

**LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015**

MAP 15E

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. The application was not submitted as a result of a complaint. There is no existing secondary suite in the dwelling.

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.

ADMINISTRATION RECOMMENDATION(S)

2015 July 30

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 144D2015; and

1. **ADOPT** the proposed redesignation of 0.06 hectares ± (0.14 acres ±) located at 804 Foritana Road SE (Plan 1631JK, Block 15, Lot 7) 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 144D2015.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s land use district allows for two additional residential uses (Secondary Suite, Backyard Suite). These uses can be compatible with and complimentary to the existing low density residential character of the neighbourhood; therefore, the proposed R-C1s district is appropriate for the site.

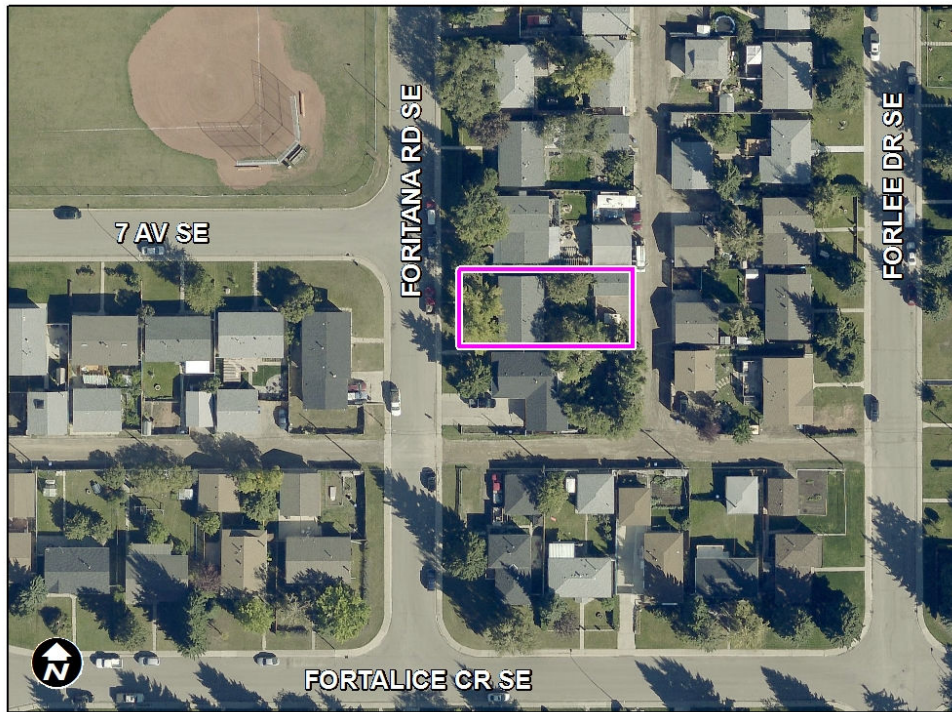
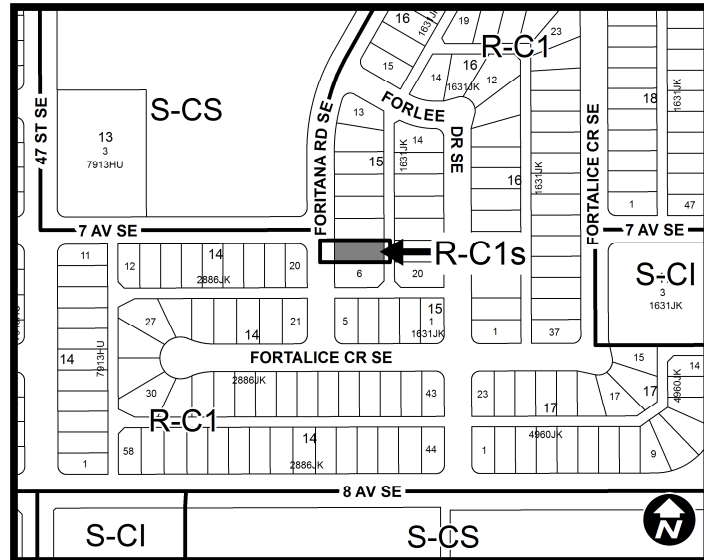
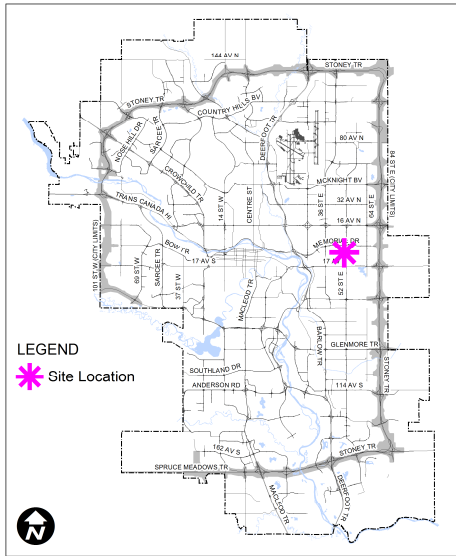
ATTACHMENT

1. Proposed Bylaw 144D2015
2. **Public Submissions**

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

LOCATION MAPS



LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

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 804 Foritana Road SE (Plan 1631JK, Block 15, Lot 7) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Wade

Carried: 6 – 0

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

Applicant:

Seven Designs

Landowner:

Timothy Erickson

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	5
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>	No	6

*Issue - Yes, No or Resolved

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

PLANNING EVALUATION

SITE CONTEXT

Located in a low density Residential – Contextual One Dwelling (R-C1) District setting in the community of Forest Heights, the site is approximately 16 metres wide by 36 metres deep. The parcel is developed with a single detached dwelling with detached garage accessing the rear lane. Single detached dwellings exist to the north, south and east of the parcel. There is one single detached dwelling directly across the street on Foritana Road SE and an elementary school exists to the northwest from the site.

The parcel is approximately 300 metres from a bus stop.

LAND USE DISTRICTS

The proposed Residential – Contextual One Dwelling (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) or one additional discretionary use (backyard suite).

The subject site meets the minimum R-C1s parcel size requirements. As such, 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. If any relaxation may be required, these may be considered at the development permit stage.

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 (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 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).

Forest Lawn-Forest Heights/Hubalta Area Redevelopment Plan

The Forest Lawn-Forest Heights/Hubalta Area Redevelopment Plan was approved by Council in 1995. It outlines a land use plan for the community of Forest Heights. The plan identifies this area as a residential area for low density family residential use.

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available from Foritana Road SE with vehicular access to the existing attached garage via the rear lane. The area is served by Calgary Transit with a bus stop located 300 metres walking distance from the site along 8 Avenue SE. The number 49 and number 73 bus routes stop at this location. An additional Primary Transit Network bus stop is located 550 metres walking distance from the parcel on 52 Street SE which is served by the number 72 and 176 bus routes. Unrestricted on-street parking is permitted in the area.

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 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: no comments received

Citizen Comments: Administration received 2 letters in opposition to the application. Reasons stated for opposition are summarized as follows:

- Increase in traffic
- Concerns regarding potential garage suite
- Decrease of on-street parking availability
- Decrease in property values
- General opposition to secondary suites
- Negative impact on neighbourhood dynamics
- Lack of upkeep on rental properties
- Desire to live in single family dwelling community

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

- Renters having no desire to build a strong sense of community
- Transients creating instability in the community
- Precedent for other secondary suites in the community

Public Meetings: no meetings were held by the Applicant or Administration.

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

APPENDIX I

APPLICANT'S SUBMISSION

Please accept for your review our application for a land use amendment to 804 Foritana Rd S.E. This application is for the sole purpose of increasing the current density of the parcel to allow for a *Basement Secondary Suite*. With the current incentives offered by the City of Calgary to increase density, we believe that this is an ideal parcel for such a development. I have read through the Forest Heights Area Redevelopment Plan (ARP) and believe that this application is also in line with the objectives of this document.

The Forest Heights ARP details this area of the city with having approximately 40% low density residential development which would gain from increased densification from new, legal secondary suites. It details very specific issues that it would like to be addressed:

- Inadequate property maintenance.
- Non-conforming properties.
- Illegal suites

The creation of new legal suites, and converting illegal suites to legal ones would address all of these issues. Going through the process to gain proper approvals indicates the owners of the property care about the rules and regulations of the City of Calgary and therefore would be more inclined to ensure compliance with all community standards as well. The ARP specifically identified the lack of adequate zoning and safety as its main concerns for illegal suites. Again, proper approvals ensures that properties approved for suites would have the correct designation and would meet the rules of the land-use bylaw 1P2007. The process of then obtaining DP, and BP permits would ensure the City safety codes officers would review, approve and inspect and suite before occupancy would be allowed.

Detailed below are solutions to issues that we believe will still be of concern to both the Calgary Planning Commission (CPC) and City Council during their detailed review of this application.

Relaxations

From our initial assessment of the parcel it has been determined that **no** relaxations to the Land-Use Bylaw 1P2007 will be required. The subject parcel exceeds all requirements for parcel width, depth and area. It should also be noted that this parcel has ample space to accommodate the required additional parking and amenity space required for basement suites.

Impact on built form/massing

If approved, a development permit application **could** be submitted for a *Secondary Suite: No Changes or additions to exterior of building*. While my clients current intention is not to proceed with a DP for such a development, the purpose of the R-C1s lot is to accommodate secondary suites. The Current residence that this future suite could reside is suitable to accommodate all requirements set out in both the *Calgary Land Use By-Law* (LUB) and the *Alberta Building Code* (ABC). There would be no impact on the look of the main residence.

LAND USE AMENDMENT
FOREST HEIGHTS (WARD 10)
7 AVENUE SE AND FORITANA ROAD SE
BYLAW 144D2015

MAP 15E

Parking

The parking requirements set out in the LUB: Part 4, Division 1, Section 295(c) will easily be met as the parcel in question has sufficient space off the lane to accommodate additional vehicle stalls.

Rental Property 'Appearance'

A big concern to many, most residents do not have the best experiences with rental properties and that previous bad experience may hinder their openness to the prospect of future developments. It is my belief that the majority of complaints and concerns are around *illegal* suites, not legal ones. Suites that do not meet the rules set out in the Land-Use Bylaw and the Alberta Building Code. My client, and any client that I represent are wanting to do something right, something for the community and the City of Calgary. Create more safe and affordable housing. Individuals that go through the appropriate process are invested in their property. A legal Basement Suite can cost upwards of \$60,000.00 to build and ensure compliance with all local and provincial requirements – this is an investment that the home owner will want to look after.

Access to Transit

LRT

The site noted is very conveniently located only 3.1km from the Franklin Station LRT (approx. 6min drive).

Bus

The subject parcel is located to a variety of transit options including:

- 280m (3 min walk) to **EB 8 AV SE @ Forlee Dr SE** serviced by #49; Forest Heights and #73; Circle Route.
- 350m (4 min walk) to **NB 8 AV SE @ 52 St SE** services by #42; Marlborough and #72; Circle Route/Route 72).
- 450m (6 min walk) to **SB 52 ST @ 8 AV SE** serviced by #176.

Drive: This parcel is centered between Deerfoot Trail, Stoney Trail, and 16th AV. This location makes it ideal for anyone needing to access any part of the City. Minutes from memorial drive access to downtown Calgary is only 8.8km.

Safety

The last, and to me most important issue is the simplest to address. Legal suites require building permits, therefore Residential Safety Codes officers will review, approve and inspect this suite before anyone is permitted to live there. It will be safe.

Public Consultation

This parcel falls under the Forest Heights Community Association and as part of this application them, and the surrounding properties have been contacted regarding this parcel and proposed re-designation. Included in this application are copies of letters that have been distributed to all affected parties. Through my initial consultation I delivered 21 letters. It should be noted that the occupants of 2 properties identified them as rental units, one specifically being a basement suite.