

**LAND USE AMENDMENT
LOWER MOUNT ROYAL– WARD 8
8 STREET SW & 18 AVENUE SW
BYLAW 28D2014**

MAP 9C

EXECUTIVE SUMMARY

The subject site is located in the southwest quadrant of the City, directly east of 8 Street SW and within one block south of 17 Avenue SW. The proposed Direct Control district retains the rules within the existing Multi-Residential—Contextual Medium Profile (M-C2) District and introduces an additional use, Office, tied to the existing building with specific parking requirements. The proposed DC meets the intent of the Lower Mount Royal Area Redevelopment Plan (ARP) and the Municipal Development Plan (MDP).

PREVIOUS COUNCIL DIRECTION

No direction was provided.

ADMINISTRATION RECOMMENDATION(S)

2014 February 27

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

RECOMMENDATION (S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 28D2014; and

1. **ADOPT** the proposed redesignation of 0.03 hectares \pm (0.074 acres \pm) located at 840 – 18 Avenue SW (Plan 4453L, Block 11, Lot 20) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate additional use of office in an existing building, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 28D2014.

REASON(S) FOR RECOMMENDATION:

This land use amendment is in keeping with the Municipal Development Plan and implements the goals of the Lower Mount Royal Area Redevelopment Plan. The proposed Direct Control allows for interim use of the site for office in the existing building while still allowing future redevelopment of the site. This Direct Control provides an appropriate set of rules and a use that is in context with the existing and adjacent sites.

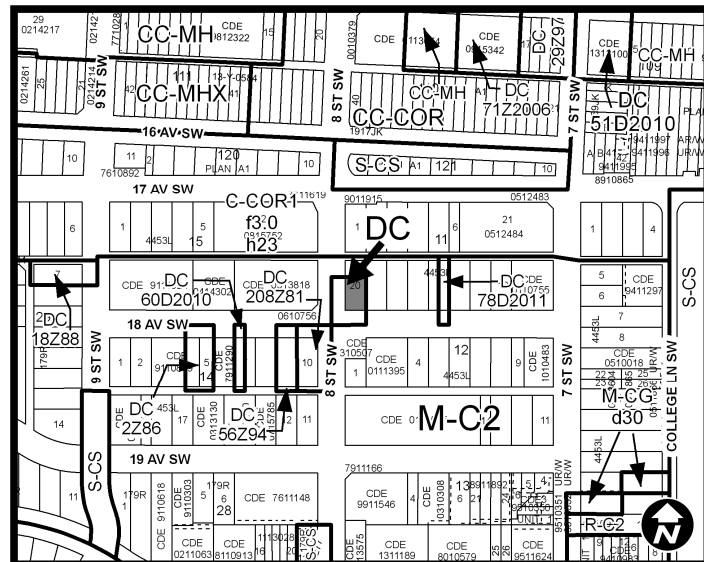
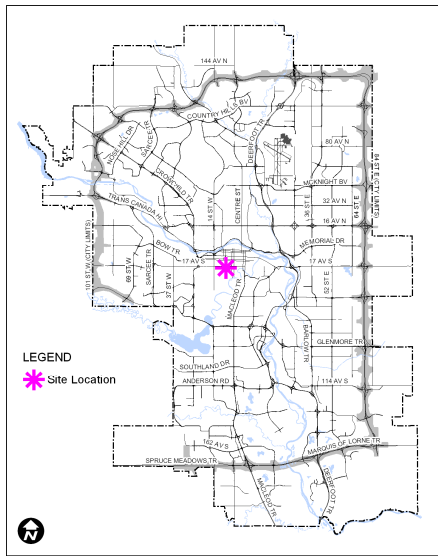
ATTACHMENT

1. Proposed Bylaw 28D2014
2. **Public Submissions**

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.03 hectares \pm (0.074 acres \pm) located at 840 – 18 Avenue SW (Plan 4453L, Block 11, Lot 20) from Multi-Residential – Contextual Medium Profile (M-C2) District to DC Direct Control District to accommodate additional use of office in an existing building with guidelines (APPENDIX II).

Moved by: J. Sturgess

Carried: 6 – 2

Opposed: R. Wright, G-C. Carra

Reasons for opposition from Mr. Wright:

- This is an elimination of housing stock to be replaced by office. While it technically meets policy, common sense suggests it is an erosion of the residential district and provides no public benefit.

Reasons for opposition from Mr. Carra

- In a housing crunch the use of a residential unit as an office is extremely questionable. Policy direction overlaid over the general dangers of allowing commercial encroachment into the residential streets supporting our main streets. There are better ways to approach this than granting full forgiveness for a party flaunting the law.

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Applicant:

Collins Development Consultants

Landowner:

Kathy Reich
Ronald Reich

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

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located in the southwest quadrant of the City, directly east of 8 Street SW and within one block south of 17 Avenue SW.

The area immediately surrounding the subject site consists of commercial, multi-residential, and single detached residential.

The subject parcel is not typical in that it is a small subdivided parcel without lane access; the site is approximately 15 metres wide, and 23 metres deep with access from 8 Street SW. In order to realize the existing Multi-Residential — Contextual Medium Profile (M-C2) district, land assembly with either or both north and east parcels is required.

LAND USE DISTRICTS

The proposed Direct Control District retains the rules within the existing M-C2 District and introduces an additional use, Office. There are two key rules to the proposed Direct Control District:

- The use Office is only allowed as an added use with the existing building; and
- The maximum number of parking stalls for a use within the existing building is two.

This allows for interim use of the site for office in the existing building while still allowing for future redevelopment of the site.

A reduced parking rate is incorporated into the Direct Control District because the site is:

- within a 60 metre walking distance to a Primary Transit Network;
- a 20 metre walking distance to a bus stop with access to route 13;
- a 150 metre walking distance to a bus stop with access to route 2, 6, and 7;
- an irregular shaped parcel without laneway access; and
- limited in its ability to supply parking on site.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (Council approved 2009)

The subject property is currently identified as Inner City (Developed) by the Municipal Development Plan (MDP). The Inner City Area comprises residential communities that were primarily subdivided and developed prior to the 1950's. Key features of these areas are a grid road network, older housing stock in the form of low to moderate housing densities and a finer mix of land uses along many of the edge streets. Intensification has taken place along busier roads as well as low density infilling within lower density areas.

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Mount Royal Area Redevelopment Plan (ARP) (Council approved 1983)

The subject property is located within the Low Rise, Medium Density Residential policy area of the Lower Mount Royal Area Redevelopment Plan (ARP) with the goal to provide low-rise medium density residential redevelopment.

The subject site is also located within the Office Conversion land use precinct of the ARP. The objective of this land use is to ensure the continuance of Lower Mount Royal as a predominantly residential area, while accommodating some demand for office conversions. The following guidelines contained within the ARP are used to assess applications adding the use Office:

- a) A proposed conversion should not result in an undue concentration of office uses, thus altering the residential character of the street. In this regard, office conversions should be limited to:
 - (i) buildings located on corner sites; or
 - (ii) buildings located on major or collector roads; or
 - (iii) “locked in” buildings with limited RM-5 redevelopment potential; or
 - (iv) buildings on the Potential Heritage list, excluding apartment structures.
- b) The proposed office use must not generate an inordinate amount of traffic or parking congestion. Therefore, medical and dental offices should not be allowed.
- c) The building must be reused in such a manner as to significantly contribute to the quality of the residential environment in Lower Mount Royal.
- d) Parking must be provided on-site, in accordance with the requirements of the Land Use Bylaw. Tandem parking may be used where considered appropriate by the Approving Authority.

While the proposed Direct Control District adds the use Office, it retains the base district Multi-residential Contextual Medium Profile (M-C2) District and supports future development of residential. Achieving a built form and density intended in the M-C2 District cannot be achieved on the subject site without consolidating with an adjacent parcel.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required as part of this land use redesignation application.

UTILITIES & SERVICING

All required services are available for the proposed land use. The existing servicing can accommodate the proposed development without the need for upgrades or adjustments to the existing infrastructure.

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ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required as part of this land use redesignation application.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

GROWTH MANAGEMENT

This proposal is in alignment with the MDP references associated with growth management and administration's current work on the Corporate Framework for Growth and Change.

PUBLIC ENGAGEMENT

Community Association Comments

The Mount Royal Community Association does not support the proposed amendment. The CA expressed concerns that intensification of commercial uses will erode the residential fabric of the community (APPENDIX III).

Citizen Comments

Three letters of non support were received from adjacent residents. Concerns voiced include:

- Encroachment of commercial uses into Lower Mount Royal is eroding the residential nature of the community;
- Vacant commercial spaces along 17 Avenue SW are not being utilised;
- City planning policies encourage more residential units in the inner-city and the proposed land use district is a step away from this direction;
- There is a shortage of single detached residential units in the inner city; and
- The proposed land use district will contribute to parking congestion.

Two letters of support were received for this application. Residents indicated:

- Similar Direct Control District's in the neighbourhood exist, and the additional use Office has not had a negative impact on the area;
- The location of the subject site creates a buffer from adjacent commercial uses to the community of Lower Mount Royal.

Public Meetings

The applicant hosted an Open House on 2013 December 06 at the subject site to discuss the proposed Direct Control District. Approximately a dozen people attended.

A. Osadan-Ullman

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APPENDIX I

APPLICANT'S SUBMISSION

Introduction

This application is for a land use amendment from Multi-Residential –contextual Medium Profile (M-C2) District of Bylaw 1P2007 to Direct Control (DC) District to accommodate Professional offices use in the residential building existing on the parcel located at 840,18 Ave SW in the community of Lower Mount Royal.

Site Context

The subject site is bounded on the north and east by existing single-detached, one or two-storey (typical) residential dwellings. The subject site is located on the northeast corner of 18 Ave. (frontage) and 8 Street (flankage) SW.

Proposed Land Use District

This application proposes a redesignation from Multi-Residential –contextual Medium Profile (M-C2) District of Bylaw 1P2007 to Direct Control (DC) District in order to accommodate a professional office use in the residential building existing on the site within the community of Lower Mount Royal.

Site Characteristics

The subject site currently contains a single-storey residential dwelling within the Office Conversion Policy Area identified by the Lower Mount Royal Area Redevelopment Plan, (ARP).

The existing building is in excellent condition and allowing the conversion of office use will extend the life of the old structure.

An attached Vicinity Land Use Map indicates several sites in the near vicinity including (5) five sites on 18 Ave. SW, (5) five which have been designated as Direct Control District to allow office as a discretionary use. The list is as follow, DC 2Z86, DC 60D2010, DC56Z94, DC208Z81, and DC78D2011.

The applicant has expressed the desire to retain the existing structure and convert it into an office use.

Legislation & Policy

Municipal Development Plan (MDP)

The subject site is shown on the Urban Structure Map of the MDP (Map 1) as Developed, Inner City. Applicable quotes from the MDP 3.5.2 Inner City Area, Land Use Policies are as follows:

- a. “ Sites within the Inner City Area may intensify, particularly in transition zones adjacent to areas designated for higher density (i.e., Neighbourhood Corridor), or if the intensification is consistent and compatible with the existing character of the neighbourhood.”

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- c. “Maintain and expand, where warranted by increased population, local commercial development that provides retail and service uses in close proximity to residents, especially in the highest density locations.”

Lower Mount Royal Area Redevelopment Plan (ARP)

The policy plan governing the area is the Lower Mount Royal Area Redevelopment Plan. The subject site is identified in the ARP as Office Conversions area. The Land Use Policy as follow

“The conversion of single detached, semi-detached, duplex dwelling or potential heritage buildings (excluding Apartments), to low intensity office uses...under certain conditions.”

Further, under 3.3.3 Land Use District,

- “office conversions shall be limited to: i) buildings on corner sites...”
- “This amendment should take the form of a Direct Control (D.C.) application which adds the office use to the existing RM-5 district.”

Accordingly, the above listed policies of the ARP are the basis of the subject application.

Proposed Use:

Family Office service comprised of the following:

- Investment Oversight
- Estate and Tax Planning
- Financial Administration
- Concierge Services

Such services are highly confidential, discreet and private. Client visits are less than 2 per week and Couriers are no more than 3 per week.

Parking & Transit

Parking will be provided as per the Land Use Bylaw 1P2007.

The subject site is located at the corner of 8 Street and 18 Ave. SW. It is on the 8 St. SW bus route, and also a short block away from the various bus routes along 17 Ave. SW, as shown on the Transit Context Plan. This application is well located to encourage transit use.

Conclusion

Amending the current land use to Direct Control District with office as a discretionary use will best extend the life of the subject older structures in Lower Mount Royal that lend character to the community, while accommodating the demand for office conversions.

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Additional positive planning considerations are as follows:

1. The proposed land use meets the intent of the Municipal Development Plan (MDP).
2. The proposed land use meets the intent of the Lower Mount Royal Area Redevelopment Plan (ARP).
3. The proposed land use will meet the parking requirements of the Land Use Bylaw 1P2007.
4. The Direct Control District with office as discretionary use is consistent with the adjacent land uses and is compatible with existing uses surrounding the site.
5. The application would provide office uses in close proximity to residents in transition zones adjacent to the Neighbourhood Corridor.
6. The proposed land use is ideally located on a corner site adjoining a collector street (8 St. SW) and within 1 block (directly behind) of the 17 Avenue retail corridor.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

1 This Direct Control District is intended to:

- (a) accommodate the additional **use** of **Office** within an existing **building** as an interim use until **Multi-Residential Development** occurs; and
- (b) provide specific parking requirements.

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 Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

4 The **permitted uses** of the Multi-Residential—Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

5 (1) The **discretionary uses** of the Multi-Residential – Contextual Medium Profile (M -C2) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District.

(2) The following uses are **discretionary uses** in this Direct Control District if they are located within the **building** existing on the **parcel** at the time of the date of passage this Bylaw:

- (a) **Office.**

Bylaw 1P2007 District Rule

6 Unless otherwise specified, the rules of the Multi-Residential—Contextual Medium Profile (M-C2) District of Bylaw 1P2008 apply in this Direct Control District.

Required Motor Vehicle Parking Stalls

7 There is a maximum of 2.0 **motor vehicle parking stalls** in total for **uses** operating on the **parcel** when they are located within a **building** existing on the site at the date of passage of this Bylaw.

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APPENDIX III

COMMUNITY ASSOCIATION COMMENTS

January 20, 2014

Amber Osadan-Ullman MCIP, RPP
Planner, Land Use Amendments
Land Use Planning & Policy
The City of Calgary | Mail Code: #8117

By email to: Amber.Osadan@Calgary.ca

Dear Amber,

This letter follows a review of the proposed Direct Control bylaw (CDC draft) that you kindly forwarded to us. Upon review, it is clear that the proposed rules, when applied to the subject site, will effectively remove any residential use of the existing building, something we are not comfortable with.

As stated in our previous letter of 2013 August 28, we had reviewed the original application for a Class Two Home Occupation use of the property, and we indicated our agreement that the use proposed at that time was an appropriate one, from both a planning and a neighbourhood point of view. The intensity of the home occupation use is an ideal fit with that of the adjacent structures ... homes that are currently in full residential use, are well-maintained, and are fine examples of the original neighbourhood character.

We believe that the DC land use amendment would precipitate erosion of the residential fabric in this part of the community, and we are unable to support the proposed change.

Sincerely,

Peter Haley

Peter Haley
for the
Development Review Committee
Mount Royal Community Association