



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 21-206, Version: 1

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### REQUEST FOR DECISION

**DATE:** April 7, 2021

Report No. DEV-21-026

**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 - Second Reading

**RECOMMENDATION:**

1. That Council give second 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
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, No. 2011, 1992, Amendment Bylaw No. 3013, 2021, and to advertise for the same in the local newspaper.

**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: Notification to eligible properties

Appendix C: Correspondence

At the regular Council meeting of February 22, 2021, Council gave first reading to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, No. 2011, 1992 Amendment Bylaw No 3013, 2021 (cited as Amending Bylaw 3013 thereafter). This bylaw will allow for Detached Accessory Dwelling Units (DADUs) as a permitted use in two new zones and one existing zone of the Township. Council also

authorized staff to individually contact each property owner affected by this amending bylaw. Some correspondence was received because of this large mailout. This correspondence is attached in Appendix C.

The notification to property owners has been completed and the bylaw is ready for Council to consider giving second reading and scheduling a public hearing as the next step in the process.

### **CHANGES SINCE FIRST READING**

The notification to homeowners was sent to approximately 2500 individual owners of the eligible parcels in the first week of March. The letter to owners is attached as Appendix B. Owners were provided with the option of declining the rezoning (opting-out) and for various reasons owners of eleven eligible properties decided to do so. These properties have been removed from the schedules and will stay in the zone in which they are currently placed. If an application for a DADU is received from one of these properties, the applicant will need to rezone to allow a DADU as a permitted use.

One clerical error has also been corrected in the bylaw on page three to change an incorrect number for a DP area in the OCP. DPA 4 Enhanced Design Control Residential is now changed to DPA3 Enhanced Design Control Residential.

### **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 are embedded in the new bylaw to provide the applicant, staff and Council with direction on the desired form and character of these units. 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:**

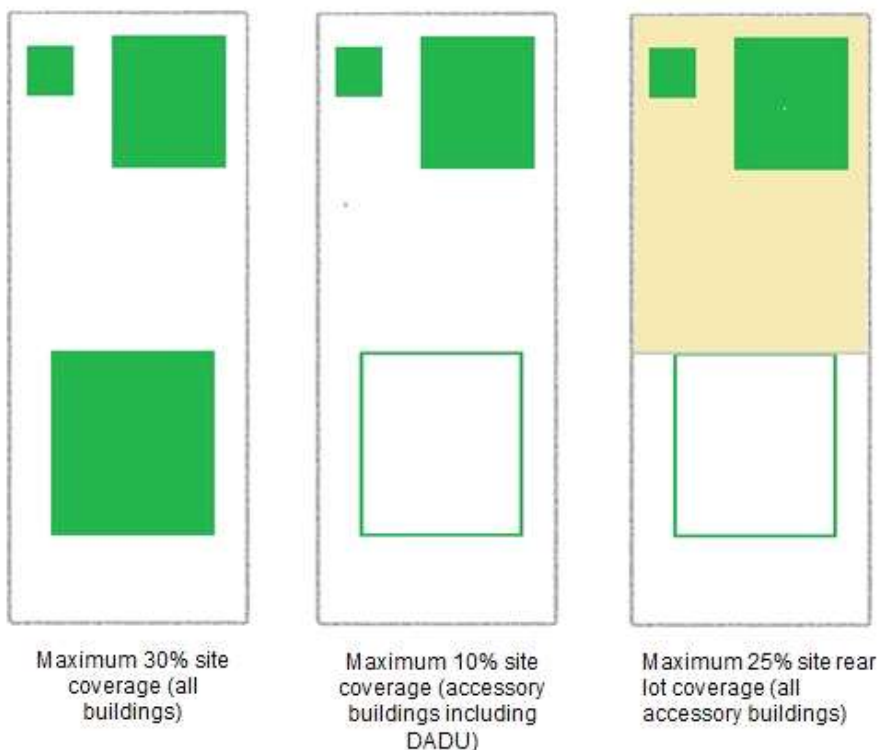
### Siting

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

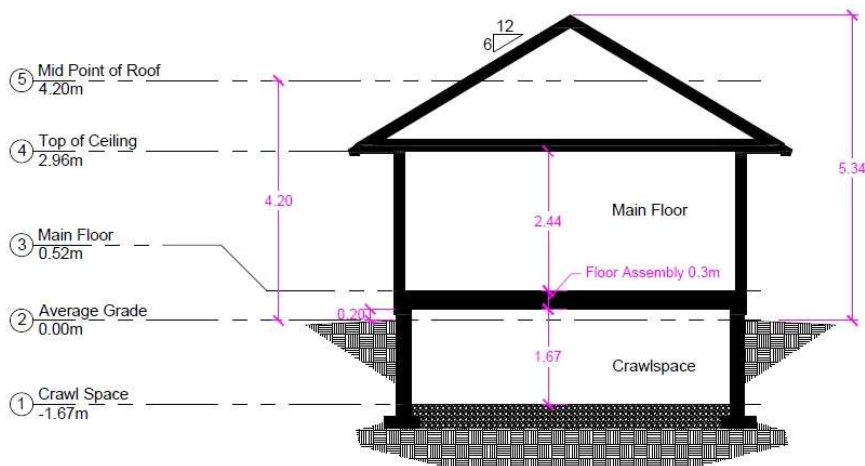
The maximum floor size of a DADU will be limited to 65m<sup>2</sup> or 700 square feet. Lot coverage and floor area ratio (FAR) would remain the same as for existing single- and two-family zoned lots. Lots with large principal dwellings will thus be more constrained in the size of the DADU permitted. 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 is capped in the bylaw 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:**

One extra parking space is required in the bylaw for parking for residents of the DADU. To reduce the impact of additional parking on-site the bylaw contains provisions to permit this parking to occur in front of the front face of the principal building (not currently allowed for single family dwellings or duplexes). In addition, staff may 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**

The regulation will not permit accessory buildings constructed after the adoption of the bylaw to be converted to DADU to prevent circumvention of the development permit process. In addition, accessory building conversion will require the applicant to have a third party certify the building is constructed to building code for residential use.

**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 neighbours' 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. All owners of eligible properties have been contacted and given an opportunity to provide feedback as well as opt-out of the rezoning if they desire. A mailing list has been used

for the last year to notify residents who asked to be kept informed, of any upcoming reports to Council and this will include the 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 second 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  
That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, No. 2011, 1992, Amendment Bylaw No. 3013, 2021, and to advertise for the same in the local newspaper.
  
2. That Council provide alternative direction to staff.

## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 3013

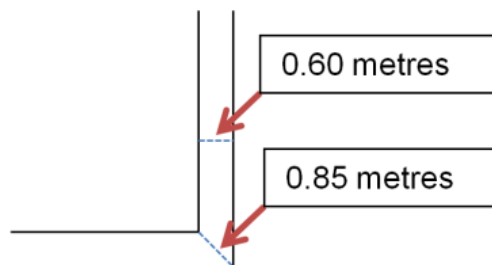
A Bylaw to amend the Zoning Bylaw and Parking Bylaw primarily to authorize Detached Accessory Dwellings Units in certain zones under certain conditions

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the, “*ZONING BYLAW, 1992, No. 2050 and PARKING BYLAW, No. 2011, 1992, AMENDMENT BYLAW NO. 3013, 2021*”.
2. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be amended as follows:
  - (i) at PART 1 – INTERPRETATION Section 2. DEFINITIONS by adding the following definitions:

“**Rear Yard Coverage**” means the percentage of the Area of a Rear Yard that is occupied by a building or structure and specifically excludes the following:

- (1) Landscaping and parking areas,
- (2) the portion of swimming pools, hot tubs, exterior stairs and window wells that are at or below existing ground,
- (3) that portion of exterior stairs less than 0.4 metres vertical distance above the existing ground at any point, and
- (4) building gutters, sills, sunlight control projections, eaves and canopies that extend no more than 0.60 metres from the building’s exterior wall and no more than 0.85 metres at the building corners (generally as shown on the following diagram).



- (ii) By amending subsection (12) of Section 13 HOME OCCUPATIONS to read as follows:
  - (12) any Home Occupation that typically involves the presence of more than one (1) customer or client on the premises at any one time is not permitted within a



Detached Accessory Dwelling Unit or a Secondary Suite.

(iii) By amending subsection (4) of Section 30.3 BOARDING to read as follows:

(4) No component of Boarding may occur in a Detached Accessory Dwelling Unit, Accessory Building or Garage; and

(iv) By adding the following subsection (7) to Section 30.6 SECONDARY SUITES:

(7) A Secondary Suite may not be located on any Parcel with a Detached Accessory Dwelling Unit.

(v) By adding the following as Section 30.7:

### **“30.7 DETACHED ACCESSORY DWELLING UNITS**

Detached Accessory Dwelling Units, where expressly permitted, are subject to the following regulations:

(1) No Detached Accessory Dwelling Unit shall be erected on any Parcel unless the Single Family Dwelling to which the Detached Accessory Dwelling Unit relates has been erected or is being erected simultaneously with the Detached Accessory Dwelling Unit.

(2) A Detached Accessory Dwelling Unit may not be located on any Parcel with a Secondary Suite.

(3) Only one Detached Accessory Dwelling Unit shall be permitted on a Parcel.

(4) Detached Accessory Dwelling Unit must not have a Basement or any habitable space below or above the First Storey.

(5) Detached Accessory Dwelling Unit must not have separate services, but must share services with the Principal Building, the sufficiency of which must be confirmed at the time of construction (or upgraded accordingly). Services between Principal Building and a Detached Accessory Dwelling Unit must be underground.

(6) Detached Accessory Dwelling Unit must be provided with a minimum of 20 square metres of open space at grade, that:

(i) is separate and distinct from that space available for the occupants of the principal dwelling;

(ii) is developed for the exclusive outdoor recreational use of the resident(s) of a Detached Accessory Dwelling Unit;

(iii) is immediately adjacent to and accessible from the Detached Accessory Dwelling Unit;

(iv) is defined and screened through the use of any combination of landscaping, plantings, fences, trellises or changes in grade;

(v) is distinct from the pathway from the Street

(vi) is not usable as a vehicle parking space; and

(vii) has no dimension less than 2.0 metres and no slope greater than 10%.

- (7) An Accessory Building built after the date of adoption of this bylaw cannot be converted to a Detached Accessory Dwelling Unit unless it fully complies with all the provisions of this Section and first obtains a development permit.
- (8) **Development Permits:** Detached Accessory Dwellings Units are subject to Development Permit requirements under Development Permit Areas No.1 Natural Environment, DPA No.3 Enhanced Design Control Residential, DPA No.7 Energy Conservation & Greenhouse Gas Reduction and DPA No.8 Water Conservation. For greater certainty, existing exemptions were contemplated before Detached Accessory Dwelling Units were created as a distinct land use, and therefore no exemptions apply for Detached Accessory Dwellings Units.
- (9) **Development Permit Design Guidelines:** The following guidelines apply to DADUs in the RS-5, RS-6 and RD-4 Zones, to supplement the guidelines identified in the Official Community Plan for Development Permit Areas No.1 Natural Environment, DPA No.3 Enhanced Design Control Residential, DPA No.7 Energy Conservation & Greenhouse Gas Reduction and DPA No.8 Water Conservation:
- (a) The entrance to the Detached Accessory Dwelling Unit shall 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.
  - (b) On corner lots and laneways, the primary entry to the Detached Accessory Dwelling Unit 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.
  - (c) A minimum 1.2 m wide, unobstructed pathway shall be provided to the front door of the Detached Accessory Dwelling Unit from the street; for certainty, this cannot also be a driveway.
  - (d) The Detached Accessory Dwelling Unit shall be provided with a garbage / recycling collection bin storage area onsite, screened from the view of pedestrians on the street.
  - (e) The Detached Accessory Dwelling Unit shall be provided with a bicycle storage area, onsite, screened from the view of pedestrians on the street.
  - (f) Windows oriented towards adjacent properties are discouraged, unless it can be demonstrated that overlook is mitigated by a design or natural feature.
  - (g) Roof decks and balconies on the roof are not permitted.
  - (h) Siting should respect mature trees both on-site and on adjacent properties by locating the Detached Accessory Dwelling Unit to minimize the impact on a tree's root system. A certified arborist report may be required as part of the application.
  - (i) On sloping sites, the scale, mass and location of the Detached Accessory Dwelling Unit should adapt to the topography and natural features. The view

from adjacent properties should be considered in the design of the Detached Accessory Dwelling Unit.

- (j) 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.
  - (k) Exterior side yards on corner lots should be designed and treated as the main entrance to the Detached Accessory Dwelling Unit. Screening and landscaping between the street and outdoor space should be used to define the transition from public to private space.
  - (l) Designs which incorporate as many of the green building features outlined on the Green Building Checklist as possible are encouraged.
  - (m) 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.
- (vi) by adding the following words and figures at PART 5 - ZONING DISTRICTS Section 31. ZONE DESIGNATIONS, in the appropriate alpha-numeric sequence under the "Zone Title" and "Short Designation" columns respectively:

Single Family DADU Residential	RS-6
...	
Two Family DADU Residential	RD-4
...	
Comprehensive Development DADU Zones (Various)	RS-5, RS-6, RD-4

- (vii) by replacing the existing zone entitled Section 37.1 **SINGLE FAMILY LARGE LOT RESIDENTIAL [RS-5]** with the text in Schedule "A" of this amendment bylaw;
- (viii) by adding a new zone entitled **SINGLE FAMILY DADU RESIDENTIAL [RS-6]** further to the text in Schedule "B" of this amendment bylaw as Section 37.2 (or as other appropriately numbered subsection within Section 37);
- (ix) by adding a new zone entitled **TWO FAMILY DADU RESIDENTIAL [RD-4]** further to the text in Schedule "C" of this amendment bylaw as Section 40.1 (or as other appropriately numbered subsection within Section 40);

3. The RS-5, RS-6 and RD-4 Zones referenced in this bylaw are deemed to be zoned as Comprehensive Development Districts.

4. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" as

follows:

- (i) by rezoning the lands highlighted in yellow on the plan attached as Schedule “D” to this amendment bylaw to **SINGLE FAMILY DADU RESIDENTIAL [RS-6] Zone**; and
- (ii) by rezoning the lands highlighted in orange on the plan attached as Schedule “E” to this amendment bylaw to **TWO FAMILY DADU RESIDENTIAL [RD-4] Zone**.

5. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be further amended by replacing Section 10 HEADINGS with the following:

**10. HEADINGS**

Section headings, including the statements of intent contained in Part 5 do not form part of this Bylaw. They are included for convenience only and shall not be used in interpreting this Bylaw. This section does not apply to “Lot Coverage” and “Rear Yard Coverage” headings.

6. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be further amended by adding the following subsection (c) Section 40(4) Floor Area Ratio of the **TWO FAMILY/SINGLE FAMILY RESIDENTIAL [RD-3] Zone**:

(c) The Floor Area Ratio shall not exceed 0.35 for parcels with a Single Family Dwelling.

7. That Bylaw No. 2011, cited as the “Parking Bylaw, 1992, No. 2011” be amended by adding an additional subsection 9(8) to PART 4 - GENERAL REGULATIONS Section 9. PROVISION AND MAINTENANCE OF OFF-STREET PARKING AND LOADING AREAS as follows:

(8) Section 9(4) shall not apply to Parking Spaces required for Detached Accessory Dwelling Units, which may be provided in tandem (stacked) with the principal unit’s parking space.”

8. The Schedules attached to this Bylaw form an integral part of this Bylaw.

READ a first time by the Municipal Council on the 22<sup>nd</sup> day of February, 2021.

READ a second time by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2021.

A Public Hearing (statutory requirement only for the amendments of the Zoning Bylaw and Zoning Map) was held pursuant to Sections 464, 465, 466 and 468 of the Local Government Act on the \_\_\_\_ day of \_\_\_\_\_, 2021.

READ a third time by the Municipal Council on the ---- day of -----, 2021.

**ADOPTED** by the Municipal Council on the ---- day of -----, 2021.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
INTERIM CORPORATE OFFICER

## Schedule "A"

### 37.1 SINGLE FAMILY LARGE LOT RESIDENTIAL [RS-5]

The intent of this Zone is to accommodate Single Family Dwellings on large individual Parcels of land, with the option of one additional dwelling unit in the form of Detached Accessory Dwelling Unit or a Secondary Suite.

#### (1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw.
- (d) Boarding: subject to the requirements of Section 30.3 of this bylaw.
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (f) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.

#### (2) Parcel Size

The minimum Parcel Size for Parcels created by subdivision shall be 930 square metres.

#### (3) Minimum Lot Width

The minimum width of Parcels created by subdivision shall be 21.3 metres measured at the Front Building Line.

#### (4) Base Density:

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

#### (5) Bonus Density:

- (a) 2 buildings containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;

- (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:
  - (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.
  - (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(6) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(7) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(8) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser.
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(9) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(10) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side

Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

**(b) Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. No Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a rear Lot Line.
- (iv) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

**(c) Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

**(11) Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No 2011 (as amended).



## Schedule "B"

### 37.2 SINGLE FAMILY DADU RESIDENTIAL [RS-6]

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land, with the option of one additional dwelling unit in the form of Detached Accessory Dwelling Unit or a Secondary Suite.

#### (1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (c) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw.
- (d) Home Occupation
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (f) Boarding: subject to the requirements of Section 30.3 of this bylaw.

#### (2) Parcel Size

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 530 square metres.

#### (3) Base Density:

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

#### (4) Bonus Density:

- (a) 2 building containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;
- (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:
  - (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.

- (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(5) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(7) **Building Height**

(a) No Principal Building shall exceed a Height of 7.3 metres.

(b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser.

(c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.

(d) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Lot Coverage and Rear Yard Coverage**

(a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.

(b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 10% of the Area of the Parcel.

(c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(9) **Siting Requirements**

(a) **Principal Building**

(i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

(ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be

located within 3.6 metres of an Exterior Side Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

**(b) Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. No Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a Rear Lot Line.
- (v) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

**(b) Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

**(10) Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

**(11) Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).”

## Schedule "C"

### 40.2 TWO FAMILY DADU RESIDENTIAL [RD-4]

The intent of this Zone is to accommodate Single Family or Two Family Dwelling Units on individual Parcels of land, with the option of one additional dwelling unit in the form of a Detached Accessory Dwelling Unit on parcels that only have a Single Family Dwelling.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (d) Home Occupation
- (e) Boarding: subject to the requirements of Section 30.3 of this bylaw.
- (f) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 668 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Single Family Dwelling - Base Density:**

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

(5) **Single Family Dwelling - Bonus Density:**

- (a) 2 building containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;
- (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:

- (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.
- (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(6) **Two Family Dwelling - Density**

- (a) Not more than one (1) Principal Building shall be located on a Parcel.
- (b) The number of Dwelling Units located on a Parcel shall be limited to two (2).

(7) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(8) **Floor Area Ratio**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4.
- (c) The Floor Area Ratio shall not exceed 0.35 for parcels with a Single Family Dwelling.

(9) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(10) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) All Accessory Buildings and Structures combined shall not cover more than 10% of the Area of the Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the

Rear Yard.

(11) **Siting Requirements**

(a) **Principal Building**

- (iv) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (v) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (vi) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case of a Corner Lot, no Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a Rear Lot Line.
- (v) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located

within 2.5 metres of a Detached Accessory Dwelling Unit.

(12) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

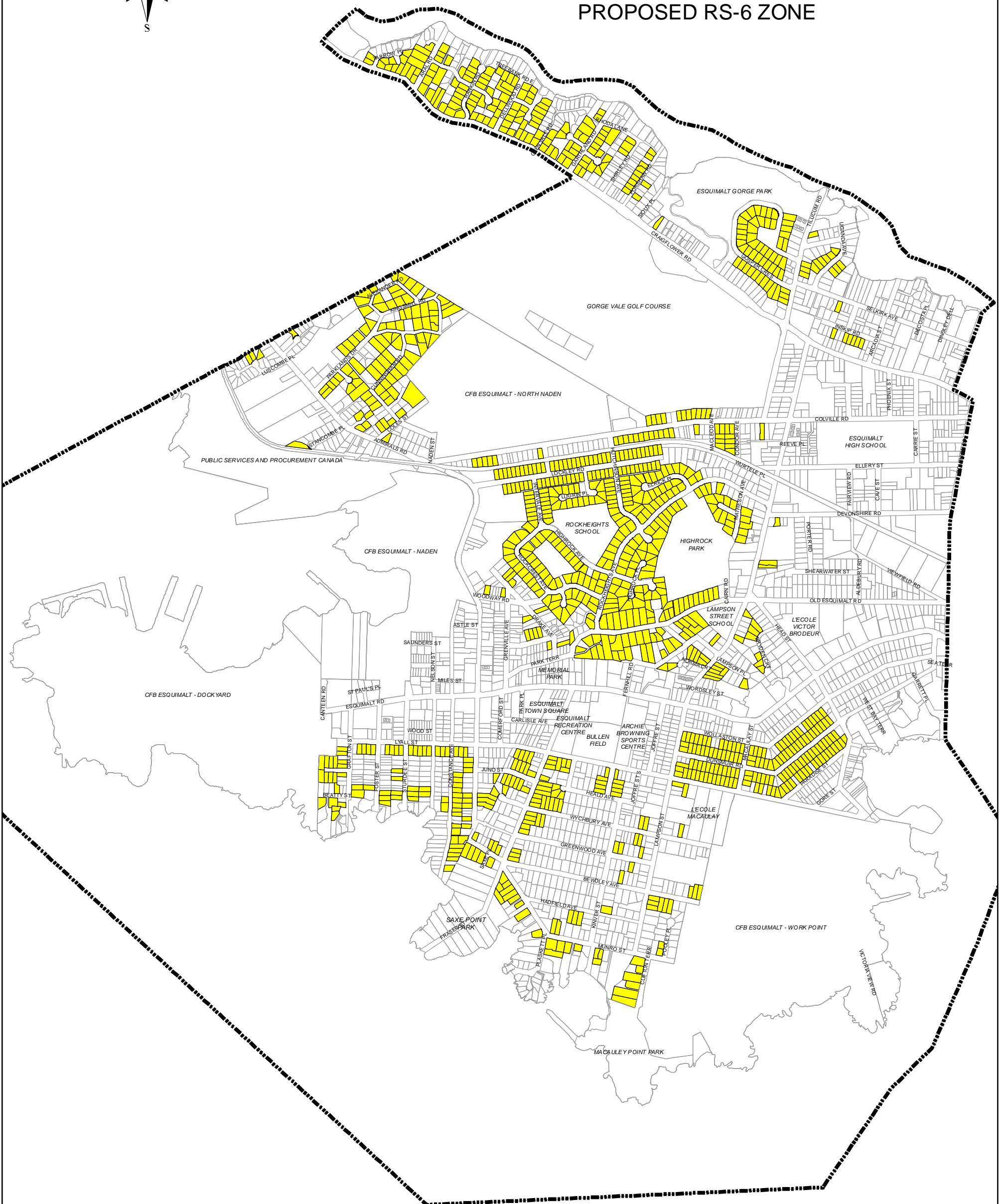
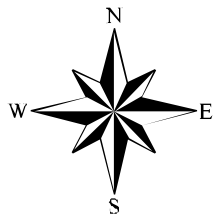
(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).”



AMENDMENT BYLAW NO. 3013

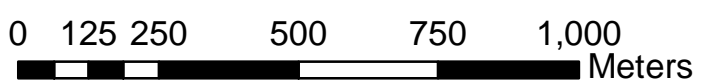
# SCHEDULE D

## PROPOSED RS-6 ZONE



### Legend

-  Township of Esquimalt Boundary
-  Proposed RS-6 Zone

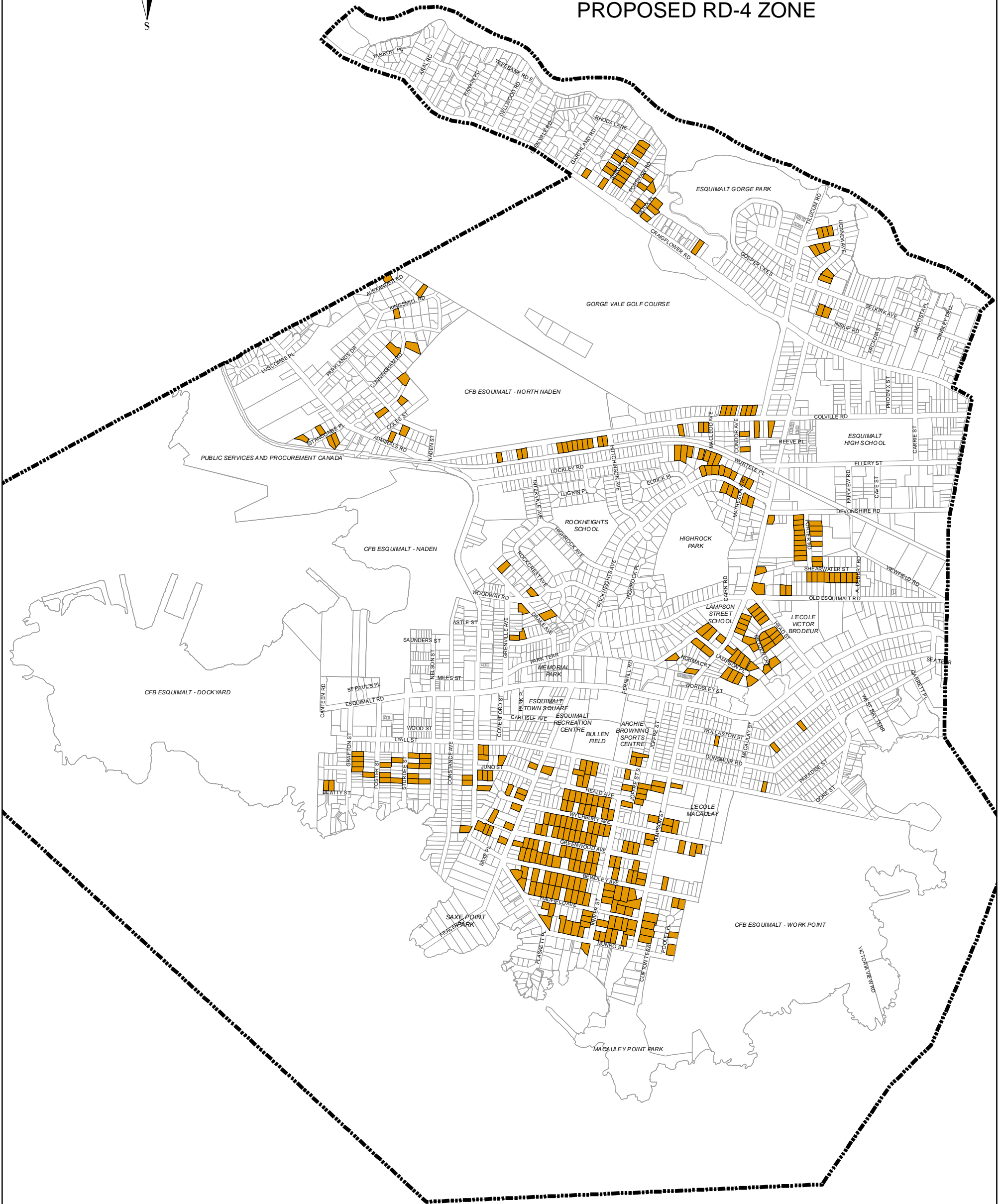
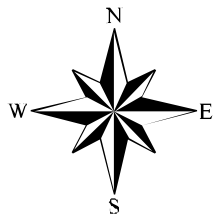




AMENDMENT BYLAW NO. 3013

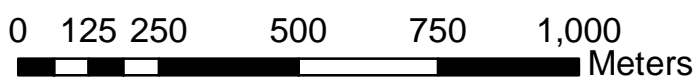
# SCHEDULE E


## PROPOSED RD-4 ZONE



### Legend

- Township of Esquimalt Boundary
- Proposed RD-4 Zone





March 9, 2021

**RE. PROPOSED REZONING TO ALLOW DETACHED ACCESSORY DWELLING UNITS ON ELIGIBLE PROPERTIES**

The Township of Esquimalt is undertaking a rezoning process to allow for the legalization of Detached Accessory Dwelling Units (DADUs) on eligible properties. Currently, there are no properties in Esquimalt where a DADU would be permitted without a site-specific rezoning. This Township-initiated rezoning will create two new zones and amend one zone which will allow for one DADU per eligible property. Eligible properties will be rezoned to one of these three zones. This will minimize the need for individual site-specific rezoning applications, thus streamlining the development process, reducing staff time processing applications, and reducing cost and risk to applicants.

Eligible properties have the following characteristics:

- The lot size is greater than 530 m<sup>2</sup> or if on a corner or laneway, 475 m<sup>2</sup>;
- The lot is designated Low Density in the Official Community Plan;
- The lot is not within 20 m of the waterfront;
- The lot is not part of a strata; and
- The lot is not used for a Bed and Breakfast.

In addition, where the property is currently zoned for a duplex, there must be no duplex constructed on the property.

Your property in Esquimalt has been identified as one of the eligible properties and as such, we are notifying you of this potential change. Should Council approve this rezoning, your property could potentially have one residential unit in addition to the principal house. This could either be a secondary suite (in the house) or a DADU (detached from the house). If you have an existing secondary suite, you will not be permitted to construct a DADU unless the secondary suite is decommissioned. Pre-existing accessory buildings may be converted to DADUs where certain conditions apply.

A map of all the eligible properties is available for viewing at [Esquimalt.ca\housing](http://Esquimalt.ca/housing). At this webpage you can view the proposed bylaw and the regulations and design guidelines that have been developed for DADUs in the Township.

You are welcome to provide feedback on any aspect of the proposed rezoning that would potentially allow a DADU on your property. You may also contact us to opt out of the rezoning. Please send your comments to the signatory at the email or phone number below or via mail. A public hearing is required as part of this process, and there will be opportunities to speak to Council or provide a written submission at that time. Public hearings in Esquimalt are advertised in the Victoria News. Additional notification will be provided through the Township's social media channels.

Sincerely,

A handwritten signature in black ink, appearing to read 'PdM', is positioned above the typed name.

Tricia deMacedo, Policy Planner  
Development Services Department  
Township of Esquimalt

[Tricia.demacedo@esquimalt.ca](mailto:Tricia.demacedo@esquimalt.ca)

250-414-7114

**From:** [REDACTED]  
**Subject:** Detached Accessory Dwelling Units  
**Date:** April-12-21 7:36:00 AM

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Tricia,

I want to add my support for the Detached Accessory Dwelling Units (DADU) initiative that the Township is taking.

With all the stresses on the housing market, including increasing costs and limited supply, this initiative is a positive opportunity for gentle infill housing that will support a number of people's different housing needs, from aging in place, to housing for extended families, to income support. A good use of land and resources as Esquimalt continues to evolve. In some ways it also helps to stabilize existing lower density neighbourhoods.

We certainly support the inclusion of our property in the new zone.

Thank you for moving this initiative forward.

Michael Dillistone and Caroline Startin  
1039 Bewdley Avenue, Esquimalt

TO: TRICIA deMACEDO, POLICY PLANNER  
FROM: RICHARD RENNIE, ESQUIMALT RESIDENT  
RE: DADUs  
DATE: 17 MARCH 2021

1. My wife and I are long-time residents of Esquimalt. We live on a single-family wartime-house lot (50' x 120') at 801 Intervale Avenue.
2. In theory I am in agreement with the tenets of DADUs. However, I could not support bylaw amendments to promote implementation of the necessary zoning/design requirements as I think the human challenges are just too great. To me, those challenges are four in number:
  - a) Parking – A requirement for the home-owner to provide an additional parking space is essential. Where will the space for the space come from? It will come from the front yard of the primary structure. The existing lawn, shrubs and trees will be removed and paved over. In most cases this will be unsightly to the entire lot and most surely unsightly to the neighbourhood and the Municipality in general. Even at this time, residents of my neighbourhood do not use garages or off-street parking: they park on the street. The streets are already over-flowing with automobiles while driveways are bare and garages are stuffed with belongings, not cars! The 1100 block Lockley Road is one stunning example of what I think would be many in this Municipality. Under the proposal both sides of Lockley, the upper south and the lower north, would qualify for DADUs (the north lots being of sufficient larger size 5704+ sq. ft. and the south having only 5200 sq. ft. but being on a lane). Ask your parking people just how difficult is the non-flow of traffic on this block now! With parking on both sides of the street permitted there is only room for one moving vehicle at a time (this your officials euphemistically call “traffic calming”). Residents here do not use their garages, their garages off the lane-way or their off-street parking now. To ask them to do so under revised DADU zoning plus accommodate an additional parking

space per lot in the future would be just “pie-in-the-sky” wishful thinking. Sanctioning nose-to-tail parking on a long driveway to satisfy the additional one spot requirement should be a non-starter, the “second” car would invariably end-up on the street;

- b) Trees – I would suspect that many mature trees would be a casualty of DADUs. This trade-off is not acceptable to me. Trees are esthetically pleasing – undoubtedly more so than backyard construction – and, it is a scientific fact, they contribute to the environment. Again, here at 801 Intervale, were I to avail myself of the proposed rezoning bylaw and to construct a permissible 700 sq. ft. DADU, I would have to cut-down 3 sixty-foot mature trees as well as unregulated 50 year-old camellia and rhododendron bushes. Adjacent properties would suffer, the neighbourhood would suffer and the Municipality would be the lesser;
- c) Design – I fear that we would relive the very poor “shared-wall” episodes of duplex zoning in Esquimalt with a single building appearing as if it was built by two different people at different times. Because, it was built by two different people at two different times! Regardless of the diligence of your design team I think you would be doomed to failure to attempt the impossible task of “design unity” between an existing residence and a DADU backyard barrio especially when budgets are involved; and
- d) Scale – My family’s original wartime house at 801 Intervale was a standard wartime house. Six hundred square feet. There are many remaining and many have been modified. But what this bylaw proposes is that on a lot of 5200 or 6000+ sq. ft. at the outset designed to site a residence of 600 sq. ft. an owner can now erect an “accessory dwelling” in the backyard of 700 sq. ft. This result escapes my logic: if the “accessory” structure is larger than the original structure on the lot, then it is not an “accessory” building, it is the main building and the present-day evolution of the original building becomes the accessory or the supplement. Whether you agree with my “reasoning”, the conclusion is ineluctable that site coverage is far too great under the proposal.

3. The idea of maximum single-family residential density or “accommodation usefulness” is a good one and would work well if planners had bare land and a clean slate. They do not. Given reality my sense is that there are just too many impediments and too many consequences that impact life for immediate neighbours and the community of Esquimalt as a whole. There are no doubt several ways to deal with these concerns from a policy perspective, if you think they are valid, but the one that immediately jumps to my mind is to increase the minimum lot size required for DADUs to 7200 sq. ft. with no exceptions. As I understand the present building bylaws, an owner fortunate enough to have a 60' x 120' lot in Esquimalt would have the choice of a single-family residence, a single-family residence with DADU or a multi-family duplex.
4. These are my written views. Please incorporate them on your file. I would wish to speak to Council and at the public hearing.
5. Thank you for your time.



Dick Rennie

**From:** [Marie Ormiston](#)  
**To:** [Tricia deMacedo](#)  
**Subject:** DADU Feedback  
**Date:** March-15-21 1:25:00 PM

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Hello Tricia,

I have received a letter regarding the proposed Detached Accessory Dwelling Units (DADU) on eligible properties in Esquimalt.

I am the homeowner of 1207 Colville Road and am 100% in favour of having DADU's on eligible properties.

Thank you,

**Marie Ormiston**



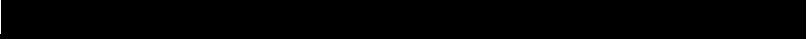


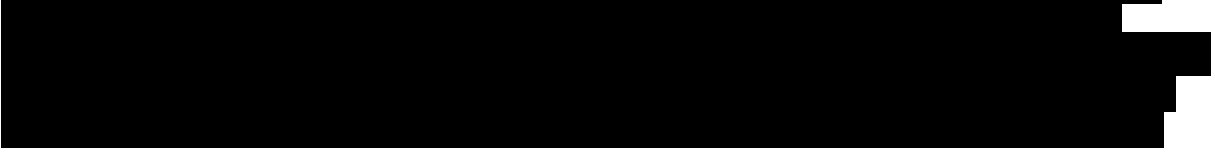
**From:** [Diana Studer](#)  
**To:** [Tricia deMacedo](#)  
**Subject:** DADU on eligible properties  
**Date:** March-16-21 4:48:09 PM

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Hi Tricia,

I received a letter in the mail that my property is eligible to be rezoned as a DADU. First, I think this is a great initiative on behalf of the city to remove barriers for more housing options on single unit lots. This can expedite permitting and overall help keep development costs down. So good work there.

For my particular property, 



Thanks for the opportunity to provide feedback and good luck with the process!

Diana

**From:** [Angus Topshee](#)  
**To:** [Tricia deMacedo](#)  
**Subject:** DADU Rezoning  
**Date:** March-24-21 3:12:58 PM

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Hi Tricia,

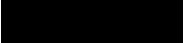
I wanted to acknowledge your letter of 9 March about Esquimalt's proposal to rezone to legalize Detached Accessory Dwelling Units. I had not been aware of this proposal previously so I am grateful for the letter you sent about it.

I am enthusiastically in favour. Measures like this which allow us to increase urban density are fantastic as they reduce our overall environmental impact and facilitate improved services (including public transit). I would ask that the bylaw permit 1.5 story DADUs as I think that it is important to offer a range of options with the design (but agree with limiting them to less than the height of the principle building). I would also argue that parking should not be required as a condition but left to the discretion of the lot owners (runoff causing impermeable surfaces are already too numerous to require us to create more).

Thank you for letting me know about this proposed change. I will also take the opportunity to mention that I think Esquimalt has been doing a fantastic job with development over the last several years and I'm pleased to see all the new buildings and developments throughout the township. Great work!

Sincerely,

Angus Topshee

422 Fraser Street  


**From:** [Rozlynn Mitchell](#)  
**To:** [Corporate Services](#); [Laurie Hurst](#); [Bill Brown](#); [Tricia deMacedo](#)  
**Subject:** Feb 22nd Council Agenda Item re DADU's  
**Date:** February-21-21 6:26:54 PM

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February 21, 2021

Township of Esquimalt Mayor and Council, Laurie Hurst, Bill Brown, Tricia deMacedo

**Dear Mayor and Council:**

**Re: Feb 22<sup>nd</sup> Agenda Item "DADU Bylaw Amendments – Staff Report No. DEV-21-003"**

My letter is in support of Staff's newest recommendations for Bylaw Amendments regarding Detached Accessory Dwelling Units ("DADU's"). I believe it to be a thoughtful and sensitive approach to the implementation of DADU's, in part regarding on-site parking, owner occupation and building height and design requirements.

I was disappointed that the process would not include a mechanism for neighbour input, or at least neighbour notification, in order to provide an opportunity for input on privacy issues and also so that it would not be a surprise when construction started on a house just over one's backyard fence.

I also wish to address three of the considerations put forth by the Advisory Planning Commission re the proposed regulations and guidelines:

#1 – Suggestion that no parking spaces be required "as they take up too much green space".

I am not sure how realistic it is to think that we will get away from using cars in the future. If parking is not required, people will still have cars and will be parking on the street. Not requiring parking while increasing density will only add to our already congested roadways. Many of the streets in my area are full of parked cars, in part from secondary suites with no onsite parking. Staff's current recommended approach provides some flexibility while hopefully addressing additional street congestion.

#2 – Suggestion that there be no requirement for the DADU or the principle residence be owner-occupied "as there are no major issues with homes that have rented suites and are not owner-occupied".

Absentee landlord rentals can be a big problem for a neighbourhood. A number of other municipalities have gone with requiring owner occupation as it helps to alleviate fears that neighbours have about some strictly rental properties. It can also help with some of the quality and privacy design choices that are made in the building of DADU's as the owners will be living on the property as well. The intention of DADU's is to provide the community with a mechanism for gentle densification and increased (hopefully affordable) rental opportunities within what are currently single family zoned neighbourhoods; where home owners have a means to age-in-place; where rental revenue can provide a mortgage helper making home ownership more affordable for more people; and, to provide dwellings for family members as they grow and want to stay in their community. Owner occupation supports this intent and inspires confidence in the neighbourhood that DADU's will blend into the existing neighbourhood and not bring a lot of additional concerns. This is not always the case with strictly revenue generation investments.

#3 – Suggestion that there be consideration given to changing the height to "1.5 storeys to accommodate interior lofts".

I believe this could be considered in some areas. For example there are very large lots in some designated areas, such as parts of Saxe Point, where this might make sense. But some areas, for example in some areas proposed for West Bay where the lots are small, any dwelling that is put in next door will **not** be unassuming. A one storey dwelling could be made to blend in

but a one and a half storey building could impact neighbours on all sides significantly. I suggest that for those larger properties where it makes sense to do so, that consideration be given for some height variances while limiting smaller properties to one storey.


Thank you for your consideration.

Yours truly,

Rozlyne Mitchell

**From:** [mark.aitken](#)  
**To:** [Tricia deMacedo](#)  
**Subject:** Proposed Rezoning to allow DADUs  
**Date:** March-17-21 12:51:18 PM

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We understand our municipality is facing increasing demands to accommodate more and more people who want to live here but don't agree that DADUs are the answer. We believe that if increasing density must be allowed then it should be contained in the core and not spread out into single family residential areas thus reducing the quality of life for its neighbourhoods. Increased traffic and on street parking are just two examples of the ramifications of the proposed bylaw. Increased assessed property values and therefore higher municipal taxes is another negative effect . We don't accept the term " housing crisis " as a fact of life as do many politicians . We believe the motivation to increase our density is more about Greed rather than Need and a supply vs. demand issue.

Yours Truly  
Mark & Kathleen Aitken  
657 Lampson St.  
V9A6A5

Sent from my rotary dial phone

**From:** [Paramjit & Jagbir Attariwala](#)  
**To:** [Tricia deMacedo](#)  
**Subject:** Proposed Rezoning to Allow Detached Accessory Dwelling Units on Eligible Properties  
**Date:** March-22-21 9:25:15 AM

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Dear Ms. Tricia deMacedo,

Thank you for the letter dated 9 March 2021, regarding Detached Accessory Dwelling Units (DADU).

We applaud and wholeheartedly welcome the rezoning proposal being undertaken by the Township of Esquimalt.

As stated in the letter, our property at 1133 Munro Street is eligible and qualifies for the proposed rezoning.

As per the first bullet of your letter: properties on a corner or laneway where the lot size is greater than 475 m<sup>2</sup> are also eligible for rezoning.

Please note that ours is a corner property with the lot size of 966 m<sup>2</sup> which is currently zoned as a duplex lot. Based on proposed rezoning this qualifies for two new zones (as  $475 * 2 = 950$  m<sup>2</sup>). We, therefore, meet the requirements for two new zones. Accordingly, the potential for another dwelling on our property should be acceptable to the Township of Esquimalt. We would greatly appreciate your feedback / comments.

In order to get all the details about the proposed rezoning we would be happy to meet with you and also attend the public hearing.

Progressive thinking by the Esquimalt Municipality Planning Department is genuinely desired and appreciated.

Sincerely,

Paramjit Attariwala  
Jagbir Attariwala

1133 Munro Street  
Esquimalt, BC  
V9A 5P3

**From:** [RICHARD RENNIE](#)  
**To:** [Tricia deMacedo](#)  
**Subject:** Re: DADU lot size analysis  
**Date:** March-31-21 4:12:53 PM  
**Attachments:** [image8d9438.PNG](#)  
[image003.png](#)

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Yes, we will talk . . .

I understand that there would be work to do.

Am I a bad citizen? I was born on this lot, my Mom and Dad lived here since 1945 . . . my Mom lived here as a widow from 1968 to 1995 . . . my wife and I and my Mom lived here in the new house from 1996 to 1999 . . . my wife and I and her Dad lived here until 2015 . . . I will live here until I die. The story of my life in the Municipality of Esquimalt. But I must be an "unconcerned or uninformed citizen" because the first I knew of this scheme to rezone my property was on receipt of the letter from the Municipality of 9 March 2021. I was flabbergasted: I still am! I would have thought that each "potentially affected" property owner should have been advised much, much earlier in the process. With only 1468 properties under consideration from the start, that would seem to have been not too complex to accomplish. There seems to be considerable store placed in the fact that there was a survey of residents. Who were these residents; were they from "affected" properties or were there some non-affected property owners (ie. waterfront properties, residents who rent; industrial property owners); what measures were taken to ensure "proper" representation of owners of potentially affected properties; why was I not selected as part of the survey? To place other than passing significance on a survey without an objective design basis would show an irrefutable bias.

But there is more: the APC conclusions, especially with relation to parking are manifestly out of touch with the realities of parking in this community (especially in the Rockheights/Colville area with which I am familiar). I would say, as well, that there is no indication at all that **obvious** patent issues of noise, privacy, extra fire-hazards, extra police intervention, parking disputes, etc. have been canvassed. With respect, I would say that a very poor and inadequately poor job of staffing has been done. But to my principal point, even if there is some merit in the overall "backyard bungalow" zoning scheme, that initiative should not be applied to smaller lots (less than 7200 sq. ft.) as they are of insufficient size to reasonably support such a condensed burden. You have not convinced me that just because Saanich and Victoria have applied such parameters that Esquimalt should do so. You have not mentioned how Oak Bay, a Municipality more similar in size in terms of population and area to Esquimalt, has behaved on this "issue" -- whatever the issue is? One of the ultimate concerns for me is whether staff took the initiative and proposed this zoning scheme to Council or whether Council directed staff? Who came-up with the germ of the idea? Who is pushing this idea? Why now? Is there a rush? Why now in terms of COVID when we cannot even meet face-to-face? I have so many more questions . . .

We will talk at your convenience . . .

Thanks.

*Dick*

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801 Intervale Avenue  
Victoria, B.C.  
V9A 6K7

19 April 2021

Mayor and Esquimalt Council  
Municipal Hall  
1229 Esquimalt Road  
Victoria, B.C.  
V9A 3P1

CORPORATION OF THE TOWNSHIP OF ESQUIMALT	
RECEIVED:	April 21, 2021
For Information	<input type="checkbox"/> CAO <input checked="" type="checkbox"/> Mayor/Council
Other	_____
Referred to:	Bill
For	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Response <input type="checkbox"/> Report
For Agenda	<input type="checkbox"/> Council <input type="checkbox"/> COTW <input type="checkbox"/> IC

Dear *Madam Mayor*:

**RE: Proposed RS-6 Zone**

My name is Richard Rennie. My wife, Karen, and I live at 801 Intervale, where I was born. It is a small, Wartime-house sized lot (50' x 120') (6000 sq. ft.). Our back yard abuts Rockheights School. We replaced my Mother's 1945 house with a new house in 1996.

I wish to take this opportunity to provide my views in the context of Madam Mayor's comments in the *Victoria News* of 15 April 2021. These comments related to the proposal to rezone 1468 single family residential lots in the Municipality to permit construction of permanent back yard residential structures of up to 700 sq. ft. (65m<sup>2</sup>) in size. These new buildings would be used by the lot owner for extra family or they could be rented. It is clear from the words of the Mayor in the newspaper article that the motive, the purpose, the driving force, of this bylaw is to increase the stock of "affordable rental accommodation" in Esquimalt. That goal to be achieved through the concept of mass RS-6 zoning is, in my view, ill-considered and grossly inappropriate for this Community.

Esquimalt is a small town of 18,000 people. We do not need this highly invasive form of life-style option, especially for smaller lots. We are not a metropolis like Seattle, Portland, Vancouver or, even, Victoria. We are a small suburb. Victoria with 90,000 residents and Saanich with 120,000 are 5-times and 7-times our size. Current residents and neighbours do not need



this disruptive, extremely invasive approach to our living circumstances. Overwhelmingly, residents live in their back yards: we like our back yards, we do not want intrusions into our most private outdoor space, we neither want nor do we need change.

I have dealt briefly with staff over this issue. Indeed, I was stunned to receive the notice from the Municipality dated 9 March 2021 that my RS-1 6000 sq. ft. Wartime-house size lot was affected. This notification took place after the first reading of the bylaw – after staff and committees had done their diligence and after a “survey” had been conducted. As an after-thought it twigged to someone that maybe we should notify Mr. Rennie and the other 1467 property owners who are going to have their life-styles – and that of their neighbours – severely impacted.

I made inquiry of the Municipality and was ably served by Policy Planner, Ms deMacedo. She provided me with a little bit of background and some statistical information [principally, if the minimum lot size is increased to 7200 sq. ft. (668.9 m<sup>2</sup>) and the corner lot and alleyway exemptions eliminated, the pool of affected lots will shrink from 1468 lots to 1038 lots]. She also explained that it would be quite difficult to amend the process at this time. I was surprised!

I then asked the Policy Planner a few questions: Why are we (the Municipality) doing this? Where did the initiative, the germ of the idea, come from? Who is pushing this? This “survey” of 500 people: How did it come about? How were the participants selected? Were they residents of Esquimalt? Were they selected from the 1468 targeted lots? Quite rightly, the Policy Planner quickly determined that these questions were beyond her pay-grade and passed me along to Mr. Brown, the Director of Planning Services.

Mr. Brown and I had a 45-minute telephone discussion on Friday 16 April. He listened . . . I talked. I very much appreciated his patience in dealing with someone as opinionated as am I. We talked about process, timing and the responsibility of the Municipality to properly inform residents in a timely manner before decisions are taken: Facebook, Twitter, even the Municipal website are not guarantees you will reach your intended citizens. If you want a “guarantee” of that, use the mail, particularly, as in this case,

when you know the precise 1468 candidates you had targeted. Do it early in the process. The Website survey of 500 people was not structured in any way, objectively or scientifically. The results have absolutely no merit and are a meaningless and inflammatory diversion. Yet the survey “results” have been quoted in staff reports. Some who took-up the survey were not even residents of Esquimalt! The targeted 1468 were available immediately and early-on through use of the mail. Their views should have been sought from the off.

The Report to Council of 17 February 2021 is grossly inadequate. The committees represented therein should be ashamed. Have members walked-the-ground to take a practical look at how their support for this misguided initiative will affect the backyards and the LIVES of people? I think not. Mature trees cut, 50-year old camellias dug-up, 700 sq. ft. of back yard lawn/moss covered with buildings. And yet Council does not need to mandate a single parking space as a legitimate, designated parking space is environmentally unfriendly, according to the APC! No need for an owner to be present either! Who are these committee people so out of touch with real life in this Municipality?

Your committees and staff do not appear to have discussed what, in my view, are the largest concerns related to this new mode of living: 1) privacy; 2) noise; and 3) mental and physical health.

My wife and I keep our front yard neat and well-maintained for our benefit and the benefit of the neighbourhood and the Community. It is our civic duty. We keep our back yard neat and well-maintained for our benefit alone. We are selfish but this is our retreat; this is where we spend our leisure time; the back yard is where we entertain guests. I think we are no different than any other family who is fortunate to live in an RS-1, single family home.

This is all gone if we erect a SAD (Supplementary Ancillary Dwelling). Loss of privacy forever (but always guests for your barbeque – whether you want them or not).

Truly, the attack on life-style is not what a lot owner purposefully chooses to do by erecting a BAD (Backyard Ancillary Dwelling). But it is an inevitable consequence. It is a self-inflicted wound: you knew or should have

known what you were doing and now you pay-the-piper with an environment of diminished enjoyment for yourself – and for others. But your neighbours invariably suffer with diminished enjoyment of their abutting properties (more noise, more activity, more people, less open space, fewer trees, more difficulty with street parking, etc.) That is the true unfortunate consequence: the forced diminished enjoyment of neighbouring properties, the neighbourhood and the entire Municipality more generally.

At the root of all this is, I suspect, the misguided direction of Council. Mr. Brown mentioned that several Council members during the last election campaign promised to look at ways to provide more affordable housing in Esquimalt. Good stuff (unless you are running for Council in Oak Bay, which you know does not permit SAD or BAD units). Madam Mayor confirmed in the referenced newspaper article that affordable housing was a goal – if not **the** goal of this bylaw. If affordable housing is the motivator for this back yard initiative then the entire concept is flawed. And it is . . .

The entire cost of a 700 sq. ft. SAD with requisite construction, parking, paving/brickwork, landscaping, etc. would reasonably cost \$225,000. The cost would be totally borne by the lot owner. Property tax assessment would increase by, say \$300,000, due to the higher zoning and the added improvement. The lot owner is not a charity. She will have to recoup her investment. She will charge market rent. As the local developer who was quick off the mark with invitations to all of us targeted lot owners said, new 700 sq. ft. units in downtown Victoria are fetching \$2,000 per month. “Well, Bob, what are we waiting for! Let’s borrow that money and get her done so that the cash will start rollin’ in!”

It just ain’t going to happen.

There are likely few Esquimaltites who have that kind of money. If there are and if they want a SAD then they are astute enough to charge market rent. They will not be giving “deals” on newly constructed units to make them fit the definition of affordable, whatever that may mean.

But even then, there will not be demand for any of this when it comes time for a lot owner to pony-up the big money. I had a conversation with an assessor from the BC Assessment Authority who is familiar with Victoria and

Esquimalt. With rezoning, whether or not an owner takes advantage of the up-zone to erect a structure, there is always the possibility of a higher property tax assessment due simply to the higher zoning. The assessor mentioned that Victoria has had a SAD-type bylaw in effect for two years. They have approved "less than 25" back yard structures under their bylaw. Simple proportional arithmetic would indicate that the queue for Esquimalt might be 4 deep as Mr. Brown indicated that a property owner on Joffree Street has just had her application approved under existing regulations.

This RS-6 zoning initiative misses the mark with a pie-in-the-sky expectation that individual lot owners, citizens of Esquimalt, will spend their own money and, for eleemosynary reasons, make accommodation available at less than market rates. Apart from illogic, the expectation of Council in all this is to put the burden for this social re-engineering of the Community on 1468 – many small landowners – while exempting others. Why exempt waterfront property owners? Do waterfront property owners not have a social conscience? Should they not be permitted to contribute to the social contract of providing more affordable housing to the Community that is Esquimalt?

It may be that Municipal governments at the coal-face should be taking the initiative to organize and suggest do-able concepts and plans to promote affordable housing. But this particular initiative is fouled from the start. You will not make meaningful in-roads into affordable housing unless you have the support of Provincial and Federal governments. Perhaps in this, Esquimalt is well placed with patently underused DND lands all around us (Work Point belonged to us at one time, did it not?): At Lyall and Peters there is a block of land with a dozen or so dated PMQs; the block between Lyall and Esquimalt Road just to the east of Canteen Road is an underused parking lot. There are other examples. If those sorts of properties could be subject to 99-year leases to support Provincial and local affordable housing ventures then there would be housing benefits for all: 1) low or no cost to the Feds; 2) no cost of land to the Province; 3) modern (900 sq. ft) replacement PMQs for military families; and 4) modern (900 sq. ft) low-cost housing for families in the Municipality/Capital Region.

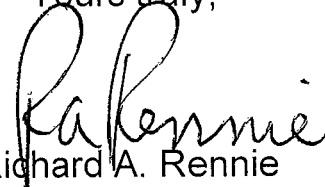
If Council is not convinced after deliberations that this concept has absolutely no merit, then I would ask that you consider the attached proposal which is self-explanatory. It is based on modifying the proposed bylaw to

eliminate smaller properties, those under 7,200 sq. ft. (668.9m<sup>2</sup>) from the proposed RS-6 zone. Larger properties allow for more flexibility in siting a SAD: providing side off-street parking, the prospect of fewer mature tree removals, less noise proximity, privacy, etc.

In conclusion, I was watching *Power & Politics* several weeks ago and former federal Finance Minister Ralph Goodale was on the program. He said that there were three things law-making bodies should consider for every piece of legislation: 1) is it necessary; 2) is it fair; and 3) does it contribute to achieving the aim? Your proposed bylaw is not **necessary** as, at best there will be only a dozen applicants from the 1468 properties you propose to affect and, besides, there are ways under current bylaws that can satisfy those few applicants; it is not **fair** as the potential impact on the life-style of 1468 families is much more severe than on others (eg. waterfront property owners); and does it contribute to the **aim**? It does not. The stated aim is to increase the supply of "affordable housing" in this Community. Save for a miniscule increase in undesirable back yard bungalows which will only be available at market rates, the aim will not be achieved. Not even close . . . .

Thank you for this opportunity to express my views.

Yours truly,



Richard A. Rennie

Long-time Esquimalt Resident

Attachment: Rennie Proposal

cc. Director of Development Services

## ALTERNATE PROPOSAL

- 1) Applicable to non-waterfront lots over 668.9 m<sup>2</sup> (7,200 sq. ft.)
- 2) Eliminate corner lot and laneway lot exemptions
- 3) Mandatory one parking spot requirement
- 4) Mandatory electric vehicle wiring requirement
- 5) NO front yard parking
- 6) Siting preference with NO mature tree removal
- 7) Mandatory relocation of established decorative shrubs
- 8) Design preference for “architectural unity” with principal residence
- 9) Mandatory for owner of lot to occupy either principal residence or DADU

Stress concerns of PRIVACY & NEIGHBOURHOOD from the perspective of the NEIGHBOUR(s). These are paramount to that of the Applicant for a Development Permit. Neighbours should **always** have a right to be represented at **each** Development Permit application for a DADU as the concept is so invasive to the lives of adjacent families.