

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
SOUTHEAST OF BRISEBOIS DRIVE NW AND
NORTHMOUNT DRIVE NW
BYLAW 19D2015

MAP 31C

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel in the community of Brentwood from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite. This application results from a complaint and there was an illegal secondary suite on the parcel. Presently, the kitchen facilities for this suite have been removed.

PREVIOUS COUNCIL DIRECTION

On 2013 September 16, Council directed Administration to remove fees associated with land use amendment and development permit applications for secondary suites to encourage the development of legal and safe secondary suites throughout the city.

ADMINISTRATION RECOMMENDATION

2014 December 18

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 19D2015; and

1. **ADOPT** the proposed redesignation of 0.05 hectares \pm (0.13 acres \pm) located at 43 Butler Crescent NW (Plan 6JK, Block 10, Lot 22) 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 19D2015.

REASON FOR RECOMMENDATION:

The proposed R-C1s district, which allows for two forms of secondary suite uses (Secondary Suite, and Backyard Suite) is compatible and complementary residential uses with the established character of the community. In addition, this proposal conforms to the relevant policies of the Municipal Development Plan and allows for a development that has the ability to meet the intent of Land Use Bylaw 1P2007. Specifically, the parcel has lane access, can accommodate the required parking, and is located close to public transit.

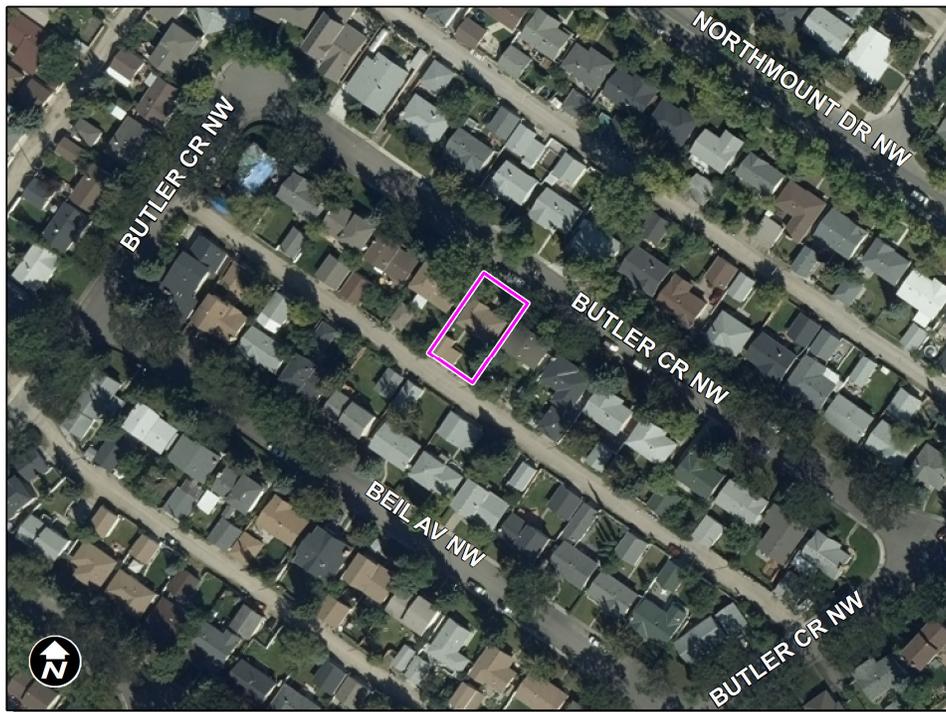
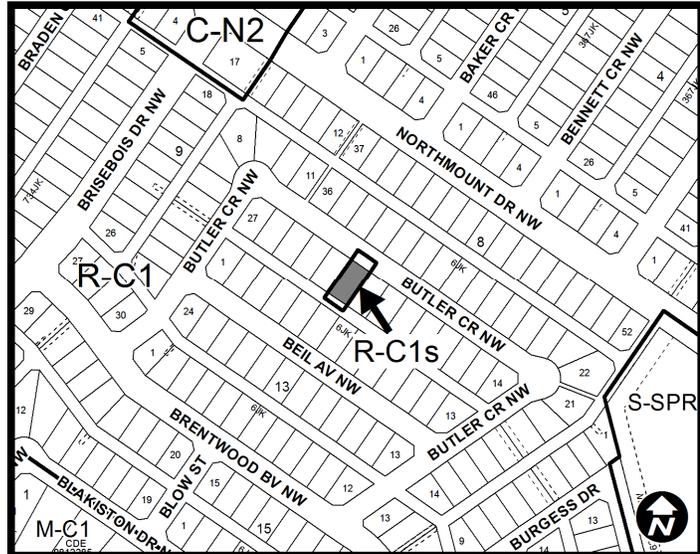
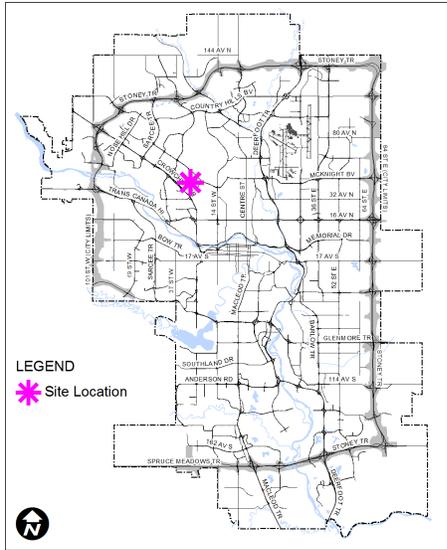
ATTACHMENT

1. Proposed Bylaw 19D2015

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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 0.05 hectares \pm (0.13 acres \pm) located at 43 Butler Crescent NW (Plan 6JK, Block 10, Lot 22) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: G. Morrow

Carried: 9 – 0

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Applicant:

Seven Designs

Landowner:

Heya Fang
 Huixin Chen

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>	No	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>	N/A	6
Public Engagement <i>Were major comments received from the circulation</i>	No	6

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located mid-block on Butler Crescent NW in a low density residential R-C1 setting in the community of Brentwood. The site is developed with a single detached dwelling with a one car garage and covered parking pad both of which are accessed from the lane. The applicant's intent is to develop a secondary suite in the basement of the existing single detached building.

The subject site is located approximately 540 metres from the Brentwood LRT Station.

LAND USE DISTRICTS

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 R-C1s district allows for one additional secondary suite that may take one of the following two forms:

- Secondary Suite as a permitted use; or
- Backyard Suite as a discretionary use.

The proposed R-C1s district is appropriate and complimentary to the established land use pattern of the area and allows for a more efficient use of the land. In addition, the development of a secondary suite on this site can meet the intent of Land Use Bylaw 1P2007.

Site Specific Considerations

The subject parcel has a parcel width of 16.7 metres and a depth of 30.6 metres and therefore meets the minimum lot requirements of the R-C1s district. The parcel has the capacity to accommodate:

- A single detached house with a secondary suite;
- A minimum total of two on-site motor vehicle parking stalls with access from the lane (one stall for the single detached dwelling unit and one stall for the secondary suite).

LEGISLATION & POLICY

Municipal Development Plan (Statutory / Approved by Council – 2009)

The parcel is located within the *Residential Development – Established Area* as identified on Map 1: Urban Structure of the Municipal Development Plan (MDP). Although the MDP does not make specific reference to this site, the proposal is in keeping with a number of overarching MDP policy areas including: *Developed Residential Areas, Neighbourhood Infill & Redevelopment* and *Housing Diversity & Choice* policies.

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While the subject site is located in close proximity to the Brentwood LRT Station, it is not part of the Brentwood Station Area Redevelopment Plan area.

TRANSPORTATION NETWORKS

Pedestrian access is available from Butler Crescent NW, with vehicle access to existing on-site parking from the lane. The parcel is well served by Calgary Transit with bus stops for several routes located approximately 200 metres to the west on Brisebois Drive NW. In addition, the Brentwood LRT Station is located approximately 540 metres to the south.

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 aspect would be determined at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

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 is in support of this proposal (see attached letter in APPENDIX II).

Citizen Comments

Three letters of objection were received by Administration. The following concerns were expressed in response to the proposal:

- Limited existing on-street parking in the area, allowing for secondary suite(s) will exacerbate this situation;

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- A secondary suite would result in additional vehicular traffic in the area;
- High density development is currently underway at Brentwood Station and is causing a perceived increase in traffic in the area; and
- Rental properties in the area are poorly maintained. Residents of secondary suites may lack care and consideration for the homes and neighbourhood;

Public Meetings

No meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

Please accept for your review our application for a land use amendment to 43 Butler Cr NW. This application is for the sole purpose of increasing the current density of the parcel to allow for a *Secondary Suite - Basement*. With the current incentives offered by the City of Calgary to increase density, we believe that this is an ideal parcel for such a development. Detailed below are solutions to issues that we believe will be of concern to both the Calgary Planning Commission (CPC) and City Council during their detailed review of this application.

Relaxations

From our initial assessment of the parcel we are confident that the proposed amendment will not require any relaxations to the LUB with regards to the requirements of the R-C1s designation. Furthermore the parcel will meet and exceed all requirements for the proposed secondary suite as well.

Impact on built form/massing

If approved, a development permit application will be submitted for a *Secondary Suite: No Changes additions to exterior of building*. The Current residence that this suite will reside is suitable to accommodate all requirements set out in both the *Calgary Land Use By-Law* (LUB) and the *Alberta Building Code* (ABC).

Parking

The parking requirements set out in the LUB: Part 4, Division 1, Section 295(c) will easily be met as the parcel in question has lane access to the rear property line, an existing detached garage for the Main floor tenant as well as a covered addition to the garage for the basement tennant.

Access to Transit

Bus:

The subject parcel is located to a variety of transit options including:

- 300m (4 min walk) to **NB Brisebois Dr @ Brentwood BV NW** serviced by #08:North Pointe, #10:Home Road, #137:Northwest Loop, and #143:Northwest Route.
- 500m (6 min walk) to **SB Brisebois Dr @ Barr Rd NW** serviced by #10:South Centre, #37: Northwest Route and #43: Northwest Route.

Other options available are with-in a 10 minute walking radius from the house with service to North, South, East and West bound destinations.

Train:

C-Train service from the Brentwood LRT station is only 1.2km (2 minute drive) and a manageable 1.1km (14 min walk) from the proposed suite.

Drive:

The proposed suite is situated minutes from Crowchild Trail NW, access to North Calgary and South Calgary destinations are easily accessible from this location.

Public Consultation

This parcel falls under the Brentwood Community Association and I have been in touch with Mr. Kirk Osadetz, the planning representative for the association. I have explained what our goals for this property entail and he has advised me to continue with the application and submit for City review.

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APPENDIX II

BRENTWOOD COMMUNITY ASSOCIATION LETTER

Dear Sir:

The Brentwood Community Association has reviewed Land Use Amendment LOC2014-0153. The BCA is not opposed to this application. Our comment is that there are already many secondary suites in our community and that most of them do not meet required safety codes and standards. We support the concept of property owners seeking to ensure that secondary suites are safe, regardless of their status and the zoning of the property. However, we would prefer that property owners seek to have the land use of their properties aligned to actual use.

We note that this is third application of its general type we have received in the last two years. In one case a secondary suite was closed after the owner of a neighboring property complained, where it is inferred the problem was related to parking. In the second case an application similar to this one was made and the community association did not oppose that application. We understand however, that the other property owner's application resulted in the closure of that suite due to safety issues.

As it is the secondary suites in Brentwood appears to present an unfortunate and confounding situation. Due to the proximity of our community to both the University and the LRT, Brentwood is a place that has had large numbers of secondary suites for a long time. Most of these suites are in R-C1 properties and the owners should apply for R-C1s land use, and the homes should be renovated to meet building and fire safety codes. Renovations are especially required to ensure safety, as the age of homes in our community generally means that the architectural features in basement suites are commonly unsafe due to the lack of a secondary egress. However, current city policy appears to provide no incentive or persuasion for property owners to make their properties safe and properly zoned. Our councilor has herself said that she is also unwilling to motivate property owners to seek rezoning and renovation due to the current shortage of affordable housing in Calgary. Clearly some solution to linked issues of providing affordable housing and secondary suite safety must be addressed before another tragic event occurs. The Brentwood Community Association encourages the City Administration and the City Council to find a solution to this problem directly and expeditiously.

Sincerely,
Kirk Osadetz

Vice-President,
Brentwood Community Association