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### EXECUTIVE SUMMARY

This proposed Land Use Amendment seeks to allow for the redesignation of the existing Brentwood Village Mall site from Commercial – Regional 3 f3.0h46 (C-R3 f3.0h46) District to a DC Direct Control District to accommodate mixed use development with guidelines in alignment with the Brentwood Station Area Redevelopment Plan.

### PREVIOUS COUNCIL DIRECTION

None.

## ADMINISTRATION RECOMMENDATION(S)

2016 August 11

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 257D2016; and

- ADOPT the proposed redesignation of 8.11 hectares ± (20.04 acres ±) located at 3436, 3630 and 3750 Brentwood Road NW and 3501 Charleswood Drive NW (Plan 1657JK, Block 12, Lots A to D; Plan 3324JK, Block A, Lot 1; Plan 9211141, Area A) from Commercial – Regional 3 f3.0h46 (C-R3 f3.0h46) District to DC Direct Control District to accommodate mixed use development, in accordance with Administration's recommendation, as amended; and
- 2. Give three readings to the proposed Bylaw 257D2016

## **REASON(S) FOR RECOMMENDATION:**

The proposed Land Use Amendment complies with relevant Brentwood Station Area Redevelopment Plan (ARP) guiding principles and policies, as well as Municipal Development Plan (MDP) policies for Major Activity Centres.

## **ATTACHMENT**

1. Proposed Bylaw 257D2016

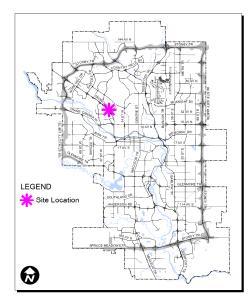
## CALGARY PLANNING COMMISSION REPORT TO COUNCIL 2016 OCTOBER 3

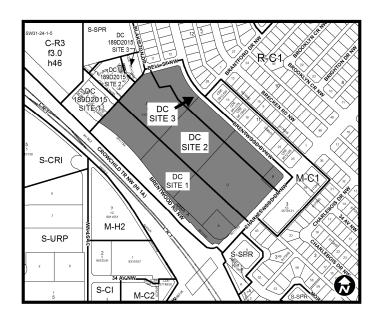
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### LAND USE AMENDMENT BRENTWOOD (WARD 7) NORTH OF CROWCHILD TRAIL NW AND WEST OF CHARLESWOOD DRIVE NW BYLAW 257D2016

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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 8.11 hectares ± (20.04 acres ±) located at 3436, 3630 and 3750 Brentwood Road NW and 3501 Charleswood Drive NW (Plan 1657JK, Block 12, Lots A to D; Plan 3324JK, Block A, Lot 1; Plan 9211141, Area A) from Commercial – Regional 3 f3.0h46 (C-R3 f3.0h46) District **to** DC Direct Control District to accommodate mixed use development with guidelines (APPENDIX II).

Moved by: R. Wright

#### Carried: 6 – 0

AMENDMENT: Amend Direct Control Guideline "6" delete "(a) Beverage Container Drop-Off Depot;" and renumber the list accordingly.

Moved by: G. Morrow

LOST: 2 – 4 Opposed: R. Wright, T. McLeod, S. Keating and J. Gondek

Reasons for Approval of the amendment from Mr. Morrow:

While CPC narrowly rejected the removal of beverage container drop off depot, I would encourage Council to respectfully consider removing this use. Section 3.3.2 (page 50) of the ARP specifically calls out this use as "strongly discouraged" because it would "generate significant amounts of automobile traffic, conflicting with pedestrians and require vast amounts of parking." The Brentwood Station ARP is a very well thought out plan, intended to create a safe, attractive walkable mixed-use area. Very few people will take their empties to the depot on foot – if is too inconvenient. We undermine the intent of the ARP by adding a use that is specifically discouraged. I would also note the Applicant said this was not a necessary use and had already agreed to remove the depot from the land use. If this use is retained, I would respectfully request that this use be placed in the parkade, similar to the car wash, so as to ensure drop off occur away from the pedestrian environment at grade.

Reasons for Approval of the amendment from Mr. Friesen:

 I voted in favour of removing this use from the Land Use since the owner was in agreement and the use is controversial. The final result of leaving the use to the discretion of the Authority is acceptable but may just lead to a controversial discussion in the future which would be unnecessary.

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	<ul> <li>Reasons for Opposition to the amendment from Ms. Gondek:</li> <li>As we move toward a more multi-residential oriented site, it is increasingly important to understand that smaller living spaces require a new way of offering recycling services. With smaller living units, space is at a premium. Therefore, the ability to walk one's recyclables to a nearby depot will encourage sustainability, and demands a pedestrian-oriented bottle depot/recycling site that does not compare to our traditional auto-focused depots. Administration is aware of the TOD expectations and will use discretion to assure that a bottle depot/recycling station is designed as a pedestrian-based site.</li> </ul>	
AMENDMENT:	Amend Direct Control Guideline "9" add new subsection "(4)" to read: "Car Wash – Single Vehicle must be located in the parkade upon redevelopment of the southern portion of the development area."	
	Moved by: G. Morrow Carried: 6 – 0	
	<ul> <li>Reasons for Approval of the amendment from Mr. Friesen:</li> <li>I voted in favour of this amendment since the developer had accepted them and they would go some way to reducing opposition from the surrounding community.</li> </ul>	
AMENDMENT:	Add new Direct Control Guideline "22", with the heading "Development Permits" to read: "Any development permit approved for Drive Through uses must not be issued past January 01, 2037."	
	Moved by: G. Morrow Carried: 6 – 0	
	<ul> <li>Reasons for Approval of the amendment from Mr. Friesen:</li> <li>I voted in favour of this amendment since the developer had accepted them and they would go some way to reducing opposition from the surrounding community.</li> </ul>	

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## Applicant:

Landowner:

Urban Systems

Riocan Holdings (Brentwood Village) Inc Brentwood Village Shopping Centre Ltd

# **PLANNING EVALUATION**

## SITE CONTEXT

The subject site is a portion of the Brentwood Village Mall adjacent to the Brentwood LRT Station and directly south of the University City development. The LRT Station area, which includes a large Calgary Transit "Park 'n' Ride" facility, is a major transit centre for buses serving cross-town and the northwest quadrant of Calgary. The majority of the site and the surrounding Brentwood mall area is currently made up of a series of one storey commercial buildings. To the southwest, across Crowchild Trail NW, is the University Innovation Park, University of Calgary and the West Campus, including the Alberta Children's Hospital. To the northeast is the Brentwood low density residential area, a stable community of single detached homes developed in the early 1960's. Blakiston Park is located to the north, a short distance from the subject parcel. To the southeast is a block of low-scale apartment buildings.

Brentwood		
Peak Population Year	1969	
Peak Population	9,086	
2015 Current Population	6,941	
Difference in Population (Number)	-2,145	
Difference in Population (Percent)	-24%	

## LAND USE DISTRICTS

The proposed land use district is a DC Direct Control District based on the Commercial-Corridor 1 (C-COR1) District of Land Use Bylaw 1P2007. Section 20 of the Land Use Bylaw indicates that DC Direct Control Districts must only be used for developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts. A DC District has been used for this application to allow for specific density bonus provisions in the Brentwood Station ARP, allow for the phased development of the site over time, as well as to accommodate for the specific land use, height and density in the ARP that varies across the site. In addition to allowing for mixed-use development, the key components of Direct Control District include:

• Site 1 will allow for a maximum height of 55.0 metres and a maximum density of 4.0 FAR;

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- Site 2 will allow for a maximum height of 38.0 metres and a maximum density of 3.0 FAR;
- Site 3 will allow for multi-residential development with a maximum height of 14.0 metres and a maximum density of 2.5 FAR; and
- the implementation of the Brentwood Station ARP including density bonus provisions for Sites 1 and 2.

# **LEGISLATION & POLICY**

### Municipal Development Plan

The subject site is considered within a Major Activity Centre within the MDP. The proposed DC District conforms to MDP policy and will allow for a continued increase in intensity in line with MDP guidance for Major Activity Centres.

Brentwood Station Area Redevelopment Plan (ARP)

The subject site falls with the Brentwood Station ARP. The Brentwood Station ARP identifies a redevelopment scheme that redesigns the subject site with an integrated street network. It is a block-based urban grid layout which enhances connectivity within, and plans for various scales of mixed use developments. Land uses and densities are varied throughout which support future re-urbanization of the entire plan area. Specific to the subject site, the proposed land use precincts include:

- **Urban residential** the transitional area between the existing low density residential area to the north and the more intense mixed use redevelopment areas within the ARP. This will be a lower to medium density area with heights between 2 4 storeys.
- **Retail village** this is the commercial hub of the entire ARP area. The addition of more retail space is encouraged, and to be in the format of a retail main street instead of the current enclosed shopping mall and big-box format.
- Mixed use this precinct is the most flexible and will provide the widest range of retail, office and residential. Its close proximity to the Brentwood LRT station is the nearest location for mixed use and varied spaces.

The ARP denotes a main commercial street running generally north-south through the plan area. This street will be provided upon ultimate redevelopment and will be characterized by mixed use development with retail and service uses at grade and will be the main pedestrian connector through the plan area.

The proposed land use redesignation follows the policies set out in the ARP and therefore no policy amendments are proposed with this application.

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### South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

## TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) was submitted for this application and was approved by Transportation Planning. Various improvements and conditions were identified to be carried out by the applicant at future development application stages including:

- Construction of a sidewalk along the north side of Brentwood Road NW to the signalized intersection of the Crowchild Trail NW off-ramp and Brentwood Road NW; and
- Consolidation of driveway accesses to Charleswood Drive NW to a single access to accommodate the future east-west spine road through the outline plan area as shown in the Brentwood Station ARP.

Additional transportation analysis, including subsequent TIAs and/or parking studies may be required for development of the site at the discretion of Transportation Planning. Such analysis may include a review of active modes, Transit and/or traffic operations in the area. Parking demand analysis may also be required as the area builds out to ensure parking supply meets demand.

### **UTILITIES & SERVICING**

Water, Sanitary and storm connections exist to the site. Any future upgrades to these services or to the City network will be determined at Development permit stage.

### **ENVIRONMENTAL ISSUES**

A Phase 1 Environmental Site Assessment (ESA) was completed by the applicant. The report concluded that no significant environmental issues of concern were identified with respect to the current use of the site. Based on known residual impacts associated with the historical presence of a former service station a Phase II ESA is recommended to confirm soil and groundwater quality prior to commencement of future development.

## ENVIRONMENTAL SUSTAINABILITY

Not applicable.

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### **GROWTH MANAGEMENT**

The proposed land use amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

### PUBLIC ENGAGEMENT

## **Community Association Comments**

The Brentwood Community Association was circulated as part of this application. The Community Association is in support of the proposed changes in the land use (APPENDIX III).

### **Citizen Comments**

Administration received 12 letters from the adjacent residents. These were mixed in terms of support for and opposition to the application. Concerns from the public included:

- increase in traffic and lack of parking;
- loss of views;
- decrease in property values;
- loss of sunlight to adjacent properties;
- existing vacant commercial space and the need more for more space; and
- poor design of the current development (University City).

### **Public Meetings**

The applicant held a public open house on 2016 June 08. The applicant included panels with information on the land use and outline plan application and representatives of the applicant as well as Administration were present to answer questions. Just over 200 people attended the open house with questions and feedback covering topics such as:

- traffic adjacent to the site;
- parking availability;
- potential future retail tenants and implications for existing retail tenants;
- number of units planned for the site;
- connectivity throughout the site and to LRT;
- transition of density to the existing residential neighbourhood; and
- desire for a commercial main street including street-fronting retail uses.

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## APPENDIX I

## **APPLICANT'S SUBMISSION**

RioCan Holdings (Brentwood Village) Inc. ("Brentwood"), owns the lands referred to as "Brentwood Village Mall" in northwest Calgary, which is subject to this outline plan and land use redesignation application. This application has been prepared by Urban Systems on their behalf to respectfully request approval of outline plan and land use redesignation by Calgary Planning Commission and Calgary City Council, respectively.

The plan is governed by the Brentwood Station Area Redevelopment Plan (Bylaw 74P2008; November 30, 2009) and conforms to the directives within it. The application proposes to amend the balance of Brentwood Village Mall to align with the ARP land use precincts, while accommodating current and ongoing retail and services uses. The redesignation will demonstrate continuity of the transit-orientated policies while the outline plan reflects phasing.

Land uses proposed for the lands are proposed to be a Direct Control (DC) district with specifications relating to height, FAR, uses and other development parameters. The base district for the DC bylaw is Commercial – Core 1 district (C-COR1) which meets the future redevelopment visions for the lands, while current uses and operations at the shopping mall area still accommodated under the associated C-R3 parameters.

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# APPENDIX II

## PROPOSED DIRECT CONTROL GUIDELINES

#### Purpose

- 1 This Direct Control District is intended to be characterized by:
  - (a) high *density*, high- and mid-rise *development* within close proximity of the Brentwood LRT Station;
  - (b) mixed-use *development* with pedestrian oriented *buildings* that are close to the *street* and public sidewalk located in Sites 1 and 2;
  - (c) medium *density* Multi-Residential Development with reduced *building height* and *building* massing located in Site 3;
  - (d) the opportunity to continue the operation of approved and existing *uses* and approved and existing *buildings*;
  - (e) land use and *building* forms that respect the policies of the Brentwood Station Area Redevelopment Plan;
  - (f) provision for a minimum and maximum *floor area ratio* for each Site; and
  - (g) provision for a bonus *floor area ratio* over the base *floor area ratio* as provided for in this Direct Control Bylaw.

### Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

### Reference to Bylaw 1P2007

**3** Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

### **General Definitions**

- 4 In this Direct Control District:
  - (a) "affordable housing units" means non-market Dwelling Units provided within the development owned and operated by the City or a bona fide non-market housing provider recognized by Council;

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- (b) "*average land value*" means the average land value per square metre of buildable floor area for the area, or areas, as approved by *Council* and as amended from time to time;
- (c) "community amenity space" means floor area made available within the proposed development, in perpetuity to the City, in a form acceptable to the City for not for profit community purposes;
- (d) "Brentwood Community Enhancement Fund" means a fund, established by Council, used for projects related to public realm improvements, including but not limited to park design, redevelopment or enhancement, streetscape design and improvements within City rights-of-way, implementation of urban design strategies and public art on public land; and
- (e) "*publicly accessible private open space*" means a portion of a private *development parcel* that is made available to the public through a legal agreement approved by the *Development Authority,* and is in a location, form, configuration and constructed in a manner approved by the *Development Authority*.

## **Permitted Uses**

- 5 The *permitted uses* of the Commercial Corridor 1 (C-COR1) District of Bylaw 1P2007 are the *permitted uses* of this Direct Control District with the exclusion of:
  - (a) **Financial Institution**.

### **Discretionary Uses**

- 6 The *discretionary uses* of the Commercial Corridor 1 (C-COR 1) District of Bylaw 1P2007 are the *discretionary uses* of this Direct Control District with the addition of:
  - (a) Beverage Container Drop-Off Depot;
  - (b) Car Wash Single Vehicle;
  - (c) Drive Through;
  - (d) **Financial Institution**;
  - (e) Multi-Residential Development;
  - (f) Restaurant: Food Service Only Large; and
  - (g) **Restaurant: Licensed Large**.

## Bylaw 1P2007 District Rules

 7 (1) Unless otherwise specified in this Direct Control District, the rules of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

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(2) For Multi-Residential Development in Site 3, the rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

#### Use Area

- 8 (1) Unless otherwise referenced in subsection (3), (4) and (5), the maximum *use area* for *uses* on the ground floor of *buildings* is 1200.0 square metres.
  - (2) Unless otherwise referenced in subsection (3), there is no maximum *use area* requirement for *uses* located on upper floors.
  - (3) The maximum *use area* of a:
    - (a) Catering Service Minor, or a Catering Service Minor combined with any other *use*, is 300.0 square metres;
    - (b) **Cinema**, or a **Cinema** combined with any other *use*, is 550.0 square metres; and
    - (c) **Supermarket**, or a **Supermarket** combined with any other *use*, is 4000.0 square metres.
  - (4) There is no maximum use area requirement for a use on the ground floor of a building if the use has width along the building frontage of no more than 15.0 metres.
  - (5) The following *uses* do not have a *use area* restriction:
    - (a) **Addiction Treatment**;
    - (b) Assisted Living;
    - (c) **Custodial Care**;
    - (d) Hotel; and
    - (e) **Residential Care**.

#### Location of Uses Within Buildings

- 9 (1) The following *uses* must not be located on the ground floor of *buildings*:
  - (a) **Catering Service Minor**;
  - (b) **Counselling Service**;
  - (c) Health Services Laboratory- with Clients;
  - (d) Instructional Facility;
  - (e) **Place of Worship Small**;
  - (f) **Post-secondary Learning Institution**;

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- (g) **Residential Care**; and
- (h) **Social Organization**.
- (2) "Commercial Uses" and Live Work Units:
  - (a) may be located on the same floor as Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units and Residential Care; and
  - (b) must not share an internal hallway with Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units or Residential Care.
- (3) Where this section refers to "Commercial Uses," it refers to the listed *uses* in sections 5 and 6, other than Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit and Residential Care.

### Additional Landscaping in Setback Area

10 Where the **setback area** of a ground floor **Dwelling Unit** shares a **property line** with a **street**, the **setback area** must be landscaped with a **soft surfaced landscape area**.

### **Reductions of Minimum Motor Vehicle Parking Requirement**

11 The minimum number of *motor vehicle parking stalls* is reduced by 10.0 per cent where a *building* that generates the parking requirement is located within 600.0 metres of an existing *LRT platform*.

### **Bonus Floor Area Ratio Earning Items**

- 12 Any of the following items or combination thereof may be used to earn a *density* bonus:
  - (a) provision of *publicly accessible private open space* within the *development*, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the *publicly accessible private open space*, divided by the *average land value* per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (*average land value* x 0.75);

(b) provision of *affordable housing units* within the *development*, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the *affordable housing units*, divided by the *average land value* per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (*average land value* x 0.75);

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(c) provision of *community amenity space* within the *development*, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the *community amenity space*, divided by the *average land value* per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (*average land value* x 0.75);

(d) contribution to the *Brentwood Community Enhancement Fund*, as established by *Council*, where the allowable bonus floor area in square metres is equal to the contribution to the *Brentwood Community Enhancement Fund*, divided by the *average land value* per square metre of buildable floor area, such that:

Allowable bonus floor area = contribution / (*average land value*)

#### Site 1 (2.9 ha ±)

**13** The provisions in sections 14 through 15 apply only to Site 1.

#### **Floor Area Ratio**

14 (1) The minimum *floor area ratio* is 2.0.

- (2) The maximum *floor area ratio* is 4.0 for a *building* that does not contain **Dwelling Units**, **Hotel** or **Live Work Units**.
- (3) The maximum *floor area ratio* is 3.0 for a *building* that contains **Dwelling Units**, **Hotel** or **Live Work Units**.
- (4) The maximum *floor area ratio* specified in subsection (2) and (3) may be increased to a maximum of 4.5 *floor area ratio* in accordance with the bonus provisions contained in section 12 of this Direct Control District.

#### **Building Height**

15 The maximum *building height* is 55.0 metres.

#### Site 2 (3.7 ha ±)

**16** The provisions in sections 17 through 18 apply only to Site 2.

#### Floor Area Ratio

- 17 (1) The minimum *floor area ratio* is 2.0.
  - (2) The maximum *floor area ratio* is 3.0.

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(3) The maximum *floor area ratio* specified in subsection (2) may be increased to a maximum of 3.5 *floor area ratio* in accordance with the bonus provisions contained in section 13 of this Direct Control District.

## **Building Height**

18 The maximum *building height* is 38.0 metres.

Site 3 (1.4 ha ±)

**19** The provisions in sections 20 through 21 apply only to Site 3.

## **Floor Area Ratio**

20 (1) The minimum *floor area ratio* is 1.0.

(2) The maximum *floor area ratio* is 2.5.

### **Building Height**

21 The maximum *building height* is 14.0 metres.

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# APPENDIX III

## BRENTWOOD COMMUNITY ASSCOCIATION COMMENTS

February 24, 2016

Dear Steve:

The Brentwood Community Association Directors met tonight at our regular meeting and discussed, LOC2015-0190, the RioCan application for re-designation at Brentwood Mall.

The BCA determined that the application for re-designation conforms with the requirements of the Brentwood Station Area Redevelopment plan and that it should be supported.

We also had, previously, a meeting with RioCan staff who discussed preliminary plans for a RioCan development on the site to be re-designated. While the BCA supports the re-designation we ask you to review and comment on the compliance of any subsequent development applications for this site. Although the plans were preliminary, we were concerned that aspects of the proposed development may not conform to the BSARP, particularly regarding surface parking, streetscape and commercial space at street level. However, as the presentation was of a preliminary plan we shall wait and see what is actually proposed.

Sincerely, Kirk Osadetz, VP, Brentwood Community Association