MAP 29N

EXECUTIVE SUMMARY

This land use amendment application proposes 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; however, the complaint of an illegal dwelling unit was logged during the application review time, pending inspection on 2016 March 22 by the Development Compliance Inspector.

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. This decision came into effect 2014 January 01.

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 109D2016; and

- ADOPT the proposed redesignation of 0.04 hectares ± (0.10 acres ±) located at 28 Hidden Creek Terrace NW (Plan 0110043, Block 18, Lot 23) 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 109D2016.

REASONS FOR RECOMMENDATION:

The proposed R-C1s land use district allows for two additional residential uses of Secondary Suite, and Backyard Suite. These uses can be compatible with and complimentary to the existing low density residential character of the neighbourhood. Furthermore, the following points support the application:

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

ATTACHMENTS

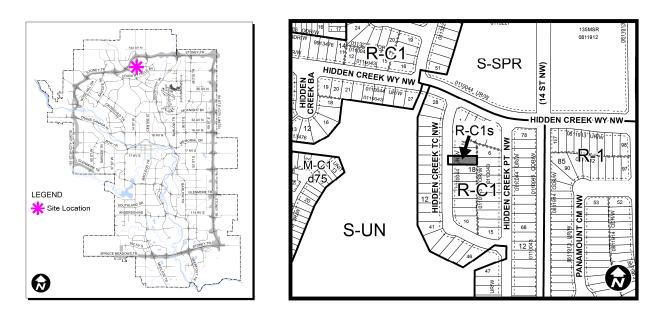
- 1. Proposed Bylaw 109D2016
- 2. Public Submissions

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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

MAP 29N

LOCATION MAPS





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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.04 hectares \pm (0.10 acres \pm) located at 28 Hidden Creek Terrace NW (Plan 0110043, Block 18, Lot 23) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Wade

Carried: 6 – 2 Opposed: S. Keating and M. Foht

Reasons for Opposition from Mr. Foht:

- I opposed the application for the following reasons:
 - The relaxations of the lot width (15 metres to 12.2 metres) is excessive.
 - No rear laneway.

Comments from Ms. Wade:

 To the best of my knowledge there is no statistical evidence that renters keep their units in a lesser fashion then owners. In addition, there is no statistical information that renter 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.

 2016 March 24

 MOTION:
 The Calgary Planning Commission accepted correspondence from:

 Michelle and Kevin Kempthorne received 2016 March 17;
 as distributed, and directs it to be included in the report in APPENDIX IV.
 Moved by: J. Gondek

MAP 29N

Applicant:

Landowner:

Platinum Heritage Construction

Ayotunde Olajide

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Hidden Valley, the parcel is developed with a single detached dwelling and attached garage with access from the street. Single detached dwellings exist adjacent to the parcel to the north, south and east and across Hidden Creek Terrace NW to the west.

LAND USE DISTRICTS

The proposed R-C1s district 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. 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 width of 12.2 metres and therefore, does not meet the minimum R-C1s parcel width requirements of 15 metres. As a result, relaxation of the Land Use Bylaw 1P2007 requirement will be reviewed at the development permit stage.

Nonetheless, the subject site meets the minimum parcel depth and area requirements, 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.

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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 site, the land use proposal conforms to overarching residential policies of the MDP, including: *Neighbourhood infill and redevelopment* policies (Section 2.2.5), *Housing diversity and choice* policies (Section 2.3.1) and *Established Areas Land use and mobility* policies (Section 3.5.3).

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available via Hidden Creek Terrace NW, with no lane access. There are no parking restrictions on Hidden Creek Terrace NW or in the area.

The west bound bus stop for Routes 8 and 420 is located approximately 160 metres walking distance from the site, while the east bound bus stop for Routes 8 and 420 is located at approximately 200 metres walking distance from the site. Both bus stops are located along Hidden Creek Way NW.

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.

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PUBLIC ENGAGEMENT Community Association Comments

Hidden Valley Community Association indicated their opposition to the redesignation. (APPENDIX II).Reasons stated for the opposition are summarized as follows:

- There are no secondary suites in Hidden Valley;
- Infrastructure was not planned for increased density;
- Parking availability and traffic safety concern;
- Homeowners purchased property under the premise that the community had no secondary suites; and
- Want the community to remain as R-C1.

Citizen Comments

Administration received nineteen (19) responses in objection to the application. Reasons stated for objection are summarized as follows:

- Potential for current issues associated with renting the property to continue or increase. These issues include the sidewalks not getting shovelled, overflowing trash and poor upkeep of front lawn grass;
- Potential for both the main and potential secondary suite to remain rental units;
- Motor vehicle traffic with increased density;
- Reduction in community's property value;
- Hidden Creek Terrace NW is identified as a school bus route. The increase in density poses greater safety concern on children;
- Children safety concern due to transients;
- Safety concerns with poor upkeep;
- Issues with on-street parking;
- Increasing demand on over-burdened schools and public recreational facilities in the community;
- Rental availability in neighbourhood is sufficient; and
- Want neighbourhood to remain as R-C1 community.

In addition, signatures from thirty one (31) neighbours were collected stating their objection to the redesignation. One (1) neighbour stated her support (APPENDIX III).

Public Meetings

No meetings were held by the Applicant or Administration.

MAP 29N

APPENDIX I

APPLICANT'S SUBMISSION

In support of my application for land use re-designation of my property at 28 Hidden Creek Terrace NW, I here by state reasons for making the application and reasons for approval:

- 1. I am looking to develop a secondary suite that I can rent out to my sister and her family as they plan to relocate to Canada later in the year.
- 2. The location of this property is 5 minutes drive from where my family lives and it will be a great location for my sister and her family to live on arrival in Canada as it is near my family and we can provide adequate support for them.
- 3. The property is currently about 2000 sq ft with 4 bedrooms and an undeveloped basement. This makes it difficult to rent one family under current market conditions as it is quite big and unaffordable to most renters. In 2015, the property was vacant for almost half of the year despite major reduction in rent from \$2200 to \$1800 per month. Mortgage payments and property taxes on this property add up to about \$2500 per month. In other to mitigate the risk of lost rental income by making it more affordable for renters, I am looking to put in a suite so that I can boost my income whilst making rental more affordable to folks who may be looking to rent one of the units (Main house or secondary suite).
- 4. A suite in this property will provide yard access to my sister and her family or future renters. They would also have access to a nearby parks, schools, recreational facilities such as Vivo (formerly called Cardel Place), Library etc. This are features that may not be accessible if they lived in other apartment buildings.
- 5. It will add to the City's safe rental stock thereby helping to attract and retain employees to Calgary.

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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

MAP 29N

APPENDIX II

COMMUNITY ASSOCIATION LETTER SUBMITTED



Hidden Valley Community Association 10504 Hidden Valley Drive NW Calgary, AB T3A 4Z2 www.hiddenhut.org

February 8, 2016

To Sara Kassa The City of Calgary Planning, Development & Assessment #8201 PO Box 2100, Station M Calgary, AB T2P 2M5

Subject: File Number LOC2016-0021

In regards to the request to rezone the property at 28 Hidden Creek TC NW, the Hidden Valley Community Association is opposed to the proposed secondary suite.

Currently, there are no secondary suites in Hidden Valley. Hidden Valley is an established community which was intended for single family residences, the infrastructure was not planned for increased density. A key concern is parking availability as well as traffic safety.

As representatives for the community, it is important to note that the community homeowners purchased their property under the premise that Hidden Valley did not have secondary suites.

Hidden Valley Community Association appreciates the formal application for rezoning; however, our stance is to keep the community as a R-C1 Contextual One Dwelling District.

Sincerely,

Backton

Bronwen Pakka Treasurer, Hidden Valley Community Association

MAP 29N

APPENDIX III

SAMPLE OF SIGNED PETITION FOR THE APPLICATION

Received: February 24, 2016

Do you support the redesignation of #28 Hidden Creek TC NW from RC1 to RC1-S to allow a secondary suite to be built on the property?

Yes or No	House Number	Street	Print Name	Signature

MAP 29N

APPENDIX IV

Hello Sara,

FEB. 10, 2016

My family is against redesignating #28 Hidden Creek Terrace NW from an R-C1 to R-C1s.

My family decided to move into the community of Hanson Ranch in April of 2007. We chose to live in this particular neighbourhood because:

- it was an area that had no back lanes 1)
- 2) the majority of the homes were single family dwellings
- most of homes and lawns were well taken care off 3)

Ayo, the current homeowner, bought the property #28 Hidden Creek TC NW, in mid-2014.

He initially rented the property to a fire-displaced single family for the school year of 2014-2015. From the September long weekend, in 2015, until the end of January 2016, the property owner has regularly rented out this home as a vacation property for \$150/night. *This would potentially be an income gap of 2-3 months over the summer -- not the 6 months that the owner stated in his application.

In his application, the owner stated that property is:

- about 2000sqft. 1)
- 2) a 4 bedroom home
- with an undeveloped basement 3)

*The City Property Report states that the property is a 4 level split with 1890sqft. *Only half of the basement is livable space, because the other half is a crawl space. *On the owner's tripadvisor.ca ad, he changed his listing from a 4 bedroom/3 bath house to a 3 bedroom/2 bath house, because he has created an illegal secondary suite. * https://www.tripadvisor.ca/VacationRentalReview-g154913-d8611093-5_HOME_MINS_TO_AIRPORT-Calgary_Alberta.html A wall has been built to block access from

the main floor to the lower third level family room area.

The owner implied that because he lives 5 minutes away, he will be a responsible landlord. Unfortunately, neighbours have not seen the homeowner abide by the City's snow removal guidelines, over the past 2 winters. (Service request number 16-00036867) The City also removed snow during the winter of 2014, but I don't have the service request number for that incident. The landlord has also failed to remove a Costco shopping cart that has been parked on the south side of the house, since Jan/2016.

In the spring and summer months of 2014, the owner did not invest in a lawnmower to maintain the lawn, instead he used a weed-whacker, about once a month. Since Sep. 2015, the owner has also been unreliable about participating in the City's garbage and recycling programs on a weekly basis. This has led to the bins overflowing and litter being blown onto other neighbours property and onto the street.

All individuals and families living in communities throughout Calgary have access to green spaces, nearby playgrounds, schools, libraries and recreational facilities. This is not a valid reason to completely change the property usage of a R-C1 home to already established neighbourhoods

LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

MAP 29N

Permanently adding 2 different groups of renters to a home and neighbourhood that was designed for single families will:

- 1) decrease the property value of the surrounding homes
- 2) increase the amount of vehicles trying to find daily parking spots

3) increase the already high volume of traffic on roadways that were not designed to be " cut throughs" (Hidden Creek WY NW & Hidden Creek BV NW)

- 4) decrease the overall maintenance of the property
- 5) increase the amount of garbage & recycling created by the property
- 6) fundamentally and permanently change this neighbourhood

Trying to impose all these changes on the surrounding families and neighbours is unfair and will negatively impact the considerable time and money that they' ve invested into their single family homes.

If Ayo, the homeowner wanted to purchase an income property, with the option of dividing a single family dwelling into multiple-family housing, than he should have purchased that type of home in a community that already allowed secondary suites. The rest of the neighbours should not have to pay for his mistake.

Ayo states in his advertisement in tripadvisor.ca that his property is, "Located in a very quiet, family oriented neighbourhood."

Therefore, this application should be rejected and #28 Hidden Creek TC should remain a RC-1.

Sincerely, Michelle & Kevin Kempthorne

LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

MAP 29N

Attention: Sara Kassa

Feb. 24, 2016

Re: Land use amendment, to redesignate 28 Hidden Creek Terrace NW From R-C1 To RC1s

Our neighbourhood is a mixture of:

- 1) couples nearing retirement or without children
- 2) single families who have just started families
- 3) single families with school age children
- 4) single families with grown children living back at home

Increasing the density of our neighbourhood will cause more vehicles to park on either side of the road, which will decrease the safety and visibility of pedestrians to passing vehicles.

- 1) Both the CBE and CSSD buses use Hidden Creek TC NW & Hidden Creek PT NW to turn around and complete their bus routes.
- 2) Children use Hidden Creek TC NW to ride bikes & scooters, play street hockey, play basketball, etc.
- 3) As neighbourhoods age, teenagers often want their own vehicles. This year, 2 families on Hidden Creek TC will have new drivers and within 2-4 years, four additional families will also have new drivers living in their homes. Families are able to "juggle" vehicles between a garage and a driveway. This option is not easily available to a property owner that creates 2 separate rentals spaces in an area with limited street parking.
- 4) Nearby Hidden Creek WY NW is a designated snow route and is used by CBE, CSSD and Calgary City Transit for bus stops, therefore it's not available for "overflow" parking for most of the year.

Changing the density of a neighbourhood that was designed and built for single family dwellings will increase the interactions between pedestrians and vehicles. Please reject this application and avoid causing safety issues for all the active children in our neighbourhood.

Sincerely, Michelle & Kevin Kempthorne

MAP 29N

*Please note on the attached neighbourhood petition:

- Check marks beside addresses indicates that the property owners are now aware of the application for redesignation of #28 Hidden Creek TC NW from R-C1 to R-C1s, but weren't ready to support or oppose the application
- My neighbors that live in #36 Hidden Creek TC NW have been out of the country from Feb 5 March 5/16.
- #44 Hidden Creek TC NW are renters, not property owners
- I attempted to go to #5 & #13 Hidden Creek TC NW on 3 separate days/times, but was unable to contact the property owners
- #15 Hidden Creek PT NW was the only neighbour who supported the application. They currently have a City Building permit to develop their basement and have enlarged their basement window and window well.
- I didn't go to #9 Hidden Creek TC, as their house is currently for sale. They state on their MLS listing that they have an illegal mother-in-law suite. <u>http://www.century21bamber.ab.ca/listing/calgary/hidden-valley/c4046442-9-hidden-creek-tc-nw/</u>

LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

MAP 29N

Do you support the redesignation of #28 Hidden Creek TC NW from RC1 to RC1-S to allow a secondary suite to be built on the property?

1	5	Hidden Creek TC		
	9	Hidden Creek TC		
	13	Hidden Creek TC		
	17	Hidden Creek TC		
NO	21	Hidden Creek TC	VICTOR DE CAMPOS	CAL N
No	25	Hidden Creek TC	Janelle Wright	2 averelit
NO	29	Hidden Creek TC		groungert.
ND	3329	Hidden Creek TC	CHUCK WONG	2
No	37	Hidden Creek TC	Lucia Worg CarolRodriguez	Anton II I
No	41	Hidden Creek TC	Antonella Goulet	Catal Thodrigue 3
No	45	Hidden Creek TC	Ke Sistela	2. A
No	49	Hidden Creek TC	Mousil Des last	Zef Swelata
NO	53	Hidden Creek TC	Bob Mcckellan	Lee tousef
NO	57	Hidden Creek TC	Lynn Cannon	LUIN Carnon
40	61	Hidden Creek TC	John Spilsbung	Le S
No	65	Hidden Creek TC	GARY BODER	Minzin
No	69	Hidden Creek TC	CHRISTINE BAKER	Paker.
No	73	Hidden Creek TC	Abir Chakraborty	Vertur
	77	Hidden Creek TC	(prighe)	
Ne	33	Hidden GockTC	ME/ Champers	7. Chounton

LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

RC1-S to allow a secondary suite to be built on the property?

MAP 29N

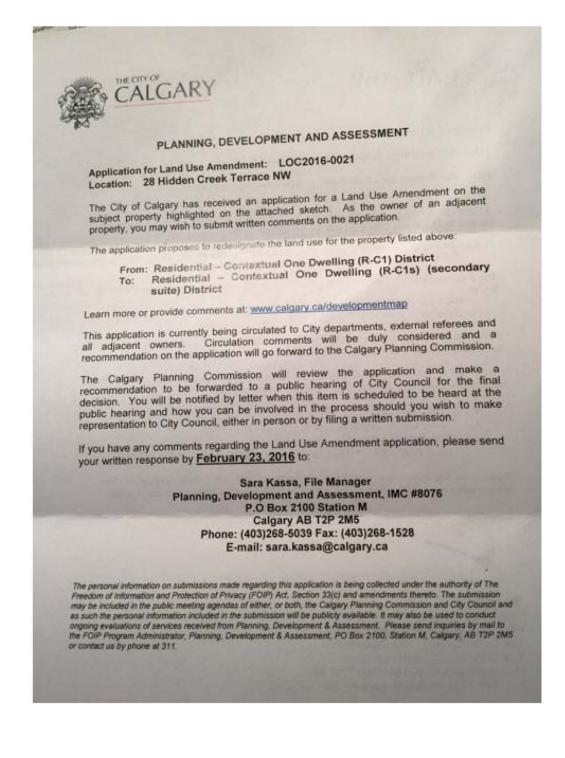
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NO	24	Hidden Creek TC	Scot Simi BRITTWY SIMI	5.5
7 45	28	Hidden Creek TC		
NO	32	Hidden Creek TC	Michelle Kempthorne Kevin Kempthorne	mamphane
	36	Hidden Creek TC		12 pt
No	40	Hidden Creek TC	Kim Antoniala	Kin SA-
100	44	Hidden Creek TC		
NO	48	Hidden Creek TC	THO URYNOWICZ	Amian.
No	52	Hidden Creek TC	Marko Boshović Kelsey Crego	Mura Bostra
	56	Hidden Creek TC	newy urego	georg cup
Yes	15	Hidden Creek PT	Ashley Pallin	ashlay Palin
NO	19	Hidden Creek PT	Kim Armbruster	Edubut
	23	Hidden Creek PT		
	27	Hidden Creek PT		
No	31	Hidden Creek PT	Darren Reichol	28.10
No	35	Hidden Creek PT	VIKRAM BAKSHI	Noth.
NO	39	Hidden Creek PT	Shlewt-	SHEILH NEWTS
No	418 39	Hidden Creek PT	KEVIN NEWTON.	KANK
	47	Hidden Creek PT		
	43			

Do you support the redesignation of #28 Hidden Creek TC NW from RC1 to

5	6	Hidden Creek	R PT		
	4	Hidden Creek	PT	-	
5	0	Hidden Creek	PT		
1	.6	Hidden Creek	: PT		
	2	Hidden Creek	PT		
	8	Hidden Creek	PT		
- 1	4	Hidden Creek	PT	· · · · · · · · · · · · · · · · · · ·	
3	0	Hidden Creek	PT		
1	6	Hidden Creek	PT		
-12	2	Hidden Creek	PT		
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	(00	Uiddan Co. I	14.07		·
1	609	Hidden Creek	WY	Gois Smith No	S.S.D
10	613	Hidden Creek	WY	GAUTAM SINHA	DPJC
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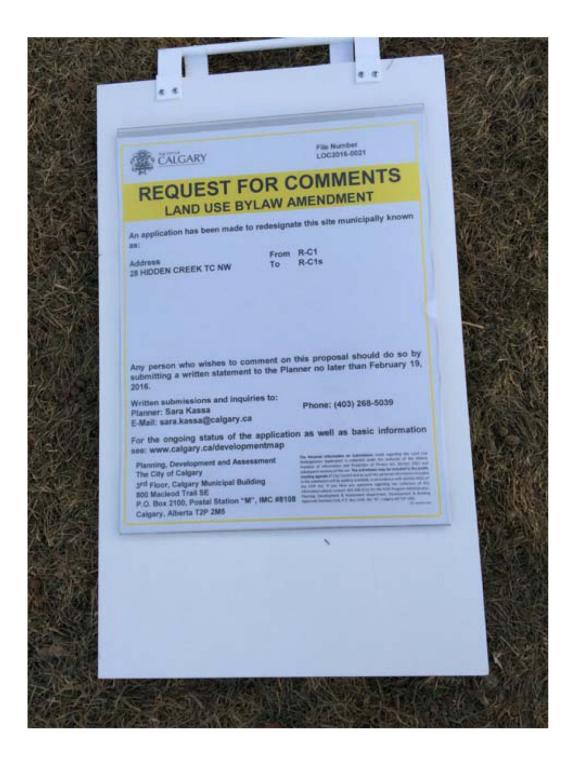
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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016



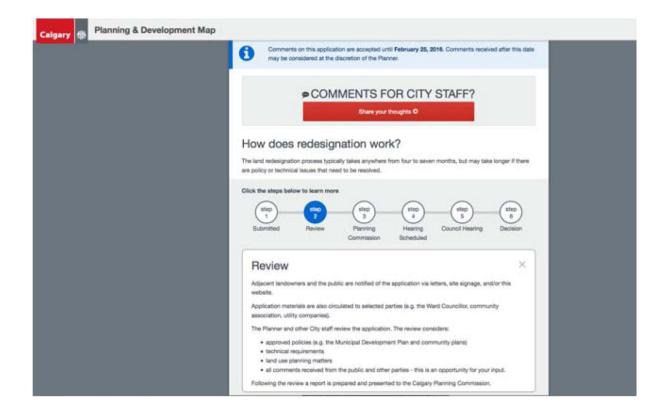
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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016



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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

CALGARY PLANNING COMMISSION

REPORT TO COUNCIL

2016 JUNE 13



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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016



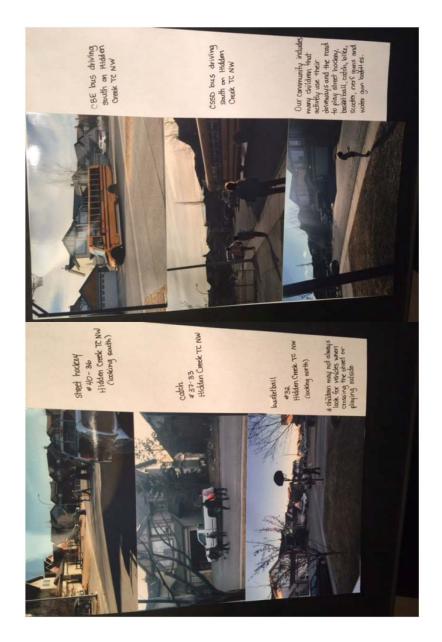
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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016

CALGARY PLANNING COMMISSION

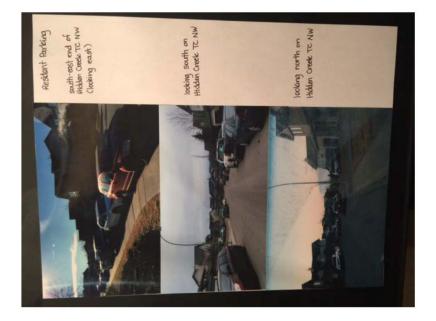
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LAND USE AMENDMENT HIDDEN VALLEY (WARD 4) HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW BYLAW 109D2016



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LAND USE AMENDMENT **HIDDEN VALLEY (WARD 4)** HIDDEN CREEK TERRACE NW AND HIDDEN CREEK WAY NW **BYLAW 109D2016**

MAP 29N

*2 photos of street parking resulting from #28 HIDDEN CREEK TC NW as a vacation rental - on March 12, 2016 at 10:45am *7 vehicles associated with the rental property



#32 HIDDEN CREEK TC NW looking west

- silver car (wedding photographer)
- black SUV on right (vacation rental)



- #32 HIDDEN CREEK TC NW looking north-west
 - 6 black vehicles (vacation rental) parked in front #28/#25
 - 6 black vehicles (vacation rental) parked in trong "20"
 black car partially blocking driveway of #25 HIDDEN CREEK TC NW