

LAND USE AMENDMENT
SOUTHWOOD (WARD 11)
SOUTHLAND DRIVE SW AND ELBOW DRIVE SW
BYLAW 20D2016

MAP 16S

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 or a Backyard Suite on the same parcel as a Single Detached Dwelling. The site, which contains an existing Single Detached Dwelling, does not contain a Secondary Suite or a Backyard Suite at this time, and this application was not submitted as a 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)

2015 December 17

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 20D2016; and

1. **ADOPT** the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 35 Southland Crescent SW (Plan 573JK, Block 1, Lot 19) 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 20D2016.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s district allows for two additional residential uses (Secondary Suite and Backyard Suite) which are compatible with and complementary to the existing low density character of the community. This proposal conforms to the *Municipal Development Plan (MDP)* and allows for development that has the ability to meet the intent of *Land Use Bylaw 1P2007 (LUB)*.

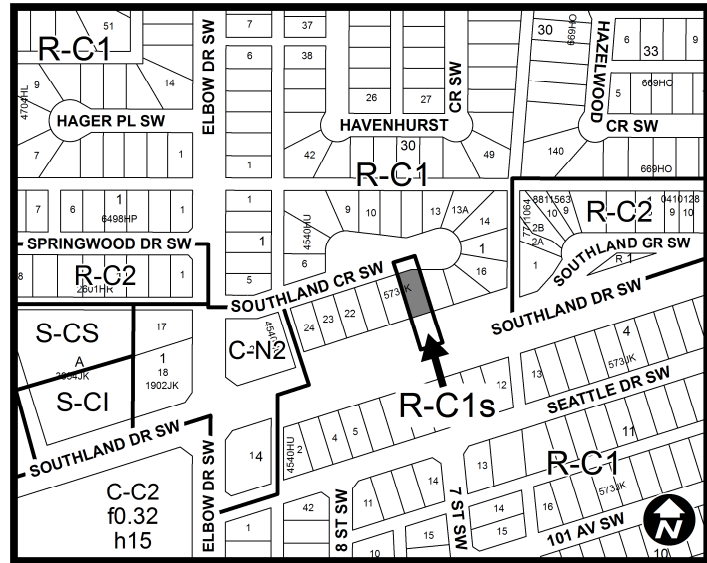
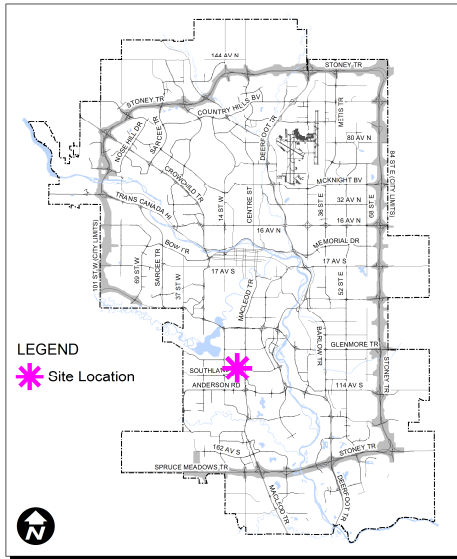
ATTACHMENTS

1. Proposed Bylaw 20D2016
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 35 Southland Crescent SW (Plan 573JK, Block 1, Lot 19) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Wade

Carried: 9 – 0

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PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Southwood, the site is approximately 16.5 metres by 33.5 metres in size and is developed with a one storey Single Detached Dwelling and a detached single car garage that is accessed from the rear lane. Single Detached Dwellings exist to the north, east, south, and west of the site.

LAND USE DISTRICTS

The proposed R-C1s district allows for a Secondary Suite or a Backyard Suite on parcels that contain a Single Detached Dwelling. The R-C1s district allows for one additional permitted use (Secondary Suite) or one additional discretionary use (Backyard Suite).

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 (a Secondary Suite or Backyard Suite) to be considered via the development permit process. If the secondary suite is a permitted use and meets all Land Use Bylaw rules, a development permit is no longer required, so long as a building permit application has been made on or before 2017 March 03.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (2009)

The site is located within the “Residential Developed – Established Area” area as identified on Urban Structure Map (Map 1) in the *Municipal Development Plan (MDP)*. Although the MDP makes no specific reference to the site, the land use proposal is in keeping with a number of overarching MDP policies including: Developed Residential Areas policies (Section 3.5.1), Neighbourhood Infill and Redevelopment policies (Section 2.2.5) and Housing Diversity and Choice policies (Section 2.3.1).

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Southland Crescent SW and the rear lane. The area is served by Calgary Transit bus service with bus stop locations within 200 metre walking distance of the site on Elbow Drive SW and Southland Drive SW. On-street parking adjacent to the site is regulated by permit.

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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 also 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 amendment 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 MDP references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments

Administration received a letter in opposition to the application from the Southwood Community Association. See APPENDIX II for the letter of opposition from the Southwood Community Association.

Reasons stated for opposition are summarized as follows:

- As per a standing resolution from a special meeting in 2007, the Southwood Community Association opposes all land use applications that allow the secondary suite uses.

The Southwood Community Association changed its position during a Board Meeting on December 3, 2015. The Southwood Community Association indicated it has no position on this application in an email from 2015 December 07. See APPENDIX II for the email from the Southwood Community Association.

Citizen Comments

Administration received four (4) letters in opposition to the application.

Reasons stated for opposition are summarized as follows:

- The property is rented, not owner occupied;
- Transient tenants;
- Having two rental units on the parcel;
- Availability of rental properties elsewhere;

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- Desire to live in a single family residential area, as opposed to multi family or secondary area;
- Lack of property upkeep;
- No need to increase population density in area;
- City Council voted against redesignation of all R-C1 parcels in Ward 11 to R-C1s;
- Other properties on Southland Crescent SE have illegal Secondary Suites or Multi-Residential Development uses;
- Approval would precedent for other properties to redesignate;
- The garage is currently rented to a business;
- Decrease in property value;
- Inadequate on-site parking;
- Inadequate on-street parking for residents;
- Inadequate on-street parking for visitors;
- Inadequate on-street parking for delivery vehicles;
- Inadequate on-street parking for emergency vehicles;
- Inadequate on-street parking for obtaining mail from postal box;
- Parking in lane;
- Parking on landscape median;
- Parking in proximity to intersection with lane;
- Parking in proximity to commercial parking lot entrance;
- Motor vehicle traffic on street;
- Increase in potential for pedestrian collision with a motor vehicle;
- Motor vehicle traffic in lane; and
- Increase in number of garbage containers in lane.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

This lot is perfect for re-zoning as it close to LRT and shopping area including coffee shops etc.

Parking would be provided in the back of the lot in a section that is not presently being utilized.

Development would help provide safe affordable housing complete with its own parking therefore not affecting any possible parking issues in Southland Crescent area.

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APPENDIX II

LETTERS SUBMITTED

Southwood Community Association

11 Sackville Drive SW
Calgary, Alberta
T2W 0W3
Phone (403) 258-0919

Nov 30, 2015

Ezra Wasser , File Manager
Land Use Amendment Services, Land Use Planning & Policy
City of Calgary

Dear Ezra:

Re.: LOC2015-0159

The Southwood Community Association (SCA) appreciates the request for comment on the above application. We understand that the intention of the application is to amend Land Use classification on the property 35 Southland Cr. SW, for the purpose of accommodating a secondary suite or backyard suite on said property, as indicated in the Applicant's Submission.

SCA has passed a standing resolution at a special meeting in 2007, as follows:

Southwood opposes the inclusion of section 405 of the new Land Use By-Law, which renders established R1 neighborhoods vulnerable to secondary suites being sanctioned at City Council's discretion. Should the Land Use By-Law pass 2nd and 3rd reading without first excluding established R1 neighborhoods from this proposal, City Council can expect great resistance from Southwood whenever such RC-1 applications arise within our borders.

On the basis of this binding resolution, the SCA Board of Directors does not support this application.

Respectfully submitted,

Vivien Johnathan
President, SCA
Dorothy Rice
Development Director, SCA



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You replied on 12/7/2015 1:02 PM.

From: Dorothy Rice [dorothy.rice@shaw.ca] Sent: Mon 12/7/2015 12:34 PM
To: Wasser, Ezra T.
Cc:
Subject: RE: LOC2015-0159 - Request for Comment from Southwood Community Association

Hi Ezra,

The Southwood Community Association Board Meeting held Dec 3rd brought about an interesting discussion and the community stance has changed as a result. Please see below

Basement Suite Developments: We have experienced a number of applications over the last 6 months. As a result, we researched the Community Association's stance from 2007. Back then the City was proposing a new Land Use By-Law, in which section 205 would have rendered established R1 neighborhoods vulnerable to secondary suites being sanctioned at City Council's discretion. Our response to this proposal was: "Should the Land Use By-Law pass 2nd and 3rd reading without first excluding established R1 neighborhoods from this proposal, City Council can expect great resistance from Southwood whenever such RC-1 applications arise within our borders."

As it turned out, the proposal did not get beyond 1st reading and was dropped. Since then all basement suite development applications are dealt with on a one on one basis. This highlights the fact that although the CA opposed the proposed By-Law change, since the By-Law did not pass, we have no standing position on individual applications in the present.

The Community Association Board, after going over the history as laid out above, has passed a motion that in essence states we have no position on the one on one applications. However, that being said, we are always able to assist a homeowner in how to deal with the city in terms of applications made. If you want details on the motion - please feel free to contact our Secretary.

Thank you,
Dorothy
Planning and Development SCA