

LAND USE AMENDMENT
HILLHURST (WARD 7)
NORTH OF KENSINGTON ROAD NW AND WEST OF 10 STREET
NW
BYLAW 23D2017

MAP 21C

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate the subject parcel from DC Direct Control District to DC Direct Control District to accommodate Fitness Centre as an additional discretionary commercial use at grade. The new DC District will carry forward specific rules and uses of the existing DC District to protect the original intent of the proposal.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 November 17

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 23D2017; and

1. **ADOPT** the proposed redesignation of 0.18 hectares \pm (0.44 acres \pm) located at 253 and 301 – 10 Street NW (Plan 1612273, Block J, Lot 60; Plan 1612278, Units 1 to 156) from DC Direct Control District **to** DC Direct Control District to accommodate fitness centre on the main floor of the existing building, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 23D2017.

REASONS FOR RECOMMENDATION:

The proposed amendments to the existing DC District are consistent with the policies of the Municipal Development Plan (MDP) and the Hillhurst-Sunnyside Area Redevelopment Plan (ARP). They are supported for the following reasons:

- The proposed amendments are consistent with the intent of the existing DC District, approved by Council 2014 September 16;
- The proposed amendments are consistent with the character and land use districts of the surrounding commercial area; and
- The proposed amendments are consistent with the pedestrian-oriented development envisioned for the area.

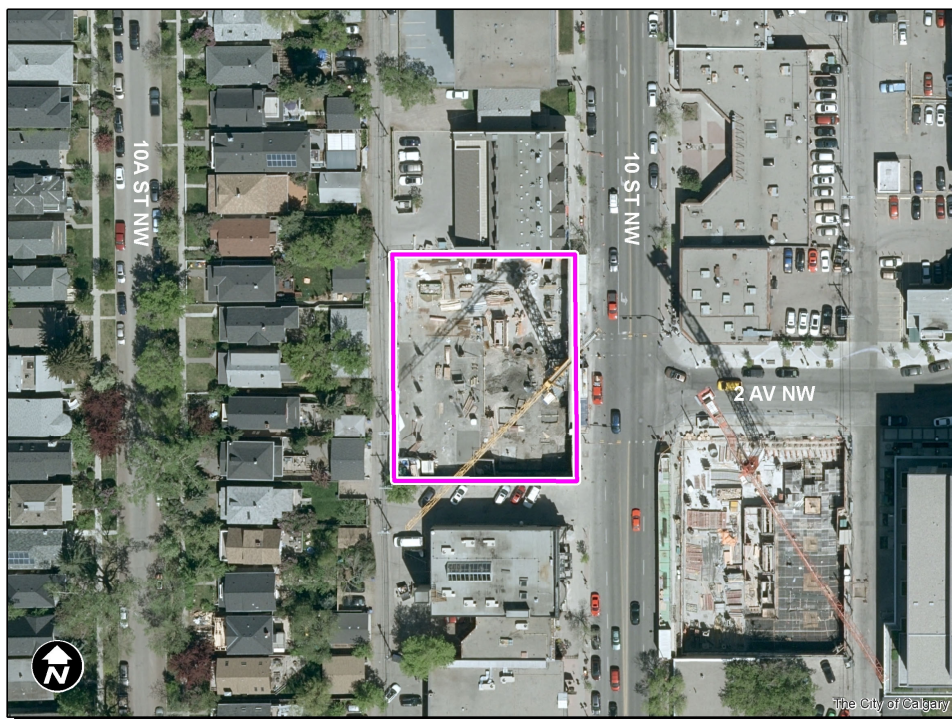
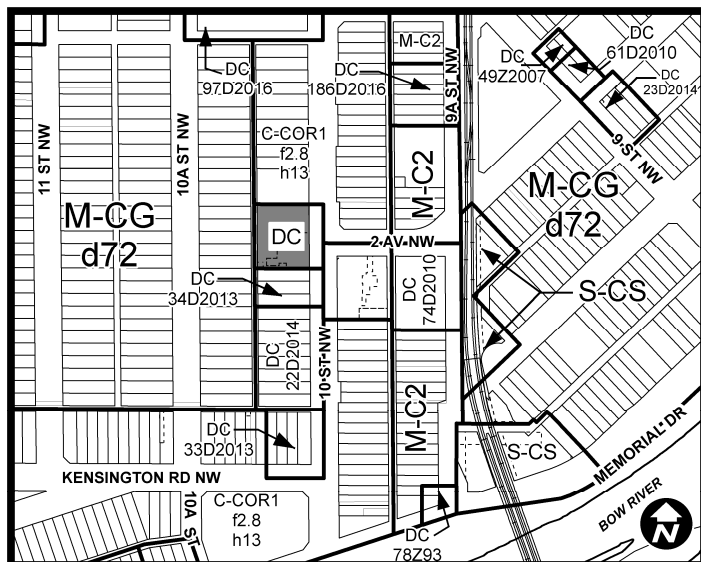
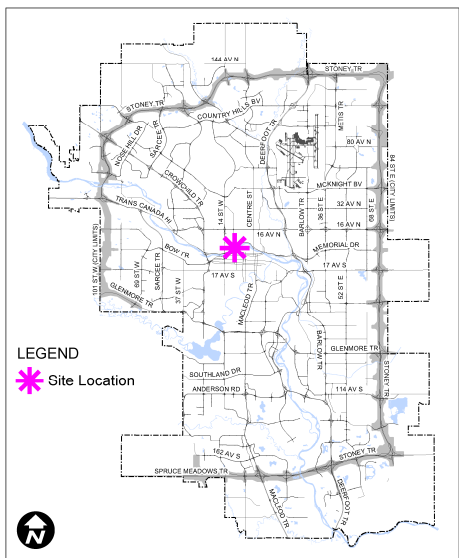
ATTACHMENT

1. Proposed Bylaw 23D2017
2. Public Submission

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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 0.18 hectares \pm (0.44 acres \pm) located at 253 and 301 – 10 Street NW (Plan 1612273, Block J, Lot 60; Plan 1612278, Units 1 to 156) from DC Direct Control District to DC Direct Control District to accommodate fitness centre on the main floor of the existing building, with guidelines (APPENDIX II).

Moved by: R. Wright

Carried: 7 – 0

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Applicant:

Casola Koppe

Landowner:

Bucci Union Project Ltd
Various Owners

PLANNING EVALUATION

SITE CONTEXT

Located midblock on 10 Street NW at the intersection with 2 Avenue NW in the community of Sunnyside, the subject site was redesignated to DC District in 2014 and, through an approved Development Permit, now accommodates a mixed-use building that features commercial uses at grade, and residential on the remaining floors.

The commercial corridor along 10 Street NW in this vicinity is underdeveloped relative to existing land use and the majority of sites are retail and commercial only without a mixture of uses on site such as residential. Several other large mixed-use buildings exist in the immediate area with at grade commercial uses. Lower density residential development exists further to the east with pockets of multi-residential development.

LAND USE DISTRICTS

Existing DC District

The existing land use district is a DC District (100D2014) approved by Council on 2014 September 16. Based on Commercial – Corridor 1 (C-COR1) District, the intent of the existing DC District is to:

- Accommodate a pedestrian oriented mixed-use development in compliance with the policies of the Hillhurst-Sunnyside ARP;
- Accommodate a range of uses with development guidelines to maintain the existing small scale retail commercial character along 10 Street NW; and
- Implement the provisions of the density bonus system in Hillhurst-Sunnyside ARP.

Proposed DC District

The main intent of the proposed changes to the existing DC District is to allow for an additional discretionary use on the ground level, Fitness Centre.

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This adjustment does not affect the intent of the existing DC District as approved by Council in 2014, and no amendments to the density bonusing provision, overall height or intensity in the original DC Bylaw are proposed. Specific rules and uses of the existing DC District will carry forward to protect the original intent of the proposal.

Fitness Centre

Fitness Centre is a discretionary use in the existing DC District (64D2012), but it is prohibited from being located at grade. The existing DC District allows for the Fitness Centre use, but not on the ground floor of the building. The proposed DC District removes that restriction, and allows for Fitness Centre as a Discretionary use on the ground floor.

LEGISLATION & POLICY

Municipal Development Plan (2009) (MDP)

The subject site is identified as a Neighbourhood Corridor and on the Primary Transit Network in the MDP. Neighbourhood corridors are typically the main streets in a community and support a mix of uses within a pedestrian friendly environment. Local Area Plans are to provide the land use framework. Appropriate transitions between Neighbourhood Corridors and adjacent residential areas are required.

Hillhurst / Sunnyside Area Redevelopment Plan (1988) (ARP)

The subject site is within the Transit Oriented Development Area of the ARP which was revised in 2009 February; it is located in the Urban Mixed-Use Land Use Policy Area of Map 3.1 of the ARP. A variety of policies exist encouraging pedestrian friendly commercial uses at-grade to facilitate the Urban Mixed-Use direction that is compatible with its adjacent residential context.

The ARP indicates that its policies are intended to maintain a mix of shops, restaurants and services. It also notes that it is important to allow flexibility so that a broad range of retail commercial uses may be accommodated.

Regarding the proposed Fitness Centre, policy 3.1.2.2 of the ARP states:

- Development within the Urban and Regional Mixed-Use Areas may include a mix of retail, office and residential development up to and including the fourth floor along a commercial street frontage. Street level uses shall consist primarily of retail, personal service and restaurant uses. Above the fourth floor of a building, additional storeys may be added only for residential development. (3.1.2.2)

A Fitness Centre would be considered as a Personal Service and its inclusion in the proposed DC District is in alignment with the ARP.

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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).

TRANSPORTATION NETWORKS

Pedestrian and cyclist access is available from 10 Street NW while vehicular access to the underground parkade is available from the lane via 3 Avenue NW or 10A Street NW.

The subject site is approximately 250 metres from the Sunnyside LRT Station. This site is classified as a Transit Oriented Development area as it is located along frequent transit service. High density, mixed use is encouraged in the Transit Oriented Development area.

UTILITIES & SERVICING

Available servicing is able to accommodate the proposed additional uses. Any future upgrades will be determined at the development permit stage and will be at the expense of the developer.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

GROWTH MANAGEMENT

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

PUBLIC ENGAGEMENT

Community Association Comments

The Hillhurst-Sunnyside Community Association was circulated on 2016 July 27, and City Administration met with them on 2016 October 11. The CA provided comments on 2016 November 02, expressing some concern with the proposed changes (See APPENDIX III). City Administration also met with the Kensington Business Revitalization Zone, which has provided general support for the application.

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Citizen Comments

Seven letters of concern were received during the circulation period. Concerns cited include:

- The potential impact on other businesses in the area;
- Perceived changes to the Area Redevelopment Plan;
- The possibility of big box chains locating in the building; and
- Parking concerns.

Public Meetings

There were no public meetings held by the Applicant or Administration for this land use proposal.

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APPENDIX I

APPLICANT'S SUBMISSION

File Manager,

Please find enclosed with this letter, a response to the DTR comments for the Land Use Redesignation application (LOC2016-0194) and the supporting documents, for the above noted property. We are seeking to allow for permitted use for a fitness centre (3500 sq.ft.) on the main floor street level of this development.

The subject property has a mixed use development that is currently under construction within the previously approved DP2014-1432 application. Part of this approved development contains commercial retail space at street level that is currently being marketed for potential fitness (with instructional fitness classes) and retail uses.

We are seeking modified rules of the existing Direct Control land use designation to allow for a fitness centre (with instructional fitness classes) on the main floor of this development (Refer to Bylaw #34D2013, Item 12-1(i) which allows for a fitness centre above the main floor of the development).

We trust this letter and the enclosed documents contain all the requested information as listed in the DTR comments, dated October 13, 2016. Please feel free to contact us with any questions or concerns you may have.

Regards,

Tony Casola, AAA, SAA, MAA,
Leed® AP, Principal, Casola Koppe Architects

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) accommodate a pedestrian oriented mixed-use **development** in compliance with the policies of the local area redevelopment plan;
 - (b) accommodate a range of **uses** with **development** guidelines to maintain the existing small scale retail commercial character along 10 Street NW; and
 - (c) implement the provisions of the **density** bonus system in the applicable local 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.

General Definitions

- 4 In this Direct Control District:
- (a) “**commercial uses**” means the **uses** listed in Section 5 and 6 of this Direct Control District, except for those **uses** listed in Section 13 (1).

Permitted Uses

- 5 The **permitted uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

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Floor Area Ratio

- 8 (1) Unless otherwise referenced in subsection (2), the maximum ***floor area ratio*** is 2.8.
- (2) The ***floor area ratio*** may be increased to a maximum of 4.0 in accordance with the bonus provisions contained in subsections (4) and (5).
- (3) For the purposes of this section: "Cash Contribution Rate" means: \$17.47 per square metre. 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.
- (4) 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 2.8.
- (5) 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 ARP, 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 2.8. Details of the construction cost will be determined through the ***development permit*** process.

Building Height

- 9 The maximum ***building height*** is 20.0 metres.

Building Orientation

- 10 (1) The main ***public entrance*** for ***uses*** situated at ground floor must face the ***property line*** shared with a ***street***.
- (2) ***Motor vehicle parking stalls*** and ***loading stalls*** must not be located between a ***building*** and a ***street***.
- (3) Subsection (1) does not apply to any ***Live Work Unit*** located on the ground floor.

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Building Façade

- 11 (1) The length of the **building** façade that faces a **street** must be a minimum of 80.0 per cent of the length of the **property line** it faces.
- (2) In calculating the length of the **building** façade, the depth of any required **building setback** will not be included as part of the length of the **property line**.

Use Area

- 12 (1) Unless otherwise referenced in subsection (3), the maximum **use area** for **uses** on the ground floor of **buildings** is 465.0 square metres.
- (2) Unless otherwise referenced in subsection (3), there is no maximum **use area** requirement for **uses** located on upper floors.
- (3) The maximum **use area** of a:
- (a) **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other **use**, is 300.0 square metres;
 - (b) **Cinema**, or a **Cinema** combined with any other **use**, is 550.0 square metres;
 - (c) **Supermarket**, or a **Supermarket** combined with any other **use**, is 2500.0 square metres.

Location of Uses within Buildings

- 13 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Addiction Treatment**;
 - (b) **Assisted Living**;
 - (c) **Catering Service – Minor**;
 - (d) **Child Care Service**;
 - (e) **Cinema**;
 - (f) **Counselling Service**;
 - (g) **Custodial Care**;
 - (h) **Financial Institution**;
 - (i) **Health Services Laboratory – with Clients**;
 - (j) **Instructional Facility**;
 - (k) **Medical Clinic**;
 - (l) **Office**;
 - (m) **Pawn Shop**;
 - (n) **Pet Care Service**;
 - (o) **Place of Worship – Small**;

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- (p) **Post-secondary Learning Institution;**
 - (q) **Radio and Television Studio;**
 - (r) **Residential Care;**
 - (s) **Social Organization;**
 - (t) **Supermarket; and**
 - (u) **Veterinary Clinic.**
- (2) There must be a minimum of three (3) separate commercial bays containing **commercial uses** along 10 Street NW each with a separate, publicly accessible entrance onto the sidewalk.
- (3) A minimum of 20.0 per cent of the **gross floor area** of **buildings** must contain non-residential **uses**.
- (4) The provisions of subsection (3) may be relaxed by the **Development Authority** provided the relaxation test of Bylaw 1P2007 is met.
- (5) A **Live Work Unit** on the ground floor of a **building** must not face 10 Street NW.

Front Setback Area

- 14 (1) The **front setback area** must have a minimum depth of 1.8 metres and a maximum depth of 3.0 metres.
- (2) The **front setback area** may be relaxed by the **Development Authority** for floors above the ground floor to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test in Bylaw 1P2007 is met.

Rear Setback Area

- 15 (1) The **rear setback area** must have a minimum depth of 5.0 metres.
- (2) The **rear setback area** on the ground floor and floors above **grade** may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test in Bylaw 1P2007 is met.

Side Setback Area

- 16 There is no requirement for **side setback areas**.

Building Stepback

- 17 (1) The minimum **building** stepback at a **building height** of 12.0 metres is:

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- (a) 3.0 metres from the front façade of the **building** at the closest point to the **front setback area**; and,
 - (b) 3.0 metres from the rear façade of the **building** at the closest point to the **rear setback area**.
- (2) There is no **building** stepback on **side setback areas**.
- (3) **Building** stepbacks may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test in Bylaw 1P2007 is met.

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APPENDIX III

LETTERS SUBMITTED

November 2, 2016

Dear Sir/Madam:

On behalf of the Hillhurst Sunnyside Planning Committee ("HSPC"), we are writing in respect of a proposed land use amendment initiated by Bucci Union Project Ltd. or its representatives ("Bucci") in respect of the above-referenced address.

Bucci is seeking an amendment to the current land use designation to allow a ground floor fitness centre and to require a minimum of three commercial units along 10th Street, each with its own access.

In general, the community is opposed to any changes that would be against the intent of the DC to "maintain the existing small-scale retail character" and there is some concern about whether allowing a large ground floor fitness centre would have go against this intent. There is also always concern when land use bylaws or development permits are "opened up" again after having been negotiated with the community.

Should you wish to discuss this with us further, we would be happy to continue this consultation.

Thank you for the opportunity to provide comments.

Sincerely,
Kimberly Setrakov and Robert McKercher
On behalf of the Hillhurst Sunnyside Planning Committee