

**LAND USE AMENDMENT
BRAESIDE (WARD 11)
BRAE ROAD SW AND 107 AVENUE SW
BYLAW 227D2017**

MAP 17S

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 an existing suite located on the parcel and the application was 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 May 18

That Calgary Planning Commission recommends of the **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 227D2017; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 10819 Brae Road SW (Plan 6246JK, Block 20, Lot 21) 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 227D2017.

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.

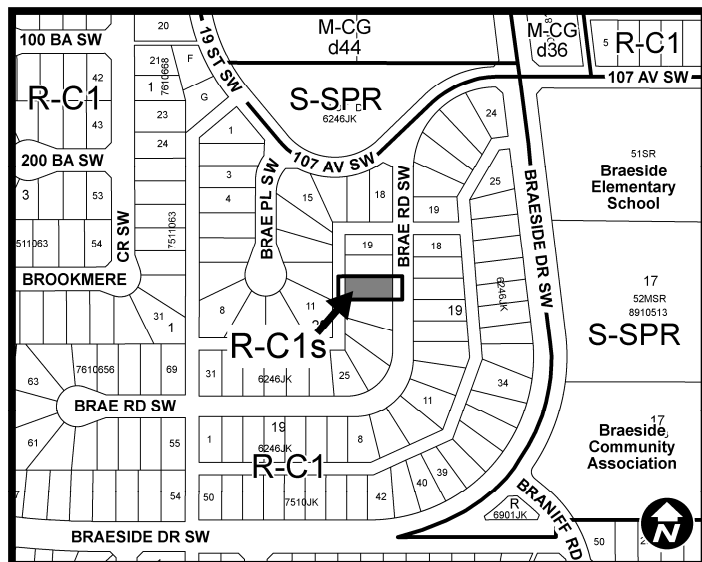
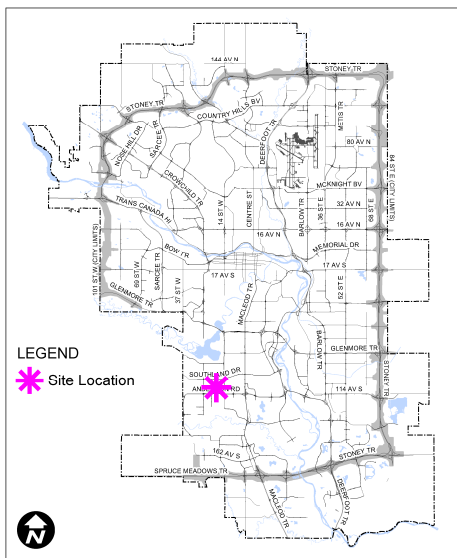
ATTACHMENT

1. Proposed Bylaw 227D2017
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 0.06 hectares \pm (0.14 acres \pm) located at 10819 Brae Road SW (Plan 6246JK, Block 20, Lot 21) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: L. Juan
Absent: R. Wright

Carried: 8 – 0

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Applicant:

Maurice Schmidt

Landowner:

Amrita Chopra
Satinder Chopra

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Braeside, the site is approximately 16 metres by 35 metres in size and is developed with a one-storey single detached dwelling, existing basement suite, a detached two-car garage that is accessed from the rear lane, and a two-car (tandem) parking pad that is accessed from Brae Road SW. The site is surrounded by low density residential uses to the north, east, south and west. Green spaces and school sites are located within walking distance north and east of the site.

According to data from The City of Calgary 2016 Census, the following table identifies Braeside's peak population and year, current population and the population amount and percentage difference between the peak and current populations if any.

Braeside	
Peak Population Year	1980
Peak Population	7,652
2016 Current Population	5,985
Difference in Population (Number)	-1,667
Difference in Population (Percent)	-22%

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 (SSRP)

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 Brae Road SW 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 Braeside Drive SW. 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 in opposition to the application from the Braeside Community Association (APPENDIX II).

Reasons stated for opposition are summarized as follows:

- Absentee landlord;
- Emergency egress;
- Insufficient private amenity space; and
- Parking demand/availability.

Citizen Comments

Administration received three (3) letters in opposition to the application.

Reasons stated for opposition are summarized as follows:

- Increased density;
- Property maintenance;
- Parking;
- Change in community character; and
- Decreased property value of surrounding properties.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

To

The Development Department,

City of Calgary

Subject: Permission for use of basement suite at 10819 Brae Road, SW as rental property

Dear Sir,

I am the owner of the property at 10819 Brae Road, SW Calgary. Recently, the basement suite at this property has been shut down by the City of Calgary, citing certain shortcomings as stated in the inspection report (File no. 090-0007632-5).

I wish to bring to your attention that we had purchased this property for rental purposes, with mortgage financing through RBC, and where the basement suite had been functioning as a rental secondary suite from before. With this suite shut down, I am not able to pay the full monthly mortgage installment, which is incurring financial losses to me.

So as to get the monthly mortgage payments back on track, the required shortcomings suggested by the City of Calgary have been addressed immediately. It is therefore requested that the basement suite at 10819 Brae Road SW be permitted to function as a rental property.

Keeping the urgency of the matter in mind, kindly accord the necessary permission at your earliest.

A. Sheahan

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APPENDIX II

LETTERS SUBMITTED

LAND USE APPLICATION FILE 2017-0105
10819 BRAE ROAD SW CALGARY

SUBMITTED BY BRAESIDE COMMUNITY ASSOCIATION

APRIL 25, 2017

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COMMENTS BY BRAESIDE COMMUNITY ASSOCIATION, BCA

From the street the house appears in good condition except for a lack of finishing surrounding installation of a basement window. Unfortunately the curtains remain drawn during the day. Three vehicles are present, two in the one lane driveway and one on the street

BCA has four points to object to the granting of this land use change.

1. The owner will not be living in the house and acting as a resident landlord.

- As a community Braeside is sympathetic to having secondary suites with owners in the home for a strong sense of community. This sentiment of resident owners appears in the examples posted by the City on benefits of secondary suites.
- The applicant, Mr. Schmidt, has made clear in his application that the intent is to have a legal suite as part of the business of having rental income.
- BCA is concerned about the lack of brick finishing around the basement window presenting lack of interest for appearance with other homes.

2. Basement escape route

- A basement window recently added may not be of correct dimension for an escape route. Please have this confirmed as part of your review. Photo follows.

3. Private amenity space

- BCA does not view a situation where private separation for the upstairs and downstairs occupants can exist in such a small yard area
- A City requirement of provision of 7.5 m sq. for private amenity space may not be possible on the property.
- On the following two photos you will see the patio deck, the grass area, and the wall of the double garage. You will also see a narrow walkway bounded by the fence, the side of the garage, and the other narrow walkway towards the street.
- Please have this confirmed as part of your review.

4. Parking

- Although there is a one lane parking at the front street and also a two vehicle garage in the back facing the alley, neighbours have commented that the garage is used for storage rather than parking.
- BCA requests you bring this parking situation to the attention of both the Planning Commission and City Council for consideration of placing a caveat on the property ensuring that parking for a secondary suite requires the two vehicle garage.

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COMMENTS BY BRAESIDE COMMUNITY ASSOCIATION

Street view



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COMMENTS BY BRAESIDE COMMUNITY ASSOCIATION

Basement window and unfinished brickwork



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COMMENTS BY BRAESIDE COMMUNITY ASSOCIATION

Backyard and private amenity space Photo 1



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COMMENTS BY BRAESIDE COMMUNITY ASSOCIATION



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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.

