

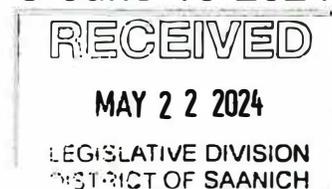


The Corporation of the District of Saanich

## Supplemental Report

C-June-10-2024

**To:** Mayor and Council  
**From:** Lindsay Chase, Director of Planning  
**Date:** May 17, 2024  
**Subject:** Garden Suites in Saanich  
File: 2140-50 • Garden Suites



### RECOMMENDATIONS

1. That the Official Community Plan Bylaw, 2023, No. 10000 Amendment Bylaw No. 10032 be forwarded to a Public Hearing for further consideration of amending Schedule "B": Development Permit Area Guidelines to:
  - a. Delete Section 11: Garden Suite Guidelines, to remove the development permit requirement for garden suites;
  - b. Amend plates 32, 40 and 44 of Schedule 2 "Streamside Development Permit Area", as directed by Council through resolution at the May 13, 2024, Council meeting;
  - c. Amend Part A, Section 1.5(e) and 4, as directed by Council through resolution at the May 13, 2024, Council meeting.
2. That in considering Section 464(2) of the *Local Government Act*, a Public Hearing is not required in relation to the Zoning Bylaw Amendment as it is consistent with the Official Community Plan.
3. That Council approve "Zoning Bylaw, 2003, Amendment Bylaw, 2024 No. 10033" to remove the requirement for a Development Permit for a Garden Suite as set out in Zoning Bylaw, 2003, allowing a Garden Suite to proceed directly to a Building Permit application.
4. That Council approve "Land Use and Development Procedures Bylaw, 2020, Amendment Bylaw, 2024 No. 10034" to remove the requirement for a Development Permit for a Garden Suite as set out in Land Use and Development Procedures Bylaw, 2020, allowing a Garden Suite to proceed directly to a Building Permit application.
5. That Council approve "Delegation Authorization Bylaw (Development Permits), 2020 No. 10048" to remove the delegated authority to issue Garden Suite Development Permits.

### PURPOSE

The purpose of this Report is to recommend removal of the requirement for a Development Permit for a Garden Suite to align with the Small-Scale Multi-Unit Housing (SSMUH) regulations and recently adopted provincial legislation. This will require an amendment to the Official Community Plan, Zoning Bylaw, Land Use and Development Procedures Bylaw and the

Delegation Authorization Bylaw and will result in the streamlining and expeditious review and approval of Garden Suites.

## **DISCUSSION**

### **Background**

Garden suites have been permitted on eligible RS-Zoned properties since October 2020 through the Development Permit process. Under current regulations, a Development Permit is required to construct a Garden Suite. Applications are assessed against Section 11 of the Development Permit Area Guidelines (Garden Suite Design Guidelines). The application procedure for garden suite approval is set out in the Land Use and Development Procedures Bylaw. Under the Delegation Authorization Bylaw (Development Permits), the Manager of Current Planning is delegated the power to approve or reject development permit applications for garden suites. Variances for garden suites are not delegated, and the application must go before Council where a variance is sought.

The average time to complete a Delegated Development Permit without variances is approximately six months, however, some applications have been completed as quickly as two months. The average time to complete a Development Permit with variances that goes to Council is approximately seven months. Once the Development Permit is approved, a Building Permit is then required for construction to ensure that the BC Building Code requirements are met. The Building Permit process requires an additional review by all District of Saanich departments. A Building Permit review takes a minimum of eight to ten weeks to complete.

Overall, the Garden Suite Program has been a success. As of mid-April 2024 (three and a half years since regulations were enacted), 182 Development Permit applications have been received by the Planning Department. Of these applications, 127 have received approval. As of mid-April 2024, a total of 109 Building Permit applications for Garden Suites have been received since October 2020. Fifty-nine Garden Suites have completed Building Permits and received Occupancy Permits since the implementation of the Garden Suite Program in October of 2020.

Based on comments received through program check-ins, applications are generally meeting the intent of the Garden Suite Design Guidelines, with minor exceptions. It can be assumed that applicants will continue to design appropriate Garden Suites without the Development Permit process. The extent of potential impacts would be partially limited by scale of development and zoning requirements.

Staff recommend that Council support the proposed amendments to the Official Community Plan and relevant Bylaws, as necessary, to move Garden Suites directly to a Building Permit application; this approach supports the implementation of the Provincial Small-Scale Multi-Unit Housing legislation (Bill 44), and the zoning amendments that Council has given three readings to, in order to align with the Small-Scale Multi-Unit Housing (SSMUH) legislation.

There are a number of external and internal advantages to this approach. Residents and applicants wishing to build a Garden Suite would experience faster review and approval times, reduced costs, reduced complexity and reduction in process steps, and new single detached dwellings and Garden Suite applications could be processed concurrently without a delay for Development Permit approvals. This also facilitates an internal shift of workload to allow Planning staff to have more availability to work on other planning priorities while also decreasing the processing and review timelines and frequency of reviews by other Departments.

As of June 30, 2024, Zoning Bylaw, 2003, will be amended to include the SSMUH regulations thus enabling a minimum of three, four or six units in single family dwelling zones. The Province of BC has required the District of Saanich to produce more housing and has given the District of Saanich targets to meet. In addition, the Province of BC requires municipal governments to update Zoning Bylaws to align with the SSMUH requirements. Based off these requirements, staff are recommending a streamlining of the garden suite process.

### **Proposed Official Community Plan and Bylaw Amendments**

#### Development Permit Area Design Guidelines

To better align with new provincial legislation and SSMUH provisions, staff recommend removing the requirement for Development Permits for Garden Suites. Should Council adopt the recommendations as proposed, the Garden Suite Design Guidelines would be removed from Schedule B (Development Permit Area Guidelines) of the Official Community Plan 2023, and staff would no longer be reviewing applications for garden suites against the Garden Suite Design Guidelines.

The Garden Suite Design Guidelines generally address liveability for tenants, privacy for neighbours, protection of trees and greenspace, and neighbourhood fit. The Zoning Bylaw is a more prescriptive tool and impacts site design through components such as setbacks, building separation, and open space requirements. Additionally, regulations such as the Tree Protection Bylaw can help address other key objectives. In general, the relatively small scale of garden suites helps reduce overall impacts, particularly in comparison to Small Scale Multi-Unit Housing which will be permitted in most cases without a Development Permit.

The Official Community Plan Bylaw amendment (Attachment A) proposed to Council for consideration also incorporates two additional amendments to Schedule B: Development Permit Area Guidelines. Council previously gave direction for staff to prepare these amendments at the May 13, 2024, Council Meeting. These have been included in the OCP Bylaw Amendment so that all of the proposed amendments can be considered together at one Public Hearing.

These amendments are as follows:

- An amendment to the Schedule 2 mapping of Streamside Development Permit Areas, as captured in the May 2, 2024, Report to Council, titled: "Proposed Amendments to the Streamside Development Permit Area Atlas Streamside Protection and Enhancement Area"; and
- Amendments to Part A of "Form and Character," as captured in the April 30, 2024, Report to Council titled "Development Permits for Small Scale Multi-Unit Housing".

The Council reports outlining these proposed changes will be part of the package of materials available for public review in advance of the Public Hearing.

#### Zoning Bylaw Amendments

It is also recommended that Zoning Bylaw, 2003, be amended (Attachment B) by adding regulations to reflect some of the key Garden Suite Design Guidelines, which will improve overall certainty and ensure quality designs are still achieved. Staff have evaluated the Design Guidelines and determined which guidelines are appropriate to move into Zoning Bylaw, 2003, (summarized in Attachment C). One of the key Garden Suite Design Guidelines proposed to be

included into Zoning Bylaw, 2003, is to ensure that garden suites are clearly addressed on the building and street frontage, thereby assisting emergency services and other visitors find the location of the garden suite on the property.

Staff also recommend amending Zoning Bylaw, 2003, to clearly define Gross Floor Area (GFA) as the new tool for assessing the density of Garden Suites. This amended approach would eliminate GFA variances for Garden Suites and would align with best practices as well as the implementation of the Small-Scale Multi-Unit Housing (SSMUH) regulations currently being considered by Council. As per section 498(2) of the *Local Government Act* (LGA), density cannot be varied. Therefore, if the above recommendation is adopted, an applicant would require a rezoning application (Zoning Bylaw Amendment) as opposed to a Development Permit variance to increase density for their Garden Suite.

Garden suites were originally offered as a 'density bonusing' opportunity for properties zoned Single Family. As a condition to the density bonusing, a 'conditional density rule' was imposed by Covenant to restrict subdivision under the *Land Title Act and Strata Property Act*. The new SSMUH legislation has increased the number of dwelling units permitted by right in areas previously zoned Single Family Dwelling to now permit 3, 4 or 6 units. Section 481.5 of the *Local Government Act* includes an explicit prohibition against conditional density rules to achieve the allotted unit amount. To bring the garden suites program into compliance with the SSMUH changes, the Zoning Bylaw, 2003, amendment removes the Covenant requirement to prohibit subdivision. A garden suite must, by definition, be accessory to a Single-Family Dwelling use, and must be located on the same lot as the principal dwelling. Council Policy on Approval of Strata Conversions would still apply to those lots seeking a strata conversion where there is an existing occupied residence already on the lot.

In addition to the amendments proposed above, staff also recommend a housekeeping amendment to Schedule H graphics in order to provide clarity with the Separation Space (GS) definition in Zoning Bylaw, 2003.

#### Housekeeping Amendments

Staff recommend amending the Land Use and Development Procedures Bylaw, 2020, and the Delegation Authorization Bylaw (Development Permits), 2020, to support the removal of garden suite development permits as a requirement for constructing garden suites (Attachments C and D).

### **ALTERNATIVES**

1. That Council reject the recommendations that are outlined in the staff Report.
2. That Council provide alternate direction to staff.

### **FINANCIAL IMPLICATIONS**

No financial implications to the District of Saanich's 2022 – 2026 Financial Plan have been identified.

### **STRATEGIC PLAN IMPLICATIONS**

The recommendations in this Report are consistent with Strategic Plan Objective 3.1: "We use mechanisms available to increase and improve the supply of diverse and affordable housing

that meets the needs of our residents now and in the future.” The recommendations are also consistent with Objective 6.3 “We ensure continuous improvement to support robust and modern internal processes” specifically in reference to initiative 6.3.1 related to improving the development application review process based on the recommendations in the KPMG report.

## **PLANNING IMPLICATIONS**

### **Official Community Plan**

The proposed amendments to the Development Permit Area Guidelines and Zoning Bylaw, 2003, are intended to align with the implementation of SSMUH. This is consistent with Official Community Plan 2023 Sections 7.4 Neighbourhoods and 8.4 Housing Diversity, which include policies to support a mix of housing types in neighbourhoods, support a range of infill forms as-of-right, and reduce barriers to infill development, as necessary.

### **Housing Strategy**

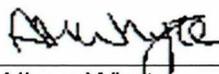
The proposed amendments would address priority action 3.1 A of the Saanich Housing Strategy (2021) (develop a “missing middle” housing program) and Action 2.1 A (examine opportunities to allow both garden suites and secondary suites).

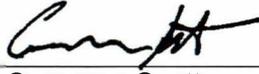
### **Process Improvements**

The Garden Suite Program has resulted in an increase in the volume of Development Permit applications being received reviewed by staff across the organization. The amendments proposed would eliminate duplication of reviews that occur at both the Development Permit and Building Permit stage and would support the more efficient issuance of permits to support this important housing type. This is consistent with the proposed amendments also being considered by Council in support of the implementation of SSMUH. It is anticipated that these amendments would be considered as one package at a Public Hearing as one step forward in achieving the Housing Target Order as issued by the Province of BC.

## **CONCLUSION**

In order to align with the Provincial direction to encourage and support infill housing, staff are seeking to remove processes that discourage or restrict property owners from pursuing the opportunity to develop garden suites. The removal of the Development Permit requirement will decrease process times, reduce complexity of the application process, reduce costs, and align with the Provincial legislation regarding Small-Scale Multi Unit Housing. Should Council approve staff recommendations, staff resources can be redirected.

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AW/es

- Attachments:
- A. Official Community Plan Amendment Bylaw
  - B. Zoning Amendment Bylaw
  - C. Design Guidelines Review
  - D. Land Use and Development Procedures Amendment Bylaw
  - E. Delegation Authorization Amendment Bylaw

**ADMINISTRATOR’S COMMENTS:**

I endorse the recommendation from the Director of Planning.



Brent Reems, Chief Administrative Officer