



November 17, 2008

Dear Mr. Mayor and City Councillors

The Edmonton Federation of Community Leagues (EFCL) has no choice but to oppose Bylaw 15036. This is especially difficult for our organization when you consider that community leagues were years ahead of the City in calling for expanded opportunities to develop secondary suites in residential neighbourhoods in Edmonton. EFCL cannot, however, support the proposed amendment to the Zoning Bylaw in its current form.

This position is endorsed by the Board of Directors of the EFCL and has substantial support from community leagues as indicated in the attached report.

We ask you to seriously consider the attached actions which we offer in order to help you and the Administration build a better set of regulations that will strengthen Edmonton's communities while at the same time providing new and increased housing choices for those facing financial obstacles.

Secondary Suites in Single Family Houses

Secondary suites provide many benefits to the City and to residential neighbourhoods. This is why the EFCL supports their development. Secondary suites increase density in residential neighbourhoods, which is consistent with Council direction, without changing the single family housing form and ideally without affecting community character. Secondary suites increase the stock of affordable housing available in Edmonton, which we recognize is very important and beneficial.

We accept that the changes enacted in the first stage of the Administration's project are in place and this Bylaw does not open the door to altering them. We are even more concerned now that the second stage repeats the excesses of the first stage without a thorough consideration of long term implications.

Strong communities want a say in their destiny. For this reason the EFCL supports amending the proposal so that new secondary suites are a discretionary rather than permitted use. This allows affected neighbours and the community league to be aware of both the cumulative and site-specific impacts and to provide input into the decision and, *if ever necessary*, to address potential conflicts up front. It also enables the City's Development Officers (DO) to consider neighbours' and broader community impacts and other factors when making a decision to grant a development permit for a suite. Finally, it also gives City Council the power to fine-tune the rules for suites to address any isolated neighbourhood problem like an over-concentration or excessive demands on local amenity or infrastructure, should the need arise.

Conversely, if suites are a permitted use as proposed, there is increased potential for neighbour to neighbour conflicts because there is no process for identifying and resolving concerns. Such conflicts then come to the attention of the community league, which does not have the authority or resources to

take on a role of mediator, and the Development Officer has no discretion to impose conditions to correct or reduce any valid problems – he or she must approve the development permit as submitted and cannot notify parties affected by the decision.

Families and households thrive in relatively low density residential neighbourhoods. In contemplating the more widespread development of secondary in Edmonton, we ask Council to limit the density increase to no greater than medium density row housing, which is 42 units per hectare. Currently the proposal allows for a density increase equivalent to that of four-storey stacked row housing, or 55 units per hectare. That density will create major uncertainty on virtually ever neighbourhood block and discourage stable family-oriented areas. The density for garden and garage suites is already set at a more reasonable level and the on-site and off-site impacts are identical to that of secondary suites. Why then is there such a radical difference?

Placing a limit on the density increase can occur in different ways: by requiring additional site area over the legal minimum (as already exists for garage and garden suites), or by not allowing secondary suites to be developed on narrow lots. These concerns point once again to the importance of “discretionary” use status -- there is a need to ensure redevelopment is sensitive to its environment, compatible with its surroundings, and contributes positively to building strong and diverse communities.

Edmonton’s strong residential communities are one of the City’s major assets. Strong communities are characterized by high levels of property ownership, their appeal to families, and “good neighbour” practices. For these reasons the EFCL supports amending the proposal to require owner occupancy of a house that has a secondary, garage or garden suite.

Owner occupancy helps ensure communities remain strong even as more suites, which are by definition rental housing, are developed. Owner occupancy increases affordable housing options by providing a revenue stream for young families who otherwise may not be able to afford home ownership and for seniors who otherwise may not be able to stay in the house they have owned for decades as well as providing affordable housing for those who rent the suites. Owner occupancy provides for greater assurance that properties will be well maintained, and creates opportunities for neighbours to discuss and resolve issues with each other without the need for intervention by external authorities or organizations.

Conversely, allowing entire single family home properties to be converted to two revenue properties instead of just one weakens communities by discouraging home ownership and discouraging families. Property maintenance issues also are more difficult to manage and correct in exclusive revenue properties.

We have heard there is concern that the MGA may not permit the City to require owner occupancy of a dwelling that contains a secondary, garage or garden suite. EFCL does not agree that this is the case; Strathcona County recently enacted a secondary suite bylaw that requires owner occupancy of a dwelling with a secondary suite. Many municipalities in British Columbia require owner occupancy, and BC’s legislation is similar to Alberta’s. If it is a concern with Council, then we suggest the City approach the province to amend the MGA if that should be necessary.

The above points have been well circulated among community leagues for more than a year and are confirmed by the results of our most recent feedback survey. We are comfortable that they reflect community league views and are provided as constructive advice.

Above-Grade Garage Suites

Above grade garage suites can be 20' in height and have great potential to reduce sunlight and privacy onto neighbouring yards, especially in older neighbourhoods where garages were built at the time they had to be at least 14' from the lane. To reduce these potential impacts, which the Mature Neighbourhood Overlay was designed to prevent, we recommend that above grade suites only be allowed where the garage is close to, i.e. no more than 6', from the lane and to have a maximum height of 18'.

In the proposal, above-grade garage suites can be developed in certain locations only when the principal dwelling on the property has two storeys. However, a homeowner could get a development permit to add a storey to a bungalow and to develop an above-grade garage suite, then build only the above-grade garage suite. This would contravene the intent of the bylaw. We suggest that a two-storey house must be in place before a permit for an above-grade garage suite is granted.

Garden and Garage Suites

This proposal wisely provides for only one suite per property. However, this is easier said than done. Not only is enforcement an issue (increased development permit enforcement is unfunded in the 2009 budget proposal), but many properties in Edmonton already have illegal basement suites. The City is powerless to prevent the owner from obtaining a permit to develop a garage or garden suite when there already is a pre-existing secondary suite within the principal dwelling. For this reason, we suggest the City step up efforts to legitimize existing suites before (or at least in addition to) expanding opportunities to develop suites.

Garden suites will remove more green space than above-grade suites. We believe that is a negative impact and ask the City Council to reconsider it.

Parking

The requirement to add an additional on-site parking space when a secondary suite is developed potentially removes green space and amenity space. This will be particularly problematic on 33 foot lots, which will now be able to have secondary suites. We suggest, instead, that if secondary suites are to be allowed on 33' lots (although as noted above we are concerned about density when these are allowed on lots narrower than 50 feet) they be limited to those lots that are within 400 meters of a high frequency (15 minutes at peak times) transit route and not be required to have an additional onsite parking space.

Tandem parking is proposed as a way of accommodating additional parking for occupants of secondary, garden and garage suites. Tandem parking can be a problem not only for the residents of the property in question but for neighbours as well, and can further reduce green space. The need to shuffle parked cars between two separate households is an obvious oversight by the Administration. Car owners will respond by parking on streets (a known issue in suburban as well as some inner city areas) or by parking on lawns (which is legal in Edmonton).

Consultation

We want to close with a comment on the City's consultation process for Phase 2 of the proposal to expand the opportunity to develop secondary, garage and garden suites. The proposal was briefly discussed by a group of independent citizens in the Smart Choices consultations, along with all the other Smart Choices proposals, in June. EFCL and only four other community league leaders were invited to a stakeholder meeting in August on short notice, and a meeting with those same four community league reps was organized by EFCL later in mid-August. The only outreach to the general public was two public open houses held in July and another was held at the end of September.

While this might seem like plenty of opportunity for community input, it was woefully inadequate primarily because the Administration limited them to presentations of their own positions and were opposed to discussing any options or alternatives. There was no attempt to compile or consider community input in the development of the proposals, although we understand there was considerable input from affordable housing agencies and rental property developers.

It is unfortunate that City staff were not more willing to involve and listen to community leagues in developing these proposals. This has resulted in a proposal that we cannot support while we support in principle the expansion of opportunities to develop secondary suites in Edmonton. Since 2003 we have supported the development of secondary suites in single family houses under the following reasonable conditions: that they be owner occupied, discretionary, and not increase density beyond that allowed in RF5 zones.

We ask that Council consider these improvements to the proposed zoning bylaw amendments. This will result in a better bylaw as well as increase the likelihood that the development of secondary, garden and garage suites will be embraced rather than resisted by communities throughout the city.

Sincerely,

Allan Bolstad,
Executive Director

Attachment

Recommendations

That the bylaw be given first reading and returned to Administration to bring forward amendments reflecting owner occupancy as a requirement for stage 2 secondary, garage and garden suites;

That the stage 2 secondary suite Use be discretionary rather than permitted;

That Administration consult with EFCL and bring back amendments to reduce the overall density for secondary suites to lower density levels;

That Administration consult with EFCL and bring back amendments to address on-site parking requirements and flexibility based on transit service levels;

That Administration consult with EFCL and bring back recommendations for additional requirements to protect adjoining sites from negative impacts of buildings in rear yards greater than 1 storey blocking sunlight or compromising privacy, and to require assurance there is no pre-existing secondary suite prior to issuing a development permit for a garage or garden suite.

Attachment

COMMUNITY LEAGUE FEEDBACK – SECONDARY, GARAGE & GARDEN SUITES PROPOSAL BY EDMONTON PLANNING & DEVELOPMENT DEPT - NOV. 17, 2008

EFCL sent an invitation to over 200 community league presidents and civics/planning directors to provide feedback on the City's proposal to expand opportunities for secondary suites, to allow for two permanent homes per single family lot, and to reduce the rights of people affected by them to be informed and to have a way to address concerns. The following seven (7) conclusions were observed.

1. Respondents to the survey are sufficiently aware of the proposal to be able to provide **knowledgeable opinions.**

- **92%** reported they were already well aware and somewhat aware of the proposals.

2. Respondents support the need for mid-block secondary suites to be **“discretionary”** because:

- a) the Development Officer needs the power to impose mitigating conditions if he/she finds there may be a problem with the way the suite is to be designed or the house is to be modified;
 - **84%** support this; 16% do not.
- b) addition of a suite to a house next to a neighbour should not be kept secret and they should have a way to discuss and resolve any concerns and problems that can affect their own property.
 - **77%** support this; 23% do not.
- c) City Council needs to have the power to fine tune where and how secondary suites are allowed in a particular neighbourhood if they start to become over concentrated or start to have unintended consequences that undermine community stability.
 - **69%** support this; 15% do not; 15% did not know or had no opinion.

and those things cannot be done if the use is “permitted.”

3. There is some but generally divided opinion on the idea of pre-application consultation before a house is modified for a suite.

- **54%** support this; 46% do not .

4. Respondents support the idea that the owner should also live on the property where there is a secondary, garage or garden suite.

- **70%** support this; 30% do not .

5. Respondents agree secondary suites should not be at such **high densities** as are proposed (55u/ha vs 42u/ha for row houses).

- **92%** support this; 8% do not .

6. Respondents agree 2 storey garage suites need to have some safeguards to ensure they do not **block sunlight** from a neighbouring back yard or compromise a **neighbour's privacy**.

- **77%** support this; 16% do not; 8% did not know or had no opinion.

7. Respondents agree residents of suites need to have their **own accessible parking** space that is **not tandem parking**.

- **77%** support this; 16% do not; 8% did not know or had no opinion.

Survey designed, analysed and reported by Brian J Kropf, ACP MCIP, Nov 17, 2008