

**LAND USE AMENDMENT
MONTGOMERY (WARD 1)
NORTHEAST OF BOWNESS ROAD NW AND 46 STREET NW
BYLAW 17D2015**

MAP 25W

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel located in the community of Montgomery from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite. There is an existing illegal secondary suite on the property; however, this application is not the result of a complaint. The applicant intends to redevelop the site with a new single detached dwelling and secondary suite.

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

2014 December 18

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 17D2015; and

1. **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 4639 – 22 Avenue NW (Plan 4994GI, Block 46, Lot 11) 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 17D2015.

REASON FOR RECOMMENDATION:

The proposed R-C1s district, which allows for two forms of secondary suite uses (Secondary Suite, and Backyard Suite) is compatible and complementary residential uses with the established character of the community. In addition, this proposal conforms to the relevant policies of the Municipal Development Plan and allows for a development that has the ability to meet the intent of Land Use Bylaw 1P2007. Specifically, the parcel has lane access, is located on a corner, can provide the required parking on-site, and is close to public transit.

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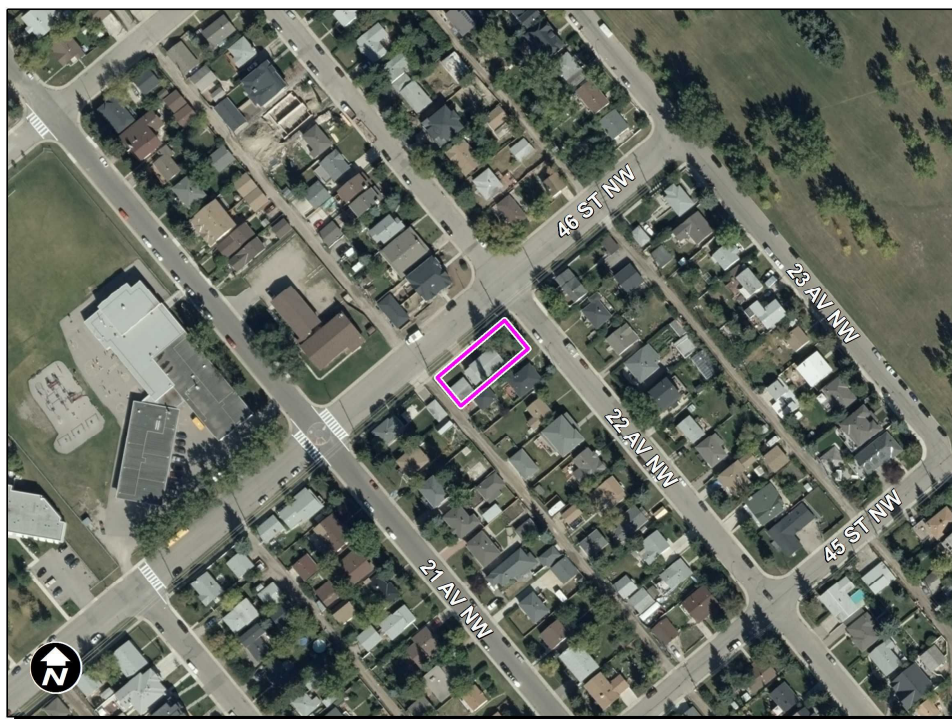
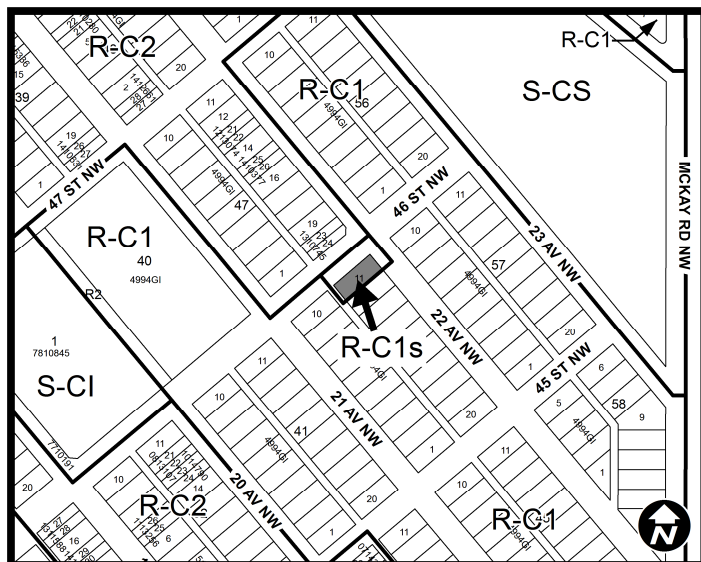
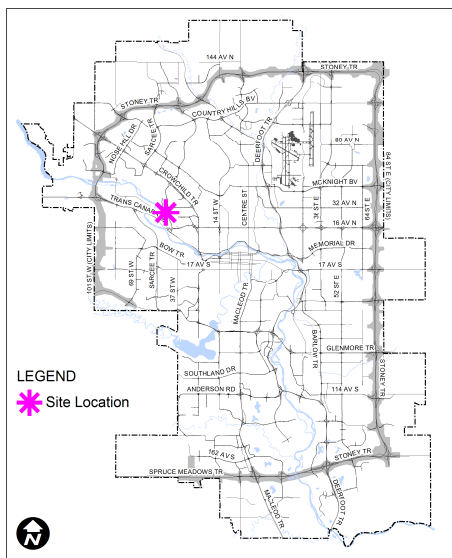
ATTACHMENTS

1. Proposed Bylaw 17D2015
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 0.06 hectares \pm (0.14 acres \pm) located at 4639 – 22 Avenue NW (Plan 4994GI, Block 46, Lot 11) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Wade

Carried: 9 – 0

Reasons for Approval from Mr. Honsberger:

- Corner location
- Lane access
- Meets minimum width
- Secondary suite will likely have minimal impact on neighbours

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Applicant:

1572597 Alberta Ltd
(Randy Steinwand)

Landowner:

1572597 Alberta Ltd
(Randy Steinwand)

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>	No	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>	N/A	6
Public Engagement <i>Were major comments received from the circulation</i>	No	6

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located on the corner of 22 Avenue NW and 46 Street NW in a low density residential R-C1 setting in the community of Montgomery. The site is developed with a single detached dwelling and a two car garage that is accessed from the lane. There are also two surface stalls located along 46 Street NW.

LAND USE DISTRICTS

The proposed R-C1s district allows for the development of a secondary suite in addition to a Single Detached Dwelling on a single parcel. The R-C1s district allows for one additional secondary suite that may take one of the following two forms:

- Secondary Suite as a permitted use; or
- Backyard Suite as a discretionary use.

The proposed R-C1s district is appropriate and complimentary to the established land use pattern of the area and allows for a more efficient use of the land. In addition, the development of a secondary suite on this site can meet intent of Land Use Bylaw 1P2007.

Site Specific Considerations

The subject parcel has a parcel width of 15.2 metres and a depth of 36.6 metres and therefore meets the minimum lot requirements of the R-C1s district. The parcel has the capacity to accommodate:

- A single detached house with a secondary suite;
- A minimum total of two on-site motor vehicle parking stalls with access from the lane (one stall for the single detached dwelling unit and one stall for the secondary suite).

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 this site, the proposal is in keeping with a number of overarching MDP policy areas including: *Developed Residential Areas*, *Neighbourhood Infill & Redevelopment* and *Housing Diversity & Choice* policies.

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Montgomery Area Structure Plan (Statutory / Approved by Council – 2005)

Although the Montgomery Area Redevelopment Plan does not specifically reference secondary suites, the proposal is in keeping with the residential land use policies of the ASP which encourage a variety of housing types.

TRANSPORTATION NETWORKS

Pedestrian access is available from 46 Street NW. Vehicle access to existing on-site parking is from 46 Street NW and the lane (two stalls located along 46 Street and two car garage on the lane). The parcel is well served by Calgary Transit with bus stops for several routes located 345 metres to the southwest on Bowness Road NW.

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 at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

GROWTH MANAGEMENT

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association Comments

The Montgomery Community Association supports this proposal (see attached letter in APPENDIX II).

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Citizen Comments

Three letters of objection were received by Administration. The following concerns were expressed in response to the proposal:

- Growing traffic and parking concerns in the area; and
- Rental properties may have an adverse effect on the community.

Public Meetings

No meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

Montgomery is on the door step of major institutions and shopping and this corner lot is under-utilized with R-C1 use. This is an excellent location for a legal suite within a home being on a corner lot with good walkout elevation to the back yard. It is across the street from R-C2 zoning and kiddie corner to a public school.

This home is original in the community and its condition is ready for redevelopment. An R-C1s zoning enabling a secondary suite would allow a higher and best use for this full 50x 120 corner lot. Upon rezoning, my intent is to redevelop this lot constructing a large new home with a legal ground level suite which would be the best and highest use of this location and land.

There is real demand in Montgomery for housing and a home with a legal secondary independent walkout dwelling (with a south exposure back yard) would make possible secondary housing for an ageing senior, an independent family member, a U of C student, or someone employed in one of the nearby institutions. This home has the potential to be the pride of the block as an impressive single family home with the benefit of fully self-contained secondary legal living accommodation.

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APPENDIX II

MONTGOMERY COMMUNITY ASSOCIATION LETTER



November 18, 2014

Mr. Troy Gonzalez
Planning Implementation
Development and Building Approvals
troy.gonzalez@calgary.ca

Dear Mr. Gonzalez,

**RE: LOC 2014-0149
4639 22nd Avenue NW**

The Montgomery Community Association Planning Committee wishes to state no objection to the Land Use Amendment as proposed. With the number of illegal suites already in operation within the community, under potentially unsafe conditions, the Community Association does not wish to oppose an applicant who is prepared to create a safe and legal suite under by-law and building and safety code standards, and pay taxes, both civic and income based, accordingly.

The Community Association is however, opposed to the need for re-zoning a property to gain legal suite status. The process of re-designating a site is overly cumbersome process which wastes valuable time in all levels of City Hall. Re-designating a site for legal suiting does nothing to ensure the rental portion of the building will be maintained, or overseen by the owner. It does not require that the owner occupy the building to ensure renters are not disruptive to the neighbourhood.

The Community Association believes that legal suiting should be a practice governed by permit (similar to a home business occupation) giving by-law enforcement the ability to suspend or withdraw such privileges if an owner is negligent and causes adverse conditions in the neighbourhood,

Yours Truly,

David Baker
Planning Director
Montgomery Community Association

cc: Alderman Ward Sutherland
Mr. Marilyn Wannamaker, President, MCA
Members of the MCA Planning Committee

T. Gonzalez