



**AGENDA  
ADVISORY PLANNING COMMISSION  
MAY 26, 2009  
7:00 PM  
ESQUIMALT MUNICIPAL HALL  
COUNCIL CHAMBERS**

**MEMBERS:**                   Gerald Froese                   Jaime Hilbert  
                                  Joanne Kimm                   Rod Lavergne  
                                  Darwin Robinson             Ramona Scott  
                                  Ed Williams

**COUNCIL LIAISON:**   Randall Garrison

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- I.     **CALL TO ORDER**
- II.    **ADOPTION OF AGENDA**
- III.   **ADOPTION OF MINUTES: Regular Meeting of April 21, 2009**
- IV.    **BUSINESS FROM MINUTES**
- V.     **STAFF REPORT**  
  
       Secondary Suites  
  
       Report is presented for information and comment.
- VI.    **PLANNER'S STATUS REPORT**
- VII.   **COUNCIL LIAISON**
- VIII.  **NEW BUSINESS**
- IX.    **NEXT REGULAR MEETING**
- X.     **ADJOURNMENT**

*DRAFT*



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT  
ADVISORY PLANNING COMMISSION  
MINUTES  
HELD ON  
APRIL 21, 2009  
COUNCIL CHAMBERS**

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<b>MEMBERS PRESENT:</b>	Gerald Froese Jaime Hilbert Joanne Kimm Rod Lavergne Darwin Robinson Ramona Scott Ed Williams
<b>STAFF LIAISON:</b>	Trevor Parkes, Senior Planner
<b>COUNCIL LIAISON:</b>	Randall Garrison
<b>SECRETARY:</b>	Marie Letham

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No members of the public in attendance

**I. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. and outlined the meeting procedures and role of the Advisory Planning Commission.

**II. ADOPTION OF AGENDA**

Moved Darwin Robinson, seconded by Joanne Kimm that the order of the agenda be amended in order to hear the proposal for 1206 Wychbury Avenue first and the other applicant had not yet arrived.  
The motion **CARRIED**.

**III. ADOPTION OF MINUTES**

Moved by Darwin Robinson, seconded by Rod Lavergne that the minutes of the regular meeting of March 17<sup>th</sup>, 2009 be adopted as distributed.  
The motion **CARRIED**.

*DRAFT*

IV. STAFF REPORT

(1) **Development Variance Permit  
1206 Wychbury Avenue  
Valentina Chuback , owner**

Valentina Chuback, the owner was in attendance to present her proposal to request a variance to facilitate the replacement of an existing sunroom. She explained that she had received a variance back in 1991 to build the existing solarium. She stated that when she put in to replace the solarium with the new sunroom, it was discovered the contractor of the day took more of a variance than what was allowed. She explained that she needs to replace the sunroom as it is leaking and has caused rotting of the floor.

With reference to a question from Gerald Froese regarding how measurements are taken, Trevor Parkes, Senior Planner, stated that setbacks are measured from the foundation wall, or from the closest point of a structure to the lot line.

Ramona Scott inquired about the address being on Wychbury.

Trevor Parkes explained that the house is actually built lengthwise on the lot and that the side is really the rear yard.

Darwin Robinson commented that it does not encroach upon any one. That this addition is an improvement to the house and that there is lots of room on site coverage.

Ed Williams commented that he was in support and stated that the property was well maintained.

**Public Input:**

No members of the public were in attendance.

**RECOMMENDATION**

Moved by Rod Lavergne, seconded by Darwin Robinson, that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Lot 7, Section 11, Esquimalt District, Plan VIP21838 [1206 Wychbury Avenue] including the following variance to Zoning Bylaw No. 2050 be forwarded to Council with a **recommendation of approval**

**Bylaw No. 2050, Section 40(9)(iii) – Rear Setback** - a 0.65 metre decrease in the required setback from the rear lot line for the principal building, i.e. from 7.5 metres to 6.85 metres.

The motion **CARRIED UNANIMOUSLY.**

The owner of 677 Admirals Road was not in attendance. It was moved by Darwin Robinson seconded by Ramona Scott that the Commission would consider the proposal. The Staff Liaison would present the application on behalf of the applicant.

**(2) Development Variance Permit  
677 Admirals Road  
Peter Volchek, owner/applicant**

Trevor Parkes, with reference to the applicant's letter, outlined the reasons for the request to construct a fence 1.85 metres in height in front of the front face of the building. The applicant cited, privacy issues, noise, caused by the proximity to a major intersection. The presence of a Bus Stop location in front of the property, and security as reasons he requires higher fencing in his front yard.

Darwin Robinson commented that the request would be tough to refuse, that he was in favour.

Ramona Scott inquired if the rock wall counted, Trevor Parkes, Staff Liaison explained the topography there, that the rock wall was municipal property, and the slope area with plantings was also municipal property, the fence would be behind that.

She stated she would prefer to see a hedge to provide greenery and a bird habitat. She expressed concern about setting a precedent. She felt that the fence would add nothing to the street and not be aesthetically pleasing. She did not think this will meet the applicant's goals of noise mitigation.

Ed Williams commented that a hedge would be more attractive the hedge could be more than 6 feet. He stated that a new fence in front would improve the appearance; he stated he had no problem with it.

Gerald Froese commented that considering the location it would fit well. He stated that the wood fence would not work for noise abatement.

Jaime Hilbert commented that she felt the additional fence would be fine compared to what is there now.

Joanne Kimm stated she did not find the height an issue; the fencing does not stand out, as it would be built from natural cedar. She commented that she could certainly understand the owner's concern regarding security therefore it makes sense at that location.

Rod Lavergne commented that he had no problem with the height as long as the fence was kept in the same location it is now.

Trevor Parkes clarified for the Commission that the letter of support accompanying the report was for his portion of the strata only.

Ramona Scott commented after hearing the explanations and discussions that she can support this application. The new fence will be nicer than what is there and she can support the request especially as this is a terrible corner.

### **Public Input**

No members of the public were in attendance.

### **RECOMMENDATION:**

Moved by Darwin Robinson, seconded by Joanne Kimm that the Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Strata Lot 1, Suburban Lot 50, Section 11, Esquimalt District, Plan VIS3131 [677 Admirals Road] including the following variance to Zoning Bylaw No. 2050 be forwarded to Council with a **recommendation of approval**

**Zoning Bylaw No. 2050, Section 38(11) – Fencing** - a 0.65 metre increase to the permitted fence height in front of the front face of the Principal Building from 1.2 metres to 1.85 metres.

The Motion **CARRIED UNANIMOUSLY.**

## **V. PLANNER'S STATUS REPORT**

Trevor Parkes reported on the status on the following applications:

- 1405 Esquimalt Road [41 unit condominium] on April 6, 2009 Council approved the Development Permit with Variances;
- 1191 Munro Street [Rezoning from RS-1 to RS-1/RS-2] on April 6, 2009 Council approved the rezoning application to allow the subdivision of the lot;
- 513 Sturdee Street [Development Permit for a duplex] the applicant revised the landscape plan as recommended by the APC and the application was consider at the Committee of the Whole on April 14, 2009;
- 934/936 Craigflower Road [13 unit Townhouse development] The application provided a traffic study and a commitment to "Built Green" standards, as well as an amended site plan addressing parking requirements and committed to supply a storm drain management plan. The application was considered at the Committee of the Whole on April 14, 2009 and forwarded to Council for approval. Staff was instructed to prepare the amending bylaw and return it to Council for consideration

- 860 Admirals Road [Development Permit for strata duplex] Municipal Staff met with the applicant to review the issue of the driveway and parking at 866 Admirals Road (which the applicant also owns). The applicant agreed to provide a site plan for 860 Admirals road detailing a proposed solution as well as an updated colour board, a green features list and a revised landscape plan prior to the application being forwarded to the Committee of the Whole.

**VI. COUNCIL LIAISON**

Councillor Garrison informed the Commission that Staff is working on a bylaw to allow Secondary Suites and that input will be sought from the Commission.

He also stated that Council has directed that the OCP be re-opened regarding height in mixed used commercial buildings.

**VII. NEW BUSINESS**

**Re-scheduling of May's Regular Meeting**

As Monday, May 18<sup>th</sup>, is a Statutory holiday, Esquimalt Council date has been set for Tuesday, May 19<sup>th</sup>, which would be the regular APC meeting date. Due to this conflict the May APC meeting will be re-scheduled to **May 26, 2009** at 7:00 p.m. in the Esquimalt Council Chambers.

**VIII. OTHER BUSINESS**

**June 16, 2009 Regular APC Meeting**

Ramona Scott advised the Commission that she will not be in attendance for June's regular meeting.

**IX. ADJOURNMENT**

On motion the meeting adjourned at 8:30 p.m.

Certified Correct

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Gerald Froese, Chairperson

## **STAFF REPORT**

**DATE:** May 19, 2009  
**TO:** Chair and Members of the Advisory Planning Commission  
**FROM:** Trevor Parkes, Senior Planner  
Barbara Snyder, Director, Development Services  
**SUBJECT: SECONDARY SUITES**

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### **SUMMARY**

Council has directed staff to draft an amendment to Zoning Bylaw, 1992, No. 2050 to permit the installation of secondary suites in single family residences throughout the municipality provided they comply with the terms of the Zoning Bylaw, health, safety and other applicable regulations. In order to amend the Zoning Bylaw to add regulations regarding secondary suites, an amendment to the Official Community Plan is required to convert the general discussion of suites to actual Policies. The draft OCP amending bylaw is attached as Schedule "C".

The attached Schedule "D" is a draft bylaw which would amend Zoning Bylaw No. 2050 to allow legal Secondary Suites in all Single Family Residential zones with the exception of the RS-4 zones, which are intended for Bed & Breakfasts, and all Comprehensive Developments zones.

### **RECOMMENDATION**

1. That this Report and the attached amending bylaws, which would authorize Secondary Suites in certain zones and regulate their use, be received for information and comment; and
2. That Bylaw No. 2707, which would amend Official Community Plan Bylaw, 2007, No. 2646, by removing paragraph 3, including items a) through f) of Section 3.3.3 and adding the text and figures contained in items a) through f) detailed within the amending bylaw, attached to this report as Schedule "C", be forwarded to Council with a **recommendation of approval**.
3. That Bylaw No. 2708 which would amend Zoning Bylaw, 1992, No. 2050 by adding text and figures to Section 2, Section 13, Section 30.6, Section 34(1), Section 35(1), Section 36.1(1), Section 37.1(1), Section 40(1) as detailed in the content of the amending bylaw, attached to this report as Schedule "D", be forwarded to Council with a **recommendation of approval**.

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Trevor Parkes  
Senior Planner

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Barbara Snyder  
Director, Development Services

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## **BACKGROUND and DISCUSSION**

Council, through the past and current Strategic Plans, has identified “*review Secondary Suites Policy and enforcement practices*” as a priority action. This report provides a historical context of suites in Esquimalt as well as the impacts/benefits of suites to owners, tenants and the community.

Two draft bylaws, one amending the Official Community Plan and the other amending the Zoning Bylaw are attached as Schedules “C” and “D”.

### **Secondary Suite Defined:**

Generally, a Secondary Suite is a self-contained second dwelling unit which is built into or attached to an existing single family dwelling. The secondary unit is private and smaller than the primary unit. In addition to the kitchen and bath, the suite usually contains one or two bedrooms and a living room. The primary and secondary units usually share any combination of yard space, entrance, and on-site parking. Secondary suites are often found in those areas of the dwelling with the greatest potential for conversion [i.e. attics, basements, above garages].

Currently, there is no zone in Esquimalt which permits Secondary Suites. The RD-1, RD-2 and RD-3 zones, although intended for duplexes, would permit a single family residence with a suite if the suite is considered to be the second half of an up-and-down duplex. Although the zoning bylaw doesn't permit secondary suites, there are many throughout all parts of the community.

The definition of a Secondary Suite does not include additional units constructed in buildings which are already duplexes. The “four-plexing” of duplexes is a separate issue that triggers different considerations.

There are a number of municipalities that do not permit secondary suites [e.g. Saanich] while other municipalities have embraced them and some such as Langford have mandated that a suite be constructed in any single-family dwelling on a parcel greater than 600 square metres in area.

The popularity of suites in recent years has been in response to two primary issues; the first is low vacancy rate in the Capital region and the second is housing affordability. Suites provide an affordable housing alternative for persons looking to rent and a mortgage helper for first-time home buyers or homeowners with limited or fixed incomes. Suites are not indicative of poorer communities or neighbourhoods, they are found in every community.

A CMHC research paper dated October, 2001, “*The Impact of Municipal User Fees on Secondary Suites*” indicates that “while the demand for housing units generally continues to grow, the average number of people per household has steadily declined, resulting in significant housing needs and demands. As the traditional middle-class family becomes a less dominant factor in the housing market, the market must respond to the needs of smaller, and often, less affluent households, single-person households, single-parent families, childless couples, elderly and retired households, and shared-accommodation households.”

Benefits of Secondary Suites:

Secondary suites are a cost-effective means of increasing the supply of affordable rental housing without requiring substantial local government funding. Secondary suites provide a gradual means of achieving more housing in a given area.

For the homeowner, a secondary suite:

- Encourages and enables the homeowner to invest in their home, thereby contributing to the maintenance and revitalization of their neighbourhood;
- Subsidizes mortgage and maintenance costs for first-time buyers;
- Assists elderly homeowners to remain in their homes with greater security and potential support with home maintenance.

For the Community, suites:

- Increase home values which generates higher property tax revenues;
- Support the environment by encouraging more compact communities, land conservation, and energy efficiency with respect to transportation and household operation;
- Create more adaptable communities which are better able to meet the housing and social needs of different demographic groups throughout their life cycle.

Potential Impacts:

The following issues are often raised over the general impact of suites:

- Suites do not pay fair share of property taxes;
- Suites generate increased parking problems;
- Schools are overcrowded;
- Increased use/burden on infrastructure (water, sewer, garbage);
- Increased potential for absentee landowners.

The CMCH 2001 research paper titled "*The Impact of Municipal User Fees on Secondary Suites*" examined a number of the above impacts and found a number of these perceived impacts to be unfounded.

- Majority of home owners have no intentions of converting homes to accommodate secondary suites;
- Secondary suites do not have an overall significant impact on municipal services and costs. Given the trend to smaller households secondary suites can absorb under utilized capacity and allow for more efficient provision of services (water, sewer, garbage);
- Secondary suites serve to offset declines in the school population;
- Impact on parking was found to be negligible as people who live in suites tend to own fewer cars.

Local Government Powers for Managing Secondary Suites:

Local governments have the regulatory authority to govern secondary suites under:

- Planning policies (i.e., OCP, Neighbourhood Plans);
- Regulations – use of bylaws and regulations to manage secondary suites;
- Land Use Designation (i.e., number of units, size of suites, geographic area);
- Financial Powers – user fees and property taxes;
- Penalties and Enforcement – Licenses, municipal tickets, notices on title, the *Offence Act*

Criteria for Consideration:

The issue of secondary suites is not new to BC municipalities. There are a number of recently adopted bylaws and studies to draw from as resources. In reviewing a number of these documents the following criteria seem to be common:

1. Suites are limited to single-family dwellings only;
2. The single-family dwelling is to be owner occupied;
3. The suite is restricted to lots greater than a set parcel size;
4. The suite is not obtrusive to the single-family character of the neighbourhood;
5. One additional parking space is provided;
6. A maximum floor area is set for the suite;
7. Business license is required for the suite;
8. Suite is not subject to subdivision under either the *Land Title Act* or *Strata Property Act*.

Actions to Date:

A Focus Group meeting was held on March 19, 2008 to discuss a number of items related to secondary suites [a copy of the proceedings of that meeting are attached as Schedule "A"]. Group participants included representatives from the Advisory Planning Commission, from not for profit agencies, the building industry, and Development Services staff.

An Open House was held the evening of June 4, 2008 to familiarize the community with issues around Secondary Suites and receive feedback. A questionnaire [copy attached as Schedule "B"] was distributed that evening and also made available on the municipal website. In total, only 22 questionnaires, 15 hard copies and 7 online, were returned. A summary of those responses is attached as Schedule "B"

Due to staff changes and competing priorities, the secondary suite review was not completed in 2008 as planned.

At Council's request staff presented a report and draft amending bylaws to the Committee of the Whole on May 11, 2009. Council approved staff moving forward with a public consultation process including presenting the proposed bylaws to the Advisory Planning Commission for review and holding a Public Information Meeting to provide information to the public and solicit feedback on the proposed amendments.

Prior to the amending bylaws being presented for 1st and 2nd reading, they will be reviewed by our lawyers to ensure that all conditions are enforceable.

Timeline:

As the proposed legalization of secondary suites requires amendment of both the Official Community Plan and the Zoning Bylaw, the statutory process for amending these documents must be followed. These amending bylaws must be given first and second reading by Council after which staff are required to undertake formal notification of the

community indicating the date, time and location of the Public Hearing. Council must hold a Public Hearing prior to considering the amending bylaws for third reading and adoption. The following is the preliminary timeline endorsed at Committee of the Whole on May 11, 2009:

Introduction of proposed amending Bylaws to Committee of the Whole	May 11th
Draft Bylaws referred to Advisory Planning Commission	May 26th
Public Information Meeting	May 28th
Bylaw and Report outlining recommended changes to the amending Bylaws to Council for 1st and 2nd reading	June 15th
Public Hearing	July 6th or 13th*
Final Adoption	July 13th or after Summer Recess

\* The Canada Day Holiday [July 1st] affects the advertising of the Public Hearing and may prevent it from being held on July 6th.

Staff have scheduled the Public Information Meeting for May 28, 2009 in Council Chambers from 4:00pm until 7:30pm, advertisements promoting this event will run in the May 20<sup>th</sup> and 27<sup>th</sup> editions of the Esquimalt News and a notice, along with the amending bylaws, have been posted on the Township's website.

The Committee of the Whole also asked staff to investigate the possibility of providing information material, questionnaires and copies of the proposed bylaws to residents during Buccaneer Days [June 12<sup>th</sup> and 13<sup>th</sup>]. Upon review, this request will require the proposed timeline be adjusted, postponing the Public Hearing until after Council returns from their summer recess.