



The Corporation of the District of Saanich

# Report

**To:** Mayor and Council  
**From:** Sharon Hvozdanski, Director of Planning  
**Date:** October 9, 2019  
**Subject:** Garden Suite Study – Proposed Regulatory Framework  
**File:** 2140-50 • Garden Suites

---

## RECOMMENDATION

That Council:

1. Endorse the proposed garden suite zoning regulations (Attachment A) and direct staff to prepare the necessary Zoning Bylaw amendments for Council's consideration;
2. Endorse the proposed garden suite design guidelines (Attachment B) and direct staff to prepare the necessary Official Community Plan Bylaw Amendments for Council's consideration;
3. Endorse the proposed changes to the regulations for accessory buildings (Attachment C) and direct staff to prepare the necessary Zoning Bylaw amendments for Council's consideration;
4. Endorse a delegated Development Permit approval process for garden suite applications that includes design review by the Advisory Design Panel (ADP) and direct staff to prepare the necessary bylaw amendments for Council's consideration;
5. Support the hiring of an additional half-time Bylaw Enforcement staff person (0.5 FTE) to increase capacity to address complaints related to illegal occupancy and compliance under the proposed regulatory framework for garden suites, subject to Council consideration during the 2020 budget process; and
6. Direct staff to review and report back to Council on the garden suite program one and two years after the regulatory changes are formally enacted.

## PURPOSE

The purpose of this report is to:

- Provide an overview of the garden suite study and key public engagement findings;
- Outline the proposed regulatory framework for garden suites; and
- Request that Council provide direction on a regulatory framework to enable Staff to prepare the necessary bylaw amendments to proceed with legalization of garden suites in Saanich.

**DISCUSSION**

**Background**

On September 11, 2017 Council approved a Terms of Reference (Attachment D) for a study to explore potential regulatory changes to allow garden suites in single family areas within the Sewer Service Area (the ‘study area’) of Saanich.

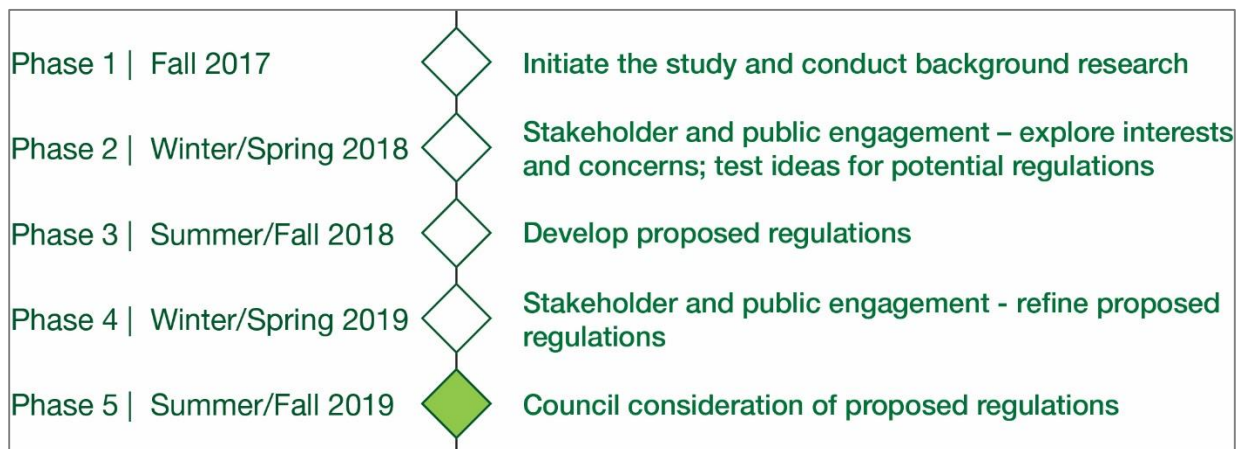
A garden suite is a small detached house that is sited in the rear yard of a single family lot and accessory to the primary dwelling. This form of housing can offset a mortgage, house a family member, supplement a limited pension, or provide an accessible living situation for persons with mobility issues. Garden suites can add to the housing supply at a time when shortages exist. As a potential housing option they are seen by many communities as a way to add infill in established residential neighbourhoods while still retaining the neighbourhood form and character.

The objectives of the Garden Suite Study, as outlined in the Terms of Reference, were to:

- Investigate garden suites as a form of permanent rental housing;
- Establish a foundation of information to assess potential regulatory changes and associated impacts;
- Develop an understanding of key issues, including challenges and opportunities;
- Assess stakeholder and community support for garden suites;
- Identify locations within the Sewer Service Area where it would be most appropriate to permit garden suites; and
- Create an appropriate regulatory framework for garden suites.

**Process Summary**

As per Council direction, a process was undertaken to explore the legalization of garden suites in Saanich. The process proceeded through five phases, which are identified in Figure 1.



**Figure 1: Garden Suite Study Process**

Public consultation activities took place between March and August 2018 and in May 2019, and are outlined in Attachment E. Highlights of the public engagement process that was completed in Phases 2, 3 and 4 included:

- Six open houses;
- Five pop-up events;
- Three information displays;
- Eight presentations;
- One technical workshop and one meeting with representatives from the design and development community; and
- Three community surveys to solicit public input on general level of support for garden suites, key issues, key aspects of regulations and the proposed regulatory framework.
  - Community survey #1 (March - April 2018) resulted in 1,078 completed surveys.
  - Community survey #2 (June - August 2018) resulted in 711 completed surveys.
  - Community survey #3 (May 2019) resulted in 536 completed surveys.
- One statistically-significant survey was completed by the research organization, R.A. Malatest and Associates in June 2018. The purpose of the survey was to validate community survey results on key aspects of the regulation. In total, 886 surveys were completed; and
- An e-mail notification list with over 740 people.

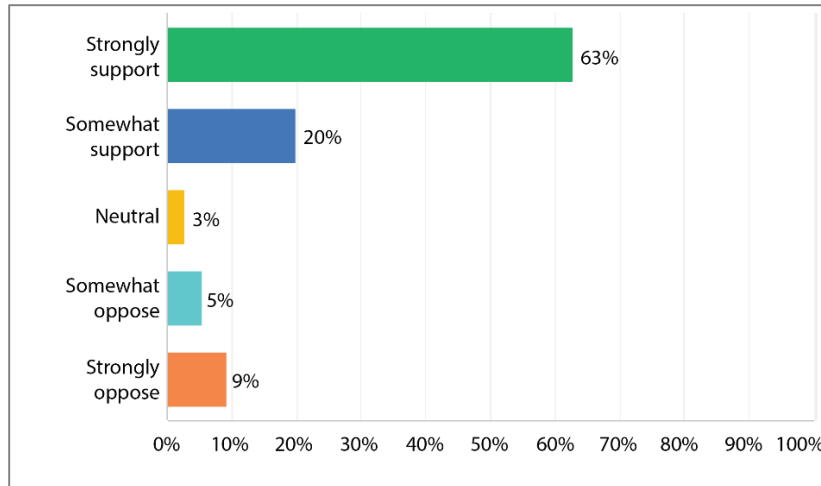
### **Engagement Results**

The engagement process provided significant feedback to inform the development of the proposed regulations.

Survey results indicated strong support (72% in the statistically-significant survey and 82% in Community Survey #1) for legalizing garden suites in Saanich. They also provided critical feedback on levels of support for potential regulatory elements. Highlights of the results from Community Surveys #1 and #2, and the statistically-significant survey indicated:

- Support for allowing garden suites in all single family dwelling zones (52%);
- Strong support for requiring an additional parking space on site (77%);
- Support for requiring property owners with garden suites to live on site (72%); and
- A lack of support for the use of garden suites being used as vacation rentals (61% not supportive).

This information was used to inform development of proposed regulations, which were available for public review in May 2019. Feedback on the proposed regulations was collected through Community Survey #3, which indicated that 63% of respondents strongly supported the proposed regulations (see Figure 2). Another 20% of respondents indicated that they were somewhat supportive of the regulations.



**Figure 2: Level of support for proposed garden suite regulations (results from Community Survey # 3)**

A summary of the survey results is available in Attachment F of this report.

### **Additional Issues Identified Through Public Engagement**

In addition to feedback received on the key elements of regulation (e.g. location, size, height), residents have also commented on a variety of topics related to garden suites. The most frequent issues raised are outlined below.

#### Affordability

Through the study Saanich residents raised concerns about affordability. They expressed concern about housing shortages and the high costs of home ownership. They also indicated that they are supportive of garden suites as a way to address affordability.

As per the approved Terms of Reference, the purpose of the Garden Suite Study is to examine garden suites as a way to increase the long-term supply of permanent rental housing and to expand housing diversity.

Garden suites tend to cost more, per square foot, to construct than a typical single-family house, and as a result are at the higher end of the housing affordability spectrum. They do, however, expand housing choice, offer potential for ground-oriented housing within established neighbourhoods, and provide opportunities to age-in-place. Garden suites also create opportunities for owners to develop custom housing for a family member with special needs and/or generate rental income to help offset rising costs of home ownership.

#### Impacts on property values and taxes in Saanich

The impacts of garden suites on property values and associated taxes is important to Saanich residents, as this issue has the potential to impact affordability in the long term including for property owners who are not interested in constructing a garden suite.

Staff have limited information on this issue and requested Council approval for additional funding in December 2018 to complete a more thorough investigation of the impacts. Council did not support this request.

Adding a garden suite would likely increase the assessed value of a property. The increased value may result in higher property taxes. Under the proposed regulations, an owner has the

choice to build (or not build) a garden suite. However, a homeowner may be impacted by increased property taxes even if they don't build a garden suite, but several of their neighbours do. This issue is worthy of tracking and reporting back to Council at the two-year check-in.

#### Relationship to secondary suites, including illegal suites

Some residents expressed an interest in the potential to have both a secondary suite and garden suite on the same lot. The approved Terms of Reference for the Garden Suite Study specifies that staff will explore garden suites as an alternative to secondary suites. Under the proposed regulations, an owner would be permitted to have a garden suite or a secondary suite, but not both at the same time.

Survey responses indicated a number of concerns with secondary suites and proposed garden suites:

- Concern that garden suites and secondary suites on the same lot would lead to crowding and parking issues;
- Concern that too many garden suites and secondary suites in a neighbourhood could lead to conflict between neighbours; and
- Concern that garden suites and secondary suites on the same lot would have a negative impact on municipal infrastructure including water, sewer and stormwater.

Since 2014 secondary suites have been allowed by building permit on most single-family lots within the Urban Containment Boundary (UCB). The legalization of secondary suites was done in an effort to stabilize this form of rental housing. There are currently 195 legal secondary suites in Saanich. There are also numerous illegal secondary suites that are subject to the District of Saanich's bylaw enforcement policy. Owners found to be in violation of municipal bylaws have the ability to legalize their secondary suite.

Regarding the impacts of garden suites on municipal infrastructure, the projected capacity for municipal water and sewer services in Saanich is based on two dwelling units per property. Therefore, adding a garden suite to a lot with an existing single-family house without a secondary suite is not expected to exceed the current capacity of the municipal infrastructure.

#### Rural-zoned properties in the study area

There are approximately 278 Rural (A) zoned properties in the Sewer Service Area that are not within the scope of work for the subject Garden Suite Study. Some owners of these properties have expressed an interest in being included within the area where garden suites would be permitted.

Many of these rural properties are located in residential areas and they function like residential properties, despite their rural zoning. Under the proposed regulations, these properties would not be eligible to construct a garden suite, even though they are within the Sewer Service Area and they have the required lot area, in many cases.

Staff conducted a preliminary review of these properties to assess their potential inclusion within the permitted area. This analysis indicated a range of contexts and historical conditions that would require deeper analysis to develop a sound recommendation.

Additionally, there are approximately 10 Rural (A) zoned properties inside the Sewer Service Area that are within the Agricultural Land Reserve (ALR). In accordance with the "ALC Act", these properties are not permitted to have a second residence such as a garden suite.

Should they wish to explore this further, Council could direct staff to explore the issue of allowing garden suites on rural zoned properties that are inside the Sewer Service Area and are not within the ALR. Staff would need to determine whether garden suites should be permitted on some, or all of these properties.

#### Rural properties outside the Sewer Service Area

Many residents in rural Saanich (living outside the Urban Containment Boundary) have indicated that they would like the right under zoning to construct a garden suite.

As directed by Council in 2017, the geographic scope of the study includes properties within the Sewer Service Area, which is mostly in alignment with the Urban Containment Boundary. The decision to focus the study in this area is supported by the Regional Growth Strategy and policy in the Official Community Plan. It is also, generally, consistent with the area where secondary suites are permitted.

If Saanich were to allow garden suites outside the Urban Containment Boundary it could result in a greater number of dwelling units and more affordability for rural property owners. The drawback is that this approach would be inconsistent with the Official Community Plan and Regional Growth Strategy principles of urban containment.

Additionally, the range of issues that would need to be considered in rural areas is quite different than those in urban areas. Should garden suites be considered in rural areas, there would be a need for additional process to analyze issues and explore community interests. This approach could also trigger the need to look at secondary suites in rural Saanich, which are currently prohibited outside the Urban Containment Boundary.

Policy does not support allowing garden suites beyond the Urban Containment Boundary. However, Council could direct staff to explore the option of garden suites and/or secondary suites in rural Saanich.

#### Converting Existing Accessory Buildings into Legal Garden Suites

Some property owners have expressed an interest in the possibility of converting their existing accessory buildings into legal garden suites. To complete this transition an owner would need to demonstrate compliance with the BC Building Code. If the proposed zoning regulations and design guidelines are approved, an owner would also need to demonstrate compliance with zoning and the design requirements of a Development Permit.

#### **Consultation with Council Committees**

Staff presented the proposed regulations to the Planning, Transportation and Economic Development Advisory Committee (PTED) on June 13, 2019 and they made the following motion:

"That the Planning Transportation and Economic Development Advisory Committee supports the proposed regulations for garden suites, as presented."

Staff presented the proposed regulations to the Healthy Saanich Advisory Committee on June 26, 2019 and they made the following motion:

"That the Healthy Saanich Advisory Committee supports the proposed regulations for garden suites, as presented."

## PROPOSED REGULATORY FRAMEWORK

Based on the results of public engagement, staff are recommending the legalization of garden suites in Saanich. In order to implement a comprehensive regulatory framework that responds to public input and aligns with existing regulations, a number of changes are required.

This report outlines each of these proposed regulatory changes and seeks Council direction to enable formal Zoning Bylaw and other regulatory amendments to be brought forward at a subsequent meeting.

Regulatory elements that are included as part of the proposed changes are:

- Zoning Bylaw amendments to permit garden suites;
- Design guidelines that outline considerations for building and site design;
- Zoning Bylaw amendments that modify accessory building regulations to enable alignment with objectives of garden suite regulations; and
- An approval process that identifies the process for evaluation and approval of garden suite applications.

### Proposed Zoning Bylaw Amendments to Permit Garden Suites

The Zoning Bylaw will need to be amended to establish conditions to permit garden suites. This includes regulations to identify parameters for the size, height, location and lot coverage, as well as parking and owner occupation requirements.

Regulatory elements are described below and are based on public input and research into the regulations used in other jurisdictions. A list of proposed changes is outlined in Attachment A.

The proposed regulatory framework for garden suites is based on three lot size classifications:

- Small lot (400 – 559 m<sup>2</sup>);
- Medium lot (560 – 999 m<sup>2</sup>); and
- Large lot (1000 m<sup>2</sup>+).

#### a. Location

Staff are recommending that garden suites be permitted in rear yards on RS-zoned lots within the Sewer Service Area. Eligible lots must be a minimum of 400 m<sup>2</sup> in area and 12 m wide.

#### b. Siting

Staff are also recommending that requests to locate garden suites in side and front yards be reviewed on a case-by-case basis through a variance process. The proposed regulations would not apply to the properties in the Broadmead area, as these properties have restrictive covenants on title that prohibit development of secondary suites and garden suites can be considered a detached form of secondary suite.

The proposed setback requirements support livability and create necessary access to properties. They include:

- Proposed rear and side yard setback requirements for garden suites that align with the existing regulations for accessory buildings, except on large lots where a 3 m setback would be required for a garden suite that is more than 4.2 m in height; and

- On all lots a 4 m setback would be required between the principal dwelling and the garden suite.

c. Size (Floor Area and Lot Coverage)

Staff are recommending that the size of a garden suite be based on lot size as well as lot coverage restrictions. The proposed regulations establish the following maximum floor area for garden suites based on lot size:

- Small 46.5m<sup>2</sup> (500 ft<sup>2</sup>);
- Medium 65m<sup>2</sup> (700 ft<sup>2</sup>); and
- Large 93m<sup>2</sup> (1000ft<sup>2</sup>).

Maximum lot coverage requirements would also apply in a number of ways, including:

- Maximum overall lot coverage for all structures (40% in most cases – consistent with existing zoning);
- Maximum rear lot coverage for all accessory buildings (25%);
- Maximum lot coverage for all accessory building (5-10% depending on lot size); and
- Minimum open space requirement of 45%.

Collectively the floor area and lot coverage requirements aim to provide dwelling unit sizes that relate to the lot size, retain open space and enable the density on the lot to be consistent with neighbourhood character.

d. Height

Staff are recommending that the height of garden suites be regulated based on lot size as well. Garden suites on small- and medium-sized lots would be subject to lower maximum height limits (maximum 4.2 m for sloped roofs) than those on large lots (maximum 6.5 m for sloped roofs). This approach is based on input received during public consultation that favored lower scale garden suites on smaller lots as a way to ensure neighbourhood fit and reduce negative impacts on adjacent properties.

It is important to note that the majority of eligible properties fall into the small- and medium-sized lot ranges. Therefore, most garden suites would be subject to the lower height restrictions.

Public input has consistently supported allowing taller garden suites on larger lots where the impacts of additional height would have less impacts on adjacent properties. In response to this, staff are recommending taller garden suites (on larger lots) be subject to larger setbacks (3 m) from rear and side yards.

The design of the roof is also a factor in the height of a building. Under the proposed regulations sloped-roof buildings could be taller than flat roofed buildings. The rationale for this is that flat and low-sloped roofs typically have more massing and can cause more impacts on adjacent properties.

e. Parking

Parking has been a recurring issue for the public throughout the study. In response to concerns about safety and impacts on neighbourhood character, staff are recommending that one additional on-site parking stall be provided for the use of the garden suite. The proposed regulations would also permit one parking stall to be enclosed in the garden suite, but the area of the parking space would be included in the gross floor area calculations.



The proposed minimum open space requirement of 45% and the proposed guidelines for parking space design would limit the area of a front yard taken up by parking and would encourage site design that is sensitive to neighbourhood character.

f. Owner Occupation and Short-Term Rentals

In response to survey feedback indicating a desire to not allow garden suites to be used as vacation rentals, staff are recommending regulations to prohibit the use of garden suites as short-term rentals, and bed and breakfasts. Consistent with secondary suite regulations they are also recommending that owners be required to occupy either the garden suite or the principal dwelling to ensure that owners are taking responsibility for their rental properties.

g. Relationship to Secondary Suites

As per Council's direction in the Terms of Reference, staff are recommending that an owner may have a garden suite or a secondary suite, but not both on the same property.

h. Maintenance of Permanent Rental Stock

If approved, Garden suites would provide permanent rental housing in Saanich. To ensure that they remain part of the rental stock in the long term, staff are proposing a regulation to prohibit strata subdivision. An owner would be required to register a covenant under Section 219 of the "Land Title Act" prior to issuance of a Development Permit for a garden suite.

As per the authority granted under Section 482 of the "Local Government Act", the District would develop a density bonusing program to allow an owner to gain more density on a single family lot in exchange for meeting certain conditions, including conditions relating to the "provision of affordable...housing."

### **Proposed Approval Process**

A key element of the regulatory framework is identifying the steps required to obtain approval for a new garden suite. The BC Building Code addresses health and safety issues, and forms part of the regulatory review.

The process that Saanich uses will influence the time and steps required to gain approval. It will also influence how community concerns are heard. The majority of survey respondents (52%) support allowing neighbour input on garden suite applications. At the same time, the majority of respondents (58%), also support a fast approval process.

The table below outlines potential approval processes and identifies which ones are used in other municipalities. As is shown, there are a variety of ways that Saanich could structure the review process for garden suites.

**Table 1: Approval Process Approaches**

Approaches	Used By	Community Input on Individual Applications	Community Input on Individual Applications
		Land Use	Design
<b>APPROACH 1</b>			
<ul style="list-style-type: none"> <li>• Building permit</li> </ul>	Kelowna, Nanaimo, Coquitlam, Colwood, Sidney	No	None
<b>APPROACH 2</b>			
<ul style="list-style-type: none"> <li>• Delegated Development Permit (Staff)</li> <li>• Building Permit</li> </ul>	Victoria, City of North Vancouver, District of West Vancouver, New Westminster, Vancouver	No	Potentially yes – if designed into Development Permit Process
<b>APPROACH 3</b>			
<ul style="list-style-type: none"> <li>• Development Permit (Council)</li> <li>• Building Permit</li> </ul>	n/a	No	Yes – through Development Permit Process
<b>APPROACH 4</b>			
<ul style="list-style-type: none"> <li>• Development Permit with Variance (Council)</li> <li>• Building Permit</li> </ul>	District of North Vancouver	Yes - limited	Yes – through Development Permit with Variance Process
<b>APPROACH 5</b>			
<ul style="list-style-type: none"> <li>• Rezoning (Council)</li> <li>• Development Permit (Council)</li> <li>• Building Permit</li> </ul>	n/a	Yes - high	Yes – through public hearing as part of the rezoning process

The approaches outlined in the table vary in the level of review and typical processing timelines. Approach 1 requires only a building permit and is the most expedient and cost effective approach for applicants and the municipality. The drawback to this approach is that it provides no opportunities for design review.

At the other end of the spectrum, approaches 4 and 5 provide maximum opportunities for review through development variance or rezoning processes. Both of these approaches require significant staff time for review and processing of applications, and applicants could be faced with additional costs and longer timelines. A review of other municipalities has shown that the number of steps required to complete an application and the complexity of the application process (e.g. time and cost to complete an application) influences the number of applications received and the number of garden suites constructed over time.

Approaches 2 and 3, which are in the middle of the spectrum involve a design review process and issuance of a development permit. When compared to the requirements of a rezoning, these approaches have the potential to reduce the amount of time required for the application process.

Based on residents' input and consistent with the practices in a number of other municipalities, Staff have developed design guidelines for garden suites and are recommending that Saanich adopt a Development Permit process to facilitate design review.

### **Decision-Making for Development Permit**

Under the banner of a Development Permit, there are two different approaches for decision-making. Approach 2, as outlined in Table 1, would involve delegation of decision-making authority to Staff. Approach 3 would require Council approval of development permits.

Staff are recommending a Delegated Development Permit (DDP) approval process. A key benefit of a DDP process is that it enables a review of building and site design. It also provides an opportunity to explore improved outcomes for tree protection, liveability and neighbourhood compatibility, and allows for a more efficient review and approval process for applicants.

The challenges of a DDP are that the development guidelines are subjective, which can make decision-making difficult. There is always the possibility that an applicant will disagree with a staff decision, which could lead to an appeal and more work for Staff and Council. There is also the recurring issue of workload and the reality that a Delegated Development Permit will create a new stream of work for staff. Additionally, while the proposed approval process would be shorter than those involving a Council decision, a design review introduces additional complexity and is anticipated to add anywhere from zero to two months processing time to a typical building permit application process.

Staff are recommending that the Advisory Design Panel (ADP) be included as part of the technical review for garden suites. The ADP is an existing Council Committee made up of professional architects, landscape architects, and representatives from the building community, accessibility, and the public. The panel is scheduled to meet twice a month and the collective expertise of the members would enable them to provide practical advice on garden suite applications as a component of the technical review. Recommendations from the ADP would inform staff decisions on development permits.

### **Neighbour Input**

Residents expressed a desire for neighbour input on garden suite applications. They also said that they would like a fast approval process. Balancing these two objectives, staff are recommending that neighbours be notified of a garden suite application in their area. At the time of application, an owner would be required to contact their neighbours who share a property line and provide an opportunity to give input on building and site design. A summary of the comments received from the owners of immediately adjacent properties would be included in the application package and would be reviewed by staff.

Requiring that neighbours be contacted is beneficial, as it responds to residents' desires to be involved. Staff would assist the neighbour input process by providing template forms for applicants and neighbours explaining the regulations, and focusing input on the building and site design.

The challenges of requesting applicants to contact their neighbours is that it can create an expectation with the public that all comments will be considered. There are instances where comments cannot be considered. For example, when comments relate to land use and not design, or when the design complies with the design guidelines, but the neighbour is requesting something different, then the comments would not be addressed.

### **Proposed Design Guidelines**

The proposed design guidelines would form part of the regulatory framework for garden suites. If approved, they would be an appendix to the Official Community Plan and would be enacted through a Development Permit Area, which would have to be created and approved by Council.

The proposed guidelines would supplement the more prescriptive requirements of the Zoning Bylaw by providing direction on key elements of garden suites that affect their form and character such as building massing and design, and landscaping. The guidelines would be discretionary and provide a level of flexibility for decision-making. Their purpose would be to ensure that garden suites are high-quality additions to neighbourhoods, as well as comfortable living spaces for long-term residents.

The results of the statistically-significant survey indicate that the majority of respondents (75%) support the use of design guidelines to address elements of building and site design.

The key elements of the proposed design guidelines include:

- Site design;
- Building design;
- Roof form;
- Sustainability;
- Landscaping;
- Outdoor space for residents;
- Parking and access;
- Waste and recycling; and
- Heritage.

The proposed design guidelines document is available in Attachment B.

### **Proposed Changes to the Regulations for Accessory Buildings**

Accessory buildings are intended to be accessory to the principal use on the property. In the case of single-family residential properties, they can be legitimately used for a variety of purposes including home occupations, workshops, garages and storage. They cannot, however, be used as residential dwellings.

The need to review current regulations for accessory buildings became apparent while exploring legalization of garden suites. Through engagement we heard concerns about the illegal conversion of accessory buildings to garden suites and the resulting neighbourhood impacts such as noise, loss of privacy and parking congestion on local streets.

In preparing the proposed regulations, consideration was given to how accessory buildings would work in conjunction with garden suites on a given property and how accessory building regulations should be adapted to ensure that constructing a legal garden suite for residential use is preferable to constructing and illegally occupying an accessory building for residential use.

Staff are recommending modest changes to the existing regulations for accessory buildings that would reduce their overall size (e.g. lot coverage) and restrict the construction of basements or crawl spaces in an effort to reduce the likelihood that accessory buildings would be constructed for the purpose of an illegal residence. The proposed regulations are detailed in Attachment C of this report.

### **ALTERNATIVES**

For ease of review, decision options related to the potential legalization of garden suites are organized into four groups of recommendations:

Regulatory Framework (Recommendations 1- 4)

1. That Council approve the recommendations as outlined in the staff report.

The implications of this alternative are discussed in detail in the latter sections of this report.

2. That Council reject the recommendations as outlined in the staff report.

Should Council decide to reject the recommended regulatory framework, as outlined in the staff report, the proposed regulatory changes to legalize garden suites and amend accessory building regulations would not proceed.

3. That Council provide alternate direction to Staff.

Should Council provide alternate direction to Staff, such as changes to the proposed zoning regulations and/or the approval process for garden suites, the implications are that staff would work to address comments from Council.

Depending on the scope of the alternate direction, changes could be incorporated into the formal Zoning Bylaw amendments or design guidelines that would be presented to Council at a future meeting. If directed changes extend beyond the scope of the original study, additional research or public engagement may be warranted.

Bylaw Enforcement Staff Resource (Recommendation 5)

1. That Council approve the recommendation as outlined in the staff report.

The implications of this alternative are discussed in detail in the latter sections of this report.

2. That Council reject the recommendation as outlined in the staff report.

Should Council decide to reject the recommendation as outlined in the staff report, no additional bylaw staff resources would be added.

3. That Council provide alternate direction to Staff.

Should Council provide alternate direction to Staff, the implications are that staff would work to address comments from Council. This alternative could result in a delay in Council's decision regarding the proposed regulatory framework.

Garden Suite Program Review (Recommendation 6)

1. That Council approve the recommendation as outlined in the staff report.

The implications of this alternative are discussed in detail in the latter sections of this report.

2. That Council reject the recommendation as outlined in the staff report.

Should Council decide to reject the recommendation as outlined in the staff report, no formal review of garden suite regulations would occur.

3. That Council provide alternate direction to Staff.

Should Council provide alternate direction to Staff, such as changes to the timeline for review of the garden suite program, for example, the implications are that staff would work to address comments from Council.

## **FINANCIAL IMPLICATIONS**

### **Bylaw**

Funding in the amount of \$45,000 annually would be required for the recommended half-time bylaw staff person (0.5 FTE). If supported in principle, a resource request for this new position would be brought forward for consideration by Council during the 2020 budget deliberation process.

### **Other**

As outlined in this report, staff is recommending a Delegated Development Permit process in part because it would result in the timelier processing of garden suite applications. That said, as with any new initiative the corporation takes on, the capacity of the corporation is impacted.

Recent decisions by Council to: add additional staff positions to better resource development processing; and initiate a service delivery review, are anticipated to assist the development review process (including garden suites assuming this housing type is approved by Council) and reduce associated timelines. Post implementation of the new staff resources and efficiency review, if additional resources would be of benefit to the garden suite application process, staff will outline potential areas for improved service delivery as part of prescribed progress reports

As always, staff will work with existing resources to administer the development process in as timely and efficient manner as possible.

## **STRATEGIC PLAN IMPLICATIONS**

The Garden Suite Study was included in the District of Saanich 2015 - 2018 Strategic Plan.

Should Council endorse staff's recommendations, Zoning Bylaw amendments and other regulatory changes would be drafted to legalize garden suites and be presented to Council at a subsequent meeting. Once regulatory changes are enacted, staff resources would be required to administer garden suite applications and create materials to support applications, thereby potentially delaying other Strategic Plan priorities.

## **PLANNING IMPLICATIONS**

### **Policy Analysis**

Policy articulated in the Official Community Plan (OCP), and the CRD's Regional Housing Affordability Strategy and Regional Growth Strategy (Attachment G) supports reviewing bylaws and policies that advocate expanding housing options within established neighbourhoods.

The OCP contains policy that determines where growth is encouraged geographically. While most growth will occur within urban "Centres" and "Villages," the OCP supports infill within neighbourhoods that occurs on a "limited scale" and is done sensitively to maintain neighbourhood character. Policy 4.2.4.1 supports "a range of housing choices, by type, tenure, and price." Garden suites as a form of infill provide an attractive, detached rental option within established neighbourhoods.

The Regional Growth Strategy and OCP both support compact future growth and the provision of housing within walkable, sustainable neighbourhoods and complete communities. Garden suites provide the opportunity to increase population in areas that are served by local amenities, infrastructure, and services within the Urban Containment Boundary.

### Regulatory Framework

The proposed regulatory framework reflects the OCP and regional policies of adding housing options in urban areas. It also includes provisions that would enable garden suites to integrate sensitively into established neighbourhoods. If approved, the proposed regulations to limit the size of garden suites and require an additional parking space on site would help to address livability considerations for neighbours, as well as residents of the garden suite and primary dwelling. The proposed zoning regulations would be further enhanced by the application of design guidelines that allow for an examination of site and building design considerations and a response to unique site conditions.

Amendments to the existing accessory building regulations are also proposed. The changes are intended to limit the cumulative impacts of multiple structures on a property and maintain the character of established neighbourhoods.

A key element of the regulatory framework is the approval process used to evaluate garden suite applications. Striking a balance between a timely process and appropriate review is critical to meeting community interests. The proposed regulatory framework recommends that garden suites be approved through a Delegated Development Permit, which would mean that garden suites would be a permitted use in RS Zones within the sewer service area, but applications would require design review prior to approval. It is recommended that a neighbour notification process be included, but that parts of it not be made mandatory.

Should Council decide to endorse the proposed regulatory framework, staff will begin preparing the necessary amendments to Saanich bylaws.

### Enforcement

Seventy-nine percent (79%) of survey respondents indicated that enforcement of the regulations was important to their support of the proposed garden suite regulations. Through public consultation many people expressed concerns about enforcement of regulations for illegal secondary suites, accessory buildings being converted illegally to residences, and parking on residential streets.

To assist with implementation of the proposed regulations, staff recommend that Council approve resources during the 2020 budget process for an additional half-time bylaw staff person (0.5 FTE), to increase capacity to address complaints related to illegal occupancy and compliance under the proposed regulatory framework for garden suites (Recommendation 5). This would enable for more responsive service to address illegal occupation and compliance with the proposed regulatory framework.

### Monitoring and Evaluation

Several of the municipalities that were looked at for this study have completed reviews and updates of their regulatory frameworks for garden suites/detached secondary suites. There are a number of examples of municipalities adapting their regulatory requirements in response to feedback received from staff and applicants. For example, in 2017 the City of Victoria revised their regulations for garden suites and replaced the rezoning requirement with a requirement for

a Delegated Development Permit. The change responded to concerns that the application process was time consuming and costly to complete.

Staff are recommending that the garden suite program be reviewed one and two years after the regulatory changes are formally enacted (Recommendation 6). The proposed review period would allow time for staff to test the regulatory framework - with the one-year period primarily identifying adjustments needed in the regulatory framework, and the two-year review providing more fulsome information on uptake and construction trends. At the end of the review periods, Council could consider making changes to the program.

In addition to feedback received from staff and the public, a variety of indicators could be used to monitor the success of the program including:

- Total number of applications received and completed;
- Total number of garden suites constructed;
- Average time and cost required to complete an application;
- Enforcement and bylaw statistics; and
- Implementation statistics for the regulations and guidelines.

## **CONCLUSION**

Garden suites are an opportunity to add to the choice and supply of permanent rental housing within the District of Saanich's established single family neighbourhoods. All aspects of the proposed regulatory framework have been carefully considered with the express goal of ensuring that garden suites are a sensitive and compatible addition to communities.

The Official Community Plan contains policy in support of expanding housing choice and increasing the supply of more affordable housing. Additionally, the Regional Growth Strategy and Regional Housing Affordability Strategy highlight the need to increase the number of housing units within the urban area. While garden suites and other forms of infill are not expected to add a large number of dwelling units, all opportunities are important within the region.

The proposed regulatory framework for garden suites is based on a thorough examination of the regulatory frameworks and processes in other jurisdictions. It is also the result of significant public engagement that was undertaken between March 2018 and May 2019.

Results of the public engagement process indicated consistently high levels of support for garden suites (72% in the statistically-significant survey and 63% in Community Survey #3). They also provided important feedback on all aspects of the regulations including building size, height, location, parking, ownership, and design.

The proposed regulatory framework consists of four parts:

1. Zoning Bylaw amendments to permit garden suites;
2. Design guidelines to enable evaluation of building and site design;
3. Zoning Bylaw amendments to change accessory building regulations; and
4. An approval process to review and approve garden suite applications.



Staff are seeking Council support of six recommendations to endorse the proposed regulatory framework, as well as hire an additional half-time staff person to address enforcement concerns and report back to Council after one and two-years to ensure garden suite regulations are meeting program objectives.

Collectively the regulations seek to strike a balance between encouraging the creation of a new infill housing that will provide greater choice for Saanich residents, while at the same time, ensuring that the character of established single family neighbourhoods is maintained.

Prepared by: \_\_\_\_\_  
Megan Squires  
Planner

Reviewed by: \_\_\_\_\_  
Cameron Scott  
Manager of Community Planning

Approved by: \_\_\_\_\_  
Sharon Hvozdzanski  
Director of Planning

MS/jsp

- Attachments:
- A. Proposed Zoning Regulations
  - B. Proposed Design Guidelines
  - C. Proposed changes to the Regulations for Accessory Buildings
  - D. Garden Suite Study Terms of Reference
  - E. Summary of Public Engagement
  - F. Summary of Survey Results
  - G. Policy Framework for Garden Suites

**ADMINISTRATOR’S COMMENTS:**

I endorse the recommendation from the Director of Planning.

\_\_\_\_\_  
Paul Thorkelsson, Administrator