

**LAND USE AMENDMENT  
RICHMOND (WARD 8)  
NORTH SIDE OF 33 AVENUE SW BETWEEN 21 AND 22 STREET  
BYLAW 155D2015**

**MAP 8C**

**EXECUTIVE SUMMARY**

This land use amendment application seeks to redesignate 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 2222 - 33 Avenue SW from Multi-Residential – Contextual Low Profile (M-C1) District to Commercial – Corridor One (C-COR1f2.5h16) District to allow for an artist's studio/art gallery (retail consumer service) activities.

The subject property contains a single-detached home which the applicant would like to repurpose into an Artist's Studio. The proposed land use redesignation will bring the subject property into alignment with the Marda Loop Area Redevelopment Plan and provide the use necessary for the applicant to have an Artist's Studio.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2015 July 30

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

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

That Council hold a Public Hearing on Bylaw 155D2015; and

1. **ADOPT** the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 2222 – 33 Avenue SW (Plan 4479P, Block 56, Lots 10 and 11) from Multi-Residential – Contextual Low Profile (M-C1) District **to** Commercial – Corridor 1 f2.5h16 (C-COR1f2.5h16) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 155D2015.

**REASON(S) FOR RECOMMENDATION:**

Administration is recommending approval of the land use amendment given that the proposed land use district and its associated height and Floor Area Ratio (FAR) modifiers are in alignment with the Marda Loop Area Redevelopment Plan.

The proposed C-COR1f2.5h16 land use district allows for a range of commercial/retail uses on the ground floor as well as the opportunity for residential and office uses above. The Artist's Studio use is a discretionary use in the C-COR1 district.

**ATTACHMENT**

1. Proposed Bylaw 155D2015
2. **Public Submissions**

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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 2222 – 33 Avenue SW (Plan 4479P, Block 56, Lots 10 and 11) from Multi-Residential – Contextual Low Profile (M-C1) District **to** Commercial – Corridor 1 f2.5h16 (C-COR1f2.5h16) District.

**Moved by: D. Mulligan**

**Carried: 6 – 0**

Comments from Ms. Wade:

- The number of required parking stalls, as per Bylaw 1P2007, at 2 per 100 square metres, seems high can this be reviewed accommodate artists workshops to avoid costs that may become prohibitive to the use

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**Applicant:**

Stirling Karlсен

**Landowner:**

Yosefa Josette Fraiman

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	Yes	5
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	5
<b>Legislation and Policy</b> <i>Does the application comply with policy direction and legislation.</i>	Yes	6
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	6
<b>Utilities &amp; Servicing</b> <i>Is the site in an area under <b>current servicing</b> review and/or has <b>major infrastructure</b> (water, sewer, storm and emergency response) concerns.</i>	No	6
<b>Environmental Issues</b> <i>Other considerations e.g. sour gas or contaminated sites</i>	No	6
<b>Growth Management</b> <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	6
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	No	7

\*Issue - Yes, No or Resolved

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**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site is approximately 0.06 hectares  $\pm$  (0.14 acres $\pm$ ) and is located on the north side of 33 Avenue SW between 21 and 22 Street SW in Marda Loop. The subject site has a single-detached dwelling (49 square metres) and a side detached single-car garage (35.7 square metres) with access from 33 Avenue SW. The subject site also has a detached double-car garage (58 square metres) with access from the rear lane. All of the properties on the north side of this block are zoned M-C1. The property directly to the west is a three-storey apartment building and the property to the east is a single-detached dwelling. To the south, across 33 Avenue SW, is a 2-storey mixed use building and single-storey retail development.

**LAND USE DISTRICTS**

Initially, the applicant submitted a redesignation for Commercial – Corridor One (C-COR1f2.0h12) District with a Floor Area Ratio (FAR) modifier of 2.0 and height modifier of 12 metres. Administration circulated this and received no objections from the community associations.

Upon further review, administration asked the applicant if they would consider changing the FAR and height modifiers to bring the land use amendment into alignment with the Marda Loop Area Redevelopment Plan (ARP). The Applicant amended the application to Commercial – Corridor One (C-COR1f2.5h16) District and Administration re-circulated the application with an objection from the Richmond/Knob Hill Community Association.

The current Multi-Residential – Contextual Low Profile (M-C1) District allows development with a maximum building height of 14.0 metres. The proposed Commercial – Corridor 1 f2.5h16 (C-COR1f2.5h16) District would allow development with a maximum building height of 16.0 metres.

The proposed C-COR1 land use district has the following requirements:

- A minimum of 20.0 percent of the gross floor area must contain “Commercial Uses”.
- The maximum use area for uses on the ground floor of buildings is 465.0 square metres.
- Where the parcel shares a rear or side property line with a lane, all vehicle access to the parcel must be from the lane.
- The “Artist’s Studio” use requires a minimum of 2.0 motor vehicle parking stalls per 100.0 square metres of gross usable floor area.
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There is space off the rear lane, not including the garage, to provide five parking stalls.

The existing building can accommodate these requirements without creating a non-conforming building or use.

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**LEGISLATION & POLICY**

The proposed land use amendment conforms to both the Municipal Development Plan (MDP) and the Marda Loop Area Redevelopment Plan (ARP). The Municipal Development Plan identifies 33 Avenue SW as a neighbourhood corridor that should be served by a Primary Transit Network and is supportive of moderate levels of intensification. The Marda Loop ARP identifies the subject property as a “Commercial Mixed-Use Area” to accommodate ground floor retail / commercial uses with residential or office/commercial uses above. ARP Map 4.2 shows a 4-storey and 16 metre maximum building height for the subject property. ARP Appendix A “contains projections...based on a floor area ratio (FAR) assumed through the development of the Plan” (p. A3) and identifies the subject site with an assumed FAR of 2.5.

The proposed height and FAR modifiers for this land use amendment therefore reflect the stated ARP goals.

**TRANSPORTATION NETWORKS**

Pedestrian access is available from 33 Avenue SW with vehicular access available from both 33 Avenue SW and the rear lane.

The site is approximately 290 metres west of a northbound #7/107 bus stop on the south side of 33 Avenue SW, just east of 20 Street SW that will take riders into the downtown core. There is also a southbound stop along the west side of 20 Street SW, just south of 33 Street SW, which will take riders to a hub on 54 Street SW just East of Crowchild Trail, which will provide access to the #306, 182, 18, 20, and 72 bus routes.

**UTILITIES & SERVICING**

Water, sanitary and sewer services are available. Adjustments to on-site servicing may be required at the development permit stage.

**ENVIRONMENTAL ISSUES**

An Environmental Site Assessment was not required.

**GROWTH MANAGEMENT**

The proposed amendment(s) does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

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**PUBLIC ENGAGEMENT**

**Community Association Comments**

The Richmond/Knob Hill Community Association is in favour of the applicant redesignating to C-COR1 to allow the applicant to repurpose the existing buildings for the “Artist’s Studio” use, but is opposed to the 16 metre height modifier. The concern is that if the parcel redevelops in the future, the building height will block sunlight for the low density residential homes to the north of the property across the alley. The Community Association states that “a 16m high building has the potential to prevent those homes’ main floor south-facing windows from receiving any direct sunlight for approximately 2.5 months each year, from mid-November to late January”.

The Comments were received and considered by Administration with the following reasoning to support the C-COR1 District with the height modifier of 16 metres and Floor Area Ratio modifier of 2.5.

- The shadow impacts are anticipated to be minimal based on the potential building envelope. Further detailed analysis will be done at the development permit stage.
- The rear lane building setback is greater with the C-COR1 district (3.0 metres) than the M-C1 district (1.2 metres), which should mitigate the impact of the 2 metre height increase with this redesignation.
- Most of the properties to the north, across the alley, from the subject property have detached garages that currently cast shadows over their yards.

The Marda Loop BRZ had the following comment:

“Provided the specifics of the use can be sorted out internally and there is a requirement for a retail/commercial component on this site and membership in the BRZ (and not strictly multi-residential), the Marda Loop BRZ is supportive of the application to redesignate from M-C1 to C-COR1.”

The Marda Loop Community Association was contacted and no comments were received.

**Citizen Comments**

One letter of opposition was received from a resident who is concerned that a 16 metre building will block sunlight to the backyard affecting enjoyment of the property.

The Comments were received and considered by Administration with the following reasoning to support the C-COR1 District with the height modifier of 16 metres and Floor Area Ratio modifier of 2.5.

- The shadow impacts are anticipated to be minimal based on the potential building envelope. Further detailed analysis will be done at the development permit stage.

**Public Meetings**

No public meetings were held.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

As an educator, I hold a PhD in Education and I have been an Artist for the last 25 years. My goal is to create a small Art Gallery that will exhibit my art work but will also inspire and help new artists to reconnect with their imagination and experience the manifestation of human emotion through art.

I would like to help new artists that have no place to show their art work, as renting gallery space is extremely expensive and nearly impossible to afford for new artists.

I intend to create a unique place for artists, a cultural meetings events, and discussions.

We will use our small space efficiently. We will not make any large changes, only minor renovations to the main floor, and some minor development to the basement to help it to function as an art gallery. Nothing major.

The property has parking for 10 to 12 vehicles and also contains a beautiful yard and backyard patio space. There would be not negative impact on parking for the neighbourhood and could in fact help the current parking restraints.

An art gallery could only add a unique contribution to the wonderful community of Marda Loop. We feel that the neighbourhood could use a business to draw more traffic to the area and help create a more walkable community which would be similar to Inglewood.

We looked for nearly a year for a space that allowed for businesses and spoke to nearly every business owner directly to see if they would sell their properties. The zoning currently does not allow for a business to run from the home. We checked the area redevelopment plan for the community and a change to a mixed use type of zoning is listed to happen in the future, so we feel that this change of land use is in the city and communities plans already. The home is directly across from a completed Commercial block already so it is not something that would have any type of negative impact on the community.



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**APPENDIX II**

**LETTERS SUBMITTED**

From: The Richmond Knob Hill Community Association  
Sent: Friday, June 26, 2015 6:43 AM  
Subject: Community Association (RKHCA) Comments on LOC2015-0045 -- 2222 33 AV SW

Ms. McGuire

Further to our previous communications and discussions regarding the captioned land use redesignation application (the "Application"), which originally requested a redesignation of the subject parcel from M-C1 to C-COR1 f2.0 h12 and has now been revised to request a redesignation to C-COR1 f2.5 h16, the Development Committee for the Richmond/Knob Hill Community Association (the "Association") has reviewed the re-circulated Application and provides the following comments at this time.

The Association is generally supportive of the subject parcel being redesignated to allow the single detached dwelling that currently occupies the parcel to be used as an art gallery (the "Proposed Use"), as:

- 1) the subject parcel is located within the boundaries of the Marda Loop Business Revitalization Zone, and in this regard the Proposed Use would appear to be a more appropriate use for the parcel than its current use as a single detached dwelling;
- 2) the recently approved MLARP contemplates commercial/retail uses on this block face; and
- 3) the subject parcel's current M-C1 land use designation allows for multi-residential use, but does not appear to include, among its list of available permitted and discretionary uses, a use category that would accommodate the Proposed Use.

However, the Association is opposed to the newly proposed 16m building height limit modifier, as:

- 1) the Association's understanding is that the Applicant does not intend to construct any new buildings on the subject parcel, but rather only intends to renovate and repurpose the existing buildings for the Proposed Use, and therefore has no current need for the maximum building height to be increased; and
- 2) although the MLARP contemplates a 16m height limit for the parcels on this block face, the Association is concerned that a building of that height would potentially cause excessive overshadowing of the single-family homes across the lane to the north, and therefore is strongly of the view that any proposed increase in the maximum building height to 16m should be "tied to

J. McGuire

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plans", so that the potential overshadowing impact can be evaluated.

Please note that the Applicant has been copied on this email and is encouraged to contact us to discuss these comments.

Thank you.

Doug Roberts  
Chair, Development Committee  
Richmond/Knob Hill Community Association  
403-252-8924  
[development@richmondknobhill.ca](mailto:development@richmondknobhill.ca)

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From: The Richmond Knob Hill Community Association  
Sent: Friday, June 26, 2015 12:28 PM  
Subject: Community Association (RKHCA) Comments on LOC2015-0045 -- 2222 33 AV SW

We understand City Administration's desire to see the land use for the subject parcel brought into alignment with the recently approved Marda Loop Area Redevelopment Plan (ARP).

However, the Association's position continues to be that a 16m height limit across the lane from single family homes immediately to the north can be excessive, as based on our shadow studies, and even after taking into account the 5m minimum rear setback and 3m minimum upper floor rear stepback contemplated in the ARP, a 16m high building has the potential to prevent those homes' main floor south-facing windows from receiving any direct sunlight for approximately 2.5 months each year, from mid-November to late January. The Association therefore has strong concerns with that aspect of the ARP, and has consistently opposed land use applications that provide for a 16m height limit along the north side of 33 Avenue SW unless it is satisfied that the overshadowing issue has been adequately addressed.

Accordingly, if the Applicant would prefer to have this land use application proceed to the Calgary Planning Commission and City Council with the Association's support, rather than with its opposition, then we would simply ask that the height modifier be reduced to either:

- 1) 12m, as originally proposed; or
- 2) 14m, being the height limit provided for under the subject parcel's current M-C1 land use designation.

Thank you.

Doug Roberts  
Chair, Development Committee  
Richmond/Knob Hill Community Association  
403-252-8924  
development@richmondknobhill.ca