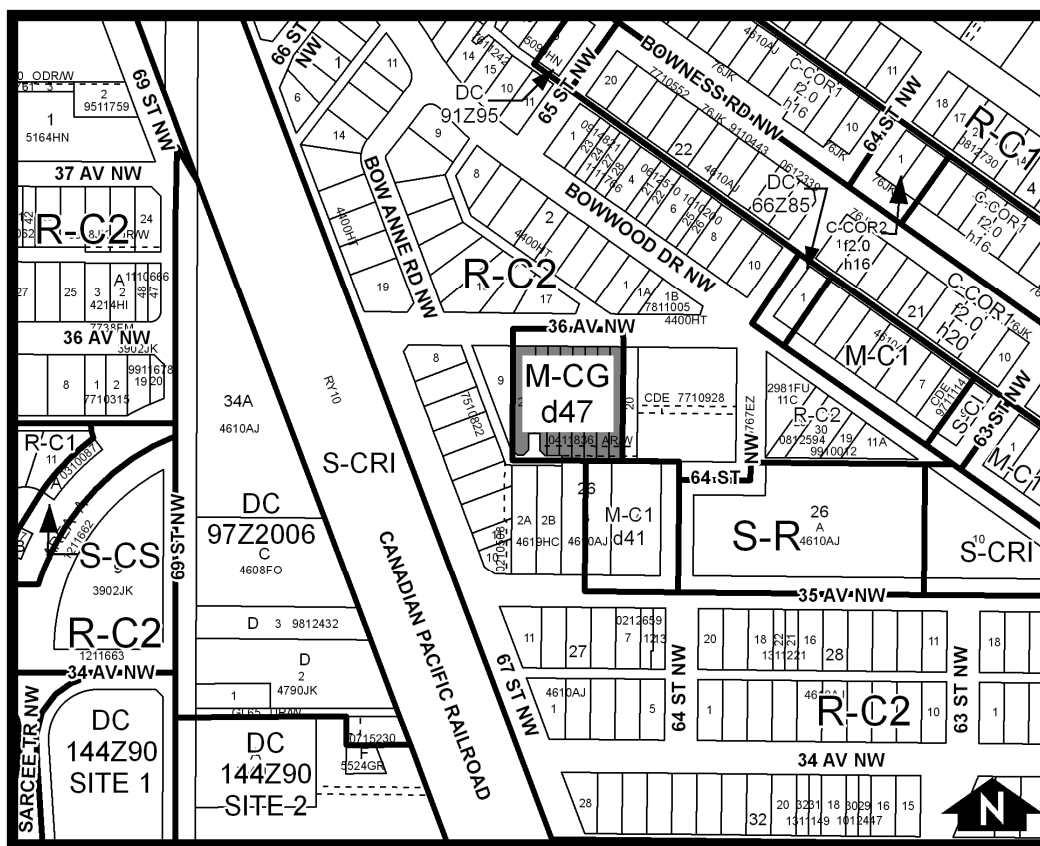


POLICY AMENDMENT AND LAND USE AMENDMENT	ITEM NO: 06	
	FILE NO:	LOC2012-0097
	CPC DATE:	2013 October 10
	COUNCIL DATE:	2013 December 02
	BYLAW NO:	45P2013
	BYLAW NO:	102D2013

BOWNESS
(Ward 1- Councillor Hodges)



RECOMMENDATION:

CALGARY PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

That Council:

1. **ADOPT** the proposed amendments to the Bowness Area Redevelopment Plan, in accordance with the Corporate Planning Applications Group recommendation; and
2. Give first reading to the proposed Bylaw; and
3. **WITHHOLD** second and third readings pending the resolution, to Council's satisfaction, of the sanitary capacity problem.

Moved by: J. Sturgess

Carried: 6 – 1

Opposed: P. Battistella

4. **ADOPT** the proposed redesignation of 0.44 hectares \pm (1.09 acres \pm) located at 6521, 6523, 6525, 6527, 6529, 6531, 6533 and 6535 – 36 Avenue NW (Plan 0411835, Block 26, Lots 21 to 28) from Residential – Contextual One / Two Dwelling (R-C2) District **to** Multi-Residential – Contextual Grade-Oriented (M CGd47) District, in accordance with the Corporate Planning Applications Group recommendation; and
5. Give first reading to the proposed Bylaw; and
6. **WITHHOLD** second and third readings pending the resolution, to Council's satisfaction, of the sanitary capacity problem.

Moved by: J. Sturgess

Carried: 6 – 1

Opposed: P. Battistella

Reasons for Opposition from Mr. Battistella:

- Until such time there is certainty that service capacity exists it is inappropriate to change the land use. Future buyers of the property will have an expectation that density is achievable.

PLANNING COMMISSION DECISION: 2013 October 10

AMENDMENT:

Amend the Corporate Planning Applications Group recommendation and have Council give first reading and withhold second and third readings until such time as pending the resolution, to Council's satisfaction, of the sanitary capacity problem.

Moved by: G. Lowe

Carried: 6 – 1

Opposed: M. Tita

PROPOSAL:

Amendment to the Bowness Area Redevelopment Plan.

To redesignate 0.44 ha \pm (1.09 ac \pm) located at 6521, 6523, 6525, 6527, 6529, 6531, 6533 and 6535 – 36 Avenue NW (Plan 0411835, Block 26, Lots 21 to 28) from Residential – Contextual One / Two Dwelling (R-C2) District to Multi-Residential – Contextual Grade-Oriented (M-CGd47) District.

(Map 35W)

APPLICANT:
CITYTREND

OWNER:
Advance Properties Ltd
Alex Solano

CURRENT DEVELOPMENT: Vacant site.

ADJACENT DEVELOPMENT:

NORTH: 36 Avenue NW, Single detached and Semi detached residential (R-C2)

SOUTH: 35 Avenue NW, Single detached and Row House residential (R-C2 and M-C1)

EAST: 64 Street NW, Semi detached residential (R-C2)
Bowwood Drive NW, Semi detached residential (M-C1)

WEST: 67 Street NW, Semi detached residential (R-C2)

SUMMARY OF CIRCULATION REFEREES

**ENVIRONMENTAL
MANAGEMENT**

Not applicable.

**COMMUNITY
ASSOCIATION
Bowness**

Objection (See APPENDIX II)

PLANNING EVALUATION

Introduction

This application and accompanying amendment to the Bowness Area Redevelopment Plan (ARP) are to allow for the redesignation of a 0.44 hectare parcel from a low density residential district (R-C2) to a grade oriented multi-residential district (M-CG) with a maximum density modifier of 47 units per hectare, aligning the land use and policy with the Municipal Development Plan. The proposed density modifier would allow a maximum of 20 units on the subject site.

Site Context

The site is comprised of eight vacant parcels fronting 36 Avenue NW between 67 Street NW and 64 Street NW. The site has been vacant for several years. It shares a boundary with single storey semi-detached dwellings (R-C2), single storey semi-detached dwellings (R-C2) opposite an unpaved lane, and single storey multi-residential dwellings (M-C1) adjacent the southeast corner of the site.

The site is one block west of the Bowness Road Neighbourhood Corridor. It is approximately 300 metres from a BRT stop.

Site Characteristics

The site slopes approximately four percent from north to south along the western edge of the site. There is approximately a three metre grade difference between the west property line and the east property line.

It is vacant and therefore no existing housing stock is to be demolished.

Legislation & Policy

Municipal Development Plan (MDP) (Approved by Council September 2009)

In the MDP, the site is located in a Developed Residential Area and specifically within an Established Residential Area (Map 1: Urban Structure).

Developed Residential Areas are comprised of communities that have been built out and are at various stages of their life cycle, either as stable residential communities or those experiencing moderate redevelopment activities. MDP land use policies recognize the predominantly low density, residential nature of these areas and support retention of housing stock, or moderate intensification in a form and nature that respects the scale and character of these neighbourhoods. Redevelopment of these areas should support the revitalization of local communities by adding population and a mix of commercial and service uses.

Established Areas are residential communities that were planned and developed between the 1950s and 1990s. These areas often contain a mix of low- and medium-density housing with support retail in relatively close proximity. The MDP encourages modest redevelopment of these areas with appropriate densities, a mix of land uses and a pedestrian-friendly environment.

Redesignation of the site to an M-CG district is in keeping with these policies.

Bowness Area Redevelopment Plan (Approved by Council 1995)

The Bowness Area Redevelopment Plan sets out comprehensive land use policies to guide future development in the community. The majority of residential lands in the community are identified as conservation and infill areas with intent to maintain Bowness as a low density community. Other lands are identified as being suitable for the low to medium density multi-residential dwellings. The subject parcels are located within Residential Low Density, Conservation and Infill area.

The policies associated with the Residential Low Density and Conservation and Infill areas within the ARP focus on the intent to maintain “stability” through the protection of existing residential character and discouragement of redesignations from low density residential to other higher density residential districts. These policies do not support the proposed land use amendment.

Policy Compliance

The proposed land use amendment is not in alignment with the policies of the Residential Low Density and Conservation and Infill areas. This may be in contrast to the Municipal Development Plan objectives to respectfully increase density within established communities through modest intensification. Given the surrounding land use context and proximity to the Neighbourhood Corridor and primary transit this minor amendment to the Bowness ARP is supported. The amendment to Map 2 of the ARP changes the subject site from Residential: Low Density, Conservation Infill to Residential: Low & Medium Multi-Dwelling. This amendment is in alignment with the objectives of the MDP.

Proposed Land Use District

The M-CG district provides a way to sensitively intensify a community in a way that is compatible and complementary to existing development, as indicated in the purpose statement of the district. Within it are rules that ensure development is compatible with low-density residential development and the physical pattern of the neighbourhood. Specifically, at grade units are required to have individual access to grade, have setbacks that are contextual with adjacent development and building heights that are respectful of adjacent development. Additionally, provisions in the M-CG district, such as height “chamfer” requires building heights to decrease as they near the property line to be compatible with adjacent development ensuring appropriate transitions are made between developments. These characteristics result in a form of development that is denser than single detached or semi-detached homes, but compatible with those forms of development in terms of height.

Uses in the M-CG district are primarily residential. The M-CG district allows for a maximum building height of 12 metres, 2 metres more than the current 10 metre maximum in R-C2. The site is approximately 4 metres lower than adjacent R-C2 property to the west.

This application is proposing a maximum density modifier of 47 units per hectare. This density would allow for a maximum potential of 20 dwelling units on the site, provided all other M-CG requirements such as site landscaping, setbacks and motor vehicle parking are achieved. There are lands south of this site designated M-C1 which is a more intense district that has a density modifier of 41 units per hectare allowing for 13 units on those lands.

The proposed M-CG district and density modifier are appropriate given the surrounding land use context and proximity to the Bowness Neighbourhood Corridor and primary transit. This land use district would help to facilitate a transition from the Neighbourhood Corridor to the low density residential areas. Further the M-CG district is intended to be applied to lands adjacent to low density residential and is seen throughout the City of Calgary embedded in low density residential areas. It is one of the districts typically used to implement “modest intensification” as intended through the Municipal Development Plan.

Site Access & Traffic

The site is accessed via 36 Avenue NW a partial rear lane and an access easement is provided across the remainder of the rear of the lots to extend that access through all of the subject parcels.

The site is within the 400 metre radius of a BRT stop, and can therefore be considered within a TOD area. This route has been identified as part of the primary transit network in the Calgary Transportation Plan and has also been identified in the Route Ahead Plan (Route 305-BRT West). Adding additional density to areas serviced by this route helps achieve the goals of Route Ahead to increase transit ridership and would help support adjacent retail and services along Bowness Road.

Parking

A parking study was not required. Future development will require all parking to be provided on site as per Land Use Bylaw 1P2007.

Site Servicing for Utilities

This application is within the West Memorial Drive Sanitary Trunk Study Area. The existing downstream sanitary system has exceeded its design capacity. Additional contributions to the sanitary flow are not permitted until the downstream infrastructure has been upgraded. A capital project to upgrade this infrastructure is expected to be complete by 2017. Although currently unapproved for capital funding, it is a high priority item.

Development permits may not be approved for this site until sanitary capacity is available or when the date of that availability is specifically known.

Environmental Site Assessment

An environmental site assessment was not required.

Community Association Comments

The Bowness Community Association expressed their objection in an email dated 2013 January. Their objections included:

1. proposed maximum allowable density is too high (on original application it was 111 uph or 48 units in the base MCG district with no modifier)
2. preference was a maximum of 8 units (19 uph)
3. already existing land use in place elsewhere in community that is under utilized
4. traffic implications
5. parking
6. site access from lane a concern
7. privacy issues for adjacent neighbours
8. proposal is not in keeping with Bowness ARP

The applicant amended their application to reflect a maximum density of 47 units per hectare restricting the maximum number of units on the site to 20 units to address the community's concern.

A second notification went out 2013 August to the community association and adjacent neighbours reflecting a decrease in density from 111 uph to 47 uph and the community association updated their objection letter (APPENDIX III) but the same concerns remained.

On 2013 September 11, administration (through invitation) met with the planning committee of the Bowness Community Association after the second round of notifications went out. Further discussion around the M-CG District occurred as well as the planning process in general.

Administration advised the community association that traffic implications, parking and servicing would be dealt with at the development permit stage. Further they were advised that the proposed density is a maximum potential and not a required development minimum and that the developer would still have to meet all of the additional land use bylaw requirements for the site (setbacks, landscaping, heights, parking etc). It was also explained to the community association that there is no minimum and therefore the potential for development of single detached or semi-detached dwelling still remains, as per the proposed land use allowances.

Adjacent Neighbour Comments

Three adjacent neighbours expressed the following concerns about the proposed land use:

1. potential vehicle traffic and parking issues along 36 Street
2. access to their rear parking from lane being compromised by others parking in the lane.
3. lowering property values
4. proposal is not in keeping with the Bowness ARP

Engagement Summary

- First notification at onset of circulation 2012, December 13.
- Second notification sent out reflecting changes to application 2013, August 08. Website also set up and referenced in letter www.calgary.ca/Bowness.
- Applicant met with the Bowness Community Association on the following dates: 2013 January 15, February 25 and April 9.
- Administration attended (by invite) the Bowness Community Association planning committee meeting 2013 September 11.

CONCLUSION:

The proposal is supported for the following reasons:

1. The proposed land use redesignation and accompanying Area Redevelopment Plan amendment align with the policies contained within the Municipal Development Plan. This includes encouragement of modest redevelopment in established communities.
2. The proposal is compatible with adjacent development and land use conditions.
3. The proposal allows for future development of a vacant site in the community.

CORPORATE PLANNING APPLICATIONS GROUP RECOMMENDATION: **APPROVAL**

- A. Recommend that Council **ADOPT**, by bylaw, the proposed amendment to the Bowness Area Redevelopment Plan as follows:

Delete existing Map 2 entitled “Land Use Policy” and replace with the revised Map 2 entitled “Land Use Policy Areas” (APPENDIX II).

- B. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.44 hectares \pm (1.09 acres \pm) located at 6521, 6523, 6525, 6527, 6529, 6531, 6533 and 6535 – 36 Avenue NW (Plan 0411835, Block 26, Lots 21 to 28) from Residential – Contextual One / Two Dwelling (R-C2) District **to** Multi-Residential – Contextual Grade-Oriented (M-CGd47) District.

Ivy Campbell
Oct/2013

CPC 2013 October 10	LOC2012-0097	APPENDIX I	Page 1
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Applicant's Submission

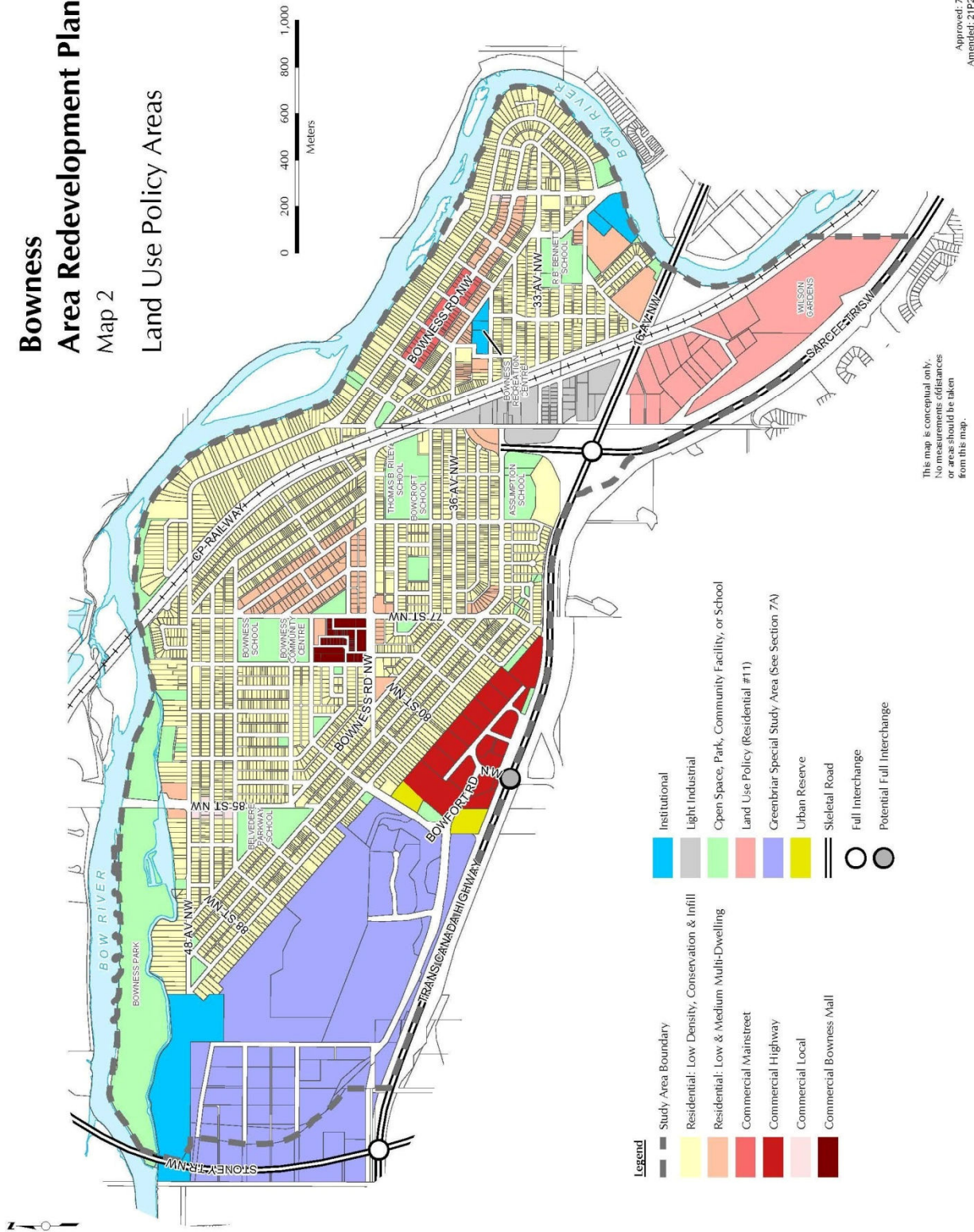
Citytrend (the applicant) is proposing to redesignate the properties located at 6521 to 6535 36th Avenue NW, in the community of Bowness, from R-C2 to M-CG in order to accommodate grade-oriented multifamily development with a density modifier of 47 units per hectare.

The proposed redesignation will be a positive addition to the community of Bowness, and has the following merits:

- The development helps achieves the goals and principles of the Municipal Development Plan
- The subject site is located in close proximity to a primary transit network, providing high quality transit for the development
- The type of development, grade-oriented townhouse style units, appeals to a range of household types and will help bring new residents and families into the community
- The location of the development will make more efficient use of existing infrastructure
- Multi-residential developments are located within the same block as the subject site – both to the east and the south
- The proposed development will provide additional housing units that will help support the local commercial area located on Bowness road
- The parcel depth, 240 feet, is more suitable for accommodating townhouse-style multi-residential development than low-density residential development, and makes better use of land.

MAP 2 BOWNESS ARP

Bowness Area Redevelopment Plan Map 2 Land Use Policy Areas



Bowness Community Association Response Letter
Received via Email August 21, 2013



Re: LOC2012-0097
6521-6536 36 Ave NW
From R-C2 to M-CGd47 Multi-Residential Contextual Grade-Oriented District
File Manager: Ivy Campbell

Dear Ivy:

Thank you for providing the Bowness Community Association with an update on the above application for a Land Use Redesignation.

We would like to submit the following comments for consideration.

There is a real desire to see the site developed, and the neighbours would welcome a proposal that fits the current zoning.

Despite the decrease in the number of allowed units in the updated version, the community association remains opposed to this redesignation for the following reasons:

1. From the community perspective, this type of spot rezoning and amendment to the Bowness ARP works against good planning as it is considered in a silo, in isolation from other applications for higher density in the community. As a result, it doesn't reflect the cumulative impact on traffic, parking, transit, infrastructure and neighbourhoods.
2. Depending on which route you take the site is located two or three blocks south of Bowness Road. The nearest BRT stop, travelling west to east, is 450 metres away, and 600 metres away, travelling east to west. We anticipate that the proposed development would be autcentric. The main access is via a dangerous 5-way intersection of 64 Street, Bowwood Dr, and 36 Ave. Parking in the area is a nightmare, with spillover into the residential area from the commercial district on Bowness Road. The site has no back lane access and would increase street parking issues. Vehicle access onto and off Bowness Road at any intersection between 66 Street and the Shouldice Bridge is controlled only by stop signs at the intersections. During rush hour and on weekends, it involves long waits and dangerous turns across oncoming traffic. The increase in density beyond what is currently zoned requires careful consideration of impact on traffic and parking. At a recent BCA staff meeting, one of the staff remarked that there is no better way to start neighbourhood conflict than by increasing on-street parking issues. The attached photos show the intersection and on-street parking. The photos were taken at 3:00 p.m on a weekday, before rush hour and the increased street parking caused by occupants returning home from work. The photos were taken during ideal summer daytime conditions. Imagine what it would be like in winter conditions.



3. The argument that this redesignation meets the goals of the MDP in providing higher density close to a Neighbourhood corridor makes sense only if that increased density actually begins at Bowness Road and scales back from that corridor. Despite the fact that there are M-C1 designations closer to Bowness Road, these sites have not been developed to their density potential and actually contain single family homes and duplexes typical of the neighbourhood. The potential for rational higher density already exists with the community's current zoning which has the capacity to add an additional 1,800 plus units to the current stock.
4. The argument that this development will "fit" the neighbourhood because of similar proximate zoning does not make sense to us. As mentioned above, those areas with M-C1 designation have single family and duplex residences on them. The "on-the-ground" reality is that this is a neighbourhood of one and two storey residences, shifting from primarily rental to owner-occupied. The single M-C1d41 site to the south contains one storey Calgary Housing units (see attached photo) that, while not the most attractive, fit the neighbourhood context in terms of height and scale. The attached photos demonstrate the character of the neighbourhood, a mix of new and older housing, and a gradual upgrading of housing stock. A redesignation of the site provides, in perpetuity, an opportunity to develop the site to a density, height and scale that is out of character and inappropriate for the neighbourhood.
5. The Bowness ARP states in Residential Land Use Policy 4 "Discourage redesignation of existing low density residential uses to protect and maintain the stability and character of the community. Such redesignations are contrary to this ARP and would require full public review and an ARP amendment concurrent with the redesignation application process." We would go further and state that, given the number of land use redesignation requests over the past 3 years and into the foreseeable future, no further redesignations should be considered until the Bowness ARP, in collaboration with the City and the community, is analyzed to consider to what degree current zoning and development aligns with the MDP, and what changes should be encouraged within the context of a vision for a sustainable whole community. Factors like flooding, sanitation/sewer capacity and an aging population should be incorporated in order to meet emerging and ongoing local and City needs. A request for an ARP update has been made to Mr. Stanley's office.
6. The lots are located on a difficult site with a steep slope on the south and west sides (photo 11). There is only partial lane access to the most westerly lot and that access is located at the top of the slope with no real access to the lot below. A redesignation would permit a higher density development with no back lane access for emergency vehicles and city services, or for site access from the rear by tenants/owners. (see attached photo). Access for any and all vehicles would be a single access point from the street. When considering higher density, safety concerns alone would require site access from more than one point.



In conclusion, feedback from the BCA's planning committee and from the affected neighbours consistently supports a maximum density based on the current R-C2 district. There is almost unanimous support from neighbours for development on the lots within the current land use. A redesignation does not, in our opinion, meet the needs and emerging trends in the immediate neighbourhood and in the community of Bowness.

Thank you for your patience with our questions and calls and for your willingness to help us understand the process.

Yours truly,
Niki
Niki Smyth
Coordinator
BCA Planning and Development
7904 - 43 Ave NW
Calgary, AB T3B 4P9
Tel: 403-288-8300
Fax: 403-288-8307



Attachments:

Photo 1 - Intersection taken from Bowwood Drive looking west.



Photo 2: Street parking in vicinity of site.





Photo 3: Street parking on 64 St, looking north to Bowness Road.





Photo 5: Calgary Housing, located south and east of subject site.



Photo 6: Adjacent house on west of subject site





Photo 7: Across the street from subject site



Photo 8: Neighbourhood Residences.





Photo 9: Old and New Development in Neighbourhood



Photo 10: Duplexing in Neighbourhood





Photo 11: Photo showing slope on west and south side of lot. Truck at top is pulled onto land that is past the end of the alley.



AERIAL MAP

