



# MEMO

**2021 July 21**

**To:** Council

**From:** Community Planning

**Re:** Administrative Inquiry – Subdivision and Public Hearings

The following Administrative Inquiry was put forward at the 2021 June 21 Regular Meeting of Council: Item 15.1: Public Hearing Process for Subdivision Application SB2021-0201.

*Regarding proposed subdivision SB2021-0201, when this file was presented to Council on January 13, 2020 as land use redesignation LOC2019-0061, Council was told that the rezoning from DC to R-1 was being proposed in order to accommodate minor housekeeping to allow 10 parcels instead of 9 and add 1 metre of additional height. Additionally, correspondence I received on behalf of the applicant on January 9, 2020 stated, 'Should the Land Use Redesignation be approved, we will still be maintaining the proposed form of development and will continue to align with the original intent of the Crestmont Conceptual Scheme and DC 17D2008 by maintaining a transition between country and urban residential development.' The applicant has recently applied for a subdivision that will increase the density of a portion of the area from 8 parcels to 27 parcels. The surrounding homeowners have voiced their concern with this item not being given a public hearing, and have stated that the only reason they did not voice opposition to the Land Use Redesignation in early 2020 was due to the assurance received from the applicant that the rezoning would not result in any material changes to the conceptual development plan.*

***Given this information, why is subdivision application SB2021-0201 not open to the public hearing process?***

Subdivision is the legal process of dividing land into smaller parcels. *Subdivision by instrument* (separation of title) and *subdivision by tentative plan* (larger more complicated applications that cannot be easily described) are the two types of subdivision applications. The Subdivision Authority is the authorized representative that makes subdivision decisions on behalf of The City of Calgary, as defined in the Municipal Government Act (MGA).

The subdivision approval process is similar to other types of development applications. Depending on the type and issues of an application, Subdivisions will be processed through the Corporate Planning Applications Group (CPAG) and circulated to both internal and external specialists/ agencies for comment based on the technical merits of the application. Subdivision applications deal with matters of establishing legal parcels, Municipal and Environmental

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Reserve dedication, development constraints e.g. setbacks from water bodies, floodways, high pressure gas mains, landfill and waste sites, road widening, and abandoned wells. Adjacent neighbours are notified during this process as per the requirements under the Subdivision and Development Regulations (a regulation established under the MGA).

Under the MGA, public hearings are required for establishment of both land use bylaws and new statutory plans or amendments, as Council is the decision maker on these applications. Both land use and statutory plans provide the framework for development within the area and are conducted within a public process. Section 623 of the MGA requires that Council establish a subdivision authority. Council has done this through the Calgary Planning Commission Bylaw, 28P95 as amended (the "CPC Bylaw"). Under the CPC bylaw, Council has authorized Calgary Planning Commission and persons from Administration appointed by the City Manager as Subdivision Authorities. Council has delegated the decision making on subdivision applications through this process and does not hold public hearings on subdivision applications. Subdivisions implement the development framework as approved through public hearings of Council. Subdivisions must be in alignment with the land use as approved through public hearings of Council.

The subject application SB2021-0201 was submitted on May 6, 2021 and is currently going through the approval process. Adjacent neighbours have been notified and the applicant held a remote public information session on June 29, 2021. The existing land use (Residential – One Dwelling (R-1)) District will inform the rules of the new subdivision. R-1 allows for a maximum of one dwelling unit that may include a secondary suite, and a maximum building height of 12 metres. As noted in LOC2019-0061 approved by Council 13 January 2020, the overall density of the existing subdivision is below what is anticipated in the West Area Structure Plan and the redesignation to the R-1 District allowed for further subdivision as the minimum lot area in the previous land use DC District (4000 square metres) was significantly larger than the minimum lot area of the current R-1 District (330 square metres).

Although the applicant may have made assurances at the time, Council's approval of the R-1 land use means that the applicant is permitted to make a new subdivision application which conforms to the approved R-1 land use. The Subdivision Authority is continuing to work through the technical details of the application and anticipates rendering a decision on the above noted subdivision in late September 2021.