

# 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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## **District of Oak Bay Secondary Suites Community Survey Summary**

June 2021

Project # 2878.0008.01

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Table of Contents

**1.0 INTRODUCTION.....1**

**2.0 SUMMARY OF COMMUNITY FEEDBACK.....3**

**3.0 ADDITIONAL COMMENTS.....6**

**4.0 SUMMARY AND NEXT STEPS.....7**

**APPENDICES**

Appendix A – Survey Response Summary Graphs

## 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).


| Regulatory Spectrum |   |  |                 |  |                      |
|---------------------|---|--|-----------------|--|----------------------|
| Suite Type          |  | New and Existing Secondary Suites                          |                 | Existing Secondary Suites Only                     |                      |
| Land Use            |  | All Single Family Homes                                    | RS1 - RSS Zones | Select Zones                                       | Site Specific Zoning |
| Lot Size            |  | No Minimum Lot Size  |                 | Minimum Lot Size 558 m <sup>2</sup>                |                      |
| Unit Size           |  | No Restrictions  |                 | 40% of SFD or 150 m <sup>2</sup> Whichever is Less |                      |
| Owner Occupancy     |  | No Owner Occupancy   |                 | Owner Occupancy                                    |                      |
| Dwelling Use        |  | Single Family Dwelling - With Boarding and Secondary Suite |                 | Single Family Dwelling - With Secondary Suite Only |                      |
| Parking             |  | No Additional Parking                                      |                 | 1 Parking Space for All                            |                      |
| Enforcement         |  | No Enforcement   |                 | District Initiated                                 |                      |
| Building Code       |  | No Code Compliance   |                 | Full Building Code Compliance                      |                      |
| Registration        |  | No 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> |   |  |   |  |
| CATEGORY  | SCENARIO A  | SCENARIO B   | SCENARIO C  | SCENARIO D   |
| <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”.

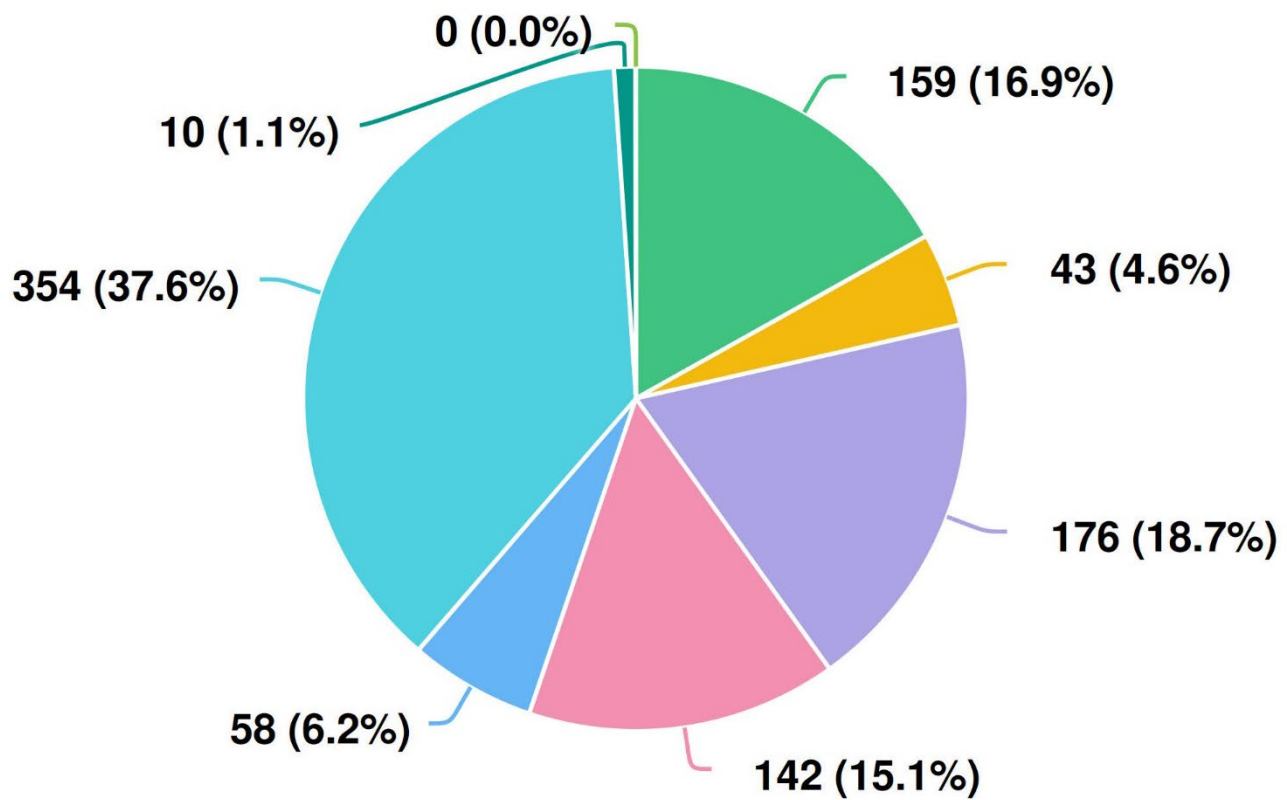
With respect to the program scenarios, while a large number of respondents selected Scenario A based on its limited regulations (i.e. to encourage secondary suites), Scenario D was the most the predominant scenario chosen, which was also supported by the individual survey questions in which the majority 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**

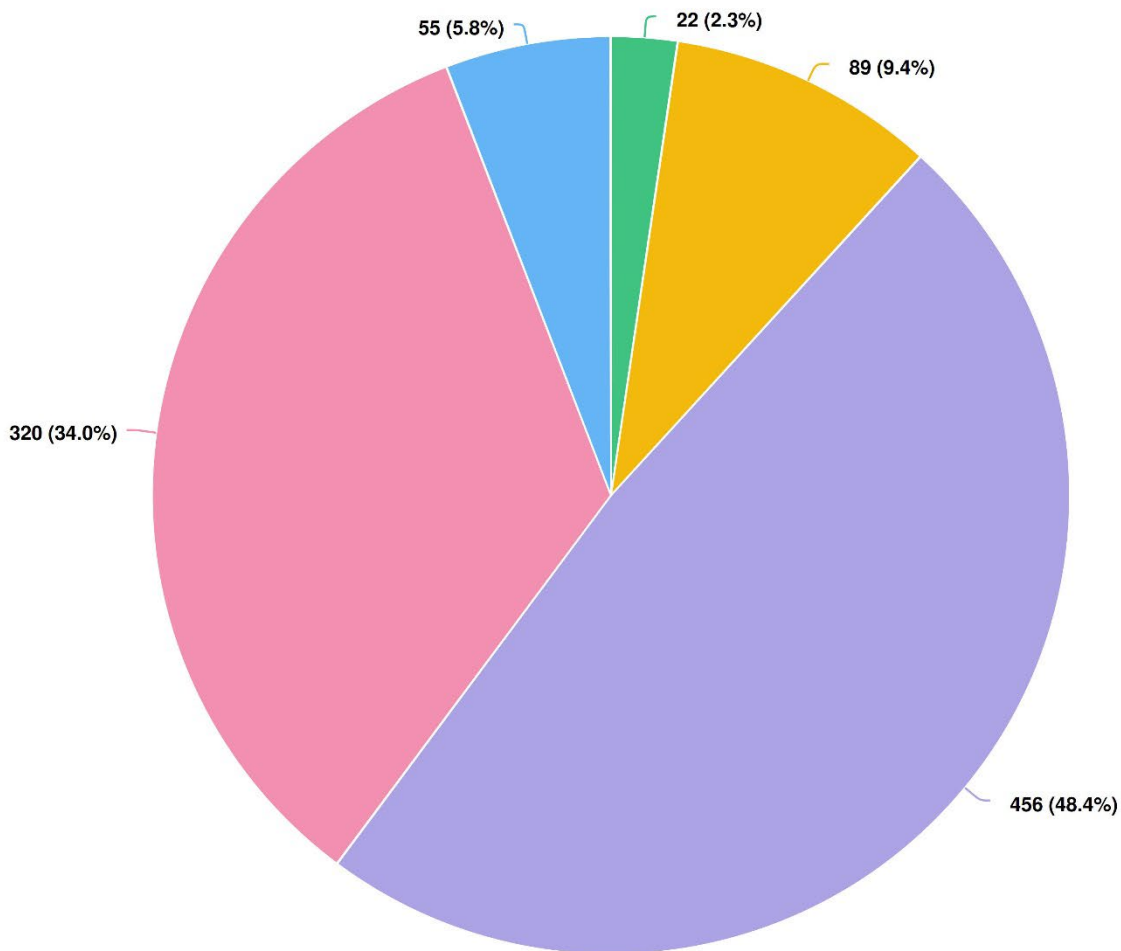
Q1 I live in:



**Question options**

● Oak Bay - Henderson   ● Oak Bay - Uplands   ● Oak Bay - Estevan   ● Oak Bay - North Oak Bay  
● Oak Bay - Oak Bay Avenue   ● Oak Bay - South Oak Bay   ● Oak Bay - Harling Point   ● Outside Oak Bay (please specify)

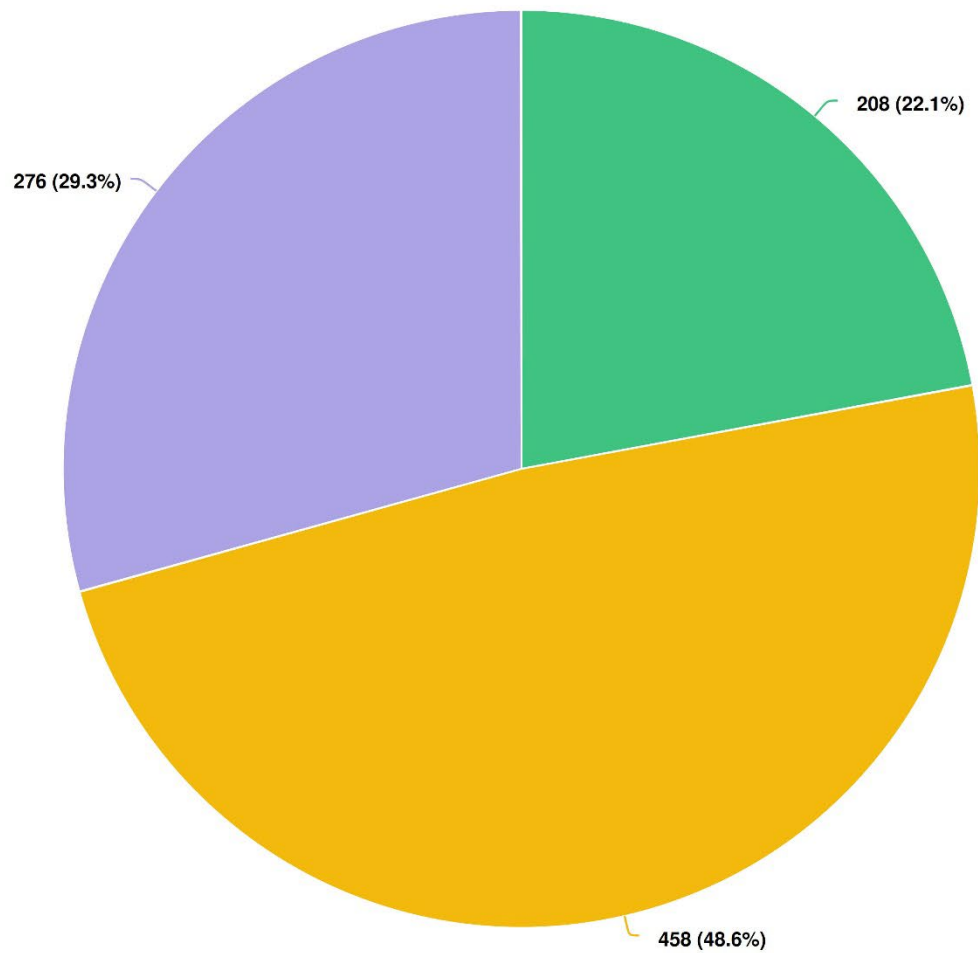
**Q2** Please describe your current experience with secondary suites in Oak Bay:



**Question options**

- ☐ I live in a secondary suite ☐ I own a house that has a secondary suite ☐ I live on a street where secondary suites are located  
☐ None of the above ☐ Other (please specify)

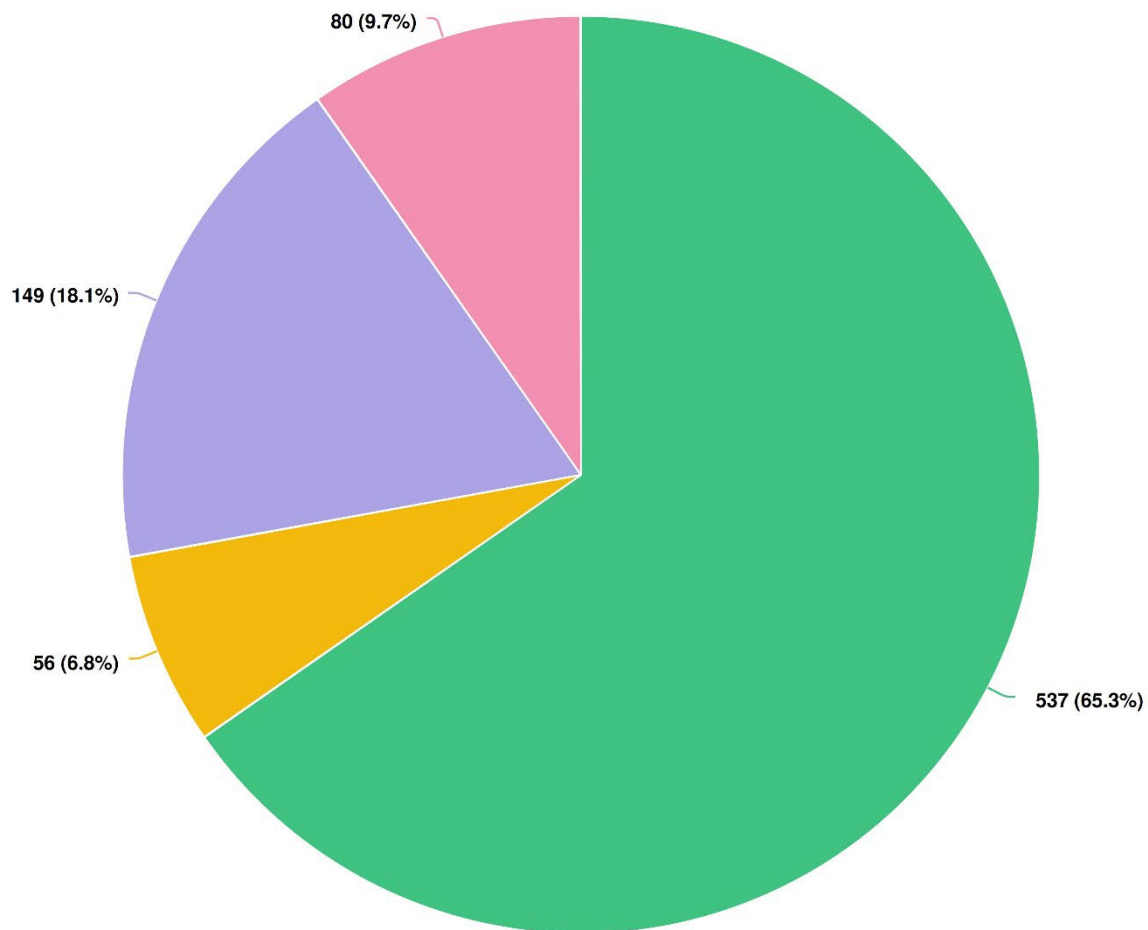
**Q3** Did you complete the District of Oak Bay's previous secondary suites survey in 2019?



**Question options**

● Yes ● No ● Unsure/Prefer not to answer

**Q4** Generally speaking, which type of secondary suite should be allowed in Oak Bay subject to the necessary regulations?

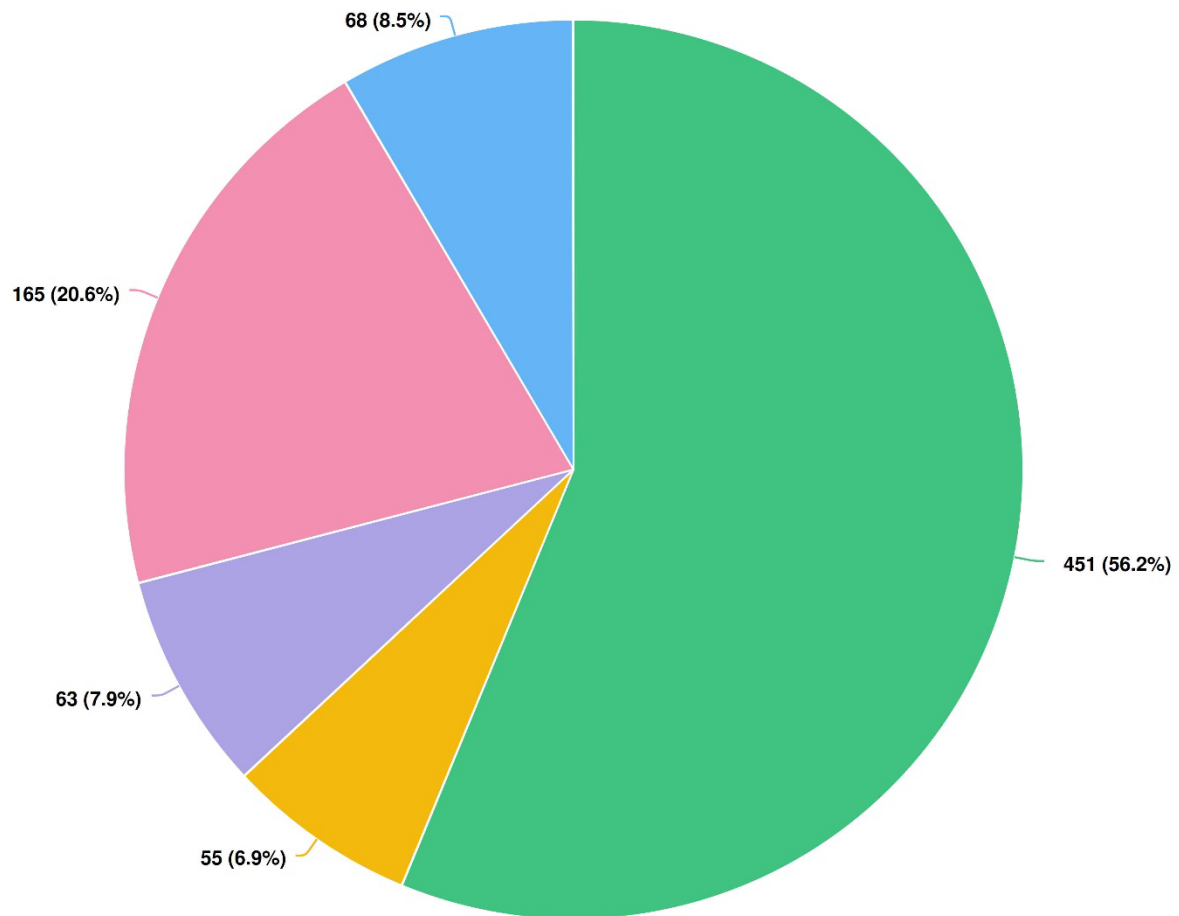


**Question options**

- All new and existing secondary suites
- New secondary suites only
- Existing secondary suites only
- Unsure/Prefer not to answer



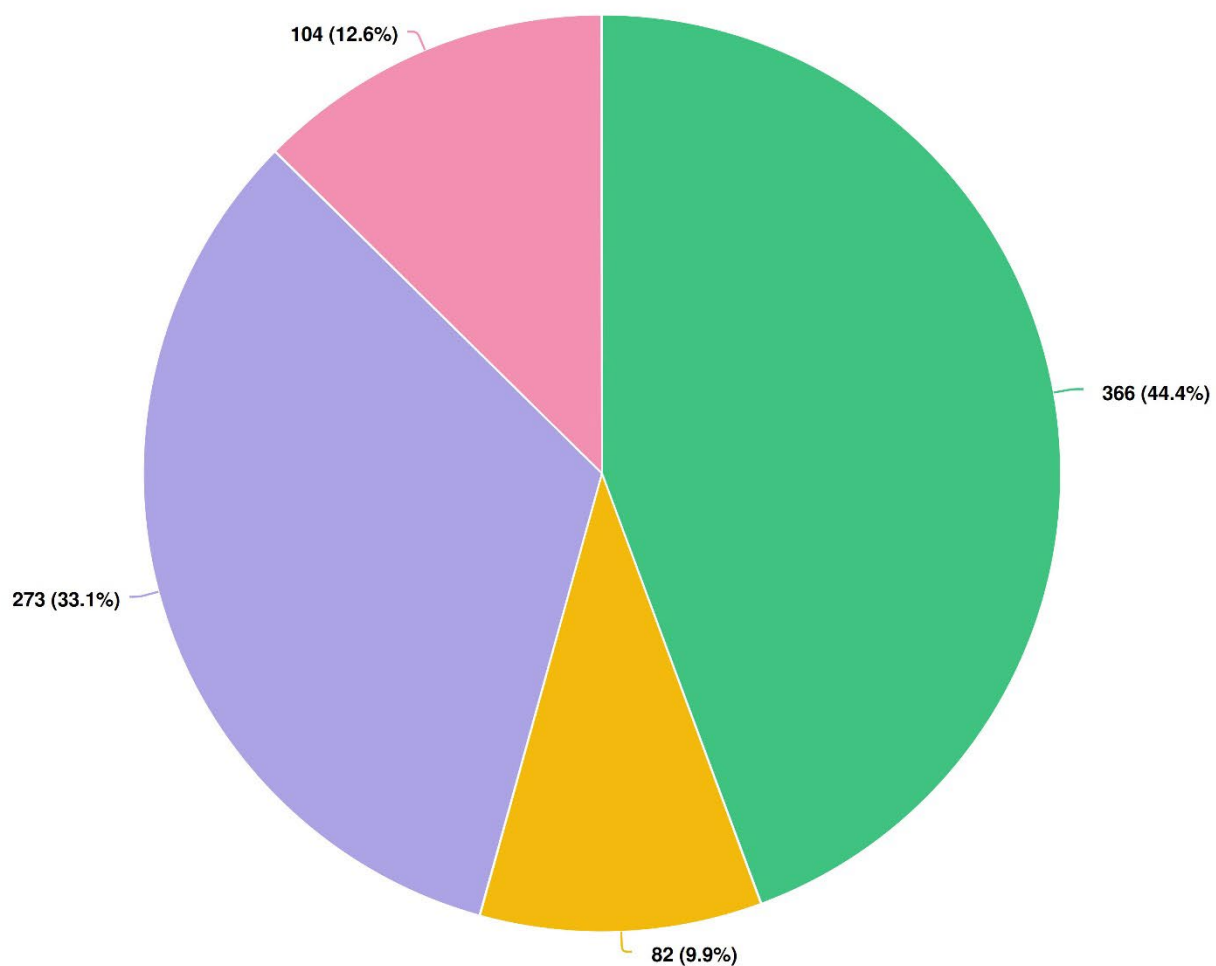
**Q5** What is your preference for allowing secondary suites within residential zones?



**Question options**

- Allowed anywhere where single family homes are permitted
- Allowed in specific zones only: RS-1 to RS-5 zones (see link to zoning map above)
- Allowed in specific zones only as part of a pilot project (we'll ask you for more information on this in a following section)
- Allowed based on rezoning (including a public hearing) for every property proposing to have a secondary suite
- Allowed only in select neighbourhoods in Oak Bay as part of a pilot project (we'll ask you for more information on this in a following section. If you selected this option, please specify which neighbourhood you would choose for a pilot program.)

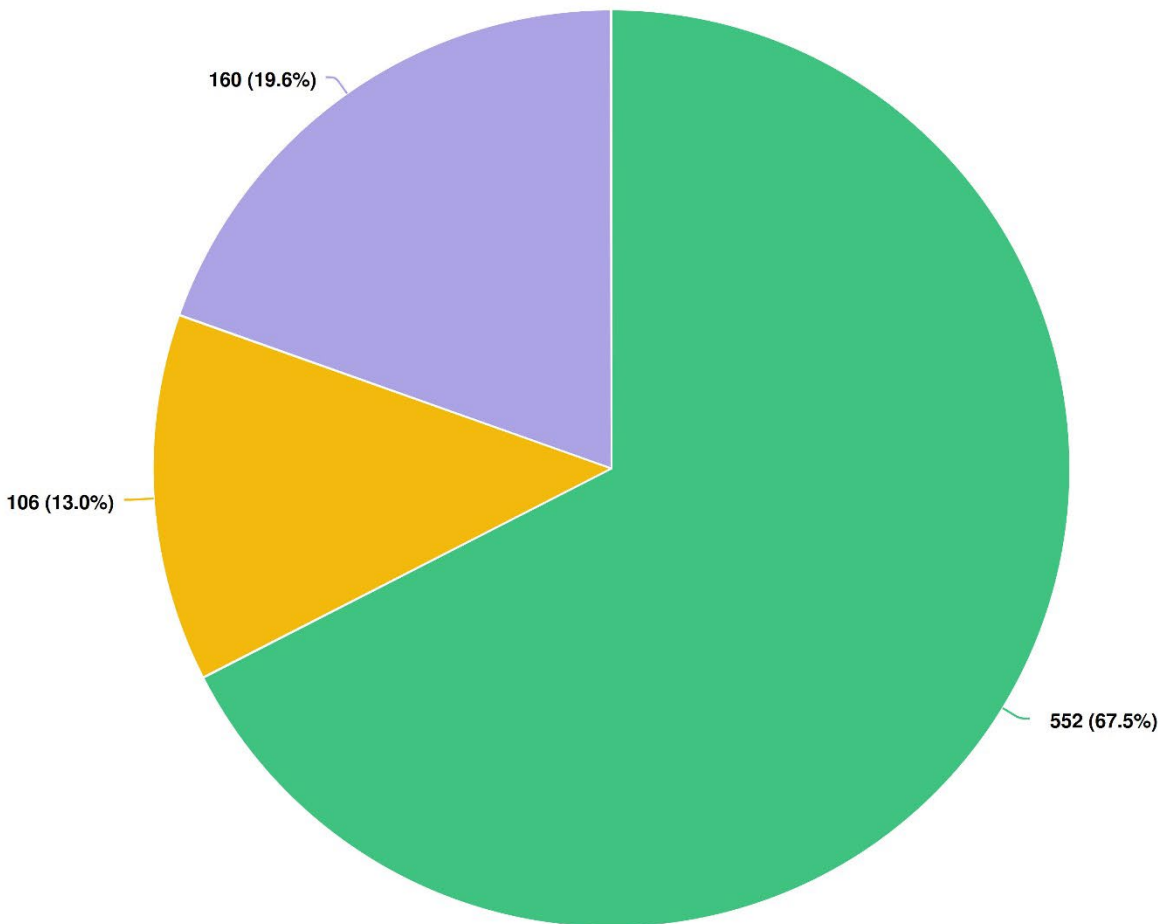
**Q6** What is your preference for the minimum lot size of a property where a secondary suite would be permitted?



**Question options**

- No minimum lot size
- Minimum lot size = 275 m2 (~3000 ft2 = 0.07 acre)
- Minimum lot size = 558 m2 (~6000 ft2 = 0.14 acre)
- Other (please specify)

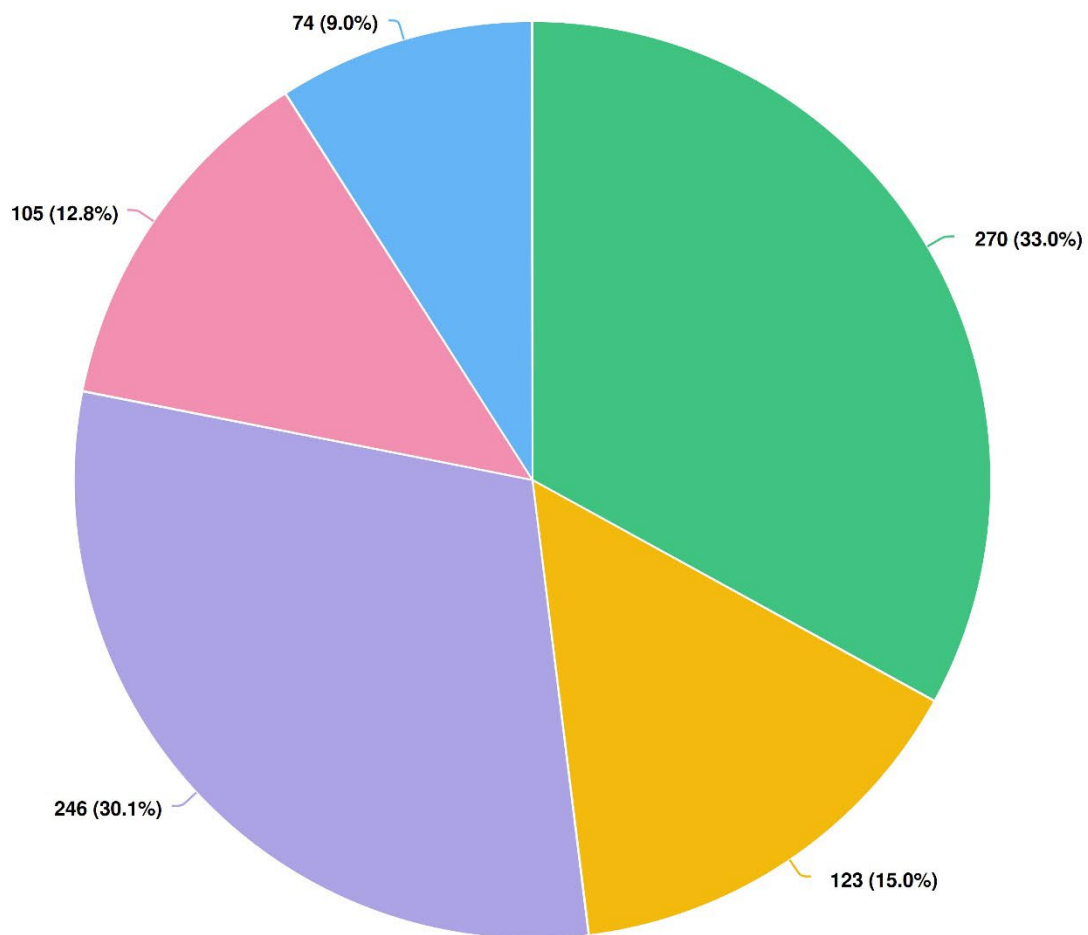
**Q7** If you have, or were thinking about having a secondary suite in your home, would your property meet the minimum lot size indicated in the answer you provided in 6 above?



**Question options**

● Yes, I believe so    ● No    ● Unsure/Prefer not to answer

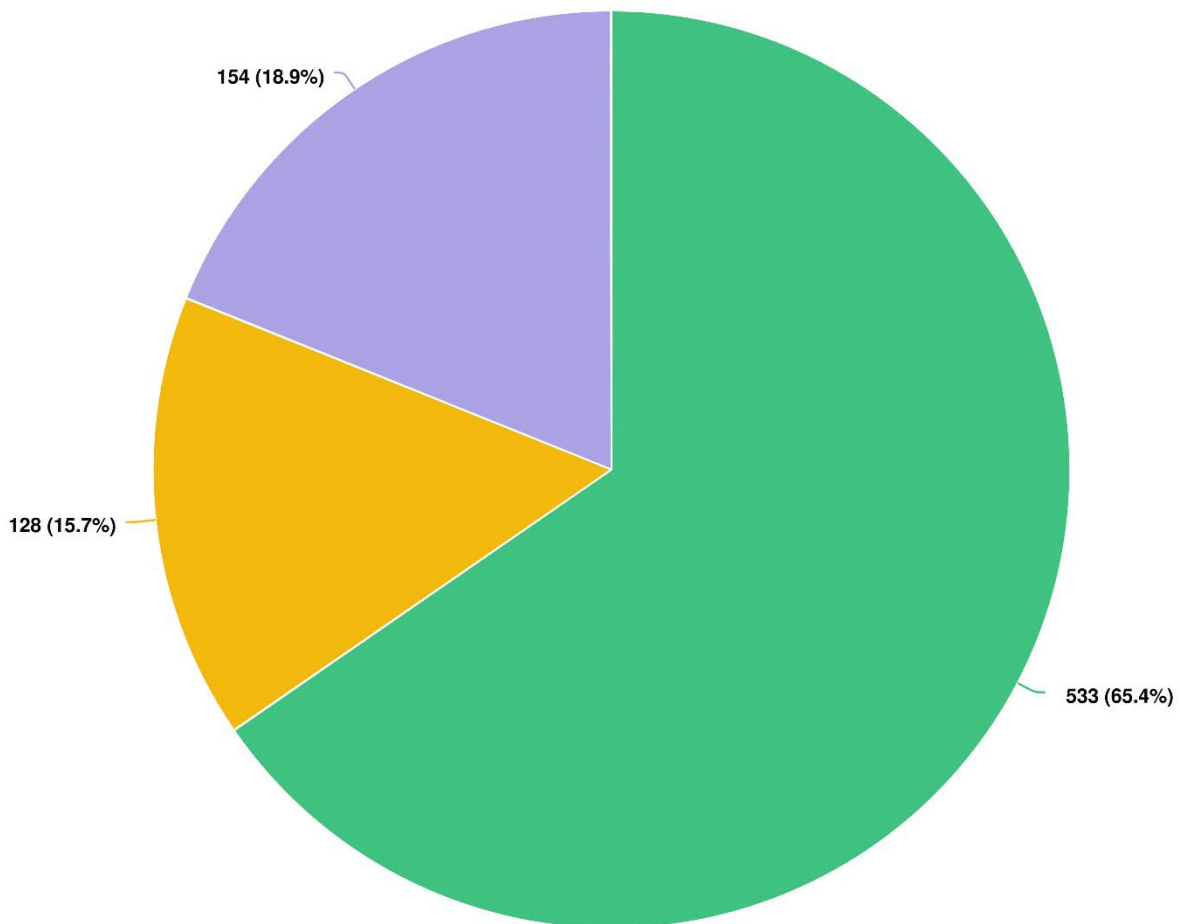
**Q8** When thinking about the total gross floor area (GFA) of a home (the total size of a home) in relation to the size of the suite within the home, what is your preference for the maximum unit size for a secondary suite?



**Question options**

- No restriction
- 40% of the GFA of the home
- 40% of the GFA or 90m2 (~970 ft2) of the home, whichever is less
- 40% of the GFA or 150m2 (~1600 ft2) of the home, whichever is less
- Other (please specify)

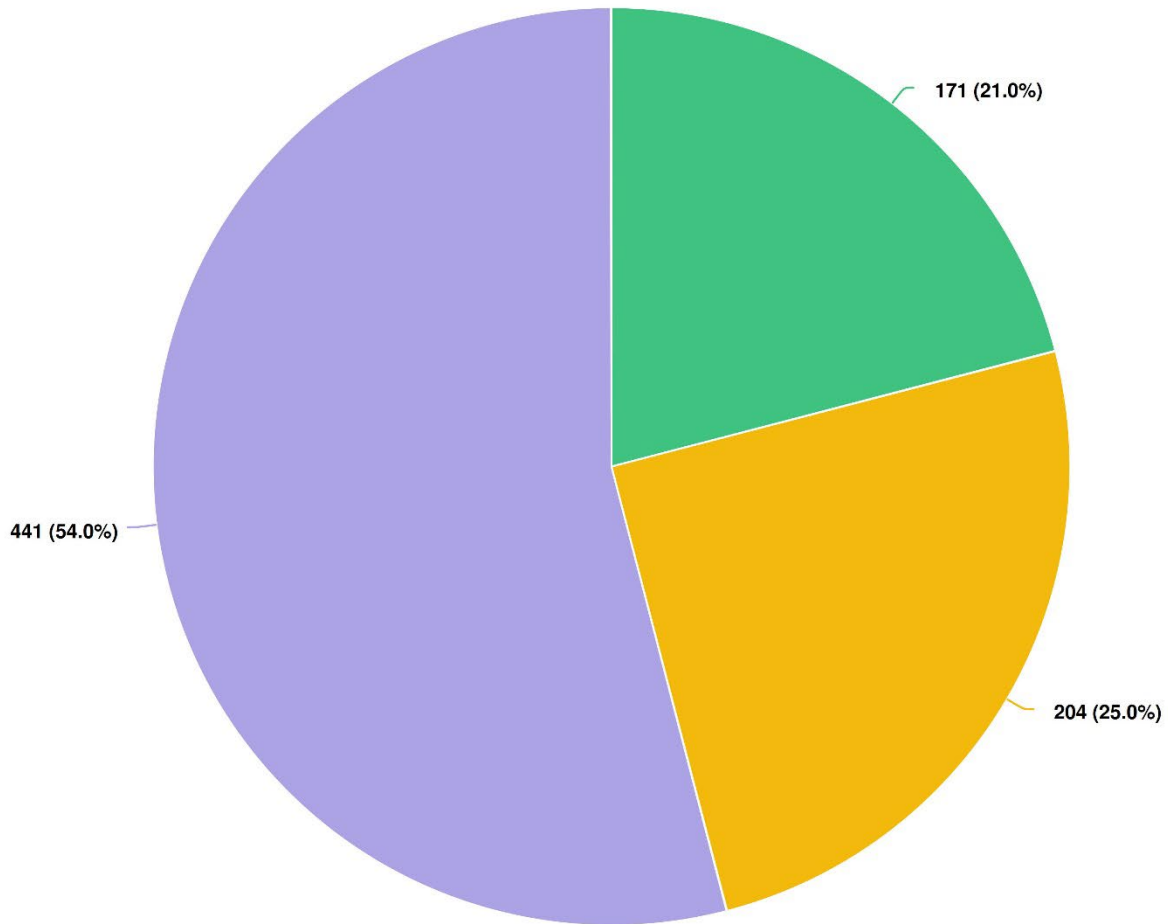
**Q9** If you have, or were thinking about having a secondary suite in your home, would you be able to accommodate a suite in your home based on the answer you provided in 8 above?



**Question options**

● Yes, I believe so    ● No    ● Unsure/Prefer not to answer

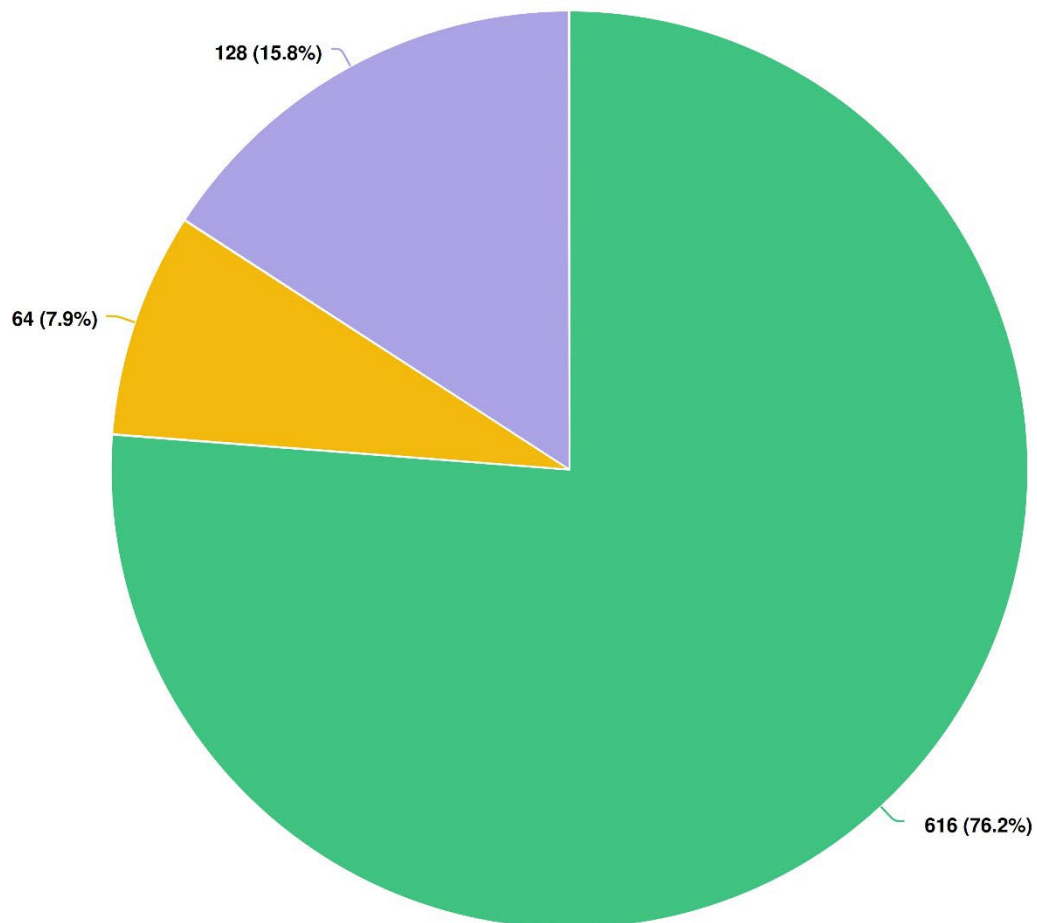
**Q10** What is your preference for an owner occupancy requirement for secondary suites?



**Question options**

- No owner occupancy required
- Owner occupancy required in the main part of the single family home
- Owner occupancy required in either the main part of the home or in the secondary suite

**Q11** If you have, or were thinking about having a secondary suite in your home, would you be able to meet the requirement for owner occupancy?

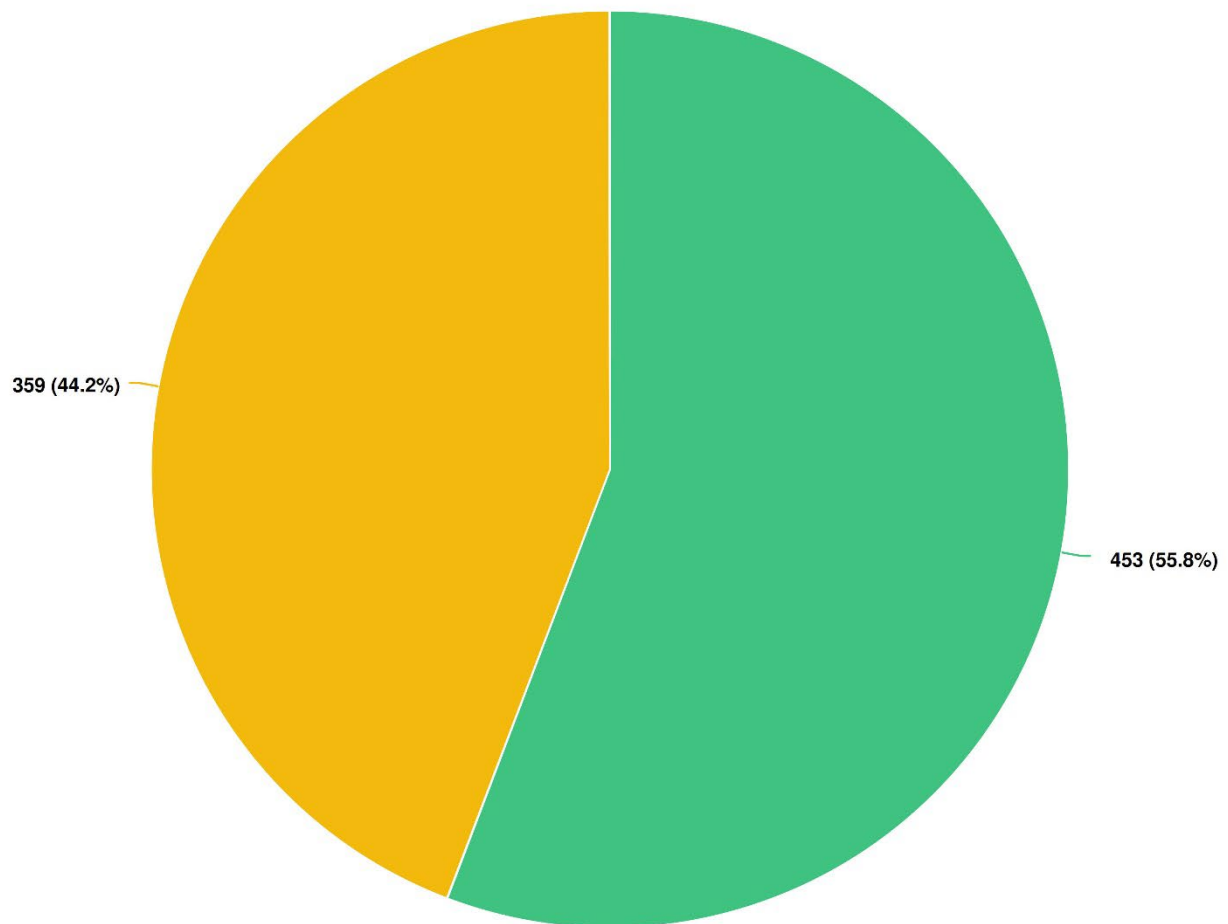


**Question options**

● Yes, I believe so    ● No    ● Unsure/Prefer not to answer



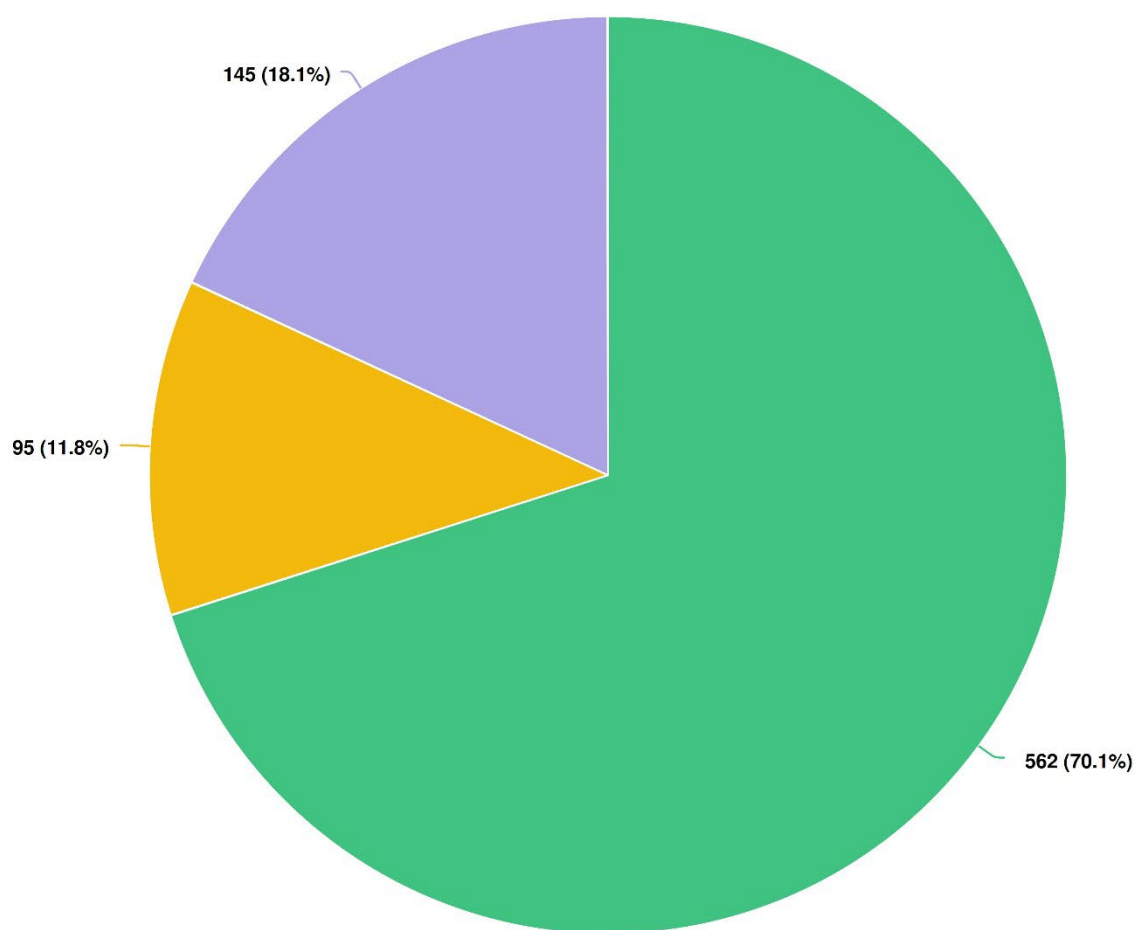
**Q12** What is your preference for allowing boarding uses in a single family home that also has a secondary suite?



**Question options**

- ☒ No boarding uses allowed where a secondary suite is located in the home
- ☐ Allow both boarding uses and secondary suites in the same home

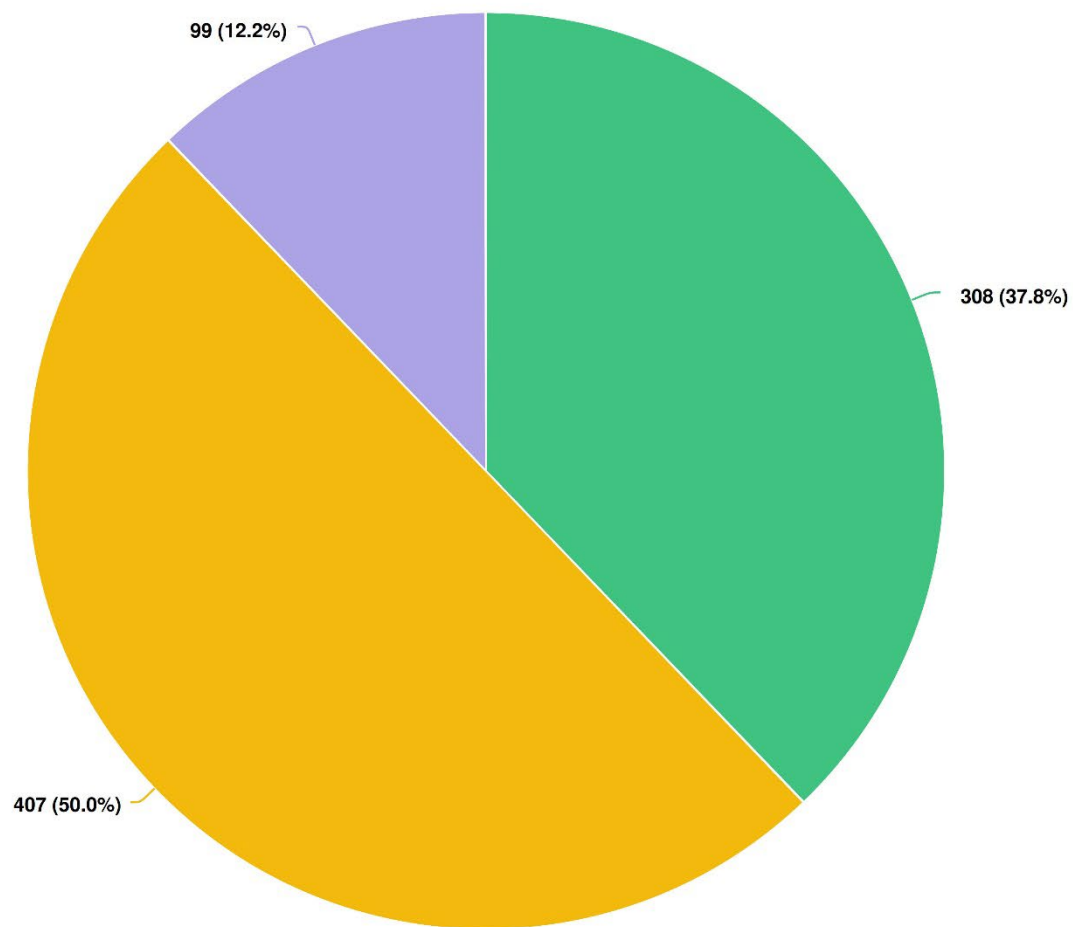
**Q13** If you have, or were thinking about having a secondary suite in your home, do you think you would be able to meet the secondary suite requirements as based on the answer you provided in question 12 above?



**Question options**

● Yes, I believe so   ● No   ● Unsure/Prefer not to answer

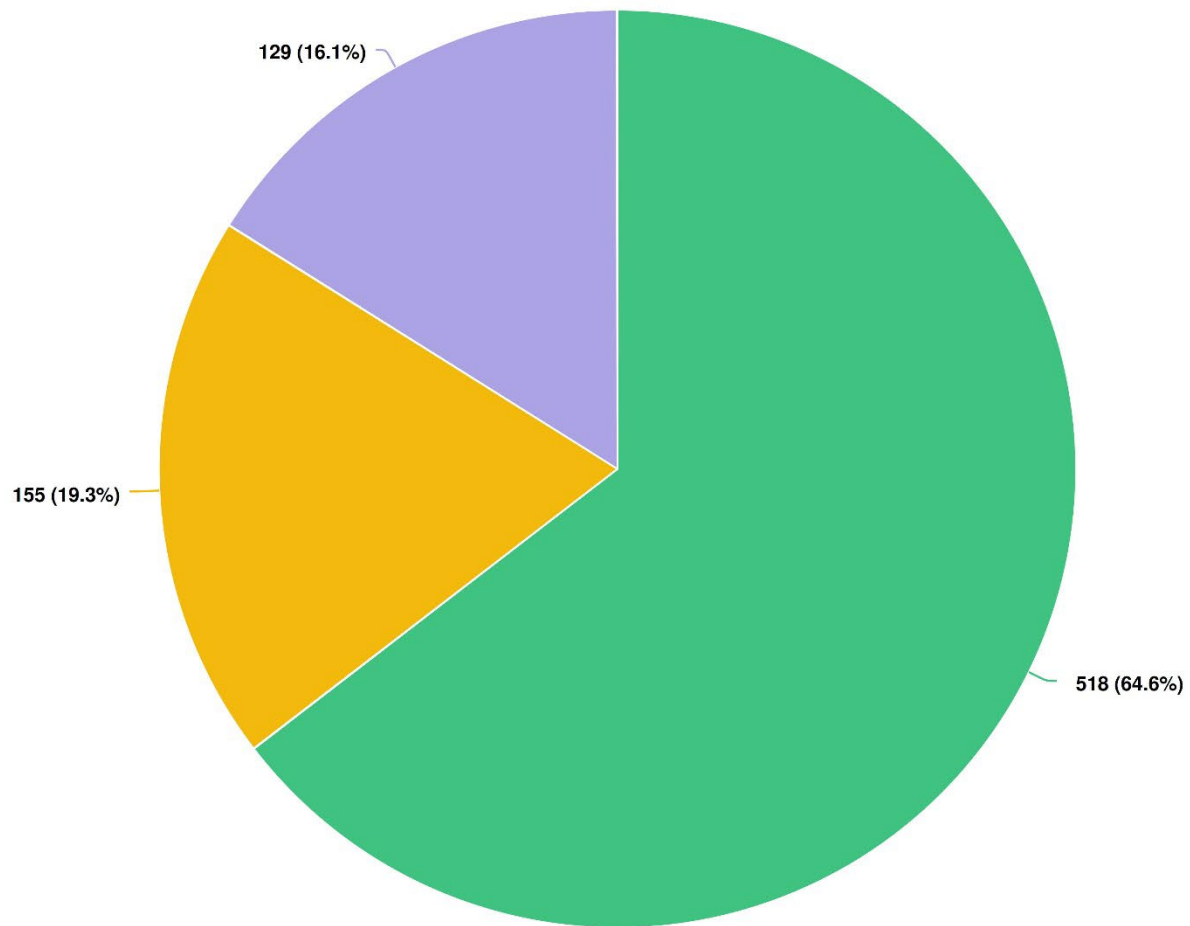
**Q14** What is your preference for off-street parking for secondary suites?



**Question options**

- No additional off-street parking should be required
- 1 additional off-street parking space should be required (for both new and existing suites)
- 1 additional off-street parking space for new suites, but no additional parking space for existing suites

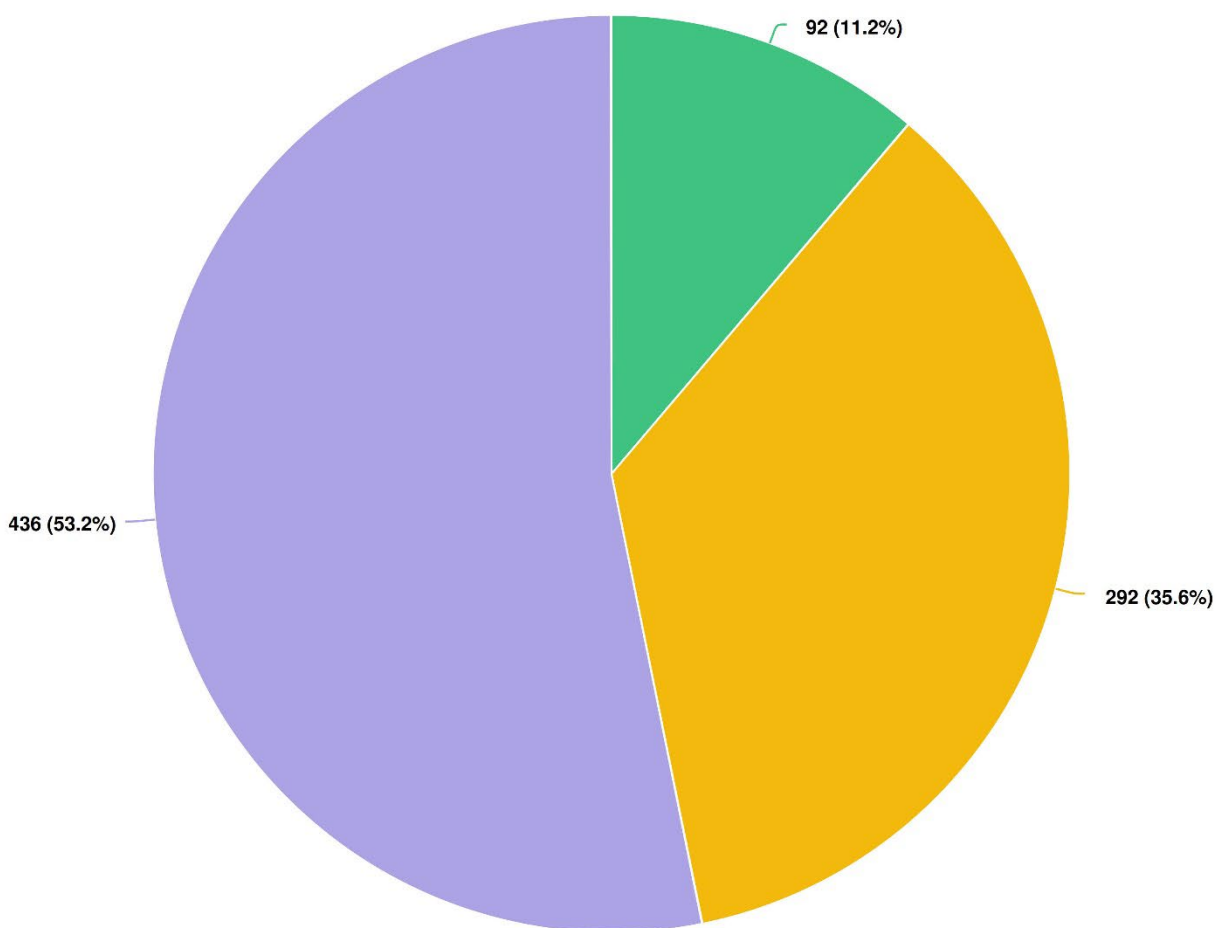
**Q15** If you have, or were thinking about having a secondary suite in your home, would you be able to provide the parking based on the answer you provided in 14 above?



**Question options**

● Yes, I believe so   ● No   ● Unsure/Prefer not to answer

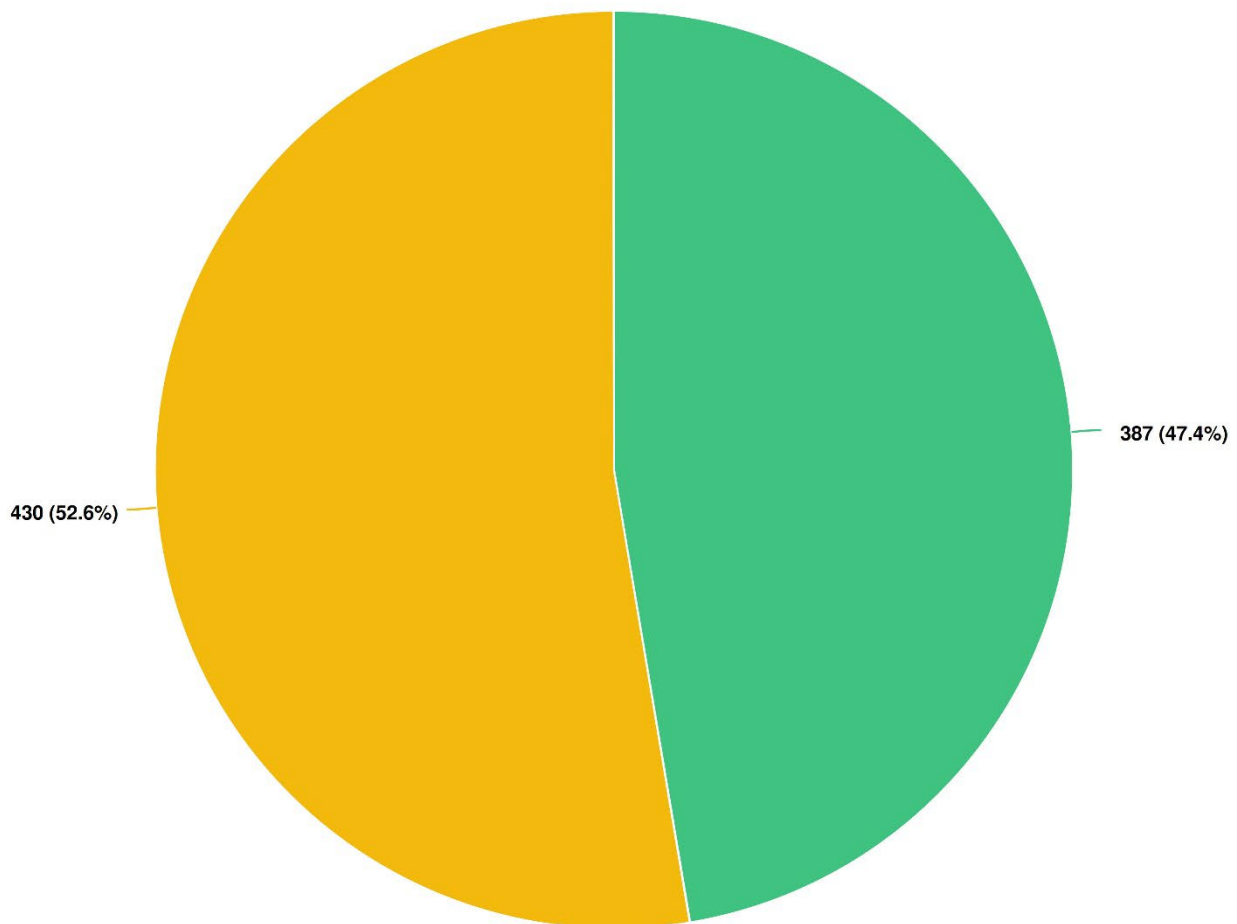
**Q16** What is your preference for enforcement of secondary suites?



**Question options**

☒ No enforcement    ☒ Complaint based    ☒ District-initiated compliance (plus complaint based)

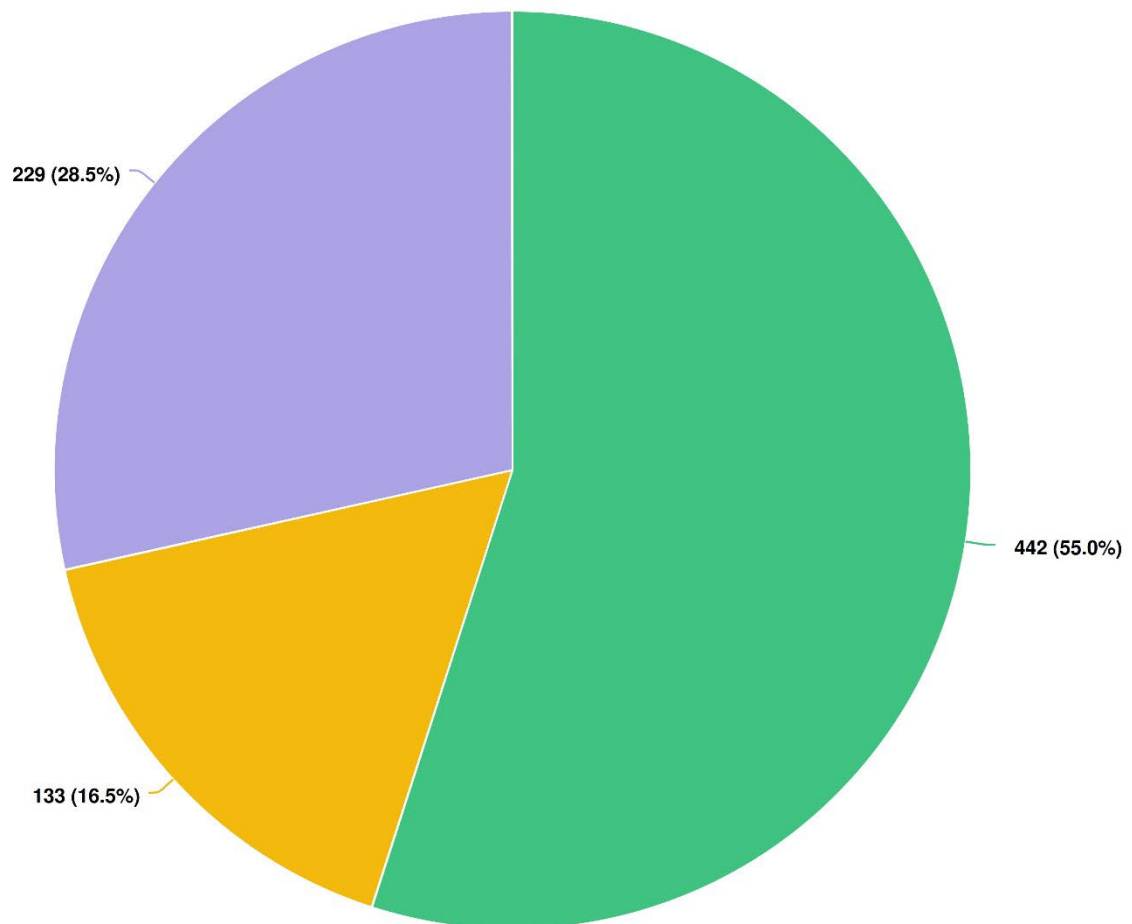
**Q17** To the best of your knowledge regarding the Building Code, what is your preference for Building Code compliance for secondary suites?



**Question options**

- Compliance for basic health and safety regulations only (for example, fire safety and exiting, smoke and carbon monoxide alarms, bedroom windows)
- Full Building Code compliance required (for example, basic health and safety regulations, as well as ceiling heights, mechanical systems, heating systems, plumbing, etc)

**Q18** If you have, or were thinking about having a secondary suite in your home, to the best of your knowledge, do you think the suite would be able to comply with the BC Building Code?

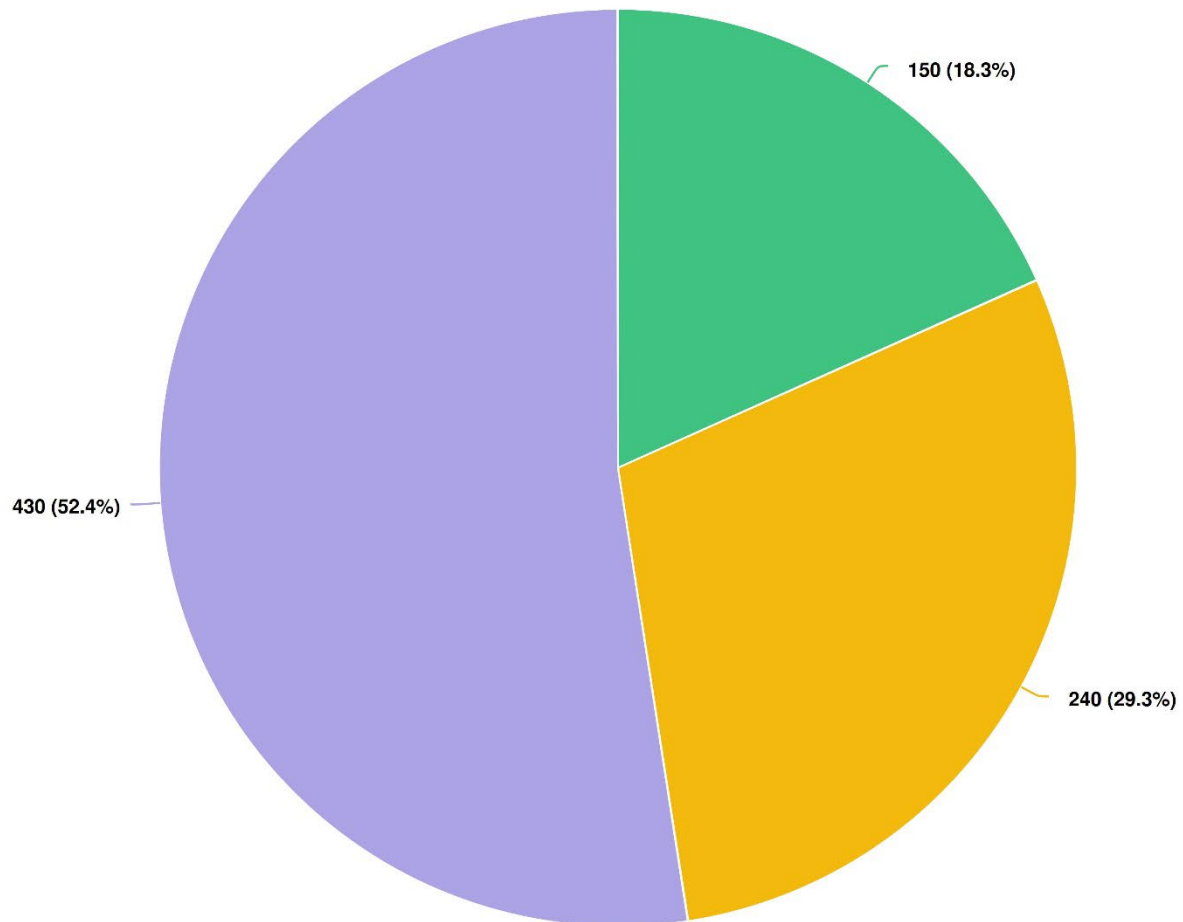


**Question options**

● Yes, I believe so    ● No    ● Unsure/Prefer not to answer



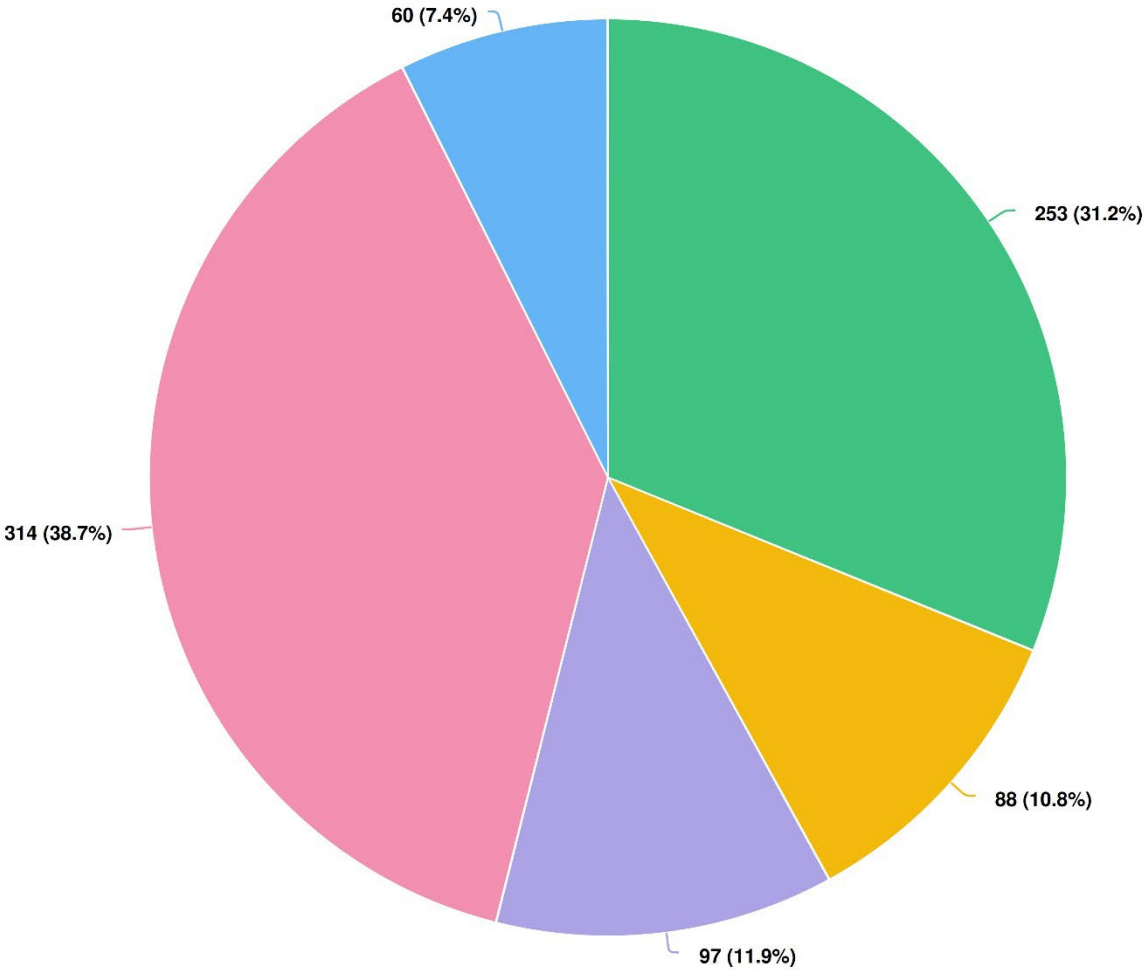
**Q19** What is your preference for registration of secondary suites?



**Question options**

- No registration required
- Voluntary registration (no fee or nominal one-time fee)
- Mandatory business licensing (annual fee)

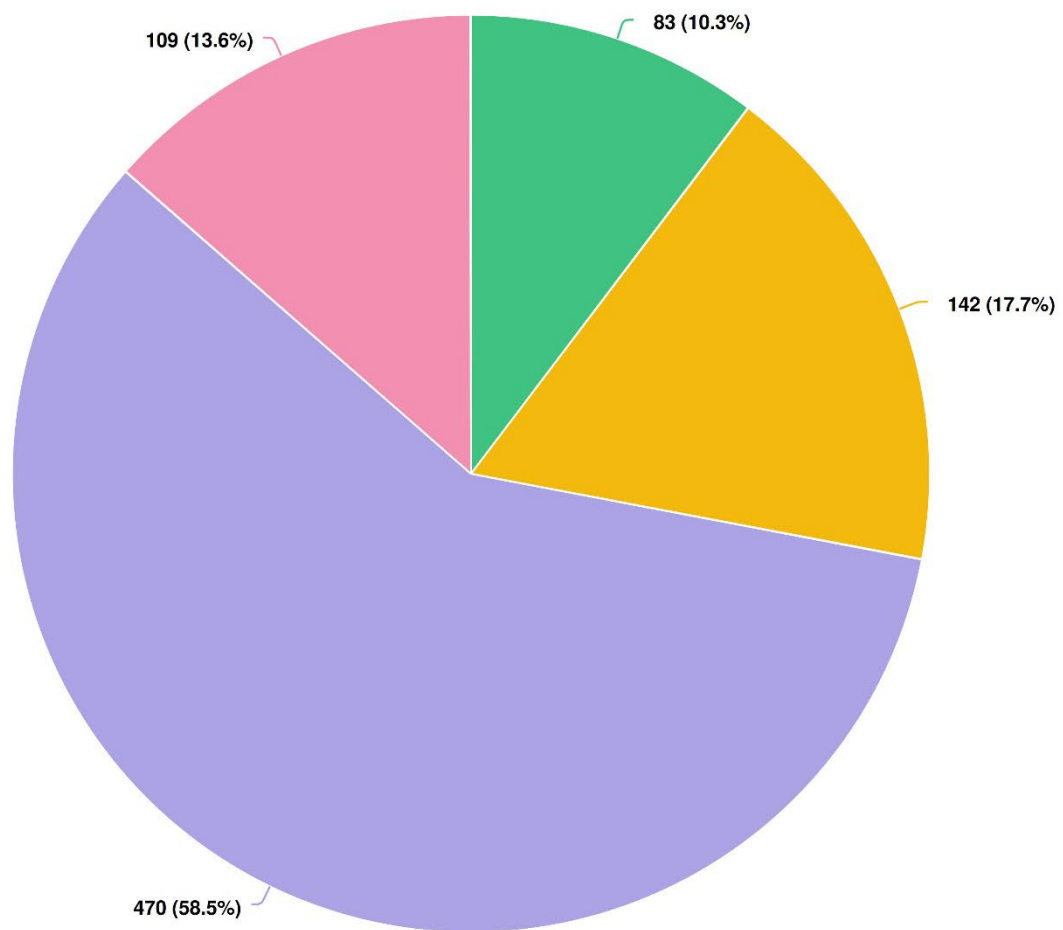
**Q20** Generally speaking, which of the above scenarios do you prefer for permitting secondary suites?



**Question options**

● Scenario A   ● Scenario B   ● Scenario C   ● Scenario D   ● Unsure/Prefer not to answer

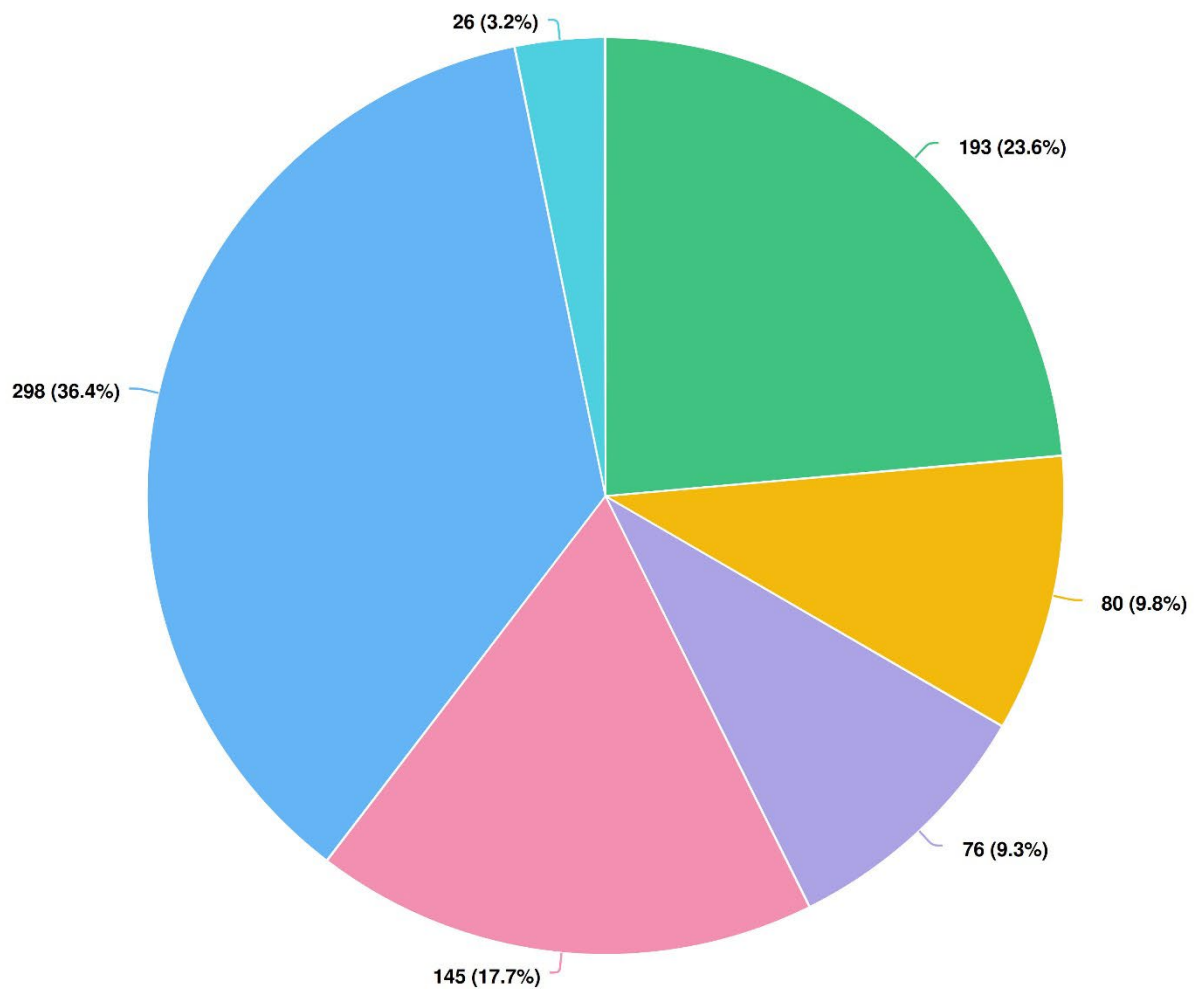
**Q23** If Oak Bay were to begin with a pilot program before considering allowing secondary suites on a community wide basis, would you prefer:



**Question options**

- A pilot program within specific zones (for example, the RS5 zone only)
- A pilot program within specific neighbourhoods
- No pilot program (consider secondary suites on a District-wide basis)
- Unsure/Prefer not to answer

**Q27** Generally speaking, how much do you agree with requiring a site specific rezoning process for every existing and/or new secondary suite?



**Question options**

Strongly Agree Agree Neutral Disagree Strongly Disagree No Opinion