

LAND USE AMENDMENT
NORTH HAVEN (WARD 4)
SOUTHEAST CORNER OF NESBITT ROAD NW
BYLAW 109D2014

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. The subject site does not contain a secondary suite at this time and this 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)

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 109D2014; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.015 acres \pm) located at 5024 Nesbitt Road NW (Plan 3592JK, Block 1, Lot 29) 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 109D2014.

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, Secondary Suite – Detached Garage, 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 polices 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 109D2014
2. Public Submissions

**CALGARY PLANNING COMMISSION
REPORT TO COUNCIL
2014 OCTOBER 06**

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LOC2014-0088
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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares \pm (0.015 acres \pm) located at 5024 Nesbitt Road NW (Plan 3592JK, Block 1, Lot 29) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: M. Wade

Carried: 6 – 1
Opposed: R. Honsberger

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Applicant:

Mohammad Ali Mehri

Landowner:

Mohammad Ali 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 North Haven, the parcel is approximately 18.00 metres wide by 33.76 metres deep and is developed with a single detached dwelling with a rear double garage and a carport access via a lane.

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 relaxations are required, these may be considered at the development permit stage.

An 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).

North Haven 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 and a carport.

The area is served by Calgary Transit with a number of bus routes and bus stop located in close proximity to the subject site (North Haven Drive). The nearest Calgary Transit stops to the site are Route #4 – 210 metres away; Route #5 – 300 metres away; and Route #414 – 260 metres away.

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

Community Association is not opposed to the Land Use Redesignation; however has concerns about potential shortage of on-street parking and prefers the homeowner to live in the building.

Citizen Comments

Administration received 71 signatures against the proposed application. In addition, 23 letters of objection (from the local residents) were received against the application.

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The reasons for objecting can be summarized as follows:

- increase vehicle traffic and further increase the already shortage of street parking on Nesbitt Road NW
- danger for pedestrian crossing the street with increased number of vehicles parked on Nesbitt Road NW
- depreciation of the property value due to potential poor tenants and absentee of landlord living here as the primary resident
- overcrowding the community and disrupting the quiet character of the community
- setting up precedence in changing the character of the neighbourhood from a single family area
- the parking stalls on site are already occupied by current residents, any additional parking will be spilled over onto Nesbitt Road NW

Public Meetings

No meetings were held by the applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

I am making this application because I wish to renovate my basement and create an affordable suite that can be rented to alleviate the rental shortage in Calgary. My home is located in a very desirable area of our city. It is close to a city bus line (#4 and #5) which goes to and from the downtown core. This property is within walking distance to grocery stores, restaurants, banks and churches, as well as several schools. It is also a short distance from SAIT and the University of Calgary. The property itself has more than adequate parking including a three car oversized garage which is more than a thousand square feet and has plenty of public street parking. I appreciate the City of Calgary helping me in this endeavour.

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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

Hi Wallace,

After an email consultation with the Board members & some new information having been brought to our attention, our comments are:

Parking is a concern, the house is already a rental property for at least part of the year with the current tenants already having 3 vehicles and no access to the garage. A rental suite in the basement would only add to the on street parking. The NHCA President has received 1 phone call from a neighbour against the suite. It appears that one major purpose of the basement suite would be to make to the house more attractive to potential buyers as a rental income property. Addressing the "affordable rental" statement, North Haven is not a lower income neighbourhood and as such any rentals are priced in the upper ranges, out of reach of many applicants. The statement comes across as self serving and misleading.

Having offered these comments, the Board is not against legal basement suites, but would prefer that a majority of affected neighbours are in favour (or neutral) of any developments. It would also be preferable to have the home owner living in the house with the rental suite, but we realize this is unenforceable.

Jean Togstad
President, NHCA