

MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, JANUARY 25, 2007, 9:00 a.m.

Committee Members Present: Councillor Hughes in the Chair, Councillors, Holland, Madoff, Thornton-Joe and Young.

Staff Present: R. Woodland – Corporate Administrator; P. Ballantyne – City Manager; and C. Havelka – Committee Secretary.

Absent: Mayor Lowe, Councillors Chandler, Coleman and Fortin.

Staff Present for a Portion of the Meeting: M. McCliggott – Director of Finance; S. Schopp – Manager, Development and Regulatory Services; D. Day – Director, Planning and Development; W. Zink – Manager, Social Planning and Housing; P. Zwicker – Supervisor, Bylaw Enforcement; L. Staples – Staples, McDannold, Stewart; B. Sikstrom – Senior Planner; D. Koch – Manager, Development Services.

1. MEETING CALLED TO ORDER BY THE CHAIR AT 9:06 a.m.

2. APPROVAL OF THE AGENDA

Action: Councillor Thornton-Joe moved that the Agenda of January 25, 2007 Special Committee of the Whole meeting be approved.

CARRIED 07/067

Councillor Coleman joined the meeting at 9:07 a.m. Councillor Coleman assumed the Chair at 9:08 a.m.

3. EXPANDED SECONDARY SUITE POLICY WORKSHOP

The Director of Planning and Development outlined the purpose of the workshop which is to continue discussion of proposed secondary suite recommendations with respect to planning questions, enforcement and building regulations.

Why are Secondary Suites needed? To supply and meet the demand for housing type (safe, legal, modest size) to fit into existing neighbourhoods.

The criteria for allowing Secondary Suites is:

- In single family dwellings (built before 2001) in the R1-A, R1-B and R-2 zones.
- No added parking stall related to secondary suite required.

A Secondary Suite is defined as:

- A special type of suite permitted in a single family dwelling.
- The suite can be up to 40% of habitable floor area or a maximum of 90 m² (970 ft²).
- **Cannot** be strata-titled.
- Safety and construction aspects regulated through special provisions in the Building Code
 - Ceiling height, fire separation, and sound control.

Committee discussed the definition of a Secondary Suite and confirmed that it is a unit within the principle residence. Other secondary residences, such as “coach houses” will be kept as separate issues until the structure of the definition of secondary suites is endorsed.

How to achieve a policy:

- Zoning bylaw amendments
- New licensing
- Enforcement approach
- Monitoring and review/refinement

Parking Recommendation:

Committee agreed with staff recommendation to advertise policy direction to remove on-site parking requirement for a secondary suite. Exceptions would be where there is no parking for the primary residence. A Development Variance Permit is proposed to vary the parking requirements for these cases.

Dwelling Unit Age Recommendations:

Committee discussed amending the dwelling construction date requirement to before 2001. A Committee member suggested new construction as a threshold option for roughing in secondary suites.

The Director of Planning and Development advised that staff will review the 2001 threshold, assessing the suggestion of starting at the construction level.

Waiting Period:

The proposal to retain a waiting period of five years before permitting a secondary suite in an existing house with major alterations was discussed. Possible impacts of removing the five year wait period include:

- More suites may be created
- Greater likelihood of purpose-design suites
- More liveable designs for suites
- Reduced enforcement issues in future
- Potential greater change in residential character

Committee discussed the wait period and expressed doubts with regards to the effectiveness of a five year wait period. It was noted that design guidelines would help preserve character of houses. Also, a wait period could be an obstacle to those who follow regulations when others do not.

The Director of Planning and Development advised that staff will work on the wait period issue, holding discussions with key stakeholders, with the focus on design and regulatory changes.

Mayor Lowe joined the meeting at 9:35 a.m.

Licensing Recommendation:

The Business Licence Bylaw for residential rental buildings, including secondary suites, was previously recommended to accompany a new Secondary Suite policy. Staff wish to provide further legal advice on this approach.

Enforcement Recommendations:

The Regulatory Services Division presented recommendations as follows:

- To address suites (secondary and multiple) constructed/alterd without permits (building, electrical, plumbing) or not located in appropriate land use zones.
- To develop general awareness campaign on enforcement issues with the community specifically addressing the protocol for existing and future secondary suites.
- To include approaches to additional alternate approaches to the secondary suite section of the Building Code.

The current enforcement approach is the following:

For Multiples:

- Complaint basis
- Approximately 120 properties
- Tackled worst offenders first on the basis of health and safety

Procedures:

- Register notice on title
- Owner informed of options
- If rezoning possible, owner encouraged to initiate process
- Council adjudicates *Clean Hands Policy*
- If rezoning not an option, owner directed to comply with current zoning and building permit issued to restore property to original condition and use. Safety upgrades may be required.

For Illegal Suites in Single Family Dwellings:

- Complaint basis
- Approximately 240 properties
- Tackled worst offenders first on basis of health and safety
- Enforcement held in abeyance until Council decides land use

Procedures:

- Similar to multiple units but rezoning is often not a viable option
- Continuing to monitor these properties until land use decided so secondary suites remain
- If conditions deteriorate, will enforce compliance

Committee was advised by staff that an absentee landlord residence does incur more complaints than those residences where a landlord resides.

Councillor Fortin joined the meeting at 9:46 a.m.

Choices for enforcement included four options:

Option 1:

Fully Proactive

- Zoning Bylaw Amendment

- Business Licence Bylaw Amendment
- Building Regulations
- Enforce All Elements
- 5.5 full-time employees required
- Communications program

Mayor Lowe assumed the Chair at 10:00 a.m.

Option 2:

Proactive Bylaws

Reactive Building Regulations

- Zoning Bylaw Amendment
- Business Licence Bylaw Amendment
- Proactive Bylaw Enforcement
- Reactive Building Regulation Enforcement
- 2.5 FTE Required
- Communications Program

Option 3:

Reactive Bylaw & Building Regulations

- Zoning Bylaw Amendment
- Business Licence Bylaw Amendment
- Reactive Enforcement of Business Licence and Building Regulations
- 0.5 FTE Required
- Communications Program

Option 4:

Complaint-Based

- Zoning Bylaw Amendment
- No Business Licence
- Reactive Building Regulation Enforcement
- Communications Program

Staff advised Committee that all options have varying levels of risk and require a general awareness campaign and communications program. All four options are expected to be revenue neutral. Committee was advised by staff that alternatives to the building code as explained in the Gage-Babcock report are possible, such as:

- Ceiling height
- Exit stair width
- Sound control measures
- Distance from property line

However, in 2006 a new B.C. Building Code was released which staff is now reviewing to see if there are further changes.

Committee indicated that the next steps should include a modified option B:

Extend the project's consultation/information phase, including:

- **Convening a non-statutory public hearing**
- **Providing more public information and that information from today's workshop be included in the information placed on the City's website and sent to the Community Associations.**

Committee indicated the need to have available the information that will assist homeowners comply or build within the secondary suite policy. Staff advised that they are working with rental assistance programs and other levels of governments to bring forward that material. A Committee member noted that the issue of bringing illegal suites into conformity is the focus of the secondary suite policy. A Committee member noted that aggressive enforcement, as experienced in another jurisdiction resulted in shutting down a majority of existing suites and was not a favourable outcome.

4. CLOSED MEETING at 10:12 a.m.

Committee Members Present: Mayor Lowe in the Chair, Councillors Coleman, Fortin, Holland, Hughes, Madoff, Thornton-Joe and Young.

Committee Members Absent: Councillor Chandler

Staff Present: R. Woodland – Corporate Administrator; P. Ballantyne – City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: M. McCliggott – Director of Finance; D. Koch – Manager, Development Services; D. Day – Director, Planning & Development; L. Staples – Staples, McDannold, Stewart; T. Phillips – Manager, Revenue; S. Schopp – Manager, Development & Regulatory Services; B. Sikstrom – Senior Planner; W. Zink – Manager, Social Planning & Housing; S. Barber – Senior Heritage Planner; M. Lam - Senior Urban Design Planner; C. Ho – Executive Assistant; B. Dellebuur – Transportation.

Action: Councillor Coleman moved that Committee of the Whole convene a Closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11(3) and/or (4) of the Council Bylaw.

CARRIED 07/066

5. Legal Advice – Enforcement Policy

Committee received legal advice regarding the risks associated with enforcement policy options for Secondary Suites.

This information was recorded and kept confidential.

Mayor Lowe withdrew from the meeting at 10:30 a.m. Councillor Coleman assumed the Chair.

Mayor Lowe returned to the meeting at 10:37 a.m. and assumed the Chair.

Councillor Coleman withdrew from the meeting at 10:45 a.m.

Councillor Coleman returned to the meeting at 10:48 a.m.

6. Land – Offer to Lease

Committee received information with respect to entering into a contract to lease land.

This information was recorded and kept confidential.

CARRIED 07/065

Councillor Young voted against this motion

Action: Councillor Thornton-Joe moved that that this item be forwarded to the Council meeting of January 25, 2007 for approval.

CARRIED 07/064

7. ADJOURNMENT

Action: Councillor Thornton-Joe moved that the Special Committee of the Whole meeting of January 25, 2007 be adjourned at 11:30 a.m.

CARRIED 07/063

Mayor Lowe, Chair