

**POLICY AMENDMENT AND LAND USE AMENDMENT
INGLEWOOD (WARD 9)
10 AVENUE SE AND 13 STREET SE
BYLAWS 53P2017 AND 298D2017**

MAP 14C

EXECUTIVE SUMMARY

This application is for the Sevenoaks Court site and an adjacent vacant parcel in the community of Inglewood. The purpose of this application is to allow for legal protection and designation of the Sevenoaks Court building as a Municipal Historic Resource. Sevenoaks Court is identified as a Historic Resource on The Calgary Heritage Authority's Inventory of Evaluated Historic Resources. The application allows for residential development in a variety of forms and contains the following components:

- 1) designation and legal protection (by separate bylaw) of Sevenoaks Court as a Municipal Historic Resource;
- 2) a site specific policy amendment to the Inglewood Area Redevelopment Plan (ARP) in support of the land use redesignation; and
- 3) redesignation of the site from the Residential – Contextual One/Two Dwelling (R-C2) District to a DC Direct Control District based on Multi-Residential – Contextual Medium Profile (M-C2) District to allow for: 1) preservation of the Sevenoaks Court building, 2) low density residential development on the vacant parcel, and 3) comprehensive multi-residential development across the site with an addition to the Sevenoaks Court building in a manner that is compatible with historic preservation.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2017 July 27

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 53P2017 and 29D2017; and

1. **ADOPT** the proposed amendments to the Inglewood Area Redevelopment Plan, in accordance with Administration's recommendation;
2. Give first and second readings to the proposed Bylaw 53P2017 and
3. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.

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4. **ADOPT** the proposed redesignation of 0.11 hectares ± (0.26 acres ±) located at 1335 and 1339 – 10 Avenue SE (Plan A3, Block 5, Lots 30 to 32; Plan 7811390, Block 5, Lot 30A) from Residential – Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate preservation of the Sevenoaks Court building and residential development in a variety of forms, in accordance with Administration’s recommendation, as amended;
5. Give first and second readings to the proposed Bylaw 298D2017 and
6. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.

REASON(S) FOR RECOMMENDATION:

The proposal is in conformance with applicable policies in the Municipal Development Plan (MDP) and the Inglewood Area Redevelopment Plan (ARP) with proposed supporting amendments. The proposal realizes MDP policies and objectives for preservation, protection and adaptive reuse of historic resources through the official designation of Sevenoaks Court as a Municipal Historic Resource. The DC Direct Control District is based on the M-C2 district which is appropriate adjacent to low density residential development within the Residential Developed - Inner City area, and includes regulations to ensure development is compatible with the surrounding local community context.

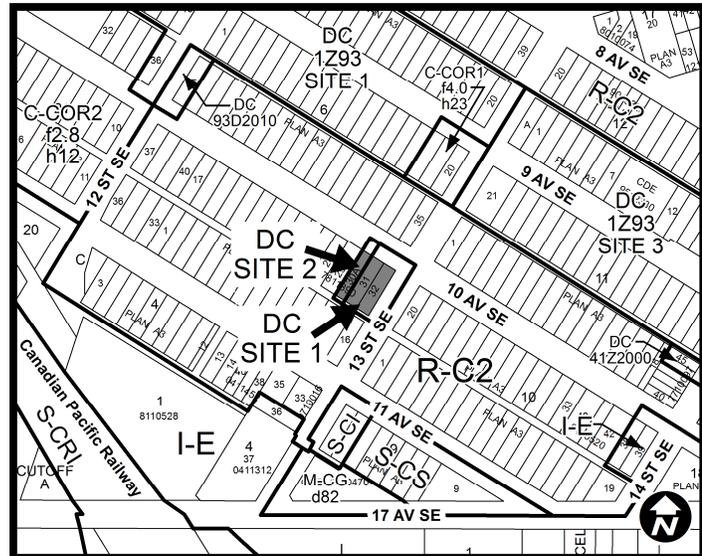
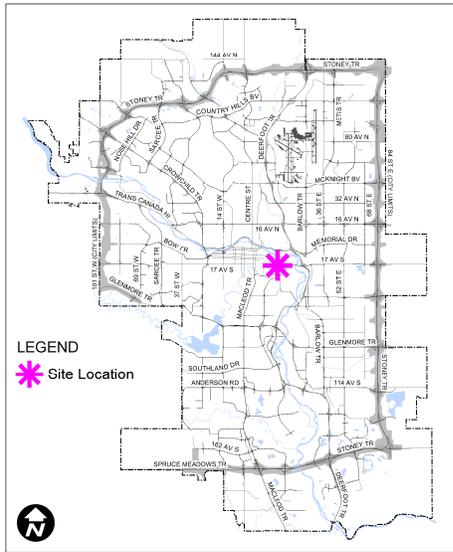
ATTACHMENTS

1. Proposed Bylaw 53P2017
2. Proposed Bylaw 298D2017

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the Inglewood Area Redevelopment Plan (APPENDIX II).
2. Give first and second readings to the proposed Bylaw; and
3. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
Moved by: G.-C. Carra **Carried: 8 – 0**
4. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.11 hectares ± (0.26 acres ±) located at 1335 and 1339 – 10 Avenue SE (Plan A3, Block 5, Lots 30 to 32; Plan 7811390, Block 5, Lot 30A) from Residential – Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate preservation of the Sevenoaks Court building and residential development in a variety of forms (APPENDIX III).
5. Give first and second readings to the proposed Bylaw; and
6. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
Moved by: G.-C. Carra **Carried: 8 – 0**

2017 July 27

MOTION: The Calgary Planning Commission accepted correspondence from:

- Debi Hind dated 2017 July 26;
- Christopher Davis Law dated 2017 July 26; and
- Inglewood Community Association dated 2017 July 26;

as distributed, and directs it to be included in the report in APPENDIX V.

Moved by: A. Palmiere **Carried: 8 – 0**

The Calgary Planning Commission recommended that Council:

- A. 1. **ADOPT**, by bylaw, the proposed amendments to the Inglewood Area Redevelopment Plan, in accordance with Administration's recommendation;

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2. Give first and second readings to the proposed Bylaw; and
3. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.

Moved by: **G.-C. Carra** **WITHDRAWN**

- B. 1. **ADOPT**, by bylaw, the proposed redesignation of 0.11 hectares ± (0.26 acres ±) located at 1335 and 1339 – 10 Avenue SE (Plan A3, Block 5, Lots 30 to 32; Plan 7811390, Block 5, Lot 30A) from Residential – Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate preservation of the Sevenoaks Court building and residential development in a variety of forms, in accordance with Administration’s recommendation; and
2. Give first and second readings to the proposed Bylaw; and
 3. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.

Moved by: **G.-C. Carra** **WITHDRAWN**

MOTION: The Calgary Planning Commission **TABLED** Item 5.01 (LOC2015-0042) until after the recess.

Moved by: **G.-C. Carra** **Carried: 8 – 0**

MOTION: The Calgary Planning Commission **LIFTED FROM TABLE** Item 5.01 (LOC2015-0042).

Moved by: **A. Palmiere** **Carried: 8 – 0**

AMENDMENT: Amend Direct Control District Guideline 10(3) delete “For a comprehensive development, the maximum cumulative density for Site 1 and Site 2 is 301 units per hectare.” and insert “For a comprehensive development there is no maximum cumulative density for Site 1 and Site 2.”

Moved by: **A. Palmiere** **Carried: 8 – 0**

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Applicant:

Christopher Davis Law

Landowner:

Mainstreet Equity Corp

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C2 setting, the site consists of two parcels located at the corner of 10 Avenue SE and 13 Street SE in the community of Inglewood. The larger parcel is approximately 20 metres by 37 metres in size and is developed with the Sevenoaks Court building, which is a two-and-one half storey apartment, red-brick, Tudor Revival style building that was built in 1913. Tudor Revival is a rare style in Inglewood, and the building served as the only free-standing, fully residential apartment block built in the neighbourhood at least through the 1960s. The smaller parcel is approximately 8 metres by 37 metres in size, is undeveloped and located directly west of Sevenoaks Court.

The site is surrounded with low-density residential (R-C2) development. The 9 Avenue SE Neighbourhood Main Street is located one block north of the site, and the Lantern Community Church is east of the site across 13 Street SE. Industrial development (I-E), multi-residential development (M-CG d82), and park space (S-CI and S-CS) are located to the south of the site.

According to data from The City of Calgary 2016 Census, the following table identifies Inglewood's peak population and year, current population and the population amount and percentage difference between the peak and current populations if any.

Inglewood	
Peak Population Year	2015
Peak Population	3,935
2016 Current Population	3,865
Difference in Population (Number)	-70
Difference in Population (Percent)	-2%

LAND USE DISTRICTS

The site is currently designated R-C2 which allows for low density residential development in the form of duplex dwellings, semi-detached dwellings and single detached dwellings with a maximum building height of 10.0 metres.

The proposed DC Direct Control District (APPENDIX III) is designed to allow for preservation of Sevenoaks Court and accommodation of residential development in a variety of forms. The district is based on the Multi-Residential – Contextual Medium Profile (M-C2) District and consists of two sites.

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Site 1 allows for preservation of the Sevenoaks Court and comprehensive multi-residential development in a manner that is compatible with historic preservation. The existing building contains 29 units and an approximate FAR of 3.0. Site 2, the vacant parcel, allows for low density residential development or comprehensive multi-residential development. The proposed density and FAR for comprehensive development on Site 1 and 2 accommodates the existing building and additional multi-residential development. The proposed FAR of 3.0 and density of 301 units per hectare would allow for 3 additional units. The M-C2 district includes landscaping, building height and cross section, and setback regulations to ensure development reflects the immediate context and is compatible with adjacent low density residential development.

A DC Direct Control District was deemed necessary in order to clearly articulate the intent to preserve Sevenoaks Court. The proposed DC Direct Control District also provides certainty to the land owners that the building in its existing form is protected, accommodates the proposed range of residential development, and limits multi-residential development on the vacant parcel to development that is linked with heritage preservation and investment.

The application originally proposed allowing for ancillary parking on the vacant parcel to formalize the existing non-conforming parking and waste and recycling containers. However the recommended Direct Control District does not include specific regulations around ancillary parking as parking can be achieved through the development permit process.

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 the “Residential Developed – Inner City” area on the Urban Structure Map (Map 1) in the *Municipal Development Plan* (MDP). General land use policies for Developed Residential Areas encourage the retention of housing stock and moderate intensification in a form and nature that respects the scale and character of these neighbourhoods (section 3.5).

MDP Heritage policies recognize that historic preservation is part of good city building and fostering community identity and pride. As such, these policies encourage the identification, protection and management of Calgary’s historic resources by encouraging owners to conserve and/or enhance Calgary’s historic resources and The City to be a leader in preserving and enlivening these resources using all tools and mechanisms that are available to a municipality (subsection 2.3.3).

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This land use application proposal is in keeping with the above MDP policies.

Municipal Historic Resource Designation

Sevenoaks Court is identified as a Historic Resource on The Calgary Heritage Authority's Inventory of Evaluated Historic Resources. As such, it merits designation as a Municipal Historic Resource. The owner of the property has agreed to allow this designation and a legal agreement has been prepared that will be required to be in place, prior to Council's third reading of the ARP amendment and land use redesignation bylaws.

Inglewood Area Redevelopment Plan (1993)

Sevenoaks Court is listed in Table 1 and identified on the Heritage Sites / Special Character Area Map (Map 4) as a historic site in the *Inglewood Area Redevelopment Plan* (ARP). The ARP (section 1.3) outlines the importance of heritage to the Inglewood community and encourages conservation of the area's historic resources.

In order to meet MDP policies and objectives for Municipal Historic Resource designation by allowing for adaptive reuse of Sevenoaks Court an amendment to the Inglewood ARP is required. The proposed amendment (Appendix II) includes the site as an allowable exception to low density residential retention within the Residential Land Use policies (subsection 2.3.1).

Draft Inglewood Area Redevelopment Plan (2018 anticipated)

This land use application aligns with the proposed heritage conservation approach in the draft Inglewood ARP that is being created in anticipation of the Green Line LRT expansion. Minor changes to the draft land use map and policies are required to reflect the existing and potential multi-residential use proposed with this application.

TRANSPORTATION NETWORKS

Pedestrian access to the site is available from 10 Avenue SE and vehicular access is available from the rear lane. The area is served by Calgary Transit bus service, including BRT service, with a bus stop location within approximately 400 metre walking distance of the site on 9 Avenue SE. The site is also located within 600 metres of a proposed Green Line LRT station. On-street parking adjacent to the site is regulated through the Calgary Parking Authority's residential parking permit system. A transportation impact assessment was not required for the application.

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UTILITIES & SERVICING

Water mains are available to service the site at Sevenoaks Court and the vacant parcel from 10 Avenue SE (150 millimetre). At Development Permit stage, watermain upgrades may be required.

Sanitary sewers are available to service the site at Sevenoaks Court and the vacant parcel from 10 Avenue SE (150 millimetre). At Development Permit stage, if the proposed density is over 55 persons/ha or the increase in the proposed peak wet flow exceeds 1L/s, a Sanitary Servicing Report will be required.

Storm sewers are available to service the site at Sevenoaks Court and the vacant parcel from 13 Street SE. At the Development Permit stage, storm sewers must be extended to service 1335 - 10 Avenue SE at the expense of the developer.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

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 Inglewood Community Association (APPENDIX IV). Concerns regarding the application raised in the letter include:

- support contingent on heritage designation of Sevenoaks Court; and
- request an opportunity to review the wording of the proposed Direct Control District.

The proposed Direct Control District and an update on the application was shared with the Inglewood Community Association on 2017 July 11.

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Citizen Comments

Administration received eight letters and comments from citizens, including neighbours and tenants of the existing building. The comments express opposition to the proposed ancillary parking on the vacant parcel 1335 - 10 Avenue SE and resulting loss of green space.

Through phone conversations with citizens seeking clarification on the application support for the designation of the existing building as a municipal heritage resource was expressed. Concerns regarding the application raised in the citizen comments include:

- potential loss of public boulevard tree;
- loss of green space for use by residents of the existing building;
- lack of amenity space for use by residents of the existing building; and
- potential loss of on-street parking if access to proposed parking was granted from 10 Avenue SE.

Public Meetings

The applicant met with the Inglewood Community Association early in the application process to discuss the proposal. No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

Mainstreet Equity Corp. ("Mainstreet") is the owner of both the historic "Sevenoaks Court" building at 1339 – 10th Avenue SE and the adjacent vacant lot at 1335 – 10th Avenue SE. Sevenoaks Court is a rental apartment building. Affordable, mid-market rental accommodation is current owner Mainstreet's primary business activity.

Mainstreet would like to transform the vacant lot into a more functional and attractive space by re-developing the space into a modest parking area for the use of some of the residents of Sevenoaks Court and to improve the aesthetic appeal of the area. This area will also accommodate a waste and recycling facility and enclosure and additional landscaping, neither of which is currently possible within the confines of the Sevenoaks Court site.

Mainstreet would also like to make sure that the existing building's current use (as a 29 unit apartment building) is protected, as it currently is not (while the building's use is "grandfathered" within the RC-2 land use district, it is subject to redevelopment limitations pursuant to section 643 of the *Municipal Government Act*. Additionally, Mainstreet would like some flexibility to achieve a comprehensive redevelopment within the proposed "DC" site.

Mainstreet has therefore made an application to the City of Calgary for a land-use amendment for both 1335 and 1339 – 10th Avenue SE. If successful, this application will allow Mainstreet to preserve the apartment building and its current density and allow the use of the adjacent lot for parking (restricted to the residents of Sevenoaks Court). Mainstreet will subsequently apply for permission to re-landscape the vacant parcel and to accommodate a waste and recycling enclosure. Mainstreet will need to make consequential amendments to the Inglewood Area Redevelopment Plan (ARP) at the same time as the proposed land use amendment.

A DC district (or direct control district) may be necessary as none of the existing districts in the City of Calgary Land Use Bylaw 1P2007 ("LUB") will, strictly speaking, accommodate Mainstreet's proposed use. The setback requirements of each district do not accommodate the Sevenoaks Court building, because the building is constructed to the edge of the legal parcel. However, a Direct Control District that waives the setback requirements and rules of Part 6 of the LUB could accommodate the existing building. A base district of Multi-Residential - Contextual Medium Profile ("M-C2") would allow Mainstreet to develop the vacant space into parking for its tenants and protect the current use. The M-C2 district provides flexibility in choosing a floor area ratio (FAR) and this is addressed within the DC bylaw. The M-C2 base district would provide use opportunities that are similar to the current built form and would accommodate a comprehensive redevelopment of the site as Inglewood evolves over time.

Mainstreet proposes to designate Sevenoaks Court building as a Municipal Heritage Resource concurrent with this land use amendment application.

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APPENDIX II

**PROPOSED AMENDMENTS TO THE INGLEWOOD
AREA REDEVELOPMENT PLAN**

- (a) In Residential Land Use, in Section 2.3 Policies, Subsection 2.3.1 after “exceptions should fall within the guidelines of 2.4.6” insert the following:

“and 2.4.7.”

- (b) In Residential Land Use, in Section 2.4 Implementation, after subsection 2.4.6 insert the following subsection 2.4.7 and renumber subsections 2.4.7, 2.4.8, and 2.4.9 accordingly:

“The site comprising of 1335 and 1339 - 10 Avenue SE was redesignated to accommodate preservation of the Sevenoaks Court building, a heritage building listed in Table 1. The redesignation allows for residential development in a variety of forms including low density residential development on 1335 10 Avenue SE and an addition to the multi-residential Sevenoaks Court building across the site in a manner that is compatible with historic preservation.”

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APPENDIX III

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for the preservation of the Sevenoaks Court **building** which is a Historic Resource on the Calgary Heritage Authority's Inventory of Evaluated Historic Resources;
 - (b) allow for an addition to the Sevenoaks Court **building** in a manner that is compatible with historic preservation; and
 - (c) accommodate residential **development** in a variety of forms.

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) "**heritage building**" means the historic three-storey **building** known as Sevenoaks Court located at 1339 10 Avenue SE on the date of passage of this Direct Control District.
 - (b) "**comprehensive development**" means **development** that incorporates the **heritage building** and consists of **Multi-Residential Development** over both Site 1 and Site 2 of this Direct Control District.

Permitted Uses

- 5 The **permitted uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

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Multi-Residential Development Rules

- 7 (1) Unless otherwise specified in subsection (2) **Multi-Residential Development** is not allowed on Site 2.
- (2) **Multi-Residential Development** is allowed when the *development* is for a **comprehensive development** that is compatible with heritage preservation as approved by the **Development Authority**.

Bylaw 1P2007 District Rules

- 8 Unless otherwise specified, the rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 9 (1) Unless otherwise specified in subsection (3), the maximum **floor area ratio** for Site 1 is 3.0.
- (2) Unless otherwise specified in subsection (3), the maximum **floor area ratio** for Site 2 is 1.0.
- (3) For a **comprehensive development**, the maximum **floor area ratio** for Site 1 and Site 2 combined is 3.0.

Density

- 10 (1) Unless otherwise specified in subsection (3), the maximum **density** for Site 1 is 379 **units** per hectare.
- (2) Unless otherwise specified in subsection (3), the maximum **density** for Site 2 is 75 **units** per hectare.
- (3) For a **comprehensive development**, the maximum cumulative **density** for Site 1 and Site 2 is 301 **units** per hectare.

Building Setbacks

- 11 (1) For a **comprehensive development**, the **building setback** rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply to Site 2.
- (2) For the **heritage building** and **Multi-Residential Development**, there is no requirement for a **setback area** for Site 1.
- (3) For **Backyard Suite, Duplex Dwelling, Secondary Suite, Semi-detached Dwelling** and **Single Detached Dwelling**, the **building setback** rules of Residential – Grade-Oriented Infill (R-CG) District of Bylaw 1P2007 apply to Site 2.

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Landscaping

- 12 (1) For a **comprehensive development**, the landscaping rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply.
- (2) For the **heritage building** and **Multi-Residential Development** there is no landscaping requirement for Site 1.
- (3) For **Backyard Suite, Duplex Dwelling, Secondary Suite, Semi-detached Dwelling** and **Single Detached Dwelling**, the landscaping rules in the General Rules for Low Density Residential Land Use District of Bylaw 1P2007 apply to Site 2.

Building Height and Cross Section

- 13 (1) For a **comprehensive development**, the **building height** and cross section rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply.
- (2) For the **heritage building** and **Multi-Residential Development**, the **building height** rules of Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply to Site 1.
- (3) For **Backyard Suite, Duplex Dwelling, Secondary Suite, Semi-detached Dwelling**, and **Single Detached Dwelling**, the **building height** rules of Residential – Grade-Oriented Infill (R-CG) District of Bylaw 1P2007 apply to Site 2.

Required Motor Vehicle Parking Stalls

- 14 (1) There is no minimum **motor vehicle parking stalls** requirement for **comprehensive development**.
- (2) There is no minimum **motor vehicle parking stalls** requirement for the **heritage building** and **Multi-Residential Development** on Site 1.
- (3) For **Backyard Suite, Duplex Dwelling, Secondary Suite, Semi-detached Dwelling**, and **Single Detached Dwelling**, the **motor vehicle parking stalls** rules of Residential – Grade-Oriented Infill (R-CG) District and the General Rules Low Density Residential Land Use District of Bylaw 1P2007 apply for Site 2.

Development Authority – Power and Duties for Relaxations

- 15 The **Development Authority** may relax the rules in section 14 of this Direct Control District, Required **Motor Vehicle Parking Stalls**, provided the test for relaxations as set out in Bylaw 1P2007 is met.

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APPENDIX IV

LETTERS SUBMITTED



INGLEWOOD COMMUNITY ASSOCIATION
1740 24TH AVE SE
CALGARY, ALBERTA
T2G 1P9
PHONE: 403-264-3835
FAX: 403-261-2724
EMAIL: info@icacalgary.com

August 8, 2016

Development Circulation Controller
Development and Building Approvals #8201
Box 2100, Station M
Calgary, Alberta
T2P 2M5

Dear Kate Van Fraassen:

Re: LOC 2015-0042, 1335 10 Avenue SE

The Redevelopment Committee (RDC) has reviewed the application regarding Land Use Change from R-C2 to DC at the above location. We met with the applicant earlier and at the time had indicated that the rezoning would only have our support with the designation of Seven Oaks as a heritage resource. We understand that action will be undertaken concurrently with this application. We would also like to see the wording of the DC bylaw. Subject to the heritage application being approved and review of the text of the DC, we support the redesignation.

Normally, a motion to that effect would be presented to the ICA general meeting for approval. Due to the summer holidays, our next general meeting is not until September 12, so in order to comply with your deadlines, we cannot follow our normal protocol. Therefore, a motion to support the application subject to designation of the site as a heritage resource is based upon a unanimous RDC decision alone. If you have any questions, please call me at 403-263-4896.

Yours very truly,

INGLEWOOD COMMUNITY ASSOCIATION
Redevelopment Committee

“signed”
L.J. Robertson
Chair

K. van Fraassen

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APPENDIX V

From: [P and D Hind](#)
To: [CPC; Robertson, Clint J.](#)
Cc: [van Fraassen, Kate G.](#); chris@chrisdavislaw.ca
Subject: [EXT] LOC2015-0042 (Seven Oaks)
Date: July 26, 2017 2:20:45 PM

Six months ago I purchased a property at [REDACTED] directly to the south of Seven Oaks. Today, I was made aware of LOC2015-0042. I was never contacted about this even though I will be directly affected by this rezoning.

I don't have a problem with the building being designated a Heritage property – what I do have a problem with is the proposal for an additional 10 feet of height. This will severely impact not only my property but the entire streetscape.

As the council meets tomorrow and I've had limited time to make known my grievances, I ask that you take this under consideration when making your decision – please do not allow the building to extend the height above the 13 m. that it stands at now. Being designated a heritage building means preserving the building for the future not, adding onto and changing the character of one of Calgary's few Tudor Revival buildings.

Thank you,

Debi Hind
[REDACTED]

Sent from [Mail](#) for Windows 10

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From: [Christopher Davis](#)
To: [P. and D. Hind](#)
Cc: [van Fraassen, Kate G.](#); [Robertson, Clint J.](#); [CPC; Matt Mederuma](#); [L. J. Robertson](#)
Subject: [EXT] RE: LOC2015-0042 (Seven Oaks)
Date: July 26, 2017 3:35:41 PM
Attachments: 2015 Feb 24 - David Milton - 1340 - 11 Ave SE.pdf
16.pdf
2017 July 26 - Lot 16 new -161246182_33386317_0_0.pdf
Importance: High

Debi:

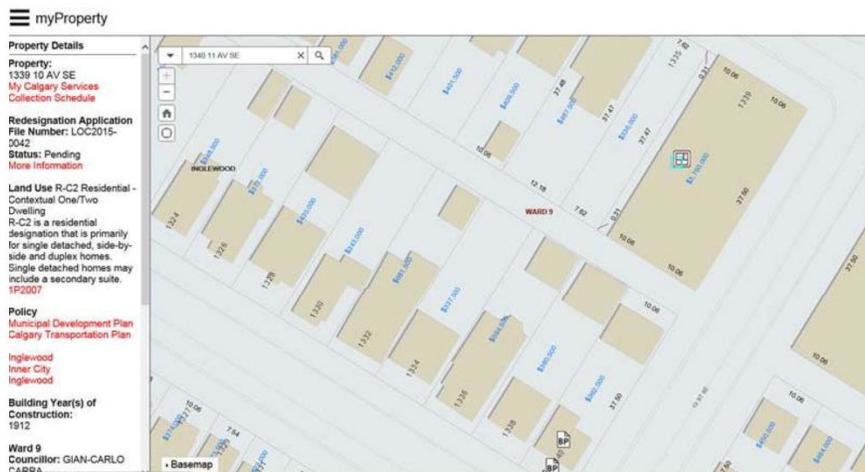
Thanks for your note. Today is the first news I have received of your concern.

Tomorrow's meeting is before the Calgary Planning Commission. Subject to their recommendations, the matter is anticipated to go to a public hearing of City Council on Monday September 11, 2017.

As you might appreciate, during a lengthy application process (this one commenced in November of 2013), the persons affected by this application have changed. We previously met with the community association development committee (January 7, 2015). On February 24, 2015 we followed up with letters to the 11 adjacent and proximate property owners (copy of letter to former owner at 1340 – 11 Ave SE attached). This was sent to the owners of the adjacent 11 properties and copied to the Ward 9 Councillor and the Inglewood Community Association. A copy of your current title is attached (title transferred October 17, 2016).

The Inglewood Community Association again reviewed the application, once it was formally made, on or about August 8, 2016 (CPC #5.01, attachment Appendix IV). The current DC bylaw language was not finalized until recently, so the ICA would not have given the bylaw language an overview. I understand that they may still be formulating a written reply to this application.

[The following is a screen capture of the subject Sevenoaks Court building – the large building with the adjacent vacant lot. Your parcel is immediately to the south, across the intervening laneway.]



The use of the M-C2 height was selected as a base district to allow the potential of matching the existing 13.0 ± metres building height, taking into account potential height rules (including step back to low density residential and cross-section requirements). The reproduction of the existing building would be challenging, given the lack of any current setback on three elevations. The intention is two-fold:

- Allow the existing built form to be reproduced (as to density and massing) in the event of a destructive event
- Allow for possible comprehensive site redevelopment, for the existing building site and the adjacent vacant parcel

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Any future application would be subject to a discretionary development permit application in which the Direct Control rules would provide a guide. As the intent of the proposed DC bylaw is, firstly, to preserve the existing structure and, secondly, to allow for reconstruction in the event of a destructive event, the maximum height of any replacement structure would be subject to the discretion of the development authority. Adjacent neighbours (as affected parties) would have input to any development application.

Mainstreet Equity Corporation was not looking to add further height to the existing built form but, working with the development authority, was seeking to provide some flexibility given the context and rules within the Land Use Bylaw in the event of future site redevelopment.

Please feel free to contact me directly to discuss further.

Sincerely,

Chris

Christopher S. Davis



PLEASE UPDATE MY EMAIL ADDRESS ON YOUR RECORDS: chris@chrisdavislaw.ca

www.chrisdavislaw.ca

From: P and D Hind [mailto: [REDACTED]]
Sent: July-26-17 2:00 PM
To: cpc@Calgary.ca; Clint.robertson@calgary.ca
Cc: Kate.vanFraassen@calgary.ca; chris@chrisdavislaw.ca
Subject: LOC2015-0042 (Seven Oaks)

Six months ago I purchased a property at [REDACTED] directly to the south of Seven Oaks. Today, I was made aware of LOC2015-0042. I was never contacted about this even though I will be directly affected by this rezoning.

I don't have a problem with the building being designated a Heritage property – what I do have a problem with is the proposal for an additional 10 feet of height. This will severely impact not only my property but the entire streetscape.

As the council meets tomorrow and I've had limited time to make known my grievances, I ask that you take this under consideration when making your decision – please do not allow the building to extend the height above the 13 m. that it stands at now. Being designated a heritage building means preserving the building for the future not, adding onto and changing the character of one of Calgary's few Tudor Revival buildings.

Thank you,

Debi Hind
[REDACTED]

Sent from [Mail](mailto: [REDACTED]) for Windows 10

K. van Fraassen

POLICY AMENDMENT AND LAND USE AMENDMENT
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10 AVENUE SE AND 13 STREET SE
BYLAWS 53P2017 AND 298D2017

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CHRISTOPHER
DAVIS LAW
Defining Development for Albertans



CHRISTOPHER S. DAVIS, B.COMM., LL.B.
Barrister & Solicitor
Phone 403.457.2100
Cell 403.701.2775
Email chris@chrisdavislaw.ca
File No. 2487.001

BY COURIER

February 24, 2015

David Milton
1340-11th Avenue SE
Calgary, AB T2G 0Z5

Dear David:

**Re: 7 Oaks Court Building
(Land Use Re-designation and Area Redevelopment Plan Amendments)
1335 & 1339 – 10th Avenue SE, Calgary**

We represent Mainstreet Equity Corp. ("Mainstreet"). Mainstreet is the owner of both the 7 Oaks Court building at 1339 – 10th Avenue SE and the vacant lot next door at 1335 – 10th Avenue SE. 7 Oaks Court is a rental apartment building. Affordable, mid-market rental accommodation is Mainstreet's primary business activity.

Mainstreet would like to transform the vacant lot into a more functional and attractive space. Mainstreet would like to re-develop the space into a parking area for the use of some of the residents of 7 Oaks Court and to improve the aesthetic appeal of the area. Mainstreet would also like to make sure that the existing building's current use (as a 29 unit apartment building) is protected, as it currently is not. To accomplish this, our client intends to make application to the City of Calgary for a land-use amendment for both 1335 and 1339 – 10th Avenue SE. If successful, this application will allow Mainstreet to preserve the apartment building and its current density and allow the use of the adjacent lot for parking (restricted to the residents of 7 Oaks Court). Mainstreet will subsequently apply for permission to re-landscape the vacant parcel. Mainstreet will need to make consequential amendments to the Inglewood Area Redevelopment Plan (ARP) at the same time as the proposed land use amendment.

To make sure you, as a neighbour of 7 Oaks Court, were aware of Mainstreet's intention and to provide you with an early opportunity to provide input, Mainstreet have asked us to contact you and forward the enclosed information on the project. Mainstreet believes that this project will not only enhance 7 Oaks Court building and neighbouring vacant parcel, but also the community of Inglewood. Mainstreet ask that you review this letter and enclosed material and ask you to consider supporting to their efforts to preserve rental accommodation and provide amenities for Inglewood residents. If you have any questions about the proposed application, then please do not hesitate to contact our offices.

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February 24, 2015
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We intend to make an application to the City in early March, 2015. Thank you again for taking the time to consider this information.

Sincerely,

CHRISTOPHER DAVIS LAW



Per: Christopher S. Davis
Barrister & Solicitor

ENC.

Copied to:
Graham Coe (Mainstreet Equity Corporation)
Ward 9 Councillor Gian-Carlo Carra
L.J. Robertson (Inglewood Community Association)

CHRISTOPHER DAVIS LAW

K. van Fraassen

POLICY AMENDMENT AND LAND USE AMENDMENT
 INGLEWOOD (WARD 9)
 10 AVENUE SE AND 13 STREET SE
 BYLAWS 53P2017 AND 298D2017

MAP 14C



LAND TITLE CERTIFICATE

B
 LINC SHORT LEGAL TITLE NUMBER
 0017 470 477 A3;5;16 981 272 094

LEGAL DESCRIPTION
 PLAN A3
 BLOCK 5
 LOT 16

ESTATE: FEE SIMPLE
 ATS REFERENCE: 5;1;24;14;S

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 981 272 092

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION	
981 272 094	04/09/1998	TRANSFER OF LAND	\$119,900	CASH & MORTGAGE	

OWNERS

DAVID MILTON
 OF 1340-11TH AVE SE
 CALGARY
 ALBERTA T2G 0Z5

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
771 147 064	20/10/1977	ZONING REGULATIONS SUBJECT TO CALGARY INTERNATIONAL AIRPORT ZONING REGULATIONS
981 272 095	04/09/1998	MORTGAGE MORTGAGEE - THE TORONTO DOMINION BANK. #200, 9737 MACLEOD TRAIL S.W., CALGARY ALBERTA T2J0P6 ORIGINAL PRINCIPAL AMOUNT: \$118,176
091 083 912	30/03/2009	MORTGAGE

(CONTINUED)

POLICY AMENDMENT AND LAND USE AMENDMENT
INGLEWOOD (WARD 9)
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ENCUMBRANCES, LIENS & INTERESTS

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981 272 094

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

MORTGAGEE - THE TORONTO DOMINION BANK.
500 EDMONTON CITY CENTER EAST, 10205-101 STREET,
5TH FLOOR
EDMONTON
ALBERTA T5J5E8
ORIGINAL PRINCIPAL AMOUNT: \$30,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
FEBRUARY, 2015 AT 04:27 P.M.

ORDER NUMBER: 27852015

CUSTOMER FILE NUMBER: 2487.001



END OF CERTIFICATE

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POLICY AMENDMENT AND LAND USE AMENDMENT
INGLEWOOD (WARD 9)
10 AVENUE SE AND 13 STREET SE
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MAP 14C



LAND TITLE CERTIFICATE

B
LINC SHORT LEGAL TITLE NUMBER
0017 470 477 A3;5;16 161 246 182

LEGAL DESCRIPTION
PLAN A3
BLOCK 5
LOT 16

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;14;S

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 981 272 094

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION	
161 246 182	17/10/2016	TRANSFER OF LAND	\$381,500	\$381,500	

OWNERS

PETER HIND

AND

DEBORAH HIND

BOTH OF:

104, 3650 MARDA LINK SW

CALGARY

ALBERTA T2T 6G9

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
771 147 064	20/10/1977	ZONING REGULATIONS SUBJECT TO CALGARY INTERNATIONAL AIRPORT ZONING REGULATIONS

TOTAL INSTRUMENTS: 001

(CONTINUED)

POLICY AMENDMENT AND LAND USE AMENDMENT
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161 246 182

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 26 DAY OF JULY,
2017 AT 02:56 P.M.

ORDER NUMBER: 33386317

CUSTOMER FILE NUMBER: 2487.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

POLICY AMENDMENT AND LAND USE AMENDMENT
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INGLEWOOD COMMUNITY ASSOCIATION
1740 24TH AVE SE
CALGARY, ALBERTA
T2G 1P9
PHONE: 403-264-3835
FAX: 403-261-2724
EMAIL: info@icacalgary.com

July 26, 2017

Development Circulation Controller
Development and Building Approvals #8201
Box 2100, Station M
Calgary, Alberta
T2P 2M5

Dear Kate van Fraassen:

Re: LOC2015-0042

I am responding to your e-mail of July 11 which advised us of the proposed DC zoning for the above address. We had been quite involved in the discussions regarding this rezoning and are disappointed at the way this particular engagement has occurred. We have been approached on this twice previously and actively engaged in the conversations. This time, we have been advised of the decision that has been made and asked for our comments but as you noted, in the summer and in between our scheduled Planning Committee meetings. So, having to scramble to reach out to interested parties for their feedback, the ability to respond has been less than satisfactory.

The history of their zoning has been fairly simple. The new owners initially approached the community in 2013 when it became clear that the zoning (RC-2) did not reflect the de facto use of the building. At 29 units and 13 m., if anything happened to the building, it could not be replaced as it stood. We provided a letter of support in principle for an appropriate rezoning (attached).

It only made sense to ensure that Seven Oaks be designated as a heritage property if a rezoning was to be granted in order to protect it. I understood that there was initially some resistance by the owners to a designation but that was sorted out last summer and we supported the LOC subject to seeing the wording.

We were surprised by the height that is proposed (being 16 m. which is 3 m. over the extant structure) for several reasons:

1. The incentive for the owners to designate was to get a zoning compatible with the use. There was no need to over-incent, so to speak, because of the implications below.
2. The building is not on the Main Street but rather in a residential district where an additional 10' in height would have a considerable impact on the streetscape.
3. You have taken great lengths to point out that there are no current plans in place to act on the extra height for a potential addition. It is to save the bother of rezoning should they wish to do so in the future and that the community discussion would be had at the DP stage. We submit that should an addition be applied for, the impediment would likely be height rather than design which

K. van Fraassen

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as you say would be subject to Heritage Planning review, so the increased height should not be granted lightly or at this time.

As such, our support for rezoning stands but only for a height that reflects the building envelope being 13 m.

If you have any questions, please call me at 403-263-4896.

Yours very truly,

INGLEWOOD COMMUNITY ASSOCIATION
Planning Committee



L.J. Robertson, Chair

POLICY AMENDMENT AND LAND USE AMENDMENT
INGLEWOOD (WARD 9)
10 AVENUE SE AND 13 STREET SE
BYLAWS 53P2017 AND 298D2017

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INGLEWOOD COMMUNITY ASSOCIATION
1740 24TH AVE SE
CALGARY, ALBERTA
T2G 1P9
PHONE: 403-264-3835
FAX: 403-261-2724
EMAIL: info@icacalgary.com

August 8, 2016

Development Circulation Controller
Development and Building Approvals #8201
Box 2100, Station M
Calgary, Alberta
T2P 2M5

Dear Kate Van Fraassen:

Re: LOC 2015-0042, 1335 10 Avenue SE

The Redevelopment Committee (RDC) has reviewed the application regarding Land Use Change from R-C2 to DC at the above location. We met with the applicant earlier and at the time had indicated that the rezoning would only have our support with the designation of Seven Oaks as a heritage resource. We understand that action will be undertaken concurrently with this application. We would also like to see the wording of the DC bylaw. Subject to the heritage application being approved and review of the text of the DC, we support the redesignation.

Normally, a motion to that effect would be presented to the ICA general meeting for approval. Due to the summer holidays, our next general meeting is not until September 12, so in order to comply with your deadlines, we cannot follow our normal protocol. Therefore, a motion to support the application subject to designation of the site as a heritage resource is based upon a unanimous RDC decision alone. If you have any questions, please call me at 403-263-4896.

Yours very truly,

INGLEWOOD COMMUNITY ASSOCIATION
Redevelopment Committee

“signed”
L.J. Robertson
Chair

K. van Fraassen

POLICY AMENDMENT AND LAND USE AMENDMENT
INGLEWOOD (WARD 9)
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INGLEWOOD COMMUNITY ASSOCIATION
1740 24TH AVE SE
CALGARY, ALBERTA
T2G 1P9
PHONE: 403-264-3835
FAX: 403-261-2724
EMAIL: ica@shawbiz.ca

September 10, 2013

Brian O'Kane
Unit 1, 1723 10A Street SW
Calgary, Alberta
T2T 3J9

Dear Mr. O'Kane:

Re: Sevens Oaks Apt. 1339 10 Avenue SE

The Redevelopment Committee was most interested to hear your proposal for the above location. The building is an important part of the architectural history of Inglewood and sadly in need of attention. We would be delighted to see it purchased by someone who would care for it properly.

The need to rezone the site is obvious to us for many reasons ranging from financing to insurance. We fully support your request to apply for a zoning (likely DC in nature) that would accurately reflect its de facto use. A motion was made to the general meeting on September 9 to provide you with a letter reflecting our support in principle for your application. The motion was passed.

Thank you for involving us in the preliminary stages of your redevelopment process. If there is any assistance that we may render, please contact me.

Yours very truly,

INGLEWOOD COMMUNITY ASSOCIATION
Redevelopment Committee

“signed”
L.J. Robertson
Chair