



# 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 2, 2021

Report No. DRC-21-002

**TO:** Chair and Members of the Design Review Committee

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

**SUBJECT:**

Detached Accessory Dwelling Units Proposed Regulations and Guidelines

**RECOMMENDATION:**

That the Design Review Committee (DRC) receive Staff Report DRC-21-002 for information and provide a recommendation to Council regarding the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt.

**RELEVANT POLICY:**

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

**STRATEGIC RELEVANCE:**

Support community growth, housing and development consistent with our Official Community Plan (OCP): Complete staff report on the feasibility and benefits of having a policy in regard to detached accessory dwelling units, carriage houses and below market housing.

**BACKGROUND:**

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, Saanich, Sidney and Sooke. Further away, Nanaimo has had 'carriage house' regulations since 2008, and a large number of lower mainland municipalities allow 'laneway

homes' and 'coach houses'. The City of Vancouver has issued over 3000 permits for laneway homes since 2009 and is targeting an additional 4000 by 2028 as part of their housing strategy.

On March 9, 2020 staff presented Council with a proposed regulatory framework and design guidelines for the legalization of Detached Accessory Dwelling Units in Esquimalt. Council directed staff to undertake public engagement using these proposed regulations as a basis for discussion with the public. During the spring of 2020, a survey was conducted to obtain resident's feedback on the proposed location and regulations for DADUs in Esquimalt. 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.

The purpose of this report is to present the DRC with the proposed regulatory framework and design guidelines for Detached Accessory Dwelling Units in Esquimalt for their information and feedback to Council.

#### **PURPOSE OF APPLICATION:**

The Township is creating a regulatory framework for the legalization of Detached Accessory Dwelling Units.

#### **CONTEXT:**

Staff have prepared a set of recommended zoning amendments for the creation of two new zones: RS-6 Single Family Residential DADU and RD-4 Two family Residential DADU as well as amending the RS-5 zone to permit 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.

The map of eligible properties is shown in Appendix A. Eligibility depends on the property meeting ALL of 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 m<sup>2</sup> or greater than 475 m<sup>2</sup> 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. About 15% of these are very large properties greater than 1000 m<sup>2</sup>.

	Eligible Properties < 1000m2	Eligible Properties >= 1000 m2	Total Eligible Properties
Single Family Residential zoned	943	155	1098
Duplex zoned with only one unit constructed.	308	62	370
<b>Total</b>	<b>1251</b>	<b>217</b>	<b>1468</b>

**ISSUES:**

**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 as existing environmental issues. 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 and the Design Review Committee prior to going to Council.

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 DP 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**

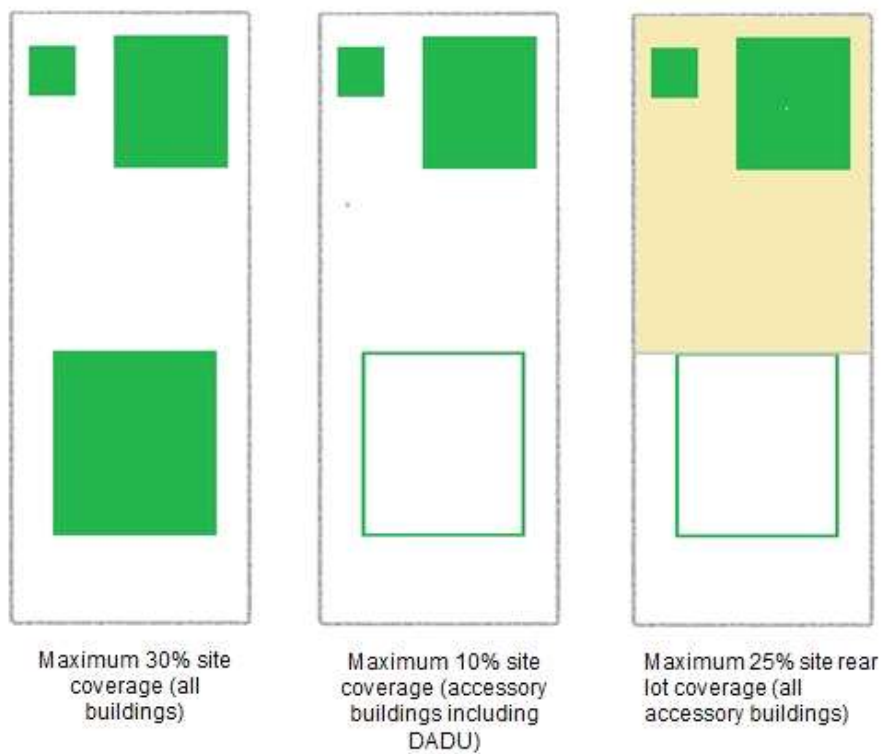
Standard practice is for DADUs to be located in the rear yard only. A variance process could be used

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**

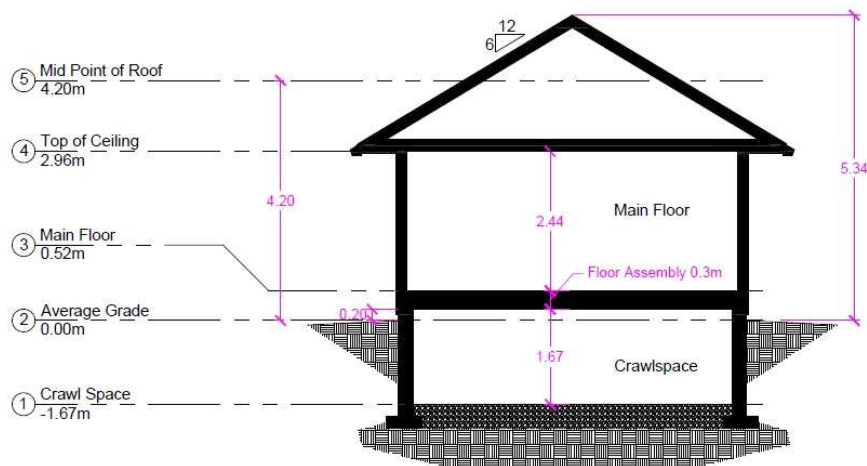
The maximum floor size of a DADU will be limited to 65m<sup>2</sup>. This is approximately 700 square feet. Lot coverage and floor area ratio (FAR) would remain the same as for existing RS-1 and RS-5 zoned lots, therefore density will not change, whether or not a DADU is constructed. Lots with large 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 m<sup>2</sup>.



### **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. However, no additional living space would be possible on a second storey. 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. 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. Additional parking for a DADU is not required in the City of Victoria (with smaller lots permitted garden suites) and is not recommended by staff for the Township either. One additional parking space built to the required dimensions under the Township’s parking bylaw uses 14.3 m<sup>2</sup> (not including drive aisles), which is 22% of the allotted floor space for a DADU.

Public feedback on the subject of required parking for DADUs in Esquimalt was primarily in favor of more parking. Thirty two percent of survey respondents indicated that having one additional parking space is very important. Another 24% indicated it was important, for a total of 56%. Interestingly, 24% indicated it was either not important or not important at all. The main rationale given for requiring a parking space is that street parking would increase. However, many diverse rationales for not requiring a parking space were also provided, such as the need to encourage alternative transportation and discourage car ownership, the possibility that the renter(s) would not own a car, the proximity to transit and bike trails, the increased cost to build housing, removal of landscaping and mature trees and the increased amount of impervious surfaces created by parking spaces.

DADUs both with and without additional vehicle parking will be encouraged to provide secure, covered bicycle parking for future residents.

## 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.

### **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 has commented on the following:

1. Visible addressing on the building and numbering that has been provided by the Township.
2. Separation between all buildings must meet the BC Building Code
3. All bedrooms in the DADU must have windows as per BC Building Code

### **ISSUES:**

#### 1. Rationale for Selected Option

Staff have presented to Council on two occasions at Committee of the Whole to receive feedback on the proposed regulations. Public engagement results were presented to Council for discussion on specific issues such as parking, lot eligibility, floor area and height. 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 at this time.

#### 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

A survey to gauge the public level of support for the proposed regulations for DADUs was tested on a small group and then launched on May 10, 2020. The survey ran for approximately 5 weeks in which time 484 respondents completed the questionnaire. At the same time, the community planning webpage of the Esquimalt website was updated to include a page for DADUs, which contained the March 9 staff report, the proposed regulations, a map of the proposed eligible properties and a set of Frequently Asked Questions. This webpage was been viewed over 1000 times from May to September.

The results of the survey are attached in Appendix C. Four hundred and eighty four surveys were completed by the closing date on June 15, 2020. Ninety six percent of the respondents indicated they currently live in Esquimalt with one quarter also self reporting that they live within the Saxe Point area. Fifty percent of the respondents are between 31 and 49 years of age and 44% indicated they would like to build a DADU or may want to build a DADU in the future.

Results of the survey include the following:

- Eighty-four percent of respondents are very supportive or supportive of legalizing DADUs.
- Sixty-three percent of respondents are very supportive or supportive of using Development Permits to regulate DADUs. Of those who responded they would prefer a different process, 70% thought a building permit would be adequate.
- Support for a height limitation of 1-storey is roughly equivalent to support for 1.5-storey DADUs (33% vs. 30%).
- Fifty-three percent of respondents are very supportive or supportive of allowing a larger size DADU on larger lots.
- Approximately half of respondents are very supportive or supportive of allowing up to three units on a property and approximately 25% of respondents are not supportive or not supportive at all of allowing three units.
- Fifty percent of respondents are very supportive or supportive of the eligibility requirements for properties.
- Privacy was the most important factor respondents would like Council to consider when creating development permit guidelines for DADUs in Esquimalt.

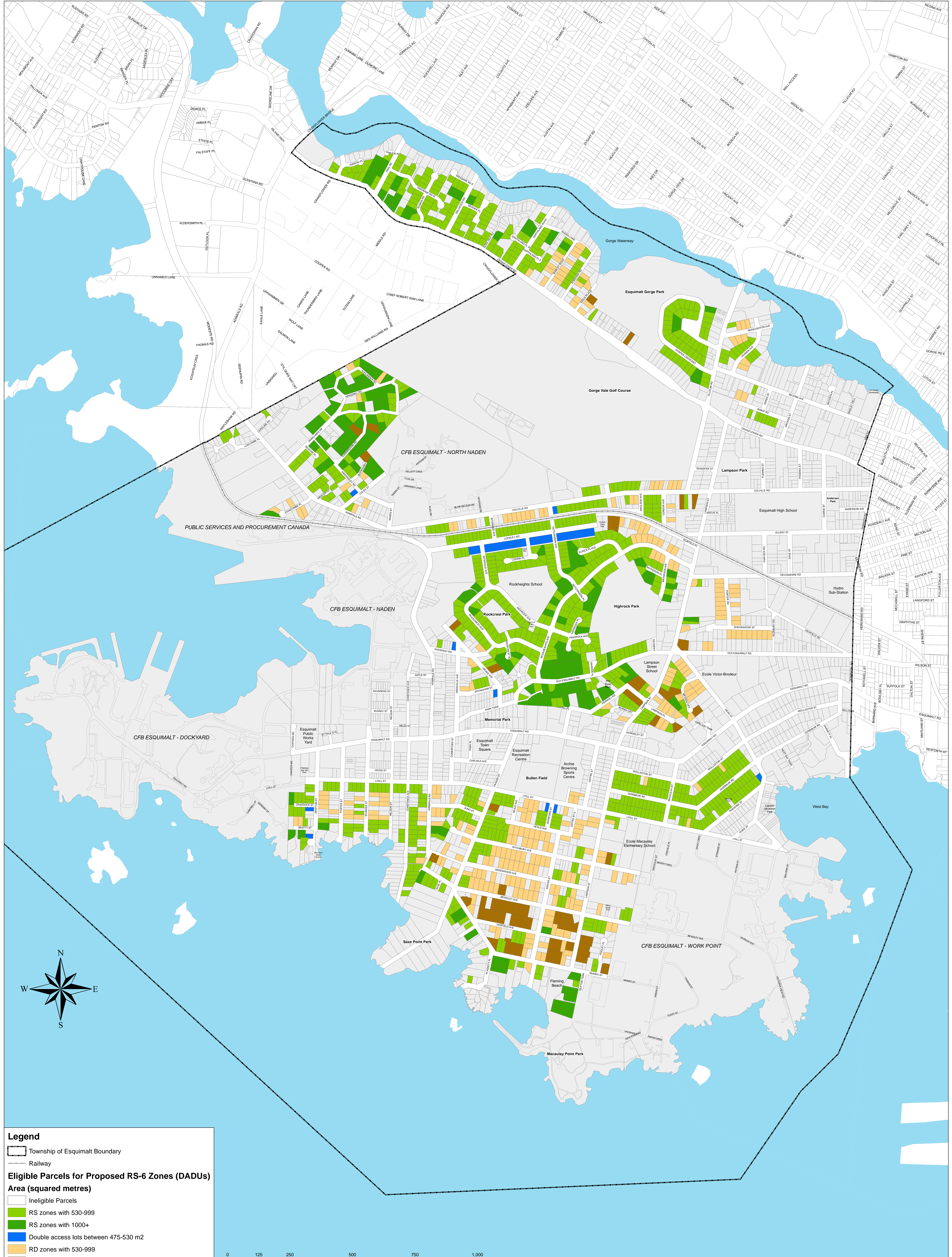
## ALTERNATIVES:

- 1) That the Design Review Committee receive Staff Report DRC-21-002 for information and provide a recommendation of approval to Council regarding the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of

Esquimalt.

- 2) That the Design Review Committee provide alternative feedback to Council.





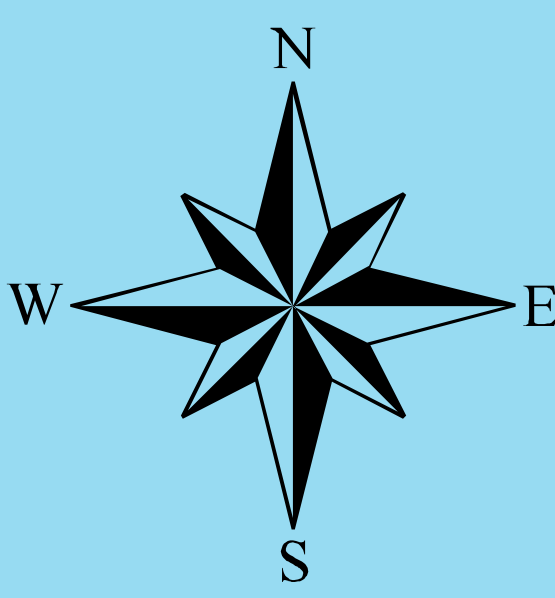
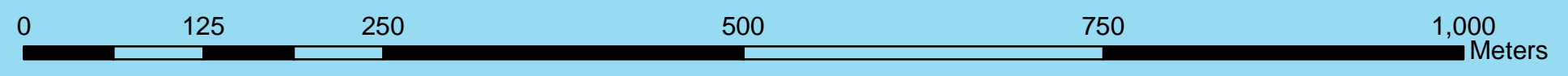
**Legend**

- Township of Esquimalt Boundary
- Railway

**Eligible Parcels for Proposed RS-6 Zones (DADUs)**

**Area (squared metres)**

- Ineligible Parcels
- RS zones with 530-999
- RS zones with 1000+
- Double access lots between 475-530 m2
- RD zones with 530-999
- RD zones with 1000+



## Township of Esquimalt – Proposed Detached Accessory Dwelling Unit Regulatory Framework

### **ELIGIBILITY for DADU**

Regulation	Proposed	Rationale
<b>OCP Proposed land use designation</b>	Low density residential only	Already in OCP policy
<b>Where zoned for B&amp;B</b>	Not permitted	Standard practice
<b>Where a secondary suite, DADU.</b>	Not permitted	Standard practice
<b>Where zoned for duplex</b>	Eligible if meeting all other eligibility requirements and no duplex has been constructed	Public feedback
<b>Waterfront lots or within 20 m of Gorge or 10 m of Strait</b>	Not eligible	Environmental development permit area.
<b>On bare land strata lots</b>	Not eligible	Servicing issues, strata law.
<b>Parcel size minimum</b>	475 or 530 m <sup>2</sup>	475 where there is a corner lot or laneway access. 530 for other lots. 530 is the minimum lot size for RS zoned lots.
<b>Accessory building</b>	Cannot convert accessory buildings constructed after DADU zoning adopted.	Standard practice
<b>Strata titling</b>	Not permitted	Standard practice
<b>Requirement that either garden suite or principal dwelling be occupied by the owner</b>	Yes	Public feedback

## Township of Esquimalt – Proposed Detached Accessory Dwelling Unit Regulatory Framework

### **SITING**

Regulation	Proposed	Rationale
<b>Siting on lot</b>	Rear yard only.	Standard practice
<b>Rear yard setback</b>	1.5 m	As per existing setback
<b>Side yard setbacks</b>	1.5 m	As per existing setbacks.
<b>Exterior side yard setback</b>	3.6 m	Consistent with existing RS-1 requirement.
<b>Combined side yard setback</b>	4.5 m	
<b>Distance from principal dwelling</b>	2.5 m	As per existing distance for accessory buildings from PD
<b>Minimum amount of open space</b>	20 m <sup>2</sup>	As per Saanich regulations. Minimum dimension 3 m.
<b>Minimum lot depth</b>	Not required	Setbacks will cover siting

### **DENSITY AND HEIGHT**

Regulation	Proposed	Rationale
<b>Number of stories (stories includes basement)</b>	1	Council minutes Oct 3, 2017
<b>Maximum floor area</b>	65 m <sup>2</sup>	Balances site coverage against tree and open space loss while permitting sufficient space to contain an efficiently designed two bedroom suite.
<b>Lot coverage (all buildings)</b>	30%	As per existing RS-1 requirement
<b>Floor area ratio</b>	0.35	As per existing RS-1 requirement
<b>Lot coverage (accessory only)</b>	10%	As per existing RS-1 requirement
<b>Site coverage (rear yard only)</b>	25%	Standard practice
<b>Height (maximum)</b>	3.6 m	Decreases potential for impact to neighbours. Consistent with existing Accessory Building allowable height in RS-1 zone.
<b>Height in relation to Principal Dwelling</b>	The maximum height of a Garden suite should not be at an elevation higher than that of the principal dwelling.	To prevent overlook of garden suites onto the principal dwelling or that of neighbours

## Township of Esquimalt - Proposed Detached Accessory Dwelling Unit Design Guidelines

*Pre-existing DP guidelines are italicized*

Issue	Guideline
<b>Overlook</b>	<p><i>Buildings should be designed to minimize visual intrusion on to the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks and patios into the building or by screening them with latticework or landscaping. Windows should be spaced so that they do not align directly with those of other buildings.</i></p> <p>Windows oriented towards adjacent properties are discouraged, unless it can be demonstrated that overlook is mitigated by a design or natural feature.</p> <p>Roof decks and balconies on the roof are not permitted.</p>
<b>Protecting mature trees and sensitive habitat</b>	<p><i>Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.</i></p> <p>Siting should respect mature trees both on-site and on adjacent properties by locating the garden suite to minimize the impact on a tree's root system. A certified arborist report may be required as part of the application.</p>
<b>Impervious surfaces</b>	<p><i>Maximize the ratio of planted and pervious surfaces to unplanted surfaces, and design paved areas to direct water towards vegetated areas, to help reduce surface run off.</i></p> <p><i>Use porous surfaces to enhance stormwater infiltration; permeable paving is preferable for all open air parking areas.</i></p>
<b>Design</b>	<p><i>To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas and prominent front doors is encouraged.</i></p>
<b>Massing</b>	<p>On sloping sites, the scale, mass and location of the garden suite should adapt to the topography and natural features. View from adjacent properties should be considered in the design of the garden suite.</p>
<b>Lighting</b>	<p><i>Use International Dark-Sky Association approved lighting fixtures in outdoor locations.</i></p> <p><i>Outdoor lighting shall be no brighter than necessary, be fully shielded, have minimal blue light emissions and only be on when needed. Avoid vanity lighting, and lighting directed into the night sky and tree tops.</i></p>
<b>Entryway design and orientation</b>	<p>The entrance to the garden suite should be oriented to and visible from the street, well lit and provide protection from the elements by either a projecting roof or by recessing the front door.</p> <p>On corner lots and laneways, the primary entry to the garden suite should be oriented to the side street or laneway, rather than the front lot line. If this orientation is not possible, the entryway should face the interior of the lot rather than the exterior.</p>

	A minimum 1.2 m wide, unobstructed pathway must be provided to the front door of the garden suite from the street or laneway.
<b>External mechanical equipment</b>	<i>Hydro utility meters and mechanical systems should not be placed on the front façade of a building and, if placed in a manner which is visible from the street, will be appropriately screened by the owner in a manner consistent with BC Hydro requirements.*</i>
<b>Roof form</b>	<i>Rooflines of new development should relate in height, shape and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid having large unbroken sloped roof areas facing the street.*</i>
<b>Outdoor space</b>	The garden suite should be provided with a minimum of 20 m <sup>2</sup> of open space at grade, separate and distinct from that for the principal dwelling. Open space should be immediately adjacent to and accessible from the garden suite and be defined and screened through the use of landscaping, plantings, fences or trellises and/or changes in grade. Open space should not be usable as a parking space.
<b>Landscaping</b>	Exterior side yards on corner lots should be designed and treated as the main entrance to the garden suite. Screening and landscaping between the street and outdoor space should be used to define the transition from public to private space.
<b>Energy efficiency</b>	Designs which incorporate as many of the green building features outlined on the Green Building Checklist as possible are encouraged.
<b>Projections (bay windows etc.)</b>	Where dormers are used to provide interior room height, the exterior face of the dormer should be set back a minimum of 0.6 m from the exterior wall edge, and 1.2 metres from projecting roof eaves.
<b>Garbage and recycling</b>	Garbage and recycling collection areas must be provided onsite and must be screened from view.
<b>Servicing</b>	Services shall be shared with the principal dwelling. Underground wiring must be provided to the garden suite.