

LAND USE AMENDMENT
BRENTWOOD (WARD 4)
NORTHLAND DRIVE NW AND 52 AVENUE NW
BYLAW 373D2017

Item # 8.1.4

MAP 6N

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a single residential parcel from a Residential – Contextual One Dwelling (R-C1) District to a Residential – Contextual One Dwelling (R-C1s) District to allow for either a Secondary Suite or a Backyard Suite as an additional use. The site contains an existing single detached dwelling. To Administration's knowledge there is not an existing suite located on the parcel and the application was not submitted as a 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 the city.

ADMINISTRATION RECOMMENDATION(S)

2017 October 19

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 373D2017; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.15 acres \pm) located at 3506 Beaver Road NW (Plan 3043JK, Block 4, Lot 47) 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 373D2017.

REASON(S) FOR RECOMMENDATION:

The proposed R-C1s district, which allows for one of two forms of secondary suite uses (Secondary Suite or Backyard Suite), is compatible with and complementary to the established character of the community. The proposal conforms to relevant policies of the Municipal Development Plan and will allow for development that has the ability to meet the intent of Land Use Bylaw 1P2007.

ATTACHMENT

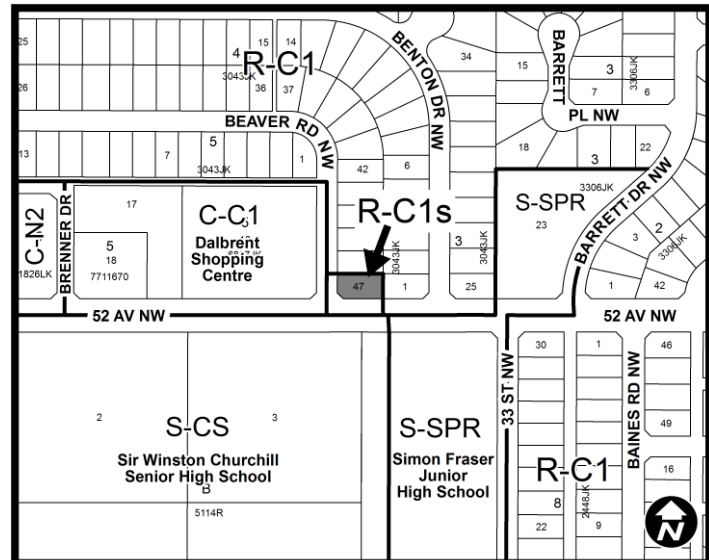
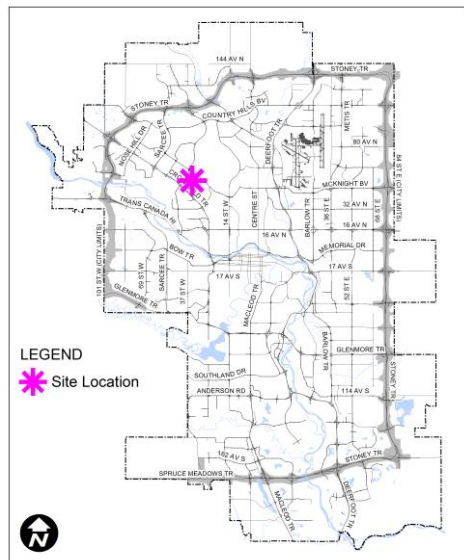
1. Proposed Bylaw 373D2017
2. Public Submissions

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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 0.06 hectares \pm (0.15 acres \pm) located at 3506 Beaver Road NW (Plan 3043JK, Block 4, Lot 47) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: A. Palmiere

Carried: 9 – 0

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Applicant:

Cathy Chen

Landowner:

Hong Deng

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Brentwood, the site is approximately 18 metres by 34 metres in size and is developed with a single storey single detached dwelling, an attached two car garage that is accessed from Beaver Road NW, and a driveway with parking for two cars. A commercial strip mall is located immediately across the street to the west, and a high school is located immediately to the south. Low density housing exists to the north and east. Northland Mall is located approximately 100 metres west of the site.

According to data from the City of Calgary 2017 Civic Census, the following table identifies Brentwood's peak population and year, current population and the population amount and percentage difference between the peak and current populations if any.

Brentwood	
Peak Population Year	1969
Peak Population	9,086
2017 Current Population	7,132
Difference in Population (Number)	-1,954
Difference in Population (Percent)	-22%

LAND USE DISTRICTS

The proposed R-C1s district allows for an additional dwelling unit (either a permitted use Secondary Suite or a discretionary use Backyard Suite) on parcels that contain a single detached dwelling.

Approval of this land use application allows for an additional dwelling unit (either a Secondary Suite or Backyard Suite) to be considered via the development permit process. A development permit is not required if a Secondary Suite conforms to all Land Use Bylaw 1P2007 rules – only a building permit would be required.

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LEGISLATION & POLICY

South Saskatchewan Regional Plan (2014)

The site is located within the “City, Town” area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan* (SSRP). The SSRP makes no specific reference to this site. The land use proposal is consistent with the SSRP policies including the Land Use Patterns policies (subsection 8.14).

Municipal Development Plan (2009)

The site is located within a “Residential Developed – Established Area” on the Urban Structure Map (Map 1) in the *Municipal Development Plan* (MDP). While the MDP makes no specific reference to this site. This land use proposal is consistent with MDP policies including the Developed Residential Areas policies (subsection 3.5.1), the Neighbourhood Infill and Redevelopment policies (subsection 2.2.5) and the Housing Diversity and Choice policies (subsection 2.3.1).

There is no local area plan.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Beaver Road NW and there is no rear lane. The area is served by Calgary Transit bus service (Route 9) with a bus stop location within approximately 50 metres walking distance of the site on 52 Avenue NW. Many other bus routes serve Northland Drive, with stops located approximately 100 metres to the west of the site. On-street parking adjacent to the site is regulated through the Calgary Parking Authority’s residential parking permit system.

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 if a Backyard Suite is proposed at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental 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 MDP references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments

Administration received a letter in opposition to the application from the Brentwood Community Association (APPENDIX II). Reasons stated for opposition include maintenance issues with the existing property, parking issues, and a desire to have certainty regarding whether the applicant intends to construct a backyard suite or a basement suite.

Citizen Comments

Administration received fourteen letters of opposition to this application and one letter of support.

Reasons stated for support are summarized as follows:

- the need for students, immigrants and newly married people to access affordable accommodation.

Reasons stated for opposition are summarized as follows:

- maintenance issues with the property;
- a desire to maintain the low density, single family character of the area;
- parking issues along the street;
- the potential for absentee landlords to rent out the suite;
- the parking of recreational vehicles on the property;
- the potential racial background of renters or owners of the property;
- the visual appeal of the property; and
- a perceived lack of need for more rental housing in the neighbourhood.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

LOC 2017-0234
App Sam

Hong Deng

3506 Beaver Road NW
Calgary T2L 1X1
(403) 837-9328

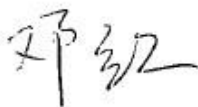
August 132, 2017

Calgary Planning Commission
And
City Council

Regarding to the land use redesignation (Secondary Suites) application for the property 3506 Beaver Road NW Calgary. Here are our reasons for our application.

- We have been renting the property out to a family for the past five years. Developing a legal basement suite in the future can make the home more functional for the tenants. Whether it is for one big family or two family.
- We would like to invest in our property and make it safe and legal for the tenants.
- We have plenty of parking on the property: double attached garage, two parking pads in front. The property is on a corner lot so there is no neighbor on the other side of the property. We never had any concern on lack of parking.
- The house is very close to University of Calgary. It is a great way to provide safe and affordable housing for university students.
- We reached out to Councillor Farrell's regarding to their opinion on secondary suite. And we are glad to know the councillor and the community do support safe and legal secondary suite.

Sincerely,



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APPENDIX II

LETTERS SUBMITTED



Brentwood Community Association

Mailing Address 5107 – 33rd St. NW, Calgary, Alberta T2L 1V3
Tel. (403) 284-3477 Fax (403) 284-3951 brntwdca@telus.net
www.brentwoodcommunity.com

Attn: Jill Sonogo, File Manager, City of Calgary
jill.sonogo@calgary.ca
Circulation Control, Planning and Development, cpag.circ@calgary.ca

Application # LOC2017-0234
Application Type: Change of Land Use from R-C1 to R-C1s

Address: 3506 Beaver Rd NW

Response from the Brentwood Community Association

The Brentwood Community Association receives many comments regarding secondary suites from area residents. Some do not feel secondary suites should be allowed at all in R-C1 neighbourhoods while others are not opposed provided certain conditions are met. All would prefer to see owner-occupied suites. The majority of complaints we hear appear to be cases where both the main home and the secondary suite are rented out so there is an absentee landlord. While we realize only the use, not the user, can be regulated, we hear from our residents that having an owner on site tends to lessen potential problems with property upkeep, garbage handling, yard maintenance and unruly tenants.

Regarding the property at 3506 Beaver Road:

The BCA has received an unprecedented amount of feedback from residents on Beaver Road opposing the proposed redesignation of this property, both through phone calls and emails. The opposition centers largely on the lack of property maintenance and apparent use of the property for commercial business uses. While we realize that the Community Standards Bylaw should address some of these issues, we would be remiss in representing our residents if we did not pass on their comments.

Comments received include:

1. With regards to the Community Standards Bylaw, residents tell us that they "don't want to tell on their neighbours", they "don't want to cause problems", and they are afraid of repercussions should they file a complaint with 311. One resident stated that they "did not want to complain, but they (the residents at 3506 Beaver Road) should just clean up their mess and look after their place". Just because there may be no record of 311 complaints does not mean there are no problems.
2. Residents have commented that "this house has been the most poorly kept house on Beaver Road".
3. There are large oil spills and stains on the driveway and sidewalk.
4. There is garbage, including vehicle parts on the driveway and in front of the home, and sometimes on the front lawn as well. (There was a boat on the front lawn previously.)
5. Because the driveway is continually blocked by garbage, equipment and other materials, the double garage is not usable for vehicles. Additional parking for a secondary suite would not currently be possible on the site.
6. The yard is not maintained and the fence is unpainted and in poor shape.
7. The home is not maintained, with a piece of plywood replacing a window on the back of the house.
8. Large trucks used by the occupants for their roofing work are frequently parked in front and beside the house, making it difficult to see around the corner when turning onto 52nd Avenue. The occupants appear to be operating a business from the home. A tent covering has often been set up on the driveway to hold materials and supplies. Two large trucks are usually parked in front of the home.

J. Sonogo

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Brentwood Community Association

Mailing Address 5107 – 33rd St. NW, Calgary, Alberta T2L 1V3

Tel. (403) 284-3477 Fax. (403) 284-3951 brntwdca@telus.net

www.brentwoodcommunity.com

The BCA is aware that these comments fall outside of the guidelines for a Land Use Application. They are included because in representing our residents, we feel their voices should be heard.

Redesignation Process

The BCA Board is concerned that the current R-C1s designation does not distinguish between a basement suite and a backyard / garage / laneway unit. We feel that the application should specify which type is being applied for and the applicant can then ONLY build that type of unit.

The BCA opposes the current application process in which applications are not specific as to the type of suite. As noted on all applications,

The proposed R-C1s district has the ability to accommodate a secondary suite or backyard suite on parcels that already contain a single detached dwelling on a single parcel. The suite may take one of the following two types:

- *Secondary suite as a permitted use (located within the main residential building and secondary to the main residential use).*
- *Backyard suite as a discretionary use (located in a detached building located behind the front facade of the main residential building and secondary to the main residential use).*

Approval of this land use application does not constitute approval of a specific secondary suite type, but rather it allows for a secondary suite to be considered via the development or building permit process. If the secondary suite is a permitted use and meets all Land Use Bylaw rules, a development permit is no longer required.

Backyard, laneway or garage suites have significant impact on adjacent properties in terms of massing, shadowing and privacy. A neighbour might not be opposed to an owner-occupied home with a secondary suite in a basement but may be greatly opposed to a new second storey over a garage overlooking his property (especially in an area where most homes are single-storey bungalows).

The current system means that either is possible and in fact, adjacent neighbours do not even know which is planned. It is almost impossible for them to submit comments.

The Planning Department should consider separate designations, for example R-C1s (basement), R-C1g (over garage) and R-C1L (laneway). Under the current system, an applicant is given leeway to build any type of suite (although some may be discretionary) and neighbours are at a significant disadvantage.

Thank you for the opportunity to comment on this application.

Melanie Swailes
on behalf of the
Development and Transportation Committee
Brentwood Community Association

APPENDIX III

IMPORTANT TERMS

While there are specific Land Use Bylaw 1P2007 definitions and development rules for Secondary Suite and Backyard Suite uses, the following information is provided to simply and enhance general understanding of these two different uses (Secondary Suite or Backyard Suite).

Important terms

Secondary suite: A self-contained dwelling unit within the main residence that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as basement suites or in-law suites.



Backyard suite: A self-contained dwelling unit in a detached building that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as garage suites, garden suites, or laneway homes.

