

Amendment to Zoning Bylaw 362, 2004 - Secondary Suites

Councillors J Ronsley and P Akerhielm, April 19th, 2010

1. Purpose

The purpose of the amendment to the Zoning Bylaw is twofold. First, it is aimed at fulfilling the aims outlined in the Village of Lions Bay Official Community Plan, Section 4.3-c with regard to Secondary Suites, which reads as follows:

“Allow opportunities for alternative and more affordable housing choices within the Village by regulating secondary suites so that the suites meet regulations for health, safety, on-site parking, and adequate septic and pay a fair share for municipal services. Secondary suites may only be allowed if the owner lives on the property.”

For this Council, secondary suites represent an excellent and affordable alternative housing choice, one which can help younger people and families find housing within the Village. Tenants are our residents, too!

In Lions Bay, a number of suites have been constructed illegally, over time. We would want to recognize existing secondary suites rather than have them underground, and have new suites constructed that are consistent with the building regulations of the Village. In legalizing existing suites, we would wish to make sure that the dwellings in tenants live are safe and healthy places. Residents' health and safety are a main concern of Council.

In making the transition to legalizing secondary suites, Council would also wish to take account of the importance of suites to the financial well-being of homeowners in the Village. We want landlords able to continue living in their homes, and suites we know that suites are a “helper” in that respect. At the same time, Council must act in a balanced way, with fairness to the Village homeowners as a whole. A suite represents an additional dwelling within an existing dwelling, and it creates demands on Village services and on parking requirements.

2. Definition of a Secondary Suite

A Secondary Suite is defined as:

A Dwelling unit accessory to a Single Family Dwelling use, contained within the principal building.

In our existing Zoning Bylaw #362, 2004, a Dwelling is a self-contained set of habitable rooms containing not more than one set of cooking facilities and located in a building.

3. Regulations

Secondary Suites would be permitted throughout the RS-1 Zone (Single Family Residential-large), in residences that are owner occupied. Only one Secondary Suite would be allowed, per residence.

The Secondary Suite could only be within the principal residence or in a building physically contiguous with the primary residence. As an explanation, the creation of carriage homes or in-fill housing has not been vetted through Lions Bay residents through any OCP process.

The Secondary Suite would not be less than 20 sq metres and not more than 90 sq metres, and not exceed 40% of the residence's total floor area.

The Village would maintain a registry of Secondary Suites, in order to ensure that landlords pay their fair share of the cost of Village services. As a secondary benefit, this would help Lions Bay emergency services know which residences may have tenants present, in the case of emergency.

A Secondary Suite would be required to meet the requirements of the BC Building Code. It would be inspected and approved for compliance with all requirements by way of a building permit application, and recorded in a Secondary Suites registry maintained by the municipality of the Village of Lions Bay. However, this does not necessarily mean that the Village would enforce all of the BC Building Code requirements, for example for existing suites. Municipalities typically make policy choices around how strictly to enforce certain provisions. This is discussed below under "Health and Safety".

The registered owner of the lot must occupy, as his/her principal place of residence, either the Principal Dwelling Unit or the Secondary Suite. This is called for in the Official Community Plan, and will have implications for non-resident landlords.

It is common in such municipal legislation to include a clause specifying that a single family residential building containing a Secondary Suite would not be permitted to operate a Bed and Breakfast or Vacation Rental. This is a clause intended to prevent neighborhoods from having hotel operations set up in them. Council is interested in public input on such a clause.

Where a Dwelling has a septic system or field, extra demand on that system or field from the Secondary Suite must not cause its capacity to be exceeded.

The principal entrance to a Secondary Suite must be a separate exterior entrance from that of the Principal Dwelling Unit. This is a design feature commonly required in municipal secondary suites legislation.

The Secondary Suite must not be subdivided from the Principal Dwelling Unit under the Land Title Act or the Strata Property Act, and water service and electrical service for the Secondary Suite and the Principal Dwelling Unit must not be metered separately. The intent of these clauses is to keep properties from being effectively duplexed.

4. Health and Safety

As noted above, the Zoning Bylaw amendment would specify that a Secondary Suite would be required to meet the requirements of the BC Building Code, which lays out standards for design to as to protect the health and safety of tenants.

In enforcing this requirement, however, Council has discretion. It may wish to think about the following, which could be discussed during the Public Meeting in May and the Public Hearing in June. From the point of view of the health and safety of tenants, there are three “sets” of Secondary Suites.

- a) Secondary Suites to be built in future, in brand new residences
- b) Secondary Suites which homeowners may wish to build in future, in existing residences
- c) Secondary Suites already constructed illegally, in existing residences

Suites to be built in new houses would automatically meet the requirements of the BC Building Code, as long as homeowners comply with the Village’s building permit process.

New suites to be built in existing residences may not be able to fully meet the standards for those in new residences. A number of municipalities issue guides for somewhat “relaxed” standards for construction, under these circumstances. An example from Coquitlam is appended. The Village of Lions Bay could issue its own guide, similar to this.

Secondary Suites that have already been constructed illegally, in existing buildings, are numerous within Lions Bay. Council’s interest in the health and safety of tenants needs to be balanced against the need to keep affordable housing in the Village, and the importance of suites to the financial well-being of homeowners. At this point, a program of inspection of existing suites to ensure they create no basic life safety issues for tenants seems like the best way to achieve this balance. As to what should constitute an appropriate checklist, Village staff should confer with the Building Inspector Mr Butler, who has many years experience here and in Burnaby.

5. Parking

The current Zoning Bylaw #362, requires two off-street parking spaces per residence. The Zoning Bylaw Amendment calls for one additional parking space for the secondary suite. Again, the Village has a policy choice: it could choose only to require this for new suites, rather than existing ones. Arguments against the additional parking space might be that it encourages driving and thus production of GHGs. That said, without it, additional on-street parking may create issues in neighborhoods.