

UNFINISHED BUSINESS

2. Victoria Housing Strategy Implementation – Garden Suites

Council received a presentation from the Assistant Director of Community Planning and a report dated February 24, 2017 from the Director of Sustainable Planning and Community Development, providing an update on the Victoria Housing Strategy Implementation of Garden Suites.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman:

1. That Council direct staff to amend the *Official Community Plan* Development Permit Area 15E: Intensive Residential - Garden Suites by updating the development permit area guidelines (Garden Suite Policy, 2011) to include additional guidelines to mitigate privacy impacts in response to public feedback provided on this initiative.
2. That Council consider consultation with those potentially affected by the OCP amendments under Sections 475(1) and (2) of the *Local Government Act*, and direct staff to undertake the following consultation:
 - a. Post a notice on the City's website identifying the proposed OCP amendments, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to the public hearing.
3. That Council consider first and second readings of Bylaw No. 17-001, 17-023, and 17-025
4. That Bylaw No. 17-001, 17-023, and 17-025 be considered at a Public Hearing;
5. That Council consider a new policy for Preservation of Garden Suites as Rentals in Appendix 4 for approval.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be referred back to a Committee of the Whole meeting for further discussion.

Council discussed the following:

- *That this initiative is needed within the community and should be moved forward.*
- *Whether further information is required.*

On the amendment:
Defeated

For: Councillors Isitt, Madoff, and Young
Opposed: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe

On the main motion:
Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe
Opposed: Councillors Isitt, Madoff, and Young



Council Report

For the Meeting of March 9, 2016

To: Council **Date:** February 24, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Victoria Housing Strategy Implementation – Garden Suites

RECOMMENDATIONS

1. That Council direct staff to amend the *Official Community Plan* Development Permit Area 15E: Intensive Residential – Garden Suites by updating the development permit area guidelines (Garden Suite Policy, 2011) to include additional guidelines to mitigate privacy impacts in response to public feedback provided on this initiative.
2. That Council consider consultation with those potentially affected by the OCP amendments under Sections 475(1) and (2) of the *Local Government Act*, and direct staff to undertake the following consultation:
 - a. Post a notice on the City's website identifying the proposed OCP amendments, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to the public hearing.
3. That Council consider first and second readings of Bylaw No. 17-001, 17-023, and 17-025
4. That Bylaw No. 17-001, 17-023, and 17-025 be considered at a Public Hearing;
5. That Council consider a new policy for Preservation of Garden Suites as Rentals in Appendix 4 for approval.

BACKGROUND

This matter came before Council on October 27, 2016 where the following resolutions were approved:

1. That Council direct staff to prepare amendments to the following:
 - The *Zoning Regulation Bylaw* to allow garden suites in single-family residential zones consistent with the *Garden Suite Policy* and based on the proposed *Zoning Regulation Bylaw Schedule M – Garden Suites* appended to this report;
 - The *Garden Suite Policy* to change language pertaining to the requirement for rezoning; and
 - The *Land Use Procedures Bylaw* to delegate development permit approval authority for garden suites to staff.
2. That Council direct staff to seek input on the garden suites recommendation prior to submitting bylaws for readings from the Community Association Land Use Committees, members of the Mayor's Task Force on Housing Affordability, and groups that provided input

into the Task Force work.

In accordance with the direction above, attached for Council's initial consideration are copies of bylaws pertaining to garden suites: 1) proposed Bylaw No. 17-001 to amend the *Zoning Regulation Bylaw* (Appendix 1); and 2) Bylaw No. 17-023 to amend the *Land Use Procedures Bylaw* (Appendix 2). A third bylaw is also attached (Appendix 3), proposing to amend the garden suite development permit area guidelines in response to public feedback received on the proposed zoning changes. An update to the Policy requires an amendment to the *Official Community Plan*.

PUBLIC FEEDBACK

Staff sought input on these changes per direction (2.) above, through a stakeholder email. Staff also held an information session specifically for the Community Association Land Use Committees to answer questions on a number of recent Victoria Housing Strategy initiatives which included a discussion on the proposed changes to Garden Suites. A summary of this meeting is included in Appendix 4. Formal feedback received thus far has been divided, with most correspondence indicating either support or opposition to permitting garden suites in zoning. A common theme arising from those opposed was a concern around the impact of garden suites to the privacy of neighbouring properties. As a result of these concerns, changes to the Garden Suite Policy and Guidelines are proposed and detailed below. All written feedback pertaining to garden suites has been included in the public hearing documents.

CHANGES AND CONSIDERATIONS

Removing the rezoning requirement means development permit applications will be approved or declined based on consistency with guidelines and in accordance with zoning. In anticipation of this, staff carefully reviewed the garden suite development permit area guidelines and the zoning regulations to ensure the objectives around garden suites would be realized through permit processes, and added language to strengthen wording where staff, in their experience, felt there could possibly be any opportunity for misinterpretation. To that end and in addition to the Council direction of October 27, 2016, the following has been incorporated into the bylaws that are being introduced, as well as a new policy related to garden suite tenure:

1. In response to feedback expressing concern that garden suites may infringe upon the privacy of neighbouring properties, the Garden Suite Policy and Guidelines were amended to create a new Privacy section that outlines tangible ways to preserve privacy through sensitive design. All existing reference to privacy in the Policy and Guidelines was moved to this section and an additional guideline pertaining to overlook on adjacent properties was added. As updates to the Policy and Guidelines require an OCP amendment, an OCP amendment bylaw, along with the updated Policy and Guidelines, is attached in Appendix 5.
2. To ensure there is clarity with regards to the treatment of garden suites as purpose-built housing accessory to a single-family dwelling, staff have updated the definition of "Garden Suite" in the *Zoning Regulation Bylaw* to clarify that a garden suite must be affixed to a foundation. This change will ensure garden suites are permitted in zoning on the basis of them being long-term rental housing units.
3. Garden suites are intended as rental housing, and the Garden Suite Policy and Guidelines note that strata titling is prohibited. To strengthen policy in order to ensure that garden suites remain purpose built rentals, staff created an additional policy to further discourage

the stratification and subdivision of garden suites if a means for doing so were proposed. This policy is attached to this report in Appendix 6.

LEGISLATIVE AUTHORITY

Per Section 475 of the *Local Government Act*, during an amendment of an official community plan, the proposing local government must provide one or more opportunities, as it considers appropriate, for consultation (in addition to the public hearing requirements later on in the process). In addition to the general requirement to consider appropriate consultation with persons, organizations and authorities, the local government must specifically consider whether consultation is required with the following:

1. The board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan.
2. The board of any regional district that is adjacent to the area covered by the plan.
3. The council of any municipality that is adjacent to the area covered by the plan.
4. First nations.
5. Boards of education, greater boards and improvement district boards.
6. The provincial and federal governments and their agencies.

The proposed OCP amendment to insert development permit area guidelines for privacy mitigation does not impact the above entities. Furthermore, the OCP amendment was proposed in response to public feedback received on the related zoning amendments. However, in order to provide an opportunity for the City to consult with the public, and other organizations and authorities who may feel they are affected, staff recommend that Council instruct staff to post a notice on the City's website identifying these proposed OCP amendments, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to the public hearing.

Respectfully submitted,


For

Lindsay Milburn
Senior Planner – Housing Policy



Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date:

March 9, 2017

Attachments:

- Appendix 1 – Bylaw No. 17-001 (Zoning Regulation Amendment Bylaw)
- Appendix 2 – Bylaw No. 17-023 (Land Use Procedures Amendment Bylaw)
- Appendix 3 – Bylaw No. 17-025 (OCP Amendment Bylaw)
- Appendix 4 – Notes from City Presentation with Community Association Land Use Committees
- Appendix 5 – Garden Suite Policy and Guidelines, 2017
- Appendix 6 – Preservation of Garden Suites as Rentals Policy

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating Schedule M – Garden Suite Regulations and adding garden suite as a permitted use accessory to a single family dwelling in the R1-A, R1-B, and R1-G Zones.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1081)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption GENERAL REGULATIONS by adding the following words:

“Schedule M – Garden Suite Regulations”
- 3 The Zoning Regulation Bylaw is also amended by adding after Schedule L – Small Scale Commercial Urban Food Production Regulations the provisions contained in Schedule 1 of this Bylaw.
- 4 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
 - (a) in Schedule A – Definitions by amending the definition of Garden Suite to read as follows:

“Garden Suite means a building attached to a foundation, used or designed as a self-contained dwelling unit located on a lot with a single family dwelling and does not include a strata lot.”
 - (b) in Part 1.1 – R1-A Zone, Rockland Single Family Dwelling District, by amending section 1.1.1.a by adding garden suite as an accessory use so that the subsection reads as follows:

“a. Single family dwelling with no more than one of the following accessory uses:
Secondary suite subject to the regulations in Schedule “J”; or
Garden suite subject to the regulations in Schedule “M”; or
Roomers and/or Boarders up to a maximum of 4”
 - (c) in Part 1.2 – R1-B Zone, Single Family Dwelling District, by amending section 1.2.1.a by adding garden suite as an accessory use so that the subsection reads as follows:

“a. Single family dwelling with no more than one of the following accessory uses:
Secondary suite subject to the regulations in Schedule “J”; or
Garden suite subject to the regulations in Schedule “M”; or
Roomers and/or Boarders up to a maximum of 4”

- (d) in Part 1.6 – R1-G Zone, Gonzales Single Family Dwelling District, by amending section 1.6.1.a by adding garden suite as an accessory use so that the subsection reads as follows:

“a. Single family dwelling with no more than one of the following accessory uses:
Secondary suite subject to the regulations in Schedule “J”; or
Garden suite subject to the regulations in Schedule “M”; or
Roomers and/or Boarders up to a maximum of 4”

READ A FIRST TIME the 9th day of **March** 2017

READ A SECOND TIME the 9th day of **March** 2017

Public hearing held on the day of 2017

READ A THIRD TIME the day of 2017

ADOPTED on the day of 2017

CITY CLERK

MAYOR

1 Restrictions

- a. A garden suite is only permitted when the primary building is used for a single family dwelling.
- b. A garden suite is not permitted on a lot when a single family dwelling contains a secondary suite.
- c. No more than one garden suite is permitted on a lot.

2 Setback, Separation Space and Location

- a. Rear yard setback (minimum) 0.6m
- b. Side yard setback from interior lot lines (minimum) 0.6m
- c. Side yard setback on a flanking street for a corner lot (minimum) 3.5m, or the minimum front yard setback of the adjoining lots whichever is the greater, when the adjoining lots shares a common lot line other than a rear lot line
- d. Separation space between a garden suite and a single family dwelling (minimum) 2.4m
- d. A garden suite must be located in a rear yard.

3 Rear Yard Site Coverage

- a. Rear yard site coverage (maximum) 25%
- b. Site coverage (maximum) Subject to site coverage regulations in the applicable zone

4 Height, Storeys, Floor Area and Roof Decks

- a. Height (maximum) 3.5m
- b. Number of storeys (maximum) 1
- c. Floor area (maximum) 37m²
- d. Roof deck Not permitted

5 Plus Site - Regulations, Height, Storeys and Floor Area

a. Properties that meet one or more of the following criteria are considered a “plus site”:

- a corner lot
- a lot with two street frontages
- a lot with rear yard laneway access
- a lot greater than 557m² in total area.

b. Notwithstanding Section 4, the following restrictions apply to a garden suite on a “plus site”:

- | | |
|--|------------------|
| i. <u>Height</u> (maximum) | 5.5m |
| ii. Number of <u>storeys</u> (maximum) | 1.5 |
| iii. Floor <u>area</u> (maximum) | 56m ² |
| iv. <u>Roof deck</u> | Not permitted |

6 Vehicle Parking

- | | |
|--|--|
| a. Vehicle parking for a <u>garden suite</u> | Subject to the regulations in Schedule “C” |
|--|--|

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to add new design guidelines to Development Permit Area 15E: Intensive Residential – Garden Suites to address privacy considerations.

Under its statutory powers, pursuant to section 477 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in public meeting, enacts as follows:

Title

- 1 This Bylaw may be cited as “OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 17)”.

Official Community Plan Bylaw

- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended in Appendix A, DPA 15E: Intensive Residential – Garden Suites, section 5 by deleting

“The Garden Suite Policy (2011)”

and replacing with:

“The Garden Suite Policy and Guidelines (2017)”

Effective Date

- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the 9th day of March 2017

READ A SECOND TIME the 9th day of March 2017

Public hearing held on the day of 2017

READ A THIRD TIME the day of 2017

ADOPTED on the day of 2017

CITY CLERK

MAYOR

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to delegate development permit approval authority for garden suites to the Director of Sustainable Planning and Community Development.

Under its statutory powers, including section 154 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in public meeting, enacts as follows:

Title

- 1 This Bylaw may be cited as “Land Use Procedures Bylaw, Amendment Bylaw (No.4)”.

Land Use Procedures Bylaw

- 2 Bylaw No. 16-028, the Land Use Procedures Bylaw, 2016, is amended in Schedule D – Delegated Approvals, by inserting the following new area under Column B (“DPAs and HCAs”), for Permit Type “DP for an accessory building or buildings” below “DPA 15D: Intensive Residential – Duplex”:

“DPA 15E: Intensive Residential – Garden Suites”

Effective Date

- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the	9 th	day of	March	2017
READ A SECOND TIME the	9 th	day of	March	2017
READ A THIRD TIME the	9 th	day of	March	2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR

Notes from City presentation with Community Association Land Use Committees

On Monday January 17, 2017, approximately 35 representatives from Community Association Land Use Committees attended a presentation by the City to outline and answer questions about some current zoning initiatives from the Victoria Housing Strategy and changes to off-street parking requirements. Participants were given an opportunity to ask questions about the initiatives, however, they were directed to provide feedback to Council in writing and through the public hearing process.

Here is record of the points of clarification and discussion:

Victoria Housing Strategy Initiatives

Minimum Unit Sizes: Council is considering removing minimum unit sizes outside of downtown (where no minimum unit sizes currently exist).

- The current minimum unit size is 33m² in most zones outside of downtown
- There was discussion around Single Room Occupancy; staff clarified units would have to be self-contained with this change
- Currently units can be built without a window, however, the requirement of a window allowing access to natural light is a proposed change to the regulation
- The issue of short-term vacation rentals is before Council
- Some concern was expressed around research related to who occupies small units and the livability and health for people living in micro-units
- Some participants pointed out that it's important for the City to think about what is offered outside of the units for people to do and the need for a parks master plan
- Some concern was expressed about having too many micro-units in one neighbourhood and whether the neighbourhood planning process could be used to spread the units into different neighbourhoods
- There was discussion about the use of housing agreements.
- There was discussion about whether this will increase affordable housing

Secondary Suites: Council is considering relaxing zoning restrictions in an effort to encourage the development of legal secondary suites.

- Only one secondary suite per single family home is currently permitted; this will not change with this initiative. Council has directed staff to explore on a neighbourhood basis acceptance of further relaxations including multiple secondary suites, and garden suites and a secondary suite together
- Allowing multiple suites on single properties supports multi-generational living situations
- There was a suggestion that the City should require a business license for secondary suites even if the owner lives on site.
- There was discussion and varying viewpoints about the impact to infrastructure
 - underground utilities
 - parking

Garden Suites: Council is considering removing the rezoning requirement to make it easier to develop secondary suites

- At this time, garden suites are not being considered in conjunction with secondary suites
- Some community members feel that rezoning is a tool for the community to have a say in secondary suites

- Staff clarified that there is no opportunity for an alternative CALUC process if rezoning requirement is lifted and that neighbourhood input will not be required
- Neighbourhood consultation is not required for other types of development, including construction of a new home on a lot that does not require a rezoning, or for other types of accessory buildings
- A suggestion that the City should get feedback from the neighbours of existing garden suites
- Rezoning is expensive and can be friendly or acrimonious – various viewpoints were expressed of the rezoning experience

Changes to Off-street Parking

The City is updating its off-street parking regulations.

- The overall intent was to provide updated parking requirements based on current/measured parking demand that will also result in a reduction of zoning variances
- For new multi-residential developments, the proposed new regulations introduce reduced parking requirements for smaller units as well as for purpose built rental and non-market affordable housing.
- Staff will explore potential parking requirements for mobility scooters and electric vehicles
- There was a discussion about front yard parking and the impacts to on-street parking
- The group discussed the trend of a reduction in parking and ways to support active transportation and car shares
- Participants requested the consultants reports be posted on the website

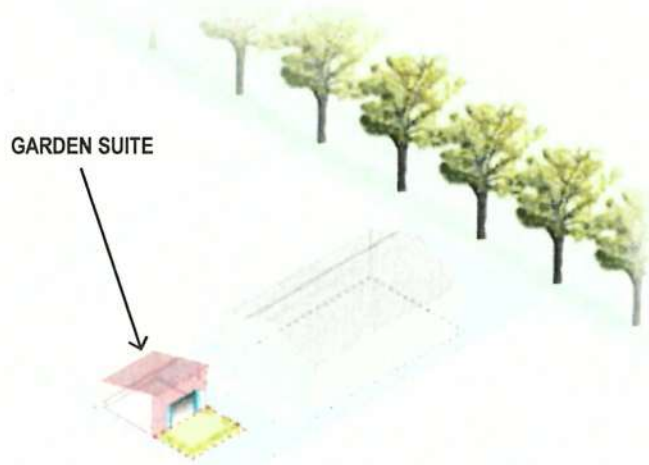
Please be advised that a briefing note summarizing this discussion will be forwarded to Council.

THE GARDEN SUITE POLICY AND GUIDELINES

To be used in consideration of rezoning and development permit applications

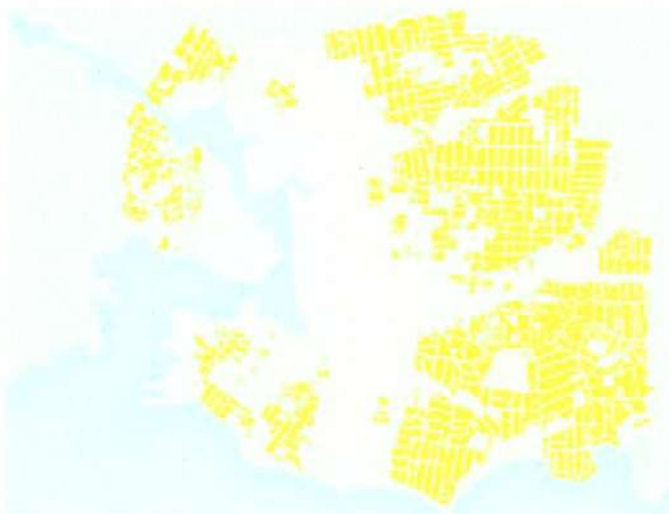
1. What is a Garden Suite?

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.

Privacy

Windows oriented towards adjacent properties are not permitted to maintain levels of privacy with adjacent neighbours. Exceptions for windows oriented towards adjacent properties may be considered if design features are provided that mitigate privacy concerns, and if permitted by Building Code regulations. For example, windows with opaque glass that permit light into the garden suite but prevent overlook into adjacent yards, or other design solutions may be acceptable.

Rooftop outdoor space is prohibited to protect privacy of neighbours.

Design measures should be taken to mitigate overlook concerns on adjacent properties in the case of garden suites on "plus sites" that have additional floor area or building height.

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

Siting

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

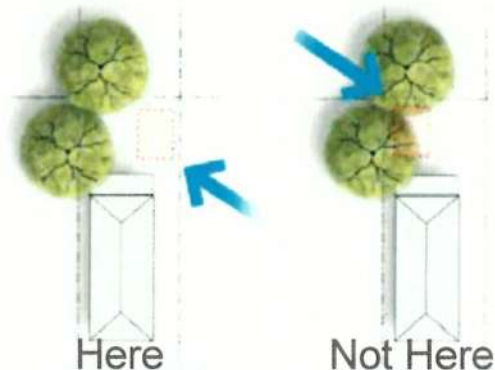
In the case of corner lots, lots with laneway access or double-fronting lots, the Garden Suites should be directly oriented to the adjacent public right-of-way. This means

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.

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.

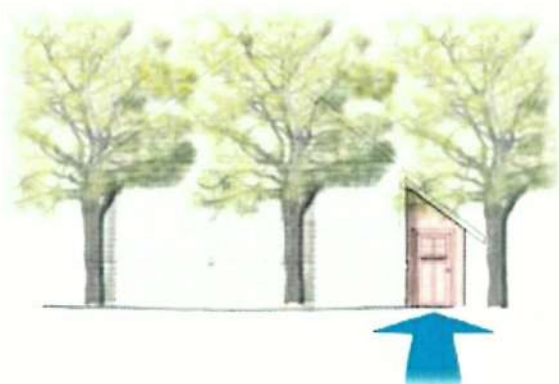


Hierarchy of Siting Considerations

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.



Windows

Windows should be maximized along those façades oriented to the interior of the site. On corner lots, lots with laneway access or double-fronting lots, windows should be oriented to the street or laneway.

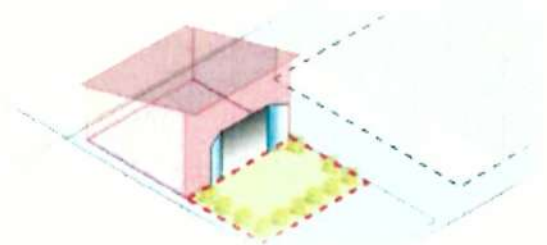
Rooftops

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.

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.

Usable Outdoor Space

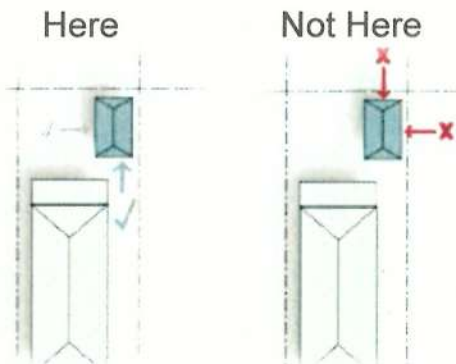
Design and orientation of the Garden Suite should ensure a direct connection with usable outdoor space. A minimum of 15 m² of semi-private outdoor space should be clearly associated with the Garden Suite. This may be achieved through plantings or changes in surface materials. Hard-surfaced areas are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



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.



Landscape

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.



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.

Exception #3: Protected Trees

In situations where the siting of a Garden Suite is severely 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

- Confirm with City staff what type of development application or permit is required.
- It is advisable to discuss the proposal with your immediate neighbours.
- 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.

City of Victoria**Policy regarding Preservation of Garden Suites as Rentals**

Authorized by Victoria City Council _____, 2017

1. Policy Reasoning

One of the stated goals related to Housing and Homelessness in the City's Official Community Plan Bylaw, 2012, is to "Continue to maintain policies and regulations that increase rental housing choice such as residential secondary suites, garden suites and forms of shared accommodation" (s.13.31). Furthermore, the Victoria Housing Strategy 2016-2025 notes that renting has traditionally provided a more affordable housing option than ownership, and the Strategy identifies garden suites as a component of the rental market.

Garden suites were conceived as housing that is accessory to single family dwellings, their purpose being to improve affordability for homeowners by adding rental income, and to add to the overall supply of purpose-built rental housing, of which there is an acute shortage in Victoria. Purpose-built rental is an important component of the housing market as it is the most stable form of rental housing, becoming more affordable over time compared to ownership, and because ownership is now out of reach for many even moderate income earners. Currently, approximately 60% of Victoria residents are renters, while the rental vacancy rate is 0.5%. With the population forecast to increase to 100,000 by 2026 and with home ownership severely out of sync with wages, improved affordability for homeowners and an increased supply of purpose-built rental housing is critically needed both now and to support future growth.

2. Applications for Subdivision or Stratification of Garden Suites

The City wishes to protect the availability of garden suites as rentals, and intends that all garden suites remain rental properties. Council, therefore, discourages the public from making applications for the subdivision or stratification of garden suites. This includes:

- applications to subdivide garden suites from the rest of the property;
- applications for approval of bare land strata plans with respect to garden suites; and
- applications to convert garden suites to strata.