

LAND USE AMENDMENT
CRESCENT HEIGHTS (WARD 7)
NORTHWEST OF MEMORIAL DRIVE NW AND CENTRE STREET
NW
BYLAW 108D2016

MAP 22C

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel located in the community of Crescent Heights from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite. A Secondary Suite does not currently exist on the site, and this application is not the result of a complaint.

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 March 24

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 108D2016; and

1. **ADOPT** the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 134 – 6 Avenue NW (Plan 4456R, Block 33, Lots 34 and 35) 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 108D2016.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s district, which allows for two forms of secondary suite uses (Secondary Suite, and Backyard Suite), is compatible and complementary with the established character of the community. In addition, this 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 can be accessed from both the street and the lane, and can accommodate the required onsite parking. Furthermore, public transit is within close proximity to the site.

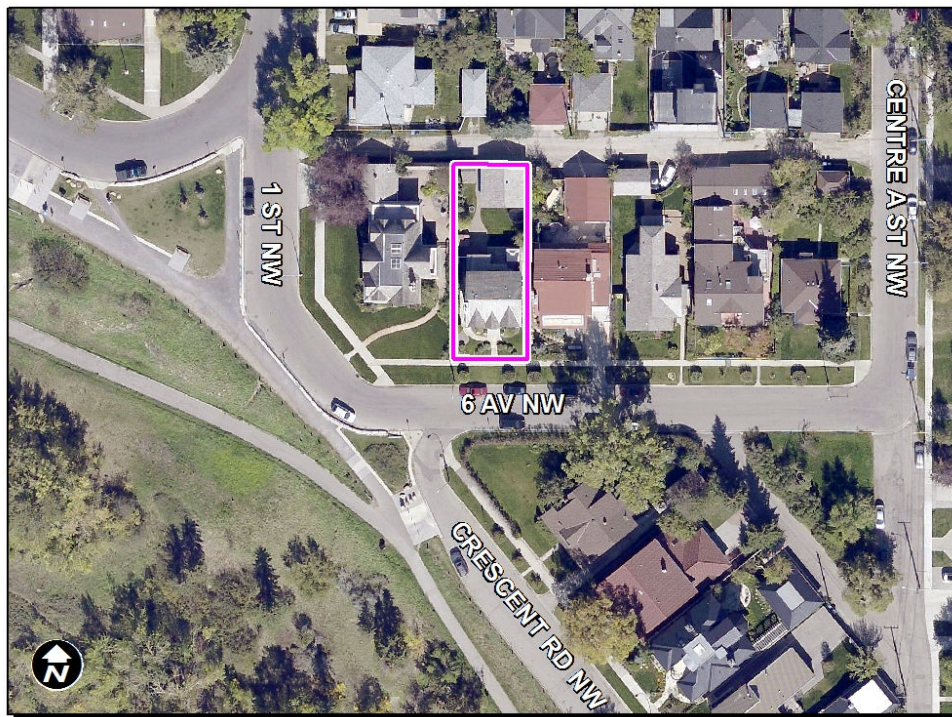
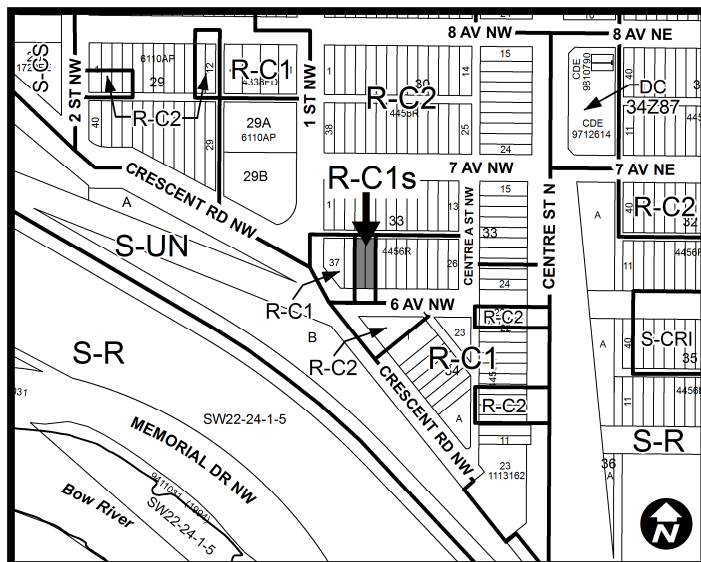
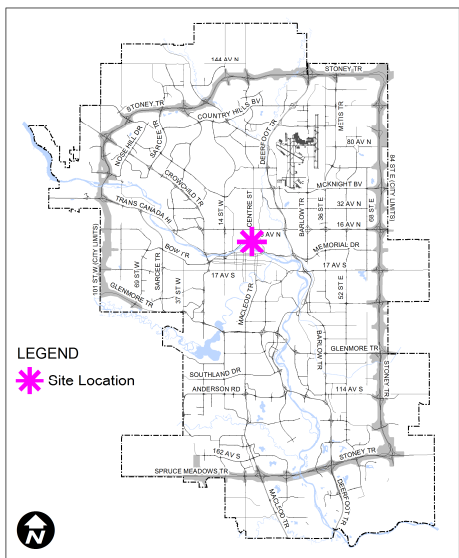
ATTACHMENTS

1. Proposed Bylaw 108D2016
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 \pm (0.12 acres \pm) located at 134 – 6 Avenue NW (Plan 4456R, Block 33, Lots 34 and 35) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: S. Keating

Carried: 7 – 1

Opposed: R. Wright

Reasons for Opposition from Mr. Wright:

- I found the Community Association logic compelling.

Comments from Ms. Wade:

- To the best of my knowledge there is no statistical evidence that renters keep their units in a lesser fashion than owners. In addition, there is no statistical information that renters are a safety threat to a community. I would challenge that this evidence be provided when these statements are being made by citizens.

Comments from Ms. Gondek:

- When complainants argue that renters might have lackluster standards of yard upkeep, that they may provide safety concerns to a neighbourhood, and that their car ownership should be regulated by neighbours, it creates the image of the renter as an unwanted and unworthy community member. That's not a tolerant position and not one that I expect from residents of the city of Calgary.
- The letter from the Crescent Heights Community Association is extremely well written and provides a very thoughtful perspective from a community undergoing dramatic change. It is my hope that the development permit stage will reflect the same level of thoughtfulness from the development authority.

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Applicant:

IBI Group

Landowner:

Catherine M. Beaudin

PLANNING EVALUATION

SITE CONTEXT

The subject parcel is located in a low density residential R-C1 setting in the community of Crescent Heights. The parcel is developed with a single detached dwelling with a detached double garage accessed from the lane. A Development Permit for a new contextual single detached dwelling has been approved however a Building Permit has not yet been applied for. The land use surrounding the subject site is low density residential and is predominantly R-C2 with pockets of R-C1, such as along 6 Avenue NW. The area is served by Calgary Transit with a bus stop located within 400 metres.

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) and one additional discretionary use (backyard suite).

The site is 13.7 metres wide by 36.61 metres deep. The subject site generally meets the minimum R-C1s parcel size requirements with the exception of the lot width, which is 1.3 metres deficient of the bylaw requirement for the use of Backyard Suite. The Development Authority may support required relaxation(s) at the Development Permit stage. The site can accommodate a Secondary Suite and its associated Land Use Bylaw 1P2007 requirements, including the minimum parking requirement and the amenity space provisions.

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

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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).

Crescent Heights Area Structure Plan

Although this parcel falls under the Crescent Heights Area Structure Plan, there are no relevant policies related to this application.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available from 6 Avenue NW, with vehicular access to the detached garage from the rear lane. The area is served by Calgary Transit with a bus stop located approximately 250 metres away on Centre Street N. On-street parking adjacent to the site is by permit only.

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.

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 was circulated as per the normal circulation process and comments were received 2016 February 04. The Community Association objects to the application for the following reasons:

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- There is community opposition to the application;
- Density is already increasing within the community;
- Redevelopment within Crescent Heights should be carefully planned and managed; and
- There are other areas of the community that may be more suitable for this type of development.

Citizen Comments:

Twenty five letters of objection were received by Administration. The following concerns were expressed in response to the proposal:

- Impacts on the privacy of neighbouring parcels;
- Potential traffic and parking issues;
- Impacts on housing values;
- The historical single-detached (R-C1) nature of the community; and
- Negative impacts on the heritage character of Crescent Heights.

Public Meetings:

No meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

A development permit application related to this land use redesignation application has been submitted and is currently under review by Administration. This application is to redesignate the land use for the following property and add the use of Backyard Suite:

- Municipal Address: 134 – 6 Avenue NW, Calgary AB, T2M 0A1
- Legal Address: Plan 4456R, Block 33, lot 34 and easterly 20 feet of lot 35

The proposed redevelopment project is to allow for the construction of a new single family dwelling on the site and include a backyard suite atop a detached garage building, facing the existing lane. The existing buildings on the site will be replaced in their entirety.

The subject site is currently designated R-C1 and the application is to redesignate it to R-C1s to accommodate a backyard suite. The subject site is laned and across from R-C2, making it more favourable for a backyard suite. The R-C1s designation is preferred given that parcels designated R-C1s are intended to accommodate a backyard suite on the same parcel as a single detached dwelling and be architecturally sensitive to the context of the site.

The proposed redevelopment on the subject site to redesignate the land use for the property from the existing R-C1 to R-C1s and add the use of Backyard Suite is suitable to the neighbourhood context and does not impact on surrounding properties. The intended project supports and meets the goals and objectives of the municipal Development Plan and the Crescent Heights Area Redevelopment Plan. The property owner has been in constant communication with property owners and residents of the adjacent properties, clearly explaining the intent of the proposed redevelopment on the subject site and the suitability of the existing neighbourhood context for the proposed project.

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APPENDIX II

LETTERS SUBMITTED

Our committee has reviewed the LOC application to rezone from R-C1 to R-C1s: we strongly oppose this application.

Crescent Heights is already embarking on a journey of increased density. Three streets, identified as Main Streets through the Main Streets City initiative, border our community. On Jan 26, 2016, we met with representatives to understand the impact of this program on our community. We understand now that the program represents potential zoning changes to support the main street concept: situating enough density along these corridors to support business in a walkable pedestrian oriented way.

Additionally, we have the Marquee on 16 Ave and the development on Centre Street - both currently under construction; and, the Bridgeland Carwash and Tigerstedt sites - both with current development proposals. All will bring increased density.

Further, the Greenline LRT is certain to add more density to our community.

Because of the continual pressures on the community for increased densification and transportation issues, Crescent Heights has partnered with the Urban Lab to develop a community vision, so we can better understand HOW our community can absorb change and still maintain the qualities that we consider important, such as preserving a single family low density community, protecting our green space and urban forest and supporting a walkable community.

Although the Urban Lab is still working on this, based on their preliminary work, they have identified the small amount of low density we have left in our community. Further, we know we are well **below** the city average for single family dwellings and well **above** the city average for the number of residents living in condos and apartments.

As a community we understand that we need to be realistic about our role in helping the city achieve its goal of increased density in the established area. And, even though we already have high density in many parts of our community, we also learned that it isn't necessarily in the right place to support a vibrant business district that can become a gathering place.

For all of these reasons, density in our community needs to be carefully managed. It needs to create value since density simply for the sake of density, as we learned the other night, is not the solution.

This LOC application is not part of this larger picture. It isn't part of careful management. It is random zoning that supports an individual's agenda. The problem is that random rezoning sets

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precedent and deteriorates the character of the community. It also destroys a level of trust in the system: a system people rely on when they make an investment in their home. A system that gives people some assurance of what they can expect in the future. We disagree with the applicant's statement "the intended project supports and meets the goals and objectives of the municipal development plan and the Crescent Heights Area Redevelopment Plan".

This application is at the expense of the larger community. It is in complete disregard of the adjacent neighbors, some of who attended our meeting on Tuesday. Although the applicant's statement suggests the property owner has been in "constant contact" with the adjacent owners, it is our understanding they have directly expressed their opposition to this application through that contact.

This application provides no compelling argument as to why the community would compromise what little, true low density is left. Further, if the applicant wants to stay in the community, there are plenty of areas within our community that could accommodate a secondary suite without rezoning.

Please deny this application.

Regards,

Darlene Jones