

Neighborhood Request Land Use Amendment 523 - 8 Street N.E. LOC2017-0400

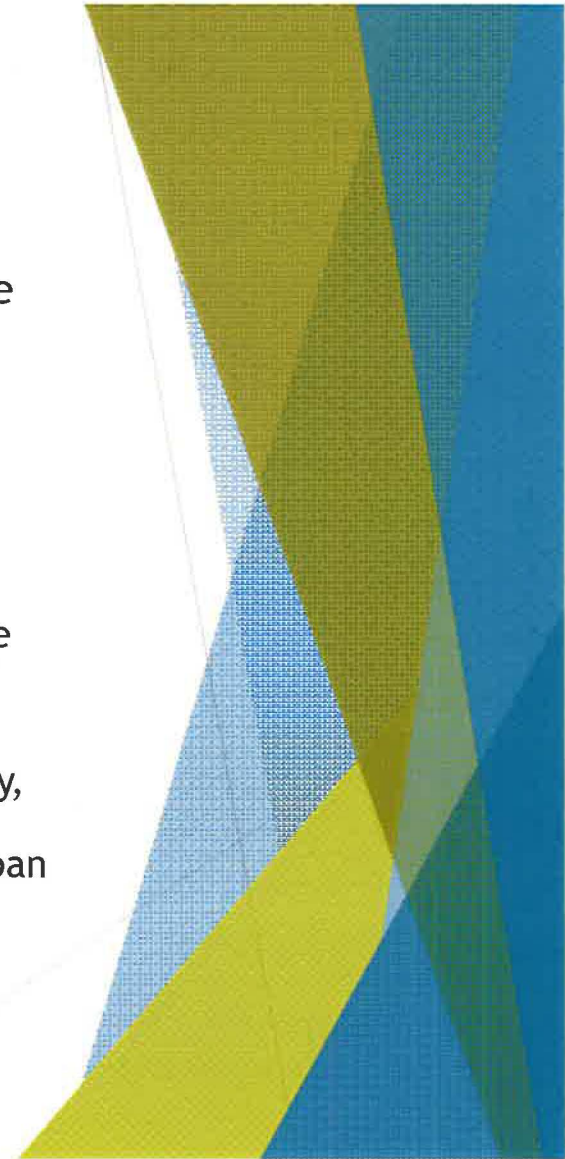
Presentation to City Council

12 November 2018

Catherine Laureshen, Ph.D., P.Eng.; Steve Seroya; Yudith Takach

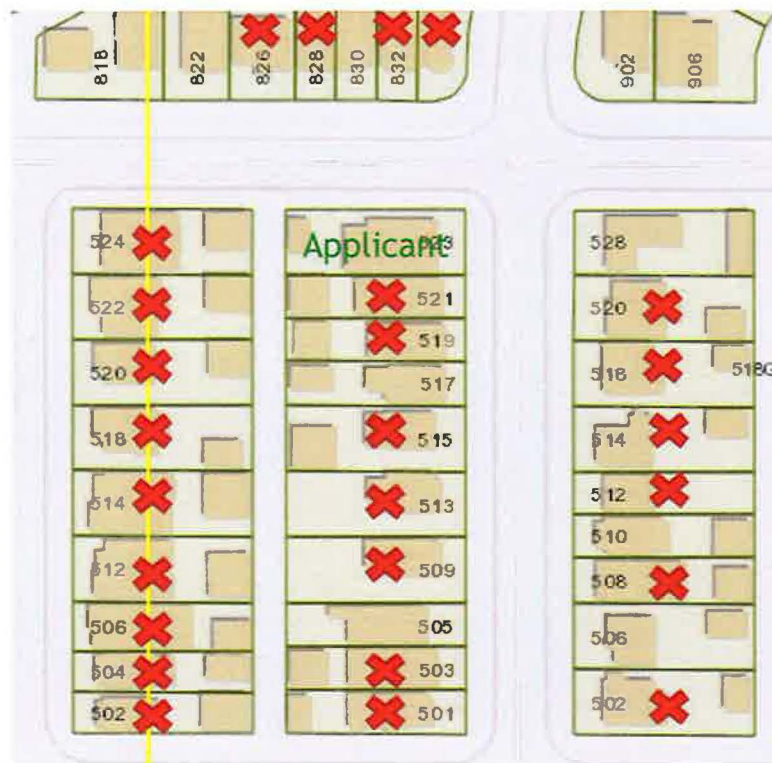
Neighborhood Request

- ▶ 27 of the immediate neighbors to 523 - 8 Avenue N.E. do not believe that a zoning change to R-CG is appropriate for this lot in this location, and are asking that it be rejected.
 - ▶ This application was made without adequate consultation with the neighbors, even though the applicant knew this was a controversial development.
 - ▶ The proposed design submitted by the applicant encroaches on the restrictive covenant on the site, does not meet the requirements of the latest Calgary Land Use Bylaw, and does not fit with the streetscape of the surrounding area.
 - ▶ There is no obvious rationale for rezoning to R-CG for this site. Recently, Council approved an exception to the Bridgeland-Riverside ARP on 10 September 2018 to accommodate a rowhouse recommended by the Urban Design Review Panel as having high quality architecture. However, this development does not come with a similar recommendation.



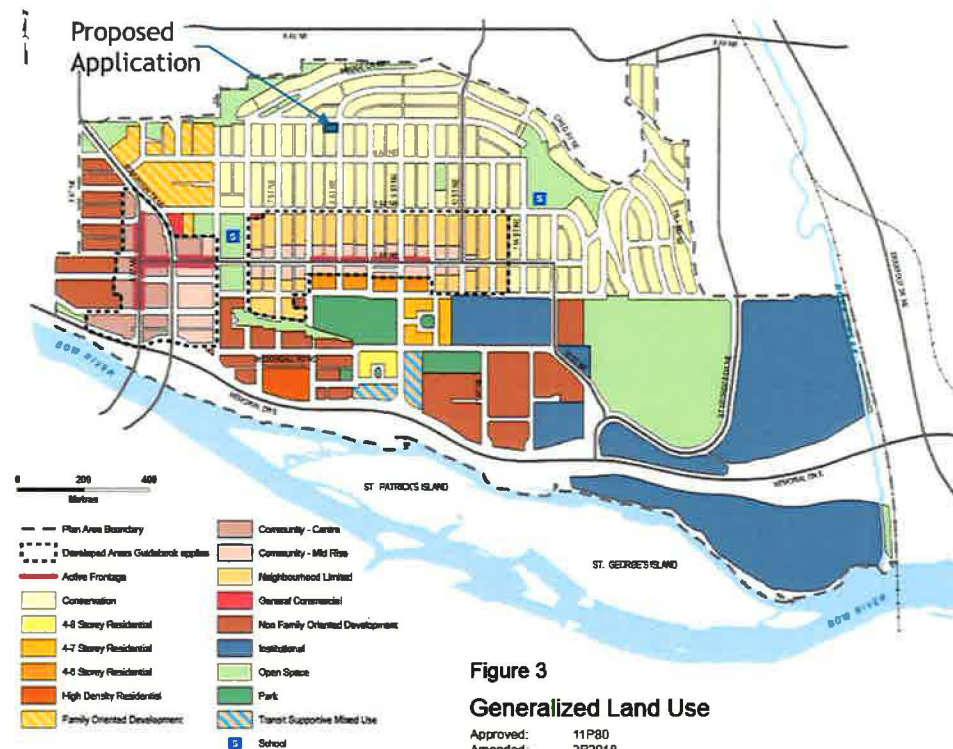
Lack of Neighborhood Support

- ▶ 27 neighbors to this lot do NOT support this application for rezoning.
- ▶ 37 houses were surveyed adjacent to the proposed rowhouse. No one was home in 10 of the surveyed residences.
- ▶ 5 houses had renters, who wanted small older homes to remain, as these give the neighborhood its character. One did not want to give an opinion.
- ▶ Most were at least willing to reconsider their opposition if a more community-sensitive design was submitted.



Bridgeland Area Redevelopment Plan

- ▶ This application lies within the “conservation” area of Bridgeland, which is currently zoned R-C2 for:
 - ▶ single family homes,
 - ▶ single family homes with secondary suites or laneway housing,
 - ▶ duplexes.
- ▶ City Planning is in the process of updating the Bridgeland ARP, and this should be presented to Council by Spring 2019 at the latest.
- ▶ The Main Streets project has already designated 14 blocks south of 2 Avenue N.E. as R-CG for denser housing options, such as rowhouses.



Bridgeland Restrictive Covenant

- ▶ There is no consistent lot size in the community, which makes it difficult to have “one size fits all” zoning plans for all of Bridgeland.
 - ▶ The land in Bridgeland was originally owned by the Canadian Pacific Railway (CPR), which sold lots to employees by frontage foot.
- ▶ All residential lots in Bridgeland have a **restrictive covenant from CPR on the title**, requiring a 20 foot setback from streets and avenues.
- ▶ To remove this covenant, all affected neighbours having the same restriction on their titles will need to be served with notice of the court application, and if any one of the neighbours objects, the application will fail. If the structure is in violation of the covenant, neighbors can get a court action to have the structure demolished.

PROVINCE OF *Alberta*

"THE LAND TITLES ACT."

TRANSFER.

THE CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called "the Company," being registered owners of an estate in fee simple in premises; subject, however, to such encumbrances, liens and interests as are notified by registration certificate for entered liens; to all other plans or parts of said lands not described as follows:

In the *City of Calgary* in the Province of *Alberta*,
and being Lots *Four (4) Six (6) Seven (7) Eight (8)*
in Block *One hundred and seventeen (17)*

a plan of subdivision of *land of that quarter of* according to
Section *Twenty four (24)*
Township *Twenty four (24)* and Range *One (1)*
of the
District, registered in the Land Titles
Office at *Calgary* as No. *44878*
do hereby, in consideration of the sum of *one hundred (100)* Dollars,
paid to them by

Arthur Wilson Esq of the City of Calgary
in the Province of *Alberta*, landowner

hereinafter called the "Transferor," the receipt of which was being acknowledged, transfer to the said
Arthur Wilson Esq
all those lands and interests in the said parcel of land.

The said Transferor for himself, his executors, administrators, heirs and assigns, hereby covenants and warrants that the Company, its executors and assigns, that it will not erect, or cause or suffer, or permit to be erected or placed on the said land any house or other building within twenty (20) feet from the Street or Avenue at front of the said land.

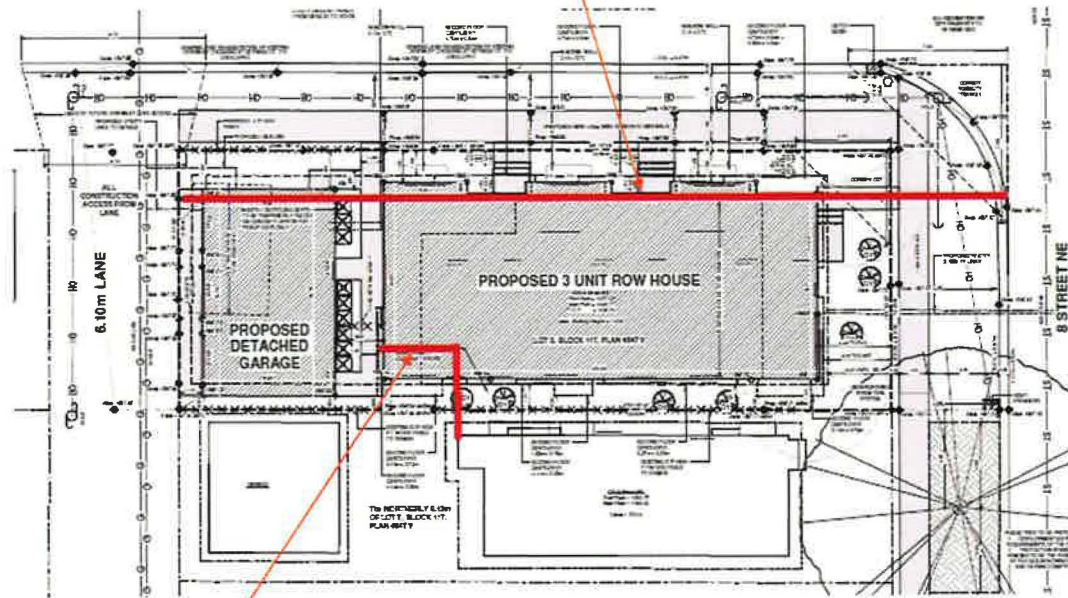
IN WITNESS WHEREOF, the said THE CANADIAN PACIFIC RAILWAY COMPANY, have caused these presents to be signed by their
President and Secretary, and attested
by the Seal of the Company, on the *27th* day of *September*
in the year of Our Lord one thousand nine hundred and
and the Twentieth, by *his* hand and seal, in witness of his acceptance of this Transfer on the terms and conditions hereunto contained and contained.

: or Canadian Pacific Railway Company.
Arthur Wilson
Witness
Witness
KIDNEY, SEALED AND DELIVERED
by the "Transferor" in the presence of
D. F. Richardson

Encroachment on Setbacks

Required setback from restrictive covenant

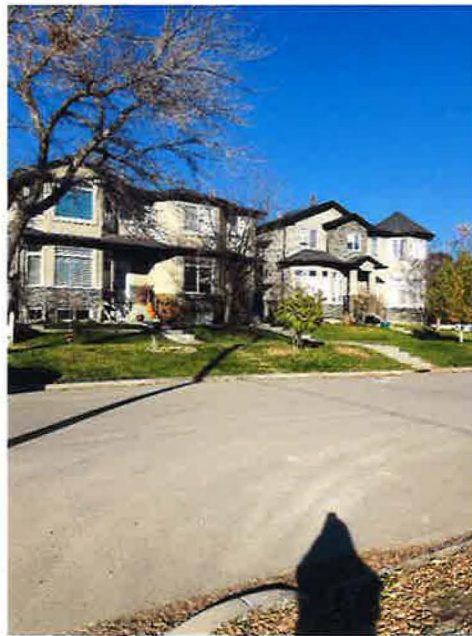
- ▶ The proposed application encroaches on both the restrictive covenant, and the setback required by 535 (2) of the Calgary Land Use Bylaw 1P2007 (62P2018).
- ▶ It does meet the restrictive covenant on the side facing 8th Street N.E.



Required setback from 535 (2) of
Calgary Land Use Bylaw 1P2007
(62P2018)

Examples of Adjacent Streetscape

- ▶ All houses on 8th Street, 5th Avenue and 7A Street N.E. adjacent to the property are bungalows or two stories.
- ▶ The designs of existing houses and infills both respect the restrictive covenant, and the prevailing architectural style of the neighborhood, which has sloped rooflines.
- ▶ The proposed rowhouse (outline of building at far right) will put the houses across 5th Avenue in shade when the sun is from the south.



Across 5th Avenue N.E.
from Rowhouse (3 pm)



Adjacent Properties to
Rowhouse on 8th Street
N.E. (12:20 pm)

Neighborhood Upgrades Requested

- ▶ The proposed rowhouse garage faces directly into a power pole that is being supported by two wires fixed into the ground, as well as a sampling station for the buried gas line in the lane.
- ▶ The gravel laneway is very narrow, so there is a good chance that a vehicle backing out of the proposed garage will hit the pole, the support wires, or the sampling station.
- ▶ The developer could mitigate the potential for major damage to the garage and neighboring properties across the lane by having the wires buried and the gas sampling station relocated.
- ▶ The developer should also be responsible for re-connecting the services to the houses affected by these changes.



Further Neighborhood Upgrades Suggested

- ▶ As can be seen in the adjacent pictures, the existing gravel laneway is narrow, and slopes down from north to south and from east to west.
- ▶ Waste bins will cover the entire width of the property on pickup days and further reduce the lane width.
- ▶ Setting the garage further back from the lane would make it easier for the City to empty bins on collection day.
- ▶ Re-grading and paving the lane at the developer's expense would also ensure that the new site elevations do not negatively impact the neighboring structures.



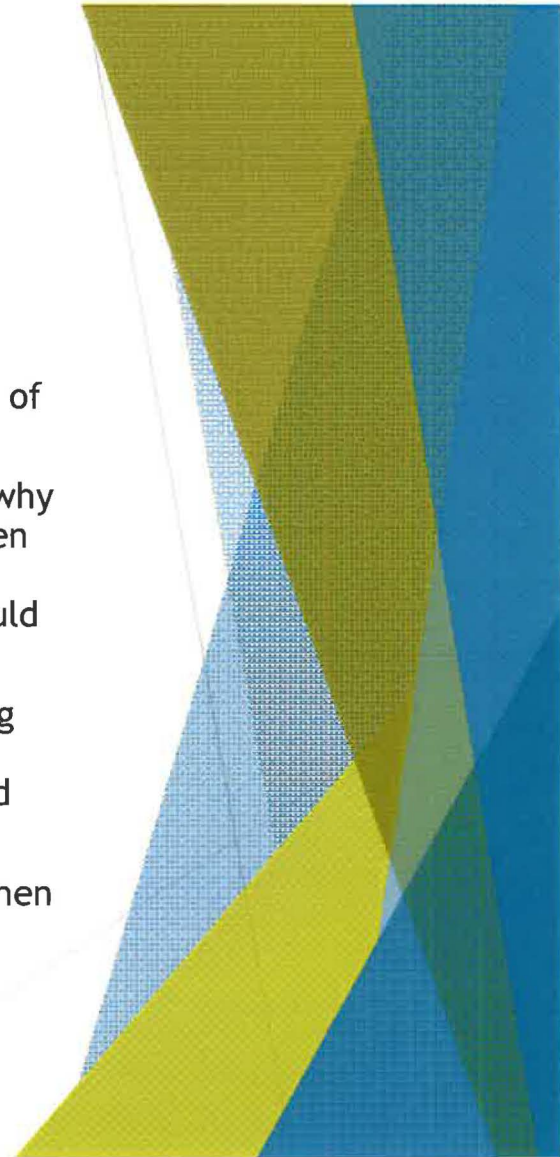
Increased Density, No Increased Amenities?

- ▶ Bridgeland-Riverside is already one of the more diversified neighborhoods in Calgary, with a mixture of commercial buildings and high density, medium density and low density residential buildings. Existing infrastructure has not been upgraded since 1912, except on a piecemeal basis (e.g. some sidewalks, curbs and repaving).
- ▶ As was shown earlier, Bridgeland-Riverside has already set aside over half of the community for high density and medium density residential. The community is growing rapidly, is currently at its peak population of all time, and the many more projects coming online will almost double the number of people in the community.
- ▶ The 1st Avenue Main Streets project has recently re-zoned 14 blocks for rowhouse-type development, despite considerable opposition from the community, at the urging of the City to increase density in the core.
- ▶ However, we have been informed that, in the coming budget, funding has been cut for the Main Streets project. In other words, we are being asked to accept a much higher density, with nothing in return to show for it.



Does the City Have a Plan?

- ▶ The update of the Bridgeland-Riverside ARP has been ongoing now for several years, and the final version should be presented to Council by Spring 2019. Updating the ARP has been a major City of Calgary budget expenditure in terms of consultation and workshops for the ARP and the Main Street Project.
- ▶ The positive recommendation from the Planning Department makes us wonder why tax dollars are being spent on updating the ARP and the Main Street Project when the results of the consultation and workshops are being ignored for spot zoning changes which will then have to be included in the ARP? Perhaps the money would be better spent on improving the amenities in our area.
- ▶ It is difficult for us, the residents of Bridgeland-Riverside, to watch money being spent on other initiatives when we cannot even get a budget allocation for the increased amenities that were promised to us by the City in return for increased density.
- ▶ We are also wondering why our input into the ARP was requested by the City, when spot zoning changes are making our input irrelevant?



Conclusion

- ▶ In conclusion, although the immediate neighbors to the proposed rowhouse are not supportive of the design as it currently stands, we are willing to work with the developer to ensure that a structure which is sensitive to the existing character of the neighborhood is constructed.
- ▶ We are asking that the current application for rezoning be rejected because:
 - ▶ The zoning change to R-CG is not a fit for this lot in this location. It seems strange that the lot is too small under current regulations to build a duplex, yet a three-unit rowhouse is proposed.
 - ▶ The applicant knew that this was a controversial development, yet made no effort to consult with neighbors to hear their input.
 - ▶ What is the justification for going outside of the ARP with this particular proposal? A recent Council approval of higher zoning in the “conservation” area was a DC with high quality architecture recommended by the Urban Design Review Panel. What are the special circumstances of this application that justify similar treatment?

