



LOC2021-0163 1603 38 Ave SW

MLCA Planning + Development Committee

July 26, 2022

CITY OF CALGARY
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JUL 26 2022
ITEM: 8.1.5 (PC 2022-0532)
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CITY CLERK'S DEPARTMENT

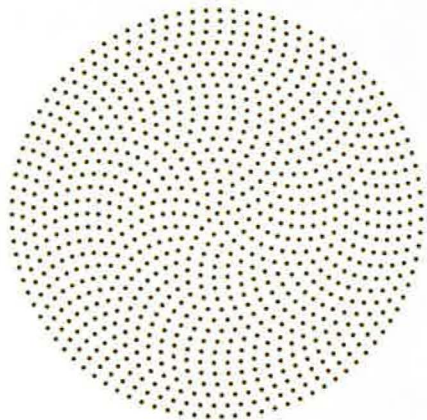


Our goal.

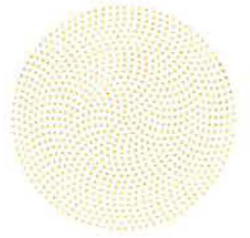
The goal of our presentation is to promote a common understanding of:

- what is proposed
- what are the concerns with the administrative review process
- what the main concerns of the community are
- why you should **VOTE NO**

A common understanding will allow for informed debate today at this Public Hearing and understanding why this development should not be approved.



Our Planning + Development Committee.



Brett Pearce
Director, Planning + Development



Graeme Worden
Planning + Development Member



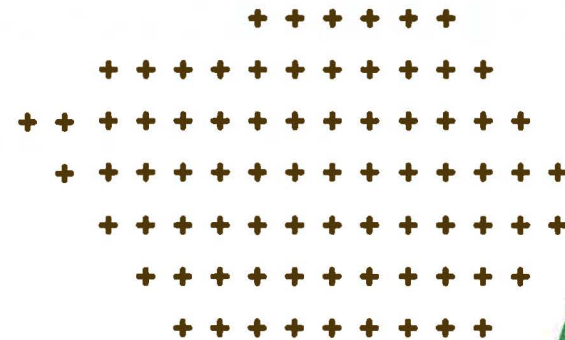
Natalie Winkler
Planning + Development Member



Julie Shepherd
Planning + Development Member

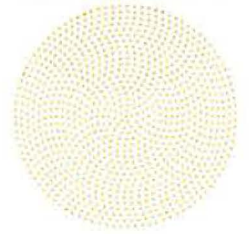


Paul Logan
Planning + Development Member



Role of the Community Association Planning + Development Committee.

We are community volunteers.



Our planning + development mission is to represent and amplify the community voice to advocate for quality of life within the Marda Loop Communities.

Working together to balance the needs of all stakeholders.



Partners in Planning.

Brett earned his **'Partners in Planning Certificate'** from the City of Calgary and the Federation of Calgary Communities (FCC) at their 2022 AGM. He is dedicated to assisting the development needs of the MLCA and the City of Calgary.



April 12, 2022 Council Motion.

Moved by Councillor Chabot **Seconded by** Councillor Sharp

That with respect to Report CPC2022-0256, the following Motion Arising be adopted:

That Council direct Administration to minimize the number of Direct Control districts proposed for planning applications where R-CG does not fully serve the needs of the applicant and the community by bringing an amendment to the Land Use Bylaw to create a new land use district that addresses the shortcomings of the R-CG district in creating “the missing middle”, reporting back to Council through the Infrastructure and Planning Committee no later than end of Q3 2022.

For: (14): Councillor Spencer, Councillor Chabot, Councillor Penner, Councillor Wong, Councillor Mian, Councillor Dhaliwal, Councillor Pootmans, Councillor Sharp, Councillor Wyness, Councillor Demong, Councillor McLean, Councillor Carra, Councillor Walcott, and Mayor Gondek

Against: (1): Councillor Chu



As a result, Administration should not have recommended this Policy Amendment and this Land Use Amendment in Altadore to Council for approval.

Overview of Application.

LOC2021-0163 is located at **1603 38th Ave S.W.** located in the community of **Altadore.**

- It is a corner lot measuring 49.2 feet x 125 feet
- Currently zoned **RCG** which allows for 4 townhouse style units with basements suits
- This re-zoning to RCG (from RC2) was approved by council in June 2016 with all of the associated costs to the City to do so.

- This was sold as a "Turn-key" lot: MLS listing indicates "seller has drawings for 4 town homes" that will be included with the sale (2019)

1603 38 Avenue SW Calgary, AB T2T 2K2

Commercial Expired	C4266245	DOM: 107	LP: \$865,000.00
		CDOM: 107	LR:
			OP: \$865,000.00
	Trans Type: For Sale	Title: Fee Simple	
	County: Calgary	City: Calgary	
	Type: Multi Family	SQFT: 0	
	Bus Type:	Year Built: 1957	
	Building Type:	Business: No	
	Subdivision: Altadore	# Floors:	
	LINC#: 0017798992	# Buildings:	
	Legal Pln: 4890AG	Blk: A	Lot: 25,26
	Zoning: RCG	Tax Amt: \$4,834.00	
	Lot Size: 8611 SqFt	Tax Year: 2019	
	Exclusions: No	SRR: Yes	
	Reports:	Leg Unit #:	
	Restrictions: Call Lister		
	Disclosure:		
	Ownership:		
	Possession: /Land sale 09/14/2019		

Public Remarks: Land value only, suitable for 4 units, lot rezoned and seller has drawings for 4 town homes. He will include this with sale. There is no development permit. Great lot in the heart of Altadore, blocks from River Park. Do not disturb tenants, no building viewing. Tenants on month to month leases.

Property Information



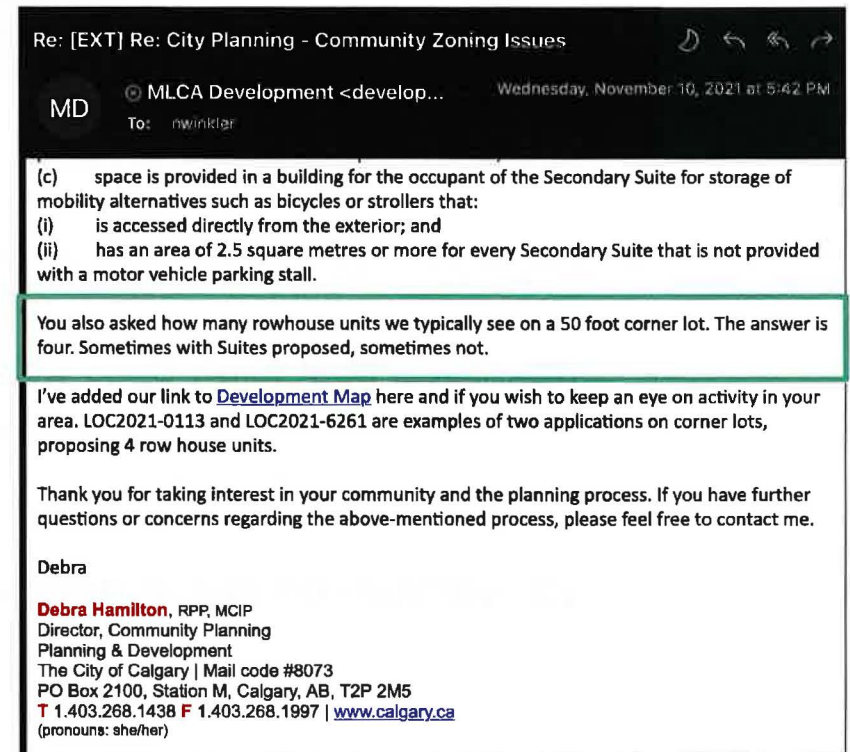
The current RCG zoning serves the needs of the applicant and the community.

Regarding R-CG projects, when asked "How many rowhouse units are typically seen on a 50 foot corner lot?":

“The answer is four. Sometimes with suites proposed, sometimes not.”

– **Debra Hamilton,**
Director, Community Planning City of
Calgary, Planning and Development

November 8, 2021



Calgary Planning Commission – June 16, 2022

Many CPC commissioners raised concerns surrounding the applicant's proposal to jump from the allowable 4 units to 5 units with suites since RCG accommodates the built form they want.

Commissioner Pollen *"In this instance how are we going to fit 5 units with suites on a 50 foot corner lot with parking?"*

"Just looking at the width of the parcel, I don't know how they can fit that in?"

Commissioner Palmiere echoed Commissioner Pollen's concerns stating that there was *"no wiggle room"* in terms of how everything will fit on this parcel of land.



Subject Parcel from Alley – looking North East towards 38 Ave SW

- Two utility poles will obstruct access to at-grade parking garages
- No room for waste and recycling bins



Land Use Bylaw 1P2007



Section 14 (1)

Unless otherwise specified in this Bylaw, proper mathematical rounding to the nearest significant digit is required for any rule in this Bylaw where mathematical calculation is performed.

(2) For the purpose of calculating the following:

(a) where ***density*** is calculated in units per hectare, it is always to be rounded down to the **next lower whole number**.

Why does this matter?

Density is calculated in units per hectare.

RCG is 75/uph - this parcel can then be 4.5 units

★ Therefore, Calgary's current LUB s.14(2)(a) indicates we must **round down to 4 units**.



Why does this matter to Calgarians?

Applicant purchased the land knowing it had already been recently up zoned to RCG with all of the review costs to the City at the time.

It was a "turn key" purchase with plans included for 4 townhomes (missing middle). Despite the applicant's belief that they can fit in an additional unit to the parcel, it is in violation of Calgary's Land Use bylaw.

Seatbelt analogy: Similar to saying my car can legally transport 4 people with seatbelts. It's against the law, but I think I can fit in one more person without a seatbelt.

In this case, it's not right to cram an additional unit onto this parcel.



Is reconsideration of the zoning of this parcel for yet a second time in only 6 years, the best use of Council's time?



Surrounding Stakeholders

Property directly to the south - RC1
3907 15A Street S.W.



Property to the North – RC2
3825 and 3823 15A Street S.W.



Property directly to the West



- Parcel to the west – 5 Unit MC1 rowhouses
- Larger parcel of land
- Each unit has a **double garage** with underdrive access from the alley
- Plentiful outdoor amenity space over shared driveway



Street view from 38 Ave facing south



Under drive garage access from alley way



Property directly to the East (Ranger Homes Development)

Each unit has a **double garage** with underdrive access from the alley, and substantial outdoor amenity space above it.

Zoned RCG – serves the needs of the community and the applicant/developer

- Larger parcel of land
- Provides missing middle housing
- Multi-child households and Seniors live here



Street view from 38 Ave facing south



Under drive garage access from alley way



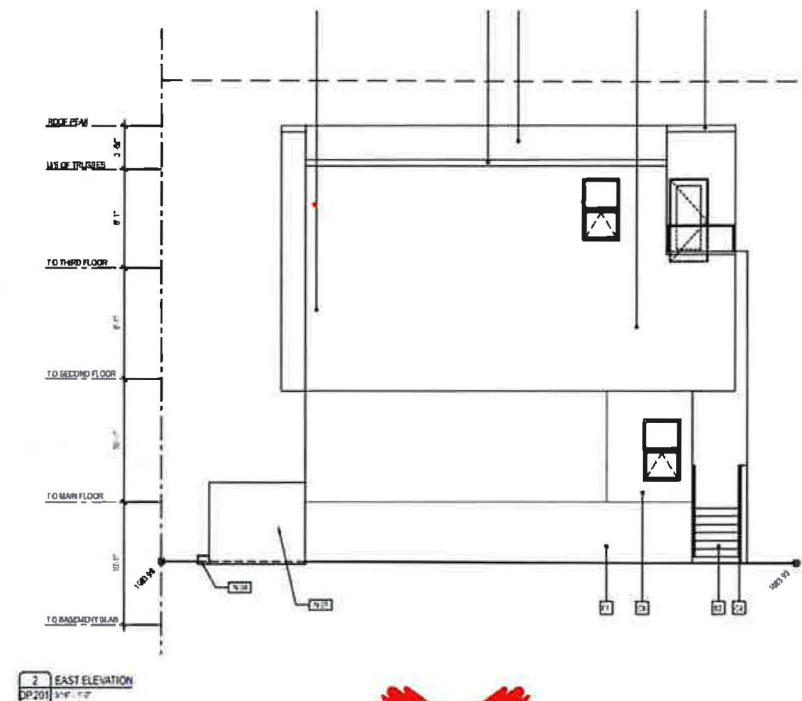
15A Street SW Elevation.


Looking east / Ranger Homes townhome fronts onto 15A Street SW to match the character of streetscape



Examples of homes on 15A Street S.W.

Applicant's east elevation Proposal for 15A SW does not attempt to blend the existing streetscape and consists mostly of a large blank wall



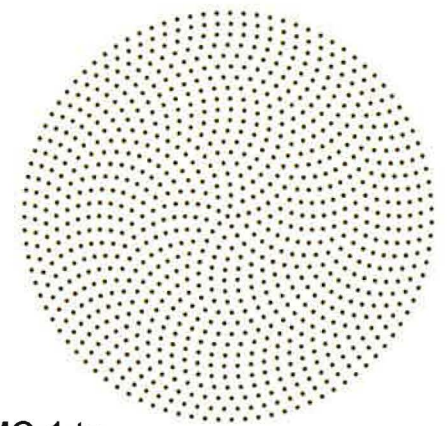
VS




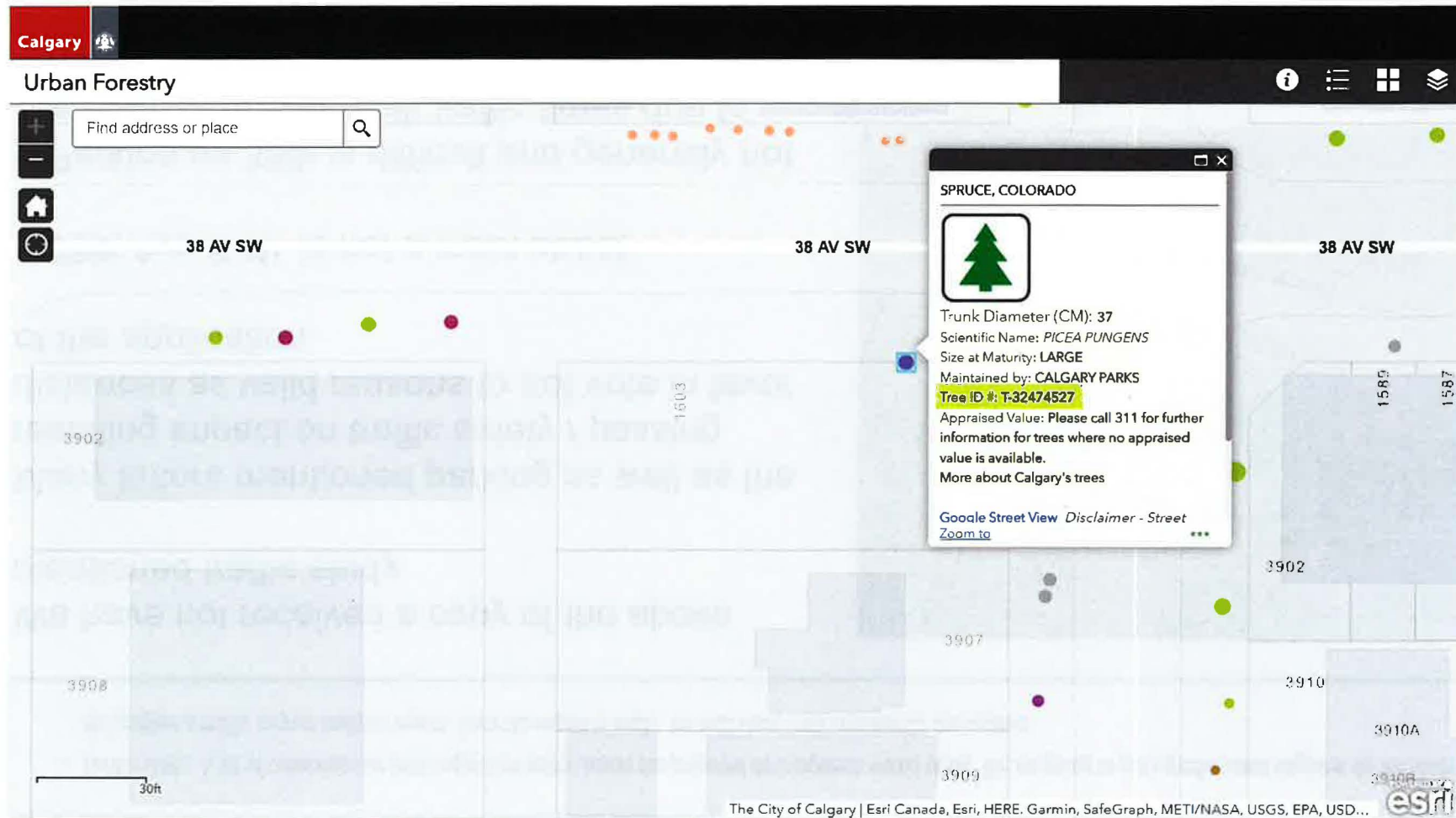
Timeline of working with applicant.

The MLCA worked in good faith with the applicant Horizon Land Surveys to help shape this application to benefit all involved stakeholders

- Oct 12** Initial Email from Horizon Land Surveys
Applicant asking for feedback and consultation from the MLCA
- Apr 5** First attempted in-person meeting with applicant
Not attended by applicant
- Apr 29** Second in-person meeting with applicant
Provided community feedback to applicant
- May 10** Supported Applicant at Council
LOC2021-0174 (3824 16 St SW) supported application to downzone from MC-1 to R-CG to reduce parking requirements
- Jun 21** Last email from applicant
Applicant indicated that he is not willing to make any compromises that do not result in cost savings .



Urban Forestry and Applicant Transparency



Spruce is a City of Calgary Tree / ID# T-32474527
Cannot be removed unless appraisal value is paid.



Promised a parking and traffic study

From applicant's email dated May 13, 2022:

- Traffic study: A lot of comments are with regards to traffic issues the proposed development would bring. We are going to get a professional engineer do the study and prepare a traffic impact analysis report. Once the report is ready, we will share with community association.

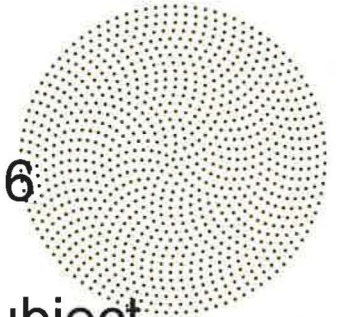
We have not received a copy of the above mentioned traffic study.

Many letters mentioned parking as well as the resulting impact on traffic safety / passing distances as valid reasons to not vote in favor of the application.

- 38th Ave S.W. is not a main street
- Parking on 38th is difficult and generally not advisable during peak traffic times due to road constraints
- Winter conditions – difficult hill for cars and buses turning to/from 16 Street SW



Why does this matter to Calgarians?



- Subject Parcel was up zoned from R-C2 to R-CG in 2016 allowing for 4 units
- 2018 Secondary Suites are allowed for R-CG zoning. Subject parcel can now have 8 units
- Sets a precedent for developers to bank land, and not build on land that has been appropriately zoned for missing middle housing.
- Land use re-zoning is subsidized by Planning and Development, as fees are back end loaded. Multiple or iterative land-use rezoning on the same parcel is wasting city resources, and non-recoverable taxpayer dollars.



Calgary Taxpayers are subsidizing private developers' ambitions to maximize their profitability through multiple up zoning cycles.

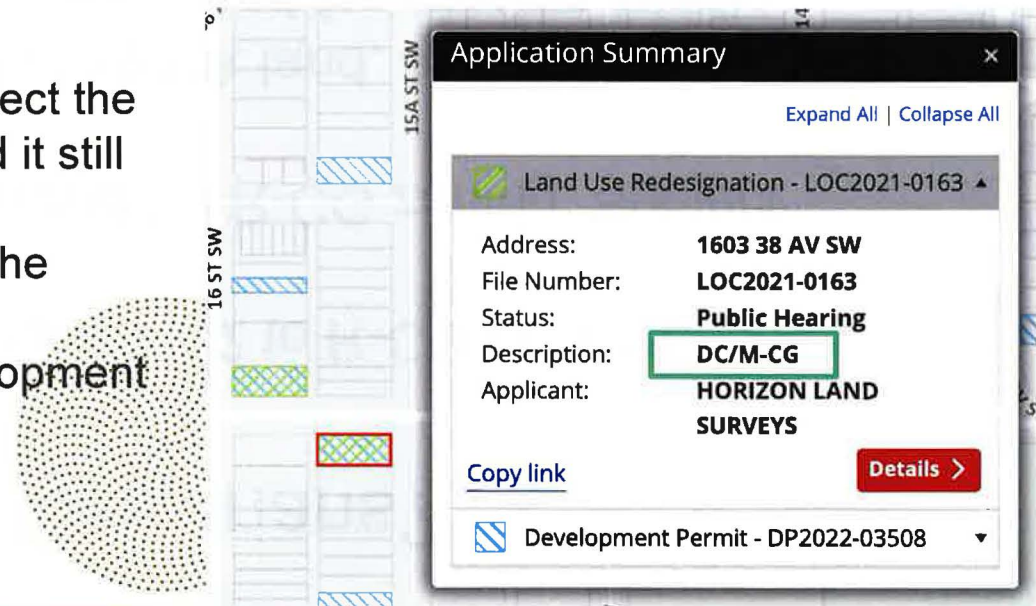
Administration not following due process.

The MLCA worked in good faith with the applicant Horizon Land Surveys to help shape this application to benefit all stakeholders involved.

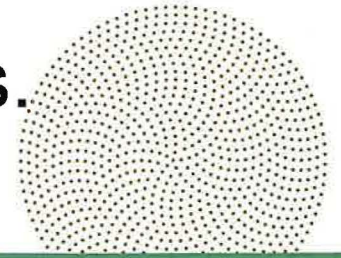
1. Administration did not follow Council's April 12 motion to **That Council direct Administration to minimize the number of Direct Control districts proposed for planning applications where R-CG does not fully serve the needs of the applicant and the community**

2. Application was changed from Direct Control M-CG to Direct Control R-CG after adjacent neighbours were notified, and feedback was submitted prior to CPC. The process should have restarted upon this significant change.

3. D-MAP has not been updated to reflect the application before Council today and it still reflects Direct Control M-CG. Many members of the community rely on the accuracy of this tool which they are directed to use by Planning & Development



Feedback summary of resident responses.



Policy Amendment and Land Use Amendment in Altadore (Ward 8) at
LOC2021-0163 1603 38 Ave SW

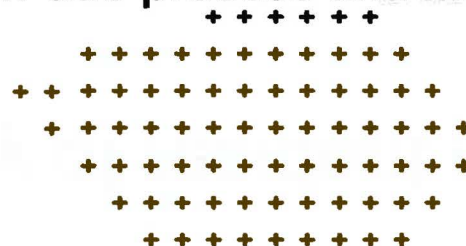
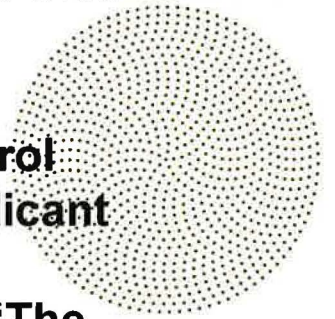
- 30 responses
- 30 against
- 0 in favor



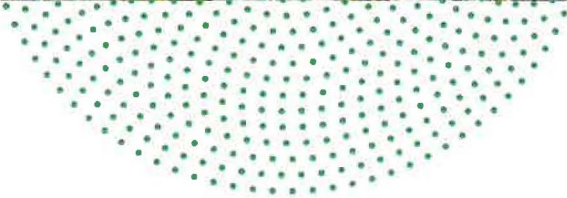
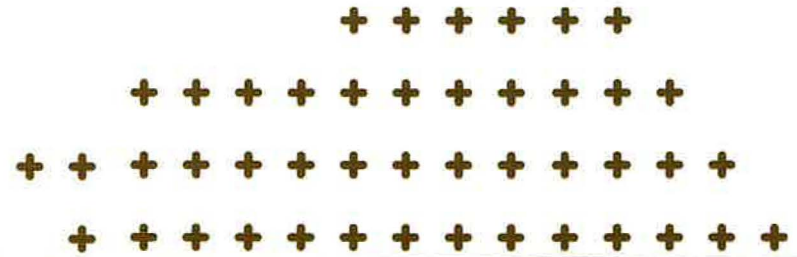
Why you should **VOTE NO.**

The residents of Marda Loop and the surrounding communities have voiced their concerns to the MLCA. Their concerns can be summarized as follows:

1. **Council has directed administration not to bring forward Direct Control District applications where R-CG zoning fulfills the needs of the applicant and community**
2. Debra Hamilton stated that the number of rowhouses on a 50” corner lot “**The answer is four.** Sometimes with suites proposed, sometimes not.”
3. **The subject parcel is zoned for a total of 8 units**
4. **Inappropriate use of a DC District.** This application does not meet DC criteria.
5. **Applicant has not fulfilled written assurances for a parking and traffic study**
6. Current proposal for Direct Control District would require private waste collection, displacing city services and density efficiencies
7. **Approving this application, sets a negative precedent for iterative rezoning, wasting city resources and taxpayer dollars**
8. Marda Loop communities have **already exceeded** the density targets of the MDP
9. Altadore residents have voiced **strong opposition** to this application
10. **This application did not follow due process and may not be valid**



Q + A



Content will be published on www.mardaloopdevelopment.com



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