



## Council Report For the Meeting of March 9, 2016

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

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### 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