

LAND USE AMENDMENT
TUSCANY (WARD 1)
TUSCARORA HEIGHTS NW WEST OF TUSCANY SPRINGS
BOULEVARD NW
BYLAW 6D2018

MAP 17NW

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 not an existing suite located on the parcel and the 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)

2017 November 02

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 6D2018; and

1. **ADOPT** the proposed redesignation of 0.04 hectares ± (0.09 acres ±) located at 25 Tuscarora Heights NW (Plan 9812987, Block 2, Lot 76) 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 6D2018.

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 West Scenic Acres Area Structure Plan and will allow for development that has the ability to meet the intent of Land Use Bylaw 1P2007.

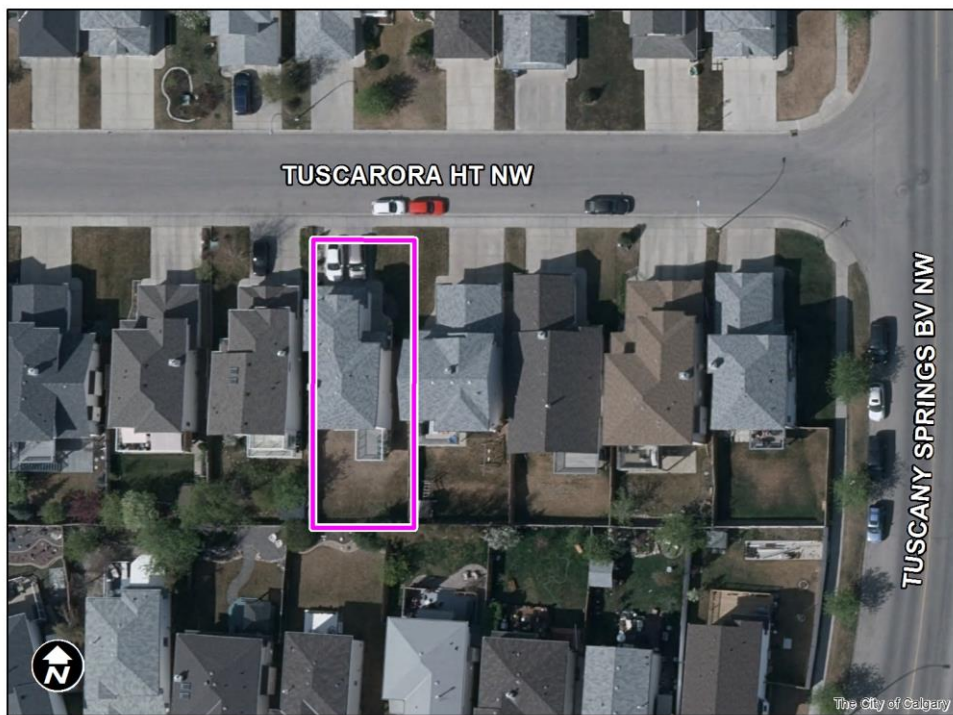
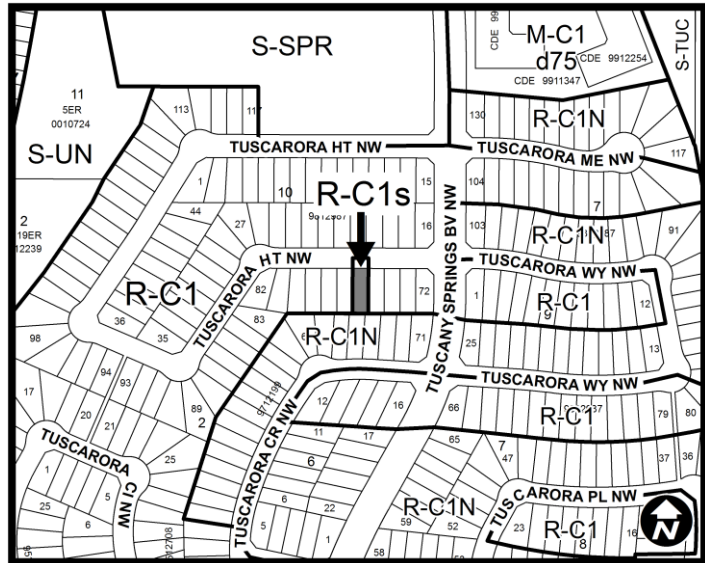
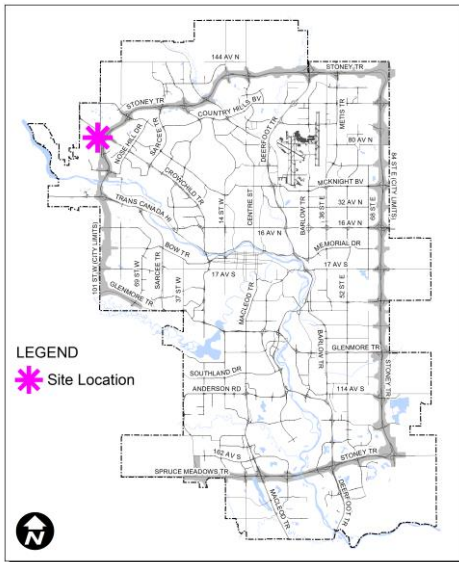
ATTACHMENT

1. Proposed Bylaw 6D2018
2. Public Submissions

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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 0.04 hectares ± (0.09 acres ±) located at 25 Tuscarora Heights NW (Plan 9812987, Block 2, Lot 76) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: A. Palmiere

Carried: 5 – 2

Opposed: M. Foht and D. Leighton

Reasons for Opposition from Mr. Foht:

- I did not support the application for a secondary suite for the following reasons:
 - The lot is 0.5 metre less than the minimum width required for a secondary suite.
 - There is no rear lane to provide options for parking.
 - The nearest public transit is 600 metres away. That is too far for most people to walk on a regular basis.
 - The applicant's submission indicates his reason for applying is that the application complies with the City requirements for land use redesignation when in fact it does not (lot width is too narrow).

Reasons for Opposition from Mr. Leighton:

- I opposed this application because the site is legal non-conforming; (deficient lot width) and also appears to have inadequate parking for a secondary suite.

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Applicant:

Oluwagbope Tella

Landowner:

Ajibola Oladotun Tella
 Oluwatoyin BamideleTella

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Tuscany, the site is approximately 11.5 metres by 36 metres in size and is developed with two-storey single detached dwelling with an attached two-car garage that is accessed from Tuscarora Heights NW. Low density residential exists surrounding the site.

According to data from the City of Calgary's 2017 Civic Census, the following table identifies Tuscany's peak population and year, current population and the population amount and percentage difference between the peak and current populations if any.

Tuscany	
Peak Population Year	2015
Peak Population	19,737
2017 Current Population	19,659
Difference in Population (Number)	-78
Difference in Population (Percent)	0%

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 and building permit processes. The parcel does not conform to all *Land Use Bylaw 1P2007* rules; as noted in the table below, the minimum parcel width does not meet the required 12 metres. A development permit is required for the development of a Secondary Suite or a Backyard Suite.

Bylaw Requirement	Provided	Variance (±)
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390 Parcel Width	12.0 m	11.5 m	-0.5 m	4.2%
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The subject site has an approximate width of 11.5 metres and therefore, does not meet the minimum R-C1s parcel width required of 12 metres. As a result, relaxation(s) of the Land Use Bylaw 1P2007 requirement(s) will be required at the development permit stage.

However, the site is of sufficient size and has the capacity to accommodate the following:

- Single detached dwelling with a secondary suite;
- A total of two motor vehicle parking stalls (one stall for a single detached dwelling; one stall for a secondary suite); and
- Any required building setbacks as determined at the development permit stage.

It should be noted that a number of low density residential districts allow for secondary suites on parcel with a minimum width of 9 metres.

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; Developing; Planned Greenfield with Area Structure Plan (ASP)” area as identified 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 Neighbourhood Infill and Redevelopment policies (subsection 2.2.5) and Housing Diversity and Choice policies (subsection 2.3.1).

West Scenic Acres Area Structure Plan (ASP) – July 1993

The site is within the Residential area of the ASP as identified on Map 2 Land Use and Transportation. The proposed R-C1s land use district is a low density residential district which allows for an increased mix of housing types. The ASP makes no specific reference to secondary suites; however, the Residential Land Use policies of the ASP encourages a mix of housing types while acknowledging that single family housing is likely to be the predominate housing type (subsection 2.2 a). The application is generally in keeping with this policy.

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TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Tuscarora Heights NW and there is no rear lane. The area is served by Calgary Transit primary transit network light rail transit with the Tuscany light rail transit station within approximately 600 metre walking distance of the site. On-street parking adjacent to the site is regulated through the Calgary Parking Authority's residential parking permit system.

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 be required if a Backyard Suite is proposed 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.

PUBLIC ENGAGEMENT

Community Association Comments

Administration received a letter of no objection to the application from the Tuscany Community Association (APPENDIX II).

Citizen Comments

Administration received four (4) letters in opposition to the application.

Reasons stated for opposition are summarized as follows:

- Increase in traffic within the community;
- Limited on-street parking;
- Lower property values for neighbouring parcels;
- Negatively impact quality of life;

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- Neighbourhood should remain R-C1 and not change single family zoning;
- Homes should not be used to generate revenue;
- Higher burden on municipal infrastructure;
- Increase in crime; and
- Improper maintenance of property.

Administration received one (1) letter in support of the application.

Reasons stated for support are summarized as follows:

- On-street parking won't be impacted as permit parking is in place;
- Increase in rental housing stock.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

City of Calgary
Planning and Development
P.O. Box 2100, Stn. M #8108
Calgary, AB, Canada T2P 2M5

Application for Re-designation

I am making this application to seek your approval to make the basement of 25, Tuscarora Heights NW, Calgary, Alberta a secondary suite.

Reason for approval: Compliance with City requirement for Land Use Re-designation.

All required and appropriate documents are submitted with this application.

Thank you.

Ajibola Oládótun Tella

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APPENDIX II

LETTERS SUBMITTED



September 19, 2017

To: Circulation Control -- CPAG.Circ@calgary.ca

Re: Land Use Amendment LOC2017-0246 (25 Tuscarora Ht NW)

The Tuscany Community Association (TCA) respectfully offers the following comments regarding this application for a Land Use Amendment, to accommodate the development of a Secondary Suite.

This application asks for a change of land use, from R-C1 to R-C1s. Although the TCA has not been provided with detailed drawings/plans, we understand construction work required will be confined to the lower level of the home. The property is located on a street near the LRT station, and parking is restricted in the area, requiring a permit. This property has a double garage and a driveway.

The applicant responded to an email from the TCA to say they had proactively spoken to nearby homeowners about the application. The family has lived at this address for almost 15 years, and tells the TCA they have not received any negative comments from neighbours. The TCA has not received any comments regarding the application, despite posting on social media that the opportunity was available.

As there have been no written expressions of support or objection to the application from other homeowners in the area, the TCA does not support or object to this application.

Regards,

Kelli Taylor
Chair of Planning & Development
Tuscany Community Association
(planning@tuscanyca.org)

cc: Giyan Brenkman, City of Calgary File Manager
Ward Sutherland, Ward 1 Councillor
Tella family, Applicant
bcc: TCA Board of Directors

GROWING A SAFE, HEALTHY AND ENJOYABLE COMMUNITY

Tuscany Community Association
P.O. Box 27054, Tuscany RPO
Calgary AB T3L 2Y1
www.tuscanyca.org

M. Atkinson

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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.

