

LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

**EXECUTIVE SUMMARY**

This land use application seeks to redesignate the subject parcel from DC Direct Control to DC Direct Control in order to accommodate a Take Out Food service on the main floor of a non-designated historically significant building in the community of Mission.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2014 August 28

That Calgary Planning Commission recommends **APPROVAL** the proposed Land Use Amendment.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 113D2014; and

1. **ADOPT** the proposed redesignation of 0.04 hectares  $\pm$  (0.09 acres  $\pm$ ) located at 327 – 23 Avenue SW (Plan B1, Block 35, Lot 6) from DC Direct Control District **to** DC Direct Control District to accommodate takeout food service, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 113D2014.

**REASON(S) FOR RECOMMENDATION:**

The proposed land use redesignation is in keeping with the intent of the Mission Area Redevelopment Plan as well as is in line with policies contained within the Municipal Development Plan. The redesignation contributes to the preservation of the character of the community of Mission and a historically significant resource within the community.

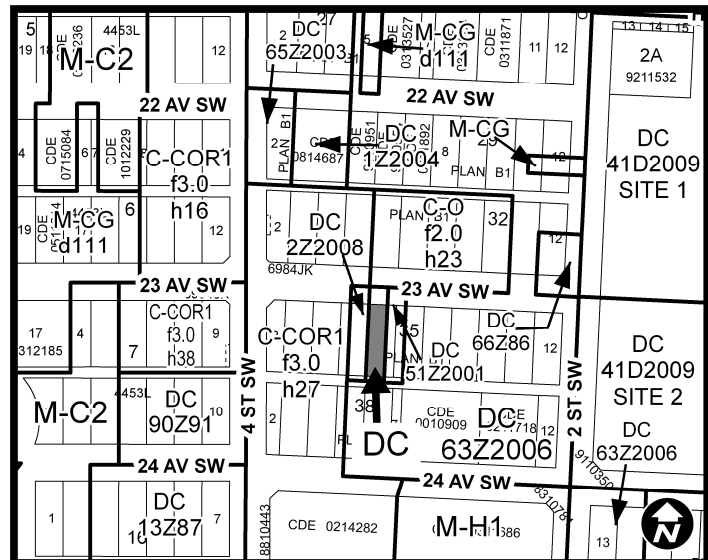
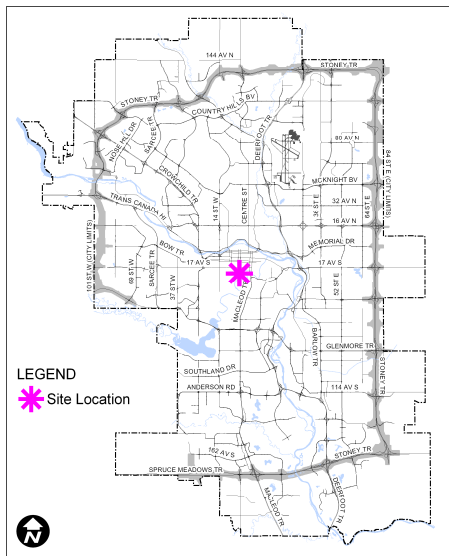
**ATTACHMENT**

1. Proposed Bylaw 113D2014

LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

LOCATION MAPS



LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.04 hectares  $\pm$  (0.09 acres  $\pm$ ) located at 327 – 23 Avenue SW (Plan B1, Block 35, Lot 6) from DC Direct Control District ~~to~~ DC Direct Control District to accommodate takeout food service with guidelines (APPENDIX II).

**Moved by: R. Wright**

**Carried: 7 – 0**

LAND USE AMENDMENT  
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23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

**Applicant:**

Stavro Melathopoulos Architect

**Landowner:**

1402968 Alberta Ltd (Carl Oram, Paula Oram and Dr George Petropoulos)

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	No	5
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	5
<b>Legislation and Policy</b> <i>Does the recommendation create <b>capital budget</b> impacts or concerns.</i>	No	5
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	6
<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	6
<b>Environmental Issues</b> <i>Other considerations eg. <b>sour gas</b> or <b>contaminated sites</b></i>	No	6
<b>Growth Management</b> <i>Does this site have the appropriate <b>growth management</b> direction.</i>	Yes	7
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	Resolved	7

\*Issue - Yes, No or Resolved

**LAND USE AMENDMENT  
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23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014**

**MAP 10C**

## **PLANNING EVALUATION**

### **SITE CONTEXT**

The subject site is located within the Mission community along 23 Avenue SW and two parcels from the 4 Street SW commercial corridor. The subject site is currently developed with a non designated historically significant single detached dwelling with rear lane access. The adjacent parcel to the west is developed with a bakery on the main floor and a residential unit above in the existing historically significant building. The subject site is located on a street that has a collection of residential buildings which as a group provide a historical streetscape.

### **LAND USE DISTRICTS**

The land use application seeks to redesignate the subject site from DC Direct Control District based on the 2P80 Land Use Bylaw to DC Direct Control District based on the current Multi-Residential Low Rise (M-H1) District with all provisions within the district restricted to mimic the existing land use while allowing a Take Out Food Service in the existing building. The intent of mimicking the development controls that currently exist is to provide continuity with the existing DC Direct Control District because the district covers a large portion of the block and community.

### **LEGISLATION & POLICY**

#### **Mission Area Redevelopment Plan (ARP)**

The Mission Area Redevelopment Plan encourages the adaptive reuse of existing buildings that have historical significance and will help to preserve the character of the community. This land use redesignation request would allow for no additional development potential on the subject site that isn't already allowed with the current land use district, other than the additional use of takeout food service which would allow for an additional use when considering the adaptive reuse of the existing building.

#### **Municipal Development Plan (MDP)**

The MDP identifies 4 Street SW as a Neighbourhood Corridor. The policies included in the Neighbourhood Corridor section which directly apply to the subject site are:

- An appropriate transition between the Neighbourhood Corridor and the adjacent residential areas is required. Transition should generally occur at a rear lane or public street. These transitions should be sensitive to the scale, form and character of surrounding areas, while still creating opportunities to enhance the connectivity with the community.

**LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014**

**MAP 10C**

- Auto-oriented uses and designs that generate high volumes of traffic, consume large amounts of land in a low density form, require extensive surface parking, and create negative impacts for pedestrian travel and access should be discouraged.

In addition to the site providing a transition from the 4 Street SW corridor, the MDP also identifies the importance of providing opportunities to reuse structures which would encourage the preservation of the character of Calgary's established neighbourhoods.

- The City will identify and help to protect and manage Calgary's historic resources.
- Ensure that the protection and enhancement of historic assets in Calgary is based on an understanding of their special character and form part of the wider design and urban development agenda.
- Encourage owners to conserve and/or enhance Calgary's historic resources, including historic structures, streetscapes, landmarks and viewpoints, parks and gardens, landscapes, topographical and natural features, archaeological sites and artifacts.

Providing for the reuse of the existing building is in line with many policies contained within the MDP as well as the ARP. The repurposing of the existing structure will allow for the retention of form and character of the existing streetscape as well as provide for additional economic benefits to the community while still retaining a residential dwelling above the proposed takeout food service.

## **TRANSPORTATION NETWORKS**

A Traffic Impact Assessment was not required as part of the land use redesignation application.

## **UTILITIES & SERVICING**

All required servicing is available for the proposed land use.

## **ENVIRONMENTAL ISSUES**

An Environmental Site Assessment was not required for this application.

## **ENVIRONMENTAL SUSTAINABILITY**

Not applicable

**LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014**

**MAP 10C**

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**GROWTH MANAGEMENT**

This land use amendment proposal does not require additional capital infrastructure investment and therefore, no growth management concerns have been identified at this time. In addition, the proposal is in alignment with the MDP references associated with growth management matters.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

A letter was submitted by the Mission Cliff Bungalow Community Association that they had no concerns as long as the proposed district was designed to include reference to setbacks, height, and mimic the definitions in the current DC as well as the additional uses were tied to the existing building.

**Citizen Comments**

No letters received at the time of writing this report.

**Public Meetings**

The applicant met with the Community Association to review the application as well as a meeting on 2014 January 14 with the Planner, applicant and the Community Association to discuss possibilities to achieve the applicant's goal.

**LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014**

**MAP 10C**

---

**APPENDIX I**

**APPLICANT'S SUBMISSION**

The property 327, 23 Avenue SW is located in Calgary's SW Mission community area. It is located just east off of 4 Street SW close to downtown core. The Mission community has lot of historical significance in Calgary. A number of the residential dwelling units date back to prior to First World War construction.

With the ever increasing cost, it's becoming more and more difficult to maintain a single family home. Some of the homes in the neighbourhood have already been converted into a multi-family condo / apartment building. We believe that combining the work place and residential is best way to retain the special character of the community. By providing service within the existing building, it not only makes it more economical and sustainable to preserve the dwelling unit but also preserves and maintains the exterior historical character of the building. The proposed land use re-designation application is to permit the Take-Out Food Service use within the existing building site.

Reasons for Approval:

1. The proposed Take-Out Food Service use promotes integrated work space by combining working and residential space, thereby reducing the need to drive.
2. No alcoholic beverages are served, and being a take-out food service there would be a very low noise impact on the community.
3. It makes it more economical and viable to maintain the dwelling unit. The special historical character of the community is preserved and maintained.



LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### Purpose

- 1 This Direct Control District is intended to:
  - (a) allow for a **Take Out Food Service use** on the *main floor* of the *existing building*; and
  - (b) allow for the adaptive reuse of buildings with potential historical significance.

#### Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

#### Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

#### General Definitions

- 4 In this Direct Control District,
  - (a) “*existing building*” means the residential *building* located on the *parcel* at the time of the passage of this Bylaw.
  - (b) “*main floor*” means the portion of the residential *building* that is closest to *grade*.

#### Permitted Uses

- 5 The *permitted uses* of the Multi-Residential – High Density Low Rise (MH-1) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

#### Discretionary Uses

- 6 The *discretionary uses* of the Multi-Residential – High Density Low Rise (MH-1) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the exclusion of:

LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

- (a) Addiction Treatment;
- (b) Assisted Living;
- (c) Community Entrance Feature;
- (d) Convenience Food Store;
- (e) Counselling Service;
- (f) Custodial Care;
- (g) Information Service Provider;
- (h) Office;
- (i) Outdoor Café;
- (j) Place of Worship – Medium;
- (k) Place of Worship – Small;
- (l) Print Center;
- (m) Residential Care;
- (n) Restaurant: Food Service Only – Small;
- (o) Retail and Consumer Service;
- (p) Service Organization;
- (q) Specialty Food Store; and
- (r) Take Out Food Service;

- 7 The following *uses* are **discretionary uses** in this Direct Control District if they are located on the *main floor* within the *existing building*:

- (a) Take Out Food Service.

**Bylaw 1P2007 District Rules**

- 8 Unless otherwise specified, the rules of the Multi-Residential – High Density Low Rise (MH-1) District of Bylaw 1P2007 apply in this Direct Control District.

**Floor Area Ratio**

- 9 The maximum *floor area ratio* is 3.5.

**Density**

- 10 The maximum *density* is 321 units per hectare.

**Building Height**

- 11 The maximum *building height* is 15.0 metres.

LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

---

**Building Setbacks**

- 12 (1) The minimum **building setback** from a **property line** shared with a **street** is 3.0 metres.
- (2) The maximum **building setback** from a **property line** shared with a **street** is 4.5 metres.
- (3) The minimum **building setback** from a **side property line** is:
- (a) 3.0 metres, or
  - (b) 1.2 metres where the **building** is a **street-oriented multi-residential building**.
- (4) The minimum **building setback** from a **rear property line** is 4.0 metres

**Sidewalk Shadowing**

- 13 No **building** shall place in shadow the north sidewalk from 10:00am to 2:00pm from March 21 to September 21.

**Parking and Access**

- 14 In addition to Part 6, Division 1 of Bylaw 1P2007, the following parking and access rules apply to this Direct Control District:
- (a) **Parking Structure** or **Parking Lot - Grade** areas must not be located adjacent to the **street**; and
  - (b) All vehicular access must be from the **lane** only.

**Landscaped Areas**

- 15 (1) A minimum of 35 percent of the **parcel area** must be landscaped.
- (2) A minimum of 30 percent of the **parcel area** must be landscaped where the **building** is a **street oriented multi-residential building**.

**Garbage and Recycling**

- 16 (1) Garbage containers, waste material, and recycling must be stored inside an enclosed, lockable space.

LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014

MAP 10C

- (2) No garbage containers, waste material, and recycling or any installation for its collection, storage, compaction, or disposal must be visible from outside the enclosure.
- (3) Recycling facilities for storage of materials for transfer must be provided.

**Heritage Development**

- 17 The **Development Authority** may grant relaxations to the provisions of this District if such a relaxation would preserve **buildings** or sites included on the “Inventory of Potential Heritage Sites” and the test for relaxation set out in Bylaw 1P2007 is met.

**Comprehensive Rear Yard Development**

- 18 The **Development Authority** may grant relaxations to the provisions of this District to permit comprehensively developed **Dwelling Units** in the **building setback** at the rear of the existing **residential building**, if, in the opinion of the **Development Authority**, such a relaxation would encourage the preservation or restoration of the **existing building** on the **parcel** and the test for relaxation set out in Bylaw 1P2007 is met..

**LAND USE AMENDMENT  
MISSION (WARD 8)  
23 AVENUE SW & 4 STREET SW  
BYLAW 113D2014**

**MAP 10C**

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**APPENDIX IV**

**LETTERS SUBMITTED**

Hi Brad,

As discussed, please go ahead and finalize this LOC. For avoidance of doubt please ensure that this LOC:

1. includes reference to setbacks, height, etc. that mimic the definitions in the current DC and
2. the permitted use is tied to the existing building.

Best,

Patrick Arnell MSc  
Planning & Development Director  
Cliff Bungalow Mission Community Association