

LAND USE AMENDMENT
KINGSLAND (WARD 11)
ELBOW DRIVE SW NORTH OF 75 AVENUE SW
BYLAW 104D2017

MAP 28S

EXECUTIVE SUMMARY

This application seeks to redesignate a parcel from a Residential - Contextual One Dwelling (R-C1) District to a Residential – Grade Oriented Infill (R-CG) District to allow for the legalization of an existing secondary suite as well as for future redevelopment of the parcel in the form of duplex, semi-detached, rowhouse buildings, or cottage housing clusters development.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2017 January 26

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 Bylaws 104D2017; and

1. **REFUSE** the proposed redesignation of 0.08 hectares ± (0.20 acres ±) located at 7408 Elbow Drive SW (Plan 3215HG, Block 6, Lot 40) from Residential – Contextual One Dwelling (R-C1) District to Residential – Grade-Oriented Infill (R-CG) District; and
2. **ABANDON** the proposed Bylaw 104D2017.

REASON(S) FOR RECOMMENDATION:

The proposal aligns with applicable municipal policies. It will allow for modest intensification along this portion of Elbow Drive SW which is part of the Primary Transit Network and is compatible with the low density residential character of the area.

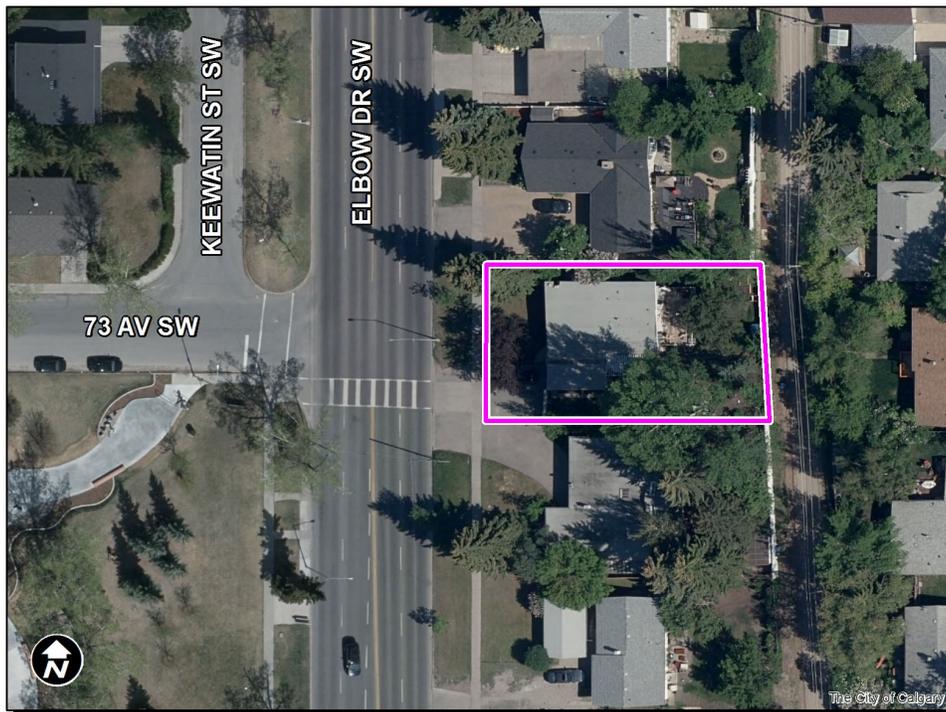
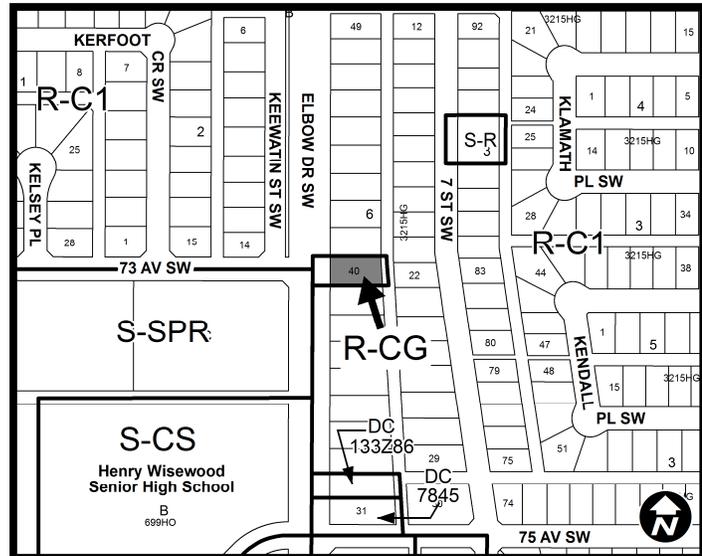
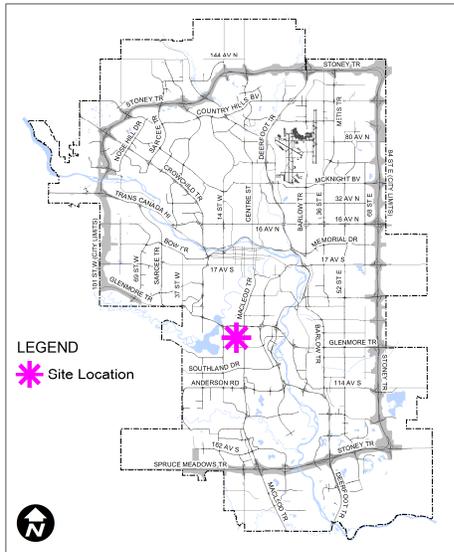
ATTACHMENTS

1. Proposed Bylaw 104D2017
2. Public Submission

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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 0.08 hectares \pm (0.20 acres \pm) located at 7408 Elbow Drive SW (Plan 3215HG, Block 6, Lot 40) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Grade-Oriented Infill (R-CG) District.

Moved by: L. Juan
Absent: M. Foht

LOST: 3 – 5
Opposed: S. Keating, L. Juan,
D. Leighton, R. Wright
and C. Friesen

2017 January 26

MOTION:

The Calgary Planning Commission **FILED** Administration's recommendation of **APPROVAL** and recommends that Council:

1. **REFUSE** the proposed redesignation of 0.08 hectares \pm (0.20 acres \pm) located at 7408 Elbow Drive SW (Plan 3215HG, Block 6, Lot 40) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Grade-Oriented Infill (R-CG) District; and
2. **ABANDON** the proposed Bylaw.

Moved by: S. Keating
Absent: M. Foht

Carried: 5 – 3
Opposed: G.-C. Carra, A. Palmiere
and M. Tita

Reasons for support for the Refusal recommendation from Mr. Friesen:

- I opposed the administration recommendation and supported the motion to file and abandon because it seemed doubtful that the amended land use would lead to redevelopment. In some cases it is a questionable use of land use changes to only legalize an existing situation.

Reasons of support for the Refusal recommendation from Ms. Juan:

- Generally, I support an RCG use as it is modest neighbourhood densification. However, I recommend Council to consider the context, the legitimate community concerns from the Kingsland Community Association (KCA), and the notion that to legalize an existing secondary suite, an RCG designation is not necessarily appropriate. In this context, an RC1s would have been more appropriate if the goal was to achieve legalization of a secondary suite. It would have been useful to provide examples (particularly visual representations) of how

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other communities or streets similar to this context have applied an RCG use. I suggest that administration be more proactive in the community consultation approach for sites that perhaps do not have the precedent set for density intensification.

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Applicant:

Mahmoud Karame

Landowner:

Mahmoud Karame
Zohre Kholagi

PLANNING EVALUATION

SITE CONTEXT

This laned parcel is located along Elbow Drive SW, at the T intersection of Elbow Drive SW and 73 Avenue SW, in the community of Kingsland. The parcel is surrounded to the north, east and south by low density residential districts and developments. A public school and public park sites exist to the west of the parcel, across from Elbow Drive SW.

The parcel is occupied by a one-storey bungalow with a single-vehicle attached garage, constructed in 1960s. A vacant illegal secondary suite exists in the basement. Vehicular access to the parcel is from Elbow Drive SW. No vehicular access exists from the lane.

The Kingsland Community peak population was reached in 1971. City of Calgary Geodemographics data for 2015, shows that the community population has decreased by approximately 11 percent in comparison with the peak year.

Kingsland	
Peak Population Year	1971
Peak Population	5341
2015 Current Population	4733
Difference in Population (Number)	-608
Difference in Population (Percent)	-11%

APPLICATION HISTORY

The original application was to redesignate the parcel from Residential - Contextual One Dwelling (R-C1) District to Residential Contextual One Dwelling (R-C1s) District to allow for the existing secondary suite. Administration was concerned that the configuration of the existing illegal suite would exceed size requirements for secondary suites under the R-C1s District.

Based on the size issue, parcel characteristics and location, various options were discussed including reducing the size of the exiting secondary suite at development permit as well as choosing a different land use district including R-C2, R-CG and M-CG Districts. After a more in depth analysis, Administration identified that concerns related to secondary suite size were no longer applicable to the parcel. However, the Applicant decided to amend the application to redesignate the parcel from R-C1 District to R-CG District as it would allow for the legalization of the existing secondary suite as well as allow opportunities for future modest intensification of the parcel.

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LAND USE DISTRICTS

The current R-C1 District is intended to accommodate exiting residential development and contextually sensitive redevelopment in the form of single detached dwellings in the developed area. The maximum building height is 10 metres. The R-C1 District also allows for other uses including Park, Protective and Emergency Service, and Place of Worship – Small.

The proposed Residential – Grade Oriented Infill (R-CG) District is a low density residential district intended to accommodate single detached and grade-oriented developments in the form of rowhouse buildings, duplex, semi-detached dwellings and cottage housing clusters. The district also accommodates secondary suites and backyard suites with new and existing residential development. Other uses allowed under this district are generally similar to the uses allowed under the R-C1 District.

The R-CG District is compatible with the low density residential character of the area. It provides flexibility to allow for modest intensification of the site to a maximum of four units if rowhouse building is considered. Also, the parcel dimensions (21 x 38 metres) exceed the minimum parcel width to allow for duplex development and the minimum area requirements for cottage housing clusters.

The maximum building height allow for residential uses will remain the same as the R-C1 District unless a rowhouse building is proposed, in which case the maximum building height is 11 metres. For all other non-residential uses, the maximum building height is 10 metres.

In summary, the proposed R-CG District will allow for the existing secondary suite, as well as for modest intensification of the parcel that is in keeping with the existing low density character of the area.

LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP) (Statutory-2014)

The high-level scale and scope of the South Saskatchewan Regional Plan (SSRP) policies are not relevant to this application.

Municipal Development Plan (MDP) (Statutory-2009)

The parcel is located in an area identified in the Municipal Development Plan as a Residential – Developed – Established (Map 1: Urban Structure). These areas are characterized primarily by residential communities containing a mix of low-and-medium density housing, with support retail in relatively close proximity. These areas may support moderate intensification in a form and nature that respects the scale and character of the surrounding areas.

Policies for these areas encourage modest redevelopment. New development in Established Areas should incorporate appropriate densities, a mix of land uses and a pedestrian-friendly

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environment to support an enhanced Base or Primary Transit Network. Elbow Drive SW is part of the Primary Transit Network between Heritage Drive SW and 7 Avenue SW (Map 3: Primary Transit Network).

Local Area Plan

There is no Local Area Plan for the Kingsland Community.

In 2009, the Kingsland Community Association completed the Kingsland Community Plan. This non-statutory 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)."

"Higher density redevelopment should be directed to areas of existing medium to high densities."

Location Criteria for Multi-Residential Infill Guidelines (Non-Statutory - 2016)

This document provides guidance for applications that seek to allow multi-residential, rowhouse buildings or cottage housing clusters. Although the subject parcel is not a corner parcel, or adjacent to a non-residential or multi-unit development, according to these guidelines, the parcel could support a moderate intensification because:

- the parcel is located along a collector road that is part of the Primary Transit Network; across the street from a high school and community park sites, and approximately 200 metres north of a community commercial development;
- the parcel has direct lane access; and,
- the parcel exceeds minimum parcel width and parcel area for various residential development listed under R-CG District.

APPENDIX III includes more details on the location criteria.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required for this application.

The parcel is located along Elbow Drive SW which is part of the Primary Transit Network. A bus stop for route number 3 northbound is located approximately 30 metres north of the site. A bus stop for the same route southbound is located approximately 35 metres south of the site. The parcel is also located approximately 150m north of the southbound transit stop at Henry Wisewood High School (Bus Stop for routes number 3, 776, 777, 778, 779, and 780). The parcel is also 1.6 kilometres from the Heritage LRT station.

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At the development permit stage, existing vehicular access from Elbow Drive SW may be closed and vehicular access would be from the lane only.

UTILITIES & SERVICING

Water, storm and sanitary sewer mains are available to service the site.

GROWTH MANAGEMENT

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association Comments

During circulation period and on 2016 December 19, a meeting took place between the Kingsland Community Association board, the Applicant and Administration. After the meeting, the Kingsland Community Association (KCA) provided a letter dated December 23, 2016, objecting to the proposed application (letter is enclosed as APPENDIX II). The reasons for objection are summarized as follows:

- R-CG is higher density than what the community will accept for this location.
- Kingsland Community Plan was disregarded by City Planning in its Initial Team Review (ITR).
- The KCA will object to future DP application requesting more than two dwelling units on parcels along Elbow Drive SW.
- The KCA believes in a collaborative approach supported by a broad planning vision.
- The KCA encourages landowners to legalize basement suites. R-C1s seems to be more appropriate for the parcel.
- The KCA is concerned with lack of clarity regarding loss of vehicular access from Elbow Drive SW.
- KCA recommends a change to R-C1s or R-C2.

Citizen Comments

Four letters (via email) from neighbours were received identifying concerns relating to density, parking, privacy and maximum building height. Letters also requested clarification on vehicular access from Elbow Drive SW indicating that it should remain even if the site redevelops in the future as the lane will not support an increase in traffic.

Public Meetings

No meetings open to the general public were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

With Regards to my parcel of land at 7408 Elbow Drive SW I, Mahmoud Karame the owner, want to express my interest in applying for redesignation from an R-C1 status to R-CG status as described by the City of Calgary Land Use Bylaw 1P2007 to allow and legalize the current existing secondary suite and open new opportunities for redevelopment of this site in the near future.

Located on Elbow Drive in the Kingsland community, this property is located to many services that make it a great place to live in. The house is situated right next to two bus stops going either way on Elbow Drive, while two C-Train Stations are located within a couple of kilometers. With a high school located right in front of the house as well, along with elementary and Jr. high schools nearby, the property has access to many services within the city. Chinook Mall and other shopping centers are all also nearby, and Glenmore is easily accessible from Elbow Drive, driving to any part of the city is easy.

As the homeowner, I believe applying for an R-CG designation is the right step to take forward at this location to legalize an existing secondary suite and open new opportunities for redevelopment of this site in the near future.

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APPENDIX II

LETTERS SUBMITTED



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

Dec 23, 2016

Lisette Burga Ghersi (Community Planning – South)
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

Re: LOC2016-0254 - 7408 Elbow Dr SW R-C2 to R-CG Redesignation

Dear Ms. Burga Ghersi,

Kingsland Community Association (KCA) has been asked to respond to the land use amendment application. We understood from our meeting on Dec 19th that the applicant might withdraw or lower the zone to R-C1s or R-C2 but apparently the application is proceeding based on R-CG and now our position shifts from support to objection. The following are our comments:

- 1. KCA is strongly opposed to the proposed rezone from R-C1 to R-CG district for this parcel along Elbow Dr. We have concerns with the proposed redevelopment and thereby request a concurrent DP application. R-CG is higher density than what the community will accept for this location.**
- 2. Kingsland Community Plan (Plan) was disregarded by City Planning in its Initial Team Review (ITR).** Our Plan supports R-C1 and R-C2 redevelopments limited to 2 storey on Elbow Dr to respect the built form of mostly 1 storey. There is no community support for cluster townhomes on Elbow Dr but there are specific areas north of 69th Ave that are better suited to this land use. Most residents along Elbow Dr prefer single family dwellings, similar to communities directly north (Meadowlark Park), west (Chinook Park / Kelvin Grove), and northwest (Mayfair / Bel-Aire) with whom we share similar bus routes and transit.
- 3. For transparency, KCA will plan to object to future DP applications requesting more than 2 dwelling units on Elbow Dr parcels.** KCA believes our views are supported by residents who share concerns with inappropriate density, parking, massing, and privacy and height impacts of Elbow Dr redevelopments. Concurrent DP applications will provide some assurance that we will have input at the next stage.
- 4. KCA believes in a collaborative approach supported by broad planning vision and prudent redevelopment plans that will not result in new problems while helping the city achieve growth targets.** Unfortunately, this application was submitted prior to consultation with the community. City Planners should advise applicants in writing to consult with KCA as part of their ITR response to encourage more aligned applications. We recently had an excellent collaborative example with a prospective applicant for a parcel a block north who was pleased with our counter proposal for R-C2 infills instead of their original proposal for M-CG. The applicant volunteered to present a rendering drawing prior to submission. We were so pleased with the developer's approach that we indicated some aspects where we may support relaxation at the DP stage.
- 5. KCA encourages landlords in the community to legalize basement suites to avoid bylaw enforcement and to provide safer living arrangements.** R-C1s seems to be more appropriate for the solely expressed verbal near term objective of the applicant in our meeting on Dec 19th. City Planning seems have influenced the applicant to apply for more density than required. The community wants to know if there is a growth strategy or policy that we should be made aware of for Kingsland that takes precedence over our community plan.
- 6. KCA is concerned with the current lack of clarity from Roads and Transportation regarding loss of vehicle access from Elbow Dr SW which seems to trigger upon release of a DP.** Concurrent DP's will be required for most Elbow Dr redevelopments until this policy has been clarified. The applicant parcel has a front garage and

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elevated back yard. Elbow Dr has no curb parking and front parking will likely be eliminated. The cost impacts for loss of access may be significant for such parcels and the applicant should be advised in writing of these types of concerns during the preliminary application meeting, and particularly since we are seeing more infrastructure upgrades being passed onto the redeveloper. City Planning should be more transparent with all applicants, and especially those unfamiliar with the process. These hidden costs may cause a small redeveloper to incur unexpected financial burdens.

7. **KCA looks forward to working with the developer on this particular parcel.** We encourage more proactive engagement at all stages of the process so at least the applicant knows our position. We recommend that the applicant request a change to R-C1s or R-C2, prior to the public hearing. Otherwise this application will be the subject of significant pushback from the community at the rezone and DP public hearings, and at the prospective SDAB appeal hearing. We understand that withdrawal of the application at this point could be counterproductive for the applicant since the refund would be low based on our meeting of Dec 19th. City Planning could provide more clarity to the applicant and perhaps a full refund can be offered if the applicant was unduly influenced to go for R-CG.
8. **KCA believes that a conceptual rendering of the proposed buildings should be included with a rezone submission to provide clarity as to what the applicant intends to build.** We understand that this is not a current part of the process, but surely a rezone application will have a redevelopment concept in mind. This offers more transparency while we do understand that the concept will be non-binding.

KCA kindly requests the file manager to notify the KCA Planning Director of the public hearing date as several community members would likely attend and speak on this application. KCA will follow up with Roads and Transportation to gain more clarity on Elbow Dr loss of access.

KCA kindly requests the file manager to notify the KCA Planning Director of any non-conforming aspects to the application prior to the hearing date.

Thank you for the opportunity to share our community thoughts on this application. We look forward to working more collaboratively with City Planning and new applicants in the future as we see this as being more productive for all. We would appreciate a broader discussion with City Planning so there is more alignment on rezone and redevelopment applications in our community.

Regards,

Darren MacDonald
Planning Director
Kingsland Community Association

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APPENDIX III

LOCATION CRITERIA FOR MULTI-RESIDENTIAL INFILL

On a corner parcel.	No – although the parcel is not a corner parcel, the parcel’s dimensions exceed minimum requirements to support various forms of development allow in the R-CG District
Within 400m of a transit stop.	Yes – Bus stops exist in Elbow Drive SW approximately 30 - 35 metres from the site.
Within 600m of an existing or planned Primary Transit stop or station.	Yes – the parcel is located along Elbow Drive SW which is part of the Primary Transit Network.
On a collector or higher standard roadway on at least one frontage.	Yes – Elbow Drive SW is a Collector Road.
Adjacent to existing or planned non-residential development or multi-dwelling development.	No - although not adjacent, the parcel is located approximately 200 metres from a community commercial development.
Adjacent to or across from existing or planned open space or park or community amenity.	Yes – A public school and park exist west of the parcel, across from Elbow Drive SW
Along or in close proximity to an existing or planned corridor or activity centre.	No – although not an urban or neighborhood corridor, the parcel is located along Elbow Drive SW which is part of the Primary Transit Network
Direct lane access.	Yes