

**LAND USE AMENDMENT
WINSTON HEIGHTS/MOUNTVIEW- WARD 9
EAST OF EDMONTON TRAIL NE & NORTH OF 34 AVENUE NE
BYLAW 36D2014**

MAP 34C

EXECUTIVE SUMMARY

The proposed land use amendment seeks to allow for a number of existing, but currently unapproved, dwelling units located on three separate parcels.

The application was submitted as a result of a complaint regarding the unapproved dwelling units, and subsequent enforcement actions by Development Inspection Services.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2014 March 13

That Calgary Planning Commission recommend **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION (S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 36D2014; and

1. **ADOPT** the proposed redesignation of 0.23 hectares \pm (0.57 acres \pm) located at 517, 525 and 529 – 34 Avenue NE (Plan 1476JK, Block 7, Lots 17 to 20) from Residential - Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate additional dwelling units, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 36D2014.

REASON(S) FOR RECOMMENDATION:

The proposal allows for a legalization of the currently unapproved illegal units, and appropriate building upgrades that may be necessary to ensure the existing units are safe.

All three parcels are large enough to accommodate the four units and all other associated land use bylaw requirements. As the additional density is limited to the existing buildings only, the existing development will remain consistent with the established character of the surrounding neighbourhood.

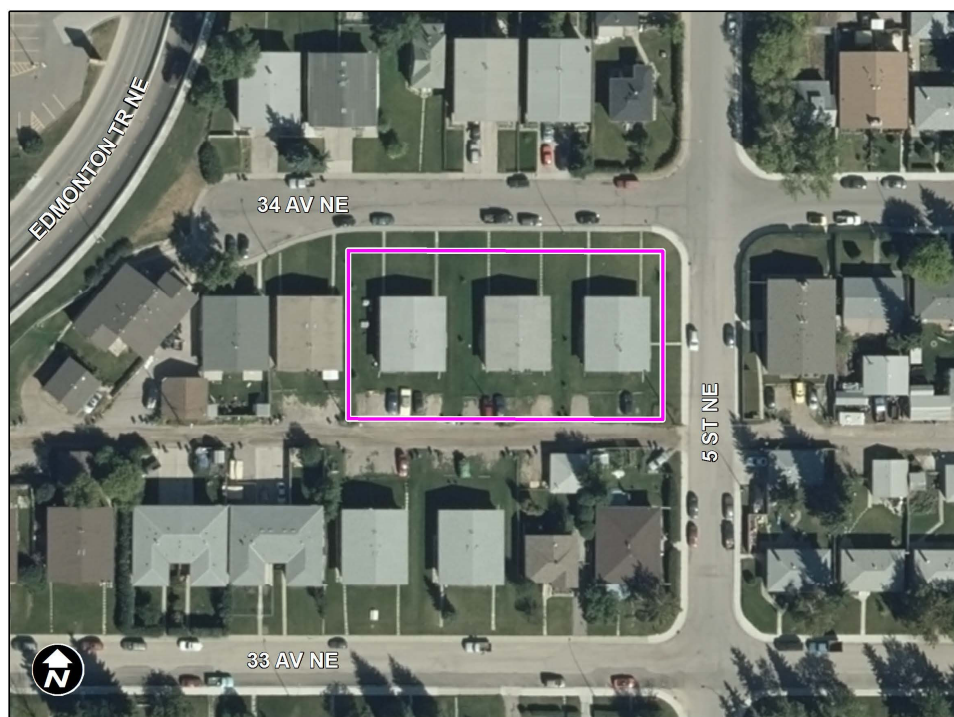
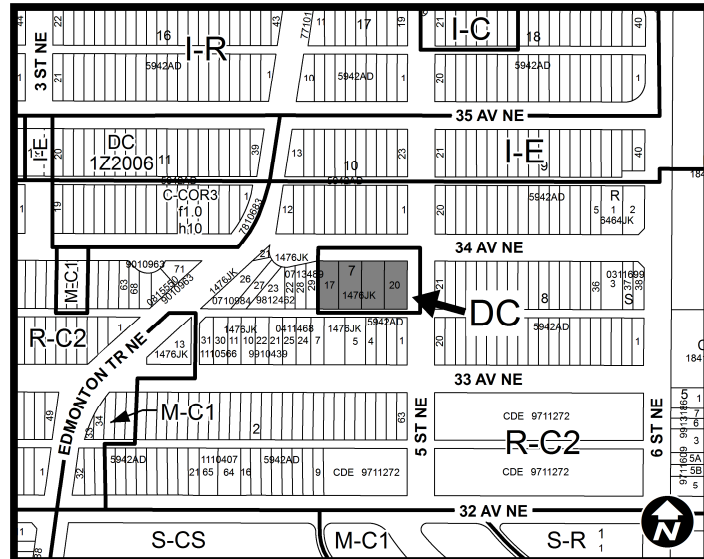
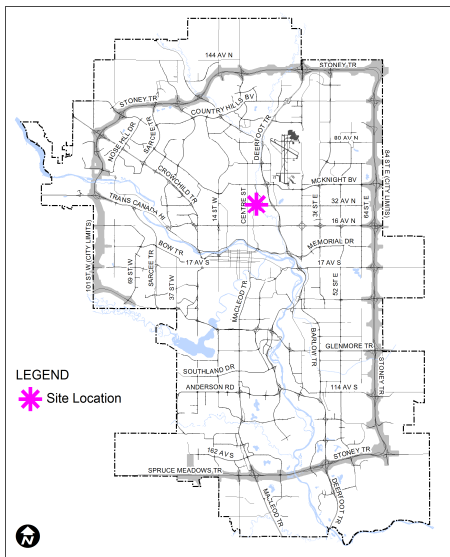
ATTACHMENT

1. Proposed Bylaw 36D2014
2. **Public Submission**

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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 0.23 hectares \pm (0.57 acres \pm) located at 517, 525 and 529 – 34 Avenue NE (Plan 1476JK, Block 7, Lots 17 to 20) from Residential - Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate additional dwelling units, with guidelines (APPENDIX II).

Moved by: G-C. Carra

Carried: 8 – 1

Opposed: R. Honsberger

Reason for approval from Mr. Wright:

- I commend the applicant for all the efforts to make these buildings legal and safe.

Reason for approval from Ms. Wade:

- I am very supportive of suites coming into conformity with Building Codes and encouraged that the applicant has worked with Administration. Secondary suites are a good source of housing.

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Applicant:

Wapiti Properties Inc

Landowner:

Wapiti Properties Inc

Planning Evaluation Content	Issue	Page
Density <i>Is a density increase being proposed.</i>	Yes	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	Yes	5
Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns.</i>	No	6
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 and storm) concern</i>	No	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Does this site have the appropriate growth management direction.</i>	Yes	7
Public Engagement <i>Were major comments received from the circulation</i>	No	7

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

RELEVANT PLANNING HISTORY

- In 1964, Development Authority approved three Building Permits for three semi-detached dwellings (a total of six units).
- In 2007, a total of six additional dwelling units (basement suites) were developed without the benefit of required land use, development and building permit approvals (a total of twelve units).

(see APPENDIX III for additional information)

SITE CONTEXT

The subject site consists of three separate titled parcels located east of Edmonton Trail NE and south of an existing industrial precinct known as Greenview Industrial. The surrounding land use consists primarily of an R-C2 designation. The majority of lands within immediate proximity are developed with either single or semi-detached dwellings. The relatively flat is currently developed with three four-plex dwellings.

LAND USE DISTRICTS

The proposed DC Direct Control District is based on the existing R-C2 district, but allows for up to four dwelling units within each of the existing buildings. As such, upon redevelopment of the site standard R-C2 rules of the land use bylaw would apply again.

Although other land use district options that could accommodate the existing situation are available and have been discussed with the applicant, significant revisions to the ARP would be required to allow for a higher intensity land use district than the one proposed.

As such, the proposed land use represents the most logical, available land use solution that provides opportunities for the existing unapproved units to be legally recognized and upgraded so that basic safety requirements are met, while being cognizant of the limited flexibility the applicable local area plan provides.

The proposed DC lists a Multi-Residential Development as an additional discretionary use if it is located in an existing building. The use of the term 'Multi-Residential Development' in this DC is necessary given the Land Use Bylaw 1P2007 terminology as any development over three (3) units is considered a multi-residential development.

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LEGISLATION & POLICY

Municipal Development Plan (2008 – statutory)

The subject property is located within the *Residential Developed Established Area* as identified on Map 1 in the MDP. Although the MDP makes no specific reference to the subject site, the proposal is in keeping with a number of overarching MDP policies (APPENDIX II).

Winston Heights/Mountview Area Redevelopment Plan (2006 – statutory)

While the policies of the Winston Heights/Mountview Area Redevelopment Plan support development that provides a wide range of housing stock for various age groups, incomes and lifestyles, the applicable *Policy Area #1* of the ARP encourages a retention of low density residential uses, such as single and semi-detached dwellings as the predominant land use for this area.

The proposal increases the number of dwelling units, but not the building envelope as the additional units are confined to the existing buildings currently compatible with and sensitive to the surrounding neighbourhood. As a result, the proposal complies with the intent of the ARP.

Future Policy

Administration is currently undertaking a “Corridor Program” as directed by Council in 2013, and developing “locational criteria” to guide multi-residential infill projects in established neighbourhoods as directed by Council in January of 2014. This work is not anticipated to affect the recommendation on this application.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required. Sidewalks are available in this area and provide pedestrian connections to nearby amenities and public transit.

Vehicular access to the site is available via the existing lane.

UTILITIES & SERVICING

All required services are available for the proposed land use. The existing servicing can accommodate the existing development without the need for upgrades or adjustments to the existing infrastructure.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

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ENVIRONMENTAL SUSTAINABILITY

Not applicable. An analysis of site specific measures that would contribute toward an environment friendly development will be conducted at the development permit stage.

GROWTH MANAGEMENT

This proposal is in alignment with MDP references associated with growth management issues.

PUBLIC ENGAGEMENT

Community Association Comments

The Winston Heights/Mountview Community Associated expressed no objection to the proposal.

Citizen Comments

One letter of support was received.

Public Meetings

No public meetings were held.

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APPENDIX I

APPLICANT'S SUBMISSION

The Applicant landowner (Wapiti Properties Inc) through related corporations has owned the subject 3 buildings since 1971. Prior to 1971 the parcels were held by members of the principal's family, who built the homes in the mid – 1960's. In 2007 the basements of four of the six semi-detached dwelling units were converted into "secondary suites", with general compliance to Alberta Building Code requirements or equivalent and with not less than 4 parking stalls on each parcel. Subject to the success of the current application and required development permits, all current ABC requirements will be satisfied.

Contextually, while the existing land use (zoning) is R-C2, there are numerous "fourplex" developments in the immediate vicinity of the subject parcels and within the same land use district, as documented on City of Calgary public assessment records.

The landowner wants to provide safe and lawful accommodation for the existing tenants by authorizing "secondary suites" within the existing 3 parcels.

Current Land Use Bylaw Provisions

While there is provision within Land Use Bylaw for "secondary suites", such opportunities are currently restricted to low density residential districts and only within either "contextual single detached dwellings" or "single detached dwellings". City Council's current investigation to expand the opportunities for "secondary suites" within the Land Use Bylaw 1P2007 (NM2010-20; 2010 June 07) is not expected to be heard before March, 2011. Proposed changes have been suggested which do not currently contemplate application to dwellings other than the single detached form.

In Support of the Request for a new "DC" bylaw

The proposed "DC" bylaw allows for the existing "unlawful" secondary suite uses on the subject 3 parcels to be "regularized". The design of most of the homes in the immediate vicinity of the subject parcels lends itself to "fourplex" style use and such uses have become prevalent in the area. The Applicant's intention is to limit the built form on the affected parcels to buildings appropriate to the existing R-C2 land use district. It therefore seems sensible to keep most of the existing rules associated with this low density residential district. The large parcel sizes provide for sufficient on-site parking and for generous street frontage.

The Applicant wishes to have the "secondary suite" designation made to be a "permitted use" in order to accommodate the current site condition. Subject to the proposed necessary Land Use Bylaw amendments, all other regulations under the Land Use Bylaw continue to apply. Any failure to comply with Land use Bylaw 1P2007 requirements would make a required development permit application into a "discretionary" application.

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The approval of the proposed CC bylaw will allow the existing developments to conform with the current LUB. It is the Applicant's opinion that the confirmation of the continued use of the unlawful but existing "secondary suites" on the three parcels offers an appropriate opportunity for near market residential dwellings in the community. There is currently no land use district in Bylaw 1P2007 that will allow for "secondary suites" within the R-C2 land use district. The existing use does not warrant the conversion of the parcels to any form of multi-dwelling land use district. The Applicant believes that the proposed DC bylaw offers a more precise instrument for increased site density which will be contextually respectful; pose no undue interference with the neighbourhood amenities; nor materially interfere with the use, enjoyment or value of the neighbouring parcels of land.

Conclusion

The Applicant respectfully requests that a site specific "DC" zoning be approved to allow the existing and future "secondary suites" within the 3 parcels subject to the DC bylaw to be "regularized". This accommodation may provide a reasonable precedent for other similar dwelling forms in the city.

This "DC" zoning / land use is consistent with the spirit and intent of Council's current investigation of "secondary suite" opportunities in Calgary (NM2010-20).

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to allow for up to four **Dwelling Units** within each *existing building*.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

General Definitions

- 4 For the purposes of this Direct Control District, *existing building* means a building existing on a *parcel* at the time of the effective date of this Direct Control District.

Permitted Uses

- 5 The *permitted uses* of the Residential – Contextual One/Two Dwelling (R-C2) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

- 6 (1) The *discretionary uses* of Residential – Contextual One/Two Dwelling (R-C2) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control Bylaw.
- (2) The following *use* is an additional *discretionary use* in this Direct Control District if it is located in an *existing building*:
- (a) **Multi-Residential Development.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Residential – Contextual One/Two Dwelling (R-C2) District of Bylaw 1P2007 apply in this Direct Control Bylaw.

Density

- 8 The maximum number of *units* located within an *existing building* is 4.0.

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APPENDIX III

MUNICIPAL DEVELOPMENT PLAN – APPLICABLE POLICIES

General – Developed Residential Area Policies support the retention of low density residential housing stock while allowing for moderate intensification in a form that respects the character of the neighbourhood.

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

Housing Diversity and Choice policies encourages an adaptation of the city's existing housing stock in order to allow for families to remain in the same homes for longer time periods – some strategies may include, but are not limited to, allowing accessory units in low density areas.

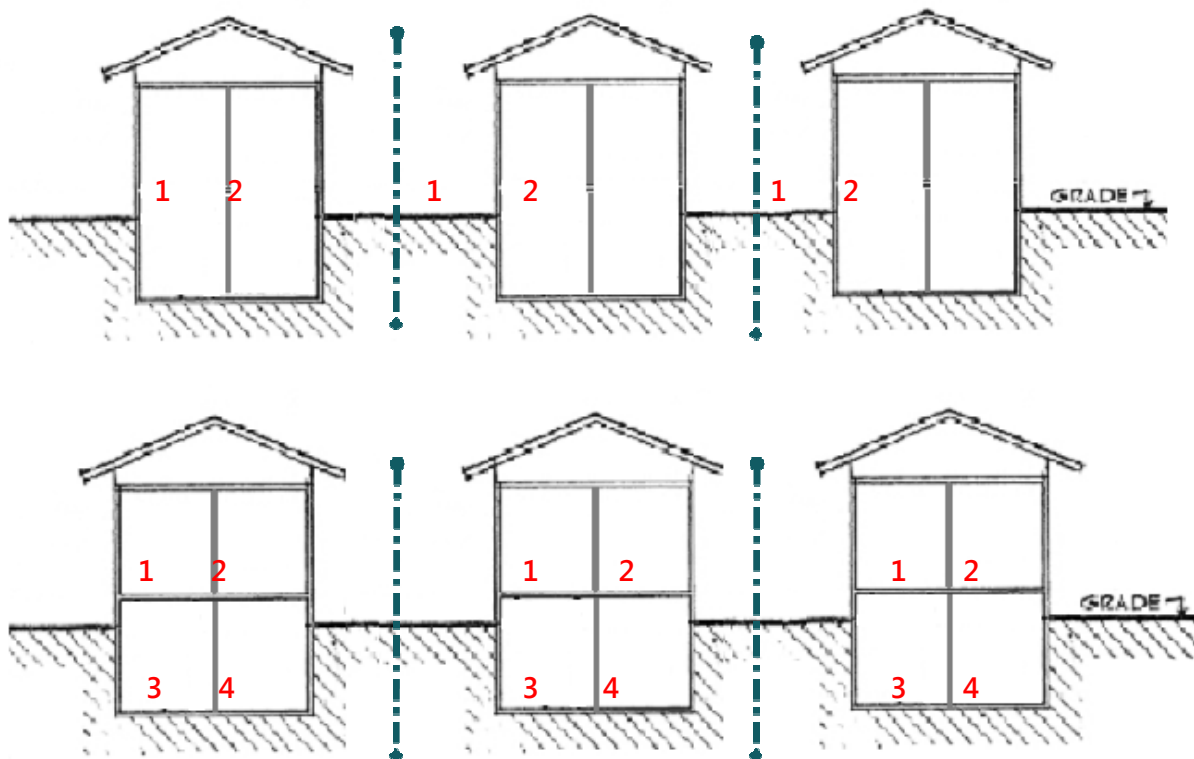
In addition, *Increased Opportunity for Affordable Housing* policies encourage recognition of affordable housing as an integral part of communities; the provision of an adequate supply of rental accommodation across the City; affordable housing to locate in all areas of the City, particularly in locations serviced by appropriate services such as commercial nodes, transit, schools and recreational facilities.

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APPENDIX III

Approved and developed in 1964 – 3 semi-detached dwellings – total of 6 units



Developed without approvals in 2007 – 3 four-plexes - total of 12 units