

**LAND USE AMENDMENT
PENBROOKE MEADOWS (WARD 10)
SOUTH OF MEMORIAL DRIVE SE AND EAST OF 52 STREET SE
BYLAW 56D2017**

MAP 14E

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 a Secondary Suite or a Backyard Suite on the same parcel as a single detached dwelling. The parcel contains an existing single detached dwelling and the application is not as a result of a complaint. There is no existing secondary suite within the dwelling.

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)

2016 December 15

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 56D2017; and

1. **ADOPT** the proposed redesignation of 0.04 hectares ± (0.09 acres ±) located at 367 Penworth Way SE (Plan 1279LK, Block 42, Lot 36) 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 56D2017.

REASON(S) FOR RECOMMENDATION:

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

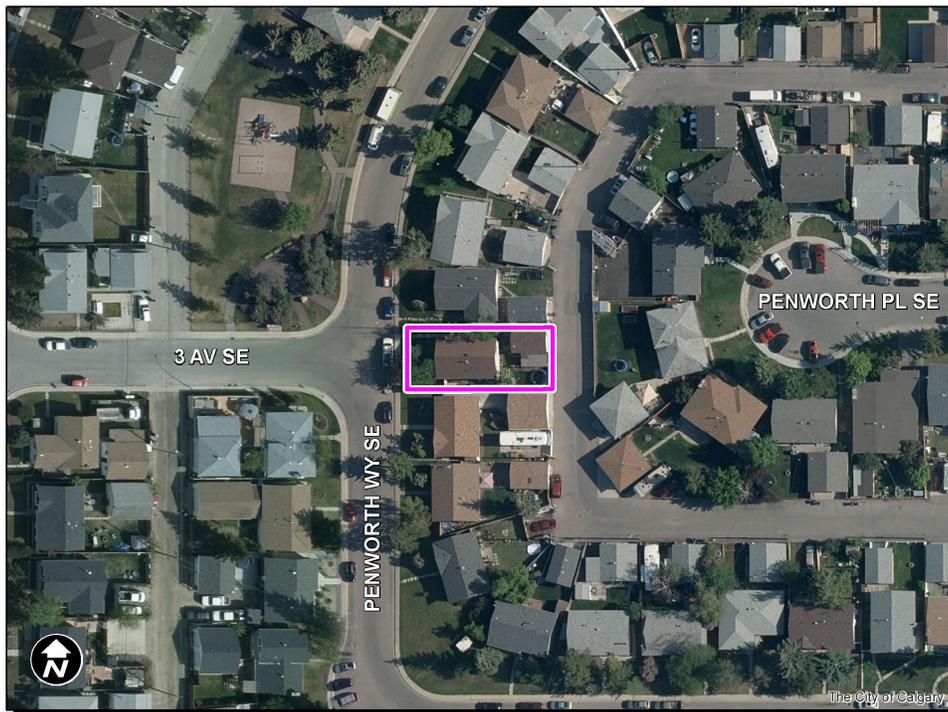
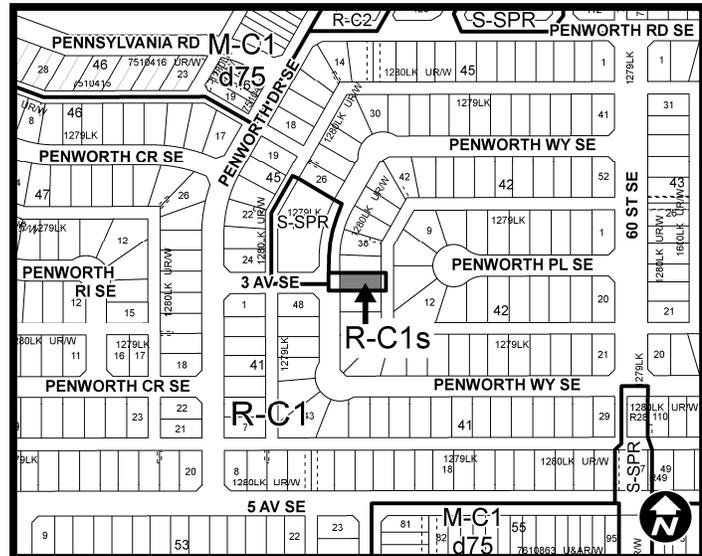
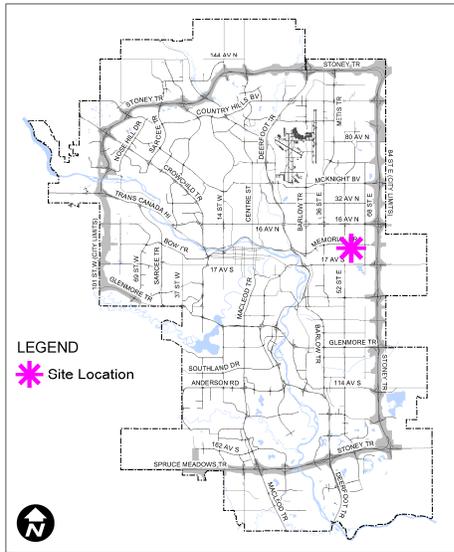
ATTACHMENT

1. Proposed Bylaw 56D2017
2. Public Submission

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MAP 14E

LOCATION MAPS



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MAP 14E

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.04 hectares \pm (0.09 acres \pm) located at 367 Penworth Way SE (Plan 1279LK, Block 42, Lot 36) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: R. Wright

Carried: 6 – 0

Absent: S. Keating, G.-C. Carra and M. Foht

Comments from Mr. Wright:

- The December 15 CPC Agenda had 15 applications in 11 communities. Those 11 communities have lost over 10,000 residents since peak population dates. Increases due to secondary suites will not create congestion, overcrowding or other “problems” associated with an excess of residents.

Comments from Ms. Juan:

- This was one of 12 applications from the same applicant. All neighbours have had maintenance concerns. Although maintenance concerns are not planning issues, I suggest that council ask the applicant to speak to the maintenance of the properties, the applicant was not present at CPC.

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Applicant:

Sara Karimiavval

Landowner:

414553 Alberta Ltd (Tajshabir Esmail)

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Penbrooke Meadows, the parcel is approximately 13 metres by 30 metres in size and is developed with a two storey single detached dwelling and a detached single garage accessed from the rear lane. Single detached dwellings exist to the north, south, east and west. A small park exists to the west across Penworth Way SE.

The following table identifies Penbrooke Meadows' current and peak population by year and any difference in population expressed as a percentage.

Penbrooke Meadows	
Peak Population Year	1982
Peak Population	10,031
2016 Current Population	8,594
Difference in Population (Number)	-1,437
Difference in Population (Percent)	-14%

LAND USE DISTRICTS

The proposed R-C1s district has the ability to accommodate secondary suites on parcels that already contain a single detached dwelling on a parcel. The R-C1s district allows for one additional permitted use (secondary suite) or one additional discretionary use (backyard suite).

Approval of this land use application does not constitute approval of a specific secondary suite type, but rather it allows for one additional dwelling unit (in the form of a secondary suite) to be considered via the development permit/building permit process. For a secondary suite, which is a permitted use that meets all of the rules within Land Use Bylaw 1P2007, a development permit is no longer required, so long as a building permit application has been made on or before 2017 March 03.

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LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

Municipal Development Plan (MDP) (2009)

The site is located within a 'Residential Developed – Established Area' in the MDP (Map 1: Urban structure). Although the MDP makes no specific reference to the site, the land use proposal is in alignment with overarching residential policies including: Developed Residential Areas policies (Section 3.5.1), Neighbourhood Infill and Redevelopment policies (Section 2.2.5) and Housing Diversity and Choice policies (Section 2.3.1).

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Penworth Way SE with rear lane vehicular access to the detached garage. Unrestricted parking is available on Penworth Way SE. The area is served by Calgary Transit bus service with bus stop locations within 400 metres walking distance of the site on 52 Street SE for northbound transit stops serving routes 72 and 176. A southbound bus stop location on 52 Street is approximately 650 metres walking distance.

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 onsite servicing may also be required depending on the type of secondary suite proposed. This aspect would be determined at the development permit stage.

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.

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PUBLIC ENGAGEMENT

Community Association Comments

The Penbrooke Meadows Community Association was circulated during the review of this application and no response was received by Administration. Additionally, no response was received when Administration followed up with the Community Association on December 2, 2016.

Citizen Comments

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

Reasons stated for opposition are summarized as follows:

- Inadequate on-street parking;
- Parking blocking the lane;
- Desire to live in a single family residential area; as opposed to multi-residential or secondary suite area;
- Transient tenants;
- Current tenants do not maintain the property, lack of yard care and snow removal; and
- Absentee landlord does not respond to neighbour concerns regarding unsightliness and lack of property maintenance.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

I am registered owners of the property in : 367 Penworth Way SE

I would like to apply to change the land use designation of my property to have a legal
Secondary Suite.