

**LAND USE AMENDMENT
WHITEHORN (WARD 10)
40 STREET NE AND SOUTH OF WHITEHAVEN ROAD NE
BYLAW 12D2018**

MAP 34E

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. This site contains an existing single detached dwelling. To Administration’s knowledge, there is an existing suite located on the parcel, but 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

2017 November 16

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 12D2018; and

1. **ADOPT** the proposed redesignation of 0.04 hectares ± (0.09 acres ±) located at 4639 - 40 Street NE (Plan 8210278, Block 31, Lot 26) 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 12D2018.

REASONS 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.

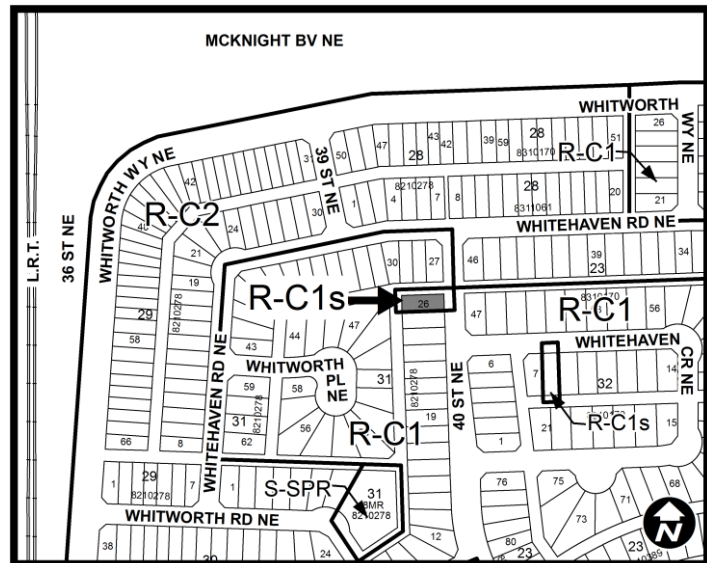
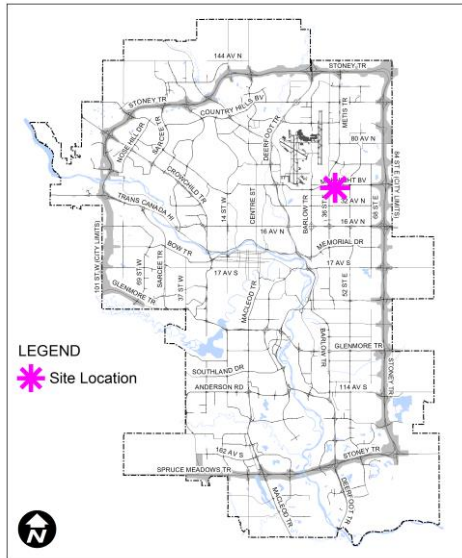
ATTACHMENT

1. Proposed Bylaw 12D2018
2. Public Submission

LAND USE AMENDMENT
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BYLAW 12D2018

MAP 34E

LOCATION MAPS



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40 STREET NE AND SOUTH OF WHITEHAVEN ROAD NE
BYLAW 12D2018

MAP 34E

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.04 hectares \pm (0.09 acres \pm) located at 4639 - 40 Street NE (Plan 8210278, Block 31, Lot 26) from Residential - Contextual One Dwelling (R-C1) District **to** Residential - Contextual One Dwelling (R-C1s) District.

Moved by: J. Gondek

Carried: 8 – 0

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MAP 34E

Applicant:

Yeshi Mohammed

Landowner:

Yeshi Mohammed

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Whitehorn, the site is approximately 12 metres by 31 metres in size and is developed with a one-storey single detached dwelling and a detached two-car garage that is accessed from the lane. Single detached dwellings exist to the north, east, south, and west of the site. The paved lane is immediately adjacent the subject parcel on the west and north sides.

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

Whitehorn	
Peak Population Year	2015
Peak Population	12,421
2017 Current Population	11,985
Difference in Population (Number)	-436
Difference in Population (Percent)	-4%

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.

LAND USE AMENDMENT
WHITEHORN (WARD 10)
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BYLAW 12D2018

MAP 34E

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).

There is no local area plan.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from 40 Street NE and the rear lane. The area is served by Calgary Transit bus service with a bus stop location within approximately 300 metres walking distance of the site on 40 Street NE. The site is 1.2 kilometres from the nearest LRT station on 36 Street NE and the nearest Primary Transit Network stop is within 1.6 kilometres on 52 Street NE. On-street parking adjacent to the site is unregulated 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.

LAND USE AMENDMENT
WHITEHORN (WARD 10)
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BYLAW 12D2018

MAP 34E

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 circulation response of no objection to the application from the Whitehorn Community Association.

Reason stated for no objection are summarized as follows:

- Community representative could not contact the neighbours to solicit their comments.

Citizen Comments

Administration did not receive any responses from citizens.

Public Meetings

No public meetings were held by the Applicant or Administration.

LAND USE AMENDMENT
WHITEHORN (WARD 10)
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BYLAW 12D2018

MAP 34E

APPENDIX I

APPLICANT'S SUBMISSION

September 12, 2017

Re: Legalizing Secondary Suite in our basement (Rezoning our property from R-C1 to R-C1s)

Dear the City of Calgary,

We have a basement that is currently not legalized and I am respectfully requesting the City of Calgary to assist us to legalize this suite.

A bit of information about our house:

1. We bought this house in 2012 and the basement was almost fully developed except the rooms had small windows, the flooring was carpet and it didn't have a decent kitchen at the time. There has also been a separate entrance.
2. Since then, we cut three big windows (City's code at the time of installing) for the two bedrooms and the living room. We also created a room for the furnace room with a door. We had the kitchen vented out.
3. The electrical panel is secured at the end of the corridor which is accessible to both upstairs and downstairs occupants.
4. We have smoke detectors in every room both upstairs and downstairs and on the hallways. We have installed carbon monoxide detectors throughout the house including the furnace room.
5. We have separate washer/dryer for both upstairs and downstairs families.
6. We have a detached double garage so our tenants are not taking up any of the neighbour's parking spot.
7. Our house is fully fenced and we have a big front and back yard to accommodate both families.
8. We installed two way switch for the stairs so the light can be on/off either from the top or bottom of the stairs to make sure it's safe to use the stairs at night.
9. The passage on the stairs is measured over 190cm. The height of the walls of the unit is measured 200cm throughout.
10. We installed and labelled a door bell that is dedicated for the basement suite so visitors will know how to reach the occupants downstairs.
11. We make sure the house and the area of the house is maintained regularly. We are always available for our tenants when they need us.
12. The house has been insured as two families' dwelling. We claim the rental income from this suite in our yearly tax since 2013.
13. We always rented out the suite with a lease agreement and everything is documented. We also gave a break on the rent to our tenants (without any request from them) when

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WHITEHORN (WARD 10)
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BYLAW 12D2018**

MAP 34E

Alberta's economy was slow.

I am a good citizen and also acknowledge my mistake that I did not legalize this suite until now. I am willing to go through each and everything with the City's inspector to make sure our basement suite meets any safety code that is required by the City of Calgary. I am also will to provide any supporting document that is required by the city of Calgary related to the information listed above.

We will be very happy if the City can give us a chance to legalize our basement suite.

Thank you for your time.

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WHITEHORN (WARD 10)
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MAP 34E

APPENDIX II

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.

