

# Community Association Response



To: **Adam Kaddoura**  
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[DP.Circ@calgary.ca](mailto:DP.Circ@calgary.ca)  
File Manager  
City of Calgary Planning Department  
Cc: PDC, Cllr. Courtney Walcott

Re: **LOC 2025-0151 (1911 – 11 Street SW)**

**August 27, 2025**

Adam,

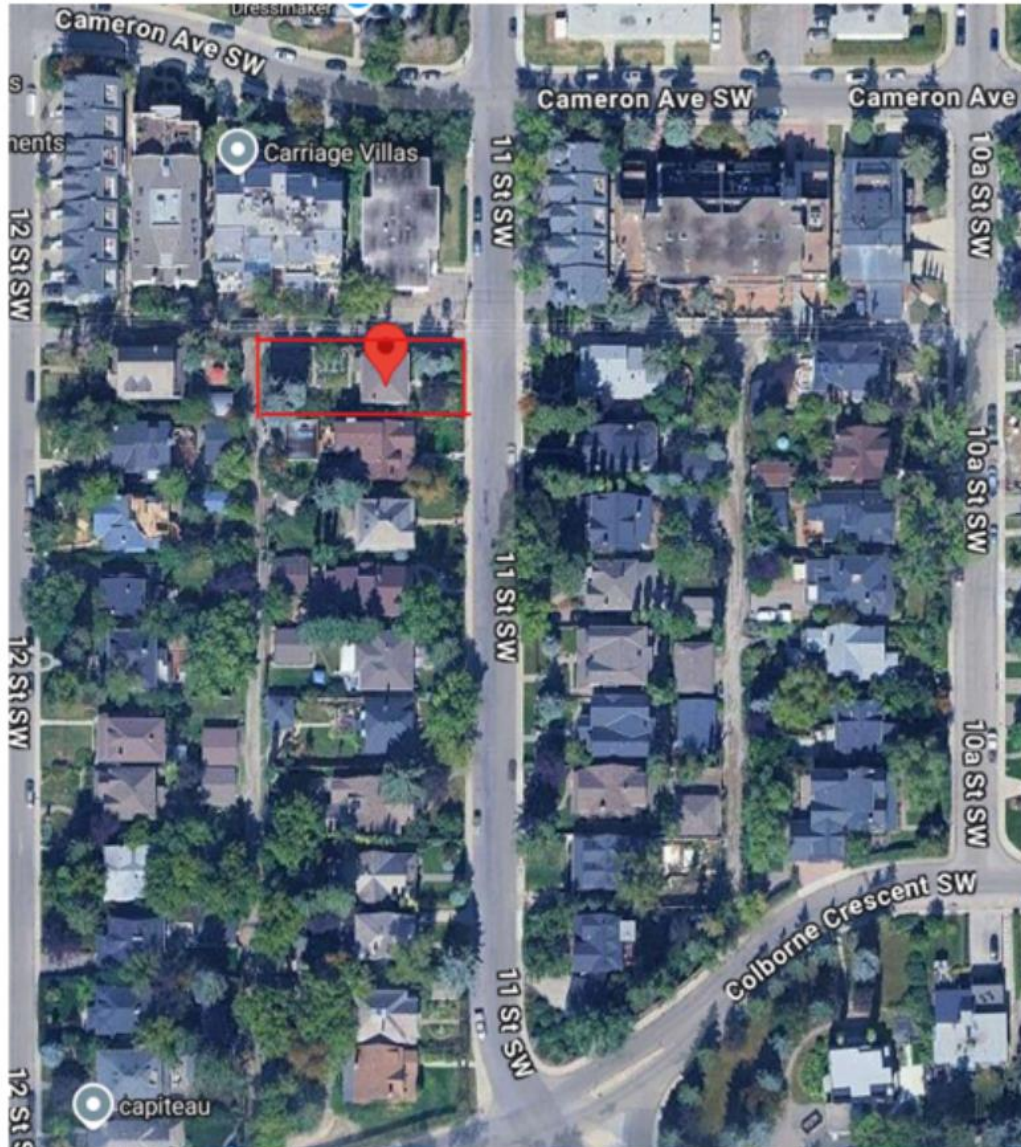
I am writing on behalf of the Mount Royal Community Association Planning and Development Committee (PDC) regarding the above-mentioned land use redesignation application. The PDC held a very well attended community meeting on Tuesday, August 11, 2025. An agent for the Owner attended the meeting but he was not clear or forthcoming on what the intent of the proposed land use change was intended to achieve. It did "slip" that they wanted to get around the current restrictive covenant registered on the property.

## **Background – Existing Land Use**

1. The existing land use designation for this property is a DC (Direct Control) District. Direct control districts were previously used by the City of Calgary to define parcels or groups of parcels that had distinct characteristics, including potential for increased density if in a transportation corridor, heritage preservation or unique lot configurations for example. With the blanket upzoning that came into effect recently, direct control districts were not affected or changed to the blanket (R-CG) land use designation and as a result, the direct control districts in Mount Royal were not affected.
2. The existing Direct Control District, Amendment No.98/123, Bylaw No.1299 was approved by council in January 1999. The purpose of the district **is to preserve the unique characteristics of a special area of the city**. It is very clear that previous councils agreed that this area of Calgary should be protected. It first adopted the Upper Mount Royal ARP designed to protect the special character of the neighbourhood. More recently, it adopted the West Elbow LAP which also included this area as a special heritage district with very clear guidelines and principles to guide any redevelopment.
3. For this site, referred to as Site 02, The DC District permitted uses include **modest single-detached dwellings, modest duplex dwellings, modest semi-detached dwellings and accessory buildings (garages)**. **Discretionary uses include duplex dwellings, semi-detached dwellings, single detached dwellings, and accessory dwelling units (within principal building)**. Note: the use of modest could now be considered as contextual as outlined in the land use bylaw.

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**Background – Existing Restrictive Covenant**

1. The existing parcel has a restrictive covenant on the property title. The Document is registered as 3286U. This is the 1907 restrictive covenant placed on the property title. The building covenant notes that only a single dwelling house shall be erected on the property and shall have a setback minimum of 25'-0" (7.62m) from the street or avenue and the rear. Image of a portion of the restrictive covenant below:

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of the First Part,

AND

**THE CANADIAN PACIFIC RAILWAY COMPANY,**

of the Second Part ;

Whereas the Part 7 of the First Part, by an Agreement bearing date the *Thirtieth first* day of *May*, A.D. 1907, purchased from the Parties of the Second Part Lots numbered *Three (3) and Six (6)* in Block numbered *Eighty three* in the C.P.R. Addition to Calgary, according to a map or plan of said addition filed in the Land Titles Office at Calgary as No. *179 R.*

And Whereas the Part 7 of the First Part, for *himself and his* legal representatives and assigns, covenanted in the said Agreement with the Parties of the Second Part, their successors and assigns as follows:-

(a) That *he* would not erect or maintain on any of said lots any building for any purpose whatsoever, save for the purpose of a private residence and out-buildings incidental thereto.

(b) That *he* would not erect or cause or suffer or permit to be erected or placed upon the said land any dwelling-house that would cost less than Two Thousand Dollars (\$2000).

(c) That *he* would not erect or cause or suffer or permit to be erected or placed upon any of the aforesaid lots more than one such dwelling-house, and further, that any house or other building that should be erected or placed on the aforesaid lots should be at a distance of at least Twenty-Five Feet (25) from the street or avenue in front and rear of the said lots, and that *he* would also insert similar covenants to the above in all Agreements for Sale made by *him* for re-sale of the said land or any part thereof.

And Whereas the purchase money due on said lots has been paid in full, and the Part 7 of the First Part *is* entitled to a Transfer of said lots from said Parties of the Second Part and has agreed to hold the said lots subject to the conditions and limitations aforesaid after the title to the said lots has been vested in him.

Now therefore, this Agreement Witnesseth that, in consideration of the delivery by the Parties of the Second Part to the Part 7 of the First Part of a transfer of said lots free from said conditions and limitations, *he* the Part 7 of the First Part, for *himself and his* heirs, executors, administrators and assigns, do hereby covenant with the Parties of the Second Part, their successors and assigns, that *he* and they will hold the said lots subject to the said conditions and limitations, and will observe and perform the said covenants after Certificate of Title for said lots has issued to *him*, as if the same were expressed in said Certificate of Title.

The rights under this Agreement shall accrue as often as any of the said conditions are broken, and under no circumstances shall any condonation, waiver or release of any breach of any of the said conditions be pleaded in bar to any action to enforce any right under this Agreement, and this condition runs with the title to the said lots, and the Part 7 of the First Part executing this Agreement agrees on behalf of *himself and his* heirs, executors, administrators and assigns, to this condition.

In Witness Whereof the Part 7 of the First Part have hereunto set *his* hand and seal on the day and year first above written.

**Proposed Land Use**

- 1 The applicant is proposing a new direct control district to replace the existing direct control district based on the (R-CG) land use that was used for blanket upzoning. The applicant noted at the August 11, 2025, meeting that they only want to build a semi-detached development. The committee found this disingenuous as the RC-G opens the potential for townhouse and row house development. There is no guarantee that the current owner will keep the property or keep their word about their proposed intentions.
2. The link to the land use bylaw section which deals with (R-CG) is noted below:

<https://www.calgary.ca/planning/land-use/online-land-use-bylaw.html?part=5&div=11>

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The R-CG land is noted as a low-density residential district and is described as a grade-oriented infill district. Along with single and semi-detached developments, the district allows for a wide variety of low-density multi-family building types including cottage housing cluster, row housing, townhouses, and backyard suites (garage suites) as discretionary uses.

The recently approved West Elbow Local Area Plan designates this part of Mount Royal as a Heritage Guideline Area.

Excerpt from West Elbow Local Area Plan:

**"2.6.2 Heritage Guideline Areas To recognize and celebrate the unique history and resulting built form that is seen in parts of the West Elbow Communities, Heritage Guideline Areas with concentrated groupings of residential heritage assets have been identified. These residential heritage assets are privately owned buildings, typically constructed prior to 1945, that significantly retain their original form, scale, massing, window/door pattern, and architectural details or materials. Concentrations of residential heritage assets that help define the Heritage Guideline Areas are identified on Map 5. These guidelines apply to block faces where more than 25% of the buildings have been identified as heritage assets. Buildings that qualify as residential heritage assets may be listed on the Inventory of Evaluated Historic Resources, but it is not a requirement."**





September 1, 2025

Re: LOC2025-0151 (1911 11<sup>th</sup> St. SW)

Dear Mr. Kaddoura;

I am writing a follow-up note to our Mount Royal Community Association Planning and Development Committee (PDC) response of August 27 to the above noted proposed land use re-designation.

We had talked on the telephone in August and you then forwarded the draft DC that was written by the applicant, Horizon Surveys. I indicated I would review it and offer up my comments as one of "planner to planner." In addition, I would like to include these comments as an addendum to our earlier PDC comments submitted by my co-chair.

There have been a recent number of similar style re-designations that have gone to Council, including three at the July Public Hearing. Horizon has been party to a number of these applications. While others may have proceeded, I wanted to examine this one with fresh eyes, especially as it needs to match Section 29 of the LUB. In my planner mind, it does not meet those criteria and as a result, I have not attempted to edit or modify the present draft DC.

The LUB states that a DC "...must only be used... due to unique characteristics, innovative ideas or unusual site constraints...unavailable in other land use districts." There has been no identification of such limiting factors, and in fact discards the existing DC that did indeed recognize the unique characteristics of the area. It appears the intent of the draft DC is to skirt a restrictive covenant, which is another legal agreement between private parties. I would suggest that such logic does not withstand planning or legal principles.

The LUB also states that a DC "...must not be used: (a) in substitution of any other land use district in this Bylaw that could be used to achieve the same result...." The draft DC mimics the RCG District and therefore does not require the special DC approach. The City and Council decided to leave the present DC districts untouched during the blanket upzoning in established areas for an especially important reason; those districts did indeed capture the special characteristics of each of the carefully crafted zones.

The recently approved West Elbow LAP also recognized this area of Mount Royal as having special characteristics associated with its heritage nature and crafted policies that aligned with the previous ARP and indeed support the character of 11<sup>th</sup> St. This draft DC is at best a crass mechanism to skirt both the restrictive covenant and the guidelines of the LAP. The applicant should request a simple land use change to RCG, which of course, the MRCA would also oppose. However, such a process at least attempts to keep the integrity of the LUB in place.

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Lastly, while the applicant indicates it would only build two single detached infills or a semi-detached house, we need to remind ourselves that we are examining a land use change and that all uses allowed in that district could be ultimately applied for, regardless of what the applicant initially "promises".

In closing, the MRCA continues to oppose this application and has held meetings with residents (and exceptionally large numbers) who also unanimously oppose the erosion and eating away of the edge of our heritage district. The MRCA requests that Administration recommends refusal of this application.

Please feel free to call me at 403-607-8486 if you want to chat further.

Yours truly

Roy Wright RPP, MCIP

Co-chair PDC

CC; PDC

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