

Calgary Planning Commission Report to
Public Hearing Meeting of Council
2018 July 23

ISC: UNRESTRICTED
CPC2018-0699
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**Land Use Amendment in Inglewood (Ward 9) at 1421 – 16 Street SE,
LOC2018-0063, Bylaw 211D2018**

EXECUTIVE SUMMARY

This land use redesignation application was submitted by the landowner, James Burke on 2018 March 20. The application proposes to change the designation of this property from Residential – Contextual One / Two Dwelling (R-C2) District to Residential – Grade-Oriented Infill (R-CG) District to allow for:

- rowhouses, in addition to building types already allowed (e.g. Single Detached Dwellings, Semi-detached Dwellings, Duplex homes, and secondary suites);
- a maximum building height of 11 metres (an increase from the current maximum of 10 metres);
- a maximum of four dwelling units (an increase from the current maximum of two dwelling units); and
- the uses listed in the proposed R-CG designation.

This proposal is in compliance with the applicable policies of the *Municipal Development Plan* and the *Inglewood Area Redevelopment Plan* (ARP).

ADMINISTRATION'S RECOMMENDATION:

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares ± (0.15 acres ±) located at 1421 – 16 Street SE (Plan 4646N, Block E, Lots 1 and 2) from Residential – Contextual One / Two Dwelling (R-C2) District **to** Residential – Grade-Oriented Infill (R-CG) District;
2. Give first reading to the proposed bylaw;
3. **WITHHOLD** second and third reading until The City of Calgary, the Province of Alberta and Calgary's Airport Authority have determined a process for making amendments to the Calgary International Airport Vicinity Protection Area Regulation; and
4. **AUTHORIZE** Administration, once an agreed upon new process in recommendation 3 is established, to make an application to the Minister of Municipal Affairs for an amendment to the Calgary International Airport Vicinity Protection Area Regulation (The Regulation), after receiving an applicable development permit and conducting all necessary public consultation in accordance with the requirements of The Regulation, to allow for residential development.

Moved by: L. Juan

Carried: 7 – 0

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RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION, DATED 2018 JUNE 14:

That Council hold a Public Hearing on Bylaw 211D2018; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.15 acres \pm) located at 1421 – 16 Street SE (Plan 4646N, Block E, Lots 1 and 2) from Residential – Contextual One / Two Dwelling (R-C2) District to Residential – Grade-Oriented Infill (R-CG) District, in accordance with Administration's recommendation; and
2. Give first reading to the proposed Bylaw 211D2018;
3. **WITHHOLD** second and third reading until The City of Calgary, the Province of Alberta and Calgary's Airport Authority have determined a process for making amendments to the Calgary International Airport Vicinity Protection Area Regulation; and
4. **AUTHORIZE** Administration, once an agreed upon new process in recommendation 3 is established, to make an application to the Minister of Municipal Affairs for an amendment to the Calgary International Airport Vicinity Protection Area Regulation (The Regulation), after receiving an applicable development permit and conducting all necessary public consultation in accordance with the requirements of The Regulation, to allow for residential development.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

BACKGROUND

This application is the second of its kind on 16 Street SE in Inglewood. The first land use amendment application from R-C2 to R-CG on the street was submitted by the same land owner in 2016, under LOC2016-0192, and approved in 2017 June. The site is located within the 30-35 Noise Exposure Forecast (NEF) Area of the Airport Vicinity Protection Area (AVPA). Within this contour, residential intensification is prohibited. Notwithstanding, in accordance with Section 3 of the AVPA Regulation, only an application for the subdivision of land or a development permit relating to land in the protection area must comply with the Regulation. An application for land use redesignation is not subject to the Regulation.

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Site Context

Located in a low density residential setting in the southeast community of Inglewood, the R-C2 designated parcel is developed with a one storey, Single Detached Dwelling and detached single car garage accessed from 14 Avenue SE. Single Detached Dwellings exist to the north, east and west on land designated as R-C2. To the south, the parcel has recently been redesignated to R-CG.

The parcel is located approximately 200 metres north of 9 Avenue SE, a Main Street destination with retail, community and recreational services. A regional pathway is located approximately 170 metres to the north which connects west to the city centre, and southeast to the Inglewood Bird Sanctuary and beyond.

As identified in *Figure 1*, Inglewood's peak population was in 2017, reaching 4,008 residents.

Figure 1: Community Peak Population

Inglewood	
Peak Population Year	2017
Peak Population	4,008
2017 Current Population	4,008
Difference in Population (Number)	0
Difference in Population (Percentage)	0%

Source: The City of Calgary 2017 Civic Census

Additional demographic and socio-economic information may be obtained online through the [Inglewood](#) community profile.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

This proposal allows for a range of building types that have the ability to be compatible with the established built form for the neighbourhood. The proposal meets the objectives of applicable policies as discussed in the Strategic Alignment section of this report.

Land Use

The existing Residential – Contextual One / Two Dwelling (R-C2) District is a residential designation in developed areas that is primarily for Single Detached Dwellings, Semi-detached Dwellings and Duplex Dwellings. Single Detached Dwellings may include a secondary suite. The R-C2 District allows for a maximum building height of 10 metres and a maximum of two dwelling units.

The proposed Residential – Grade-Oriented Infill (R-CG) District is a residential designation that is primarily for two to three storey (11 metres maximum) rowhouse development where one façade of each dwelling unit must directly face a public street. The maximum density of 75 units per hectare would allow for up to four dwelling units on the subject site.

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The R-CG District also allows for a range of other low density housing forms such as Single Detached Dwellings, Semi-detached Dwellings and Duplex dwellings. Secondary suites (one Backyard Suite or Secondary Suite per unit) are also allowable in R-CG developments. Secondary suites do not count against allowable density and do not require motor vehicle parking stalls in the R-CG District, provided they are below 45 square metres in size.

Implementation

At the time of Calgary Planning Commission, a development permit had not been submitted. As the intent of this application is to allow for a Rowhouse Building, should a development permit for a Rowhouse Building that fully meets the rules of the Land Use Bylaw be submitted, the application will be reviewed as a permitted use. If any relaxations are required, the application will be reviewed as a discretionary use.

Further to this, a development permit that proposes to increase the number of residential units from what exists on the parcel will require an amendment to the AVPA Regulations, as detailed in the Strategic Alignment section of this report.

Infrastructure

Transportation Networks

A Transportation Impact Assessment (TIA) and parking study was not required for the proposed land use amendment.

Vehicular access to the parcel is available and anticipated from the rear lane. Access will not be permitted on 16 Street SE or 14 Avenue SE. due to the low density context and pedestrian environment in the immediate area.

Bike paths exist within close proximity to the north, adjacent to Nellie Breen Park.

The area is well served by Calgary Transit via routes 1, 125, and 411 located approximately 350 metres south on 9 Avenue SE. The parcel is also located approximately 750 metres from the future 17 Avenue SE BRT station at Blackfoot Trail and 19 Street SE, and approximately 1.4 kilometres walking distance east of the future Inglewood / Ramsay LRT station along the Green Line alignment.

Utilities and Servicing

Water, sanitary, and storm sewer mains are available and can accommodate the potential redevelopment of the subject site without the need for off-site improvements at this time.

Groundwater and geotechnical studies may be required at the development permit stage as the parcel is located within the flood fringe area.

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Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, this application was circulated to relevant stakeholders and notice posted on-site. Notification letters were sent to adjacent land owners and the application was advertised online.

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

The Inglewood Community Association was circulated and provided comments objecting to the proposal, specifically regarding excessive density, traffic and parking, the potential for massing and shadowing and the degradation of community character by potentially allowing a Rowhouse Building. The Community Association's comments can be found in Attachment 2.

An objection letter signed by 15 residents (from eight separate addresses) was submitted with the following concerns:

- excessive density for a single-family area, especially across from another proposed rowhouse;
- potential for zone "creep";
- parking and traffic congestion;
- potential for shadowing;
- contravention of the AVPA regulations; and
- the potential for loss of heritage trees.

Administration received five letters of objection from residents, highlighting the following concerns:

- on-street parking and general congestion, with a potential loss of sight lines;
- density that is not in keeping with the surrounding area;
- a rowhouse would change the nature of the area in a bad way;
- people already drive too quickly through the intersection and the proposed building would make it more unsafe;
- spot zoning constitutes poor planning;
- coupled with the YWCA, this will create too much road congestion;
- a rowhouse would not make a positive contribution to the streetscape;
- a rowhouse does not fit with the MDP's policies to create more distinctive neighbourhoods, and is more suited to fringe communities;
- this is the second proposal for a rowhouse on the street, which will negatively impact the aesthetics of the street;
- the parcel could accommodate a maximum of two units with likely support from the community; and
- the parcel contains one of the finest trees in the community, which should be protected during redevelopment of the site.

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Administration received one letter of support, stating that this type of development would encourage growth within the neighbourhood.

Administration considered the relevant planning issues specific to the proposed redesignation and has determined the proposal to be appropriate. Compliance with relevant policies and bylaws for permitted uses, as well as design compatibility of discretionary uses with respect to the surrounding neighbourhood context, traffic and access will be reviewed at the development permit stage. If a development permit for a Rowhouse building that meets all the rules of the Land Use Bylaw is submitted, it will be reviewed as a permitted use.

Engagement

No public meetings were held by the applicant or Administration.

Strategic Alignment

Calgary International Airport Vicinity Protection Area Regulation (2009)

The subject site is located within the Calgary International Airport Vicinity Protection Area (AVPA). The AVPA Regulation was created to ensure that only compatible land uses are developed in close proximity to airport flight paths. The AVPA Regulation establishes prohibitive uses in certain locations, identified within Noise Exposure Forecast (NEF) areas. Due to potential impacts from aircraft flying overhead as they arrive and depart from the airport, as a result, residential intensification is prohibited in certain NEF areas.

The parcel is located within the 30-35 Noise Exposure Forecast (NEF) Area of the AVPA. Within this contour, residential intensification is prohibited, however the existing dwelling is grandfathered as it was constructed before the adoption of the AVPA Regulation. As defined by the AVPA Regulation, any increase in the number of residential units is not allowed and would be refused at the development permit stage.

In accordance with Section 3 of the AVPA Regulation, only an application for the subdivision of land or a development permit relating to land in the Protection Area must comply with the Regulation. An application for land use redesignation is not subject to the Regulation. Notwithstanding, this application was circulated to the Calgary Airport Authority for information and comment (Attachment 3).

Administration is recommending approval of the land use amendment and is requesting that Council provide authorization for Administration to apply for an amendment to the Calgary International AVPA Regulation in order consider intensification through a development permit that would otherwise contravene the provisions of the AVPA. This would involve an application by Administration to the Minister of Municipal Affairs upon receiving the relevant development permit application. Such amendment requests will not be considered by the Minister unless the Minister is satisfied that reasonable consultation with respect to the proposed amendment has taken place with any affected municipality and landowners, the Airport Operator and the general public. Only a council of a municipality may apply to the Minister for an amendment to the Regulation. However, at this time The City, The Province and Calgary's Airport Authority are

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endeavoring to create a mutually beneficial process for amendments to the AVPA. Until an amendment to the AVPA is granted, Administration cannot consider a development permit that would increase the number of residential units on the site.

South Saskatchewan Regional Plan (Statutory, 2014)

The site is located within the 'City, Town' area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan* (SSRP). While the SSRP makes no specific reference to this site, the proposal is consistent with policies on Land Use Patterns.

Municipal Development Plan (MDP) (Statutory, 2009)

The parcel is located within the Developed Residential – Inner City Area as identified on Map 1: Urban Structure Map of the *Municipal Development Plan* (MDP). Both City-Wide policies and Inner City Area policies apply. In general, these policies encourage redevelopment in inner city communities that is similar in scale and built-form to existing development, including a mix of housing such as semi-detached, townhouses, cottage housing, and rowhousing. In addition, MDP policies encourage higher residential densities in areas that are more extensively served by existing infrastructure, public facilities, and transit.

The application is in keeping with relevant MDP policies as the provision of the R-CG District allow for development that is compatible with existing low-density residential development in terms of height, built-form, and density.

Inglewood Area Redevelopment Plan (ARP) (Statutory, 1993)

In accordance with Maps 5 and 6, Generalized Land Use Maps of the *Inglewood Area Redevelopment Plan* (ARP), the site is located within the current and future residential area. The Inglewood ARP speaks to the dependency of local retail and community services on an increase in population within the community. The plan sets goals that are consistent with the MDP and support the provision of a variety of housing types that serve a range of households, age groups and income levels while encouraging housing intensification that is sensitive to the established character of the area.

One mechanism is in place to encourage appropriate placement of higher density residential uses, specifically through policy item 2.4.6, which provides conditions which should be met for land use redesignations from low density detached housing to low density/family oriented townhousing. These conditions include:

- area residents should be fully involved in the redesignation and development permit process;
- the site should be vacant, underdeveloped or developed with housing which has substantially deteriorated and the site is not completely surrounded by lower density areas;

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- traffic and other impacts are thoroughly analyzed and can be minimized; and
- new development should be compatible with existing nearby development, with particular attention being paid to the edges of new developments.

While some of these conditions will require review at development permit stage, the proposed land use redesignation is capable of meeting the majority of the above requirements, and is supplemented through alignment with the MDP.

The draft Historic East Calgary Area Redevelopment Plan will apply to this site upon adoption by Council, however has no status at this point.

Location Criteria for Multi-Residential Infill (Non-statutory, 2014)

While the proposed R-CG District is not a multi-residential land use, the Location Criteria for Multi-Residential Infill was amended to consider all R-CG redesignation proposals under these guidelines as the R-CG allows for a building form comparable to other multi-residential developments.

The guidelines are not meant to be applied in an absolute sense, but are used in conjunction with other relevant planning policy, such as the MDP or local area policy plans, to assist in determining the appropriateness of an application in the local context.

The following location criteria were consistent with the guidelines:

- on a corner parcel;
- within 400 metres of a transit stop;
- along or in close proximity to an existing or planned corridor or activity centre; and
- direct lane access.

The proposed land use satisfies a number of the locational criteria for multi-residential infill housing.

Social, Environmental, Economic (External)

The recommended land use allows for a wider range of housing types than the existing R-C2 District and as such, the proposed change may better accommodate the housing needs of different age groups, lifestyles and demographics.

An environmental site assessment was not required for this application.

Financial Capacity

Current and Future Operating Budget

There are no known impacts to the current and future operating budgets at this time.

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Current and Future Capital Budget

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

Risk Assessment

The intent of this application is to allow for the development of a Rowhouse Building. As any future development permit for the intensification of the site is subject to approval by the Province through an amendment to the AVPA, there is the possibility that the intended development will not be realized. Notwithstanding, in accordance with the uses listed under the proposed R-CG District, the existing Single Detached Dwelling on the site will be maintained as an allowable use.

The City is undertaking discussions with The Province and Calgary's Airport Authority in terms of the process for making applications for amendments to the AVPA. The recommendations in this report were drafted to recognise and align with these discussions.

There is also a risk of the first reading of the proposed bylaw expiring if an agreed upon new process is not achieved in sufficient time for second and third reading of the bylaw to occur (within 2 years).

REASONS FOR RECOMMENDATIONS:

The proposal is keeping with applicable policies including the *Municipal Development Plan* and the *Inglewood Area Redevelopment Plan*, both of which advocate for communities with a variety of housing types to meet a range of citizen needs. The proposed R-CG district is intended for parcels in proximity or directly adjacent to low density residential development. The proposal would allow for a modest increase in density on an inner city parcel and in a form that has the ability to be compatible with the character of the existing neighbourhood.

ATTACHMENTS

1. Applicant's Submission
2. Community Association Letter
3. Calgary Airport Authority comments
4. Proposed Bylaw 211D2018
5. **Public Submissions**