

Regulatory Changes Required to Legalize Secondary Suites in Semi-Detached Housing

(B. Esslinger)

Recommendation:

That the June 21, 2016, Sustainable Development report CR_3538, be received for information.

Report Summary

This report highlights that Secondary Suites in Semi-detached and Duplex Housing could be introduced in Edmonton through amendments to Zoning Bylaw 12800, and that there are no other legislative or regulatory barriers to legalize this form of housing.

Previous Council/Committee Action

At the March 15/16/17, 2016, City Council meeting, Councillor B. Esslinger made the following inquiry:

There are thousands of illegal suite apartments, often in duplexes in the City. Could Administration provide a report on the following:

- What zoning or building code changes would be required to make them legal suites?
- What changes would be required within the jurisdiction of the City of Edmonton, and what changes would be required at both the provincial and federal levels to make them legal suites?

Report

Background

Secondary Suites are currently defined as “development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing” in Zoning Bylaw 12800. As such, secondary suites are not permitted in semi-detached or duplex housing. Despite this restriction, there are instances where secondary suites have been developed in semi-detached housing. Given that it is not a permitted use, these suites are developed without any development or building code review by the City. This creates challenges for Administration in terms of enforcement and ensuring the safety of Edmontonians.

Permitting this housing form would be consistent with existing City policy, improve enforcement outcomes, and would bring Edmonton in line with other Canadian cities.

Provincial and Federal Legislation

There are no barriers to legal development of secondary suites in semi-detached and duplex housing in federal or provincial legislation. Several Canadian municipalities allow secondary suites in semi-detached housing including:

- Regional Municipality of Wood Buffalo, Alberta
- Vancouver, British Columbia
- North Vancouver, British Columbia
- Toronto, Ontario
- Ottawa, Ontario
- Brampton, Ontario
- Kingston Ontario
- Mississauga, Ontario

Alberta Building Code

The Alberta Building Code currently allows for the development of secondary suites in semi-detached and duplex housing. There is a requirement for a firewall separating dwellings with secondary suites only if the building contains three or more principal dwellings. For a semi-detached house, a party wall constructed between the two principal dwellings and secondary suites is sufficient to meet code requirements.

Zoning Bylaw 12800

Amendments to Zoning Bylaw 12800 would be required in order to allow secondary suites in semi-detached and duplex housing, including:

- The definition of a Secondary Suite would need to be amended to allow secondary suites to be located within semi-detached and duplex housing.
- Subsection 86.2(a) which deals with the floor area of secondary suites would need to be amended as it contains a reference to single detached housing but does not include semi-detached or duplex housing.
- Site area requirements for secondary suites in semi-detached or duplex housing would need to be considered. Current regulations in Section 87.1(a) are greater than the minimum site area requirements for duplex housing and subdivided semi-detached housing which could create a barrier to development. Administration found that most of the Canadian municipalities reviewed do not specify a minimum site area for secondary suites in single-detached or semi-detached housing.
- Current parking requirements for secondary suites may make it challenging to develop secondary suites in semi-detached and duplex housing. A reduction in the required parking spaces would require further consultation and analysis, and should involve examination of the parking requirements for secondary suites in single detached housing, and garage and garden suites. Administration is

- currently considering approaches to parking requirements for low density development as set out in Sustainable Development report CR_2982 - Parking Requirements in Residential Areas. Through a review of other Canadian municipalities' parking regulations, Administration found that they typically require one parking space for a secondary suite in addition to one required for a principal dwelling.
- Administration will also need to conduct further consultation and analysis to determine whether this type of development should be allowed city-wide, only within certain zones, in specific pilot neighbourhoods, or if any other locational criteria should be applied.

Conclusion

In order to allow secondary suites in semi-detached and duplex housing, Administration can develop amendments to Zoning Bylaw 12800 and return to a future Urban Planning Committee meeting. The appropriate conditions for this type of development would be determined in consultation with the public and technical reviews. Recommendations would include amendments to Zoning Bylaw 12800 as well as any required changes to compliance processes. The addition of secondary suites in semi-detached and duplex housing would align with Action 10 of Edmonton's Infill Roadmap which encourages the exploration of creative and new forms of infill, and would support Edmonton's Affordable Housing Strategy to increase the supply of affordable housing in all areas of the city.

Policy

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

- 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.
- 4.4.1.1: Provide a broad and varied housing choice, incorporating housing for various demographic and income groups in all neighbourhoods.
- 4.5.1.1: Work proactively and in partnership with others to meet a wide range of affordable housing needs in all areas of the city.

Public Consultation

As part of the work on the March 22, 2016, Sustainable Development report CR_2850, Restriction of Side Entrances for Semi-detached Housing, Administration met with a number of stakeholders and the topic of legalizing Secondary Suites in Semi-detached Housing was discussed.

Members of the Canadian Home Builders' Association – Edmonton Region and Infill Development in Edmonton Association suggested that the most effective way to reduce

the number of unregulated secondary suites in semi-detached houses would be to permit and regulate them.

Participants in these discussions felt that secondary suites are being developed in semi-detached housing primarily as a result of affordability issues. These secondary suites generate revenue that assists with qualifying for a mortgage and allows buyers to live in neighbourhoods that may otherwise be out of reach. Secondary suites also provide an affordable form of rental housing that could benefit Edmontonians in both mature and developing areas.

Members of the Edmonton Federation of Community Leagues raised concerns over the provision of parking, safety of the dwellings, and the ability of Development Compliance to investigate secondary suites in a timely manner. A draft of this report was circulated to stakeholders on April 26, 2016. The Edmonton Federation of Community Leagues Planning Committee expressed opposition to amending Zoning Bylaw 12800 to permit secondary suites in semi-detached housing at this time. Their response stated that the City needs to recognize and address the impacts of increased density and dedicate significantly more resources to inspections, enforcements and licensing of existing secondary suites prior to promoting the development of any additional secondary suites.

Others Reviewing this Report

- R. Smyth, Acting General Manager, Citizen Services
- T. Burge, Chief Financial Officer and General Manager, Financial and Corporate Services
- A. Laughlin, General Manager, Integrated Infrastructure Services
- G. Cebryk, Acting General Manager, City Operations