

Investigation Report – Secondary Suites

1. Introduction

In 2009 February, Council directed Administration to investigate the issues relating to secondary suites in the Hillhurst/Sunnyside area and specifically to consider the following Council motion:

“Direct Administration to investigate and engage with the community on the potential of amending the Hillhurst/Sunnyside ARP and land use designations (where necessary) to allow secondary suites on parcels that are 7.6 metres (25 feet) in width; and to report back to Council no later than 2009 September with the results of the investigation.”

This report investigates the background and the planning considerations associated allowing secondary suites on narrow parcels in Hillhurst/Sunnyside along with the findings from the community engagement. Much of the technical information formed the basis of the information panels displayed at the Information Session.

2. Land Use Bylaw

Before considering the planning issues associated with secondary suites, it is important to first understand the definitions of what a secondary suite comprises, the policy background, and existing land use districts within the Hillhurst/Sunnyside area.

Generally a secondary suite is a legal accessory dwelling unit usually consisting of a bedroom, bathroom, and kitchen developed within, or on the same property as a single family home.

2.1 Land Use Bylaw 1P2007 Secondary Suite Definition

The Land Use Bylaw currently defines a secondary suite as follows:

(a) Means an accessory **Dwelling Unit**:

- (i) That does not exceed 70.0 square metres in **gross floor area**, excluding the area covered by stairways;
- (ii) That is located on the same **parcel** as a **Contextual Single Detached Dwelling** or a **Single Detached Dwelling**; and
- (iii) That will only be approved as one of the following:
 - (A) **“Secondary Suite – Attached Above Grade”** where the **Secondary Suite** is located above the first **storey** of a **Contextual Single Detached Dwelling** or a **Single Detached Dwelling**;

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- (B) “**Secondary Suite – Attached At Grade**” where the **Secondary Suite** is attached to the side or rear of **Contextual Single Detached Dwelling** or a **Single Detached Dwelling**;
 - (C) “**Secondary Suite – Attached Below Grade**” where the **Secondary Suite** is located below the first **storey** of a **Contextual Single Detached Dwelling** or a **Single Detached Dwelling**;
 - (D) “**Secondary Suite – Detached Garage**” where the **Secondary Suite** is located above the first **storey** of a detached **private garage**;
 - (E) “**Secondary Suite – Detached Garden**” where the **Secondary Suite** is detached and located at **grade** to the rear of a **main residential building**.
- (b) Is a **use** within the Residential Group in Schedule A to this Bylaw;
 - (c) Requires a minimum of 1.0 **motor vehicle parking stalls** per **Dwelling Unit**; and
 - (d) Does not require **bicycle parking stalls – class 1** or **class 2**.

Generally, the definition includes basement suites, mother-in-law suite or granny suite and includes a new building in the rear yard of an existing parcel, although it should not be confused with residential accessory buildings e.g., garages etc.

At the time of this report, proposed amendments to the Land Use Bylaw for secondary suites are being recommended for Council’s consideration at the 2010 April 12 Public Hearing of Council.

2.2 Existing Residential Land Use Districts within the Hillhurst/Sunnyside Area

The Hillhurst/Sunnyside area is comprised of Residential – Contextual One/Two Dwelling (R-C2), Multi-Residential – Contextual Grade Oriented (M-CG) and some Multi-Residential Contextual Medium Profile (M-C2) Districts. Within the R-C2 and M-CG land use districts, Secondary Suites are listed as a discretionary use. Secondary suite use is not listed in the M-C2 land use district.

Within the R-C2 and M-CG districts the following rules apply to Secondary Suites:

- The minimum required parcel width is 15 metres,
- The minimum parcel depth is 30 metres; and
- The minimum parcel area is 400 square metres.

These site specific requirements therefore limit secondary suites to larger parcel sizes in the R-C2 and M-CG districts in Hillhurst/Sunnyside. Approximately 22% (350) of the parcels within Hillhurst/Sunnyside already meet the existing minimum parcel size requirements.

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Approximately 38% (600) out of a total of almost 1600 parcels within Hillhurst/Sunnyside are 7.6 metres (25 feet) in width. Lot depths vary from 36.6 metres (120 feet) in the eastern portion of the community to 41.1 metres (135 feet) in the western portion of the community. These lots widths and depths result in parcels that do not meet the minimum parcel area of 400 square metres and limit secondary suites to larger parcel sizes.

In conclusion, the issue of parcel widths cannot be assessed independently of parcel areas.

3. Planning Policy Context – Hillhurst/Sunnyside ARP

The Hillhurst/Sunnyside Area Redevelopment Plan (ARP) is intended to achieve good quality development, which will preserve the character of the area and streetscape, the amenity of existing properties and provide occupants of new development with a high quality environment. It aims to sensitively increase residential development within the area and to accommodate a wide variety of housing types and choices.

While the wider ARP policy is silent on the issue of secondary suites, the ARP amendment (February 2009) for the Transit Oriented Development area acknowledges the need for modest density increases in this area and permits a broader range of small-scale infill residential development opportunities. In relation to the issue of secondary suites, Section 3.1.4 Medium Density Area of the ARP states:

“Increasing the range of housing types allowed supports the provision of affordable housing units – for example secondary suites in the form of laneway housing or legal secondary suite within the primary residential building”.

Furthermore, Section 3.1.4 acknowledges:

“That secondary suites are an effective technique for improving housing affordability in low and medium-density residential areas”.

Section 3.1.4 also states the following:

*“Policy 3
The Development Authority should consider relaxations to the Land Use Bylaw in order to accommodate a secondary suite on a parcel of land.”*

4. Planning Considerations Associated with Secondary Suite Development on 7.6 metre Wide Parcels

The current secondary suite definition covers a number of development types/building definitions, each of which has different planning implications and effects but has the same governing rules e.g., parcel width, depth and size. For example, a basement suite, which is included in the secondary suite definition, has the same parcel rules as a

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new detached garage suite even though each type of suite has very different planning considerations.

Given the current broad definition of secondary suites, it is important to consider the planning issues associated with the different types of secondary suites, both attached and detached, to the primary dwelling unit.

4.1 Issues Associated with Secondary Suite Development on 7.6 metre Wide Parcels in the Hillhurst/Sunnyside Area

As part of this investigation, it was important to understand whether it was physically possible to design a secondary suite on a narrow parcel. Preliminary internal design exercises have demonstrated that it is physically possible to accommodate a detached garden suite or a garage suite on a 7.6 metre wide parcel. There are also no physical constraints with accommodating an attached secondary suite such as a basement suite on narrow lots.

Issues in relation to the Hillhurst/Sunnyside area, which have been investigated, are as follows:

Density

Much of the Hillhurst/Sunnyside area is zoned as M-CG with a 72 dwellings per hectare density modifier. At present, most of the parcels within this district are developed well below this density level. There are a number of streets where single detached dwellings are the prominent dwelling type. On many streets, single detached dwellings are adjacent to or 'sandwiched' between multi-residential buildings. In these circumstances, redevelopment to multi-residential is unlikely to take place and the privacy and amenity of adjacent parcels would not be compromised by the building of a new detached secondary suite.

Parking

Parking requirements for secondary suites are a challenge particularly for those on narrow lots. Generally, in the R-C2 and M-CG districts secondary suite development would require a minimum of 1.0 motor vehicle parking stall per dwelling unit along with a parking stall for the existing dwelling, which must be accommodated within the parcel

However, the minimum number of motor vehicle parking stalls for each Duplex Dwelling, Semi-detached Dwelling or Single Detached Dwelling in the R-C2 district is 2.0 stalls where:

- The parcel width is less than 9.0 metres and the parcel is part of a plan of subdivision approved after September 7, 1982; or
- The area of the parcel is less than 270.0 square metres and the parcel is part of a plan of subdivision approved after September 7, 1982.

In addition, one motor vehicle parking stall is required for each secondary suite.

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In Hillhurst/Sunnyside, the area is subject to a residents parking permit system whereby residents can apply for an on-street parking permit along with two visitor passes.

Further work in relation to parking issues associated with the different forms of secondary suite development should be undertaken to better understand both the requirements of the Land Use Bylaw and how the residents parking permit system is currently working. This should include looking at parking strategies for both the TOD area and the wider ARP area.

Flood Risk

The Hillhurst/Sunnyside ARP states the following with respect to flood risk issues:

2.3.5 The provisions of the Land Use By-law with respect to Floodway and Floodplain Special Regulations are to be adhered to for any new development in the areas shown on Map 2.

Further work should be undertaken to ascertain the full implications of developing secondary suites in the flood fringe.

5. Community Engagement

On 2010 28 January, The City of Calgary hosted an information session to provide the public with the opportunity for input into the issue of secondary suites. The City presented a number of display panels setting out the existing rules for secondary suite in the Hillhurst/Sunnyside land use districts, the different types and form of secondary suite development and the benefits and potential planning considerations generally associated with their development. Given that no ARP amendments are being proposed at this time, no formal consultation process was undertaken; however, Administration invited views from the community on the 'pros and cons' relating to secondary suite development on narrow parcels in Hillhurst/Sunnyside.

The City received input at the event in the form of comments recorded on flipcharts during the information session. Members of the public visiting the engagement session were encouraged to record their comments and views on the issue as well as what they read on the display panels. In addition, feedback from the event was received in the form of emails, letters and questionnaires received at the information session and online.

Respondents, who generally had concerns with secondary suites, identified a number of issues including parking, lack of privacy from above garage suites, overcrowding and shadowing. Other issues raised included responses such as "more transients" in the neighbourhood, size of lot too small, loss of green space and increase in traffic as well as aesthetics/community character preservation and increased vandalism and absentee landlords resulting in poor property maintenance. Generally people had more concerns with laneway housing secondary suites rather than attached secondary suites such as basement suites and raised issues which were not necessarily associated with secondary suite development on narrow parcels of 7.6.m.

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A number of respondents suggested that certain conditions should be in place such as restricting parking, height and size of the proposed suite and protecting sightlines and privacy.

Those respondents who were generally in favour of secondary suites identified the benefits such as increasing density, increasing affordable housing, increasing diverse housing types, and encouraging suites within existing structures.

The City also received numerous emails outlining support for secondary suites from members of the public. Comments identified flexibility in homeownership, improved conditions of illegal secondary suites, more affordable housing options, better availability of housing options, more vibrancy and sustainability of services such as shops and schools as possible outcomes if secondary suites were allowed on 7.6 metre parcels in Hillhurst/Sunnyside. Several emails were also received outlining concerns such as loss of privacy, increased density, offering living space for transient population, and the lack of advertising for the open house event.

6. Conclusion

Currently, all types of secondary suites have the same definition, regardless of whether they are built in the basement of an existing dwelling or as a new suite in the garden or above the garage. Each type of secondary suite has very different planning issues, with suites within the primary dwelling generally having fewer planning issues. Garden and detached above garage suites on both narrow and wider lots have the potential to result in the loss of residential amenity, privacy, and create visual intrusion for neighboring residents. However, with careful planning and design, and the development of location and site specific design principles, secondary suites may be an acceptable and sustainable form of development and provide an alternative type of housing accommodation in the Hillhurst/Sunnyside area.

Finally, parcel width is not necessarily the determining factor; parcel depth, size, site context and circumstances are also issues which need to be considered.