



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
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Legislation Text

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REQUEST FOR DIRECTION

DATE: March 2, 2020

Report No. DEV-20-015

TO: Laurie Hurst, Chief Administrative Officer

FROM: Tricia deMacedo, Planner 2 and Bill Brown, Director of Development Services

SUBJECT:

Proposed Detached Accessory Dwelling Unit (DADU) Process and Regulation

ESSENTIAL QUESTION:

Is the Committee of the Whole satisfied with the proposed regulatory framework for the legalization of DADUs in the Township?

RECOMMENDATION:

1. That the Committee of the Whole receives Staff Report No. DEV-20-015 for information and provide additional direction to staff as the Committee of the Whole considers advisable; and
2. That the Committee of the Whole direct staff to undertake consultation with the public as outlined in Staff Report No. DEV-20-015 prior to bringing forward zoning bylaw amendments and development permit guidelines for Council's consideration.

BACKGROUND:

Appendix A: Minutes of the Special Committee of the Whole, October 3, 2017.

Appendix B: Matrix of other municipalities' DADU regulations

Appendix C: Proposed zoning amendments

Appendix D: Map of proposed eligible properties

Appendix E: Proposed design guidelines

Detached Accessory Dwelling Units (also known as garden suites, granny flats, detached suites, laneway homes, coach houses etc.) are small, detached dwellings, usually sited in the rear yard of single family lots and accessory to the principal dwelling. DADUs are often cited as a way to provide an opportunity for multiple generations to share property while retaining some independence and privacy for the residents. In addition, these suites can be a way for homeowners to offset the cost of their mortgage and for renters to live in detached housing at a lower cost.

Within the CRD, DADUs are currently permitted within the municipalities of Victoria, Colwood, Metchosin, North Saanich, Sidney and Sooke. Saanich has recently completed a two year study on

'garden suites' and is expected to pass zoning amendments this spring. Further away, Nanaimo has had 'carriage house' regulations since 2008, and a large number of lower mainland municipalities allow 'laneway homes' and 'coach houses'. Vancouver alone has issued over 3000 permits for laneway homes since 2009 and is targeting an additional 4000 by 2028 as part of their housing strategy.

During the Township's Official Community Plan (OCP) review in 2017, the public was found to be very supportive of the concept of allowing DADUs in the municipality. Policy was added under Housing and Residential Land Use that now states: "*Support the inclusion of detached accessory dwelling units on appropriate low density residential land use designated areas where only one principal dwelling unit exists.*" Council was presented with options for regulating DADUs at a Committee of the Whole meeting on October 3, 2017, and at that time the Committee of the Whole supported the use of a development permit (DP) process. This would entail rezoning eligible properties to a new 'DADU zone' so that individual applicants would not be required to rezone each time a new DADU was proposed as long as their proposal met the requirements of the zone. However, the Committee of the Whole did state that in order to have some control over the design of DADUs, they would like to see a development permit process established (Appendix A).

Based on this direction, staff have prepared a set of recommended zoning amendments for the creation of a Single Family Residential-6 ('DADU') zone and a set of design guidelines that would be incorporated into the OCP as part of a development permit process. Staff are seeking direction from the Committee of the Whole regarding:

- The proposed process for obtaining permission to build a DADU.
- The proposed zoning regulations for DADUs.
- Parking requirements for DADUs.
- The proposed eligibility for properties to be included in the new RS-6 zone.
- The extent and nature of public engagement on DADUs prior to bringing forward any proposed amendments to Council.

ISSUES:

Proposed Regulatory Framework

Staff have completed an analysis of the detached suite regulations in other jurisdictions on Vancouver Island and the lower mainland and have compared this to the Township's low density residential lot sizes and configurations in order to develop the regulations for the proposed RS-6 zone (Appendix B). The proposed regulations (see Appendix C) fall into three primary categories: Eligibility, siting, size (density and height).

Eligibility

Staff suggest that DADUs be permitted only on lots where all of the following conditions are met:

- Currently zoned RS-1 or RS-5;
- The entire lot is located greater than 20 m from the Gorge Waterway or 10 m from the Strait of Juan de Fuca;
- The lot is not a strata lot;
- The lot is designated as low density residential on Schedule B of the OCP; and
- Lot area is greater than 530 m² or greater than 475 m² on a corner lot or double fronting lot

(laneway).

Applying these criteria to existing lots within the Township indicates that 1089 properties will qualify for inclusion in the proposed RS-6 zone (see map Appendix D). Of these, 1051 are lots greater than 530 m², which is the minimum lot size for the existing RS-1 zone. The remainder are smaller corner lots or lots with double frontages (primarily on Lockley Rd.).

Inclusion in the RS-6 zone does not necessarily imply that a DADU could be constructed on the property, only that the lot size and location meets the criteria. Existing buildings, contours, trees, servicing etc. can all impact the potential for adding a DADU.

Based on the suggested process, if a property is not included in the proposed RS-6 zone, rezoning would be required for any proposed DADU. Thus, owners of duplex zone lots that currently have a single detached dwelling may choose to rezone to add a DADU instead of constructing a duplex.

Siting

Standard practice is for DADUs to be located in the rear yard only. A variance process could be used in situations where front or side yard siting might be more appropriate. The proposed siting requirements align for the most part with the existing setbacks for accessory buildings in the zoning bylaw, with the exception of the combined side yard setback of 4.5 m which is for the principal dwelling.

Size

Staff suggests that the maximum floor size of a DADU be limited to 65m². Lot coverage and floor area ratio (FAR) would remain the same as for existing RS-1 and RS-5 zoned lots, therefore density will not change, whether or not a DADU is constructed. Lots with large principal dwellings will be more limited in the size of the DADU permitted. Additional measures are recommended to ensure that DADU residents have access to usable open space:

- Maximum rear yard coverage 25%; and
- Minimum amount of open space of 20 m².

Height of DADUs are proposed to be limited to the same height allowed for accessory buildings (3.6 m), which allows for a one storey building with sloped roof. The maximum height of a DADU would also not be permitted to be higher than that of the principal dwelling in order to prevent overlook of adjacent neighbours on steeply sloping lots.

Proposed Approval Process

As per Council's direction in October 2017, staff suggests that the COTW consider a Development Permit (DP) approval process for applications where the lot is located in the proposed RS-6 zone. The disadvantage of a DP process over a full rezoning is that a development permit does not have the same opportunity for public input as offered through a public hearing. The advantage of the DP process is that it allows Council some measure of control over the siting and design of the DADU, but with a shorter timeline and reduced fees for the applicant as compared to a full rezoning process, as well as less impact on staff resources. The current fee for a DP in the Township is \$750.

While Saanich and Victoria both offer a delegated DP process, staff suggests that Council retain approval authority at this time. As this form of building is new to the Township, the public will have

more confidence in the process if applications are reviewed by Council, at least at the beginning. This decision can be reviewed in the future if Council wishes. All DPs will be reviewed by the Advisory Planning Commission prior to coming to Council.

Proposed Design Guidelines

Staff have created a preliminary set of design guidelines which Council can consider as part of a regulatory scheme for DADUs (Appendix D). DADUs would logically fit within DP Area 3, Enhanced Design Control Residential, which already is used for single detached infill projects and duplexes. Staff proposes to add an additional section for DADUs to this DPA through an Official Community Plan amendment, to be brought forward for approval by Council. The design guidelines would provide the applicant, staff and Council with direction on the desired form and character of these units without being overly prescriptive. Proposed design guidelines specific to DADUs would include those to address the street presence of the suite, entry way design, landscaping and open space, size in relation to the principal building and roof projections.

Accessory Building Conversion

Applications to convert an existing accessory building to a DADU would require some additional scrutiny. The City of Victoria initially allowed conversion of buildings, but found in the first few years that some applicants tried to circumvent the development permit design review process and tree protection guidelines by building an accessory building first and then applying to convert the building later. As a result, the City recently introduced a requirement that accessory buildings could not be converted to DADUs until after a five year waiting period. The District of Saanich is recommending that conversion of accessory buildings not be permitted. To address this issue, Development Services staff suggests that only accessory buildings built prior to the adoption of the RS-6 bylaw amendments be allowed to be converted. Community Safety Services staff also point out the difficulty of determining whether an accessory building has been built to the necessary code requirements for a residential dwelling. Their suggestion is that applicants hire a third party to make this assessment.

Parking

Parking on single family lots is a significant cause of the loss of urban forest along with an increase in impermeable surfaces. Additional parking for a DADU is not required in the City of Victoria (with smaller lots permitted garden suites) and is not suggested by staff for the Township either. However, should Council choose to require additional parking, the following mitigation measures are recommended:

- That there would be no additional curb cuts allowed for access to parking;
- That trees may not be removed for parking; and
- That parking be allowed in tandem with existing parking (i.e. behind each other and not necessarily behind the front face of the building as per Section 9. (4) of the Parking Bylaw 1992, No. 2011).

Public Engagement for Legalization of DADUs

Public support for legalization of DADUs is expected to be high. Recent surveys in the District of Saanich found 72% of residents strongly support DADUs (survey of 1063 people). Development Services staff have also received a large number of inquiries from residents interested in building DADUs in the Township.

However, support for legalization may also be tempered by resident's concerns regarding setbacks,

removal of neighbourhood trees, parking and loss of privacy. In order to allow for transparency, a public consultation process is suggested in order to gauge the level of support for the proposed process and regulations. This consultation can take place alongside consultation for the 'recalibration' of the OCP that is also taking place during 2020 or it can be conducted independently. Recommended forms of public engagement include an open house, survey, updates on the Township website and social media and information displays. Staff would then return to Council with the results of this engagement and a proposed bylaw for first reading.

ALTERNATIVES:

1. That the Committee of the Whole receives Staff Report No. DEV-20-015 for information and provide additional direction to staff as the COTW considers advisable; and
That the Committee of the Whole direct staff to undertake consultation with the public as outlined in Staff Report No. DEV-20-015 prior to bringing forward zoning bylaw amendments and development permit guidelines for Council's consideration.
2. That the COTW provide alternative direction to staff.
3. That the COTW request further information from staff.