

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
NORTH OF NORTHMOUNT DRIVE NW AND WEST OF BRISEBOIS
DRIVE NW
BYLAW 92D2015

MAP 31C

EXECUTIVE SUMMARY

This land use application is seeking to redesignate the subject site, located at the north west corner of Northmount Drive NW and Brisebois Drive NW, from Commercial – Neighbourhood 2 (C-N2) District to Commercial – Corridor 1 (C-COR1) District to allow for a mixed-use development with a floor area ratio (FAR) of 2.0 and building height of 15 metres.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 April 23

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 92D2015; and

1. **ADOPT** the proposed redesignation of 0.11 hectares ± (0.27 acres ±) located at 1344 Northmount Drive NW (Plan 367JK, Block 2, Lots 3 and 4) from Commercial – Neighbourhood 2 (C-N2) District **to** Commercial – Corridor 1 f2.0h15 (C-COR1f2.0h15) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 92D2015.

REASON(S) FOR RECOMMENDATION:

The proposed land use contextually responds to the adjacent development on the south side of Northmount Drive NW, with a three storey mixed-use building. The additional proposed building height is not considered excessive and any impact on the adjacent properties can be mitigated through the development permit process. The proposed increase in FAR provides for the ability to develop a mixed-use building supported by the Municipal Development Plan at this location.

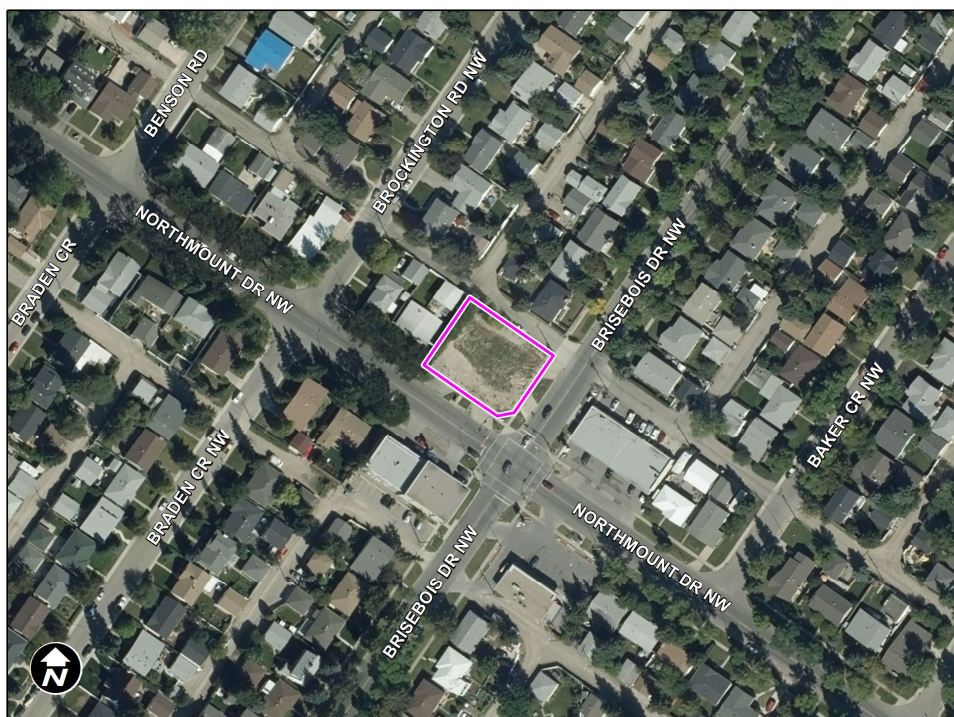
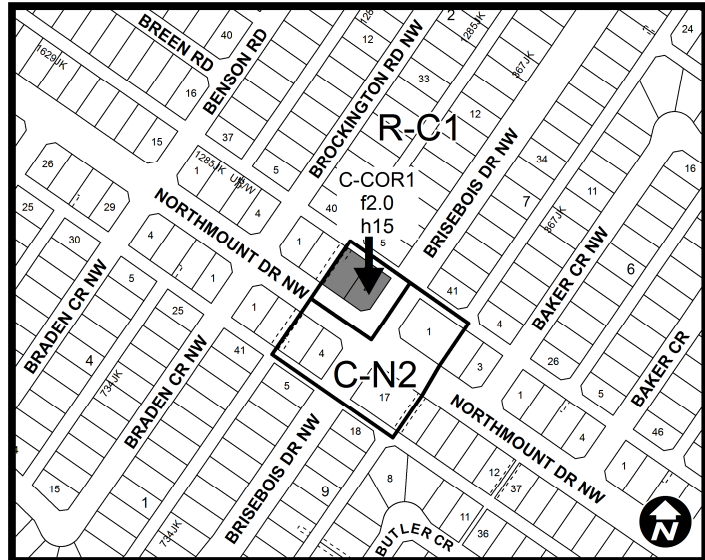
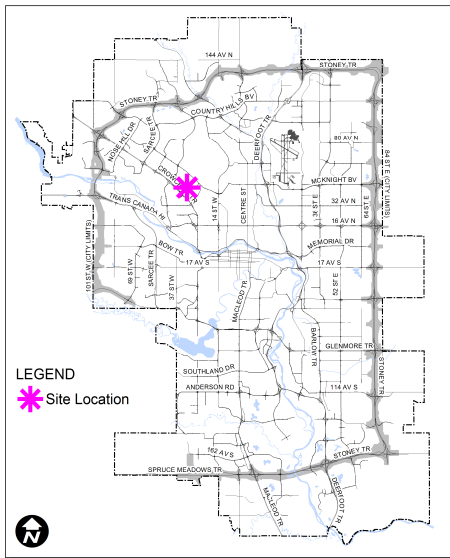
ATTACHMENT

1. Proposed Bylaw 92D2015
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 0.11 hectares \pm (0.27 acres \pm) located at 1344 Northmount Drive NW (Plan 367JK, Block 2, Lots 3 and 4) from Commercial – Neighbourhood 2 (C-N2) District **to** Commercial – Corridor 1 f2.0h15 (C-COR1f2.0h15) District.

Moved by: C. Friesen

Carried: 8 – 1

Opposed: J. Gondek

Reasons for Approval from Mr. Logan:

- The proposed land use will provide for a modest density and height increase that supports sensitive street orientated intensification in a location that is ideally oriented and supported with public services such as transit, school and commercial uses within walking distance.

Reasons for Opposition from Ms. Gondek:

- This was a difficult decision because I do respect the perspective of the Community Association. However, I also believe that this is a different vision for built form that will not result in the same vacant commercial spaces that concern the community. Further, the removal of at grade parking results in a building that makes better use of the lot and adds to the aesthetic quality of the neighbourhood. Without the ability to abstain or take a longer period of time to consider this, my vote reflects indecision more than opposition.

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Applicant:

NORR Architect Planners

Landowner:

Lupi Custom Developments Inc

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	Yes	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	5
Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns.</i>	No	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 and storm) concern</i>	No	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Does this site have the appropriate growth management direction.</i>	Yes	6
Public Engagement <i>Were major comments received from the circulation</i>	Yes	6

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located at the located at the northwest corner of Northmount Drive NW and Brisebois Drive NW within the community of Brentwood. The site is currently vacant, but was formally occupied by a gas station until 2008 and remediation of the site has been completed.

Lands to the west and north of the site are low density residential with one and two storey single detached dwellings. The lands at the other corners of the intersection of Northmount Drive NW and Brisebois Drive NW are occupied with commercial development. The two sites east of Brisebois Drive include ones storey commercial development while the site to the south includes a three storey mixed use development.

LAND USE DISTRICTS

The C-COR1 District is a commercial, mixed-use district, which allows for commercial development opportunities on the lower floors, with residential development above. The district provides rules ensuring continuous, at-grade retail frontages, and characteristic of pedestrian oriented streets. The proposed land use district allows for the additional density and building height, while removing the auto oriented uses and rules in the existing C-N2 district.

LEGISLATION & POLICY

Municipal Development Plan (MDP)

The Municipal Development Plan identifies this site as part of the Established Area typology. However, given the commercial land use located on each corner of the intersection this area would be considered as a Neighbourhood Activity Centre (NAC). Smaller commercial sites located throughout established areas have the potential to provide a diverse mix of uses that fit with the scale and character of the surrounding neighbourhood. Because many residential communities where NACs exist do not have potential for significant intensification, smaller commercial sites provide a good opportunity for moderate mixed-use intensification and new housing forms not available within the community.

There is no Area Redevelopment Plan governing the subject site.

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TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) was not required. A TIA may be required at the development permit stage subject to size and intensity of proposed uses.

The site is currently well served by transit with bus stops located within 50 metres and the Brentwood LRT Station approximately 680 metres from the site. At time of redevelopment, the existing driveway crossings will be closed and access to the site will come from the rear lane.

UTILITIES & SERVICING

There are no utility or servicing concerns deemed applicable to the proposed Land Use Amendment scope.

Water, sanitary and storm public mains exist within the adjacent public rights-of-way for future development site servicing purposes.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

ENVIRONMENTAL SUSTAINABILITY

An analysis of site specific measures that would contribute toward an environmentally friendly development will be conducted at the development permit stage.

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 (BCA) was circulated as part of this application. A letter was submitted by the BCA indicating that they do not support the application as proposed. The letter is included in APPENDIX I. The issues raised by the BCA can be summarized as follows:

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- The application does not identify any community benefits or advantages associated with the proposed land use;
- The proposed land use does not fit with the single family nature of the area;
- Approval of the land use change would establish a precedent for other properties of a similar nature;
- There is no need to increase the density in Brentwood as the potential development near the Brentwood LRT Station already doubles the population density;
- The adjacent neighbours are against the land use change;
- The local small business owners are concerned about potential increased rents and/or loss of their business due to the proposed development or potential similar redevelopments;
- The proposed building height does not fit with the surrounding context; and
- There is a need for the impacts of the Brentwood Station Area Plan to be analyzed before any additional density is approved.

Citizen Comments

A number of citizen comments were received in response to the proposal. These either sought additional information regarding the proposal and/or identified concerns associated with the proposal. These concerns included:

- Increased traffic associated with development of the site;
- The subject site being an inappropriate location for intensification;
- The community already accommodating for significant intensification at the Brentwood LRT Station;
- Potential expansion of commercial land uses beyond already designated sites; and
- Impacts from redevelopment of the site on the adjacent properties to the north.

Public Meetings

A Public Open House was held by the applicant on 2014 November 06 at the Triwood Community Centre. The Open House was attended by approximately 75-100 people throughout the evening. At the event presentation boards were available for the public to review and the applicant's representatives as well as Administration were available to answer questions. Comment Forms were available and approximately 43 written comments were received with the three main concerns relating to traffic, parking and how the built form fits into the context of the existing community.

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APPENDIX I

APPLICANT'S SUBMISSION

The subject property is located in the community of Brentwood and comprises approximately 0.11 hectares (0.28 acres) at the corner of Northmount Drive and Brisebois Drive NW. The site is currently vacant; however, a gas station existed on the site until 2008 and remediation of the area has been completed. The land is designated Commercial – Neighbourhood 2 (C-N2) District which is characterized by small-scale commercial developments and allows for a range of small to medium scale commercial uses.

The owner intends to develop a 4 storey mixed-use building on the site that includes retail, office and residential uses. Given the development vision for the site, a land use redesignation is required to provide for additional floor area and building height, and to allow for use areas larger than 300 m². This application therefore seeks to redesignate the site to Commercial – Corridor 1 District (C-COR1f2.0h15) to accommodate the envisioned redevelopment and to allow greater flexibility in the size of uses in the building.

The site is located within an established commercial node that includes a 3 storey commercial/residential building across the street as well as a convenience store and strip-mall on the other corners of the intersection. A mixed-use building is appropriate in this location given the existing neighbourhood context and its proximity to transit. Several bus routes are adjacent to the site and the Brentwood LRT Station is within easy walking distance (approximately 680 metres) of the site. The proposed land use amendment will facilitate redevelopment of an underutilized site that has been vacant for a number of years. It will enhance the existing commercial node by providing more housing options in the area and improve the pedestrian realm by adding more active uses at grade within a built form that addresses the street and surrounding residential context. For these reasons, we respectfully request Calgary Planning Commission and Council's support of our application.

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APPENDIX II

COMMUNITY ASSOCIATION COMMENTS

Mr. Stuart Gripton,
File Manager, Landuse Planning and Policy (LUPP) #8117
City of Calgary,
[\(403\) 268-1097](tel:4032681097)

Dear Mr. Gripton:

RE: Application for Land Use Amendment: LOC2013-0102; 1344 and 1348 Northmount Drive Northwest

Below is the Brentwood Community Association response to File LOC2013-0102: 1344 Northmount Dr. N.W. (Amended). Ms. Farrell and her office are copied as a matter of course and practice. The copy to the Mayor is provided in response to my undertaking to certain affected residents who expressed strong opinions regarding the application, and who are BCC'ed.

Application for Land Use Amendment
Existing Use: Commercial Neighborhood 2 (C-N2) District, similar to current commercial properties along Northmount Drive from 19th Street westward.
Proposed Use: Commercial Corridor 1 f2.0h15 (C-COR1f2.0h15), potentially a 15m or a five storey building.

Summary:

1. The applicant has applied to change the land use designation of the property at 1344 and 1348 Northmount Drive, situated at the northwest corner of the Northmount Drive and Brisebois Drive intersection, from C-N2 to C-COR1f2.0h15.
2. The applicant provides one specific indication of community benefit that would result from the proposed land use change. In the applicant's own words, the "intended retail/commercial uses at grade would represent an opportunity to enhance the existing commercial node and encourage street activity". This community benefit can be achieved with a one storey building, as is permitted by the current C-N2 designation.
3. The current implementation of the Brentwood Station Area Redevelopment plan makes additional densification both currently unnecessary, and premature, until the impacts of the University City buildings, which are the first phase of the Station Area redevelopment, can be studied and analyzed.
4. The majority of affected residents, specifically owner occupied homes, are strongly against the proposed change.
5. In Brentwood, Brisebois Drive and Northmount Drive are predominantly tree-lined single family residential streets and not commercial corridors. In fact, all of Brisebois Drive and Northmount Drive, west of 19th Street, have the same character. The Brentwood Community Association (BCA) is most strongly opposed to the proposed land use amendment and the BCA insists that no change of C-N2 properties within the Brentwood Community be made without appropriate studies, public consultation and process. BCA suggests that the adjacent Triwood Community Association should be included in such discussions as they pertain to Northmount Boulevard west of 19th Street.

History of this Application for Land Use Amendment:

The Brentwood Community received notification of a proposal to change the the existing land use for the property at 1334 and 1348 Northmount Drive, which is situated at the northwest corner of the intersection of Northmount Drive and Brisebois Drive from Commercial Neighborhood 2 (C-N2) District to Commercial – Corridor 1f2.0h15 (C-COR1f2.0h15). Both properties are indicated on the map circulated with the initial application. The applicant initially submitted that they proposed to construct a two-storey commercial building, and justified their application for change of land use based on the Floor Area Ratio and 300 square metre maximum on certain uses, that are part of the current land use designation. The original submission indicates no community benefit associated with proposed change in the land use. The original application indicated no reason why the application sought a 15 m maximum height for the property as is implied by C-COR1f2.0h15 land use when the current C-N2 designation permits three stories. The application was subsequently amended by the applicant. The material changes of the amended application being that the applicant proposed a "4-storey mixed-use building" and the inclusion of a single community benefit, specifically that "the intended retail/commercial uses at grade would represent an opportunity to enhance the existing commercial node and encourage street activity."

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Scope of the request and structure of the response:

The Brentwood Community Association can only comment on the land use amendment application, as this is not a development application and the applicants own actions indicate that proposed developments may seek to maximize the provisions of permitted land use. The Brentwood Community Association was concerned that the application requests comment, but it did not include – perhaps because this is not a development proposal – the Community Context Questionnaire that is commonly circulated. The Brentwood Community Association believes that some of the questions in the Community Context Questionnaire are useful to consider when responding to the request to comment on this applied for change in land use.

In the response below we propose to provide:

- A Local Context which the City Planning Commission and City Council will consider when addressing this application.
- Provide land use information related to supporting or objecting to the proposal.
- Identify important issues that the community association thinks should be addressed.
- Provide Community perspective as regards the implementation of local planning policy such as local Community Plans, Area Redevelopment Plans and Area Structured Plans, and in addition,
- To reflect the comments and sentiments of property owners, residents and small business owners in the community.

Local Context:

The property occurs on the northwest corner of Brisebois and Northmount drives in the community of Brentwood. There are commercial C-N2 properties on all four corners, those on the eastern side both being a single storey, and the one on the southwest corner being a mixed use commercial-residential building three storeys in height. The parcel at 1344 and 1348 Northmount Drive is a vacant lot that was occupied by a gas station. All the residential properties adjacent the four commercial properties at this intersection are single storey, single family dwellings. Not all are owner occupied.

The area is tranquil, tree-lined and residential. Both Northmount Drive, west of 19th Street, and Brisebois Drive, up to Crowchild Trail are predominantly single storey or split level single family residences on tree-lined streets, except for the commercial properties at major intersections (19th St., Charleswood Drive, Brisebois Drive).

There is considerable pedestrian and bicycle use of the intersection, although no designated bikeway. Many Brentwood residents use this intersection. They work or are students at the University of Calgary or in the University Research Park, or they are downtown worker/transit commuters who walk from their homes to the Brentwood LRT station. We know of several people who walk home and back to work during their lunch hour from the Research Park. In addition, the northern sidewalk of Northmount Drive is used by student groups from schools (St. Luke's, Brentwood Elementary, and Senator Patrick Burns) who have activities at either the public library, the public swimming pool/fitness centre or the Brentwood Sportsplex arena. commonly during school hours.

Neither Northmount Drive nor Brisebois Drive are commercial corridors.

Existing businesses are patronized by local residents, many as pedestrians. Many have been operated for more than 20 years under the same owner/proprietor. All business provide parking on their properties, the paved boulevard on the northeast corner of the intersection, and there is essentially no commercial street parking related to the existing businesses, even on weekends.

We are aware that many single family homes in Brentwood have either approved or unapproved secondary suites that are commonly rented to students. There have been two by-law related issues related to such suites in the last year.

As a result the current density of the neighborhood is reasonably inferred to be slightly higher than that indicated by census data because many of the suites are not approved or registered.

Members of the Board of Directors and Executive of the Brentwood Community Association are all elected residents of Brentwood and like our politicians we represent our constituents.

Land use information related to the proposal:

Both Northmount Drive and Brisebois Drive are predominantly single family residential streets and the existing commercial complexes are predominantly adjacent, across the street or alleyway from single storey, single family homes. Most of these homes are still owner occupied and the adjacent properties pleasant yards and decks and consideration must be given to shadows, traffic, parking and other impacts that will result from any development on the site. There are four schools on Northmount Drive adjacent or between Charleswood Drive and Northland Drive. There is also a home for seniors, a library, a city pool/fitness centre, a community centre with a hockey rink and four

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tennis courts. There is considerable pedestrian traffic, including unaccompanied children walking between neighborhood homes and these institutions and amenities.

The neighborhood low-rise C-N2 commercial buildings at the corners of Brisebois and Northmount Drive are in the character of the neighborhood and the previous gas station that was on the site was about one and a half storey in height. The residents are well served by larger commercial complexes and malls on the periphery of the community, adjacent Crowchild Trail and on Northland Drive. There are commonly vacant storefronts in the commercial complexes on the periphery of the community suggesting that there is no pressing need for additional commercial space. Similar C-N2 commercial nodes exist at major intersections eastward along Northmount Drive where the characteristics of the current commercial buildings are similar to those at the intersection in question.

There is a genuine concern that a change in the land use on one CN-2 property will result in other commercial property owners along Northmount Drive seeking similar land use changes and that, by either accident or lack of plan, will transform a predominantly single family home street that traverses both Brentwood and Triwood into a commercial corridor, without proper studies, community-based consultations or due process. On the western periphery of Brentwood there is a large area of active redevelopment, and densification, related to the implementation of the Brentwood Station Area Redevelopment Plan. This development is only just beginning to be constructed and occupied. This development will result in a doubling of population density in Brentwood, from its current levels and the impacts of this increased density and associated traffic are not yet established. The Community Association has worked positively and constructively to facilitate the Brentwood Station Area Redevelopment Plan and its implementation. Unlike other communities, such as Parkdale, the Brentwood Community Association has decided, based on the experience and situation in communities like Parkdale, to increase density solely by additional housing created in association with the Brentwood Station Area Redevelopment Plan and to leave the essential character of the community unchanged outside of the limits of the Brentwood Station Area. The Brentwood Station Area coincides essentially with properties currently owned and managed by the Calgary Coop and Rio-Can Developments, also known generally as "University City". Our city councilor gave her assurances that no additional densification of other parts of the community would even be proposed until the analysis of the Station Area Redevelopment plan impact was well advanced, which it is not.

Important issues to be addressed

1. The property is currently zoned commercial and the Community has no objection considering a development proposal that conforms to the general requirements of the current land use C-N2, but which might seek specific modification of FAR requirements, an example of which we recently supported within the University City development.
2. The application, even as revised, does not identify any community benefits or advantages associated with the proposed land use change. It is entirely possible to provide the community with "intended retail/commercial uses at grade [that] would represent an opportunity to enhance the existing commercial node and encourage street activity", as stated by the applicant, simply with a one storey building, as is the common case at that intersection and which is entirely permitted by the current C-N2 designation.
3. Both affected streets are predominantly single family residential and there is no interest or demonstrated need to see either transformed into a commercial corridor. It is questionable whether the current street width is appropriate for a commercial corridor.
4. Approval of the applicant's submission would establish a precedent that might affect other C-N2 properties on Northmount Drive west of 19th Street, in both Brentwood and Triwood, effectively establishing a redevelopment policy without appropriate: studies (shadows, mobility, etc.), consultation of all affected stakeholders, or process. Because the Brentwood Community Association views the Station Area Redevelopment process as having been successful, so far, we insist that a similar process be followed considering the potential implications to both Brentwood and Triwood should Northmount Drive be transformed from a residential street into a commercial corridor. It is wrong to set development policy by accident or exception (we make no reference to hidden intention, as none is suspected). If there will be a proposal to transform Northmount Drive into a commercial corridor then we should engage in that discussion properly.
5. There is no need currently for additional increase of population density in Brentwood as the Station Area Redevelopment Plan accomplishes a doubling of community population density and none of the impacts of that policy have been either experienced by the Community or analyzed by the City.
6. We have contacted adjacent neighbors to the extent possible. Those directly affected resident who could be contacted (one adjacent property 1352 Northmount appears unoccupied), and who actively volunteered their opinions, were strongly to vehemently against the proposed change.

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7. We contacted some small business proprietors, all of whom are tenants, who provide valuable services that are patronized by community members. Concern was expressed that they might face increased rents, or lose or have interruptions of their businesses should their landlords also seek similar changes in land use and subsequent redevelopment of their properties.
8. The amended proposal could not be reviewed by the Community Association Directors, but it was discussed by the Executive, who directed this submission, as the amended application was received after our May Board Meeting, but response is required prior to our June Board Meeting. (Had the initial application not been amended we would have still rejected the proposed change in land use, but proposed other methods to accomplish the originally sought FAR easements related to a previously proposed two storey building. We had recent experience with amending FAR related to University City and were knowledgeable that you don't need permission to construct to 15m you plan only to build two storeys.)
9. The proposed height limit of 15m does not fit the surroundings and it is not appropriate for the setting of the property, in fact it is completely out of character with that part of the community. We must be of the assumption that if a use is applied for and approved it might ultimately be the basis for a future development proposal.
10. The setting, history and character of the neighborhood are consistent with the current land use C-N2, adjacent area and other commercial properties at other intersections on Northmount Drive west of 19th Street.
11. The community has no reasonable expectation, given previous political undertakings; interest; or motivation to see proposals for additional densification of the Brentwood Community until the impacts of the Brentwood Station Area redevelopment plan can be assessed or analyzed.
12. The Community, has been invited, but we declined to discuss the development proposal with the landowner or his architect, as we are being asked to comment on a proposed change in land use and not a development plan. We see the two as distinctive processes and intentions that may be driven by profit should not guide principles of land use designation, otherwise we would subdivide our National Parks.

Community perspective as regards the implementation of local planning policy:

Brentwood will be strongly impacted by the Brentwood Station Area Redevelopment Plan. The first residents of the first buildings in a complex that will double community population density are only just moving in and the second phase of construction is below ground. It is premature, and contrary to the political undertaking given previously, that any additional densification of the community should be proposed or occur prior to assessing and analyzing the impacts and effects of even the first few buildings within the Station Area Redevelopment Plan. We would all be prudent to wait until those impacts are understood. It would also be consistent with our desire to understand cumulative impacts.

Different communities have addressed densification differently. In Brentwood we have seen the impact on streetscape, parking and atmosphere that attends the "Parkdale" model of densification. We are of the opinion that the plan for Brentwood, of focusing densification near the LRT station and leaving the majority of the community unchanged in character is both prudent and potentially more desirable, with ancillary benefits such as reduced automobile use. Permit the first experiment to be observed prior to embarking on a second one.

If it is, or will be, policy to transform Northmount Drive into a commercial corridor then this should be properly studied, discussed and it should follow a successful process like the one which resulted in the Brentwood Station Area Plan. Let us not set civic policy or determine future land use by exception or accident.

Local Perspective:

The vast majority of Community residents who have commented on this proposal see no merit in the proposed change. Only one community resident, who will soon be moving to another community, has expressed support for this proposed change in land use, although they will not experience its potential effects. This proposal attracted active responses and potentially affected residents sometimes contacted the Community Association before we could contact them, which is rare. Some opinions were very strongly against, as might be expected, depending on geographic relationship to the property in question. Still, the proposal is viewed as: premature relative to assessing the impacts of University City developments, unnneeded for either density or commercial reasons, and completely out of character with the surroundings both locally and through the predominantly residential portions of the neighborhood.

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Conclusion:

1. Do not permit the change in land use from C-N2 to C-COR1f2.0h15.
2. The identified community benefits of "intended retail/commercial uses at grade [that] would represent an opportunity to enhance the existing commercial node and encourage street activity" can be met within the current C-N2 designation.
3. To set a precedent for this property might affect other properties, resulting in an undesirable method of setting civic development policy by accident or exception.
4. Provide a clear statement of development policy whether Northmount Drive and Brisebois Drive are residential streets, as they are now, or if there will be plans to transform them into commercial corridors.
5. Brentwood Community Association is willing to work with the developer within the current land use designation to accommodate concerns about FAR, etc.
6. Do not attempt or encourage further densification of Brentwood Community until at least the initial impacts of the Brentwood Station Area Redevelopment Plan can be assessed and analyzed.

Respectfully,

Kirk Osadetz

Vice-President and Director of Civic Affairs,
Brentwood Community Association