

LAND USE AMENDMENT
KINGSLAND (WARD 11)
ELBOW DRIVE SW SOUTH OF 77 AVENUE SW
BYLAW 96D2015

MAP 28S

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a 0.08 hectares (0.19 acres) vacant parcel from Residential-Contextual One Dwelling (R-C1) District to Multi-Residential Contextual Low Profile (M-C1d50) District to allow for a low-mid density multi-residential development. As per the applicant's submission the intent is to build a fourplex.

The original submission was for redesignation to M-C1. After assessing the context, the applicant intent, community concerns and evaluating the application against the infill guidelines, a density modifier was added. The density modifier will allow for fifty units per hectare, which means the maximum number of dwellings on site will be four.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 May 07

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 96D2015; and

1. **ADOPT** the proposed redesignation of 0.08 hectares ± (0.19 acres ±) located at 7812 Elbow Drive SW (Plan 3215HG, Block 8, Lot 4) from Residential – Contextual One Dwelling (R-C1) District **to** Multi-Residential – Contextual Low Profile (M-C1d50) District in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 96D2015.

REASON(S) FOR RECOMMENDATION:

The proposed Multi-Residential Contextual Low Profile (M-C1d50) District is intended for developed areas. It allows for multi-residential development of low height and medium density and is intended to be in close proximity or adjacent to low density residential development.

The Proposed M-C1d50 District aligns with applicable municipal policies including The Municipal Development Plan.

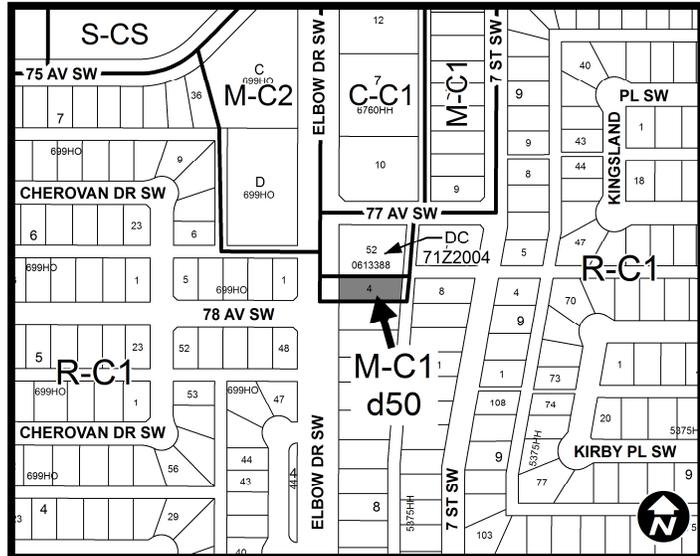
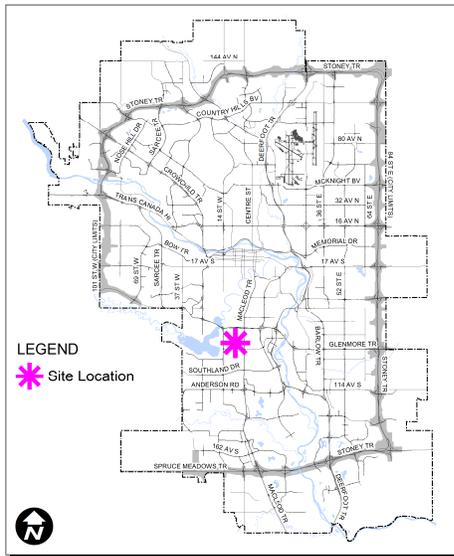
ATTACHMENT

1. Proposed Bylaw 96D2015
2. **Public Submissions**

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.08 hectares ± (0.19 acres ±) located at 7812 Elbow Drive SW (Plan 3215HG, Block 8, Lot 4) from Residential – Contextual One Dwelling (R-C1) District to Multi-Residential – Contextual Low Profile (M-C1d50) District.

Moved by: G.-C. Carra

Carried: 9 – 0

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Applicant:

Michel Berdnikoff

Landowner:

Ana Enciu
 Julianna Enciu
 Alon Wolfman

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	Yes	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	6
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	Yes	6
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	Yes	7
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	8
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	8
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	8
Public Engagement <i>Were major comments received from the circulation</i>	Yes	8

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject parcel is located at 7812 Elbow Drive SW (south of 77 Avenue SW). The surrounding area is characterized by a mix of Low Density, Multi-Residential, and Commercial-Community Districts.

The table below shows description for adjacent parcels and their land use designations:

LOCATION	PARCEL(S) DESCRIPTION	LAND USE DESIGNATION
North	Elbow Retinal Centre	DC71Z2007 (Direct Control District base on Residential Contextual One Dwelling (R-C1) District with the addition of a medical clinic.
South	Low density residential	Residential contextual One Dwelling (R-C1) District
East	Lane (approximately 9 metres wide) Low density residential (across the lane)	Undesignated right-of-way Residential contextual One Dwelling (R-C1) District
West (across Elbow Drive SW)	Low density residential	Residential contextual One Dwelling (R-C1) District

The proposed land use redesignation will increase the parcel density from 12 units per hectare to 50 units per hectare.

Following a pre-application meeting, the original application was to redesignate the site to M-C1 District which allows for 148 units per hectare. This would have allowed for a maximum of 12 units on the site. After circulation comments were received, and as a result of the land use redesignation assessment process, administration deemed it appropriate to include a density modifier of d50 to allow for a maximum of 50 units per hectare. The density modifier was added for the following reasons:

- address applicant request to allow for a fourplex development (4 units);
- address community concerns in relation to allowing 12 units on site;
- minimize the need for parking relaxation; and
- Integrate better with the low density profile of adjacent properties.

The subject site was previously used as a marihuana grow-operation. This illegal use was discovered in 2011. Calgary Police intervened and following the *Marihuana Grow-Operation*

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Repair, Rehabilitation, and Remediation Requirements

(<http://www.albertahealthservices.ca/EnvironmentalHealth/wf-eh-marihuana-growop-repair-rehab-remediation-requirements.pdf>) an Environmental Health Officer was appointed. A list of deficiencies was noted by the appointed officer prior to the building being referred to the City for further assessment. In early 2012, the City recommended the demolition of the existing residence. Demolition permit was issued in August 2012.

LAND USE DISTRICTS

The proposed Multi-Residential – Contextual Low Profile (M-C1d50) District is intended for developed areas. It provides for a variety of multi-residential forms with low height and medium density and is intended to be in close proximity, or adjacent to, low density residential development.

M-C1d50 is intended to allow for fifty units per hectare. The subject site area is 0.08 hectares; therefore, four units will be allowed within the subject site.

The maximum building height along Elbow Drive SW would be 10 metres within 3 metres of the property line and 14 metres thereafter.

LEGISLATION & POLICY

Municipal Development Plan (Statutory-2009)

The site is located in an area identified as Residential-Developed-Established. This area is characterized primarily by residential communities containing a mix of low-and-medium-density housing, with support retail in relatively close proximity. This area supports moderate intensification in a form and nature that respects the scale and character of the surrounding areas.

New development in established areas should incorporate appropriate densities to support an enhanced Base or Primary Transit Network. Elbow Drive SW is identified as a Primary Transit Network (frequent, fast, reliable, connected transit service) that connects 7 Avenue SW with Heritage Drive SW.

Area Redevelopment Plans

There is no Area Redevelopment Plan or Area Structure Plan for the area.

In 2010, the Kingsland Community Association completed the Kingsland Community Plan. This non-statutory plan outlines the residents' vision for the community. The document supports a mix of housing types and densification in certain areas of the community. Densification along Elbow Drive is not supported by the Plan.

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Location Criteria for Multi-residential Infill (Council approved-2014)

This criterion is used as a guideline to identify opportunities for density increase in established communities such as Kingsland. A brief explanation on how the criteria could be applicable to the site is as follows:

Corner Parcel

Although the subject site is not a corner parcel, it does offer the adequate width to support more than 1 dwelling unit. The lot dimensions are 18 metres (60 feet) width x 46 metres (151 feet) depth.

Transit and road network

Elbow Drive is identified as a Primary Transit Network between 7 Avenue SW and Heritage Drive SW. The subject site is within one-hundred meters from a transit stop located in Elbow Drive SW and within five-hundred metres from a transit stop in Heritage Drive SW. Public transit allows for easy access to the Heritage LRT station which is approximately seven-hundred metres away from the site.

Elbow Drive SW is a collector road hence no direct vehicular access from Elbow Drive SW to the site is allowed. There is a lane at the rear of the site for vehicular access.

Adjacent to non-residential or multi-residential development

The Elbow Retinal Centre is located adjacent (north) to the subject site. There is an M-C2 site across the street that includes five three-storey multifamily developments. Single family units are located south and west from the site.

There are some M-C1 lots along 7 Street SE (behind the commercial development located sixty meters north of the site).

Adjacent to open space or park or community amenity

The site is not adjacent to open space, park or community amenities; however, it is approximately two-hundred meters from a Calgary Board of Education high school. The Kingsland Baptist Church is located at the back (east) of the lot across the lane. There is also a commercial development (strip-mall) within sixty meters north from the site.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) was not required. The site is located along Elbow Drive SW, which is identified in the MDP as a collector road as well as a Primary Transit Network (between 7 Avenue SW and Heritage Drive SW).

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UTILITIES & SERVICING

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

ENVIRONMENTAL ISSUES

An Environmental Impact Assessment was not required.

GROWTH MANAGEMENT

This application does not trigger capital infrastructure investment; therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association and Citizen Comments

Administration received a response from the Kingsland Community Association which includes twenty-five signed forms from nearby residents; and, three letters/emails from adjacent landowners opposing this redesignation. The Community Association letter and adjacent landowners concerns include:

- too much density along Elbow Drive (M-C1 will allow for a 12 unit multifamily development), site should remain as R-C1.
 - *density modifier was applied to limit the number of units*
- if the occupants of the units have more than one car, they will park on 7 Street SW,
 - *Bylaw parking requirements are to be met on-site*
- lane is too narrow, it's a one way lane, more traffic will cause congestion,
- the height of the new building will cause loss of privacy and shadowing onto the single family homes on 7 Street SW,
- this redesignation will be a precedent for other developments along Elbow Drive SW,
- the Kingsland Community Plan does not support this redesignation.

No objections were received from other circulation referees including TELUS, ENMAX, and The Calgary Board of Education.

APPENDIX II includes the Kingsland Community Association's response letter.

Public Meetings

There were no public meeting(s) held by the applicant or administration.

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APPENDIX I

APPLICANT'S SUBMISSION

A pre-application meeting was held to discuss the submission of this application to amend the land use designation for the subject site from R-C1 to M-C1 in order to allow the development of an envisaged 4 unit multi-residential building, with vehicle access for parking provided via the rear lane as Elbow Drive is considered to operate like a primary collector and therefore does not permit access at the front of the subject property. A density modifier was added as part of the application process, thus the designation for the subject site will be from R-C1 to M-C1d47.

The envisioning for the most suitable project for the subject property was elaborated following useful preliminary consultations with neighbours, the Kingsland community association and other stakeholders. This allowed identifying emerging needs, concerns and aspirations in the neighbourhood. The applicable policy & planning documents (e.g. 1P2007, Municipal Development Plan, Calgary Transportation Plan) as well as The Kingsland Community Plan were also reviewed in this regard to help determine the best use given the emerging context of this particular property.

Early on, the property owners concluded that a commercial use was not welcome on this site. However, there is a clear call for projects providing affordable living in the community and this location on a collector road increasingly less attractive as a single home location. These include seniors, students, young families and others, some without private vehicles.

Therefore the objective to address these needs on the subject property calls for a multi-family project that would provide a diverse mix of affordable residential rental units in a contextually well-integrated setting with respect to the streetscape in its vicinity.

While also considering City objectives for sensitive density intensification and the overall plans envisioned for the Kingsland community, the location of the subject property, in short walking distance to primary transit stops and a shopping centre, have helped circumscribe the optimal use for the subject property as M-C1d47.

Prepared April 16, 2015

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APPENDIX II

LETTER FROM KINGSLAND COMMUNITY ASSOCIATION



505 78th Avenue SW
Calgary, Alberta T2V 0T3
Bus: 403.255.1400
Fax: 403.255.1407
Email:
admin@kingslandcommunity.ca

30th March 2015

Lisett Burga-Gheri
Planner II, South Area,
Planning, Development & Assessment,
City of Calgary
Mail code 8073
Calgary

Dear Lisette

LOC2014 – 0209 7812 Elbow Drive S.W., Proposed Landuse Redesignation from RC1 to M-C1.

The Kingsland community Board is **opposed to this Landuse Redesignation** for the following reasons:

The density proposed does not fit in the context of this area of the community. We feel that this precedent will start the erosion of this area of Kingsland and the high density will only continue along Elbow Drive and eventually onto 7th Street.

The current land use (R-C1) allows for a single family dwelling. An approval to the land use redesignation would permit a multi-family building, up to 12 units on the property. Now, that piece of land alone would not support 12 units, it is our understanding that the applicant is currently proposing a 4-plex type multi-family building.

However, this proposed structure could change if the land is sold to another developer, or the current developer changes their plans. The building type, parking and landscaping requirements and building heights will all be provided to the Community Association at the Development Permit stage **but by then the redesignation of the site will have taken place and will be irreversible.**

If the building details meet the requirements of the land use, the Community Association will have little ground to appeal the structure or comment on any of these elements of the site design. If the land is redesignated to M-C1 a precedent will be set for other developers to request the same land use district. If two or three parcels are purchased and consolidated the structure that could result could be up to 14 metres (3 storeys) high

We understand that any new land use redesignation approvals on Elbow Drive will NOT ALLOW ACCESS TO THE SITE FROM ELBOW DRIVE, therefore all access for cars will be from the rear lane. This is a very narrow back lane which is not wide enough for two way traffic and is very long. No chance of turnarounds once in the lane. This lane is *already compromised* by the use from a retail outlet at Heritage & Elbow whose staff use the lane at the far south end for parking and at the north end of the lane from use from the Korean Church situated on 77th Avenue SW. This lane is also adjacent to Kingsland Shopping centre and many cars exit onto Elbow drive from 77th Avenue.

Furthermore the City calls for 4 parking stalls for the proposed 4plex, however, should any of the units have more than one vehicle that vehicle would not be able to park on Elbow Drive or in the back lane and would be forced to park on 7th Street in front of someone else's home all the time.

L. Burga Gheri

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Since Elbow Drive is set considerably higher than 7th Street this added height will exacerbate any 3 storey building **and completely overpower the single homes on 7th Street, loss of privacy in their back yards will be total as will the loss of any sunlight in the afternoon.**

We realize that the City's focus is to increase density in inner City neighbourhoods. The proposed density does not fit within the context or character of this area of Kingsland. This area of Kingsland is low density residential. Higher density redevelopment should be accommodated as the Jack Carter site at Glenmore & Macleod and Market on Macleod sites are redeveloped.

The community has been encouraging redevelopment along Macleod Trail understanding that the MDP has envisioned higher densities in that location. The land use and density proposed along Elbow Drive is inappropriate in that location and would be better suited along Macleod Trail.

An approval would set a precedent that would change the streetscape along Elbow Drive south of Glenmore Trail. This was not the plan of the MDP, Elbow Drive is not a neighbourhood corridor, its designation is Major Transit Route only.

The Kingsland Community Plan, adopted by our residents does not support this redesignation and the petitions and questionnaire responses provide us with the knowledge that the residents most directly affected do not support this land use or density.

The Planning Committee have conducted a survey of homes on Elbow Drive and 7th Street and have collected signed input from 25 homes on 7th Street and 5 homes on Elbow Drive, all of whom are opposed to this land use redesignation. We have **NOT** received one survey in favour of the redesignation. The four homes directly behind the site in question are opposed as is the house immediately adjacent to this site on Elbow Drive.

When asked what land zoning they would like to see the majority submitted RC1 as their preferred land use designation. (surveys included with this letter). As can be seen from the enclosed texts the majority of residents on 7th Street and Elbow Drive wish the zoning to remain RC1. As a Committee representing residents we too wish to oppose the Land use Redesignation of MC1 and wish the zoning to remain RC1. However, as suggested by Councillor Pincott when we met with him last week to voice our opposition, we will continue to speak with the residents most directly affected by this proposed change to look at alternatives and will have our final decision ready to present to Council.

The applicant refers to 'affordable housing'. Kingsland has supported the development of the OLSH affordable housing building on Glenmore Trail, did not oppose the Claire change of use, supported the brain injury unit with 24 new residences on two residential parcels and we have two L'Arche buildings. These in addition to all of the rental units that at this point are attracting lower income households.

Kingsland supports a mix of housing types and income levels. We feel this support can only go so far. We need to see Kingsland begin to develop with a higher level of housing stock being built next to the existing residential units. We want to see Kingsland redevelop in a responsible way encouraging a mix of income levels and not being the focus of only one - low income rental housing.

The Municipal Development Plan (MDP) identifies Macleod Trail as an Urban Corridor, land use amendments to allow for higher densities should be considered along Macleod Trail.

We feel we are already meeting the targets set out in the MDP with a 10% increase in population in since 2009. In comparison Calgary grew by 12% since 2009. Kingsland is comprised of a considerable

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amount of multi-family units, 61% of sites contain more than two units; in comparison only 31% of Calgary has this unit mix

It is our opinion that we will only see these numbers grow as vacant parcels redevelop. In the future we will see a significant increase of residential units when Jack Carter and the Market on Macleod sites are redeveloped. We can only take on so much additional density and some areas of Kingsland need to retain their low density character.

The application as proposed does not fit in with the context or character of this part of the Community.

We feel that the upgrades along Elbow will eventually reach Kingsland. Based on this decision we will either see reinvestment if a refusal is given or the further deterioration of these homes if an approval is given.

This decision is not just for one site. Planning and Council will be deciding the fate of Elbow Drive if they make the M-C1 decision.

Ann Clarke
Co-Chair Planning & Development Committee
Kingsland Community Association.

Ann Clarke