

**LAND USE AMENDMENT  
KINGSLAND (WARD 11)  
5 STREET SW AND KIRBY PLACE SW  
BYLAW 146D2015**

**MAP 28S**

**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 subject site does not contain a secondary 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 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 146D2015; and

1. **ADOPT** the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 25 Kirby Place SW (Plan 3215HG, Block 12, Lot 5) 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 146D2015.

**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 and allows for development that has the ability to meet the intent of the Land Use Bylaw 1P2007.

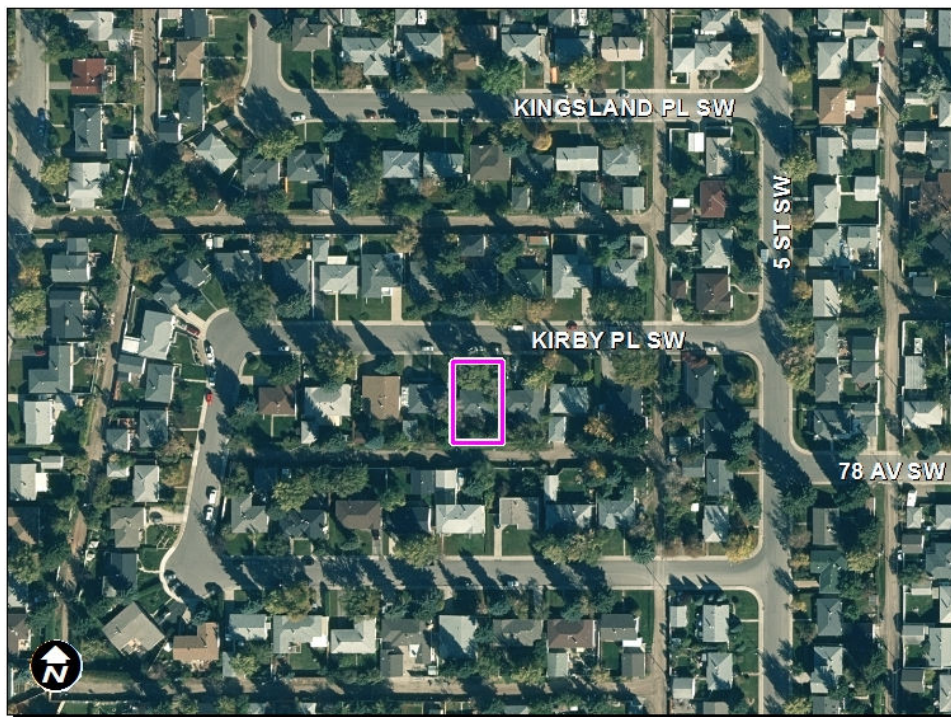
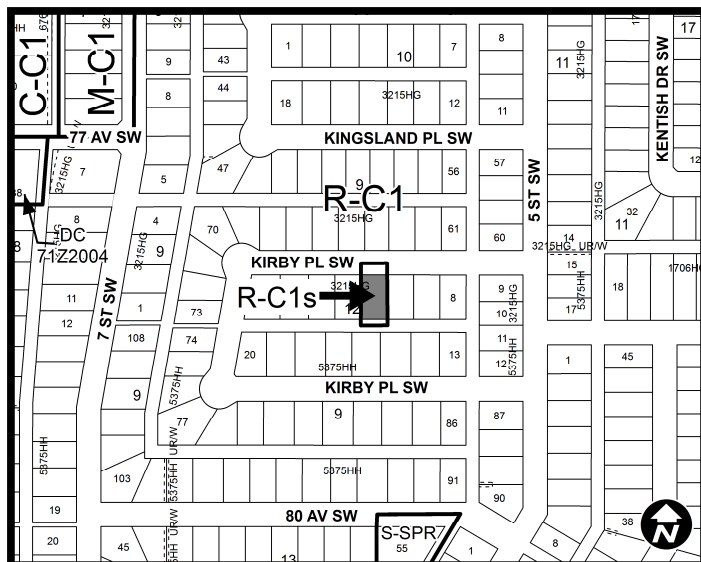
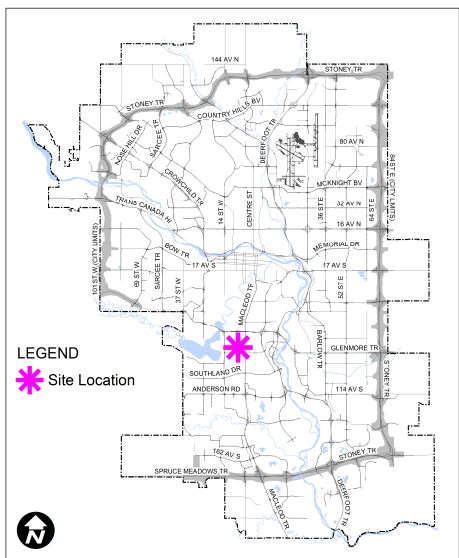
**ATTACHMENT**

1. Proposed Bylaw 146D2015
2. **Public Submission**

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BYLAW 146D2015

MAP 28S

LOCATION MAPS



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5 STREET SW AND KIRBY PLACE SW  
BYLAW 146D2015

MAP 28S

**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 25 Kirby Place SW (Plan 3215HG, Block 12, Lot 5) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

**Moved by: M. Wade**

**Carried: 6 – 0**

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MAP 28S

**Applicant:**

Benjamin Tyler Ethier

**Landowner:**

Benjamin Tyler Ethier  
Laura O'Brien

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

\*Issue - Yes, No or Resolved

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## **PLANNING EVALUATION**

### **SITE CONTEXT**

Located in a low density Residential – Contextual One Dwelling (R-C1) District setting in the community of Kingsland, the site is approximately 18 metres by 30 metres in size and is developed with a single detached dwelling and attached single carport accessed from the Kirby Place SW. A rear lane is located south of the site. Single detached dwellings exist to the east, south, and west of the site as well as across Kirby Place SW to the north.

### **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. The R-C1s district allows for one additional permitted use (Secondary Suite) or one additional discretionary use (Backyard Suite).

The 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 minimum parking requirements and amenity space provisions. If any relaxations 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 (MDP) (2009)**

The subject site is located within the Residential Developed – Established 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).

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

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**TRANSPORTATION NETWORKS**

Pedestrian and vehicular access to the site is available from Kirby Place SW and the rear lane. The area is served by Calgary Transit bus service within 600 metre walking distance of the site on Elbow Drive SW. 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 onsite 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**

The Kingsland Community Association is opposed to the proposal. Their letter is attached in APPENDIX II. The Community Association cancelled the workshop that was to be held on 2015 May 30 to discuss the Kingsland Community Plan and the community's position on secondary suites.

**Citizen Comments**

The application was circulated to adjacent landowners. No comments were received by the CPC report submission date.

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**Public Meetings**

The applicant met with the Kingsland Community Association to discuss the proposal on 2014 November 13 and 2015 January 8. They also spoke with a number of adjacent landowners.

No public meetings were held by Administration.

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## **APPENDIX I**

### **APPLICANT'S SUBMISSION**

Members of Calgary City Council and the Calgary Planning Commission,

My wife and I purchased our first house at 25 Kirby Place SW in October 2010 after living in an overpriced apartment downtown. We did months of research to determine which community suited our needs and lifestyle requirements, finally settling on Kingsland.

When we moved into our house we realized the basement already had an illegal 2 bedroom secondary suite, illegal by both City of Calgary Bylaw and Alberta Building Code standards. Currently this space is unused, but we would love to develop the basement into a legal secondary suite to provide attractive, safe, secure and affordable housing for future tenants. We love living in the community of Kingsland with its proximity to transit, schools and quick access to downtown. Kingsland also has one of the highest walk-ability scores. Kingsland is a unique and established community in that it has easy access to major thoroughfares and the down town core, while maintaining the quiet feel of a community further from downtown. We don't intend to sell our home in the near future, but would love to offset our mortgage payments as we are planning to grow our family in the coming years. Prior to submission we undertook consultation with neighbours and the community association to work with them, and ensure that we could mitigate as many worries as possible. As such we could commit to the following in the hopes of mitigating the concerns that have been raised:

1. Provide off-street parking where required
2. Complete and submit a "good neighbour agreement" to all affected neighbours
3. Ensure the suite is fully contained and requires no changed to the exterior of the home

In summary our reasons for applying for this Land Use Re-Designation are:

- My wife and I love the community of Kingsland, and plan to stay here for years to come.
- The assistance provided by a second income from a tenant would certainly be helpful as we look to grow our family.
- We would love to provide attractive, safe, secure and affordable options to living in over priced downtown apartments.
- We would like to abide by City Bylaw, and Provincial building code
- Ensure we are respecting our neighbours and the community association throughout the process.

Thank you for your time and consideration.



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5 STREET SW AND KIRBY PLACE SW  
BYLAW 146D2015

MAP 28S

**APPENDIX II**

**LETTERS SUBMITTED**



**Kingsland Community Association**

505 78<sup>th</sup> Avenue SW  
Calgary, Alberta T2V 0T3  
Bus: 403.255.1400  
Fax: 403.255.1407  
Email: [admin@kingslandcommunity.ca](mailto:admin@kingslandcommunity.ca)

April 8, 2015

Christine Khandl  
City of Calgary  
800 Macleod Trail SE  
Calgary AB, T2P 2M5  
Sent via Email: [Christine.khandlBrunner@calgary.ca](mailto:Christine.khandlBrunner@calgary.ca)

**Re: LOC2015-0034 – Proposed Land Use Amendment R-C1 to R-C1s**

This letter has been prepared to indicate that the Kingsland Community Association (KCA) cannot support the proposed land use amendment at 25 Kirby Place SW. The applicant has met with KCA several times to discuss their proposal, and we would like to thank Mr. and Mrs. Ethier for approaching the Planning Committee for comment. The Kingsland Community Plan (KCP) supports secondary suites in areas that allow for this use in the Land Use Bylaw, however land use amendments to allow for secondary suites have not been discussed in the KCP. We cannot support this redesignation due to the wording in the KCP. A workshop will be held on May 30, 2015, to discuss changes to the KCP, to contemplate allowing for land use amendments that propose R-C1 to R-C1s. We have recommended that the applicant attend this workshop and listen to the comments from residents.

If you have any questions please do not hesitate to contact the undersigned.

Regards,

KINGSLAND COMMUNITY ASSOCIATION

Ann Clarke  
Planning and Development Director

C. Khandl