

**Planning & Development Report to  
SPC on Planning and Urban Development  
2018 December 03**

**ISC: UNRESTRICTED  
PUD2018-1323  
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## **Backyard Suite Design and Standards**

### **EXECUTIVE SUMMARY**

On 2018 March 12, Council adopted Bylaw 24P2018 adding secondary suite and backyard suite as discretionary uses in the R-1, R-C1 and R-C1L Districts. The effective date for adding backyard suites was withheld for Administration to return with restrictive standards for the design of backyard suites across all land use districts.

This report recommends enhanced standards for the design of backyard suites through a combination of a design implementation guide, the *Backyard Suites How-to Guide*, amendments to the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* and supporting Land Use Bylaw updates.

Council approval of the recommended amendments would fulfill Council's previously approved direction regarding restrictive standards for the design of backyard suites. This approval would therefore result in the full adoption of Bylaw 24P2018 adding the backyard suite use to the R-1, R-C1 and R-C1L Districts as of the effective date of the Land Use Bylaw amendments recommended below.

#### **ADMINISTRATION RECOMMENDATION:**

That the Standing Policy Committee on Planning and Urban Development recommend that Council:

1. Direct this report to the 2019 January 14 Combined Council Meeting to accommodate the required advertising;
2. Hold a Public Hearing and:
  - a. **ADOPT**, by bylaw, the proposed amendments to the Land Use Bylaw 1P2007; and
  - b. Give three readings to the proposed bylaw (Attachment 1); and
3. **ADOPT**, by resolution, the proposed amendments to the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* (Attachment 2).

#### **RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2018 DECEMBER 03:**

That Council hold a Public Hearing; and

2. ADOPT, by bylaw, the proposed amendments to the Land Use Bylaw 1P2007;
3. Give three readings to **Proposed Bylaw 10P2019**; and
4. ADOPT, by resolution, the proposed amendments to the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* (Attachment 2).

Excerpt from the Minutes of the 2018 December 03 Regular Meeting of the SPC on Planning and Urban Development:

- "1. Direct this report to the 2019 January 14 Combined Council Meeting to accommodate the required advertising;
5. Direct the 3 Parking Policy Options be forwarded to Council as an attachment of this report."

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### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2018 March 12, Moved by Councillor Gondek Seconded by Councillor Farrell that Bylaw 24P2018 be amended as follows:

- “A. Delete and replace section 2 with the following to clarify an exception for Backyard Suites (including laneway suites):
  - 2. This bylaw comes into effect 2018 March 13, with the exception of subsections 1d), g) and j) (in reference to Backyard Suites) which come into effect on the date of approval by Council of restrictive standards relating to the design of backyard suites across all land use districts.
- B. Direct Administration to return to Council with:
  - 1. the restrictive standards relating to the design of backyard suites across all land use districts (the “Standards”); and
  - 2. a clerical amendment to the coming into force date for Bylaw 24P2018, which coming into force date is the date of approval by Council of the Standards.”

### **BACKGROUND**

#### **Secondary Suite Process Reform**

The Secondary Suite Process Reform report to Council from March 2018 proposed a collection of process and regulatory amendments to encourage safe and legal suites. The mandatory suite registry was adopted that compels landowners to register a suite and to ensure that they meet the required development and safety code standards. To help landowners to meet these requirements the secondary suite use was added to the remaining land use districts that did not allow suites (R-1, R-C1 and R-C1L) and process changes were made providing online guidance for applicants, City support through the inspection and application processes and a two-year amnesty period for development permit and registry fees. This program has been successful at significantly increasing the number of applications submitted for secondary suites since the changes were implemented (starting 2018 May 1). A more detailed update on the outcomes of the Secondary Suite Process Reform is contained in Attachment 5.

#### **Backyard Suites**

Backyard suites are currently allowed in all residential districts aside from R-1, R-C1 and R-C1L. It was proposed, with the other secondary suites reforms, that backyard suites be allowed in these districts. After listening to public feedback at the hearing in March, Council voted to add the backyard suite use in these districts only once restrictive standards for the design of new backyard suites were provided.

The general rules in the Land Use Bylaw that apply to the low density residential districts already contain requirements that define a basic building envelope for backyard suites. These general requirements limit the size and location of the building, but do not provide standards for the design of the building. Because the Land Use Bylaw (the Bylaw) must be specific about what is required, it functions best to define specific dimensions or elements that must or must not be included in a building. The Bylaw does not function well to express design intent in relation to what's around a new development since there are many variables as to the specific situation and the appropriate response.

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The current policies for backyard suites in the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* (adopted 2018 March) provide guidance to manage window and balcony placement and screening with respect to privacy for neighbouring properties. This policy functions well to express intent and general design direction for these elements.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Through evaluation of previous Council discussions, online engagement and workshops with community representatives and industry, Administration has identified the following items to be addressed to ensure that backyard suites fit better within built out neighbourhoods. These include:

1. Reducing the impact of building height and size by transitioning the height of a suite from neighbouring parcels, encouraging façade articulation and encouraging sloped or stepped roof lines.
2. Addressing privacy concerns in neighbouring yards by managing the location and screening of balconies and windows.
3. Managing the location of the backyard suite to provide more yard between the main residence and the suite and to better match the typical pattern of neighbouring back yards.

In order to address the range of considerations relating to the items above, a combination of Land Use Bylaw rules, policy directions and design guidelines are recommended. Rules would establish and refine the size and location of the building by establishing specific dimensions; policies would establish statements of general design direction and intent; and a design focused how-to guide would guide site and building design specific to individual applications and sites.

#### **Proposed Rule Changes**

To better manage the items relating to backyard suite design identified through research and engagement Administration recommends Land Use Bylaw amendments to:

- Reduce the maximum building height at the side and rear property lines shared with another residential property;
- Specify that balconies be located either facing the lane or the yard shared with the main house and that portions of the balcony that are close to a neighbouring yard be screened for privacy; and
- Increase building separation distance and yard area.

Building height amendments would refine the building envelope to better transition the height of a new backyard suite down to a neighbouring garage or yard. Balcony rules would encourage balconies to locate where having people watching what's happening adds to neighbourhood safety, such as looking out on the lane or street, and managing views where privacy can be an issue, such as next to a neighbour's yard. Building separation and yard rules will better break up the combined building mass of the main house and the suite while also reinforcing a backyard pattern more typical of neighbourhood areas.

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### **Policy to Guide Discretion for Secondary Suites and Backyard Suites**

The existing policies for backyard suites contained in the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* (the Suites Policy) are consistent with the design analysis and engagement feedback completed for this project. Additional opportunity was identified to include policy regarding the height and massing of new backyard suites. Two additional policies are recommended to support better backyard suite design, these include:

- A policy to moderate the building mass of the backyard suite using architectural elements such as stepped or sloped rooflines and articulated facades; and
- A policy that enables steeper sloped roofs to reduce the perceived height of the suite.

These policies would provide general design direction that would be implemented in the design process guided by the more detailed design considerations provided in the How-to Guide. The proposed amendments to the Suites Policy are provided in Attachment 2 with a redline copy showing changes in Attachment 3.

### **Proposed Backyard Suite How-to Guide**

The *Backyard Suite How-to Guide* (the How-to Guide) is a visual guide to help people understand what to consider when designing a backyard suite. This document addresses the design intent reflected in the Rules and the Suites Policy and highlights different ways to achieve desired design outcomes. The How-to Guide would be available on The City's website where information on how to apply for a secondary suite or backyard suite is provided. It is intended to inform the design process; help frame the conversation about a proposed suite with neighbours and community associations; and guide the discretion of the Development Authority.

The How-to Guide identifies specific design principles to consider at each stage of design with strategies that can be used to improve the design of the new backyard suite.

#### **1. Building Placement**

Building placement should respect existing yard and building patterns on the block, where possible placing yards next to yards and buildings next to buildings. The building should also be placed to minimize the extent to which the new building will block sunlight access for the neighbouring yards and in order to better retain existing, healthy trees.

#### **2. Building Design**

Height should be transitioned from neighbouring parcels, facades should be articulated and rooflines should be stepped or sloped in order to reduce the perceived height, break up the mass of the new building and maintain access to sunlight.

#### **3. Window and balcony placement**

Windows and balconies should be placed to provide views into the public lane or into the yard shared with the primary residence. Where a balcony or window directly overlooks a neighbouring yard, a different window or balcony location should be considered, or the neighbouring yard should be screened from view using privacy screens, obscured glass or trees.

#### **4. Access**

Every backyard suite should have a continuously hard surfaced path to the street and to the lane, where there is one.

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The *Backyard Suite How-to Guide* is attached to this report as Attachment 4.

### **Conclusion**

Each of the components used to shape the design of new backyard suites perform complementary enabling functions. The Rules provide specific dimensions for the building and its location, the Suites Policy provides general direction for the development and design of backyard suites and the How-to Guide provides a framework to address this direction when designing a specific project. In combination, the rules in the Land Use Bylaw, the Suites Policy and the How-to Guide will enable development of backyard suites of a higher design quality that fit and perform better in existing neighbourhoods.

### **Housekeeping Amendments**

Section “D. Policies for Secondary Suites in the Residential – Grade-Oriented Infill (R-CG) District” of the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* was proposed along with Land Use Bylaw amendments to make the secondary suite use discretionary with rowhouse buildings in the R-CG District (*Enabling Successful Rowhouse Development in the R-CG District* report, 2018 September 24). At the meeting of Council on 24 September 2018 Council amended Administration’s recommendation to make the secondary suite use discretionary in R-CG, instead choosing an option to maintain secondary suite as permitted use in the District while adding a modified R-CGex District option that excludes the secondary suite use. The amendment to add Section D to the Suites Policy was, however, approved without considering the impact of the modifications to the proposed Land Use Bylaw amendments.

Section D of the Suites Policy was intended to guide the discretion of the Development Authority regarding secondary suite as a discretionary use in R-CG. Since secondary suite is now either a permitted use (in R-CG) or not allowed at all (in R-CGex), then Section D of the Suites Policy is not needed. For this reason, Administration recommends that Section D of the Suites Policy be deleted, as shown in Attachments 2 and 3.

### **Stakeholder Engagement, Research and Communication**

In 2018 May, The City of Calgary held stakeholder workshops with representatives from community organizations to discuss guidelines regarding backyard suites. From June to July 2018, The City hosted an online survey on its engagement portal to solicit feedback from Calgarians. Input from both the workshops and online survey was used to inform the development of the How-to Guide and the amendments to the Suites Policy and the Rules. Feedback from the workshops and the online engagement reinforced themes consistent with previous engagement on backyard suites and support the items that are addressed in this report.

Follow up workshops with community members were held in 2018 October to confirm that the recommended approach responds to the input provided in earlier workshops. Responses indicated that the draft How-to Guide and rule changes were consistent with the feedback provided and are an improvement over the existing standards.

Engagement with industry representatives was facilitated through BILD Calgary with updates provided through the spring and summer and a workshop in the fall. Industry representatives

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are supportive of the recommended approach since it identifies desired outcomes while enabling flexibility for the design response to be specific to the development and the site.

Information regarding the online engagement, including the What We Heard report, is available on The City's website at: [engage.calgary.ca/backyard-suites-guidelines](http://engage.calgary.ca/backyard-suites-guidelines).

### **Strategic Alignment**

Backyard suites increase the diversity and affordability of housing in neighbourhoods. Because suites cannot be sold separately from the primary house, they provide rental housing that contributes to a mix of tenures. By promoting backyard suites that are well designed to fit in existing neighbourhoods the proposed How-to Guide and Land Use Bylaw amendments support the implementation of Municipal Development Plan policies by:

- Facilitating moderate intensification in a form and nature that respects the scale and character of the neighbourhood. (Policy 3.5.1)
- Increasing housing diversity and choice providing for a wider range of housing types, tenures (rental and ownership) and densities to create diverse neighbourhoods with a range of housing choices to meet affordability, accessibility, life cycle and lifestyle needs of different groups (Policy 2.3.1.a)
- Promoting methods to efficiently use or adapt existing housing stock to enable changing households to remain in the same home or neighbourhood for many years (Policy 2.3.1.d).

### **Social, Environmental, Economic (External)**

Backyard suites provide flexibility and choice for home owners by providing a housing form that can allow a property to better suit changing household needs, such as the need to house an aging parent or an adult child, supplement income with rent, house a care-giver or downsize to a smaller residence. The opportunity to adapt one's housing to changing life circumstances provides more options to maintain supportive social connections and to manage different economic circumstances. Adaptive housing options increase the stability and resilience of a community by enabling residents to stay in the neighbourhood while adjusting their housing to changing life circumstances.

### **Financial Capacity**

#### ***Current and Future Operating Budget:***

No implications identified.

#### ***Current and Future Capital Budget:***

No implications identified.

### **Risk Assessment**

Restrictive design standards for backyard suites risk increasing the costs of development and therefore decreasing the viability of some projects. The recommendation to implement the design standards through a combination of policy direction and rules realized through a more flexible How-to Guide would mitigate this risk by providing more flexibility to explore design solutions that can be better tailored to the site.

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While flexibility helps to allow design solutions that are specific to a development and a site it may also limit the ability to compel an applicant to improve the design quality of a project. The way that the rules, policies and guidelines are layered in reference to one another is intended to be mutually reinforcing: the Rules and Suites Policy provide the directed requirements while the How-to Guide shows what is intended and how it might be achieved. Together these should provide greater clarity about what is expected.

If the design policies in the Suites Policy and the How-to Guide are not approved then it will be more difficult for Administration to promote better design decisions, risking backyard suites that are more likely to negatively impact properties around them, increasing conflict around backyard suites and reducing support for the form. The How-to Guide is intended to provide a framework that supports conversations about the design of backyard suites in order to help facilitate new backyard suites that people feel fit better next door and in their neighbourhood.

### **REASON(S) FOR RECOMMENDATION(S):**

The recommended amendments to the Suites Policy, the Backyard Suite How-to Guide and associated Land Use Bylaw amendments will encourage well designed backyard suites that fit better in existing neighbourhoods, increasing support for the form and therefore contributing to increasing housing options and density at a scale that fits with the neighbourhood.

### **ATTACHMENT(S)**

1. **Proposed Bylaw 10P2019**
2. Proposed Amendments to the Policy to Guide Discretion for Secondary Suites and Backyard Suites
3. Redline Copy of Proposed Amendments to the Policy to Guide Discretion for Secondary Suites and Backyard Suites
4. Backyard Suite How-to Guide
5. Update on the Secondary Suite Process Reform
6. **Parking Policy Options**