

IMPACT OF DEVELOPMENT PERMIT WITHDRAWAL ON COUNCIL DIRECTED PUBLIC REALM ENHANCEMENT WORK

EXECUTIVE SUMMARY

On 2016 February 08 Council adopted recommendations in report C2016-0094 regarding a multi-unit residential building located in the community of Mission. As a result Council directed Administration to develop a Terms of Reference for a public realm enhancement fund in the Community of Mission and Cliff Bungalow. This report provides a response to how Administration will move forward regarding the Council direction given to Administration relating to report C2016-0094.

ADMINISTRATION RECOMMENDATION(S)

That Council:

1. Reconsider its decision on 2016 February 08 with respect to Recommendations 2, 3 and 4 only contained in Report C2016-0094; and
2. File Recommendations 2, 3 and 4 contained in Report C2016-0094.

PREVIOUS COUNCIL DIRECTION / POLICY

Council Proceeding – No. 1: At 2016 February 08, it was moved by Councillor Woolley, Seconded by Councillor Chabot, that Administration Recommendations contained in Report C2016-0094 be adopted, after amendment, as follows:

1. That Council abandon Bylaw 15P2013 and Revised Bylaw 44D2013;
2. That Council direct Administration to continue review of the Development Permit (DP) application, but withhold any decision until a new land use application is submitted;
3. That Council direct Administration to refer the DP application to Calgary Planning Commission for decision in conjunction with a new land use application; and
4. That Council direct Administration to continue working on developing a Terms of Reference to develop a public realm enhancement fund within the communities of Cliff Bungalow and Mission in conjunction with the concurrent Land Use and DP applications.

Council Proceeding – No. 2: At 2015 May 25 Council approved the following motion: REFER, Moved by Councillor Farrell, Seconded by Councillor Woolley, that with respect to the Administration Recommendations 1 and 2 contained in Report C2015-0414, Second and Third Readings of Bylaws 15P2013 and 44D2013 be referred to the Administration, to return to Council concurrent with a Development Permit Application.

Council Proceeding – No. 3 (deferral): On 2015 March 09 Council moved to adopt, Moved by Councillor Woolley, Seconded by Councillor Carra, that Administration Recommendations contained in Report C2015-0199 be adopted, as follows: That Council further table Bylaws 15P2013 and 44D2013 to the 2015 May Council Public Hearing date.

Council Proceeding – No. 4: On 2014 December 08 Council, Moved by Councillor Woolley, Seconded by Stevenson, that Administration Recommendation contained in Report C2014-0881

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be adopted, as follows: That Council, further table Bylaws 15P2013 and 44D2013 to the 2015 March Council Public Hearing date.

MOTION ARISING, Moved by Councillor Woolley, Seconded by Councillor Magliocca, that with respect to Report C2014-0881, that Council direct Administration to work with the applicant to share some preliminary design concepts for the development with the community, in order to investigate on-site community benefits, prior to returning to Council.

Council Proceeding – No. 5: On 2014 September 08 Council, Moved by Councillor Keating, Seconded by Councillor Farrell, that Report C2014-0667 receive First Reading, and second and third Readings of Bylaws 15P2013 and 44D2013, be referred to Administration, to discuss:

- a. With stakeholders, including the Community, alternative density bonusing mechanisms and to return directly to Council no later than the end of 2014. And further, that the *in camera* discussions remain confidential under Sections 24(1)(c) and 27(1)(b)(ii) of the Freedom of Information and Protection of Privacy Act.
- b. A comprehensive bonusing system which includes, but is not limited to, Mission or parts thereof, and to return directly to Council no later than the end of 2014.

BACKGROUND

At Council Proceeding No. 1, the proposed bylaw amendments for the Mission ARP and the Land Use Bylaw were abandoned, as the applicant had not met Council's direction to file a Development Permit application. Note, a Development Permit application was made in 2016 January for a multi-unit residential building located in Mission, which was too late for the Administration to provide a formal review to Council for a comprehensive consideration by Planning and the Community.

At Council Proceeding - No. 5, the application was supported for First Reading, in principle, on the basis that Council was seeking to accommodate increased density for the site, in conjunction with a density bonusing mechanism(s), for public realm benefit(s).

At Council Proceeding - No. 2, Council directed that a concurrent Development Permit application be submitted by the applicant to assist Council to assess the scope of development as regards relationship to public realm enhancements valuation.

At Council Proceeding - No. 3, the application was further tabled to accommodate additional timeline to work on the previous direction from Council.

At Council Proceeding - No 4, the applicant was directed to work on and report back to Council with preliminary design concepts, to accommodate a concurrent approach, which would also inform the valuation of public realm enhancements.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

In regards to the four items from the Council Proceedings – No. 1, Administration reports as follows:

1. Bylaws 15P2013 and 44D2013 were Abandoned, at the 2016 February 08 Combined meeting of Council.
2. Administration ceased reviewing the subject Development Permit application because it was withdrawn by the Applicant.
3. The Development Permit application will not proceed to Calgary Planning Commission because it has been withdrawn.
4. A Terms of Reference regarding a public realm enhancement fund cannot be completed because there is currently no Development Permit application to guide the development of the Terms of Reference with reference to the fund in the Bylaws that were abandoned.

The Development Permit application was cancelled by the applicant on 2016 March 15. As a result of the cancellation of the Development Permit, the motion regarding the Terms of Reference remains in place until Council files the recommendations of this report. However, the Terms of Reference would only refer to funds that were tied to the Bylaws that were filed and abandoned in Council proceeding No. 1. As a result, no further action required from Administration at this time.

Stakeholder Engagement, Research and Communication

The Cliff Bungalow-Mission Community Association (CA) was contacted in the preparation of this report, to confirm their perspective. Mr. Rick Williams confirmed that the CA considers that Council's decision to abandon Bylaws 15P2013 and 44D2013, effectively concluded any further activity by the Administration on this matter.

Further, the Community Association is aware of and is actively engaged with the Main Streets policy project, which will include public realm improvements policy.

The Law Department was consulted during the writing of this report and had no further comment regarding this report, and agrees with its content.

Strategic Alignment

The Main Streets team in Urban Strategy is working with several departments and business units to identify short and long term approaches to providing a comprehensive land use regulatory system along with public realm improvements and infrastructure capacity analysis for phased implementation. An implementation plan will be developed for Council consideration in early 2017.

With respect to the development associated with this report, work on a Terms of Reference will not proceed because the direction from Council was specific to the application that has since been withdrawn. The conditions of the abandoned bylaws are no longer relevant which would have guided the Terms of Reference.

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Social, Environmental, Economic (External)

Not applicable.

Financial Capacity

Current and Future Operating Budget:

Not applicable.

Current and Future Capital Budget:

Not applicable.

Risk Assessment

Not applicable.

REASON(S) FOR RECOMMENDATION(S):

The applicant's 2016 March 15 development permit withdrawal has rendered moot Council's 2016 February 08 direction and work associated with the development permit. Public realm enhancement funding work will continue through both the Main Streets and Industry/City work plan established areas initiatives.

Attachment(s)

None