

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

**EXECUTIVE SUMMARY**

This land use amendment application seeks to redesignate a single parcel located in the community of Crescent Heights from Direct Control District to Direct Control District to allow for the continuation of the use, Parking Lot - Grade. An amendment to the Crescent Heights Area Redevelopment Plan is necessary to accommodate this redesignation. The site is currently used as a parking lot for the adjacent Mazda Dealership.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2016 February 11

That Calgary Planning Commission recommends **REFUSAL** of the proposed Policy Amendment and Land Use Amendment.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaws 14P2016 and 61D2016; and

1. **ADOPT** the proposed amendments to the Crescent Heights Area Redevelopment Plan, as amended; and
2. Give three readings to the proposed Bylaw 14P2016.
3. **ADOPT** the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 114 – 11 Avenue NW (Plan 3946N, Block 14, Lots 25 and 26) from DC Direct Control District to DC Direct Control District to accommodate surface parking lot with guidelines, as amended; and
4. Give three readings to the proposed Bylaw 61D2016.

**REASON(S) FOR RECOMMENDATION:**

There is no clear policy support for this Land Use Redesignation. In 2010 Council approved a redesignation from M-CG to DC Direct Control District in order to accommodate a surface parking lot; but it was requested that the use be time-limited to a single 5-year term.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

---

Additionally, the Crescent Height Area Redevelopment Plan was amended to include the following passage:

“A time-limited Direct Control (DC) District for the additional use of a parking lot at 114 – 11 Avenue NW may be provided to accommodate parking for the existing car dealership located at 1211 Centre Street NW. The development permit for 114 – 11 Avenue NW should be a temporary permit for a maximum of one term and for a maximum of five years. The existing low density multi dwelling use will be retained at 114 – 11 Avenue NW.” (Sec. 4.4.4.2)

The Crescent Heights Area Redevelopment Plan (ARP) states that goals for the community and residential areas should include encouraging long term commitment to the community, helping to create a safe active community, supporting increased transit use and ensuring new development is as sensitive as possible to the neighbouring housing.

The proposed redesignation does not align with those goals and is inconsistent with the surrounding land use, which is generally residential. It is in conflict with a number of applicable policy documents and would result in the continuation of a commercial use intruding into a residential block.

For these reasons Administration recommends refusal of the application.

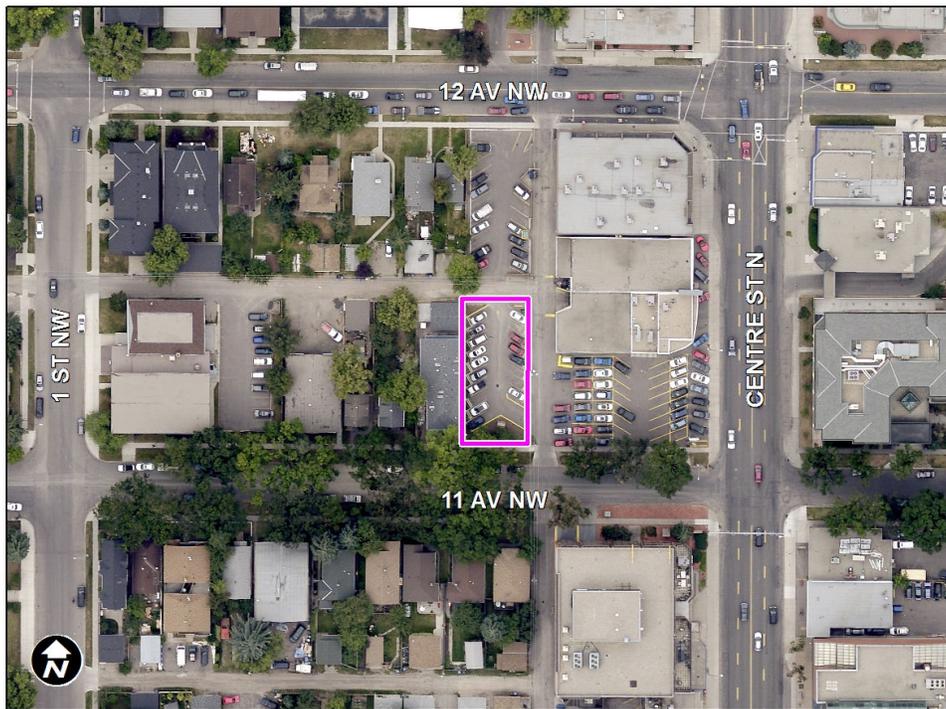
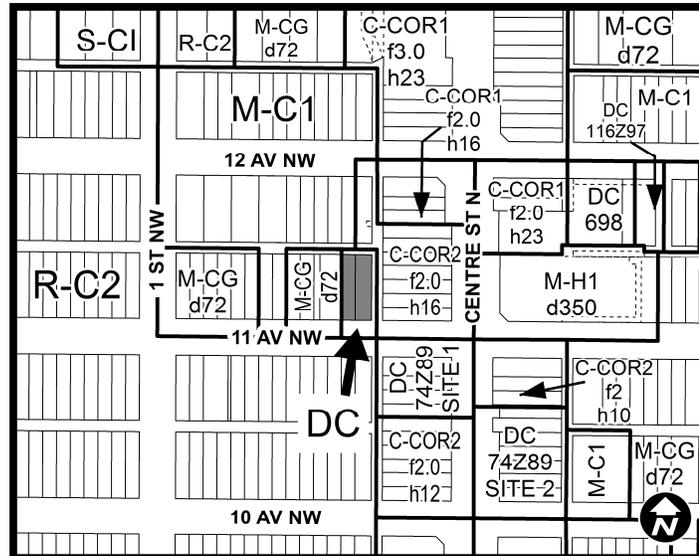
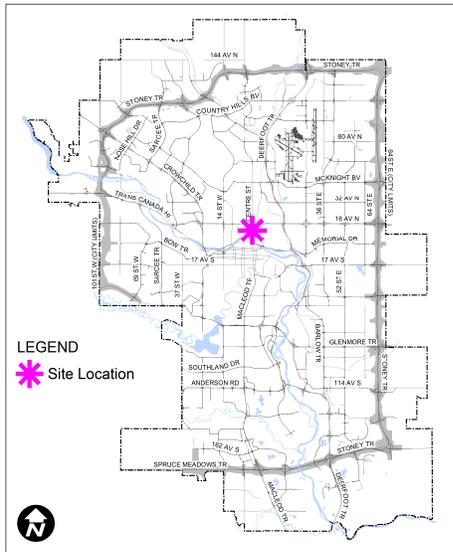
**ATTACHMENTS**

1. Proposed Bylaw 14P2016
2. Proposed Bylaw 61D2016

POLICY AMENDMENT AND LAND USE AMENDMENT  
 CRESCENT HEIGHTS (WARD 7)  
 SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
 BYLAWS 14P2016 AND 61D2016

MAP 22C

LOCATION MAPS



POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

1. Recommend that Council **REFUSE** the proposed amendments to the Crescent Heights Area Redevelopment Plan (APPENDIX II).
2. Recommend that Council **REFUSE** the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 114 – 11 Avenue NW (Plan 3946N, Block 14, Lots 25 and 26) from DC Direct Control District to DC Direct Control District to accommodate surface parking lot with guidelines (APPENDIX III).

2016 February 11

**MOTION:**

The Calgary Planning Commission accepted correspondence from:

- Asheet Ruparell dated 2016 February 08;

as distributed, and directs it to be included in the report in APPENDIX V.

**Moved by: S. Keating**

**Carried: 7 – 0**

**AMENDMENT:**

Amend proposed amendment to the Crescent Heights Area Redevelopment Plan (APPENDIX II) to read:

“(a)In Subsection 4.4.4.2, delete the second sentence and insert the following:

“The development permit for 114 - 11 Avenue NW should be a temporary permit for a maximum of three terms of five years for a maximum of fifteen years.””

**Moved by: M. Wade**

**Carried: 7 – 0**

Reasons for support of the amended proposed Crescent Heights Area Redevelopment Plan amendment from Ms. Wade:

- Keeping the Crescent Heights Area Redevelopment Plan section 4.4.4.2 and modifying the wording to three 5 year DP terms, up to 15 years to align with the DC parking guidelines of the same, provides statutory conditions to manage the temporary parking uses and allow flexibility to cease use prior to 15 years if required.
- Allows for coordinated planning with Green Line, Main Street plans to activate residential use, which will support redevelopment at the appropriate time.
- If the development permit is not renewed for temporary parking, then the impact of parking to the community may worsen. So this provides a fix for the situation.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

**AMENDMENT:** Amend DC guideline 7(a) to read:  
“A maximum of two (2) five (5) year term development permits for  
Parking Lot – Grade may be approved by the Development Authority;  
and”.

**Moved by: M. Foht**

**WITHDRAWN**

**AMENDMENT:** Amend DC guideline 1(a) to read:  
“provide for parking only associated with the adjacent existing Vehicle  
Sales - Major operations; and”.

**Moved by: R. Wright**

**Carried: 6 – 1**

Opposed: C. Friesen

Reasons for Opposition from Mr Friesen:

- I voted against this amendment which restricted the parking lot use to the auto dealership because most of the arguments in favour of the land use seemed to me to apply regardless of the retail use attached to the land use. In time as the market changes the whole area will be redeveloped and until then the parking use is better than no use.

**MOTION:** The Calgary Planning Commission **FILED** Administration’s recommendation of **REFUSAL** and recommends that Council:

A. 1. **ADOPT**, by bylaw, the proposed amendments to the Crescent Heights Area Redevelopment Plan, as amended; and

2. Give three readings to the proposed Bylaw.

**Moved by: S. Keating**

**Carried: 7 – 0**

B. 1. **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares ± (0.14 acres ±) located at 114 – 11 Avenue NW (Plan 3946N, Block 14, Lots 25 and 26) from DC Direct Control District to DC Direct Control District to accommodate surface parking lot with guidelines, as amended; and

2. Give three readings to the proposed Bylaw.

**Moved by: S. Keating**

**Carried: 7 – 0**

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

Reasons for support of the Adoption recommendation and associated amendments from Mr. Wright:

- The use of this site for a parking lot actually makes sense in the medium term. Presently, the car dealership indicates it will move eventually and may be triggered by advances on the Green Line and its planning. Once that happens, the car dealership and its associated vacant parking lot will be a large assembled parcel which will be capable to provide a wide range of activities and design forms. Attempting to stop the holding use of a parking lot may create more problems both from a site assembly perspective, as well as from a community perspective, who are actually in support of the continuing use of the site for parking.

Reasons for support of the Adoption recommendation from Mr Foht:

- The current use of parking, in support of the existing car dealership, is a good interim use until the Green Line is built and additional density can be accommodated.

Reasons for support of the Adoption recommendation from Mr Friesen:

- I supported this land use despite the administration recommendation for refusal because it seemed like a reasonable interim use that had proven itself useful to the community. There are similar interim uses to the north and if this land use was not permitted the site might remain vacant for an extended period. The time restrictions on the use seem sufficient to ensure an eventual outcome that favours the community.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

**Applicant:**

NORR Architect Planners

**Landowner:**

Asheet Ruparell

**PLANNING EVALUATION**

**SITE CONTEXT**

This land use and policy amendment application seeks to redesignate a parcel located in the community of Crescent Heights from Direct Control District to Direct Control District to allow for the continuation of the use, Parking Lot - Grade.

The subject property is located west of Centre Street, and is currently used as a service parking lot for the adjacent North Hill Mazda dealership. The parking lot was approved in 2010 however the existing Direct Control Bylaw states that the use of Parking Lot – Grade may only be approved for a single five-year term.

The proposed land use redesignation requires amendments to the Crescent Heights Area Redevelopment Plan, and this would be a prerequisite for the land use to proceed.

**LAND USE DISTRICTS**

The proposed land use is a DC Direct Control District based on the Multi-Residential – Contextual Grade-Oriented (M-CG) District, with the additional use of Parking Lot – Grade. If approved by Council the proposed DC will require that any approved Development Permit for that use be renewed every 5 years. The additional use will allow the adjacent Mazda dealership to minimize their reliance on street parking. All other regulations within the proposed DC match those of the M-CG District.

**LEGISLATION & POLICY**

**Municipal Development Plan (MDP)**

On Map 1: Urban Structure of the Municipal Development Plan (MDP), the site is identified as part of the Inner City. The MDP recognizes that ARPs in existence prior to approval of the MDP provide specific direction relative to the local context (MDP 1.4.4), and as such defers to the Crescent Heights Area Redevelopment Plan.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

Crescent Heights Area Redevelopment Plan (Statutory – 1997)

The application is not supported by the Area Redevelopment Plan (ARP). A stated objective for Centre Street North is to “encourage improvement in the pedestrian environment” (Sec. 4.4.2.2) but the ARP also states that “a number of car dealerships and auto specialty outlets have located on the street which make it difficult to create an attractive ‘pedestrian friendly’ shopping environment along the entire street” (Sec. 4.4.1).

Along Centre Street, the ARP envisions “more small businesses serving the neighbourhood, more pedestrian traffic and street beautification improvements” (Sec. 2.2). Small restaurants, retail and personal uses are encouraged along the corridor.

Speaking to parking the ARP specifically identifies a number of locations in the north part of the community for overspill parking from commercial uses (Sec. 4.4.4). However, the ARP expresses concern with regard to overspill commercial parking in the remainder of the Centre Street area. The ARP states “the impacts of overspill parking are more serious south of 13 Avenue and relaxations are not supported except on a specific basis as identified in the review of applications” (Sec. 4.4.4). It goes on to specifically mention the subject parcel, stating:

“A time-limited Direct Control (DC) District for the additional use of a parking lot at 114 - 11 Avenue NW may be provided to accommodate parking for the existing car dealership located at 1211 Centre Street NW. The development permit for 114 - 11 Avenue NW should be a temporary permit for a maximum of one term and for a maximum of five years. The existing low density multi dwelling use will be retained at 114-11 Avenue NW.” (Sec. 4.4.4.2)

That time-limited Direct Control (DC) District was approved in 2010 (Bylaw 13D2010), and expired in July 2015. The Applicant has proposed an amendment to the Crescent Heights Area Redevelopment Plan to remove this passage (Section 4.4.4(2)) (see APPENDIX II).

North Bow Design Brief (Non-Statutory – 1977)

This study recommends that “the Crescent Heights-Regal Terrace area be maintained and protected as a family oriented neighbourhood. Redevelopment, where desirable, will be accommodated at a scale which respects the surrounding housing stock and streetscape. The quality and character of new development should reinforce the existing physical and demographic character of the area” (Page 14).

Any development or reclassification shall be considered in terms of its traffic generation and environmental impact on the surrounding land use, rather than solely in terms of zoning criteria (Page 12).

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

---

Further extension of commercial strips to other areas should be discouraged until a need for additional commercial land is evident (Page 13).

Site access to commercial and parking areas should be located so as to discourage traffic from using residential lane or streets (Page 14).

The Design Brief expresses concerns with regards to the use of surface parking or open storage in the transitional areas between commercial and residential along Centre Street because this kind of use can discourage investment in homes and often lead to deterioration of the area (Page 60).

### **TRANSPORTATION NETWORKS**

A Transportation Impact Assessment was not required. The subject site is laned and situated on a Primary Transit Network.

### **UTILITIES & SERVICING**

Site servicing is available to support the potential redevelopment of the site.

### **ENVIRONMENTAL ISSUES**

No environmental concerns exist on the subject site.

### **GROWTH MANAGEMENT**

This Land Use Amendment application does not require additional capital infrastructure investment at this time and therefore, no growth management concerns have been identified.

### **PUBLIC ENGAGEMENT**

#### **Community Association Comments**

- Supportive of the existing parking arrangement;
- Has generally had a positive effect on parking in the area;
- Ultimately the business is not well suited to its location;
- The parking lot must be viewed as a temporary arrangement; and
- Has the expectation that the property will revert back to a residential use.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

---

**Citizen Comments**

No comments were received from adjacent land owners.

**Public Meetings**

No public meetings were held.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

---

**APPENDIX I**

**APPLICANT'S SUBMISSION**

The subject parcel is located in Crescent Heights near the Centre Street corridor and consists of 0.06 ha (0.15 ac). The parcel currently accommodates a surface parking lot for the North Hill Mazda dealership which is directly east of the subject site.

The current land use designation is a Direct Control District (13D2010) based on the Multi-Residential – Contextual Grade-Oriented (M-CG) District. The DC adds “Parking Lot-Grade” to the list of discretionary uses and requires a development permit for a parking lot for a maximum term of 5 years. In 2010 a temporary development permit was issued for 5 years to provide parking for service customers. This parking has proven invaluable to alleviate community concerns of spillage onto the street.

The owner wishes to extend the DP for the parking lot until the business can be relocated and the site redeveloped. In order to accomplish this, a land use amendment is required to facilitate the extension of the DP. The proposed land use amendment is the same DC district; however, the clause pertaining to the term for the DP for the parking lot has been modified to enable the extension of the current DP.

This lot (and others similar to it that are just off Centre Street) has been used for decades for surplus parking for the commercial corridor. The parking area provides a good transition to adjacent development until the Centre Street property can be redevelopment and provides much needed parking to the business. It also facilitates safe access and parking for patrons. To conclude, over the past 5 years we have demonstrated that we have properly maintained and used the lot for its designated limited purposes, and for this reason and those noted above we request the support of Planning Commission and Council.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

---

APPENDIX II

APPLICANT'S PROPOSED AMENDMENT TO THE  
CRESCENT HEIGHTS AREA REDEVELOPMENT PLAN

- (a) Delete subsection 4.4.4.2 in its entirety.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

APPENDIX III

APPLICANT'S PROPOSED DIRECT CONTROL GUIDELINES

**Purpose**

- 1 This Direct Control District is intended to:
- (a) provide for parking only associated with the **adjacent** commercial operations; and
  - (b) maintain the option of redevelopment for residential **use** of the site.

**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 – Contextual Grade-Oriented (M-CG) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

**Discretionary Uses**

- 5 The **discretionary uses** of the Multi-Residential – Contextual Grade-Oriented (M-CG) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
- (a) **Parking Lot – Grade.**

**Bylaw 1P2007 District Rules**

- 6 Unless otherwise specified, the rules of the Multi-Residential – Contextual Grade-Oriented (M-CG) District of Bylaw 1P2007 apply in this Direct Control District.

**Parking**

- 7 (a) A maximum of three (3) five (5) year term **development permits** for **Parking Lot – Grade** may be approved by the Development Authority; and
- (b) A **development permit** approved for **Parking Lot – Grade** must be for a maximum five (5) year term.

**Density**

- 8 The maximum **density** is 72 units per hectare.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

---

APPENDIX IV

LETTERS SUBMITTED

I am responding on behalf of the Crescent Heights Community Association; thank you for the opportunity to comment.

We reviewed the application at our meeting on Tuesday. We still have concerns about this type of encroachment into our residential community, so we want to reaffirm the original agreement which is that this property will revert BACK to residential once North Hill moves.

Some of our members spoke with the owner of North Hill Mazda, and, we are aware they are expecting to move once the south ring road is complete. With that in mind, we will support a 5 year extension but NOT a permanent redesignation.

Regards,

Darlene Jones

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

APPENDIX V

**From:** [Asheet Ruparell](#)  
**To:** [Carra, Gian-Carlo S.](#); [Keating, Shane](#); [Wright, Roy](#); [Wade, Marianne](#); [Gondek, Jyoti](#); [Morrow, Gregory](#); [Friesen, Colin](#); [Focht, Melvin](#); [Logan, Malcolm](#); [Tita, Matthias](#)  
**Cc:** [Tracy Bealing](#); [Cope, Ian](#); [Holberton, Kimberly](#); [Mulholland, David C.](#)  
**Subject:** LOC2015-0087 for February 22, 106 CPC Meeting  
**Date:** February 8, 2016 11:20:02 AM  
**Attachments:** [Decemer 2, 2015 Email from Crescent Heights Community responding to NORR request for clarification on support for application.png](#)  
[ATT00001.htm](#)  
[LOC2015-0087 Applicants Submission Nov26 2015.pdf](#)  
[ATT00002.htm](#)

To: Members of Calgary Planning Commission

I am the applicant in this matter before the Calgary Planning Commission on February 11, 2016. I am concerned that the issues be fully understood and wanted to (i) have an opportunity to discuss this matter with you prior to the meeting on February 11<sup>th</sup>; (ii) clarify a point of confusion that I feel exists in Administration's submissions, and (iii) provide a detailed response I sent in November that was not included in the package.

(i) I will be travelling to Ottawa on February 9<sup>th</sup> and returning in the morning on February 11<sup>th</sup>. **I am available on my cell phone at [REDACTED] to discuss this matter at any time.** In the event we have not spoken and you have any questions, I will be attending the CPC meeting and Tracy Bealing from NORR Architects will also be in attendance. She is well versed on the issues in the event my flight is delayed.

(ii) On the matter of clarifying Administration's submission, we have submitted a revised DP language to clarify that we are prepared to a time limited DC (15 years) as opposed to an unlimited DC. In a nutshell, this is a parking lot use directly abutting the Center Street Commercial corridor. We have historical evidence for this use for over 45 years, such use of parcels adjacent to the commercial corridor is prevalent and has been tolerated (conforming and non-conforming) throughout the area and most importantly the parking lot has alleviated many parking and traffic concerns for the adjacent residential area. I also recognize that there is tremendous opportunity to re-develop and intensify the land along Center Street and adjacent parcels such as this where the commercial corridor is especially narrow. Our interim use addresses current practical parking and overspill concerns and leaves open a valuable site for further development/intensification as appropriate given the changes expected in the area in the future.

Our submission recognizes that we do not want to forever turn the parcel into a commercial use (that type of fundamental land use change is for another time and a more comprehensive application). This is the community's concern and we have addressed it with requiring renewals of the DP as well as being agreeable to a time limited DC. The Community's concern that the lot does not become commercial land is specifically addressed by the limit of parking only for the **adjacent** commercial use (i.e. North Hill Mazda). Once that use ceases, we can only revert back to residential use unless there is another land use application. The prior zoning was a quick compromise and a 5-year horizon has simply not been sufficient to find a suitable parcel for the business to relocate in its designated franchise area (there are no suitable auto use parcels on the West side of Calgary). While we had little choice

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

---

but to accept the 5 year sunset clause in the prior application, the time and resources required of all parties for a re-zoning every five years is onerous. There have been no negatives raised as a result of the development and use of the parcel for parking - in fact the proper parking lot development has been a big stress reliever for the surrounding area and the business. The DC zoning will allow time for moving the adjacent business and re-development of that and potentially this site (especially in light of the Green Line and other inner city intensification initiatives). This will result in a better long-term land use than if the subject site was developed into low density residential today. These points are included in attachments to this email but not in Administration's submissions. **There is also further correspondence from the Community supporting the application**, which is not included in Administration's submission but is attached to this email. **While we do not feel it necessary to have a sunset (15 year) clause in light of the DP renewal process, we are agreeable to it if necessary.** I understand the sunset clause is as a result of apprehension that another use could come to the adjacent parcel and this parcel would be continued to be used for parking even after the current business relocates. I believe the 5 year DP renewal clause would address this issue since the community would have input at each renewal, and in the event the DP is not renewed the only use permitted would be residential.

(iii) I have attached a rather lengthy letter with attachments dated November 25, 2016 to David Mulholland. It has references to answer many of the points and concerns raised by administrations should you wish to review these details. I believe many of the policy arguments by administration are not entirely correct and there can be some basis in current policy documents that would support our application. A narrow interpretation of old policy on a site essentially forming part of the commercial corridor poised for redevelopment would yield unfortunate consequences in sterilizing opportunities for a broader planning perspective. I am confident that Administration is aware of this but may be limited by their interpretation of current policy documents. I am happy to discuss this further.

Thank you for your consideration.

Sincerely,

Asheet Ruparell  


POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

**From:** Darlene Jones  
**Sent:** December-02-15 8:23 PM  
**To:** Tracy Bealing  
**Cc:** david.mulholland@calgary.ca  
**Subject:** Re: LOC2015-0087

Hi Tracy,

Our response remains unchanged from our replies to the DP and LOC applications.

On Nov 3, when the 'sunset clause' was presented at our planning meeting, we understood the practical aspects of trying to relocate a business such as this. For this reason, the committee was in agreement that we the formal presentation of the DC note that maintains the 5 year term to a maximum of 15 years. Beyond the addition of the "sunset clause", it is our understanding there are no other changes beyond what was presented in the original applications.

Regarding the 5 year terms; the City will need to seek assurances from the Community that another term is feasible is not just an automatic renewal.

This doesn't change our original position. We fully expect the property to go back to residential as soon as feasible.

Thanks,  
Darlene Jones

Sent from my iPad

On Dec 1, 2015, at 11:00 AM, Tracy Bealing [REDACTED] wrote:

Hi Darlene,

The proposed land use application may go to Planning Commission on Dec. 17. In this regard, David is in the process of preparing his report to CPC and we were hoping to clarify if the CA is amenable to the revisions to the Direct Control which include the 15 year time limit on the parking lot use with the opportunity to review a DP for this use every 5 years up to the 15 year maximum.

We expect Planning Commission will have questions on the CA's position on the land use so we want to make sure we are conveying an accurate position, and there is a formal record in David's report.

I have included David in this email, so if you would like to respond to both of us or just to him that's fine.

Thanks and feel free to contact me or David with any questions.

Thanks,  
Tracy

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

**Asheet Ruparell**  
c/o 1211 Centre Street N.W.  
Calgary, Alberta  
T2E 2R3  
[REDACTED]

November 26, 2015

Mr. David Mulholland  
Planner  
City of Calgary  
P.O. Box 2100, Postal Station M  
Calgary, Alberta T2J 7J2

**Re: Land Use Amendment Number LOC2015-0087 – 114 – 11 Avenue N.W.**

I am the owner of this property and had authorized NORR Architects Engineers Planner to make a land use application on my behalf. I have received the Detailed Team Review (DTR) comments by letter, dated September 9, 2015, and have subsequently met with you and Mr. Marc Bastiaan (Transportation), the Ward Councilor Druh Farrell, and the Planning Committee within the Crescent Heights Community that addresses these matters.

I would like to respond to the DTR comments and provide further rationale to support the Land Use Application. We had discussed many of these items in our meeting. I am requesting that this letter be included in the CPC package or be otherwise circulated to members of CPC.

**History and Background**

The parcel is a residential parcel abutting commercial parcels on Centre Street North. It is one of many parcels that have been used for decades to supplement parking for adjoining businesses on Centre Street.

This parcel appears to have been singled out for complaint simply because it supports a "car dealership" at 1211 Centre Street North, which has had that use for over 40 years.

About 10 years ago, in response to a complaint, the use was ordered to cease and we submitted an application for rezoning to make it a legal conforming use. At the time of the CPC hearing for that land use application (LOC2005-099), there were sufficient reasons for acceptance of the land-use, albeit with a caveat that it should not become a long-term land use. A time limited 5 year zoning was established so the matter would require reconsideration and to ensure it was not indirectly turned

D. Mulholland

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

2

into a permanent commercial use. It was, and still is, the intent for the car dealership to relocate as soon as an alternate site is available. The dealership needs to relocate to the west part of the City (similar situation with other central dealerships like GSL, Renfrew and Metro Ford), however alternate sites are not yet available. There was hope that the West Ring Road development would open up additional land but this has not yet occurred. Prospective timing appears to be 5-10 years although timelines have in the past been sliding for the West Ring Road and funding is still not in place. This may delay the availability of potential land. The businesses will therefore need to continue their operations in their current locations until alternate land is available.

In the meantime, North Hill Mazda will continue its operations on Centre Street and hence the need to address practical issues, like parking and spillage into the residential community; concerns that were significantly addressed with the use of the subject land for parking. Loss of this parking will exacerbate the prior problems and will result in an unfair treatment of North Hill Mazda compared to other businesses. There are also compelling arguments to allow this interim use to ensure the land is better able to serve long term planning goals for the Centre street corridor.

**Summary of Reasons in Support of the Application**

1. The Calgary Municipal Development Plan encourages an Urban Corridor (such as Centre Street) to be planned with consideration of at least a block on either side. This site is directly adjacent to the commercial corridor, which has been recognized as being too narrow to begin with. All the lands directly north of this site up to 16<sup>th</sup> Avenue have either parking or commercial uses offset from the Centre Street commercial corridor. Requiring this site to be developed with low density residential based on policies that don't take into account the changes to Centre Street would sterilize the site and limit meaningful development opportunities on Centre Street.
2. The LRT initiative (commonly referred to as the Green Line) is currently in planning and will require a re-thinking of Centre Street development. Our application will allow a needed interim use of prime land that could be instrumental in allowing new development that will help revitalize Centre Street and be conducive to the Green Line initiative. The timing horizon of 5-15 years fits within the time when the Green Line development is likely to occur.
3. There has been a historic need for (and indeed a use of adjacent lands for) parking to service businesses (including North Hill Mazda) on Centre Street North. Exhibit A identifies some of lots in the immediate vicinity. Some are zoned appropriately and many are not. Removal of adjacent parking causes difficulties in proper operations of the business, but moreover would cause stress with adjoining neighborhoods as inevitably people will park on streets

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

3

and other lots and create unnecessary additional traffic. Our use of this site (which is adjacent to the business and accessed directly from the land without impact on adjoining residences) for parking alleviated much of the issues and will continue to help the situation in the future.

4. This use of parking has been successful to ease pressures for customer parking and to reduce overspill parking into the community. The existing Crescent Heights Area Redevelopment Plan (ARP) supports parking relaxations to increase supply for the Centre Street businesses so as to avoid overspill parking deeper into adjacent residential areas.
5. The Crescent Heights Community Association has acknowledged the usefulness of the parking on this site and the benefits. While they are apprehensive about future long-term commercial encroachment, they are supportive of a time-limited approval to address current and real concerns. In our meeting with their committee on November 3, 2015 we received support for a 15-year time limited zoning based on 5-year renewal DP's. A shorter approval time frame necessitates a costly and time consuming rezoning exercise for all involved.
6. There is an opportunity to maintain a lane to separate the residential and commercial areas while still creating an opportunity to create a deeper and more viable commercial lot fronting Centre Street. The rest of the block already has this opportunity with a parking lot directly north of the subject site. This is an important planning point that should not be missed. This possibility of moving the lane west is for future consideration, but the opportunity would be lost if the current use ceases and low density residential is developed.

**Analysis of DTR Comments**

As part of our application, we received Detailed Team Review comments from the CPAG group by letter dated September 9, 2015 (copy attached as part of Schedule "A"). In reviewing these comments it is evident that a narrow approach of looking at historic policies that were designed solely to preserve residential components was taken. These policies are in fact fluid and should be read in the context of more up to date policies as well as take into account the actual context of the site in question (abutting the commercial corridor), look at historical uses of similar sites and should consider other provisions in the policies that in fact support such transitional uses. Attached as Schedule "A" is our detailed analysis of the DTR Comments.

**Arguments in Support for the Application**

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

4

There are several arguments in support of the application that have been summarized above. A detailed discussion of these arguments is attached as Schedule "B" to this letter.

**The Application Sought**

The application has been brought because a historic non-conforming use was shut down due to one complaint (to our knowledge other non-conforming sites in the area have not had complaints filed but, were that to occur, there would be even more serious repercussions to the surrounding commercial area due to lack of the parking). The long-term prognosis is for the current automotive use to relocate once a suitable commercial site becomes available in the designated franchise area in West Calgary. In the meantime a viable solution is to have a DC zoning similar to the existing zoning, which permits the specific parking use that has historically occurred to support the adjacent commercial use.

The parking has already been developed to a high standard under the past DP in 2010. The discretionary use in the zoning applied for would allow temporary development permits such that in the event circumstances change (i.e. the dealership relocates or closes) there would be no further renewals of the development permit.

A time limited zoning would provide assurance that this does not become a permanent use without significant effort to rezone the site. A 15-year time frame balances this need versus the high cost of rezoning and recognizes that delays in the West ring road or the Green Line plans (both important developments that trigger relocation and redevelopment) could occur. Applying for zoning every 5 years is costly and takes undue resources for the applicant, the City departments and the community.

**Other Options**

The only other alternatives for North Hill Mazda are to either further redevelop its existing site on Centre Street to its full development potential and keeping it as a long term dealership or to build additional parking solutions on the North Hill Mazda site. Both of these options would require significant investment and almost ensure that the dealership remains at this location for a long time in the future. This is not the long-term goal of any of the parties.

**Summary**

I believe this application merits approval for several reasons. Proper planning decisions need to take into account (i) actual and historical uses, (ii) a need to deal with real world problems today in managing traffic and commercial uses in the area, (iii) a demonstrated improvement in managing traffic, safety and overspill over the

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

5

past 5 years with the proper parking development of this site, and (iv) keeping options open for proper development that take into account future planning goals for the area. Given the plans for North Hill Mazda moving locations upon finding a suitable site, this interim use provides a solution that should be palatable to all. The existing parking use has helped the situation and reversing this would create exactly the problems that were sought to be avoided.

In conclusion, the application submitted can be supported by existing policy, would be a viable short term use to keep the site in play for new long term policy considerations, has specific and unique characteristics that deny it being a carte blanche precedent for other such applications, and addresses a serious need that benefits the area and that has historically been satisfied by this site.

I will be available to discuss any of the above further should you have any questions or need any clarification.

Sincerely,



Asheet Ruparell

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

Schedule "A"

Analysis of DTR Comments

In the DTR comments contained in a letter to the applicant dated September 9, 2015 some relevant city policies are cited but the references chosen are solely in the context of residential developments and the general nature of disallowing commercial intrusion. Language in the policies that would support transitional uses or that take into account competing interests is not considered. These other policies contain language that can in fact support the application when viewed in the context of balancing the interests of "existing" uses and practical issues such as overflow parking. In addition, the newer policies and current initiatives such as Plan It Calgary and the Green Line initiative will change the nature of Centre Street and require re-thinking of some of the older policies. Following are examples of where the DTR comments are not balanced or the references can be read differently (page references are to the DTR response).

- A. MDP 3.5.1 (page 1): This policy may actually be read to support the application for parking as a transitional use. This is not a new use as this land, and other similarly situated lots, have been used for parking and have been a buffer between residential and commercial areas on Centre Street for decades. The proposed use can be seen as "compatible with the established pattern of development" given that the land to the north for several blocks is used in that manner in transition to residential uses.
- B. MDP 3.5.2: This is not particularly relevant for the current application except that, to the extent it supports transition zone intensification, then this site is a key site to transition between the commercial corridor and residential use. Arguably there should be support to allow time for a comprehensive development as Centre Street studies develop and therefore this policy should be read to be supportive of a time limited interim use. Otherwise the site would be developed as a low-density multi-family site and the stated goals of intensification and redevelopment along the commercial corridor would become more difficult to achieve.
- C. Crescent Heights Area Redevelopment Plan (ARP): This policy is cited by CPAG as preventing it from supporting the application. What is not recognized is that this ARP change was specifically put into the ARP because someone in planning or CPC felt it necessary to accommodate the last interim zoning change in 2010. We do not agree that the ARP needed this amendment and propose the ARP be amended to delete it. In fact the ARP amendment did not even take into account the approved zoning for the whole site since it referred to the original application for only the back yard of the site.

The ARP reference to the concern of overspill parking south of 13 Avenue is particularly noteworthy. The ARP actually has a concern with providing

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

2

relaxations on new developments that would reduce parking facilities. The subject land provides much needed parking to 1211 Centre Street North and specifically addresses the concern in the ARP of overspill by providing contiguous patron parking for service customers that is directly accessed via the land from the commercial site.

- D. South Bow Special Study: CPAG mentions policies that again could be read in support of the application although CPAG concludes they do not. The narrow interpretation that this study encourages only low residential zoning is flawed. The transitional parking use is in keeping with the "existing physical and demographic character of the area" as all the lands north of the site and across the lane west of Center Street have similar use. The zoning proposed does not generate any new traffic, but to the contrary reduces it as it contains service customer parking to the dealership via access to the parking lot directly through the lane (reference to page 12 of the Study in DTR comment). The reference to discouraging further use of commercial strips is also inappropriate as that is not what is being proposed. This application is for continuing a use where the need has been demonstrated for decades and especially in the last 5 years with a properly developed parking area that has shown great improvement to functionality, traffic and safety as well as reducing spillover into the residential community. Again the access directly from the lane, and thus the dealership, has served to not only discourage traffic using residential streets but actually reduced vehicle movement and traffic generation.

The reference to page 60 of the Study is interesting. Quite contrary to discouraging investment in homes next to the surface parking, the site directly adjacent to the West has been developed as a multi unit residential building after the parking lot was fully developed on the subject site in 2010/11.

- E. History of Previous Applications: CPAG made much of the previous application and essentially have reiterated their positions and negative recommendations, while failing to recognize that in the end CPC and Council recognized the needs. CPAG did not comment on any of the positive outcomes of the interim use, and no information has been provided to refute such positive outcomes. The time limited nature of the zoning was unusual and a result of compromise in the hope that the dealership would find an alternate home within the 5 years. It has not - and the needs remain. Some of the reasons for opposition are no longer valid and no due regard has been noted of the planning merits of keeping the site available for future development once the Centre Street studies and Green Line plans are updated. The opportunity to create a deeper lot that allows for meaningful development on Centre street have also not been noted. Transportation (Marty Richardson) was quoted without any reference or backup as to the rationale for his conclusion. There was no further infiltration of traffic into residential areas caused by this development and indeed it has served to reduce traffic. In the meeting with you and Marc

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

3

Bastiaan (current transportation department person on the file), no negative transportation issues noted with respect to this application.

- F. The recent discussion about the Green Line and the potential for redevelopment along Center Street in conjunction with enhanced transportation facilities has not been considered. This is a fluid and developing policy and it should be critical that sites along Centre Street that are good candidates for redevelopment (e.g. North Hill Mazda site and the adjacent parking lot) not be forced into redeveloping prematurely with lower density land use.
- G. The DTR comments do not recognize that the proper treatment of the site with high quality landscaping at the street front, proper parking and landscape area development and control of interface with adjacent properties through tight (i.e. low chance of light leakage) low maintenance fencing and similar materials has been a vast improvement to the location from its prior state and of a higher caliber than other conforming and non-conforming parking uses in the area.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C



The City of Calgary

PLANNING, DEVELOPMENT & ASSESSMENT

September 9, 2015

NORR ARCHITECT PLANNERS  
#100 - 221 10 AV SE  
Calgary, Alberta  
T2G 0V9, Canada

Dear Sir/Madam:

**RE: Detailed Team Review (DTR)**

**Land Use Amendment Number: LOC2015-0087**

In order to evaluate the feasibility of the proposal and compliance with City policies, the Corporate Planning Applications Group (CPAG) has completed a detailed review of your Land Use Amendment proposal received on July 16, 2015. Any issues identified as Prior to Calgary Planning Commission (CPC) will require further discussion or revision prior to a Development Authority recommendation to CPC.

A written response to the Prior to Calgary Planning Commission issues is required from the Applicant by the end of the ninety (90) calendar day response due date indicated in the attached DTR. Following the expiration of the response due date, the application may be inactivated subject to a thirty (30) calendar day timeline for a reactivation by the Applicant. The re-activation will include a re-activation fee. In the case of a non-responsive or incomplete application, the application will remain inactive and sent to storage.

Applicants are requested to contact the respective team members to resolve outstanding issues. Revisions to the proposed Land Use Amendment should not be submitted until we are able to provide comments from all circulation referees, including the Community Association.

Should you have any questions or concerns, please contact me at (403) 268-2264 or by email at david.mulholland@calgary.ca.

Sincerely,

**DAVID MULHOLLAND**  
Planner

cc: RUPARELL, ASHEET  
11888 MACLEOD TRAIL SE  
CALGARY, AB  
T2J 7J2

P.O. Box 2100, Postal Station M  
Calgary, Alberta, Canada, T2P 2M5, (403) 268-5311

D. Mulholland

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

LOC2015-0087



## The City of Calgary

PLANNING, DEVELOPMENT & ASSESMENT

### Detailed Team Review 1 – Land Use Amendment

**Application Number:** LOC2015-0087  
**Application Description:** From DC to DC (M-CG) in order to accommodate a Surface Parking Lot  
**Land Use District:** Direct Control (1P2007)  
**Site Address:** 114 11 AV NW  
**Community:** CRESCENT HEIGHTS  
**Applicant:** NORR ARCHITECT PLANNERS  
**Date DTR Sent:** September 9, 2015  
**Response Due Date:** December 8, 2015

**CPAG Team:**

<b>Planning (File Manager)</b>		
DAVID MULHOLLAND	(403) 268-2264	david.mulholland@calgary.ca
<b>Development Engineering</b>		
DAYNA FORSYTHE	(403) 268-8198	Dayna.Forsythe@calgary.ca
<b>Transportation</b>		
MARC BASTIAAN	(403) 268-3448	marc.bastiaan@calgary.ca
<b>Parks</b>		
DAVID MAHALEK	(403) 268-1396	david.mahalek@calgary.ca

### Comments on Relevant City Policies

#### Municipal Development Plan

The area is identified as being a part of the Inner City (MDP Map 1 – Urban Structure).

#### 3.5.1 General – Developed Residential Area Policies

- a. Recognize the predominantly low density, residential nature of Developed Residential Areas and support retention of housing stock, or moderate intensification in a form and nature that respects the scale and character of the neighbourhood.
- b. Redevelopment within predominantly multi-family areas should be compatible with the established pattern of development and will consider the following elements:
  - i. Appropriate transition between adjacent areas; and,
  - ii. A variety of multi-family housing types to meet the diverse needs of present and future populations.

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Page 1

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

LOC2015-0087

- c. Redevelopment should support the revitalization of local communities by adding population and a mix of commercial and service uses.

3.5.2 Inner City Areas

- a. Sites within the Inner City Area may intensify, particularly in transition zones adjacent to areas designated for higher density (i.e., Neighbourhood Corridor), or if the intensification is consistent and compatible with the existing character of the neighbourhood. Transition zones should be identified through a subsequent planning study.
- b. A range of intensification strategies should be employed to modestly intensify the Inner City Area, from parcel-by-parcel intensification to larger more comprehensive approaches at the block level or larger area.
- c. Maintain and expand, where warranted by increased population, local commercial development that provides retail and service uses in close proximity to residents, especially in the highest density locations.
- d. Buildings should maximize front door access to the street and principal public areas to encourage pedestrian activity.

Encourage at-grade retail to provide continuous, active, transparent edges to all streets and public spaces.

**Crescent Heights Area Redevelopment Plan (ARP)**

Along Centre Street, the ARP envisions "more small businesses serving the neighbourhood, more pedestrian traffic and street beautification improvements" (page 8). Small restaurants, retail and personal uses are encouraged along the corridor.

In the ARP, a stated objective for Centre Street North is "Encourage improvement in the pedestrian environment" (page 52,) but the ARP also states that "A number of car dealerships and auto specialty outlets have located on the street which make it difficult to create an attractive 'pedestrian friendly' shopping environment along the entire street" (page 51).

The ARP specifically identifies a number of locations in the north part of the community for overspill parking from commercial uses (page 52). However, the ARP expressed concern with regard to overspill commercial parking in the remainder of the Centre Street area. The ARP states "The impacts of overspill parking are more serious south of 13 Avenue and relaxations are not supported except on a specific basis as identified in the review of applications" (page 53). It specifically mentions the subject parcel, stating:

A time-limited Direct Control (DC) District for the additional use of a parking lot at 114 - 11 Avenue NW may be provided to accommodate parking for the existing car dealership located at 1211 Centre Street NW. The development permit for 114 - 11 Avenue NW should be a temporary permit for a maximum of one term and for a maximum of five years. The existing low density multi dwelling use will be retained at 114-11 Avenue NW (page 53).

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Page 2

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

LOC2015-0087

**North Bow Special Study**

This study recommends that "the Crescent Heights-Regal Terrace area be maintained and protected as a family oriented neighbourhood. Redevelopment, where it is desirable, will be accommodated at a scale which respects the surrounding housing stock and streetscape. The quality and character of new development should reinforce the existing physical and demographic character of the area" (page 14).

Any development or reclassification shall be considered in terms of its traffic generation and environmental impact on the surrounding land use, rather than solely in terms of zoning criteria (Page 12).

Further extension of commercial strips to other areas should be discouraged until a need for additional commercial land is evident (Page 13).

Site access to commercial and parking areas should be located so as to discourage traffic from using residential lane or streets (Page 14).

The Design Brief expresses concerns with regards to the use of surface parking or open storage in the transitional areas between commercial and residential along Centre Street because this kind of use can discourage investment in homes and often lead to deterioration of the area (Page 60).

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

LOC2015-0087

### General Comments

#### HISTORY OF PREVIOUS APPLICATIONS

##### LOC2005-0099

On September 16, 2005, the Owner made an application to change the land use of the subject parcel in response to a complaint (lot being used for vehicle storage). The submission was to allow for redesignation of the subject site to a Direct Control (DC) Land Use that would allow for a Surface Parking Lot.

A Detailed Team Review (DTR), issued January 2, 2006, stated that:

The review of planning policies indicates that the proposed redesignation is contrary to a number of policy statements found in approved planning policy documents, as identified in the foregoing "Comments on Relevant City Policies". On the basis of these policies, the proposed land use is of questionable merit. The following comments are not intended to imply that the proposed as submitted, warrants approval. Rather they are to provide an opportunity for additional material and rationale to be submitted that might modify the proposal such that approval may be considered. These matters must be addressed prior to a recommendation by the Development Authority to Calgary Planning Commission.

The DTR went on to ask for "assurance that only a portion of the site (the rear yard) will be used for parking and that the remaining portion of the site will be used for RM-2 uses only". Additionally the DTR requires:

- Guidelines indicating that the commercial parking on the site will be removed prior to any redevelopment of the site and that no Development Permit for commercial parking shall be approved for a period of more than five years.

**NOTE: As indicated, it is understood that the non-residential parking on this site will be removed should the site, at any time in the future, be redeveloped. The provision limiting a development permit approval to a maximum of five years is intended to ensure that the Development Authority has the authority to terminate the commercial use of the site, consistent with the statement above.**

The Applicant and File Manager (Lorraine Grant) met again on April 29, 2009, and on July 23, 2009 the Applicant submitted amended plans. On July 23, 2009 a second DTR was issued, and included the refusal condition as "the proposed redesignation is contrary to a number of policy statements found in approved planning policy documents". The Transportation Generalist at the time (Marty Richardson) supported Planning's rationale, stating:

*Transportation cannot support the application to allow further infiltration of commercial traffic into the residential community and therefore does not support this application for land use redesignation.*

On October 15, 2009 the application went before Calgary Planning Commission (CPC), with an Administration recommendation for Refusal. CPC Tabled the application until November 12, 2009.

On November 12, 2009 the application was brought before CPC a second time. CPC Tabled

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

LOC2015-0087

the application again, and referred administration to draw up a time-limited DC bylaw for CPC to review.

On December 10, 2009 the application was brought back to CPC for a third hearing, this time limiting the Surface Parking Lot to a single five year approval period. CPC accepted this new DC Bylaw, and voted to recommend Approval to Council, 5-3. Reasons for opposition were given:

The application is an attempt to avoid a longstanding development enforcement order. There is no planning merit to the application. It is contrary to the current planning policies and is opposed by the community.

On February 8, 2010 the application was brought before Calgary City Council for its Public Hearing. Council voted to Table the application to February 22, 2010. On February 22, 2010 Council voted to Approve the application.

**DP2010-0808**

On March 4, 2010, NORR Architect Planners made an application for a parking lot on the subject parcel. The DTR, issued April 5, 2010, stated that:

The policies applicable to this development permit were reviewed at length in the course of the recent Land Use redesignation LOC2005-0099.

The application was approved on July 23, 2010, and released August 17, 2010. The final Conditions of Approval document included the following permanent condition from Planning:

This permit is valid for a period of five (5) years from the date of approval. On expiry of this period, the Parking Lot – Grade (5 years) shall be discontinued and the site restored to a conditions acceptable to the Development Authority.

For the reasons listed above the application as it currently stands is not supportable by Administration, and would be recommended for refusal at Calgary Planning Commission. However, it is in the view of Planning that a higher-density residential land use may potentially be supportable following appropriate review by Administration.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

LOC2015-0087

---

### Prior to Calgary Planning Commission

---

The following issues must be addressed by the Applicant through a written submission prior to a report being prepared to the Calgary Planning Commission. Applicants are encouraged to contact the respective team members directly to discuss outstanding issues or alternatively request a meeting with the CPAG Team.

**Planning:**

1. Regardless of any other identified issues in this Detailed Team Review Assessment Form, the proposed land use amendment is not supportable as it is contrary to a number of policy statements found in approved planning policy documents, as identified in the foregoing "Comments on Relevant City Policies", regardless of any other identified issues. Please indicate, in writing, the manner in which the application will proceed:
  - A. Request withdrawal and cancellation of the application. Any applicable refund will be determined at the time of cancellation.
  - B. Pursue the application, as proposed, with a recommendation of refusal to Calgary Planning Commission.
  - C. Amend the application to a higher-density residential district.

A written response from the Applicant to the Planning Generalist clearly identifying the option to be pursued is required by September 25, 2015. Where no response is received, Administration may inactivate the application or recommend refusal to Calgary Planning Commission.

**Transportation, Development Engineering, Parks:**

No comments.

### Advisory Comments

---

The following advisory comments are provided as a courtesy to the Applicant and registered property owner.

**Transportation:**

2. Transportation Planning supports Planning's position that the proposed Land use is not compatible with existing policy (Centre ST corridor).

**Planning, Development Engineering, Parks:**

No comments.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

Schedule "B"

Arguments in Support of the Application

1. **Plan It Calgary:** It is of significance that CPAG has not addressed the impact of Plan It Calgary and specifically the recognition that Centre Street North is to be designated an Urban Corridor. As part of this designation, there is encouragement of greater density and commercial use not just along Centre Street but also the areas on both sides. The Plan It Calgary Municipal Development Plan available at [www.calgary.ca](http://www.calgary.ca)<sup>1</sup> (page 82) stipulates that :

*"The Local Area Plan study area for an Urban Corridor should include all land fronting directly onto the Urban Boulevard, and extend back at least one block on either side, potentially extending along intersecting streets".*

In the context of this site, we submit that CPAG's use of older policies fails to address the impact of this approach in sterilizing sites adjacent to Centre Street, and clearly within the Urban Corridor. The result is that future development, as an Urban Corridor, would become even more difficult. This application brings forth a unique opportunity to keep a site adjacent to Centre Street in play for future appropriate development while addressing concerns emanating from existing and historic uses. If the CPAG approach were strictly followed, there would be little incentive to do much on this site at this time other than some low-density multi-family housing. I submit that the CPC has the mandate and responsibility to be flexible in its approach to current applications so as to maintain the best chance that the new policies can work.

This application is synergistic to future Plan It Calgary initiatives because it keeps options open for this site and indeed for the entire block.

2. **Historical Use and Surrounding Area:** It is important to understand the historic use and needs for parking in the lots adjacent to Centre Street. This lot, amongst many others in the community adjacent to Centre Street North, has been used for surplus parking for many years. Most such uses have and continue to be tolerated. Were it not for one complaint, this lot would not be treated any differently than other lots (which are not correctly zoned) being used in the same manner. I had researched historical aerial photos at the University of Calgary and found this lot has been consistently used for parking since prior to 1978 (indeed prior to the lands for one block directly to the north of the site). Copies of photographs have been submitted to the Planning Department in past applications. This form of parking has addressed a need in the area to service existing commercial sites along Centre Street. Attached, as Exhibit "A", is a map outlining current surface parking

<sup>1</sup> [http://www.calgary.ca/docgallery/BU/planning/pdf/plan\\_it/plans/municipal\\_development\\_plan.pdf](http://www.calgary.ca/docgallery/BU/planning/pdf/plan_it/plans/municipal_development_plan.pdf)

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

2

use in the area. Of particular note is that similar lots across the lane both east and west of the lots fronting Centre Street are used for parking extensively from 11<sup>th</sup> Avenue north. This particular site fits well into an established pattern of use and is ideally situated to directly service the adjacent commercial strip and reduce overspill parking in the community.

3. **Overspill Parking Issues:** As noted above, in the DTR comments there is reference to the ARP and the specific mention that overspill is an issue from commercial parking. Their reference to the ARP unfortunately fails to mention that the ARP specifically supports relaxations to increase parking supply. The ARP specifically states that there is work to be done by the Transportation Department *"to identify any unrealized parking opportunities, determine the reasonable extent of parking relaxations and to review the current metering and parking restrictions. ... There may be opportunities to increase the parking supply somewhat..."*

It is submitted that the intent of the policy is to not permit relaxations to reduce parking on new developments for their on-site parking requirements due to the overspill situation and in fact encourage sources of additional parking to deal with what has already been an issue with overspill parking. These problems have by in large been dealt with informally in the area. This application would address and formalize the use of an ideal site to deal with existing parking requirements that have been well established for over 40 years. This is not a new and additional use that would cause a strain in the area, but indeed a necessary use to permit the proper functioning of historic and permitted uses along Centre Street.

*In this context, the ARP can be seen as supportive of this application and should be viewed as such.*

4. **Community Support**

Since being required to apply for the re-zoning, the applicant's position has been to open and cooperatively engage the community to address specific concerns and needs. We have received support for the application and understand that it is qualified in that the committee does not wish this to be a permanent change. We met with the community's planning committee on November 3, 2015 and were advised they are supportive of a time limited parking use. This support had been communicated by them in the past to the City planner but was not reflected in the DTR comments. At the November 3, 2015 meeting we proposed a 15 year time limited zoning with 5 year DP's. The committee supported this proposal.

Valid concerns with encroachment into residential areas should not be construed to limit proper and relevant uses that show sound justification based on historic and current needs and permit flexibility to achieve future planning goals. This lot's use as parking solves many more problems than the concerns with residential encroachment deeper in the community.

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

In the past there has been some concern of setting a precedent. Given the specific location of this site, use of similar parcels to the north, the historic uses, the ability to address overspill concerns, the lack of prosecution on other non-compliant parking lots in the area and real life traffic and parking concerns that need to be addressed at Centre Street and 11<sup>th</sup> Avenue, I do not feel there can be any danger of setting a "precedent". The final approval resides on each site with the Approving Authority (ultimately Council) and each application must be presented on its merits and individual circumstance. Approval of this application in no way sets a precedent or messages that further zoning changes are automatic.

**5. The Precise Context of this Site / Viability for Future Uses**

As noted on the attached map exhibit, this site is directly across the alley from land fronting onto Centre Street. As noted in the ARP (p. 52) "*... there is still a pressing need for parking. The narrow width of the commercial strip, usually just a single lot, limits the parking opportunities and the overall potential for good quality development.*" The sites west of the alley directly north of the subject site have all been developed into parking or commercial uses and are ideally suited to address the parking needs. Indeed the site directly to the north on the same block has received DC zoning to specifically permit parking for the adjacent lot fronting Centre Street. The Bank of Nova Scotia site on 12<sup>th</sup> Avenue and Centre Street exclusively uses the site across the lane to the west, even though the land is zoned residential. The site to the north of that is again used exclusively for parking as part of the commercial development fronting Centre Street. Indeed on the east side of Centre Street, on the same block between 11<sup>th</sup> and 12<sup>th</sup> Avenues, the parking use goes several lots deep. There can be no more compelling case for the subject site than the treatment afforded to other sites in the area. The need is just as pressing, the location just as compelling and then historic use and need even more established.

What the Approving Authority needs to consider is the impact of alternate low-density development on the subject site. Such a development would forestall for decades any viable redevelopment of the block so that a more extensive and balanced commercial or mixed-use development could occur as contemplated by the various policy documents, with or without the impact of Plan It Calgary. An interim use of the subject site for parking would both alleviate current parking and traffic tensions and reduce overspill as well as make the site available for future more appropriate development.

The possibilities for the future *could* include an exchange of land such that the lane just west of Centre Street between 11<sup>th</sup> and 12<sup>th</sup> Avenue is moved further west and permitting deeper more developable lots fronting Centre Street. Such a possibility will almost never exist if the subject land is developed into low density residential. There are other possibilities that would need to be examined in the context of a study under Plan It Calgary but again it is incumbent on the Approving Authority to ensure that we do what we can to keep the options open. Any such proposal in the

**POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016**

**MAP 22C**

---

4

future would of course be subject to full public input and agreement of the Approving Authority.

POLICY AMENDMENT AND LAND USE AMENDMENT  
CRESCENT HEIGHTS (WARD 7)  
SOUTHWEST OF CENTRE STREET AND 12 AVENUE NW  
BYLAWS 14P2016 AND 61D2016

MAP 22C

Exhibit "A"

