



# Special Council Agenda

The agenda for the **Special Meeting of Council** to be held in the **Conference Room** of the Municipal Hall, 8645 Stave Lake Street, Mission, British Columbia on August 17, 2010 commencing at 3:30 p.m.

## 1. CALL TO ORDER

## 2. TOPICS FOR DISCUSSION

### (a) Secondary Suites Presentation / Council Discussion

- i. Report Dated August 17, 2011 – Secondary Suite Policy Implementation Page 2
- ii. PowerPoint Presentation Page 5

## 3. ADJOURNMENT

FILE: ADM.BYL.PRO  
 Land Use

**To:** Chief Administrative Officer  
**From:** Planner  
**Date:** August 17, 2011  
**Subject:** **Secondary Suite Policy - Implementation**

### **Preamble and Background**

The District of Mission, as with other lower mainland municipalities, is faced with an on-going problem with the proliferation of unauthorized secondary suites. Although unauthorized secondary suites are not a new problem, recent development applications, enforcement issues, overall safety and general concern from Council has put the issue of secondary suites to the forefront. Staff was directed to present a report containing options to provide *"a better approach to deal with existing secondary suites"*.

### **Summary of Proposal**

Given the direction from Council and on-going concerns, staff has evaluated all secondary suite policies and assessed the ramifications of a number of feasible options. Planning Department and Inspection Services staff has discussed a number of options for Council's consideration that are highlighted within the PowerPoint presentation to be given at the Special Council Meeting to be held on August 17, 2011.

### **Analysis**

#### *Secondary Suite Overview*

The BC Building Code stipulates that an approved secondary suite is *an additional dwelling unit having a total floor space of not more than 90m<sup>2</sup> in area; having a floor space less than 40% of the habitable floor space of the building and located within a building of residential occupancy containing only one other dwelling unit.* The building code requires numerous enhancements to the residence to ensure the health and life safety of the inhabitants in both the main dwelling and the secondary suite. These improvements include, fire rated separations between the suite and dwelling, smoke detection requirements, access, egress, heating systems and ceiling height requirements.

#### *Secondary Suite Benefits*

- The OCP identifies a number of policies that support secondary suites as a viable and important housing option for the community.
- Suites provide the bulk of Mission's affordable rental units.
- Suites often provide an independent living arrangement for family members that rely on family care.
- Many suites provide a mortgage helper for property owners.
- Secondary suite policy is the primary tool used in Mission to ensure market housing affordability as identified in the Affordable Housing Strategy.

#### *Current Secondary Suite Bylaws and Policies*

The zoning bylaw includes specific zones that allow secondary suites within the principal dwelling. This restricts secondary suites to specifically zoned properties; whereby, all others are considered to be in contravention of the zoning bylaw. Development records show that there are very few properties that have secondary suite zoning with fully approved (authorized) secondary suites. Only a small number of property owners go through the rezoning and building permit approval process to create authorized secondary suites. In order to illustrate the level of noncompliance to the zoning bylaw and the BC building code, district records indicate that over 1,000 properties have been found to have unauthorized secondary suites.

Current policy requires that once found, these properties are charged user fees equivalent to an additional unit and are advised that they may make application to rezone the property to permit the secondary suite. The existing policy does not require the owner of the secondary suite to comply with the zoning or building bylaw. A property owner is only required to pay additional fees for municipal services once their unauthorized suite has been discovered; consequently, the policy provides little to no incentive for a property owner to rezone his property or to comply with the BC Building Code.

### **Possible Policy Options – For Discussion Purposes Only**

#### *Option 1 (Status Quo)*

This option would entail that no significant changes would be provided to current secondary suite policies. Staff would continue current practice of 'double billing' for utilities and allow for unauthorized secondary suites to continue while approving a small number of fully authorized suites through the rezoning and building permit process.

#### *Option 2 (Fully Compliant with Zoning Bylaw and BC Building Code)*

This option entails significant changes to current secondary suite enforcement policies. Staff would fully enforce zoning bylaw and BC Building Code requirements.

#### *Option 3 (Rezone all single family properties to allow for secondary suites)*

This option entails a zoning bylaw amendment to allow secondary suites as a permitted use in all single family residential zones in the urban area. Although this option allows for secondary suites to be a permitted use within each residential zone, all property owners would still need to obtain a building permit to properly achieve BC Building Code compliance.

#### *Option 4 (Suite Ready / Basic Life Safety Standards)*

##### *New Lots – (created after implementation of policy changes)*

All properties zoned to allow secondary suites would be required to: (at the building permitting stage for new construction only) (1) install a fully functional secondary suite or (2) provide 'suite ready' construction. 'Suite Ready' construction requires the builder to install many of the secondary suite improvements as per the BC Building Code without installing a complete suite. If a future homeowner wished to install an authorized secondary suite within a 'suite ready' built home, only simple improvements would be required to meet current BC Building Code requirements.

##### *Existing Lots – Minimum Life Safety Requirements*

This policy option also requires homeowners of older homes with an existing secondary suite, or found to have an unauthorized secondary suite to: (1) rezone their property; and (2) meet the minimum life safety requirements within the BC Building Code. The BC Building code recognizes that a secondary suite may have been constructed in a building which was in existence for many years and which may not comply with the current Code requirements. As it may not be feasible to meet all of the current Code requirements, discretion is used by the building inspector to determine if the suite meets the minimum life safety requirements. If the

construction does not meet the minimum which is required by the Code, the suite will need to be removed or brought up to Code.

### **Overview of Possible Policy Changes**

The intent of this Special Council Meeting is to allow dialogue regarding secondary suites to occur and result in clear direction for staff to initiate finalization of secondary suite policy modifications.



Erik Wilhelm

Planner

# District of Mission Secondary Suites

**What is a Secondary Suite?**

**More specifically, what is a lawful secondary suite???**

**In very basic terms; a lawful secondary suite is an accessory residential use located within a residence that adheres to all zoning bylaw and BC Building Code requirements**

**The DOM zoning bylaw has specific zones that allow for secondary suites. The zoning bylaw limits the size of the secondary suite (*limited to the lesser of 968 sq. ft. or 40% of the floor space of a residence*) and requires an additional parking stall for the secondary suite**

**The BC Building Code requires various improvements to the residence to ensure basic life safety standards (smoke detection, thicker drywall for fire separations, proper access/egress etc.)**

# District of Mission Secondary Suites

**The Official Community Plan clearly supports the inclusion of secondary suites within the residential areas of Mission**

- **Secondary Suites provide the bulk of Mission's affordable rental units for all stages of life**
- **Secondary Suites often allow for independent living arrangements for family members**
- **Provide a mortgage helper for the homeowner**

# District of Mission - Secondary Suites<sup>7</sup>

## What is an unlawful suite??

An accessory residential use that is not permitted within the zone and has not received proper inspection or approval from the building department.

The District of Mission has over 2000 documented unlawful secondary suites within its boundaries. This is in addition to many unknown unlawful suites there may be in operation

Records also show that there are only a handful of legal (fully sanctioned) secondary suites within the district

# District of Mission - Secondary Suites <sup>8</sup>

## Problem

Before we embark on possibly improving secondary suite policy, we must clearly define the problem before we can find a solution.

Given the prevalence of unlawful secondary suites, what is the problem we (staff and Council) wish to solve and what overall concerns are most important to improve??

Life Safety

Parking and Traffic Congestion

Additional Noise

Further proliferation of unlawful suites

Billing Equity

General Zoning Bylaw Compliance/Rule of Law

Others????

*We will further discuss overall problems and concerns at the end of this presentation*

# District of Mission - Secondary Suites <sup>9</sup>

## Current Secondary Suite Policies (*In a nutshell*)

### A) How do we find unlawful secondary suites?

1. Inspection Services proactively searches for unlawful secondary suites (within newspapers and online services); and
2. Upon receipt of a complaint from a local resident

### B) Once an unlawful suite is found:

Bylaw Officers contact homeowner and

1. Inform the property owner (through mail) that they should rezone their property to a proper secondary suite zone; and
2. Inform the Finance Department to charge the residence for an additional unit for municipal services (water, sanitary and garbage collection)

*Once items 1 and 2 above have been completed, there is no further action taken by the municipality*

# District of Mission - Secondary Suites <sup>10</sup>

## Current Secondary Suite Policy

What does this mean in real terms??

“You can have an illegal suite with no real repercussions except that you will be ‘double billed’ the municipality”

Why worry about proper zoning and building permits----illegal or not, I can still keep my suite ??

# District of Mission - Secondary Suites

## Problem Discussion and Importance of Issues

- Life Safety
- Parking and Traffic Congestion
- Additional Noise
- Further proliferation of unlawful suites
- Billing Equity
- General Zoning Bylaw Compliance/Rule of Law
- Others????



Goal---Where do we wish to be as an organization on this issue??

# District of Mission - Secondary Suites <sup>12</sup>

Possible Options (To be further explained in subsequent slides)

- 1) As is (Business as usual)
- 2) Fully Enforce Zoning Bylaw and BC Building Code (Require removal of suite unless brought into full compliance)
- 3) Blanket Rezoning (Amend zoning bylaw to allow secondary suites in all residential zones in the urban area)
- 4) Modification of current policy (Staff has provided a possible improvement)

# District of Mission - Secondary Suites

## Option One

“AS IS” (Business as Usual) *(i.e. additional billing and soft sell rezoning)*

Pro	Con
<ul style="list-style-type: none"><li data-bbox="305 696 794 911">• No further staff resources allotted towards secondary suite issue</li><li data-bbox="305 982 755 1196">• It has ‘worked’ so far, why fix something that isn’t broken</li></ul>	<ul style="list-style-type: none"><li data-bbox="1029 696 1740 811">• Likely further proliferation of unlawful secondary suites</li><li data-bbox="1029 868 1572 925">• Legal Ramifications?</li></ul>

# District of Mission - Secondary Suites

## Option Two

**“Fully Enforce Zoning Bylaw and BC Building Code”**  
*(i.e. require removal of suite unless brought into full compliance)*

Pro	Con
<ul style="list-style-type: none"><li>• Likely decrease in the proliferation of unlawful suites</li><li>• Proper compliance with zoning bylaw and BC Building Code realized</li></ul>	<ul style="list-style-type: none"><li>• Likely perceived as ‘heavy-handed’ by general public</li><li>• Increase in staff time (costs) for planning, enforcement and inspections departments</li><li>• Costs of rezoning and BC Building Code upgrades could be costly for the homeowner</li></ul>

# District of Mission - Secondary Suites

## Option Three

**“Blanket Rezoning”** *(Amend zoning bylaw to allow secondary suites in all residential zones in the urban area; whereby a legal secondary suite would just need the proper building permit)*

### Pro

- **Less Planning Staff and Council resources allotted to individual rezoning applications**
- **Secondary Suites become a building code compliance/permitting issue rather than a land use issue**

### Con

- **Many homeowners (given their secondary suite zoning) will assume their suite is now legal**
- **BC Building Code upgrades could be costly for the homeowner**

# District of Mission - Secondary Suites

## Option Four

**“Suite Ready/Basic Life Safety”** *(Modify current secondary suite policies to decrease the prevalence of unlawful secondary suites in new homes while addressing the existing unlawful suites)*

### **Policy Highlights – New Construction**

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The majority of new homes (within proper secondary suite zones) will be required to either build a fully operational secondary suite or provide basic ‘suite ready’ improvements to allow a suite to be easily installed by a future owner.

All ‘suite ready’ homes would be known in municipal records. If found to contain an illegal suite at a later date, the homeowner would only be required to bring the suite into compliance with the BC Building Code (this should be easier, due to the suite ready improvements installed during initial construction).

**This fundamental change to secondary suite would:**

- 1. Likely increase the amount of new suites built legally;**
- 2. Decrease the prevalence of new unlawful suites within new construction;**
- 3. Ease the process and trouble for subsequent homeowners to install legal secondary suites;**
- 4. Even if not fully permitted, improved safety is present.**

# District of Mission - Secondary Suites <sup>17</sup>

Option Four - “Suite Ready/Basic Life Safety”

## Policy Highlights Continued – Existing Homes (Old Construction)

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All known existing (and all unlawful suites in the future found) within older homes will be required to:

1. **Rezone to a proper secondary suite zone; and**
2. **Upon inspection, bring the suite into compliance with ‘basic life safety standards’ outlined within the BC building code (forced air heat separation, fire detectors, proper access etc.)**

OR (provided the above cannot be attained)

1. **Required Removal the Suite**

This fundamental change would (likely):

1. **Increase the level of overall compliance (pro)**
2. **Ensure basic life safety of all suites that the district is aware of (pro)**
3. **May be considered somewhat heavy handed by existing homeowners (con)**
4. **Somewhat costly to the homeowner for rezoning and building upgrades (con)**

# District of Mission - Secondary Suites <sup>18</sup>

## Discussion