



Planning and Land Use Committee Report

Date: March 20, 2014 **From:** Brian Sikstrom, Senior Planner
Subject: Interim Update on Garden Suites Policy for Detached Accessory Dwelling Units

Executive Summary

The purpose of this report is to provide an interim review and update on the *Garden Suite Policy* (attached) adopted by Council on September 8, 2011.

At the time of its adoption, Council requested that staff report back with information on the development of garden suites after 18 months. The review and report back from staff has been delayed due to the small number of applications received for garden suites. To date, 12 applications have been received, most within the past year. A summary of these applications is provided in Appendix 1 of this report.

The staff conclusions from the Rezoning Applications received to date are as follows:

- The applications have generally complied with the *Garden Suite Policy* and demonstrated support from the neighbours in petitions and Community Association Land Use Committee (CALUC) letters that accompanied the applications.
- The small number of Rezoning Applications for garden suites does not provide a strong basis on which to recommend changes to the Policy, including the requirement for a rezoning.
- It appears that applications for garden suites are increasing as the Policy becomes known and opportunities are being considered in the real estate market.
- When further applications are received and more garden suites are built, a better understanding of the issues and opportunities will be possible with a more comprehensive review and staff report.

Recommendation

That the interim update on garden suites be received for information and that staff report back with a full review and update in one year.

Respectfully submitted,

Brian Sikstrom, Senior Planner
Development Services Division

Deb Day, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager: _____

BMS:aw

Date: _____ Jason Johnson
March 24, 2014

1.0 Purpose

The purpose of this report is to provide an interim review and update on the *Garden Suite Policy* (attached) adopted by Council on September 8, 2011. At that time, Council requested a report back after 18 months.

2.0 Background

The City's *Garden Suites Policy* emerged from the 2009 staff review of secondary suites, which recommended that staff prepare a policy report on suites in accessory buildings focused on locational, site planning and design policies.

Staff prepared a report and draft policy on garden suites with public consultation and feedback in 2010 and 2011. At its meeting on September 8, 2011 following a non-statutory Public Hearing, Council adopted a *Garden Suite Policy* with the following resolution:

That Council adopt the Garden Suite Policy (revised May 31, 2011) as official City Policy and the following statement be included within the Heritage Register, the City would encourage applicants to consider heritage designation as they pursue approval of a garden suite; and that staff report back with information regarding the development of garden suites in 18 months.

Carried

A staff report back has been delayed by the receipt of a small number of applications for garden suites.

3.0 Issues & Analysis

The Rezoning Applications received for garden suites have generally complied with the *Garden Suite Policy* and demonstrated support from the neighbours in petitions and CALUC letters that accompany the applications.

Since 2010, there have been 12 Rezoning Applications for garden suites. The applications received per year are:

2010: 2
2011: 1
2012: 1
2013: 7
2014: 1

Total: 12

Three Rezoning Applications have been approved by Council, one was declined and one was withdrawn. Of the three Rezoning Applications approved by Council, two garden suites have been built and a third one is under construction. Currently, there are seven applications in process with one on hold at the pre-application stage.

All but two Rezoning Applications for the garden suites have been on "plus sites" (i.e. corner lots, double frontage lots and large lots). For "plus sites", the floor area of garden suites can be up to 56 m². Most of the garden suite floor areas for these sites approximate this floor area. The largest proposed floor area to date is 62 m² and the smallest is 32 m². The majority of proposed garden suites have been one or one and half storeys with an average height of 4.3 m. Only one proposed garden suite involves an existing garage.

Four of the 10 applications for garden suites processed since 2010 have involved departures from the standard R1-B-GS and the "plus site" R1-B-GS2 garden suite zones. These have been processed as variances for building height, setbacks and site coverage. One application in process is requesting a variance to permit a small increase in the permitted floor area.

Appendix 1 of this report summarizes the Rezoning Applications received from 2010 to March 2014 for garden suites.

4.0 Conclusions

The small number of Rezoning Applications that have been received for garden suites to date and the analysis of them does not provide a strong basis on which to recommend changes to the Policy. At this point, it appears that applications for garden suites are increasing as the Policy becomes known and opportunities are being considered in the real estate market. When further applications are received and more garden suites are built, a better understanding of the issues and opportunities will be possible with a more comprehensive review and staff report.

5.0 Recommendation

That the interim update on garden suites be received for information and that staff report back with a full review and update in one year.

APPENDIX 1

Table 1: Summary of Garden Suite Applications – 2010 to 2013

	Address	Date Received	Application Status	Floor Area/Height	Consistency with Garden Suite Zones (R1-B-GS and R1-B-GS2)	Lot size	Comments
1	3194 Rutledge	April 1, 2010	Approved Jan 20, 2011/Built	41.8 m ² /3.4 m and one storey	Consistent	527 m ²	Corner lot
2	1334 Pembroke	Nov 17, 2010	Declined	53.1 m ² /3.9 m	Not consistent	456.7 m ²	Corner lot
3	1235 Chapman	Nov 18, 2011	Approved June 14, 2012/Built	56 m ² /5.5 m	Consistent	696.7 m ²	Access from rear lane
4	1656 Richardson	May 9, 2012	Approved Oct. 25, 2012/ Built	56 m ² /5.3 m and 1.5 storeys (loft)	Consistent-variance for side yard setback	1050 m ²	Next to mid-block walkway
5	961 Cowichan	March 22, 2013	Approved Sept. 26, 2013/ Under Construction	56m ² /3.3m and one storey	Consistent	592m ²	Fronting on Redfern St.
6	1270 Dallas	June 27, 2013	In Process	60 m ² / 4 m and one storey	Consistent	802 m ²	Conversion of existing garage – parking for one car in garage
7	152 Moss	Aug. 15, 2013	In Process	56 m ² /5.5 m and 1.5 storeys	Consistent - variance for rear yard site coverage	331.3	Corner lot
8	2232 Belmont	Sept. 24, 2013	Did not proceed. File closed due to inactivity	N/A	N/A	N/A	
9	2740 Forbes	Oct. 8, 2013	In Process	53m ² /3.5 m and 1.storey	Consistent	569 m ²	Mid-block location.

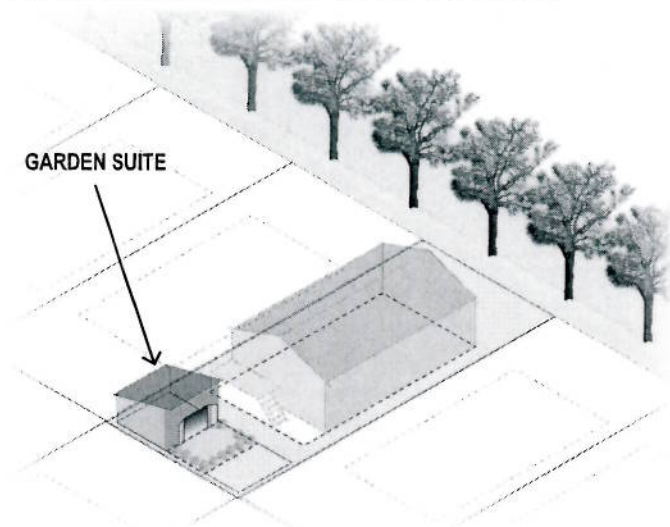
	Address	Date Received	Application Status	Floor Area/Height	Consistency with Garden Suite Zones (R1-B-GS and R1-B-GS2)	Lot size	Comments
10	582 St. Charles	Oct. 16, 2013	In Process	62m ² /5.1 m and 2 storeys	Consistent - variances for setbacks, storeys and floor area	2065m ²	Conversion of an existing carriage house associated with a Heritage Designated house next to Government House grounds
11	147 Olive	Oct 18, 2013	In Process	32 m ² /3.48 m and one storey	Consistent	550m ²	In association with new house under construction
12	1725 Carrick	Feb. 6, 2014	On hold	N/A	N/A	N/A	Pre-application mail out

THE GARDEN SUITE POLICY

to be used in the consideration of rezoning applications

1. What is a Garden Suite?

A Garden Suite is a small, ground-oriented, unit located in the rear yard of a single family detached dwelling.



2. Where can a Garden Suite be located?

Eligible locations for a Garden Suite in Victoria include all properties that contain only a single family detached dwelling and are appropriately zoned. The proposal must meet all requirements of the Garden Suite Policy and should incorporate the design guidelines contained in the Policy. Properties that already have secondary suites are not eligible.



POTENTIAL GARDEN SUITE SITES: The properties shaded in yellow above include sites with the appropriate zoning designation to consider Garden Suites. The graphic is illustrative only.

3. Requirements

The requirements for a Garden Suite to be considered are:

EXISTING LAND USE	Single Family Dwelling
EXISTING ZONING	R1-A Rockland Single Family Dwelling; R1-B, Single Family Dwelling; R1-G Single Family Dwelling (Gonzales); R-2 Two Family Dwelling; R-J Low Density Attached Dwelling; R-K Medium Density Attached Dwelling
LOCATION	Rear yard only
HEIGHT (MAXIMUM)	3.5 m
SETBACKS (MINIMUM)	0.6 m from all lot lines 2.4 m from existing dwelling
CORNER LOT SETBACK ON FLANKING (SIDE) STREET (MINIMUM)	Equal to the existing setback of the primary structure to the flanking street on the adjacent property
REAR YARD SITE COVERAGE (MAXIMUM)	25% maximum
TOTAL SITE COVERAGE (MAXIMUM)	30-40% maximum, based on existing zoning requirement
MAXIMUM TOTAL FLOOR AREA	37 m ² (approximately 400 ft ²)
BUILDING CODE	All BC Building, Plumbing, and Electrical Code regulations apply for residential uses.
STRATA TITLING	Strata titling of properties with Garden Suites is prohibited.
ACCESS	An unobstructed pathway must be constructed and maintained between the public street and the Garden Suite entrance, with a minimum width of 1 m for private and emergency access.
ROOFTOP PATIOS	Interior or exterior structured access to the Garden Suite rooftop is prohibited for all purposes including patios.
PARKING	There are no additional parking requirements for the creation of a Garden Suite but the primary dwelling should have a minimum of 1 parking stall which may not be located in the front yard.
SECONDARY SUITES	Secondary Suites are not permitted on a lot with a Garden Suite.
SERVICING	Servicing to the rear yard must be located underground.

4. Design Guidelines

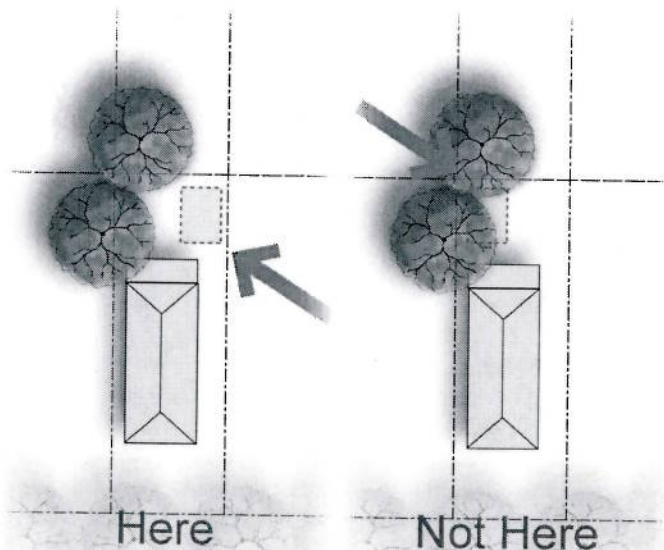
Character

Quality in design, high quality architectural expression, and unique individual identity of a Garden Suite are encouraged. However, the Garden Suite should relate to the principal building on site in terms of materials, roof form, and general architectural expression. The intent, however, is not to create a "miniature version" of the primary building.

Modular and pre-fabricated housing represents a potential opportunity for homeowners to reduce the construction cost and to reduce construction time and disturbance of neighbours. Therefore, these construction methods are supportable. However, the finished structure must be undifferentiated from on-site and adjacent existing structures in terms of quality of construction and the appearance of permanence in addition to meeting all the BC Building, Plumbing, and Electrical Codes.

Respect Mature Landscape Elements

Siting should respect mature trees both on site and on adjacent properties. This means locating the Garden Suite so as to minimize impact on a tree's root system. A certified arborist report may be required as part of the application when a tree on the subject site or a neighbouring lot may be affected.



Minimize Shading

Consideration should be given to minimize shading on adjacent private open space while maximizing contiguous on-site open space. Typically, this means:

- locating the Garden Suite in the southern portion of the rear yard
- locating the highest portion of a pitched or arched roof at the interior of the site, with the roof sloping down towards the nearest lot line
- orienting the ridge so as to minimize shadow on adjacent lots

Hierarchy of Siting Considerations

In the event that a Garden Suite cannot be sited without adverse impacts to either mature landscape or shading on adjacent properties, the following hierarchy of policies apply:

1. protect mature landscape on adjacent properties
2. protect mature landscape on subject property
3. minimize shading on adjacent properties.

Care should also be taken to minimize the visual impact on adjacent properties. However, this does not mean that the Garden Suite will not be completely unseen from adjacent lots.



Siting

Where possible, the Garden Suite should be located to be at least partially visible from the street.

In the case of corner lots, lots with laneway access or double-fronting lots, the Garden Suites should be directly oriented to the adjacent public right-of-way. This means including front doors that are directly oriented to the street or laneway windows directed towards the street or laneway and landscape that reinforces the location of the entry.

On corner lots, the Garden Suite is sited as close to the side street as possible to create a consistent streetscape pattern.

Windows

Windows should be maximized along those façades oriented to the interior of the site. Windows oriented towards adjacent properties are discouraged and, in some cases, may be prohibited by Building Code regulations.

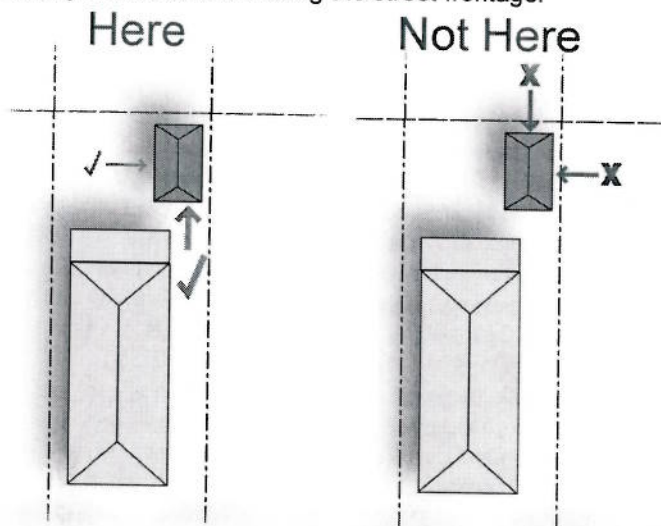
On corner lots, lots with laneway access or double-fronting lots, windows should be oriented to the street or laneway.

Entries and Addressing

Unit entries should be oriented to the street. When this is not practical, a secondary preference would be to locate the entry to the interior portion of the site.

A Garden Suite must be assigned a unique, individual address. This will occur at the building permit stage.

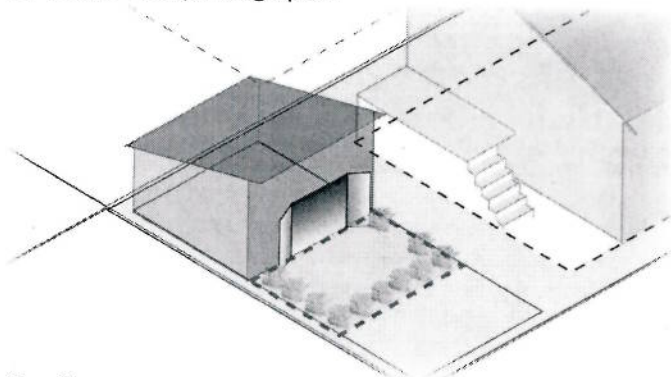
An address sign for the Garden Suite must be located at a clearly visible location along the street frontage.



Usable Outdoor Space

Design and orientation of the Garden Suite should ensure a direct connection with usable outdoor space.

A minimum of 15 m² of semi-private outdoor space should be clearly associated with the Garden Suite. This may be achieved through plantings or changes in surface materials. Hard-surfaced areas are supportable but should include permeable pavers, be decorative in nature, and must not be usable as a parking space.



Rooftops

Rooftop outdoor space is prohibited to mitigate privacy concerns of neighbourhoods.

Rooftop energy initiatives such as solar panels or solar hot water heating may be considered.

Landscape

Green roofs are encouraged as benefits include reducing stormwater runoff, improving water quality, reducing urban heat island effect, conserving energy, creating wildlife habitat, and prolonging the life of the roof membrane. An added benefit is that the green roof may soften the appearance of the Garden Suite from neighbouring lots.

Native plant species and drought-tolerant plants are encouraged in side yard areas, particularly within narrow setbacks between the Garden Suite and adjacent lots where access for maintenance and upkeep is limited.

Heritage

The City will request that all properties identified on the Heritage Register will receive Heritage Designation when a Garden Suite is introduced to a property. Where a property may have heritage value but has not been identified or included on the Heritage Register, the City would encourage applicants to consider heritage designation as they pursue approval of a Garden Suite.

In cases where an existing accessory building is heritage designated, a Heritage Alteration Permit is required and the *Standards and Guidelines for the Conservation of Historic Places in Canada* apply.

In cases where a new Garden Suite is located on a property where the primary structure is protected by heritage designation or is identified on the heritage register, then a Heritage Alteration Permit is not required for construction of the Garden Suite but the *Standards and Guidelines for the Conservation of Historic Places in Canada* should be considered.

Parking and Driveways

No additional parking is required for the Garden Suites but the primary dwelling should have a minimum of 1 parking stall which may not be located in the front yard. Any proposed changes to the parking layout and driveway should include permeable paving materials.

In situations where an existing parking space is displaced by the creation of the Garden Suite, the new parking location should occur within the existing driveway in order to prevent an increase in paved surface but should be located beyond the front face of the primary building as per general parking requirements.

Garbage and Recycling

The proposed site plan should consider the location of extra garbage and recycling bins and screen these from view. These should not be located near the primary entrance of either residence.

5. Exceptions

The requirements for Garden Suites are intended to be consistently applied to all eligible sites. However, given the variety of lot sizes and configurations in the City, natural site conditions unique to each lot, and the possibility that older, existing accessory buildings may not comply with current accessory building requirements, staff may consider recommending approval of a Garden Suite in the following situations.

Exception #1: Existing Garage Conversions

In situations where an existing garage or accessory building is located on site, a Garden Suite may be located within a structure that exceeds the standard requirements provided that:

- the structure was built with all appropriate permits and has not been altered
- the structure is fully upgraded to meet all Building Code requirements for residential use

In the event that a new structure is required to replace the existing legal non-conforming accessory building, the new structure must not exceed the footprint, height, or roof form as defined by the existing structure. Careful documentation of this should be prepared and submitted to the City prior to demolition in order to ensure an opportunity to verify the scale of the existing structure.

Exception #2: "Plus Sites"

Properties that meet the following criteria are considered "Plus Sites":

- a corner lot
- a lot with two street frontages
- a lot with rear yard laneway access
- lots greater than 557 m² (6,000 ft²) in total area.

On "plus sites", there may be an opportunity to increase the floor area of a Garden Suite up to a maximum of 56 m² (600 ft²). The additional floor area may be considered supportable if it can be demonstrated that it would not have a negative impact on privacy, shading, or overlook of or onto neighbouring properties.

Additional floor area may be achieved either by:

- increasing the floorplate- though not to a level exceeding site coverage requirements- to accommodate all floor space on a single level.
- exceeding the height requirement in order to incorporate a loft space with a floor area no greater than 50% of the building footprint, provided that interior floor to ceiling height of the loft space is kept minimal (approximately seven feet) and careful attention is given to prevent excess shading on neighbouring lots.

Exception #3: Protected Trees

In situations where the siting of a Garden Suite is severely



POTENTIAL GARDEN SUITE "PLUS" SITES: The properties shaded in dark yellow in the graphic above indicate potential Garden Suite "Plus" Sites where an additional floor area may be considered. These properties have the appropriate zoning designation for Garden Suites and are either located on a block corner, between two streets, or between a street and a laneway. The graphic is illustrative only.

limited by the presence of protected trees as described in the Tree Preservation Bylaw, a height variance may be considered to accommodate a sleeping loft provided that:

- the maximum floor space of the Garden Suite does not exceed typical requirements
- the floor area of the sleeping loft does not exceed 50% of the ground floor area
- design measures are taken to mitigate shading or overlook concerns on adjacent properties.

6. Note to Applicants

- Submission of a complete rezoning application is required.
- It is advisable to discuss the proposal with your immediate neighbours prior to developing detailed plans. Incorporating early input into a proposal may help to address any potential concerns that neighbours may have.
- Applicants are encouraged to review a preliminary proposal with the City's Engineering and Public Works Department to better understand potential servicing costs and with the City's Planning and Development Department to better understand the rezoning requirements and process. The applicant should also consider aspects related to providing utilities to the Garden Suite including phone, cable, and internet.