

Planning & Development Report to
Calgary Planning Commission
2022 April 7

ISC: UNRESTRICTED
CPC2022-0421
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**Land Use Amendment in Crescent Heights (Ward 7) at 122 – 12 Avenue NW,
LOC2021-0092**

RECOMMENDATION:

That Calgary Planning Commission recommend that Council give three readings to the proposed bylaw for the redesignation of 0.11 hectares ± (0.27 acre ±) located at 122 – 12 Avenue NW (Plan 3946N, Block 7, Lots 25 to 28) from Multi-Residential – Contextual Low Profile (M-C1) District to Multi-Residential – Contextual Medium Profile (M-C2d155) District.

RECOMMENDATIONS OF THE CALGARY PLANNING COMMISSION, 2022 APRIL 7:

That Council give three readings to **Proposed Bylaw 80D2022** for the redesignation of 0.11 hectares ± (0.27 acre ±) located at 122 – 12 Avenue NW (Plan 3946N, Block 7, Lots 25 to 28) from Multi-Residential – Contextual Low Profile (M-C1) District to Multi-Residential – Contextual Medium Profile (M-C2d155) District.

Opposition to Recommendation:

Against: Commissioner Tiedemann

Excerpt from the Minutes of the Regular Meeting of the Calgary Planning Commission, held 2022 April 7:

“Moved by Commissioner Tiedemann

That the recommendation contained in Report CPC2022-0421 be amended by deleting the words 'M-C2d155 District', following the words 'Contextual Medium Profile', and substituting with the words 'MC-2 District'.

For: (3): Director Fromherz, Commissioner Mortezaee, and Commissioner Tiedemann

Against: (5): Councillor Dhaliwal, Councillor Wong, Commissioner Hawryluk, Commissioner Navagrah, and Commissioner Pollen

MOTION DEFEATED

Moved by Councillor Wong

That with respect to Report CPC2022-0421, the following be approved:

That Calgary Planning Commission recommend that Council give three readings to the proposed bylaw for the redesignation of 0.11 hectares ± (0.27 acre ±) located at 122 – 12 Avenue NW (Plan 3946N, Block 7, Lots 25 to 28) from Multi-Residential – Contextual Low Profile (M-C1) District to Multi-Residential – Contextual Medium Profile (M-C2d155) District.

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For: (7): Director Fromherz, Councillor Dhaliwal, Councillor Wong,
Commissioner Hawryluk, Commissioner Mortezaee, Commissioner
Navagrah, and Commissioner Pollen

Against: (1): Commissioner Tiedemann

MOTION CARRIED”

HIGHLIGHTS

- This application seeks to redesignate the subject site to bring the current apartment building into a legally conforming use, reflective of the as-built situation.
- The proposal represents an appropriate density increase (allowing for the existing development), is compatible with the character of the neighbourhood and is in keeping with applicable policy of the area, the *Municipal Development Plan* (MDP) and the *North Hill Communities Local Area Plan* (LAP).
- What does this mean to Calgarians? The proposed Multi-Residential – Contextual Medium Profile (M-C2) District would bring the existing development into conformity with Land Use Bylaw 1P2007.
- Why does this matter? The proposed land use would legalize an existing and long-established residential building and continue to offer a range of housing options for different age groups, lifestyles and demographics.
- No development permit has been submitted.
- There is no previous Council direction regarding this proposal.
- Strategic Alignment to Council’s Citizen Priorities: A city of safe and inspiring neighbourhoods.

DISCUSSION

This application is located in the northwest community of Crescent Heights, and was submitted by the landowner, Mainstreet Equity Corp, on 2021 June 16. A development permit is not anticipated as the Applicant Submission (Attachment 2) states that this application seeks to legalize the total number of residential units in the established apartment building.

This approximately 0.11 hectare parcel is located two parcels to the west of Centre Street N, mid-block on 12 Avenue NW. The site is currently occupied by an apartment building comprising 17 individual apartments. The existing land use (transitioned from Land Use Bylaw 2P80) only allows for a maximum 16 dwelling units. When purchasing the site in April 2021, the landowner discovered that there was a discrepancy between what was built and what Land Use Bylaw 1P2007 allows under the current District.

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

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STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

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

Applicant-Led Outreach

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

In response, the applicant reached out to each resident in the subject building, and provided a project flyer with their contact information and outlining the intent to legalize the existing suite. The applicant also had six people message them via social media. The Applicant Outreach Summary can be found in Attachment 3.

City-Led Outreach

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

Administration did not receive any comments from the public.

The Crescent Heights Community Association provided comments on 2021 August 08 and again on 2022 November 23 that support the proposed land use redesignation (Attachment 4). At their request, the applicant agreed to a density modifier that reflects the as-built situation and restricts any future development of the site to 17 dwelling units.

Administration considered the relevant planning issues specific to the application and has determined the proposal to be appropriate. The M-C2 District typically has higher numbers of dwelling units than the existing M-C1. For the purposes of this land use redesignation, the M-C2 District with the proposed density modifier reflects the established situation on the site and restricts future development to the same number of dwelling units as currently provided.

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

IMPLICATIONS

Social

The proposed land use district would maintain a wider range of housing types within the Crescent Heights community. The proposed change accommodates the housing needs of different age groups, lifestyles, and would legalize the existing development against the provisions of Land Use Bylaw 1P2007.

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Environmental

This application does not include any actions that specifically address the objectives of the [Climate Resilience Strategy](#) as the purpose of the application is to address the unit count conformity issue.

Economic

Retaining existing development in the form of apartments would provide an appropriate use of the land and continues the efficient use of existing infrastructure and services.

Service and Financial Implications

No anticipated financial impact.

RISK

There are no known risks associated with this proposal.

ATTACHMENT(S)

1. Background and Planning Evaluation
2. Applicant Submission
3. Applicant Outreach Summary
4. Community Association Response
- 5. Proposed Bylaw 80D2022**
- 6. CPC Member Comments**
- 7. Public Submissions**

Department Circulation

General Manager (Name)	Department	Approve/Consult/Inform