

**CITY OF VICTORIA**  
**Committee of the Whole Report**  
**SUMMARY VERSION**

**Date:** January 15, 2009      **From:** Brian Sikstrom, Senior Planner  
**Subject:** Changes to Secondary Suites Regulations - Eighteen Month Review

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**Executive Summary**

The purpose of this report is to review the impacts of the changes in secondary suite zoning regulations adopted by Council following a Public Hearing on June 14, 2007. In addition, recommendations on further refinements to the regulations and policies are provided.

The two changes Council made to the zoning regulations for secondary suites in June 2007 – removing the parking stall requirement and allowing secondary suites in single family detached dwellings of any age - have been successful in significantly increasing the number of applications for secondary suites and not precipitated increased single family house demolitions or on-street parking problems. However, monitoring both house demolitions and parking should be continued to determine any impacts over the longer term.

Feedback about secondary suites received from residents and applicants at two public information workshops held in 2008, the public meeting on neighbourhood planning held in April 2008, and in a recent survey, have primarily focused on the zoning regulations.

In considering this feedback, staff conclusions are as follows:

Exterior Changes and Additions: Some flexibility should be provided on exterior changes and additions to single family detached dwellings. This will enable some changes before and after a secondary suite is installed but such changes will not greatly alter house and neighbourhood character.

Ceiling Clearance and Habitable Floor Space: The discrepancy between zoning and building code regulations for ceiling clearance should be eliminated to reduce the confusion between them. In addition, any required ceiling clearance created by raising a house up to 60 cm (2 ft.) or lowering the basement floor level should be included in the “habitable floor area” calculation. This will increase the number of houses eligible for installation of secondary suites with minimal impacts on house and neighbourhood character.

While the majority of residents and applicants for secondary suites appear to be satisfied with the approval process and their interactions with staff, a number have expressed concerns about communication of information on secondary suites and the length of time for the approvals process. Some residents have also expressed support for allowing suites in accessory buildings such as garages and a number of rezoning applications for such suites have been approved by Council in the past two years. In considering this feedback, staff conclusions are as follows:

**Communications and Approval Process:** A new communications plan should be prepared that includes redesigned information workshops, enhanced information on the city’s web site and training of staff in communications and customer service, as required. This will continue the high priority given to communicating information on secondary suites to residents and applicants.

With regard to the approval process itself, priority should be given to the processing of secondary suite applications and options explored for providing more “hands on” assistance to applicants. This will reduce the processing time for secondary suites and support applicants going through the approvals process. It is noted that other types of applications may be delayed, depending on the volume of permits in the approvals process.

**Suites in Accessory Buildings:** A policy report on suites in accessory buildings (e.g. stand alone garages) should be prepared. The report should focus on locational, site planning and design policies, which will assist residents, applicants, staff and Council in considering rezoning applications for these types of suites.

Based on these conclusions, the following recommendations should form the basis for further refinements in secondary suites regulations as well as for improvements in communications, the approvals process and land use policies.

**Recommendations:**

1. That the City Solicitor be instructed to prepare the necessary zoning regulation bylaw amendments for secondary suites in single family detached dwellings in the R1-B, R-2, R1-G and R1-A zones based on the following table for consideration at a Public Hearing:

	Current Regulations	Proposed Regulations	Notes
Exterior Changes and Additions	Permit no additions five years before and none after introduction of a secondary suite except for doors and windows on façade not facing street	Permit the following additions five years before and after the introduction of a secondary suite: - sundeck, balcony, porch extensions - building extensions of up to 20 m <sup>2</sup> of enclosed floor space, including any dormer - changes to the street façade including windows and doors  Note: a Development Variance Permit application would be required to reduce the five year time period requirement for an addition greater than 20 m <sup>2</sup> and for other changes that are not permitted.	Increases flexibility of regulations enabling the creation of secondary suites; house and neighbourhood character minimally impacted.
Ceiling Clearance; Habitable Floor Space	Required ceiling clearance of 2.13 m (7') for habitable floor space. Ceiling height must exist and not be created.	Reduce the required ceiling clearance to match the building code requirement and permit counting this ceiling clearance as habitable floor space if it is created by raising a house up to 60 cm (2') or lowering the basement floor level.	Removes the discrepancy between zoning and building code regulations for consistency and clarity; provides greater flexibility; house/ neighbourhood character minimally impacted.

2. That Council direct staff to:

- a. Prepare a new Communications Plan for secondary suites including re-designed public workshops, enhanced information on the City's web site, and training of staff in communications and customer service, as required.
- b. Give priority to the processing of secondary suites.
- c. Explore options for providing more "hands on" assistance to applicants for secondary suites in partnerships with the construction industry, Canada Mortgage and Housing Corporation, and others.
- d. Prepare a policy report on suites in accessory buildings focused upon locational, site planning, and design policies.
- e. Monitor and report back to Council on the results of these initiatives and the zoning changes by June 2011.

Respectfully submitted,

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## 2.0 Background

Since the changes in zoning regulations were made, the following table shows the number and location of building permit applications for the installation of secondary suites in single family detached dwellings.

### Secondary Suites 2005 - 2008

Neighbourhood	2005	2006	*2007	2008	Total by neighbourhood 2005-08
Burnside	1	0	0	1	2
Downtown	0	0	0	0	0
Fairfield	3	1	3	5	12
Fernwood	1	1	4	3	9
Gonzales	4	4	8	6	22
Harris Green	0	0	0	0	0
Hillside Quadra	1	1	1	4	7
James Bay	1	0	3	3	7
Jubilee	0	1	2	1	4
North Park	0	0	0	0	0
Oaklands	0	0	0	5	5
Rockland	1	0	1	0	2
Vic West	0	1	3	3	7
<b>Total</b>	<b>12</b>	<b>9</b>	<b>25</b>	<b>31</b>	<b>77</b>

Neighbourhood	*2007 July- Dec	2008	Total
Burnside	0	1	1
Downtown	0	0	0
Fairfield	3	5	8
Fernwood	4	3	7
Gonzales	4	6	10
Harris Green	0	0	0
Hillside Quadra	1	4	5
James Bay	3	3	6
Jubilee	2	1	3
North Park	0	0	0
Oaklands	0	5	5
Rockland	1	0	1
Vic West	2	3	5
<b>Total</b>	<b>20</b>	<b>31</b>	<b>51</b>

Note: \* The changes in the zoning regulation bylaw were approved by Council on June 14, 2007.

The table shows that Gonzales has the largest number of secondary suite applications, since its zoning regulations were changed in 2003. Gonzales is followed by Fairfield and Fernwood where regulatory changes started mid-2003.

**TABLE 1 – Options for Exterior Changes/Additions Regulations**

Regulation	Current Regulations	Rationale	Option 1	Option 2 <b>RECOMMENDED</b>	Option 3	Comments
Exterior Changes/Additions	<p><u>5 year rule:</u></p> <p>No exterior changes made, with some exceptions, for a period of 5 years before a suite is installed. Exceptions include:</p> <p><u>After suite installation rule:</u></p> <p>No exterior changes permitted, with some exceptions, after a secondary suite is installed.</p> <p>Note: The same exceptions apply for both rules. These exceptions include: Changes to a façade not facing a street; changes which return a façade to its original exterior finish.</p>	<p>Ensures that the existing architectural and neighbourhood character are retained before and after secondary suite installation.</p> <p>Additions are discouraged beforehand because the existing house is required to be large enough, as is, for a secondary suite.</p> <p>Only minor exterior changes are permitted afterwards, to maintain the existing character of the house and neighbourhood.</p>	<p><b>Maintain existing regulations</b></p> <p><u>Pros:</u> Maintains house and neighbourhood character; ensures increased density is largely invisible.</p> <p><u>Cons:</u> Lessens the potential number of secondary suites; not consistent with allowing suites in new houses.</p>	<p><b>Increase the number of exterior changes permitted five years before and after a suite is installed.</b></p> <p><u>Pros:</u> Greater flexibility by allowing some changes in house and neighbourhood character. Increases the potential number of secondary suites.</p> <p><u>Cons:</u> May increase the visibility of secondary suites; possibly creating negative neighbourhood responses.</p> <p>There are a variety of alternatives for allowing more exterior changes. These include: decks; changes to any façade; dormers; limited additional floor area, either a set amount or percentage of existing.</p>	<p><b>Allow exterior changes either:</b></p> <p><b>a) outright or b) with development permits and supporting design guidelines.</b></p> <p><u>Pros:</u> Provides the greatest flexibility; maximizes the potential number of secondary suites.</p> <p><u>Cons:</u> Allows the greatest amount of house/neighbourhood change; with a Development Permit increases the cost and approval time and may not be effective; May increase the visibility of secondary suites, possibly creating negative neighbourhood responses.</p>	<p><u>Option 1:</u> Maintains the strict invisibility of secondary suites; ensures the least impacts on housing and neighbourhood character.</p> <p><u>Option 2:</u> Moves towards the permissive end of the secondary suites approvals continuum; addresses most of the concerns raised about this regulation in the public workshops/ survey comments.</p> <p><u>Option 3:</u> Most permissive; if accompanied by development permits and design guidelines the most resource intensive. Without development permit approvals and design guidelines, has the greatest risk of incurring opposition to secondary suites.</p>

**TABLE 2 Options for Ceiling Clearance and Habitable Floor Space**

Regulation	Current Regulations	Rationale	Option 1 <b>RECOMMENDED</b>	Option 2 <b>RECOMMENDED</b>	Option 3	Comments
Ceiling Clearance; Habitable Floor Space	<p><u>Ceiling clearance rule:</u>                      A ceiling clearance of 2.13 m (7') is required for floor area to be included as "habitable". This ceiling clearance must exist. It cannot be included in the "habitable floor space" calculation if it is created by raising the house.</p> <p>Note: This zoning rule requires a higher ceiling clearance than the special building code for secondary suites.</p> <p><u>Minimum habitable floor space rule:</u>                      A minimum "habitable floor area" of 150 m<sup>2</sup> is required to be eligible to create a secondary suite.</p>	<p>The ceiling clearance must meet building code requirements for various types of rooms.</p> <p>Ensures that, as is, the habitable floor area of a detached single family dwelling is sufficient for creation of a secondary suite.</p> <p>Requiring a minimum habitable floor area minimizes pressure to add on to create room for a secondary suite.</p>	<p><b>Lower the zoning ceiling clearance to match that of the special building code requirements for secondary suites.</b></p> <p>Pros: Lessens confusion between the two and increases the potential for additional secondary suites.</p>	<p><b>Include any required ceiling clearance created by raising the house or lowering the basement floor level in the "habitable floor area" calculation.</b></p> <p>Pros: Increases the potential number of secondary suites.</p> <p>Cons: Potentially increases visibility of secondary suites by increasing the number of houses being raised.</p> <p>Note: Raising of a house more than 2' would be considered an exterior change and not be permitted without Council approval of a DVP application.</p>	<p><b>Reduce or eliminate the minimum 150 m<sup>2</sup> habitable floor area requirement.</b></p> <p>Pros: Increases the potential number of secondary suites.</p> <p>Cons: Potentially increases visibility of secondary suites by:                      - Increasing the number of eligible houses ; and by                      - Increasing exterior changes, including raising of houses.</p> <p>Could potentially create neighbourhood concerns.</p>	<p><u>Option 1:</u> Maintains the invisibility of secondary suites; ensures the least impacts on existing house and neighbourhood character.</p> <p><u>Option 2:</u> Moves further towards the permissive end of the secondary suites approvals continuum. Addresses most of the concerns raised about this regulation in the public workshops and survey comments. Increases the potential number of secondary suites.</p> <p><u>Option 3:</u> Most permissive; has the greatest risk of incurring neighbourhood concerns. Increases the potential number of secondary suites.</p>

## Existing Single Family Dwelling Residence



FACADE FACING A STREET -



SIDE VIEW -

## Existing Single Family Dwelling Residence with a Secondary Suite Conversion

Current regulations permit:

- Raising the structure a maximum 0.6m (2'-0")\*
- Altering the exterior of the structure not facing a street

\*Note: Standard regulations such as setbacks, height, etc. still apply



## Existing Single Family Dwelling Residence with a Secondary Suite Conversion

Proposed regulations would also permit:

- Additional Floor Area up to 20m<sup>2</sup> \*
- Changes to the street facade including windows and doors
- Sundeck, balcony, porch extensions \*

\*Note: Standard regulations such as setbacks, height, etc. still apply



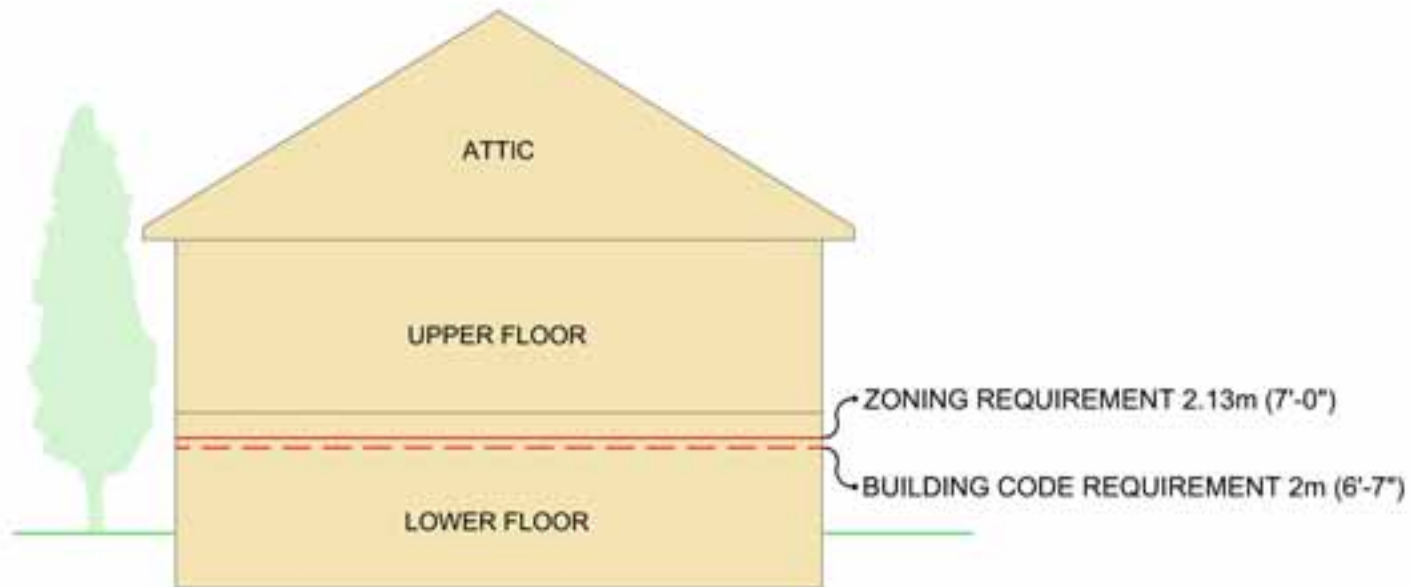


ORIGINAL SINGLE FAMILY DWELLING



CONVERTED SINGLE FAMILY DWELLING WITH SECONDARY SUITE  
CURRENT AND PROPOSED REGULATIONS





### CURRENT ZONING AND BUILDING CODE REQUIREMENTS

The B.C. Building Code requires a minimum ceiling height of 2m (6'-7") for a Secondary Suite.

Calculating Habitable Floor Area must have a ceiling height clearance of 2.13m (7'-0")

