

September 24, 2018

To: His Worship the Mayor
And Members of City Council

Re: Regina Planning Commission: Discretionary Use Application (17-DU-25) – Residential
Homestay at 3300 Albert Street

RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– SEPTEMBER 5, 2018**

That the discretionary use application for a proposed Residential Homestay located at 3300 Albert Street, being Lot 33, Block 694, Plan No. 10117829, in the Lakeview Subdivision be approved, and that a Development Permit be issued subject to the following conditions:

- a) The development shall generally be consistent with the plans attached to this report as Appendix A-3.1, prepared by Midwest Surveys Inc. and dated January 9, 2018.
- b) That one on-site parking space be provided inside the attached garage accessed from 22nd Avenue and that two on-site hard surfaced parking spaces be provided at the rear of the property accessed from the lane.
- c) That a maximum of three guest rooms be available for short term accommodation at any one time.
- d) The guest rooms shall not contain cooking facilities and that all cooking facilities are exclusively in the kitchen area.
- e) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.

REGINA PLANNING COMMISSION – SEPTEMBER 5, 2018

The following addressed the Commission:

- Tracy Fahlman, representing the Regina Hotel Association; and
- Dr. Jamsheed Desai.

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #2 does not require City Council approval.

Councillors: Bob Hawkins, Mike O'Donnell (Chairperson) and Barbara Young; Commissioners: David Bale, Frank Bojkovsky, Simon Kostic, Andre Kroeger, Robert Porter, Steve Tunison and Celeste York were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on September 5, 2018, considered the following report from the Administration:

RECOMMENDATION

1. That the discretionary use application for a proposed Residential Homestay located at 3300 Albert Street, being Lot 33, Block 694, Plan No. 10117829, in the Lakeview Subdivision be approved, and that a Development Permit be issued subject to the following conditions:
 - a) The development shall generally be consistent with the plans attached to this report as Appendix A-3.1, prepared by Midwest Surveys Inc. and dated January 9, 2018.
 - b) That one on-site parking space be provided inside the attached garage accessed from 22nd Avenue and that two on-site hard surfaced parking spaces be provided at the rear of the property accessed from the lane.
 - c) That a maximum of three guest rooms be available for short term accommodation at any one time.
 - d) The guest rooms shall not contain cooking facilities and that all cooking facilities are exclusively in the kitchen area.
 - e) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
2. That this report be forwarded to the September 24, 2018 meeting of City Council for approval.

CONCLUSION

The applicant and landowner, Dr. Jamsheed Desai, proposes to develop a Residential Homestay within the existing residential dwelling located at 3300 Albert Street in the Lakeview Subdivision. The property is within the R1 – Residential Detached Zone in which a Residential Homestay is a discretionary use.

The proposal complies with the development standards and regulations contained in the *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) and is consistent with the policies in *Design Regina*:

The Official Community Plan Bylaw No. 2013-48 (OCP). Accordingly, Administration recommends approval.

BACKGROUND

An application has been received to use an existing residential dwelling as a Residential Homestay, which is defined as a dwelling unit where short-term accommodation (less than 30 days) is provided without meals. The subject property is in the R1 – Residential Detached Zone and is located at 3300 Albert Street in the Lakeview Subdivision.

This application is being considered pursuant to the Zoning Bylaw, the OCP and *The Planning and Development Act, 2007* (Act).

Pursuant to subsection 56(3) of the Act, City Council may establish conditions for discretionary uses based on: nature of the proposal (e.g. site, size, shape and arrangement of buildings) and aspects of site design (e.g. landscaping, site access, parking and loading), but not including the colour, texture or type of materials and architectural details.

Land Use

In 2013, through Bylaw 2013-74 (CR13-144), City Council approved amendments to the Zoning Bylaw that removed the “Rooming House” land use classification and introduced both “Short-term Accommodation” and “Residential Homestay” and associated development standards. These amendments were a result of feedback during the review of the Comprehensive Housing Strategy.

Through the 2013 Zoning Bylaw amendments the City sought to find a balance between the rights of individuals to reside where they choose and the concerns of neighbouring property owners regarding the impact multiple tenant dwellings have on their property and the neighbourhood as a whole. As a result a Residential Homestay was introduced as a discretionary use in all residential neighbourhood to ensure neighbouring property owners have the chance to assess impacts and provide feedback on specific development permit applications.

Residential Homestay is defined as “a dwelling unit where short-term accommodation is provided without meals”. Short-term is defined as “the provision of sleeping and bathing quarters for less than 30 days, and where a daily or weekly rate is charged”. The land use is separate from a Bed and Breakfast Homestay as the resident does not have to be present at the time of the short term rental and no services need to be provided to the guests (ie. breakfast). The land use is also separate from a hotel, motel and emergency shelter.

The purpose of zoning is to separate incompatible land uses and attempt to mitigate the impacts of individual land uses on neighbouring properties. It is not a mechanism to regulate the behaviour or relationships of individual tenants or composition of households. Discretionary Use applications applied for under the Zoning Bylaw for Residential Homestays are assessed for land use impacts only. Homes providing long-term rental are considered to be functioning as

residences and are permitted to operate without City approval. The only difference between long term rental homes and a Residential Homestay is the length of time rooms or homes are rented.

Fire and Building Code

Inspection by the Fire Department will be included as part of any approval process. Specifically, there are requirements for hard wired smoke alarms and windows may need to be upgraded to ensure the requirements of the National Building Code are met. The use may also be subject to inspection by other branches if and when deemed necessary.

Role of the Province

The Government of Saskatchewan does not require registration or licensing of single-detached rental properties. The only provincial jurisdiction around the rental of dwellings applies to out-of-province landlords who must provide the name of someone with power of attorney (e.g., a family member) who may act on behalf of the landlord and be available to tenants should issues arise. Should concerns arise from tenants, they can file formal complaints with the Provincial Rentalsman who is the authority in matters of tenant-landlord disputes.

DISCUSSION

The applicant and landowner, Dr. Jamsheed Desai, proposes to develop a Residential Homestay within the existing residential dwelling located at 3300 Albert Street in the Lakeview Subdivision. The property is within the R1 – Residential Detached Zone in which a Residential Homestay is a discretionary use.

As identified in Appendix A-2 of this report, the subject property is a corner lot bordered on the north by 22nd Avenue and on the east by Albert Street. Development to the north, west and south consists of other single detached dwellings in the R1 – Residential Detached Zone and development east of Albert Street includes the MacKenzie Art Gallery and provincial government offices located on lands within Wascana Centre.

The land use impacts of the proposed development were assessed and were deemed to be consistent with the purpose and intent of the Residential Homestay land use regulations in the Zoning Bylaw with respect to:

Zoning Bylaw Regulation	3300 Albert Street Application
External Appearance: No alteration shall be made to the external appearance of any principal or accessory structures or of the building site which change the character of the dwelling unit.	External Appearance: No alterations are being made to the building and no changes to the building site will change the character of the dwelling unit.
Guest Room Number: No more than four bedrooms shall be used to provide short-term accommodation.	Guest Room Number: The applicant is only proposing three guest rooms.

Guest Room Location: Guest rooms shall be located within the dwelling unit.	Guest Room Location: All three guest rooms are located within the dwelling unit.
Guest Room Size: Guest rooms shall be a minimum of 10 square metres in gross floor area.	Guest Room Size: All three guest rooms are a minimum of 10 square metres in gross floor area.
Cooking Facilities: Guest rooms shall not contain cooking facilities.	Cooking Facilities: There are no cooking facilities in the guest rooms.
Signs: (1) A residential homestay may have one sign, not to exceed one square metre in surface area, displaying the name of the residential homestay, the name of the operator, the street address or any combination thereof. (2) The sign shall not be erected or displayed closer than 6 metres from the street property line.	Signs: No signage is proposed.
Parking: 0.5 parking stalls per guest room in addition to the one parking stall required for the dwelling unit.	Parking: As per the regulations, because there are three guest rooms, two stalls are required for the Residential Homestay and one stall is required for the dwelling unit for a total of three required onsite parking stalls.

RECOMMENDATION IMPLICATIONS

Financial Implications

The subject area currently receives a full range of municipal services, including water, sewer and storm drainage. Although not expected, the applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

Should the application be approved the property may be subject to commercial assessment as determined by the City Assessor which would generate additional tax revenue for the City.

Environmental Implications

None with respect to this report.

Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

Section D5: Land Use and Built Environment

Goal 1 – Complete neighbourhoods: Enable the development of complete neighbourhoods

- 7.1.5 A diversity of housing types to support residents from a wide range of economic levels, backgrounds and stages of life, including those with specific needs.

Section D6: Housing

Goal 1 – Housing Supply and Affordability: Increase the housing supply and improve housing affordability

- 8.1 Support attainable housing in all neighbourhoods through ownership, rental housing and specific needs housing.

The proposed Residential Homestay will contribute to the diversity in the housing types available in the Lakeview Subdivision.

Other Implications

None with respect to this report.

Accessibility Implications

There are no requirements for barrier free access or accessible parking as a Residential Homestay is subject to the same accessible regulations as a detached dwelling unit.

COMMUNICATIONS

Communication with the public is summarized below:

Public notification signage posted on:	February 6, 2018
Letter sent to immediate property owners	January 24, 2018
Number of Public Comments Sheets Received	12

At the time of report submission, there were 12 public comments received on this application. A more detailed accounting those comments and Administration's response is provided in Appendix B.

Following circulation, Administration attempted follow up contact with the Community Association but did not receive a response prior to the deadline for submission of this report.

The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision.

DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION

Elaine Gohlke

Elaine Gohlke, Secretary