

LAND USE AMENDMENT
MAPLE RIDGE (WARD 14)
SOUTH OF SOUTHLAND DRIVE SE AND WEST OF DEERFOOT
TRAIL SE
BYLAW 145D2016

MAP 14S

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. The application was not submitted as a result of a complaint, and there is no existing secondary suite in 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 Calgary.

ADMINISTRATION RECOMMENDATION(S)

2016 May 05

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 145D2016; and

1. **ADOPT** the proposed redesignation of 0.05 hectares \pm (0.11 acres \pm) located at 20 Maple Court Crescent SE (Plan 4325JK, Block 10, Lot 55) 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 145D2016.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s land use district allows for the possibility of two additional residential uses (Secondary Suite and Backyard Suite). These additional uses are compatible with and complementary to the existing low density residential character of the neighbourhood; therefore, the proposed R-C1s district is appropriate for the site. In addition, the proposal conforms to the relevant policies of the Municipal Development Plan and would allow for a development that has the ability to meet the intent of Land Use Bylaw 1P2007.

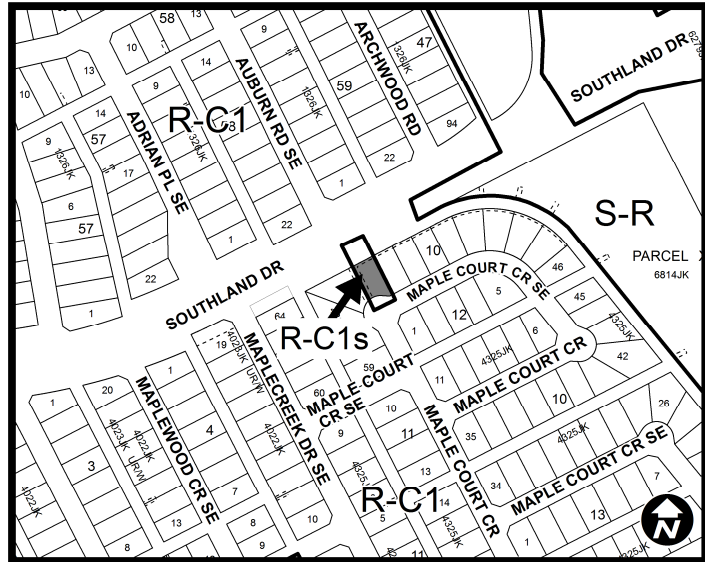
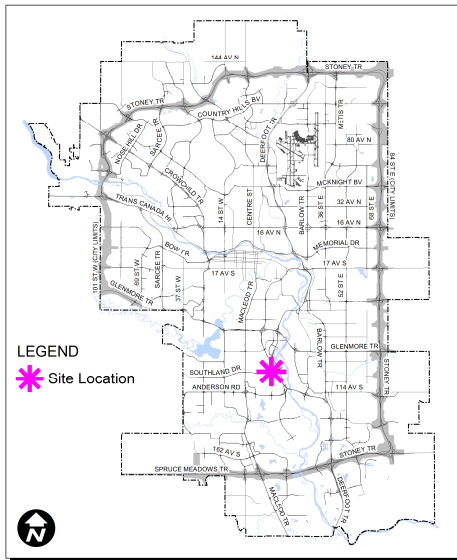
ATTACHMENT

1. Proposed Bylaw 145D2016
2. Public Submissions

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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 0.05 hectares ± (0.11 acres ±) located at 20 Maple Court Crescent SE (Plan 4325JK, Block 10, Lot 55) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: R. Wright

Carried: 8 – 0

Comments from Mr. Wright:

- The building appeared to be “worn” but the Applicant is investing money, in terms of new windows, removing deck, etc., all of which help improve the neighbourhood’s revitalization.

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Applicant:

S O M Investments

Landowner:

S O M Investments

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Maple Ridge, the parcel is approximately 16 metres wide by 28.8 metres deep. The lot depth is deficient by 1.2 metres, as it is an irregularly shaped parcel adjacent to a cul-de-sac. The parcel is developed with a single detached dwelling with a single detached garage accessing the rear lane. Single detached dwellings exist to the south, east and west of the parcel.

APPLICATION HISTORY

This application garnered significant public opposition as there was concern from the community pertaining to construction activity happening on the site, during the same time as this land use amendment application was in review. The Applicant submitted their land use amendment application on 2016 January 19 and subsequently on the next day, submitted and received same day approval for a Building Permit, to allow for basement development improvements, main floor renovations and exterior renovations.

On 2016 February 02, a City of Calgary land use amendment notification letter was sent to adjacent land owners, notifying that the land use amendment application was in review, along with the Planning and Development Map webpage which was posted online. On 2016 February 04, a City of Calgary Notice Posting sign was placed on the property. At this point, the Applicant had begun construction of their approved renovations to the home. Many residents immediately expressed concerns that the Applicant was constructing a secondary suite without proper approvals in place.

LAND USE DISTRICTS

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

It is anticipated that the parcel can accommodate a secondary suite and its associated Land Use Bylaw 1P2007 requirements, including the minimum parking requirement and amenity space provisions. If any relaxations are required, these may be considered at future development permit stage.

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Approval of this land use application does not constitute the approval of a specific secondary suite type, but rather it allows for an additional dwelling unit (in the form of a secondary suite) to be considered via additional building and/or development permit processes. A development permit will be required if there are any proposed relaxations or if a Backyard Suite is proposed.

As the subject parcel is an irregular shaped parcel, with a deficient lot depth of 1.2 metres a Development Permit would be required, under current regulations. However, proposed amendments to the requirements of the R-C1s District are being presented to City Council with a recommendation for approval on 2016 May 02. If approved by Council, these changes would remove the lot depth and width requirements for a Secondary Suite uses; and as such, a Development Permit would not necessarily be required.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (Approved by Council 2009):

The subject site is located within a *Residential, Developed-Established Area* as identified on Map 1: Urban structure of the Municipal Development Plan (MDP). Although the MDP makes no specific reference to the subject site, the land use proposal is in keeping of overarching MDP policies including: *Established Areas* policies (Section 3.5.3), *Neighbourhood infill and redevelopment* policies (Section 2.2.5) and *Housing diversity and choice* policies (Section 2.3.1).

There is no local area plan in place for this community.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available from Maple Court Crescent SE with vehicular access to the existing single vehicle attached garage and parking pad via the rear lane. The area is served by Calgary Transit with bus stops located approximately 700 metres walking distance from the site along Acadia Drive SE (Route 79). Unrestricted on-street parking is permitted on Maple Court Crescent SE and throughout the area.

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 a 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 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 the MDP references associated with growth management.

PUBLIC ENGAGEMENT

Community Association Comments

The Willow Ridge Community Association provided a letter of objection in response to the proposal. The letter is attached in APPENDIX II of this report.

Citizen Comments

Administration received approximately 150 letters and 75 phone calls in response to this application. Of the 150 letters received, 6 were in support of the application.

Many of the letters received did not include reasons for objection, and simply stated “we would like to register an objection to this application.” It is believed that the unusually high volume of responses received were a result of either a flyer that was distributed widely throughout the neighbourhood or because of approved home renovations to the dwelling that commenced prior to Public notifications of this application. The anonymous flyer advocated for residents to contact the City and “register an objection” to this application, and is attached as APPENDIX III of this report. Administration also received two petitions in opposition to this application with a total of 64 signatures. Many residents who signed the petitions also wrote in letters and/or called the file manager to register an objection.

Responses that did include reasons for objection are summarized below:

- Desire to keep the single family character of the area;
- Increase in traffic;
- Concerns regarding potential garage suite;
- Decrease of on-street parking availability;
- Decrease in property values;
- General opposition to secondary suites, as there are no existing R-C1s designated sites in Maple Ridge;
- Negative impact on neighbourhood dynamics;
- Lack of upkeep on rental properties;
- Precedent for other secondary suites in the community;
- Transients creating instability in the community;
- Noise pollution;
- Opposition to multi-family dwellings in the community;

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- Opposition to renters in the community;
- Transit bus stops are not in close proximity to this property; and
- “Spot Zoning” does not protect the interests of the neighbours, who wish to remain in a single family area.

Public Meetings

A public meeting was facilitated by the Willow Ridge Community Association on 2016 March 13. City Administration and the Applicant were also in attendance. City Administration provided a presentation on the land use amendment application process and secondary suites in general, while the Applicant presented their specific application. Both presentations were followed by a question period. A total of 151 residents attended the meeting; Ward 14 City Councillor Demong was also in attendance.

There were many questions on the application process and how the application is being evaluated by Administration. Many residents believed this application was for both a secondary suite and backyard suite which would result in a “multi-residential development.” Some residents also believed this application would result in a duplex style development. This may have been due to the opposition flyer distributed to throughout the community of Maple Ridge.

Residents also had questions for the Applicant regarding Building Permits for renovations to the dwelling, which included basement renovations. The Applicant had begun work on this renovation, which appeared to include construction of a separate secondary suite. However, through further investigation, it was determined that the Applicant had obtained Building Permit approvals for basement and upper floor renovations, prior to submitting this redesignation application. Additional Building Permits and/or Development Permit for a Secondary Suite would be required if this land use amendment application is approved by Council.

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APPENDIX I

APPLICANT'S SUBMISSION

S.O.M. Investments Ltd is a family owned and run residential redevelopment company. We have a small rental portfolio and are working to grow this portfolio over the next 5 years. We also work on old or distressed homes all over the city. We fix them up and get them backup to today's code standards. Our main goal is expanding our passive income portfolio. However, with the price of homes over the past couple of years it has been very difficult for any owner to just rent out their home. Typically rent will barely cover the cost of the mortgage. We found the benefit to putting proper legal suites into the right style of home. Especially done right. This is for our benefit and our future tenants. We currently have two legal secondary suites in our portfolio. One in Okotoks and one in Turner Valley. Both of them required for us to get land use re-designation. Though this process is lengthy we saw the benefit of doing it right.

Our intention is to construct more legal secondary suites over the upcoming years with the cities approval of course. If not for us, we also see the ability to sell these properties to a new, young family who is just trying to get their first home. CMHC now considers 50% of the rental income as income towards their mortgage. We have the ability to construct a suite properly with our expertise and knowledge. This offers an opportunity for a new home owner get into a home or neighbourhood that typically wouldn't be in their price range by having a legal suite available to them. This also assists the city knowing that the suite was done correctly. Most home owners are overwhelmed by the process. We help eliminate this from the equation. The bank is happy with additional income; and the tenant is getting a safe place to live rather than a bathroom placed under a staircase; and the new owner gets the house of their dreams.

20 Maple Court Cres. Is a great little Bi-level with large above ground windows. The property comes with a double garage and enough for 4 more parking stalls, alleviating any additional parking on the street. Located in Maple Ridge close to amenities, parks, and transportation, tenants can get around easily without access to a vehicle. We are in the process of a \$100K renovation on the property, updating the full exterior, interior, and of course with approval the new lower level suite.

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APPENDIX II

COMMUNITY ASSOCIATION SUBMISSION



Willow Ridge Community Association of Calgary

680 Acadia Drive, South East
Calgary, Alberta, CANADA
T2J 0C1

Tel: 403.271.8044
Fax: 403.278.3718
www: www.willowridge.ca

February 18th, 2016

City of Calgary
Planning Development and Assessment,
P.O. Box 21000 Station "M"
Calgary, AB
T2P 2M5

Attention: **Ms. Sabrina Brar (Sabrina.Brar@calgary.ca)**
File Manager

Reference: **LOC2016-0017 20 Maple Court Cres. SE Calgary (4325JK;10;55)**

Dear Ms. Brar:

Thank you for the REQUEST FOR COMMENT ON APPLICATION, for this on going renovation project and subsequent Land Use Amendment.

As a Community Association, we usually refrain from comment on individual homeowner based Applications, however this application presents a number of challenges to both the City and the Community that we feel compelled to present our position in relation to the Application.

As a general position, our Community Association supports the general goals and aims of the City's policies towards increased densification. The Community Association also respects and acknowledges the steps and procedures of the processes to cause change to any Land Use or to a Development Application.

That said, in relation to this application, we find that this Application fails to meet both the standards of the City's processes as well as the standards associated our Community and the profile that Maple Ridge and Willow Park have within the City of Calgary. To this end, we are attaching a copy of our Community Profile.

From a process point of view, it would appear that the applications concerns are fixed solely around the financial merits of obtaining a Change of Land Use Amendment, while in the midst of a previously permitted renovation project. The applicant's submission focuses only upon their business background, and current market trends with only three short sentences related to this specific property and the application under consideration.

The applicant - S.O.M Investments Ltd, - fails to address any of the normal issues associated with a Land Use Amendment application, such as traffic impacts, parking, stakeholder input, or community standards impacts.

The following points form the basis of our opposition to this development application:

S. Brar

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Association Of Calgary

- The applicant has proceeded with numerous unpermitted changes to the property.
- The Applicant indicates their willingness to *"Do it right"*, regarding the application process, (as offered by their example of similar work in Okotoks and Turner Valley), but has departed significantly from the normal such application processes for this property within in the City of Calgary.
- The Applicants goal as stated *"Our main goal is expanding our passive incoming portfolio"*, is incongruent with their later justifications of reselling of the property.
- The Applicants claim that *"If not for us, we also see the ability to sell these properties to a new young family who is just trying to get their first home"* does not meet the practicality test. Certainly the cost of the property and the applicants stated \$100,000.00 renovations, plus a reasonable profit, would place this Maple Ridge home beyond the category of an "entry level home".
- The Applicants Submission claims that they are prepared to dig up and convert the existing backyard into four additional uncovered parking positions, while at the same time indicating that *"tenants can get around easily without access to a vehicle"*. While these two statements appear to be contradictory, certainly converting a backyard into a parking lot cannot be considered as conducive to the profile of this community and would have a negative impact upon the immediate existing neighbours.
- The Applicants Submission makes numerous, unsupported, financial statements and conclusions, while indicating their justification for their investment and changes into the property. They fail to address or acknowledge the negative financial impact their, parking lot, increased traffic, and general disruption will have upon the immediate neighbourhood.
- The areas comprising the Willow Park and Maple Ridge communities have a significant percentage of the communities area, currently being utilized as multi-family, and multiple family housing. In general these are located within easy access to Calgary, transit, and walking/biking corridors. At present there is available low cost and medium rental accommodation in many of these units. The proposed change in land use application site, does not provide easy access to any Calgary Transit or walking/biking corridors, other than conventional sidewalks, and is a considerable distance from general amenities.

While Calgary, can be considered a City of Innovators and Initiators, it would be wrong and inappropriate to reward applicants and individuals that intentionally, and with forethought, bypass and attempt to circumvent the proven City of Calgary, land use change and permitting processes for their own financial benefit and to the detriment of a long standing City of Calgary community.

The Community Association is NOT in favour of this Application. Additionally the CA cannot condone the general process that this Applicant has made to circumvent standard community norms and the City's Land Development application processes, in seeking only a financial reward without regard to the overall change that this application would bring to the community.

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Association Of Calgary

If you have any additional questions or concerns, please direct them to the signature contact information, below.

Yours truly,

Greg Humphreys
WRCA - Director of Civic Affairs
gchumphreys@gchumphreys.com

Tel: 403-540-5141

c.c. Roger Crowe – WRCA President
c.c. Peter Demong – Councillor Ward 14

Map of 20 Maple Court Crescent SE, Calgary AB.



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RESPECT • HONESTY • INTEGRITY • LEADERSHIP • COMMUNICATION • COMMITMENT

Vision

To be a complete community that is proud of its parks, tree-lined streets, golf courses, community programs and other amenities that create a safe, family oriented, low density environment.

Mission

To maintain and foster the community vision by providing social and recreational programs and facilities while advocating in the best interest of its residents.

Willow Ridge Community Association serves the Willow Park and Maple Ridge communities of Calgary.

680 Acadia Drive SE
403-271-8044
info@willowridge.ca

Willow Ridge Community Association is currently seeking volunteer members for its Board of Directors.

www.willowridge.ca



Make a difference where you live.

Help shape the future of the Willow Ridge Community.



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RESPONSIVENESS • ENJOYMENT • REPRESENTATIVE • RECIPROCITY • ACCESSIBLE & TRANSPARENT



We believe respect is not a function of age, and the spirit never grows old.

We strive to maintain the dignity, health and peace of mind for seniors in our community through addressing the lack in quality and quantity of facilities.

Keeping kids at play isn't a business—it's a way of life.

At a time when child and youth obesity is on the rise, we seek to ensure accessible, affordable and varied programming is provided a head start on active lifestyles.



We're dedicated to creating a community where schools stay open for generations to come.

Access to education can play a key role in future opportunities for children, and the futures of children impacts the future of our community.

The voice of a community is valuable in supporting the well-being of a city.

As our city continues to change, we believe it is essential to address changes outside our community which impact the quality of life within our community.



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APPENDIX III

ANONYMOUS OPPOSITION FLYER

F Y I - this could be your new neighbour

SECONDARY SUITE & ZONING CHANGE ALERT



#20 MAPLECOURT CRESENT S.E.

An application is before the city to convert this home into a **secondary suite** and a **back yard suite**; changing the zoning from it's current **R-1C** single family dwellings to **R-1Cs**

If allowed on this crescent then your crescent or street could be next

What should I do now?

Register an objection for application LOC 2016-0017 by contacting

Sabrina Brar, City File Manager, (403) 268-2142 or

e mail: sabrina.brar@calgary.ca