

LAND USE AMENDMENT
THORNCLIFFE (WARD 4)
WEST OF 4 STREET NW & NORTH OF MCKNIGHT BOULEVARD
NW
BYLAW 105D2014

MAP 4N

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a residential parcel from R-C1 to R-C1s to allow for a secondary suite. This application is due to a complaint for an existing illegal 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 Calgary.

ADMINISTRATION RECOMMENDATION

2014 August 28

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 105D2014; and

1. **ADOPT** the proposed redesignation of 0.07 hectares \pm (0.17 acres \pm) located at 5031 – 4 Street NW (Plan 6455GS, Block 2, 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 105D2014.

REASON(S) FOR RECOMMENDATION:

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

The 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 the Land Use Bylaw 1P2007.

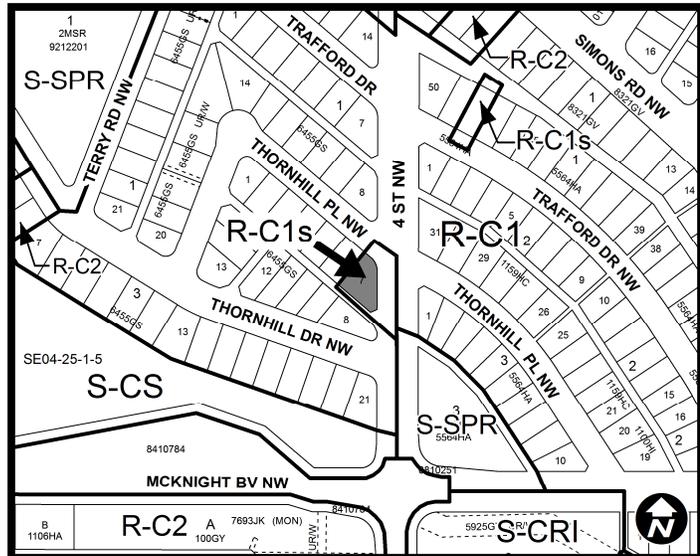
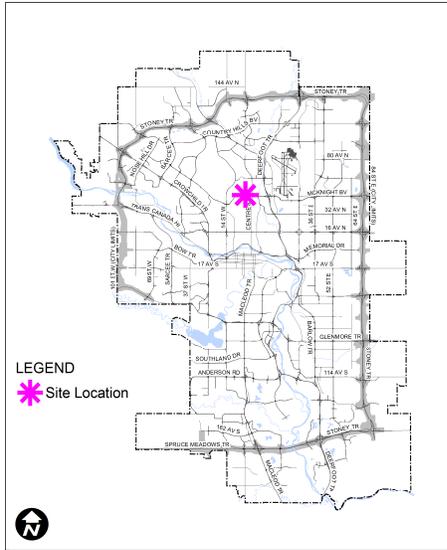
ATTACHMENT

1. Proposed Bylaw 105D2014
2. Public Submission

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3. LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.07 hectares \pm (0.17 acres \pm) located at 5031 – 4 Street NW (Plan 6455GS, Block 2, Lot 7) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: P. Battistella

Carried: 5 – 2

Opposed: R. Honsberger and
R. Wright

Reasons for Opposition from Mr. Honsberger:

- Suggesting that a double car garage will provide parking for 2 families/renter/owner and will not be inconvenienced by tenant's vehicles. Tenant will be forced to park on the street.

Reasons for Opposition from Mr. Wright:

- This application qualifies as the poster child of what you don't want to see as a model for a secondary suite:
 - 4 cars parked in the front yard (some unlicensed);
 - 1 camper in the front yard;
 - 1 motorcycle in the front yard;
 - 1 car on grass side yard beside carport, which was empty; and
 - 2 car garage, but blocked because front yards cars were parked parallel.
- Presently has an illegal suite.
- Tenants would not qualify as "good neighbours".
- Issues of property maintenance.

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Applicant:

Hassan Allen Mehri

Landowner:

Hassan Allen Mehri

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

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PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Thorncliffe, the parcel is an irregular shaped lot approximately 24 metres wide by 32 metres deep (parcel width and depth measured as per Land Use Bylaw 1P2007). The parcel is developed with a single detached dwelling with an attached double garage access via a lane. There is an existing illegal suite in the basement of the Single Detached house and a complaint has been lodged against the applicant.

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) and two additional discretionary uses (Secondary Suite – Detached Garage and Secondary Suite – Detached Garden).

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.

Council's potential 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) (Statutory/ Approved by Council – 2009)

The subject site is located within the *Developed Residential Area* and more specifically the *Established Area* as identified on Map 1 of the Municipal Development Plan (MDP).

Although the MDP makes no specific reference to the subject site, the land use proposal is in keeping of overarching MDP policy areas including: Residential – Developed, Neighbourhood Infill & Redevelopment and Housing Diversity & Choice policies.

More specifically, the general MDP description of the *Planned Greenfield Communities* refers to the Sustainable Suburbs Study proposing greater community densities and a mix of residential uses.

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Neighbourhood Infill and Redevelopment policies of the MDP generally encourage higher residential densities and redevelopment that is similar in scale and that increases the mix of housing choices, including accessory suites (secondary suites).

Thornccliffe does not have a local community plan.

TRANSPORTATION NETWORKS

Vehicle access is available from the rear lane with parking for two vehicles within an existing double garage.

The nearest Calgary Transit stop is approximately 10 metres away for Route 2 from the site.

UTILITIES & SERVICING

Water, sanity and sewer services are available and can accommodate the potential addition of a secondary suite without the need for off-site improvement 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.

PUBLIC ENGAGEMENT

Community Association Comments

The Thornccliffe Community Association expressed its opposition to the application.

The reasons for opposition can be summarized as follows:

- The current users of the parcel are reported to be very disruptive and confrontational.
- The significant amount of vehicles on the property relate to the suspicion that illegal suites exist in the basement.

Citizen Comments

Administration received one letter in opposition to the application.

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The reasons for opposition can be summarized as follows:

- There are five couples living in the house who take away from street parking due to their numerous vehicles.
- Granting secondary suites in the area will set a precedent and result in a negative impact on the quality of life.
- The current users of the parcel do not abide by the noise bylaws and snow removal.

Public Meetings

No meetings were held by the applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

April 08, 2014

*Allen Mehri
5031 4 Street NW
Calgary, Ab*

Subject: Rezoning (Item 10 on Application form)

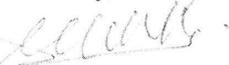
Dear Madam / Sir:

As a resident of Calgary for the past 24 years, I feel I have a civic duty to assist with the cities rental shortage.

I have been a real estate professional for the past 20 years. I own the property at 5031 - 4 St. NW. This property has sufficient space to convert to a legal secondary suite. The location of this property is ideal for rezoning. This property has ample parking to accommodate 7 full size vehicles in addition to a double car garage and a single covered parking stall. Bus route #2 has a stop in the front of the property making access to public transportation feet away. In addition, Throncliffe and several other public schools are within walking distance. I respectfully submit to you these three (3) major benefits to rezoning this property.

Lastly, 5031-4 street N.W is a detached parcel on the corner of 4 street and McKnight BLVD N.W. Rezoned, this property offers affordable housing to the citizens of Calgary, increasing rental space and increased taxes for the city.

Sincerely,



Allen Mehri, B. SC, IT Eng

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APPENDIX II

PARCEL WIDTH REQUIREMENTS – TABLE 1

	Secondary Suite (basement)	Secondary Suite – Detached Garage	Secondary Suite – Detached Garden
R-C1s	15 m	15 m	15 m
R-1s	11 m	11 m	13 m
R-C1N	9 m	13 m	13 m
R-1N	9 m	13 m	13 m
R-C2	9 m	13 m	13 m

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APPENDIX III

LETTERS SUBMITTED



**THORNCLIFFE GREENVIEW
COMMUNITY ASSOCIATION**

5600 Centre Street N
Calgary, Alberta T2K 0T3

Administration Office: (403) 274-6840 Facsimile: (403) 275-7310 Email: admin@tgcacalgary.com

RE LOC2014-0086

Secondary Suite for 5031 4th ST NW

The Thorncliffe/Greenview Community Association (TGCA) generally supports the addition of secondary suites in our area (according to certain criteria) and feels this site in particular has merits for conversion. It is located on the 4thSt transit route with a stop literally on the edge of the property. It also has significant off street parking and a large lot size. One deterrent however is the near absence of rear yard amenity space due to the placement of the house on the lot.

Despite these mostly favourable conditions for the addition of a suite, TGCA cannot support this application. I have met personally with three adjacent homeowners and all have similar complaints about the current situation at 5031. TGCA feels we have no choice but to oppose this application fully aware that these complaints focus on the users & current use of the property vs the use of a secondary suite. Briefly; the current tenants are reported to be very disruptive and confrontational. There is the suspicion by the neighbours of two suites in the basement and an additional two units on the main floor. Having looked at the site, I find no evidence from the outside of the building of multiple suites however there are a significant amount of vehicles parked on the property. The applicant indicated ten stalls (including garage & carport) Most of these stalls are occupied in the evening with as many as three additional vehicles parked on the street.

Due to the volatile situation reported I have not approached the tenants at 5031 as I don't wish to make an already tense situation worse. I have encouraged all three adjacent homeowners to call police if they continue to feel threatened. I'm not aware that the applicant has approached the adjacent neighbours. Nor has TGCA been approached but would welcome any outreach from the applicant. Finally please keep us apprised of any developments as this application goes through the process.

Sincerely:

Marvin Quashnick
publicservice@tgcacalgary.com