



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

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REQUEST FOR DECISION

DATE: February 17, 2021

Report No. DEV-21-003

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Detached Accessory Dwelling Unit Bylaw Amendments

RECOMMENDATION:

That Council give first reading to Zoning Bylaw, 1992, No. 2050 And Parking Bylaw, No. 2011, 1992, Amendment Bylaw No. 3013, 2021, which would allow for the regulation of Detached Accessory Dwelling Units (DADUs) in specific areas of the Township and further, that Council authorize staff to distribute notices to all affected property owners outlining the proposed amendments.

RELEVANT POLICY:

Declaration of Climate Emergency, 2019
Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No 2050
Parking Bylaw, 1992, No. 2011

STRATEGIC RELEVANCE:

Healthy, Livable and Diverse Community - Support community growth, housing, and development consistent with our Official Community Plan (OCP).

BACKGROUND:

The following Appendices are attached to this report:

Appendix A: Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011,
Amendment Bylaw No. 3013, 2021

Appendix B: Summary of Regulations

Appendix C: Staff PowerPoint Presentation

The Township of Esquimalt is considering allowing Detached Accessory Dwelling Units (DADU) by rezoning selected properties which fit the criteria established by Council such that these properties would be allowed one principal dwelling as well as one DADU with an approved Development Permit and Housing Agreement.

Council has reviewed draft regulations and guidelines as proposed for DADUs at two separate Committee of the Whole Meetings. The residents of Esquimalt have also been provided with an opportunity to provide their feedback on the proposed guidelines through a survey which took place during the spring of 2020. The results of this feedback and some suggested revisions to the regulations, based on the comments received, were presented to Council on November 9, 2020. At that time Council directed staff to prepare an amendment bylaw to legalize DADUs.

Staff have prepared a set of recommended zoning amendments for the creation of two new zones: RS-6 Single Family DADU Residential and RD-4 Two Family DADU Residential as well as amending the RS-5 zone to permit DADUs (Appendix A). The bylaw also contains the necessary amendments to the Parking Bylaw and includes conditions intended to address engineering requirements related to DADUs.

Eligible properties that are within the RS-1 and RS-3 zones would be rezoned to RS-6. Eligible properties within two family residential zones where a duplex has not been constructed, would be rezoned to the RD-4 zone. All existing RS-5 properties will be eligible for a DADU. Schedules D and E of the bylaw show the properties that are affected and which new zone they will be assigned to.

Eligibility depends on a property meeting ALL the following criteria:

- Property is currently zoned RS-1, RS-3, RS-5, RD-1, RD-2, or RD-3;
- If zoned RD, not registered as a duplex;
- 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 just under 1500 properties will be eligible to build a DADU if they can meet all other zoning regulations (see Table below). About 15% of these are very large properties greater than 1000 m².

	Eligible Properties < 1000m ²	Eligible Properties >= 1000 m ²	Total Eligible Properties
Single Family Residential zoned	943	155	1098
Duplex zoned with only one unit constructed.	308	62	370
Total	1251	217	1468

OCP ANALYSIS:

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 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.*”

All DADU applications will be required to obtain a Development Permit for both form and character as well environmental matters. Existing buildings, contours, trees, servicing etc. could all impact the potential for adding a DADU even if the property is already zoned. The current fee for a DP in the Township is \$750. All DPs will be reviewed by the Advisory Planning Commission prior to going to Council for final approval.

Design guidelines for DADUs can be found in Appendix B. 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.

DADUs will also be subject to the following existing environmental and form and character guidelines in the following Development Permit Areas:

- Development Permit Area No.1: Natural Environment
- Development Permit Area No. 3: Enhanced Design Control Residential
- Development Permit Area No.7: Energy conservation and greenhouse gas reduction.
- Development Permit Area No.8: Water conservation

ZONING ANALYSIS:

The proposed regulations for siting, size, density and height can be found in Appendix B along with the proposed Development Permit guidelines.

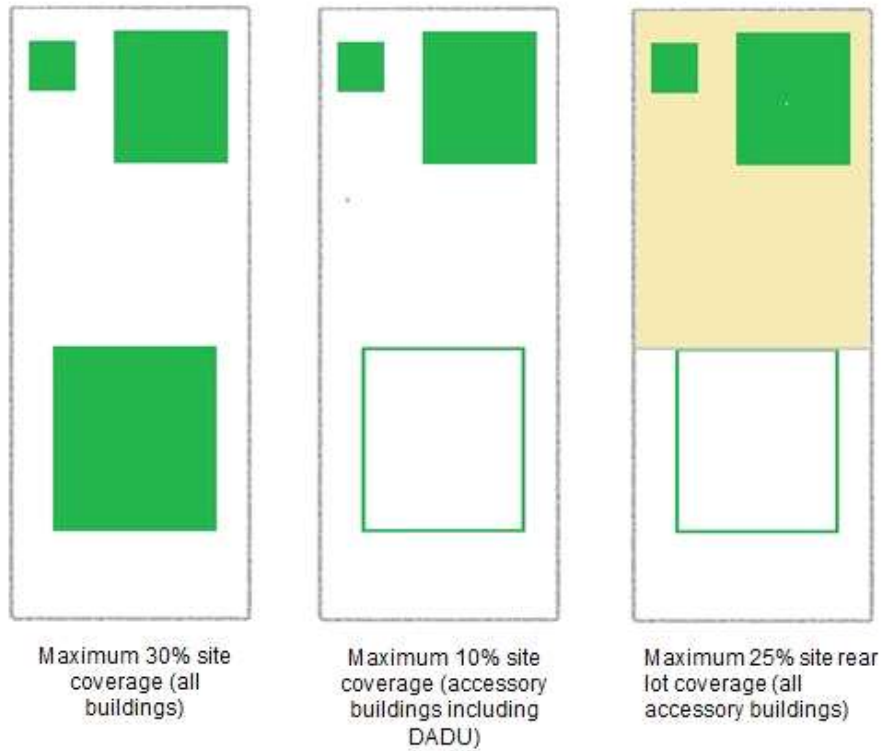
Siting

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 with the existing setbacks for accessory buildings in the zoning bylaw.

Size and Density

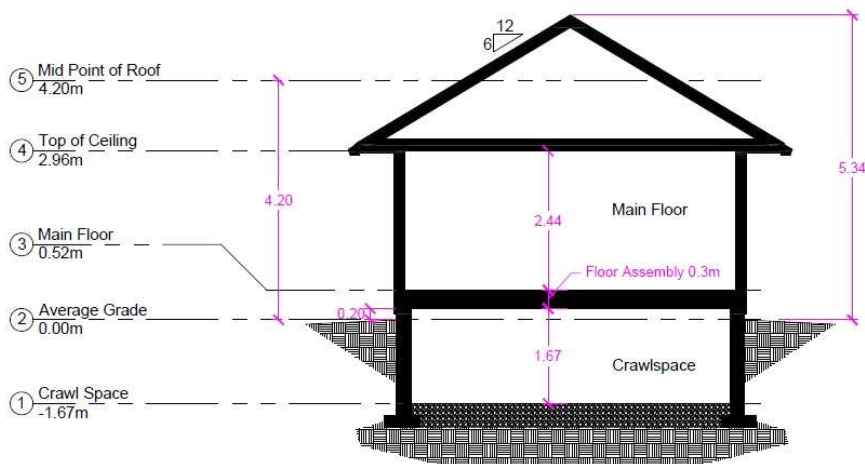
The maximum floor size of a DADU will be limited to 65m². This is approximately 700 square feet. Lot coverage and floor area ratio (FAR) would remain the same as for existing single and two family zoned lots. Lots with large principal dwellings will be more limited in the size of the DADU permitted. 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

The height of a DADU would be capped at 4.2 m which would allow for additional headroom over and above an 8 ft standard ceiling height. The maximum height of a DADU would also not be permitted to be higher than that of the principal dwelling to prevent overlook of adjacent neighbours on steeply sloping lots. Basements will not be permitted.



PARKING ANALYSIS:

Parking on single family lots is a significant cause of the loss of urban forest along with an increase in impermeable surfaces. Most municipalities require one additional parking space for a detached suite, except for the City of Victoria. A mitigation measure is proposed to reduce the impact of additional parking on-site by allowing this parking to occur in front of the front face of the principal building. In addition, staff will support variances to this requirement where mature trees or landscaping would be affected by installation of a parking space for a DADU. DADUs both with and without additional vehicle parking will be encouraged to provide secure, covered bicycle parking for future residents. Future updates to the Parking Bylaw will seek to make this a requirement in the future.

OTHER

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. To address this issue, Development Services staff suggests that only accessory buildings built prior to the adoption of the DADU bylaw amendments be allowed to be converted.

Owner Occupation

The bylaw amendments contain provisions to require the owner to sign a covenant prior to issuance of a Development Permit to ensure a DADU cannot be subdivided and stratified from the Principal Dwelling. In addition, a housing agreement will be required to ensure that either the DADU or the Principal Building are occupied by the owner of the property.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): New DADUs will be treated as with any other new construction. Regarding conversion of accessory buildings, Community Safety Services staff have pointed out the difficulty of determining whether an accessory building has been built to the necessary code requirements for a residential dwelling. Their preference is that applicants be required to hire a third party to make this assessment.

Engineering Services: Engineering staff have advised that all DADUs will be required to share services with the existing principal building and that no new services will be permitted. Underground wiring to the DADU will be required.

Fire Services: The Fire Department has reviewed the regulations and requests that the DADU have visible addressing on the building, and numbering that has been provided by the Township.

COMMENTS FROM THE ADVISORY PLANNING COMMISSION

The proposed regulations and guidelines were considered at the regular meeting of the APC held on January 19, 2021 and the following motions were passed:

That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the condition that no additional parking space be required for the DADU unit.

Reason: Parking takes up too much green space.

That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the following condition that consideration be given to removing the requirement to have an owner live on site.

Reason: There is no requirement for secondary suites to be owner occupied and there have been no major issues.

That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the following consideration be given to changing the height to 1.5 storeys to accommodate interior lofts.

Reason it will increase livable and versatility.

COMMENTS FROM THE DESIGN REVIEW COMMITTEE

The proposed regulations and guidelines were considered by the DRC at their meeting of February 10, 2021 and the following motion was passed:

That the Esquimalt Design Review Committee (DRC) recommends to Council to approve the proposed regulations and guidelines for the Detached Accessory Dwelling Units.

Rationale: Solid approach based on DADU eligibility. Likes the amount of flexibility and control in the policy.

ISSUES:

1. Rationale for Selected Option

Staff have taken a conservative approach to the development of DADU regulations for Council and residents to feel comfortable with beginning this new form of development. For this reason, one storey buildings with small footprints have been chosen rather than a more complicated regime with varying degrees of size and height depending on lot size. The City of Victoria experience indicates that starting with two storey DADUs caused some community concerns and staff there have since needed to lower the allowable height.

Using a Development Permit to permit DADUs allows Council the ability to review and authorize each DADU on its design and environmental impact according to the guidelines which have been proposed. While the DP process does not allow for the public to provide comments, staff are confident that the regulations and guidelines, as proposed, will limit neighbour's concerns.

Public feedback on legalizing DADUs has been extensive and is overwhelmingly positive. It appears that the public is receptive to even less regulation and larger DADUs in the future (for example see APC motions regarding height and parking). Finally, the regulations and process

framework as proposed, are in line with Esquimalt's neighboring municipalities or are more conservative in approach. Should a DADU proposal not meet these regulations, a rezoning or DVP application will be forwarded to Council.

2. Organizational Implications

Processing of DADU applications as Development Permits rather than rezoning applications will reduce the workload for all staff. However, each DADU will require additional staff time over and above that required for a secondary suite (BP only). Due to the expected level of interest in building DADUs in Esquimalt, Development Services and Building Inspection staff will be processing more applications in the future. The number of these applications is unknown currently.

3. Financial Implications

The potential financial implication of approving DADUs is that the property value of those eligible properties could increase due to the new use. However, as secondary suites are already allowed in the single family zones and no additional units are being permitted in duplex zones, the increase should be minimized. There is no data available to assess this risk.

4. Sustainability & Environmental Implications

The addition of DADUs to the Township could have environmental implications for the loss of urban forest as trees are removed for new construction. A review of the tree bylaw is taking place in 2021 to address tree loss to new development; this is an opportunity to address tree replacement as well. Variances will be supported where the applicant is making changes to save existing trees.

Staff will encourage all DADU applicants to provide as much information as possible regarding the carbon intensity and energy efficiency of any new building. These small buildings are ideal to be heated with ductless heat pumps, saving the occupant operational costs as well as reducing carbon emissions.

5. Communication & Engagement

Significant community engagement has been conducted for the regulation of DADUs. In addition to the 2020 survey, which was completed by almost 500 respondents, the detached suites webpage, set up in 2020, has received over 1100 unique page views. The draft regulations and guidelines have also been reviewed by both the Advisory Planning Commission and the Design Review Committee. Due to the significant development implications that this Bylaw will have on a significant number of properties, staff are suggesting that affected property owners be notified before the Bylaw is given second reading to deal with any issues raised by property owners prior to the public hearing. Following this notification period, staff will return the Bylaw to Council for second reading, along with any proposed amendments, and scheduling of a Public Hearing. This method should help alleviate Council making last minute amendments following a public hearing which sometimes results in errors and sometimes may trigger a new Public Hearing.

Advertisement in two consecutive editions of a local newspaper will be published to notify residents of the public hearing.

ALTERNATIVES:

1. That Council give first reading to Zoning Bylaw, 1992, No. 2050 And Parking Bylaw, No. 2011,

1992, Amendment Bylaw No. 3013, 2021, which would allow for the regulation of Detached Accessory Dwelling Units (DADUs) in specific areas of the Township and further, that Council authorize staff to distribute notices to all affected property owners outlining the proposed amendments.

2. That Council provide alternative direction to staff.