

Smith, Theresa L.

From: Kris Moen [kris.moen@shaw.ca]
Sent: Thursday, June 22, 2017 9:19 AM
To: City Clerk
Subject: File #LOC2017-0089 BYLAW 223D2017 Land use Re-designation at 66 Citadel Estates Heights
Attachments: 66 Citadel Estates Sec Suite Council Comments v2.docx; 66 Citadel Estates Sec Suite Council Comments v2.pdf

Enclosed please find my comments for consideration by Calgary City Council at the July 3, 2017 Public Hearing regarding the Land Use Re-designation at 66 Citadel Estates Heights.

Please do contact me at kris.moen@shaw.ca with any questions or comments.

Respectfully submitted,

Kristoffer Moen

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Land use Re-designation at 66 Citadel Estates Heights,
File #LOC2017-0089, BYLAW 223D2017

Cover Report

I am resident and owner of 96 Citadel Estates Terrace NW, 350m walking distance (250m as the crow flies) from the subject property.

I object to the land use application at 66 Citadel Estates Heights NW for a RC-1s land use designation for purposes of building a secondary suite.

My concerns, as detailed below, include the following themes:

1. Parking
2. Basement vs Garden Suite
3. Safe, Legal Secondary Suite
4. Community Character
5. Community Spirit

I produce this written submission in hopes that it is read by the applicant, Calgary Aging in Place Co-operative ("CAIP"). I remain amenable to persuasion. If the applicant can address the first three concerns at the public hearing, I am willing to stand up at the podium and express support for the application. Specific questions the CAIP representative should address:

1. At the September 2016 Combined Council meeting, the CAIP representative stated during CPC2016-209 the Co-operative had a mechanism to enforce off street parking requirements throughout the tenancy period. Could the CAIP representative describe the legal or co-op regulatory enforcement mechanisms that will ensure tenant parking occurs on the required off-street location?
2. Could the applicant describe why the subject property is ineligible for backyard/garden suite based upon characteristics of the site and development regulations, including being ineligible for any relaxations being granted by the Development Authority?
3. Could the applicant describe the due diligence process undertaken to inform the subject property land owners of the required renovations to create a safe legal secondary suite including capital costs, responsibilities under landlord/tenant act, and project financial return of the proposed secondary suite venture?

For the record, I will have two speeches prepared for the July 3rd Council meeting. No – this presentation is not a word for word recital. Yes – there will be a test for Councillors, who by his Worship's admission, read all reports and citizen comments.

Respectfully submitted,

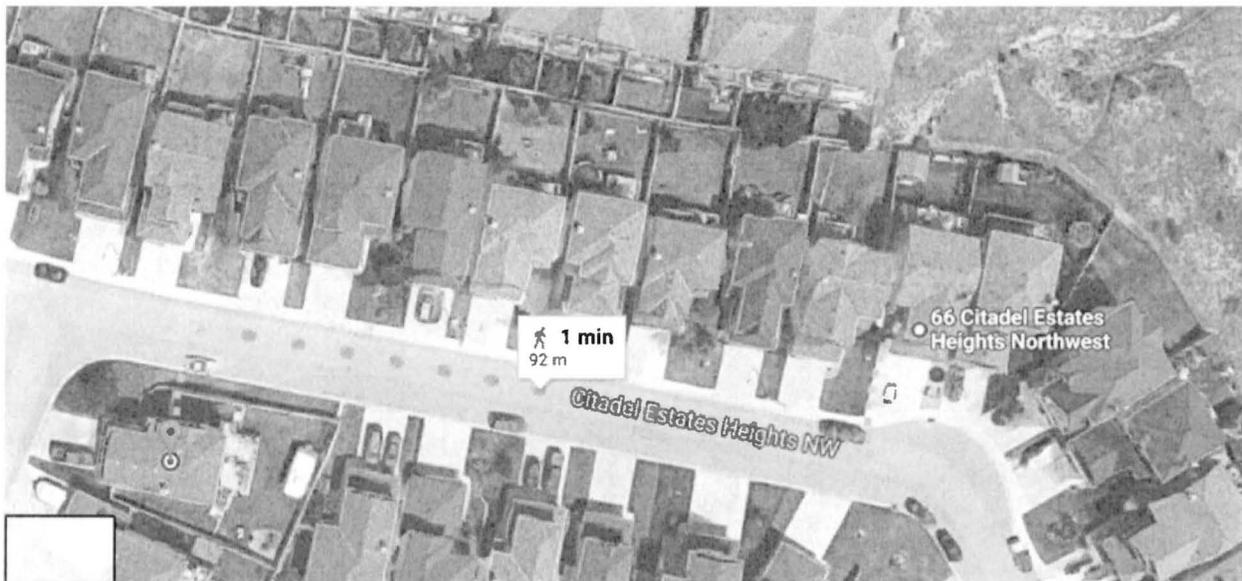
Kristoffer Moen
96 Citadel Estates Terrace NW.

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Parking Concerns

The following factors detail the parking concerns with the subject application.

1. The subject property does not have a rear lane to increase available parking on the site.
2. Due to reduced lot width (11 meters per Calgary.ca my property map website) that is common in all Citadel properties, there is insufficient room on either side of the subject property to park a vehicle without blocking access to the neighbour's driveway. The subject property is located at the end of bulb corner.
3. It has come to my attention the owners of 66 Citadel Estates Heights have obtained the support of their neighbours for the secondary suite. To obtain this support the owners have indicated that Secondary Suite tenant parking would be directed 100 meters to the northwest at the side of the property at 253 Citadel Estates Heights. 1P2007 requires that (2) two side by side on property parking stalls, one for the primary suite and one for the secondary suite. My concern is that the owners of 66 Citadel Estates Heights NW may not have an intention of abiding by the parking requirements of 1P2007, rather they will inconvenience Citadel Estates Heights residents that are outside of the neighbour zone of support.



Basement Suite vs Garden Suite Concerns

The applicant submission contains a discussion regarding basement suite as the secondary suite. However, inseparable from the RC-1s land use designation is a garden/backyard suite.

At a land use re-designation in the Community of Fairview with CAIP as the applicant/developer consultant, the basement suite concept was proposed at the land use stage (see excerpt below). After obtaining RC-1s designation, plans were changed to an above garage garden suite (see excerpt below). While land owners have every right to change their mind at the Development Permit stage whether they want a basement suite or backyard/garden suite, I believe this should be disclosed to all neighbours during the support gathering phase.

My concern is that the developer consultant, CAIP, is potentially “gaming the system” to gain support for the application before us today. It is well known point that basement suites have much greater support (neighbours, Community Associations, Calgary Airport Authority AVPA relaxations, Council members) than above garage or garden suites located in the backyard.

Excerpt from CPC2016-209 Secondary Suite in Community of Fairview:

LAND USE AMENDMENT

FAIRVIEW (WARD 9)

NORTH OF HERITAGE DRIVE SE AND EAST OF MACLEOD TRAIL SE

BYLAW 210D2016

MAP 27S

APPENDIX I

APPLICANT'S SUBMISSION

Please accept this letter as an expression of interest to proceed with land use redesignation at 125 Fairview Dr. SE. The application is on behalf of Lori and Phil Wilson who currently own and reside at the residence.

At the present time, Lori and Phil are renting their basement to their son, however, they anticipate he will be finished university in the next few years and moving out on his own. Lori and Phil are looking for ways to replace the rental income they have received from their son so they can remain in the home that Phil grew up in and purchased from his parents. Phil hasn't been able to work for over two years due to a diagnosis of a serious illness. Their addition of a secondary suite will allow them remain in the home which is very dear to them. The property is currently well set up for a secondary suite with four entrances into the home and a parking pad off the alley. Lori and Phil intend to continue to occupy the home which they are so fond of once the suite approved and built.

The Calgary Aging in Place Cooperative is a not for profit cooperative which aims to

Excerpt from Q&A With Calgary Age-In-Place Co-operative, Annaliese Klingbeil, Calgary Herald December 12, 2016

Q: Tell me more about the members who have gone through the secondary suite process.

Two members have gone to council (for a land-use redesignation) and I have another in the pipe right now. We had one land-use change in Fairview and one in Ogden. The one in Fairview, they've already got their design for a carriage house, an above-garage suite. Their plan is to rent out the secondary suite to their son, or someone else, but eventually the son would buy out the house and they'll move into the secondary suite. They're designing it as a place they would be able to live. It's really great planning. I'm going through this with my grandma right now, your autonomy just gets taken away from you if you don't have a plan in place. If there isn't a way to have a caregiver look after you in your own home, you're not going home after a fall or a major illness. It makes a lot of sense to put the plan in place now.

Safe, Legal Secondary Suite Concerns

The applicant submission includes reference to the basement have been previously renovated for the adult child of the owners to reside. Renovating a basement for occupancy by a relative is very different from renovating for secondary suite purposes. For instance, kitchen appliances require complete rewiring of the basement electrical system as well as the addition of a second electrical box to balance the load between the two kitchens. To be compliant with Building Code secondary suites require an independent heat source that is controlled separately from the primary suite heat source. These two renovation line items can add \$1000s of dollars to the secondary suite project.

Indeed at least one other secondary suite in Citadel Estates (5 Citadel Estates Terrace) is stalled because of challenges that were discovered after the land use amendment was successfully obtained at City Council.

I reviewed the Calgary Aging in Place Co-operative website for secondary suites (<http://www.calgaryaginginplace.ca/services/land-use-changes-and-secondary-suites-with-caip/>) and noted that inspection of the home to identify the costs associated with Secondary Suite construction are not identified until after land use is obtained.

The following are two excerpts describing step 8 in the CAIP workflow:

Step 8: Planning for a suite

After your application for a land use change has been approved or if you already have a parcel zoned for a secondary suite you will need to meet with a CAIP representative and the CAIP approved contractor who will be performing the work. To prepare for this meeting please consider the following questions.

At the meeting, the contractor will inspect the property including looking at plumbing and electrical, current built form and discuss your vision with you. At this time they will be able to give you a ballpark figure for the different options. If you are comfortable with the cost, CAIP will work with you to make a plan moving forward including financing, project drawings and costing and reviewing the City process based on your decisions. (i.e. some suites can go straight to the building permit stage while others must go through a development permit phase.) as well as the associated timelines.

To further define my concern, if for any reason the secondary suite at 66 Citadel Estates Heights is not be completed for the following may occur:

- No one can live in the basement because there is no home occupancy certificate for the uncompleted suite. This has been confirmed twice at the November 2016 and March 2017 Combined Council meetings.
- The owners or the home owners could appeal to the neighbours for an unofficial relaxation based on compassionate grounds because the suite could not be completed for economic reasons. Under this scenario, the subject property would have legal status from the land use Bylaw perspective but not be deemed safe as Home Occupancy Certification was not achieved. The secondary suite would join the multitude of other basement suites that are deemed unsafe because they have not been inspected by relevant authorities.

Community Character Concerns

The community character of Citadel could easily be described as the best place to raise a young family. There are two excellent elementary schools, each with at capacity student populations. The Community Association hosts a couple of young family oriented events (Easter breakfast, Stampede lunch with bouncy castles, fall event with family bingo or craft fair). The community has an over abundance of 12 tot-lot playgrounds built by the land developer, plus two major playgrounds built by the School Councils for each elementary school.

Both St Brigid School (CSSD) and Citadel Park School (CBE) are at or near capacity. Being at capacity means these schools have funding for specialized teachers in literacy, gym, and music.

Every May at the monthly School Council meeting, the Principal at Citadel Park delivers the student population projections for the next school year. Each of the past 3 years have included a projected decrease in the student body of 20-40 kids. The student population projections are compiled with the assistance of the Calgary Civic census.

For the past two years, Citadel Park has welcomed an additional 30-50 kids that unexpectedly register on the first day of school. At the behest of the Principal, I engaged a realtor friend to find out why there were so many unexpected new students that were causing material difference between the census backed projections.

My realtor contact reports the following for Citadel home sales:

- Calendar 2015 there were 120 home sales.
- Calendar 2016 there were 110 home sales.
- Year to date 2017 is on-track for similar home sales to 2016.

Inspecting the Calgary Secondary Suite Registry, I note there are 4 legal secondary suites in Calgary. One is secondary suite houses a multigeneration family while the other 3 do not appear to target their suite rental to families based upon both their applicant submissions and rental advertisements. I would also note that based upon the subject property applicant submission, rental to families with young kids is not a target market.

My concern is that continual buildout of secondary suites into Citadel will erode the young family focus that is at the heart of the Citadel Community Character. Without the continual renewal of young families coming to Citadel, I fear the following will occur:

- School enrolment will decrease causing the loss of specialised services in Literacy, Gym, and Music.
- Our tot-lots are nearing the end of their lifecycle. Calgary Parks and Calgary Neighbourhoods (through the Neighbourhood Partnership Coordinator) have indicated that not all tot-lots will be renovated because of Calgary's aging population does not warrant investment in playgrounds.
- Citadel has a Special Tax (Lot Levy) to fund enhanced maintenance and beautification of parks and boulevards. My understanding from reviewing social media posts is that younger families are supportive of Special Tax as it enhances the public realm and park facilities. The same research indicates that older residents are not supportive of the Special Tax as their opinion is that \$65 is a waste of dollars towards the community park space.

Community Spirit Concerns

In late 2014, the residents of Citadel Estates Heights appealed a Calgary Development Authority decision regarding a discretionary development permit application for Bed n Breakfast at 79 Citadel Estates Heights NW (across the street from 66 Citadel Estates Heights). Citation CGYSDAB 2014-139.

In appealing the discretionary development permit, 52 residents of Citadel Estates Heights banded together to oppose the applicant and generated an appeal to SDAB. Per the SDAB findings, the reasons of appeal were without planning merit. In reaching the decision the SDAB found the following:

“the Board finds the appellant’s arguments not persuasive. The Board finds that the appellant provided insufficiently compelling planning rationale against the application.”

“The Board notes that the concerns raised by the appellant regarding building permits and the fire code are not planning issues and are therefore irrelevant. Neither the Development Authority nor the Board has jurisdiction regarding these issues. These issues fall under the Alberta Safety Codes Act”

It has come to my attention the neighbours are in favour of the application at 66 Citadel Estates Heights.

My concern is that the residents of Citadel Estates Heights are not making their support or objection to land use amendment decisions on an objective basis focused on planning rationale/principles. Rather the residents are basing their decisions on whether they like or don't like their neighbours who are proposing the change in land use. At a minimum, this is divisive community spirit where-in the residents want to chose who is worthy of being their neighbour.

Conclusion

For the planning and non-planning concerns listed above, these are my reasons for objecting to the proposed land use amendment at 66 Citadel Estates Heights NW.