

LAND USE AMENDMENT
FAIRVIEW (WARD 9)
FIELDING DRIVE SOUTH EAST
BYLAW 175D2015

MAP 27S

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a residential parcel from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite.

In the past seven years, the subject site has been subject to two complaints for an illegal suite located in the basement of the existing single detached dwelling. This application is a result of the most recent complaint as the new owner sees the benefit and need to go through the process and legalize the existing suite. The owner has advised that the illegal suite is not occupied at this time.

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. This decision came into effect 2014 January 01.

On July 2015, Council approved an eighteen month development permit exemption for secondary suites. If the secondary suite is a permitted use and meets all Land Use Bylaw 1P2007 requirements, a development permit is not required, so long as the building permit application has been made on or before 2017 March 03. This exemption came into effect on 2015 September 01.

ADMINISTRATION RECOMMENDATION(S)

2015 September 10

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 175D2015; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 128 Fielding Drive SE (Plan 2832HQ, Block 3, Lot 32) 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 175D2015.

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REASON(S) FOR RECOMMENDATION:

The R-C1s District is intended to allow for Backyard Suite or Secondary Suite on the same parcel as a single detached dwelling. This District is compatible with and complementary to the existing low density character of the community.

The proposal is in conformance with relevant general policies of the Municipal Development Plan (MDP) and complies with requirements noted in the Land Use Bylaw 1P2007 for parcels containing secondary suites.

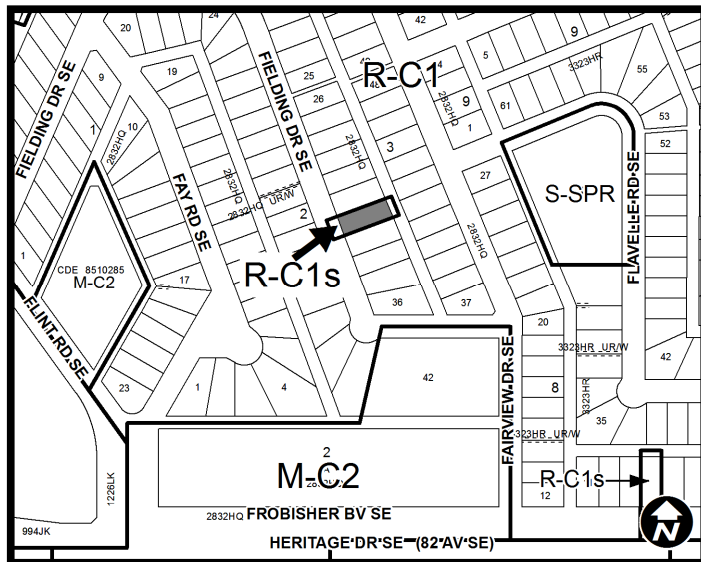
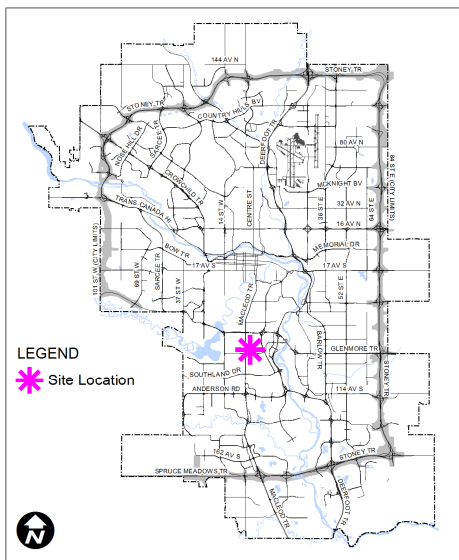
ATTACHMENT

1. Proposed Bylaw 175D2015

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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 0.06 hectares \pm (0.14 acres \pm) located at 128 Fielding Drive SE (Plan 2832HQ, Block 3, Lot 32) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: J. Gondek

Carried: 7 – 0

Absent: G.-C. Carra

Reasons for Approval from Mr. Honsberger:

- Has a lane.
- Close to Transit.
- Meets minimum size.
- Not a corner lot.

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Applicant:

GDC Investments Ltd

Landowner:

GDC Investments Ltd

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	-
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	7
Public Engagement <i>Were major comments received from the circulation</i>	No	7

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located in a low density Residential –Contextual One Dwelling (R-C1) District in the community of Fairview. There is one lot designated as R-C1s in this community.

The laned parcel is occupied by a single detached dwelling facing Fielding Drive SE, and a single car garage that is accessed from the lane. Next to the garage, there is an area that could accommodate two additional parking stalls.

Single detached dwellings are located next to or across the street from the subject site. A site designated as Multi-Residential – Contextual Medium Profile (M-C2) District is located less than one hundred metres south of the site.

There have been two complaints on the site in relation to an illegal secondary suite located in the basement of the existing dwelling. The first one was in 2008 and the latest one in January 2015. The current owner decided to vacate the suite and start the process for legalizing the suite after the latest complaint.

LAND USE DISTRICTS

The proposed Residential – Contextual One Dwelling (R-C1s) District allows for the development of a secondary suite in a parcel containing a single detached dwelling. 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).

The subject site exceeds the Land Use Bylaw 1P2007 minimum parcel dimensions and area requirements for parcels containing a secondary suite or backyard suite. The parcel is 15.25 meters (width) and 38.30 meters (depth) and approximately 578.44 square meters (area). In addition, parking and amenity space requirements could be accommodated. If any relaxation is required, it will be considered at development permit stage.

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 1P2007 rules, a development permit is not required, so long as a building permit application has been made on or before 2017 March 03.

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LEGISLATION & POLICY

Municipal Development Plan (Statutory / Approved by Council – 2009)

The parcel is located within the Residential Development – Established Area as identified on Map 1: Urban Structure of the Municipal Development Plan (MDP).

Although the MDP does not make specific reference to the subject site, the proposal is in keeping with a number of overarching MDP policies that encourage growth, intensification and change in low-density/established areas. The MDP policies include: *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).

There is no local area plan for the community of Fairview.

TRANSPORTATION NETWORKS

Pedestrian access to the site is available from Fielding Drive SE. Vehicular access is available from the rear lane.

There is an existing single car garage and a parking area, that could accommodate two cars, located next to it. Both are accessed from the lane. On-street parking adjacent to the site is unregulated and available for public use.

The area is served by Calgary Transit with bus stops located along Heritage Drive SE (approximately 350 metres walking distance from the subject site). Heritage LRT Station is located approximately 1.4 Kilometers walking distance from the site.

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 through the development permit.

ENVIRONMENTAL ISSUES

An environmental site assessment was not required.

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GROWTH MANAGEMENT

This application 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

By CPC report submission date a letter of support was received from the Fairview Community Association.

Citizen Comments

The application was circulated to adjacent landowners and it was notice-posted.

By CPC report submission date four letters in support of the proposed redesignation and two letters in opposition were received. Concerns noted in the letters of opposition are as follows:

- Devaluation of property value.
- Existing zoning should remain as it does not allow for secondary suites.
- Council voting to respect current single family zoned areas from being open to secondary suites.
- Bad experience with previous occupants of the illegal secondary suite (noise and debris).

Public Meetings

No public meetings were held by the applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

To Calgary Planning Commission and City Council:

- Provide a clean and safe secondary suite.
- Properly go through the process of becoming a LEGAL secondary suite.
- Increase the value of property.
- Supplement my retirement – turning 60 this year
- Increase the number of affordable housing units
- Decrease urban sprawls.
- Providing the recommended parking according to the bylaws will alleviate “parking wars” on city streets. Single Car Garage with 2 more rear stalls
- Close to Heritage LRT station
- Close to major bus route already.
- Close to schools, community centers, and shopping.
- This is my primary residence and will remain so with me residing in the main floor and a tenant in the future basement suite.