

LAND USE AMENDMENT
BRAESIDE (WARD 11)
SOUTH OF SOUTHLAND DRIVE AND
WEST OF 19 STREET SW
BYLAW 202D2016

MAP 17S

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) (secondary suite) District to allow for the development of a secondary suite. There is an existing illegal suite at this property, and a complaint was received earlier this year regarding this illegal use. This specific land use application may be tied to this complaint received, however, the applicant had previous discussions with administration regarding re-zoning of this subject property prior to the complaint being issued.

PREVIOUS COUNCIL DIRECTION

On September 16, 2013, 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 Calgary.

ADMINISTRATION RECOMMENDATION(S)

2016 June 16

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 202D2016; and

1. **ADOPT** the proposed redesignation of 0.07 hectares ± (0.16 acres ±) located at 10103 Brookpark Boulevard SW (Plan 7511059, Block 4, Lot 2) 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 202D2016.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s land use district allows for one of two additional residential uses (Secondary Suite or Backyard Suite). These uses can be compatible with, and complimentary to, the existing low density residential character of the neighbourhood; therefore, the proposed R-C1s district is appropriate for the site.

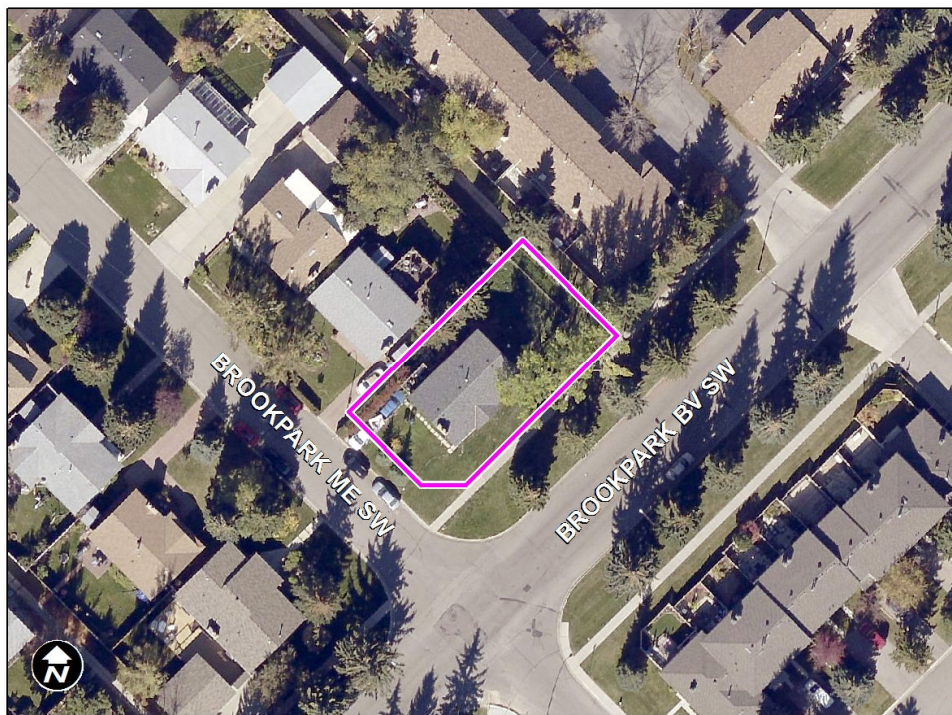
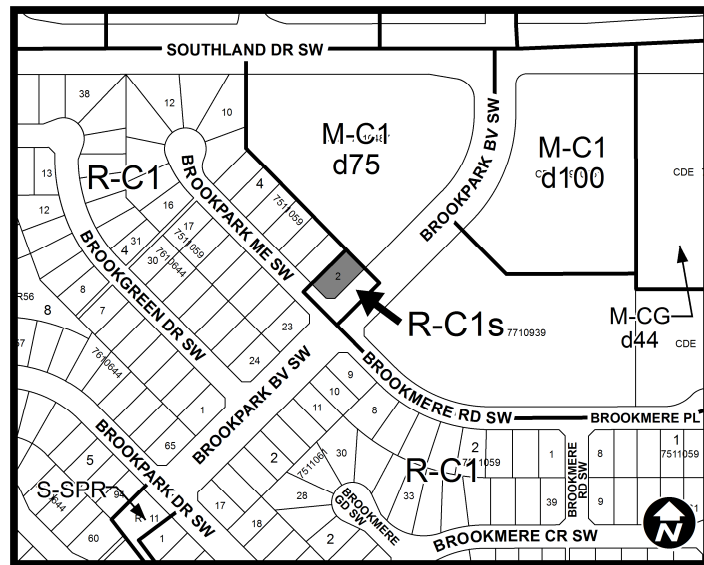
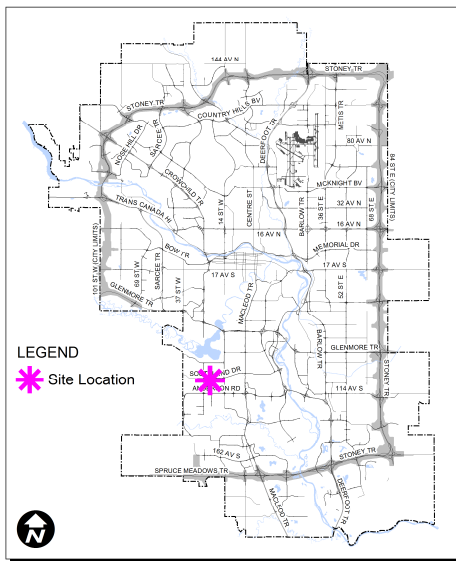
ATTACHMENTS

1. Proposed Bylaw 202D2016
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 0.07 hectares ± (0.16 acres ±) located at 10103 Brookpark Boulevard SW (Plan 7511059, Block 4, Lot 2) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: G. Morrow

Carried: 6 – 1

Opposed: S. Keating

Reasons for Approval from Mr. Morrow:

- We should not be holding secondary suites land use applications to a higher standard than other land use changes. Other land uses do not have to demonstrate that they can meet the parking requirements of the new district until they would submit a development permit. It would be better for land use and development permit to be together, so we can see if it works, but our approval process does not require concurrent land use and development permit. Secondly we should not be determining the appropriateness of a land use based on the current owner of the property. If the owner is not maintaining their property, we have a process to register complaints and have Administration enforce the bylaw.

Reasons for Opposition from Cllr. Keating:

- Parking on site is very restricted.

Comments from Ms. Gondek:

- If people truly feel that renters are somehow substandard residents of the city, let me provide the following research:
 1. Ruef and Kwon – study of neighbourhood associations and social capital in the US; interviewed 29,733 people across US communities; found that renters are more likely to join neighbourhood associations to foster sense of community and encourage social cohesion, while homeowners are likely to join a group to preserve land value often at the expense of fostering inclusiveness.
 2. Goodbrand 2016 – Master's thesis on experiences of renters in secondary suites; results indicate suite rental is typically transitional and related to a life circumstance; some also rent suites at a lower rent to save for down payment because they aspire to be homeowners; the stigmatization they feel at renting a basement suite is real and creates a misperception of the character of suite renters.
- The summary of these two pieces of research is:
 1. Renters provide a good balance in a neighbourhood because their interests are

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- motivated by sense of belonging, rather than preservation of property value.
2. We are contributing to mislabelling and entire segment of our population if we take the perspective that secondary suites bring renters who will not be good neighbours.
- If we can agree that a mix of rental and owned properties contribute to a healthy community, then could we include the statistics from community profiles the report on ownership and rental? This would be in keeping with the goals of the Municipal Development Plan, which states that communities should be “diverse” and “inclusive”. I would ask respectfully the Council consider the addition of that statistic in the table we have in the “Site Context” section of our reports from Administration.

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Applicant:

Qian Zuo

Landowner:

Qian Zuo
Junzhu Guo

PLANNING EVALUATION

SITE CONTEXT

The subject site is located in a low density residential R-C1s setting in the community of Braeside. The subject parcel is approximately 15.0 metres wide by 31.0 metres deep. The parcel is developed with a single-detached dwelling. However, there is no garage on the property. There is a driveway located on the SW side of the property, currently providing tandem parking. However, this driveway has been identified as being sub-standard and is recommended for being redeveloped at time of Development Permit stage. Single detached dwellings exist to the southwest and northwest of the property, with townhouse development to the southeast and northeast of the property. The parcel is approximately 265 metres from the closest transit stop.

Braeside	
Peak Population Year	1980
Peak Population	7 652
2015 Current Population	6 049
Difference in Population (Number)	-1 603
Difference in Population (Percent)	-21%

LAND USE DISTRICTS

The proposed R-C1s district has the ability to accommodate secondary suites on parcels that already contain a single detached dwelling on a single parcel. The R-C1s district allows for one additional permitted use (secondary suite) or one additional discretionary use (backyard suite).

The subject site meets the minimum R-C1s parcel size requirements. As such, the site can accommodate a secondary suite and its associated Land Use Bylaw 1P2007 requirements, including the minimum parking requirement and the amenity space provisions.

Approval of this land use application does not constitute approval of a specific secondary suite type, but rather, it allows for an additional dwelling unit (in the form of a secondary suite) to be considered via the development permit process.

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LEGISLATION & POLICY

Municipal Development Plan

The subject site is located within the *Residential, Developed: Established Area* as identified on Map 1: Urban Structure of the Municipal Development Plan (MDP). Although the MDP makes no specific reference to the subject site, the land use proposal conforms to overarching residential policies of the MDP, including: *Developed Residential Area* policies (Section 3.5.1), *Established Areas* policies (Section 3.5.3), *Neighbourhood Infill and Redevelopment* policies (Section 2.2.5) and *Housing Diversity and Choice* policies (Section 2.3.1).

Glenmore Design Brief

The subject site is located within a Residential district as identified on Map 4: Land Use and Circulation System. Although the Design Brief makes no specific reference to the subject site, the land use proposal meets the residential density directive.

TRANSPORTATION NETWORKS

As this is a corner site, pedestrian access is available from both Brookpark Boulevard and Brookpark Mews SW. Vehicular access to the existing driveway is available only from Brookpark Mews SW. The area is served by Calgary Transit, with Route 56 both east and west bound approximately 265 metres from the subject property, located at the intersection of Southland Drive and Brookpark Boulevard SW. This route provides service to the Southland LRT station and then into the Downtown core.

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, depending on the type of secondary suite proposed. This would be determined at the development permit stage.

ENVIRONMENTAL ISSUES

An Environment 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 the MDP references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments

The application was circulated to the Braeside Community Association. Two letters from the Community Association were received, both of which do not support this proposed land use amendment. The reasons for objection are summarized as follows:

1. Many vehicles associated with the subject property, resulting in these vehicles often parking on the lawn;
2. Absentee landlord, resulting in a poorly maintained home;
3. Unkempt premises, with garbage and other items left out on the lawn; and
4. Concern over the safety of the home for potential tenants.

The reasons for objection have no material impact to Administration's consideration for the proposed land use redesignation. Generally, the listed concerns pertain to enforcement of Community Standards Bylaw (5M2004). Relevant complaints can be filed by the general public dialing 3-1-1.

Citizen Comments

The application was also circulated to adjacent landowners and was notice posted. Administration did receive correspondence from several adjacent residents expressing concerns that the notices that had been posted were removed, and when requested to be re-posted, were not placed in a visible location and/or were not in plain sight. As a result, Administration did extend the time requirement for notice posting from two weeks to add an additional week to ensure that this requirement was sufficiently met.

Concerns from the adjacent landowners were similar to the concerns expressed by the Community Association, as summarized above, with the addition of:

1. Aggressive dogs living in the home;
2. Noise complaint issues; and

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3. Visibility issues turning onto Brookpark Boulevard from Brookpark Mews SW due to vehicles from the subject property parking too near to this intersection.

Public Meetings

No public meetings were held by the Applicant or by Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

This application is intended to change the land use zoning to allow for an existing suite. Following the approval of the land use the suite will be brought up to code to create a legal and safe basement suite.

The property located at 10103 Brookpark Blvd SW on a big corner lot (approximately 19.5 width and 35.70 depth rectangular lot). It is a low density residential R-C1 In the community of Braeside. The parcel is developed with a single detached dwelling without garage. The bi-level home has a separate entrance for the walk up basement. Windows in the basement are very good size (30" x 96") to give enough light and emergency escape. The home has a smaller backyard and a large two side yard for the residents to enjoy. The home faces Brookpark Blvd backs on to neighbouring townhouses, which is separated by a pathway.

The proposed R-C1s District allows for the development of a secondary suite in addition to a single detached dwelling on a single parcel. The subject site exceeds the R-C1s parcel size requirements. As such, the parcel is large enough to accommodate a secondary suite and its associated Land Use Bylaw 1P2007 requirements such as minimum parking motor parking stall. On the property, there are two parking stalls except street parking, which meet the minimum parking requirement of one stall per unit.

Pedestrian and vehicle access is available from Brookside Blvd SW. It is located in a short walking distance (260m) to buses on Southland Drive, which provide service to LRT station and proposed SW Transit Way. It is between 300m to 400m walk to Southland Leisure Centre and school and other amenities.

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APPENDIX II

LETTERS SUBMITTED

Braeside Community Association Response Letter #1 – Received May 16, 2016

LAND USE ZONING APPLICATION FILE 2016-0073
10103 BROOKPARK BLVD SW CALGARY

BRAESIDE COMMUNITY RESPONSE

Braeside Community Association, BCA, is recommending that the property presently zoned as RC-1 not be re zoned to RC-1s as requested by the applicant to lawfully accommodate an existing suite on the property.

Upon review and decision to remain as RC-1, BCA requests that the property be returned to the existing purpose of a single family dwelling and asks the City to direct the property owner do this within 60 days.

Upon review and decision to become land use RC-1s, BCA strongly recommends a prompt inspection by City personnel to ensure that the present tenants live in a safe situation. This recommendation is made to occur before and while awaiting the anticipated next stage of the applicant acquiring a development permit.

In the Land Use Zoning application, the applicant is clear that this request is to accommodate an existing suite on the property. BCA presents that an existing suite is a violation of the RC-1 criteria. This existing suite was found because of a request by a community resident in February 2016, file 151314, and a City inspection confirmed its existence. BCA does not have access to the details of the inspection to comment. The file is currently 'pending review'.

Braeside is a community of close to 6000 with a mix of single family RC-1 and multi family MC1 and MCG. This is illustrated within this response document. BCA's opinion is that Braeside should not be viewed as a totally low density community.

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Braeside is well served for rental opportunity and does not have an objection to rental of single family RC-1 property. BCA does object to property becoming multi family residence income property without presence of a landlord.

BCA will demonstrate in the following pages that the property owner does not have an active interest in the property. BCA's opinion is that the property has indeed become a pure income investment. It has become a situation not complying with the City's desire of having secondary suites occupied by the owner and having family members, students, or for seniors to be able to remain in their homes.

The property owner has not complied with the phase of the application requiring a public display of the request for a land use change for a continuous 7 to 14 day period during the month of April. This signage is critical for the community to both be aware of the request and have information of how to respond to the application. BCA is aware that the signage has been displayed in April for short periods of time and is aware that the non continuous displays of the signs have been reported to the File Manager, Colleen Renne-Grivell. BCA is suspicious that the removal of sign display shows lack of interest by the owner to communicate with area residents and become an inconvenience to the tenants.

BCA has doubts that the existing tenants are living in a safe environment. This opinion arises from the owner's demonstration of lack of interest in the property and its appearance. This is demonstrated in the following pages of the document.

Although not in this document, BCA requests your review of other comments from adjacent neighbours within the file as managed by Colleen Renne-Grivell.

There are two pages immediately following for persons unfamiliar with Braeside describing its location within the city, its population based on 2012 City census, and present land use zones.

Following the description are pages in which BCA demonstrates using photos the situation of the property at present.

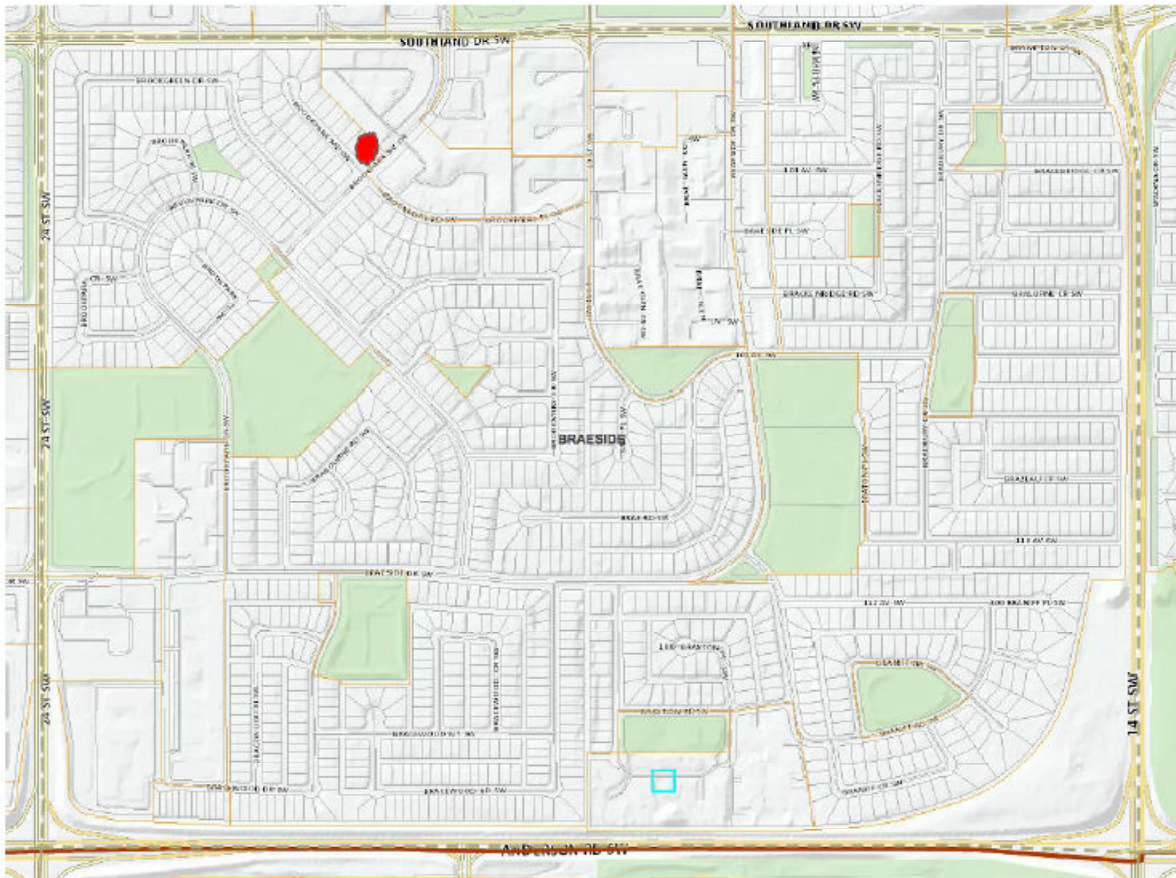
This is to present BCA's opinion that the landlord has low to no interest in his obligation to the community and supervision of his tenants. Several photos refer to files 16-00151171 and 16-00151225, a by-law service request from February 19, 2016 to investigate untidy private property and dog feces in the back yard.

The result of this service request was the untidy items being removed early in March and yard cleaned. However new items are appearing as the tenants live their lives.

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BRAESIDE COMMUNITY



Braeside is a residential community in southwest Calgary. It is located north of Anderson Road, south of Southland Drive, west of 14 Street SW, and east of 24 Street SW. Population is 5940 from 2012 municipal census. There is one school, Braeside Elementary. There are two small shopping malls.

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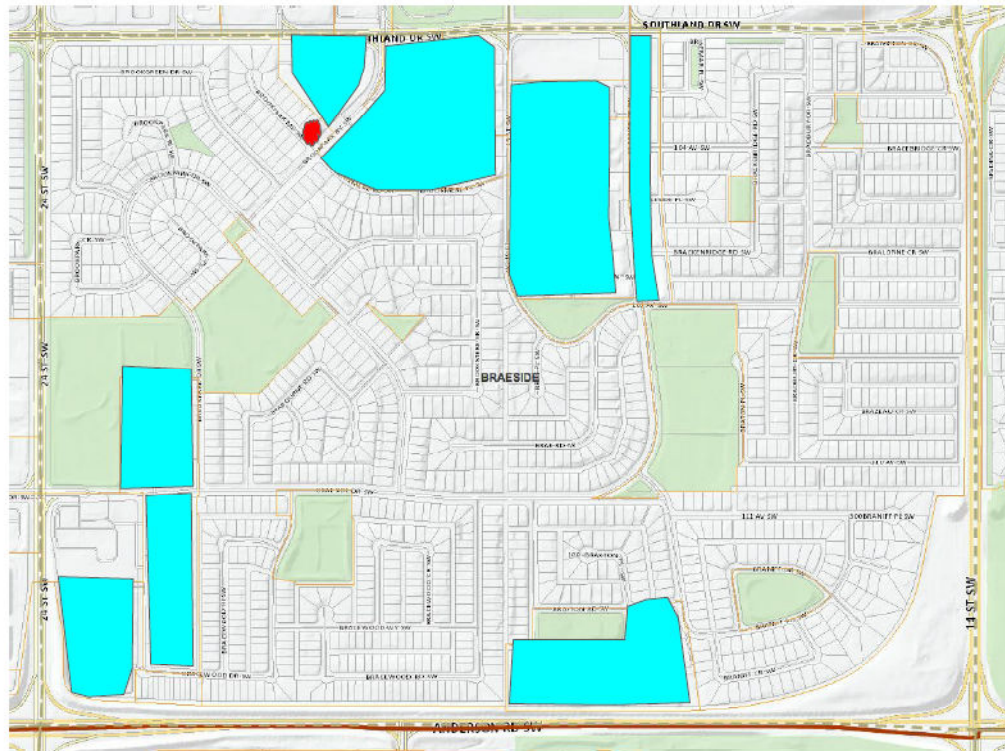
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BRAESIDE ZONING

MC1 & MCG



REMAINING
IS RC-1 AND
RC-2



Although designated low density, Braeside does have many areas of medium to high density

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View of property at corner of Brookpark Blvd and Brookpark Mews looking north-west



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Landlord responsibility to community

Note evidence in snow of intermittent parking on lawn Feb 2016



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Landlord responsibility to community

Service Request 16-00151171,-00151225
Untidy Private Property and extreme dog feces
February 19 2016



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Landlord responsibility to community

Service Request 116-00151171, -00151225
Untidy Private Property and extreme dog feces
February 19 2016



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Landlord responsibility to community, view in
yard of many items at present

Note green fence needing repair as written to
file separately by adjacent neighbor



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Close up of staining on eave's
beneath roof and highest set of
paneling. Is this a health problem?



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Close up of yard items at present



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Close up of yard items, note industrial tamper along wire fence



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View of present parking looking north from Brookpark Mews.
There is no parking allowed on Brookpark Blvd a major access to the neighbourhood
Note unlicensed vehicle, small window for basement evacuation



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Braeside Community Association Response Letter #2 – Received May 6, 2016

Braeside Community Association's representative for construction and maintenance carried out two site visits in April and May 2016 at this address. There were four vehicles at the site, two in the driveway and two parked on the road in front. Although some effort has been made to clean up from April to the May, 2016 visit, the curb appeal is that of a building being let fall apart at this state. There is a request to allow a secondary suite in the basement. As this is an absentee landlord rental property now, it would be a large concern as to the state of the property with more renters and more vehicles.

On both site visits there was no City of Calgary blue development lawn sign, which should be displayed, to announce the changes and to advertise how to comment to the City.

It is our suggestion as a Community Association that the City should enforce any existing regulations before any change to R-C1s. We have had complaints from residents in the area who apparently see what appears to be multi traffic to the RC1 dwelling during any time day or night. Draw your own conclusion.

We look forward to hearing from you on any decisions etc.

Bob Byers
Director Construction and Maintenance