

DATE OF MEETING June 12, 2023

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

**SUBJECT SECONDARY SUITE REGULATIONS AND INFILL HOUSING IN EXISTING NEIGHBOURHOODS**

## OVERVIEW

### **Purpose of Report**

To present proposed regulations for secondary suites and infill housing in existing neighbourhoods to the Governance and Priorities Committee, and to seek direction regarding community consultation.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council direct Staff to proceed with community consultation for the proposed regulations for secondary suites and infill housing in existing neighbourhoods, as outlined in the report dated 2023-JUN-12, titled “Secondary Suite Regulations and Infill Housing in Existing Neighbourhoods”.

## BACKGROUND

At its regular meeting on 2022-OCT-24, Council endorsed several projects to promote affordable housing in Nanaimo. Council recommended prioritization of the project to “*explore and support further opportunities for infill and intensification in existing neighbourhoods.*” This project is further divided into two objectives that guide this report:

- Expand Secondary Suite and Coach House Regulations; and,
- Support Infill and Intensification in Existing Neighbourhoods.

A number of policies endorsed by Council support these two objectives including the Affordable Housing Strategy (2018) and City Plan (2022) as outlined in the following table:

<b>Policy Document</b>	<b>Expand Secondary Suite and Coach House Regulations</b>	<b>Support Infill and Intensification in Existing Neighbourhoods</b>
<i>Affordable Housing Strategy</i>	1.2 – Expand Secondary Suite Policy 2.1 – Update the Policy on Coach Houses	2.2 – Support Infill & Intensification in Single Detached Neighbourhoods 3.1 – Promote Housing Innovation

Policy Document	Expand Secondary Suite and Coach House Regulations	Support Infill and Intensification in Existing Neighbourhoods
City Plan	<p>C4.3.22 – Enable seniors to age in-place by supporting alternative housing and care options, such as adapting existing housing to be accessible, supporting in-law or secondary suites, encouraging shared or co-housing opportunities, and enabling at-home care opportunities.</p> <p>D4.5.1 – Develop Neighbourhood designations as primarily residential areas that support low to modest increases in density and include livable, diverse housing that respects existing residential character.</p>	<p>C3.2 – Equitably distributed affordable housing options across all residential areas.</p> <p>D4.5.2 – Support the development and redevelopment of lands with residential infill to enhance the livability of Neighbourhoods. The design is to take into consideration surrounding context, including architecture, scale, densities, as well as lot and lane configuration.</p> <p>D4.5.12 – Encourage infill of residential lots, with infill designed to complement existing neighbourhood character.</p>

Expanding secondary suite regulations and supporting infill housing are linked to affordable housing in that they are intended to increase both the supply and diversity of housing options for those looking to rent or own. These objectives form part of the overall Affordable Housing Strategy implementation initiatives along with other projects as outlined in the Information Reports to the Governance and Priorities Committee (GPC) on 2023-JAN-09 and 2022-SEP-26.

The following sections summarize potential changes to the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to support these two objectives, subject to further Staff review and external consultation with stakeholders.

## **DISCUSSION**

### **Secondary Suite Regulations**

In the City of Nanaimo, secondary suites have been permitted in single residential dwellings since 2005-FEB-07, and detached suites have been permitted within accessory buildings on certain lots since 2008-AUG-11. For clarity, detached secondary suites within accessory buildings will be referred to as “detached suites” for the remainder of this report but these are commonly known by a variety of names, depending on jurisdiction and context, including accessory dwelling units, coach houses, carriage houses, laneway homes, granny flats, garden suites, etc.

Secondary suites have been a popular feature of single residential dwellings since their introduction in Nanaimo, with 65% of new single residential dwellings constructed with a secondary suite in 2022. Suites are an important component of the City’s market rental housing stock, and can also assist homeowners as a mortgage helper. While some minor amendments have been adopted since 2005, secondary suite regulations have remained largely the same as when they were first added to the Zoning Bylaw. In 2019, the British Columbia Building Code (BCBC) was revised to permit secondary suites more broadly in different unit types and to remove

maximum size requirements of suites.<sup>1</sup> The BCBC changes do not override any local Zoning Bylaw regulations, and to date no changes to Nanaimo's secondary suite regulations have occurred in response to the revised BCBC.

In order to inform potential amendments to the City's secondary suite regulations, Staff have undertaken a cursory review of regulations in similar-sized municipalities as shown in Attachment A. In most respects, Nanaimo's regulations are similar to or more permissive than comparable jurisdictions.

Reflecting the direction from Council to expand regulations related to secondary suites, the following amendments are proposed to be explored:

1. *Detached Suite Eligibility.* Expand the eligibility of detached suites to including single residential dwelling lots greater than 500m<sup>2</sup> and 'through lots' (lots with two front yards).  
*Rationale:* Detached suites are presently only permitted on corner lots, lots abutting a lane, and lots greater than 800m<sup>2</sup>. The minimum lot size in the R1 (Single Dwelling Residential) zone is 500m<sup>2</sup>, and through lots would have the opportunity for vehicle access from two abutting streets.
2. *Number of Secondary Suites.* Permit up to one secondary suite (attached) and one detached suite on single residential dwelling lots greater than 800m<sup>2</sup> with a minimum 15m lot frontage.  
*Rationale:* Only one suite (attached or detached) is currently permitted on a lot less than 0.4 hectares. Lots that are greater than 800m<sup>2</sup> will typically have area for both a suite and detached suite, depending on the size of the principal dwelling. A minimum 15m lot frontage will ensure adequate space to accommodate required vehicle parking and access from the street. Municipalities that presently permit one attached and one detached suite include the City of Vancouver and the City of North Vancouver.
3. *Secondary Suites in Duplexes.* Permit one secondary suite per dwelling unit in side-by-side and detached duplexes.  
*Rationale:* While allowed by the BCBC, in Nanaimo suites are only permitted in single residential dwellings.
4. *Secondary Suites in Townhouses.* Permit secondary suites in side-by-side townhouse and rowhouses.  
*Rationale:* While allowed by the BCBC, in Nanaimo, suites are only permitted in single residential dwellings.
5. *Maximum Size of Secondary Suites.* Increase the permitted size of a secondary suite to 40% of the building floor area up to a maximum of 100m<sup>2</sup>.  
*Rationale:* Allowed by the BCBC and will be suitable for three-bedroom suites. Currently the maximum size of a secondary suite in Nanaimo is 90m<sup>2</sup> and limited to two bedrooms.

---

<sup>1</sup> [www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/bulletins/b19-04\\_info\\_lgs\\_secondary\\_suite\\_code\\_changes\\_2019\\_12\\_13.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/bulletins/b19-04_info_lgs_secondary_suite_code_changes_2019_12_13.pdf)

6. *Detached Suite Siting and Size.* Review the siting and size regulations (setbacks, building height, floor, etc.) for accessory buildings containing secondary suites to determine what changes, if any, may be appropriate.

Other secondary suite regulations may be reviewed as part of the consultation process, including consideration of design guidelines for detached suites as is the practice in some municipalities. Parking regulations will also be explored and discussed as part of the consultation process. Currently, one additional parking stall is required per suite.

### **Infill and Intensification in Existing Neighbourhoods**

Infill housing is defined by the Province as “housing that fits within an existing neighbourhood without significantly altering its character or appearance”.<sup>2</sup> Such housing can be contrasted with greenfield development that occurs outside of existing neighbourhoods. There has been growing interest in infill housing across BC in the last few years, with the Provincial government recently introducing the Housing Supply Act (2022)<sup>3</sup> and announcing the Homes for People action plan (2023)<sup>4</sup> which includes potential changes Province-wide through the “More small-scale multi-unit townhomes, duplexes, and triplexes” action item. At the local government level, some municipalities have implemented zoning and policy changes to incentivize infill housing including the City of Victoria’s Missing Middle Initiative (2023)<sup>5</sup> which broadly permits infill housing (six-unit houseplexes and corner lot townhouses) across the city’s neighbourhoods.

In the City of Nanaimo, some past initiatives that have directly or indirectly aided infill and intensification in existing neighbourhoods include the introduction of row house zoning (2011), permitting of two dwelling units on certain corner lots (2011), adoption of a small lot policy (2014), general amendments to increase exemptions under the definition of gross floor area (2021), and exempting projects with four units or less from ‘form and character development permits’ (2022). There are also a number of existing properties throughout the City that have been pre-zoned for multi-family residential development under the R8 (Medium Density Residential) zone; however, this zone is not necessarily suitable for smaller infill projects given the more restrictive siting regulations under R8.

As housing market conditions and needs have changed considerably in recent years, there is a strong demand for more infill housing forms and more up-to-date zoning regulations to address the City’s Affordable Housing Strategy and City Plan policies. The following amendments are proposed for consideration to support infill and intensification in existing neighbourhoods:

1. *Minimum Lot Areas.* Reduce minimum lot areas for the R4 (Duplex Residential), R5 (3- and 4-unit Residential), and R6 (Low Density Residential) zones to 600m<sup>2</sup>, 600m<sup>2</sup>, and 1,200m<sup>2</sup>, respectively.

*Rationale:* Reducing lot sizes will align with incentivizing infill housing by permitting the subdivision and creation of more properties in these zones. The proposed minimum lot sizes are meant to facilitate more opportunities for the intended building forms in each zone.

---

<sup>2</sup> [www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/policy-and-planning-tools-for-housing/infill-housing](http://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/policy-and-planning-tools-for-housing/infill-housing)

<sup>3</sup> [www.bclaws.gov.bc.ca/civix/document/id/bills/billsprevious/3rd42nd:gov43-1](http://www.bclaws.gov.bc.ca/civix/document/id/bills/billsprevious/3rd42nd:gov43-1)

<sup>4</sup> [news.gov.bc.ca/files/Homes\\_For\\_People.pdf](http://news.gov.bc.ca/files/Homes_For_People.pdf)

<sup>5</sup> [www.victoria.ca/EN/main/residents/planning-development/development-services/missing-middle-housing.html](http://www.victoria.ca/EN/main/residents/planning-development/development-services/missing-middle-housing.html)

2. *Front Yard Setbacks.* Reduce the minimum front yard setbacks in existing infill housing zones (R4, R5, R6, R13, R14, and R15) for the first two storeys.  
*Rationale:* Larger front yard setbacks (4.5m – 6.0m) are appropriate in single residential dwelling zones but these setbacks can be prohibitive in infill housing zones, often leading to front yard setback variance requests. Reducing required front yard setbacks can allow for larger functional rear yard spaces while fostering greater street presence. For comparison, the minimum front yard setback in the existing R7 (Rowhouse Residential) zone is 3.0m.
  
3. *Revise R5 (Three- and Four-Unit Residential) Zone.* Expand the eligibility of a fourth dwelling unit by reducing the minimum lot size for an additional unit from 1,200m<sup>2</sup> to 800m<sup>2</sup>.  
*Rationale:* A typical 800m<sup>2</sup> lot can functionally accommodate four dwelling units and required parking while respecting the form and massing of existing neighbourhoods.
  
4. *Rezone to R5 (Three- and Four-Unit Residential) Zone.* Rezone existing single residential dwelling and duplex properties to the R5 zone in certain areas of the city, for example within the City Plan ‘Neighbourhood’ land use designation.  
*Rationale:* Pre-zoning in certain areas will allow for triplexes or fourplexes depending on the size of the lot and allow such projects to proceed without a separate rezoning process. The exact extent of the area proposed to be rezoned will be reviewed further through consultation to determine where may be most appropriate based on context, access to transit, servicing capacity, etc. This is consistent with the City Plan ‘Neighbourhood’ land use designation which contemplates infill development on residential lots.
  
5. *Revise R7 (Rowhouse Residential) Zone.* Allow both multi-family strata and fee simple residential tenure in a revised R7 zone.  
*Rationale:* Currently only fee simple rowhouse lots are permitted, and allowing multiple tenure types will provide for flexibility in zoning to accommodate different forms of housing. The City has recently seen an increased demand for this scale of housing density between the existing R6 (Low Density Residential) and R8 (Medium Density Residential) zones which have maximum base Floor Area Ratios of 0.45 and 1.25, respectively.
  
6. *Conversion of Older Homes in Old City.* Consider permitting additional density for the conversion of existing single residential dwelling structures in the Old City zones (R13, R14, and R15).  
*Rationale:* Allowing bonus density for the conversion of existing houses can incentivize both the protection of existing neighbourhood character homes as well as additional gentle density. For an example of a similar initiative, the City of Victoria incentivizes the conversion of older homes through their House Conversion Regulations.<sup>6</sup>

Additional regulations or amendments to incentivize infill housing may be considered based on feedback with stakeholders.

---

<sup>6</sup>[www.victoria.ca/assets/Departments/Planning~Development/Development~Services/Zoning/Bylaws/Schedule%20G.pdf](http://www.victoria.ca/assets/Departments/Planning~Development/Development~Services/Zoning/Bylaws/Schedule%20G.pdf)

## Next Steps

The proposed amendments for secondary suite regulations and infill housing are preliminary and subject to internal review and external stakeholder feedback. Comprehensive internal review of all proposed amendments will be necessary to consider potential implications for servicing, transportation and parking, Development Cost Charges, etc.

Staff are seeking direction to proceed with community consultation on the proposed regulations for secondary suites and infill in existing neighbourhoods. The consultation process is expected to include a range of stakeholders including neighbourhood associations, the development community, the Design Advisory Panel, neighbouring municipalities, and the general public. Based on input received during the consultation process, Staff anticipate revising the proposed regulations and returning to Council with a Zoning Amendment Bylaw. An amendment to the Zoning Bylaw will require Public Hearing prior to consideration of Third Reading of the amendment bylaw.

It is intended that the secondary suite and infill housing regulations will be presented to the public and stakeholders in concert with the family-friendly housing and adaptable housing regulations considered by the GPC (2023-JUN-12). The timing of these projects will be coordinated to ensure effective communication and use of resources, while recognizing the combined benefits and impacts of all housing initiatives. |

## OPTIONS

1. That the Governance and Priorities Committee recommend that Council direct Staff to proceed with community consultation for the proposed regulations for secondary suites and infill housing in existing neighbourhoods, as outlined in the report dated 2023-JUN-12, titled "Secondary Suite Regulations and Infill Housing in Existing Neighbourhoods".
  - The advantages of this option: Will allow Staff to proceed with community consultation for the proposed regulations for secondary suites and infill in existing neighbourhoods. This is consistent with policy direction in *City Plan: Nanaimo ReImagined* and the *Nanaimo Affordable Housing Strategy*, and reinforced by Council direction on 2022-OCT-24.
  - The disadvantages of this option: Staff time and resources will be required for the consultation process.
  - Financial Implications: The resources required for the proposed consultation is within the approved 2023 budget.
  
2. That Council provide alternate direction. |

## SUMMARY POINTS

- Council, at its meeting of 2022-OCT-24, endorsed a GPC recommendation to prioritize a project to "explore and support further opportunities for infill and intensification in existing neighbourhoods".

- Potential changes to the Zoning Bylaw have been proposed, subject to further internal analysis and external consultation with stakeholders.
- Staff are seeking direction to proceed with community consultation on the proposed regulations for secondary suites and infill in existing neighbourhoods.

## **ATTACHMENTS**

ATTACHMENT A: Secondary Suite Regulations – Municipal Comparison |

### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

Lisa Brinkman  
Manager, Community Planning |

### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Lisa Bhopalsingh  
Director, Community Development

Dale Lindsay  
General Manager, Development Services /  
Deputy CAO |