

**LAND USE AMENDMENT
RICHMOND (WARD 8)
NORTH SIDE OF 33 AVENUE SW BETWEEN 21 AND 22 STREET
BYLAW 166D2016**

MAP 8C

EXECUTIVE SUMMARY

This Land Use Amendment application seeks to redesignate 0.06 hectares \pm (0.14 acres \pm) located at 2216 – 33 Avenue SW from Multi-Residential – Contextual Low Profile (M-C1) District to Commercial – Corridor 2 (C-COR2 f2.5h16) District to allow for an office use.

The subject property contains a single-detached home, and the applicant would like to demolish the existing building and construct a new building for a law firm. The proposed land use redesignation will bring the subject property into alignment with the Marda Loop Area Redevelopment Plan and provides the flexibility to allow the office use on the ground floor of the building.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 May 05

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 166D2016; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 2216 – 33 Avenue SW (Plan 4479P, Block 56, Lots 8 and 9) from Multi-Residential – Contextual Low Profile (M-C1) District **to** Commercial – Corridor 2 f2.5h16 (C-COR2 f2.5h16) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 166D2016.

REASON(S) FOR RECOMMENDATION:

Administration is recommending approval of the Land Use Amendment given that the proposed land use district and its associated height and Floor Area Ratio (FAR) modifiers are in alignment with the Marda Loop Area Redevelopment Plan.

The proposed C-COR2 f2.5h16 land use district allows for a range of commercial/retail uses on the ground floor and the opportunity for residential and office uses above. Office is a permitted use in existing buildings and discretionary otherwise.

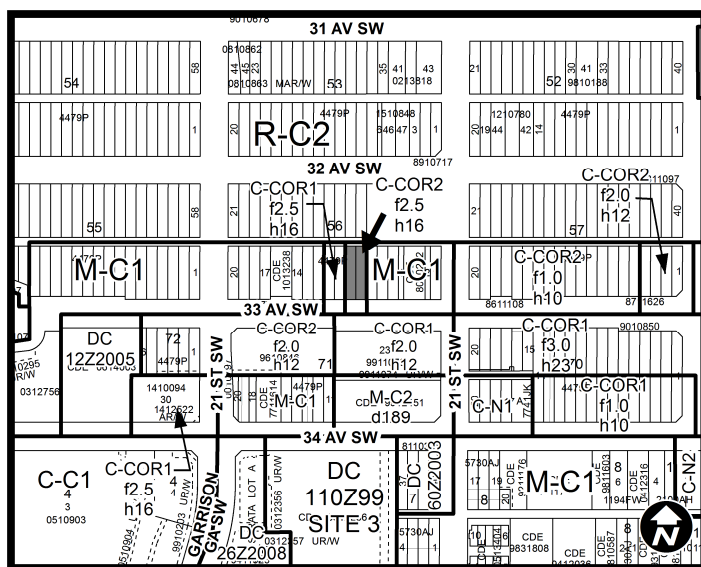
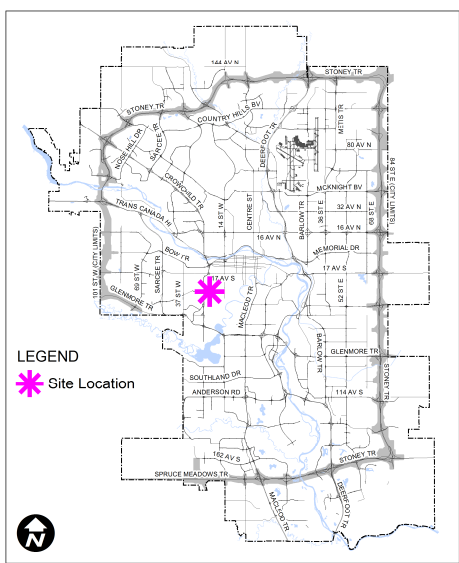
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ATTACHMENTS

1. Proposed Bylaw 166D2016
2. Public Submissions

LOCATION MAPS



J. McGuire

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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 2216 – 33 Avenue SW (Plan 4479P, Block 56, Lots 8 and 9) from Multi-Residential – Contextual Low Profile (M-C1) District **to** Commercial – Corridor 2 f2.5h16 (C-COR2 f2.5h16) District.

Moved by: S. Keating
Absent: J. Gondek

Carried: 6 – 1
Opposed: G.-C. Carra

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Applicant:

Pipella Edward S & Associates
Barristers

Landowner:

Edward S Pipella
Lucille Pipella

PLANNING EVALUATION

SITE CONTEXT

The subject site is approximately 0.06 hectares \pm (0.14 acres \pm) in size and is located on the north side of 33 Avenue SW between 21 and 22 Street SW in Marda Loop. The subject site has a single-detached dwelling and an attached single-car garage with access from 33 Avenue SW. The subject site also has a parking stall at the back of the property with access from the rear lane. All of the properties on the north side of this block are zoned M-C1 with the exception of the parcel directly west of the subject property, which was recently redesignated to C-COR1 f2.5h16. To the east and west of the subject property are single-detached dwellings and to the south, across 33 Avenue SW, is a 2-storey mixed-use building with retail at-grade designated C-COR1f2.0h12.

LAND USE DISTRICTS

Initially, the applicant submitted an application to redesignate to Commercial – Corridor 1 (C-COR1f2.5h12) District with a Floor Area Ratio (FAR) modifier of 2.5 and height modifier of 16 metres, to accommodate an office use (law office) with a live work unit above. Administration identified that although the FAR and height modifiers are in alignment with the Marda Loop Area Redevelopment Plan (ARP), the C-COR1 District did not permit an office use at-grade. Administration indicated that the use of Commercial – Corridor 2 (C-COR2) may be more appropriate using the same FAR and height modifiers. The applicant chose to amend the application to pursue the C-COR2 District with a Floor Area Ratio (FAR) modifier of 2.5 and height modifier of 16 metres, and a second circulation period was completed to reflect this change.

The current Multi-Residential – Contextual Low Profile (M-C1) District allows development with a maximum building height of 14.0 metres. The proposed Commercial – Corridor 2 f2.5h16 (C-COR2 f2.5h16) would allow development with a maximum building height of 16.0 metres. The Land Use Bylaw (1P2007) Part 7 Division 7 has the following requirements for the C-COR2 District:

- Office Use is a “Commercial use” and discretionary in new buildings.
- Dwelling Units must not be located on the ground floor of a building.
- The front setback area must have a minimum depth of 3.0 metres.

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Parking and access will be determined at the Development Permit stage, but there is adequate parking space for a new development from the rear lane.

LEGISLATION & POLICY

The proposed Land Use Amendment conforms to both the Municipal Development Plan (MDP) and the Marda Loop Area Redevelopment Plan (ARP). The MDP identifies 33 Avenue SW as a neighbourhood corridor that should be served by the Primary Transit Network and is supportive of moderate levels of intensification.

The Marda Loop ARP identifies the property as part of a “Commercial Mixed-Use Area” that accommodates ground floor retail/commercial uses with residential or office/commercial uses above. Policy 3.2.3 states that “commercial uses that do not generate significant pedestrian activity...may locate on the ground floor provided that the frontage for the use does not exceed 15 metres”. The subject property has a frontage of 15.2 metres and is proposing a commercial use on the ground floor with a residential (live/work unit) use above.

Marda Loop ARP Map 4.2 shows a 4-storey and 16 metre maximum building height for the subject property. Appendix A in the ARP identifies the subject site as potentially developing at 2.5 FAR. Thus, the proposed height and FAR modifiers for this redesignation reflect the intent of the ARP.

The Marda Loop ARP also has multiple policies that speak to directing parking access to rear lanes and minimizing disruptions to the pedestrian network. These policies would support administration at the development permit stage, to direct parking access to the rear lane.

TRANSPORTATION NETWORKS

Pedestrian access is available from 33 Avenue SW with vehicular access currently available from both 33 Avenue SW and the rear lane.

The site is approximately 290 metres from a transit stop for routes 7, 63 and 107 that offer service to the downtown core. It is also located 320 metres from a transit stop for routes 18 and 20 that offer services to Sunalta and Brentwood LRT stations respectively.

The Transportation Department has indicated that at development permit stage, access is to come from the rear lane only.

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UTILITIES & SERVICING

Water, sanitary and sewer services are available from 33 Avenue SW. Adjustments to on-site servicing may be required at the development permit stage. A storm main extension is likely required to service the proposed development and it will be at the developer's expense. Additional information and requirements will be provided at the development permit stage.

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 and BRZ Comments

The Richmond/Knob Hill Community Association is generally supportive of the redesignation to allow for commercial mixed use, but is not supportive of an office use at-grade or the height modifier of 16 metres. This Community Association considers the proposed office use as inappropriate for the Marda Loop Business District (MLBD) and prefers the C-COR1 District. This Community Association noted additional concerns of vehicle-oriented uses, front vehicle access, and shadowing issues on the properties to the north across the lane.

The comments were received and considered by Administration with the following reasoning to support the C-COR 2 District with the height modifier of 16 metres and Floor Area Ratio modifier of 2.5:

- With regards to the C-COR2 District being inappropriate due to the main floor office use, the Marda Loop ARP contemplates commercial uses at grade that do not generate significant pedestrian activity and allows them if the frontage does not exceed 15 metres. The Office use is considered a commercial use and the subject property is 15.2 metres in width. Also, the applicant is proposing a mix of office with residential (live/work) above.
- With regards to front vehicle access, at the Development Permit stage, parking can be located at the back and accessed from the rear lane.

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- With regards to the shadow impacts on the properties to the north:
 - Shadow impacts are anticipated to be minimal based on the potential building envelope.
 - The rear lane building setback is greater with the C-COR2 district (5.0 metres) than the M-C1 district (1.2 metres), which should mitigate the impact of the proposed 2 metre height increase; and
 - Most of the properties to the north, across the lane, have detached garages that currently cast shadows over their yards.

The Marda Loop Communities Association Planning and Development committee submitted a letter that reserved comments on the file until the use was confirmed for the site. However, no comments were received on the C-COR2 circulation.

The Marda Loop Business Revitalization Zone (BRZ) is also generally supportive of the application and understands that an office use may be more viable in this location. The concern is that the office use rather than a retail use will set a precedent for the whole block. The desire is for the area to be vibrant and pedestrian friendly. The BRZ also expressed concerns regarding the height modifier of 16 metres and C-COR2 District being vehicle oriented. Administration's response to these concerns is the same as above for the Richmond/Knob Hill Community Association comments, where many of these issues may be addressed at the development permit stage.

Citizen Comments

Letters were received from four members of the community during both circulation periods (two community members submitted comments for each circulation). While one letter was supportive of the Office use in principle, all had opposition to the redesignation based on traffic and parking impacts on the lane and on 33 Avenue SW, allowing Office at-grade, height and shadowing concerns, and the more vehicular nature of the C-COR2 District. Administration's response is the same as above for the Community Association comments, where many of these issues may be addressed at the development permit stage.

Public Meetings

No public meetings were held.

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APPENDIX I

APPLICANT'S SUBMISSION

We would like to construct a new building on our property located at 2216 33 Avenue SW, in which to continue running our family-owned business which has been in operation since the 1960's. We run a boutique personal injury law firm and we believe this would be an ideal location to house our business.

We believe this location would be an ideal spot for a law firm because all of the buildings on the south side of 33 Avenue SW are commercial properties and we would like to apply to have our property go **from multi-residential (M-C1) to commercial (C-COR 2)**, as that designation fits with Marda Loop's revitalization plan. Further, **the modifiers for height and density will be f:2.5, h:16.**

Further, we believe that having a personal injury law firm will add value to the Marda Loop community and it will provide an excellent service to residents in the area who may have suffered a catastrophic injury. Moreover, it may draw more people to the area which will benefit surrounding businesses. We believe that allowing a commercial business on our land will have a very positive impact on the community and on the north side of 33 Avenue SW.

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APPENDIX II

LETTERS SUBMITTED

Email received 4/6/2016
Marda Loop BRZ (Michelle Rhode) Comments on LOC2016-0027 -- 2216 33 AV SW

Good Afternoon Julie,

Thank you for taking the time to answer my questions and for allowing the Marda Loop BRZ to respond this week. Having read the comments below from the Richmond/Knob Hill Community Association and having reviewed the application, we are also generally supportive of the application. We are supportive of commercial development in this section of the BRZ and, while the BRZ normally encourages ground floor retail (as per section 3.2.1 of the ARP), we understand that office space may be a more viable option than retail in this location. That being said, we are concerned about setting a precedent for office use only on that block. As development increases in that section of 33rd Ave, we want to ensure that this block is connected to the rest of the BRZ and is vibrant and pedestrian friendly.

Doug has raised a valid point regarding C-COR2 and vehicle-oriented uses as this is not in accordance with the vision for Marda Loop. Is there another use that would be more appropriate? In addition, we are concerned about the height modifier of 16m, especially given the size of the parcel. My understanding from our conversation last week is that the applicant only intends to build to 14m and that the application for 16m is more for future development. If this is the case, then we are supportive of the height modifier listed in the application.

Thank you for your consideration. Please feel free to contact me if you have any questions.

Michelle

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LETTERS SUBMITTED

Email received 3/29/2016

Community Association (RKHCA) Comments on LOC2016-0027 -- 2216 33 AV SW

Ms. McGuire

Further to our previous communications and discussions regarding the captioned land use redesignation application (the "Application"), which originally requested a redesignation of the subject parcel from M-C1 to C-COR1 f2.5 h16 and has now been revised to request a redesignation to C-COR2 f2.5 h16, the Development Committee for the Richmond/Knob Hill Community Association (the "Association") has reviewed the re-circulated Application and provides the following comments at this time.

The Association is generally supportive of the subject parcel being redesignated to allow for commercial mixed-use, as:

- 1) the subject parcel is located within the boundaries of the Marda Loop Business Revitalization Zone, and in this regard commercial mixed-use would be a more appropriate use for the subject parcel than its current use as a single detached dwelling;
- 2) the Marda Loop Area Redevelopment Plan (the "MLARP") contemplates commercial mixed-use on this block face; and
- 3) the subject parcel's current M-C1 land use designation allows for multi-residential use, but does not appear to include, among its list of available permitted and discretionary uses, a use category that would accommodate a law firm as one of its uses.

However, the Association would note the following concerns with the re-circulated Application:

- 1) C-COR2 is no longer an appropriate land use district for the Marda Loop business district (the "MLBD"), as the rules for C-COR2 allow for vehicle-oriented uses, main floor office uses, large front setbacks, front vehicle access and front vehicle parking, all of which are completely inconsistent with the MLBD's current objective of becoming a pedestrian-focused "high street" mixed-use area, as envisioned in the MLARP; and
- 2) the Application provides for a building height modifier of 16m which, although not in excess of the maximum building height contemplated under the MLARP for parcels on this block face, has the potential to create excessive overshadowing and overlooking issues for the adjacent single family homes across the rear lane.

Accordingly, we request that the Application's target land use district be changed back to C-COR1 f2.5 h16 (or preferably h14) and that the Application be put on hold until such time as the Applicant submits a development permit application for the proposed development to be constructed on the subject parcel, so that:

- 1) the development permit application can be processed concurrently with the Application;
- 2) the proposed ground floor use or uses, potential overshadowing and overlooking impacts, vehicle access/parking, etc. can be assessed.

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The Application does not provide an email address for the Applicant, so we would very much appreciate it if you could forward a copy of these comments to the Applicant and encourage them to contact us to discuss these comments.

Thank you.

Doug Roberts
Chair, Development Committee
Richmond/Knob Hill Community Association
403-252-8924
development@richmondknobhill.ca