

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

Report of the **PUBLIC HEARING**
Wednesday, March 8, 2006 at 7:05 pm
Central Saanich Municipal Council Chamber

PRESENT: Mayor Jack Mar
Councillors: Bryson, Garrison, Graham, King and Thompson
Gary C. Nason, Administrator
Trish Flanders, Municipal Clerk
Hope V. Burns, Director of Planning & Building Services
Bruce Greig, Assistant Planner
Kristina DeMedeiros, Building/Plumbing Inspector

ABSENT: Councillor Mason

1. APPROVAL OF AGENDA

295.06 MOVED BY COUNCILLOR GRAHAM
SECONDED BY COUNCILLOR THOMPSON
That the Agenda for the Public Hearing held on March 8, 2006 be approved as circulated.
CARRIED UNANIMOUSLY

2. INTRODUCTORY STATEMENT BY THE MAYOR

Mayor Mar noted that the purpose of the Public Hearing was to hear representations in regards to the following Bylaw:

1. **“Central Saanich Land Use Bylaw Amendment Bylaw No. 1534, 2006”** [*To Include Secondary Suite Regulations in the Land Use Bylaw*]

Mayor Mar then read a prepared statement outlining the procedures for the Public Hearing.

The Administrator, Mr. Gary C. Nason, advised that additional copies of the Public Hearing Agenda were available for viewing at this Public Hearing. Mr. Nason noted that the Public Hearing Agenda included a copy of the Public Hearing Notice, a copy of Bylaw No. 1534, relevant background Staff Memoranda relating to the proposed Bylaw, and copies of the various Council motions to give the necessary readings to the Bylaw and refer it to a Public Hearing. Mr. Nason further noted that copies of the Land Use Bylaw, the Official Community Plan, the two Local Area Plans, and the Public Survey/Comment Sheets were also available for viewing at this Public Hearing. Mr. Nason concluded his remarks by advising that two items of correspondence had been received by the District in regards to Bylaw No. 1534 since the publication of the Public Hearing agenda, which would be read into the record of this Public Hearing later this evening.

2. **“Central Saanich Land Use Bylaw Amendment Bylaw No. 1534, 2006”** [*To Include Secondary Suite Regulations in the Land Use Bylaw*]

- a) Staff Memorandum dated December 6, 2005 from Hope V. Burns, Director of Planning & Building Services Re: Secondary Suites Draft Bylaw (previously received at the December 12th, 2005 Planning & Development Committee Meeting);
- b) Staff Memorandum dated September 14, 2005 from Hope V. Burns, Director of Planning & Building Services Re: Secondary Suite Analysis (previously received at the September 19th, 2005 Regular Council Meeting);
- c) Staff Memorandum dated June 21, 2005 from Hope V. Burns, Director of Planning & Building Services Re: Secondary Suites (previously received at the June 27th, 2005 Planning & Development Committee Meeting);
- d) Staff Memorandum dated May 9, 2005 from Roy Thomassen, Chief Building Inspector Re: BC Building code Requirements for Secondary Suites (previously received at the May 16th, 2005 Regular Council Meeting);
- e) Memorandum dated June 8, 2005 from the Advisory Planning Commission Re: Secondary Suites;
- f) Copies of Public Surveys;

- g) Council Motions to Authorize the Preparation of the Bylaw, to Give the Necessary Readings to Bylaw No. 1534 and to refer the Bylaw to a Public Hearing
- h) Correspondence Received Prior to the Introduction of Bylaw No. 1534:
- Author and Date Unknown;
 - Dilip Bose, 1841 Highfield Road, March 31, 2005;
 - John and Jeannie Nielsen, 7022 Bickstan Place, April 3, 2005;
 - Ross and Veronica McIntyre, 7017 Bickstan Place, April 27, 2005;
 - Dale Sketchley, 7033 Bickstan Place, April 28, 2005;
 - Anita Waite, 422 Sparton Road, April 29, 2005;
 - Fred Peet, 1210 Marin Park Drive, May 11, 2005;
 - Ward and Ruth Gammell, 2385 Alta Vista Place, May 27, 2005;
 - Brian and Sheri Pearson, 1056 Parsell Place, May 28, 2005;
 - Elizabeth Chambers, 901 Verdier Avenue, June 2005;
 - Stephen Moyse, 7227 Norman Lane, June 1, 2005;
 - Author Unknown, June 1, 2005;
 - John Senyk, 2277 Lynne Lane, June 1, 2005;
 - Matthew and Melissa Finlay, 7406 East Saanich Road, June 3, 2005;
 - Beth Haugen Dekkers, 1158 Clarke Road, June 8, 2005;
 - Author Unknown, June 8, 2005;
 - Arlene Box, 2758 Island View Road, June 8, 2005;
 - Len Smith, 6276 Rodolph Road, June 9, 2005;
 - Carol Lalli and Timothy Parsons, 7064 Brentwood Drive, June 12, 2005;
 - B Morgan, Brentwood Bay, June 2005
 - Scott Brackenridge, 752 Sea Drive, June 14, 2005;
 - Mr. & Mrs. H. Harrsen, 850 Eldorbud Place, June 14, 2005;
 - Author Unknown, June 15, 2005;
 - Will and Sharon Keay, 8006 Arthur Drive, June 16, 2005;
 - Kent and Lisa Banks, June 19, 2005;
 - David Reagan, 7040 Brentwood Drive, June 19, 2005;
 - Author Unknown, June 20, 2005;
 - Rob Howland, Basement-7790 Bruce Gordon Place, June 20, 2005;
 - Brad Moore, Canada Post Corporation, June 21, 2005;
 - Dr. Dennis Brown, 31 – 1287 Verdier Avenue, July 1, 2005;
 - Frank and Lee Witthoeft, 2361 Tanner Ridge Place, September 3, 2005;
 - Housing Affordability Partnership, 1144 Fort Street, September 6, 2005;
 - Frank Witthoeft, 2361 Tanner Ridge Place, September 23, 2005;
 - Fred Peet, 1210 Marin Park Drive, December 13, 2005.
- i) Correspondence Received Since the Introduction of Bylaw No. 1530 and Publication of the Notice of Public Hearing:
- Merv Tetley, 7972 Galbraith Crescent, March 1, 2006;
 - Denis J. Bettson, 7217 Brentview Drive, March 2, 2006.

The Director of Planning & Building Services, Ms. Hope V. Burns, advised that in general terms the purpose of Bylaw No. 1534 is to amend District of Central Saanich Land Use Bylaw No. 1309 to allow for the use of a secondary suite within a single-family residence in the A-1, A-2, RE-1, RE-2, RE-3, RE-4, R-1M, R-2 and R-1S zones subject to the following regulations:

- secondary suites shall be permitted in the R-2 zone, but not if a duplex exists on the property;
- 780m² (8400 sq.ft.) is the minimum lot size for a building containing a secondary suite;
- an additional parking space is to be provided on the property for the use of the occupants of the secondary suite;
- a building permit for construction of the secondary suite will be required to ensure compliance with the BC Building Code along with a statutory declaration to confirm owner occupancy of the suite or main dwelling unit; and
- external changes to the single-family dwelling, which would be inconsistent with the form and appearance of single-family dwellings in the area, are not allowed.

Ms. Burns gave a detailed overview of the technical aspects of the Bylaw, and advised that several consequential amendments to the definitions of Floor Area Ratio, Breezeway, Crawl Space, Passageway and Secondary Suites were also being proposed in the Bylaw. She further advised that the proposed Bylaw would affect land in the District of Central Saanich in the zones specified above, and that the consequential amendments to the definitions would affect land in all zones established by the Land Use Bylaw in the regulations for which the defined terms are used.

Mayor Mar then opened the floor for comments from the public in attendance at the Public Hearing.

Ms. Barb Schultz, 2151 Panaview Heights

- commented on the size of vehicles that would be allowed to park in these zones, and questioned whether commercial vehicles would also be permitted

Ms. Linda Thomson, 7219 Meadowlark Lane

- questioned the need to establish a maximum size for a suite if the property owners reside in the main dwelling

The Director of Planning & Building Services responded by advising that the regulations are based on the BC Building Code, and suggested that the Building Inspector answer any technical Building Code questions.

Mr. Chris Zatylny, 1084 Lucille Drive

- questioned the Public Hearing process and whether or not the Bylaw could be modified at all following this Public Hearing
- advised that his property does not meet the minimum lot size, and questioned how the minimum lot size was established

The Administrator gave an overview of the Public Hearing process and the advised that the Minutes of this Public Hearing and Bylaw No. 1534 would be brought back to the next Regular Council Meeting for consideration. He advised that Council could proceed with further readings of the Bylaw as presented, or ask questions of Staff and propose amendments to the Bylaw as a result of the comments expressed at this Public Hearing. He further advised depending on the extent of any proposed amendments, there could be a legal requirement to go back to another Public Hearing.

Mr. Chris Zatylny, 1084 Lucille Drive

- advised that he is supportive of the Public Hearing process
- expressed concern that his property does not meet the minimum lot size requirements, and questioned why 780 sq.m. was chosen as the minimum lot size for secondary suites, and not 600 sq.m.
- stated that the minimum lot size seems to discriminate against certain property owners, and appears arbitrary

The Director of Planning & Building Services responded by advising that 780 sq.m. is the minimum lot size for the R-1 zone, and that if Council decided to amend the proposed minimum lot size, a further Public Hearing would be required.

Mr. Craig Walters, 1160 Benvenuto Avenue

- read his correspondence dated March 6, 2006 into the record of this Public Hearing, a copy of which is attached to the Minutes of this Meeting
- spoke in support of the legalization of secondary suites
- submitted his correspondence to Municipal Staff

Mr. Bob Richardson, 1046 Holly Park Road

- spoke to the issue of appropriate taxation for properties with secondary suites (i.e. property tax or head tax)
- questioned if Council was willing to tax the number of people residing in the residence
- stated that there is no such thing as an illegal suite – important technicality – unauthorized or inappropriate suites exist

Mr. Denis Ford, 6991 East Saanich Road

- questioned the feasibility of monitoring secondary suites and whether or not there would be increased costs to the District's taxpayers
- questioned if property owners will be paying additional taxes if they have a suite, and stated that in his opinion if a property owner is generating revenue, then they should be taxed accordingly
- questioned the District's authority to make these property owners comply
- suggested that this matter be forwarded to a future referendum, to allow the taxpayers to vote on this matter as it will affect a large number of taxpayers
- read his correspondence dated March 8, 2006 into the record of this Public Hearing, a copy of which is attached to the Minutes of this Meeting

Mr. Merv Tetley, 7972 Galbraith Crescent

- referred to his correspondence dated March 1, 2006
- advised that he is not in favour of the proposed Bylaw, and questioned how the secondary suites will be enforced, and who will enforce them
- stated that the average resident will not come forward to take out the necessary building permits to bring the suites to code
- expressed concern with respect to parking and suites – questioned if property owners be required to provide off-street parking for their tenants

Mr. Cecil Bannister, 884 Sluggett Road

- questioned the rationale for the proposed minimum lot size
- stated that the District needs more affordable housing options
- advised that he does not understand how the regulations were decided on
- expressed concern with proposed parking regulations – questioned the rationale for the requirement that parking be provided on-site and behind the front house line
- stated that his property taxes have increased by 20%, and questioned the rationale for this increase

Mr. Merv Tetley, 7972 Galbraith Crescent

- spoke in favour of conducting a referendum for Secondary Suites and the Panorama Recreation Facilities Upgrade project

Ms. Elizabeth Chambers, 901 Verdier Avenue

- commended Council for bringing forward a Bylaw to regulate secondary suites and addressing issues of affordable housing
- referred to her correspondence dated June 2005
- suggested that Council keep the settlement areas more dense
- stated that there should be other fees associated with having a suite – the property owners that have suites should be contributing more to the municipal infrastructure

Mr. Kevin Morrison, 6369 Bella Vista Drive

- advised that he does not have a suite, and that he does not want any suites in his neighbourhood as they can be problematic
- expressed concern with additional traffic and parking on the street
- stated his opposition to the proposed Amendment Bylaw

Mr. Dennis Ford, 6991 East Saanich Road

- commented on the high cost of living in Greater Victoria and in Central Saanich
- stated that unless the higher levels of government are going to subsidize affordable housing, secondary suites will only help to pay off personal mortgages

Ms. Barb Schultz, 2151 Panaview Heights

- questioned the rights of renters/tenants if they experience problems with their landlords

Mr. Craig Walters, 1160 Benvenuto Avenue

- advised that he supports the movement to legalize suites, but that he does not support the Amendment Bylaw
- stated that if this Bylaw is approved, there will be less affordable housing units in the District which he cannot support, and questioned if there are any alternatives
- stated that there will never be a way to get rid of all “illegal” suites, that they will still appear where lots are too small and do not meet the minimum lot size requirements
- advised that there are a lot of properties in Brentwood Bay that are less than 780 sq.m. in size and have suites
- questioned who will enforce those suites that are within non-conforming dwellings

Mr. Cecil Bannister, 884 Sluggett Road

- asked how the District intends to enforce the new Bylaw if it is adopted
- expressed concern about enforcement challenges
- asked if he is expected to advise the District of any “illegal” suites that he may be aware of, including his own

Ms. Tomaselli, Resident of Central Saanich

- spoke in favour of the proposed Bylaw, as she believes it protects land owners and renters from sub-standard housing

Ms. Barb Schultz, 2151 Panaview Heights

- asked if the existing infrastructure will be improved if secondary suites are approved, particularly the street lights

Ms. Christina Peacock, 1830 Cultra Avenue

- advised that she appreciates this is a complex issue, and spoke in support of the Bylaw
- stated that this is a good solution and sorely needed option to address the shortage of accommodations – we need people who work in our community to be able to live here
- commended Council for taking the initiative to address affordable housing

Mr. Kevin Morrison, 6369 Bella Vista Drive

- asked if Council would be considering the rental of secondary suites as a business venture

Ms. Jackie Yore Lo, 6552 Torin Road

- expressed concern with the number of agricultural properties that have been developed into residential developments over the years
- stated that many residents, as they age, may not be able to afford living in their own homes and that secondary suites would financially benefit them
- spoke in support of the opportunity to provide housing accommodations for family members
- stated that legalizing suites is a step in the right direction to a very complex issue

Mr. Cecil Bannister, 884 Sluggett Road

- asked if there was anyone in the audience who actually rented a suite
- advised that he has had wonderful and positive experiences with his own tenants – that I'd like to

Ms. Jill Wake, 7046 Brentwood Drive

- asked if there was a plan to leave the existing suites alone, and bring in a new Bylaw for newly constructed dwellings only
- questioned the enforcement complexities in relation to existing suites
- questioned if any residents actually have the money to bring their suites up to code

Mr. Ken Schultz, 2151 Panaview Heights

- questioned how the Bylaw could be enforced with out-of-town property owners
- does not believe that the stipulation that "owner occupation" would be adhered to

Mr. Chris Zatylny, 1084 Lucille Drive

- asked if the Minutes of this Public Hearing would be available to public, and if so, when
- questioned the rationale for the minimum lot size

Mr. Cecil Bannister, 884 Sluggett Road

- questioned the possibility of grandfathering the existing suites and enforcing the Bylaw on a complaint basis only, and requiring total compliance to the Bylaw with newly constructed units only

Ms. J Croll, resident of Central Saanich

- voiced concern with the proposed secondary suite Bylaw
- stated that fifteen townhouses with "legal" suites is being proposed for her neighbourhood
- concerned with the high density

Resident, 1025 Waverley Terrace

- asked for clarification on parking and setback requirements - what is and what is not allowed

Mr. Cecil Bannister, 884 Sluggett Road

- questioned when the Bylaw would be brought forward for consideration of adoption

The Administrator advised that Bylaw No. 1534 and the Minutes of this Public Hearing would be brought forward to the March 20th, 2006 Regular Council Meeting.

Ms. Barbara Tetley, 7972 Galbraith Crescent

- asked if the Bylaw is approved, how would the District plan to address the suites that currently exist
- asked if the District would be proactive in its enforcement, or proceed on a complaint basis only

Mr. Merv Tetley, 7972 Galbraith Crescent

- questioned how the enforcement would happen, and if the Bylaw Enforcement Officer would be actively seeking out the existing suites

Ms. Jackie Yore Lo, 6667 Welch Road

- questioned the process that would be followed by a person who wished to seek compliance in regards to their suite

Mr. Chris Zatylny, 1084 Lucille Drive

- stated that is the lot size is too small, you could never reach compliance

Mr. Barb Schultz, 2191 Panaview Heights

- questioned if the District would be able to determine if the electrical work was compliant

Ms. Jill Wake, 7046 Brentwood Drive

- questioned the 40% lot size requirement – how was this regulation determined

Ms. Laura Spencer, 2561 James Island Road

- asked if any special consideration would be given to situations where there is an extended family residing in the home

Ms. Winnie Spencer, 2561 James Island Road

- advised that she understands the Building Code regulations, but she does not understand how the minimum lot size was determined

Ms. Barb White, 7790 Bruce Gordon Place

- expressed concern with the proposed Bylaw and stated her opposition
- suggested that the issue be referred to a referendum

Ms. Delyse Tomaselli, Resident of Central Saanich

- stated that in her opinion the Bylaw would protect both the property owner and the tenant – it's a win/win situation
- questioned if a suite that does not meet the Building Code could still be rented

Mr. Tom Trowsdale, 6375 Bella Vista Drive

- asked why the District would allow suites in a single family residential zone when many property owners are currently “thumbing their nose” at the municipality

Mr. Brian Moran, 1883 Rye Place

- commended Council for taking leadership with this issue
- advised that he is hopeful that secondary suites will comply once the process is complete

Mr. Dennis Ford, 6691 East Saanich Road

- expressed concern with the requirement to bring existing suites into compliance
- asked the Council put the matter to a vote at a future referendum and let the citizens decide advised that the Bylaw seems to discriminate against certain property owners – every must be treated the equally
- questioned if a resolution could be found on this issue
- asked how the District intends to get property owner to comply, and whether Staff would search for existing suites

Ms. Minerva Griffiths, 6928 East Saanich Road and 6936 East Saanich Road

- questioned if secondary suites would be required to have indoor sprinkler systems
- expressed concern with potential health and life safety issues that could be present in existing suites

Mr. Fred Peet, 1210 Marin Park Drive

- advised that he has followed this issue for the past three years when Council first authorized new residential construction with secondary suites
- suggested that residents with secondary suites be required to contribute additional taxes to assist with infrastructure maintenance costs
- read his correspondence dated March 5, 2006 into the record of this Public Hearing, a copy of which is attached to the Minutes of this Meeting

Mr. Tony Martens, 6368 Bella Vista Place

- commented on the challenge of defending legal notifications on title and the complaint process, and the possible consequences associated with an “illegal” suite
- stated that people will do what they can to be able to live here, that secondary suites are required in some situations
- encouraged Council to implement proper controls to allow suites
- stated that the number of parked cars on residential streets are not necessarily sourced

from secondary suites, that many are a result of growing families

Mr. John Senyk, 2277 Lynne Lane

- stated that this debate has been going on for over ten years
- commented on the fact that the District's Bylaw Enforcement Officer has ignored the complaints about secondary suites in his neighbourhood
- supports the comments raised in the correspondence from Mr. Fred Peet
- advised that he has a small lot (8700 sq.ft.) and that he understand why there has to be a limit on lot size and Building Code requirements
- stated that even if the Bylaw passes, there will always be problems with parking for tenants
- stated that enforcement will be difficult, even if strong regulations are put in place
- advised that if regulations are not put in place, individual neighbours will then have to deal with the enforcement issues themselves which will create bad feelings in the neighbourhood

Ms. Juanita Croll, 6944 East Saanich Road

- questioned if those residences with secondary suites that are on septic fields will be checked for adequacy

The Administrator then read into the record the following items of correspondence, copies of which are attached to the Minutes of this Public Hearing:

- Merv Tetley, 7972 Galbraith Crescent, March 1, 2006;
- Denis J. Bettson, 7217 Brentview Drive, March 2, 2006.

Mr. Chris Zatylny, 1084 Lucille Drive

- encouraged Council to stay focused on health and life safety issues, not on minimum lot sizes

Mayor Mar then called three times for further representations from the public in regards to Bylaw No.1534. There were no further representations.

Mayor Mar declared the Public Hearing for Bylaw No. 1534 closed.

3. ADJOURNMENT:

On motion, the Public Hearing held on Wednesday, March 8, 2006 adjourned at 8:57 pm.

Jack Mar
Mayor

Trish Flanders
Municipal Clerk

Recorded by: Trish Flanders
Municipal Clerk