

**LAND USE AMENDMENT
RIVERBEND (WARD 9)
RIVERBEND GATE SE AND RIVERBEND DRIVE SE
BYLAW 202D2015**

MAP 24S

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 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 the 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 October 22

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 202D2015; and

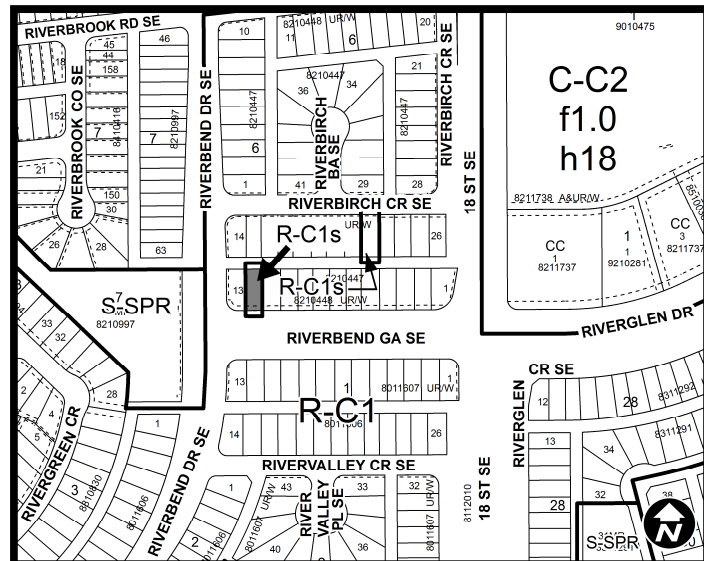
1. **ADOPT** the proposed redesignation of 0.04 hectares \pm (0.09 acres \pm) located at 48 Riverbend Gate SE (Plan 8210447, Block 5, Lot 12) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 202D2015.

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 complimentary to the existing low density character of the community. This proposal also conforms to the relevant policies of the Municipal Development Plan (MDP) and allows for development that has the ability to meet the intent of Land Use Bylaw 1P2007 (LUB).

ATTACHMENT

1. Proposed Bylaw 202D2015
2. Public Submission

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.04 hectares \pm (0.09 acres \pm) located at 48 Riverbend Gate SE (Plan 8210447, Block 5, Lot 12) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Wade

Absent: C. Friesen

Carried: 5 – 2

Opposed: S. Keating and
R. Honsberger

Reasons for Opposition from Mr. Honsberger:

- Snow route location will create parking problems.
- Lot is undersized at 12.2 metres wide
- Lot is undersized in overall square footage.

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Applicant:

Designhaus Studio

Landowner:

Caroline Janette Pachet
Paul Vincent Arthur Pachet

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	Yes	5
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	Yes	6
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	6
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	6
Public Engagement <i>Were major comments received from the circulation</i>	Yes	7

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Riverbend, the site is approximately 12.2 metres by 30.5 metres in size and is developed with a single detached dwelling and detached double car garage accessed from the rear lane to the north. Single detached dwellings exist to the north, east, south, and west of the site.

LAND USE DISTRICTS

The proposed R-C1s district has the ability to accommodate secondary suites on parcels that already 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 (in the form of a secondary suite) to be considered via the development permit process.

Site Specific Considerations

The site does not meet the minimum R-C1s parcel size requirements. Nevertheless, the site can accommodate a Secondary Suite or Backyard Suite and its associated *Land Use Bylaw 1P2007* requirements, including minimum parking requirements and amenity space provisions, but not parcel width or parcel size. For any relaxation that may be required, the relaxations may be considered at the development permit stage.

Bylaw Requirement		Provided	Variance (+/-)	
390 (2) Parcel Width	15.0m	12.2 m	-2.8 m	19%
392 (2) Parcel Area	400 m ²	372.12 m ²	-27.88 m ²	7%

In addition, it should be noted that a number of low density residential districts in *Land Use Bylaw 1P2007* allow for Secondary Suites on parcels with minimum parcel widths as low as 9.0 metres, and Backyard Suites on parcels with minimum widths as low as 11.0 metres. For additional information regarding minimum parcel width, please see Table 1 in APPENDIX III of this report.

Approval of this land use application does not constitute approval of a specific secondary suite type, but rather it allows for a Secondary Suite or Backyard Suite to be considered via the development or building permit process. Because the site does not meet all Land Use Bylaw rules, a development permit would be required.

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LEGISLATION & POLICY

Municipal Development Plan (MDP) (2009)

The subject site is located within the “Residential Developed – Established Area” area as identified on 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).

Riverbend Area Structure Plan (ASP) (1979, 2006 Office Consolidation)

The subject site is located within the “Residential” area as identified on Map 2 of the *Riverbend Area Structure Plan* (ASP). The ASP makes no specific reference to the site. The ASP provides no direction Secondary Suites nor Backyard Suites, and is in keeping with the Residential Land Use policies (Section 2.3).

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Riverbend Gate SE and the rear lane. The area is served by Calgary Transit bus service within 50 metre walking distance of the site on Riverbend Gate SE and Riverbend Drive SE. On-street parking adjacent to the site is unregulated and available for public use.

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.

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PUBLIC ENGAGEMENT

Community Association Comments

The Riverbend Community Association indicated they object to the proposal. Their letter is attached in APPENDIX II.

Citizen Comments

Administration received three letters in opposition to the application.

Reasons stated for opposition are summarized as follows:

- Proximity of side entrance of site to kitchen window and bedroom of neighbouring site;
- Lack of access of side entrance to front of property for tenant and emergency services;
- The site fronts onto a bus route;
- The site fronts onto a snow clearing route;
- Parking in the alley;
- Inadequate off-street parking;
- Inadequate on-street parking;
- Large number of vehicles per property;
- Proportion of the footprint of the building to the size of the site;
- Narrow lot width;
- Current level of property maintenance.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

The home is a four level split with an existing side access entry for the two lower levels and an area toward the rear of the home for amenity space and the future tenants of the upper level have both a front and side porch/deck for their enjoyment as well.

Another development with the same zoning directly across the alley and down a few addresses has already successfully gone through the same redesignation process and are nearly completion of their secondary suite.

We are close to several major traffic corridors and public transit as well as a shopping complex only a few minute walk out the front door making this site an ideal location for a secondary suite.

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APPENDIX II

LETTERS SUBMITTED

Wasser, Ezra T.

From: RCA_President [president@riverbendcommunity.ca]
Sent: Wednesday, September 16, 2015 9:56 PM
To: Wasser, Ezra T.
Subject: LOC2015-022 Feedback from Riverbend Community

Follow Up Flag: Follow up
Flag Status: Completed

Let me start off my saying we are not opposed to the concept of secondary suites.

The idea of having an individual rent out a basement suite or part of their house to provide them the means that they can use to stay in their home is a great effort.

What we are opposed to is the idea that an individual may purchase a home, turn it into a duplex, rent out both suites to individuals, who have no vested interest in their community, and the only interest of the homeowner is in using the property as an income producing property while he/she lives elsewhere.

Based on the information provided by this LOC, it is not clear what the intended use of this development is, and as such, we cannot support it or vote against it.

Certainly, it is our hope that the intended use of the property will remain true to the spirit of what was defined earlier as being a true secondary suite.

It is also our hope that going forward, additional information is provided by the City of Calgary to help us make a more informed level of feedback than is currently possible.

Secondly, in the event that the property in question is being developed as an income producing property, it is our hope that the City of Calgary bring in and introduce a system of licensing such that if problems do occur, the Community has the tools it needs to deal with problem situations. Our feeling is that such a system of licensing should mirror somewhat the issuing of home business licenses. Under such a proposal, an initial license would be granted, and assuming there were no problems or issues, that license could be renewed.

Under the way that things work now, once a change is made to the designation, regardless of any problems, there is nothing that the community can do to deal with the situation.

During the great secondary debate of 2015, City Council tried to bring in changes that would make secondary suites safe and legal. In the end, their proposal would do neither. So, again, it is not clear if the proposed changes to this house meet the minimum required specifications to make these units safe.

To this end, we support the ideals and proposals of Councilor Keating in the area of secondary suites, even if City Administration may not. To that end, his position on this matter is as follows:

- **Licensing.** Unruly tenants and landlords that do not maintain properties are among the biggest complaints we receive. We need to have some form of a business registry or license for suites. When the time for renewal comes to pass Administration would be able to look over the file. If the "business" had significant complaints the renewal may not be granted. Administration must have a mechanism to use discretion and understand that not all sites are ideal for secondary suites.
- **Public Consultation Handbook.** Planning and Development would give a package to applicants that would give them detailed guidance on consulting with neighbours. Residents must be able to provide feedback on what is happening

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around them. This does not necessarily mean an automatic veto, but feedback must be considered. There are well established areas in the city that cannot be dramatically transformed without buy in from the existing residents.

- Discretionary vs Permitted. We need to have these sites as discretionary and not permitted to allow for my previous two amendments. If all sites were permitted the immediate neighbours would have no knowledge of a secondary suite until tenants were moving in. Permitted essentially means that if you apply, you get. Even in the inner city Wards there are narrow lots that have no access to parking. There may even be uni-driveways that take up the entire front yard to allow for parking. Should secondary suites be permitted on these kinds of properties? Discretionary is very different:
 - The full application process would be required. Applicants would need to advertise and notify immediate neighbours.
 - Neighbour feedback. There is a mechanism where feedback from neighbours is considered when Administration renders their final decision on the application.
 - Administration evaluation. Administration would consider all factors related to the application and would make a decision. If the suite did not satisfy set criteria it may be refused.
 - Ability to appeal. Under discretionary developments would be subject to appeals through the development appeal board.

As such, our feedback at this time has more to do with any/all applications dealing with secondary suites.

To this end, our hope is that rather than allow these to come through one at a time, that a more defined process be put in place for dealing with them which addresses some of the concerns we have raised.

Thank you and have a great day.

Douglas Ratke
President
Riverbend Community Association
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Calgary, Alberta T2C 3S1

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APPENDIX III

TABLE 1 - PARCEL WIDTH REQUIREMENTS

Land Use District	Secondary Suite	Backyard Suite
R-C1s	15.0m	15.0m
R-C1N	9.0m	13.0m
R-C2	9.0m	13.0m
R-1s	11.0m	11.0m
R-1N	9.0m	13.0m
R-2	9.0m	13.0m
R-2M	10.0m	13.0m
R-CG	n/a	n/a
R-C1Ls	24.0m	24.0m