



Council Report For the Meeting of July 25, 2019

To: Committee of the Whole **Date:** July 18, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Garden Suite Zoning Bylaw Amendments

RECOMMENDATION

That Council give first and second reading and direct staff to set the Public Hearing for the attached Zoning Regulation Bylaw Amendment Bylaw (No. 1202) No. 19-086 to amend Schedule M – Garden Suites.

EXECUTIVE SUMMARY

The purpose of this report is to advance proposed *Zoning Regulation Bylaw Amendments* to Schedule M – Garden Suites to first and second reading and for consideration at a Public Hearing and to provide Council with an update on the approach that was taken in preparing the Bylaw. This work responds to Council's motion of July 11, 2019 which stated:

"That Council direct staff to prepare a report to advance OCP Amendments to the Garden Suite Design Guidelines (Attachment C) and that staff be directed to prepare the necessary Zoning Regulation Bylaw Amendments to limit the conversion of new accessory buildings to garden suites and reduce the height of Garden Suites to 4.2m for "plus" sites and that the more fulsome review and consultation outlined in this report take place in a later phase of the Victoria Housing Strategy."

The proposed amendments are included in Attachment A. As directed by Council, these amendments would reduce the permitted height of garden suites on "plus sites" from 5.5m to 4.2m and would limit the ability to convert newly-built accessory buildings to garden suites unless they have been constructed with an approved Building Permit prior to July 11, 2019 or they have been constructed with a Building Permit and have been in existence for at least five years. The proposed *Official Community Plan (OCP)* Amendment referenced in the above motion, which would update, clarify and refine aspects of the Garden Suite Design Guidelines, will advance independently in the coming months. The full Committee of the Whole report from which this initiative originated is included in Attachment B.

The proposed Bylaws do not include any transition provisions and would come into effect, if Council approves them, after the Public Hearing and adoption which are scheduled to occur on August 8, 2019. In order to advise applicants about the upcoming changes, staff notified all 15 applicants of in-process Garden Suite Development Permit applications (14 Delegated Development Permit applications, 1 Rezoning and Development Permit with Variance application) of the pending

changes on Friday, July 12, 2019. The notification advised them that in accordance with the Local Government Act, unless a complete Building Permit Application is submitted by Friday, July 19, 2019, their application may be subject to the Bylaw as amended.

Staff reviewed the 14 in-stream Delegated Development Permit applications and determined that six would potentially be impacted by the proposed changes. Two applications are requesting to convert under-construction accessory buildings to garden suites, and of the four applications requesting new garden suites on "plus" sized lots, three applications would need only slight reductions in height to comply with the proposed changes and one would need to be reduced by approximately 1.27 metres. However, as noted earlier, submitting a Building Permit, as some of these applicants have now done, would secure assessment under the existing Bylaw.

In terms of already approved Garden Suite Development Permits, all but two have applied for Building Permits so will continue to be assessed according to the existing regulations. The two that have not applied for building permits are both are consistent with the proposed changes. Nonetheless, staff notified the applicants that would potentially be impacted of the proposed changes.

Additionally, notice of the changes was posted on the City's website and displayed at the Development Centre service counter. Anyone enquiring about the garden suite program since July 12, 2019 have been verbally advised of the proposed changes and directed to the full Committee of the Whole Report.

Although staff have taken efforts to facilitate a smooth transition between the current and proposed regulations, there will likely be some applicants caught unaware. Despite staff not recommending it, if Council wishes to include transition positions, the Bylaws may be amended between first and second reading to include a later "effective date." For applicants not willing or able to meet the new regulatory provisions, a Development Permit with Variance process may be used, which would require notification of the immediate neighbours and a decision of Council.

In addition to meeting the Local Government Act requirements related to posting notice in two consecutive issues of a local newspaper, notice of the Public Hearing will be posted on the City's website and at the Development Centre, and staff will email the same in-process applicants as well as any new applicants. Additionally, as per normal practice, a notice will be sent to the Community Association Land Use Committees.

Respectfully submitted,




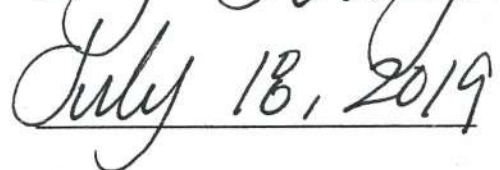
Chelsea Medd
Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:

List of Attachments

- Attachment A: Zoning Regulation Bylaw Amendment Bylaw to amend Schedule M – Garden Suites of the *Zoning Regulation Bylaw*
- Attachment B: Committee of the Whole Report dated, June 13, 2019.