
CITY OF KELOWNA
MEMORANDUM

Date: April 23, 2003
File No.: 6800-00

To: City Manager

From: Planning and Development Services Department

Subject: Suites in Accessory Buildings Workshop and Sensitive Infill Development
Report prepared by Greg Routley, Planner – Long Range

RECOMMENDATION

THAT the report from the Planning and Development Services Department dated April 23, 2003 regarding the Secondary Suites in Accessory Buildings Workshop be received for information;

AND THAT staff be directed to draft Zoning Bylaw amendments and educational design guidelines, as detailed in the Planning and Development Services Department report dated April 23, 2003, to help ensure more sensitive development of accessory buildings containing secondary suites;

AND THAT preparation of the design guidelines be funded from Account No. 311-10-162-0-001, which Council set aside in 2003 budget discussions to address sensitive infill development.

BACKGROUND

The Kelowna Official Community Plan (OCP) provides direction on how to manage future growth. This direction is based on community input, which shows that the majority of Kelowna residents prefer to preserve agricultural and environmentally sensitive lands and to provide for growth by making better use of existing and future residential areas. Accordingly, the OCP promotes the sensitive introduction of various forms of housing into these areas, including houses on smaller lots, secondary suites, townhomes and apartments.

In addition to managing growth, making better use of existing and future residential areas can also support the City's OCP housing objectives by creating a variety of housing forms that can:

- supply the needs of a diverse population and a range of life cycle and lifestyle choices;
- revitalize older residential and commercial neighbourhoods;
- maximize the use of existing services and reduce maintenance costs.

Development of Secondary Suites in Accessory Buildings

To reflect the City's OCP objectives, the Zoning Bylaw was amended in 1998 to encourage the development of secondary suites in accessory buildings. Specifically, the bylaw was amended to raise the maximum allowable height of accessory buildings containing secondary suites from 4.5 m to 6 m, to reduce the rear yard setback requirement from 7.5 m to 1.5 m and to increase the maximum size of suites from 40% of the main building floor area to 75%.

Between 1998 and 2001, an average yearly total of 22 Building Permits were issued for the construction of secondary suites, 16 of which were for the construction of secondary suites in accessory buildings. Over the course of last year, a total of 82 Building Permits were issued for the construction of secondary suites. Of this total, 46 Building Permits were issued for the construction of secondary suites in accessory buildings.

The increase last year in the construction of suites in accessory buildings created concern amongst some residents about the impact the suites could have on neighbourhood properties. To address those concerns, staff recommended to Council that the Zoning Bylaw be amended to reduce the maximum allowable height of accessory buildings containing a suite from 6.0 m to 4.5 m and to require that a garage or carport be incorporated into these buildings.

At the Public Hearing held to consider the proposed bylaw amendments, Council received input primarily from residents of the North End and South Central neighbourhoods. Their main concern related to the impact suites in accessory buildings would have on their neighbourhood, including the potential loss of privacy, trees and open space and the potential increase in noise, traffic and parking. Some residents stated that they would like an opportunity to provide input when an adjacent property owner proposes to build a suite in an accessory building. After receiving this input, Council directed staff to hold a workshop to further discuss this issue. In the meantime, Council amended the Zoning Bylaw in accordance with the staff recommendations.

Bay Avenue and the Bernard and Lawrence Avenue areas

Also over the course of last year, City staff and Council received input from residents of the North End and South Central neighbourhoods who are interested in pursuing Heritage Conservation Area (HCA) designation for the Bay Avenue and the Bernard and Lawrence Avenue areas. As a step towards addressing their interests, Council directed staff to consider, after hearing comments at the suites workshop, how HCA designation may or may not address their concerns. At the same time, Council directed staff to consider how establishing development permits areas and/or additional zoning bylaw amendments could also address their concerns.

SECONDARY SUITE IN ACCESSORY BUILDNG WORKSHOP

The City of Kelowna invited community groups and the general public to a workshop to discuss how best secondary suites in accessory buildings can be integrated into neighbourhoods. The workshop was held between 5:30 to 7:30 p.m on Thursday, March 13, 2003 in the Kelowna Community Theatre Rehearsal Room.

The City of Kelowna mailed invitations to various community groups and advertised this event in local newspapers so that the broadest possible audience would be aware of this opportunity. Given the workshop nature of the function, registration was limited and was allocated on a first-come, first-served basis. In total, 60 persons registered for the workshop and 46 persons actually attended.

While at the workshop, a survey was handed-out to participants in order to solicit input regarding their thoughts on suites. Based on this input and on the input received throughout the workshop, comments show that the majority of participants felt that suites in accessory buildings generally have either no impact or a good impact on neighbourhoods and that more comprehensive design standards would help make suites better fit within established neighbourhoods. The following provides a more detailed summary of the workshop input.

Characteristics of survey respondents

In total, 42 surveys were returned from workshop participants. The following information outlines respondent profiles. Of the 42 respondents:

- 2 own a property containing both a single dwelling unit and a suite in an accessory building;
- 10 had built a suite in an accessory building;
- 0 live in a suite in an accessory building;
- 2 live in a house that is located on a lot that contains a suite in an accessory building;
- 14 live on a block that has properties containing both a single dwelling unit and a suite in an accessory building, while 27 do not live on such a street.
- 17 have lived in their home for 5 years or less;
- 25 have lived in their home for 6 years or more; and
- 24 live in a home with 1-2 people, while 17 live in a home with 3-4 people.

Respondents feelings about the impact suites in accessory buildings have on neighbourhoods

Participants were asked to indicate whether or not they felt suites in accessory buildings have a good, bad or any impact on neighbourhoods. Their responses indicate that:

- 62% of the respondents felt that suites in accessory buildings generally have either no impact or a good impact on neighbourhoods.
- 64% of the respondents felt that suites in accessory buildings have a bad impact with regard to parking on neighbourhood streets and lanes.
- 66% of the respondents felt that suites in accessory buildings have either no impact or a good impact with regard to parking on neighbourhood driveways.
- 52% of the respondents felt that suites in accessory buildings have a bad impact with regard to traffic volumes on neighbourhood lanes.
- 62% of the respondents felt that suites in accessory buildings have either no impact or a good impact on neighbourhood property values and on the condition of streets and lanes.
- 55% of the respondents felt that suites in accessory buildings have either no impact or a good impact on neighbourhood noise volumes and on neighbourhood character.
- 72% of the respondents felt that suites in accessory buildings have either no impact or a good impact on neighbourhood safety and on the condition of neighbourhood yards.
- 86% of the respondents felt that suites in accessory buildings have either no impact or a good impact on the condition of neighbourhood homes.

Participants were asked whether or not they live on a block that contains a suite in an accessory building. When cross referencing this information with the above, the response indicates that:

- respondents that live on a block that contains a suite were more likely to indicate that generally, suites have a bad impact on neighbourhoods than respondents that do not live on such a block.
- respondents that do not live on a block that contains a suite were more likely to indicate that suites have a bad impact on neighbourhoods with regard to parking on streets and lanes than respondents that live on a block that contains a suite.
- respondents that live on a block that contains a suite were more likely to indicate that suites have a bad impact on neighbourhoods with regard to traffic volumes in lanes and on noise volumes than respondents that do not live on a block that contains a suite.
- the majority of respondents, regardless of whether or not they live on a block with a suite, felt that suites have either no impact or a good impact on neighbourhoods with regard to parking on driveways, property values, neighbourhood safety, neighbourhood character and the condition of neighbourhood yards, homes, streets and lanes.

Survey comments on what participants like and dislike about their neighbourhood

Survey responses relating to what participants like most about their neighbourhood indicate that they like being close to shopping areas, work, parks, Okanagan Lake, stable ownership and permanence of neighbourhood residents, friendly neighbours, mature trees, green yards, quiet and safe streets and the character of homes in their neighbourhood.

Survey responses relating to what participants dislike most about their neighbourhood indicate that they dislike traffic and noise volumes, rental housing and neglected properties.

Survey comments on how suites could be made to better fit within neighbourhoods

The majority of participants suggested through the survey that improved design would help make suites better fit within established neighbourhoods. Participants often suggested that the design of suites should complement and/or match the design and/or character of houses located on the same lot and/or the houses in the neighbourhood.

Opportunities and challenges presented by suites

Workshop participants were asked to identify and prioritize opportunities and challenges that are presented by suites. The top three opportunities identified were, in order of importance:

- opportunities related to neighbourhood improvement and revitalization;
- affordable housing and social benefits; and
- the ability to obtain property revenue.

The top three challenges identified were, in order of importance:

- challenges related to designing suites;
- parking and traffic; and
- privacy.

Workshop comments on how suites could be made to better fit within neighbourhoods

Workshop participants were asked during the workshop to identify what actions they thought would have the most potential to address the challenges presented by suites, while preserving the opportunities they provide. The following represents the comments made most often in response to these questions:

- increase minimum setbacks and greenspace requirements;
- reduce the maximum allowable size of suites;
- design the suite to match the character of the house and/or neighbourhood buildings, including building heights, roof lines, style, colour and building materials;
- use building design and landscaping guidelines.

OTHER PUBLIC INPUT RECEIVED TO DATE

City of Kelowna Neighbourhood Satisfaction Survey

The City of Kelowna recently conducted a survey to find out if life in neighbourhoods with only single unit houses is different than life in neighbourhoods containing a mix of housing forms (but otherwise similar). The results showed that the majority of occupants of single unit households feel similarly about their neighbourhood, regardless of the mix of housing forms in their neighbourhood. For example, they indicated that:

- they were satisfied or very satisfied with the quality of life in their neighbourhood and they do not plan or prefer to move;

- the following neighbourhood characteristics had either increased or stayed the same over the years they had lived in their home: property values, noise volumes, vehicle and pedestrian traffic volumes, the number of vehicles parked on streets and driveways, the friendliness of neighbours and the attractiveness of their yards and homes.

The above noted response patterns are similar to the response patterns received through the suites workshop in that respondents typically indicated that they were dissatisfied with the amount of vehicles parked along the street and lanes and that they were satisfied with property values, neighbourhood character, neighbourhood safety and the condition of neighbourhood streets, lanes, yards and homes.

With the Neighbourhood Satisfaction Survey, comments made when asked whether or not respondents prefer to move provides insight to what they like about their neighbourhood. Respondents from neighbourhoods with a mix of housing forms often stated they like their neighbourhood because it is convenient and closely located to schools, parks, shopping and work. These comments are also similar to the comments made through the survey at the suites workshop. These response patterns suggest that neighbourhood satisfaction is determined in part by what people expect from their neighbourhood with regard to amenities and location, as well as what they expect from the type of housing in their neighbourhood.

Bernard Avenue and Lawrence Avenue area

Last year, in response to direction from the 1995 Heritage Management Plan and at the request of KSAN, the Planning Department mailed a questionnaire to property owners in the 700-1000 blocks of Bernard and Lawrence Avenue in order to solicit input on the potential establishment of the neighbourhood as a Heritage Conservation Area (HCA). The response rate to the questionnaire was low, making it difficult to determine the property owners' desires. What can be determined is that the majority of those that responded to the questionnaire felt that the City should establish this area as a HCA. However, these respondents only represented 15% of all the property owners.

Following tabulation of the questionnaire, KSAN volunteers circulated a petition to solicit their own input on this matter. The petition was submitted to the City on July 19, 2002. Thirty property owners and 14 tenants signed the petition in support of the idea of establishing the area as a HCA. The petition also identifies six property owners and two tenants who oppose the idea. In total, the petition was signed by 56 of the 188 property owners representing 107 properties. This represents 30% of all the property owners in the area. Of the 56 petitioners that own property in the area, 27 own a condominium unit located along the 900-1000 block of Lawrence Avenue, representing 48% of all the petitioners.

DISCUSSION

Recent concerns from residents of the North End and South Central neighbourhoods have focused on the impact of development activities that are currently permitted in the City's RU6 – Two Dwelling Unit residential zone, including the development of suites in accessory buildings. In considering how to address these concerns, staff reviewed the following options:

1. Amending the Zoning Bylaw development regulations relating to secondary suites;
2. Designating all or portions of the North End and South Central neighbourhoods as a development permit area so that the construction of new single or two unit buildings would be subject to a development permit and design guidelines;

3. Designating only the Bay Avenue and Bernard and Lawrence Avenue areas as heritage conservation areas so that the construction of new single or two unit buildings would be subject to a heritage alteration permit and design guidelines;
4. Not designating development permit or heritage conservation areas but creating educational guidelines that encourage the design of new single and two unit buildings to be compatible with existing buildings in North End and South Central neighbourhoods, including the Bay Avenue and Bernard and Lawrence Avenue areas;
5. Implementing a combination of the above noted actions;
6. Maintaining the existing Zoning Bylaw development regulations as they relate to suites.

Based on input received over the past year and through the secondary suite workshop, staff have concluded that a combination of making further minor amendments to the Zoning Bylaw and of introducing guidelines that encourage the design of new single and two unit buildings to be compatible with existing buildings in the North End and South Central neighbourhoods would best help alleviate concerns of area residents. The following outlines the rationale for this approach.

Further amendments to the Zoning Bylaw regulations relating to secondary suites

The majority of participants at the secondary suites workshop felt that suites in accessory buildings generally have either no impact or a good impact on neighbourhoods and that more comprehensive design standards would help make suites better fit within established neighbourhoods. Comments varied with regard to how the Zoning Bylaw could be changed to help make suites in accessory buildings better fit into established neighbourhoods. Suggested changes included potential changes to setback, building height, building size, open space and parking requirements. There was no clear preference as to which of these changes should be made and opinions varied with regard to whether or not these changes should be made in a manner that would increase or decrease these requirements.

Staff suggest that further consideration be given to amending the Zoning Bylaw in order to:

- introduce open space requirements for dwelling units in the RU6 – Two Dwelling zone. Such a provision would require that a minimum amount of useable open space area for tenants and residents be incorporated into the site development and would ensure that such areas would not be occupied by parking areas, landscaped areas and other buildings. Such a provision may help to increase greenspace and building setback areas, thus addressing the top recommendation of workshop participants.
- require that the principal dwelling be located in front of accessory buildings containing suites. This would serve to reduce the height of buildings in the rear yard area by eliminating the ability to construct new principal dwellings in the rear yard area. Such a provision would help alleviate concerns about the impact taller buildings have on the privacy of neighbouring properties and neighbourhood character.
- require the installation of well-lit pathways between streets, on-site parking areas, lanes and suites located in rear yard areas. Providing a well-lit pathway between streets and suites in the rear yard area would improve the ability for visitors to access suites without having to illegally park in the rear lane. The installation of lighting along pathways and around on-site parking areas would improve pedestrian safety and may help alleviate concerns related to illegal activities in lanes.

The above noted proposed Zoning Bylaw amendments would trigger a Public Hearing process.

Use of design guidelines to encourage sensitive building design

The majority of those attending the workshop suggested that improving the design of accessory buildings containing secondary suites would do the most to help reduce their impact on neighbouring properties. As noted in the previous section, Zoning Bylaw changes can serve to improve the overall design of these buildings and reduce their impact on neighbouring properties. The use of design guidelines can also help to improve the overall design of these buildings. Such guidelines can be made mandatory if established by bylaw, or they can be used as an educational tool.

Establishing mandatory design guidelines requires the creation of development permit or heritage conservation areas. Once a development permit or heritage conservation area is established, local governments can require that property owners obtain a Development Permit (DP) or a Heritage Alteration Permit (HAP), in addition to the necessary Building Permits, before adding to a building and/or constructing a new building. Whereas Building Permits ensure that building activities simply meet building code standards, DPs and HAPs are intended to ensure that the design of buildings adhere to development guidelines which address things such as the placement and form of buildings, roof lines, window placement and exterior finishes.

Experience with the development regulations implemented in the Abbott Street and Marshall Street Heritage Conservation Areas, which would be similar to the development regulations that could be implemented in the North End and South Central neighbourhoods, shows that introducing regulatory guidelines can help to improve the design of buildings. Experience also shows that establishing regulatory guidelines incurs additional staff time and costs to property owners. Furthermore, the establishment of such a regulatory process often raises expectations regarding the level of control the City has over development proposals. In some cases, it raises expectations that the City can prevent such developments from occurring. In reality, this cannot be done, particularly as this relates to properties in the North End and South Central neighbourhoods, which under current zoning provisions, are permitted to build accessory buildings containing suites (suites in the Abbott Street HCA require rezoning as well as HAPs).

Staff suggest that educational design guidelines, which could be made available and promoted in brochure format, could help to improve the design of accessory buildings containing secondary suites. Promoting the educational design guidelines would not require a lot of staff time and would not add application processing costs, which would have to be covered by either the City or the applicants. The guidelines could be made available to persons proposing to build such buildings and could provide examples of what kind of design features they should consider, such as the placement and form of buildings, roof lines, window placement and exterior finishes.

In the future, the City can consider making the design guidelines mandatory if it appears that the voluntary educational guidelines are not helping to improve the design of accessory buildings. Doing so would require a Public Hearing process.

Preparation of the design guidelines could be funded from Account No. 311-10-162-0-001, which Council set aside in 2003 budget discussions to address sensitive infill development.

Applicability of Bylaw Amendments and Design Guidelines

Staff feel that the combination of making minor Zoning Bylaw changes and introducing educational design guidelines will help address residents' desire for new development to be sensitive to the character of the North End and South Central neighbourhoods, including the Bay Avenue and the Bernard and Lawrence Avenue areas.

Monitoring Secondary Suite Development Activity

In the six months since the Zoning Bylaw was amended to reduce the maximum allowable height of suites in accessory buildings, a total of 9 Building Permits have been issued for the construction of such buildings. If this pace continues, the yearly total for the construction of these buildings in 2003 will be half of the 2002 total.

The buildings constructed since the amendments have all been built under the new maximum height of 4.5 m, which has served to reduce the overall height and massing of these buildings. Also, the Planning and Development Services Department has modified its interpretation of site coverage requirements. In this regard, the carport and garage areas associated with suites are now counted towards the overall site coverage. This has served to reduce the size of newly constructed suites, particularly on smaller lots. In general, buildings recently constructed to adhere to these changes seem to be more sensitive to neighbourhood contexts.

While it is still too early to tell whether or not the current pace of suite development will continue, it is suggested that the slower rate of their development and the reduced height and size of these buildings will help alleviate the concerns of those who feel these type of buildings have a negative impact. In particular, it is suggested that the current requirements relating to the maximum allowable height of these buildings has and will continue to produce buildings with enhanced design standards. The recommendations submitted in this report are intended to further contribute to sensitive design.

It is recommend that staff continue to monitor secondary suite development activity and the effectiveness of implementing the proposed Zoning Bylaw changes and the proposed educational design guidelines.

SUMMARY

In order to address concerns about the impact of secondary suite development within the North End and South Central neighbourhoods, including the Bay Avenue and Bernard and Lawrence Avenue areas, staff recommend introducing design guidelines for education purposes and minor changes to the Zoning Bylaw. Promoting good building design through Zoning Bylaw regulations and through the use of educational design guidelines may help alleviate concerns of area residents while still allowing for achievement of OCP growth management and housing objectives, and while still keeping development applications costs at current levels.

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