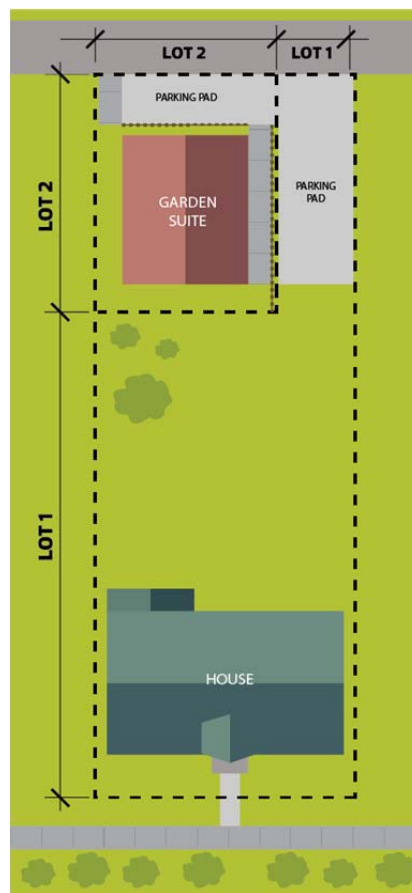




# CITY PLANNING REPORT REZONING AND PLAN AMENDMENT APPLICATION Queen Mary Park

## 11627 - 111 Avenue NW

To allow for the development of small scale residential infill as part of the 'Flag Lot Pilot Project'.



## RECOMMENDATION AND JUSTIFICATION

City Planning is in SUPPORT of this application because it:

- supports innovation in alignment with the City's infill policies;
- supports further land ownership and varied housing choices; and
- is compatible with surrounding development.

## THE FLAG LOT PILOT PROJECT

The Flag Lot Pilot Project is being pursued with direction from the 2014 and 2018 Infill Roadmap. Through Action Item 10 (2014), Administration was encouraged to explore innovative opportunities that would create new forms of infill housing while providing learning opportunities for all involved. Further, Action Item 5 (2018) encourages similar opportunities through the support and exploration of innovative ideas and partnerships around infill housing. In this regard, The Flag Lot Pilot Project explores the feasibility of creating separate ownership for garden suites, independent from the principal house.

At present, the the implementation of the regulations within the Zoning Bylaw dictates that a garden suite can only be a rental opportunity for those who build them. This pilot project seeks to rezone two residential lots throughout Edmonton which will then allow the garden suite to be subdivided and sold as a separate parcel of land, resulting in a remnant parcel that resembles the shape of a flag. Apart from exploring the regulatory and technical aspects of creating a separate parcel of land for a garden suite, the overarching goal of this pilot is to explore further housing options for residents in Edmonton's neighborhoods in a sensitive and compatible manner.

### PROJECT BACKGROUND

During the Infill Design Awards of 2016, a submission entitled the "Pork Chop Lot" was received which focused on a unique subdivision design that would see a dwelling at the rear of a residential lot exist independently from the principal dwelling at the front of a lot, complete with separate vehicular access and underground servicing via the alley. The "Pork Chop Lot" submission focused on ageing-in-place whereby seniors could downsize from the principal dwelling into the smaller dwelling at the rear of the lot, while earning an income from the sale of a portion of their land. Following this, Administration began exploring the possibility of testing this out through the subdivision of a garden suite under the title of the Flag Lot Pilot Project.

In August 2017, a request was made to the public whereby landowners who either had a pre-existing garden suite on their lot or interested in constructing one were able to submit their property to participate in this pilot project. The landowners chosen would then see their lots rezoned from their current zoning to a (DC2) Site Specific Development Control Provision to accommodate this unique subdivision design which would not otherwise be allowed through conventional residential zoning regulations. Administration quickly received 12 submissions and chose three submissions\* based on the following criteria:

- Site size (width and depth);
- Current zoning allowances;
- The presence of a rear lane;
- Location of underground utilities (water, sanitary and storm);
- Proximity to amenities; and
- Diversity of neighborhoods

These three lots provided test environments for the Flag Lot concept by proposing to rezone the participating lots. This served two primary functions:

- providing Administration the opportunity to work through and identify challenges from a regulatory and functionality perspective with participating landowners. These challenges would serve to inform future dialogue, if ever the Flag Lot concept were to be applied on a broader basis, through the Zoning Bylaw; and
- gauging community support or concern for this concept while also generating discussions around the use of pilot projects to test new and innovative ideas around infill housing.

Ultimately, the overarching question that was asked through the pilot project is, should garden suites be left solely as a rental opportunity, or could and should it be an ownership opportunity as well?

Though the pilot project involved two separate rezonings in two different neighborhoods (Alberta Avenue and Queen Mary Park), the findings and engagement of each rezoning informed the pilot project as a whole.

*\*During the writing of this report, one of the participating landowners withdrew from participation due to unforeseen circumstances. As such, the pilot project is only comprised of two lots and two associated proposed rezonings. However, the comments from stakeholders who were engaged as part of the rezoning of the now non participating property in the Grovenor neighborhood are still included as an attachment for Council's consideration.*

## THE APPLICATION

1. BYLAW 18503 to amend the Central McDougall / Queen Mary Park Area Redevelopment Plan (ARP) to update the "Map 12 - Zoning Approved" map to reflect the associated rezoning.
2. CHARTER BYLAW 18504 proposes to rezone the subject site from (RF1) Single Detached Residential Zone to (DC2) Site Specific Development Direct Control Provision. The purpose of the rezoning is to allow for a future subdivision of the parent lot creating a new independent lot on which the garden suite would sit.

The proposed DC2 zone is designed to provide development regulations to both the front and rear lots. This is done through the application of 'Area A' and 'Area B' within the proposed DC2 Provision. Key features of the proposed DC2 Provision are:

- Development of the front lot (Area A) is regulated by regulations that reflect the RF1 zone to maintain current development rights; and
- Development of the rear lot (Area B) is regulated by regulations that reflect Section 87 of the Zoning Bylaw (Garden Suites) as to maintain the same rules that currently apply to Garden Suites. The garden suite is referred to as single family house in the DC2 Provision to allow it to exist independently from the principal building.

- Each Area is required to provide at least one on-site parking stall, consistent with the relevant parking schedule found within Section 54.

The innovative opportunity created through the DC2 zone is in allowing the ability to subdivide Area B away from Area A, giving both Areas separate site dimension regulations. The regulations also require that Area A retain an adequate strip to the alley to accommodate independent vehicular access and servicing by underground utilities. If subdivided, this would result in separate ownership of each Area, as generally shown on the figure below.



## SITE AND SURROUNDING AREA

*The subject site is located within the Queen Mary Park neighborhood, on the corner of 111 Avenue NW and 117 Street NW. A single family house and a garden suite currently exist on the subject site.*



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
<b>SUBJECT SITE</b>	(RF1) Single Detached Residential Zone	Single Detached House and Garden Suite
<b>CONTEXT</b>		
North	(RF1) Single Detached Residential Zone	Single Detached House
East	(RF1) Single Detached Residential Zone	Single Detached House
South	(RF1) Single Detached Residential Zone	Single Detached House and Garden Suite
West	(RF1) Single Detached Residential Zone	Single Detached House





FACING SOUTH FROM 111 AVENUE NW



FACING SOUTHEAST FROM THE LANE

## PLANNING ANALYSIS

### LAND USE COMPATIBILITY

As the purpose of the DC2 Provision is to imitate current zoning allowances, the impact to surrounding properties is minimal. The key difference would be the future subdivision of the existing garden suite, which would not result in any physical changes compared to today's zoning permissions, with exception of the installation of a fence to physically separate Area A from Area B.

Apart from the existing benefits that garden suites already provide, such as providing added density through sensitive scale and form, Flag Lots can offer an alternative means of home ownership not currently allowed under the Zoning Bylaw. Garden suites are already a relatively widespread development opportunity throughout the city as many existing residential zones allow for garden suites as either a permitted or discretionary use (with the exception of the (RMH) Mobile Home Zone, (RA9) High Rise Apartment Zone and (UCRH) Urban Character Row Housing Zone)). As such, many residential lots throughout Edmonton's neighborhoods could accommodate a Flag Lot subdivision scenario provided they have rear alley access complete with underground utilities.

From the public engagement opportunities that occurred as part of the pilot project, interested landowners, supportive voices, participants and applicants provided the following reasons of why pursuing the subdivision of garden suites would be of interest:

- provides the option of having a garden suite as a salable opportunity, as opposed to a rental opportunity, removing a landlord-style situation that may not be of interest to some;
- provides market affordable housing options in neighborhoods where the price of a single family house can exceed what is considered affordable by some;
- provides an opportunity for those looking to downsize and live in a smaller space;

- provides an opportunity for those wanting to live in close proximity to ageing relatives or children who are young adults, while still living independently from one another;
- provides an opportunity for seniors to age-in-place such that they remain in a familiar environment, while earning an income from the sale of the of the larger lot; and
- Adds further vibrancy to laneways due to increased human activity and pride of space through ownership.

Concerns over the Flag Lot concept were also expressed during the public engagement opportunities. The primary concerns heard are as follows:

- properties owners who are adjacent to a Flag Lot would have to deal with two neighbors as opposed to one;
- concern over existing infrastructure capacity;
- potential for decreased green space within backyards;
- increased traffic and parking issues; and
- increased crime in areas already experiencing crime-related issues.

It is worth noting that several of the above points are related to increasing density. The Flag Lot concept does not increase density beyond what is already allowed under the Zoning Bylaw. A garden suite adds one residential unit, regardless of whether it is subdivided or not.

## **PLANNING IMPLICATIONS AND CONSIDERATIONS**

Aside from the benefits that could be afforded to landowners by the Flag Lot concept, several implications need to be considered if this opportunity is to be expanded beyond the scope of the pilot project. The following are implications based on the exercise of creating the zoning regulations via the DC2 Provisions as well as implications that will come from the future subdivision of the garden suite, as noted in the section below.

Fragmentation of land within residential neighborhoods - Flag Lots by their very nature promote the fragmentation of land into irregularly shaped residential lots. Beyond the small scale development opportunities allowed in the DC2 Provision, this can pose challenges for re-development opportunities of those lots in the future in that any development will have to accommodate these unique lot configurations. Alternatively, both lots could be consolidated back to the original configuration, but this would require ownership of both lots.

Separate servicing - Both lots will be required to be separately serviced by underground utilities which include water and sanitary servicing. Separate servicing can be an expensive endeavor as new lines will need to be installed and existing lines may need to be rerouted, to avoid cross-lot servicing.

Encumbrance of land - Though both lots will be separated through subdivision, neither will ever be fully independent from the other from a functional perspective. At the subdivision stage, a series of easements and restrictive covenants may be required to be registered on one or both titles to address issues that may be identified such as cross-lot overland drainage, mail delivery and emergency access.

Site-specific conditions - This pilot project is using DC2 Provisions as a means of creating the regulatory framework with which each participating site can abide by. DC2 Provisions are an adequate tool to address site-specific conditions, however, if this opportunity is to be expanded beyond the pilot project, consideration should be given to how unique conditions such as site area and site coverage are to be addressed with the use of a standard zone.

## **WHAT ARE OTHER CITIES DOING?**

Vancouver is the only city in Canada that currently allows the subdivision of garden suites. Vancouver allows garden suites to be separated from the parent parcel of land through strata subdivision.

Strata subdivision, unlike a conventional subdivision, is the subdivision of volumetric space, as opposed to two dimensional space. Strata subdivisions are still relatively uncommon in the Edmonton market, especially for smaller scale development. In Edmonton, strata subdivisions are currently used primarily for larger scale development with a complex system of ownership, such as mixed use towers with commercial, residential, or other components. Strata subdivisions rely on a complex document called an Easements, Restrictions and Covenants (ECR) Agreement. An ECR Agreement regulates private space, commonly shared space and other considerations, which is generally suitable for mixed-use development scenarios but may not be suitable for a simpler subdivision scenario, such as the Flag Lot concept. Nevertheless, the end result is the same, which is the creation of a separate title for ownership of the a garden suite.

Other Canadian cities do allow the development of garden suites or similar housing product adjacent to a lane, however, they remain as rental opportunities only.

## **Next Steps**

Should the rezoning be supported, Administration will continue to work with the landowner through the subdivision application and review process when and if submitted. The timing of when the subdivision is applied for is up the landowner.

Though careful attention has been paid in crafting the draft DC2 Provision to mitigate any further issues beyond the rezoning, it should be noted that further challenges not identified through this review could arise during the the subdivision application. If at any point the landowner no longer wants to pursue the subdivision and would prefer their lot be rezoned back to its original zoning, Administration is committed to preparing these Bylaws for Council's consideration at no cost to the landowner. That said, the proposed DC2 Provision is crafted in such a way that the land will still function in a similar manner to that of the current RF1 Zone.

## **SUBDIVISION**



A subdivision application will need to be made to separate the garden suite away from the parent lot. The Subdivision Authority will review the application for compliance with the Zoning Bylaw as well as ensure that each proposed lot has adequate access and can be independently serviced by underground utilities. Moreover, the Subdivision Authority will review the subdivision application to determine if any additional easements or covenants should be registered on each title to address issues such as cross-lot overland drainage, emergency access and mail delivery.

## REGISTRATION

Once the conditions imposed by the Subdivision Authority have been satisfied by the landowner, the Subdivision Authority will approve the plan of survey. Following this, the plan of survey can be registered at the Land Titles office where a new certificate of title will be produced for each lot. Each lot can then be sold separately. The timing of the sale of the lot is up to the landowner.

## CONTINUATION OF FLAG LOTS BEYOND THE PILOT PROJECT

The Flag Lot concept can be accomplished through the use of a DC2 Provision and can direct the future subdivision of a garden suite for separate ownership. In this manner, The Flag Lot concept can continue to be accomplished through the rezoning of individual properties, to be reviewed by Administration on a case-by-case, followed by consideration of Council. The use of Flag Lots can provide further ownership opportunities in Edmonton's neighborhoods while also continuing to support low-scale infill development and discussions around the improvement and livability of our laneways.

Administration can continue to monitor the development of Flag Lots to gauge demand and refine details through feedback from participants and evaluation of the development regulations. Moreover, as Administration is preparing to initiate a renewal of the Zoning Bylaw, this presents an opportunity to further refine the Flag Lot concept by exploring alternatives to the use of DC2 Provisions which may also serve to reduce some of the implications previously mentioned.

## TECHNICAL REVIEW

All comments from affected City Departments and utility agencies have been addressed.

## PUBLIC ENGAGEMENT

<b>PRE-NOTIFICATION</b> October 26, 2017	<ul style="list-style-type: none"> <li>• Number of recipients: 53</li> <li>• Number of responses in support: 0</li> <li>• Number of responses with concerns: 0</li> </ul>
<b>ADVANCE NOTICE</b> December 20, 2017	<ul style="list-style-type: none"> <li>• Number of recipients: 53</li> <li>• Number of responses in support: 0</li> </ul>

	<ul style="list-style-type: none"> <li>• Number of responses with concerns: 0</li> </ul>
<b>PUBLIC MEETING</b> May 1, 2018	<ul style="list-style-type: none"> <li>• Number of attendees: 25</li> <li>• Number of feedback forms in support: 3</li> <li>• Number of feedback forms with concerns: 5</li> <li>• Common comments included: Benefits of providing further land ownership options in the neighborhood. Concerns over the existing infrastructure capacity, over-development of single family lots and current height permissions for garden suites.</li> </ul>

## CONCLUSION

City Planning recommends that City Council APPROVE this application.

## APPENDICES

- 1 "What We Heard" Public Engagement Report
- 2 Application Summary

## WHAT WE HEARD REPORT

### Flag Lot Pilot Project/Rezoning – Public Engagement Session LDA18-0055

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**PROJECT ADDRESS:** 10430 - 143 STREET NW (Grovenor Neighborhood)

**PROJECT DESCRIPTION:** Flag Lot Pilot Project (Rezoning to allow for a Garden Suite to be subdivided and sold separately from the existing house).

**EVENT TYPE:** Public Engagement Session

**MEETING DATE:** May 15, 2018

**NUMBER OF ATTENDEES:** 42

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#### ABOUT THE PILOT PROJECT

The Flag Lot Pilot Project is about exploring the feasibility of creating separate ownership for Garden Suites, independent from the principal house. At present, the Zoning Bylaw dictates that a Garden Suite can only be a rental opportunity for those who build them. This pilot project seeks to rezone three residential lots throughout Edmonton which will then allow the Garden Suite to be subdivided and sold as a separate parcel of land, resulting in a remnant parcel that resembles the shape of a flag.

#### ABOUT THIS REPORT

The information in this report includes feedback gathered during the Tuesday, May 15, 2018 Public Engagement Session for the rezoning of the property located at 10430 - 143 Street NW. This report is shared with all attendees who provided their email and/or home address during the event. This summary will also be shared with the Ward Councillor. If the Pilot Project moves forward, these comments will be summarized in City Planning's report to Council.

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## MEETING FORMAT

The meeting format was an open engagement session where attendees were able to view display boards with project information. Participants were also encouraged to ask questions of City Staff. Participants were invited to share their feedback on a “Graffiti Wall” by offering general feedback as well as by answering the following question:

- What are your thoughts on this Pilot Project?

12 feedback forms were also received and a total of 12 sticky-notes were filled out and placed on the “Graffiti Wall”. The comments & questions we received are summarized by main themes below.

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## FEEDBACK SUMMARY

The most common concerns heard were:

- **Traffic and Transportation:** Increased density will lead to congested roadways in the community. Lack of parking spaces will lead to increase in on street parking. Congestion in back alley service road.
- **Safety:** Pedestrian safety risks due to increase in traffic, tight unilluminated corners, and lack of lighting in the back alley.
- **Infrastructure:** Current infrastructure and services unable to support density increase including road capacity, mail services, and waste and water.
- **Design:** Concern that new developments will cast significant shadows onto adjacent properties. Lack of garage space in proposed design. Concerns regarding new development integration into existing community. Multiple recommendations made on how garden suites should be designed.
- **Process:** Lack of control and/or resident responses had little consideration in the decision making process. Believe the project is developer driven, with no consideration for mature neighborhood character.

The most common comments of support heard were:

- **Socio-economic Benefits:** Flag Lots will have benefits for not only newcomers to the community but also current property owners. It will allow current home owners to capitalize on the extra space on their lots not in use, thus easing existing property costs.
- **Housing Diversity:** The opportunity to add new housing types to the community. This includes more affordable housing stock. Benefit to senior community members and for welcoming new residents to the neighbourhood.
- **Development Opportunities:** Flag Lots will result in increased density and development opportunities for the community in the future.

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## WHAT WE HEARD

### Socio-Economic

- Increase in housing types and affordable housing options
- Beneficial to current seniors and potential homeowners looking for smaller and affordable lots
- Allows current homeowners to capitalize on the unused space on their property
- Supports future opportunities for development, density, and infill in the neighbourhood
- Develop further community diversity through housing typologies and incomes
- Concern over a decrease in surrounding property values

### Traffic and Transportation

- Concerned that a increase in density will lead to congested roadways
- No proposed laneways to accommodate additional traffic
- Lack of parking space will lead to increase in on street parking, thus further causing congestion
- Concerned that the back alley will increase in use and density

### Safety

- Increase in pedestrian safety risks due to:
  - increase in traffic density
  - tight hidden corners in proposed design
  - lack of lighting in back alley area

### Infrastructure

- Current existing infrastructure and services cannot support the proposed density increase
- This includes mailing services, emergency response services, road networks, and waste and water services

### Design

- Concerned that Garden Suites will cast significant shadows on adjacent properties
- Proximity of housing units means increase in light and noise pollution
- Lack of garages, parking spaces, and green space for proposed development
- Consider the styles and finishes (architecturally) of existing structures in the community
- Make sure new Garden Suites are aesthetically appealing and integrate well into the existing community to avoid devaluing surrounding properties

- Preserve front street character
- Set minimum lot size regulations to ensure all homes have allocated green space
- Do not restrict Flag Lot opportunities to only 50 foot wide lots, as there is demand from multiple property owners in the community of various lot sizes
- Add sidewalk access from front street to back lot as to prevent visitors from having to walk down the back alley way

### Process

- Residents feel that they had little voice or considerations in the decision making process
  - Feel this project is developer driven
  - Little consideration for mature neighbourhood character
  - A 60m radius is not a far enough spectrum of who should be considered when discussing this development. This will be of concern to all of the community and should be addressed to the entire neighbourhood
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### QUESTIONS AND ANSWERS

- What is 'Subdivision'?
    - Subdivision is the process whereby a parcel of land is divided into two or more parcels in order to obtain separate legal titles for each parcel.
  - How does one go about subdividing their lot(s)?
    - In order to subdivide a property, the landowner must submit an application for subdivision, or hire a professional planning consultant or an Alberta Land Surveyor to make an application on the landowner's behalf. Applications are submitted to the Subdivision Authority. The Subdivision Authority then reviews the application for compliance with the Zoning Bylaw and technical requirements such as vehicular access and utility servicing.
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If you have questions about this application please contact:

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Planning Coordination  
CITY PLANNING





## APPLICATION SUMMARY

### INFORMATION

Application Type:	Rezoning and Plan Amendment
Bylaw:	Charter Bylaw 18504 and Bylaw 18503
Location:	Southeast corner of 111 Avenue NW and 117 Street NW
Addresses:	11627 - 111 Avenue NW
Legal Descriptions:	Lot 370, Block 16, Plan 2674HW
Site Area:	672.4 m <sup>2</sup>
Neighbourhood:	Queen Mary Park
Ward - Councillor:	6 - Scott McKeen
Notified Community Organization:	Queen Mary Park Community League Prince Rupert Community League
Applicant:	City of Edmonton

### PLANNING FRAMEWORK

Current Zone and Overlay:	(RF1) Single Detached Residential Zone Mature Neighbourhood Overlay
Proposed Zone:	(DC2) Site Specific Development Direct Control Provision
Plan in Effect:	Queen Mary Park Community League
Historic Status:	None

Written By:  
Approved By:  
Branch:  
Section:

Stuart Carlyle  
Tim Ford  
City Planning  
Planning Coordination