

Planning & Development Report to  
Combined Meeting of Council  
2020 March 16

ISC: UNRESTRICTED  
C2020-0190

## Land Use Amendment in Ramsay (Ward 9) at multiple addresses, LOC2016-0088, Bylaw 6D2020

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### EXECUTIVE SUMMARY

At the 2020 January 13 Public Hearing of Council, Bylaw 6D2020 was given first reading, while second and third readings were withheld for Administration to consider amendments to the applicant's proposed Direct Control (DC) District (Attachment 1) to introduce the following:

- (i) the heritage bonusing mechanism of Administration's supportable DC District;
- (ii) policy so that the heritage bonusing system within the DC District is only achievable once a new area redevelopment plan applying to the community of Ramsay is adopted; and
- (iii) policy within the DC District directing that any discrepancies between the proposed heritage bonusing mechanism and the community-wide (*i.e. citywide*) heritage bonusing mechanism be rectified.

Through Administration's investigation of the above, it has been determined that not all three elements of Council's direction can be achieved collectively at this time. Direction (i) could be achieved on its own through Option 3 of this report. Directions (ii) and (iii) cannot be achieved due to the risks associated with referencing density bonus mechanisms that are not enforced at time of bylaw approval, and risks associated with referencing non-existent mechanisms to be determined at an unknown future date.

Given these risks, Administration recommends that Council postpone second and third readings of the applicant's proposed DC District, Bylaw 6D2020 (Option 1 of this report), until a new area redevelopment plan for Ramsay and citywide heritage bonusing mechanisms are in place. This approach will allow for all three elements of Council's direction to be achieved. While this approach results in a delay to land use approval, it represents the best approach for alignment with heritage policies of the Municipal Development Plan and the existing Ramsay Area Redevelopment Plan. Furthermore, it provides the lowest risk in terms of potential loss of existing Historic Interest Sites (within the subject site) and the potential negative impacts of precedent-setting land use districts that impose bylaw provisions based on uncertainty in the future.

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**ADMINISTRATION RECOMMENDATION:**

That Council:

1. Postpone second and third readings of Bylaw 6D2020 (Attachment 1) until the new area redevelopment plan applying to the community of Ramsay is approved and the citywide heritage bonusing mechanisms are in place; and
2. Direct Administration to bring forward potential amendments to Bylaw 6D2020 that achieve Council's directions from the 13 January 2020 Combined Meeting of Council, no later than Q1 2021.

**PREVIOUS COUNCIL DIRECTION / POLICY**

At the 2020 February 24 Combined Meeting of Council, CPC2019-0695 was deferred to the 2020 March 16 Combined Meeting of Council.

At the 2020 January 13 Combined Meeting of Council, with respect to CPC2019-0695, the following be approved:

That Council hold a Public Hearing; and

1. Adopt the proposed amendments to the Ramsay Area Redevelopment Plan and Proposed Bylaw 1P2020 (Attachment 1); and
2. Give three readings to Proposed Bylaw 1P2020.
3. Adopt, by bylaw, the proposed redesignation of 0.95 hectares  $\pm$  (2.35 acres  $\pm$ ) located at 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1121, 1123, 1125, 1129, 1131, 1133, 1135, 1137, 1139, 1141, 1143, 1145 and 1147 – 8 Street SE, 803 and 805 - 11 Avenue SE and 1110 and 1120 Maggie Street SE (Plan A2, Block 17, Lots 4 to 13, 15 to 22, and 25 to 27; Plan 8310686, Block 17, Lots 28 to 30) from Residential Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate a broad range of residential development including multi-residential buildings, with guidelines (Attachment 2); and
4. Give first reading to Proposed Bylaw 6D2020.
5. Withhold second and third readings on the LOC until the next meeting of Council in order to prepare:
  - amendments to the LOC for introduction at 2nd reading to introduce restrictions to the district from the proponent-proposed DC to the amended DC with administration's heritage bonusing mechanism;
  - policy so that the heritage bonusing is only enacted in conjunction with the adoption of an ARP applying to the community of Ramsay; and,
  - policy so that any discrepancies between this LOC's heritage bonusing mechanism and the community-wide heritage bonusing mechanism are rectified;
6. And return to Council no later than 2020 February 24 Combined Meeting of Council.

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---

**BACKGROUND**

The original land use application was submitted in 2016 and proposes to change the existing land use from Residential – Contextual One / Two Dwelling (R-C2) District to a DC District based on the Multi-Residential – Contextual Low Profile (M-C1) District.

At the 2019 November 21 meeting of Calgary Planning Commission (CPC), Administration brought forward a recommendation of refusal on the applicant's proposed DC District (Bylaw 6D2020) and associated amendments to the existing *Ramsay Area Redevelopment Plan* (ARP). CPC upheld Administration's recommendation for refusal of this application.

At the 2020 January 13 Combined Meeting of Council, Council overturned CPC's recommendation of refusal and approved the proposed policy amendments to the Ramsay ARP (Bylaw 1P2020) and gave first reading to the applicant's proposed DC District (Bylaw 6D2020). Council withheld second and third readings of the applicant's proposed DC District, expressing concerns regarding the impact that increased intensity in this location could have on the preservation of the heritage character of Ramsay. Council, however, also expressed concerns about including bonus mechanism provisions within the DC District in advance of policy direction, either through a new ARP or citywide density bonusing mechanisms, citing that this approach would put the landowners at a disadvantage when compared to other development sites in Ramsay. Council, therefore, directed Administration to consider amendments to the applicant's proposed DC District that may address both of these concerns.

**Site Context**

The subject site includes 24 parcels along 8 Street SE between 17 Avenue SE and 11 Avenue SE in the community of Ramsay, which are developed with low density residential development consisting of single-detached and semi-detached dwellings. Three of the properties within the subject site are identified on Map 3 Historic Interest Sites of the existing Ramsay ARP. These include: 1105, 1107, and 1129 - 8 Street SE. Additionally, in a survey conducted by The City's Heritage Planning team, the following properties within the subject site were identified as contributing to the heritage character of Ramsay: 1105, 1107, 1113, 1115, 1129, 1135, 1137, 1141, 1145, and 1147 - 8 Street SE (see Figure 1). These properties collectively represent 42 percent (10 out of 24 parcels) of the existing properties within the subject site, reflecting a high concentration of properties contributing to the community's heritage character within a single block.

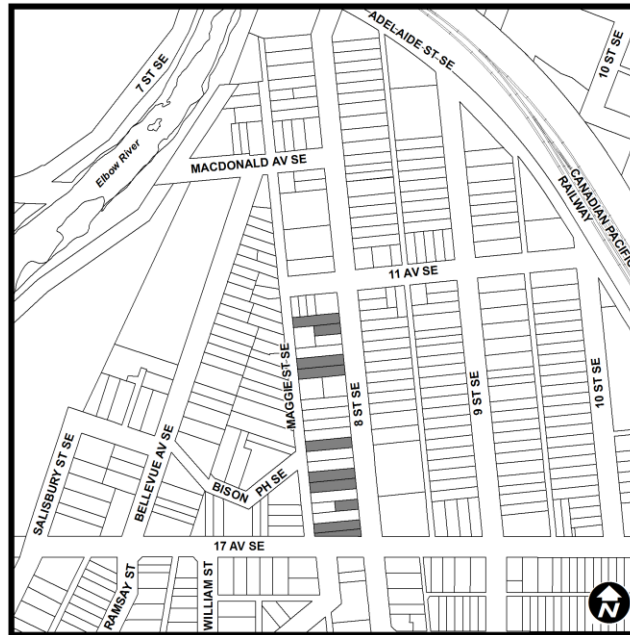
There are many properties throughout Calgary with heritage value that are not currently listed on The City's Inventory of Evaluated Historic Resources (the Inventory). While none of the properties within the subject site are currently listed on the Inventory, they have been identified to have heritage value and may merit inclusion but have yet to be listed.

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Figure 1: Properties Contributing to Ramsay's Heritage Character



## INVESTIGATION: ALTERNATIVES AND ANALYSIS

Council has directed Administration to amend the applicant's proposed DC District to include:

- (i) the heritage bonusing mechanism of Administration's supportable DC District;
- (ii) policy so that the heritage bonusing system within the DC District is only achievable once a new area redevelopment plan applying to the community of Ramsay is adopted; and
- (iii) policy within the DC District directing that any discrepancies between the proposed heritage bonusing mechanism and the community-wide (*i.e. citywide*) heritage bonusing mechanism be rectified.

Through Administration's investigation of the above, it has been determined that not all three elements of Council's direction can be achieved collectively at this time. There are risks associated with referencing density bonus mechanisms that are not enforceable at time of bylaw approval, as well as with referencing non-existent heritage preservation mechanisms to be determined at an unknown future date.

While these mechanisms have yet to be determined, Administration is currently in the process of drafting both a new ARP for the community of Ramsay, and a citywide framework for heritage bonusing mechanisms. The Ramsay ARP is anticipated to be presented to Council in Q3 2020. The initial work for evaluating potential new policy tools and financial incentives to increase preservation of local heritage resources through a citywide approach will be presented to Council in Q2 2020.

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---

Given that the above work is currently underway, and that all three elements of Council's direction cannot be achieved collectively at this time, Administration explored three options in the attempt of responding to Council's direction. These options and the associated advantages and disadvantages are outlined below.

***Option 1: Postpone second and third reading of Bylaw 6D2020 until the new ARP for Ramsay and citywide heritage bonusing mechanisms are in place (recommended option).***

This option would involve postponing second and third readings until a broader heritage bonusing mechanism is in place, through the new ARP applying to Ramsay and approved citywide heritage bonusing mechanisms. This option would allow for all three of Council's directions to be achieved at a later date, and therefore represents Administration's recommended option.

Advantages

- Potential to achieve all three of Council's directions, although not immediately.
- Council's intent of delivering a DC District that is aligned with broader City initiatives would be met.
- Allows for land use that is aligned with the heritage preservation policies and tools, both specifically within the community of Ramsay, as well as within a citywide framework.
- Represents the greatest potential for heritage preservation on the subject site at this time.
- Aligns with the existing heritage policies of the MDP and the existing Ramsay ARP.

Disadvantages & Potential Risks

- Continues to delay decision on this application for the time-being.
- Does not provide certainty to the applicant or surrounding land owners of the exact timing or outcome for land use on this site.
- Redevelopment within the subject site may be delayed.

***Option 2: Give second and third readings to the applicant's proposed DC District with no heritage bonusing provisions.***

The existing land use on the subject site is R-C2, allowing for a maximum of two units per parcel which results in a maximum of 48 units over the entire site. The applicant's proposed DC District is based on the M-C1 District, allowing a maximum residential density of 155 units per hectare which could result in a maximum of 147 units across the entire site.

Council has given first reading to the applicant's proposed DC District and could consider giving second and third readings at this time. Council could then consider directing Administration bring forward City-led amendments to the approved DC District that incorporate any bonus density provisions at such time that these mechanisms are approved through new policy direction (either through new Ramsay ARP and/or a citywide framework).

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Combined Meeting of Council  
2020 March 16

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C2020-0190

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Bylaw 6D2020**

---

Advantages

- Provides certainty of land use at this time for the subject lands.
- The applicant's DC District was supported by the Ramsay Community Association.

Disadvantages & Potential Risks

- Does not achieve any of Council's direction [items (i), (ii) and (iii)] of 2020 January 13.
- If development applications are submitted under this DC District, there will be no incentive in place to support heritage preservation which may result in the loss of existing properties that contribute to the heritage character of Ramsay.
- Does not align with heritage policies of the MDP and the existing Ramsay ARP.
- May set a precedent for land use proposals to ignore heritage preservation in historically-significant areas.

***Option 3: Abandon Bylaw 6D2020 and give three readings to the Administration-supportable DC District, as presented at the 13 January 2020 meeting of Council.***

This option represents Administration's and Calgary Planning Commission's original recommendation to Council. Given that Council's direction is unachievable at this time, this option may provide a reasonable approach to balance the intent of heritage preservation with the desire for land use decision and certainty on this site.

The Administration-supportable DC District is based on the Multi-residential – Contextual Grade-orientated (M-CG) District and would allow a base density of 111 units per hectare, or up to 105 units across the entire site, and a maximum height of up to 12 metres. The DC District would provide a density bonus option to achieve a maximum of 155 units per hectare and a height of up to 14 metres (consistent with the applicant's proposed maximum density and height). In the Administration-supportable DC District, bonusing would be achieved via either Character Home Retention Development, or development that utilizes one or more of the two density bonus options, which are additional density transfer from heritage sites and a contribution to the City of Calgary's Heritage Incentive Reserve Fund. These mechanisms reflect site-specific bonus provisions and it is yet to be determined whether these mechanisms would be included in the new Ramsay ARP and/or the citywide heritage bonusing mechanisms. The Administration-supportable DC District is contained in Attachment 3.

Advantages

- This option responds to point (i) of Council direction by incorporating Administration's heritage bonusing mechanism in the proposed DC District: a maximum density of 111 units per hectare with the opportunity for further density up to a maximum of 155 units per hectare.

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C2020-0190

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---

- This option would give certainty on land use decision and allow for the site to be developed immediately to the maximum density and height, through the option of density bonusing.
- This option balances Council's intent for heritage preservation as well as the desire to support development in the area.

Disadvantages & Potential Risks

- Point (ii) and (iii) of Council's direction would not be fulfilled with this option.
- The precise mechanism for heritage preservation may not align with those established in the new ARP for Ramsay, and/or citywide heritage bonusing mechanisms.
- While this option would still allow for a maximum of 155 units per hectare to be achieved on the site, it would impose a lower base density to what Council gave first reading. The direction of 13 January 2020 did not direct Administration to lower the density achievable today, with or without the inclusion of bonus provisions.

Recommended Option

Based on the analysis provided in this report, Administration recommends **Option 1**. Although there are a number of potential disadvantages and risks identified with this option, it represents the only approach that will allow all three of Council's directions to be achieved, albeit not immediately. This option also represents minimal risk, both in potential loss of heritage assets as well as risks associated with approval of land use districts that are either misaligned with policy direction or are simply unachievable at time of approval. Option 1 allows for a land use district that will support the goals of both intensification and heritage preservation in this area.

**Stakeholder Engagement, Research and Communication**

No additional engagement with the public or Ramsay Community Association was conducted by the applicant or Administration as part of this response. Refer to Administration's original report (Attachment 2) for details on engagement that was conducted as part of the original land use application.

**Strategic Alignment**

***South Saskatchewan Regional Plan (2014)***

Administration's recommendation is aligned with the policy direction of the *South Saskatchewan Regional Plan*, which directs population growth in the region to Cities and Towns and promotes the efficient use of land.

When Administration brings back the DC District in Q1 2021, it will also align with the policy direction of the *South Saskatchewan Regional Plan*.

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Bylaw 6D2020**

---

***Interim Growth Plan (2018)***

Administration's recommendation is aligned with the policy direction of the *Interim Growth Plan*. The recommended approach builds on the principles of the *Interim Growth Plan* by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

When Administration brings back the DC District in Q1 2021, it will also align with the policy direction of the *Interim Growth Plan*.

***Municipal Development Plan (Statutory - 2009)***

In accordance with the Urban Structure Map (Map 1) of the *Municipal Development Plan* (MDP), the subject site is identified as being located within the Developed Residential Area – Inner City policy area. The land use policies in Section 3.5.2 encourage intensification of inner-city communities through redevelopment that is consistent and compatible with the existing character of the neighbourhood.

Heritage is identified in the MDP as being an integral part of good city building. Heritage policies in Section 2.3.3 provide direction for the identification of properties of special historic quality and character, and encourage landowners to conserve and/or enhance heritage resources.

The proposed approach ensures that, once the ARP and citywide density bonusing mechanisms are in place, the MDP goals of intensification and protection of heritage resources can be achieved.

***Ramsay Area Redevelopment Plan (Statutory - 1994)***

The existing *Ramsay Area Redevelopment Plan* (ARP) was adopted by Council in 1994. Following the policy amendments adopted at the 2020 January 13 meeting of Council (CPC2019-0695), the subject site is now located within the Medium Density Residential area as identified on Map 1 of the ARP.

The existing ARP is currently under review by Administration as part of the Historic East Calgary Local Growth Planning initiative. The multi-community planning process does not prohibit applications from being submitted. A full update to the local area plan is anticipated to be brought to Council Q3 2020.

Additionally, three properties within the subject site are identified on Map 3 – Historic Interests Sites of the ARP (#22 1129 - 8 Street SE and #42 1105 and 1107 - 8 Street SE). Section 2.0 of the existing ARP encourages the conservation of heritage resources in Ramsay, and for additions and renovations to identify potential heritage or historically significant structures to respect the existing character of the site. The recommended approach aligns with the heritage preservation policies in the existing ARP.



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---

**Social, Environmental, Economic (External)**

Administration's recommendation can achieve a number of objectives by allowing for a land use district on the subject site that balances both the goals of heritage preservation as well as intensified development close to the future Inglewood/Ramsay Green Line LRT station.

**Financial Capacity**

***Current and Future Operating Budget*** - There are no known impacts to the current and future operating budgets at this time.

***Current and Future Capital Budget*** - Administration's recommendation does not trigger capital infrastructure investment and therefore, there are no growth management concerns at this time.

**Risk Assessment**

Administration recommends postponing of second and third readings until such time that a new ARP applying to the community of Ramsay and citywide heritage bonusing mechanisms are in place. There are potential risks associated with this approach, including a delay in approval for a land use redesignation on the subject site, uncertainty for exact timing of approval, and potential delay to redevelopment.

Conversely, there may be significant risks of either approving the land use redesignation without heritage preservation provisions in the bylaw, or approving a land use district that prematurely references heritage bonusing mechanisms that cannot yet be achieved. Both of these outcomes would increase the risk for loss of heritage assets that contribute to the character of Ramsay, as well as risks associated with approving a land use based on uncertainty and/or provisions that are not enforceable at time of bylaw approval

Option 1 minimizes the risk of loss of heritage properties, misalignment with policy direction and/or approving a DC District that is not implementable.

**REASON(S) FOR RECOMMENDATION(S):**

Administration's recommendation for Option 1 of this report represents the only approach that will achieve Council's direction of 13 January 2020 for amendments to Bylaw 6D2020.

By postponing second and third readings of this bylaw until such time that a new area redevelopment plan that includes the community of Ramsay is adopted, and/or the citywide heritage bonusing mechanism(s) are in place, Administration is able to bring forward amendments to the Direct Control District that are aligned with policy direction and include bylaw provisions that are implementable at the time of land use approval.

**ATTACHMENT(S)**

1. Applicant's Proposed Direct Control District (Bylaw 6D2020)
2. Original Administration Report CPC2019-0695
3. Administration Supportable Proposed Direct Control District