

LAND USE AMENDMENT
KINGSLAND (WARD 11)
5 STREET SW AND 71 AVENUE SW
BYLAW 239D2017

MAP 28S

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel from a Residential – Contextual One Dwelling (R-C1) District to a Residential – Contextual One Dwelling (R-C1s) District to allow for either a Secondary Suite or a Backyard Suite as an additional use. The site contains an existing single detached dwelling, to Administration's knowledge there is not an existing suite located on the parcel and the application was not submitted as a result of a complaint.

PREVIOUS COUNCIL DIRECTION

On 2013 September 16, Council directed Administration to remove fees associated with land use amendment and development permit applications for secondary suites to encourage the development of legal and safe secondary suites throughout the city.

ADMINISTRATION RECOMMENDATION(S)

2017 June 01

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 239D2017; and

1. **ADOPT** the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 715 – 71 Avenue SW (Plan 3215HG, Block 3, Lot 9) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 239D2017.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s district, which allows for one of two forms of secondary suite uses (Secondary Suite or Backyard Suite), is compatible with and complementary to the established character of the community. The proposal conforms to relevant policies of the Municipal Development Plan and will allow for development that has the ability to meet the intent of Land Use Bylaw 1P2007.

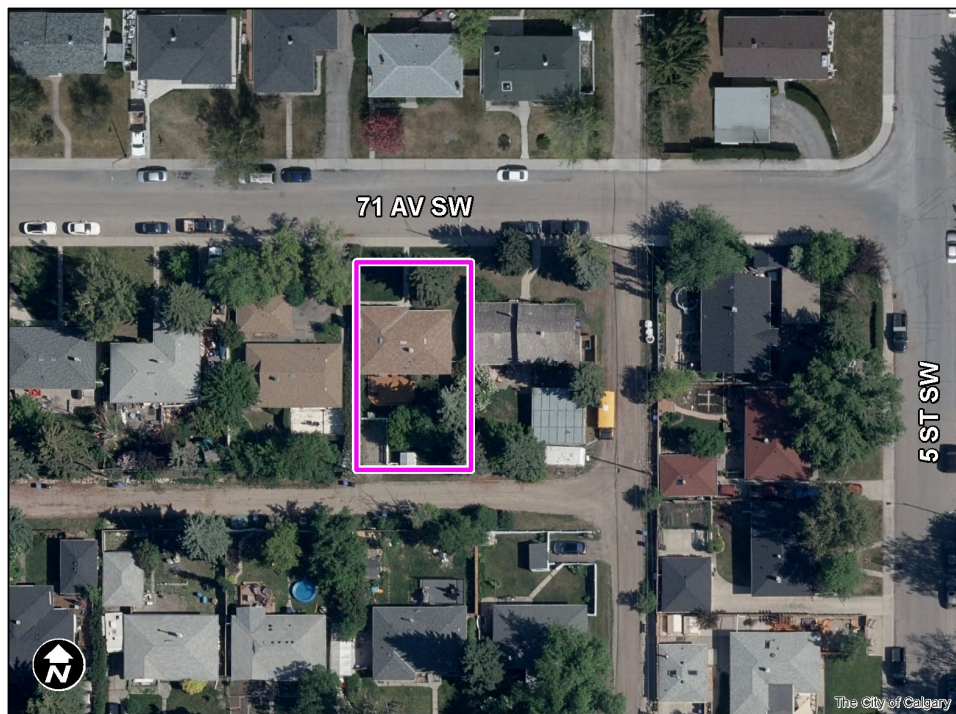
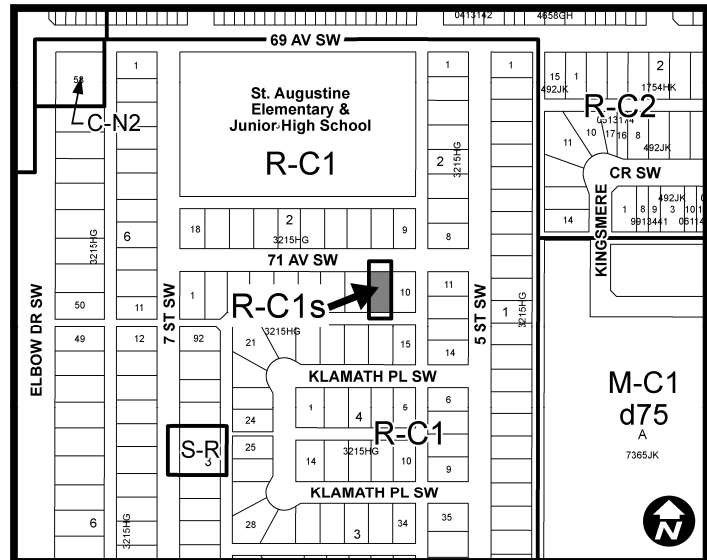
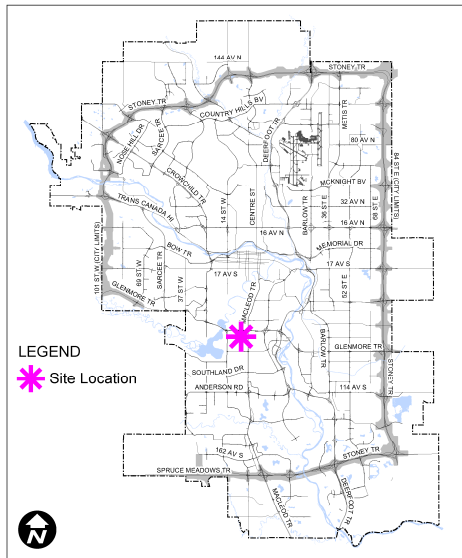
ATTACHMENT

1. Proposed Bylaw 239D2017

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 715 – 71 Avenue SW (Plan 3215HG, Block 3, Lot 9) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Foht

Carried: 5 – 0

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Applicant:

Tarek Safadi

Landowner:

Tarek Safadi

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Kingsland the site is approximately 16 metres by 30 metres in size and is developed with a single storey single detached dwelling. A garage is not located within the property, although a single vehicle parking pad that is accessed from the rear lane is present. Single detached dwellings exist to the north, east, south, and west of the site.

According to data from The City of Calgary 2016 Census, the following table identifies Kingsland's peak population and year, current 2016 population and the population amount and percentage difference between the peak and current populations.

Kingsland	
Peak Population Year	1971
Peak Population	5341
2016 Current Population	4699
Difference in Population (Number)	-642
Difference in Population (Percent)	-12%

LAND USE DISTRICTS

The proposed R-C1s district allows for an additional dwelling unit (either a permitted use Secondary Suite or a discretionary use Backyard Suite) on parcels that contain a single detached dwelling.

Approval of this land use application allows for an additional dwelling unit (either a Secondary Suite or Backyard Suite) to be considered via the development permit process. A development permit is not required if a Secondary Suite conforms to all Land Use Bylaw 1P2007 rules – only a building permit would be required.

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LEGISLATION & POLICY

South Saskatchewan Regional Plan (2014)

The site is located within the “City, Town” area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan* (SSRP). The SSRP makes no specific reference to this site. The land use proposal is consistent with the SSRP policies including the Land Use Patterns policies (subsection 8.14).

Municipal Development Plan (2009)

The site is located within a “Residential Developed – Established Area” on the Urban Structure Map (Map 1) in the *Municipal Development Plan* (MDP). While the MDP makes no specific reference to this site. This land use proposal is consistent with MDP policies including the Developed Residential Areas policies (subsection 3.5.1), the Neighbourhood Infill and Redevelopment policies (subsection 2.2.5) and the Housing Diversity and Choice policies (subsection 2.3.1).

Kingsland Community Plan (2011)

Although there is no local area plan in Kingsland, the Kingsland Community Association completed the Kingsland Community Plan in 2009 and amended in 2011. This non-statutory, community initiated document outlines the residents’ vision for the community.

“The vision of the residents for Kingsland is a community with a mix of housing types that will attract a variety of lifestyles (i.e. single detached dwellings, duplex dwellings, townhouses, secondary suites, and mid-high density buildings).”

In addition, Section 4.1.2.1 Secondary Suites states that, *“The Kingsland Community Association will review applications for secondary suites that meet City of Calgary requirements (i.e. parking, fire regulations, etc.). Our community is comprised of residents across the lifestyle and age spectrum. Secondary suites can financially support our residents, allowing residents to remain in Kingsland.”*

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from 71 Avenue SW and the rear lane. The area is served by Calgary Transit bus service with a bus stop location within approximately 500 metre walking distance of the site on Elbow Drive SW. On-street parking adjacent to the site is unregulated through the Calgary Parking Authority’s residential parking permit system.

UTILITIES & SERVICING

Water, sanitary, and sewer services are available and can accommodate the potential addition of a Secondary Suite without the need for off-site improvements at this time. Adjustments to on-site servicing may be required if a Backyard Suite is proposed at the development permit stage.

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ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

GROWTH MANAGEMENT

This land use amendment proposal does not require additional capital infrastructure investment, and therefore no growth management concerns have been identified at this time. The proposal is in alignment with MDP references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments

Administration received a letter in opposition to the application from the Kingsland Community Association (APPENDIX II).

Reasons stated for opposition are summarized as follows:

- Application is for a secondary suite in a R-C1 area with no current secondary suites;
- Not in alignment with vision of community with focusing density and growth in specific areas;
- Applicant did not consult with the Kingsland Community Association, prior to submitting application; and
- Random secondary suite applications do not achieve growth vision of community and creates tensions between neighbours.

Citizen Comments

Administration received three (3) letters in opposition to the application.

Reasons stated for opposition are summarized as follows:

- Parking constraints;
- Increased traffic flow; and
- Decline in property values.

Public Meetings

No public meetings were held by the Applicant or Administration.

APPENDIX I

APPLICANT'S SUBMISSION

I am submitting this request to apply to have the zoning in my home changed from RC-1 to R-C1s.

I live in a community which is very close to many schools, parks, and pathways; it is also in very close proximity to restaurants and shopping centres such as Chinook and South Centre. The city bus as well as Chinook & Heritage LRT stations are all within walking distance from my home, and now would be an optimum time for re-zoning. I am planning an extensive renovation to both the upstairs and downstairs of this bungalow, allowing me to build it to the city of Calgary's highest standards and regulations for secondary suite, making it as safe as possible for anyone living in the basement.

My plan is to fully renovate and live in this home (owner occupied) but I would like the flexibility of being able to rent my basement with a full suite, and since I plan to renovate the entire basement I would like to make it conforming legal suite, so that if I sell my home in the future and the basement is used for rental, it is done so safely as it will be finished to the highest of standards and codes.

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APPENDIX II

LETTERS SUBMITTED



Kingsland Community Association

505 78th Avenue SW
Calgary, Alberta T2V 0T3
Bus: 403.255.1400
Fax: 403.255.1407
Email:
admin@kingslandcommunity.ca

April 21, 2017

Jeff Quigley – File Manager
Planning, Development and Assessment #8201
The City of Calgary, 5th Floor, Municipal Building, 800 Macleod Trail SE
PO Box 2100, Station M, Calgary, AB Canada T2P 2M5

LOC2017 – 0094 – 715 – 71st Avenue S.W., - RC1 to RC1s for Secondary Suite

Dear Mr. Quigley,

Kingsland Community Association (KCA) has been asked to respond to the land use amendment application, and the following are our comments:

1. Kingsland Community Association (KCA) opposes this application for a secondary suite in a residential R-C1 area with no current secondary suites. The Kingsland Community Plan supports increased density but this application does not support our vision for this area which is to retain our already limited R-C1 zoning.
2. Regretfully, the applicant did not discuss with KCA any intention to rezone prior to purchasing the property and prior to submitting the application. Applicants wishing to set zoning precedents should discuss their vision with the community proactively, and we have had recent success in this regards thanks to Development Authority file manager referrals for other applications.
3. For our general residential areas, KCA supports legalization of grandfathered secondary suites provided they meet city bylaw and permit requirements. Our Plan does not support a randomized proliferation of new suites in this area and does not require them to achieve our growth vision and redevelopment plan for the broader community. We are offering a broad mix of dwelling types in focused areas within the community and allowing suites in all areas may be a detriment and distraction to achieving our vision.
4. Applicants and developers will appreciate more clarity and alignment between the Development Authority and Kingsland as to where we should focus our growth. The community has a fairly clear growth vision and we would appreciate any efforts from city planners to support our vision and to enhance it for the betterment of the city and community.
5. Kingsland has roughly 33% single family dwellings currently and our support for increased density in other areas of the community will drive us towards 25% in the coming decade. The city average is closer to 67% so we are clearly trending in the right direction.

Additional considerations from the bordering Community Profiles in the City site;

% Occupied Dwellings occupied by owner		% in single family dwellings	
Kingsland	32%		33%
City	69%		67%

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Chinook Park	8.2%	78%
Meadowlark Park	8.7%	100%
Haysboro	5.8%	62%
Kelvin Grove	5.3%	43%
Fairview	6.6%	79%

6. We support built forms that encourage growth and revitalization while respecting existing residents and community values. Random secondary suite applications in the RCL area may create passive or active tensions between neighbors. The community can re-examine the need for secondary suites in the general residential area every 5 years as our growth inventory declines.
7. Our Plan has already identified the following areas as having current suitability for secondary suites:
 - 67, 68 and 69 Ave from Elbow Drive to MacLeod Trail
 - Elbow Drive from Heritage Drive to Glenmore Trail
8. Our Plan generally supports secondary suite rezone applications for the above areas provided bylaws and sufficient parking can be demonstrated. For single family residences or infills this implies 3 stalls, and for townhouses 2 stalls in tandem or parallel.
9. KCA generally opposes backyard suites in the general residential areas since they may encourage more holding properties with primary residences rented and new suites adding to revenues while generating more potential for tension between neighbors over noise and parking issues. We will oppose Cottage/Backyard suites throughout areas with less than RCG zoning. We offer this statement for future reference.
10. Our Plan offers an attractive growth vision for Kingsland given our already unique mixed density profile and we hope that council will support our position on secondary suites in the general residential areas at this time so that we can achieve our broader vision. We offer this statement to show that we support change.
11. KCA would be pleased to meet with the applicant to discuss his next project prior to purchase or prior to application and we regret that we need to oppose this developer who seems interested in helping to make our community better. We regret that applicants do not always take that initiative before undertaking their projects since we find it is often too late for open collaboration once the application is underway since the applicants become entrenched in their positions.
12. KCA requests the file manager to notify me when the CPC meeting and public hearing dates are scheduled. We thank you for the opportunity to provide feedback on this application.

Best Regards,
Darren MacDonald
Kingsland Community Planning Director.

APPENDIX III

IMPORTANT TERMS

While there are specific Land Use Bylaw 1P2007 definitions and development rules for Secondary Suite and Backyard Suite uses, the following information is provided to simplify and enhance general understanding of these two different uses (Secondary Suite or Backyard Suite).

Important terms

Secondary suite: A self-contained dwelling unit within the main residence that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as basement suites or in-law suites.



Backyard suite: A self-contained dwelling unit in a detached building that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as garage suites, garden suites, or laneway homes.

