CALGARY PLANNING COMMISSION   **ISC: UNRESTRICTED**
REPORT TO COUNCIL   **CPC2016-153**
2016 JULY 04   **LOC2016-0042**
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LAND USE AMENDMENT
MARLBOROUGH (WARD 10)
16 AVENUE NE AND 52 STREET NE
BYLAW 148D2016   **MAP 22E**

EXECUTIVE SUMMARY

This Land Use Amendment application seeks to redesignate a single residential parcel from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite. The application was not submitted as a result of a complaint. 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 148D2016; and

1. **ADOPT** the proposed redesignation of 0.05 hectares ± (0.12 acres ±) located at 1435 Mardale Drive NE (Plan 132LK, Block 7, Lot 61) 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 148D2016.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s district, which allows for two forms of secondary suite uses (secondary suite, backyard suite), is compatible with the established character of the community. In addition, the proposal conforms to the relevant policies of the Municipal Development Plan and allows for a development that has the ability to meet the intent of Land Use Bylaw 1P2007. The parcel has rear lane access, is in close proximity of transit and can accommodate the required additional parking stall on site.
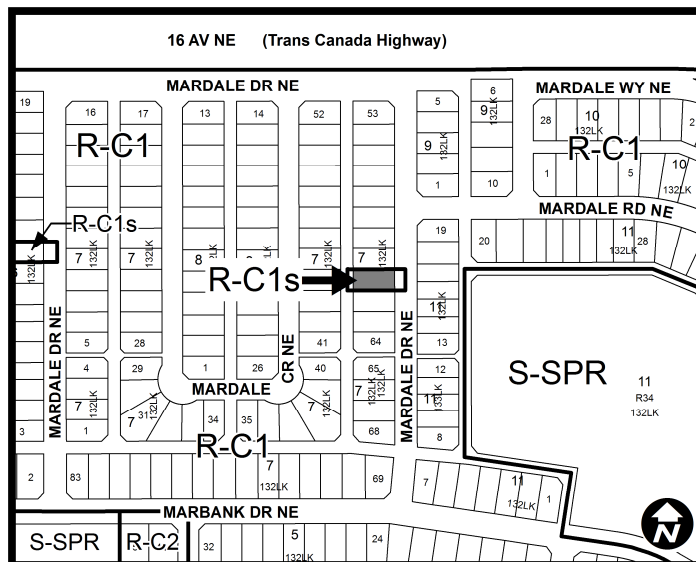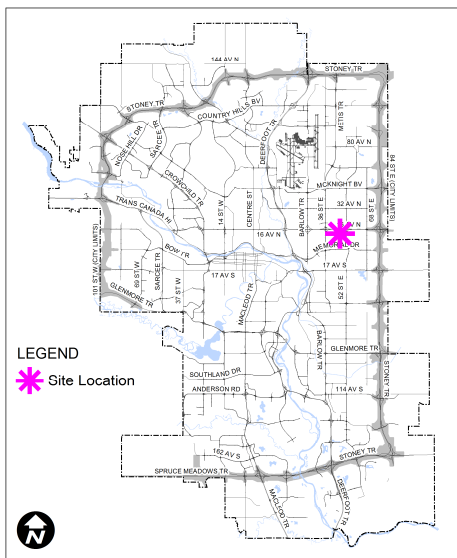
ATTACHMENTS

1. Proposed Bylaw 148D2016
2. Public Submissions

<div align="right">B. Bevill</div>

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LOCATION MAPS

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares ± (0.12 acres ±) located at 1435 Mardale Drive NE (Plan 132LK, Block 7, Lot 61) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

      Moved by: M. Foht   **Carried: 8 – 0**

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LAND USE AMENDMENT
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Applicant:	*Landowner:*
Anne Ngo	Anne Ngo
	Huan Tran

PLANNING EVALUATION

Located in a low density residential R-C1 setting in the community of Marlborough, the site is approximately 15 metres wide by 30 metres deep. The parcel is developed with a single detached dwelling with a detached double garage accessed off the rear lane. Single detached dwellings exist to the north, south, west and east of the parcel. One block east is also the Chris Akkerman Elementary School. The parcel is approximately 150 metres from a bus stop.

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 single parcel. The R-C1s district allows for one additional permitted use (secondary suite) or one additional discretionary use (backyard suite).

The subject site does not meet the minimum R-C1s parcel width requirements (15.0 metres). As such, the site would require a minor relaxation to the Land Use Bylaw 1P2007 requirements in order to accommodate a secondary suite. Any required relaxations may be considered at the Development Permit stage.

Approval of this land use application does not constitute 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 the Development Permit process.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (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 sites, 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 for Marlborough.

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TRANSPORTATION NETWORKS

The subject site has rear lane access and is located approximately 150 metres from transit.

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.

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 matters.

PUBLIC ENGAGEMENT

Community Association Comments
- The community association submitted a letter of opposition. A copy of the letter can be found in APPENDIX II

Citizen Comments
- Five letters of opposition were submitted for this application. The objections were related to upkeep of the property, safety and noise.

Public Meetings
- No public meetings were held for this application.

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APPENDIX I

APPLICANT'S SUBMISSION

Reasons for making application:
- To provide legal, safe, high quality and affordable housing that is also:
    o Within walking distance to daycare, elementary school, and public bus
    o Nearby LRT station
    o Nearby Shopping Centers
- Provide privacy and self-contained living space for tenant's family (reduced cost of living without having to move out)

Reasons for approval:
- No loss of parking spaces.
    o Four (4) on-property private parking spaces available (double garage and additional parking spaces for two (2) vehicles in the back of house)
    o Additional curbside parking spaces available for up to two (2) big vehicles in front of the house
- Existing long term rental for one family (no extra traffic, no extra cars parking on the road, no extra noise in the neighborhood, and no change to neighborhood aesthetics)
- Land Use Resignation requested for basement suite which will not infringe upon the privacy of neighbors in the same way that a above garage suite would
- If approved, a legal suite can be held to all standards, codes and thus more closely regulated. In turn, this will provide a safer environment for the residents.
- Fair and reasonable rent for tenants

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APPENDIX II

LETTERS SUBMITTED

CMCA

THE COMMUNITY ON THE MOVE

CALGARY MARLBOROUGH COMMUNITY ASSOCIATION

636 MARLBOROUGH WAY N.E., CALGARY, ALBERTA T2A 2V6

April 19, 2016

Circulation Control
Planning, Development & Assessment #8201
PO Box 2100, Stn. M
Calgary, AB T2P 2M5

RE: File # LOC2016-0042
1435 Mardale Dr. N.E.

We recognize Anne Ngo's request and appreciate her going through the proper channels, however the Calgary Marlborough Community Association supports the R-C1 single family zoning for this community. We do not encourage secondary suites as parking, services and community structures are designed around single family dwellings.

Yours truly,

Laura Greenwood
Calgary Marlborough Community Association

B. Bevill