

MEMO

Community Planning Committee
Hillhurst-Sunnyside Community Association

RE: Response to resident inquiry to City related to any existing and/or future secondary suite development implications associated with development permit application (DP2010/0056) at 716-4 Street NW (Based on discussions with residents during the Community Planning Meeting on February 08, 2010.)

HSCA INQUIRY

To: City Administration, Established Community Planning (Brian Green and Robyn Holme)

From: David White, Chair, HSCA Community Planning Committee

Date: February 9, 2010

Hi Brian & Robyn,

I have a technical question related to the land use bylaw and development permit language and would appreciate your assistance.

During the HSCA Community Planning Committee last night, over twenty residents attended and expressed concern related to a suspect application for a secondary suite in Hillhurst-Sunnyside (DP2010/0056 716-4 Street NW). This application has been advertised as a single detached dwelling and accessory residential building. The accessory residential building component is the subject of much alarm, as residents are concerned that this could be representative of a secondary suite development.

I have spoken with Kimberly Haskell who is the file planner, and she has also corresponded with the HSCA Planning Coordinator, Kara Garner, who followed up with her after numerous calls and emails on the matter in advance of the meeting. Kimberly has explained:

I've been getting calls and emails as well. Probably some of the confusion is because the term accessory residential building means a use that is subordinate to the main residential use on a parcel. For the above DP the accessory residential building is definitely a new garage.

If it were a garage with a dwelling unit above it, the DP would be advertised as 'single detached dwelling; accessory residential building; secondary suite – detached garage'.

The Committee tried to convey that message last night and assure resident that it was our understanding there was no secondary suite development related to this application. It is also our

understanding that this lot would not meet the existing basic development guidelines for a secondary suite. However, after a review and discussion with residents related to the Bylaw definition of an accessory residential building there were further concerns and questions, specifically related to Section 138(a)(iii):

Accessory Residential Building means a building that does not contain a dwelling unit, other than a secondary suite approved by the development authority.

The concern here is that that the term accessory residential building (which I believe is new and more robust as compared to permitted and discretionary accessory building uses described in the previous Bylaw), is suspect for opening the door to either allow or easily facilitate the development of a secondary suite especially if any guideline changes are made in the future. Specifically, could this type of land use approval in any way retroactively permit a secondary suite development if changes to the secondary suite development guidelines were made in the future? Further, does it even soften the ground for such a development application?

The Committee is seeking a comprehensive response to this concern from the City as soon as possible, and has promised to share it with all residents who attended the meeting. In fact, we will likely post any response on our website. I thought it relevant to direct the question to you, given that your team is comprehensively reviewing the overall secondary suites land use bylaw language, as well as how the development guidelines relate to lot patterns in Hillhurst-Sunnyside. However, we are happy to have it answered by whomever is best suited at the City.

Thank you for your time,
David

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David White
Community Planning Committee
Hillhurst-Sunnyside Community Association

To: David White, Chair, HSCA Community Planning Committee
From: City Administration, Established Community Planning (Brian Green and Robyn Holme)
Date: February 9, 2010

Hi David

I have now spoken with Kim Haskell the case officer dealing with this application and had a look at the plans for the development permit. It is quite clear that this application seeks permission for a new single detached dwelling and a new detached garage only (it is called an Accessory Residential building as it is accessory to the detached dwelling) .

For the garage to be used as a secondary suite then a new development permit would have to be submitted to create a new secondary suite in the garage. In this case, if a development permit was submitted for a secondary suite then it would have to meet the defined uses of a secondary suite and the rules of the land use district. Given that this parcel is a narrow lot (i.e. 7.62m) then under the current rules it would be refused as it would not meet the land use district rules for a new secondary suite in this land use district. Even if the parcel did meet the land use district rules for a secondary suite then a development permit would still be required to be submitted.

Perhaps the following leaflet could be placed on your website to help clarify the issues and definitions which are causing confusion with people viewing the current development permit.

http://www.calgary.ca/DocGallery/BU/dba/brochures/secondary_suites_brochure.pdf

It is impossible to try and pre-empt any rule changes to secondary suites. However, should there ever be changes it would almost be certain that a development permit would still be required.

I hope this helps with the confusion

Kind regards

Brian

Brian Green, MRTPI
Senior Planner, Established Community Planning
Land Use Planning & Policy
The City of Calgary | Mail code # 8117
P.O. Box 2100, Station M, Calgary, AB T2P 2M5
T 403.268.1735 | F 403.268.3542 | www.calgary.ca