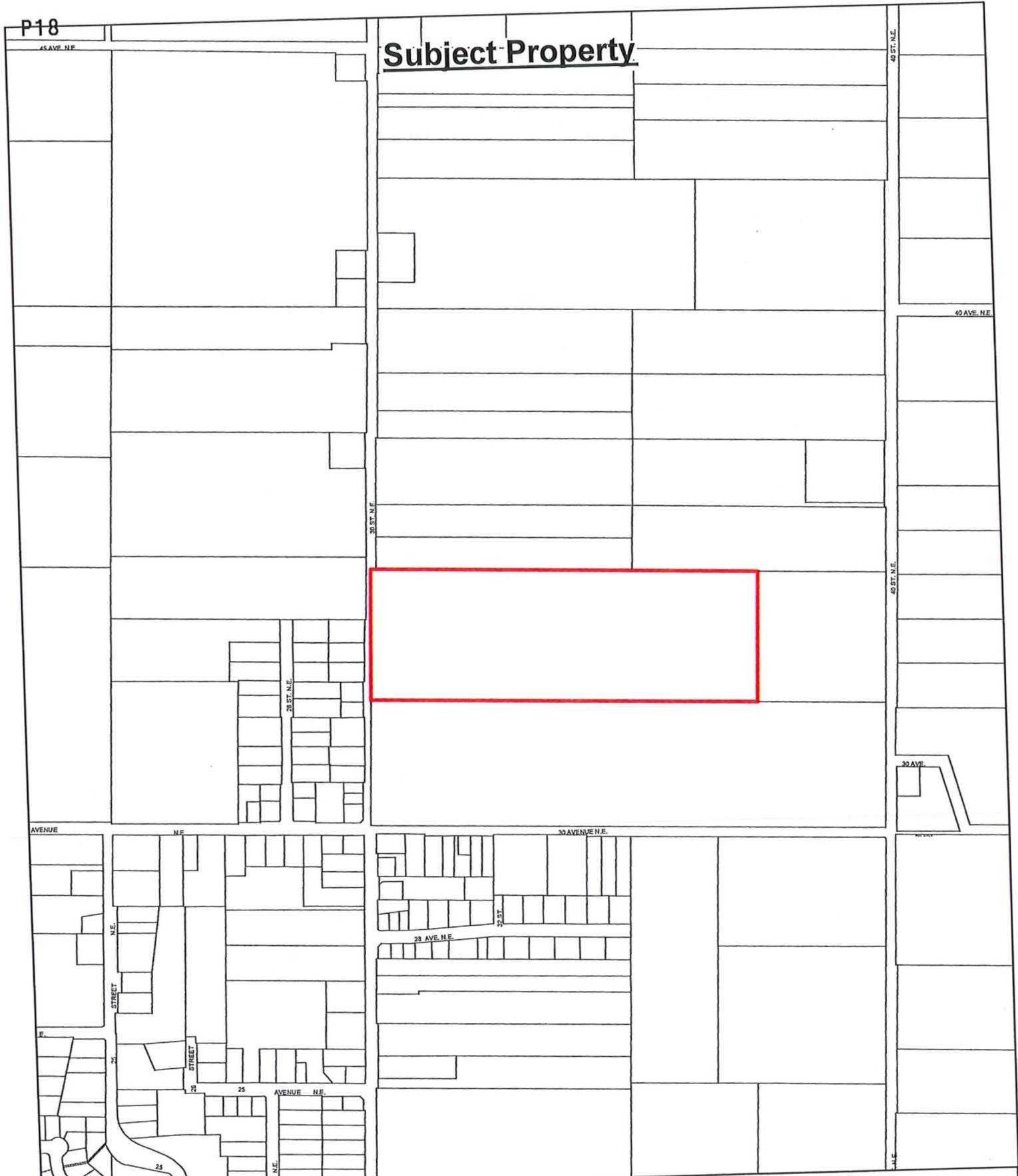
Prepared by: Melinda Smyrl, MCIP, RPP
Planner



Reviewed by: Gary Euxton, MCIP, RPP
Director of Planning and Community
Services

P18

Subject Property



-  Parcels
-  Subject Property

Ortho Map



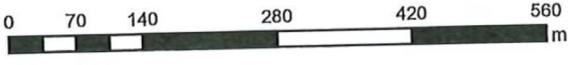
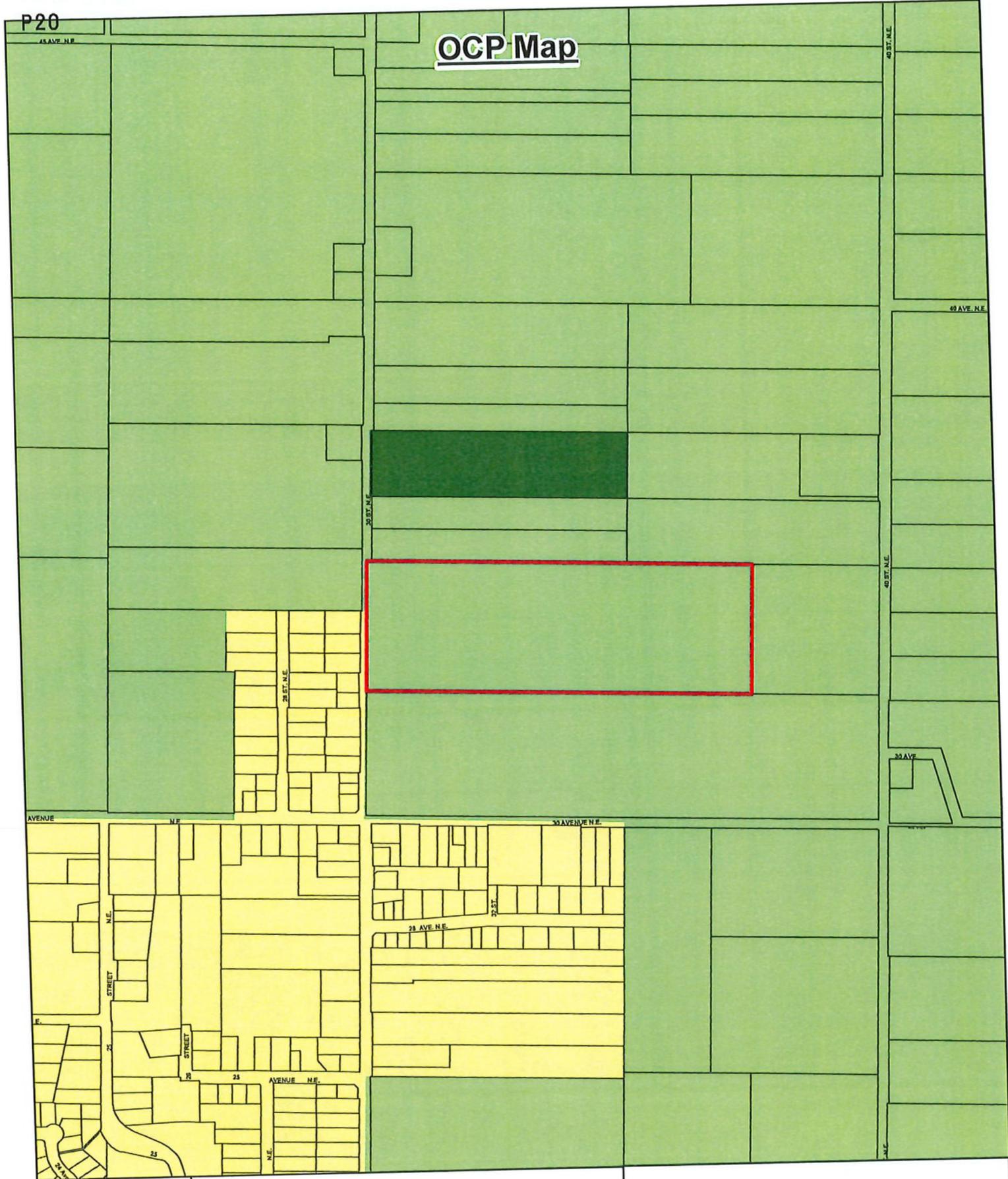
Parcels



Subject Property

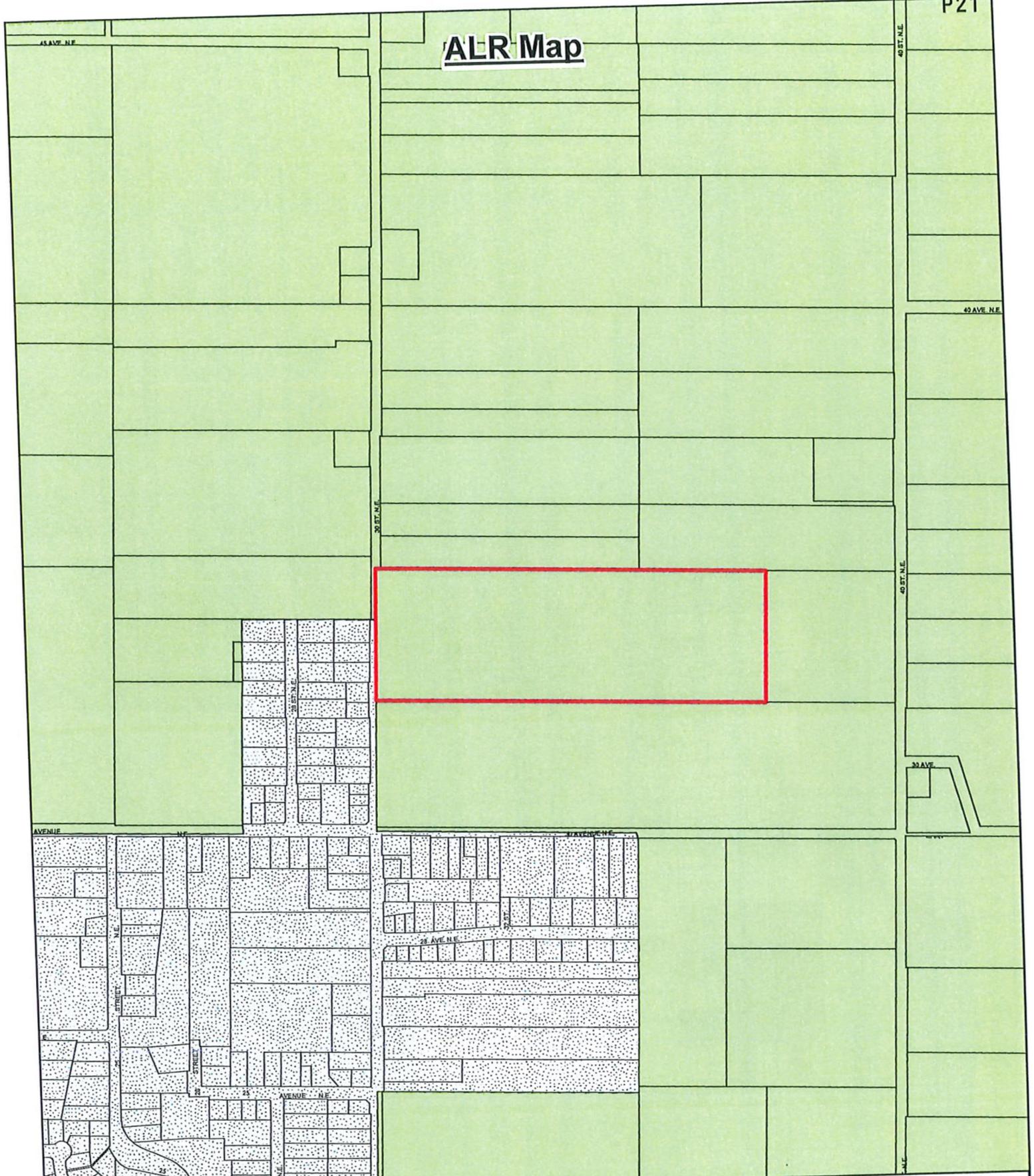
Aerial Photo Date: 2021

OCP Map

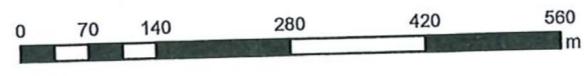


-  Subject Property
-  Parcels
-  Acreage Reserve
-  Park
-  Residential - Low Density
-  Residential - Medium Density

ALR Map

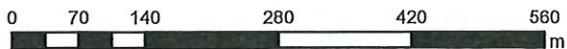
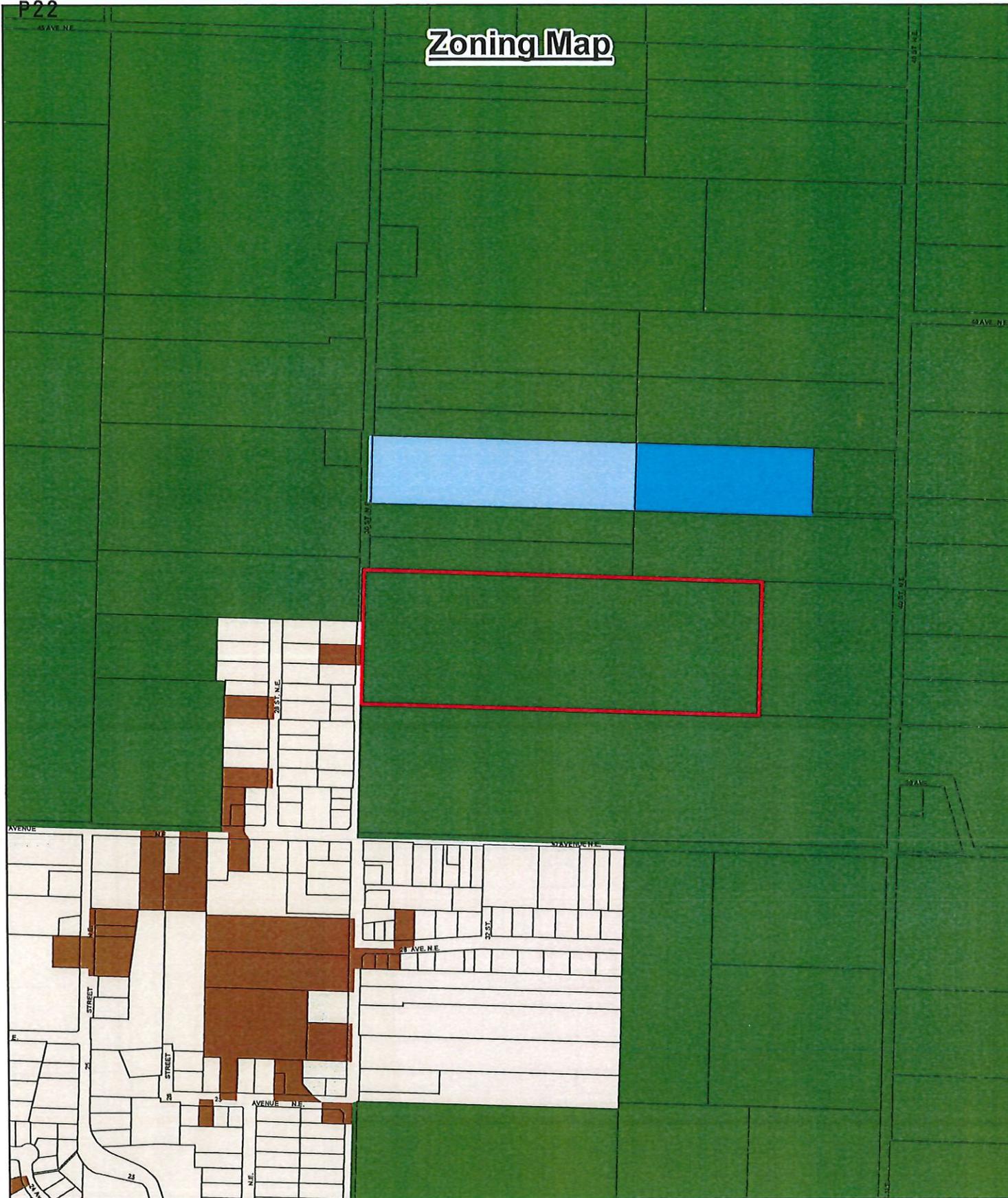


-  Subject Property
-  Parcels
-  ALR
-  Urban Containment Area



P22

Zoning Map



- Subject Property
- A-2
- R-1
- Parcels
- P-1
- R-8
- P-3

From: Terry McLeod <>

> Sent: Wednesday, February 15, 2023 9:42 AM

> To: Maurice Roy <>; Evan Chorlton

>>; Adam Bux

> Subject: [External] Letter to Salmon Arm Mayor and City council

> Mayor and City Council Salmon Arm

February 15, 2023

> My name is Terrance (Terry) McLeod, I purchased 30 acres of farm land in the city limits address of 3390-30 St NE in the spring of 2022. I planned on building a homestead with the intention of raising some feeder cows, keeping my horses and putting up my own feed of alfalfa for the rest of my workable years. I am 59 years old, I was born and raised in NE BC where I also farmed. I moved to Alberta 13 years ago where I had a ranch and farmed also, sold that ranch last spring before moving back to Salmon Arm.

> I have had the main services put in, most of which I did on my own with a small back hoe and cat I own. I have built a hay/equipment shed and shop with a small 800 sq ft suite on one end of the building. This suite was originally planned for my ranch hand who was to live there and assist me in the haying and raising cows. I will now be residing in it until you, the city decides.

> I hired an architect out of Vernon, brought on a house building contractor out of Blind Bay to assist me with the construction of my new and final home. We followed the regulations set by the city and ALC for building restrictions to the T, I have done all permitting as required, and much to my surprise, Salmon Arm comes back with having requested I install lights, sidewalks, fire hydrants and a possible bike lane in front of my acreage.

> I have sent in a letter from Lawson Engineering asking for a variance to these requests as I would be the only acreage on the street with this in front. I am also asking for a variance regarding the deposits for future upgrades. I had to have the property surveyed at the request of city planning and development. When I had this done, it was brought to my attention that my property line is still out to the center line of the 30ST road way. This was never removed from my title and it is my property today.

> I will forgive the property to the center line for any upgrades requested, I will also want the city to pay for any surveys required to move the property line. I will also request that the city forgive me of any future upgrade costs in lieu of these, I will hand the property back to the City of Salmon Arm. I paid 27,000\$ to have the property surveyed, I will not be spending any more on surveys for the city to use at their disposal. Let's move forward and please allow my variance of building my final home at peace.

> I would like to build my house without anymore surprises, let me live on my dream acreage and retire with some cows, horses and putting up hay for feed.

> Yours truly, honestly, Terry McLeod.

> Terry McLeod



*Memorandum from the
Engineering and Public
Works Department*

TO: Gary Buxton, Director of Planning
 DATE: 1 May 2023
 PREPARED BY: Chris Moore, Engineering Assistant
 SUBJECT: **VARIANCE PERMIT APPLICATION FILE NO. VP- 567**
 OWNER: **T. McLeod**, PO Box 10038 Salmon Arm, BCV1E 3B9
 APPLICANT: Launch Construction Ltd., 2154 Eagle Bay RD. Blind Bay, BC V0E 1H1
 LEGAL: THE NORTH ½ OF THE SOUTH ½ OF THE SOUTH WEST ¼ SECTION 30
 TOWNSHIP 20 RANGE 9 W6M KDYD EXCEPT PLAN 3127
 CIVIC: **3390 – 30 Street NE**

Further to the request for variance dated March 20, 2023; the Engineering Department has reviewed the site and offers the following comments and recommendations relative to the requested variances.

The applicant is requesting that Council waive the following requirements of the Subdivision and Development Servicing Bylaw No. 4163 (SDSB):

1. **Waive the requirement to upgrade 30 Street NE to the RD-9 Rural Arterial Road Cross Section**

Background:

30 Street NE is designated as a Rural Arterial Road and upgrading to the RD-9 standard is required under the SDSB. Upgrades required include bike lane construction and associated road widening and ditching.

30 Street NE is heavily used by vehicles and the Active Transportation Network Plan (October 2022) identifies 30 Street NE as part of the City's Long Term Bicycling Network.

During the development of this property, it became apparent that the City does not own any dedication on the east side of 30 Street NE and that the property's title currently extends to the centre line of the road. This portion of 30 Street NE is considered to be a Section 42 road, as when public money has been spent on a travelled road that is not a highway, the travelled road is deemed and declared to be a highway. The City does not therefore require dedication to maintain use of the road, although dedication would be required if the City wants to widen the road in the future.

Recommendation:

Since the City's Active Transportation Network Plan identifies 30 Street NE as part of the City's Long Term Bicycling Network, **the Engineering Department recommends that the request to Waive the requirement to upgrade 30 Street NE to the RD-9 standard be denied.** There is

little benefit in installing a cycleway on a short length of 30 Street NE and the Cycleway would be better done on a larger scale as part of a Capital Works Project. Staff would therefore recommend taking a cash in lieu payment for upgrading to the RD-9 standard. The City would also require a right of way over the property for the construction of the cycleway, but since the owner has indicated a willingness to provide the City with full dedication, staff would recommend that the cash in lieu payment be reduced by the value of the dedication given, together with legal and surveying costs.

2. Waive the requirement to install one new fire hydrant.

Background:

One additional Fire Hydrant is required to meet the Low Density spacing requirement of 150 meters, as required by the SDSB. However, based on the Rural spacing requirement of 300m, the spacing requirements are already met. The southern half of the lots on the west side of 30 Street NE are in the Urban Containment Boundary, with the northern half and the subject property being located in the Rural area. It is accepted practice on roads with mixed zoning to work to the highest standard. However, in this instance an additional fire hydrant will be of little benefit as based on the Urban spacing to the south and Rural spacing to the north, all properties are already covered.

Recommendation:

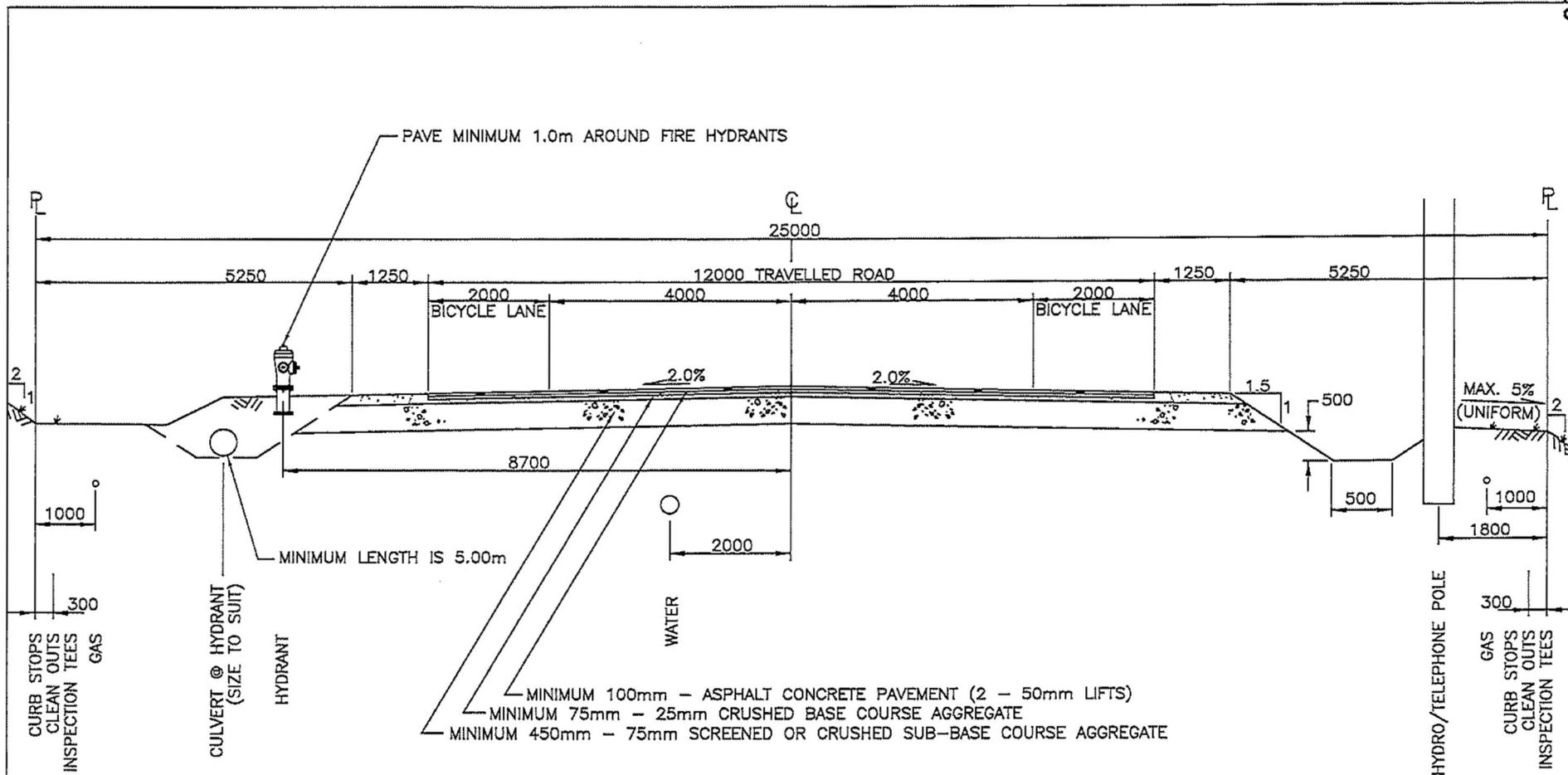
The Engineering Department recommends that request to waive the requirement to install one new fire hydrant be approved. An additional hydrant in this location, although required by the SBDB will not significantly improve fire safety and will leave the City with increased ongoing maintenance costs.



Chris Moore
Engineering Assistant

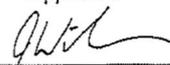


Gabriel Bau P.Eng.,
City Engineer



NOTES:

- 1) Where gravel surface is permitted, crossfall shall be 4.0%
- 2) Drainage shall be sheet drainage, no point load drainage permitted
- 3) All materials shall be supplied and placed in accordance with schedule B, Part 3.0 and Schedule D, Approved material list.
- 4) Grades in excess of 2H:1V shall be recommended by a geotechnical engineer and approved by the City Engineer.

 CITY OF SALMON ARM			25m R/W Rural Arterial Road Cross-Section		
No.	Revision	Date	Date	Approved	SPECIFICATION DRAWING No.
A	ISSUED FOR APPROVAL	07/14/16	10-11-2016	 City Engineer	RD-9

Adopted by Council October 11, 2016



LAWSON
— ENGINEERING LTD. —

3390 30th Street NE
13-Mar-23
Class D Opinion of Probable Cost

ITEM NO.	DESCRIPTION OF WORK	UNIT	QUANTITY	UNIT PRICE	AMOUNT \$
1.0	ROADS AND EARTHWORKS				
1	Supply & Install Asphalt - Bicycle lane (100mm)	m2	407	48.00	19,536.00
2	Remove & Dispose Asphalt	m2	50	25.00	1,250.00
3	Supply & Place 25mm Crushed Base Course	m3	85	80.00	6,800.00
4	Supply & Place 75mm Crushed Granular Sub-Base Course	m3	380	60.00	22,800.00
5	Common Excavation & Disposal	m3	500	18.00	9,000.00
6	Asphalt Milling - Key-in Joints	m	204	7.00	1,428.00
7	Boulevard Grading & Ditching	LS	1	2,000.00	2,000.00
8	Bike Lane Painting	LS	1	4,500.00	4,500.00
9	Power Pole Relocation	ea	4	12,500.00	50,000.00
2.0	WATER WORKS				
11	Supply & Install Fire Hydrant Assembly c/w 150Ø x 150Ø x 150Ø HFF Tee, Gate Valve, and 150Ø Lead	LS	1	11,980.00	11,980.00

SUMMARY

1.0	ROADS AND EARTHWORKS	\$	117,314.00
2.0	WATERWORKS	\$	11,980.00
	SUB-TOTAL:	\$	129,294.00
	ENGINEERING (10%)	\$	12,929.40
	CONTINGENCY (10%)	\$	12,929.40
	SUBTOTAL	\$	155,152.80
	GST (5%)	\$	7,757.64
	TOTAL	\$	162,910.44

1) Quantities may vary depending on field revisions and/or conditions encountered at the time of construction, thereby affecting the final cost.

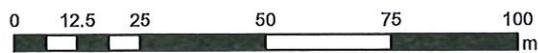
2) Unit Prices are influenced by supply & demand for both contractors & materials at the time of construction, thereby affecting the final cost.



P20

Subject Property Map 2

Hatched Area:
The approximate area of land that would need to be dedicated or secured by Statutory Right of Way.



-  Approximate Area of Road Deddication or Stat R/W
-  Parcels
-  Subject Property

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: May 25, 2023

SUBJECT: Proposed Strata Conversion of a Previously Occupied Building – SUB-23.02 (Brentwell)
 Legal: Lot 3, Block 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 936
 Civic Address: 31 – 4 Street SE
 Owner/Applicant: Brentwell Venture Ltd. / Crevier, L.E. & S.

MOTION FOR CONSIDERATION

THAT: Pursuant to Section 242 of the *Strata Property Act*, Council approve the strata conversion of the previously occupied building located on Lot 3, Block 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 936.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 31 4 Street SE (Appendix 1) which contains a recently constructed duplex building (site photos are attached as Appendix 2). The applicant is requesting to convert the existing residential building to strata title ownership. The development is to remain under current management entirely as rental units. The applicant's intent in creating the two real estate entities through this proposed strata conversion is to subsequently develop a secondary suite within each duplex unit as per the BC Building Code, subject to a Zoning Amendment (ZON-1264). A sketch plan of the proposed strata conversion is attached as Appendix 3.

COMMENTS

Planning Department

A Strata Title Conversion is the division of an existing building into two or more strata title units. Strata Title is a form of ownership in which the unit owners have a share in the title to the property, and common amenities on the property are also shared.

While typically Subdivision Applications are not considered by Council, any proposal involving the conversion of a previously occupied building to strata title ownership must receive Council approval in accordance with Section 242 of the *Strata Property Act*. This allows the City to assess the impact of the conversion on the supply of rental accommodation in the area, to consider the impact on residential tenants, and to ensure that the building is in substantial compliance with the BC Building Code and City Bylaws. Section 242 of the *Strata Property Act* is attached (Appendix 4).

The subject property is designated as High Density Residential in the Official Community Plan, Zoned R-5 in the Zoning Bylaw, and contains a duplex, being used as intended for residential use and currently being rented. No changes to this residential rental use are proposed. OCP residential policy as well as

the City's Housing Strategy supports a variety of housing formats for both rental and market housing to encourage a range of diverse housing types.

The development of the duplex proceeded under the R-5 Zoning as approved by Council in the winter of 2020 (ZON-1191). This development under R-5 zoning did not require any Density Bonus and therefore none of the units were required to be secured as "rental only" by way of a covenant. While not the owner's current intent, following the strata conversion each half of the duplex unit could potentially be sold. Again, as previously noted no changes to the residential rental use are proposed.

ZON-1264

The 4 units proposed (the 2 duplex units and 2 secondary suites) are supported by the density provisions of the R5 Zone, and will be considered under a separate application (ZON-1264). The 2 secondary suites proposed are supported by amendments to the BC Building Code (BCBC) effective as of December 2019 (Appendix 5). At the time of writing this report, the 2 secondary suites proposed are not supported in the R-5 Zone and are subject to full consideration through a Zoning Amendment application (ZON-1264).

In order to ensure compliance with the BCBC, a certified report from a Professional Engineer, Registered Architect or qualified professional indicating conformance with the B.C. Building Code, Plumbing Code, Fire Code and other Provincial and Federal Regulations will be required.

Subject to the Zoning Amendment (ZON-1264) to allow for the suites, the strata conversion of the building would allow for the creation of two separate real estate entities to enable suites, and would present an additional option within the mix of housing types in the High Density Residential designated area, aligned with OCP policy and the Community Housing Strategy.

Subdivision and Development Services Bylaw No 4163

Strata conversion triggers the requirements of the Subdivision and Development Services (SDS) Bylaw. Many of the requirements were met through the recent development of the property. The outstanding requirement is related to road dedication to meet the Urban Local Road standard. The applicant had accounted for this at time of development. Dedication of approximately 2.919 m (to be confirmed by BCLS) is required along the 4 Street SE frontage prior to approval of the Strata plan.

Letter of Preliminary Review

To further clarify the conditions detailed above, a letter of preliminary review will be issued to the applicant. This letter will outline the terms and conditions which have to be met.

CONCLUSION

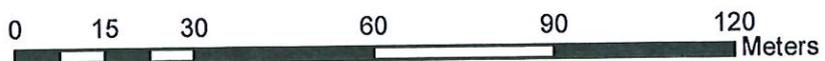
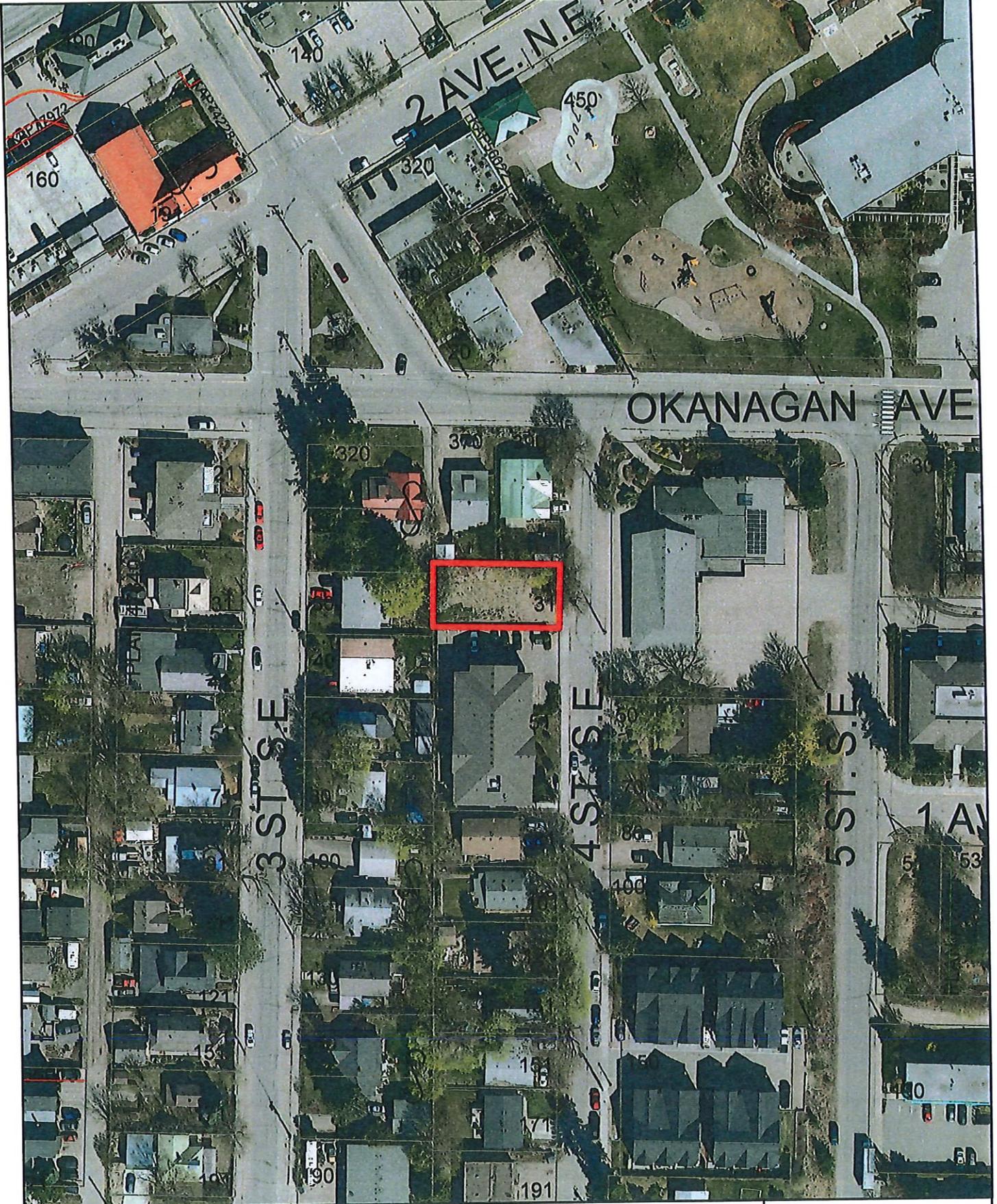
Given that the building involved will need to meet BCBC requirements through the Building Permit process, and that the proposal aligns with OCP residential policy as well as the City's Housing Strategy, with the units to remain as rentals under current management, staff have no concerns with the proposed strata conversion. Should Council approve this proposal and subject to meeting the conditions (SDS Bylaw, Zoning and BCBC requirements) to be provided in a Letter of Preliminary Review, the Approving Officer will be able to execute approval of the Strata plan.



Prepared by: Chris Larson, MCIP, RPP
Senior Planner

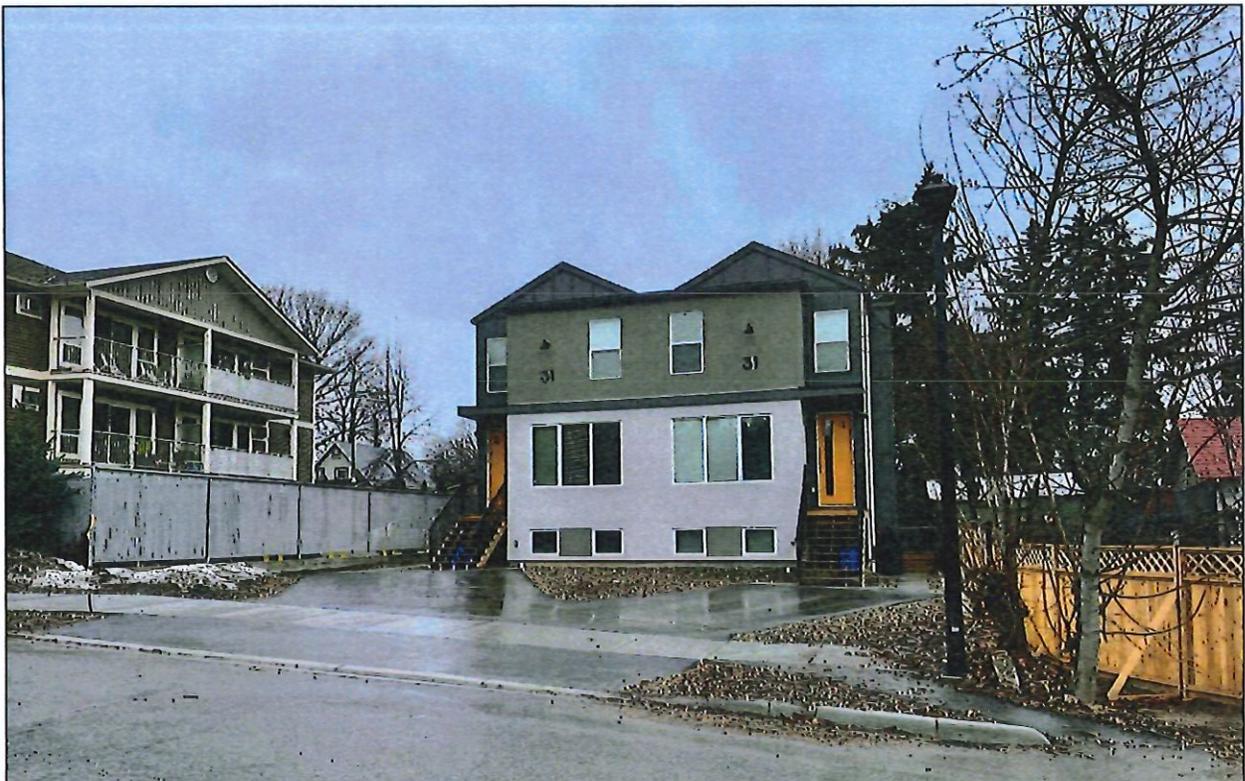


Reviewed by: Gary Buxton, MCIP, RPP
Director of Planning & Community Services





View of subject parcel northwest from 4 Street SE.



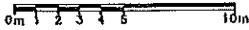
View of subject parcel southeast from 4 Street SE.

**STRATA PLAN OF LOT 1, SEC 14, TP 20,
R 10, W6M, KDYD PLAN EPP**

SHEET 1 OF 3 SHEETS
STRATA PLAN EPS
PRELIMINARY

BCGS 82L.064

SCALE 1 : 150



The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:150

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 11 (117° west longitude). To obtain local astronomic bearings referred to the meridian through Hub 114 subtract 1°45'57".

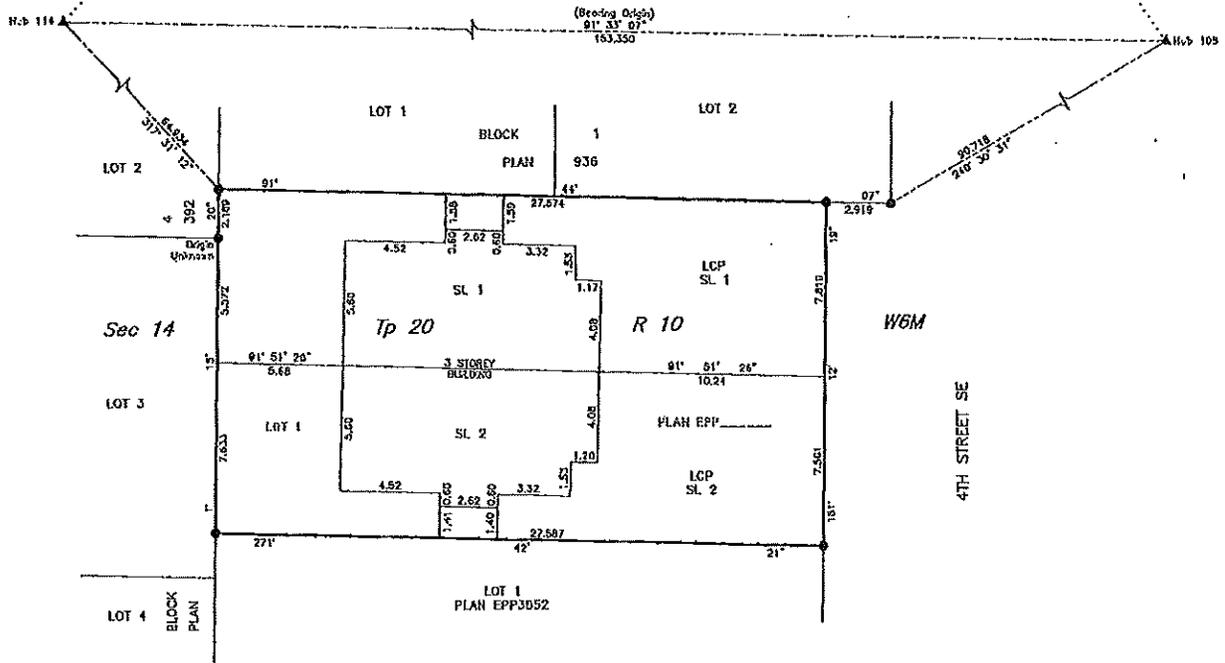
This plan shows horizontal ground-level distances in metres, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998849. The average combined factor has been determined based on an ellipsoidal elevation of 343 metres.

The UTM coordinates and estimated absolute accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Precise Point Positioning service of Natural Resources Canada.



Hub 114
Datum NAD83 (CSRS) 2002.2
UTM Zone 11
UTM Northing 5,618,939.777
UTM Easting 338,850.075
Absolute accuracy 0.06m

Hub 108
Datum NAD83 (CSRS) 2002.0
UTM Zone 11
UTM Northing 5,618,935.624
UTM Easting 339,043.348
Absolute accuracy 0.06m



Civil Address:
31 4th Street SE
Solomon Arm, B.C.
Building dimensions and perpendicular offsets to property lines are measured to the exterior face of the building walls.

The building included in this strata plan has been previously occupied.

The building shown hereon is within the external boundaries of the land that is the subject of the strata plan.

The limited common property shown has no vertical limits.

This plan lies within the Columbia Shuswap Regional District, the City of Solomon Arm and the Vernon Assessment Area.

The field survey represented by this plan was completed on the ____th day of _____, 2023.
Scott G. McPherson, BCLS B59

LEGEND

- denotes standard iron post found
- ▲ denotes traverse hub found
- SL denotes strata lot
- LCP denotes limited common property

McPherson Maddox
Land Surveying
3500 - 30th Street
Vernon, BC V1T 5E8
Telephone: (250) 542-4343

112650S01

FILE: R11266-1

STRATA PROPERTY ACT

[SBC 1998] CHAPTER 43

Part 14 — Land Titles

Approval for conversion of previously occupied buildings

242 (1) For the purposes of this section, "**approving authority**" means

- (a) the municipal council of the municipality if the land is located in a municipality,
- (b) the regional board of the regional district if the land is located in a regional district but not in a municipality and is neither Nisga'a Lands nor treaty lands of a treaty first nation,
- (c) the Nisga'a Village Government if the land is located within Nisga'a Village Lands,
- (d) the Nisga'a Lisims Government if the land is Nisga'a Lands other than Nisga'a Village Lands, or
- (e) the governing body of the treaty first nation if the land is located within the treaty lands of that treaty first nation.

(2) If a person applying to deposit a strata plan wishes to include in the strata plan a previously occupied building, the person must submit the proposed strata plan to the approving authority.

(3) The approving authority may

- (a) approve the strata plan, or approve the strata plan subject to terms and conditions, or
- (b) refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed by the approving authority are met.

(4) The decision of the approving authority under subsection (3) is final and may not be appealed.

(5) The approving authority must not approve the strata plan unless the building substantially complies with the following:

- (a) the applicable bylaws of the municipality or regional district;
- (b) applicable Nisga'a Government laws;
- (b.1) the applicable laws of the treaty first nation;
- (c) the building regulations within the meaning of the *Building Act*, except, in relation to a treaty first nation that has entered into an agreement described in section 6 of that Act, to

the extent that the agreement enables the treaty first nation to establish standards that are different from those established by the building regulations.

(6) In making its decision, the approving authority must consider

- (a) the priority of rental accommodation over privately owned housing in the area,
- (b) any proposals for the relocation of persons occupying a residential building,
- (c) the life expectancy of the building,
- (d) projected major increases in maintenance costs due to the condition of the building, and
- (e) any other matters that, in its opinion, are relevant.

(7) If the approving authority approves the strata plan without terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations.

(8) If the approving authority approves the strata plan subject to terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations once the terms and conditions have been met.

(9) The endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.

(10) The approving authority may, by resolution, with respect to a specified type of previously occupied building,

- (a) delegate to an approving officer or other person designated in the resolution the exercise of the powers and performance of the duties of the approving authority under this section, and
- (b) impose limits or conditions on the exercise of the powers and performance of the duties delegated by the resolution.

(11) This section does not apply to a strata plan that includes a previously occupied building if the person applying to deposit the strata plan is the government or the Crown in right of Canada.

No. B19-05
December 12, 2019

Secondary Suites, Changes to Design and Construction Requirements British Columbia Building Code 2018 Revision 2

The purpose of this bulletin is to provide information about Revision 2 changes to the British Columbia Building Code 2018 (BC Code) for the design and construction of new secondary suites. Changes are effective December 12, 2019 and apply to projects for which a permit is applied for on or after this date.

A separate bulletin B19-04 discusses how the BC Code changes to secondary suite requirements may impact land use planning.

Background

The BC Code introduced requirements for secondary suites in 1995. Therefore, the National Building Code (National Code) provisions were not adopted when they were first published in 2010. The BC Code requirements have not been substantially updated since 1995.

The adopted changes:

- harmonize with the form and approach of the National Code, and most of its technical requirements;
- incorporate historical requirements from the BC Code that provide a higher level of health and safety; and
- adapt some requirements based on application to existing buildings and to coordinate with other requirements.

The Province of British Columbia (B.C.) is working to remove barriers to secondary housing forms. These mid-cycle revisions to the BC Code aim to increase options for the design and construction of new secondary suites in buildings. Allowing the construction of more secondary suites in more building types helps create more housing units while providing an acceptable level of health and fire safety to occupants. These changes provide local authorities with more options for land use planning.

The definition of secondary suite in the BC Code is not to be equated with similar terms in land use bylaws. Land use bylaws may define or use the term secondary suite to describe housing types. The term might carry a different meaning in bylaw than the meaning assigned in the BC Code. It is often appropriate to set aside the BC Code terms when considering land use and zoning matters.

Including solutions for design and construction of secondary suites in the BC Code does not allow owners to contravene land use bylaws. Land use bylaws govern where secondary suites are permitted whereas the BC Code governs how they are to be built. **Before constructing a secondary suite, check with the local authority.**

The BC Code governs the design and construction of new secondary suites including alterations to existing buildings to add a secondary suite as well as new work or alterations within a secondary

The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

suite. It is not intended that the BC Code be used as evaluation metrics or retroactive construction requirements for existing secondary suites.

Changes to the Definition of Secondary Suites

The BC Code **previously** defined a *secondary suite* as “a *dwelling unit*

- having a total floor space of not more than 90 m² in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building of residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity.”

The **new** definition states that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

The previous definition placed limits on floor space as a mechanism to moderate fire load and occupant load. This revision **discontinues the prescribed floor space amounts and percentage distribution**. New requirements as well as some existing and revised requirements, moderate risks attributed to fire load and occupant load as compensatory measures. **Check with the local authority on floor space allowances.**

It cannot be assumed that the owner occupies one of the dwelling units, nor that the occupant of the dwelling unit has direct control over the secondary suite or use by its occupants as a means of increasing the level of safety. A secondary suite is not a subordinate suite to a principle suite. However, there are health and safety opportunities and benefits that come with a house with a secondary suite having single ownership that may not be available for units with separate ownership. Typical requirements for separately-owned dwelling units have been adjusted to accommodate the interest, coordination, and maintenance that is available with single ownership.

In addition, this change adopts and adapts permissions in the National Code to **allow the construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where a dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not apply where any portion of the dwelling unit and its secondary suite are above or below another dwelling unit or other occupancy.

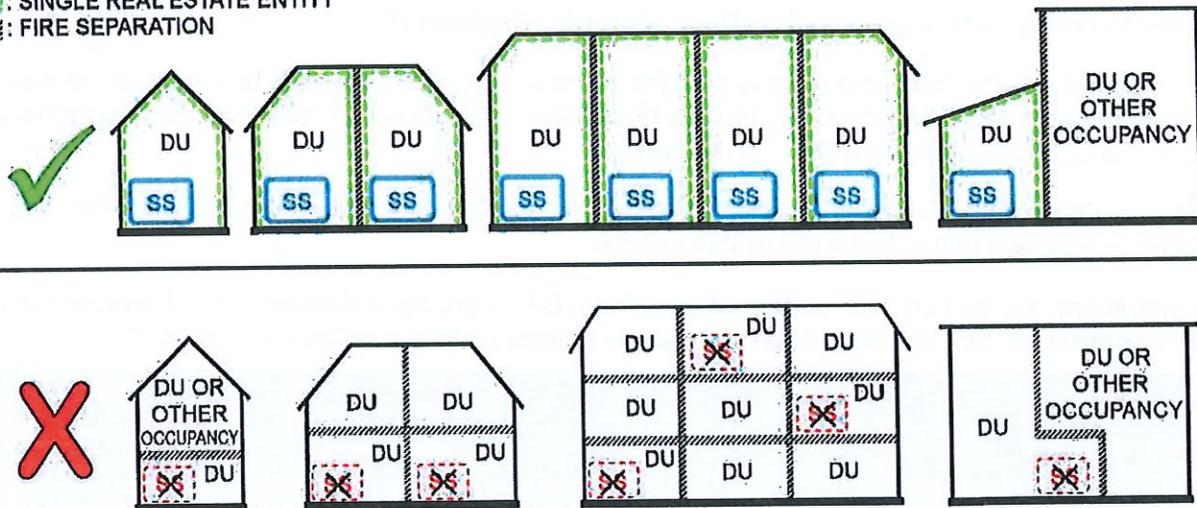
Examples of buildings where the BC Code allows the construction of secondary suites include side-by-side duplexes and also row houses where a vertical fire separation separates the portion with the dwelling unit with the secondary suite from the remainder of the building. Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

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The following illustration provides examples of the types of buildings in which the BC Code allows the construction of secondary suites and where secondary suites are not permitted. **Before constructing a secondary suite, check with the local authority.**

Local government contact information is available here: <http://www.civicinfo.bc.ca/directories>.

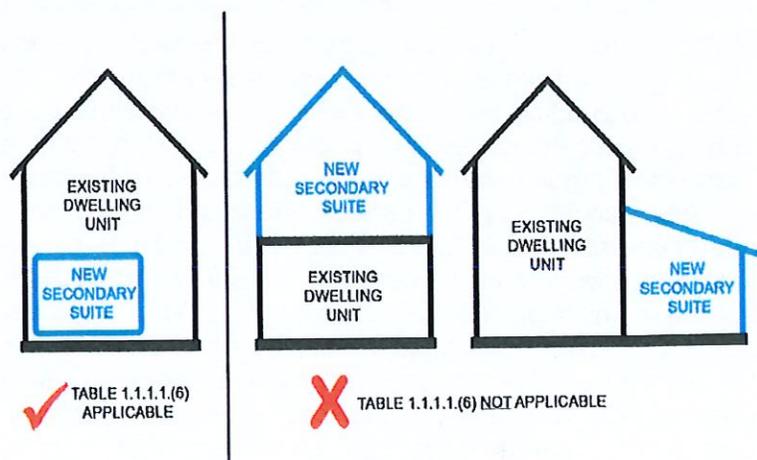
DU: DWELLING UNIT
SS: SECONDARY SUITE
[Green dashed line]: SINGLE REAL ESTATE ENTITY
[Hatched line]: FIRE SEPARATION



Changes to Alterations to Existing Buildings to Add a Secondary Suite

Some previous requirements were based on the premise of 'finishing' an unfinished basement and dealing with the hardships that may exist when working within the confines of an existing home. Some accommodation for when existing construction poses a practical or financial hardship is necessary to avoid abandoning projects or creating disincentives to permits and inspections.

This change distinguishes requirements for new construction - with no existing construction imposing hardship - from requirements for alterations to existing buildings where existing construction poses a hardship. Division A provides Table 1.1.1.1.(6) containing Alternative Compliance Methods that are considered adequate but may only be used where existing construction acts as a practical barrier to compliance with the acceptable solutions in Division B of the BC Code.



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Similar to the alternative compliance methods available to heritage buildings, the alternative compliance methods in Table 1.1.1.1.(6) may be substituted for the requirements contained elsewhere in the BC Code. The owner may choose any or a combination of these options:

- apply acceptable solutions in Division B,
- apply alternative solutions under Division A, or
- apply alternative compliance methods in Table 1.1.1.1.(6) of Division A.

Changes to Design and Construction Requirements (Division B)

This change adopts the form and approach of the National Code with regards to secondary suites. Requirements specific to secondary suites are found along side those for dwelling units throughout Part 9 and B.C.'s unique Section 9.37. is deleted.

A table providing references to secondary suite-specific content as it appears throughout Part 9 of Division B is included in the Appendix to this bulletin.

Many provisions are carried over and/or adapted from B.C.'s previous Section 9.37., however there are some provisions that are new. Examples are as follows (references are to Division B):

Examples of New Secondary Suite Provisions	
Means of Egress	Section 9.9.
<p>A second and separate means of egress may be required depending on the design and risk to the first means of egress. Sprinklered buildings and access to balconies provide some alternatives. Where an openable window is relied upon as a second means of egress, it must meet certain conditions; it must have a larger opening (at least 1 m high by 0.55 m wide) than a bedroom egress window, and the sill height is limited to 1 m above the floor and 7 m above adjacent ground level.</p>	
Fire Protection	Section 9.10.
<p>Within a house with a secondary suite, the dwelling units and the common spaces are required to be separated from each other by a fire separation that acts as a continuous barrier to the spread of smoke and fire. Fire separations in a house with a secondary suite must have a fire-resistance rating unless the house is fully sprinklered. As previous, a 45-minute fire-resistance rating is required if smoke alarms are not interconnected (smoke alarms are still required) and a 30-minute fire-resistance rating is permitted where additional photo-electric smoke alarms are installed in each unit and the additional smoke alarms are interconnected. A new 15-minute fire-resistance rating is now permitted where every smoke alarm in the house (secondary suite and the other dwelling unit including their common spaces) are interconnected. A 15-minute rating can be based on testing described in Part 3, calculated using the component additive method in Appendix D, or the designer can follow the construction specifications detailed in Clause 9.11.1.1.(2)(a). There are also construction specifications detailed in Sentence 9.10.3.1.(3) that the designer can use where a 30-minute fire-resistance rating is required. The construction specifications for both the 15-minute assembly and the 30-minute assembly permit the use of 12.7 mm regular gypsum board and satisfy the sound transmission requirements as well.</p>	

The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

Examples of New Secondary Suite Provisions (continued)	
Fire Protection (continued)	Section 9.10.
<p>Doors as closures in fire separations do not need to be labelled or tested, provided they are designed to specific criteria such as having a 45 mm thickness of solid wood and be provided with a self-closing device.</p> <p>Assemblies that separate houses with secondary suites need not be constructed as a firewall but shall be constructed as fire separations with not less than a 1-hour fire-resistance rating. The assembly must be continuous from the top of footings to the underside of the roof deck and may not at any point be horizontal. A house with a secondary suite may not be above or below any other unit or occupancy.</p> <p>Interconnected smoke alarms must be photo-electric type as they are less susceptible to nuisance alarms and may now rely on wireless technology for interconnection.</p> <p>Windows or access panels for firefighting are not required for houses with secondary suites, nor is firefighting access to basements required.</p>	
Sound Transmission	Section 9.11.
<p>Controlling sound transmission is important to occupant health and well-being. The separation between a secondary suite and the other dwelling unit within a house has a reduced apparent sound transmission class (ASTC 40 from 47) and reduced sound transmission class (STC 43 from 50). There is an additional option in lieu of a rating of a prescriptive assembly that is considered acceptable. Sound resistance can be further improved by selecting furnishings and finishing materials that absorb sound such a carpet.</p>	
Carbon Monoxide Alarms	Article 9.32.4.2.
<p>All carbon monoxide alarms installed in a house with a secondary suite including their common spaces must be interconnected and may rely on wireless technology for interconnection.</p>	

A house with a secondary suite may contain common spaces such as common storage, common service rooms, common laundry facilities, and common areas used for egress. Common spaces that are part of a shared means of egress must be separated from the dwelling units with a fire separation and have available controls such as for lighting.

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More Information

BC Codes are Now Available Free Online

Free online access to the [BC Building Code](#) and the [BC Fire Code](#) is available on the BC publications [website](#). In addition, Revision 2 content changes are summarized in the online [BC Building Code](#) and the [BC Fire Code 2018](#), for convenience.

Links

- Codes Canada: (volunteer & attend) https://www.nrc-cnrc.gc.ca/eng/solutions/advisory/codes_centre_index.html
- Ministry website: <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards>
- National Code Change Request: https://www.nrc-cnrc.gc.ca/eng/solutions/advisory/codes_centre/code_change_request.html

Contact the Building and Safety Standards Branch

- **General** inquiries can be sent to building.safety@gov.bc.ca
- **Technical** code inquiries can be sent to codequestion@gov.bc.ca

Contact the Local Authority

- Local authority contact information is available online at <http://www.civicinfo.bc.ca/directories>.

The Building and Safety Standards Branch does not enforce compliance with the BC Code. Local authorities are authorized to enforce the BC Code through the Local Government Act and the Community Charter.

Appendix A

British Columbia Building Code 2018 Revision 2 References to Secondary Suite Provisions

The following table provides references to secondary suite-specific content as it appears throughout Part 9 of Division B.

Secondary Suite Provisions in Part 9		
Reference	Application	Provision
Article 9.5.3.1.	Ceiling Heights of Rooms or Spaces	Ceiling and clear heights in secondary suites shall be the same as for all other dwelling units
Article 9.5.5.1.	Doorway Opening Sizes	Doorway opening sizes shall be the same as for all other dwelling units
Section 9.8.	Stairs, Ramps, Landings, Handrails and Guards	Stairs, ramps, landings, handrails and guards shall be the same as for those serving single dwelling units
Article 9.9.2.4.	Principal Entrances	Exemption from requirements for exits
Article 9.9.3.3.	Width of Corridors	Minimum width for public corridors and exit corridors serving a house with a secondary suite including its common spaces
Article 9.9.3.4.	Clear Height	Minimum clear height for public corridors and exit corridors serving a house with a secondary suite including its common spaces
Subsection 9.9.4.	Fire Separations for Exits	Exits shall be separated by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Subsection 9.9.6.	Doors in a Means of Egress	Limits on obstructions of doors and at doorways in a means of egress
Article 9.9.9.2.	Two Separate Exits	Permitted alternatives from providing a second and separate exit
Article 9.9.9.3.	Shared Egress Facilities	Permitted alternatives from providing a second and separate means of egress
Subsection 9.9.11.	Signs	Exemption from requirements for signage
Subsection 9.9.12.	Lighting	Exemption from requirements for lighting in a means of egress
Article 9.10.3.1.	Fire-Resistance and Fire-Protection Ratings	Permitted assemblies where a fire-resistance rating is required
Article 9.10.9.2.	Continuous Barrier	Sealing of joints in fire separations
Article 9.10.9.3.	Openings to be Protected with Closures	Permitted alternative for doors where a fire-protection rating is required

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Secondary Suite Provisions in Part 9 (continued)		
Reference	Application	Provision
Article 9.10.9.6.	Penetrations of Fire Separations	Permitted alternative to providing fire dampers
Article 9.10.9.14.	Separation of Residential Suites	Dwelling units shall be separated by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Article 9.10.9.15.	Separation of Public Corridors	Public corridors shall be separated from the remainder of the building by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Article 9.10.10.4.	Location of Fuel-Fired Appliances	Permitted alternative for the separation of service rooms containing a fuel-fired appliance
Article 9.10.11.2.	Firewalls Not Required	Permitted alternative to the requirement for a firewall on a property line
Article 9.10.12.3.	Exterior Walls Meeting at an Angle	Required distance between unprotected openings
Subsection 9.10.15.	Spatial Separation Between Houses	Application of Subsection 9.10.15. to houses with a secondary suite
Article 9.10.19.1.	Required Smoke Alarms	Smoke alarms required in ancillary spaces and common spaces
Article 9.10.19.5.	Interconnection of Smoke Alarms	Options for interconnection of smoke alarms corresponding with the fire-resistance rating of fire separations and the presence of sprinklers
Subsection 9.10.20.	Firefighting	Exemption from providing access panels and basement access
Subsection 9.11.1.	Protection from Airborne Noise	Requirement for protection from airborne noise, and permitted assemblies where an apparent sound transmission class rating or a sound transmission class rating are required
Section 9.32.	Ventilation	Permitted alternative to a self-contained mechanical ventilation system serving only one dwelling unit
Article 9.32.4.2.	Carbon Monoxide Alarms	Carbon monoxide alarms shall be interconnected
Section 9.33.	Heating and Air-Conditioning	Permitted alternative to a heating system or air-conditioning system serving only one dwelling unit
Article 9.33.4.3.	Heating System Control	Individual temperature controls shall be provided in each dwelling unit
Subsection 9.34.2.	Lighting Outlets	Requirement for stairways to be lighted

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CITY OF
SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: May 25, 2023

SUBJECT: **Zoning Bylaw Text Amendment Application No. 1264**
Development Variance Permit Application No. 582

Legal: Lot 3, Block 1, Section 14, Township 20, Range 10, W6M KDYD, Plan 936
 Civic: 31 – 4 street SE
 Owner/Applicant: Brentwell Construction Ltd, Crevier, L. A. & S. P.

MOTION FOR CONSIDERATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 as follows:

1) Section 2.2 - Definitions - Secondary Suite – e) and f) to read:

e) must be located within a building or portion of a building of residential occupancy; and

f) must be located within a building or portion of a building where both dwelling units constitute a single real estate entity; and

2) Amend the R-5 Zone - Section 10.3.13 to add "Secondary Suite" as a permitted accessory use.

AND THAT: Final Reading of the Zoning Amendment Bylaw be withheld subject to Ministry of Transportation and Infrastructure approval.

AND FURTHER THAT: Development Variance Permit No. 582 be authorized for issuance for Lot 3, Block 1, Section 14, Township 20, Range 10, W6M KDYD, Plan 936 to vary provisions of Zoning Bylaw No. 2303 - Appendix 1, Table A1-1 – Multi-Family R-5 & Suite – reduce the number of required off-street parking spaces from five (5) to four (4).

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The purpose of these applications is to amend the Zoning Bylaw to accommodate the development of secondary suites within a duplex, and address on-site parking requirements. The Zoning Bylaw amendments would be applicable to all R-5 Zone parcels, while the variance for parking is isolated to the subject parcel.

5.4/5.5

BACKGROUND

The subject parcel is located at 31 – 4 Street SE, just south of Fletcher Park (Appendix 1). It is designated High Density Residential (HR) in the City's Official Community Plan (OCP) and zoned R-5 (High Density Residential) in the Zoning Bylaw (Appendix 2 and 3). The parcel is approximately 460 square metres in area, and features a recently developed duplex building (site photos attached as Appendix 4).

The Zoning Map attached shows the mix of zones in the immediate area, predominantly Residential (R-1, R-5 and R-8), with nearby Institutional and Commercial zones further to the north, west and east. Land uses adjacent to the subject parcel include the following:

- North: Residential land (R-1 Single Family Residential)
- South: Residential land (R-5 Multi Family Residential)
- East: Road (4 Street SE) and P-3 (Institutional) land beyond
- West: Residential land (R-1 Single Family Residential)

Section 8.4.46 of the OCP states that *duplex* development that is not part of a multiple family development is exempt from a form and character residential development permit application.

OCP POLICY

Within the OCP, the subject parcel is designated High Density Residential (HR) and is in Residential Development Area A, considered the highest priority for development. The proposed zoning amendment would align with the OCP's Urban Residential Objectives listed in Section 8.2 and the Urban Residential Policies listed in Section 8.3, including providing a variety of housing types, housing options, and supporting compact communities. In terms of siting, the proposal appears aligned with OCP Siting Policies under Section 8.3.19, including good access to transportation routes, recreation, community services, and utility servicing.

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in all Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code.

COMMENTS

Ministry of Transportation & Infrastructure

MOTI has granted preliminary approval (Appendix 5). Final Reading is subject to MOTI approval.

Engineering Department

No Concerns. Recommendation of support for requested parking variance. Servicing information provided to applicant in advance of development (Appendix 6).

Public Consultation

Pursuant to the *Local Government Act*, Zoning Bylaw, and Development Variance Permit Procedures Bylaw notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. Further to the Zoning Bylaw amendment, newspaper ads are placed in two editions of the local paper in advance of the Statutory Public Hearing. It is expected that the Hearings for these applications will be held on June 26, 2023.

Planning Department

BC Building Code Changes

As per Appendix 7, effective December 2019 the BC Building Code (BCBC) adopted changes to allow for secondary suites in more building types (other than single detached dwellings), providing additional options for land use planning. Examples of building types where the BCBC allows for suites include

townhouse-style developments (including duplexes) where a dwelling and its suite are separated from other parts of the building by a vertical fire separation. The BCBC governs how suites are built and does not allow for the contravention of local land use bylaws. Amending the Zoning Bylaw as proposed below would provide the City with additional housing options.

In order to align with the current BCBC and allow for suites to be an option within the R-5 Zone (and others), Staff propose amendments to the definition of Secondary Suite. The current definition reads as such:

SECONDARY SUITE means a dwelling unit conforming to the Building Regulations of British Columbia which is accessory to the principal dwelling unit and must meet the following criteria:

- a) cannot exceed a maximum floor space of 90 square metres (968.8 square feet);
- b) cannot exceed a maximum of 40% of habitable floor space of the building;
- c) must have a separate entrance;
- d) must be an integral part of the building and have at least one heated wall or floor in common with the principal dwelling unit;
- e) must be located within a building of residential occupancy containing only one other principal dwelling unit; and
- f) must be located in and part of a building which is a single real estate entity.

As the current definition is specific to a suite within a single family dwelling, the proposed changes would allow for suites within additional building types as in bold and underlined below:

SECONDARY SUITE means a *dwelling unit* conforming to the Building Regulations of British Columbia which is accessory to the principal *dwelling unit* and must meet the following criteria:

- a) cannot exceed a maximum floor space of 90 square metres (968.8 square feet);
- b) cannot exceed a maximum of 40% of habitable floor space of the single real estate entity;
- c) must have a separate entrance;
- d) must be an integral part of the building and have at least one heated wall or floor in common with the principal dwelling unit or single real estate entity;
- e) must be located within a building **or portion of a building** of residential occupancy; and
- f) must be located **within a building or portion of a building where both dwelling units constitute a single real estate entity.**

Staff consider the addition of *secondary suite* as an accessory use in the R-5 Zone to be a positive option, allowing an additional housing type and an alternative for increased density on smaller residential parcels, which would otherwise require some form of consolidation with adjacent parcels in order to achieve a developable minimum parcel area. Given housing market trends and the small lot sizes in the High Density Residential designated city centre area, staff believe it is reasonable to allow for the inclusion of an option for secondary suites within the R-5 Zone, which may not have timely potential for consolidation to larger parcel sizes.

In consideration of the subject parcel, the surrounding neighbourhood has been undergoing slow redevelopment with a mix of old and new single family housing, newer multi-family development, as well as institutional and commercial development. The subject parcel is located in an area well-suited for higher density residential development featuring sidewalks and transit routes, within close walking distance of the City centre. As noted, the Residential – High Density (HD) designation in the City's Official Community Plan (OCP) supports the proposed development scenario, which in the opinion of staff aligns with broad OCP policies.

The proposal also aligns with the strategic themes identified in the Salmon Arm Community Housing Strategy considering density and diversity that fits with the character of the community, and developing opportunities to address rental housing needs. Within the Community Housing Strategy, Duplex, Row House, and Semi-Detached Housing accounted for 18% of dwelling types within Salmon Arm (2016).

The maximum residential density permitted under R-5 zoning is 100 dwelling units per hectare of land. As the subject property is 0.046 hectares in area, the maximum permitted density would be 4 dwelling units assuming: 1) the present gross areas of the subject parcel; and 2) no density bonus. With a density

bonus under R-5 zoning, the maximum density is 130 units per hectare, or 5 units on 0.046 hectares, with a height increase to 15 m. All that being said, the constraints presented by the small parcel area of the subject parcel limits the development potential to less than 5 units.

Table 1 – R-5 Zoning Analysis (0.046 hectare area)

	R-5 Permitted/Required	R-5 with Bonus	Proposed
Density	4 units	5 units	2 units + 2 Suites
Height	12 m	15 m	8.8 m
Parcel Coverage	55 %	70 %	35%
Setback – front	5 m	5 m	8.8 m
Setback – interior side	2.4 m - 2.0 m (VP-521)	2.4 m - 2.0 m (VP-521)	2.0 m (VP-521)
Setback – rear	5 m	5 m	5.6 m
Parking	5	5/6	4
Small Car Spaces	20 % (1)	20 % (1)	n/a

It is important to note that the building on the subject parcel exists and is not under application. The R-5 zoning and interior side parcel line variances from 2.4m to 2m were approved at the pre-development stage in 2020 (ZON-1191 and VP-521). Staff are of the opinion that the proposed development of suites within the existing building should align well with the residential development to the area.

Development Cost Charges

Staff note that consistent with the Development Cost Charge Bylaw, secondary suites within any single real estate entity are exempt from DCCs.

Parking Variance

With respect to parking requirements relative to the proposed development concept, a 2-unit development within the R-5 Zone with 2 secondary suites would be required to provide 5 parking stalls. 4 parking spaces are proposed (Appendix 8). The provision of on-site parking is practical and necessary, as the opportunity for on-street parking at this site is somewhat limited, however staff note public parking options along Okanagan Avenue and feel that the requested reduction is reasonable and manageable at this downtown location.

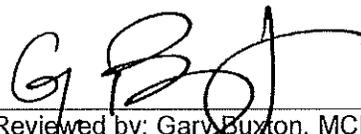
CONCLUSION

Staff view the proposed Zoning Bylaw amendments as presented to be consistent with OCP residential objectives and policy, as well as the Community Housing Strategy. The additions proposed to the Zoning Bylaw serve to clarify municipal policy, support housing diversity in the city centre area, and provide opportunity for an additional housing format and purpose built rentals supported by updates to the BC Building Code. The proposed Zoning Bylaw amendments and the variance for parking reduction are supported by staff.

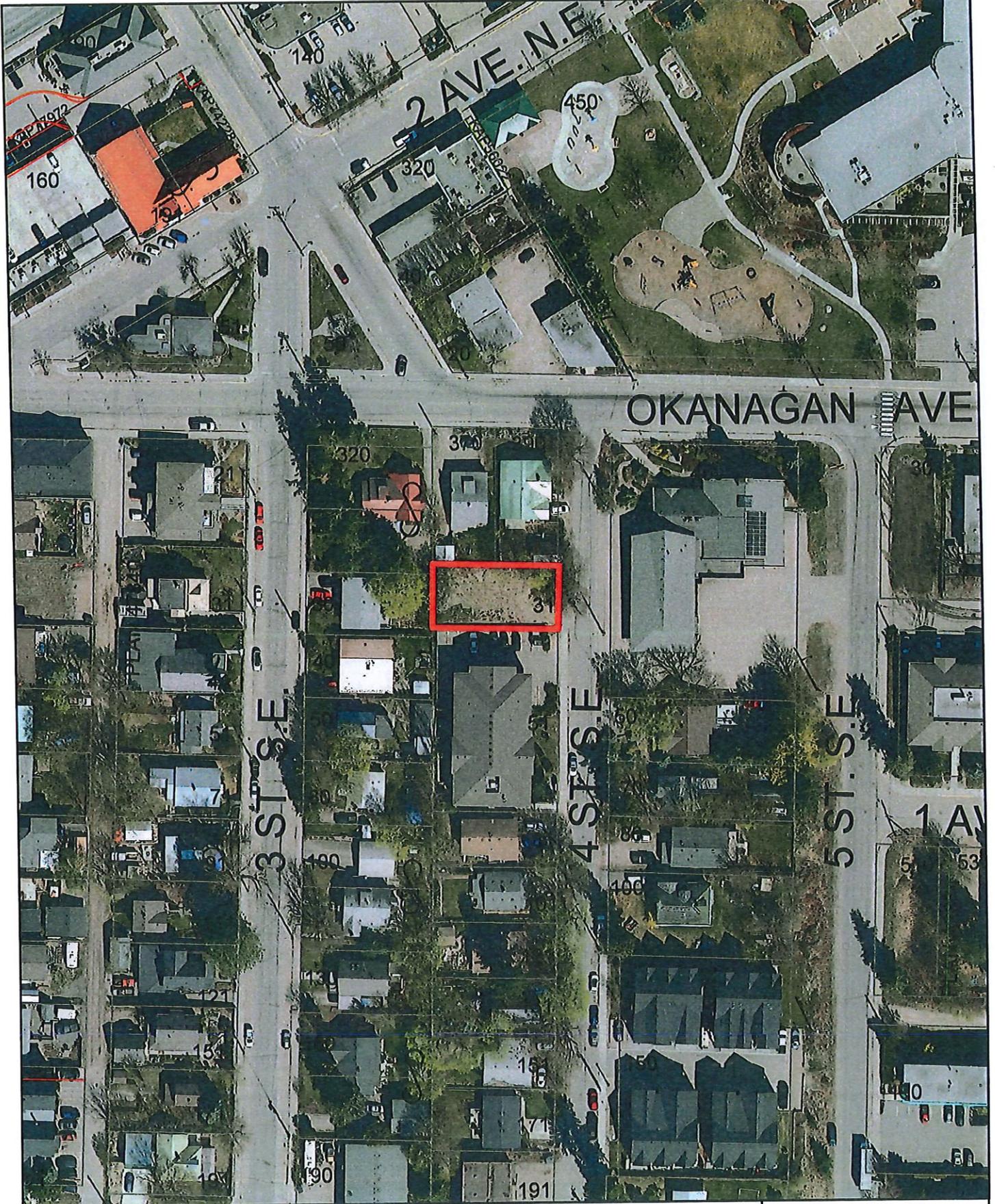
While this proposal relates to the R-5 Zone, if Council wishes to create similar provisions for secondary suites in the R-2 and R-4 Zones, Council could direct Staff to prepare an additional Zoning Bylaw Amendment.



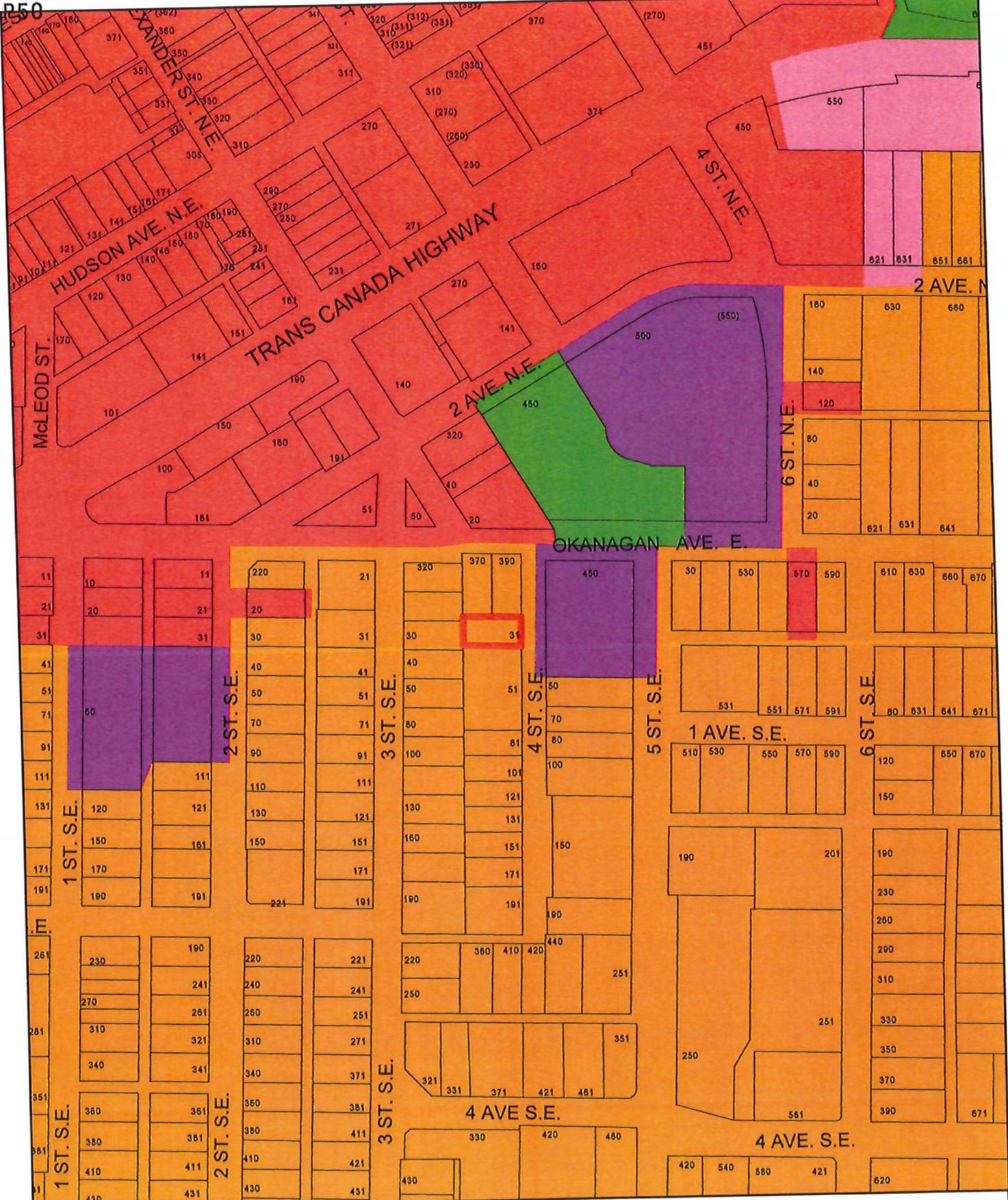
Prepared by: Chris Larson, MCIP, RPP
Senior Planner



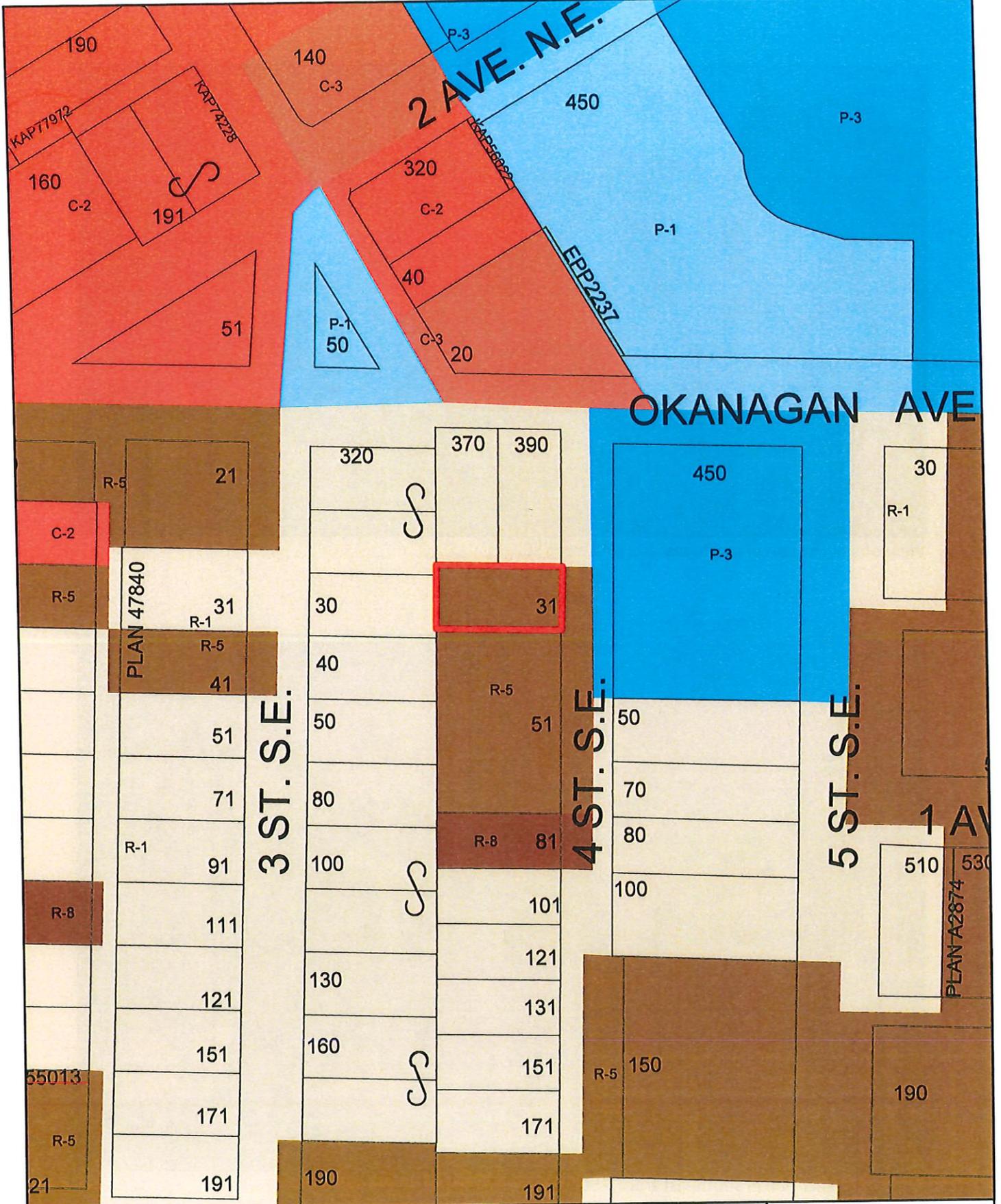
Reviewed by: Gary Buxton, MCIP, RPP
Director of Planning & Community Services



 Subject Parcel



- | | | | |
|---|----------------|---|------------------------------|
|  | Subject Parcel |  | Commercial - Highway Service |
|  | Institutional |  | Commercial - City Centre |
|  | Park |  | Residential - High Density |





View of subject parcel northwest from 4 Street SE.



View of subject parcel southeast from 4 Street SE.



Your File #: ZON-1264
BL4579
eDAS File #: 2023-01563
Date: Apr/03/2023

City of Salmon Arm
500 2nd Avenue NE
PO Box 40
Salmon Arm, BC V1E 4N2
Canada

**Re: Proposed Bylaw BL4579 for:
PID 011-894-504, LOT 3 BLOCK 1 SECTION 14 TOWNSHIP 20 RANGE 10
WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN
936**

Preliminary Approval is granted for the Bylaw Text Amendment for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Beth Bahm at (778) 576-1114.
Yours truly,

Beth Bahm
Development Officer

Local District Address
Salmon Arm Area Office Bag 100 850C 16th Street NE Salmon Arm, BC V1E 4S4 Canada Phone: (250) 712-3660 Fax: (250) 833-3380



*Memorandum from the
Engineering and Public
Works Department*

TO: Director of Development Services
 DATE: May 18, 2023
 PREPARED BY: Chris Moore, Engineering Assistant
 APPLICANT: **Brentwell Ventures Ltd / S. & L. Crevier**
 SUBJECT: **ZONING AMENDMENT APPLICATION FILE NO. ZON-1264 Bylaw No. 4579
 SUBDIVISION (STRATA) APPLICATION FILE NO. SUB-23.02
 DEVELOPMENT VARIANCE PERMIT APPLICATION FILE NO. VP-582**

LEGAL: Lot 3, Block 1, Section 14, Township 20, Range 10,
 W6M, KDYD, Plan 936

CIVIC: **31 – 4 Street SE**

Further to your referral dated March 30, 2023, we provide the following servicing information.

Comments are based on the Subdivision/Development as proposed in the referral. If the development plans for the property change significantly, comments below may change

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data or other information not available at this time, may change the contents of these comments.
3. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
4. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction.

Roads / Access:

1. 4 Street SE, on the subject property's eastern boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that an additional 2.919m road dedication is required (to be confirmed by a BCLS).
2. 4 Street SE is currently constructed to a Local Road standard. No further upgrading is required.
3. The applicant is requesting to reduce the number of parking stalls from five to four. 4 Street SE is located in the downtown area, with easy access by foot to many facilities. There are multiple locations on and adjacent to 4 Street where parking is available. Staff do not consider the reduction in onsite parking by one parking stall to be significant and therefore **the Engineering Department recommends that the request to reduce the number of parking stalls from five to four be approved.**

**ZONING AMENDMENT APPLICATION FILE NO. ZON-1264
SUBDIVISION (STRATA) APPLICATION FILE NO. SUB-23.02
VARIANCE PERMIT APPLICATION FILE NO. VP-582**

May 18, 2023

Page 2

Water:

1. The subject property fronts a 200mm diameter Zone 1 watermain on 4 Street SE. No upgrades will be required at this time.
2. Records indicate that the existing property is serviced by a 50mm diameter service from the 200mm diameter watermain on 4 Street SE with one water meter installed in each property. No further upgrades are required.
3. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
4. Fire protection requirements to be confirmed with the Building Department and Fire Department.

Sanitary:

1. The subject property fronts a 200mm diameter sanitary sewer on 4 Street SE. No upgrades will be required at this time.
2. Records indicate that the existing property is serviced by a 100mm service from the sanitary sewer on 4 Street SE. No further upgrades are required.

Drainage:

1. The subject property fronts a 250mm diameter storm sewer on 4 Street SE. No upgrades will be required at this time.
2. Records indicate that the existing property is serviced by a 150mm service from the sanitary sewer on 4 Street SE. No further upgrades are required.



Chris Moore
Engineering Assistant



Gabriel Bau P.Eng.
City Engineer

No. B19-05
 December 12, 2019

Secondary Suites, Changes to Design and Construction Requirements British Columbia Building Code 2018 Revision 2

The purpose of this bulletin is to provide information about Revision 2 changes to the British Columbia Building Code 2018 (BC Code) for the design and construction of new secondary suites. Changes are effective December 12, 2019 and apply to projects for which a permit is applied for on or after this date.

A separate bulletin B19-04 discusses how the BC Code changes to secondary suite requirements may impact land use planning.

Background

The BC Code introduced requirements for secondary suites in 1995. Therefore, the National Building Code (National Code) provisions were not adopted when they were first published in 2010. The BC Code requirements have not been substantially updated since 1995.

The adopted changes:

- harmonize with the form and approach of the National Code, and most of its technical requirements;
- incorporate historical requirements from the BC Code that provide a higher level of health and safety; and
- adapt some requirements based on application to existing buildings and to coordinate with other requirements.

The Province of British Columbia (B.C.) is working to remove barriers to secondary housing forms. These mid-cycle revisions to the BC Code aim to increase options for the design and construction of new secondary suites in buildings. Allowing the construction of more secondary suites in more building types helps create more housing units while providing an acceptable level of health and fire safety to occupants. These changes provide local authorities with more options for land use planning.

The definition of secondary suite in the BC Code is not to be equated with similar terms in land use bylaws. Land use bylaws may define or use the term secondary suite to describe housing types. The term might carry a different meaning in bylaw than the meaning assigned in the BC Code. It is often appropriate to set aside the BC Code terms when considering land use and zoning matters.

Including solutions for design and construction of secondary suites in the BC Code does not allow owners to contravene land use bylaws. Land use bylaws govern where secondary suites are permitted whereas the BC Code governs how they are to be built. **Before constructing a secondary suite, check with the local authority.**

The BC Code governs the design and construction of new secondary suites including alterations to existing buildings to add a secondary suite as well as new work or alterations within a secondary

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suite. It is not intended that the BC Code be used as evaluation metrics or retroactive construction requirements for existing secondary suites.

Changes to the Definition of Secondary Suites

The BC Code **previously** defined a *secondary suite* as “a *dwelling unit*

- having a total floor space of not more than 90 m² in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building of residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity.”

The **new** definition states that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

The previous definition placed limits on floor space as a mechanism to moderate fire load and occupant load. This revision **discontinues the prescribed floor space amounts and percentage distribution**. New requirements as well as some existing and revised requirements, moderate risks attributed to fire load and occupant load as compensatory measures. **Check with the local authority on floor space allowances.**

It cannot be assumed that the owner occupies one of the dwelling units, nor that the occupant of the dwelling unit has direct control over the secondary suite or use by its occupants as a means of increasing the level of safety. A secondary suite is not a subordinate suite to a principle suite. However, there are health and safety opportunities and benefits that come with a house with a secondary suite having single ownership that may not be available for units with separate ownership. Typical requirements for separately-owned dwelling units have been adjusted to accommodate the interest, coordination, and maintenance that is available with single ownership.

In addition, this change adopts and adapts permissions in the National Code to **allow the construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where a dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not apply where any portion of the dwelling unit and its secondary suite are above or below another dwelling unit or other occupancy.

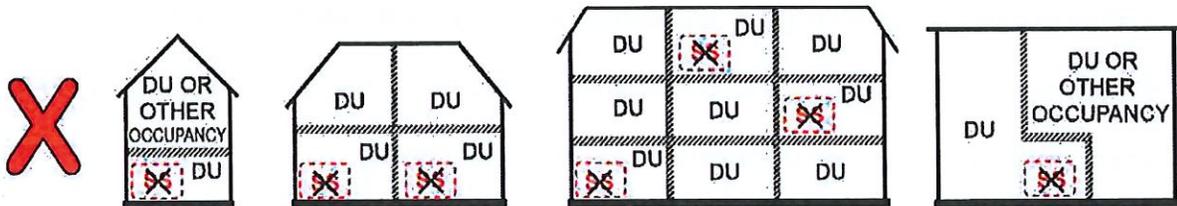
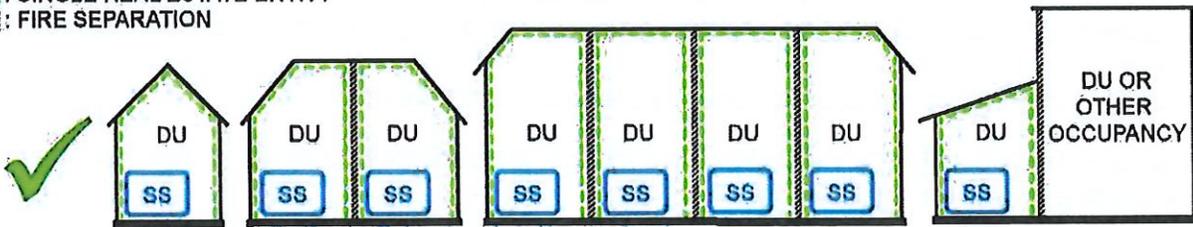
Examples of buildings where the BC Code allows the construction of secondary suites include side-by-side duplexes and also row houses where a vertical fire separation separates the portion with the dwelling unit with the secondary suite from the remainder of the building. Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

The following illustration provides examples of the types of buildings in which the BC Code allows the construction of secondary suites and where secondary suites are not permitted. **Before constructing a secondary suite, check with the local authority.**

Local government contact information is available here: <http://www.civicinfo.bc.ca/directories>.

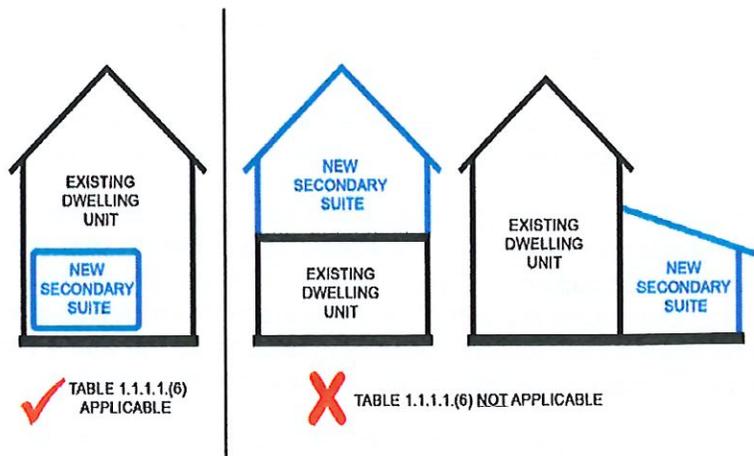
DU: DWELLING UNIT
 SS: SECONDARY SUITE
 SINGLE REAL ESTATE ENTITY
 FIRE SEPARATION



Changes to Alterations to Existing Buildings to Add a Secondary Suite

Some previous requirements were based on the premise of ‘finishing’ an unfinished basement and dealing with the hardships that may exist when working within the confines of an existing home. Some accommodation for when existing construction poses a practical or financial hardship is necessary to avoid abandoning projects or creating disincentives to permits and inspections.

This change distinguishes requirements for new construction - with no existing construction imposing hardship - from requirements for alterations to existing buildings where existing construction poses a hardship. Division A provides Table 1.1.1.1.(6) containing Alternative Compliance Methods that are considered adequate but may only be used where existing construction acts as a practical barrier to compliance with the acceptable solutions in Division B of the BC Code.



The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.



Brentwell Construction Ltd.
1009 Kalamalka Lake Rd.
Vernon, BC V1T 6V4
August 14, 2020

City of Salmon Arm
500 2 Avenue NE
Salmon Arm, BC V1E 4N2

Re: Variance Rationale – 31 4th Street SE

We are requesting to have 4 parking stalls for the duplex rather than the amount required by the City of Salmon Arm. With the location being in close proximity to downtown, we believe that tenants will take advantage of this and walk or bike to and from the duplex which would minimize the use for more than one vehicle per unit/ suite. There is also off-street parking on 4 Street and Okanagan Avenue that could be used, without negatively impacting neighboring dwellings.

With rental properties in such high demand in the area, we hope that the City can allow this variance.

Thank you,
Brentwell Construction Ltd.

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CITY OF
SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: May 23, 2023

SUBJECT: Development Variance Permit Application No. VP-574 (Servicing and retaining wall)
 Legal: Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 1915 Except Plan EPP115809, and Lots 2, 4, 6, 8, 10 & 12, Township 20, Range 10, W6M, KDYD, Plan EPP115809
 Civic Address: 1631 – 10 Street SE, 1561, 1581, 1621, 1641, 1661 & 1681 – 9 Street SE
 Owner: 0695662 BC Ltd
 Agent: Massier, G.

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-574 be authorized for issuance for Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 1915 Except Plan EPP115809, and Lots 2, 4, 6, 8, 10 & 12, Township 20, Range 10, W6M, KDYD, Plan EPP115809 which will vary the following provisions of Subdivision and Development Servicing Bylaw No. 4163 and Zoning Bylaw No. 2303 as follows:

- i. Subdivision and Development Servicing Bylaw No. 4163, Section 4.11.4 – extend the maximum permitted cul-de-sac length from 160 metres in length in Urban Development Areas to 249 metres for the future 8 Avenue SE, and
- ii. Zoning Bylaw No. 2303, Section 4.12.1 (a) - Fences and Retaining Walls - increase the maximum permitted combined height of a fence in conjunction with a retaining wall from 2 m (6.5 feet) to 6 m (19.7 feet).

STAFF RECOMMENDATION

THAT: Council support the Motion for Consideration.

PROPOSAL

The proponents submitted a subdivision application in January 2019 (Letter of Conditions issued in response on June 26, 2019) to subdivide the parcel at 1631 10 Street SE into forty-one (41) residential parcels (Appendix 1 & 2). This subdivision application triggers works and services, including extending the road network through the subject parcel to provide access to lands beyond to the north, south, and west, none of which are developed at this time. Prior to road installation on the adjacent parcels, the applicant has requested that Council vary the Subdivision and Development Servicing (SDS) Bylaw requirement for cul-de-sac length to allow their development to proceed. As well, the applicant has requested the Zoning Bylaw requirement for the combined height of a fence and retaining wall be increased across multiple parcels.

BACKGROUND

The subject parcel is within Area B on the eastern edge of the Hillcrest residential area, located just west of 10 Street SE and the Byer's View subdivision. The application to subdivide proposes future roads (8 and 9 Avenue SE) and 41 new parcels approximately 600 to 800 square metres in area (Appendix 2).

The future 8 Street SE is intended to continue to both the south and west and eventually connect to the larger future road network within Area B, while the 9 Street SE is intended to extend south beyond the subject parcel, with an emergency access to 10 Street SE under development by the applicant.

The parcel is designated "Residential Low Density" in the City's Official Community Plan (OCP), is within the Urban Containment Boundary, and is zoned Residential Suite Zone (R-8) in the Zoning Bylaw (Appendix 3 & 4). The R-8 Zoning request was approved by Council in 2019. Site photos are attached as Appendix 5. The applicant has provided plans detailing their requests attached as Appendix 6.

COMMENTS

Engineering Department

Comments attached as Appendix 7 provide recommendation to support requests.

Fire Department

Recommendation of support for requests noting future road connections.

Public Consultation

Pursuant to the *Local Government Act* and City of Salmon Arm Development Variance Permit Procedures Bylaw notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on June 12, 2023.

Planning Department

Cul-De-Sac Length

The length of a dead end road is restricted in order to limit the number of vehicles using a single access point, as well as to ensure emergency vehicle access and minimize associated safety risks. The applicant is requesting a variance to the SDS Bylaw to advance their subdivision to permit development within an area of limited road access, as shown in Appendix 6.

OCP policy 13.3.9 supports utilizing the SDS Bylaw to identify works and services required at time of subdivision. The purpose behind servicing requirements is to ensure that properties under development are connected to the expected municipal systems and to ensure that each system, including the City's road network, is extended to mitigate any gaps.

Within this development, 8 Street SE and 9 Street SE offer some contrasting elements. The installation of the emergency access route connecting 9 Street SE to 10 Street SE will allow 9 Street SE to meet the 160 m cul-de-sac length requirement once completed. 9 Street is expected to ultimately remain a cul-de-sac on the adjacent parcel to the south, with no connection or continued access to the south.

8 Street SE falls within a different category as it is intended to connect to a larger road network within Area B which is not yet developed. While it may be a dead end road for some time, 8 Street SE must be considered in a separate category from 9 Street NE as it is not intended to remain as a dead end and will ultimately offer connections to multiple routes for access and exit.

As development advances within Area B prior to connections being established, the City must contend with a preliminary road network. Staff note that there is no timeline for the required infrastructure instalment over the adjacent lands and some concerns exist with limited access routes. However, staff support the variance be granted for the cul-de-sac length of the future 8 Street SE with the understanding that future connections will be developed.

Fence and Retaining Wall

OCP Policy 8.3.22 suggests minimizing cut, fill and retaining walls on hillside areas, as well as the preparation of grading plans prior to servicing and construction. As noted in the OCP, a grading plan undertaken in advance can help ensure consistency between neighbouring parcels and could proactively direct a related variance application to address steep slopes across multiple parcels.

The applicant has provided such a grading plan (Appendix 6) and requests the variance across multiple parcels. Considering the steep slopes present and to avoid future variance requests, staff appreciate that the applicant has taken this approach for consistency across the proposed parcels. The grading plan details two retaining walls along a shared rear parcel line. The variance requested would apply to both walls as presented, with the 6 m height request accounting for the tallest possible point of a combined retaining wall and fence structure. Staff note that the 6 metre height requested is the maximum height on the southern parcels and that the size of the wall decreases moving north across the terrain.

Staff do have a concern regarding the requested variance considering the following:

1. The 6 m increased height requested is relatively large with respect to the 2 m maximum, which should be considered in combination with the proposed wall's length across multiple parcels, which could create an overall imposing structure.

However additional factors also affect this parcel and should be considered with the requested variance, primarily the steep terrain (Appendix 8), and further that the undeveloped parcels most affected are in the hands of the developer. Further, Staff note that the proposed walls are set back from the parcel lines, allowing for maintenance access, as well as an opportunity for landscaping to mitigate the visual impacts (although such landscaping would be up to the homeowner).

Thus, in support of the requested variance, staff note the following:

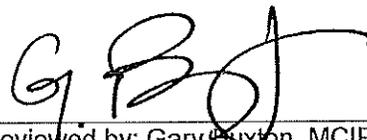
1. There is an opportunity (at the homeowner's discretion) for landscaping to mitigate the visual impact of the proposed retaining wall;
2. The setbacks from parcel lines allow for maintenance access;
3. The steep sloping terrain provides a reasonable rationale for some form of retaining wall to create level yard areas across this development, a common approach for single family;
4. The applicant's lot grading plan allows for consideration across multiple parcels; and
5. The bulk of the affected parcels are owned by the developer and a future purchaser will be able to consider the presence of the retaining wall.

CONCLUSION

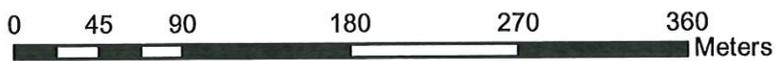
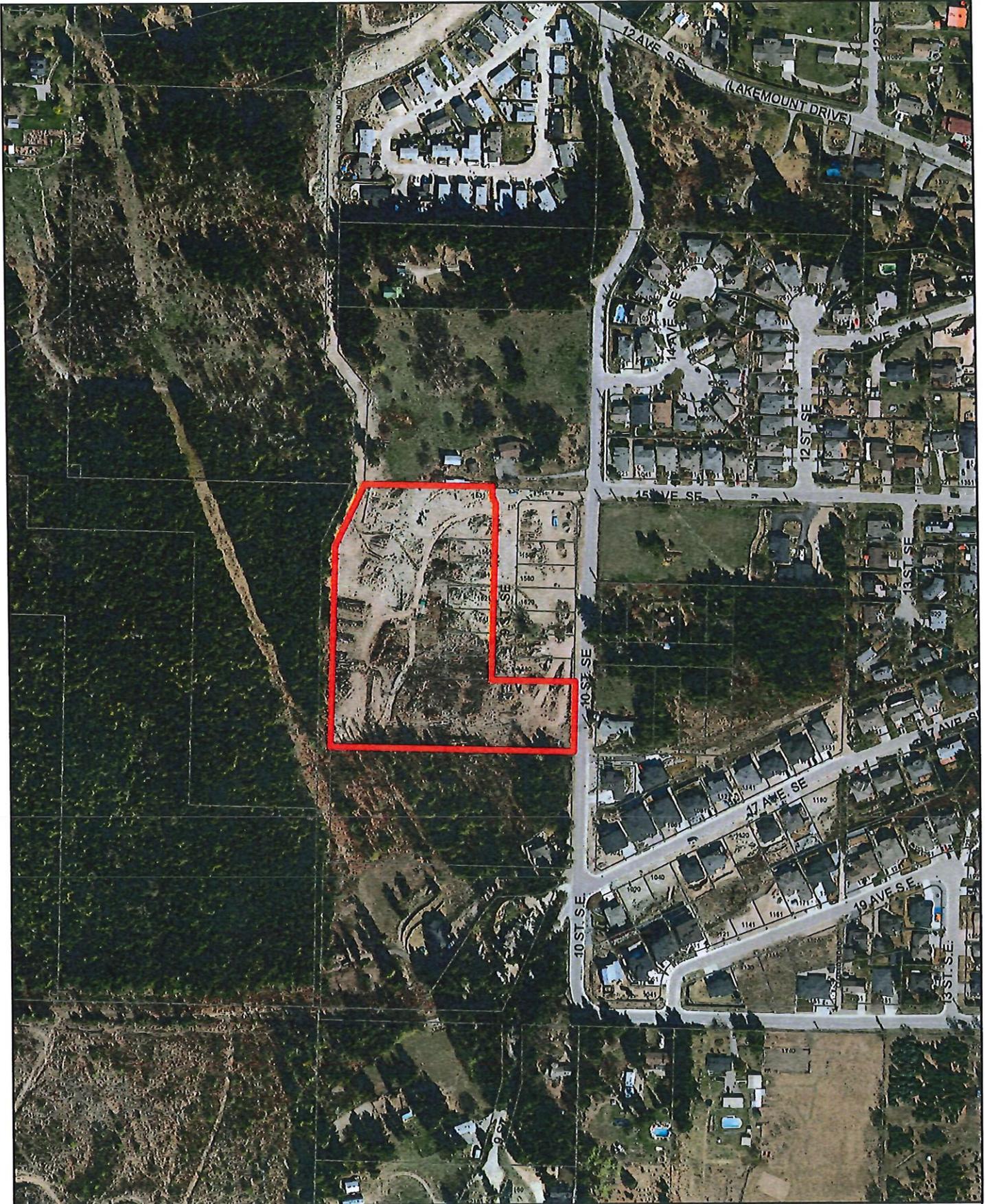
Staff support the requested cul-de-sac length extension for 8 Street SE given the expected future road network connections. While considering the retaining wall staff would typically not support a variance of such magnitude, however factoring in the steep slopes, the largely undeveloped stage of the area, the siting of the retaining walls off the parcel lines (allowing for maintenance and potential landscaping), and the applicant's comprehensive approach, staff support the requested variance.



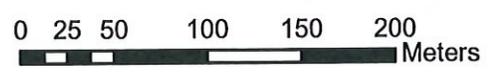
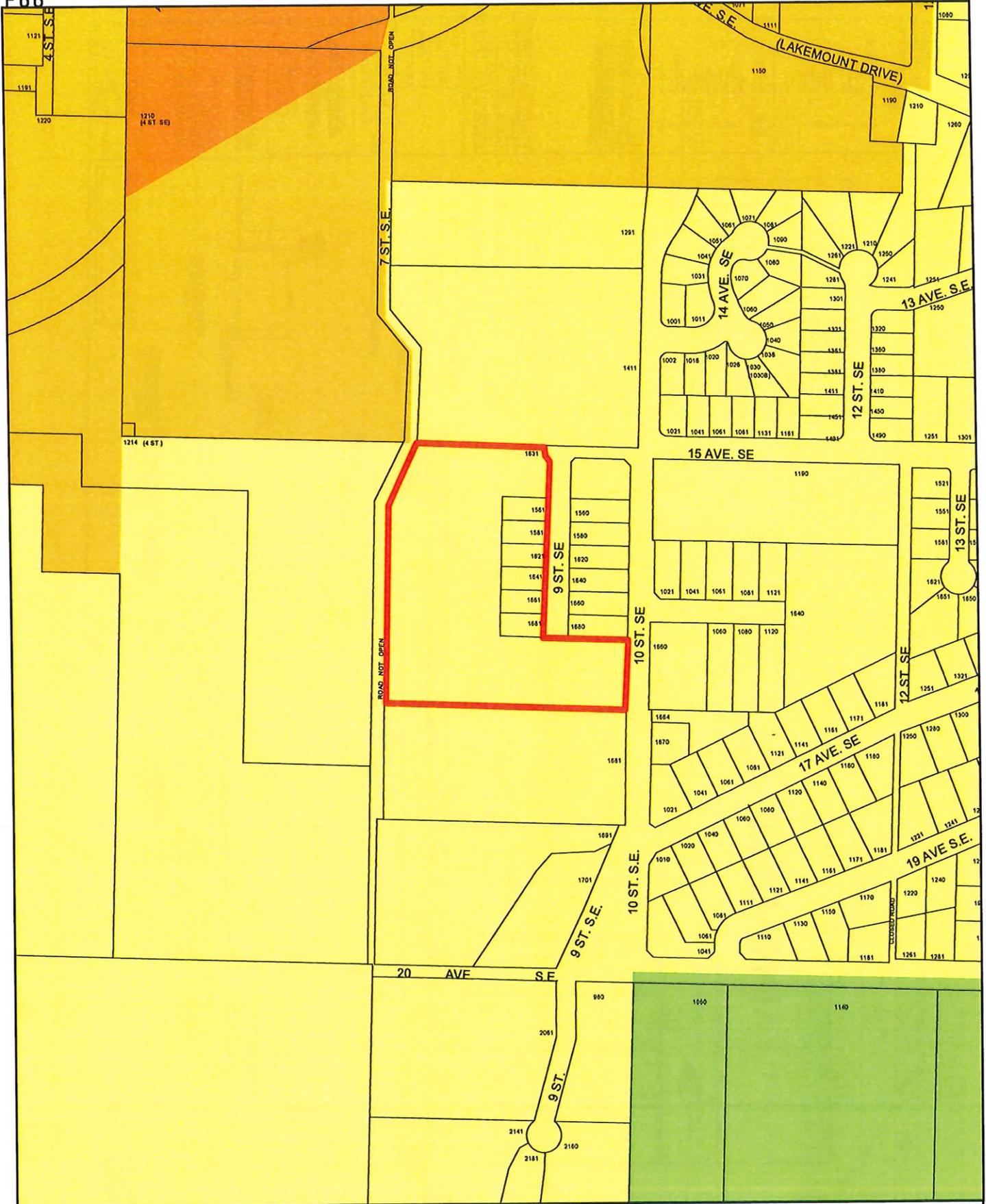
Prepared by: Chris Larson, MCIP, RPP
Senior Planner



Reviewed by: Gary Buxton, MCIP, RPP
Director of Planning & Community Services

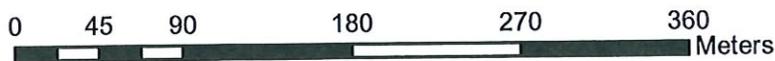
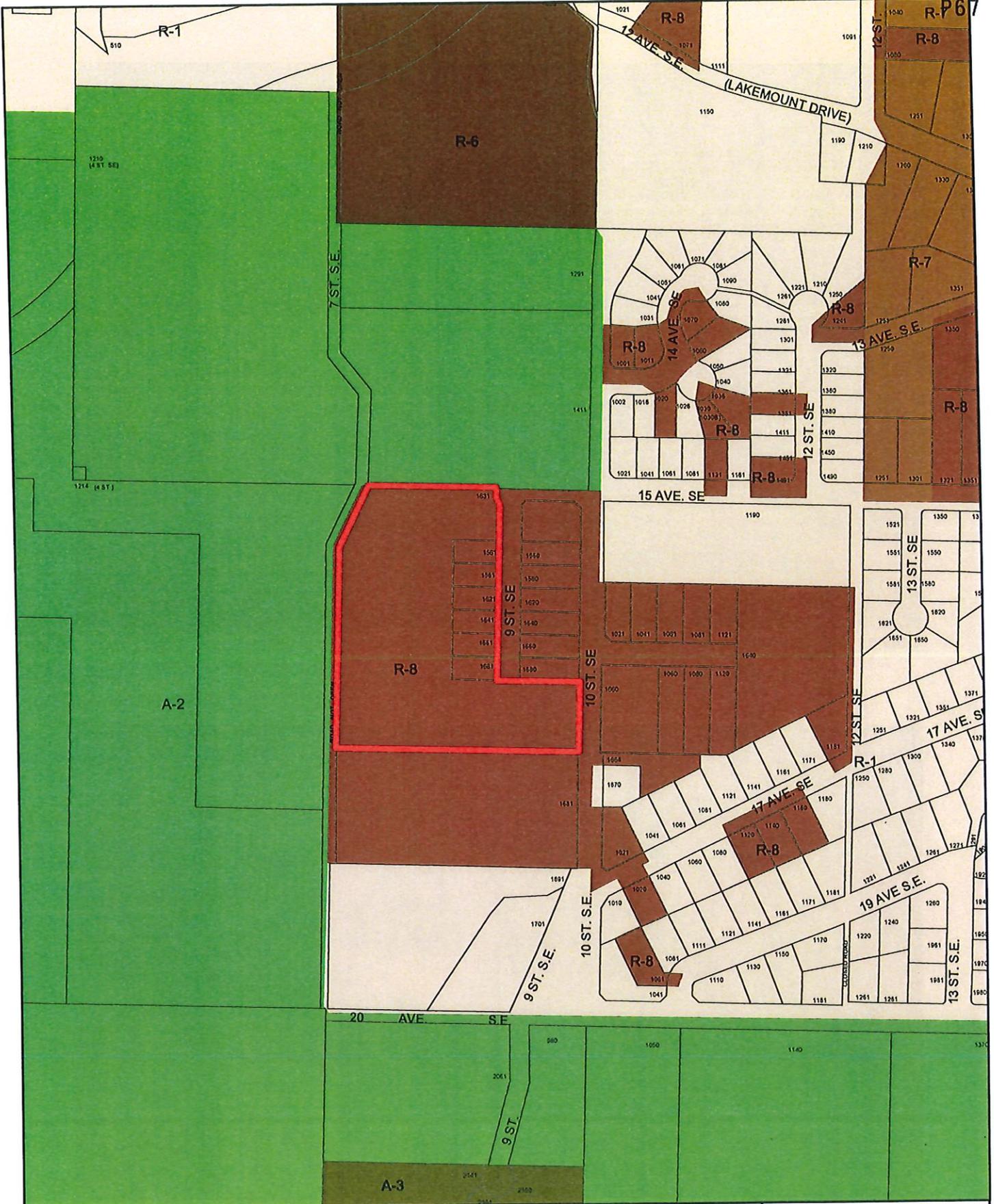


 Subject Parcels



-  Subject Parcels
-  Acreage Reserve

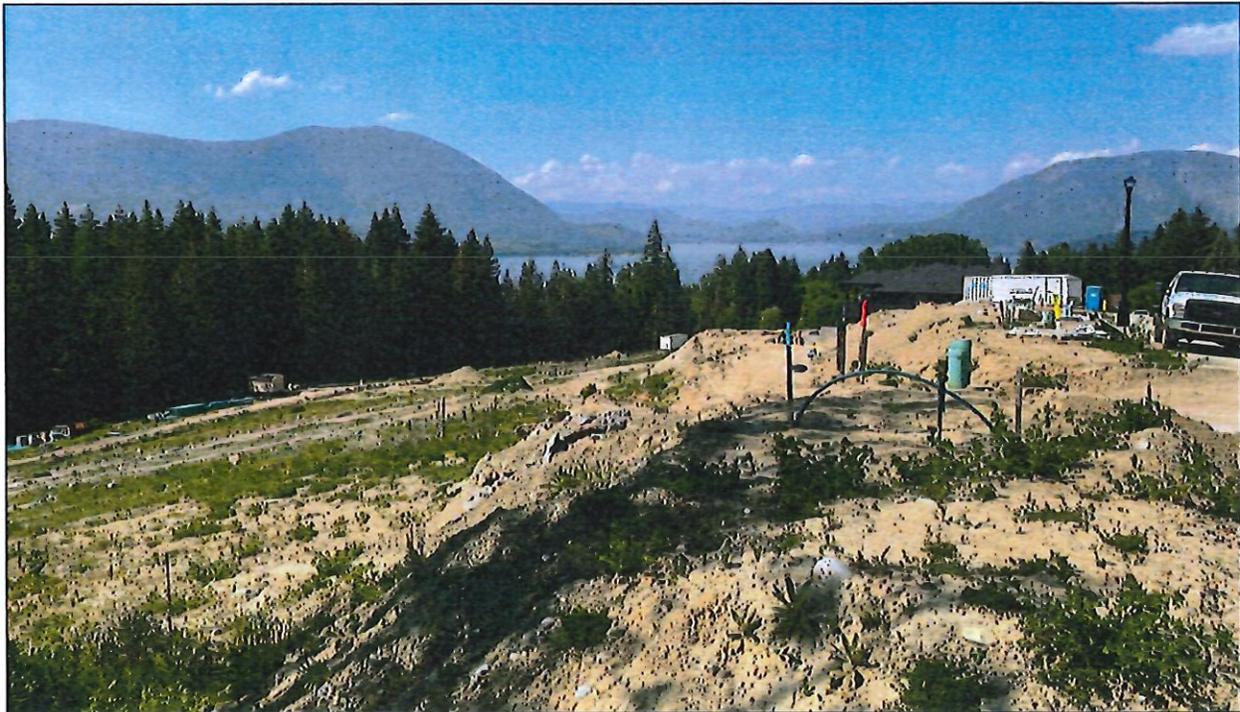
-  High Density
-  Medium Density
-  Low Density



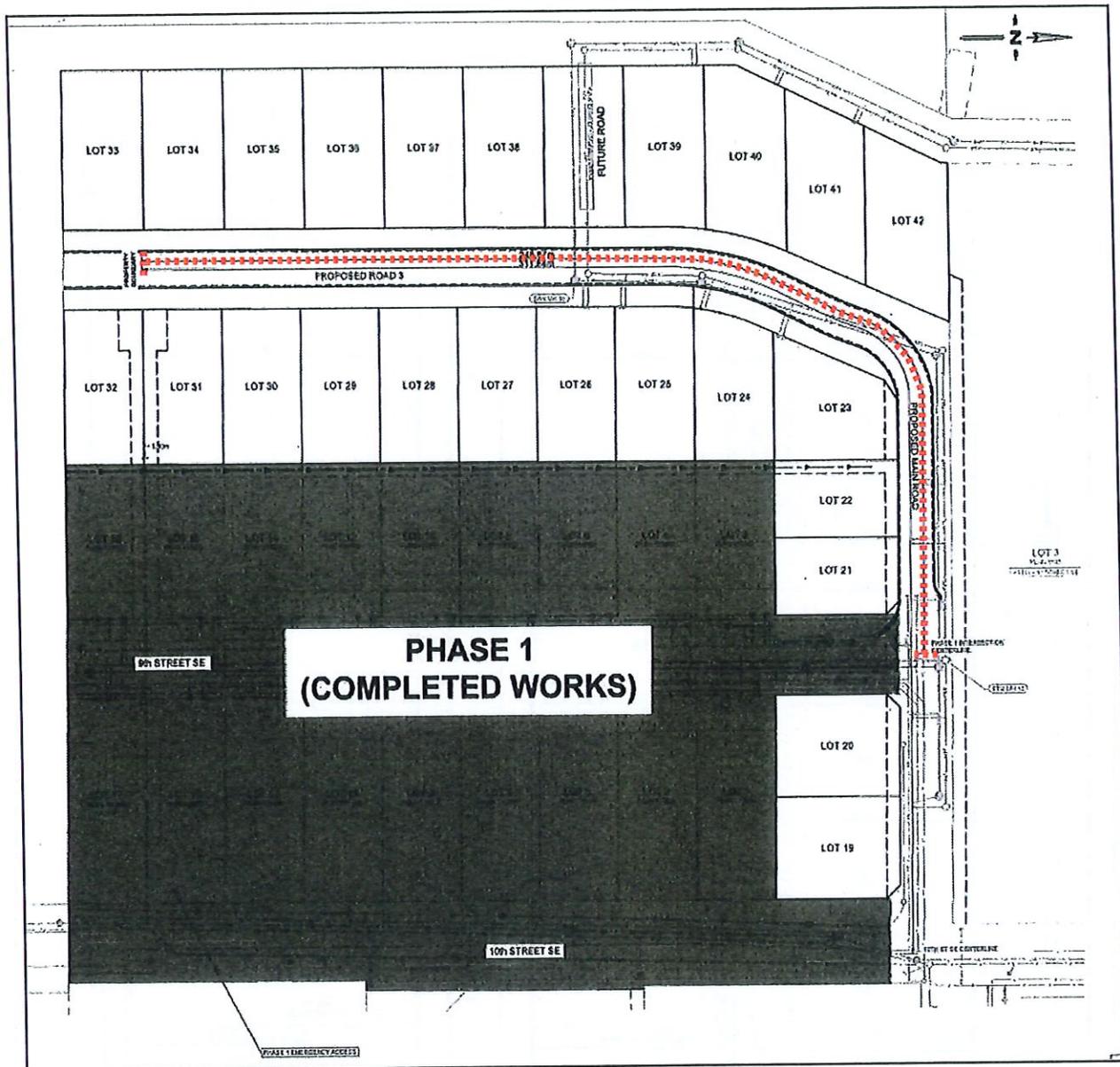
P68



View of subject parcel south from 15 Avenue SE.



View of subject parcel north from 9 Street SE.

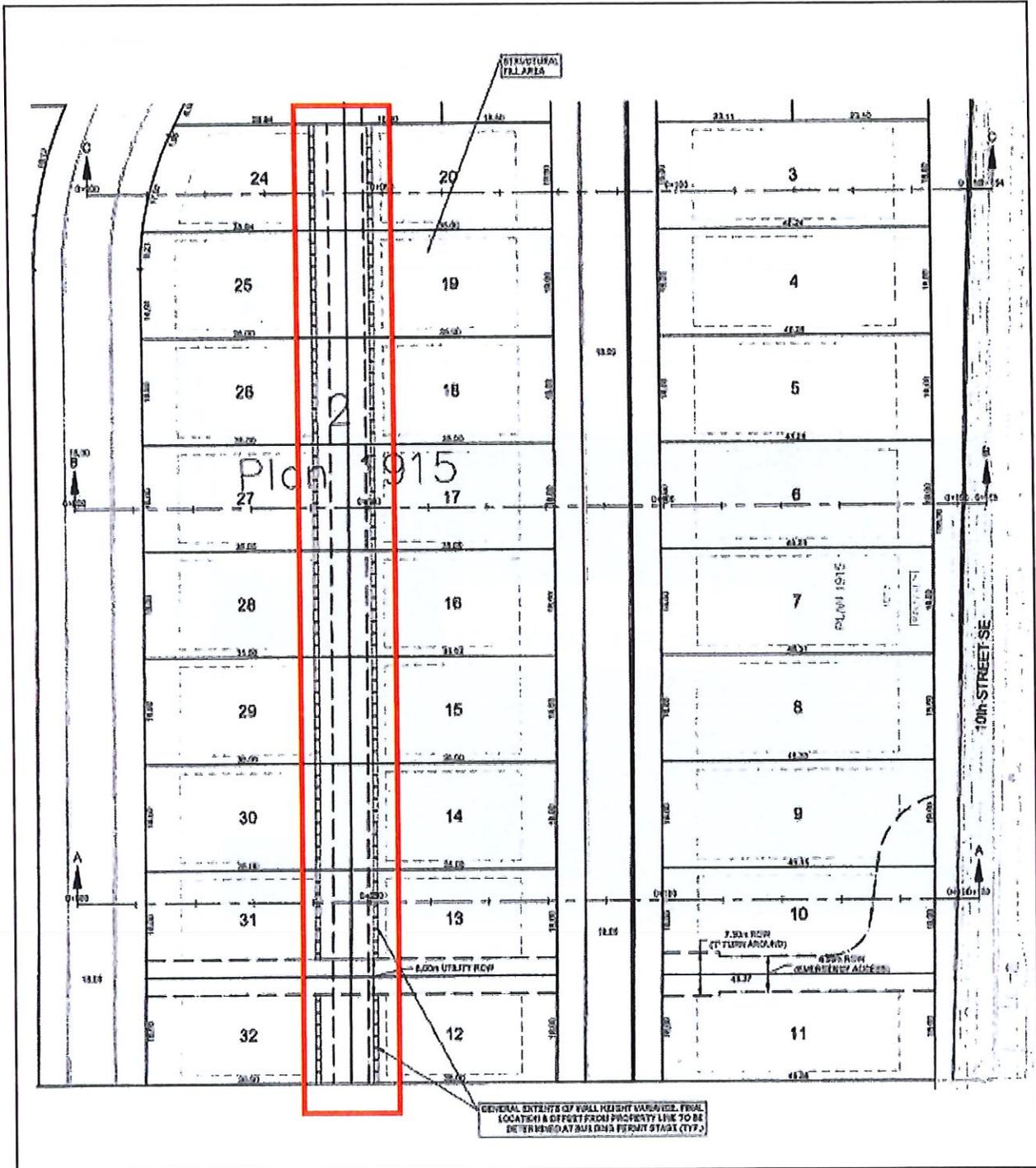


Variance Requested

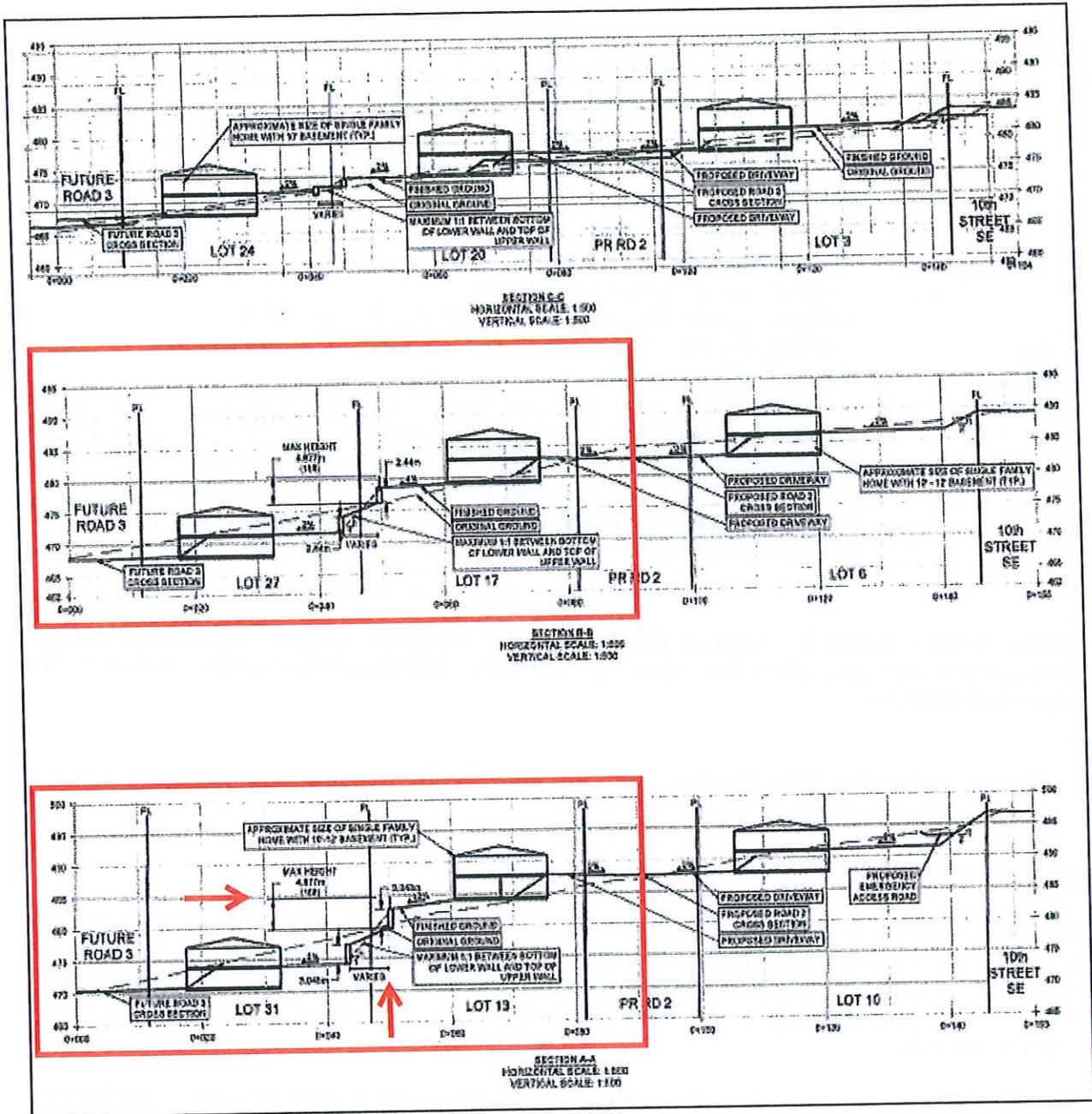
SDS Bylaw No. 4163 Schedule B, Part 1, Section 4.11.4

Increase the maximum permitted length of a cul-de-sac / dead end road from 160 m to 249 m.

This is a temporary dead end as 8 Street SE is intended to connect to and form a portion of future road network within Residential Development Area B.



Variance Requested
Extent of retaining wall across the subject parcel, which features increasing slope over the southern portion of the parcel.



Variance Requested
 Zoning Bylaw No. 2303 Section 4.12.1 (a)
 Increase the combined retaining wall and fence height from 2m to 6m

CITY OF SALMON ARM

*Memorandum from the
Engineering and Public
Works Department*

TO: Director of Development Services
 DATE: 18 May 2023
 PREPARED BY: Chris Moore, Engineering Assistant
 SUBJECT: **VARIANCE PERMIT APPLICATION FILE NO. VP- 574**
 OWNER: 0695662 BC Ltd – 2710 – 30 Street Salmon Arm, BC V1E 3G6
 APPLICANT: **Massier, G.**
 LEGAL: Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 1915 Except
 Plan EPP115809 (PID: 011-075-104) Lots 2, 4, 6, 8, 10 & 12, Township 20,
 Range 10, W6M, KDYD, Plan EPP115809 (PIDs: 031-605-681, 031-605-
 702, 031-605-729, 031-605-745, 031-605-761 & 031-605-788)
 CIVIC: **1631 – 10 Street SE (Parent Property) and 1561, 1581, 1621, 1641, 1661
 & 1681 – 9 Street SE**

Further to the request for variance dated March 30, 2023; the Engineering Department has reviewed the site and offers the following comments and recommendations relative to the requested variance:

- Zoning Bylaw No. 2303 Section 4.12.1 (a) to increase the combined retaining wall and fence height from 2m to 6m**

Background:

1631 10 Street SE is a steep, challenging site with approximately 16m level difference from 9 Street SE to proposed 8 Street SE. The developer had initially proposed a 2:1 slope from the higher lots to the lower lots, together with one 3m high wall. Current proposal has two 3m high walls with a slope in between. This reduces the overall impact on the lots and increases the usable depth of the yards.

It is not practical to develop these lots without significant retaining walls and approving the over height retaining wall for all lots in one application is preferred to individual applications on a lot by lot basis.

The proposed upper wall is located above the existing 3m wide drainage easement and proposed swale. This will allow drainage from the wall to daylight into the swale and will also provide a legal route for access to the bottom of the upper wall for maintenance purposes. The details of both the wall and the drainage design will be subject to approval at the Building Permit stage.

Recommendation:

The Engineering Department recommends that request to increase the combined retaining wall and fence height from 2m to 6m be approved.

2. **Subdivision & Development Servicing Bylaw No. 4163 Schedule B, Part 1, Section 4.11.4 to increase the maximum permitted length of a cul-de-sac / dead end road (proposed 8 Street SE) from 160 m to 249 m.**

Background:

The Subdivision and Development Servicing Bylaw specifies that cul-de-sac dead end roads shall not exceed 160 meters in length in the Urban area. After this distance a secondary access shall be constructed which provides greater options for emergency access / egress. There is currently 249m from the intersection with phase 1 (where there are two points of access) to the centre of the proposed cul-de-sac at the south end of phase 2 on proposed 8 Street SE. 10 lots would be located beyond the 160m limit.

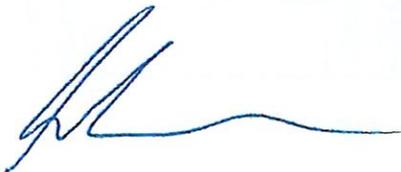
There are future plans to extend 8 Street SE to the north and to the south through further subdivisions and although the timing of these extensions is unclear, ultimately this road will loop both north and south and the 249m cul-de-sac is not expected to be a permanent situation.

In addition, to overcome the 160m limit, the developer has offered to increase the road width at the entrance to phase 2 to create a double width road, which would essentially provide two access roads from phase 1 to the north end of phase 2, reducing the cul-de-sac length to 200m. This would leave only the last 2 lots beyond the 160m limit, which staff would consider a minor variance. However, it is undesirable to have a double width road and both staff and the developer would prefer not to use this as a solution.

Refer to attached plan for clarification.

Recommendation:

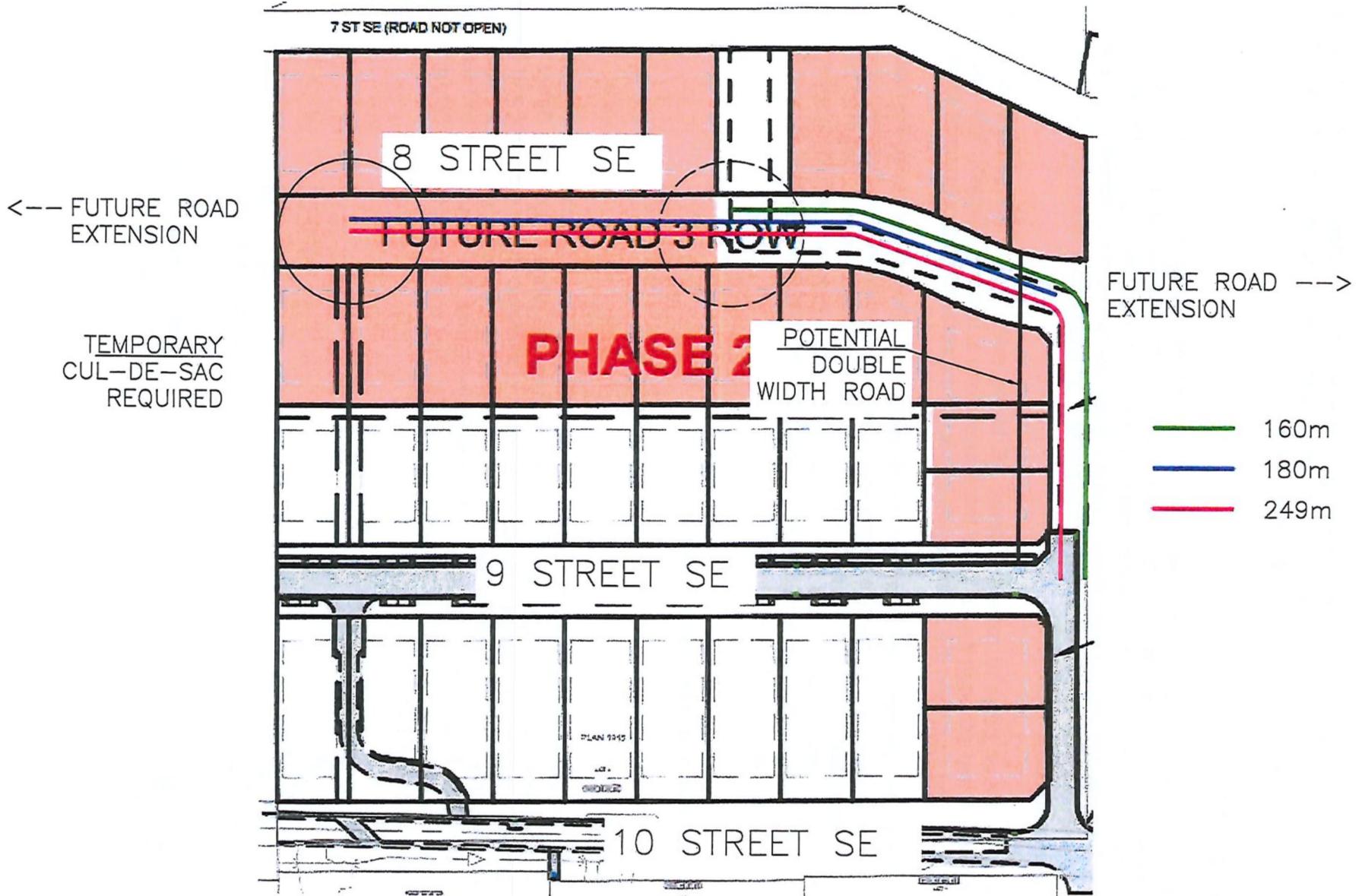
Staff do not feel that 10 additional lots beyond the 160m limit is a significant variance, considering this is not likely to be a permanent situation and there are plans to extend 8 Street SE in the future. The option to construct a double width road is available to the applicant and this would mean that only 2 lots are beyond the 160m limit, however this option would not be recommended by staff. **The Engineering Department recommends that the request to to increase the maximum permitted length of a cul-de-sac / dead end road (proposed 8 Street SE) from 160m to 249m be approved.**

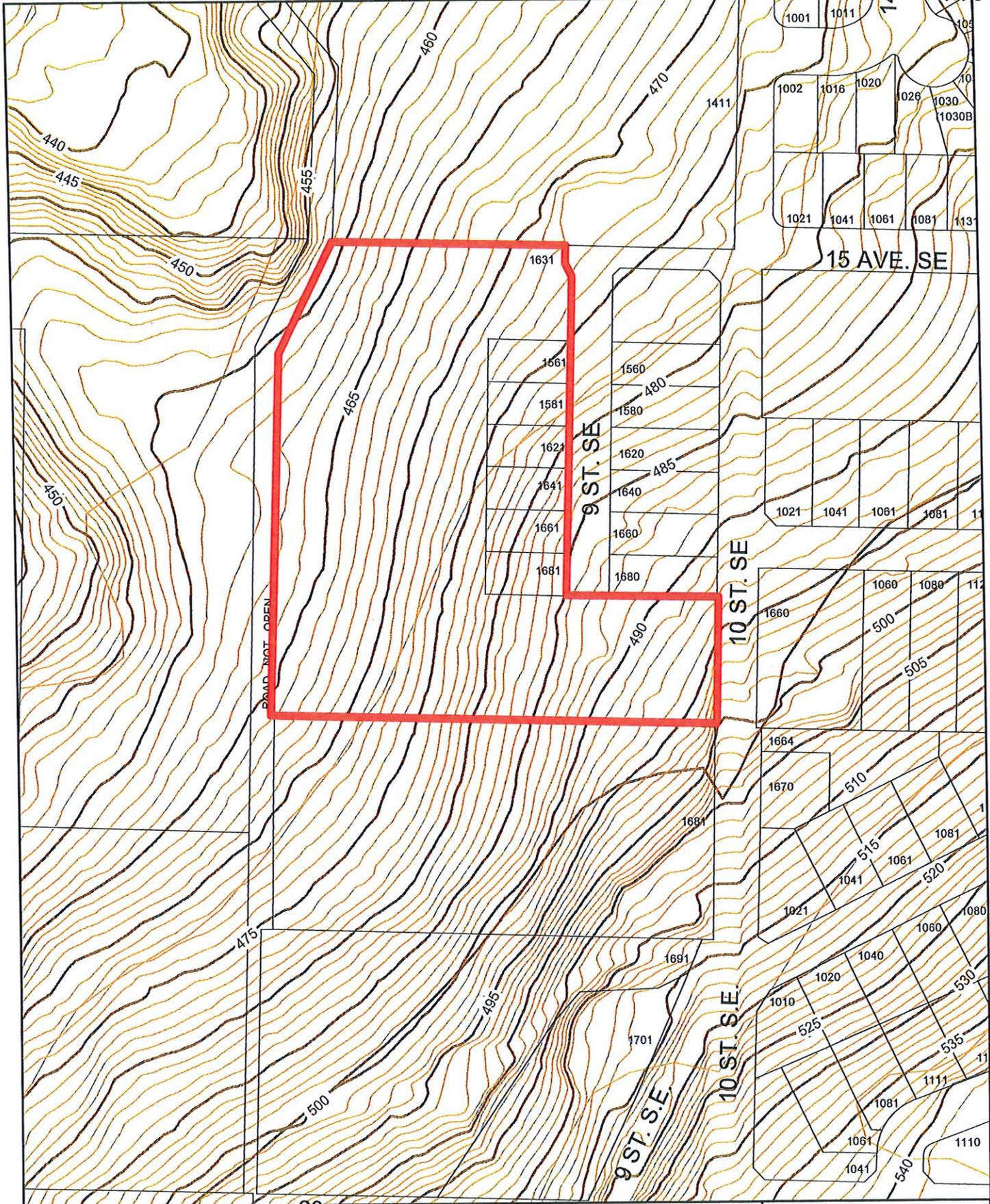


Chris Moore
Engineering Assistant



Gabriel Bau P.Eng.,
City Engineer





 Subject Parcels

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To: His Worship Mayor Harrison and Members of Council

Date: May 25, 2023

Subject: Zoning Bylaw Amendment Application No. 1269
 Accessible Parking Regulations

STAFF RECOMMENDATION

THAT: A bylaw be prepared for Council's consideration, amending Zoning Bylaw No. 2303, as follows, by adding:

- i) To Section 2.0 Definitions, after "Accessory Use" and before "Accommodation Unit", the following:

Accessible Car Space means a car parking space designated for individuals with mobility limitations, who hold a valid accessible parking permit.

Accessible Van Space means a parking space designated for those with mobility issues designed to allow room for people to load or unload a wheelchair, scooter, walker or similar device that is used to transport a person who has limited ability and hold a valid accessible parking permit.

Accessible Parking Stall means either an Accessible Car Space or an Accessible Van Space.

- ii) After Section 11 of Appendix I: Off - Street Parking and Loading, the following:

12. Accessible Parking Stalls

.1 **Accessible Car Spaces** are a minimum of 5.8m depth x 2.4m width. **Accessible Van Spaces** are a minimum of 5.8m depth x 3.3m width, with an additional minimum aisle width of 1.5m. The additional aisle may be shared between neighbouring Accessible Van Spaces.

.2 **Accessible Parking Stalls** must be:

(a) clearly identified by both paint markings on the parking space and a freestanding Sign in front of the space that is not less than 1.2 m above ground measured to the bottom of the Sign and incorporating the international symbol of accessibility for persons with disabilities. Accessible Van Spaces signage shall also include the words "van accessible";

(b) treated with a firm and slip-resistant surface;

(c) provided with a curb letdown from the shared access aisle to any raised pedestrian sidewalk that provides connectivity to the Building;

(d) constructed with a slope not exceeding 2%; and

(e) marked with high-colour-contrast diagonal pavement lines on the access aisle

.3 Of the required stalls for all permitted uses, the minimum number of Accessible Parking Stalls shall be provided in accordance with the following table:

Total Number of Parking Spaces required	Total Number of Accessible Parking Stalls to be Provided	Accessible Car Spaces to be provided	Accessible Van spaces to be provided
0-5	0	0	0
6-25	1	1	0
26-50	3	2	1
51-100	4	3	1
100+	6	4	2

.4 Should Accessible Parking Stalls be provided that are in addition to those in Section 12.3 then those Accessible Parking Stalls must be in addition to the required number of parking stalls.

.5 Parking facilities that are used exclusively for buses, trucks, delivery vehicles, law enforcement vehicles, and vehicular impound are not required to include accessible spaces. However, if such lots are accessed by the public (e.g., impounded vehicle retrieval), one (1) Accessible Parking Stall is to be provided.

PURPOSE

To introduce Zoning Bylaw text amendments that would add accessible parking regulations into the Zoning Bylaw, in order to have enforceable minimum standards.

BACKGROUND

Prior to 2018 accessible parking regulations were addressed by the BC Building Code. However, with revisions to the BC Building Code, the specific parking regulations were removed. This was viewed as a way in which to harmonize the BC Building Code with the National Building Codes and standards. Prior to the Code changes in 2018, the Province communicated with local governments that the accessible parking regulations would be removed from the Code and if communities desired accessible parking regulations then those requirements would have to be included in the Zoning Bylaw (see Appendix 1). Under the previous regulations (BC Building Code requirements) if more than 50 parking spaces were required for a development, one of every 100 stalls had to be accessible with a minimum width of 3.7m. The City of Salmon Arm did not make the recommended changes to the Zoning Bylaw at that time. There are no current regulations governing accessible parking stalls.

In formulating the proposed amendments, staff researched information published by the Province and regulations of other communities. In 2020, the BC Office of Housing and Construction Standards published the *Building Accessibility Handbook*, an illustrated supplement to the BC Building Code. The *Building Accessibility Handbook* offers recommendations for accessible car spaces, location and signage (Appendix 2). The proposed amendments align with those recommendations in the *Building Accessibility Handbook*.

Staff also researched the accessible parking regulations for Kamloops, Kelowna, Vernon, Nelson and Victoria in an effort to find a consistent format or rationale to formulate a parking schedule. Each community bylaw considers the same general factors, including - number of car spaces, number of van spaces, dimensions of stalls, surfacing and identification of the stalls, and access to building. However, each community has a slightly different formula for the number of required stalls. The following table is a summary of accessible parking space requirements compared to the proposed accessible parking space scale.

Table 1. Community Comparison: Number of Required Accessible Parking Stalls

	Total Spaces Required: 0-5 Stalls (#of Accessible Car Space / # Accessible Van Spaces required)	Number of Total Spaces Required: 6-25 (#of Accessible Car Space / # Accessible Van Spaces required)	Number of Total Spaces Required: 26-50 (#of Accessible Car Space / # Accessible Van Spaces required)	Number of Total Spaces Required: 51-100 (#of Accessible Car Space / # Accessible Van Spaces required)	Number of Total Spaces Required: +100 (#of Accessible Car Space / # Accessible Van Spaces required)
Kelowna	0 / 0	1/0	2-3/1	3/1	Increases 1 stall per 100 stalls/2
Kamloops*	0/*	1/*	2/*	3-4/*	5-8 stalls until +200 then 2% of overall spaces
Nelson♦	1/0	2/0	3/0	4/0	Increases 1 stall for every 15 additional stalls
Victoria♦	0	0/1	1/1	2-3/1	1 for every 25 stalls/scaled to increase as accessible car spaces increases

*At least 50% of accessible spaces provided must be van accessible.

♦additional spaces required for health or hospital uses.

The proposed bylaw amendments touch on each of the above mentioned factors found in parking regulations of other municipalities as well as the *Building Accessibility Handbook* – stall type, stall dimensions, stall identification and design. It should be noted that the accessible parking spaces, as proposed, are not in addition to the required number of spaces, the accessible spaces are to be provided within the required total number of spaces. This aligns with the formulas of other communities mentioned previously. For example, if a development required 150 parking stalls, then four of those stalls would have to be accessible car spaces and three would have to be accessible van spaces for a total of seven spaces within the 150 overall parking space count.

The proposed changes to the Zoning Bylaw would provide consistency to development, in particular multifamily and commercial development. Effectively, the proposed amendments increase the required number of spaces from one of every 100 stalls to five (three accessible car stalls, 2 accessible van stalls) in 100 stalls and include location and signage details not required under the current regulations. The proposed amendments align more consistently with the current provincial guidelines and the regulations of other communities. Further, the proposed amendments account for increased demand of accessible parking that comes with population growth and the more inclusive design of buildings, infrastructure and amenities.



Melinda Smyrl, MCIP, RPP
Planner



Gary Buxton, MCIP, RPP
Director of Planning and Community Services



Information Bulletin

Building and Safety Standards Branch

PO Box 9844 Stn Prov Govt

Victoria BC V8W 9T2

Email: building.safety@gov.bc.ca

Website: www.gov.bc.ca/buildingcodes

No. B18-09
December 17, 2018

Regulatory Changes to Accessible Parking Requirements

The purpose of this bulletin is to provide information about the removal of historical accessible parking requirements from the BC Building Code and resources to support local governments in regulating accessible parking in their bylaws.

Legislation

Part 14 of the *Local Government Act* [RSBC 2015] enables local governments and the Islands Trust to make decisions on planning and land use within their jurisdiction. Section 525 of the *Local Government Act* provides local governments with the authority to establish off-street parking requirements, including specific design standards for accessible parking.

The *Building Act* [SBC 2015] establishes the Province as the primary authority to establish building requirements. The *Building Act* was adopted to support consistency in the building regulatory system by eliminating the patchwork of building requirements that varied across the province. At the same time, the Province recognized that the need for consistency must be balanced with flexibility in order for local governments to meet specific community needs. Section 5 of the *Building Act* allows for such flexibility by providing local governments the authority to establish building requirements for matters identified as unrestricted by regulation.

There are two reasons for which a matter may be unrestricted under Section 5 of the *Building Act*:

- The matter is subject to a particular location or unique circumstance; therefore, the local government is best positioned to set the requirements; or
- A local government aims to achieve an objective under an existing statutory authority and the enacted building requirement is necessary to achieve that objective.

Background

In February 2016, the Province approved accessible parking spaces as an unrestricted matter under the *Building Act*, for which local governments could retain or establish their own requirements in bylaws. The Building and Safety Standards Branch distributed an information bulletin titled [Building Act: Update for Local Governments](#) to support local governments.

The Building and Safety Standards Branch consulted with stakeholders about accessibility requirements in the BC Building Code in February 2018. The consultation feedback on parking generally indicated that the BC Building Code's historical parking requirements were insufficient.

To address the regulatory overlap between the BC Building Code and municipal bylaws and in support of harmonizing the BC Building Code with the National Code, accessible parking provisions are not included in the BC Building Code 2018, which became effective December 10, 2018.

The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

Regulatory Change

The BC Building Code 2018 is harmonized with the National Building Code 2015, which does not include requirements for accessible parking spaces.

While previous editions of the BC Building Code did provide the minimum requirements for accessible parking in instances where off-street parking was either required by local government bylaw or provided voluntarily by the building owner, the regulatory overlap between the *Local Government Act* and the BC Building Code had the potential to cause confusion regarding which requirements should be followed. Removing historical accessible parking requirements from the BC Building Code 2018 clarifies that local governments are best suited to regulate accessible parking spaces according to their communities' needs. Local governments that do not already have their own accessible parking requirements in their bylaws may wish to consider amending their bylaws to incorporate accessible parking requirements.

The BC Building Code 2018 requires a greater level of building accessibility by combining the requirements of the National Building Code 2015 with BC's historical requirements. In aligning more closely with the National Building Code, the BC Building Code achieves greater consistency not only with the National Building Code, but also with codes from other Canadian jurisdictions.

Resources

Several resources are available to support enhancing accessible parking, as outlined below.

The [Accessible Design for the Built Environment standard](#) (CSA B651-18) provides guidance on accessible parking standards. Local governments who do not already regulate accessible parking may adopt these standards or establish requirements that work best for their communities.

The City of Ottawa developed [Accessibility Design Standards](#) to support the design of accessible on and off-street parking.

The [Accessibility for Ontarians with Disabilities Act](#): Integrated Accessibility Standards includes requirements governing the design of public spaces in the built environment.

The Social Planning and Research Council, with input from various communities, developed an [Accessible Community Bylaw Guide](#). For a sample Model Accessible Parking Bylaw, please review pages 72-25.

British Columbia Building Code 2018

Although accessible parking is no longer regulated by the BC Building Code, guidance to support local governments to establish accessible parking requirements in their bylaws is available in the Notes of the BC Building Code.



Implications

Local governments that do not already have accessible parking requirements in their bylaws may wish to develop requirements that meet the specific needs of their communities. Bylaws with existing accessible parking requirements will continue to apply without overlap with the BC Building Code.

Local governments are best positioned to set accessible parking requirements based on the demographics, types of buildings developed, and the specific needs of their communities.

Communities without specific bylaw provisions will be unable to enforce minimum standards for accessible parking after December 10, 2018.

Scheme	BC Building Code 2012	BC Building Code 2018
<p>Local Government Bylaw with Accessible Parking Requirement</p>	<p>Local bylaw applies.</p> <p>Building owners must provide the minimum number of accessible parking spaces in the BC Building Code or, if accessible spaces are required in the local bylaw, the minimum number of accessible spaces in the bylaw.</p> <p>Building owners must comply with which ever requirement is greater.</p>	<p>Local bylaw applies.</p>
<p>Local Government Bylaw without Accessible Parking Requirement</p>	<p>Where parking is required by local government, or parking is provided voluntarily by the building owner, building owners are required to comply with the minimum accessibility requirements in the BC Building Code.</p>	<p>The 2012 accessibility requirements are provided in the Notes of the 2018 BC Building Code. Local governments can amend their bylaw to reproduce these requirements or to include their own. In the absence of accessible parking requirements in bylaws, local governments will be unable to enforce minimum standards for accessible parking.</p>
<p>Code Provisions</p>	<p>One of every 100 spaces must be accessible when 50 or more spaces are provided.</p> <p>Minimum width of 3.7m required.</p>	<p>Guidance provided in the Notes of the BC Building Code.</p>

The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

More Information

Please direct any questions about developing new bylaws to:

Ministry of Municipal Affairs and Housing
Planning and Land Use Management Branch
Telephone: 250-387-3394
Email: PLUM@gov.bc.ca

Please direct any questions about technical code requirements to:

Ministry of Municipal Affairs and Housing
Building and Safety Standards Branch
Telephone: 250-387-3133
Email: Building.Safety@gov.bc.ca

Full text of Part 14 of the *Local Government Act* – Planning and Land Use Management:
http://www.bclaws.ca/civix/document/id/complete/statreg/r15001_14

Full text of the *Building Act*:
<http://www.bclaws.ca/civix/document/id/complete/statreg/15002#part1>

Full text of the *Accessibility for Ontarians with Disabilities Act*:
<https://www.ontario.ca/laws/statute/05a11>

For more information about the changes to accessibility requirements, please see technical bulletin [18-05: Accessibility in the British Columbia Building Code 2018](#).

- 2) Except as required by Sentence (3), access is not required
- a) to *service rooms*,
 - b) to elevator machine rooms,
 - c) to janitor's rooms,
 - d) to *service spaces*,
 - e) to crawl spaces,
 - f) to *attic or roof spaces*,
 - g) reserved,
 - h) reserved,
 - i) within portions of a *floor area* with fixed seats in an *assembly occupancy* where those portions are not part of the accessible path of travel to spaces designated for wheelchair use,
 - j) within floor levels of a *suite of residential occupancy* that are not at the same level as the entry level to the *suite*,
 - k) reserved, or
 - l) within those parts of a *floor area* that are not at the same level as the entry level, provided facilities and uses provided on any raised or sunken level are also accessible on the entry level.
- 3) In an *assembly occupancy*, the number of spaces designated for wheelchair use within rooms or areas with fixed seats shall conform to Table 3.8.2.3. (See also Article 3.8.3.21. for additional requirements.)

Intent: To exempt certain areas of buildings from the requirements of Sentence 3.8.2.3.(1), which would otherwise require an accessible path of travel, on the basis that it is impractical and onerous to provide access to and from these areas.

Attributions [F74-OA2]
 Intent: To limit the probability of an insufficient number of spaces for manual wheelchairs, which could lead to people who use manual wheelchairs being excluded from certain rooms and areas.

Table 3.8.2.3.
Designated Wheelchair Spaces
 Forming Part of Sentence 3.8.2.3.(3)

Number of Fixed Seats in Seating Area	Number of Spaces Required for Wheelchairs
<u>50 and under</u>	2
<u>51 – 150</u>	4
<u>151 – 300</u>	5
<u>301 – 500</u>	6
501 – <u>5 000</u>	<u>6, plus one additional space for each increment of up to 150 in excess of 501 fixed seats</u>
5 001 and over	<u>36, plus one additional space for each increment of up to 200 in excess of 5 001 fixed seats</u>

The 2018 edition of the British Columbia Building Code has increased the ratio for required accessible viewing spaces.

3.8.2.4. Path of Travel to Storeys Served by Escalators and Moving Walks

- 1) In a *building* in which an escalator or inclined moving walk provides access to any floor level above or below the entrance floor level, an interior *accessible* path of travel shall also be provided to those floor levels. (See Note A-3.8.2.4.(1).)

A-3.8.2.4.(1) Path of Travel to Storeys Served by Escalators and Moving Walks.

In some buildings, escalators and inclined moving walks are installed to provide transportation from one floor level to another floor level so as to increase the capacity to move large numbers of persons. Some buildings located on a sloping site are accessible from street level on more than one storey and an escalator or inclined moving walk is provided for internal movement from floor to floor. In both these situations, a person with a physical disability must be provided with an equally convenient means of moving between the same floor levels within the building. This can be accomplished by providing elevators or a platform-equipped passenger-elevating device.

- 2) The route from the escalator or inclined moving walk to the *accessible* path of travel that leads from floor to floor as required by Sentence (1) shall be clearly indicated by appropriate signs. (See also Article 3.8.2.10.)

3.8.2.5. Path of Travel to Parking Areas and Passenger-Loading Zones

(See Note A-3.8.2.5.)

A-3.8.2.5. Parking Areas. In localities where local regulations or bylaws do not govern the provision of or dimensions of accessible parking spaces, the following provides guidance to determine appropriate provisions. If more than 50 parking spaces are provided, parking spaces for use by persons with physical disabilities should be provided in the ratio of one for every 100 parking spaces or part thereof. Where parking spaces are provided, parking spaces for use by persons with physical disabilities should also be provided for each accessible viewing position and for each accessible sleeping room or bed space. Parking spaces for use by persons with physical disabilities should

- (1) be not less than 2 400 mm wide and provided on one side with an access aisle not less than 1 500 mm wide,
- (2) have a firm, slip-resistant and level surface,
- (3) be located close to an entrance required to conform to Article 3.8.2.2.,
- (4) be clearly marked as being for the use of persons with physical disabilities, and
- (5) be identified by a sign located not less than 1 500 mm above ground level, with the International Symbol of Access (Figure A-3.8.2.5.-A).

Attributions [F73-OA1]

Intent: To limit the probability that people using a manual wheelchair or other manual mobility assistance device will not be able to move about within a building without the assistance of another person.

Attributions [F73-OA1]

Intent: To limit the probability that people using a manual wheelchair or other manual mobility assistance device will not be able to find the way to an accessible path of travel in the building.



Figure A-3.8.2.5.-A
“International Symbol of Access” sign

A general guide for the slip resistance of materials is provided in the Appendix of this handbook.

Asphalt, concrete and firm, compacted gravel are acceptable parking surfaces. Curb ramps should be not less than 1 500 mm wide. Parallel parking spaces should be not less than 7 000 mm long. If more than one parking space is provided for persons with physical disabilities, a single access aisle can serve two adjacent parking spaces. The arrangement shown in Figure A-3.8.2.5.-B allows the shared use of an access aisle to serve two adjacent parking spaces provided for use by persons with physical disabilities. Parking to accommodate vans and other vehicles equipped with platform lifts or side ramps should be provided greater dedicated space. The design of the path of travel should accommodate loading to and from lifts and ramps, where intended. Vertical clearance must also be considered.

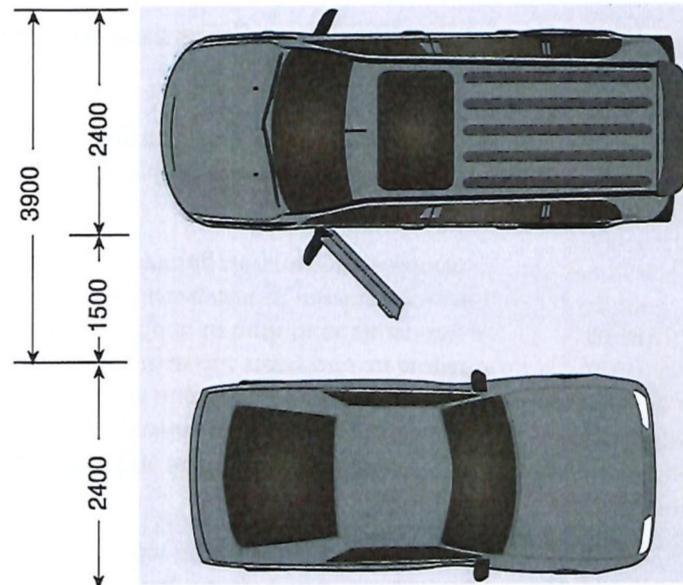


Figure A-3.8.2.5.-B
Shared access aisle

The access aisle may serve more than one parking stall and should have the same level surface as the parking stalls it serves. Consider the movement around doors and ramps so that there is enough space and it is not necessary to travel behind other cars or be in a position where it is difficult to be seen by other drivers. Figure 3.8.2.5. shows a shared aisle serving two stalls. The CSA B651, Accessible Design for the Built Environment standard is another source of information for accessible parking stall quantities and design.

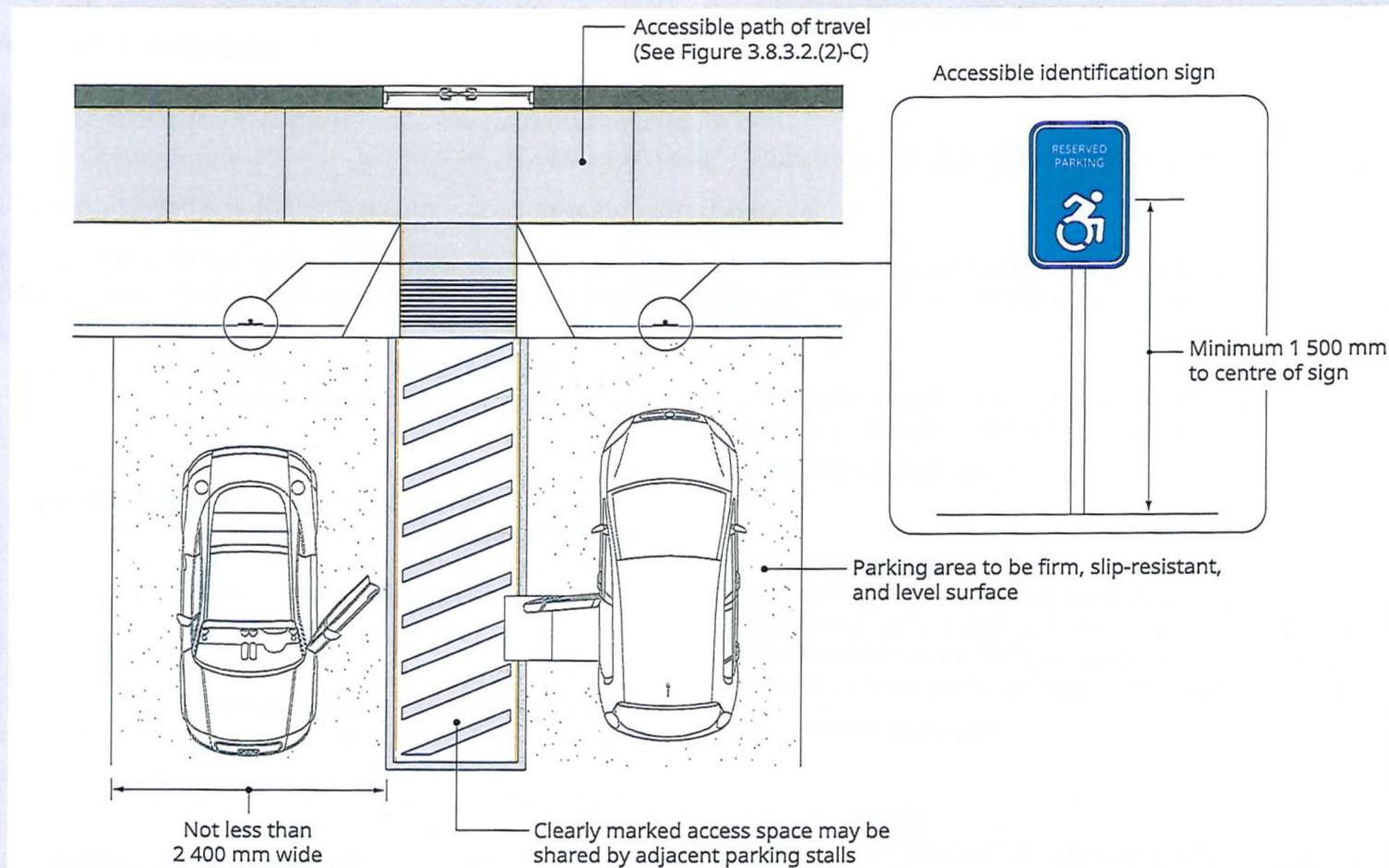


Figure 3.8.2.5.
Parking stall access aisles

- 1) An *accessible* path of travel shall be provided between parking stalls for persons with disabilities and an *accessible* entrance referred to in Article 3.8.2.2. (See Note A-3.8.2.5.(1).)

A-3.8.2.5.(1) Path of Travel to Parking. It is not intended that a separate accessible entrance must be provided from the parking area. The designer may choose to designate the entrance leading to the parking area as the required entrance or to provide a properly identified and unobstructed path of travel from the parking area to the entrance which is accessible. The entrance chosen should, in any case, be the closest entrance to the parking area and one normally used by the occupants of the building. Long paths of travel are not recommended.

- 2) Where a passenger-elevating device serves one or more indoor parking levels, an *accessible* path of travel shall be provided between each parking level containing stalls for persons with disabilities and all other parts of the *building* required to be *accessible* in accordance with Subsection 3.8.3.

- 3) Passenger-loading zones shall comply with Subsection 3.8.3. and be provided with an accessible path of travel to an accessible entrance referred to in Article 3.8.2.2.

Attributions [F73-OA1]

Intent: To limit the probability that people using a manual wheelchair or other manual mobility assistance device will not be able to travel between exterior parking spaces and a building entrance without the assistance of another person.

Attributions [F73-OA1]

Intent: To limit the probability that people using a manual wheelchair or other manual mobility assistance device will not be able to travel between indoor parking spaces and a building entrance without the assistance of another person.

Attributions [F73-OA1]

Intent: To state the application of Subsection 3.8.3. regarding exterior passenger-loading zones.

Where there are several buildings with parking areas or passenger-loading zones, parking stalls and loading zones should be designed and located to accommodate access to all buildings by people with disabilities and close to an accessible entrance.

The design should leave adequate space for side- and rear-loading vehicles.

It is recommended that the number of parking stalls be calculated to suit specific needs. Some buildings such as medical clinics may need more accessible parking stalls than other buildings.

3.8.2.6. Controls and Outlets

- 1) Except as provided in Sentence 3.5.2.1.(3), controls for the operation of *building services* or safety devices, including electrical switches, thermostats, faucets, door and window hardware and intercom switches, that are intended to be operated by the occupant and are located in an *accessible floor area* shall comply with Subsection 3.8.3. (See Note A-3.8.2.6.(1).)

Attributions [F74-OA2]

Intent: To state the application of Subsection 3.8.3. regarding controls.

Intent: To direct Code users to Sentence 3.5.2.1.(3) for the requirement regarding controls in passenger elevators.