

LAND USE AMENDMENT  
BELTLINE (WARD 8)  
13 AVENUE SW AND 6 STREET SW  
BYLAW 156D2015

MAP 16C

**EXECUTIVE SUMMARY**

This land use amendment application proposes the redesignation of the subject parcels in the Beltline from DC Direct Control District to Centre City Multi-Residential High Rise District (CC-MH) in order to:

- redesignate the existing parcel, containing the existing apartment building and heritage house to a current stock land use district;
- remove the age-related and vehicle-ownership development guidelines that are set out in the existing DC District; and
- formalize a density transfer from the heritage building (Birkenshaw House) to the apartment building and facilitate the legal protection and the designation of the Birkenshaw House as Municipal Historic Resource, as agreed to by the applicant.

In effect, the existing DC District has become redundant as the unit mix, tenure mix, and proximity to transit and downtown are now the determinants which influence parking demand for the development.

**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 156D2015; and

1. **ADOPT** the proposed redesignation of 0.36 hectares  $\pm$  (0.89 acres  $\pm$ ) located at 605 – 13 Avenue SW (Plan A1, Block 90, Lots 7 to 18) from DC Direct Control District **to** Centre City Multi-Residential High Rise District (CC-MH), in accordance with Administration's recommendation; and
2. Give first reading to the proposed Bylaw 156D2015; and
3. **WITHHOLD** second and third readings pending execution of the Legal Agreement for the protection of the Birkenshaw House.

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**REASON(S) FOR RECOMMENDATION:**

The Land Use Amendment application conforms to the overall intent and goals of the Municipal Development Plan (MDP), Beltline Area Redevelopment Plan (ARP) and Centre City Plan by providing more housing diversity and choice within complete communities; a development which supports a walkable, “green” and vibrant Centre City; and a high density residential development.

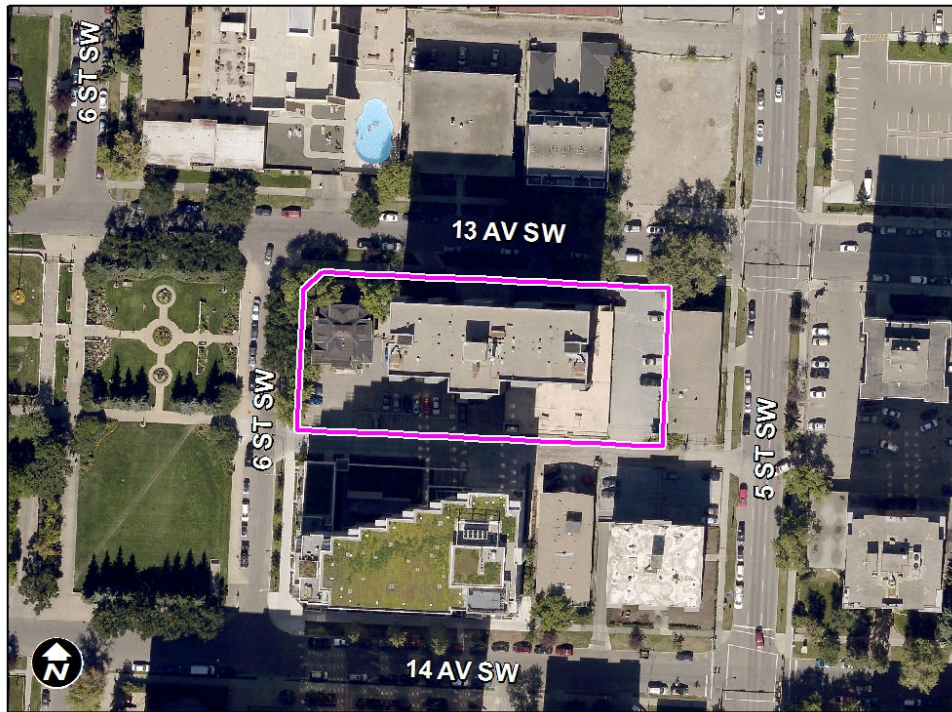
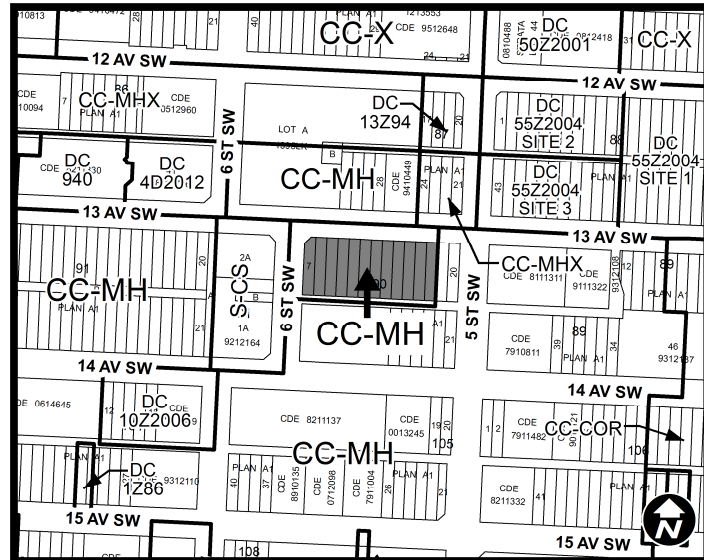
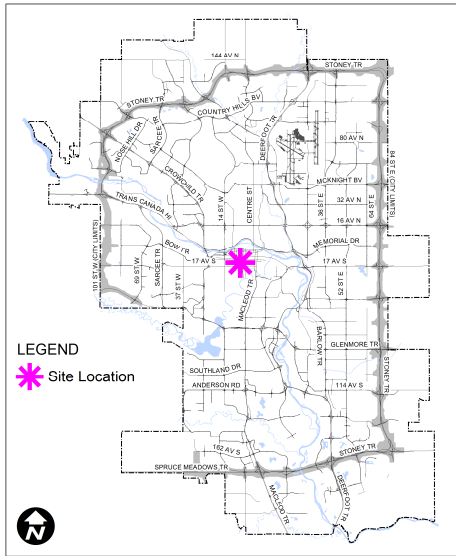
**ATTACHMENT**

1. Proposed Bylaw 156D2015

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LOCATION MAPS



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

1. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.36 hectares  $\pm$  (0.89 acres  $\pm$ ) located at 605 – 13 Avenue SW (Plan A1, Block 90, Lots 7 to 18) from DC Direct Control District **to** Centre City Multi-Residential High Rise District (CC-MH);
2. Give first reading to the proposed Bylaw; and
3. **WITHHOLD** second and third readings pending execution of the Legal Agreement for the protection of the Birkenshaw House.

Moved by: R. Wright

Carried: 6 – 0

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**Applicant:**

Norton Rose Fulbright Canada LLP

**Landowner:**

Linbrae Estates Limited

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	Yes	6
<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>	Yes	8
<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	8
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	-
<b>Growth Management</b> <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	-
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	No	8

\*Issue - Yes, No or Resolved

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## PLANNING EVALUATION

### SITE CONTEXT

The subject lots are located to the east of 13 Avenue SW and 6 Street SW. These lands are located within a predominantly high density multi-residential neighbourhood of Beltline. The site contains an existing two hundred and ten (210) unit multi-residential apartment building (Birkenshaw Apartment), and the six unit (6) Birkenshaw Residence, which is on Calgary's 'Inventory of Historic Resources' as a 'City Wide Historic Resource'. In 1981, the Province declared the building as a 'Registered Provincial Historic Resource'.

### LAND USE DISTRICTS

#### Current Land Use District – Direct Control (70Z83)

The development within the subject lands are currently designated Direct Control District (Bylaw 70Z83), which was approved by Council on 1983 July 18. The existing District is intended for an 'apartment building and an existing heritage building known as the Birkenshaw House only'.

The existing DC District contains a condition that the developer enters into an Agreement with the City to be registered by way of caveat whereby:

*"the occupancy of no more than 25% of the suites will be restricted to persons 45 years of age and over, or couples, one of whom is 45 years of age or over, and occupancy of the remaining suites will be restricted to persons 55 years of age and over, or couples, one of whom is 55 years of age or over, and prohibiting the renting of more than 51% of the suites to persons having motor vehicle(s)".*

Additional development guideline highlights found within the existing District include:

- permitted and discretionary uses of the RM-7 (Residential High Density Multi-Dwelling District), which are found in bylaw 2P80;
- a restrictive covenant to be registered requiring the title to the Birkenshaw House to remain with the owner of the apartment site unless dedicated for public purposes and prohibiting the demolition of the building, and providing all development density to the apartment site;
- a maximum building height of 16 storeys; and
- a minimum of 51 percent off-street parking to be provided.

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Proposed Land Use District – CC-MH (Centre City Multi-Residential High Rise District)

The proposed CC-MH District is intended to:

- provide for multi-residential development on sites with the Centre City area of the city;
- provide intense development;
- provide a building form that is street oriented at grade; and
- be primarily residential with a limited range of uses in the Care and Health Group and the Culture and Leisure Group of Schedule A of the Land Use Bylaw.

Development guidelines include:

- permitted uses which include home base child care – class 1 and home occupation – class 1;
- a maximum floor area ratio of 5.0, which may be increased in accordance with the bonus provisions contained in Part 11, Division 7; and
- no maximum building height.

In order to ensure the appropriate protection of the heritage asset, Administration is currently in negotiations with the property owner on the drafting of a Legal Agreement for the protection of the building. Should the Agreement not be finalized prior to Council's first reading of the bylaw, Administration is recommending that Council withhold second and third readings until its completion

Upon reviewing the current DC District, it is clear that the age restrictions do not reflect City policy, and can be considered a violation of the Canadian Charter of Rights and Freedoms. Therefore, the proposed CC-MH land use district would be more appropriate for the existing development, allow for future flexibility and align the subject property with the direction of the applicable planning policy.

As per Part 2, Division 1, 15 (5.1) of the Land Use Bylaw, a concurrent Development Permit application has been submitted by the applicant in order to make the existing non-conforming buildings conforming within the CC-MH District by the granting of relaxation requirements.

## **LEGISLATION & POLICY**

The following sections review the policy foundations that support the proposed CC-MH land use district:

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**Municipal Development Plan**

**2.3 Creating Great Communities**

“Goal – create communities by maintaining quality of living and working environments, improving housing diversity and choice, enhancing community character and distinctiveness and providing vibrant places.”

Key Direction #2: Provide more choice within complete communities.

Key Direction #4: Link land use decision to transit.

Key Direction #8: Optimize infrastructure.

**Beltline Area Redevelopment Plan**

**2.1 Vision**

“The Beltline will be an authentic, livable and diverse high density urban community. This will be reinforced by creating high quality neighbourhoods through the provision of a wide variety of land uses and building types.”

**2.2 Principles**

2.2.2: Provide for high density and mixed-use development while ensuring neighbourhood livability.

**4.2 Land Use Concept – Primary Residential**

Intent:

- to accommodate a variety of residential developments along with compatible and accessory retail.

Objectives:

- to increase the residential population throughout the Beltline and within each neighbourhood;
- to provide for a range of housing types and unit sizes to meet the needs of a diverse urban population.

**10.0 Community and Social Development**

“In order to foster a socially sustainable community with a diverse socio-economic population, this plan supports the development of a broad range of housing types, encourages mixed use development, supports local economic development opportunities.”



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10.1 Objectives:

- Encourage a diversity of housing options in order to provide choices in housing types to address the needs of different household sizes, age groups, income groups and lifestyles and to provide housing for people employed in the community and in the Centre City.

**Centre City Plan**

2.0 Vision and Principles:

#1 Build Livable, Inclusive and Connected Neighbourhoods:

- neighbourhoods that contain a wide range of housing options;
- provide a model for achieving excellence in creating high density, urban living environments.

4.2 Neighbourhoods:

Policy #5: Support the development of housing to accommodate a diverse population in the neighbourhoods.

**TRANSPORTATION NETWORKS**

The subject property can be deemed to be accessible to various modes of transportation:

- pedestrian access is available from 13 Avenue SW which connects to 6 Street SW to the west and 5 Street to the east;
- the subject site is approximately 100 metres south from the nearest bus stop on 12 Avenue SW and approximately 600 metres from the Victoria Park/Stampede C-Train; and
- the subject property is directly south of the 12 Avenue SW cycle track.

**UTILITIES & SERVICING**

Water, storm and sanitary sewer mains are available to service the subject site.

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**PUBLIC ENGAGEMENT**

**Community Association Comments**

No comments received by CPC Report submission date.

**Citizen Comments**

One citizen letter was received pertaining to the need of protecting the Birkenshaw house.

**Public Meetings**

No public meetings were held by the applicant or Administration.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

Please accept this application for a land use amendment to the Birkenshaw Apartment and Birkenshaw House located at 605 and 621 13 Avenue SW (the site).

Currently the site is designated with a Direct Control Bylaw ("DC 70Z83") and we propose to designate it as Centre City Multi-Residential High Rise District (CC-MH").

There is no planned development or redevelopment of the site at this time and the sole purpose of this application is to remove the age-related and vehicle-ownership development guidelines that are set out in DC 70Z83. The CC-MH district is the most appropriate district given the density of the existing site and also to maintain compliance with the Beltline Area Redevelopment Plan.