

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016

MAP 31C

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) District to allow for a secondary suite. A suite does not currently exist on the site and this application is not the result of a complaint.

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 Calgary.

ADMINISTRATION RECOMMENDATION(S)

2016 September 08

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 273D2016; and

1. **ADOPT** the proposed redesignation of 0.05 hectares ± (0.12 acres ±) located at 4819 Brisebois Drive NW (Plan 367JK, Block 2, Lot 21) 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 273D2016.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s land use district allows for two additional residential uses (Secondary Suite or Backyard Suite). These uses are 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. The following points further support this application:

-
- Close proximity to Brentwood LRT station, schools, services, and amenities;
- The site has lane access;
- Required parking (2 stalls) can be accommodated on site; and
- Transit is accessible directly in front of property (Routes 9, 43, and 122).

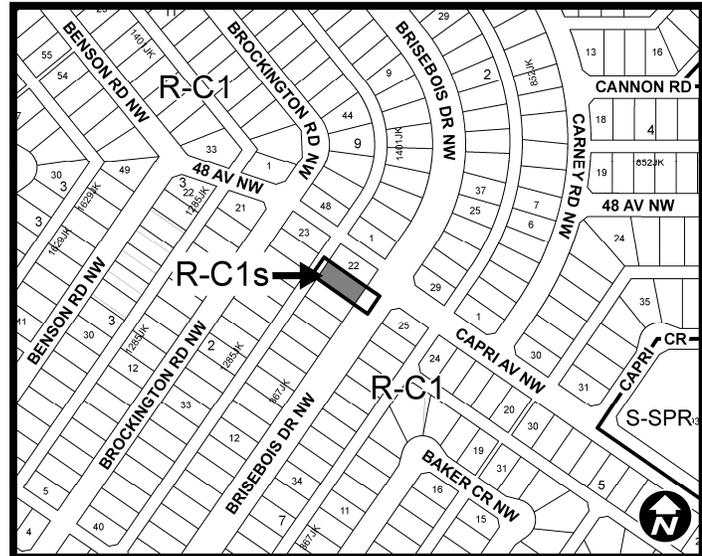
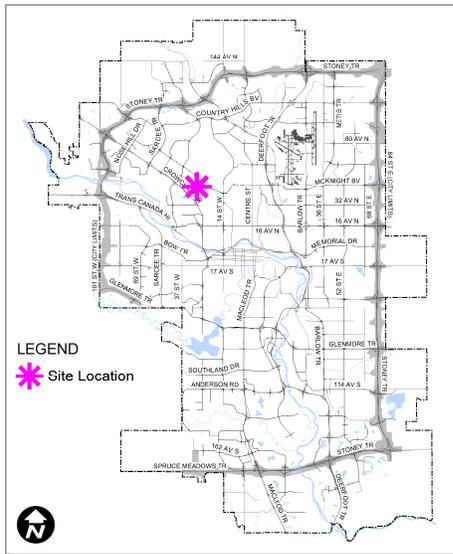
ATTACHMENT

1. Proposed Bylaw 273D2016

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016

MAP 31C

LOCATION MAPS



LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016

MAP 31C

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 4819 Brisebois Drive NW (Plan 367JK, Block 2, Lot 21) from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District.

Moved by: R. Wright

Carried: 5 – 0

Reasons for Approval from Mr. Wright:

- A total of nine applications for secondary suites were on this agenda. There were no objections from any community associations, but six applications generated 74 objections (Harvest Hills generated 60 of them). Complaints centered around impacts for on-street parking, traffic congestion, impact on infrastructure, devaluation of properties and how bad renters are. Most, if not all, of these comments appear to be based on unsubstantiated fears, and should be countered with evidence based comments.
- All nine communities have seen population declines. Harvest Hills saw 26 people less than its peak, which was the smallest decline. The other eight communities saw a collective decline of 16,298 people or an average of 2,000 people per community. It is pretty hard to see how a secondary suite would cause so much impact, when population declines of this nature are being recorded.

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016

MAP 31C

Applicant:

Shing Luke

Landowner:

Mai Yimm Luke
Onruf Luke
Wayne Shing Luke

PLANNING EVALUATION

SITE CONTEXT

The subject site is located in a low density residential R-C1 setting in the community of Brentwood. The parcel is developed with a single detached dwelling with a detached garage, accessed from the lane. Single detached dwellings exist on all adjacent parcels. The following table provides population statistics for the community of Brentwood:

Brentwood	
Peak Population Year	1969
Peak Population	9086
2016 Current Population	7,133
Difference in Population (Number)	-1,953
Difference in Population (Percent)	-21.5%

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 is approximately 15.9 metres wide by 39.5 metres deep and therefore 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. If any relaxation may be required, these may be considered at the development permit stage. No relaxations are anticipated to be required at this time.

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.

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016

MAP 31C

LEGISLATION & POLICY

Municipal Development Plan (MDP) (2009):

The subject site is located within a *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 sites, the land use proposal is in keeping of overarching MDP policies including: *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).

South Saskatchewan Regional Plan (SSRP):

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

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available from Brisebois Drive NW with vehicular access to the existing detached garage from the rear lane. The area is served by Calgary Transit with a bust stop located directly in front of the property serving Routes 9, 43, and 122.

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 a secondary suite proposed. This aspect would be determined at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

**LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016**

MAP 31C

GROWTH MANAGEMENT

This land use 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 Brentwood Community Association does not have a policy on Secondary Suites and is not opposed to this application, but provided the following comments:

- They would prefer to see illegal suites made compliant;
- Non-owner occupied suites have issues with yard maintenance, parking, and waste management;
- There is no community benefit provided by secondary suites; and
- There is currently no need for additional housing units in Brentwood.

Citizen Comments

Administration received 1 letter of objection, summarized as follows:

- The site is run down and may attract undesirable tenants;
- Renters may be a threat to the objector's children;
- Suite would only benefit the owner and drag down the rest of the community; and
- Student renters have big and crazy parties where bad things seem to happen.

Public Meetings

No public meetings were held by the Applicant or Administration.

**LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016**

MAP 31C

APPENDIX I

APPLICANT'S SUBMISSION

We are requesting approval for the land use zone redesignation at 4819 Brisebois Drive NW from RC1 to RC1s to facilitate the creation of an above-garage suite.

Our initial plans for renovations of the property included the renovation of the house and the expansion of the detached garage. However, after some research, we are now considering the building of the above-garage suite as part of these plans as a means for potential cost savings and increased living space.

We are currently anticipating extensive renovations to our house in the future. We don't know the scope of these renovations at this time but is very likely these renovations would require us to vacate the premises while the work is being completed.

Our detached garage's current capacity is two cars and we would like to expand this to hold three. Parking on the street directly in front of our house is not allowed because the entire space is designated as a bus stop. In the past, one of our vehicles was rear-ended, as a hit and run, while parked on Brisebois overnight. For these reasons, there is value in increasing the size of our garage and removing the risk to ourselves and our cars parking on Brisebois.

Because of these renovation plans, this is a perfect opportunity to build an above-garage suite as part of the garage renovations. We would complete the garage transformation first, before the house renovations, and then use the above garage suite as temporary living quarters for ourselves during the house renovations, instead of requiring us to move to a short term rental property and potentially put some or all of our household items into storage.

Once the house renovations are completed and we move back into the house, we would use the above-garage space as extra living and storage space for ourselves. We have no plans to turn the above-garage suite into a rental property.

We are aware that even though we do not plan on using the above-garage suite as a rental property, we still require the land use redesignation.

We have already informed our neighbours of these plans.

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016

MAP 31C

APPENDIX II

LETTERS SUBMITTED

From: Kirk Osadetz [REDACTED]
Sent: Saturday, July 16, 2016 10:25 PM
To: Gagnon, Shane
Cc: brntwdca@telus.net
Subject: Re: LOC2016-0137

Dear Shane:

My apologies. I thought this was responded to, but it appears not.

The Brentwood Community Association and its Directors do not have a single perspective or policy with respect to Secondary Suites. We are in agreement that they should be safe for their occupants and we encourage all such properties to conform to By-law requirements.

In the spirit of the community context questionnaire:

1. In general, we acknowledge the presence of many non-compliant secondary suites in Brentwood and we would prefer to see them made compliant.
2. We acknowledge that secondary suites can be both owner occupied and non-owner occupied. In general the community and affected neighbours have the greatest issues with non-owner occupied secondary suites with common concerns being, yard maintenance, parking (even if the property has a garage it may not be made available to the renters, or it may only be available for an extra charge) and garbage/recycling management in the alleyways (most commonly associated with both the provision of only a single bin where at least two households are present and with overflow of garbage/recycling especially associated with movings in and out. These concerns are not uncommon or trivial for adjacent neighbours and can speak from personal experience living across the alley way from a non-owner occupied suite.
3. It is the experience of the Brentwood Community Association and its residents that there is generally no community benefit provide by such suites, particularly when they are not owner occupied. Such suites do provide additional densification of our neighbourhood, which is close to the University of Calgary. We note that in response to both the economic downturn and the end of the University year that there are many for rent signs on lawns in Brentwood, some now for several months suggesting that their is no immediate need for such housing, especially since the opening of the new residences at much lower cost on the University Campus.

**LAND USE AMENDMENT
BRENTWOOD (WARD 7)
WEST OF BRISEBOIS DRIVE NW AND CAPRI AVENUE NW
BYLAW 273D2016**

MAP 31C

Still, the Community Association does not oppose these applications, as they are a permitted use and we acknowledge that it is better to have compliant and safe secondary suites than unsafe ones.

In the case of LOC2016-0137 I have spoken to the property owner and it appears that this is an owner occupied suite, that the property owner told me that he wants to prepare the suite, on top of the garage, and move into it himself while the house is renovated. There is also hearsay from neighbours that his plan is to construct the suite over the garage and then to rent both and move to another location. This hearsay is not consistent with my discussions with the property owner. Regardless, it would appear that he is within his rights to use his property in this fashion, whether or not he decides to continue residing there.

We ask that the city confirm our general concerns in such cases, as they pertain to:

1. Lot coverage, size of auxiliary buildings, as this suite is associated with a garage,
2. encroachment on adjacent properties,
3. drainage of storm waters and their detention on the property and not directed onto neighbouring properties.
4. confirmation of the provision of sufficient parking, in theory at least,,
5. shadowing and privacy due to the fact that this suite will be in an auxiliary building.
6. that the property owner intends to provide only two suites and not three on his property (this I have discussed with the owner).

In general most secondary suites in our community are located within the main residential building, but there are a few suites associated with auxiliary buildings, generally garages.

We presume that the representations that the intent is for the property to be owner occupied are truthfully represented by the current occupant.

Your attention to the compliance to all by-law and policy requirements will be appreciated.

Sincerely,
Kirk Osadetz,
VP Brentwood Community Association