

LAND USE AMENDMENT
ERIN WOODS (WARD 10)
ERIN PARK BAY SE AND ERIN PARK CLOSE SE
BYLAW 57D2017

MAP 3E

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel located in the community of Erin Woods from Residential - Contextual One Dwelling (R-C1) District to Residential - Contextual One Dwelling (R-C1s) District to allow for a Secondary Suite or a Backyard Suite. The parcel contains an existing single detached dwelling and the application is not 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)

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 57D2017; and

1. **ADOPT** the proposed redesignation of 0.04 hectares \pm (0.10 acres \pm) located at 43 Erin Park Bay SE (Plan 8011224, Block 9, Lot 33) 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 57D2017.

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.

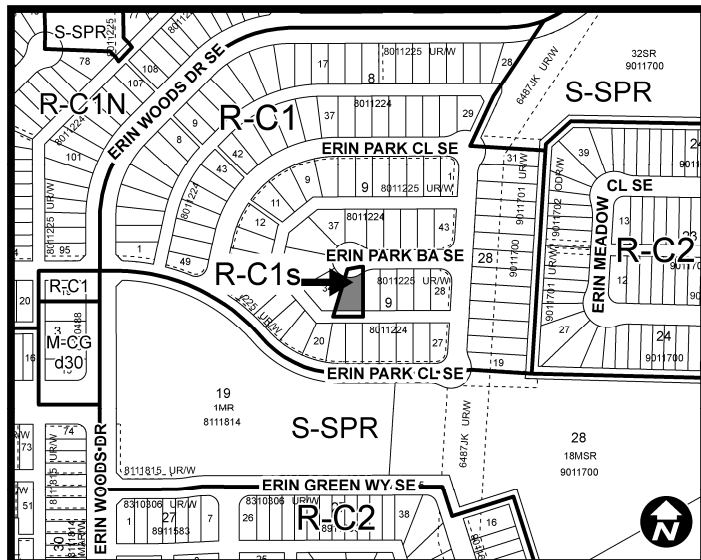
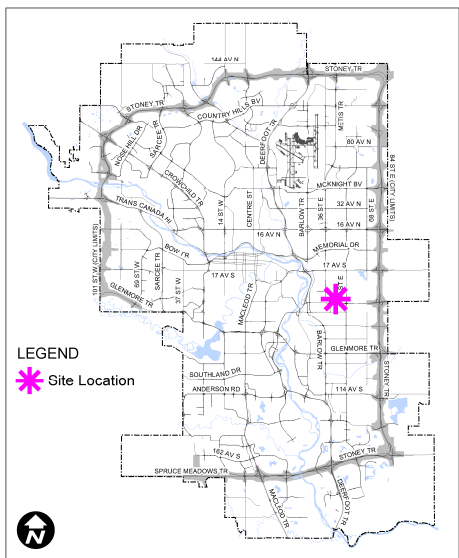
ATTACHMENT

1. Proposed Bylaw 57D2017

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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 0.04 hectares \pm (0.10 acres \pm) located at 43 Erin Park Bay SE (Plan 8011224, Block 9, Lot 33) 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 Erin Woods, the parcel is approximately 17 metres by 24 metres in size and is developed with a one storey single detached dwelling and a detached double garage accessed from the rear paved lane. Single detached dwellings exist in all directions from the subject site.

The following table identifies Erin Wood's current and peak population by year and any difference in population expressed as a percentage.

Erin Woods	
Peak Population Year	2015
Peak Population	7309
2016 Current Population	7034
Difference in Population (Number)	-275
Difference in Population (Percent)	-4%

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.

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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).

Eastfield Area Structure Plan (2005)

The subject parcel is within the "Residential" area of the Eastfield Area Structure Plan. This plan aims to maintain the existing low density residential character of the community; therefore this land use amendment application is aligned with the policy direction of this plan.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Erin Park Bay SE with rear paved lane vehicular access to the double detached garage. The area is served by Calgary Transit bus service with bus stop locations within a 500 metre walking distance to the west of the site on Erin Woods Drive SE. No parking restrictions exist on Erin Park Bay SE.

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 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.

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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.

PUBLIC ENGAGEMENT

Community Association Comments

The Erin Woods Community Association is opposed to the application. Reasons stated for opposition include: absentee landlord situation, overlooking into adjacent yards, parking and traffic issues. See APPENDIX II for the letter from the Erin Woods Community Association.

Citizen Comments

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

Reasons stated for opposition are summarized as follows:

- Not enough parking available;
- Absentee landlord;
- Minimal property upkeep;
- Overlooking issue into adjacent rear yards creating privacy issues;
- Additional traffic within cul-de-sac.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

To Whom It May Concern,

I am registered owners of the property in: 43 Erin Park Bay SE

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

Regards,

Tajshabir Esmail

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APPENDIX II

LETTERS SUBMITTED



Jeff Quigley, File Manager
Planning & Development, IMC 8073
P.O. Box 2100 Station M
Calgary, AB T2P 2M5

Re: Application for Land Use Amendment @ 43 Erin Park Bay SE / LOC2016-0269

Dear Jeff,

Our Board has reviewed this application, as well as comments received from adjacent neighbours to this property. We have not been contacted by the applicant regarding their request to re-zone.

It's our understanding that the applicant does not live at the subject property, and that it is, and has long been, used as a rental-income property, and is overseen by a property management company. So, in effect, this is an absentee landlord situation.

EWCA is of the opinion that re-zoning for the addition of legal secondary suites is location-sensitive, as well as motive-sensitive. In that regard, we feel that, based on the comments from the neighbours who would be potentially affected by this re-zoning, this is not a good property to allow for densification of housing stock. We refer to the possibility of overlook issues, as well as parking and traffic issues, as well as other comments from the neighbours.

Additionally, the fact that this is not a case of a live-in owner wanting to share their property with renters, but would seem to be about a business person wanting to maximize their profitability from this property, means we cannot support this application. Also, since the City is currently waiving application fees for secondary suites, it falls on taxpayers to effectively subsidize business people such as this for these types of applications. We don't feel that this is an appropriate use of tax paper dollars, nor was it likely to be the intention of City Council in offering this break on application fees. Therefore, approving this application would send the wrong message to business people (and taxpayers), with the likely effect of encouraging more applications to maximize their profits.

J. Quigley

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Should you have any questions about this letter, please don't hesitate to contact me.

Sincerely,

Ken McClary

Planning Director,

Erin Woods Community Association