

## Report C2015-0414

Planning, Development & Assessment Report to  
Regular Meeting of Council  
2015 May 25

### **AMENDMENTS TO THE MISSION ARP BYLAWS 15P2013 and 44D2013**

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#### **EXECUTIVE SUMMARY**

Council directed Administration to work with stakeholders, including the community and the Ward Councillor, to examine the potential public benefits arising from an increase in density on the subject lands in areas within Mission and Cliff Bungalow. Upon discussions with stakeholders, Administration has developed an incentive density system calculation the specific site indicated in this report.

#### **ADMINISTRATION RECOMMENDATION(S)**

1. That Council give second and third reading of Bylaw 15P2013 (Attachment 1);
2. That Council amend Bylaw 44D2013 (Attachment 2), by deleting and replacing the existing Schedule B, with a new Schedule B (Attachment 3), and give second and third reading of the amended Bylaw 44D2013; and
3. That Council direct Administration to develop a Terms of Reference to develop a public realm enhancement fund within the communities of Cliff Bungalow and Mission and return no later than Q4 2016 to the SPC on Planning and Urban Development.

#### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2015 March 09 Council moved to adopt, Moved by Councillor Woolley, Seconded by Councillor Carra, that Administration Recommendations contained in Report C2015-0199 be adopted, as follows: That Council further table Bylaws 15P2013 and 44D2013 to the 2015 May Council Public Hearing date.

On 2014 December 08 Council, Moved by Councillor Woolley, Seconded by Stevenson, that Administration Recommendation contained in Report C2014-0881 be adopted, as follows: That Council, further table Bylaws 15P2013 and 44D2013 to the 2015 March Council Public Hearing date.

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

On 2014 September 08 Council, Moved by Councillor Keating, Seconded by Councillor Farrell, that Report C2014-0667, and second and third Readings of Bylaws 15P2013 and 44D2013, be referred to Administration, to discuss:

1. With stakeholders, including the Community, alternative density bonusing mechanisms and to return directly to Council no later than the end of 2014. And further, that the in camera discussions remain confidential under Sections 24(1)(c) and 27(1)(b)(ii) of the Freedom of Information and Protection of Privacy Act. Refer, Moved by Councillor

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Keating, Seconded by Councillor Farrell, that Report C2014- 0667, and second and third Readings of Bylaws 15P2013 and 44D2013, be referred to Administration, to discuss:

2. A comprehensive bonusing system which includes, but is not limited to, Mission or parts thereof, and to return directly to Council no later than the end of 2014.

### **BACKGROUND**

There is growing interest in developing buildings of greater height and density in Calgary's inner-city including the community of Mission. A discussion of using density incentives to secure public amenities occurred following Council consideration of a land use redesignation application for the property located at 306, 308, 310 and 312 – 25 Avenue SW (Plan B1, Block 44, Lots 10 and 11 from DC Direct Control District to Multi-Residential – High Density Medium Rise (M-H2f4.5h24). The application also includes an amendment to the Mission Area Redevelopment Plan (ARP) to allow for greater height and density. This site currently allows a density of 3.5 FAR and a maximum height of five storeys (15 meters). The developer is proposing a density of 4.5 FAR and a height of eight storeys (24 meters). The proposed density does not conform to the existing policies of the Mission ARP.

Calgary Planning Commission and the Corporate Planning Applications Group recommended refusal of the application. However following the Public Hearing, Council voted to give first reading to the related bylaws to allow for the increased height and density. Prior to second and third reading, Council directed Administration to consider potential public benefits in exchange for the additional density.

Discussions with the Community Association have occurred regarding potential priority areas for higher densities and potential priority projects that may benefit from a density incentive system. Administration shared the initial results from the Main Street engagement efforts with the Community Association and the developer's consulting team. This information was used to advance stakeholder discussions in the Mission area while at the same time considered ways to inform Council's deliberations on the subject bylaws.

Administration has developed an incentive density system calculation for this specific site. In order to effectively administer any funds generated through this system, a Terms of Reference should be developed to establish a formal fund and a committee to oversee spending from the fund. The intent of the Terms of Reference will be to ensure that financial contributions paid by the developer are used in the development, enhancement or upgrading of the public realm within the Cliff Bungalow/Mission community. Once established this system could potentially be used for other future redevelopments.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

The Community Association has given considerable thought to the implications of this application being approved by Council with a built-in incentive density system. The community has re-iterated their opposition to the higher densities and heights on this site and would like them to remain as prescribed in the approved Mission Area Redevelopment Plan. However following a meeting with the Community Development Committee and the Ward Councillor on 2014 October 28, the Community Association indicated they would like to identify priority areas and projects within the community that may benefit from a density incentive mechanism. The Cliff Bungalow/Mission Community Association hosted a stakeholder density engagement workshop on 2015 February 28. There were 38 respondents to a voluntary survey, supplied by the Community Association, to identify priority areas within the community if density bonusing is established. The aggregate responses demonstrate 27% of respondents favour heritage,

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followed by green space and parks at 25%, improvements to the public realm at 21%, and affordable housing at 19%.

This closely aligns with initial responses from the Main Streets Program engagement where streetscape design, walking features, and parks and public spaces are all high priorities.

The applicant met with the community and Administration on 2015 April 16 to discuss community benefit concepts that would enhance the surrounding community. The applicant had retained a landscape architect to develop concepts for public benefit in the vicinity of the subject site including a 25th Avenue boulevard tree canopy, enhancement of community pocket parks, and/or heritage designation of sites within the community of Mission.

These community amenity concepts should be explored further by the Community Association and The City to identify possible implementation projects and timing. No agreement was achieved on a specific project as further investigation and design work is required to determine viability. To review these concepts and other potential priorities and projects a committee should be created similar to what has been done in other areas such as Beltline and Brentwood and as proposed in Hillhurst-Sunnyside. The committee would include representatives from the Cliff Bungalow/Mission Community Association, the development industry, the Ward Councillor and relevant City staff.

In order to determine the value of additional density, Administration had commissioned an independent assessment for this specific site. The final value presented in this report and included in the attached Direct Control District considered the independent assessment and the input of the applicant. Administration notes that this number will not necessarily be applicable to other sites in the Cliff Bungalow Mission area and a more structured system will need to be developed. At this time Administration would consider such an approach in conjunction with the ongoing work of the Main Streets program.

The following formula will be utilized for this site.

Incentive gross floor area (square metres) = contribution amount (\$)/\$455.00.

### **Stakeholder Engagement, Research and Communication**

Administration, the Ward Councillor, and representatives from the Community Association have met and shared information in order to report back on Council's direction. Initial conversations, with the broader community, occurred 2014 November 20 through the Main Streets workshop and dialogue on this specific development proposal is ongoing. This information was verified by engagement completed by the Community Association. The developer has utilized community input to develop concepts that could potentially benefit the community.

### **Strategic Alignment**

Not applicable for this report.

### **Social, Environmental, Economic (External)**

#### **Social**

Negotiating density and public benefits on a site by site basis can cause uncertainty within the community that could negatively impact social cohesion and erode trust between stakeholders. This can be avoided by ensuring community priorities and funding structures are identified and

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agreed upon in a comprehensive funding mechanism.

### Environmental

The additional density being proposed takes advantage of an existing complete community, bringing more people into an area that has a full range of services in walking distance that has the potential to reduce vehicle trips and related emissions. Further increasing density in exchange for public benefits has the potential to provide for public realm improvements or private developments that contribute to better environmental performance on both a site and community-wide basis.

### Economic

Increasing densities and providing for better community amenities can improve the economic vibrancy of established neighbourhoods. However increasing densities on a site-by-site basis where a comprehensive plan and related land use districts currently exist can introduce land speculation into the area.

### Financial Capacity

#### Current and Future Operating Budget:

No impacts have been identified for this recommendation.

#### Current and Future Capital Budget:

No impacts have been identified for this recommendation.

### Risk Assessment

None associated with this report.

#### REASON(S) FOR RECOMMENDATION(S):

This report proposes a path forward for the subject bylaws that balances integrating the work and results of the Main Streets program, due consideration of community consultation with fair consideration of an application that has been submitted in good faith with expectation of a decision in a reasonable time frame.

### ATTACHMENT(S)

1. Bylaw 15P2013
2. Bylaw Number 44D2013
3. Schedule B