

**LAND USE AMENDMENT
MAYLAND HEIGHTS (WARD 10)
MCKINNON DRIVE AND 19 STREET NE
BYLAW 136D2018**

MAP 24C

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)

2018 February 22

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 136D2018; and

1. **ADOPT** the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 1203 Motherwell Road NE (Plan 2942JK, Block 11, Lot 18) 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 136D2018.

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.

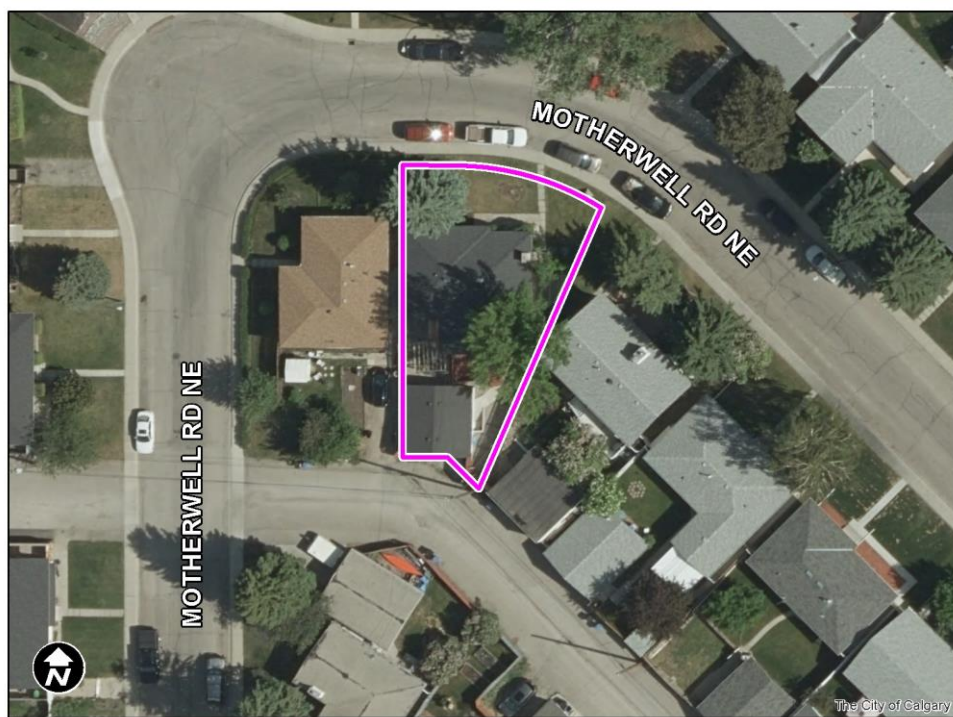
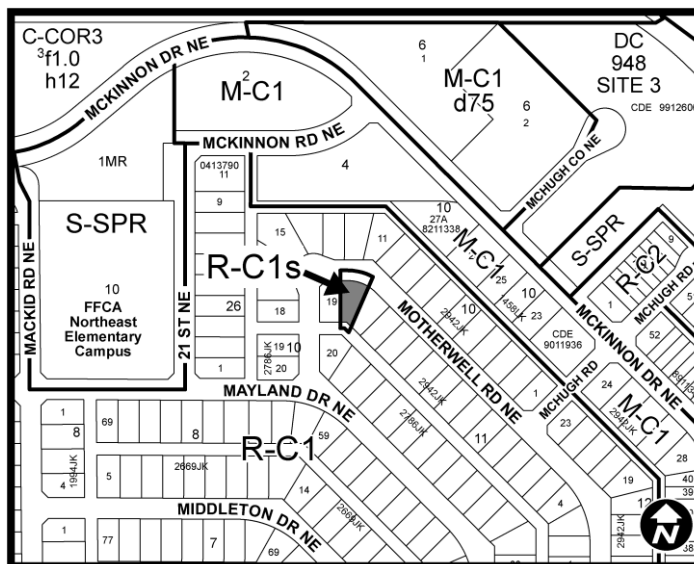
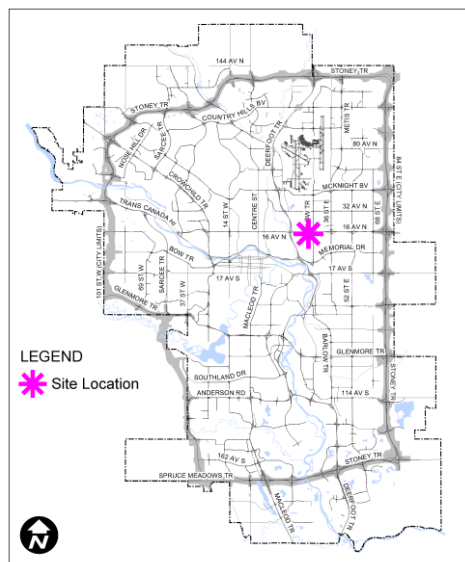
ATTACHMENT

1. Proposed Bylaw 136D2018
2. Public Submissions

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LOCATION MAPS



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ADMINISTRATION'S RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 1203 Motherwell Road NE (Plan 2942JK, Block 11, Lot 18) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: J. Scott

Carried: 6 – 0

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Applicant:

Molly K. Hamilton

Landowner:

Molly K. Hamilton
Shawn Hamilton

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Mayland Heights, this pie-shaped site is approximately 16 metres by 31 metres in size and is developed with a one-storey single detached dwelling and detached two-car garage that is accessed from the rear lane. Single detached dwellings exist to the north, east, south, and west of the site.

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

Mayland Heights	
Peak Population Year	1986
Peak Population	6,375
2017 Current Population	5,808
Difference in Population (Number)	-567
Difference in Population (Percent)	-9%

A land use amendment to allow for a Secondary Suite was processed in the spring of 2017 under LOC2017-0084. While Calgary Planning Commission (CPC) had recommended approval of the application, City Council refused the application. A number of residents expressed concern over the application at the public hearing.

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.

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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).

There is no local area plan for Mayland Heights.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Motherwell Road NE and the rear lane. The area is served by Calgary Transit bus service with a bus stop location within approximately 300 metre walking distance of the site on McKinnon Drive 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.

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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 objection to the application from the Crossroads Community Association (APPENDIX II).

Comments provided are summarized as follows:

- Applicant claims to have contacted the Community Association regarding this application. The Community Association has had no contact with this applicant.
- Applicant has not provided information on parking.
- Concerns with the applicant not residing at the property.
- Community Association would like to review site plans and floor plans for the proposed development.

Citizen Comments

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

Reasons stated for support are summarized as follows:

- Supports the legalization of basement suites for the following reasons: (1) legal investment for homeowners; (2) safe and affordable rental accommodations for the public; (3) a regulated rental suite for the community at large; and (4) code compliant dwelling with risk of fire controlled, and increased tax revenue for the City of Calgary.
- Other municipalities have allowed legalized suites in detached residences of a certain size.

Administration received letters in opposition to the application from six (6) citizens, and a community petition signed by 40 people representing 26 dwellings.

Reasons stated for opposition are summarized as follows:

- There are plenty of legal and illegal apartments and basement suites in the area.
- Parking congestion on the street.
- Subject property is located on a corner; street parking impacts visibility.
- Negative experience with illegal suite at address directly across the street from this application.

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- Desire to have area remain a one-dwelling district.
- Suspicion the garage is rented out separate to the house.
- Applicant does not reside at the property.
- Applicant made similar application in the summer of 2017, which was denied by City Council. The application has not changed from the one that was denied.
- Concerns that property values will be reduced for neighbouring properties.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION



Land Use Redesignation Applicant's Submission

Secondary Suites

PL 1264 (R2017-09)

This form is to be filled out by the applicant and provided to The City of Calgary at the time of submission. These comments are included in a report which is presented to the Calgary Planning Commission and a Public Hearing of City Council. Your comments must be limited to the area designated on this page to ensure it will fit the space requirements of the report.

1) What are the benefits of the redesignation, for you, the surrounding community and the City of Calgary?

Our suite will increase safe affordable rental housing options, allow renters to have access to a yard, provide rental housing close to schools, parks, recreation centres, and other amenities. It will help maintain the community's population with modest growth, maximize the use of existing infrastructure in the neighbourhood, keep the community population stabilized without significantly changing the character of the existing neighbourhood and provide more housing options for families, helping bring children back into areas where school enrolment has declined. It will provide better population stability resulting in better use of land and City services, like transit and create a better choice in Calgary's housing market which will help to attract and retain employees in Calgary.

2) Provide information on how you engaged with the neighboring land owners and/or the Community Association?
What was the response?

I contacted nearby residents, the community association and Councillor Chabots office to ask for support of our application, via personal telephone calls, letters and emails. Some people were concerned about increased densification and the associated problems that may go along with that such as parking issues and increased crime. Some preferred homeowners versus renters living in the community because they felt they took better care of their property and some were concerned about out of province landlords who may not be aware of what is going on in there property. Others felt the real issue for them was whether they had Good neighbors. It didnt matter whether they were renters or homeowners. They wanted people to be respectful and part of the community, to take care of their property and to be their friends.

3) Identify how you will provide the required parking for both the primary dwelling and the secondary suite on your parcel?

We have a double car garage in the rear of the house which is accessable via the alley. In addition to this, there is enough room for three cars to park directly in front of the house.

4) Are there any potential negative impacts of this development that you are aware of?

This house has had a basement suite for many many years and to date, there has never been one complaint from the neighbors regarding the care of the property or the actions of the landlord or the tenants.

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Re: Land Use Re-designation Application - LOC2018-0003 Secondary Suite
1203 Motherwell Road NE, Calgary, AB, T2E-6E6

We are submitting this Land Use Re-designation application for the second time as the previous application (LOC2017-0084) submitted in March 2017 was denied. We are resubmitting because we:

1. Feel Secondary suites offer many benefits to us as homeowners, to people who cannot afford to buy their own home, the community & the City of Calgary.
2. We would like to take advantage of the current City of Calgary "No Fee" policy for RC1 – RC1s re-designation applications.
3. We felt that the previous City of Calgary decision was based on misleading confusing information. Somehow some City Councillors became focused on problems with a totally DIFFERENT rental house AFTER my presentation. I did not have the ability to speak again to correct the confusion.

Since March 2017, we have contacted various community members asking for their support including the Mayland Heights Crossroads Community Association, Councillors Chabot's and Jones', and the residents of Motherwell Road. I have not contacted the neighbours again for this application as I am assuming their views have not changed. Some views focused on the negative aspects of increased densification; such as possible parking issues, increased crime, poor pride of ownership and out-of-town landlords. Other's felt the real issue for them was whether they had "Good neighbours." It didn't matter whether they were renters or homeowners. They wanted people to be respectful and part of the community, to take care of their property and to be their friends. I certainly agree with this. I would like to address some of the concerns of the neighbours.

Local Landlords - My husband and I invested in this house to be part of the solution to provide safe, clean, affordable rental housing for Calgarian's while also providing us with income throughout our retirement. We moved to Victoria BC in late 2011. Prior to that, we lived in Calgary for over 50 years. In fact, I am a fifth generation Calgarian with over 1000 relatives in Calgary. Our two children live here as well as all of our siblings and families. We are part of the community and visit our family, friends and tenants often. Upon purchasing the property, we invited neighbours into our home and provided them with our contact information and invited them to contact us if they ever had any concerns or saw anything suspicious. I am happy to report that we have never received one call in that regard.

Densification impact on the community - The house itself was built in 1965 and when we purchased it in 2004, it already had a one bedroom suite in the basement. Since owning it we have either rented the whole house out as one unit or as two separate suites; one suite on the main floor and the other suite in the basement. Since 2004, the basement suite has been rented out separately on four occasions, each time to one person, for a total of 4 people since 2004. Generally we prefer to rent the house to small families, single people or couples. In fact, the highest number of people we have ever had living in the house at one time was five; a husband, wife and their two children who lived upstairs for 5 1/2 years and one single person in the basement suite. Presently, the entire house and garage is rented to one couple with no children. Prior to that, it was rented to a father and his son who also had an employee stay with them for a short time. This father lived there for two years and was well liked in the community.

Good Neighbours - Zero tolerance for Criminal activity - Motherwell Road residents have referenced the problems found at a totally different property, 1208 Motherwell Road, as the source of frustration in the neighbourhood. As an owner of the house across the street, 1203 Motherwell Road, I agree we do not want poor landlords, tenants or owners in the neighbourhood that overload houses, are criminals or are drug dealers. They mentioned that one of the tenants in 1208 Motherwell Road had a mental breakdown and damaged many cars in the neighbourhood in 2014. This was a bad situation. In fact, one of my own tenants was hurt in the incident by that person. I did not like what happened in that event either but this happened four years ago and it was one person. I don't feel that we, as good landlords, should be negatively viewed and punished because this one person had a problem four years ago. We take our role as landlords very seriously and perform a great deal of due diligence on potential tenants. Our goal is to select trustworthy people who will take care of our house and property, pay the rent on time, are easy to get along with and who fit into the neighbourhood and community. We have a Zero tolerance policy towards tenants involved in criminal activity. We look for people with good character references, long-term steady employment, good income, good credit ratings and no criminal record. All of our tenants to date have met this criterion.

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Pride of Ownership - When we purchased the house 14 years ago, we purchased it from the owner who was living in the home at the time. The house and yard was largely in disrepair. After purchasing it, we performed significant renovations; Replacing the roof, the deck, most windows, all doors, baseboards, light fixtures, door & cupboard handles and all AC electrical outlets. We refinished the hardwood floors and replaced all kitchen, bathroom(s) and basement flooring. We painted the entire house and fixed all broken exterior vinyl siding. We landscaped the yard, painted the entire fence and in 2009, built a new two car garage. Our house and garage have always been kept in good repair both inside and out and we do take pride of ownership in our property. Sometimes we pay to fix our neighbours property too. Last summer we noticed that the west side of the backyard fence was starting to lean and thus contacted the next door owner (1231) to see if they would share the cost to fix or replace the common fence. Initially they said yes. I obtained three quotes from reputable contractors and submitted the written quotes to him. The owner/neighbour didn't like any of the quotes but refused to obtain his own quotes. After several unsuccessful attempts to reach my neighbour via personal visits, telephone and emails, I finally paid 100% of the cost to repair the fence myself.

Parking – Three Car Maximum - The neighbours have expressed concerns about the parking problem in the neighbourhood. We can appreciate their concern but we do not feel that our tenants have added to this frustration. For the last 9 years, none of our tenants have owned more than 2 cars. In fact, we have a three car household maximum policy as part of the lease agreement. Our property has space for three cars in the front of the house plus a two car garage accessible by the back yard. It is more often the case that the neighbours park in front of our house, not visa versa. For example, our neighbour (1204) left his derelict car parked in front of our house for several months until we asked him to move it. It would seem to me that if all residents on Motherwell Road restricted their household cars to three, the parking problems could be resolved.

Meet the Calgary Municipal Develop Plan objectives and Zoning Requirements - It is our intent to renovate the existing old one-bedroom basement suite into a new, safer, two-bedroom suite meeting all current permit, safety and bylaw requirements. This renovation will require us to invest an additional \$50,000 - \$60,000. Although it will take us 6-8 years to recoup our investment, we are prepared to do this to help provide a nice safe home for Calgary renters.

We believe that our request for the land use re-designation to RC1s is consistent with the City of Calgary Municipal Development Plan, meets the City of Calgary RC1s zoning requirements and is in an ideal location for a secondary suite. It is within three blocks of two bus stops, within 1 km of five schools, within 2 km of the Community centre, the Golf Course, and two large shopping malls. It is also close to many businesses and places of employment.

Mayland Heights is a beautiful community and should be enjoyed and accessible to both homeowners and people who do not yet have enough money to purchase their own homes. Renters can be and are "Good Neighbours" too.

I would like to ask for your support by voting to approve our application to amend the Land Use Designation from R-C1 to R-C1s so we can continue to help provide safe, affordable housing options for Calgary residents. I am always available to answer any questions you may have and invite you to contact me.

Thank you for your time.

Personally

Molly Hamilton, mollyhamilton@telus.net,
403-242-8849 / 250-900-0540
124, 75 Songhees Road, Victoria, BC, V9A 7M5

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APPENDIX II

LETTERS SUBMITTED

Tuesday January 16, 2018

Good Morning,

After reviewing the above noted Land Use Amendment Application, Crossroads Community Association has some concerns:

- The applicant claims to have contacted the Community Association to discuss this application – we have not had any contact with this applicant pertaining to this property, which makes us question their other claims of contacting nearby residents and Councillor Chabot's office (also, Andre Chabot has not been the councillor for this community for nearly 3 months, which raises another red flag)
- The applicant hasn't answered the question about the where the parking will exist for both the secondary suite and primary dwelling, they merely indicate the stock of parking around the property and don't indicate who will park where
- The applicant seems to suggest that they will not be living in the property (or even the city) while this property is being rented. We view this as a negative as they will not be able to maintain a high level of oversight on the activities that occur on the property, which could provide problems for adjacent property owners
- We would like to review site plans for the property and floor plans for the residence

In summary, we are against this application and would encourage the applicant to speak with us to properly explain their intent for this property.

Jason Pare
Planning Director, Crossroads 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.

