

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
NORTH OF CROWCHILD TRAIL NW AND ADJACENT TO
BRENTWOOD LRT STATION
BYLAW 189D2015

MAP 31C

EXECUTIVE SUMMARY

This application is intended to allow several additional uses on Site 1 and Site 2 of the University City development. The proposed additional uses include:

1. Artist's Studio
2. Financial Institution
3. Medical Clinic
4. Pet Care Service
5. Veterinary Clinic

This application proposes redesignation of these lands from DC Direct Control District to a new DC Direct Control District, in order to accommodate a mixture of residential and commercial uses. The proposed additional uses would be allowed within Sites 1 and Site 2 of the proposed DC District.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2015 September 24

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 189D2015; and

1. **ADOPT** the proposed redesignation of 1.17 hectares \pm (2.89 acres \pm) located at 100, 3820 Brentwood Road NW, 10, 3830 Brentwood Road NW, 3802, 3820 and 3830 Brentwood Road NW (Plan 1312882, Block 17, Strata Lot 3; Condominium Plan 1410093, Units 1 to 361; Portion of Plan 103890, Block 17, Lot 1; Condominium Plan 1410091, Units 1 to 216, Condominium Plan 1410077 Units 1 to 216) from DC Direct Control District ~~to~~ DC Direct Control District to accommodate a mixture of residential and commercial uses with the additional use of artist studio, financial institution, medical clinic, pet care service and veterinary clinic , in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 189D2015.

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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. Further, allowing these additional uses will strengthen the ability to lease the space, provide services to the community, and allow for employment opportunities within this Major Activity Centre.

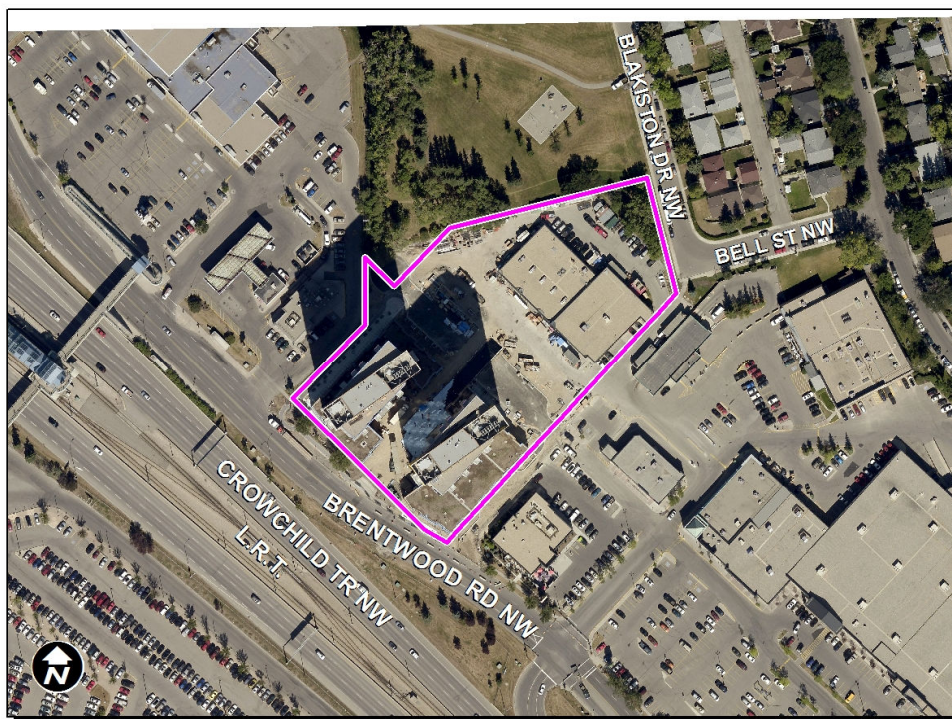
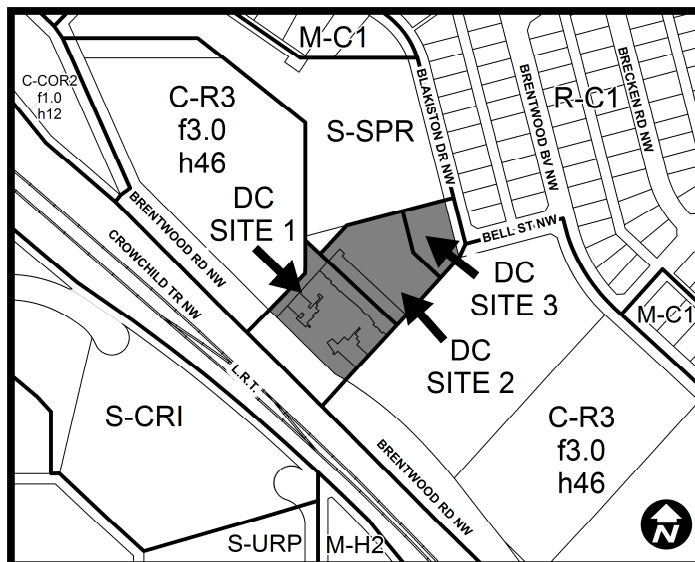
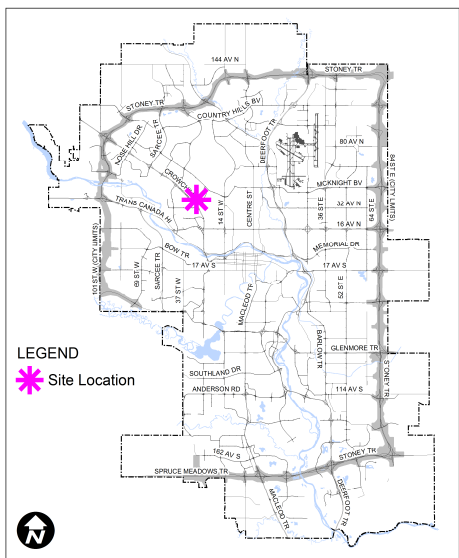
ATTACHMENTS

1. Proposed Bylaw 189D2015
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 1.17 hectares \pm (2.89 acres \pm) located at 100, 3820 Brentwood Road NW, 10, 3830 Brentwood Road NW, 3802, 3820 and 3830 Brentwood Road NW (Plan 1312882, Block 17, Strata Lot 3; Condominium Plan 1410093, Units 1 to 361; Portion of Plan 103890, Block 17, Lot 1; Condominium Plan 1410091, Units 1 to 216, Condominium Plan 1410077 Units 1 to 216) from DC Direct Control District **to** DC Direct Control District to accommodate a mixture of residential and commercial uses with the additional use of artist studio, financial institution, medical clinic, pet care service and veterinary clinic with guidelines (APPENDIX II).

Moved by: M. Tita

Carried: 7 – 0

Comments from Ms. Gondek:

- Schedule C is a list of bonus provisions that outlines how higher densities can be achieved with public benefits. I would like to see this type of approach to Community Association sites, where bonus provisions may include community space in private buildings or cash contribution to an existing recreation facility with stipulation to provide community space.

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Applicant:

Urban Systems

Landowner:

Riocan Holdings (Brentwood Village) Inc
1388524 Alberta Ltd (Joe Starkman)
Various Owners

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	Yes	5
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	Yes	5
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	6
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	6
Public Engagement <i>Were major comments received from the circulation</i>	No	6

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site includes the first two phases of the University City development adjacent to the Brentwood LRT Station. 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 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, adjacent to the subject parcel. To the southeast is a block of low-scale apartment buildings.

LAND USE DISTRICTS

The existing DC District is being replaced with an identical DC District that includes five additional uses (artist’s studio, financial institution, medical clinic, pet care service and veterinary clinic) for sites 1 and 2 of the DC. No density increase is being proposed.

The existing DC District is based on the M-H3 district and while this district allows a range of support commercial uses, these are limited and do not provide the variety of uses necessary to establish a vibrant, transit-oriented development (TOD) area. All of the uses requested are listed as discretionary uses in the commercial districts of the Land Use Bylaw that would be typically used in a TOD area.

LEGISLATION & POLICY

Municipal Development Plan

The subject site is considered within a Major Activity Centre within the Municipal Development Plan (MDP). The proposed DC District conforms to MDP policy and will allow for a greater mix of uses more in line with MDP guidance for Major Activity Centres

Brentwood Station Area Redevelopment Plan

The subject site falls with the Brentwood Station ARP. The two sites within the DC that are impacted by this redesignation are within the *Mixed Use* and the *Transit Hub* Precincts. These are areas that are intended to offer a wide range of uses including residential, office and retail. The proposed new uses are aligned with the vision for the core of the LRT station area outlined in the Brentwood Station ARP.

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TRANSPORTATION NETWORKS

A minor Transportation Impact Assessment was requested for the proposed additional uses. Further analysis of the impacts of potential uses may be required at the Development Permit stage.

UTILITIES & SERVICING

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

GROWTH MANAGEMENT

The proposed 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 has no objections to the proposed changes in the land use.

Citizen Comments

Two letters were received from the adjacent residents. These were not in support of the application primarily due to the potential increase in traffic and the lack of on-street parking in the area.

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APPENDIX I

APPLICANT'S SUBMISSION

Redevelopment of Brentwood Village into a transit-oriented development is underway. Brentwood Village already serves as a commercial destination for northwest Calgary and as the population grows, a wider variety of commercial uses are needed to meet the daily needs of residents and strengthen the area as an employment, education and retail destination within Calgary. The Brentwood Station Area Redevelopment Plan (ARP) identifies the subject lands as Transit Hub and Mixed Use precincts. The intent of these precincts is to provide a wide range of transit supportive uses, including commercial to contribute to the livability and vitality of the community.

This land use application requests the inclusion of **five additional uses** to both Site 1 and 2 within the Direct Control District:

1. Artist's Studio
2. Financial Institution
3. Medical Clinic
4. Pet Care Service
5. Veterinary Clinic

While the land use district allows for a variety of uses, commercial uses are limited and do not support the suite of uses necessary to establish a vibrant, transit-oriented development. All of the uses requested are transit supportive in nature and would contribute to the livable and energy of the community. These uses are also reflective of strong tenant interest to further activate the precinct.

The proposed Land Use Amendment represents the opportunity to continue to enhance the vibrancy of the area and support the daily needs of residents. We feel that within the context of the Brentwood Station ARP and the current and future proposed redevelopment of the area, inclusion of these uses is reasonable and contributes to the development of a transit-oriented development.

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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 **Multi-Residential Development** within close proximity of the Brentwood LRT Station;
 - (b) Restaurants, **Retail and Consumer Service**, **Fitness Centre**, and other similar **uses**, to be located along the east-west internal drive aisle, located on the main and second **storeys** of the high **density**, high- and mid-rise, multi-residential **buildings** located in the southern two-thirds of the subject **parcel**;
 - (c) medium **density Multi-Residential Development** with reduced **building height** and building mass as **development** is located along the northern portion of the subject **parcel**;
 - (d) land use and **building** forms that respect the policies of the Brentwood Station Area Redevelopment Plan;
 - (e) provision for a maximum **floor area ratio** for each portion of the **parcel**; and
 - (f) provision for a bonus **floor area ratio** over the base **floor area ratio** as provided for in Schedule C attached to 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) “**bonus provisions**” means those items which may be provided by the applicant in order to earn extra **floor area ratio** as described in section 5.

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Bonus Provisions

- 5 (1) In this Direct Control District, the ***floor area ratio*** may be increased as prescribed in this Direct Control Bylaw for high and medium rise **Multi-Residential Development** in accordance with the ***bonus provisions*** contained within Schedule C attached to this Direct Control Bylaw.
- (2) Where ***bonus provisions*** have been provided on any site, any remaining density may be transferred to Site 1 and Site 2 in accordance with the ***bonus provisions*** contained in Schedule C attached to this Direct Control Bylaw.

Site 1

0.63 ha± (±1.56 ac±)

Application

- 6 The provisions in sections 7 through 11 apply only to Site 1.

Permitted Uses

- 7 The ***permitted uses*** of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 are the ***permitted uses*** of this Direct Control District.

Discretionary Uses

- 8 The ***discretionary uses*** of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 are the ***discretionary uses*** of this Direct Control District, with the addition of:
- (a) **Artist's Studio;**
 - (b) **Financial Institution;**
 - (c) **Fitness Centre;**
 - (d) **Medical Clinic;**
 - (e) **Pet Care Service;**
 - (f) **Restaurant: Food Service Only – Medium;**
 - (g) **Restaurant: Licensed – Medium; and**
 - (h) **Veterinary Clinic.**

Bylaw 1P2007 District Rules

- 9 Unless otherwise specified, the rules of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 10 (1) Unless provided for in subsection (2), the maximum ***floor area ratio*** is 4.5.
- (2) The maximum ***floor area ratio***, with ***bonus provisions***, is 8.0.

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Use Area

- 11 The maximum **use area** for each **commercial multi-residential use** is 600.0 square metres.

Site 2

0.52 ha± (1.28 ac±)

Application

- 12 The provisions in sections 13 through 18 apply only to Site 2.

Permitted Uses

- 13 The **permitted uses** of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 are the **permitted uses** of this Direct Control District.

Discretionary Uses

- 14 The **discretionary uses** of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District, with the addition of:

- (a) **Artist's Studio;**
- (b) **Financial Institution;**
- (c) **Fitness Centre;**
- (d) **Medical Clinic;**
- (e) **Pet Care Service;**
- (f) **Restaurant: Food Service Only – Medium;**
- (g) **Restaurant: Licensed – Medium; and**
- (h) **Veterinary Clinic.**

Bylaw 1P2007 District Rules

- 15 Unless otherwise specified, the rules of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 16 (1) Unless provided for in subsection (2), the maximum **floor area ratio** is 3.0.
- (2) The maximum **floor area ratio**, with **bonus provisions**, is 3.5.

Building Height

- 17 (1) Unless otherwise referenced in subsection 2, the maximum **building height** is 38.0 metres.
- (2) Where a **parcel** shares a **property line** with a **street**, the maximum **building height** is:

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- (a) 10.0 metres measured from **grade** within 4.0 metres of that shared **property line**; and
- (b) 38.0 metres measured from **grade** at a distance greater than 4.0 metres from that shared **property line**.

Use Area

- 18** The maximum **use area** for each **commercial multi-residential use** is 600.0 square metres.

Site 3

0.19 ha± (0.48 ac±)

Application

- 19** The provisions in sections 20 through 22 apply only to Site 3.

Permitted Uses

- 20** The **permitted uses** of the Multi-Residential Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 21** The **discretionary uses** of the Multi-Residential Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 22** Unless otherwise specified, the rules of the Multi-Residential Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

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SCHEDULE C -Bonus Provisions

1.0 Introduction

Approval of this Direct Control Bylaw will realize the potential for redevelopment of the subject parcel.

2.0 Bonus System

2.1 Rationale:

A bonus system may be used by the developer, and has been designed to balance the higher density development with the provision of appropriate public benefits and amenities based on the following principles:

- (a) Density Bonuses should only be established for items or features that provide a perpetual or enduring benefit to the community in which the density is being accommodated.
- (b) Density Bonuses should not be granted for elements of building or site design that can be achieved or required through other means.
- (c) The amount of floor area granted through a bonus should be based on the additional monetary value added to the land as a result of the bonus and the cost to the developer of providing the bonus item.

2.2 Approach:

Development sites can be developed up to the maximum density without providing any bonus items. In order to develop above the maximum density and up to the bonus density, developments may provide one or more bonus items in exchange for a defined amount of additional density.

Any combination of bonus items can be used to earn additional density, subject to the discretion of the Approving Authority and the local context of the lands contained within this Direct Control Bylaw.

3.0 Eligible Bonus for Provision of Recreational or Cultural Space

3.1 Description:

Recreational or Cultural Space is defined as floor area made available within the proposed development, in a City of Calgary not for-profit community purposes including but not limited to: offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities and other social activities.

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3.2 Rationale:

With an increasing population, new facilities and new ways of delivering such facilities need to be provided in order to create the necessary social infrastructure to foster the development of a strong community. Having such community uses within private projects can also be an advantage to the developer if the project is paired with a complementary use or group that fits the overall project objectives, for example, providing space for seniors programming in an adult oriented building.

3.3 Eligibility:

Projects must provide physical space of a location, size and configuration that is acceptable to the City and the proposed user group when the proposed user group is not directly affiliated with The City of Calgary. The space must be secured by The City in perpetuity through ownership or other acceptable means. The City will then contract the space to specific user groups. Developers are encouraged to develop their own relationships with possible users or consult with the City of Calgary on potential users for Recreational or Cultural Space within their project.

3.4 Bonus Rate:

The allowable bonus floor area will be based on the construction cost of the raw floor space and, where provided, any improvements to the space required by the proposed user. It does not include operating costs. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

$\$500,000 / (\$215 \times 75\%) = 3,100\text{m}^2$

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

4.0 Eligible Bonus for Provision of Publicly Accessible Private Open Space

4.1 Description:

Publicly accessible private open space is defined as a portion of a private development site that is made available to the public through a legal agreement acceptable to the City that is in a location, form and configuration and is constructed in a way that is acceptable to The City.

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4.2 Rationale:

Actual acquisition of park and open space by the City should not be relied on to build the entire open space network over time. Opportunities often exist to utilize private lands for public purposes that can benefit both the private development and the public. Such arrangements can help mitigate density impacts on both an individual site or the cumulative impact of density in a broader area.

4.3 Eligibility:

Any development that can provide a publicly accessible private space that is in a location, form and configuration that is acceptable to the City is eligible for this bonus.

4.4 Bonus Rate:

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates shall be prepared by a Registered Landscape Architect or Professional Quantity Surveyor.

For example, if the cost to the developer to construct the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215 then the amount of the bonus floor area will be calculated as follows:

$$\text{Total construction cost} / (\text{average land value} \times 75\%) = \text{Allowable Bonus Floor}$$

$$\text{Area } \$500,000 / (\$215 \times 75\%) = 3,100\text{m}^2$$

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

5.0 Eligible Bonus for Provision of Affordable Housing Units

5.1 Description:

Affordable housing units, as per Council's approved definition, are owned and operated by the City of Calgary or any bona fide non-market housing provider recognized by the City of Calgary, provided within the proposed development.

5.2 Rationale:

As allowable densities increase, so does the likelihood that smaller, affordable rental apartment buildings will be redeveloped to higher density uses. Providing for some affordable housing units within new developments will help increase the supply of existing affordable housing in the city.

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5.3 Eligibility:

Any new development that can provide affordable housing units for a minimum of twenty years, within a proposed development in a number, operating plan, location and of a design acceptable to the City or other bona fide non-market housing provider recognized by the City, is eligible for this bonus.

5.4 Bonus Rate:

The allowable bonus floor area will be based on the total construction of the units to a standard acceptable to the City. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the units and associated parking stalls is \$500,000 and the of average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

$\$500,000 / (\$ 215 \times 75\%) = 3,100\text{m}^2$

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus. Further, the provided affordable housing units and associated parking stalls shall not be included in the calculation of gross floor area.

6.0 Eligible Bonus for Contribution to a Community Enhancement Fund (CEF)

6.1 Description:

A developer may obtain bonus density by contributing funds at the bonus rate set forth in Sections 6.4. Any such funds paid by the developer will fund a CEF, which may used within the vicinity of Brentwood LRT Station area to fund endeavours including but not limited to: park acquisition, 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.

6.2 Rationale:

As development intensity increases, there is an increased demand for public parks and open spaces, sidewalks, lanes and roads. In order to provide future residents with a quality public environment, new park space should be provided.

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6.3 Eligibility:

Any development proposing to build above the maximum density allowed for the subject site is eligible to make a contribution to the CEF. The contribution may be one component of a larger package of bonus items.

6.4 Bonus Rate:

The amount of the contribution will be calculated at the time of the development permit approval based on the average market land value per square metre of buildable floor area as established by The City.

For example, if the average market land value per square metre of buildable floor area for the area is \$215, and the developer is proposing to build 1,000m² of floor area, then the amount of the contribution will be calculated as follows:

Average market land value x Proposed amount of bonused floor area = Contribution

\$215 x 1,000m² = \$215,000

Note: This contribution amount represents what a developer would, on average, have to pay for the additional land.

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APPENDIX III

COMMUNITY ASSOCIATION COMMENTS

Dear Mr. Jones:

The Brentwood Community Association has received and reviewed File LOC2015-0091, which pertains to a change in land use at #100 3820 Brentwood Rd. N.W. (University City/Brentwood Mall).

The community association has no objections to the proposed changes in land use. Both the community association and the property owners would like to see businesses occupy the commercial levels of University City.

In our discussions with Northland Village Mall Holdings regarding the redevelopment of that mall we have come to understand why retailers do not find the physical space in University City attractive for commercial, particularly retail sales and restaurants attractive for development. The changes in land use should provide the property owner with sufficient flexibility to find tenants for the space.

The community association wishes to provide two specific comments regarding this change and its impact on the Brentwood Station Area redevelopment plan:

1. Commercial spaces associated with multiple use high-rise buildings should be re-evaluated and the redevelopment plan should be modified to ensure that a suitable mix of services, as envisaged in the redevelopment plan, find the available spaces attractive to occupy so that the goals of transit oriented redevelopment can be achieved. The lack of local services, as originally envisaged in the plan will simply send residents offsite, to the detriment of the objects of transit oriented development.
2. University City plans have been approved and constructed with a deficit of parking spaces provided both onsite and in the underground garages. The change in use proposed also impacts parking and traffic pattern, in particular some of the revised land use, such as medical clinics, will increase the needs for parking and the number of trips in the University City redevelopment. This was specifically the type of concern that Community Association raised when it commented on the initial development applications, but which both civic administration and politicians ignored. We recommend that the resulting impacts of these changes in land use be carefully studied and that the results of those studies, particularly as they impact parking and mobility aspects of the Station Area Redevelopment plan as additional stages are submitted and proposed. The BCA recommends that steps be taken to ensure the existing deficits in parking are addressed in the next construction phases and that no additional deficits in parking requirements be permitted in future redevelopment proposals.

S. Jones

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Having expressed these concerns we do hope that these proposed changes in land use will remedy the commercial space vacancy issues, but that incorporate the experiences of these “issues” with the station area redevelopment plan into better planning and construction of future phases of the Brentwood Station Area redevelopment plan.

Sincerely,
Kirk Osadetz
VP, Brentwood Community Association.