

Land Use Amendment in Dalhousie CPC2017-302

CALGARY PLANNING COMMISSION
REPORT TO COUNCIL
2017 SEPTEMBER 11

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CPC2017-302
LOC2015-0104
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LAND USE AMENDMENT
DALHOUSIE (WARD 7)
NORTH OF BUCKBOARD ROAD NW AND SOUTH OF
DALHOUSIE ELEMENTARY SCHOOL
BYLAW 300D2017

MAP 2NW

EXECUTIVE SUMMARY

This application proposes to change the designation of 5612 and 5620 Buckboard Road NW located in the community of Dalhousie to allow for a low density residential and senior housing development with custom building and intensity guidelines. More specifically, the proposal seeks to redesignate the subject properties from Special Purpose – Future Urban Development (S-FUD) District and Residential – Contextual One Dwelling (R-C1) District to Direct Control District to accommodate Assisted Living and Residential Care:

- of a greater intensity than it is typically allowed in R-C1 areas; and
- with site specific guidelines intended to manage overall 'building envelope' to ensure any future facility is compatible with the established scale and form of existing low density residential development.

No development permit has been submitted at this time.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION	2017 July 27
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 300D2017; and	
1. ADOPT the proposed redesignation of 0.81 hectares ± (2.01 acres ±) located at 5612 and 5620 Buckboard Road NW (Plan 3123GH, Blocks 30 and 31) from Special Purpose – Future Urban Development (S-FUD) District and Residential – Contextual One Dwelling (R-C1) District to DC Direct Control District to accommodate assisted living and/or residential care facility, in accordance with Administration's recommendation; and	
2. Give three readings to the proposed Bylaw 300D2017.	

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REASON(S) FOR RECOMMENDATION:

The use of Direct Control District is considered appropriate as no local area redevelopment plan is available to guide future growth and change within the community of Dalhousie at this time. The proposed Direct Control District includes a set of rules intended to provide site specific guidance for future development of senior housing on the subject lands within the context of low density residential neighbourhood.

The proposal is in keeping with applicable policies identified in the Municipal Development Plan as it allows for complementary service uses and infill redevelopment of two, serviced parcels of land while having the ability to respect the scale of the established neighbourhood.

ATTACHMENTS

1. Proposed Bylaw 300D2017
2. Public Submissions

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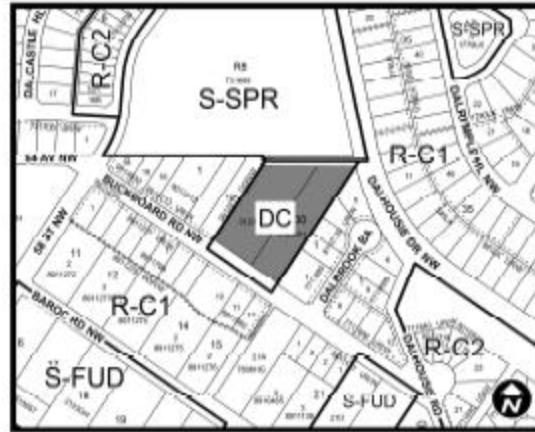
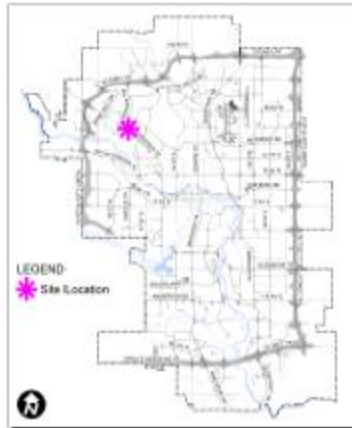
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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.81 hectares \pm (2.01 acres \pm) located at 5612 and 5620 Buckboard Road NW (Plan 3123GH, Blocks 30 and 31) from Special Purpose – Future Urban Development (S-FUD) District and Residential – Contextual One Dwelling (R-C1) District to DC Direct Control District to accommodate assisted living and/or residential care facility with guidelines (APPENDIX II).

Moved by: **L. Juan**

Carried: **8 – 0**

Reasons for Approval from Ms. Juan:

- This proposal is a good example of how we can look at aging in place and "able-bodied" planning. The location is appropriate for an assisted living and age in place facility. I believe it is important it's important that patients age in a neighbourhood setting as opposed to an institutional setting. The neighbourhood site achieves 3 of the main components that are needed for assisted-living; wayfinding, accessibility and safety. Happy to support this application and commend the Applicant for 3 years of engagement.

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Applicant:

Zeidler BKDI Architects

Landowner:

Intercare Corporate Group Inc

PLANNING EVALUATION

SITE CONTEXT

The subject site is approximately 0.81 hectares (2.01 acres) and consists of two separate titled parcels of land (5612 and 5620 Buckboard Road NW). The site is located between Buckboard Road NW to the south and 64 Avenue NW to the north. Both parcels slope down from 64 Avenue NW towards Buckboard Road NW. There is also a west to east cross slope.

The site is developed with two single-detached dwellings and several ancillary structures. A substantial amount of vegetation and mature trees exist throughout the property. Vehicular access is available from Buckboard Road NW as well as 64 Avenue NW.

From information available, 64 Avenue NW, prior to 1988, connected Dalhousie Drive NW with 58 Street NW. At some point between 1988 and 1995, the western portion of the 64 Avenue NW road right-of-way was closed and consolidated with residential properties west of the subject site leaving 64 Avenue NW in its current, substandard condition and accessible from Dalhousie Drive NW only. It should be noted that 64 Avenue NW is approximately 10 metres wide, does not exceed 12 percent in slope, has no sidewalks or street lights, and has received limited upkeep over the years.

With the exception of Dalhousie Elementary School (S-SPR) located to the north, the subject site is surrounded with single-detached dwellings (R-C1) of varied size in all directions. The population of Dalhousie has declined by approximately 15 percent since its population peak in 1982.

Dalhousie	
Peak Population Year	1982
Peak Population	10,770
2016 Current Population	9,111
Difference in Population (Number)	-1,659
Difference in Population (Percent)	-15%

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LAND USE DISTRICTS

Existing Land Use Districts (APPENDIX III)

5612 Buckboard Road NW – This approximately 0.38 hectares (0.94 acres) parcel is currently designated Residential – Contextual One Dwelling (R-C1) District. The R-C1 is a residential designation in developed areas that is primarily for single-detached homes. The R-C1 District also allows for additional uses such as addiction treatment, assisted living or residential care.

5620 Buckboard Road NW – This approximately 0.44 hectares (1.09 acres) property is designated Special Purpose – Future Urban Development (S-FUD) District. The S-FUD designation is primarily for lands that are awaiting urban development and is largely limited to uses that can easily be removed to allow for future urban development. A single-detached dwelling is a listed use within the S-FUD District.

Proposed Land Use District (APPENDIX II)

Direct Control District - summary

The proposed DC Direct Control District is based on the rules of the R-C1 District with site specific guidelines for Assisted Living and Residential Care (for more than 10 residents). The intent of the proposed site specific guidelines contained in the DC is to allow for Assisted Living and/or Residential Care facilities (existing discretionary uses listed in the R-C1 District), but at much greater intensities than typically allowed in R-C1, low density residential areas.

Direct Control District - detailed description

The proposed DC allows for two development scenarios:

1) Low Density Residential Development

The proposed DC allows for single detached (R-C1) dwellings be developed on this site. Depending on the configuration and size of individual lots and units, the subject site is able to reasonably support anywhere between two (2) and twelve (12) residential lots with single-detached dwellings.

Note: Additional work would be required at subdivision and development permit stage to determine the exact number of low density residential lots/units the site can support.

2) Assisted Living and Residential Care with intensity and development guidelines

Although Assisted Living and Residential Care are listed discretionary uses in the R-C1 District, they are limited to a maximum of 10 residents and 10 metres in building height when proposed in R-C1 (low density residential) areas. As such, if a development permit

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for Assisted Living and/or Residential Care for 10 or less residents is applied for on this site in the future, the existing R-C1 and use rules would apply.

The proposed DC is designed to also allow for Residential Care and/or Assisted Living, but of a much greater intensity and within a larger building envelope than typically allowed in R-C1 areas. If a development permit for an Assisted Living and/or Residential Care facility with more than 10 residents is applied for, site specific design and intensity guidelines contained within the proposed DC would apply. That includes:

- a maximum of 140 dwelling and/or care units;
- building height rules contained within Schedule "C" of the proposed DC; and
- building setback, projection and landscaping rules intended to limit potential impacts associated with future development on adjacent low density residential development.

In addition, the proposed DC requires a concept plan for the entire site to be provided with the submission of the initial development permit application for Assisted Living and/or Residential Care with more than 10 residents. This DC rule is intended to:

- 1) provide the Development Authority with an opportunity to evaluate any future large scale housing facility on this site in a comprehensive manner; and
- 2) uphold the Municipal Development Plan's direction for the redevelopment of "large sites" in developed areas (see additional information in the Legislation & Policy section of this report).

Direct Control District - Land Use Tool

Administration generally discourages the use of DC Direct Control Districts where it is unnecessary or not in keeping with section 20 of Land Use Bylaw 1P2007. However, the combination of a large site within an established low density neighbourhood with no local area redevelopment plan available to provide specific direction renders the use of a DC Direct Control District and site-specific guidance warranted and compliant with Bylaw 1P2007.

In addition, it is acknowledged that many of the key development controls included within the proposed DC Direct Control District are expressed as "maximums" (e.g. maximum building height or maximum number of units). As such, these items shall not be viewed "as of right" development aspects. As a result and subject to Council decision on this application, the design and nature of any future development on this site, including the mix and size of uses, number of units, building height, setbacks and site layout details (such as parking, landscaping and site access) will be determined later at the development permit review stage.

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The document recognizes care facilities as an integral part of complete communities and residential areas. A careful consideration, however, must be given to the local context and land use pattern of a particular area in regard to design, scale, form and setbacks. Such facilities should be also located within reasonable walking distance to transit and services. Care facilities within low density residential neighbourhoods should be limited to a maximum of ten (10) residents. Large facilities may be considered appropriate depending on the suitability of individual sites.

The proposed land use generally aligns with the intent of the guidelines and allows for a building form that has the ability to be compatible with adjacent development. Notwithstanding, a careful review of any future care facility proposed on this site against the guidelines will be required at the development permit stage.

TRANSPORTATION NETWORKS

A Traffic Impact Assessment (TIA) was submitted with this application. The TIA was reviewed and accepted by Administration. The nearest public transit stop is approximately 200 metres away along Dalhousie Drive NW. Pedestrian connections are available along Buckboard Road NW (albeit on north side only) and Dalhousie Drive NW.

Vehicular access to the site is available from 64 Avenue NW and Buckboard Road NW. Subject to further review at the development permit stage, it is anticipated that 64 Avenue NW, which currently functions as a lane, will be upgraded to serve as a primary vehicular access point to this site. It is anticipated that Buckboard Road NW will provide a secondary, emergency access only.

UTILITIES & SERVICING

Water, storm and sanitary sewers are available to service the site along Dalhousie Drive NW and Buckboard Road NW. A preliminary Site Servicing Study has been submitted by the Applicant. Subject to the scale and nature of future development further information may be required at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required for this application.

ENVIRONMENTAL SUSTAINABILITY

Environmental features will be considered and reviewed at the development permit stage.

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GROWTH MANAGEMENT

The proposed land use amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns.

PUBLIC ENGAGEMENT

Citizen Comments

In response to this proposal some of the area residents and landowners formed a residential group (RG) to provide a consolidated channel for communication between Administration, Applicant and the community. The RG also represented the community during the public engagement conducted by the Applicant. The RG has been working with the Applicant and Administration over the past two years on land use and development solutions for this site. This engagement effort produced a number of items intended to address the RG's concerns with the proposal. Some of the items such as building setbacks and building height are (to a degree) generally captured within the proposed land use.

On 2017 May 24, the RG provided the Applicant and Administration with a comprehensive response to the Applicant's most current land use proposal (see page 8 of APPENDIX V). The letter submitted by the RG requests that Council give the proposed land use first reading only and withhold second and third readings pending submission of a development permit application. In addition, the letter provides a general support for some of the DC items, while calling for additional items to be included in the proposed DC.

The proposed Direct Control District does not include all of the requested items as some of them are not appropriate to be captured within a Direct Control bylaw while others may be more suitable to be considered at the development permit stage. In Administration's opinion the proposed Direct Control District captures the appropriate and key land use and development considerations, while providing sufficient flexibility to consider and review some of "outstanding" items at the development permit stage.

In addition, approximately 30 letters have been submitted in response to this application at the time of writing this report. It should be noted that these letters were submitted in response to the original file circulation in July of 2015. The vast majority of the letters object to the proposal. Comments noted in opposition of the proposal can be summarized as follows:

- Commenting on a rezoning proposal without the benefit seeing a development permit plan is challenging;
- Rezoning should be tied to a specific proposal;

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- Information (e.g., care homes vs care facilities) communicated by the Applicant and City was unclear and misleading;
- The proponent (Intercare) was unprepared to respond to community concerns during an open house;
- Increase in vehicular traffic in general;
- Children currently walking to West Dalhousie Elementary School and playing in the area will be exposed to increased traffic and EMS vehicle trips;
- Negative impacts on property values in the area;
- Care facilities should be located in proximity to hospitals not schools;
- (Subject) lands are serviced by extensive infrastructure (schools, LRT) should be kept available for families, not residents who may never use the facilities;
- Care facilities within residential areas are disruptive and unwarranted;
- M-C2 land use is not appropriate in this location as it would contravene City Bylaws (e.g. this is not a community node or near transit facilities);
- Assisted and residential care facilities when proposed in the low density area should be limited to 10 residents;
- Four to five storeys and 130+ residents is excessive (the number of residents should be reduced);
- Negative impacts on stormwater patterns in the community;
- 64 Avenue is extremely steep and icy during winter months – not appropriate access for a facility of this scale;
- Dementia patients may interact with school age children in an inappropriate and unpredictable way;
- Dementia patients may wander around the community and adjacent school;
- School children will wander into the facility;
- Infectious diseases (common for these types of facilities) could be spread by innocent contact between area residents, school children and facility residents;
- The facility will produce a large amount of medical waste and garbage;
- Topography of the site is not appropriate for residents with reduced mobility;
- Loss of trees and vegetation; and
- Construction access should be from Baroc Road NW (following an upgrade).

Two letters expressed a general support for the proposal. One letter of support dismisses some of the concerns raised by the adjacent landowners.

Community Association Comments

The Dalhousie Community Association (DCA) was circulated on this application in July of 2015. The proposed Direct Control District was circulated to the DCA on 2017 July 18 for their information. The DCA has been involved with review, public engagement conducted by the Applicant and evolution of this application over the past two years. A comprehensive letter provided by the DCA is included in the APPENDIX V of this report.

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In summary, the DCA acknowledges the effort by the developer to engage with the RG and the DCA on this proposal over the last two years. However and in addition to range of planning concerns, the DCA seeks a deferral of this recommendation pending further engagement and review of the latest revisions to the proposal.

Public Meetings

In addition to three public open house events held in 2015 and 2016, the Applicant held a number of meetings with the Dalhousie Community Association, the RG and individual land owners in the area. See APPENDIX IV for additional information.

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APPENDIX I

APPLICANT'S SUBMISSION

The Purpose and Intent of this application is to re-designate two existing lots with S-FUD and R-C1 zoning to a Direct Control (DC) District. This Direct Control District will have a base R-C1 zoning but with site specific design and intensity guidelines to accommodate Assisted Living and Residential Care when adjacent to low density residential development.

The Intercare Corporate Group intends to provide an assisted living and residential care facility for seniors with managed care needs including cognitive impairment and memory loss. The current concept is to accommodate Residential Care (including Memory Care) and Assisted Living residents in two buildings that will be linked across two open ended landscaped courtyards.

1 SITE CONTEXT

i. Surrounding Land Use and Development

The site is located in the community of Dalhousie. The surrounding land use is predominantly R-C1 however there are a number of S-FUD sites to the south along Crowchild Trail. The site immediately to the north is a school and zoned S-SPR. The site is approx. 650m from the Dalhousie Shopping Centre and 1.2 km from the Dalhousie LRT station.

ii. Policy

The following policies apply to the site. (MDP to Local Area Policy, Guidelines)

- Municipal Development Plan
- Calgary Transportation Plan
- The proposed land use complies with the Municipal Development Plan which encourages special care facilities within residential and mixed use communities.
- The proposed land use district is compatible with adjacent land use districts and developments.
- There is no local area policy for the site.
- There is no ARP for the area.

iii. Topography

The site slopes approximately 6m up to the north from Buckboard Road NW to 64th Avenue NW which in turn then slopes down to Dalhousie Drive NW which connects to 53rd Avenue NW.

iv. Transportation

The development is located between Buckboard Road to the south and 64th Avenue to the north which in turn connects to Dalhousie Drive NW. The main transportation network around the site are Crowchild Trail NW to the south, John Laurie Boulevard to the north, Sarcee Trail to the west and 53rd Avenue and Shaganappi Trail to the west. In addition, there are numerous bus routes in the vicinity and the site is close to the Dalhousie Shopping Centre (650m) and the Dalhousie LRT Station (1.2km). Our Traffic Consultant Watt Consulting have prepared a Traffic Study which has been accepted by the City Transportation Department.

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v. Site Servicing

A preliminary Site Servicing Study has been prepared by SweetCroft Engineering Consultants.

2 COMPATIBILITY & IMPACT

i. Use

The proposed development will meet both Residential Care and Assisted Living requirements which are discretionary uses in the proposed R-C1 zoning. In addition, Residential Care is a discretionary use in the surrounding single family R-C1 zoning. There are no similar Residential Care and Assisted Living uses within 300m of the proposed development.

ii. Massing and Scale

The proposed Residential Care building will be a 2-storey building, designed to fit in with the surrounding single family residences along Buckboard Road NW. The proposed Assisted Living building will be located adjacent to 64th Avenue NW across from the CBE West Dalhousie School sports fields and adjacent to Dalhousie Drive NW. The current concept slope adaptive building is 3 storeys along 64th Avenue and as the ground slopes down to the building and parkade entrances it becomes 4 storeys around the interior entrance courtyard. The buildings and landscaping will be designed to reduce the massing and scale from the roadways and adjacent residences. In discussions with the immediate neighbours the development has been designed with a flat roof to further reduce the massing and the buildings articulation and finishes help to integrate them into the community aesthetic.

iii Urban Streetscape

The building will be sited within contextual setbacks with the adjacent R-C1 zoning. All building access and servicing will be off 64th Avenue NW to reduce the impact on the community. The massing of the building will be articulated to match the appearance of family residences.

iv. Public Consultation

We have had extensive interaction with the Community through 3 Community Open Houses (approx. 280 attendees), 4 meetings with the Dalhousie Community Association Board (DCA), 5 meetings with the Ward Councillor, City Planning File Manager, and the President of the DCA, and numerous meetings with the immediate neighbours (Buckboard Group) and their representatives. In addition, we have visited each neighbor on the east and west to review their special circumstances and site conditions, discuss the project and hear their concerns. All this consultation has resulted in extensive changes to the building design, a reduction in building height and massing, number of units and site servicing and operations. In response to community questions our civil engineer and traffic consults have provided reports regarding water pressure, parking, traffic numbers and pedestrian safety

We respectfully request Calgary Planning Commission and City Council's support of this application.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

1 This Direct Control District is intended to:

- (a) accommodate Assisted Living and Residential Care with site specific design and intensity guidelines *adjacent* to low density residential *development*;
- (b) provide site specific *building height* and massing requirements;
- (c) provide landscaping and *building setbacks* to buffer elements of the *development* that may have impacts on existing residents and *adjacent development*; and
- (d) require a concept plan to ensure future *development* is planned in a comprehensive manner.

Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

General Definitions

4 In this Direct Control District,

- (a) "*care unit*" means a unit in Assisted Living or Residential Care facilities which contains one or more rooms used or designed to be used as a residence by one or more persons.

Permitted Uses

5 The *permitted uses* of the Residential Contextual One Dwelling (R-C1) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

6 The *discretionary uses* of the Residential Contextual One Dwelling (R-C1) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District.

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Bylaw 1P2007 District Rules

- 7 (1) Unless otherwise specified in this Direct Control District or subsection (2), the rules of the Residential Contextual One Dwelling (R-C1) District of Bylaw 1P2007 apply in this Direct Control District.
- (2) Unless otherwise specified in this Direct Control District, the General Rules for Multi-Residential Land Use Districts of Bylaw 1P2007 apply for:
- (a) Assisted Living with more than 10 residents; and
 - (b) Residential Care with more than 10 residents.

Rules for Assisted Living and Residential Care

- 8 The following apply to Assisted Living and Residential Care with more than ten (10) residents:
- (1) **Density**
 - (a) The maximum cumulative number of Dwelling Units and *care units* is 140.
 - (2) **Setback Area**
 - (a) The depth of all *setback areas* must be equal to the minimum *building setbacks*.
 - (3) **Building Setbacks**
 - (a) The minimum *building setback* from a property line shared with:
 - (i) a low density residential *parcel* is 6.0 metres;
 - (ii) the *street* known as 64 Avenue NW is 3.0 metres; and
 - (iii) the *street* known as Buckboard Road NW is 8.0 metres.
 - (4) **Projections Into Setback Areas**
 - (a) Unless otherwise specified in subsections (b), (c), (d), (e) and (f) a *building* or air conditioning units must not be located in any *setback areas*.
 - (b) On each *storey*, the total combined length of all projections into any *setback area* must not exceed 20.0 per cent of the length of the *façade*.

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- (c) Unless otherwise referenced in subsections (d), (e) and (f), the maximum length of any projection above the surface of the ground is one metre.
 - (d) The following may project into a *setback area*:
 - (i) eaves, to a maximum of 0.6 metres; and
 - (ii) window wells, to a maximum of 0.8 metres.
 - (e) The following may project into a *setback area* without any limits:
 - (i) portions of a *building* below the surface of the ground;
 - (ii) *patios*;
 - (iii) wheelchair ramps;
 - (iv) *landings* not exceeding 2.5 square metres;
 - (v) ramps other than wheelchair ramps; and
 - (vi) unenclosed stairs.
 - (f) *Signs* may be located in any *setback area*, and where so located, must be in accordance with Part 3, Division 5 of Bylaw 1P2007.
- (5) **Landscaping**
- (a) In addition to rules contained in the General Rules for Multi-Residential Land Use Districts of Bylaw 1P2007, only coniferous trees and shrubs are allowed within the *setback area adjacent* to 5680 Buckboard Road NW.
 - (b) At least 90.0 per cent of the required *landscaped area* must be provided at *grade*.
- (6) **Building Height and Cross Section**
- (a) The maximum *building height* is as identified in Schedule "C" of this Direct Control District.

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(7) Concept Plans

- (a) Prior to or concurrent with the first *development permit* application for Assisted Living and/or Residential Care with more than ten (10) residents, a concept plan for the entire Direct Control District area must be provided to illustrate:
- (i) building placement including building design and materials;
 - (ii) site layout, including landscaping, pedestrian circulation, parking areas and vehicular access; and
 - (iii) any other items considered necessary by the *Development Authority*.

Relaxations

- 9 The *Development Authority* may relax the rules contained in section 8(1) to 8(6) of this Direct Control District provided the test for relaxation in accordance with Sections 31 and 36 of Bylaw 1P2007 is met.

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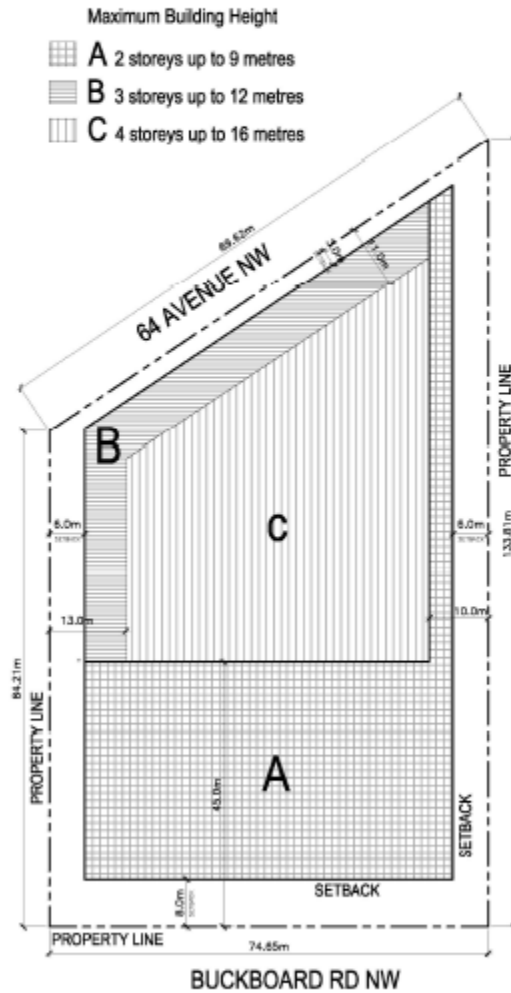
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SCHEDULE C



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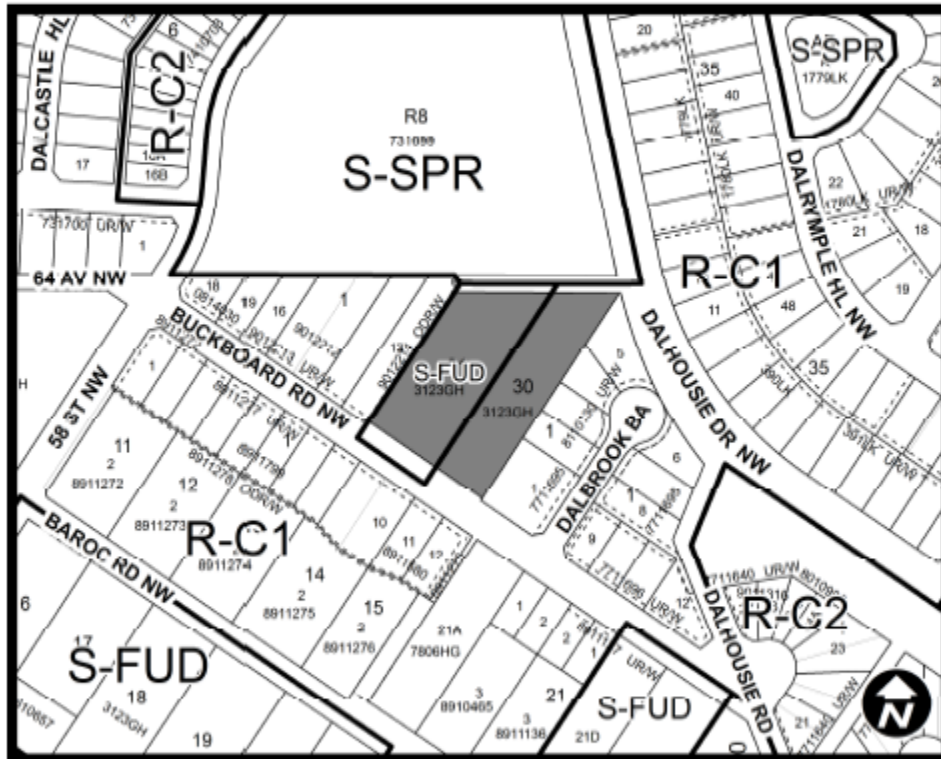
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APPENDIX III

EXISTING LAND USE DISTRICTS



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APPENDIX IV

PUBLIC ENGAGEMENT

HISTORY OF THE PUBLIC ENGAGEMENT
On the INTERCARE DALHOUSIE SENIORS PROJECT
5612 Buckboard Road NW Calgary
From October 8, 2014 to July 10, 2017

Land Use Reclassification Application # LOC-2015-0104
Prepared by Cameron Wallace, Catalyst Management Consultants Inc.

Public Open Houses-3 held

September 8, 2015
March 29, 2016
October 17, 2016

Public Open Houses-3 held

- September 8, 2015
- March 29, 2016
- October 17, 2016

Dalhousie Community Association Board of Directors Meetings @ 5432 Dalhart Road NW

- October 8, 2014
- February 2, 2015
- March 9, 2016
- June 14, 2017

Buckboard Residents Meetings held

- December 14, 2015
- February 23, 2016
- March 15, 2016(Fergusson meeting)
- March 16, 2016-Site visits (Fergusson's/Hamilton's/ Alladin's)
- August 3, 2016
- September 20, 2016(Fergussons)
- November 8, 2016(Chui's and Alladin' s families)
- March 16, 2017
- June 6, 2017 (Fergusson/Hamilton/ Kurczaba)

Legal Counsel for Buckboard Residents meetings held

- May 17, 2016
- August 3, 2016
- December 21, 2016

Councillor Druh Farrell for Ward 7/City Planners/ DCA Representative Meetings held-

- ✓ September 23, 2015
- ✓ February 24, 2016
- ✓ April 28, 2016
- ✓ September 15, 2016
- ✓ May 4, 2017

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APPENDIX V

COMMUNITY ASSOCIATION RESPONSE

Brad Beville & Martin Beck
The City of Calgary
Planning & Development

July 18, 2017

Re: Intercare Dalhousie Land Use Re-Zoning Application (LOC2015-0104)

Dear Sirs,

We understand that the above referenced re-zoning application may be going before Calgary Planning Commission (CPC) on July 27th, 2017. We hereby provide you with the input of the Dalhousie Community Association (DCA) on the matter and request you provide this document to the CPC members as well. Thank you for your work on this file.

Our comments are provided in the following order:

- Notification & Process
- Dalhousie Visioning Report & Timing
- Land Use
- Contextual Development
- Potential Precedent for Existing Nearby Lands
- Residents Group Submission
- Conclusion

Notification & Process

A re-zoning application for these lands was originally made by Intercare in 2015. Given issues then around proper notification and engagement and the subsequent strong community reaction, the application was suspended by the applicant and a community consultation process begun. At that time, residents and the DCA were advised that there was no need to submit comments on the application as it had been suspended and would be subject to change before being re-submitted. The 2015 notification letter for this application is attached as Appendix A and references an application for M-C2.

The DCA was verbally advised by the developer (Intercare) in June of 2017 that they hoped to have an application before CPC for the July 27th, 2017 CPC meeting. The DCA was also then provided with a draft copy of Intercare's proposed DC for the site and concurrently advised that the draft was being amended further based on City review of the application. We subsequently understand that the City is amending the DC and plans to present the application to CPC on July 27th.

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As of the date of this letter, residents have not been notified that the application has been amended, removed from suspension and is being processed by the City. There have been no notifications provided on site or by mail to the nearby residents.

We are aware Intercare's draft DC has been modified by the City but we and our residents are currently unaware of its revised contents. The residents and the DCA should be provided with due notice of the change in status of the application and an opportunity to review and comment on the DC contents.

Reflecting the above, we request that the review by CPC be suspended until due notification has been completed, the contents of the intended DC have been provided to the community and an opportunity for feedback has been provided.

Dalhousie Visioning Report & Timing

We very much appreciate the City conducting the recent Visioning exercise for Dalhousie given the lack of an ARP. The Visioning Document is intended to provide a comprehensive review of the community's development Outcomes, Opportunities and Issues. Given the community currently has proposals for three major developments (Intercare, Birchwood, Co-op) it would seem logical to complete the Visioning exercise and reflect its outcomes in the review of this application. We would therefore request this application be deferred until the completion of the Visioning Exercise.

Land Use

There are two relevant outcomes from the Visioning exercise thus far. First is that the Dalhousie LRT Station/shopping mall and related retail and higher density residential spaces have substantial room for improvement. Second is that the existing R1 areas should remain R1 and more dense and/or commercial applications be provided for within the 53rd Street/Shaganappi Trail/Dalhousie Drive/Crowchild trail rectangle that encompasses the LRT Station area.

The subject lots for this application are mid-block in an R1 estate area of our community and we would express that these should remain R1 consistent with its surrounding community and the Visioning exercise. Both lots are currently utilized for R1, albeit in a manner that is inconsistent with current day lot sizes. Re-development to current day R1 use would seem the most appropriate use of this land.

In addition, with the opportunity to improve the existing LRT station area, it would seem more logical to locate a care facility within an improved LRT station area which would not only preserve valued R1 areas but also locate the commercial care facility in closer proximity to the neighbourhood amenities (Safeway, LRT, restaurants, walking paths, etc). Land swaps have occurred previously in the City's history to achieve a better outcome for all.

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In addition, with the opportunity to improve the existing LRT station area, it would seem more logical to locate a care facility within an improved LRT station area which would not only preserve valued R1 areas but also locate the commercial care facility in closer proximity to the neighbourhood amenities (Safeway, LRT, restaurants, walking paths, etc). Land swaps have occurred previously in the City's history to achieve a better outcome for all.

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readings process be adhered to in order to provide certainty for all given the materiality of the potential changes.

Conclusion

In summary:

1. We acknowledge a genuine effort by the developer to engage the residents group, as well as some brief follow up with the DCA. However, there remains a failure to follow due process on notification, in particular the lack of posting and resident notifications of the revised application and the current short time frame between the changes and CPC presentation effectively eliminates opportunity for broader community feedback. Therefore review by CPC at this time seems pre-mature until the information has been provided and feedback gathered.
2. As a community, our City endorsed Visioning exercise should be completed prior to major land use changes being approved.
3. The immediate area around the subject lands is our community's estate R1 area and land use should remain R1.
4. Any non-R1 land use within an R1 area needs to reflect appropriate contextual design. The feedback to date is that the proposed scale and massing of the facility is too large.
5. This application sets an important precedent in our community in general, the R1 areas throughout our community and in this area specifically given the existing FUD lands.
6. If this application proceeds, the concurrent DP and second/third readings seems logical given the fact circumstance.

Thank you for your time and attention on this matter.

Yours truly,

DALHOUSIE COMMUNITY ASSOCIATION
DEVELOPMENT & PLANNING COMMITTEE

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Appendix A

M. Beck

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PLANNING, DEVELOPMENT AND ASSESSMENT

Application for Land Use Amendment: **LOC2015-0104**
Location: **5612, 5620 Buckboard Road NW**

The City of Calgary has received an application for a Land Use Amendment on the subject property highlighted on the attached sketch. As the owner of an adjacent property, you may wish to submit written comments on the application.

The application proposes to redesignate the land use for the property listed above:

**From: Special Purpose – Future Urban Development (S-FUD) District,
Residential – Contextual One Dwelling (R-C1) District
To: Multi-Residential – Contextual Medium Profile (M-C2) District**

For more detailed information please contact the file manager listed below.

This application is currently being circulated to City departments, external referees and all adjacent owners. Circulation comments will be duly considered and a recommendation on the application will go forward to the Calgary Planning Commission.

The Calgary Planning Commission will review the application and make a recommendation to be forwarded to a public hearing of City Council for the final decision. You will be notified by letter when this item is scheduled to be heard at the public hearing and how you can be involved in the process should you wish to make representation to City Council, either in person or by filing a written submission.

If you have any comments regarding the Land Use Amendment application, please send your written response by **August 05, 2015** to:

**Brad Bevil, File Manager
Planning, Development and Assessment, IMC #8076
P.O. Box 2100 Station M
Calgary AB T2P 2M6
Phone: (403)268-1736 Fax: (403)268-3636
E-mail: brad.bevill@calgary.ca**

The personal information on administrative records regarding this application is being collected under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c) and amendments (R16W). The submission may be included in the public meeting agendas of either, or both, the Calgary Planning Commission and City Council and as such the personal information included in the submission will be publicly available. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M6 or contact us by phone at 311.

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Appendix B

M. Beck

Land Use Amendment in Dalhousie CPC2017-302

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MAP 2NW

Cameron Wallace
Real Estate Advisor
Catalyst Group
CameronW@thecatalystgroup.ca

May 24, 2017

Mr. Wallace,

Re: Intercare's Dalhousie Development Project

Overview

Thank you for providing us with the draft DC Bylaw and the response memo (dated May 18, 2017) with respect to the above noted project. Through our correspondence to you on November 3, 2016 outlining the parameters for the site that the BDRG group could support, your initial draft DC Bylaw presented to us on March 16, 2017, the draft presented April 26th, 2017 and the additional information provided on May 18, 2017 we continue to seek to work constructively with Intercare to develop the site as an example of the successful integration of resident concerns, developer needs and community benefit. We recognize the benefit of developing the site from its existing condition but also seek to balance its impact given the scale of the proposed use and the existing RC1 development surrounding it.

Further, given the rezoning that is required to accommodate the intended use we appreciate the desire of Intercare to achieve a level of assurance with respect to Land Use prior to expending significant time and resources developing the Development Permit detail that will ultimately be required. We also observe that the substance of DC Bylaw needs to be complete enough to properly protect the community in the event of an ownership change of the site before completion of the project and any significant changes from the concepts presented to date in recognition of the limitations that Intercare is working under as they seek to finalize their health care delivery model.

With the above as context, the remainder of this letter addresses (a) Process, (b) Areas of Agreement and, (c) Amendments to Become a Mutually Supported Project.

Process

In order to balance the needs of both Intercare and the community, the BDRG proposes the following process to move toward development, which should provide a cooperative framework for both parties to have the certainty they need to proceed:

1. An agreed to form of DC Bylaw and Land Use is taken to first reading at City Council. The BDRG will provide its support.

M. Beck

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2. Plans are prepared in good faith consultation with the BDRG and a mutually agreeable form of Development Permit is applied for. The BDRG will provide its support.
3. The second and third Land Use readings at City Council are completed. The BDRG will provide its support.

Areas of Agreement

The following are material areas where we are in agreement:

1. Nature of Use – we welcome a seniors' care facility for which the uses of Assisted Living and Residential Care are being applied for.
2. DC Bylaw Basis – we are supportive of M-C1 as the basis for the DC Bylaw.
3. Access – we believe we are agreed on the access to the site being from Dalhousie Drive and the facility having a Dalhousie Drive or 64th Avenue street address. We are however asking for some clarification of this point below.
4. Density – while our focus continues to be more on the "size of the box" rather than resident count, we have no objection to the proposed maximum resident count of 140 residents (as confirmed in your correspondence of May 18, 2017 which references a cumulative number of Dwelling Units of 140 and a cumulative number of Residents at 140).
5. Setbacks – we have no objection to the proposed Buckboard Road setback and the proposed 64th Avenue setback.
6. Landscaping – subject to one minor modification below and further detail to come in the development permit, we have no objection to the Landscaping requirements proposed.
7. Building Heights – we have no objection to certain aspects of the proposed building heights but need to address others, as detailed below.
8. Amenity Space – we have no objection to the proposed Amenity Space requirements as proposed.

Amendments to Become a Mutually Supported Project

If the following items can be accepted by Intercare and integrated into the DC Bylaw put forward to the City, the BDRG is prepared to support the Land Use application consistent with Process clause 1 above:

1. Building Heights & Setbacks – In prior concept discussions, Intercare had agreed to a 6m setback on the east and west property lines. This was then reduced by Intercare to 5m. The BDRG advised in its letter of November 3, 2016 that it was prepared to accept the

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reduced setback if Intercare was prepared to accept the BDRG's proposed building heights. The building heights in the northern half of the lot as described in the current draft DC Bylaw are in excess of what was proposed. We are sensitive to building heights as, unlike RC1 developments which contain massing breaks between buildings as well as backyards and streets as buffers between neighbours, there is no buffer here other than the setback and the structures are large. As a result an increase in setback or a reduction in (or additional tiering of) building height along both the east and west property lines are proposed. We would request that Intercare further examine what can be done to smooth or blend the east side transition from ground level to the final height of the buildings

As your correspondence of May 18, 2017 indicates, the BDRG has had conversations with Intercare around the need for a variance from some of the M-C1 height restrictions to accommodate a "building face" that includes an exposed entrance to underground parking as well as "sunken" gardens and courtyards. We recognize that the Section D, 16 m height is intended to facilitate this style of construction. However, the BDRG requests some clarifying language in the DC Bylaw to specifically describe the intent of this variance. What we want to mitigate is a "block" of building rising 16 meters above surrounding grade, which would be significantly out of context.

Lastly, we have a concern related to the point at which the building height is measured. This point is referenced as the "setback line" in the correspondence from Intercare, and clarified in your e-mail of May 23, 2017 as being a line running parallel to the property line, a distance equal to the setback. Given that the site is a regional high-point is the BDRG preference that the building height be measured from the lower of the property line or the setback line (to prevent a building being built on a hill and looming over adjacent properties). We would request that Intercare amend the language in the by-law accordingly.

2. Landscaping – the desire is for effective year round screening. Please amend the screen described in Clause 11(e) of the draft bylaw to coniferous only. We assume that details with respect to minimum heights, planting density and replacement will be addressed at the Development Permit Stage and simply seek now to confirm this would be the case.
3. Access – thank you for confirming that all routine, business & staff related pedestrian and vehicle access will be from Dalhousie Drive/64th Avenue only. Please confirm that perimeter fencing will also be in place along Buckboard, which we understand to be the case from previous dialogue, and would like as a means of parking mitigation.
4. Parking – proliferation of parked cars throughout the neighbourhood is a concern. Beyond staff and visitor needs, since the exact nature of the residents has not yet been determined, the number of parking stalls needed for residents is currently unknown. Intercare had previously agreed to provide more parking than minimum bylaw and that all onsite parking would be complementary, including a commitment at the October, 2016 Open House to provide 70 underground parking stalls. The current draft DC Bylaw states that only the minimum parking required by bylaw will be provided. We propose the parking minimum be 1 stall per 2 residents and all parking be complementary.

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5. Good Neighbour Operating Agreement – Please add language that the operator of the site will pursue in good faith the establishment of a “Good Neighbour Operating Agreement” to govern matters such as delivery hours, light pollution, noise mitigation and other matters typically addressed for similar facilities and settings.

As always, we remain available to discuss these and any other matters with you at any time.

Best regards,

BUCKBOARD DALBROOK RESIDENTS GROUP

Cc: Druh Farrell
Dale Culkins
Brad Beville
Sean French

M. Beck