

**LAND USE AMENDMENT  
SUNNYSIDE (WARD 7)  
WEST SIDE OF 9A STREET NW AND SOUTH OF 3 AVENUE NW  
BYLAW 186D2016**

**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 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.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2016 May 19

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 186D2016; and

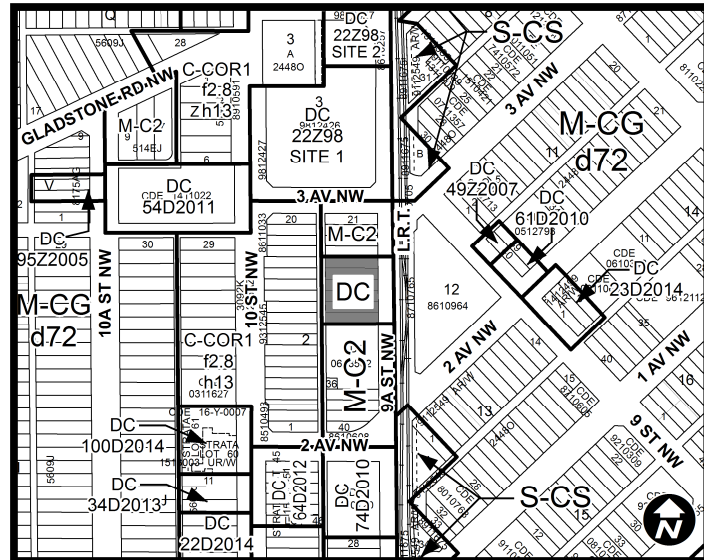
1. **ADOPT** the proposed redesignation of 0.17 hectares  $\pm$  (0.42 acres  $\pm$ ) located at 321, 323, 325, 327, 329 and 331 – 9A Street NW (Plan 2448O, Block 2, Lots 25 to 30) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate multi-residential development with density bonus, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 186D2016.

**REASON(S) FOR RECOMMENDATION:**

The proposed land use amendment implements the vision and policies in 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.

**ATTACHMENT**

1. Proposed Bylaw 186D2016
2. Public Submission

**MAP 21C**[illegible]

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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.17 hectares  $\pm$  (0.42 acres  $\pm$ ) located at 321, 323, 325, 327, 329 and 331 – 9A Street NW (Plan 2448O, Block 2, Lots 25 to 30) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate multi-residential development with density bonus with guidelines (APPENDIX II).

**Moved by: R. Wright**  
Absent: G. Morrow

**Carried: 6 – 0**

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**Applicant:**

O2 Planning and Design

**Landowner:**

Minto (Calgary Kensington) Inc

**PLANNING EVALUATION**

**SITE CONTEXT**

The subject parcel is within walking distance of the commercial centre of Hillhurst/Sunnyside and is approximately 200 metres from the LRT platform. It is also located within easy access of the pedestrian overpass to the Centre City and the river pathway system.

The subject site is comprised of six parcels situated on the west side of 9A Street NW between 2 Avenue and 3 Avenue NW in the community of Sunnyside. The site is currently occupied by older single detached dwellings. Surrounding the subject site are multi-residential buildings to the north and south; the LRT Corridor and a City owned site to the east; and a number of commercial developments to the west.

Recent development of a similar form to that proposed on this site has taken place to the south of the site across 2 Avenue NW. This site was redesignated in 2010 and an eight storey multi-residential development has been constructed.

**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 in alignment with the ARP; and
- 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.

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Development Permit

An application for a Development Permit has been submitted for the subject site. As the application was submitted after the Land Use application it is not considered to be concurrent.

The application, which is still under review, proposes a 9-storey building that will fit within the height requirements of the proposed district and includes a total of 103 dwelling units. As the development requires the use of a bonus provision the Development Permit will be brought forward to Calgary Planning Commission for approval.

**LEGISLATION & POLICY**

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 Mid-Rise on the Land Use Policy Area Map (Map 3.1) of the ARP. The Medium-density Mid-Rise Area is intended to accommodate new development in a form that is compatible with the existing character of the community. This policy area restricts the FAR to 5.0 and the height to 26 metres. In addition, site and building design policies apply to this site that would require specific consideration at the Development Permit stage.

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.

**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.

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**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.

**ENVIRONMENTAL SUSTAINABILITY**

Not applicable.

**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 indicating that they are in support of the land use amendment (APPENDIX III). However, they did raise some concerns regarding the laneway width, the need for a updated traffic study and the implementation of the Bow to Bluff project along 9A Street NW.

**Citizen Comments**

There were three letters received from the surrounding residents. These were not necessarily in support or opposition to the proposed land use, however they raised concerns with the design of the potential development and with issues during construction.

**Public Meetings**

The applicant held a public open house for the project in 2016 March. Approximately 35 people attended the open house and verbal feedback was primarily positive. Opportunity for written feedback was provided and the applicant received two comment sheets, one was positive and one was negative.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

On behalf of Minto Communities, this application proposes to redesignate 6 parcels of land in the community of Hillhurst-Sunnyside located at 321 to 331 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 proposed land use district implements the policy direction for the site as set out in the Hillhurst-Sunnyside Area Redevelopment Plan (ARP). Consistent with the ARP, the proposed land use allows a maximum FAR of 5 and height of 26 metres. As per ARP guidance, the proposed land use includes a bonus density mechanism to achieve density between 2 and 5 FAR.

The redevelopment of the site will also help achieve many of the policies and design guidance 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 "woonerf" concept for 9A street 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 have worked collaboratively with officials at the City of Calgary, representatives from the local Councillors' office and residents of Hillhurst-Sunnyside. Public engagement activities included several meetings with the Community Association planning committee and a public open house. Feedback provided by Community Association and public was directly incorporated into the application.

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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.



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**Density Bonus**

- 8 (1) For the purposes of this section: "Cash Contribution Rate" means: \$17.85 per square metre for the year 2016. 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 rules of section 10 of this Direct Control District provided the test for relaxation as set out in Part 2 of Bylaw 1P2007 is met.

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**APPENDIX III**

**COMMUNITY ASSOCIATION COMMENTS**



May 9, 2016

Steve Jones, M.Pl. MCIP, RPP  
Senior Planner  
Community Planning, North Team  
The City of Calgary

Emailed to Steve.Jones2@calgary.ca

**RE: LOC2016-0020 | Land Use Amendment at 327 9A Street NW (West Side of 9A Street NW and South of 3 Avenue NW)**

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Dear Mr. Steve Jones:

The Hillhurst Sunnyside Planning Committee ("HSPC") supports the Land Use Designation from Residential - Contextual One/Two Dwelling (M-C2) District to Direct Control District (DC) to implement the policies contained in the Hillhurst Sunnyside Area Redevelopment Plan ("ARP"), which envisions medium density mid-rise multi-residential development for the site

We understand that the applicant seeks a land use change that conforms to the ARP maximum of 26 metres in height and a Floor Area Ratio of 5.0. We note that per the ARP, maximum height and density is not an entitlement; rather it is earned through design merit.

As in our previous Community Context Questionnaire submission on March 10 2016, we would like to highlight issues relating to the laneway. The laneway has a width of 4.3 metres and services one of the busiest commercial/residential corridors in the city. There is particular concern over the blind spot on the laneway at the north end where automobile traffic intersects with high pedestrian traffic near Sunnyside Station.

The ARP suggests dedicating the 9A Street laneway as one-way in the future; one-way vehicular traffic on the alley north to south may be preferable due to the blind spot on the north end. Because of the narrow width of the laneway, we are concerned about the lack of space for vehicles to pull out. Space will become further constrained as more future redevelopment occurs and additional space for vehicles to pull out should be allocated even if the laneway should accommodate one-way traffic in the future.

S. Jones

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Additionally, we would like to once again request that an updated comprehensive traffic study for the area be undertaken so that all parties can understand the impact of planned and pending projects and use this information for new applications.

Finally, we wish to go on record to state that the community association has been assured by both the applicant and city representatives that eventual development of the site will show sensitivity to and coordinate with implementation of the long-promised Bow to Bluff project improvements and also the eventual development of the adjacent city-owned site. The applicant's intent to "contribute" to Bow to Bluff project improvements is specifically noted in the Applicant's Submission".

Thank you for the opportunity to comment,

Robert McKercher,  
Chair  
Hillhurst Sunnyside Planning Committee

Cc: Development Circulation Controller  
Members, Hillhurst Sunnyside Planning Committee  
Lisa Chong, Community Planning Coordinator, HSCA  
Brian Horton, O2, Applicant Representative  
Councillor Druh Farrell, Ward 7 Calgary