

GIVE 2ND AND 3RD READING FOR AMENDMENTS TO THE LAND USE BYLAW FOR SECONDARY SUITES AND BACKYARD SUITES IN WARDS 7, 8, 9 AND 11

EXECUTIVE SUMMARY

Administration is returning to Council for second and third reading of the proposed Bylaw 14P20015 amending the Land Use Bylaw 1P2007 for *Secondary Suites* and *Backyard Suites* in Wards 7, 8, 9 and 11. As directed by Council, potential amendments to proposed Bylaw 14P2015 as heard at the combined meeting of Council on 2015 May 12, were referred to Administration to return to Council at the 2015 June 29 Regular Meeting of Council.

ADMINISTRATION RECOMMENDATION(S)

That Council give second and third readings to Bylaw 14P2015 (Attachment 2).

PREVIOUS COUNCIL DIRECTION / POLICY

On 2014 December 15, Council Directed Administration to prepare Bylaw amendments allowing secondary suites in all low density land use districts in wards 7, 8, 9 and 11. In addition, Council directed Administration to return to Council by 2015 Q2 with a report outlining the procedures and implications associated with a licensing system, feasibility of a plebiscite on secondary suites including a potential question, and allowing secondary suites in a radius around rapid transit stations.

On 2015 May 12 Council held a public hearing and gave first reading to Bylaw 14P2015. Council tabled second and third Readings of proposed Bylaw 14P2015 to the 2015 June 29 Regular Meeting of Council. Additionally, Council referred Councillor Keating's potential amendments to proposed Bylaw 14P2015 to Administration, to return to Council in conjunction with second and third Readings of the Bylaw.

On 2015 June 10, Administration reported back to the SPC on Planning and Urban Development (PUD) on the procedures and implications associated with a licensing system, feasibility of a plebiscite on secondary suites including a potential question, and allowing secondary suites in a radius around rapid transit stations. This will be heard by Council at the 2015 June 29 Regular meeting of Council.

BACKGROUND

On 2015 May 12, Council held a public hearing to consider report CPC2015-070, proposing amendments to the Land Use Bylaw to allow secondary suites in all low density land use districts in wards 7, 8, 9 and 11. Council gave first reading to Bylaw 14P2015, and tabled second and third readings to the 2015 June 29 Regular meeting of Council.

Additionally, amendments were proposed to Bylaw 14P2015 as outlined in Attachment 1. These amendments were referred to Administration to be brought forward in conjunction with second and third readings of the Bylaw.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The original amending Bylaw 14P2015 proposed adding *Secondary Suites* as permitted uses within R-C1 and R-C1L districts of wards 7, 8, 9, and 11. This approach is consistent with how they are regulated in districts, city-wide, where the opportunity for suites already exists, with the exception of the narrow lot districts (R-C1N and R-1N) where they are currently listed as

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discretionary. Administration has recommended implementing *Secondary Suites* as permitted uses in the past because of their limited impact on the built form of the proposed site, as they are suites that are included within the main building envelope of the house. The proposal to list *Secondary Suites* as discretionary uses has some implications to the process an application would undergo, as well as further complicating the implementation of this change.

To summarize, permitted uses would be approved if they met all the rules of the Land Use Bylaw (LUB). Development Permit decisions on permitted uses are not open to appeal except to the extent of a relaxation or misinterpretation. Applications are not circulated to external parties, but rather evaluated by the Development Authority against existing regulations. If a relaxation of a rule is required, then the application is processed as would a discretionary application. Permitted secondary suites applications are not notice posted, in accordance with the rules of the LUB.

A discretionary use is one that can be considered for approval by the Development Authority, even if it doesn't meet all the rules of the LUB. Relaxations can be considered and granted, and the application decision can be subject to appeal. Discretionary *Backyard Suite* applications are currently notice posted in accordance with the LUB, but *Secondary Suite* applications are not. Evaluation of these uses includes a circulation to internal departments as well as external parties including utility agencies, Community Associations and the area Councillor. The application generally takes longer and uses more administrative resources than a permitted use. However, this process allows for negotiation between The City, communities, neighbours, and landowner/applicant, as well as an option for refusal based on the merits of the application. The evaluation is based on sound planning principles and on a site by site basis.

This proposed amendment is an alternative method to implementing suites, however is not consistent with the current approach to regulating suites. Administration is concerned that this approach establishes different processes for suites in neighbourhoods where *Secondary Suites* would be permitted in R-C2 / R-2 and R-CG parcels, and discretionary uses in R-C1 /R-C1L parcels. Neighbours proposing similar suites could be subject to two different processes. Administration identifies that adding *Secondary Suites* as discretionary uses adds complexity to the implementation of Bylaw 14P2015 increasing the time and administrative resources required to process applications.

Stakeholder Engagement, Research and Communication

N/A

Strategic Alignment

This was summarized in report CPC2015-070.

Social, Environmental, Economic (External)

Social

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Secondary and backyard suites are one of many housing choices that can accommodate a wide range of households (i.e. ages, income, family size and lifestyles). Expanding the opportunities through policy and rules in the low density residential districts could provide sensitive intensification and more housing options.

Environmental

Policy and rules on secondary and backyard suites could provide opportunities to use existing community infrastructure and to meet the varied needs of households.

Economic (External)

Secondary and backyard suites, if not used by households for their own needs, could create additional residential small-scale rental housing.

Financial Capacity

Current and Future Operating Budget:

None

Current and Future Capital Budget:

None

Risk Assessment

The current process requiring a landowner to apply for redesignation of their land use district in order to apply for a suite would remain if second and third readings are not received.

Administration has identified that this requirement for redesignation is perceived as a barrier. It can cost the landowner approximately six months to undertake this process with no certainty that the land use redesignation will be approved. If Bylaw 14P2015 receives second and third readings this requirement would be eliminated in the four wards. Meaning that a landowner could begin with the Development Permit (DP) process, and if issued could apply for the required Building Permits resulting in a simplified process with more certainty for the land owner.

Making *Secondary Suites* discretionary uses in the R-C1 and R-C1L districts of wards 7, 8, 9, and 11, as proposed by Council and outlined in Attachment 1, changes the manner in which Administration would process a Development Permit application. With an external circulation process, Administration would consider comments from Community Associations in their evaluation; however, caution on ensuring that only those comments related to sound planning principles are considered, as is with any discretionary use application. In addition, the risk of an appeal of a Development Authority decision may be a deterrent to some applicants. Lastly, a discretionary application takes more administrative resources and time to process.

REASON(S) FOR RECOMMENDATION(S):

The recommendations of this report respond to the original direction of Council from 2014 December 15, requesting the Land Use Bylaw amendments to allow suites in all low density residential parcels in wards 7, 8, 9 and 11. The changes help simplify the process a landowner would be required to follow to achieve a safe and legal suite in these areas. The requirement to

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seek a redesignation from Council would be eliminated, and a landowner could work through the Development Permit and Building Permit processes, which would still examine a proposal for a suite on a site-specific basis, and ensure that it was built in accordance with the Alberta Building Code (ABC) and Alberta Fire Code (AFC). A simplified process is more likely to motivate a land owner to work through the appropriate permits to achieve a safe and legal suite.

The suggested amendments to make *Secondary Suites* discretionary uses could fit within established city processes however presents greater risks to an applicant, requires great administrative resources and is inconsistent with how suites are currently regulated.

ATTACHMENT(S)

1. Proposed amendments to Bylaw 14P2015, as referred to Administration to be brought forward in conjunction with second and third readings
2. Amending Bylaw 14P2015