

UNION SQUARE LAND USE REDESIGNATION - DEFERRAL REQUEST

EXECUTIVE SUMMARY

This report provides an update on the City-initiated land use redesignation for the Union Square development located at 208 14 AV SW within the Beltline. All outstanding issues have been resolved and the item was presented on the 2013 December 19 Calgary Planning Commission (CPC) agenda. The item will not meet Council's timeline to report back within six months (2014 January 29); however, the item will proceed to the 2014 February 11 Public Hearing with a recommendation of Approval from Calgary Planning Commission.

ADMINISTRATION RECOMMENDATION(S)

That Council approve Administration's request to defer this item to no later than 2014 April Public Hearing of Council.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2013 July 29 Combined Meeting, Council approved Alderman Mar's Notice of Motion NM2013-24 directing Administration and the developer of the Union Square mixed use project to participate in a joint land use amendment for the development. The motion reads:

1. Initiate a developer funded land use redesignation of the Union Square Phase 1 lands; and
2. To work with the owner of Strata Lot 5 (Union Square Phase 2) to process a comprehensive land use redesignation for the lands currently subject of the Bylaw (61Z2005) and return to Council for a public hearing of the proposed bylaw amendment within six months.

BACKGROUND

Bylaw 61Z2005 approved a phased, twin-tower comprehensive mixed-use project consisting of commercial retail podiums with residential units above known as Union Square. A key component of the project is the sub-grade parking for both phases beneath Haultain Park, located immediately west of the development. To facilitate this proposal, Council was required to approve the land sale (air rights strata) beneath Haultain Park. This was subsequently done for Phase 1 and left the applicant with the option to purchase the air rights under Haultain Park for Phase 2. The option was never executed and expired in 2009 December.

In 2012 the applicants came forward with a proposal to modify the parking requirements for non-residential uses and to remove the maximum dwelling unit count of 340 for residential uses for the project. The developers also acknowledged that their option to purchase the air rights under Haultain Park had expired and that they needed to come back through the proper channels to execute a new purchase agreement.

A new Direct Control District (DC) Bylaw and purchase agreement was required to facilitate the proposed changes to Phase 2. A new DC Bylaw would include the existing residential tower developed as Phase 1 and would normally require the unanimous consent of the 163 owners within the Phase 1 building as part of the land use redesignation. Recognizing the impracticality of achieving this consent, a subsequent Notice of Motion directed Administration to execute a

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city initiated land use redesignation of the Union Square Phase 1 lands, to be combined with the developer-sponsored redesignation of the Phase 2 lands.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Due to the complexity of the application and the required advertising timelines, the application was not complete until the first week of 2013 October.

Administration was required to obtain the consent of the property owner of Haultain Park (Corporate Property and Buildings) to proceed with a land use redesignation of the affected park lands. The subject site was then notice posted. All adjacent land owners were notified, including the 163 residents in the existing Union Square Phase 1 development.

Administration met with the applicant to draft a new DC bylaw that would also be accompanied by development plans. Both phases include air-rights development under portions of Haultain Park for underground parking associated with the development.

The application was submitted on 2013 October 04 along with the draft DC bylaw. A consolidated Corporate Planning Applications Group (CPAG) response to the application was provided on 2013 November 14 to which the applicant responded affirmatively. As such, all substantive issues were resolved.

On 2013 December 19, Calgary Planning Commission voted in favour with a recommendation of Approval. The Public Hearing date for this item is scheduled for 2014 February 11.

Stakeholder Engagement, Research and Communication

Administration has worked with the applicant, and CPB to resolve all outstanding issues. All notice posting requirements have been met.

Strategic Alignment

N/A

Social, Environmental, Economic (External)

N/A

Financial Capacity

Current and Future Operating Budget:

N/A

Current and Future Capital Budget:

N/A

Risk Assessment

There are no risks associated with deferring this item to the 2014 February 11 Public Hearing.

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REASON(S) FOR RECOMMENDATION(S):

Based on the requirement for a land use amendment application to go to CPC before Council, and on the chronology identified above, Administration was not able to schedule a public hearing for the proposed bylaw amendment prior to 2014 January 29. Calgary Planning Commission recommended approval of this item on 2013 December 19; the item will proceed to the 2014 February 11 Public Hearing for Council's consideration.

ATTACHMENT(S)

None