
PLANNING BULLETIN

Gross Floor Area Exclusions for Detached and Duplex Dwellings – In-Ground Basement Floor Areas and Other Exclusions

Authority – Director of Planning & Chief Building Official

Effective August 2021

Purpose:

This bulletin was published to clarify the Resort Municipality of Whistler zoning regulations that pertain to the determination of the “in-ground basement floor area” and the calculation of gross floor area exclusions for detached and duplex dwellings.

Summary:

“In-ground basement floor area” is permitted to be excluded from the calculation of maximum gross floor area for detached and duplex dwellings. The exclusion applies to the lowest floor of the dwelling building. To qualify for exclusion, the area must be at least 50% below ground, based on exterior wall height and adjacent grade. The amount of area that may be excluded is a maximum of 125% of the floor area of the storey immediately above (see definitions below).

Other eligible exclusions for crawl spaces, void spaces, parking areas, elevators and areas occupied by fixed machinery and equipment, may be permitted in addition to the “in-ground basement floor area”, provided these floor areas are not located below the in-ground basement floor area.

If any such areas are the lowest floor of the dwelling building within which they are located, they then preclude the in-ground basement floor area exemption. If they are located on the same level as the in-ground basement floor area or are on a floor above, then these areas are also permitted to be excluded.

Background:

In 2012, the RMOW adopted regulations to address issues related to unauthorized construction, and with the input of the Council appointed Illegal Space Task Force, focused on the use of non-permitted over height crawl spaces and void spaces which were deemed to be the biggest concern. The zoning bylaw was amended to enable such spaces to be legitimized by establishing a gross floor area exclusion for basement floor areas in duplex and detached dwellings throughout the municipality. The creation of these spaces was in part considered to be a natural result of developing on the sloping terrain typical to many of Whistler’s residential parcels.

In 2016 revisions were made to the permitted exclusion to further address the location of the basement floor area and relation to other permitted exemptions. The permitted “in-ground basement floor area” exclusion was defined to be the lowest floor area in the building and also to be only that portion of the basement that was at least 50% below ground (see definitions below).

Applicable Zoning Bylaw Regulations and Definitions:

Part 2 – Interpretations:

The applicable Zoning Bylaw definitions are:

“in-ground basement floor area” means that portion of the **lowest floor** of a building, at least 50% of the exterior wall height of which is below the level of finished ground adjoining the wall, and for this purpose wall height means the vertical distance from the level of the finished floor to the underside of the floor system above;



“crawl space” means any **floor area** having less than 1.5 metres of clearance between the underside of a roof or floor system above and a ground floor slab or ground surface below.

“void space” means any floor area having less than 1.5 metres of clearance between the underside of a ceiling, roof or floor system above and the upper surface of a floor system below.

Part 5 - Section 26 – Gross Floor Area Exclusions:

- (1) The following are excluded from the gross floor area calculations:
 - (a) For detached dwelling and duplex dwelling buildings:
 - (i) basement floor area in existence on May 12, 2012 having an elevation at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125% of the floor area of the storey immediately above, and for this purpose the Municipality may require a building permit applicant to provide a statutory declaration as to the existence of basement floor area on May 12, 2012;
 - (ii) **in-ground basement floor area to a maximum of 125% of the gross floor area of the storey immediately above;**
 - (iii) crawl spaces;
 - (iv) void spaces;
 - (vi) parking areas;
 - (vii) areas occupied by fixed machinery and equipment;
 - (viii) exterior wall thickness in excess of 6”

Interpretation and Illustrations:

Gross floor area exclusion for “in-ground basement floor area” can only be applied to the lowest floor of a detached or duplex dwelling building. Therefore:

- if a crawlspace, void space, area occupied by fixed machinery, parking area or elevator forms the lowest floor of a detached or duplex dwelling, the floor above does not qualify as “in-ground basement floor area” even if at least 50% of the exterior wall height of the floor above is below the level of finished ground adjoining the wall.
- “in-ground basement floor area” cannot be located over multiple levels or floors.

To provide clarity, the following scenarios illustrate areas that qualify for in-ground basement floor area or other exclusions in relation to adjacent grade.

Note:

- Areas that qualify for In-Ground Basement Floor Area are highlighted in Red
- Areas that qualify for Gross Floor Area Exclusions, other than In-Ground Basement Floor Area are highlighted in Yellow

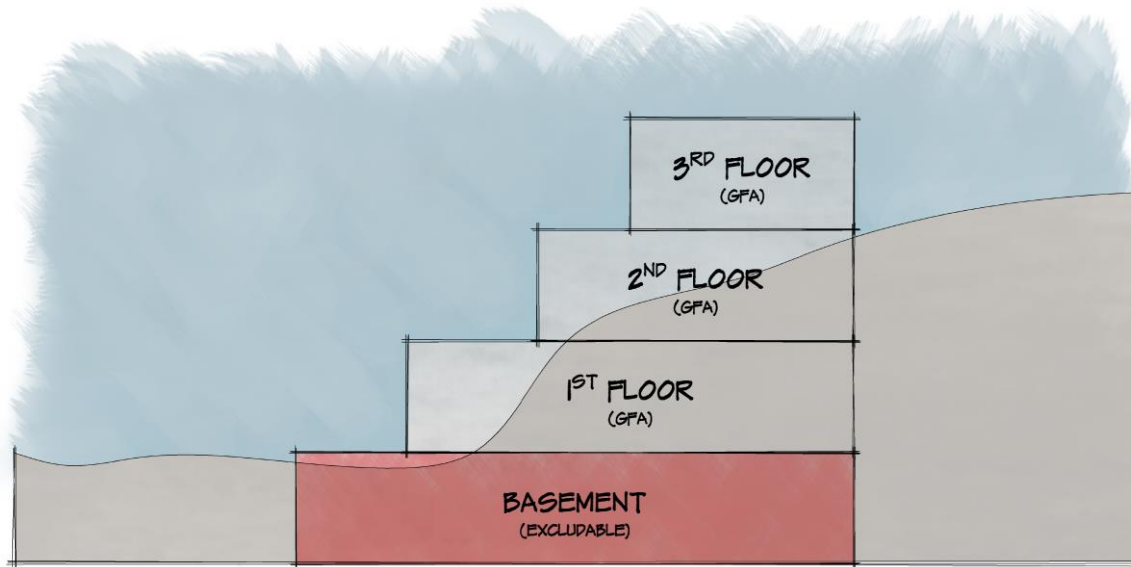


Illustration #1: The Basement is the lowest floor, and all areas of the basement are at least 50% below adjacent grade, and therefore the entire basement area is eligible to be excluded from gross floor area.

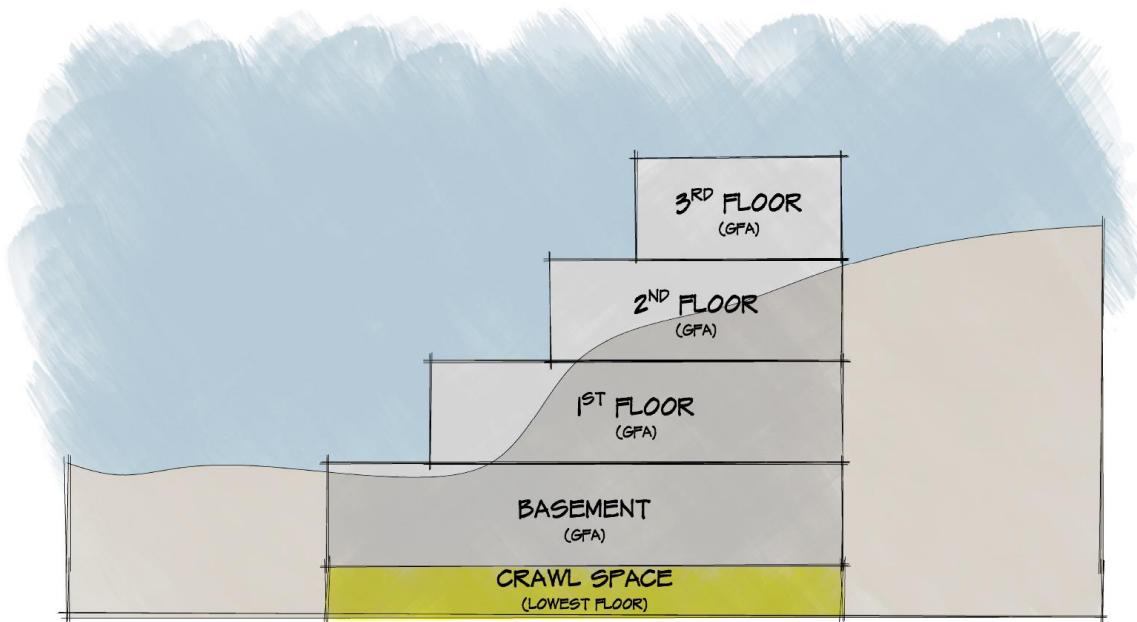


Illustration #2: The Crawl Space is the lowest floor and would be excluded. The Basement is not the lowest floor and therefore does not meet the definition of in-ground basement floor area. It is therefore not eligible for exclusion and would be included in the gross floor area of the building.

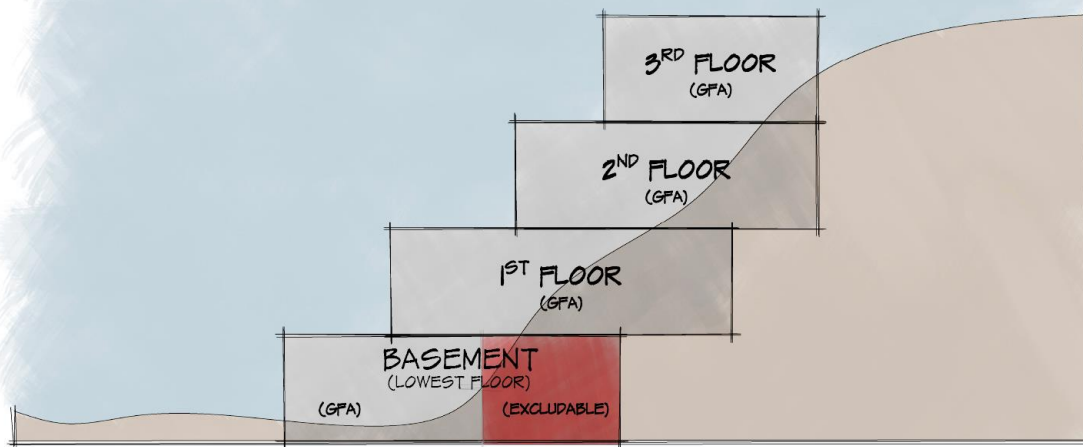


Illustration #3: For a sloping lot with a stepped building, only the portion of the lowest floor (basement) where at least 50% of the exterior wall height is below the level of finished ground adjoining the wall is eligible to be excluded as in-ground basement floor area.

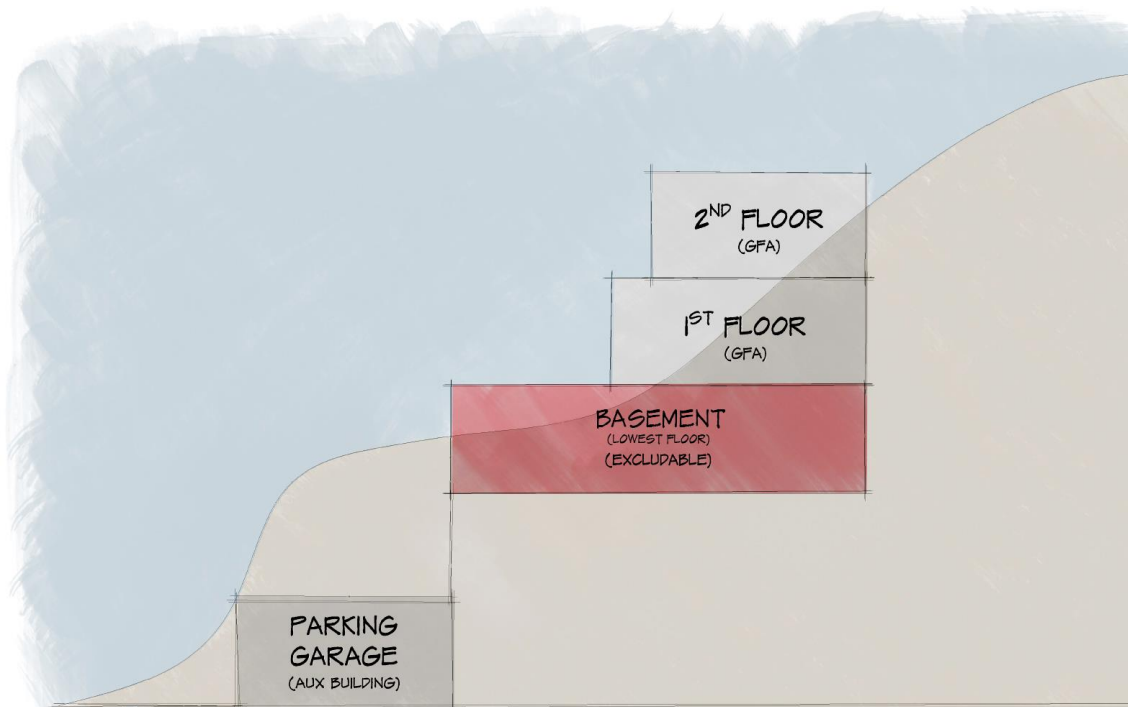


Illustration #4: The in-ground basement definition applies to the lowest floor of the detached or duplex dwelling building. Where a parking garage is contained in a separate detached auxiliary building it is permitted as an excluded area, even if it is located below the elevation of the lowest floor of the detached dwelling.

This information is provided for convenience only and is not in substitution of applicable RMOW Bylaws, Provincial or Federal Codes or laws. You are responsible in ensuring that any existing or proposed construction or other works complies with such Bylaws, Codes or other laws.

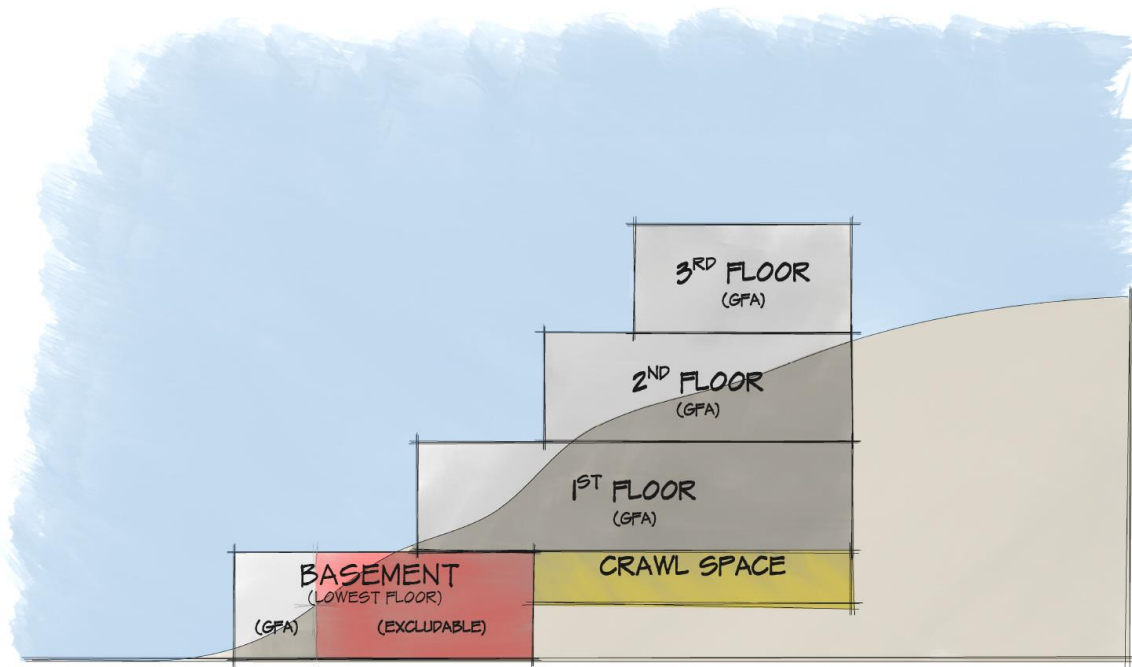


Illustration #5: The Basement is the lowest floor and the portion that is at least 50% below adjacent grade (in red) is considered in-ground basement floor area and may be excluded from the gross floor area of the building. The Crawl Space is eligible as a separate exclusion from the gross floor area calculation. It is not the lowest floor and is not the in-ground basement.

Additional Clarification:

In-ground basement floor area may be excluded from the gross floor area calculations to a maximum of 125% of the gross floor area of the storey immediately above.

- The 125% limit includes all floor areas that form part of the “in-ground basement floor area”. This area does not include areas identified in Part 5, Section 26 (1)(a)(iii-viii) crawlspace, void space, area occupied by fixed machinery, parking area or elevator as these areas have separate exclusions subject to their location in relation to the lowest floor as described above.