

Community Association Response

2025 April 28

Rosedale Development Permit Committee

development@myrosedale.info

901 11 Ave NW, Calgary, AB T2M 0C2

In opposition of this application

Area of Concern

- Land Uses
- Density (e.g. number of units)
- Amount of parking
- Lot coverage
- Building setbacks
- Privacy considerations
- Community character (heritage, building form, etc.)
- Traffic Impacts

General Comment

- Section 20 of the Land Use Bylaw 1P2007 lists the rules that the City must follow when considering whether to grant a DC Bylaw. Notably, DC Bylaws must:
 - only be used to establish a development that, due to its unique characteristics, innovative ideas, or unusual site constraints requires specific regulation unavailable in other land use districts
 - not be used in substitution of any other land use district that could be used to achieve the same result AND must not be used to regulate matters that are regulated by subdivision or development permit conditions
- The decisions of the ABQB and the ABCA in *Howse v. Calgary (City)*, 2023 ABCA 379 and *Howse v. Calgary (City)*, 2022 ABQB 551 provides some useful discussion of a community Banff Trail that is very different from Rosedale where some DC Bylaws were granted by the City and then upheld as valid by the Courts. How is the Banff Trail situation different from the Rosedale situation? Among other things
 - In the Banff Trail situation, the following supported the granting and upholding of the DC Bylaws:
 - The City's goal for 35+ years has been to encourage densification of the Banff Trail neighborhood. In 1986 the City passed the Banff Trail Area Redevelopment Plan (the ARP) (which has been amended many times since then), which repeatedly stresses the goal of increased densification and specifically and explicitly criticizes and calls for the removal of RCs in the area (RCs that limit development to 1 or 2 dwellings per lot) because these RCs are in direct conflict with the ARP's densification goals and therefore prevent those goals from being achieved.
 - The developers seeking the DC Bylaws had already been granted Development Permits (or their Development Permits were ready to approve).
 - In contrast, in the Rosedale situation, the following argues against the granting of a DC Bylaw for 1623 6A St NW:

- The City has never had a goal of densifying Rosedale until the very recent upzoning bylaw which is a general bylaw and not specific to Rosedale at all. The North Hill Communities Local Area Plan (the LAP) does not stress densification in the same way as the ARP, recognizes the unique nature of Rosedale as a bounded community of single detached dwellings, and makes no comment on the widespread presence of similar or identical RCs in Rosedale.
- The developer for 1623 6A St NW has not been granted a development permit for his 8-plex.

The Calgary Rosedale Community Association
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July 7, 2025

To: Ward 7 Councillor Terry Wong

Re: LOC 2025-0056
1623 6A Street NW (Rosedale)

Dear Members of City Council and Councillor Wong,

I am writing to express the opposition of our community to the application submitted by Horizon Land Surveys to redesignate the property at 1623 6A St NW (the Property) from R-CG to Direct Control (RC-G) under application LOC 2025-0056 (the Application).

The proposed Direct Control District would prohibit single detached dwellings and require a minimum of two dwelling units, allowing for semi-detached or duplex buildings, both of which may include two secondary suites. This Application cannot be granted because it does not comply with the mandatory provisions of *LanO Use Bylaw 1P2007*, which stipulates that Direct Control Districts must on ty be used for developments requiring specific regulation due to unique characteristics, innovative ideas, or unusual site constraints.

The Property in question is in Rosedale. Rosedale is a historical subdivision that is widely known for being one of the only inner city subdivisions in the City of Calgary where every lot has only a single detached dwelling on it. Rosedale's unique development scheme has been supported since its inception by historical restrictive covenants registered through out the subdivision. Further, the *North Hill Communities Local Area Plan (LAP)* — which is also a bylaw (*Bylaw 18P200*) — designates Rosedale as a "Single-Detached Special Study Area", emphasizing the City's recognition of and desire to preserve Rosedale's historical single detached dwelling character. The LAP also identifies

the area as a Heritage Guideline Area, which discourages land use redesignations that would allow for developments with "permitted use dwelling units". The Application therefore directly conflicts with the LAP's objectives and the heritage area guidelines, both of which seek to preserve the

architectural character of Rosedale.

The Application also fails to provide any reason why a Direct Control District is necessary and why the normal development approvals process is inappropriate for the Property. And that's because there isn't a reason. The developer of the Property has applied for a Direct Control District because of perceived convenience. He hopes that he can easily remove the restrictive covenant that is currently registered on the Property by obtaining a Direct Control District that is worded to intentionally conflict with the restrictive covenant on the Property. The developer has been attempting for the past 1.5 years to remove the restrictive covenant using the Court process – which is the proper process for attempting to remove long entrenched and highly valued private property rights granted and protected by the *Land Titles Act* – but he has come up against unyielding, expensive, and time consuming opposition from Rosedale residents who have come together to resist his Court application.

Because his Court application to remove the restrictive covenant from the Property has proved challenging, the developer has recently abandoned it and has brought this Application instead. The developer was asked by Rosedale residents at a recent community meeting why he won't just comply with the restrictive covenant on the Property – something he knew was registered on the Property when he purchased the Property several years ago – and build a single detached dwelling. His answer was he is a businessman, he is in this line of work to make money, and he would not make as much money building a single as he would building something with two or more dwelling units.

The *Municipal Government Act* did not grant City Council the power to designate a property a Direct Control District for the purpose of making developers more (easy) money, and if Council grants the Application here, that is all Council is doing.

In conclusion, the Application by Horizon Land Surveys must be refused as it does not meet the criteria for a Direct Control District. Further, the Application conflicts with the City's established policies and guidelines for the Rosedale area. I urge City Council to consider these points and uphold the integrity of our City's planning framework.

Thank you for your time and attention to this matter.

Sincerely,



Iain Campbell

President
The Calgary Rosedale Community Association