

LAND USE AMENDMENT  
HIGHLAND PARK (WARD 4)  
EAST OF 4 STREET NW AND SOUTH OF MCKNIGHT  
BOULEVARD NW  
BYLAW 35D2015

MAP 34C

**EXECUTIVE SUMMARY**

This proposed Land Use Amendment seeks to allow for the redesignation of eight residential parcels situated on Highland Place NW in the community of Highland Park from Residential – Contextual One/Two Dwelling District (R-C2) to Multi-Residential – Contextual Low Profile (M-C1) District.

This Land Use Amendment application serves two purposes:

- To allow for the authorization of existing, but unapproved dwelling units located on three of the subject parcels, and;
- To allow for multi-residential redevelopment of an appropriate scale and form on the site over time.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2015 January 29

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 35D2015; and

1. **ADOPT** the proposed redesignation of 0.94 hectares ± (2.32 acres ±) located at 1, 2, 5, 6, 10, 11, 13 and 14 Highland Place NW (Plan 6169HM, Block 1, Lots 1 to 8) from Residential – Contextual One / Two Dwelling (R-C2) District **to** Multi-Residential – Contextual Low Profile (M-C1) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 35D2015.

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**REASON(S) FOR RECOMMENDATION:**

The recommendation for approval of this proposed Land Use Redesignation is based on a comprehensive planning analysis looking at the proposed land use district in the context of the neighbourhood, the community, general planning theory, and city policies.

The subject site currently contains six existing, illegal dwelling units. Approval of this proposed land use amendment will allow for these units to be brought into compliance with City Bylaws.

The proposed Multi-Residential – Contextual Low Profile (M-C1) District allows for residential redevelopment of a form and scale appropriate to the neighbourhood. The subject site is bound by different land uses on all sides. The M-C1 land use district allows for significant redevelopment potential on the site while being contextually sensitive to the low density uses (R-C2) located south of the site. The site is directly adjacent to public transit, and in close proximity to major streets.

The proposed M-C1 land use district is an appropriate contextual fit for the community. Highland Park is rapidly transitioning through steady population growth and new home construction. Redevelopment is active in the community. An Outline Plan application has been submitted for the adjacent Highland Park Golf Club.

The proposed M-C1 land use district aligns with Municipal Development Plan (MDP) policies and general planning principles. The proposed district will lead to increased density, a more efficient use of land and support public transit ridership.

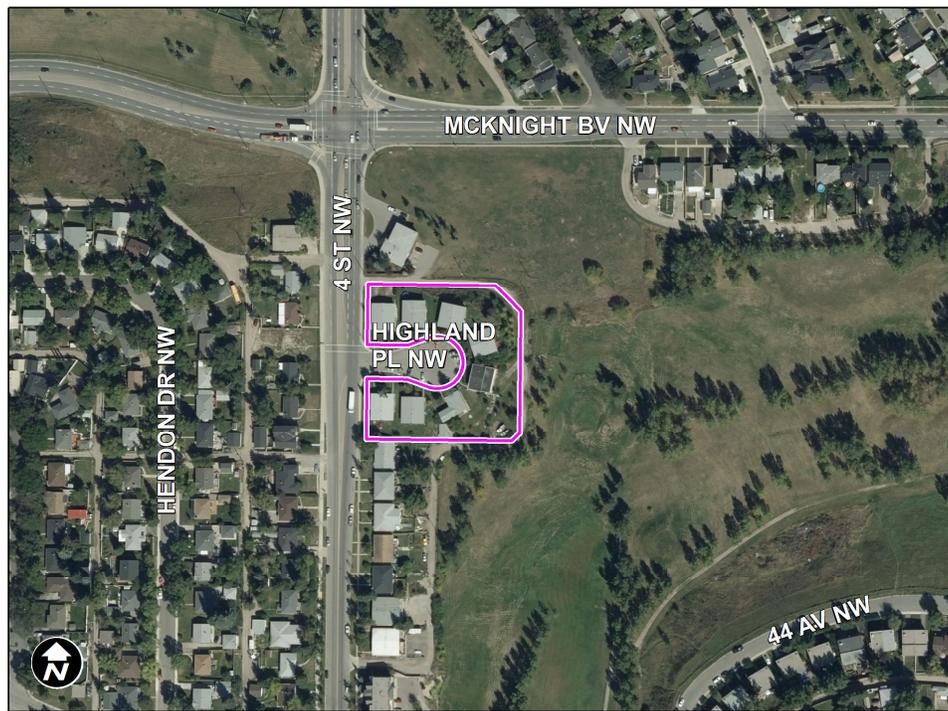
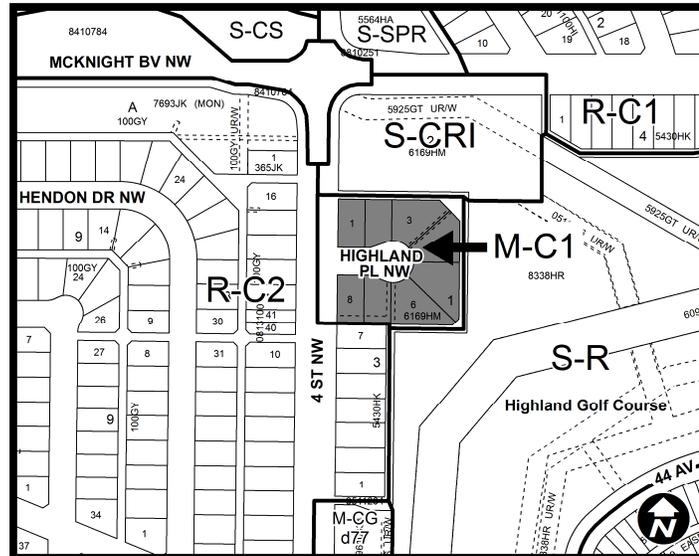
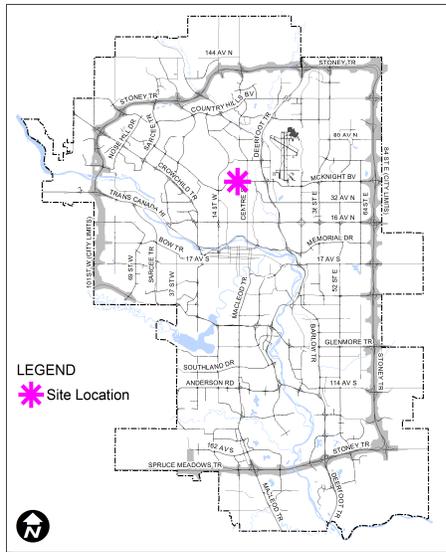
**ATTACHMENT**

1. Proposed Bylaw 35D2015
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 0.94 hectares  $\pm$  (2.32 acres  $\pm$ ) located at 1, 2, 5, 6, 10, 11, 13 and 14 Highland Place NW (Plan 6169HM, Block 1, Lots 1 to 8) from Residential – Contextual One / Two Dwelling (R-C2) District to Multi-Residential – Contextual Low Profile (M-C1) District.

**Moved by: M. Wade**

**Carried: 7 – 1**

Opposed: M. Logan

Reasons for Opposition from Mr. Logan:

- The assembled parcels represent a unique opportunity to intensify and improve the site through densification. The proposed land use falls short of the opportunity and will perpetuate the existing form and delay redevelopment.

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Applicant:

Davis Jensen Law

Landowner:

Wapiti Properties Inc

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	6
<b>Legislation and Policy</b> <i>Does the recommendation create <b>capital budget</b> impacts or concerns.</i>	No	8
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	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 and storm) concern</i>	No	8
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	8
<b>Growth Management</b> <i>Does this site have the appropriate <b>growth management</b> direction.</i>	Yes	8
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	No	8

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**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site consists of 8 contiguous parcels, located on a short cul-de-sac Highland Place NW within the community of Highland Park.

The application site consists of every lot around the cul-de-sac. Approved on the site are 7 semi-detached dwellings and 1 single detached dwelling built between 1961 and 1967.

Exclusive access to Highland Place occurs from 4 Street NW approximately 200 metres south of McKnight Boulevard NW. Visual exposure to the site from the corner of 4 Street NW and McKnight Boulevard NW is limited by the Emergency Medical Services (EMS) building. Access from McKnight Boulevard is not possible to the site.

The land use districts surrounding the subject site vary. North of the site is a Special Purpose – City and Regional Infrastructure (S-CRI) districted parcel containing a Calgary Emergency Medical Services building. East of the site is Special Purpose – Recreation (S-R) parcel containing the former Highland Park Golf Course. West of the site is 4 Street NW with land designated for Residential One / Two Dwelling (R-C2) located across the street. Immediately south of the site are R-C2 parcels also containing single and semi-detached dwellings. Multi-Residential districts M-CG and M-C1 are located approximately 170 metres from the subject site along 4 Street NW.

The adjacent Highland Park Golf Course is not operating and has started the redevelopment process. Outline Plan and Land Use Amendment applications have been submitted on this site. Joint redevelopment options between the subject site and the golf course were explored through the application process but no opportunity to pursue this option resulted.

The site topography is generally flat at the front of the lots. The easternmost lots have steep grades and back slope to the east and south. A lane surrounds the subject properties. Steep grades exist between the front of the sites and the surrounding land uses. The topography effectively creates a natural barrier between the site and the adjacent land uses.

**LAND USE DISTRICTS**

The land use district proposed for this application is Multi-Residential - Contextual, Low Profile District (M-C1). This district takes the form of low height, medium density multi-residential developments, in a variety of forms, and is intended to be in close proximity or adjacent to low density residential development.

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The proposed M-C1 district is appropriate to the subject site for the following reasons:

- The M-C1 district allows for flexibility of housing forms and gives the site redevelopment potential.
- The M-C1 district will allow for the six existing dwelling units to be brought into compliance.
- The M-C1 district includes provisions for mitigating the impact of future redevelopment on the adjacent low density residential uses to the south of the site.

The M-C1 district has a maximum allowable density of 148 units per hectare. At the maximum level of density this proposed land use district would allow for a potential maximum of approximately 100 units. Maximum density would likely never be achieved on this site due to access and site specific topography.

Site context details as per the previous section make the permitted and discretionary uses under the M-C1 district the most appropriate to the site. Commercial uses are not listed under this district and are seen as less favourable to multi-residential for this site due to site characteristics, surrounding uses, and contextual considerations.

## **LEGISLATION & POLICY**

### *Municipal Development Plan: (Statutory)*

Because no Area Redevelopment Plan (ARP) is in place for the subject site, the Calgary Municipal Development Plan (MDP) is used for guidance as per MDP section 1.4.6

MDP policies for Developed Residential Areas, Creating Great Communities, and Shaping a More Compact Urban Form apply to this application. The proposed Land Use Amendment meets the intent of these general policies.

### *Calgary Transportation Plan: (Statutory)*

Section 1.4 of the Calgary Transportation Plan (CTP) covers sustainability principles and key directions for land use and mobility. This application meets the intent of these policies through diversifying the housing options available, mixing land use districts, and supporting compact development.

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*North Bow Design Brief (1977) (Non-Statutory)*

The subject property falls under the North Bow Design Brief. The North Bow Design Brief identifies the subject sites as Low Density Residential. Examples of uses under this category include single detached, semi-detached, duplex dwellings and other allowable uses under the R-C2 land use district. This application meets the North Bow Design Brief policy for Land Use Amendments to be comprehensive in nature.

**TRANSPORTATION NETWORKS**

The subject site is accessed by one common public cul-de-sac Highland Place NW. The cul-de-sac is short at approximately 55 metres to the centre of the bulb.

A common rear lane is located at the rear of the subject site. Steep grades from some parcels to the lane limit vehicular access, causing primary vehicular access to occur from Highland Place.

A parking analysis was done by the applicant though the application process. A total of 20 off street parking stalls have been provided to the site.

The area is well served by public transportation with bus routes providing a north/south transit connection on 4 Street and east/west transit connections located south of the site at 40 Avenue NW. A Primary Transit Network is available at Centre Street (approximately 1 kilometre from the site) both the north/south and east/west bus routes link directly into the Primary Transit Network.

**UTILITIES & SERVICING**

No utilities and servicing issues have been identified in reviewing this application.

**ENVIRONMENTAL ISSUES**

An Environmental Impact Assessment was not required for this application.

**GROWTH MANAGEMENT**

No growth management issues were identified in review of this application.

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## **PUBLIC ENGAGEMENT**

### **Community Association Comments**

The Highland Park Community Association is supportive of this application. The Community Association representatives indicated that they would like to see this area comprehensively redeveloped. (APPENDIX II)

### **Citizen Comments**

No written comments were received through the application process.

### **Public Meetings**

No public meetings were held.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

The intent of this application is to "regularize" the existing and "authorize" future & existing potential "multi-residential developments" on the subject parcels.

The Applicant landowner (Wapiti Properties Inc.) through related corporations has owned the subject buildings since the early to mid-1970s. Prior to 1971 the parcels were held by members of the principal's family, who built the homes in the mid-1960's. On or about 2004 the basements of several of the semi-detached dwelling units were converted into "multi-residential developments", with general compliance to Alberta Building Code requirements or equivalent and with not less than 4 parking stalls on each parcel. Subject to the success of the current application and required development permits, all current ABC requirements will be satisfied.

Contextually, while the existing land use (zoning) is R-C2, there are numerous "fourplex" developments in the immediate vicinity of the subject parcels and within the same land use district, as documented on City of Calgary public assessment records.

The landowner wants to provide safe and lawful accommodation for the existing tenants by authorizing "multi-residential developments" within the existing 8 parcels.

While there is provision within Land Use Bylaw for "secondary suites", such opportunities are inappropriate in this situation as this use is currently restricted to low density residential districts and only within either "contextual single detached dwellings" or "single detached dwellings". City Council continues to investigate opportunities for "multi-residential developments" within the Land Use Bylaw 1P2007 (e.g. NM2010-20; 2010 June 07). The appropriate solution for this application is a redesignation to accommodate "multi-residential development".

The proposed amendment to the Land Use Bylaw allows for the existing "unlawful" multi-residential development uses on the subject 8 parcels to be "regularized". The design of most of the homes in the immediate vicinity of the subject parcels lends itself to "fourplex" style use and such uses have become prevalent in the area. The Applicant's intention is to limit the built form on the affected parcels to buildings appropriate to the existing R-C2 land use district, but offer the opportunity for an "upzoning" sufficient to accommodate a "fourplex" type multi-dwelling use. The large parcel sizes provide for sufficient on-site parking and for generous street frontage.

Subject to the proposed necessary Land Use Bylaw amendments, all other regulations under the Land Use Bylaw continue to apply. Any failure to comply with Land Use Bylaw 1P2007 requirements would make any "permitted" use development permit application into a "discretionary" application.

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The approval of the proposed amending bylaw will allow the existing developments to conform with the current LUB. It is the Applicant's opinion that the confirmation of the continued use of the unlawful but existing "multi-residential developments" on the eight (8) parcels offers an appropriate opportunity for near market residential dwellings in the community. The application of the proposed M-C1 district avoids the need to create a site-specific "DC" district – an alternative used by the applicant and which was before City Council on May 12, 2014. The M-C1 multi-dwelling land use district is a lower intensity multi-dwelling district which can accommodate the proposed use, but not introduce significant additional density to the area. Additionally, the proposed district area is somewhat isolated from the surrounding community. The Applicant believes that the proposed bylaw amendment offers a more precise instrument for increased site density which will be contextually respectful; pose no undue interference with the neighbourhood amenities; nor materially interfere with the use, enjoyment or value of the neighbouring parcels of land.

The Applicant respectfully requests that a land use amendment be approved to allow the existing and future "multi-residential developments" within the 8 parcels subject to the site being further "regularized" by a required development permit application(s). This accommodation may provide a reasonable precedent for other similar dwelling forms in the city.

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**APPENDIX II**

**LETTERS SUBMITTED**

Highland Park Community Association has no objection to the application, but would like to offer the following comments:

This location is adjacent to a corridor that we would ultimately expect to have medium density residential and possibly some mixed residential / commercial use. Much of the development along 4<sup>th</sup> street is already multi residential, so this would be consistent with the development along this corridor.

The community is supportive of the owner's objective to provide safe and lawful accommodation for their existing tenants.

Any increase to the density has to be carefully managed and consider parking constraints and the impact to the surrounding neighbourhood with the ensuing DP.

Deb Heap  
Highland Park Community Association