

# Applicant Submission

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This application is for a proposed Land Use amendment in the Community of Hillhurst from Commercial – Corridor 1 (C-COR1f2.8h13) to Direct Control, based on the existing Commercial – Corridor 1 district to accommodate the existing Kensington Gate mixed-use development, and to provide flexibility for renovation and revitalization of this important building.

The site is located at 120 – 10A Street NW and has a total area of ±0.411 hectares, or 1.02 acres. The existing, approved nine-storey development consists of two levels of underground parking, two levels of above grade parking structure, two floors of commercial development, twelve townhouse units and 68 apartment-style units over seven storeys. The site is bounded by Memorial Drive and the Bow River beyond to the South, 10A Street NW to the west, Kensington Road NW to the north and 10 Street NW to the east. Existing buildings in the immediate area are primarily low to medium-profile commercial developments.

The parcel is identified within the Municipal Development Plan at the intersecting Neighbourhood Corridors of 10 Street NW and Kensington Road NW. The Plan generally prescribes the highest densities and heights at intersections of corridors and major transit streets with active street-oriented development. The current Hillhurst Sunnyside Area Redevelopment Plan identifies the subject parcel as Urban Mixed-use, which supports the highest densities and building heights and floor area ratios (26m/5.0 maximum FAR plus density bonusing provisions). The site is immediately served by bus routes 1, 4 and 5, is located approximately 450m from the Sunnyside LRT station, and is within walking distance of the downtown core.

The intent of this application is two-fold: to achieve conformity for the legally existing development, and to provide additional flexibility for a significant renovation.

The existing development was approved in 1990 at the discretion of the Calgary Planning Commission and was subsequently built in accordance with its approvals. At the time, the land use designation was Direct Control 785, approved by Council in 1979 based on the Development Control Bylaw 8600, which applied to a relatively large area encompassing sections of Kensington Road NW, Kensington Crescent NW and 10 Street NW. The maximum height and FAR were limited to 12.2 metres and 2.8 respectively, to generally limit impact on nearby residential and the streetscape itself, with discretion given to the Planning Commission. With the advent of the current Land Use Bylaw 1P2007 in 2008, this Direct Control District was replaced over the same area with the stock district C-COR1f2.8h13. While this district closely aligned with the Direct Control District it replaced, it did not reflect the legally approved and built condition of Kensington Gate, which has a built height and FAR of approximately 30 metres and 3.4, respectively. Many Direct Control Districts were replaced with stock districts at the advent of Land Use Bylaw 1P2007, and it is not known to the applicant what methodology was used in determining appropriate replacement districts at the time.

The replacement of DC785 with the current stock district and modifiers at the advent of the current bylaw made Kensington Gate a legal but non-conforming development. This is because height and density modifiers are not relaxable as modifiers, and the applied zoning does not

reflect the approved and constructed development. Non-conforming developments have serious limitations on maintenance and potential improvement as a result of restrictions imposed on non-conforming buildings via the Municipal Government Act and Land Use Bylaw 1P2007. This is concerning for a building that is nowhere near its life expectancy.

The proposed zoning will adjust the height and FAR modifiers to maintain the existing height of the development, and align the FAR with the current policy. The direct control is specifically required to provide provisions for density bonusing above the built condition, however minor. The direct control also restricts the height to the existing 30 metres and the FAR to 5.0.

The proposed land use will:

- Continue to support the goals of the Municipal Development Plan through modest densification and enhancement of pedestrian activity
- Ensure that this existing development can remain vibrant and relevant into the foreseeable future, and
- Provide certainty to the owner that the building is not vulnerable to restrictions imposed by a Land Use Bylaw transition.

Given the above, we would respectfully request your support of this application.