

Charter Bylaw 18718

Amendment to Zoning Bylaw 12800 - Garden Suites

Purpose

To refine regulations for garden suites, and facilitate the development of accessible garden suites and stationary tiny homes.

Readings

Charter Bylaw 18718 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree "That Charter Bylaw 18718 be considered for third reading."

Advertising and Signing

This Charter Bylaw has been advertised in the Edmonton Journal on February 8, 2019, and February 16, 2019. The Charter Bylaw can be passed following third reading.

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the October 30, 2018, Urban Planning Committee meeting, the following motion was passed:

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.

Report

Background

Garden suites regulations in Zoning Bylaw 12800 were amended 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 building 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 were not adequate. Through a review of recent applications, data analysis, and public engagement,

Administration has assessed the results of the new regulations over their first year of implementation and proposes that adjustments be made to further support the development of viable, well-designed, and accessible garden suites. These adjustments are found in Attachment 1 - Bylaw 18718.

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. Applications submitted after the amendments went into effect were also analyzed to assess which regulations were not met in initial designs. Results can be found in Attachment 2 - 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 that may have contributed to these trends. Detailed feedback from applicants can be found in Attachment 3 - 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

In addition to data analysis and stakeholder feedback, Administration considered other recent initiatives that relate to garden suite regulations. Action 3 of Infill Roadmap 2018 was to “Investigate opportunities for tiny homes and find multiple ways to accommodate them.” Action 10 of the Roadmap also highlighted the desire to “Incentivize the development of fully accessible and senior friendly laneway homes.” Amendments passed at the August 20, 2018, City Council Public Hearing also removed minimum lot sizes for secondary 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 of the dwelling

- Require flush or barrier-free paths between rooms within the dwelling
- Allow 60 square metres on the second storey of garden suites that meet inclusive design standards and provide accessible units 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 50 square metre 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
 - Increasing the floor area calculation exemption for stairways
 - Apply the floor area exemption for elevators to each storey so elevators are not counted twice in floor area calculations to respond to concerns raised at the October 30, 2018 Urban Planning Committee meeting

Tiny Homes

- Provide opportunities for stationary tiny homes to be permitted as garden suites by removing minimum floor area requirements for garden suites
- Opportunities for mobile tiny homes will be explored through a supplementary report, to be presented to Urban Planning Committee in May 2019

Lot Size

- Remove minimum lot size, aligning with the approach for secondary suites to allow garden suites 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 4 - Summary of Proposed Amendments and Attachment 5 - 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 applying for permits and application forms, a guide to the development process, an overview of the regulations, and a comprehensive How-to Guide. Should this Bylaw be adopted, 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. Additional opportunities for garden suites, along with strengthened design provisions and incentives for accessible units, will support high-quality garden suites that meet a range of housing needs across all neighbourhoods across Edmonton.

Policy

This proposed bylaw supports *The Way We Grow*, Edmonton's Municipal Development Plan:

- 3.5.1.1 Support redevelopment and residential infill that contribute to the livability and adaptability of established neighbourhoods (see Map 1: Land Development Concept) and which are sensitive to existing development.
- 4.2.1.1: Support neighbourhood revitalization, redevelopment and residential infill that contributes to the livability and adaptability of established neighbourhoods.
- 4.2.1.6: Optimize the use of existing infrastructure in established Neighbourhoods.
- 4.4.1 Ensure neighbourhoods have a range of housing choice to meet the needs of all demographics and income groups and create more socially sustainable communities.

Corporate Outcomes

This bylaw contributes to the corporate outcomes “Edmonton is attractive and compact” and “Edmonton is an environmentally sustainable and resilient city” as it will facilitate more efficient use of land and development of new housing units that can meet the needs of households over time.

Public Consultation

Administration circulated a draft of this report and Bylaw on November 26, 2018, to the Edmonton Federation of Community Leagues Planning Committee, each individual Community League, Urban Development Institute - Edmonton Region, Canadian Homebuilders' Association - Edmonton Region, and Infill Development in Edmonton Association. The Inglewood Community League responded in support of the amendments. Both the Inglewood and Calder Community League commented that the information presented was difficult to understand. The Calder Community League also requested a circulation of more than five weeks to provide feedback. Infill Development in Edmonton Association did not support the retention of the 50 square metre limit for units that do not meet inclusive design standards as they feel it compromises the livability of the space, reduces opportunities for family housing, and decreases the financial viability of garden suites.

Attachments

1. Charter Bylaw 18718
2. Data and Analysis
3. Public Engagement
4. Summary of Proposed Amendments
5. Mark-up of Proposed Text Amendment to Zoning Bylaw 12800