

LAND USE AMENDMENT  
RIVERBEND (WARD 12)  
SOUTH OF RIVERSTONE ROAD SE AND EAST OF 24 STREET  
SE  
BYLAW 85D2018

MAP 24S

**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.

<b>ADMINISTRATION RECOMMENDATION(S)</b>	2018 January 25
That Calgary Planning Commission recommends <b>APPROVAL</b> of the proposed Land Use Amendment.	
<b>RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION</b>	
That Council hold a Public Hearing on Bylaw 85D2018; and	
1. <b>ADOPT</b> the proposed redesignation of 0.07 hectares ± (0.14 acres ±) located at 103 Riverstone Close SE (Plan 9112315, Block 3, Lot 31) from Residential – Contextual One Dwelling (R-C1) District <b>to</b> Residential – Contextual One Dwelling (R-C1s) District, in accordance with Administration’s recommendation; and	
2. Give three readings to the proposed Bylaw 85D2018.	

**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.

**ATTACHMENTS**

- 1. Proposed Bylaw 85D2018
- 2. Public Submissions



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.07 hectares ± (0.14 acres ±) located at 103 Riverstone Close SE (Plan 9112315, Block 3, Lot 31) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

**Moved by: E. Woolley**

Absent: J. Gondek

**Carried: 5 – 2**

Opposed: M. Foht and D. Leighton

Reasons for Opposition from Mr. Leighton:

- I opposed this R-C1s application because there was no evidence of adequate on- or off-site parking.

Reasons for Opposition from Mr. Foht:

- Firstly, the letter from the Community Association was excellent and brought up significant considerations when evaluating secondary suite applications.
- I did not support the application for the following reasons;
  - No rear lane, reduces options for parking.
  - Narrow frontage on the cul-de-sac shaped street environment further reduces the parking options.

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**Applicant:**

Muhammad Khan

**Landowner:**

Muhammad Khan  
Shahida Perveen

**PLANNING EVALUATION**

**SITE CONTEXT**

Located in a low density residential R-C1 setting in the community of Riverbend, the site is approximately 18 metres by 42 metres in size and is developed with a two-storey single detached dwelling two-car attached garage that is accessed from Riverstone Close SE. 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 Riverbend's peak population and year, current 2017 population and the population amount and percentage difference between the peak and current populations if any.

<b>Riverbend</b>	
Peak Population Year	2002
Peak Population	10,773
2017 Current Population	9,338
Difference in Population (Number)	-1,435
Difference in Population (Percent)	-13%

**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 Riverbend.

## **TRANSPORTATION NETWORKS**

Pedestrian and vehicular access to the site is available from Riverstone Close SE and there is no 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 Riverglen Drive SE. 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**

The Riverbend Community Association provided a letter of no objection, but did have comments on secondary suite applications. The Community Association also had concerns regarding parking. The letter is attached in APPENDIX II.

**Citizen Comments**

Administration received 1 (one) letter in opposition to the application.

Reasons stated for opposition are summarized as follows:

- Parking concerns. The cul-de-sac is overparked and the current residents of the dwelling already have 4 vehicles parked on site. A day home also operates in the home and this adds to the parking issues of this cul-de-sac.

**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  
(R2017-07)

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?

My son or my daughter can live or I can rent  
in future. City can get tax as well. Neighbours are  
other community people can stay in case of any emergency.

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

I am the member of Community Association. my relations  
are very good with neighbors, we help to each other.

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

I have double garage so that I can provide  
a spot for secondary suite.

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

No

**NOTE:** Applications must be submitted without personal information on any plans. Omitting this information will protect builders and tenants by reducing the risk of any personal information being wrongfully displayed, while also following the Province of Alberta's FOIP Act. If you consider the information to be personal, do not put it on the plans.

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## APPENDIX II

### LETTERS SUBMITTED

**From:** RCA\_President [mailto:president@riverbendcommunity.ca]  
**Sent:** Wednesday, November 15, 2017 10:54 AM  
**To:** CPAG Circ <CPAGCirc@calgary.ca>  
**Cc:** Burga Ghersi, Lisette <Lisette.BurgaGhersi@calgary.ca>; Community Liaison Ward 12 <CAWard12@calgary.ca>  
**Subject:** [EXT] RE: LOC2017-0331 - Circulation package

Good Morning,

Thank you so much for passing on the attached information.

First, let me say, we don't necessarily wish to object, but, do have some comments we would like to pass on.

The comments are not necessarily specific application (although there are some that are specific) - but any application for Secondary Suites.

Typically, the City looks only at one thing – does it meet any/all building requirements?

But from a Community point of view, we look at a much wider range of issues that may impact other residents, or the community as a whole.

- **It should be stated that as a community, we are generally in favor of the concept of Secondary Suites, if done within certain conditions.**

What we are not necessarily in favor of blanket approvals of Secondary Suite, as it opens the door too wide for any kind of development that may or may not be in keeping with the spirit of what a Secondary Suite was intended to do.

- In this case, looking at the application, it seems to be “open ended”.

As the applicant has noted in their response – the applicant's son or daughter can live here, or they can rent it out.



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Though not a requirement from a City license point of view, this is one of the things we like to see. Although not explicitly stated, it is assumed that the primary home owner intends to stay with the residence.

We feel that this is important in any application.

The reason is that by definition, a Secondary Suite is just that – a second suite. So, in order to have a Secondary Suite, you should have a Primary Suite which we feel should typically be the home owner. The whole idea behind a Secondary Suite is to provide a means for the home owner a means of supplementing their income due to any number of circumstances.

Given the economy, and ever looming layoffs, having a means to supplement income during tough times is a good thing, or to assist an aging parent or elder person keep the home they live in.

What it is intended for, at least our way of thinking, is when the Primary occupant leaves the residence, and then rents out both areas, the Primary and Secondary as two separate suites as then, what you have created is a de-factor duplex, and not a secondary suite as you now have two Secondary Suites since the Primary home owner no longer lives at the residence.

We have heard the City say that they cannot mandate that the home owner live at the residence, but, what the City can do is add a set of financial incentives to applicants to make it more attractive if they do live there. As the saying goes – money talks, and if a homeowner can get a break on fees attached to having a Secondary Suite, then they usually will as it helps things.

- **As far as Question 2** - the City asked how the individual engaged their neighbors. I am not sure that the response addressed the question.

So, it is not clear that the neighbors know. Good relations is not the same as saying they have been advised. What we find sometimes is that when they find out later – they tend to get upset.

Secondly, what we have learned from people is that in many cases, people assume that just because they live in a Community, they are automatically members of the Community Association. But, this is not always true. In fact, it is really only true in a Community like MacKenzie Towne (as one example) where residents pay a fee as part of their property tax to be members of what is called a Resident Association.

When we talk to most people, they have no idea that there is a difference between a Community Association (where membership is voluntary) and a Resident Association (where membership is mandatory).

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- **As far as Question 3** – on the issue of parking. The response provided is great and typically is enough to meet the City's needs. But, this again goes back to the Community. The response assumes that there are only two cars involved. But, what happens if there are more – for example a husband, wife, or three teens going to school, and each with their own car?

Secondly, the location of the property appears to be at the end of a cul-de-sac, so, if additional cars were introduced, it is not clear where they will park, except around the island in the middle.



Thirdly, the applicant noted that they “can”, but, it is not clear if they will. I am not saying they will not – just that it is not clear.

If they do not, that would mean increased parking on the island, which may or may not interfere with other residents using it for the same purpose, or even possibly garbage pick-up.

- **Legal Suite** – we also think the applicant should be commended for trying to follow the process, as we know that the City still has an issue with people creating illegal suites and not telling the City.
- **Secondary Suite Process** – at this time, we also know that City Council has yet to adopt a set of rules that is acceptable to a majority of Councilors, and the City of Calgary as a whole. Having said that, having worked with our new Councilor in the past on this, we know he has/had a great multi-bullet plan for Secondary Suites.

With the election of the new Council, we expect that the topic of Secondary Suites will again

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be arising. Our hope and desire is that a good framework is put in place for dealing with these and the concerns we have with them. Having said that, we know that our Councilor, Shane Keating has been doing all he can to resolve the lack of a framework in a way that makes sense for all concerned, and we are a big supporter of his efforts.

As such, part of what we would like to see is a system of licensing so that applications can be reviewed on an ongoing basis like a home-basis business to address any problems that arise.

As part of the Secondary Suite debate that took place in 2015, we also felt that the Community Standards by-law should be reviewed sections added to address new problems that may not have been envisioned.

**FINAL COMMENT(S):**

- Looking at the application, we do not necessarily see any reason to object, but as noted, it would be nice to clarify some of the feedback, and at some point, for the City to address the issues around Secondary Suites once and for all to provide a workable framework for all.

**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.

