

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

EXECUTIVE SUMMARY

This proposed Land Use Amendment seeks to allow for the redesignation of residential parcels situated on 9A Street NW in the community of Sunnyside from Multi-Residential – Contextual One/Two Dwelling (M-C2) District to a DC Direct Control District to accommodate medium density mid-rise multi-residential development and includes implementation of a density bonusing provision.

A mapping amendment to the Hillhurst/Sunnyside Area Redevelopment Plan (ARP) is required to accommodate this land use amendment application.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2017 April 20

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 26P2017 and 196D2017; and

1. **ADOPT** the proposed amendments to the Hillhurst/Sunnyside Area Redevelopment Plan, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 26P2017.
3. **ADOPT** the proposed redesignation of 0.34 hectares ± (0.84 acres ±) located at 613, 617, 619 and 621 – 9A Street NW (Plan 2448O, Block 4, Lots 30 to 34) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate multi-residential development with density bonus provisions, in accordance with Administration's recommendation; and
4. Give three readings to the proposed Bylaw 196D2017.

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

REASON(S) FOR RECOMMENDATION:

The proposed land use amendment is in keeping with the vision of the Hillhurst/Sunnyside Area Redevelopment Plan (ARP) and is consistent with the Municipal Development Plan (MDP). The site is directly adjacent to public transit and in close proximity to major streets.

ATTACHMENTS

1. Proposed Bylaw 26P2017
2. Proposed Bylaw 196D2017

POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017

MAP 21C

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the Hillhurst/Sunnyside Area Redevelopment Plan (APPENDIX IV);

Moved by: L. Juan

Absent: Mr. Palmiere left the room due to a pecuniary conflict of interest and did not take part in the discussion or voting.

Carried: 5 – 1

Opposed: R. Wright

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.34 hectares \pm (0.84 acres \pm) located at 613, 617, 619 and 621 – 9A Street NW (Plan 2448O, Block 4, Lots 30 to 34) from Multi-Residential – Contextual Medium Profile (M-C2) District to DC Direct Control District to accommodate multi-residential development with density bonus provisions with guidelines (APPENDIX II).

Moved by: L. Juan

Absent: Mr. Palmiere left the room due to a pecuniary conflict of interest and did not take part in the discussion or voting.

Carried: 5 – 1

Opposed: R. Wright

Reasons for Opposition from Mr. Wright:

- I find it disconcerting that recent policy is being ignored without demonstrating how the public interest is being served. The ARP can be seen as outlining the public interest and any changes must, in my mind, must show how such changes are beneficial to not only the Applicant, but the community. This proposal does not achieve the public interest bar.

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

Applicant:

O2 Planning and Design

Landowner:

Gela Hamilton
William Douglas Hamilton

PLANNING EVALUATION

SITE CONTEXT

The subject parcel is within walking distance of the commercial centre of Hillhurst/Sunnyside and is approximately 150 metres from the LRT platform. The subject site is comprised of four parcels situated on the west side of 9A Street NW north of 4 Avenue NW in the community of Sunnyside and is currently occupied by older single detached dwellings. In this location 9A Street NW is closed to vehicles north of 4 Avenue NW and accessible only to pedestrians due to the construction of the LRT tracks. Surrounding the subject site are multi-residential buildings to the north, south and west; the LRT Corridor to the east; and some commercial developments south adjacent to 4 Avenue NW. Recent developments, of a similar height and density to that proposed on this site, have been built or are under construction to the south of the site along 9A Street NW.

Sunnyside	
Peak Population Year	2016
Peak Population	3,990
2016 Current Population	3,990
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 Multi-Residential – High Density Medium Rise (M-H2) 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 specific regulation unavailable in other land use districts. A DC District has been used for this application to allow for specific density bonus provisions in the Hillhurst/Sunnyside Area Redevelopment Plan (ARP). In addition to allowing for medium density mid-rise multi-residential developments, the key components of Direct Control District include:

- it allows for a maximum height of 26.0 metres and a maximum density of 5.0 FAR, consistent with the properties to the south; and

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

- it allows for the implementation of the density bonus provisions in the Hillhurst/Sunnyside Area Redevelopment Plan. The ARP allows for an increase in density to a maximum floor area ratio of 5.0 through the density bonus provision.

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. The Inner City Area comprises residential communities that were primarily subdivided and developed prior to the 1950s. Key features of these areas are a grid road network, older housing stock in the form of low to moderate housing densities and a finer mix of land uses along many of the edge streets.

Hillhurst/Sunnyside Area Redevelopment Plan

The subject site falls within the Transit Oriented Development Area of the ARP, approved by Council in 2009 February. The subject site is situated in the area identified as Medium-density on the Land Use Policy Area Map (Map 3.1) of the ARP. An ARP amendment is required to accommodate the proposed land use amendment (APPENDIX IV). The ARP amendment would change the land use policy area to Medium-density Mid-Rise Area. This area is intended to accommodate new development in a form that is compatible with the existing character of the community. The amendment would also change the maximum density and building height maps to allow for an FAR of 5.0 and height of 26 metres. At the time of the amendment to the ARP in 2009, this area was not considered for higher densities as there were access issues given the lack of street frontage. These issues have now been resolved and the consideration of a higher density that is consistent with vision of the ARP is considered appropriate.

In 2012 November, Council approved an amendment to the Hillhurst/Sunnyside ARP to include density bonus provisions, which allow for a density increase up to the maximum floor area ratio specified in the ARP. The density increase is subject to a contribution to the community amenity fund. This fund has been established as a means of gaining public amenities in exchange for a level of density that surpasses the allowable base density under the provisions of the land use district.

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) or parking study were not required for this land use amendment application but may be required as part of any future development permit application. The site is situated very close to the Sunnyside LRT station and has excellent pedestrian connections to the core. The nature of 9A Street NW excludes vehicular traffic. This will not change upon redevelopment as all vehicular access will be restricted to the rear lane only.

UTILITIES & SERVICING

Site servicing for this development has been reviewed by Development Engineering. Required on or off site upgrades at the development stage will be the responsibility of the developer.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

GROWTH MANAGEMENT

The proposed amendment does not require additional capital infrastructure investment and therefore there are no growth management concerns at this time. The proposal is in alignment with the Municipal Development Plan references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments

The Hillhurst Sunnyside Planning Committee (HSPC) was circulated as part of this application. A letter was submitted by the HSPC, which did not indicate support or opposition to the land use amendment (APPENDIX III). However, they did raise some concerns regarding the potential erosion of the ARP, the increased height, the need for more detail on design and the need for laneway upgrades.

Citizen Comments

There were three letters received from the surrounding residents. Two of these were in support of the proposed land use; however, they raised concerns with the affordability of the potential development, with the design of the lane and with issues during construction. The third letter raised an issue with the size of potential development given the lack of a street frontage.

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

Public Meetings

The applicant held a public open house for the project in 2017 March. Approximately 35 people attended the open house and verbal feedback was primarily positive. Opportunity for written feedback was provided. While very little feedback was received those that were submitted were positive.

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

APPENDIX I

APPLICANT'S SUBMISSION

On behalf of Minto Communities, 02 Planning + Design proposes to redesignate 4 parcels of land in the community of Hillhurst-Sunnyside located at 613 to 621 9A street NW from Multi-Residential —Contextual Medium Profile (M-C2) to a Direct Control (DC) district based on the Multi-Residential — High Density Medium Rise (M-H2). The DC district is required to implement the density bonus provisions as set out in the Hillhurst-Sunnyside ARP

The redevelopment of the site into a medium density mid-rise residential building will provide the opportunity for increased intensity adjacent to transit, local shops and services as the site is strategically located between the neighbourhood's main street, 10 street, and the Sunnyside LRT station. The redevelopment of the site can also contribute to the improvement of the community's public realm as 9A street and the rear lane have been identified for public realm improvements as part of the "Bow to Bluff" project. It is the developer's intent that the Bow to Bluff enhancement of the walkway adjacent to the LRT tracks and the "laneway mews" concept for the rear lane be achieved as further redevelopment of 9A street continues.

Throughout the application process, Minto and their team will work collaboratively with officials at the City of Calgary, representatives from the local Councillors' office and residents of Hillhurst-Sunnyside. Anticipated public engagement activities include focused meetings with the Community Association along with a public open house. A project website will provide the opportunity for all project and application information to be accessed by the public and commented on. Feedback provided by Community Association and public will be considered in the application process.

The approval of this application will facilitate the development of a new multi-family residential building that will support the location adjacent to transit and contribute to the ongoing evolution of HillhurstSunnyside as one of Calgary's most complete communities.

POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017

MAP 21C

APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (a) provide for medium **density** mid-rise **Multi-Residential Development** in compliance with the policies of the applicable local area redevelopment plan; and
 - (b) implement the **density** bonus provisions of the Hillhurst/Sunnyside Area Redevelopment Plan.

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 Multi-Residential – High Density Medium Rise (M-H2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Multi-Residential – High Density Medium Rise (M-H2) 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 Multi-Residential – High Density Medium Rise (M-H2) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 7 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.5.
 - (2) The maximum **floor area ratio** may be increased to 5.0 in accordance with the **density** bonus provisions contained in section 8 of this Direct Control District.

POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017

MAP 21C

Density Bonus

- 8 (1) For the purposes of this section: “Cash Contribution Rate” means: \$17.85 per square metre for the year 2017. The Cash Contribution Rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.
- (2) A **density** bonus may be earned by a contribution to the Hillhurst/Sunnyside Community Amenity Fund, such that:
- Cash Contribution Amount = Cash Contribution Rate x Total floor area in square metres above the **floor area ratio** of 2.5.
- (3) A **density** bonus may be earned by the provision of an off-site improvement in accordance with Section 3.1.5.4 of the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the off-site improvement divided by the Cash Contribution Rate, such that:
- Allowable bonus floor area = Total construction cost of the off-site improvement / Cash Contribution Rate.
- Total construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a **development permit** for a **development** equal to or less than a **floor area ratio** of 2.5. Details of the construction cost will be determined through the **development permit** process.

Density

- 9 There is no minimum **density** expressed in **units** per hectare. **Density** is expressed in **floor area ratio** pursuant to section 7 of this Direct Control District.

Building Height

- 10 The maximum **building height** is 26.0 metres.

Development Authority – Powers and Duties

- 11 The **Development Authority** may relax the rule of section 10 of this Direct Control District provided the test for relaxation as set out in Part 2 of Bylaw 1P2007 is met.

POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017

MAP 21C

APPENDIX III

LETTERS SUBMITTED



April 3, 2017

City of Calgary
Circulation Control
Planning & Development #8202
P.O. Box 2100 Station M
Calgary AB T2P 2M5

Re: LOC2017-0048 | 613, 617, 619, & 621 9A Street NW | Land Use Amendment from M-C2 Multi-Residential – Contextual Medium Profile District to Direct Control (DC) based on M-H2 Multi-Residential – High Density Medium Rise district with bonus density provisions

Dear Mr. Steve Jones,

The Hillhurst Sunnyside Planning Committee (“HSPC”) is pleased to provide its comments on the above application. At the time of writing, we not yet received the formal report from City Administration. As such, our feedback is based only on the information available to us through the applicant’s one-page submission, the applicant’s website, and the March 23, 2017 developer open house. It would have been useful to have more information from the applicant (including on such significant items as setbacks) so we could provide better comments and better educate residents including neighbours.

In providing this letter, we considered communication from residents as well as good planning precepts including those laid out in the Hillhurst Sunnyside Area Redevelopment Plan (“ARP”) Part II Transit Oriented Development Area in our comments.

Background

We understand that the applicant seeks to rezone the site from **M-C2 Multi-Residential – Contextual Medium Profile District to Direct Control** based on **M-H2 Multi-Residential – High Density Medium Rise District** with bonus density provisions. This area is within the Medium-density Mid-rise area of the ARP, which permits a maximum of 16 metres and a Floor Area Ratio of 2.5. The current Land Use District corresponds with the parameters in the ARP.

The proposed DC has yet to define a height modifier and density modifier (for example, **M-H2f#h#d#**). We understand that this application requests height and density greater than currently permitted under the ARP TOD policies and will require an amendment to the ARP to extend the 26m boundaries from the parcels directly south and slightly to the west of the site. We understand the developer/applicant is also seeking a FAR of 5.0 (the ARP provides a maximum FAR of 4.0 for the parcels directly to the south and a FAR of 5.0 for the area to the south and west of the site). We understand that the applicant estimates an addition of between 70-90 residential units on the site.

We also understand that this application is part of the City of Calgary’s Concurrent Submission process and that the Development Permit will follow shortly after the Land Use Redesignation and ARP amendment. We have yet to see concepts for the building to be able to comment further.

S. Jones

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

Height / Density

- While the HSPC looks at all applications independently, the HSPC continues to have strong concerns with any application that requests an increase to height and density in areas covered under the TOD policy of the ARP.
- We are concerned about the increase in height to an area that consists primarily of single-detached dwellings and four storey walk-ups (which are likely not be redeveloped for many years to come).
- The height transition should be sensitive to the surroundings. The adjacent parcels are currently zoned as M-C2. Under the Land Use Bylaw; the rules on 655 Building Height stipulate that:
 - (3) *Where a parcel shares a property line with a street or parcel designated as M-C2 ..., the maximum building height... is reduced to 10.0 metres measured from grade within 4.0 metres of that shared property line and*
 - (4) *Where a parcel shares a property line with a lane, the maximum building height... is reduced to 10.0 metres measured from grade within 6.0 metres of that shared property line.*
- We are strongly concerned about the wearing down of the ARP, which represents a long-term view of redevelopment in our community and is supported by strong planning rationale both in terms of impact on immediate neighbours as well as overall "capacity" in the community.
 - The applicant has made the rationale that this area is directly adjacent to areas in the ARP designated for Medium-density Mid-rise residential development.
 - Under this rationale, the merit is that the site is located away from areas zoned for single-detached dwellings under the current M-C2 designation.

Community Amenity

- As a key stakeholder of the Hillhurst Sunnyside Community Amenity Fund, we request more information on bonus density provisions (e.g., what is the bonus FAR?).
- Our correspondence with residents has indicated the need for added amenity (such as affordable housing, which is an important tenet of the ARP) for the community due to the requested increase to height and density.

Site Layout

- As there is no street access, primary vehicular access will be via the laneway. We request that the entire laneway be upgraded, should this application move forward.
- Access for fire and emergency vehicles. We understand from the City Planning Department that this site was excluded from higher density uses during the ARP consultations due to servicing and access issues from the laneway. Our correspondence with City Administration indicates that fire services have deemed access from the laneway as acceptable.
- The setbacks from the dual building frontage of the 9A Street laneway and from the pedestrian sidewalk facing the C-Train tracks have not yet been defined. Having this information would enable us to provide better feedback and better information to residents including neighbours.
- We expect design and construction will be a challenge given the unusual and constrained site.

Traffic / Parking

- Nearby residents expressed concerns with access and traffic; difficult laneway renders laneway access and egress a challenge.
- Developer should work with the neighbours with through-access, should this project go through the approvals process and to the construction stage.
- Given the proximity to public transit, walkability and bike infrastructure, a parking relaxation is encouraged to reduce the demand for private vehicles – provided that resident parking does not spill into the surrounding residential streets. As per the ARP, multi-residential buildings are not to receive street parking permits.

Public Engagement

- Generally good community engagement, which included:
 - A pre-application meeting with an HSPC subcommittee on January 18, 2017; our preliminary comments dated January 31, 2017 are attached.

**POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017**

MAP 21C

- Advanced notice to the HSCA to circulate information through our online communication channels about the developer's open house.
- Invitation to the developer's open house via an onsite sandwich board.
- Informative website (www.mintoengagement.com).
- The March 23, 2017 developer open house attracted approximately 30 participants.

We will comment further once land use, height, and density have been established and also once the Development Permit plans are submitted. Please keep us apprised of any updates on this file. Thank you for the opportunity to provide our feedback,

Hillhurst Sunnyside Planning Committee
Hillhurst Sunnyside Community Association

cc: Robert McKercher, Chair, Hillhurst Sunnyside Planning Committee
Members, Hillhurst Sunnyside Planning Committee
Lisa Chong, Community Planning Coordinator, Hillhurst Sunnyside Community Association
Brian Horton, Senior Urban Planner, O2, Applicant Representative for Minto Communities
Dale Calkins, Communications & Community Liaison, Ward 7 Councillor's Office
City of Calgary Corporate Planning Applications Group Circulation Control

att: HSPC Pre-Application Feedback on Minto 613-621 9A Street Proposal.pdf

POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017

MAP 21C

APPENDIX IV

PROPOSED AMENDMENT TO THE HILLHURST/SUNNYSIDE
AREA REDEVELOPMENT PLAN

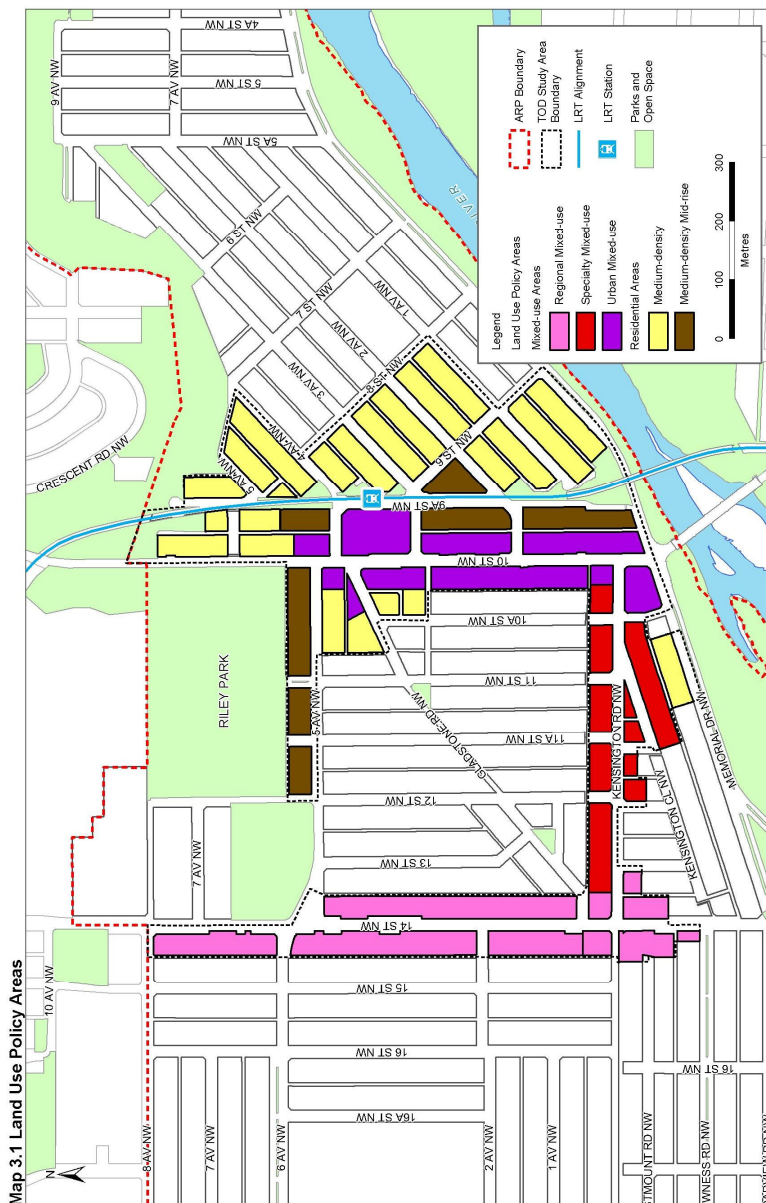
- (a) Delete the existing Map 3.1 entitled “Land Use Policy Areas” and replace with the revised Map 3.1 entitled “Land Use Policy Areas” (APPENDIX V).
- (b) Delete the existing Map 3.2 entitled “Maximum Densities” and replace with the revised Map 3.2 entitled “Maximum Densities” (APPENDIX VI).
- (c) Delete the existing Map 3.3 entitled “Building Heights” and replace with the revised Map 3.3 entitled “Building Heights” (APPENDIX VII).

POLICY AMENDMENT AND LAND USE AMENDMENT
 SUNNYSIDE (WARD 7)
 EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
 BYLAWS 26P2017 AND 196D2017

MAP 21C

APPENDIX V

Revised Map 3.1 Land Use Policy Areas

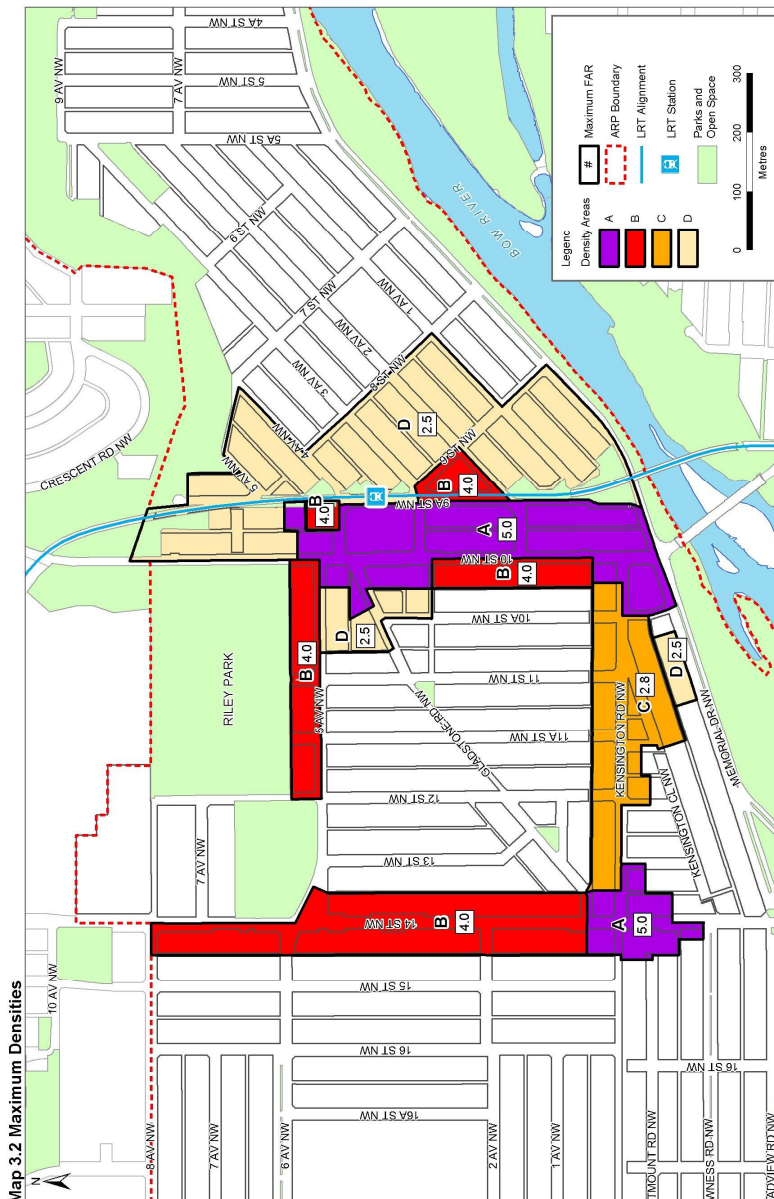


POLICY AMENDMENT AND LAND USE AMENDMENT
 SUNNYSIDE (WARD 7)
 EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
 BYLAWS 26P2017 AND 196D2017

MAP 21C

APPENDIX VI

Revised Map 3.2 Maximum Densities



POLICY AMENDMENT AND LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
EAST OF 10 STREET NW AND NORTH OF 4 AVENUE NW
BYLAWS 26P2017 AND 196D2017

MAP 21C

APPENDIX VII

Revised Map 3.3 Building Heights

