

LAND USE AMENDMENT
MARLBOROUGH (WARD 10)
MARYVALE WAY NE
BYLAW 315D2017

MAP 22E

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel from a Residential – Contextual One Dwelling (R-C1) District to a Residential – Contextual One Dwelling (R-C1s) District to allow for either a Secondary Suite or a Backyard Suite as an additional use. The site contains an existing single detached dwelling. To Administration’s knowledge there is an existing suite located on the parcel above the detached garage and the application was submitted as a result of past complaints about the 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(S)

2017 August 10

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 315D2017; and

1. **ADOPT** the proposed redesignation of 0.05 hectares ± (0.12 acres ±) located at 668 Maryvale Way NE (Plan 7620JK, Block 4, Lot 15) 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 315D2017.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s district, which allows for one of two forms of secondary suite uses (Secondary Suite or Backyard Suite), is compatible with and complementary to the established character of the community. The proposal conforms to relevant policies of the Municipal Development Plan and will allow for development that has the ability to meet the intent of Land Use Bylaw 1P2007.

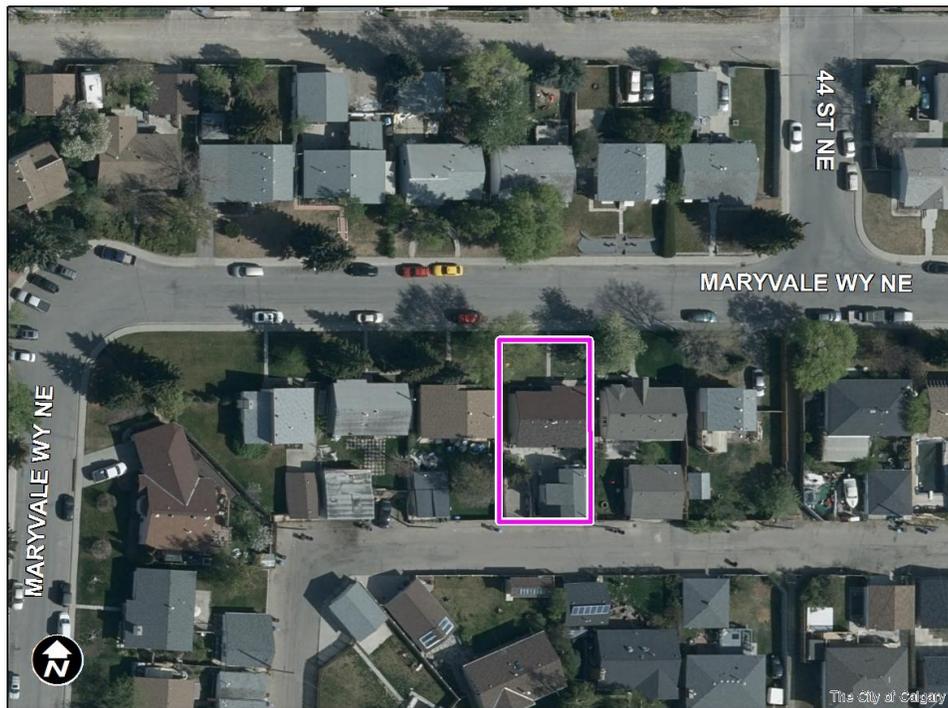
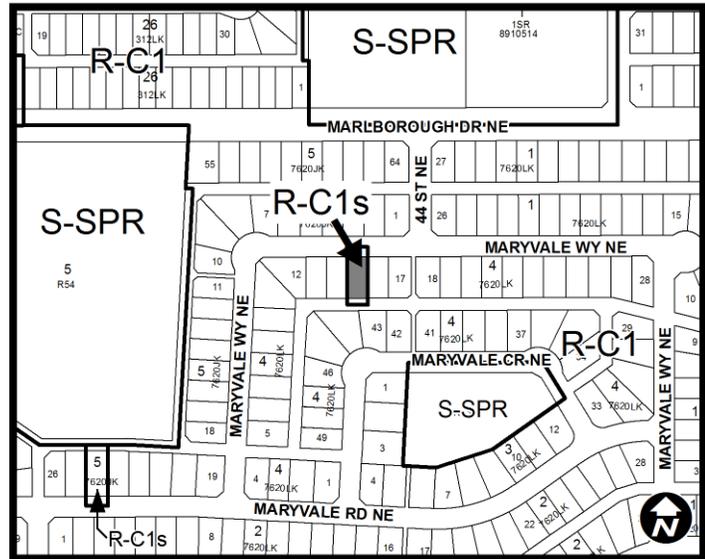
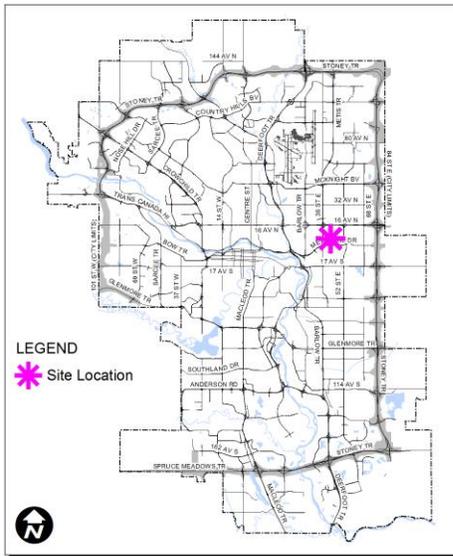
ATTACHMENT

1. Proposed Bylaw 315D2017
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 0.05 hectares ± (0.12 acres ±) located at 668 Maryvale Way NE (Plan 7620JK, Block 4, Lot 15) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: A. Palmiere

Carried: 7 – 0

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Applicant:

Gladys Falag-Ey Moore

Landowner:

Gladys Falag-Ey Moore
Roger Chad Moore

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Marlborough, the site is approximately 15 metres by 30 metres in size and is developed with a one-storey single detached dwelling and a detached two-car garage that is accessed from the rear lane. Notwithstanding the existing R-C1 land use designation, there is an existing backyard suite located above the detached garage that has been rented in the past. The site is surrounded by existing single detached dwellings. The Marlborough Community Centre and Community Park are located approximately 150 metres west of the site and a junior high school is located approximately 150 metres to the north.

According to data from The City of Calgary 2016 Census, the following table identifies Marlborough's peak population and year, current population and the population amount and percentage difference between the peak and current populations if any.

| Marlborough | |
|------------------------------------|---------|
| Peak Population Year | 1982 |
| Peak Population | 10,025 |
| 2016 Current Population | 8,784 |
| Difference in Population (Number) | - 1,241 |
| Difference in Population (Percent) | -12% |

LAND USE DISTRICTS

The proposed R-C1s district allows for an additional dwelling unit (either a permitted use Secondary Suite or a discretionary use Backyard Suite) on parcels that contain a single detached dwelling.

Approval of this land use application allows for an additional dwelling unit (either a Secondary Suite or Backyard Suite) to be considered via the development permit process. A development permit is not required if a Secondary Suite conforms to all Land Use Bylaw 1P2007 rules – only a building permit would be required. In the case of the existing backyard suite located above the detached garage, a development permit will be required.

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LEGISLATION & POLICY

South Saskatchewan Regional Plan (2014)

The site is located within the “City, Town” area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. The SSRP makes no specific reference to this site. The land use proposal is consistent with the SSRP policies including the Land Use Patterns policies (subsection 8.14).

Municipal Development Plan (2009)

The site is located within a “Residential Developed – Established Area” on the Urban Structure Map (Map 1) in the *Municipal Development Plan (MDP)*. While the MDP makes no specific reference to this site. This land use proposal is consistent with MDP policies including the Developed Residential Areas policies (subsection 3.5.1), the Neighbourhood Infill and Redevelopment policies (subsection 2.2.5) and the Housing Diversity and Choice policies (subsection 2.3.1).

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Maryvale Way NE and the rear lane. The area is served by Calgary Transit with a bus stop location within approximately 600 metre walking distance of the site on Marlborough Drive NE and Maryvale Drive NE and the Marlborough C-train station located within a 1.5 kilometre walking distance of the site. On-street parking adjacent to the site is unregulated.

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 or may not be required to service the Backyard Suite. This will be reviewed at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

GROWTH MANAGEMENT

This land use amendment proposal does not require additional capital infrastructure investment, and therefore no growth management concerns have been identified at this time. The proposal is in alignment with MDP references associated with growth management matters.

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PUBLIC ENGAGEMENT

Community Association Comments

Administration received a letter in opposition to the application from the Marlborough Community Association (APPENDIX II).

Reasons stated for opposition are summarized as follows:

- No support for secondary suites as parking, services and community structures are designed around single family dwellings

Citizen Comments

Administration received three (3) letters in opposition to the application.

Reasons stated for opposition are summarized as follows:

- Added congestion on the site, Maryvale Way NE and the rear lane;
- Alleged history of short-term rentals;
- Poor condition/safety of the existing suite; and
- Surrounding properties are all single family.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

Please accept our application for Land Use Redesignation of our property. We bought this house 3 years ago and made it our home. We have small children and due to how the economy is doing now a days my husband was laid off work several times so we decided to rent the existing suite on top of our garage to help us with our finances. This is how we found out that the City doesn't have record that shows that a building permit has been obtained for the above suite. We want to comply with the city's requirements.

If our application is approved, we will be able to make the best of use of the garage suite that already existed years ago. Our children can stay there when they are older, and we can have people rent it while they are still young. This will help us substantially for paying our debt. It will increase the value of our property and we are abiding with the City's building code.

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APPENDIX II

LETTERS SUBMITTED



THE COMMUNITY ON THE MOVE

CALGARY MARLBOROUGH COMMUNITY ASSOCIATION

636 MARLBOROUGH WAY N.E., CALGARY, ALBERTA T2A 2V6

June 18, 2017

Circulation Control
Planning & Development #8201
PO Box 2100, Stn. M
Calgary, AB T2P 2M5

RE: File # LOC2017-0158
668 Maryvale Way NE

We recognize Gladys Falag-Ey Moore's request and appreciate her going through the proper channels, however the Calgary Marlborough Community Association supports the R-C1 single family zoning for this community. We do not encourage secondary suites as parking, services and community structures are designed around single family dwellings.

Yours truly,

A handwritten signature in black ink that reads 'Laura Greenwood'.

Laura Greenwood
Calgary Marlborough Community Association

APPENDIX III

IMPORTANT TERMS

While there are specific Land Use Bylaw 1P2007 definitions and development rules for Secondary Suite and Backyard Suite uses, the following information is provided to simply and enhance general understanding of these two different uses (Secondary Suite or Backyard Suite).

Important terms

Secondary suite: A self-contained dwelling unit within the main residence that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as basement suites or in-law suites.



Backyard suite: A self-contained dwelling unit in a detached building that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as garage suites, garden suites, or laneway homes.

