

LAND USE AMENDMENT
CITYSCAPE (WARD 3)
CITYSCAPE GARDENS NE AND CITYSCAPE DRIVE NE
BYLAW 185D2016

MAP 22NE

EXECUTIVE SUMMARY

This land use amendment application proposes to redesignate a single residential parcel from a DC Direct Control District to a new DC based on the rules of the Residential – One Dwelling (R-1s) District to accommodate the uses of Secondary Suite, and Backyard Suite on the subject parcel's dimensions. The application was not submitted as a result of a complaint and the parcel does not contain a secondary suite at this time.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 May 19

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 185D2016; and

1. **ADOPT** the proposed redesignation of 0.03 hectares \pm (0.07 acres \pm) located at 246 Cityscape Gardens NE (Plan 1510507, Block 5, Lot 23) from DC Direct Control District to DC Direct Control District to accommodate secondary suite, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 185D2016.

REASON(S) FOR RECOMMENDATION:

The proposed DC District is consistent with the intent of the original DC to accommodate secondary suites on smaller scale single detached parcels within a specific site (Site 1) as indicated on the original DC. Through subdivision, this parcel became non-conforming to most secondary suite guidelines in the DC. Therefore the proposed DC revises the parcel dimensions rules to match this particular parcel, thus allowing for a secondary suite application to be made.

These uses are compatible with and complimentary to the existing low density residential character of the neighbourhood.

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Furthermore, the following close amenities support the application:

- Proximity to park;
- Proximity to regional pathway;
- Proximity to transit; and
- Proximity to schools.

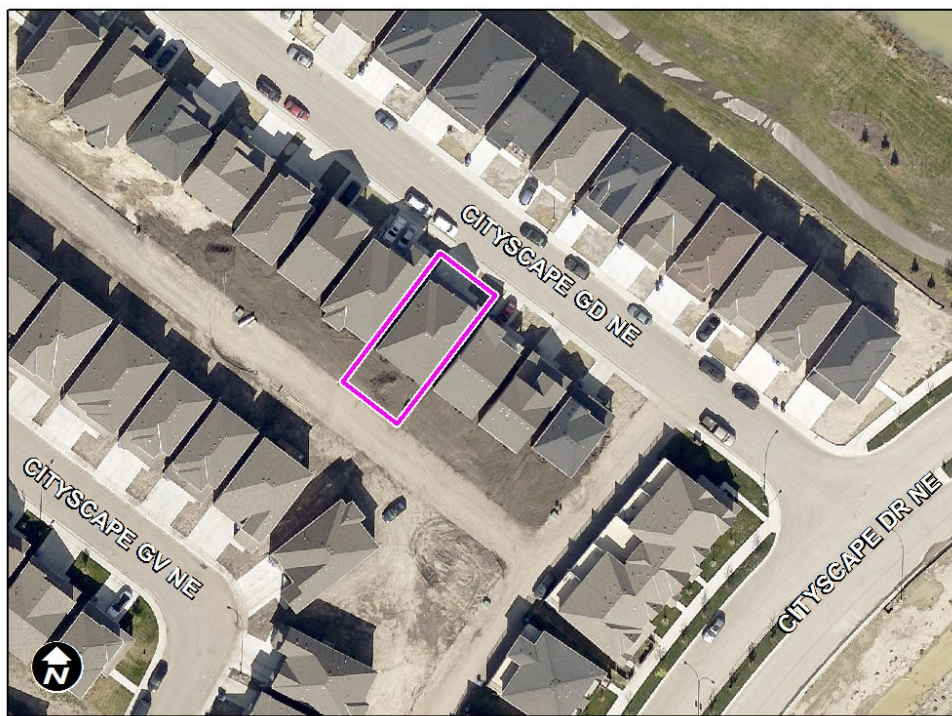
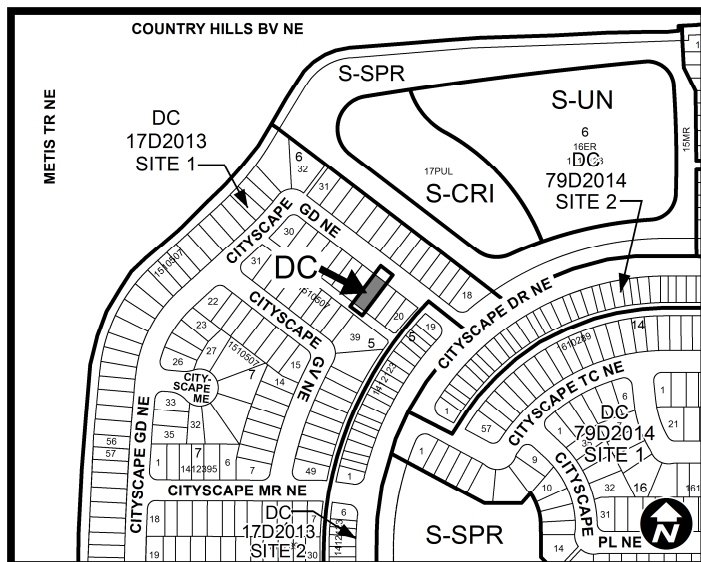
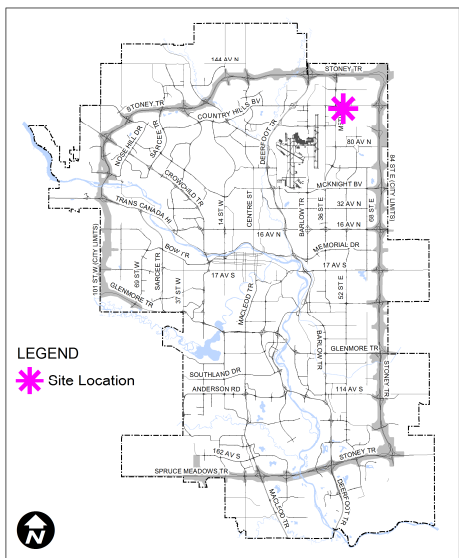
ATTACHMENT

1. Proposed Bylaw 185D2016

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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 0.03 hectares \pm (0.07 acres \pm) located at 246 Cityscape Gardens NE (Plan 1510507, Block 5, Lot 23) from DC Direct Control District **to** DC Direct Control District to accommodate secondary suite with guidelines (APPENDIX II).

Moved by: S. Keating

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Applicant:

Sundeep S Parmar

Landowner:

Navneet K Parmar
Sundeep S Parmar

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential setting in the community of Cityscape, the parcel is developed with a single detached dwelling and attached garage with access from the street. A lane also flanks the rear of the parcel. Single detached dwellings exist adjacent to the parcel to the east and west, across Cityscape Gardens NE to the north, and across the lane to the south.

LAND USE DISTRICTS

Due to the non-conforming parcel dimensions to most secondary suite guidelines in the original DC, and the additional guidelines within the DC aimed at regulating the development of single detached dwellings on such smaller scale parcels, a new DC is being proposed over a stock district.

The proposed DC District (APPENDIX II) has the ability to accommodate a secondary suite or backyard suite on parcels that already contain a single detached dwelling on a single parcel. The suite may take one of the following two types:

- Secondary suite as a permitted use (located within the main residential building and secondary to the main residential use).
- Backyard suite as a discretionary use (located in a detached building located behind the front facade of the main residential building and secondary to the main residential use).

Approval of this land use application does not constitute approval of a specific secondary suite type, but rather it allows for a secondary suite to be considered via the development or building permit process. The approval of this land use includes an increase to the maximum floor area of a secondary suite from an area of 70.0 square metres to an area of 100.0 square metres. If the secondary suite is a permitted use and meets all Land Use Bylaw rules, a development permit is no longer required.

Site Specific Considerations

The subject site has a depth of 27.0 metres and an area of 313.0 square metres therefore, does not meet the minimum standard R-1s parcel depth requirement of 30 metres and parcel area requirement of 330.0 square metres. As a result, a new DC District is being proposed.

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Nonetheless, the subject site meets the minimum parcel width requirement, and has the capacity to accommodate:

- A single detached dwelling with a secondary suite;
- The two required on-site motor vehicle parking stalls (one stall for the single detached dwelling unit and one stall for the secondary suite); and
- Amenity space provisions.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (2009)

The subject site is located within a Residential, Developing-Planned Greenfield with Area Structure Plan (ASP) 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 conforms to overarching residential policies of the MDP, including: Housing diversity and choice policies (Section 2.3.1) and Planned Greenfield Communities policies (Section 3.6.1).

Northeast Community 'A' Area Structure Plan (2007)

The Northeast Community 'A' Area Structure Plan is the local area plan for Cityscape. The land use proposal is in keeping with the Residential Area policies (Section 6.1.2) and Housing Diversity policies (Section 8.1.2).

Vicinity Protection Area Regulation (AVPA)

The parcel is located within Calgary's International Airport Vicinity Protection Area (**AVPA**) and lies between the Noise Exposure Forecast (NEF) contours 20 and 25, excluding the airport lands. Thus this development must also comply with the acoustical requirements of the Alberta Building Code at the future development permit stage.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available via Cityscape Gardens NE or by lane in rear. There are no parking restrictions on Cityscape Gardens NE, the lane, or in the area.

A future west bound bus stop for Route 445 is proposed at 280 metres walking distance from the site. The bus stop is located along Cityscape DR NE, at the intersection with Cityscape Heath NE.

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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 a secondary suite proposed. This aspect would be determined at the Development Permit/Building Permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

ENVIRONMENTAL SUSTAINABILITY

This aspect would be determined at the Development Permit/Building Permit stage, and so is not applicable for this application.

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

Not required as there is no Community Association in this area.

Citizen Comments

No letters were received.

Public Meetings

No meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

This application for Land Use Redesignation is to address the following restrictions on my property by the current Direct Control District: Bylaw # 17D2013:

1) Parcel Depth (Page 5 of Bylaw # 17D2013)

- The minimum parcel depth for a parcel containing a Secondary Suite is 30.0 metres. I am seeking to have the parcel depth requirement changed from 30.0 metres to 27.0 metres.

2) Parcel Area: (Page 5 of Bylaw #17D2013)

- 330.0 square metres for a parcel containing a Secondary Suite or a Secondary Suite – Detached Garage;

I am seeking to have the parcel area requirement changed from 330.0 square metres to 313.2 square metres

3) Maximum Floor Area: (linked from Direct Control District: Bylaw # 17D2013 to page 292.2 of Land Use Bylaw 1P2007)

- The maximum floor area of a Secondary Suite, excluding any area covered by stairways and landings, is 70.0 square metres:

I am seeking to have the maximum floor area requirement changed from 70.0 square metres to 92.0 square metres.

I believe this secondary suite would be desirable because of its access to amenities, distance to prominent employment, and high density location. The community of Cityscape has its own CBE school grounds, on the Rotary/Mattamy Greenway ('this will be the largest pathway system in the world'), serviced by public bus, and encompasses its own future C-train station. This community is adjacent to two large business development projects of StoneGate Landing (11,000,000 ft² business development) and Jacksonport (1,200,000 ft² business development). The community itself was been zoned for secondary suites and built with plans for high density housing from the start.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to accommodate a **Secondary Suite** or a **Backyard Suite** on the same *parcel* as a **Single Detached Dwelling**.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The *permitted uses* of the Residential – One Dwelling (R-1s) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

- 5 The *discretionary uses* of the Residential – One Dwelling (R-1s) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Residential – One Dwelling (R-1s) District of Bylaw 1P2007 apply in this Direct Control District.

Parcel Depth

- 7 The minimum *parcel depth* is 27.0 metres.

Parcel Area

- 8 The minimum area of a *parcel* is 297.0 square metres.

Parcel Coverage

- 9 (1) The maximum *parcel coverage* is 70.0 per cent of the *parcel*.
- (2) The maximum *parcel coverage* referenced in subsection (1) must be reduced by 21.0 square metres for each required *motor vehicle parking stall* that is not provided in a *private garage*.

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Building Setback from Front Property Line

- 10 (1) The minimum **building setback** from a **front property line** is 2.0 metres.
- (2) The minimum **building setback** from a **front property line** for a **porch** or **balcony** is 1.5 metres.

Building Setback from Side Property Line

- 11 (1) The minimum **building setback** from any **side property line** is 1.2 metres.
- (2) The **building setback** required in subsection (1) may be reduced to 0.6 metres where:
- (a) the owner of the **parcel** proposed for **development** and the owner of the **adjacent parcel** register, on both titles, a 1.8 metres mutual private access easement; and
 - (b) all roof drainage from the **building** is discharged through eavestroughs and downspouts onto the **parcel** on which the **building** is located.

Building Setback from Rear Property Line

- 12 The minimum **building setback** from a **rear property line** is 0.6 metres.

Building Height

- 13 The maximum **building height** is 13.0 metres.

Secondary Suite Rules

- 14 (1) For a **Secondary Suite** the minimum **building setback** from a **property line**, must be equal to or greater than the minimum **building setback** from a **property line** for the **main residential building**.
- (2) The maximum floor area of a **Secondary Suite**, excluding any area covered by stairways and **landings**, is 100.0 square metres.
- (3) The maximum floor area of a **Secondary Suite** may be relaxed by the **Development Authority** to a maximum of 10.0 per cent.
- (4) A **Secondary Suite** must have a **private amenity space** that:
- (a) is located outdoors;
 - (b) has a minimum area of 7.5 square metres with no dimension less than 1.5 metres; and
 - (c) is shown on a plan approved by the **Development Authority**.