

## Zoning Bylaw Amendment - Garden Suites

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### Recommendation

That Administration prepare amendments to Zoning Bylaw 12800 as generally outlined in Attachment 3 of the October 30, 2018, Urban Form and Corporate Strategic Development report CR\_5113, and return to a future City Council Public Hearing.

### Previous Council/Committee Action

At the July 10, 2017, City Council meeting, the following motion was passed:

That Administration provide a report to Committee on possible further Zoning Bylaw amendments for garden suites, including:

- maintaining the maximum 2nd storey floor area for dwelling space in mature and established zones at 60 m<sup>2</sup>
- allowing a larger exception to the Floor Area calculation for areas covered by stairways
- allowing a larger floor area to allow for a wheelchair turning radius and any associated landing for inclusive design units as defined in section 93 of the Zoning Bylaw
- increasing 2nd storey floor area for dwelling space to 65 m<sup>2</sup> for inclusive design units as defined in section 93 of the Zoning Bylaw
- increasing total floor area to 130 m<sup>2</sup> for inclusive design units as defined in section 93 of the Zoning Bylaw
- advice from the Edmonton Design Committee on the design elements specific to garage suites

and return at the same time as the Laneway Housing Strategy report.

### Executive Summary

Amendments to regulations for garden suites in Zoning Bylaw 12800 were passed at the July 10, 2017, City Council Public Hearing and went into effect on September 1, 2017. In the year following the implementation of the new regulations, Administration has monitored their impacts through data analysis and engagement with development permit applicants. Administration has identified a number of adjustments that can be made to address some challenges experienced by applicants and to help facilitate the development of accessible garden suites and emerging housing forms such as tiny homes. These options provide opportunities for increased housing choice, more

affordable housing, and a form of residential intensification that is sometimes referred to as “gentle density.” Simplification of the regulations also aids in interpretation and consistency in decision making.

### **Report**

#### Background

Amendments to regulations for garden suites in Zoning Bylaw 12800 were passed at the July 10, 2017, City Council Public Hearing and went into effect on September 1, 2017. The amendments were intended to reduce barriers to developing garden suites and improve their design quality. The changes also looked to provide more opportunities for more accessible garden suites.

At the July 10, 2017, City Council Public Hearing, concerns were raised that the new regulations would create challenges for the development of accessible garden suites, that regulations related to design were not sufficient to ensure high-quality development, and that the floor area exemptions for stairways and elevators should be increased. Through a review of recent applications, data analysis, and public engagement, Administration has assessed the results of the new regulations and proposes that adjustments be made to further support the development of viable and well-designed garden suites.

#### Data Analysis, and Feedback Received

Administration analyzed data from the nine months before the amendments went into effect (December, 2016 to August, 2017) and the nine months after the July 10, 2017, amendments went into effect (September, 2017 to May, 2018) to compare development permit approval numbers, variances, and differences in built form. Patterns in the type of regulations that were not initially met in applications submitted after the amendments went into effect were also analyzed. Results can be found in Attachment 1 - Data and Analysis.

Class A developments are permitted uses that comply with all regulations of Zoning Bylaw 12800. The City is required to approve development permits for Class A developments and they typically are not appealed, which leads to greater certainty for community and applicants alike. Data shows that in the time since the implementation of the new regulations, the proportion of Class A development permits for garden suites has increased significantly, from four percent prior to the new regulations to 84 percent following the new regulations. During the same period, the total number of garden suites applications and development permits issued has decreased. Analysis of permit applications and conversations with applicants highlighted some challenges with regulations, processes and available information. Detailed feedback from applicants can be found in Attachment 2 - Public Engagement.

Administration also attended the June 19, 2018, Edmonton Design Committee meeting to present the current design regulations for garden suites in Zoning Bylaw 12800. Further information can be found in Attachment 2 - Public Engagement.

### Other Related Initiatives

Action 3 of Infill Roadmap 2018 was to “Investigate opportunities for tiny homes and find multiple ways to accommodate them.” In the course of reviewing regulations for garden suites, Administration identified an opportunity for tiny homes to be accommodated in low density residential areas as garden suites. Action 10 of the Roadmap also highlighted the desire to “Incentivize the development of fully accessible and seniors friendly laneway homes.” The proposed amendments consider how further incentives for accessible units could be achieved in Zoning Bylaw 12800 regulations.

On August 20, 2018, Administration advanced amendments to Zoning Bylaw 12800 that removed minimum lot size requirements for secondary suites. In preparing this report, Administration identified the opportunity to align similar requirements for garden suites.

### Proposed Changes

In response to the findings from data analysis and feedback received from applicants, the Edmonton Design Committee, and other related initiatives, Administration proposes the following amendments to Zoning Bylaw 12800

#### *Inclusive Design and Accessibility*

- Change the inclusive design standards to require a number of features to be on the “same” floor rather than the “main” floor
- Require flush thresholds within the dwelling
- Allow 60 square metres on the second storey of garden suites that meet inclusive design standards in mature and established neighbourhood zones
- Garden suites that meet Inclusive Design standards currently do not require a parking space for the suite. The proposed amendments would apply this reduction in parking requirements to secondary suites that meet Inclusive Design standards as well.

#### *Floor Area*

- Maintain and continue to monitor the second storey floor area limit in mature and established neighbourhood zones for dwellings that do not meet inclusive design standards
- Increase flexibility through adjustments to other floor area regulations, including:
  - Increase maximum total building floor area from 120 square metres to 130 square metres
  - Remove maximum floor area for living space

- Remove basements from floor area calculations
- Align floor area calculation exemption for stairways with the exemption for elevators

### *Tiny Homes*

- Provide opportunities for tiny homes to be permitted as garden suites by removing minimum floor area requirements for garden suites
- Explore implications of allowing tiny homes on wheels, provided they comply with the applicable regulations for garden suites

### *Lot Size*

- Remove minimum lot size, aligning with the approach for secondary suites to allow these units on narrow lot properties

### *Facade Articulation*

- Make the intent of the regulation clearer through wording in the preamble
- Remove the option for shrub planting to satisfy facade articulation requirements
- Add an option for variation in rooflines and windows at grade

More detailed information about the proposed amendments can be found in Attachment 3 - Summary of Proposed Amendments and Attachment 4 - Mark-up of Proposed Text Amendment to Zoning Bylaw 12800.

### Information for Applicants

The City of Edmonton's Garden Suites webpage currently has information about what garden suites are and their benefits, information about applying for permits and application forms, a guide to the development process, an overview of the regulations, and a comprehensive How-to Guide. Administration will be undertaking an update to the current Garden Suites How-to Guide to add more comprehensive interpretive information. Information about safety codes requirements will also be incorporated to ensure homeowners and builders have all the relevant information.

### Conclusion

The proposed amendments will increase flexibility where regulations have been identified as being too restrictive, and will aid in interpretation and consistency in decision making by simplifying regulations. Increased flexibility will also facilitate the development of accessible garden suites and additional information will help applicants through the development permit process.

### **Public Engagement**

Administration engaged with a number of stakeholders through surveys and meetings. Stakeholders found a number of the regulations challenging to satisfy and

recommended some changes to make garden suite development easier. Please see Attachment 2 - Public Engagement for more information.

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s): Edmonton is attractive and compact</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
Homes are well designed	Edmontonians' Assessment: Well-designed Attractive City (% of survey respondents who agree/strongly agree)	53% (2017)	55%(2018)
Neighbourhoods have a range of housing choices	Residential Housing Diversity Index (Simpson Diversity Index)	0.68 (2016) Growth Monitoring report	Increase

**Risk Assessment**

<b>Risk Element</b>	<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Risk Score (with current mitigations)</b>	<b>Current Mitigations</b>	<b>Potential Future Mitigations</b>
Public perception	Members of the public are opposed to adjustments to development regulations for garden suites	3 - possible	1 - minor	1 - low	Providing opportunities for feedback on the draft regulations	Sharing data and information as part of educational campaigns

**Attachments**

1. Data and Analysis
2. Public Engagement
3. Summary of Proposed Amendments
4. Mark-up of Proposed Text Amendment to Zoning Bylaw 12800

**Others Reviewing this Report**

- C. Owen, Deputy City Manager, Communications and Engagement
- G. Cebryk, Deputy City Manager, City Operations
- R. Smyth, Deputy City Manager, Citizen Services