

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

EXECUTIVE SUMMARY

The Hillhurst/Sunnyside Area Redevelopment Plan (ARP) currently provides a bonus density system on sites located within the TOD Area Boundary. This policy amendment proposes to replace the existing fund (commonly referred to as the Bow to Bluff Fund) with an updated name and mandate (Hillhurst/Sunnyside Community Amenity Fund) to allow for a broader scope of community projects. The amendment does not propose to increase the contribution rate or method; the contribution calculation would remain as is, as indicated by Council direction below.

PREVIOUS COUNCIL DIRECTION

On 2015 December 07, Council directed Administration to:

- “i Retain the existing method of calculation for allowable bonus density in the current Section 3.1.5, Part II Transit Oriented Development Area of the Hillhurst/Sunnyside Area Development Plan;
- ii Report back to Council through Calgary Planning Commission and advertise the Public Hearing by no later than April 11, 2016 with a revision to proposed Bylaw 19P2015 as indicated above; and
- iii Report back to Council through SPC on Planning & Urban Development with a Terms of Reference for the Hillhurst/Sunnyside Community Amenity Fund concurrently.”

On 2012 June 25, Council approved the recommendations of the SPC on Planning and Urban Development with respect to report PUD2012-0266 Charges for Redeveloping Communities as follows:

- “3. Direct Administration to immediately cease applying the Hillhurst/Sunnyside Transit Oriented Development Area Park Improvement Development Charge; and
- 4. Pending further results from the Corporate Framework for Growth and Change project:
 - a) Explore options for an alternate development charge approach for the Hillhurst/Sunnyside Transit Oriented Development Area and report back through the October SPC on Planning and Urban Development concurrent with the next update on the Funding and Financing Component of the Corporate Framework for Growth and Change project; and

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

- b) Direct Administration, through all future Land Use Redesignation applications through Council within the Hillhurst/Sunnyside Transit Oriented Development Area, to address funding and financing options for the required public realm improvements identified in the Hillhurst/Sunnyside Area Redevelopment Plan with respect to Part 2 Transit Oriented Development Area, including, but not limited to density bonus opportunities.”

On 2012 November 05, Council approved the recommendations of Calgary Planning Commission with respect to report CPC2012-082 to amend the Hillhurst/Sunnyside Area Redevelopment Plan to the density bonusing options for developers to:

- a) Contribute to a “Hillhurst/Sunnyside Park Improvement Fund”; or
- b) Construct an entire, or portion of an “urban design initiative” as identified on Map 3.4 Urban Design Initiatives of the ARP, equivalent in value to the cash contribution. This could include a specific improvement in one of the triangular park areas.

ADMINISTRATION RECOMMENDATION(S)	2016 February 25
That Calgary Planning Commission recommends APPROVAL of the proposed Policy Amendment, as amended.	
RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION	
That Council hold a Public Hearing on Bylaw 19P2015; and	
1. ADOPT the proposed amendments to the Hillhurst/Sunnyside Area Redevelopment Plan, in accordance with Administration’s recommendation;	
2. Give one reading to proposed Bylaw 19P2015;	
3. AMEND Bylaw 19P2015, by deleting subsection 2(a) and replacing with a new subsection 2(a); and	
4. Give second and third readings to proposed Bylaw 19P2015, as amended.	

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

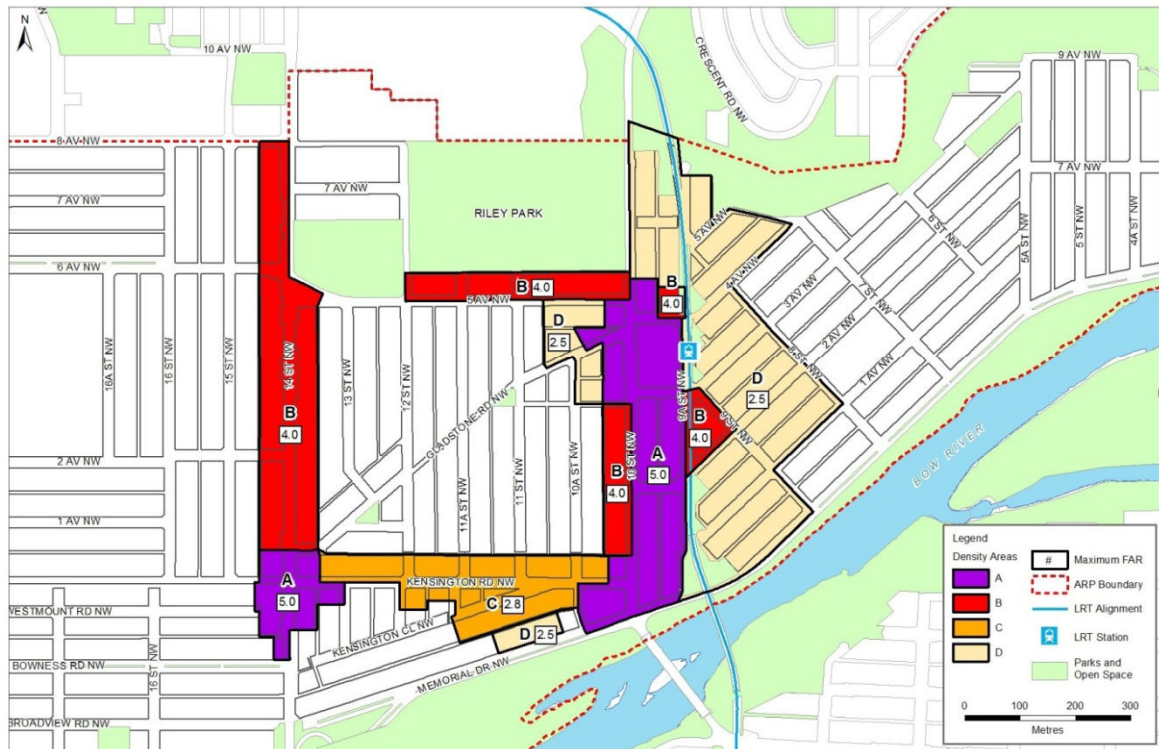
REASON(S) FOR RECOMMENDATION:

As of November 2014, the Hillhurst/Sunnyside Park Improvement Fund (HSPIF) has been fully funded by the ENMAX Legacy Fund, receiving \$5.9 million towards the Bow to Bluff triangle parks open spaces. The proposed fund, HSCAF, would essentially replace the current fund. The HSCAF would consist of a broader scope of improvement projects, implementing a new Terms of Reference, and retain the existing method of calculation for allowable bonus density, to be automatically adjusted annually on January 01 of each year based on the Consumer Price Index for Calgary, in accordance with the Local Area Planning & Implementation recommendation. The HSCAF Terms of Reference will be presented to Planning & Urban Development for recommendation to Council.

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

LOCATION MAPS

Map 3.2 Maximum Densities



POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the Hillhurst/Sunnyside Area Redevelopment Plan (APPENDIX II).
2. Recommend that Council give one reading to Bylaw 19P2015;
3. Recommend that Council **AMEND** Bylaw 19P2015 (APPENDIX I); and
4. Recommend that Council give second and third readings to Bylaw 19P2015, as amended.

Moved by: M. Tita

Carried: 6 – 0

2016 February 25

AMENDMENT: Amend the amendment to Bylaw 19P2015, bullet four after “community support facilities” insert “, including community association facilities”.

Moved by: R. Wright

Carried: 6 – 0

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

PLANNING EVALUATION

PURPOSE

The ARP currently allows for the earning of bonus density on sites located within the Transit Oriented Development Study Area Boundary as per Map 3.2 Maximum Densities of the ARP.

BACKGROUND

The proposed Hillhurst/Sunnyside Community Amenity Fund allows Administration to implement density bonusing policies presented in the Hillhurst/Sunnyside Area Redevelopment Plan. The collected funds would facilitate and finance improvements to the public realm in the Hillhurst/Sunnyside community.

As of November 2014, the Hillhurst/Sunnyside Park Improvement Fund (HSPIF) has been fully funded by the ENMAX Legacy Fund, receiving \$5.9 million towards the Bow to Bluff triangle parks open spaces. The proposed fund, HSCAF, would essentially replace the current fund. The HSCAF would consist of a broader scope of improvement projects, implementing a new Terms of Reference, and retain the existing method of calculation for allowable bonus density, to be automatically adjusted annually on January 1 of each year based on the Consumer Price Index for Calgary, in accordance with the Local Area Planning and Implementation recommendation. The HSCAF Terms of Reference will be presented to Planning and Urban Development for recommendation to Council.

APPENDIX I contains the Draft Policy Amendment for the Hillhurst/Sunnyside Area Redevelopment Plan. This amendment is removing reference to the current fund (HSPIF) and implementing the new fund (HSCAF).

The Terms of Reference (ToR) for the Hillhurst/Sunnyside Community Amenity Fund includes the makeup of the Administrative Committee, approval and authorization process, funding sources, any conditions and restrictions on use. The Terms of Reference will be presented to Planning and Urban Development for recommendation of approval.

LAND USE DISTRICTS

Upon submission of a density bonusing application, a Direct Control District will be required for the site. Contribution amounts will be collected at time of Development Permit approval.

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

LEGISLATION & POLICY

The Hillhurst/Sunnyside Area Redevelopment Plan currently provides a policy framework for the option of density bonusing, as per Section 3.1.5. and Map 3.2 of the ARP. This report proposes Section 3.1.5. be updated to remove reference to the Hillhurst/Sunnyside Park Improvement Fund, as this has been fully funded. This report recommends Section 3.1.5 be updated to create the Hillhurst/Sunnyside Community Amenity Fund. The draft policy wording is attached in APPENDIX I.

STAKEHOLDER ENGAGEMENT, RESEARCH AND COMMUNICATION

The policy amendment and Terms of Reference were prepared in consultation with local contributing developers, applicable City departments and the Hillhurst/Sunnyside Multi-stakeholder Task Force. Administration attended the Multi-stakeholder Task Force meeting 2015 February 17 to present and discuss the project. Administration also held an individual meeting with local developers and landowners. The draft policy amendment and Terms of Reference reflect the input received where feasible.

Engagement on Revised Proposal

The original policy amendment was referred back to Administration by Council on 2015 December 07. Due to tight timelines required to return to Council by no later than 2016 April 11, only minimal public engagement was conducted on the revised policy amendment. Administration met with the Community Planning Committee of the Hillhurst/Sunnyside Community Association on 2016 February 09 to give a brief overview of the revised proposal and provided draft copies of the revised policy amendment and Terms of Reference to the local developers and landowners who were initially consulted in Q1 2015. Both groups are generally supportive of the intent of the bonus systems; however, no formal letters are attached. Administration is planning a more engaged consultation process for determining the makeup of the Administrative Committee, approval and authorization process, funding sources, any conditions and restrictions on use to be outlined in the Terms of Reference in Q2 2016.

POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015

APPENDIX I

**PROPOSED AMENDMENTS TO BYLAW 19P2015 TO AMEND THE
HILLHURST/SUNNYSIDE AREA REDEVELOPMENT PLAN**

Amend Bylaw 19P2015 by deleting subsection 2(a) and replace with the following:

“(a) Under Section 3.1.5., Policy 4, delete i. and replace with the following:

i. Contribution to the Hillhurst/Sunnyside Community Amenity Fund

The Hillhurst/Sunnyside Community Amenity Fund (HSCAF) has been established as a means of gaining public amenities in exchange for density that exceeds the base density in order to offset the impacts of increased density in the community. The fund will be used for projects within the Hillhurst/Sunnyside Community, including but not limited to:

- Heritage Conservation;
- streetscape design and improvements within City rights-of-way;
- implementation of urban design strategies and public art on public land;
- community support facilities;
- transit enhancements;
- community planning studies and enhancement projects; and
- other projects deemed appropriate.

The contribution rate per square metre of floor area above the base density shall be that rate approved by Council and in effect at the time of development approval.”

POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015

APPENDIX II

PROPOSED BYLAW 19P2015

BYLAW NUMBER 19P2015

BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE HILLHURST/SUNNYSIDE AREA
REDEVELOPMENT PLAN BYLAW 19P87

WHEREAS it is desirable to amend the Hillhurst/Sunnyside Area Redevelopment Plan Bylaw 19P87, as amended;

AND WHEREAS Council has held a public hearing as required by Section 692 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended:

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Hillhurst/Sunnyside Area Redevelopment Plan Amendment Number 15 Bylaw."
2. The Hillhurst/Sunnyside Area Redevelopment Plan attached to and forming part of Bylaw 19P87, as amended, is hereby further amended as follows:
 - (a) Under Section 3.1.5, Policy 4, delete i. and ii. and replace with the following and renumber accordingly:

"4. Eligible bonus items include the following:

 - i. Contribution to a Hillhurst/Sunnyside Community Amenity Fund

Description:

The Hillhurst/Sunnyside Community Amenity Fund (HSCAF) has been established as a means of gaining amenities. The fund will be used for projects within the Hillhurst/Sunnyside Community, including but not limited to:

- the Urban Design Initiatives as identified on Map 3.4 and Section 3.3
- streetscape design and improvements within City rights-of-way
- implementation of urban design strategies and public art on public land
- historic resource retention
- community support facilities
- transit enhancements
- community planning studies and enhancement projects
- and other projects deemed appropriate by the Administrative Committee

Eligibility:

Upon creation of the HSCAF, any development proposing to build above the maximum density allowed for the subject site is eligible to make a contribution to the HSCAF.

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

BYLAW NUMBER 19P2015

Bonus Rate:

The contribution amount will be calculated at the time of development permit approval, based on 75% of the land value per square metre of gross useable floor area as established by The City. For example, if the land value is established to be \$272 per metre square, and the developer is proposing to build 1,000m² of bonus floor area, then the amount of contribution will be calculated as follows:

Land value x Proposed amount of bonus gross useable floor area (metres squared) x 75% = Contribution

$$\$272 \times 1,000\text{m}^2 \times 0.75 = \$204,000$$

The contribution amount is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

The land value is to be prepared by a Professional Chartered Surveyor or a Designated Real Estate Appraiser and provided to The City at the time of Development Permit application."

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

BYLAW NUMBER 19P2015

3. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2015.

READ A SECOND TIME THIS ____ DAY OF _____, 2015.

READ A THIRD TIME THIS ____ DAY OF _____, 2015.

MAYOR
SIGNED THIS ____ DAY OF _____, 2015.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2015.

POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015

APPENDIX III
COMMUNITY ASSOCIATION COMMENTS



February 16, 2016

To: Morgan Huber & Giyan Brenkman, City of Calgary

Re: Hillhurst Sunnyside Community Amenity Fund ("HSCAF")

Thank you for coming to the February 9th meeting of the Hillhurst Sunnyside Planning Committee ("HSPC") and explaining the current status of this fund and the planned next steps.

You identified that the most pressing current order of business is to have the Hillhurst Sunnyside Area Redevelopment Plan amended to enable this Amenity Fund to be established as a replacement to the Hillhurst Sunnyside Community Improvement Fund. We support the proposed amendment to the ARP for this purpose as presented in your document "*January 25, 2016 – Proposed Amendment based on Council direction from December 7, 2015*". We understood from the discussion that capital improvements to community association facilities would be eligible for consideration for funding from the HSCAF. Therefore we request that this be clarified by modifying the proposed bylaw to include the phrase underlined below:

- "- historic resource retention;
- streetscape design and improvements within City rights-of-way;
- implementation of urban design strategies and public art on public land;
- community support facilities including community association facilities;
- transit enhancements;
- community planning studies and enhancement projects; and
- other projects deemed appropriate"*

You also informed us that we would be working on the Terms of Reference for the HSCAF once the bylaw was amended. Having multiple resident representatives would also facilitate accurately reflecting diverse opinions about priorities, and would help maintain community representation through the inevitable availability issues related to volunteer representation.

**POLICY AMENDMENT
HILLHURST/SUNNYSIDE (WARD 7)
TRANSIT ORIENTED DEVELOPMENT AREA
BYLAW 19P2015**

One other item we discussed was our desire to have a more consistent and transparent mechanism in place for density bonusing across the inner city. Please let us know if there is anything we can do as a community to further progress in this area.

We look forward to working with you on the Terms of Reference for the HSCAF and making this fund operational.

Sincerely,

Hillhurst Sunnyside Planning Committee

Cc: Members, Hillhurst Sunnyside Planning Committee
Jen MacLaren, Planner, North Planning Area, Local Area Planning & Implementation,
City of Calgary
Paul Donker, Coordinator, North Planning Area, Local Area Planning & Implementation,
City of Calgary
Ward 7 City Councillor Druh Farrell