

Secondary and Garage Suites

Monitoring for Phase 1 of Bylaw 14750

Recommendation:

That the September 9, 2008, Planning and Development Department report 2008PDP014 be received for information.

Report Summary

This report provides an overview of activity around inquiries, complaints, and development permit applications related to Secondary and Garage Suites before and after the adoption of Bylaw 14750.

Previous Council/Committee Action

At the December 12, 2007, City Council Public Hearing meeting, the following motion was passed:

1. That Administration prepare a report for the September 24, 2008, Executive Committee meeting, on monitoring for Phase 1 of Bylaw 14750.
2. That Administration prepare a report for the November 26, 2008, City Council Public Hearing, on Phase 2 of Bylaw 14750.

Report

Prior to the adoption of Bylaw 14750, the opportunity for Secondary and Garage Suites in most residential land uses zones was restricted by:

- being either a discretionary use opportunity or not a listed use opportunity at all;

- lot area requirements; and
- locational criteria (e.g., the lot being in a specific location).

Bylaw 14750 implemented the first of two phases to broaden the opportunity for Secondary and Garage Suites associated with single detached dwellings throughout the City. The first phase increased the opportunity for suite development in suburban areas and to a lesser extent in mature areas. The second phase will allow for adjustments undertaken in the first phase and will broaden the opportunity for suite development in mature areas more fully.

To achieve the first phase, Bylaw 14750:

- Established Secondary Suites as a Permitted Use and reduced the minimum lot area associated with Secondary Suite development in all residential zones.
- Modified the locational requirements for Secondary Suites (increased the number of eligible sites) within the RF1 and RF2 Zones (and RF3 in the permitted case) which predominate in mature areas.
- Deleted the locational requirements for Secondary Suites, where they currently exist in the remaining residential zones.
- Introduced the opportunity for garage suites on the second storey of detached garages, within most low density residential zones, on a discretionary basis;
- Introduced design, sighting, and privacy criteria for garage suites.
- Included regulations relating to the physical characteristics (e.g., minimum and maximum size) of Secondary and Garage Suites.

Based on the experience of other Canadian cities, Administration anticipated between 10% and 15% of property owners would take advantage of the opportunity to develop a Secondary or Garage Suite created through Bylaw 14750.

To ensure Secondary and Garage suites have a positive effect towards affordable housing, the Administration will establish education and incentive programs to inform property owners about suite opportunities and to encourage the development of new and renovated suites in compliance with the proposed revised zoning, and Building and Fire Code regulations.

When Bylaw 14750 was adopted, approximately 151,000 vacant and occupied single detached residential (relative to zoning) lots existed in Edmonton. Of these lots approximately 130,600 lots met the minimum lot area requirement for suites and were less than 750m² in area. Based on locational requirements approximately 48,300 single detached residential lots were eligible for secondary and garage suite development.

Between December 2007 and August 2008 Administration monitored the number of inquiries and complaints about, and the outcome of applications for, secondary and garage suites.

Between 2000 and 2007 there were a total of 47 applications for secondary suites, of which 19 were approved, 16 were refused and 12 were abandoned.

Development Applications

Between December 2007 and August 2008 there were a total of 63 applications for Secondary and Garage Suites. Of these applications, 47 were Secondary Suite applications and 16 were Garage Suite applications. This is more than all the Secondary Suite applications between 2000 and 2007 combined.

Of the 47 Secondary Suite applications; 25 were approved, five were refused, five were cancelled, and 12 remain in review. The majority of refusals were based on not meeting the approved locational requirements. Additional factors for refusal included:

- deficient yards and site width; and
- neither being a permitted nor a discretionary use.

Of the 16 Garage Suite applications; three were approved, eight were refused, and five remain in review. As with Secondary Suites, the majority of refusals were based on not meeting the approved locational requirements. Additional factors for refusal included:

- excess height, site coverage, floor area, and exceeding two dwelling units; and
- deficient yards, separation distances and window placements.

Subdivision and Development Appeal Board Appeals (SDAB)

Nine Secondary and Garage Suite applications were appealed to the SDAB during the monitoring period; three being for Secondary Suites and six being for Garage Suites. Of the three appeals for Secondary Suites:

- one was approved with the property being deemed a Corner Lot and therefore a permitted use;

- one was refused due to locational requirements; and
 - one was pending hearing.
- Of the six Garage Suite appeals:
- two were withdrawn;
 - two were refused by the SDAB due to locational requirements; and
 - two were pending hearing.

Inquiries

Two hundred twenty-six Secondary and Garage Suite inquiries were made to the Planning and Policy Services (PPSB) and Development Compliance (DCB) Branches during the monitoring period. An additional 949 inquiries were made to the Housing Branch between January 9, 2008, and August 28, 2008.

Of the 226 inquiries to PPSB and DCB, 50% concerned the RF1 zone; 23% for the RF3 zone; 19% for all other zones; and 8% did not specify a zone. Twenty-one percent of the RF1 zone inquiries and 71% of the RF3 zone inquiries, respectively, were considered eligible.

While the Housing Branch received only 57 inquiries between January 9, 2008, and June 12, 2008, the Branch received an additional 892 inquiries following the announcement of the Secondary Suite Grant Program (SSGP) on June 12, 2008.

Of the 949 inquiries to the Housing Branch, 305 inquiries were considered eligible with the adoption of Phase 2.

Complaints

Eighty complaints regarding Secondary and Garage Suite were reported. Twenty-four of them were valid, 40 were invalid, and 16 were inconclusive.

Of the 24 valid complaints, 12 have become compliant by:

- obtaining a development permit;
- dismantling the suite; or
- vacating the suite.

Of the remaining complaints, six are in the compliance process and six are under investigation.

Of the 40 invalid complaints:

- six were data entry errors; and
- 34 were deemed compliant upon investigation:
 - 20 of these were not considered a suite based on not including the following:
 - separate entrance
 - separate bathroom
 - separate cooking facilities
 - separate food preparation area
 - seven were unoccupied;
 - three had valid development permits;
 - three were family dwellings; and
 - one had been previously investigated and proven compliant.

In conclusion, based on the number of inquiries and the large increase in development applications during the monitoring period, the first phase of the Secondary Suite and Garage Suite Bylaw has proven to have been a great success. A substantial portion of the unresolved suite inquiries will be addressed with the proposed phase two amendments scheduled for the November 17, 2008, City Council Public Hearing.

Attachments

1. Secondary and Garage Suite Development Applications – Year 2000 to August 12, 2008

2. Secondary and Garage Suite
Development Application Refusals
and SDAB Decisions – December
12, 2007, to August 12, 2008
3. Secondary and Garage Suite
Inquiries – December 12, 2007, to
August 12, 2008
4. Secondary and Garage Suite
Complaints – December 12, 2007, to
August 12, 2008

Secondary and Garage Suite Development Applications – Year 2000 to August 12, 2008

Secondary Suite Development Applications between the Years 2000 through 2007*

Year of Application	Applied	Approved	Refused by Development Officer	Cancelled or Expired Application
2000	2	0	1	1
2001	2	0	2	0
2002	5	2	2	1
2003	7	2	2	3
2004	3	1	1	1
2005	5	1	3	1
2006	6	1	3	2
2007*	17	12	2	3
	47	19	16	12

*2007 data , up to and including Dec 11, 2007

Secondary and Garage Suite Development Applications between December 12, 2007, and August 12, 2008

Suite Type	Applied	Approved by Development Officer	Refused	Cancelled	In Process
Secondary	47	25	5	5	12
Garage	16	3	8	0	5
	63	28	13	5	17

Secondary and Garage Suite Development Application Refusals and SDAB Decisions – December 12, 2007, to August 12, 2008

Reasons for Development Officer Refusals between December 12, 2007, and August 12, 2008

Type	Reasons for Refusal
Secondary Suite	Deficient Site Width
	Deficient Private Yard
	Location
	Neither Permitted nor Discretionary Use
	Housing Type
	Deficient Parking
	Deficient Side Yard
Garage Suite	Excess Height
	Excess Storeys
	Excess Site Coverage
	Location
	Deficient Side Yard
	Deficient Separation Distance to Principal Dwelling
	Deficient Containment within Rear
	Excess of Two Dwellings
	Excess Floor Area
	Deficient Window Placement

Decisions by Subdivision and Development Appeal Board between December 12, 2007, and August 12, 2008

Type	SDAB Decision	Justification
Secondary Suite	Pending	n/a
	Development Granted	Deemed Corner Lot
	Development Refused	Location – RF1 MNO
Garage Suite	Withdrawn	Revised Plans w/o Suite
	Refused	No Suite Development
	Refused	Location – RF1 MNO
	Withdrawn	n/a
	Pending	n/a
	Pending	n/a

Secondary and Garage Suite Inquiries – December 12, 2007, to August 12, 2008

Inquiries Received by Planning and Policy Services Branch and Development Compliance Branch between December 12, 2007, and August 12, 2008

Secondary Suite Inquiries

Zone	Inquiries	Considered Eligible	Considered Ineligible	Undetermined	
RF1	50%	21%	74%	5%	100%
RF3	21%	81%	17%	3%	100%
All Others	22%	62%	30%	8%	100%
Unstated	7%	8%	33%	58%	100%
100% (171)					

Garage Suite Inquiries

Inquiries	Considered Eligible	Considered Ineligible	Undetermined	
RF1	21%	71%	7%	100%
RF3	47%	53%	0%	100%
All Others	43%	43%	14%	100%
Unstated	20%	20%	60%	100%
100% (55)				

Combined Secondary and Garage Suite Inquiries

Inquiries	Considered Eligible	Considered Ineligible	Undetermined	
RF1	21%	74%	5%	100%
RF3	71%	27%	2%	100%
All Other	59%	32%	9%	100%
Unstated	12%	29%	59%	100%
100% (226)				

Secondary and Garage Suite Complaints – December 12, 2007, to August 12, 2008

Complaints and Follow Up Between December 12, 2007, and August 12, 2008

Complaints	Valid	Invalid	Inconclusive
Compliance Obtained	12		
In Process for Compliance	6		
Under Investigation	6		
Not a Suite		20	
Unoccupied		7	
Valid Development Permit		3	
Family Dwelling		3	
Data Entry Errors		6	
Previously Investigated		1	
Inconclusive			16
	24	40	16