

**LAND USE AMENDMENT  
HILLHURST - WARD 7  
WEST OF 10 STREET NW, NORTH OF KENSINGTON ROAD NW  
BYLAW 22D2014**

**MAP 21C**

**EXECUTIVE SUMMARY**

The intent of this land use amendment application is to allow for the redevelopment of the subject site with a pedestrian and transit oriented mixed use development, implementing the policies of the Hillhurst/Sunnyside Area Redevelopment Plan (ARP).

The redesignation seeks to amend the land use district from Commercial – Corridor 1 (C-COR1 f2.8h13) to a DC Direct Control District with a maximum floor area ratio of 4.0 and a maximum height of 20.0 metres.

**PREVIOUS COUNCIL DIRECTION**

No direction has been provided.

**ADMINISTRATION RECOMMENDATION**

2014 January 30

That Calgary Planning Commission **APPROVE** the proposed Land Use Amendment.

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

That Council hold a Public Hearing on Bylaw 22D2014; and

1. **ADOPT** the proposed redesignation of 0.28 hectares  $\pm$  (0.69 acres  $\pm$ ) located at 211, 217, 223 and 225 – 10 Street NW (Plan 5609J, Block J, Lots 1 to 8) from Commercial - Corridor 1 f2.8h13 (C-COR1f2.8h13) District **to** DC Direct Control District to accommodate a mixed use development, in accordance with Administration's recommendation, as amended; and
2. Give three readings to the proposed Bylaw 22D2014.

**REASONS FOR RECOMMENDATION:**

The proposed land use amendment is in keeping with the policy guidelines of Part II - Transit Oriented Development Area of the Hillhurst/Sunnyside Area Redevelopment Plan (ARP). It also allows for an appropriate set of uses and use rules in context with the character of 10 Street NW. The land use amendment conforms to the Municipal Development Plan.

To implement the Density Bonus Provisions of the Hillhurst/Sunnyside ARP, a Direct Control District is required. The standard districts of Land Use Bylaw 1P2007 do not contain provisions for the implementation of a density bonus system.

**ATTACHMENT**

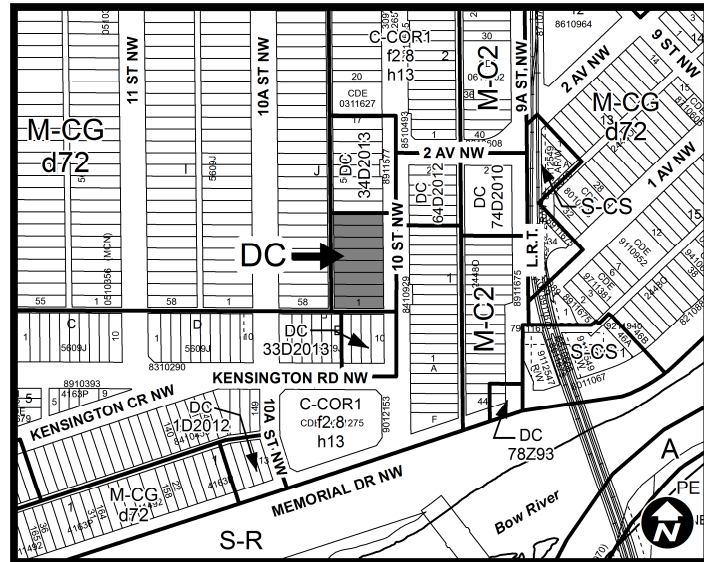
1. Proposed Bylaw 22D2014

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**LEGEND**

★ Site Location



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

**AMENDMENT:**

In Appendix II, Proposed Direct Control Guidelines, Section 9 – Location of Uses within Buildings, remove Subsections (h) Fitness Centre, (n) Pet Care Service, (t) Supermarket and (u) Veterinary Clinic.

In Appendix II, Section 4 – Permitted Uses, after the words “with the exclusion of” add the words “the following when located on the floor closest to grade:” and add subsection (b) Fitness Centre, (c) Pet Care Service and (d) Veterinary Clinic.

In Appendix II, Section 5 – Discretionary Uses, after the words “with the addition of” the words “the following when located on the floor closest to grade:” and add subsection (b) Fitness Centre, (c) Pet Care Service and (d) Veterinary Clinic.

**Moved by: P. Battistella**

**Carried: 9 – 0**

**AMENDMENT:**

In Appendix II, Section 9 (3)(b), replace the word “must” with the word “should” and after the words “**Residential Care**” add the following “unless an alternate solution for managing access can be provided to the satisfaction of the Approving Authority.”

**Moved by: P. Battistella**

**Carried: 9 – 0**

1. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.28 hectares  $\pm$  (0.69 acres  $\pm$ ) located at 211, 217, 223 and 225 – 10 Street NW (Plan 5609J, Block J, Lots 1 to 8) from Commercial - Corridor 1 f2.8h13 (C-COR1f2.8h13) District **to** DC Direct Control District to accommodate a mixed use development. (APPENDIX II)

**Moved by: R. Honsberger**

**Carried: 9 – 0**

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**Applicant:**

David Watkin Architect

**Landowner:**

1265147 Alberta Inc (Hong Nguyen)  
1359963 Alberta Inc (Anchal Mehrotra)  
975688 Alberta Ltd (Heather Ferguson)  
Makhan Singh Samrai and Parkash Kaur Samrai

Planning Evaluation Content	Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed?</i>	Yes	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	7
<b>Environmental Issues</b> <i>Other considerations eg. <b>sour gas</b> or <b>contaminated sites</b>?</i>	No	7
<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>	No	8

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**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site is situated in the commercial area of Hillhurst/Sunnyside on 10 Street NW, midblock between Kensington Road NW to the south and 3 Avenue NW to the north. The surrounding area consists of primarily retail commercial uses along the main street with residential behind.

Separated by 10 Street NW, a land use amendment application was approved by Council in 2012 on the site for a mixed-use multi-residential development in keeping with the Hillhurst/Sunnyside ARP. Directly to the east of the site, development of a multi-residential building in close proximity to the Sunnyside LRT station is currently under construction.

**LAND USE DISTRICTS**

The proposed land use district is a DC Direct Control District based on the Commercial – Corridor 1 District with modifiers stipulating a maximum floor area ratio at 4.0 and a maximum height of 20.0 metres (C-COR1 f4.0h20). In addition to allowing for a mixed use development with retail uses on lower floors and with office or residential uses above, the DC Direct Control District has a number of key components:

- it allows for the implementation of the policies and development guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan;
- it allows for a range of street oriented retail uses with rules to encourage a small scale retail character;
- it allows for a flexible building envelope to promote architectural articulation envisioned in the local area redevelopment plan; and,
- it allows for the implementation of the Council approved density bonus provisions in the local area redevelopment plan.

**LEGISLATION & POLICY**

Municipal Development Plan

On the Urban Structure map of the Municipal Development Plan, the land use typology for the subject site is *Neighbourhood Corridor*. This is due to 10 Street NW being classified as a Neighbourhood Boulevard in the Calgary Transportation Plan. Neighbourhood corridors are streets situated in the Inner City and are the “main streets” for one or more communities. Neighbourhood corridors have a strong historical connection to the adjacent communities.

Neighbourhood corridors support moderate levels of intensification in close proximity to the

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Primary Transit Network identified on Map 2 of the Calgary Transportation Plan.

The level of moderate intensification for the subject site has been established through the local area redevelopment plan process and is reflected in the DC Direct Control District.

Hillhurst/Sunnyside Area Redevelopment Plan (latest amendment 2012)

In 2009 February, Council approved the amendment to the Hillhurst/Sunnyside Area Redevelopment Plan (ARP) to add Part II – Transit Oriented Development Area.

The subject site is situated in the area identified as *Urban Mixed-use* on Map 3.1 of the Hillhurst/Sunnyside Area Redevelopment Plan with a maximum floor area ratio of 4.0 and a maximum height of 20.0 metres. The *Urban Mixed-use* typology in the ARP recognizes the potential of the 10 Street NW neighbourhood corridor to accommodate the highest densities and building heights in the local area.

In 2012 November, Council approved a further addition to the Hillhurst/Sunnyside ARP to include density bonus provisions, which allow for a density increase to the maximum floor area ratio specified in the ARP. However, 10 Street NW has a unique and established character of fine-grained small scale retail commercial units and numerous policies have been established in the ARP to maintain that character while allowing for redevelopment. The ARP policies are designed to protect the public realm (sidewalk) and ensure development that is of a human scale and pedestrian friendly.

From a land use perspective, the proposal contained in this application complies with the principles and policies of the Hillhurst/Sunnyside Area Redevelopment Plan.

## **TRANSPORTATION NETWORKS**

A Transportation Impact Assessment was not required for this land use amendment application, but may be required as part of any future development permit application.

Tenth Street NW is classified as a Neighbourhood Boulevard in the Calgary Transportation Plan (CTP) with no vehicular access to the subject site. Vehicular access will be restricted to the lane with the purpose to increase pedestrian circulation and safety in the Transit Oriented Development area identified in the ARP.

The subject site is situated adjacent to two (2) Primary Transit Network routes as indicated on Map 2 of the Calgary Transportation Plan. The north-west LRT line is situated directly east of the subject site with the Sunnyside LRT station within a 200.0 metre walking distance. Several bus lines are operating along 10 Street NW with a bus stop directly adjacent to the subject site.

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A parking study was not required for this land use amendment application, but may also be required at the development permit stage. The Hillhurst /Sunnyside ARP encourages parking for new developments to be provided underground. Situated within the Transit Oriented Development area, the parking policies of the Hillhurst/ Sunnyside ARP reflect the reduced demand for parking.

A parking study may be submitted at the Development Permit stage to determine the reduced parking requirements and should take into consideration the policies of Part II – Transit Oriented Development Area of the local area redevelopment plan.

**UTILITIES & SERVICING**

The subject site is fully serviced by City utilities and a Sanitary Servicing Study was not required for the land use amendment application.

**ENVIRONMENTAL ISSUES**

An Environmental Site Assessment (ESA) was not required for this land use amendment 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 a Corporate Framework for Growth and Change.

The subject site is located within the Hillhurst/Sunnyside Area Redevelopment Plan which has been ranked as a high priority area for development growth. It has been ranked as number 3 in the sequenced list, which was accepted by Council in 2013 December. The high priority ranking is due to significant market interest, excellent transit service, low infrastructure costs and proximity to employment. The high priority ranking is not due to service capacity limitations.

**HERITAGE**

The buildings on the subject site are not listed on the City's Inventory of Evaluated Historic Resources.

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**FLOOD MEASURES**

The current Land Use Bylaw 1P2007 floodway and flood fringe maps confirmed that the subject site is situated outside the floodway and flood fringe area.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

The Community Association provided comments on this application which are included in APPENDIX III.

**Citizen Comments**

No objections or concerns with the proposed land use amendment have been received from adjoining neighbours.

One letter has been submitted, supported by several owners on 10A Street NW, to request that the laneway be upgraded and that all services in the lane be buried with the cost passed to the new developments proposed on 10 Street NW.

On 2013 May 06, Council, through a Motion Arising, directed Administration to “investigate opportunities for enhancing the laneway condition and the interface of the north-south lane situated west of 10 Street NW (from 3 Avenue NW south towards Kensington Road NW)”.

Administration has been directed by Council to do the following:

1. to construct the short term improvements in Spring 2014;
2. to continue to develop long term improvement plans that build on the short term improvements, and engage City departments and other stakeholders; and
3. to report back to the Standing Policy Committee on Transportation and Transit with recommendations for the long term improvements no later than November 2014.

**Public Meetings**

An owner / applicant initiated meeting was held with residents on 2013, September 23 to discuss the proposed land use amendment.



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**APPENDIX I**

**APPLICANT'S SUBMISSION**

We have been commissioned to make application to amend the Land Use Guidelines for the lands located at #217 to #225 inclusive on 10 Street NW within the Hillhurst/Sunnyside area redevelopment study district.

This initiative is a land use amendment application only, there are no development plans tied to this application.

The proposed revised land use guidelines are:

DC (Direct Control District) to

Accommodate Mixed Use Development in compliance with the Hillhurst/Sunnyside Area Redevelopment Plan.

The proposed DC (Direct Control District) is intended to:

- Accommodate pedestrian oriented mixed use development in compliance with the policies of the Hillhurst/Sunnyside area redevelopment plan.
- Accommodate a range of uses having development guidelines designed to maintain, complement and enhance the existing small scale retail/commercial neighbourhood character along the 10 Street NW corridor.
- Implement the provision of the density bonus system contained with the Area Redevelopment Plan (ARP) in order to encourage the achievement of planning objectives stated within the ARP as well as the TOD.
- Consolidate the Land Use Guidelines for the subject lands consistent with the objectives of Hillhurst/Sunnyside Area Redevelopment Plan (ARP)
- Seek TOD maximum FAR density of 4 and maximum building height of 20m all achievable through meritorious and excellence of design as intended in ARP (Density Bonus System).

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PROPOSED DIRECT CONTROL GUIDELINES

**Purpose**

- 1 This Direct Control District is intended to:
- (a) accommodate a pedestrian oriented mixed-use **development** in compliance with the policies of the local area redevelopment plan;
  - (b) accommodate a range of **uses** with **development** guidelines to maintain the existing small scale retail commercial character at grade along 10 Street N.W.; and
  - (c) implement the provisions of the density bonus system in the applicable local area redevelopment plan.

**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.

**Permitted Uses**

- 4 The **permitted uses** of the Commercial-Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District with the exclusion of:

- (a) **Financial Institution.**

**Discretionary Uses**

- 5 The **discretionary uses** of the Commercial-Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Financial Institution.**

**Bylaw 1P2007 District Rules**

- 6 Unless otherwise specified, the rules of the Commercial-Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

**Floor Area Ratio**

- 7 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.8.

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- (2) The ***floor area ratio*** may be increased to a maximum of 4.0 in accordance with the bonus provisions contained in subsections (4) and (5).
- (3) For the purposes of this section: "Cash Contribution Rate" for 2014 means: \$17.85 per square metre. The Cash Contribution Rate will be adjusted annually on January 1 by the ***Development Authority***, based on the Statistics Canada Consumer Price Index for Calgary.
- (4) A density bonus may be earned by a contribution to the Hillhurst/Sunnyside Park Improvement Fund, such that:
- Cash Contribution Amount = Cash Contribution Rate x total floor area in square metres above the ***floor area ratio*** of 2.8.
- (5) A density bonus may be earned by the provision of an off-site improvement in accordance with the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square meters is equal to the cost of construction of the off-site improvement divided by the Cash Contribution Rate, such that:
- Allowable bonus floor area = Total construction cost of the off-site improvement/Cash Contribution Rate.
- Total construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a ***development permit*** for a ***development*** equal to or less than a ***floor area ratio*** of 2.8. Details of the construction cost will be determined through the ***development permit*** process.

**Building Height**

- 8 The maximum ***building height*** is 20.0 metres.

**Location of Uses within Buildings**

- 9 (1) The following ***uses*** must not be located on the ground floor of ***buildings***:
- (a) **Addiction Treatment;**
  - (b) **Assisted Living;**
  - (c) **Catering Service-Minor;**
  - (d) **Child Care Service;**
  - (e) **Cinema;**
  - (f) **Counseling Service;**
  - (g) **Custodial Care;**
  - (h) **Fitness Centre;**
  - (i) **Health Services Laboratory-with clients;**
  - (j) **Instructional Facility;**
  - (k) **Medical Clinic;**
  - (l) **Office;**

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- (m) Pawn Shop;
  - (n) Pet Care Service;
  - (o) Place of Worship-small;
  - (p) Post-secondary learning institution;
  - (q) Radio and Television Studio;
  - (r) Residential Care;
  - (s) Social Organization;
  - (t) Supermarket; and
  - (u) Veterinary Clinic.
- (2) Unless otherwise referenced in subsection (3) a minimum of 20.0 per cent of the **gross floor area** of **buildings** must contain "Commercial Uses".
- (3) "Commercial Uses" and **Live Work** Units:
- (a) may be located on the same floor as **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** and **Residential Care**; and
  - (b) must not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** or **Residential Care**.
- (4) Where this section refers to "Commercial Uses," it refers to the listed **permitted** and **discretionary uses** of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit** and **Residential Care**.
- (5) The provisions of subsection (2) may be relaxed by the **Development Authority** provided both provisions of the Land Use Policies of the Hillhurst/Sunnyside Area Redevelopment Plan and the relaxation test of Land Use Bylaw 1P2007 are met.

**Front Setback Area**

- 10 (1) The **front setback area** must have a minimum depth of 1.8 metres and a maximum depth of 3.0 metres.
- (2) The **front setback area** may be relaxed by the **Development Authority** for floors above the ground floor to provide for articulation of the **building** façade in accordance with the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test from Bylaw 1P2007 is met.

**Rear Setback Area**

- 11 The **rear setback area** must have a minimum depth of 5.0 metres.

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**Side Setback Area**

12 There is no requirement for *side setback areas*.

**Building Stepback**

13 (1) The minimum *building* stepback at a *building height* of 12.0 metres is:

- (a) 3.0 metres from the front façade of the *building* at the closest point to the *front setback area*; and,
- (b) 3.0 metres from the rear façade of the *building* at the closes point to the *rear setback area*.

(2) There is no *building* stepback on *side setback areas*.

(3) *Building* stepbacks may be relaxed by the *Development Authority* to provide for articulation of the *building* façade in accordance with the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test from Bylaw 1P2007 is met.

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**APPENDIX III**

**COMMUNITY ASSOCIATION LETTER**

The City of Calgary  
Land Use Planning & Policy  
Land Use Amendment Services  
Attn. Ms. Ivy Campbell, Planner  
Re. LOC2013-0055, 205 to 225 - 10 Street NW

Dear Ms. Campbell,

The Hillhurst-Sunnyside Community Association's Interim Planning Committee has reviewed this application, discussed it with the applicant, and received feedback from residents at a public meeting. The Committee has the following comments:-

1. The Community expects that the Land Use rules approved for this site will follow and make explicit the ARP's guidelines for 10 Street Mixed-Use policies & its guidelines with respect to building density, height, setbacks, step backs, etc., with no exceptions considered.
2. We are very concerned about the uncoordinated nature of the rapid, large scale redevelopment occurring along 10th Street and its cumulative impacts on the street, the parallel lanes, and surrounding residents. We strongly recommend that the City take a more comprehensive approach to the planning of the street, including community engagement, and review this application in the broader context.
3. Vehicular traffic in the 10/10A lane is heavy at present and is expected to increase with this and other 10th Street redevelopments. This is a serious concern of many 10A Street residents which has been expressed many times in the past and most recently at this week's public meeting. We recommend that the approval of this application be postponed until the City's study of the entire length of the 10/10A lane is completed and a plan for the entire lane is approved by Council which includes physical improvements. We believe that at least the following improvements need to be made to this laneway, and not be eligible for density or height bonuses:
  - a. The Developers of the west side of 10th Street should bury all overhead wires in the rear lane at their expense to provide more space for vehicles and pedestrians.
  - b. The Developers of the west side of 10th Street should provide dedicated pullout bays within the 5-m setback to facilitate passing of vehicles.
  - c. The City should purchase a widening of the lane right-of-way at the southern end of the site to provide more space for vehicles and pedestrians and better access to the 10/10A lane.

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4. There was support at the recent public meeting for the existing wide pedestrian space in front of this site to be preserved. To this end, we recommend that a sidewalk-level plaza of a similar area be provided in addition to the 1.8-m<sup>2</sup> setback (eg. 20 m long x 3.6 m wide or 15 m long x 4.8 m wide). We recommend that this amenity be considered by the City to qualify for the height and density bonus permitted in the ARP, instead of contributions to the 9A Street park improvement fund. No increases beyond the maximums stated in the ARP should be permitted.
5. We recommend that the proposed 2500 sq. m. maximum use area for a supermarket be reduced to the same 465 sq. m. maximum as for other commercial uses, since it is completely inconsistent with the ARP's objective of retaining 10th Street's small scale commercial character.
6. We recommend that the following ARP items should be strengthened as conditions of approval now or at the Development Permit stage:
  - a. Some low-cost rental apartments should be provided, to support the ARP's policies about a wide variety of housing (ARP p.59).
  - b. Ground-floor commercial units should be a maximum of 7.5 m wide, with permanent separating walls, to support the ARP's policies about 10th Street's small scale commercial character.
  - c. Fenestration and surfacing of the podium floors should clearly harmonize with and pay respect to the general character of the older 10th Street brick commercial buildings (ARP p.67 & 69).

Yours sincerely,

Tim Kitchen  
President,  
Hillhurst-Sunnyside Community Association

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