

Additional Information on Land Use Bylaw Amendments and Policy to Guide Discretion

Summary

The amendments to add suites to the remaining residential districts of the Land Use Bylaw creates consistency across residential areas in the City regarding where a suite may be developed. However, there is a possibility that listing Secondary Suites as a discretionary use will result in fewer suites being developed. The proposed policy (Attachment 3) will support the Development Authority in refusing files where issues have been identified but will also support approvals for suites where mitigating factors have been provided.

Background

The proposed Land Use Bylaw amendment adds Secondary Suite (within the primary dwelling) and Backyard Suite as discretionary uses to the R-1, R-C1 and R-C1L Districts. This affects 170,316 parcels city-wide:

- Residential – One Dwelling (R-1) District – 27,381 parcels
- Residential – Contextual One Dwelling (R-C1) District – 142,349 parcels
- Residential – Contextual Large Parcel One Dwelling (R-C1L) District – 436 parcels
- Direct Control Districts (DC) based on R-1 - 58 parcels
- Direct Control Districts (DC) based on R-C1 - 92 parcels
- Direct Control Districts (DC) based on R-C1L - 0 parcels

The following table outlines where suites are currently allowed and proposed in the residential districts:

District	Secondary Suite		Backyard Suite	
	Permitted	Discretionary	Permitted	Discretionary
R-1 (proposed)		✓		✓
R-1s	✓			✓
R-C1 (proposed)		✓		✓
R-C1s	✓			✓
R-C1L (proposed)		✓		✓
R-C1Ls	✓			✓
R-C1N		✓		✓
R-1N		✓		✓
R-2	✓			✓
R-C2	✓			✓
		(can only be located in single detached dwelling)		✓
R-2M	✓			✓
R-CG	✓			✓
R-G/R-Gm	✓		✓	

Adding suites as discretionary uses in the three districts means a Land Use Amendment (redesignation) is not required and a Council decision is removed from the process. An applicant now would proceed directly to Development Permit.

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Notice Posting

The Land Use Bylaw amendments also require a Development Permit application for a suite in the three affected districts to be notice posted to solicit comments from adjacent properties for consideration by the Development Authority when making its decision on an application. This is a similar approach taken with discretionary Development Permits in residential areas.

The “s” Districts

The R-1s, R-C1s and R-C1Ls districts are not being modified or removed as part of this bylaw and parcels currently with this designation will not be changed or redesignated. The “s” districts list Secondary Suite as a permitted use, whereas this report will add Secondary Suite as a discretionary use, making a distinction between the “s” districts and the R-1, R-C1, and R-C1L districts. This will allow for Development Permit applications currently underway on “s” parcels to not be affected and still be able to go through their application process normally. Following the adoption of the Land Use Bylaw amendments, should an owner of an R-C1 parcel want a Secondary Suite as a permitted use (rather than a discretionary use), they would follow the existing process of applying for a redesignation to the R-C1s district which requires Council approval. Administration, however, does not anticipate many applications for such a redesignation process.

Furthermore, Council has previously directed Administration (NM2011-10 Secondary Suites in Undeveloped R-1 Districts) to apply the R-1s District to the Developing Areas to provide housing flexibility in new communities. Changing the R-1s district would limit development in areas where direction from Council has been to increase flexibility.

Notifying Landowners and the Public

The following personal notice and public communication approach taken by Administration made citizens, who may be affected, aware of the changes in an accessible and effective format at a fraction of the cost of standard advertising requirements.

On 2018 January 22 Council adopted Bylaw 2M2018. This allowed Administration to advertise the Land Use Bylaw amendments and public hearing in an alternative method to the current approach. Using the current approach, letters would be mailed to affected land owners and adjacent land owners, and an advertisement would be placed in the newspaper listing the address of every one of the 170, 316 affected parcels.

Using the alternative approach for these amendments, letters were sent to every owner of an R-1, R-C1 or R-C1L parcel advising them of the proposed Land Use Bylaw amendments. The letter included direction to a website where owners unsure of their land use district could input their address to find out if they were affected by the proposed changes. The website contained additional information on the public hearing process as well as information on how to legally develop a suite.

For those who do not have access to the Internet, the letter also contained a phone number to call for more information. The letter and website also provided the address and hours of operation for the Planning Services Centre for those wanting more information in person. Finally, the letter included detailed information on making representation at the March 12, 2018 Public Hearing, whether in person or written submission.

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On 2018 February 22 and March 1, an advertisement was placed in the Calgary Herald notifying the public of the Public Hearing for the Land Use Bylaw amendments.

In terms of communicating to the public, Administration conducted an extensive communication program that consisted of digital, print, and other forms of public outreach. Digital communication included ads on the social media platforms Facebook and Twitter, news websites such as CBC and Global News, and websites such as Kijiji Real Estate, and HGTV. Print ads were placed in the Calgary Herald, Calgary Sun and Metro Calgary as well as several non-English publications such as the Canadian Chinese Times and Punjabi National. Finally, bold signs were placed across the City, and media interviews were provided when requested

Information was sent to each Councillor's office as well as individual Community Associations and to BILD Calgary so that information could be passed on to inquiring citizens and industry members.

For more detailed information on the communications plan please refer to Attachment 9.

Potential Risks

While adding suites as discretionary uses in the three districts removes the requirement for a redesignation, it may result in fewer Secondary Suites being developed. Under the current system, a Secondary Suite does not require a Development Permit when it is listed as a permitted use. This means most Secondary Suites proceed directly to Building Permit, which removes the possibility of appeal through the Subdivision and Development Appeal Board (SDAB). At the Building Permit stage, a check is performed to ensure that the suite meets the rules of the Land Use Bylaw (parking, amenity space, size, etc.).

Under the future system, an applicant will require a Development Permit because a Secondary Suite will be a discretionary use. A decision by the Development Authority may be appealed to the SDAB by an affected party, Community Association, or by the owner of the parcel. Successful appeals of approved suites may result in fewer suites being developed or possibly discourage an owner from making an application. This may also increase Administration's workload to deal with appeals as well as the number of appeals heard at the SDAB.

Policy to Guide Discretion

Administration has created a policy that guides the discretion of the Development Authority when assessing relaxations on Secondary Suite and Backyard Suite applications (Attachment 3). The purpose of this policy is to ensure that issues posed by these applications can be mitigated or avoided. Parking, laneless parcels and cul-de-sacs were identified by Council as items to be addressed in the policy. The policy is based on previous Council discussions during Public Hearings for redesignations to allow for suites. As a result, Administration has focused the policy on Parking, Amenity Space, Access and Design. The policy includes clear and implementable direction to assist with decision-making on Development Permits.

Administration currently refuses approximately 5 per cent of Development Permit applications for suites. These refusals are typically based on the application not meeting the requirements for parking or amenity space.

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Parking and Access

The proposed policy clearly outlines that the required parking for the dwelling unit and the suite must be provided on the parcel. These stalls must be accessible to each user, and not obstruct each other. This expectation is set for parcels that have lane or front driveway access or are on a street or cul-de-sac bulb.

The width of a parcel may impact its capacity to meet additional parking requirements for a suite. In the instances where the parking for the primary dwelling unit is provided, and the parking for the suite is provided, but the parcel does not meet the width requirement for the District, the Development Authority may consider a relaxation of this rule. To further support parking requirements being met, the Development Authority may consider a relaxation of the maximum parcel coverage for the District if it is to accommodate the required parking stall.

Administration is proposing a general policy for suites located on cul-de-sac end bulbs without a lane that allows the Development Authority to consider the cumulative impacts of the suite on the parcel. Parking issues arising in cul-de-sacs are typically related to subdivision design and parking habits of drivers rather than a suite itself. The issue of front driveways limiting the availability of on-street parking is not specific to cul-de-sacs and can be found on standard residential streets. The approach that Administration is proposing is focused on a suite providing the required parking, regardless of the type of street the dwelling unit is adjacent to. Administration reviewed existing applications for suites on cul-de-sacs and found that all applications approved could, and did, meet the minimum parking requirements for suites and found no reason to impose additional parking requirements based on street design. Applications where the required parking was not provided were refused by the Development Authority.

Amenity Space

The proposed policy makes clear that the required amenity space is to be provided and should be accessible to the suite occupant. This will encourage suite dwellers to use their amenity space to have a sense of ownership over the space.

Backyard Suites

Several policies are proposed that address privacy issues common to Backyard Suites. Administration is also working cross-corporately to incorporate best practices for design of Backyard Suites to be made available to the public to help citizens have a better understanding of what could potentially be built.