

## **Administrations Response to Notice of Motion NM2014-27**

On 2014 September 22, Councillor Farrell, Seconded by Councillor Carra, Moved that Councillor Farrell, Pincott, Woolley, Carra and Mayor Nenshi's Motion, NM2014-27, be referred to the Working Group adopted in the Motion Arising with respect to Report PUD2014-0671, for inclusion in their considerations for a report to Council returning no later than 2014 December.

Administration is currently addressing a majority of these issues separately. As such, the Working Group decided to focus on the enforcement issue and leave Administration to address the other issues identified through NM 2014-27 as part of the other body of ongoing work around secondary suites.

### **NM2014-27**

WHEREAS housing affordability in Calgary is eroding;

AND WHEREAS thousands of Calgarians living in secondary suites are doing so without the protection of the law;

AND WHEREAS secondary suites provide a market-led solution to increasing rental supply and improving rental affordability and homeowner affordability;

AND WHEREAS secondary suites in Calgary's inner city wards, near Light Rail Transit (LRT), Transitways, Bus Rapid Transit (BRT), and other Primary Transit Network routes provide tenants with multiple mobility options;

AND WHEREAS the Chamber of Commerce, Calgary Economic Development, the Canadian Homebuilders Association — Calgary Region, Urban Development Institute, the Calgary Homeless Foundation, and many other organizations support secondary suites throughout Calgary;

NOW, THEREFORE BE IT RESOLVED THAT Administration brings a report (consolidating responses related to secondary suites from PUD2013-0176 & C2013-0644) to Council no later than December, 2014 with options for updated regulations and policies for secondary suites in regard to:

- a) parking issues;
- b) suites on narrow lots including in semi-detached dwellings;
- c) suite size considerations;
- d) overshadowing and overlooking for garden/laneway suites;
- e) landlord responsibility (including possible business licence); and
- f) other considerations;

AND FURTHER BE IT RESOLVED THAT Council request the Mayor to write the Provincial Government with respect to appropriate changes as well as guidelines for achieving equivalencies to Alberta Building Code provisions for secondary suites;

AND FURTHER BE IT RESOLVED THAT Council direct Administration return to a public hearing of Council no later than March, 2015 with amendments to Land Use By-law

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1P2007 that implement recommended changes to rules and regulations for secondary suites (December report) and make secondary suites a listed use for all low density residential land use districts not currently zoned for suites (R-1, R-C1, R-C1L):

- a) in the current boundaries of Wards 7, 8, 9, and 11, and
- b) in all wards, within 600 metres (approximately 7 to 10 minute walk) of all LRT stations, BRT, Transitway, and other Primary Transit Network stops.

### **Administrations Response:**

The following is an update on the issues identified as part of NM2014-27. All of these items are being dealt with separately or are coming forward to Council at a later date with the exception of suites in semi-detached dwellings which Administration recommends further investigation.

#### *Parking Issues*

The Transportation Strategy group will be conducting a general residential parking policy review for completion in 2017/2018 and will review accessory suites as a component of the larger project. Background research and pre-existing data regarding the parking impacts of accessory suites will be collected over 2015. Administration recommends that a review of parking requirements for accessory suites be conducted as part of the larger residential parking policy review and not as an independent component of ongoing work on accessory suites.

#### *Suites on Narrow Lots including Semi-detached Dwellings*

##### Narrow Parcels

The minimum parcel width for a secondary suite in the R-2 / R-C2 and R- 1N / R-C1N districts is based on the parking requirement for a single detached dwelling with a secondary suite. The primary dwelling requires two parking stalls plus an additional parking stall for the suite for a total of three motor vehicle parking stalls. A parcel width of 9.0 metres or more is required to accommodate three parking stalls in a garage and therefore a parcel containing a secondary suite in these districts is required to be a minimum of 9.0 metres wide. A parcel of this width also provides more space to accommodate the needs of both a primary and secondary residences on a single lot.

##### Suites in Semi-detached Dwellings

Accessory suites re-purpose allowable floor area or building coverage for a primary dwelling unit (or house) and create a separate living space that can be used by the household according to its evolving needs. A suite must always remain on title with the primary dwelling unit and therefore remains integrated as part of the main house. It may be rented, may house a member of the household, such as a nanny, adult child or aging relative, or the space may be integrated with the primary household. A suite is therefore fundamentally different from an independent dwelling unit since it is inseparable from the primary dwelling unit.

The Land Use Bylaw amendments to adopt the R-CG District amended the definitions of both secondary and backyard suites to reflect their distinct nature relative to an independent dwelling unit. A secondary suite means a space used as a residence and

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contained within a dwelling unit, such as a basement suite. This is consistent with the Alberta Building Code definition of a secondary suite as contained within a primary dwelling unit. The key defining feature of a secondary suite in both cases is that it be contained inside a dwelling unit and therefore be inseparable from the primary dwelling unit.

Clarifying the relationship of an accessory suite to the primary dwelling unit in the use definitions of the Land Use Bylaw allowed for the inclusion of accessory suites with rowhouse buildings, semi-detached dwellings and single detached dwellings in the R-CG District. The land use amendment process to redesignate a parcel to the R-CG District provides a mechanism to consider the potential impacts of this combination of uses on a parcel and an opportunity for public consultation regarding the proposal. Amendments to allow the same combination of uses in existing districts may have a broader impact and may therefore benefit from appropriate technical review and public engagement.

Allowing secondary suites as a comprehensive city-wide approach on narrow parcels or with semi-detached dwellings would significantly increase the number of parcels where accessory suites would be allowed, would result in parcels that are unable to comply with existing parking regulations and may result in broad-scale servicing or infrastructure implications. Administration recommends consultation with internal departments to better understand how to mitigate these potential impacts.

Allowing accessory suites with semi-detached dwellings may have legal implications and may impact existing local area policy. Administration recommends further research regarding potential legal implications of these changes and that affected communities be engaged regarding potential amendments.

### ***Suite Size Considerations***

The maximum floor area rule for a secondary suite is intended to ensure they are secondary to the primary dwelling unit - a smaller, less intensive use with lower occupancy than the larger primary dwelling unit. 70 square metres approximates a dwelling unit size with occupancy of one or two persons.

Since 2008 approximately 7 per cent of applications for accessory suites required a relaxation of the floor area, all but one of which were approved, therefore this rule does not appear to be a significant limiting factor to accessory suite approvals.

In 2010, the National Building Code of Canada adopted a size maximum of 80 square metres for secondary suites. It is widely expected that when Alberta enacts the 2015 Alberta Building Code that there will be a size maximum of 80 square metres. The intent behind having a maximum size for secondary suites is to limit the probability that a person is delayed or impeded from moving to a safe place during a fire emergency. Should a size maximum be introduced into the Alberta Building Code it would negate the need for having a size maximum in the Land Use Bylaw.

### ***Overshadowing and overlooking for Backyard Suites***

The Land Use Bylaw defines two different types of accessory suites: secondary suites and backyard suites. A secondary suite must be contained within the building envelope of the primary dwelling unit and therefore does not significantly alter the nature of the main house that contains it. A backyard suite introduces a new living space in the rear

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yard and therefore may result in impacts associated with a new structure or new use of an existing structure.

Backyard suites are listed as a discretionary use in the districts in which they are allowed so that the potential impacts of a new building can be managed through the discretionary development permit process. The shadowing impact of backyard suites is limited by a maximum building height of 7.5 metres. Concerns regarding privacy and overlooking are managed by the Development Authority through the discretionary DP process and are consistent with the treatment of windows and balconies for other low density infill development. For these reasons Administration recommends no further review of these rules at this time.

### *Suites in Wards 7, 8, 9, and 11*

Allowing for secondary suites in the current boundaries of the above noted wards is a proposal that is the subject of an upcoming Administration report to Calgary Planning Commission on 2015 March 26.

### *Suites within 600m of all LRT stations, BRT, Transitway and other Primary Transit Network stops*

This is part of the scope of a report back to City Council scheduled to be heard by the Planning and Urban Development Committee on 2015 June 10.