



Item #5.1.12
CPC2018-044
Attachment 3
Letter 2

**CHRISTOPHER
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City Clerk's Office
Received: 2018 February 13

February 13, 2018

His Worship Mayor Nenshi & Members of Calgary City Council
Historic City Hall and Municipal Building
800 Macleod Trail S.E.
Calgary, Alberta

By email: cityclerk@calgary.ca

Dear Mayor Nenshi and Members of City Council:

RE: Land Use Amendment and Policy Change (2507 - 17A St NW)
Bylaw 6P2018 amending North Hill Area ARP (Bylaw 7P99)
Bylaw 42D2018 / LOC2016-0322 redesignating R-C2 to R-CG
Public Hearing (Tuesday February 20, 2018)

Janice Taylor has retained Christopher Davis Law to provide planning and legal comments on the proposed policy and land use amendment for 2507 – 17A St NW. Janice Taylor resides at 2511 – 17A St NW, directly north of and adjacent to the proposed redesignation site. Ms. Taylor has several concerns about the application and therefore opposes the proposed land use change.¹ Ms. Taylor will be providing a letter with her own personal observations and concerns about this application. She hopes to be able to attend the public hearing on Tuesday February 20th.

The application proposes to redesignate one parcel of land located at 2507 – 17A Street NW² from R-C2 district to R-CG district. An amendment to the Capitol Hill portion of the North Hill Area Redevelopment Plan (ARP) is required to accommodate the proposed land use redesignation.

Recent Planning History

The North Hill ARP was recently and significantly amended by Council on 2016 March 7 to:³

- identify areas in both (Banff Trail and Capital Hill) which would be appropriate for modest redevelopment
- provide additional direction and certainty for area residents, landowners and applicants at the land use redesignation and DP stages

¹ Ms. Taylor also opposes the concurrent development permit application, which is currently unsupported by the existing land use.

² Title 161 271 685.

³ Bylaw 12P2016.

- align the ARP with the Municipal Development Plan (MDP)
- ensure consistency with the "Location Criteria for Multi-Residential Infill" in low density residential areas.

Following on the changes to the ARP, Council directed staff to proceed with City-initiated redesignations to implement the ARP changes. As part of that process, on 2017 July 31 Council amended numerous parcels in the Capital Hill community, including the parcel immediately adjacent to the subject site, at 2503 – 17A Street NW.⁴ This parcel was re-designated to R-CG. The subject parcel remained as R-C2, consistent with the direction found in the ARP.

R-CG Density Limitation

Ms. Taylor is concerned that the land use amendment and concurrent development permit application seek to manipulate the rules of the Calgary Land Use Bylaw ("LUB") to increase the allowable density at the recently redesignated 2503 – 17A Street NW.

Section 529 of the LUB states that:

The maximum density for parcels designated R-CG District is 75 units per hectare.

The CPC report (December 14th, 2017) noted that the R-CG district maximum density of 75 units per hectare would allow for up to three (3) dwelling units on 2507 – 17A Street NW.⁵ The two units proposed for this site fall within the allowable density. The five (5) units proposed for 2503-17A Street NW do not.

Individually, 2503 and 2507 – 17A Street NW are each limited to 3 units per parcel. The LUB defines parcel as:

99(a) the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office

2503 and 2507 – 17A St NW have two distinct titles. They have the same legal and beneficial ownership. The concurrent development permit is treating these two separate parcels as one parcel – a fiction in order to increase the allowable density on the 2503 – 17A Street NW site.

By effectively treating two parcels as one, the developer seeks to increase the density on 2503 – 17A Street NW by 2 units, from 3 to 5 units.⁶ We believe that this is an improper application of the LUB's density requirements. This seems to be the underlying rationale behind the land use amendment.

As acknowledged in the CPC report "Council's potential approval of the subject redesignation application does not guarantee that the intended comprehensive redevelopment will materialize". All this work is being done to shoe-horn a five unit rowhouse into a less than perfect R-CG site. And in the process push the R-CG district further into the adjacent R-C2 community than was likely intended by Council.

⁴ Title 161 271 352.

⁵ At page 4. As this parcel has a total area of approximately 513 sq m, the maximum dwelling density on this parcel is limited to 3.85 units. This would be rounded down in any application to 3.0 units.

⁶ 60% over the LUB maximum.

Problem for the Applicant

It now seems apparent that the 2017 City-initiated redesignation ONLY included the "corner parcel" as described in the redesignation:

Municipal address

Legal Address

2503 17A St NW

Plan 6310AK; Block 3; Lots 1&2

It turns out that the designated parcel does not include the full width of Lot 2 – three feet of Lot 2 is included in the subject parcel (2507). It may have been an unintended outcome – but this sizing issue has had density limitation implications for rowhouse development on this parcel (2503).

Ms. Taylor and her Capital Hill community supported the 2016 ARP amendments and the resulting 2017 comprehensive City-initiated redesignation application. These changes, however, helped to minimize any negative impact (real or otherwise) from the intrusion of greater intensity of use and density into the neighbourhood surrounding 24th Avenue NW.

The concurrent development permit proposes that a semi-detached dwelling and secondary suite will be developed at 2507 – 17A Street NW. The same development could be built under the current R-C2 district rules. The primary reason for the land use change must therefore be to increase the site density at 2503 – 17A Street NW – as it is currently restricted to 3 units by the LUB maximum.⁷

With respect, the Applicant could achieve a 4-unit rowhouse on 24th Avenue NW by a modest subdivision (boundary adjustment) – taking sufficient additional land from the subject parcel and incorporating it into the adjacent R-CG parcel for the necessary area. A land use amendment of this small portion would address several issues:

- it would provide sufficient area to accommodate a 4-dwelling rowhouse at 2503-17A Street NW
- a semi-detached building could still be constructed at 2507-17A Street NW
- Council's direction not to push the R-CG district further into the Capital Hill community would be respected; the community's expectations would also be met.⁸
- It would avoid the need to force a consolidation of the two parcels at 2503 and 2507-17A Street NW – they could remain as separate titles. The issue of ensuring that a "comprehensive" development would occur on the two parcels could be avoided.

Parking Issues

What is before Council is the land use amendment application. However, one of the potential weaknesses in accepting concurrent DPs is that it exposes the land use to the details associated with the DP.

The concurrent development permit proposes 14 units / suites (7 dwelling units with 7

⁷ A subsidiary reason may be to reduce the required site parking.

⁸ Council can amend the current application to reduce the area being amended to match that required by the Applicant for a rowhouse at 2303-17A Street NW. A subsequent subdivision can mirror this area.

secondary suites) split between 2503 and 2507 – 17A Street NW. The CPC agenda notes secondary suites are not counted towards density and do not require a parking stall in the R-CG district.⁹ Based on this, it is our understanding that the proposed development is proposing 7 parking stalls only for the "comprehensive" development on the two parcels.

The proposed land use change appears to be motivated – in part - by not having to provide motor vehicle parking stalls. Under the current R-C2 district, a semi-detached house with a secondary suite could be developed on the subject site, 2507 – 17A Street NW; however, the LUB requires two parking stalls per dwelling unit and one for each secondary suite.¹⁰ This is 6 parking stalls for an R-C2 development on the subject parcel. Under the proposed R-CG district, the same semi-detached house and secondary suites would only require one parking stall per dwelling unit and no stalls for the secondary suite.¹¹ This works out to only 2 parking stalls. The land use change from R-C2 to R-CG results in the same type of development (semi-detached house with secondary suites) with 4 fewer parking stalls.

According to Ms. Taylor and comments provided by the community, there is already limited available parking on 17A - St NW. Ms. Taylor is very concerned that the proposed development does not provide adequate parking for the 14 proposed units / suites. The lack of parking is a planning consideration that has not been appropriately addressed by the proposed land use amendment and development permit application.

Consistency with the "Location Criteria For Multi-Residential Infill" In Low Density Residential Areas.

Council has continued to refine "Location Criteria for Multi-Residential Infills" ¹² It was noted by at least one member of CPC that the proposed land use amendment "(failed) to meet the majority of the (criteria)". Ms. Taylor understands that the criteria are not a checklist, but that they are to be considered based on the scale and type of development proposed in relation to the local context.

Respectfully, this application stretches the criteria. By way of one example, the definition of "corner parcel" in the LUB could include a parcel created by a consolidation of 2503 and 2507 – 17A Street NW. By this action – necessary to avoid the density limitations in the LUB - any limitation imposed by the definition of "corner parcel" is lost. Each parcel consolidated with the original "corner parcel" becomes part of the corner. The "domino" effect of a block shifting from low density to the greater intensity of use in R-CG is thereby promoted.

Conclusion

Ms. Taylor requests that Members of Council not support this application and vote against the proposed land use amendment. The intention of the land use change is to skirt the density requirements in the LUB and minimize the amount of required parking.

Alternatively, should Council wish to assist the Applicant and be consistent with their 2017 redesignation by supporting a rowhouse opportunity at 2503-17A Street NW, Council may wish to consider providing first reading to the application with a direction that prior to sec-

⁹ Page 4; LUB section 546.

¹⁰ LUB Section 443.

¹¹ LUB Section 546.

¹² PUD2014—0237; PUD2015-0364; and PUD2016-0405.

ond reading:

- the Applicant subdivide sufficient land from the subject parcel to accommodate a four unit rowhouse at 2503-17A Street NW ¹³
- that the land use amendment area be reduced to mirror the adjusted parcel

Thank you for taking the time to consider Ms. Taylor's comments and concerns.

Sincerely,

CHRISTOPHER DAVIS LAW



Per: Christopher S. Davis
Barrister & Solicitor

Copy:
Martin Beck (City of Calgary Planning Dept)
Denise Jakal (City of Calgary Law Dept)
Gravity Architecture Corporation (Attention: Trent Letwiniuk)
Client

¹³ An amount sufficient to increase the site area on the parcel at 2503 – 17A Street NW from the current 0.0513 ha to approximately 0.053 ha.