

**POLICY AMENDMENT, ROAD CLOSURE AND LAND USE
AMENDMENT
DOWNTOWN EAST VILLAGE (WARD 7)
A PORTION OF 6 STREET SE, ADJACENT 750 - 9 AVENUE SE
BYLAWS 2C2015 AND 61D2015**

MAP 14C

EXECUTIVE SUMMARY

This Road Closure and Land Use Amendment seeks to transfer a portion of 6 Street SE from City of Calgary Roads to City of Calgary Parks. The application also involves redesignating the parcel from undesignated Road Right-of-Way to Special Purpose-Recreation (S-R) District.

An amendment to the Centre City Plan (Sunlight Preservation Policy) is required to facilitate this road closure and land use amendment.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 March 12

That Calgary Planning Commission recommends **APPROVAL** of the proposed Policy Amendment, Road Closure and Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 2C2015 and 61D2015; and

1. **ADOPT**, by Resolution, the proposed amendment to the Centre City Plan, in accordance with Administration's recommendation.
2. **ADOPT** the proposed closure of 0.82 hectares \pm (2.02 acres \pm) of road (Plan 1510030, Area A) adjacent to 750 – 9 Avenue SE, in accordance with Administration's recommendation; and
3. Give three readings to the proposed Closure Bylaw 2C2015.
4. **ADOPT** the proposed redesignation of 0.82 hectares \pm (2.02 acres \pm) of closed road (Plan 1510030, Area A) adjacent to 750 – 9 Avenue SE from Undesignated Road Right-of-Way **to** Special Purpose – Recreation (S-R) District, in accordance with Administration's recommendation; and
5. Give three readings to the proposed Bylaw 61D2015.

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MAP 14C

REASON(S) FOR RECOMMENDATION:

A portion of Road Plan 751 0100 (as shown in black in APPENDIX III) is surplus to the requirements of the City of Calgary Roads department and is currently used as a pedestrian connection and an area of open space for Fort Calgary (adjacent to the parcel). The road right of way contains structures (such as lamp stands and benches) which enhance the open space.

The road closure and land use amendment is supported by the Municipal Development Plan (Policy 3.2.1c) and Centre City Plan.

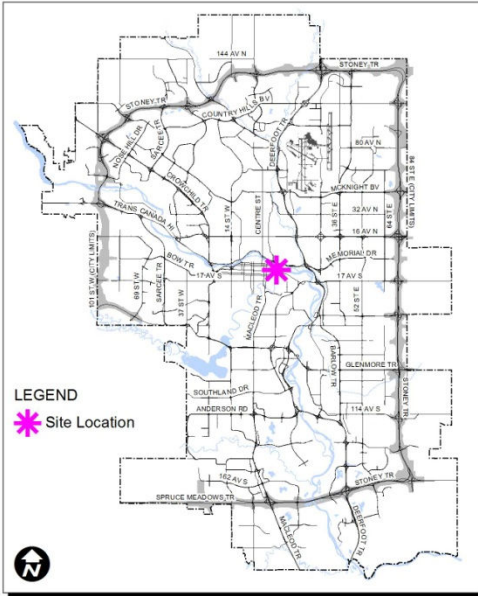
ATTACHMENTS

1. Proposed amendment to the Centre City Plan
2. Proposed Bylaw 2C2015
3. Proposed Bylaw 61D2015

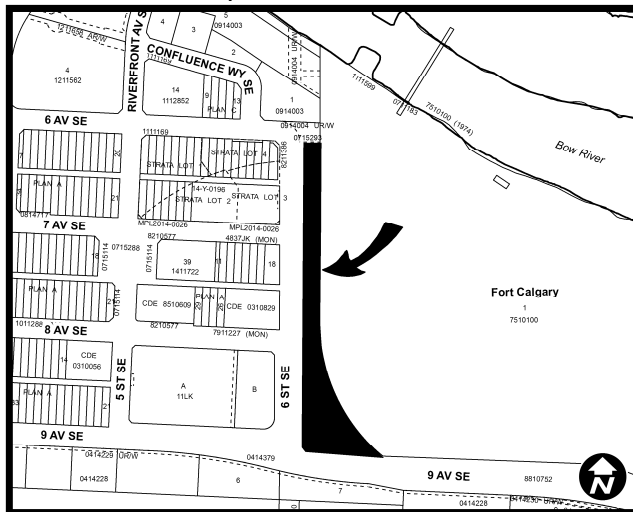
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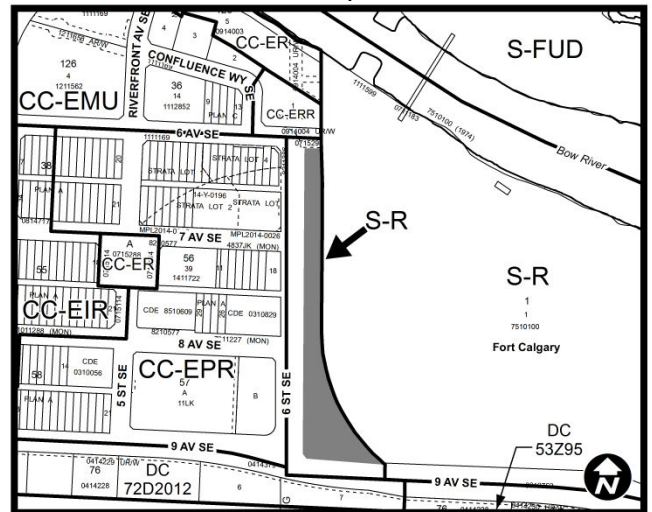
LOCATION MAPS



Road Closure Map



Land Use Amendment Map



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MAP 14C

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by resolution, the proposed amendment to the Centre City Plan (APPENDIX II).

Moved by: G.-C. Carra **Carried: 7 – 0**
Absent: S. Keating
2. Recommend that Council **ADOPT**, by bylaw, the proposed closure of 0.82 hectares \pm (2.02 acres \pm) of road (Plan 1510030, Area A) adjacent to 750 – 9 Avenue SE.

Moved by: G.-C. Carra **Carried: 7 – 0**
Absent: S. Keating
3. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.82 hectares \pm (2.02 acres \pm) of closed road (Plan 1510030, Area A) adjacent to 750 – 9 Avenue SE from Undesignated Road Right-of-Way to Special Purpose – Recreation (S-R) District.

Moved by: G.-C. Carra **Carried: 7 – 0**
Absent: S. Keating

**POLICY AMENDMENT, ROAD CLOSURE AND LAND USE
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Applicant:

Tronnes Surveys

Landowner:

The City of Calgary

| Planning Evaluation Content | *Issue | Page |
|---|---------------|-------------|
| Density <i>Is a density increase being proposed.</i> | No | |
| Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i> | Yes | 5 |
| Legislation and Policy <i>Does the application comply with policy direction and legislation.</i> | Yes | 5 |
| Transportation Networks <i>Do different or specific mobility considerations impact this site</i> | No | 6 |
| 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 | 6 |
| Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i> | None | 6 |
| Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i> | No | 7 |
| Public Engagement <i>Were major comments received from the circulation</i> | No | 7 |

*Issue - Yes, No or Resolved

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MAP 14C

PLANNING EVALUATION

SITE CONTEXT

The subject property comprises a linear parcel at the corner of 6 Street and 9 Avenue SE. The parcel comprises a portion of undeveloped road allowance and lies adjacent to Fort Calgary. The undeveloped road allowance has been used to enlarge the existing sidewalk on the east side of 6 Street and currently contains plantings, lamp stands and bollards.

LAND USE DISTRICTS

The application seeks to formally close a portion of Road Plan 751 0100 and transfer stewardship of the parcel from the City of Calgary Roads Department to the City of Calgary Parks Department. The road allowance is surplus to the requirements of the Roads Department and the structures currently placed in the right of way result in an enhanced pedestrian walkway and amenity features at the junction of 6 Street and 9 Avenue SE, which complements the adjacent Fort Calgary lands.

LEGISLATION & POLICY

Policy relevant to consideration of the road closure and land use redesignation:

Municipal Development Plan (2009 – statutory)

3.2.1(c). Preserve existing public lands in the Centre City for civic and cultural facilities such as parks, museums, libraries and any other creative venues that will enliven it as a destination for residents, employees;

f. The Centre City Plan will guide public realm improvements in the Centre City.

Centre City Plan (non statutory)

4.2.4 6. Ensure Fort Calgary is a key part of the open space system for the Centre City.

The proposal complies with the above policies and allows for preservation of an existing area of sidewalk which incorporates open space and contributes to the public realm of Fort Calgary.

Policy implications of road closure and land use redesignation:

Centre City Plan (non statutory)

Policy 7.6

Class 1 New buildings proposed in the vicinity of a Class 1 Shadow Sensitive Area shall follow the guidelines set out in the relevant policy document. Where no current policy is in place, the following shall apply:

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MAP 14C

2. Near any other park or open space, new buildings shall not cast shadows beyond a line measured 20 meters into the park, parallel to any exterior property line between the hours of 10:00 a.m. and 4:00 p.m. between March 21 and September 21.

Administration proposes a minor policy amendment to the Centre City Plan (APPENDIX II) to protect Fort Calgary Park from shadow encroachment, provide clarity to adjacent land owners, and not impact future development potential of adjacent lands.

Currently the 20 meter shadow line noted in Policy 7.6 of the Centre City Plan (above) is measured from the eastern edge of Road Plan 751 0100. Road Plan 751 0100 is not proposed to be consolidated with the adjacent parcel at this time. The amendment to Policy 7.6 2 proposed by Administration would maintain the status quo – creating no additional shadow on Fort Calgary lands even if Road Plan 751 0100 is consolidated.

Subject to the amendment to the Centre City Plan the road closure and land use amendment is in accordance with relevant planning policies noted above.

TRANSPORTATION NETWORKS

The road closure and land use redesignation will create no mobility issues – the existing developed dimensions of 6 Street SE will not change.

UTILITIES & SERVICING

Enmax, Atco Gas, Telus and Shaw have services within the vicinity of the subject parcel. The utility providers have no objections to the road closure but have submitted advisory comments which have been provided to the applicant. If in the future the City of Calgary undertakes works within the closed road right of way utility providers should be circulated to ensure they continue to have no objections.

ENVIRONMENTAL ISSUES

None

ENVIRONMENTAL SUSTAINABILITY

Not applicable

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MAP 14C

GROWTH MANAGEMENT

The proposed land use amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns.

PUBLIC ENGAGEMENT

Community Association Comments

East Village Neighbourhood Association were circulated and provided no comments.

Citizen Comments

- Two letters were received with a number of comments provided. The letters can be summarized as follows:
 - CMLC is concerned the redesignation will move the official boundary of the park, therefore moving the shadow restriction boundary, and reducing potential building heights (and therefore density and land value) along the west side of 6 Street;
 - CMLC is under contract with FRAM building group to sell a parcel for land adjacent to 6 Street (on the west side of the road). The redesignation could reduce the allowable height of the building depending on how the shadow restrictions are interpreted and enforced. We respectfully request this land use amendment not affect future massing of the development and building heights due to a change in shadow restrictions.

Public Meetings

- No public meetings were held

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MAP 14C

APPENDIX I

APPLICANT'S SUBMISSION

What brought this road closure about is that the current 6 Street SE road right of way is wider than what is normally required. Also, CMLC placed certain structures within the road right of way which Calgary Roads does not want to maintain. Since the area where these structures are located essentially looks and feels as an extension of Fort Calgary, Calgary Parks agreed to take the area into its stewardship once the road is closed and Title is created.

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APPENDIX II

PROPOSED POLICY AMENDMENT TO THE CENTRE CITY PLAN

1. In Section 7.6 Sunlight Preservation (Class 1), after Policy 1, insert the following and renumber subsequent policies accordingly:
 - “2. New buildings developed in East Village and adjacent to Fort Calgary open space, shall not cast shadows beyond a line measured 40 metres into the open space from the property line shared with 6 Street SE; shall not cast shadows beyond a line measured 20 metres into the open space from the property line shared with 9 Avenue SE; and shall not cast shadows into an area 20 metres wide throughout, abutting the top of the west bank of the Elbow River, as determined by the Development Authority, between the hours of 10:00 a.m. and 4:00 p.m. Mountain Daylight Time between March 21 and September 21; and”

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MAP 14C

APPENDIX III

PROPOSED ROAD CLOSURE

