

Detailed Discussion of Zoning Bylaw Amendments Contained in Draft Bylaw No. 10075

Housekeeping Amendments

Bylaw No. 10075 (Attachment A) includes the following housekeeping amendments designed to improve the clarity and consistency of the bylaw, eliminate redundancies and outdated regulations, and thereby reduce the volume of variance requests and improve application processing times.

1. Gross Floor Area

Issue: Staff have identified the following housekeeping issues with the current definitions of gross floor area:

- a) The Zoning Bylaw, 2003, contains three different definitions of gross floor area used variously throughout the bylaw. This can create unnecessary confusion and increased timelines for applicants.
- b) Balconies and patios are not listed as exempt from gross floor area, although this is implied in Section 5.22 of the Zoning Bylaw, 2003, which speaks to the post construction enclosure of balconies, patios, and sun decks (sun decks are currently listed in the definition as exempt).
- c) Interior stairs, elevators and crawlspaces are routinely exempt from floor area in Single Family, Two Family and Rural Zones but the applicable definition does not explicitly state these areas are exempt.

Proposed Amendment: Staff recommend consolidating the existing definitions of gross floor area used for garden suites (Gross Floor Area (GS)) and single-family dwellings and houseplexes (Gross Floor Area (R)), deleting a section regarding calculating floor area in Schedule H and amending the two resulting definitions of gross floor area to read as follows (new additions related to housekeeping items shown in italics):

Gross Floor Area – means the sum of the total floor area on a lot of each storey in each building measured to the outside face of the exterior walls but excludes the following: *the unenclosed* areas of canopies, *balconies*, *patios*, sun decks, and outside stairs, concealed parking, separate and attached carports and garages.

Gross Floor Area (R) - means the sum of the total floor area of all storeys, including basement, of a single family dwelling, houseplex *or garden suite*, measured to the outside face of the exterior walls and, in the case of an attached carport, measured to the outermost face of the supporting columns. Those portions of the floor area of an attached carport or garage exceeding 50 m² (538 ft²), shall be included in the Gross Floor Area (R) calculations. The following are excluded from the Gross Floor Area (R) calculations: the *unenclosed* areas of canopies, *balconies*, *patios*, sun decks and outside stairs; *interior stairs and elevators*; separate carports and garages; *attic spaces* with a ceiling height from the floor of less than 1.67 m (5.5 ft); and *crawlspaces with a ceiling height from the floor of less than 1.67 m (5.5 ft).*

Rationale: Specifying unenclosed balconies, patios, interior stairs, elevators and crawlspaces as exempt from gross floor area calculations will provide clarity within the Zoning Bylaw, 2003, and consistency with current practice. The Gross Floor Area (GS) and Gross Floor Area (R) definitions are currently quite similar, providing similar exemptions since they apply to similar building typologies. Consolidating these two definitions while retaining a separate definition for more complex building types will reduce the complexity of the bylaw while ensuring that exemptions appropriate to building type are maintained. Reducing the complexity of zoning bylaw regulation can also equate to faster permit and planning application processing times.

2. Single-Face Height Restrictions

Issue: Currently, most A, RS, and RD zones permitting single family dwellings contain a provision restricting building height on the lowest outermost wall of the proposed construction as a means of restricting building massing. This regulation is informally referred to by staff and applicants as “Single-Face Height”. This regulation can be punitive due to Saanich’s topography, creating barriers to new home construction and additions to existing homes. This restriction generates a high volume of variance requests from designers seeking greater flexibility to fit site context and create liveable spaces.

Proposed Amendment: Staff recommend deleting the definition of ‘Lowest Building Elevation’ and all references to the regulation that restricts building height measured from the lowest building elevation and amending the definition of ‘Outermost Wall’.

Rationale: This provision is one of the most supported variances to the Zoning Bylaw, 2003, and is varied for most new development in the RS and RD zones. In 2024, 100% of the Board of Variance applications requesting to vary Single-Face Height received were approved. Deleting this regulation will allow more flexibility in building design, especially on sloped sites. Because it is a commonly supported variance, deleting single-face height regulations from the applicable zones will not greatly impact the overall massing of new construction. Finally, removing this regulation will improve application processing times by eliminating the need for a variance and will reduce the administrative burden of processing the high volume of variance requests that it currently generates.

3. Non-Basement Floor Area Requirements

Issue: Currently, most RS zones contain a restriction that requires that no more than between 65% and 80% (depending on the zone) of allowable gross floor area to be located in non-basement areas. While this regulation is designed to reduce the overall massing of the building, it can be punitive due to Saanich’s topography and incentivizes development of living space below grade. As a result, it creates barriers for new home construction and additions to existing homes. This regulation is often the subject of variance applications for this reason.

Proposed Amendment: Staff recommend deleting all non-basement floor area requirements from the applicable zones.

Rationale: Like single-face height, the non-basement area regulation is a commonly requested and supported variance for new developments in RS zones. In 2024, 80% of the Board of Variance applications requesting to vary Non-Basement Area received were approved. As such, removing non-basement area restrictions will improve application processing times by eliminating a commonly requested and supported variance. Moreover, the removal of this regulation has the potential for positive impacts on liveability by allowing designers more flexibility in the allocation of permitted gross floor area.

4. Average Grade Calculation

Issue: Average grade is a key calculation completed in the assessment of proposed developments as it determines the resulting maximum height allowed under the Zoning Bylaw, 2003. Currently, there are two different methods of determining average grade in Zoning Bylaw, 2003. Section 5.18 of the Zoning Bylaw, 2003, defines that grade shall be calculated using the average of the natural grade points taken at the perimeter of the proposed building or structure. The introduction of garden suite regulations added a new way of calculating average grade where two geodetic data points (natural and finished) are used in the overall calculation.

Proposed Amendment: Staff recommend amending Section 5.18 (Determination of Average Grade) to align the determination of average grade for all buildings with that currently used for garden suites.

Rationale: Adopting one method of determining grade provides consistency throughout the Zoning Bylaw, 2003. Staff recommend adopting the approach used for garden suites for all building typologies as it provides greater control over overall building size and prevents the potential environmental damage caused by grade manipulation. This approach takes the lesser of each grade point, whether natural or finished, as the basis for calculating building height. Staff believe that this approach is superior as it eliminates the possibility of deep excavations designed to achieve higher building heights, which typically result in tree root damage, large retaining walls, and excessive hardscaping. Further, this amendment would result in a further reduction in the amount of complexity involved in assessing developments against the zoning bylaw, which would result in more clarity for the public and faster processing times by staff.

5. Below Grade Basement Access, Window Wells and Below Grade Patios

Issue: Currently, Section 5.8 of the Zoning Bylaw, 2003, does not clearly regulate below grade basement access, window wells or patios. As a result, window wells can currently be constructed within the setback right up to the property line and below grade stairs and patios can be immediately adjacent to the property line, essentially cutting off access between front and rear yards.

Proposed Amendment: Staff recommend adding a new subsection to Section 5.8 (Projections in to Required Yards) for below grade stairs, patios, and window wells as follows:

Where basement access, window wells and below-grade patios extend beyond the face of a building, the minimum distance to an abutting lot line, as measured from the setback as permitted elsewhere in this bylaw to the outermost face of the structure may be reduced by:
a) *Not more than 1.2 m (3.9 ft) to an abutting front, rear or exterior side lot line.*

b) Not more than 0.6 m (2.0 ft) to an interior side lot line.

Such reduction shall apply only to the extending feature.

Rationale: Adding exemptions for below-grade stairs, window wells and below-grade patios that extend into required setbacks will provide greater clarity for applicants and staff, reducing application processing time while ensuring adequate setbacks are provided, liveability is maintained, and egress requirements are met.

6. Additional Kitchens

Issue: With the adoption of Small-Scale Multi-Unit Housing (SSMUH) regulations, staff recommended the removal of Section 5.26 from the Zoning Bylaw, 2003. This section had previously allowed an additional kitchen within a dwelling unit, but often resulted in the construction of a secondary suite without the required Building Permit. The removal of this section inadvertently created ambiguity in the number of kitchens permitted within a dwelling unit.

Proposed Amendment: Staff recommend the inclusion of a subsection within Section 5.2 (Prohibited Uses of Land, Buildings, and Structures) to prohibit the construction of more than one kitchen in a dwelling unit.

Rationale: Prohibiting more than one kitchen in a dwelling unit will provide clarity for applicants and staff regarding the creation of safe dwelling units under the appropriate permitting requirements.

7. Rear Yard Lot Coverage (Garden Suites)

Issue: With recent changes to the garden suite regulations contained in the Zoning Bylaw, 2003, garden suites are now permitted in front yards as well as rear yards. As a result, the rear yard lot coverage requirement is no longer relevant.

Proposed Amendment: Staff recommend deleting the definition of rear yard lot coverage from Section 2 of the Zoning Bylaw, 2003, and deleting the rear yard lot coverage requirement for garden suites contained in Schedule H of the Zoning Bylaw, 2003.

Rationale: At the March 13, 2023, meeting, Council gave final reading to changes to garden suite regulations allowing garden suites to be sited in front yard areas. This effectively renders the rear yard lot coverage requirement redundant. Removing this requirement will provide clarity to garden suite applicants without sacrificing lot coverage regulations. Lots containing a garden suite will still be subject to maximum lot coverage requirements for the applicable zone (typically 40% for all buildings in the RS zones) and Open Site Space requirements.

8. Gross Floor Area (Schedule G)

Issue: When Small-Scale Multi-Unit Housing (SSMUH) regulations were adopted, the definition of Gross Floor Area (R) was updated to include houseplexes, however Schedule G incorrectly utilizes “GFA” rather than “GFA (R)”.

Proposed Amendment: Staff recommend changing all mentions of Gross Floor Area in Schedule G to refer to Gross Floor Area (R) for consistency and clarification.

Rationale: It was the original intent to apply the Gross Floor Area (R) definition to SSMUH but the accidental omission of the “(R)” in other mentions of gross floor area creates confusion.

9. Energized Parking Space Requirements

Issue: Section 7.3 of the Zoning Bylaw, 2003, details requirements for energized parking spaces and electric vehicle supply equipment. Clause 7.3(k) provides an exemption for buildings for which, an occupancy permit was granted, a building permit application was submitted, or a development permit application was submitted prior to September 1, 2020. This exemption has unintentionally created lengthy approval timelines as the District of Saanich is having to enter into restrictive covenants to secure voluntarily-provided energized spaces for older applications that are still moving through the approvals and construction process.

Proposed Amendment: Staff recommend deleting clause 7.3(k).

Rationale: Deleting clause 7.3(k) will ensure that the same regulations apply to all buildings seeking development approvals regardless of when their application was submitted and will eliminate the added regulatory element, and associated processing time, of requiring a restrictive covenant to secure energized spaces provided voluntarily.

10. On-Site Loading Space Requirements

Issue: Due to a drafting error, the zoning bylaw currently contains two different tables, for two separate regulations, both of which denote Type A and Type B as categories of requirements. This has resulted in confusion both in the design community as well as issues in consistently administering the zoning bylaw. Differentiating the names of these two sets of regulations would address this existing confusion. Further, numerical overlap in the requirements resulted in confusion as to how many loading spaces were required in a development, where the existing table shows two different standards for buildings containing 100 units.

Proposed Amendment: Staff recommend amending Table 7.6A and Table 7.6B to remove the “Land Use Category as per Table 7.5” component, to correct dwelling unit numbering errors, and to rename categories to ‘Medium’ and ‘Large’ loading space sizes for consistency across tables within the zoning bylaw.

Rationale: Requirements are not based on land use category so removal of “Land Use Category as per Table 7.5” will provide clarity in both tables. The proposed amendments to Table 7.6A would clarify details regarding the number of loading spaces for 100 dwelling unit developments and developments over 250 dwelling units.

11. Additional Requirements for Off-Street Parking (Transportation Demand Management Plan)

Issue: The exemption from selecting a Transportation Demand Management (TDM) Plan currently applies only to individual buildings with more than twelve dwelling units while the

intention was to capture developments (all buildings on a site) with more than twelve dwelling units regardless of number of units within a given building.

Proposed Amendment: Staff recommend replacing the word “buildings” with “developments” in the pertinent section of the bylaw.

Rationale: The proposed amendments would clarify details regarding the requirements for TDM Plans for all developments, as opposed to buildings, to encompass large townhome developments or multi-building developments with more than twelve dwelling units.

12. Residential Accessible Parking Space Requirements

Issue: As part of the Transit Oriented Area legislation implementation, Table 7.1B was introduced for residential developments within a Transit-Oriented Area and across the District of Saanich. The number of accessible parking spaces are calculated based on the total number of units. The existing accessible parking table contains the minimum number of accessible parking spaces that is inclusive of van-accessible spaces. This inclusion of van-accessible spaces within total number of minimum accessible spaces has caused confusion for both staff and applicants during the application and review process. This resulted in some confusion in interpretation of precise accessible parking requirements.

Proposed Amendment: Staff recommend amending Table 7.1B to remove the condition that *“The number of Van-accessible parking spaces is included in the minimum required accessible parking spaces”* and instead create two separate columns that reflect the minimum accessible parking spaces required and the minimum van-accessible parking spaces required (in addition to the number of accessible spaces), separately.

Rationale: The proposed amendments will eliminate any confusion that may arise with the accessible parking spaces being inclusive of the van-accessible parking spaces.