

**LAND USE AMENDMENT
BRENTWOOD (WARD 7)
BRENTWOOD GREEN NW AND BRISEBOIS DRIVE NW
BYLAW 333D2017**

MAP 31C

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 an existing suite located on the parcel and the application was 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 September 07

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

That Council hold a Public Hearing on Bylaw 333D2017; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.12 acres \pm) located at 4252 Brentwood Green NW (Plan 734JK, Block 9, Lot 43) 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 333D2017.

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.

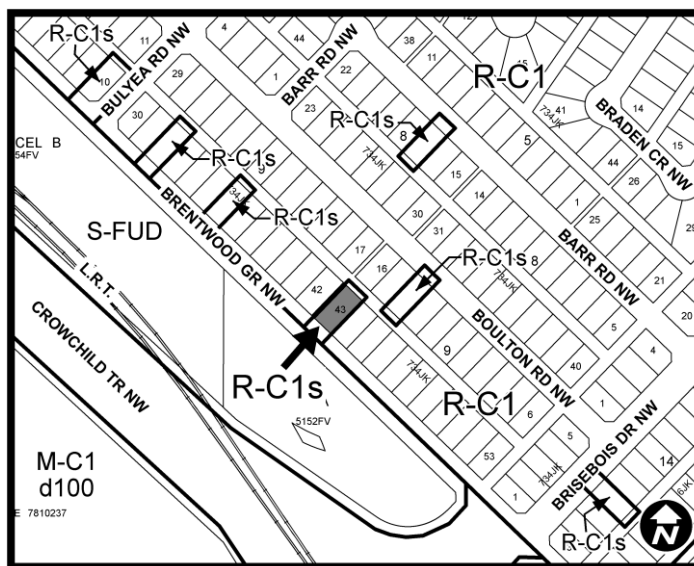
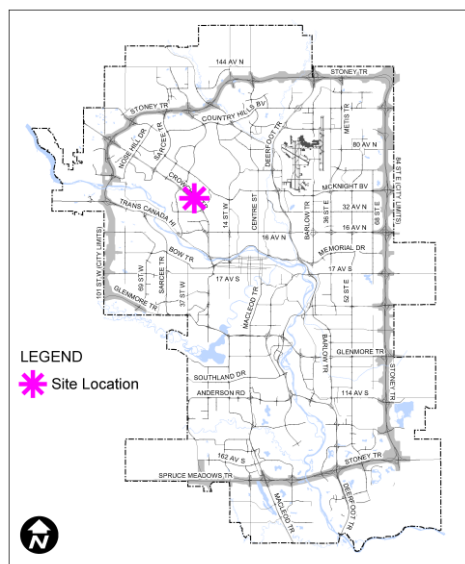
ATTACHMENT

1. Proposed Bylaw 333D2017

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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 (0.12 acres \pm) located at 4252 Brentwood Green NW (Plan 734JK, Block 9, Lot 43) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: D. Leighton

Carried: 8 – 0

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Applicant:

Brenna Joy Murray

Landowner:

Brenna Joy Murray
Michael John Murray

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Brentwood, the site is approximately 16 metres by 36 metres in size and is developed with a one-storey single detached dwelling and a two-car garage that is accessed from the rear lane. There is an existing single carport with a front driveway accessed from Brentwood Green NW. Single detached dwellings exist to the north, east, south, and west of the site.

According to data from The City of Calgary's 2016 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.

Brentwood	
Peak Population Year	1969
Peak Population	9,086
2016 Current Population	7,133
Difference in Population (Number)	-1,953
Difference in Population (Percent)	-21%

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 for this area and the site is outside of the planning area boundary of the Brentwood Station Area Redevelopment Plan.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Brentwood Green NW and the rear lane. The area is served by Calgary Transit with a bus stop located within approximately 350 metres walking distance of the site and approximately 800 metres walking distance from the Brentwood LRT station. On-street parking adjacent to the site is unregulated 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 from the Brentwood Community Association (APPENDIX II). The community association has no objection with this application given that parking can be accommodated onsite and it is an owner-occupied suite.

The Brentwood Community Association indicated that the area residents prefer to see owner-occupied suites as it tends to lessen potential problems with property upkeep. The community association would like more clarity of what type of suite is being proposed at the land use redesignation stage.

Citizen Comments

Administration did not receive any responses from citizens at the time of writing this report.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

Brenna and Michael Murray
4252 Brentwood Green NW Calgary AB T2L 1L3
403-305-4790
music2art@gmail.com

City of Calgary
Planning & Development
P.O. Box 2100, Stn. M, # 8108
Calgary, AB, Canada T2P 2M5

To Whom It May Concern,

With regards to the Land Use Redesignation for the property at 4252 Brentwood Green NW, we are applying to legalize the existing basement suite.

Our reasons for applying are:

- As new homeowners, we desire to increase the value of the home and boost our income while we live on the main floor as landlords.
- We would like to provide an attractive, safe unit for our tenants, and share the benefits of a neighborhood location that is close to transit and the University of Calgary.
- We would like to continue using the house's existing features for its most effective use. The house has had tenants living in the basement suite since it was first built in 1962.

Reasons for approval:

- We will comply with the current building safety codes for secondary basement suites.
- It has a front driveway with carport, a double car garage, and a space for uncovered parking at the rear that can accommodate the required additional parking for both the main floor and basement suite.
- The house has existing water, sanitary and sewer services that have no need of further development.
- The basement suite is compatible with the established character of the community.

We thank you for your consideration.

Sincerely,

Brenna and Michael Murray

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APPENDIX II

LETTERS SUBMITTED

LOC2017-0189
4252 Brentwood Green NW
Land Use Amendment from R-C1 to R-C1s

Comment on Application

Thank you for the opportunity to comment on this application.

The Brentwood Community Association receives many comments regarding secondary suites from area residents. Some feel that secondary suites have no place in R-C1 neighbourhoods while others are not opposed provided certain conditions are met. **An overwhelming majority 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.**

The above application from Brenna and Michael Murray for the property at 4252 Brentwood Green states that they will live in the main floor as landlords. It also indicates that they will legalize a suite that has been in place for decades and that parking will be provided on site.

Based on those statements, the BCA does not oppose this application. The BCA supports measures that will ensure that any suite complies with existing safety codes and building codes as tenant safety is paramount.

The BCA requests that the following general comments be included in the comments for this application.

The BCA does not support the current City of Calgary Planning Department process in which the R-C1s designation does not distinguish between a basement suite or a backyard / garage / laneway unit. (We realize that backyard or garage suites are discretionary permits, however once the rezoning has been approved, it appears there is little likelihood of the DP being turned down.) **We feel that the application should specify which type is being applied for and the applicant can then ONLY build that type of unit.** A basement suite does not affect adjacent homes through massing, shadowing, privacy or other potential negative impacts, whereas backyard, laneway or garage suites have significant impact on adjacent properties.

A neighbour might not be opposed to a secondary suite in a basement but 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 may not even know which is planned. It is almost impossible for them

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to submit accurate comments on an application. **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 whatever he wishes and neighbours are at a significant disadvantage.

Any neighbours who do comment on an application should have their opinions strongly factor into a decision about a suite since they are the ones who will have to live with the results.

Sincerely,

Melanie Swailes
On behalf of the Development and Transportation Group
Brentwood Community Association



BRENTWOOD COMMUNITY ASSOCIATION

Mailing Address: 5107 – 33rd Street NW, Calgary, AB T2L 1V3

Delivery Address: 1520B Northmount Drive NW, Calgary, AB T2L 0G6

BCA Website: www.brentwoodcommunity.com

Phone (403) 284-3477 Fax (403) 284-3951

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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 simplify 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.

