

LAND USE AMENDMENT
SOUTH CALGARY (WARD 8)
30 AVENUE SW AND 20 STREET SW
BYLAW 211D2017

MAP 8C

EXECUTIVE SUMMARY

This proposed Land Use Amendment seeks to redesignate the subject parcel from Residential – Contextual One/Two Dwelling (R-C2) District to a DC Direct Control District to accommodate semi-detached residential development on the subject parcel which is constrained by steep site slope and compromised/restricted lane access.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2017 May 04

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 211D2017; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 2039 – 30 Avenue SW (Plan 4479P, Block 40, Lots 21 and 22) from Residential – Contextual One / Two Dwelling (R-C2) District **to** DC Direct Control District to accommodate semi-detached dwellings on a site constrained by grade and access, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 211D2017.

REASON(S) FOR RECOMMENDATION:

The proposed Land Use Amendment implements the vision and policies in the South Calgary/Altadore Area Redevelopment Plan (ARP) and is consistent with the Municipal Development Plan (MDP).

The applicant intends to formalize through a Direct Control District the design of a semi-detached residential building which has twice received approval from the Development Authority. The limited rear access and significant slope across the site force any residential development on it to consider attached garages and the potential impacts on building length and size this implies.

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The Direct Control District addresses site constraints specific to the subject site and provides rules that enable development on the parcel without the requirement of numerous relaxations of the Land Use Bylaw under R-C2 district.

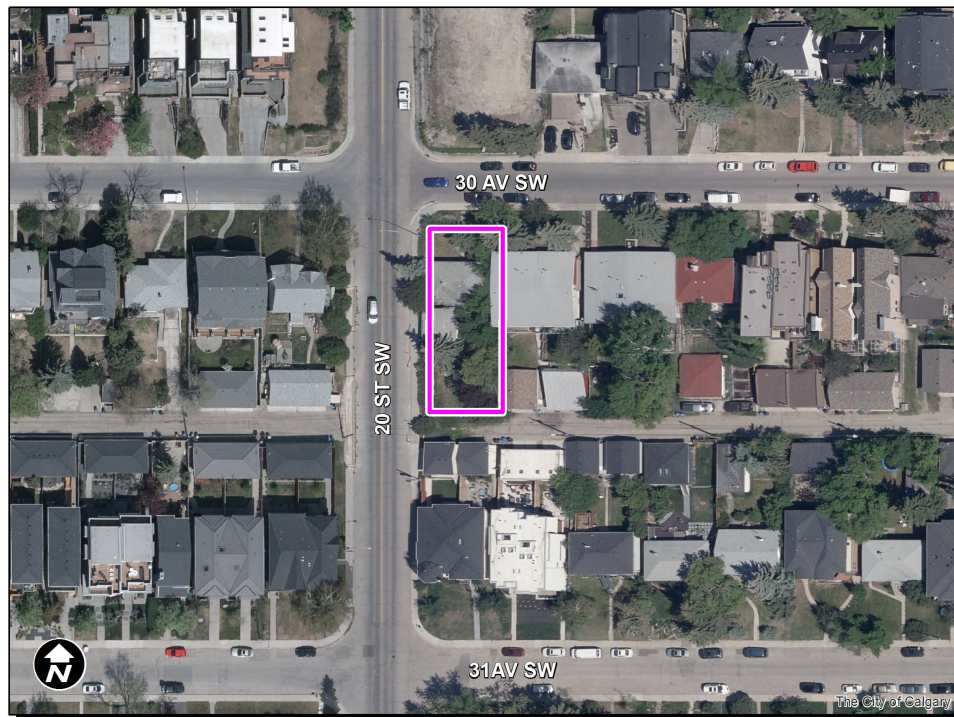
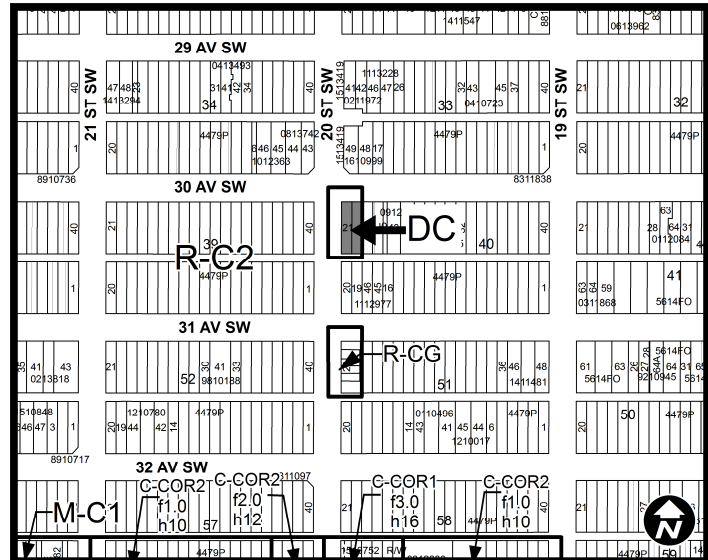
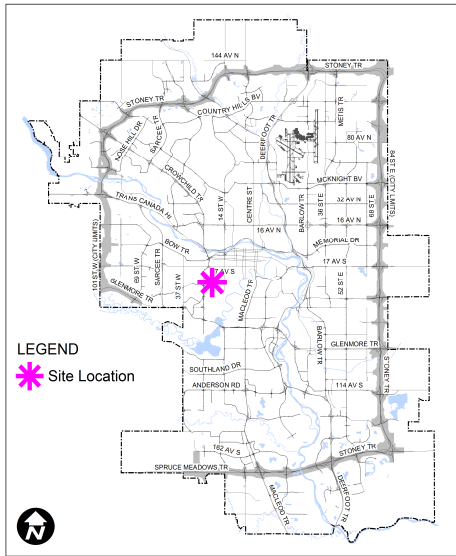
ATTACHMENT

1. Proposed Bylaw 211D2017
2. Public Submissions

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 2039 – 30 Avenue SW (Plan 4479P, Block 40, Lots 21 and 22) from Residential – Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate semi-detached dwellings on a site constrained by grade and access (APPENDIX II).

Moved by: M. Foht

Carried: 5 – 2

Opposed: A. Palmiere and
R. Wright

Reasons for Approval from Ms. Juan:

- I supported this application as it's an appropriate use of the site. I do not agree with the process that took place which seemed to circumvent the process and SDAB decisions. I stress to the Applicant the importance of design that needs to be addressed the development permit stage.

Reasons for Approval from Mr. Friesen:

- I supported this land use amendment but had some significant concerns. The site is constrained by slopes and lane barriers. Administration claims that all viable architectural solutions have been considered and the one proposed is the only option. Reviews by various departments support the notion that the lane only supports limited access. With these opinions from the City and the refusals from SDAB the lot may be impossible to redevelop which is not fair to the owner. Site specific conditions such as these can be an appropriate place for a DC land use.
- The concern remains that the DC is being used to get around a legitimate appeal process. All issues should be raised and considered by Council at the public hearing. If it emerges that other building forms and access plans are feasible the amendment should be reconsidered.

Reasons for Opposition from Mr. Wright:

- The application for a DC seems to be driven by the need to circumvent the two previous SDAB decisions. Other developments on 30 Ave. to the west had similar topographic constraints along with a dead end alley and were able to move forward without resorting to DC Districts. I would suggest it is best practise to design a house for the lot rather than design a land use to fit the house (and ignore the site). The SDAB decisions were accurate and appropriate. It is unfortunate the applicant did not work more closely with the neighbours to try to resolve some pretty basic issues.

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Reasons for Opposition from Mr. Palmiere:

- The proposed DC does not address the concerns of the previous DP appellants or decisions of the SDAB. Instead I believe the DC is an attempt to circumvent a likely appeal.
- Administration did not adequately explain why they were no longer willing to exercise discretionary authority for relaxations when they had previously done so in 2014 and 2016.
- I believe the redevelopment of the site requires a collaborative design solution, not a land use solution.

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Applicant:

QuantumPlace Developments

Landowner:

Bernadett Maxwell

PLANNING EVALUATION

SITE CONTEXT

The subject site comprises one titled parcel in the community of South Calgary. The property includes a single storey dwelling, with a detached garage that has access from 20 Street SW. The subject site is surrounded to the front, side and rear by residential dwellings designated R-C2. The existing rear lane does not provide access to 20 Street SW directly west of the site due to a very steep slope at the end of the lane. Transportation Department closed the back lane in the 1980s. The site has a maximum grade change of 5.01 metres along its length and 2.4 metres across its width.

Development Permit

Two separate Development Permit applications for semi-detached residential development on the subject site were approved by the Development Authority in 2014 and 2015. Both approvals were subsequently overturned by the Subdivision and Development Appeal Board (SDAB) on appeal by neighbours. SDAB concerns included protrusion of the development beyond the rear façade of adjacent property, massing, privacy, compatibility, shadowing and traffic. SDAB concluded that the proposed development is incompatible with the adjacent developments and immediate neighbourhood, and is not appropriate for the parcel.

South Calgary	
Peak Population Year	2016
Peak Population	4,118
2016 Current Population	4,118
Difference in Population (Number)	0
Difference in Population (Percent)	0%

LAND USE DISTRICTS

The proposed land use district is a DC Direct Control District based on the Residential – Contextual One/Two Dwelling (R-C2) District of Land Use Bylaw 1P2007. Section 20 of the Land Use Bylaw indicates that DC Direct Control Districts must only be used for developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require

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specific regulation unavailable in other land use districts. A DC District has been used for this application to accommodate semi-detached residential development on a site constrained by slope and compromised lane access. In addition to allowing for semi-detached residential development, the key components of Direct Control District include:

- it allows minimum 3.0 metres building setback from front property line for flexibility with locating of building on the parcel to minimize protrusion at the rear beyond adjoining neighbour's building;
- it allows the maximum building depth to 68.0 per cent of the parcel depth to accommodate building design incorporating attached garage;
- it allows the Development Authority to consider relaxation to the height of retaining wall up to 2.5 metres in response to grade constraints on the parcel which require increased height of retaining walls.

LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

Municipal Development Plan (MDP)

The subject site is identified on the Urban Structure Map of the MDP (Map 1) as being within the Developed Inner City Area. Although the document makes no specific reference to the site, the proposed Land Use Amendment is in keeping with a number of overarching MDP policies.

- *Neighbourhood Infill and Redevelopment* policies encourage higher residential densities and redevelopment that is similar in scale and nature to existing development, and that increases the mix of housing choices including accessory suites.
- *Housing Diversity and Choice* policies encourage the provision of a wide range of housing types, tenures and densities that may meet affordability, accessibility, life cycle and lifestyle needs of different groups; an adaptation of the City's existing housing stock to enable changing households to remain in the same neighbourhood for longer time periods through allowing accessory suites in low density areas.

Notwithstanding the above, section 1.4.4 of the MDP states that Area Redevelopment Plans (in this case the South Calgary/ Altadore Area Redevelopment Plan) in existence prior to approval of the MDP are recognized by the MDP as policies providing specific direction for the local context.

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South Calgary/Altadore Area Redevelopment Plan (ARP)

The subject site is located in the Conservation/Infill Residential Area as identified on Map 2 of the South Calgary/ Altadore Area Redevelopment Plan (ARP). The Conservation and Infill Area policy of the ARP is intended to allow for protection and rehabilitation of existing dwellings, while encouraging infill development that is compatible in character and scale with existing dwellings. The South Calgary/Altadore ARP supports compatible infill development.

The proposed DC Direct Control District addresses the site specific constraint of steep slope and provides land use rules to accommodate semi-detached residential development on the subject parcel.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) or parking study were not required for this Land Use Amendment application.

UTILITIES & SERVICING

All required services are available for the proposed land use. The existing servicing can accommodate the proposed development without the need for upgrades or adjustments to the existing infrastructure.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

GROWTH MANAGEMENT

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

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PUBLIC ENGAGEMENT

Community Association Comments

The Marda Loop Communities Association (MLCA) Planning and Development Committee was circulated as part of this application. A letter was submitted by the MLCA indicating that they do not support the Land Use Amendment (APPENDIX III).

Citizen Comments

There were two letters received from the surrounding residents in opposition to the proposed land use, summarized as follows:

- It is important for the City to have the discretionary right to allow or deny an application;
- The proposed Direct Control land use will take away the residents ability to appeal; and
- The process in place is fair and currently works.

Public Meetings

None required.

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APPENDIX I

APPLICANT'S SUBMISSION

Summary

QuantumPlace Developments Ltd. (QPD), on behalf of the property owners, are applying for a Direct Control (DC) District for 2039 30 Avenue SW. The subject lot, legally referred to as Plan 4479; Block 40; Lot 21,22 occupies a corner lot at 20 Street SW and 30 Avenue SW in the community of South Calgary (Ward 8). The property is currently designated Residential One / Two Dwelling (R-C2) District. QPD has been working with City Administration to design a DC District that is amenable to all stakeholders, maintaining discretion.

The proposed DC District retains RC-2 as a base district, while making minor changes to front setback, building depth, retaining wall height, and height on a corner parcel to address the specific constraints of this site and concerns expressed by neighbours (through the SDAB, personal communication, and Administration's engagement).

History

The property owners are proposing to develop a Semi-Detached Dwelling in a RC-2 District, which is consistent with the character of the surrounding neighbourhood. The challenge is that a Semi-Detached Dwelling cannot be considered contextual per the Land Use Bylaw on a sloped lot, and therefore requires relaxations. The owners have applied, successfully, for a development permit (DP) twice since 2014. The Development Authority's permit approval has been overturned by the Subdivision and Development Appeals Board (SDAB) twice (SDAB2014-0127 and SDAB2016-0030), primarily citing neighbours concerns surrounding rear yard amenity space, potential shadowing impacts, and previous relaxations.

The development parcel is sloped both east-west and north-south. From the 30th Avenue sidewalk (front) to the rear laneway, the grade changes approximately 5.96 metres (19.55 feet). Likewise, from the west unit property line to the 20 Street (east) sidewalk, the grade changes 2.40 metres (7.87 feet). Design is also challenging because the subject property is located on a corner lot at the terminating end of a dead-end rear lane, making lane access and parking a challenge.

The Direct Control District

To address the unique situation of this parcel and to identify amenable solutions to all stakeholders, the following sections of the base RC-2 District have been adjusted:

- The 'Building Setback from Front Property Line' has been reduced to a minimum of 3.0 meters, at the request of Administration and in response to neighbour concerns associated with the rear yard.

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- The 'Maximum Building Depth' has been set to 68 per cent of the parcel depth, or 25.75 meters from the front property line. This change, again at the request of Administration, moves the proposed building forward on the site to address neighbour concerns associated with the rear yard.
- The 'Retaining Walls' for this site must be 2.5 meters in height or less when measured from grade. The challenging slopes associate with the site require larger than average retaining walls.
- The 'Building Height on a Corner Parcel' addresses concerns surrounding the 20th Street side height of the proposed development. The bylaw requires that, for buildings on a corner parcel, no portion of a building facing a street may exceed the maximum building height when measured vertically at any point from grade adjacent to the building. Other height concerns have been addressed through the redesign of the building.

The above are the only changes proposed by this DC and respond specifically to the unique characteristics of this site and application.

The proposed application considers and aligns with the intent and objectives of the Calgary Municipal Development Plan (MDP) and Calgary's Low Density Infill Housing Guidelines for Established Communities. Semi-detached dwellings are the predominate use in the area. The South Calgary/Altadore ARP indicates that policies regarding residential land use are aimed at maintaining stability in the area through redesignations that more accurately reflect what exists (p.6) in the community.

Despite the challenges, the owners have worked diligently to design a building that works with the challenging terrain of the site to be designed in context with the surrounding neighbourhood, the City's policies and to negotiate a fair solution for the development of a semi-detached dwelling.

On behalf of the owners, QPD is seeking a Land Use Redesignation to gain clarity and certainty regarding their property. Thank you for your support of this Land Use Redesignation application. Please contact the undersigned if you would like to discuss the application further.

Sincerely,

Ian Harper
Planning and Development Coordinator
QuantumPlace Developments Ltd

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) accommodate residential **development** on a site constrained by slope and compromised **lane** access.

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.

Permitted Uses

- 4 The **permitted uses** of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Building Setback from Front Property Line

- 7 (1) For a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and a **Single Detached Dwelling**, the minimum **building setback** from a **front property line** is the greater of:
- (a) the **contextual front setback** less 3.0 metres; or
 - (b) 3.0 metres.
- (2) For an addition or exterior alteration to a **Duplex Dwelling, Semi-detached Dwelling**, or **Single Detached Dwelling** which was existing and approved on or before the effective date of this Direct Control District, the minimum **building setback** from a **front property line** is the lesser of:

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- (a) the **contextual front setback** less 3.0 metres to a minimum of 3.0 metres; or
- (b) the existing **building setback** less 3.0 metres to a minimum of 3.0 metres.
- (3) For all other **uses**, the minimum **building setback** from a **front property line** is 3.0 metres.

Maximum Building Depth

8 The maximum **building depth** is the greater of:

- (a) 68.0 per cent of the **parcel depth**; or
- (b) the **contextual building depth average**.

Retaining Walls

- 9 (1) A **retaining wall** must be 2.5 metres in height or less when measured from **grade**.
- (2) **Retaining walls** on the same **parcel** must have a minimum horizontal separation of 1.0 metre between **retaining walls**.

Building Height on a Corner Parcel

- 10 In addition to the rules of sections 360 (2) and (3), for a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** located on a **corner parcel**, no portion of a **building** facing a **street** may exceed the maximum **building height** for the District when measured vertically at any point from **grade** adjacent to the **building**.

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APPENDIX III

LETTERS SUBMITTED



3130 16 Street SW
Calgary, AB, T2T 4G7

January 2, 2017

Circulation Control
Planning & Development #8201
PO Box 2100 Station M
Calgary, AB, T2P 2M5
Email: C2AG.Circ@calgary.ca

Attn: Jim Gordon jim.gordon@calgary.ca
SENT BY EMAIL

Dear Mr. Gordon;

RE: LOC2016-0287

The MLCA Planning & Development Committee does not support this land use amendment. The applicant has discussed the application with the committee. We have not received any feedback from the community regarding this application.

If you have any questions regarding these comments, please contact me.

Regards,

Lauren Makar
Director - Planning & Development
Marda Loop Communities Association
development@mardaloop.com