

MINUTES
MAYOR'S STANDING COMMITTEE ON HOUSING AFFORDABILITY AND SUPPLY
Held online via Microsoft TEAMS
June 14, 2021 at 8:30 am

Present: Mayor Fred Haynes (Chair), Councillor Zac de Vries, Councillor Karen Harper, Councillor Ned Taylor

Staff: Harley Machielse, Director of Engineering, Sharon Hvozanski, Director of Planning; Jason Hodgins, Development Services Manager; Cameron Scott, Manager of Community Planning; Tania Douglas, Senior Committee Clerk

Minutes

MOVED by Harper and Seconded by de Vries: "That the Minutes of the Mayor's Standing Committee on Housing Affordability and Supply meeting held April 12, 2021, be adopted as circulated."

CARRIED

Secondary Suites in New Single Family Dwellings

Committee members discussed secondary suites in new single family dwellings and whether this should be made a requirement for new construction applications.

The following was noted:

- There has been concerns expressed about increased density and secondary suites with some subdivision applications.
- It is thought that Staff have supported projects that do not include secondary suites in order to alleviate neighbours' concerns about increased density and parking.
- Secondary suites are very important and help with much needed housing.
- A question was asked about Saanich's policy, and if is there anything that can be done to ensure staff are supporting secondary suites in new single family dwellings.
- Secondary suites were not supported in the past but are now part of diverse housing.

The Director of Planning stated:

- In some cases it does not make sense to have secondary suites, and in some cases it is appropriate.
- Considerations to think about include looking at a whole neighbourhood, and also short term rentals versus long term rentals.
- The majority of people are supportive of longer term rentals, but one thing that staff hears consistently from neighbourhoods is around concerns about short-term accommodations with high turnover (eg. Air BnB).
- Ultimately Council makes the decision about supporting secondary suites, whether or not there is support by public or staff.
- A blanket policy on requirements for secondary suites may be considered a bit heavy handed because suites may not fit in all areas. Applications should be looked at case-by-case to see if they are an appropriate fit for the neighbourhood.
- If staff holds an educational public engagement forum about the benefits of affordable housing and different forms of housing, it would be a good way to receive feedback and also educate the public on this matter so that better proposals may come forward.

Committee comments:

- In the housing report that is coming forward, one recommendation is to continue with secondary and garden suites, and also to contemplate allowing both on the same property.
- This could provide an opportunity to inform the public that they are permitted to put in secondary suites without having to get special permission.
- If in area where permitted, it's a question of meeting building Code and obtaining a building permit, not getting permission.
- If there are covenants that say people cannot have secondary suites, it would be problematic as it would take away the property owner's right to do this. We should be consistent in our approach.
- The issues that are likely driving the public's concerns are likely around parking and we will want to make sure that when building occurs any concerns are addressed appropriately.
- If the project is seen as worthwhile it would be difficult to have to say there are different categories of homes within the Urban Containment Boundary (UCB), especially when an existing home could automatically construct a suite by getting a building permit and meeting Code.

The Director of Planning noted that:

- With development applications Council is likely to have a conversation either about secondary suites being allowed in each of the dwellings or about the number of dwellings overall.
- There are a number of denser developments coming forward.
- With re-zonings this issue comes up consistently in neighbourhoods.
- Staff could create a policy surrounding secondary suites if directed by Council.

In reply to a question the Director of Planning confirmed that restrictive covenants stay with a property until they are removed.

Committee comments:

- It used to be common to have restrictive covenants on properties. Some of these covenants were very biased and would exclude persons from a neighbourhood based on ethnicity. A suggestion was made that this puts a similar bias against people by raising the bar to enter a neighbourhood. We have a responsibility to ensure barriers to enter into neighbourhoods are not too high otherwise they become exclusive neighbourhoods.
- Not every house needs to have a secondary suite and Saanich shouldn't mandate secondary suites as a requirement but it would be good to also look at short term rentals.
- It would be good to have a policy on this issue as there needs to be firm communication surrounding secondary suites as well as short term rentals.
- There needs to be firm communication on this and we should focus on valid concerns and not be dissuaded from concerns that are not borne out of the facts. (eg. Gordon Head community concerns about having duplexes back in the 1980's).

The Director of Planning expressed concern about the comments made about restrictive covenants and comparing ethnicity to a land use discussion. Covenants today are very different than the ones made in the past, and they deal strictly with land use. Some old covenants still do exist, and staff expunge them as soon as they are found, although in some cases they cannot be undone. Land use decisions are unique to the community each community has its own approach. She understands the concern regarding fair access to housing, and noted there are ways this can be achieved. Secondary suites are only one tool, and fair housing for all is important.

Committee comments:

- Blanket covenants may result in unforeseen problems in the future.
- If part of the concern is Air BnB's and short term rentals, Saanich will need to have clear policies around this.
- During the Pandemic there were some changes in short term housing and housing has become even shorter in supply.
- Some buyers and also builders want homes without secondary suites; further down the road suites could be added into these homes.
- Residents have pushed for covenants against secondary suites for some developments and this is too restrictive.
- Point was made that family homes may increasingly become business-based as more people are working from home.

Motion: MOVED by K. Harper and Seconded by N. Taylor, "That the Mayor's Standing Committee on Housing Affordability and Supply recommends that staff be directed to create a policy for rezoning and subdivision applications to clarify appropriate terms and conditions surrounding secondary suites and covenants for new single family dwellings."

Committee comments:

- A policy would aid staff in having discussions with the public, could help with internal processes, and may result in less applications needing to come to Council.
- This could help address issues surrounding bed and breakfast establishments versus rentals.
- While covenants could be required and then lifted after a time, they could create a division in terms of housing affordability.
- This is an issue that has come up on numerous occasions and needs to be addressed.

Committee member clarified that although past restrictive covenants were much more direct, indirect ones matter as well. There are patterns where people are more likely to be economically disadvantaged or have lower income than their peers, so while not as direct, the implications of raising the bar to enter neighbourhoods is a problem. For too long this was just seen as a land use decision but these decisions have real social impacts and lead to issues with inclusion.

In reply to a question, the Director of Planning confirmed that this motion gives enough clarity to bring back a policy for committee's consideration.

The Motion was then Put and CARRIED

*** Councillor Taylor left the meeting at 9:00 am ***

Subdivision Bylaw Policy Review

This item was referred by Council on February 8, 2021. The Director of Engineering noted that this presentation is to provide background information as the review of the Subdivision Bylaw servicing levels will be done later in the year. Committee members will hear how service levels are established, look at the work plan, and can provide some initial input to the project work being undertaken. Prior to going to Council, staff will come back to this committee possibly later this year or early next year. Engineering is still looking to procure a consultant for the project.

The Development Services Manager presented information and noted the following:

- The Subdivision Bylaw covers the requirements for subdivisions and building permits and rezoning applications.
- Development cost charges (DCC) target areas speaks to the overall growth in the municipality.
- Community Amenity Contributions (CAC) are like gifts from developers for rezoning in exchanges for variances. These usually target above-ground infrastructure.
- Capacity requirements are required when a development puts municipal infrastructure over capacity (eg. downstream infrastructure cannot accommodate a specific development). This may be cost-shared with the municipality if existing infrastructure exists but is sub-standard.
- Local Area Services (LAS) are location-focused improvements that are paid for through taxes on the benefitting properties. If a petition from the public is received and it is a worthwhile venture staff can proceed the work. This can be cost shared, it could be paid back through specific taxes on the properties who benefit from the project. Grants from higher level government can also be obtained for local area services.
- When reviewing building permits staff look at the Building Bylaw which directly references the Subdivision Bylaw. A description of the Schedules within the Subdivision Bylaw was given.
- Service levels for building permits were described: Level 1 is for larger properties and rural zoned lots (RS-16 to RS-18, and Rural A-Zones). Level 2 is for RS-1 to RS-16.
- A set standard for development servicing was established in order to have consistent capacity to a development. Advantages include: there are no covenants needed to protect municipal interests when standards are adhered to; costs are generally known for public works; and ensures developments are done in a transparent manner.
- In terms of affordability, upfront costs can be large but then we have lower maintenance costs for something like pipes. General taxes do not pay for new installations to service a specific development.
- There are a few grey areas to interpret in the Bylaw. Shortcomings of the current bylaw were seen recently. The Bylaw lacks policy framework for scaling requirements relative to a development. With Service Level 2 it only permits a pipe connection for a drain service, otherwise you need a development variance. What constitutes a development is not easily defined and leads to different interpretations from applications.
- Our Bylaw is not modern and many advancements have occurred since it was written.
- Current objectives are to refresh and modernize specifications in the Bylaw, as well as clarify naming conventions and usability, create a policy framework for matching development size to servicing requirements and have alternative solutions when site conditions allow.
- Saanich is looking for a consultant to hire for approximately 1.5 years. The Integrated Stormwater Management Plan (ISMP) will take about five years to complete and will be integrated into the Subdivision Bylaw when completed.

Committee comments:

- If the Bylaw is inflexible, what can be done in the shorter term?
- If any work requiring a permit needs to meet the requirements in this Bylaw (eg. deck repairs) there could be unintended consequences; if people become aware that they live in an area without fulsome services they may just build without permits at all.
- When the presentation to Council was made on the Stormwater Management Plan it seemed clear that a longer range approach is to look at Saanich in sections/areas that may be treated differently, which makes sense from an infrastructure point of view. (eg. Uptown would need to be treated differently than Cadboro Bay). Some areas in the UCB are still rural.
- It is hoped that staff could bring back a shorter term solution.

- Some items in the Bylaw may be at odds with the Strategic Plan in terms of affordable housing. We want to bring goals in alignment from both the engineering and from the housing perspective. There are significant shortcomings.
- The long terms sustainability of the district is important and having a reformed policy to come back to committee for a closer look would be good.
- It is important that people benefitting from developments that needs infrastructure, should pay into the delivery of the infrastructure.
- The Bylaw is doing its job in many ways; there have been areas where there is a deficit of infrastructure that has been onerous on the resident (eg. Mt. Tolmie) but it should be considered on a case by case basis. We do need to recover costs somehow.
- A more detailed discussion would be in order.
- We have received concern from some residents wanting to build additions for family or to age in place, and we do want people to be able to construct garden suites. If the infrastructure is already there they should be asked to connect, but if it is not available there should be an alternative.
- Saanich is about 60% rural; urban areas have different requirements.
- Will all engineering options be considered, (eg pipes to the ocean vs groundwater infiltration)? If we are pushing for pipes what are the flooding risks and should we identify flood areas that do not meet ground water infiltration capacity and improve systems. Feedback on this would be appreciated.
- We are trying to build a more diverse inclusive type of housing and allow people to age in place. Garden and secondary suites are key to this.
- Costs are high to connect to infrastructure if it is not existing. This needs to be sorted this out and short term solutions should be found.

The Director of Engineering stated:

- We have been consistent, following the Bylaw requirements for decades.
- Regarding the discussion about use alternative stormwater systems this is an option currently within the bylaw. If new single family dwellings require onsite storm detention, options exist that allow recharge into the groundwater.
- We do have green infrastructure techniques today, but at some point during heavy storm events we need an over flow pipe system.
- Regarding the Bylaw we need to look at how much further we can leverage our green infrastructure. It is not known at this time whether we can leverage to the point we do not require a connection.
- We need to understand framework in how services may increase depending on the type of development.
- We need to ask if projects are scaleable based on the infrastructure. The current Bylaw is triggered for any expansion to the footprint of a building. Any interior renovation would not change the footprint or drainage aspect to the site.
- If this committee requested that Council ask staff to bring something short term back without having a framework in place or analysis completed, there would be no basis to make a recommendation to Council. Council could ask for this with no background information but it would be a struggle for staff to make a recommendation without the necessary data to support the decision.

Questions and responses are noted:

- Define the expansion to the footprint. Impervious surfaces can include a roof or driveway or general concrete area. Eg. if you rebuild a garage or build over an existing impervious area, what is considered the footprint?
 - Only the area under the dwelling is considered the footprint.
 - Council has asked for information on impervious aspects of driveways. There are no regulations around this from a Planning and Engineering perspective.
 - They are not connected but there is interest by Council to seeing how we can

- connect them.
- This is only relating to building bylaw application aspects and the only way service levels are triggered.
- Question raised about intense weather situations: is there any data on higher risk areas? And risk mitigation for flooding in the municipality: is it just perception or is actual flooding occurring.
 - This is where the synergy of the Subdivision Bylaw and Integrated Stormwater Management Plan will work together. This is work in two different areas that need to inform each other.
 - In terms of data on flooding, we have data on our own roadways but not home ownership but none on private homes, although we do hear from some residents and some requests for variance brings up the flooding issue.
- Question raised what is the capacity for ground infiltration? If the system is maintained, it needs to be measured against carrying capacity.
 - There is not a way to look at what our capacity is generally across the municipality. In the winter, most areas have zero capacity as groundwater is at surface level. In the summer it is very dry and challenging to get into the ground once it's hardened. It also depends on the sites themselves, geography and conditions, land use, etc. It will be important to ask ourselves if we can define this for different areas and give us the ability to allow alternative methods as part of the Bylaw.
- Concern was expressed that circumstances are different depending on lot sizes, and there is an inflexible approach to solutions that are not equitable or fair. When doing the next iteration of the Bylaw it is hoped that a requirement will be included to hook up to infrastructure for new developments.
- It is clear that the nature stormwater system can be quite different in various areas of Saanich and if we insist on using a one size fits all model this will be problematic.
- Staff are encouraged to think progressively in how we apply the bylaw.
- It is good to know that nuances are seen as important. Any future requests should be looked at with these nuances.
- We would like to be able to assist the department in becoming more flexible, even if this means delegating authority to the Director in some way. Staff are the experts and Council would like to help you manage this.
- There is concern about equity, fairness, environment, and impinging on the Housing Strategy. Many of the areas with less infrastructure are the oldest areas in Saanich where properties have been paying taxes longer than anyone else in Saanich, and these taxes have paid for infrastructure in other areas.

The Director of Engineering thanked committee for their input and noted the comments align with the challenges staff are seeing in the Bylaw. At some point a consultant will help with the analysis, hopefully by the end of the year.

Action: Councillor Harper, Mayor Haynes and the Director of Engineering will discuss this issue separately further.

Future Agenda Items:

The following was discussed:

- "Dinner and Learn" items on the agenda to be renamed as "Educational Topics".
- Regional Mayors have been working with UDI to receive a presentation on Proforma and Financing of Developments. This will be presented to Mayors and may also be presented to each Council around the region. This is something that should also be taken to SCAN and community associations.
- "High level approach to long range planning" will be struck from the next agenda as the KPMG study and the Saanich Housing Strategy are coming forward. These should

- be considered first before the long range planning item.
- o Staff confirmed that an educational component is coming to Council soon.
- Service delivery may be covered by KPMG and the Housing Strategy is coming forward. It makes sense for this committee to meet again when these items are complete. When they come forward it will be determined whether they need to come to this committee for further discussion.

Based on the above discussion it was determined that the next meeting will likely be held in late summer.

ADJOURNMENT

MOVED by Councillor Harper and Seconded by Councillor de Vries, "That the meeting be adjourned at 9:45 a.m."

Mayor Haynes, Chair

I hereby certify these Minutes are accurate.

Committee Secretary