

Smith, Theresa L.

From: Brett Turner [brett.s.turner@gmail.com]
Sent: Thursday, October 27, 2016 8:10 AM
To: City Clerk
Subject: LOC2016-0156 Comments for November 7 2016 Public Hearing
Attachments: LOC2016-0156 Comments from 187 Rocky Ridge Drive NW.pdf

To:
Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
P.O. Box 2100, Postal Station "M"
Calgary, Alberta T2P 2M5

Re: LOC2016-0156
Council Session November 7, 2016

Attached are our comments regarding LOC2016-0156 for inclusion in the upcoming November 7 2016 City of Calgary Public Hearing on Planning Matters.

If you have any questions or concerns, please feel free to contact me,

Brett Turner
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403-816-2368

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June 29, 2016

Steve Jones, File Manager
Planning, Development and Assessment, IMC #8076
P.O Box 2100 Station M
Calgary AB T2P 2M5

RE: Application for Land Use Amendment: LOC2016-0156
Location: 191 Rocky Ridge Drive NW

Dear Mr. Jones,

We are the owners of 187 Rocky Ridge Drive NW. Our house is directly adjacent to the applicant, 191 Rocky Ridge Drive NW, for the land use amendment LOC2016-0156. Thank you very much for allowing us the opportunity to comment on the application to change their land use classification from R-C1 to R-C1s.

We would like to begin by stating that we continue to be opposed to the proposed change in land use classification from R-C1 to R-C1s, which would allow for the construction of a secondary suite for rental purposes.

We have a number of concerns with the application itself and the proposed change. Our concerns are discussed below in the following categories:

- City Council has recently determined that the property is not appropriate for R-C1s classification.
- Questions about the integrity of the application.
- Logistical considerations.
- Community and family impact.

1. LOC2014-0186 Rejected by City Council June 15 2015, Section 7.3

One year ago, on June 15 2015, City Council rejected the exact same request from the applicant to rezone their property from R-C1 to R-C1s.

The City of Calgary website is very clear that you may not appeal City Council decisions, as described in the following:

<http://www.calgary.ca/PDA/pd/Pages/Zoning.aspx>

Tab: Rezoning Process

"Appeal: Council's decision on the planning merits of the proposal is final and can only be appealed to the courts based on matters of law."

We find it very difficult to understand how the exact same application submitted 1 year later is not an appeal of the City Council decision. We were led to believe that the decision would be final, not appealed annually. It very much appears to be a waste of tax payer dollars, and an abuse of the temporary fee waiver for secondary suite applications. Nothing has changed in the past year which would justify the council overturning their previous 5-9 vote against this rezoning.

Ward Sutherland, our Ward 1 Councilor made the following speech in opposition of a secondary suite at this location:

City Council Meeting, June 15 2015, Section 7.3 1:08:58 to 1:09:48
[http://NEvideo.siretech.net/sire/CalgaryCity/Combined Meeting of Council/1696/1696.wmv](http://NEvideo.siretech.net/sire/CalgaryCity/Combined%20Meeting%20of%20Council/1696/1696.wmv)

"As I live in the community I've been down there several times. The concerns I have are shown up from CPC here obviously; I'm concerned this particular road is well used. It's heavily used to exit out of the community and it's a snow route and unfortunately by the designs of the roads there's actually very limited parking on roads because of the large sidewalks and hardly any green space. When you actually go to park in between two houses there's actually not enough green space where your car doesn't impede onto the driveways. I'm very concerned about the traffic and the parkability with the snow ban, plus the fact that the residents have issues with it. Unfortunately I can't be supporting this."

Councilor Sutherland presents serious concerns with the viability of a secondary suite at this location. The new application has done nothing to address the concerns expressed by Councilor Sutherland.

2. Application Integrity

The applicant has misrepresented the facts of a number of topics found in the "Summary of Applicant's Submission". We formally request that the City of Calgary investigate the application to determine if document fraud has occurred. If needed, we will gladly make ourselves available to City of Calgary staff and local law enforcement for comment.

The specific reason we are concerned about document fraud is that the applicant made the following statements in the "Summary of Applicant's Submission"

1. Paragraph 1: "The only purpose for this application is to change the Land Use Designation from R-C1 to R-C1s in order to add a legal kitchen in the walk-out basement of my property..."
2. Paragraph 4: "... by adding the kitchen in our walk-out basement, our living space will be increased about 1000 square feet and the kitchen can be used..."
3. Paragraph 4: "We are willing to spend \$5000CDN more on this kitchen (We have developed two bedrooms and the recreation area last year, it costed more than \$30,000CDN already)"

In each statement, the applicant makes it clear that they would like to build a kitchen at some point in the future once they receive a legal rezoning to R-C1s. In fact, and in contempt of the City Council decision on June 15 2015 to reject the rezoning of this property to R-C1s, the applicant went ahead and built their kitchen in the walk-out basement. This kitchen includes a fridge, stove, counters, cabinets and cabinet doors. It is clear that the applicant has attempted to misrepresent the current situation and mislead all stakeholders by hiding the fact that they already have a kitchen. They have much to gain from this misrepresentation, and both the public and ourselves have much to lose should the application go forward based on this information.

We received the following information from you, Mr. Jones, regarding a household having a second kitchen:

"a single detached dwelling can only have one kitchen. A second kitchen means that there is a second unit in the building. Thus to have a second kitchen you need to be zoned to allow for a secondary suite."

Upon hearing this information, we submitted a complaint to the City of Calgary via 311 regarding the illegal secondary suite that is currently in the applicant's home. File Reference# 628502.

The applicant also has a history of making statements of questionable veracity. Several examples include:

In the previous application (LOC2014-0186), the applicant stated

“We have also talked some of the homes next to the residence and no one had any concerns with what we are proposing.”

Contrary to the applicant’s assertion, the City of Calgary mail notification was the first time we, as adjacent owners, were introduced to the proposed change. After receiving the letter, the applicant’s 4 closest neighbors (183, 187, 195, and 199 Rocky Ridge Drive NW) discussed the proposal and discovered that none of us were consulted in any way. Also contrary to the applicant’s assertion, we were all opposed to the rezoning.

A second example occurred during the June 15 2015 City Council session (1:02:20). Mayor Nenshi asked the applicant, “Is there room for 3 cars on that front driveway?”. The applicant replied, “I think so”. Figures 1 and 2 below show how the applicant is unable to legally park 3 cars on his driveway. Two cars are illegally parked over the sidewalk. No reasonable person would respond “I think so” to this question. There is clearly not room for 3 cars, and the applicant made a false statement directly to Mayor Nenshi, City Council and the public.

Figure 1



Figure 2



3. Logistical Considerations

Regarding exterior changes, the “Summary of Applicant’s Submission” stated,
“This zoning code change will have no exterior or attached or detached or landscaping construction involved.”

Our understanding is that a secondary suite must have a primary entrance. Currently there are doors at the rear of the house that could possibly facilitate this requirement. We do not believe there is a properly defined primary entrance available within the house itself.

We believe there will be exterior changes required if the plan involves Renters accessing the house from the rear walkout basement doors. Currently there is no pathway or railing from the front of the house to the rear on either side of the applicant’s property. The grade between the front and the rear of the house is quite steep, and the space between the houses is very narrow. The applicant’s gas meter is found between our houses which would limit the width of any pathway or wheelchair accessible ramp that could be added. In the event that a path would be added between our houses, landscaping of our own property may be required to ensure adequate water drainage away from our house to prevent damage to our property. In addition there will be very little room to add a fence to provide additional protection for our property.

Overall we find it challenging to understand how landscaping or construction will not be involved. This leads us to have a lack of confidence that the applicant has fully explored the requirements of a rental unit.

4. Community Impact

As the parents of 3 children of 5 years of age and younger, we were attracted to the safety, low-density nature and local character of this section of Rocky Ridge. We are planning to stay here though to retirement. We are in a unique section of Rocky Ridge which has no neighbors behind the house, and no neighbors facing the front of our properties. We recognize that the applicant has only been living in their property for a short time and has not yet had the opportunity to discover and fully appreciate the beauty of our neighborhood as it is currently zoned.

The land use zoning for our properties and the properties around us does not allow for secondary suites. While zoning for secondary suites may be desired in other neighborhoods, this was not our desire and it affected our buying decision. We live in one of the lowest density areas available in Rocky Ridge and we would like it to stay that way. A low density community is important to us, as it allows the opportunity to better get to know all those who live near us creating a small town feel and strong sense of community. The addition of another residential family into the mix would result in crowding of the neighborhood in relation to our current local character.

Distinct areas are important for Calgary, as they serve to fulfill the needs of differing populations. We are encouraged by the fact that the City of Calgary Municipal Development Plan (2009) Section 2.3 provides for such housing diversity. In particular, Section 2.3.2.a contains the policy to “Respect the existing character of low-density residential areas”. One neighbor’s desire for rental income should not trump their four closest neighbor’s desire to maintain the charming local character of our neighborhood that we hold so dearly.

While we respect the fact that the applicant may rent their property in its entirety under its current land use, a secondary suite would double our exposure to renter related challenges should the owners decide to rent both portions of their property. It has been our experience that renters, and in particular renters of secondary suites, have a lower vested interest to become involved in their community and less desire to maintain their property. Also, in the media on December 15 2014, our local Councilor Ward Sutherland expressed concern that the City of Calgary is not able to protect the landlord, tenants or neighbors with regards to secondary suite issues. This is of serious concern to us.

It is also important to note that our properties are located on a snow route. When snow route parking bans are in effect, parking does become a problem. Examples that have been witnessed recently include vehicles ignoring the ban, vehicles parking across the width of driveways between the sidewalk and the street, and vehicles parking across sidewalks blocking all access to the sidewalk. Figures 1 and 2 above show that parking is currently an issue for the applicant as well, as they could find no legal way to park their cars. There are no nearby alternative parking locations during these bans. Increasing the population density of this street could only increase the frequency of parking problems, especially considering the area directly in front of our properties is used for parking by residents of the 15 properties found in the Rocky Ridge Gardens cul-de-sac whose street entrance faces our property.

Closing Statement

The applicant has been very clear in his application that he wants to build a kitchen in his walk out basement. In direct contempt of City Council's decision that denied secondary suite zoning in 2015, he went ahead and built a kitchen. The applicant made a false statement to the mayor in a council session when responding to a question about parking. The applicant has made false statements in their past application discussing community consultation. These deceptions are of serious concern to us, and may cause us serious harm. We once again request the City of Calgary investigate whether document fraud has occurred in this situation. Allowing this application to move forward with such misinformation would be a grave injustice to all stakeholders.

City Council has already determined that this property is not an appropriate location for a secondary suite. We are on a busy street that many use to enter and exit the community. There is very little parking, especially considering the fact that we are on a snow parking ban route and bus route. There are almost no parking locations on the street that do not impede on driveways. There are many concerns about how the application will cause significant changes to the local character and nature of this unique area of Rocky Ridge. Finally, the neighbors are very much against the application.

City Council should not be burdened with this applicant again, especially after the applicant showed such contempt for the previous application's rejection that they developed a secondary suite anyway. The City of Calgary website says that City Council decisions are final. We agree with that. The rejection should stand.

As detailed above, there are a number of serious issues with this application. That is in addition to the negative impact should the application be approved. We would ask that you reject the proposed application for land use change.

If you have any questions or comments, please contact us at:

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(403) 816-2368 cell /text



Brett Turner

June 29, 2016

Signed on



Sara Turner

June 29, 2016

Signed on