

# Secondary Suites Community Survey Summary



**DISTRICT OF OAK BAY**

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Report  
June 2021

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*Project # 28780008.01*

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## 1.0 INTRODUCTION

Urban Systems has been engaged by the District of Oak Bay to review the potential framework for secondary suites policy and regulations within existing or new detached dwellings. This is consistent with Housing Policy #10 in the District's Official Community Plan regarding secondary suites, as follows:

***Develop a policy and regulatory framework to permit secondary suites as a way of providing affordable housing in the community.***

This five-phased study was initiated in late 2018 with a review of existing plans and policies, population and demographic considerations, and examples from comparable communities. As part of this project, the first round of community consultation was conducted in Spring 2019, with nearly 800 responses to the MetroQuest survey. The survey results, regulatory analysis, impacts and considerations were compiled in a Secondary Suites Draft Strategy report in December 2020 and was presented to Council in early January 2021.

The Strategy Report identified a number of secondary suite attributes along a regulatory spectrum to be considered, as shown in Figure 1 below. Based on the spectrum of attributes, a series of sample program scenarios have been identified to provide a scope of how suites could be regulated in Oak Bay. Each scenario has varying (and increasing) impacts in a number of categories: zoning (land use, parking, owner occupancy), enforcement, registration, and resource implications (see Figure 2).

	<i>Regulatory Spectrum</i>			
<b>Suite Type</b>	New and Existing Secondary Suites	New Secondary Suites Only		Existing Secondary Suites Only
<b>Land Use</b>	All Single Family Homes	RS1 - RSS Zones	Select Zones	Select Neighbourhood Site Specific Zoning
<b>Lot Size</b>	No Minimum Lot Size	Minimum Lot Size 275 m <sup>2</sup>		Minimum Lot Size 558 m <sup>2</sup>
<b>Unit Size</b>	No Restrictions	40% of SFD	40% of SFD or 150 m <sup>2</sup> Whichever is Less	
<b>Owner Occupancy</b>	No Owner Occupancy	Owner Occupancy		
<b>Dwelling Use</b>	Single Family Dwelling - With Boarding and Secondary Suite		Single Family Dwelling - With Secondary Suite Only	
<b>Parking</b>	No Additional Parking	1 Parking Space for New / Exempt Parking for Existing		1 Parking Space for All
<b>Enforcement</b>	No Enforcement	Complaint Based		District Initiated
<b>Building Code</b>	No Code Compliance	Health and Safety		Full Building Code Compliance
<b>Registration</b>	No Registration	Voluntary Registration		Mandatory Business Licensing

Figure 1 - Secondary Suite Attributes

<b>POTENTIAL DISTRICT-WIDE SECONDARY SUITE SCENARIOS</b>				
<i>(<b>Bolded Blue</b> text indicates a more stringent regulation in that category from the previous scenario.)</i>				
<b>CATEGORY</b>	<b>SCENARIO A</b>	<b>SCENARIO B</b>	<b>SCENARIO C</b>	<b>SCENARIO D</b>
<b>Land Use</b>	Secondary Suites permitted in all single family homes	<b>Secondary Suites permitted in RS1 to RS5 Zones</b>	Secondary Suites permitted in RS1 to RS5 Zones	Secondary Suites permitted in RS1 to RS5 Zones
<b>Minimum Lot Size</b>	No minimum lot size	<b>Min. lot size = 558 m<sup>2</sup></b>	Min. lot size = 558 m <sup>2</sup>	Min. lot size = 558 m <sup>2</sup>
<b>Unit Size</b>	No unit size restriction	No unit size restriction	<b>Max unit size 40% of Gross Floor Area (GFA)</b>	<b>Max unit size 40% of GFA or 150 m<sup>2</sup> whichever is less</b>
<b>Boarding permitted</b>	Boarding and Secondary Suites permitted	<b>Only Secondary Suites permitted</b>	Only Secondary Suites permitted	Only Secondary Suites permitted
<b>Parking</b>	No additional parking required	<b>One off-street parking space required, exempt existing Secondary Suites</b>	One off-street parking space required, exempt existing Secondary Suites	<b>One off-street parking space required for new and existing suites</b>
<b>Owner Occupancy</b>	Not required	<b>Owner Occupancy required</b>	Owner Occupancy required	Owner Occupancy required
<b>Registration</b>	No registration	No registration	<b>Voluntary registration list</b>	<b>Mandatory business license</b>
<b>Enforcement</b>	Complaint basis	Complaint basis	Complaint basis	<b>Complaint basis and District-initiated compliance program</b>

Figure 2 – Potential Secondary Suite Scenarios

## 1.1. COMMUNITY ENGAGEMENT ROUND TWO

Based on the information compiled to date, a second round of community engagement was conducted in the Spring of 2021. The District of Oak Bay's engagement platform was used to conduct an in-depth survey into the attributes of secondary suites and program scenarios. The survey remained open for input from May 5, 2021 to June 4, 2021 with electronic and hard-copy versions available to the public. The survey response from the community was excellent, with 1147 website visitors and 995 responses submitted. A summary of the community survey is provided in the following section, as well as in the report appendices.

## **2.0 SUMMARY OF COMMUNITY FEEDBACK**

Appendix A provides a graphical summary of responses to each of the survey questions, as appropriate. The feedback has been summarized into a number of themes, based on the various attributes and potential secondary suite scenarios.

### ***Survey Respondents***

All of the survey respondents indicated that they resided in Oak Bay, with the majority living in South Oak Bay (38%), followed by Estevan (19%), Henderson (17%) and North Oak Bay (15%). Nearly half of the respondents (48%) indicated that they live on a street where secondary suites are located, with 9.4% indicating that they own a house with a secondary suite and 2.3% indicating that they live in a secondary suite. 22% of respondents participated in the previous secondary suites survey in 2019.

### ***Applicability of Secondary Suite Regulations***

The majority of respondents (65%) indicated that secondary suite regulations should apply to both new and existing suites, with 18.1% indicating existing suites only and 6.8% indicating new suites only. A number of comments noted that existing secondary suites should not be “grandfathered”, although most comments acknowledged some of the challenges of existing older homes, preferring compliance with basic health and safety requirements for existing suites. There was general acceptance to permit secondary suites in all single family zones (56.2%) with no minimum lot size (44.2%). There are potential challenges to applying this to all single family zones as it relates to off-street parking requirements, as identified further in this summary.

### ***Maximum Unit Size for Secondary Suites***

There was a mixed response to the maximum unit size preferred, with 33% indicating no size restriction, 30% indicating 40% of the Gross Floor Area (GFA) or 90 square metres (whichever is less), and 13% indicating 40% of GFA or 150 sq.m. (whichever is less). Note that the BC Building Code was recently revised to remove the 40% GFA and 90 sq.m. maximum size, although some communities have not revised their Zoning Bylaws to reflect this relaxation in the Building Code.

### ***Owner Occupancy***

Consistent with previous community feedback, the majority of respondents (54%) indicated that they would prefer owner occupancy in either the main part of the home or the secondary suite, with an additional 25% requiring owner occupancy in the main part of the home (i.e. 79% preference for owner occupancy). While historical case law may seem to indicate that zoning bylaws can only regulate “use” and not the “user”, there is limited applicability of this specific to secondary suite regulations in British Columbia. Moreover,

recent changes to provincial legislation was applied to permit rental zoning regulations, which may provide some additional flexibility in this regard. Careful review and drafting of secondary suite regulations with respect to owner occupancy would need to be undertaken, with examples from other jurisdictions as applicable.

### ***Boarding Uses along with Secondary Suites***

Currently, the Oak Bay Zoning Bylaw permits up to two boarders (i.e. shared kitchen) within a single family dwelling, as appropriate. The majority of respondents (56%) indicated that they would not be in favour of permitting both boarding uses and secondary suites within the same single detached dwelling.

### ***Off-Street Parking***

Exactly half of the respondents (50%) indicated that one additional off-street parking space should be required for both new and existing suites. An additional 12% of respondents indicated that one additional off-street parking space should be required for new suites, but no additional parking space be required for existing suites. The remaining 38% of respondents indicated that no additional off-street parking should be required. As noted in previous surveys and reports, parking is a challenging issue with localized problems on specific blocks within the District, and it is not specific to this secondary suite study. A number of respondents commented that many of the driveways and garages in older Oak Bay homes cannot accommodate today's larger vehicles. Although the community's desire for one additional off-street parking space is generally consistent with the comparison communities, the remains the ability to apply for a variance to the parking requirements based on site-specific and block-specific characteristics.

### ***Enforcement and Licensing***

The majority of respondents (53%) indicated that there should be a District-initiated compliance program, in addition to the current complaint based approach. In addition, the majority of respondents (52%) preferred mandatory business licensing for the registration of secondary suites, with only 18% indicating no registration required (the remainder supported voluntary registration).

The respondents were evenly split between compliance with basic health and safety regulations only (47%) and full Building Code compliance (53%). While the Building Code was recently amended to provide alternate compliance standards for secondary suites, this may not be possible for all existing secondary suites due to the age and condition of the current housing stock in Oak Bay.

### ***Secondary Suite Program Scenarios***

Based on the table of potential program scenarios as previously shown in Figure 2, the preferred scenario, in order of response rate, is as follows: Scenario D (38.7%), Scenario A (31.2%), Scenario C (11.9%) and Scenario B (10.8%), with 7.4% of respondents being unsure / preferred not to answer. Scenario D is the most stringent of the four scenarios and is generally consistent with some of the individual response questions, based on owner occupancy, off-street parking and business licensing.

That said, the relatively large number of respondents who selected Scenario A (i.e. least stringent regulations) understands that if the regulations are too imposing, then it will not encourage compliance and legalization of existing (and even new) secondary suites, and will not help with housing affordability in Oak Bay.

### ***Pilot Program and Site-Specific Implementation***

Two final quantitative questions in the survey related to a potential pilot program as well as site-specific rezoning for secondary suites. The majority of respondents (58.5%) indicated that they would not support a pilot program, with 17.7% supporting a neighbourhood-specific pilot program and 10.3% supporting a zone-specific pilot program.

With respect to site-specific rezoning for secondary suites, 36.4% strongly disagreed and 17.7% disagreed (totaling 54.1%), while 23.6% strongly agreed and 9.8% agreed (totaling 33.4%).



### **3.0 ADDITIONAL COMMENTS**

In addition to the responses provided above to the survey questions, there were over 620 open-ended responses to Question 29 requesting additional feedback. These are summarized below.

#### ***Rationale for even considering Secondary Suites***

The OCP policy directive was to explore “how” secondary suites could be regulated in Oak Bay, rather than “if” secondary suites should even be permitted. That said, 175 respondents to Question 29 were adamantly opposed to secondary suites, indicating that the survey did not provide an option to choose “no suites”. Conversely however, there were 215 respondents to this question who expressed fervent support for secondary suites (e.g. “just do it”, “get on with it”). The above responses do not include those who were conditionally supportive or unsupportive of secondary suites.

#### ***Suites as Short-Term Rentals***

A number of respondents expressed concern that secondary suites should not be permitted as short-term rentals (e.g. AirBnB). This is provided to the District as it considers its short-term rental policy.

#### ***Infill Housing***

A number of comments noted that additional infill housing (e.g. suites in accessory buildings, laneway homes, duplexes, strata conversions, etc.) should also be considered, particularly on larger lots or as a means to retain large, older character homes. This will be considered by the District as part of a separate study.

#### ***Secondary Suites should pay their Fair Share***

A number of comments were related to the potential impact of secondary suites on the District’s infrastructure (as noted in the Draft Strategy report) and noted that suite owners / occupants should be required to “pay their fair share” in the form of higher property taxes. As secondary suites are not a separate legal property, there would be only one tax notice associated with the property, although the assessed value may be deemed to be higher (by BC Assessment) with a legalized secondary suite.

#### **4.0 SUMMARY AND NEXT STEPS**

There continues to be great interest in secondary suites within the District of Oak Bay, as shown by the high level of engagement throughout this study. Although the topic is still somewhat polarizing, there remains general support for regulating secondary suites in Oak Bay, with a large contingent of respondents encouraging the District to “just get on with it”.

With respect to the program scenarios, while a large number of respondents selected Scenario A based on its limited regulations (i.e. to encourage secondary suites), Scenario D was the most the predominant scenario chosen, which was also supported by the individual survey questions in which the majority of respondents were in favour of owner occupancy, business licensing, off-street parking and District-initiated compliance. Note that the program scenarios were not developed as strict options, as there may be a hybrid program to be considered based on varying specific secondary suite attributes.

The results of the community survey will be utilized in further discussions with staff, the Advisory Planning Commission and Council as it determines the potential next steps in regulating secondary suites within the District of Oak Bay.

**APPENDIX A**  
**Survey Response Summary Graphs**