

Applicant Submission

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Proposed Land Use Change Applicant Summary (Updated March 8, 2025)

Subject Site: 1920, 1924, 1928, 1932, 1936, 1940, 1944, 1948 26 AV SW
Existing Land Use: Residential - Grade-Oriented Infill (R-CG) District
Proposed Land Use: Direct Control (DC) District based on the Residential - Grade-Oriented Infill (R-CG) District
Application References: LOC2024-0144 / DP2024-06225

APPLICATION SUMMARY

On behalf of Oldstreet Development, CivicWorks has made a Land Use Redesignation ('rezoning' / LOC) application to transition eight adjacent parcels located in the community of Bankview at 1920-1948 26 AV SW (subject site) with a site area of ± 0.464 hectares. The subject site is currently designated as the Residential - Grade-Oriented (R-CG) District and is proposed to be redesignated to a Direct Control (DC) District based on the Residential - Grade-Oriented Infill (R-CG) District. This submission serves to reinforce the intent of The City of Calgary's initiated redesignation to the R-CG District for these sites following the approval of *Calgary's Housing Strategy 2024-2030 (Housing Strategy)*, which came into effect on August 6, 2024, as well as the recently approved *West Elbow Communities Local Area Plan* which received Council approval on May 7, 2025. A DC District is proposed to address the unique constraint of a legacy Caveat (9658GC) registered in 1950 by The City of Calgary that restricts the use and development of the subject lands to single-detached and semi-detached dwellings. To demonstrate intent and ensure a high quality 'bricks-and-mortar' outcome that aligns with the proposed Land Use Redesignation, Formed Alliance Architecture Studio (FAAS) submitted a Development Permit (DP) application concurrently.

WHAT IS PROPOSED?

A two-to-three-storey, courtyard-oriented, townhome-style development is proposed. Key project details are summarized below:

Building Height: 11m (3-storey) maximum front building heights, 8.6m (2-storey) maximum rear building heights
Residential Buildings: 5 (60% maximum lot coverage)
Residential Density: 55 (minimum) - 75 (maximum) Units Per Hectare
Residential Units: 34 three-bedroom townhome-style units and 34 one-to-two-bedroom Secondary Suites
Vehicle Parking Stalls: 36, contained within carports along the laneway (min. 0.5 Motor Vehicle Parking Stall / unit or suite)
Secure Bicycle Stalls or Mobility Storage Lockers: 45
Resident Amenity Space: Minimum 6.5m-wide interior common courtyard

To provide The City of Calgary, surrounding area residents and the general public with additional information about the proposed development vision, the project team prepared a supporting Development Permit (DP) application that was submitted by the project team. The DP application will be reviewed for completeness by The City of Calgary and architectural details are available to surrounding area residents and the broader public for additional review and comment.

From the initial design process, the project team's approach has recognized that this is a location that should accommodate greater density. The submitted DP application proposes 34 townhome-style units with 34 supporting Secondary Suites. 36 motor vehicle parking stalls are proposed in carports along the laneway, a supply that exceeds Bylaw requirements. The redevelopment as envisioned is in alignment with the stock R-CG District in terms of building height, parcel coverage, density and vehicle parking.

CALGARY'S HOUSING STRATEGY REDESIGNATION TO THE R-CG DISTRICT

In September 2023, City Council approved the *Housing Strategy* to progress actions that will increase the supply of housing to meet demand and increase affordability in Calgary. A component of this included rezoning low-density residential areas, with the subject site of this application being identified for rezoning to the R-CG District. On May 14, 2024, City Council approved the *Housing Strategy*, with this subject site being rezoned to the R-CG District on August 6, 2024.

In addition to standard circulation to all affected and adjacent land owners, City Administration hosted nine in-person public information events across the city and four online events with over 1,000 people participating. A dedicated City Engage Portal with a survey was created and advertorials were provided on radio, television, print and social media, in addition to outdoor signage, a dedicated 311 call centre, and a mailbox campaign where over 1,000,000 postcards were delivered. These outreach strategies were intended to provide Calgarians with opportunities to learn about the proposed rezoning, the R-CG District and other Districts proposed, and to provide feedback on the comprehensive redesignation process.

DIRECT CONTROL (DC) DISTRICT RATIONALE STATEMENT

Many properties in Bankview are subject to a 1950 Caveat (9658GC) restricting the use of and development on all affected lots to only single-detached and semi-detached dwellings. Caveats registered against individual properties and entire subdivision plans were used as an early regulatory and land use planning tool before municipalities adopted land use bylaws and other newer planning legislation designed to inform land development. This 1950 Caveat is an example of such an early planning tool with the Caveator notably being The City of Calgary.

Previous reports by City Administration (e.g., PUD2018-0819) have acknowledged Caveat conflicts with existing policy and the contemporary planning objectives, restricting development even within approved zoning. These restrictions include, but are not limited to, restricting development to one or two-unit dwellings. In many cases these Caveats are not in alignment with the goals and objectives of The City of Calgary, the Municipal Development Plan and local area policy. While these Caveats are not binding on City Council or Administration in making land use or development permit decisions, they present a significant legal risk to landowners should a different landowner choose to enforce a Caveat through a civil legal route / stop order.

The legal precedent for Restrictive Covenant and Caveat discharge via conflict with a Direct Control (DC) District was established by *Howse v Calgary (City)*, 2022 ABQB 551. The decision was thereafter upheld in December 2023 by the Court of Appeal of Alberta (2023 ABCA 379), and leave to appeal to the Supreme Court of Canada was not sought, creating a strong, settled legal precedent on the matter. Case authority stipulates that it must be impossible to comply with both the Caveat and the Land Use Bylaw before the Caveat can be discharged. Currently the Land Use Bylaw is permissive – it allows for development of greater density than single-detached and semi-detached buildings, but does not prohibit single-detached and semi-detached buildings.

Accordingly, the proposed solution to this unique site-specific constraint is to pursue a DC District that stipulates a minimum density, which would effectively prohibit a single-detached or semi-detached development for that specific parcel. This approach was previously approved by The City of Calgary (eg. LOC2021-0019, LOC2021-0020, LOC2022-0196, LOC2023-0287). The proposed DC District would reinforce the existing, recent City Council approval and intent, and aligns with The City of Calgary's shared interest in seeing development uptake in the R-CG District "product", lock-step with City-initiated rezonings and recent municipal infrastructure investments in the community of Bankview along the 26 AV SW Collector Roadway. In addition, the proposed change is in alignment with the recently approved *West Elbow Communities Local Area Plan (LAP)*, which The City of Calgary has conducted significant community engagement for and came into effect on May 7, 2025 as the guiding local area policy. Relevant LAP policy supports a range of uses and development of up to 6-storeys on the subject site.

Summary of Requested Variances for Inclusion in the Direct Control (DC) District:

- Remove lower-density Permitted and Discretionary uses similar to "Single Family dwelling house", "Two Family dwelling house" and similar built form types intended through Caveat 9658GC; and
- Impose a minimum Density (55 units per hectare) as a regulating clause, only compatible with the Rowhouse Building.

WHAT IS 'MISSING MIDDLE' HOUSING?

'Missing Middle' housing refers to a broad range of 2 to 3 storey buildings with multiple units and a variety of unit sizes, located in walkable inner city neighborhoods with easy access to transit, amenities and daily needs. This type of housing is typically 'Missing' from many of Calgary's neighbourhoods because it has been historically restricted by strict zoning regulations and parking requirements. In terms of form, scale, density and affordability, this form of housing sits in the 'Middle' of the development spectrum – between single-detached or semi-detached homes and mid-to-high-rise apartment buildings.

Since 2015, The City of Calgary has continuously evolved the Land Use Bylaw to address the need for greater housing choice and the general lack of 'Missing Middle' housing in our city. These changes have been primarily aimed at solving the mismatch between available housing stock and shifting demographic needs, including the ever-growing market demand for more diverse ground-oriented housing in amenity-rich inner city communities.

WHY IS 'MISSING MIDDLE' HOUSING IN DEMAND?

In recent years, the emergence and market interest in 'Missing Middle' housing, both locally and nationally, has been driven by:

- Significant market demand for housing options with a front door in desirable and amenity-rich inner city communities.
- A generally low supply of both vintage and new / modern 'Missing Middle' housing options within inner city communities.
- A shift in market demand towards purpose-built-rental options over traditional home ownership, driven by both relative affordability and lifestyle flexibility.
- An increase in market demand for relatively more affordable and smaller units (i.e., less than 500ft²), without an on-site parking stall where convenient alternative mobility options are available (i.e., Uber, carshare, transit, biking, walking).
- Attractive construction funding opportunities from Canada Mortgage & Housing Corporation aimed at tackling Canada's housing shortage and encouraging the development of 'Missing Middle' housing, with associated project requirements (i.e., minimum number of units and minimum levels of affordability).
- Fundamental land development economics related to land prices, construction costs, minimum return-on-investment, and what the market can afford.

WHY HERE?

The proposed development vision is well-suited to the project site given its lot characteristics, strategic location, and the character and scale of surrounding area development:

Rear Lane Access: The project site has rear lane access for all vehicle movements, eliminating the need for driveway cuts and creating an uninterrupted and pedestrian-friendly streetscape. Sites with direct lane access minimize the impact of vehicles on adjacent streets and sidewalks and also allow for organized waste and recycling collection from the lane.

Higher Activity Street: The project site is located on 26 AV SW, a higher order roadway classified as a *Collector Roadway* that connects the surrounding area and generally sees higher levels of vehicle, cyclist and pedestrian activity. This segment of the 26 AV SW corridor is also proposed for infrastructure upgrades by The City of Calgary in the near future.

Nearby Transit Service: The project site is within easy-walking distance of primary transit network service, including Route 6, located directly in front of the site along 26 AV SW. The subject site also fronts onto the 26 AV SW on-street bikeway, which connects into other cycle lanes and cycle tracks to downtown and the river pathway network – this bikeway is additionally slated for municipal improvement in the near term. MAX Yellow BRT is also accessible along Crowchild TR SW.

Nearby Commercial/Employment Opportunities: The project site is within 200m (±3 min. walk) from a hub of local commercial at the intersection of 26 AV SW and 20 ST SW and within 700m (±8 min. walk) of the 33 AV SW Neighbourhood Main Street, including a supermarket and other employment opportunities.

Nearby Open Spaces & Community Amenities: The project site is within 100m (±1 min. walk) of the 20 ST SW Playground and 400m (±4 min. walk) from Bankview Off-leash Dog Park, as well as convenient access to a variety of local area destinations and amenities, including, Albert Park Playground, Albert Park Centennial Garden, Radisson Park School, Sir Wilfrid Laurier School, Holy Family School, and cSPACE King Edward.

Nearby Multi-Unit Development: The subject site's local area has a variety of multi-unit land use districts, including the R-CG, M-CG, M-C1, and M-C2 Districts, which enable various built forms from rowhouses to medium-profile apartment buildings.

ALIGNMENT WITH CALGARY'S GROWTH PLANS

Contemporary city-wide plans like the *Municipal Development Plan (MDP)* and *Calgary Transportation Plan (CTP)* guide Calgary's current planning policy, placing priority on building complete and resilient communities that make more sustainable and efficient use of limited resources like land, energy, infrastructure, services and municipal capital. The proposed change and development vision are consistent with the city-wide goals and policies of these plans, which encourage: the development of innovative and varied housing options in established communities; more efficient use of infrastructure; and more compact built forms in locations with direct and easy access to transit, shopping, schools and other community services.

ALIGNMENT WITH LOCAL AREA PLAN

The subject site is located within the boundary of the recently approved *West Elbow Communities Local Area Plan (LAP)*, within the 'Neighbourhood Flex' Urban Form Category and the 'Low (up to 6-storeys)' Building Scale Category. The relevant policies of the LAP support a wide variety of residential and small-scale commercial uses within buildings of up to 6-storeys. The proposed land use change and development vision are fully aligned with the relevant policies of the LAP, the development of which was supported by a multi-year and multi-channel community outreach process led by The City of Calgary.

APPLICANT-LED OUTREACH

We are committed to being good neighbours and hosting open, honest conversations within the communities we work. As part of our Applicant-led outreach process, and in addition to standard City of Calgary requirements, we provide local area organizations, surrounding area residents and the broader community with multi-channel opportunities to learn more about a proposed change and share feedback directly with the project team, all while maintaining respectful and transparent dialogue about housing choice in our city.

The Applicant-led outreach process commenced upon submission of the application and provided opportunities across a variety of platforms for neighbours to learn about the development vision and share their comments and questions.

This application is supported by a dedicated phone line and email inbox for public questions and comments, along with custom on-site signage and mailers hand-delivered to residents living within ±200m of the project site. Key application materials are also shared directly with the local area Ward Councillor's Office and Community Association, with opportunities to share feedback, find out more about the project or meet with the project team as helpful. A Digital Information Session was additionally hosted by the Applicant project team on July 29, 2024.

As our outreach process draws to a close and we approach key decision points in the application process, an *Applicant-led Outreach Summary* will be shared with community groups and The City. The *Applicant-led Outreach Summary* will highlight the outreach strategies used throughout the application process, what we heard, and how we responded.

CITY OF CALGARY NOTICE & OUTREACH REQUIREMENTS

In addition to the Applicant-led outreach process, all land use change and development applications are subject to standard City of Calgary notice and outreach requirements:

1. City of Calgary notice letters are sent to directly affected adjacent property owners, with key application information and contact details for The City of Calgary File Manager and the Applicant.
2. Application materials submitted to The City of Calgary are circulated to the local Community Association and Ward Councillor's Office for review and comment.
3. Standard City of Calgary application notice signage is posted on site with key application information and contact details for The City of Calgary File Manager and the Applicant.

CONCLUSION

The proposed land use change and development vision is in keeping with the city-wide goals and policies of the *Municipal Development Plan* and *Calgary Transportation Plan* and will introduce new and innovative housing options for Calgarians looking to live in established communities that enjoy excellent access to transit, existing infrastructure and community amenities. The proposal is also aligned with the recently approved *West Elbow Communities Local Area Plan*. The proposed application will not change the existing base R-CG District, maximum building height, or maximum density allowed on-site, and instead solely seeks to address a unique development constraint with the establishment of a minimum density for the subject site. For the reasons outlined above, we respectfully request your support for this application.

Should you have any questions, comments, or concerns, please contact us at 587.747.0317 or engage@civicworks.ca.