

LAND USE AMENDMENT  
VISTA HEIGHTS (WARD 5)  
WEST OF BARLOW TRAIL NE AND NORTH OF 16 AVENUE NE  
BYLAW 40D2017

MAP 25C

**EXECUTIVE SUMMARY**

This land use amendment application seeks to redesignate a single residential parcel located in the community of Vista Heights from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite. There is currently no secondary suite on the site and this application is not due to a complaint. The subject site is located within the protection area created by the Calgary International Airport Vicinity Protection Regulation which has significant impacts on the developability of the site.

**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 01

That Calgary Planning Commission:

1. Recommends **APPROVAL** of the proposed Land Use Amendment; and
2. Recommends that Council **AUTHORIZE** Administration to make an application to the Minister of Municipal Affairs for an amendment to the Calgary International Airport Vicinity Protection Area Regulation, after processing an applicable development permit to the point of decision and conducting all necessary public consultation in accordance with the requirements of the Regulation, to allow for residential development.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 40D2017; and

1. **ADOPT** the proposed redesignation of 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 2140 Vista Crescent NE (Plan 4347JK, Block 11, Lot 10) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District, in accordance with Administration's recommendation;
2. Give three readings to the proposed Bylaw 40D2017; and
3. Recommend that Council **AUTHORIZE** Administration to make an application to the Minister of Municipal Affairs for an amendment to the Calgary International Airport Vicinity Protection Area Regulation, after processing an applicable development permit and conducting all necessary public consultation in accordance with the requirements of the Regulation, to allow for residential development as a permitted use at 2140 Vista Crescent NE (Plan 4347JK, Block 11, Lot 10).

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**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 with the established character of the community. In addition, this proposal conforms to the relevant policies of the Municipal Development Plan (MDP) and allows for a development that has the ability to meet the intent of Land Use Bylaw 1P2007 (LUB). The parcel is located midblock, has a rear lane and front driveway, can accommodate the required onsite parking and is in close proximity to transit. Administration is recommending approval of the land use amendment, but is asking for Council to provide direction to Administration to apply for an amendment to the Calgary International Airport Vicinity Protection Regulation so that a development permit for a secondary suite may be submitted on the subject site.

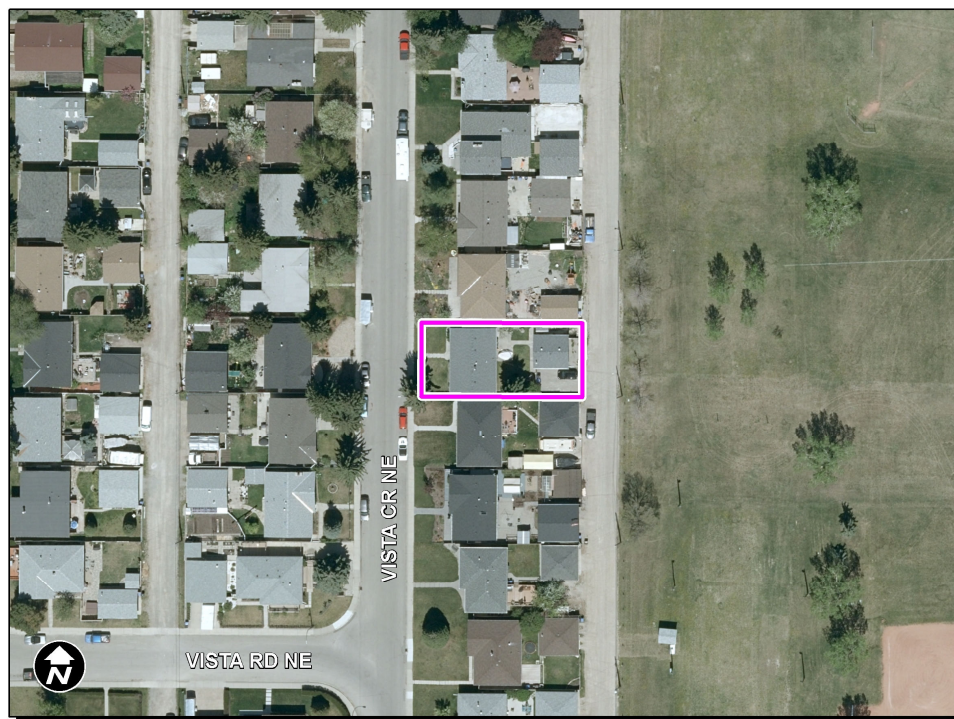
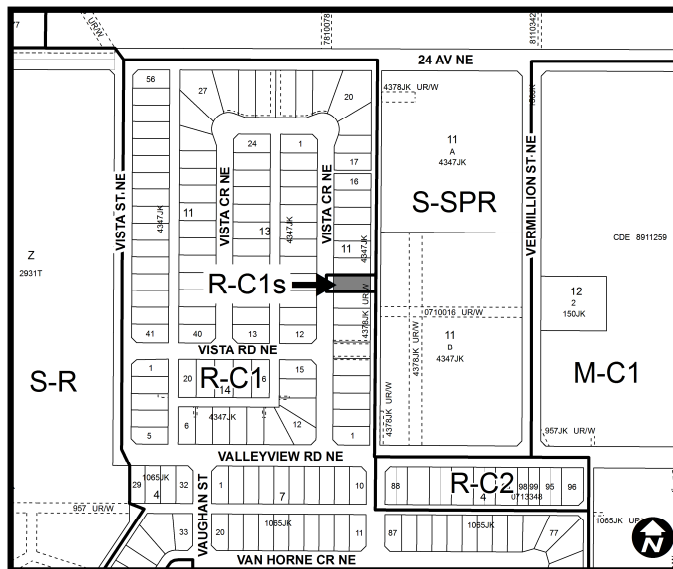
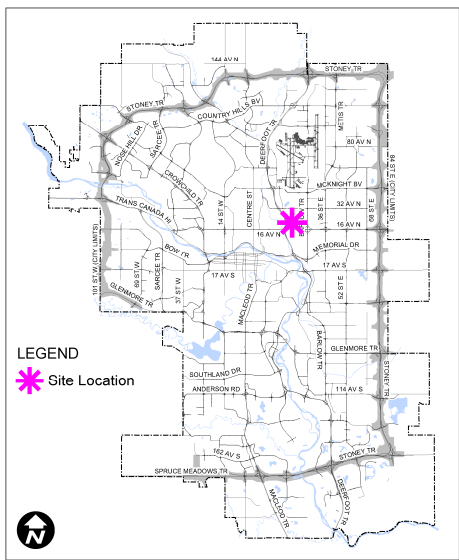
**ATTACHMENT**

1. Proposed Bylaw 40D2017

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LOCATION MAPS



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

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1. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 2140 Vista Crescent NE (Plan 4347JK, Block 11, Lot 10) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District; and
2. Recommend that Council **AUTHORIZE** Administration to make an application to the Minister of Municipal Affairs for an amendment to the Calgary International Airport Vicinity Protection Area Regulation, after processing an applicable development permit and conducting all necessary public consultation in accordance with the requirements of the Regulation, to allow for residential development as a permitted use at 2140 Vista Crescent NE (Plan 4347JK, Block 11, Lot 10).

Moved by: C. Friesen

Carried: 7 – 1

Opposed: D. Leighton

Absent: G.-C. Carra

Reasons for Approval from Mr. Foht:

- I supported the application for the inclusion of secondary suite on the subject property. I think that to seek ministerial approval for each application for secondary suite is cumbersome. The City should look to seek a blanket approval for these low density residential application in areas affected by the Airport Protection Area.

Reasons for Opposition from Mr. Leighton:

- This is a larger issue than a single application for an accessory dwelling.
- The existing building is a legal non-conforming use because of the Airport Noise Contour.
- The Applicant now wishes the City of Calgary to make an application to the Province (to modify the Noise Contour).
- I have two reasons for not supporting this rezoning:
  - a) The potential removal or modification of the Noise Contour (NEF) should be researched for the entire affected area; and only then should Council consider making an application to the Province.
  - b) Although the planner mentioned that the Airport Authority has been consulted, there is no record of this in the report. I suggest that a letter of support from the Airport be requested by the City.

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Comments from Mr. Wright:

- The seven secondary suites for the December 1 Agenda are in communities that have a cumulative decrease in population of more than 8400 residents since achieving their peak population dates. A total of seven letters of objection were submitted and raised issues such as parking and changing the nature of the community. The relative impacts of secondary suites should be viewed a minimal given the significant reductions already experienced.

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**Applicant:**

Regan D Shular

**Landowner:**

Regan D Shular

**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site is located mid block in a low density residential R-C1 setting in the community of Vista Heights. The site is developed with a single detached dwelling with access from the street and from the rear lane. The applicant's intent is to construct a backyard suite.

The subject site has an approximate width of 15 metres and depth of 33.2 metres. The site meets the minimum requirements for width and depth which will be evaluated at the development permit stage. It appears that the parcel has the area to accommodate a single detached dwelling with a secondary suite and the two required motor vehicle parking stalls – one stall for the single detached dwelling and one stall for the secondary suite. The parcel is surrounded by R-C1 parcels.

Located in close proximity to the Calgary International Airport the subject site is required to follow the Calgary International Airport Vicinity Protection Area regulation.

The chart below shows that the population in Vista Heights peaked in 1990 and has declined by 7 percent since then.

Vista Heights	
Peak Population Year	1990
Peak Population	2,470
2016 Current Population	2,286
Difference in Population (Number)	-184
Difference in Population (Percent)	-7%

**LAND USE DISTRICTS**

The proposed R-C1s district allows for the development of a secondary suite in addition to a single detached dwelling on a single parcel. The R-C1s district allows for one additional secondary suite that may take one of the two following forms:

- Secondary Suite as a permitted use; or
- Backyard Suite as a discretionary use.

The proposed R-C1s district is appropriate and complimentary to the established land use pattern of the area and allows for a more efficient use of the land. In addition, the development of a secondary suite on this site can meet the intent of Land Use Bylaw 1P2007.

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## **LEGISLATION & POLICY**

### Calgary International Airport Vicinity Protection Area Regulation (AVPA)

The subject site is located within the Calgary International Airport Vicinity Protection Area (AVPA) Regulation. This Regulation was created to ensure that only compatible land uses are developed in close proximity of the airport. The AVPA establishes allowable uses in certain locations, identified as Noise Exposure Forecast (NEF) areas, due to potential impacts from aircraft flying over as they arrive and depart from the airport. As a result, residential development is prohibited in certain NEF areas.

This parcel is located between NEF contour 35 and 40. Within this contour, residential development is prohibited but because the main dwelling unit existed before adoption of the AVPA it is specially allowed to remain and continue to be used in accordance with the Regulation. As defined by the AVPA, any increase in the number of residential units, as defined is not allowed and would be refused at the development permit phase.

As discussed in the reasons for recommendation section, Administration is supportive of the proposed land use designation but recommends that Council provide appropriate direction for Administration to apply to the Minister of Municipal Affairs for an amendment to the AVPA upon receipt of a development permit application for a secondary suite on the subject site. Such amendment request will not be considered by the Minister unless the Minister is satisfied that reasonable consultation in respect to the proposed amendment has taken place with any affected municipality and landowners, the Airport Operator and the general public. Only a municipality may apply to the Minister for an amendment to the Regulation. Until an amendment is granted administration cannot approve a development permit.

### Municipal Development Plan (MDP)

The subject site is identified as Developed Established Residential area on Map 1 Urban Structure of the MDP. The Developed Area supports Moderate intensification in a form and nature that respects the scale and character of the neighbourhood. The MDP also notes redevelopment should support the revitalization of local communities by adding population. The MDP encourages modest redevelopment in the Established Area.

## **TRANSPORTATION NETWORKS**

The site can be accessed from Varsity Crescent NE by foot, bicycle, or automobile. The parcel is well serviced by transit with a bus stop approximately 600 metres from the site.

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**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 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.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

The Crossroads Community Association was circulated regarding this application and objects to the proposed land use amendment. In their letter to administration, the community association had said that the proposed land use amendment is 'not in keeping with the character of the community' and 'to grant one resident a land use amendment is unfair to surrounding residents who live in a R-C1 community who have chosen this neighbourhood, in part, because of this characteristic'.

**Citizen Comments**

Administration did not receive any letters from neighbouring residents regarding the proposed land use amendment.

**Public Meetings**

No public meetings were held.



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**APPENDIX I**

**APPLICANT'S SUBMISSION**

**Why am I applying for a land use redesignation?**

To allow for the potential to develop a legal secondary suite on my property (R-C1 to R-C1s).

I believe a land use that allows for the potential development of a secondary suite increases the flexibility my family and I have as it continues to grow and we plan to age in our home. A secondary suite would allow the possibility of providing safe, affordable accommodation for any of the following; a university/SAIT student, an international student, a commuter who works in the city but lives further away, relatives/friends who need short-term accommodation, or even one of our children as they reach adulthood. My wife and I would like to create a backyard suite that maintains sufficient parking on our property while enhancing the appeal of the back lane and providing an accommodation of reasonable square footage.

**Why should this application for rezoning be approved?**

1. **Ample Parking** – Currently our lot provides ample parking space and this would not change. Three or four normal-size passenger vehicles are readily accommodated on our lot and this would be maintained with a secondary suite. Currently we have two vehicles which we park on our property and we do not anticipate this changing. Short-term visitors to our home typically make use of street parking in front of our home.

2. **Large Lot with park Exposure** – Our lot exceeds the current minimum dimensions for a secondary suite application (R-C1 to R-C1s zoning):

Lot Characteristic	Minimum	2140 Vista Cr NE	Conclusion
Lot Width	15m	15.24m	Exceeds minimum
Lot Depth	30m	30.54m	Exceeds minimum
Lot Area	400m <sup>2</sup>	511.15m <sup>2</sup>	Exceeds minimum

In addition to lot size, our lot backs a 9m wide lane for access and sizable park/school ground for recreation and green space.

3. **Security and Curb Appeal** – A well-executed secondary suite will enhance the appeal and security of the lane. Security will be enhanced by providing additional lighting, local pedestrian, bike, and possibly vehicular traffic that give the lane a resident's presence.

4. **Proximity to Downtown, Work, Shopping, and Transit:** I discovered Vista Heights in 2008 when I wanted to stop commuting from Airdrie to my place of work near 19 St and 27 Av NE. Since then I've experienced how conveniently the community is connected to Downtown, Sunridge Shopping & Medical Centers, the University of Calgary, the LRT, the Zoo, TELUS Spark, and SAIT via paved pathways and Calgary Transit. The nearby Vista Bus Depot is key to accessing many of these locations without transfers via the #19 and #33 bus routes. Barlow and Rundle LRT Stations are a short ride on either of these bus routes.

I distinctly remember the joy and validation I felt in my decision to move to Vista Heights upon seeing northbound Deerfoot traffic stacked up while I crossed the pedestrian bridge on my rollerblades after work one summer day. My family and I would like to share that feeling with someone by accommodating another like-minded resident.

5. **Precedent in the Community:** A similar land use has already been approved for two other nearby properties in Vista Heights: 47 & 127 Van Horne Cr NE (Lots 1 & 17; Block 5; Plan 1065JK).