

Land Use Amendment in Highland Park (Ward 4) at 420 – 37 Avenue NW, LOC2023-0102

RECOMMENDATION:

That Calgary Planning Commission recommend that Council give three readings to the proposed bylaw for the redesignation of 0.08 hectares \pm (0.20 acres \pm) located at 420 – 37 Avenue NW (Plan 1335AH, Block 31, Lots 20 to 22) from Residential – Contextual One / Two Dwelling (R-C2) District to Direct Control (DC) District to accommodate Low Emissions Development, with guidelines (Attachment 2).

RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, 2023 JULY 20:

That Council give three readings to **Proposed Bylaw 160D2023** for the redesignation of 0.08 hectares \pm (0.20 acres \pm) located at 420 – 37 Avenue NW (Plan 1335AH, Block 31, Lots 20 to 22) from Residential – Contextual One / Two Dwelling (R-C2) District to Direct Control (DC) District to accommodate Low Emissions Development, with guidelines (Attachment 2).

Opposition to Recommendation: Councillor Chabot

HIGHLIGHTS

- The proposed land use amendment seeks to redesignate the subject site to allow for an intended high-performance development designed to consume approximately 40 percent less energy compared to conventional new homes in Calgary.
- The proposal represents an appropriate density increase for a large residential site, includes an innovative land use approach that advances climate mitigation objectives identified in the *Calgary Climate Strategy – Pathways to 2050*, allows for development that is compatible with the character of the existing neighbourhood, and is in keeping with the applicable policies of the *Municipal Development Plan (MDP)* and the *North Hill Communities Local Area Plan (LAP)*.
- What does this mean to Calgarians? The proposed Direct Control (DC) District pilots the limitation of greenhouse gas emission intensity of the development to ensure delivery of a higher standard of energy performance and carbon efficiency at the development permit stage. The proposed DC would also allow for greater housing choice within the community and more efficient use of land, existing infrastructure and nearby amenities.
- Why does it matter? Allows for greater housing choice that may better accommodate the evolving needs of different age groups, lifestyles and demographics.
- No development permit has been submitted at this time.
- There is no previous Council direction related to this proposal.

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DISCUSSION

This application, located in the northwest community of Highland Park, was submitted by Snap Building on behalf of the landowners, Jana Norris, Stephen Norris, Gary Sonnenberg and Patricia Sonnenberg, on 2023 April 19. This application has entered the recently launched City of Calgary Green Buildings Priority Stream, which is a program designed to promote and facilitate innovative and energy efficient building projects. The 0.08-hectare (0.20 acre) midblock site is located on 37 Avenue NW, west of 3 Street NW. The site is developed with a single detached dwelling and detached garage.

Approximately two thirds of all emissions in Calgary are created by buildings. It is anticipated that new energy code requirements will drive improved building energy performance over the coming years. However, the slow pace in which higher levels of energy performance tiers are being adopted by the province continues to result in several thousand of newly built homes each year that will have to be retrofitted prior to 2050 to meet net zero emissions targets.

As such and in keeping with Council's direction to promote and accommodate innovative, low carbon projects, the proposed DC District (Attachment 2), based on the Residential – Grade-Oriented Infill (R-CG) District, includes an additional permitted use of Low Emissions Development. The proposed use emulates the Land Use Bylaw defined Rowhouse Building but includes a maximum annual limit on greenhouse gas (GHG) emissions that may be created by the intended development. The proposed GHG emission limit is the first of its kind in Calgary and represents one available policy mechanism to require that new developments are constructed to emission performance standards that align with the City's net zero emission by 2050 target. The applicant understands and supports this approach. Additionally, the proposed GHG emissions limit for this particular development is set conservatively to allow for variance in the as-built emission performance of the building due to unforeseen challenges during construction.

To meet and surpass the proposed GHG emission limit, Passive House Design aspects will be integrated into the building design including but not limited to extra thick wall assemblies and raised heel trusses to accommodate additional thermal insulation. To accommodate and partially compensate for these features, the proposed use of Low Emissions Development allows a greater flexibility in unit configuration and allowable suite types (i.e. each rowhouse unit may include both a basement and backyard suite) as well as several modest adjustments to allowable building coverage and the maximum height of Backyard Suites.

As indicated in the Applicant Submission (Attachment 3), the applicant intends to submit a development permit application for a three-unit rowhouse building with suites.

A detailed planning evaluation of the application, including location maps and site context, is provided in Background and Planning Evaluation (Attachment 1).

PUBLIC ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Outreach was undertaken by the Applicant
- Public/interested parties were informed by Administration

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Applicant-Led Outreach

As part of the review of the proposed land use amendment application, the applicant was encouraged to use the [Applicant Outreach Toolkit](#) to assess which level of outreach with the public and the community association was appropriate.

The applicant contacted the Highland Park Community Association and the Ward 7 Councillor's office, providing project updates and details about the intended development. The applicant also distributed project mailers to adjacent properties and held focused discussions with three immediate neighbours. In response to feedback received, the applicant substantially revised their initial concept by lowering the number of storeys from three to two and reducing the number of units from six (plus four suites) to three (plus three suites and three backyard suites). The Applicant Outreach Summary can be found in Attachment 4.

City-Led Outreach

In keeping with Administration's practices, this application was circulated to relevant public groups, notice posted on site, and published [online](#). Notification letters were also sent to adjacent landowners.

Administration received five responses in opposition from the public noting the following areas of concern:

- aesthetic impact of a smaller front building setback;
- increased noise;
- shadowing impacts affecting neighbouring properties; and
- increased traffic and demand for street parking.

The Highland Park Community Association provided a letter of opposition on 2023 May 19 (Attachment 5) which includes the following concerns:

- abrupt increase in density;
- insufficient availability of street parking; and
- incompatibility with existing building heights and front setbacks.

Administration considered the relevant planning issues specific to the proposed redesignation and has determined the proposal to be appropriate and aligned with applicable planning policies. The project's commitment to lowering greenhouse gas emissions, expressed through the custom rules contained in the proposed DC District, advances several Council policies and actions contained in the MDP and *Calgary Climate Strategy – Pathways to 2050*, and allows Administration to gain invaluable process knowledge. Additionally, the district is intended to be located adjacent to other low-density districts and accommodates a variety of housing forms. The proposal allows for a modest density increase which is potentially sensitive to adjacent homes.

Following Calgary Planning Commission, notifications for a Public Hearing of Council for the land use amendment will be posted on-site and mailed to adjacent landowners. In addition, Commission's recommendation and the date of the Public Hearing will be advertised.

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IMPLICATIONS

Social

The proposed land use district would allow for a wider range of housing types and, as such, may better accommodate the housing needs of different age groups, lifestyles and demographics.

Environmental

The proposed DC District incorporates specific measures which will align with the *Calgary Climate Strategy – Pathways to 2050*.

The project's designed energy use and overall building performance, which builds on Passive House Design principles, will substantially outperform conventional new builds throughout the city.

This application was accepted into the recently launched City of Calgary Green Buildings Priority Stream. The Program is designed to promote and facilitate innovative and energy efficient development projects. As such, the file is being reviewed and processed as a corporate priority.

Economic

The proposed land use amendment would allow for a more efficient use of land, existing infrastructure and services and will provide more housing choice in the community.

Service and Financial Implications

No anticipated financial impact.

RISK

There are no known risks associated with this proposal.

ATTACHMENTS

1. Background and Planning Evaluation
- 2. Proposed Bylaw 160D2023**
3. Applicant Submission
4. Applicant Outreach Summary
5. Community Association Response
- 6. CPC Member Comments**
- 7. Public Submissions**

Department Circulation

General Manager (Name)	Department	Approve/Consult/Inform