

Planning & Development Report to  
Calgary Planning Commission  
2019 February 07

ISC: UNRESTRICTED  
CPC2019-0126

**Land Use Amendment in South Calgary (Ward 8) at 2039 - 30 Avenue SW,  
LOC2018-0236**

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**EXECUTIVE SUMMARY**

This application was submitted by QuantumPlace Developments on behalf of the landowner Bernadett Maxwell on 2018 October 29. This proposed land use amendment seeks to redesignate the subject parcel from a DC Direct Control District (Bylaw 211D2017) to another DC Direct Control District to give more clarity to the previously-approved height regulations. The existing DC height rules allowed the corner height rules to be applied to both street frontages, which was counter to the intent of the DC. Both existing and proposed DC districts are to accommodate semi-detached residential development on the subject parcel, which is constrained by steep site slope and compromised/restricted lane access.

**ADMINISTRATION RECOMMENDATION:**

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

1. **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 2039 - 30 Avenue SW (Plan 4479P, Block 40, Lots 21 and 22) from DC Direct Control District to DC Direct Control District to accommodate semi-detached residential development with guidelines (Attachment 2); and
2. Give three readings to the proposed bylaw.

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**RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, 2019 FEBRUARY 07:**

That Council hold a Public Hearing, and

1. **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares  $\pm$  (0.14 acres  $\pm$ ) located at 2039 - 30 Avenue SW (Plan 4479P, Block 40, Lots 21 and 22) from DC Direct Control District to DC Direct Control District to accommodate semi-detached residential development with guidelines; and
2. Give three readings to **Proposed Bylaw 74D2019**.

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Excerpt from the Minutes of the 2019 February 07 Regular Meeting of the Calgary Planning Commission:

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“A Revised page 3 of Attachment 2 was distributed with respect to Report CPC2019-0126.

**That Attachment 2 contained in the Report be amended as follows:**

**On page 2 of 7**

- In Section 1(a), deleting the semicolon and substitute with a period at the end of the sentence.

**On page 3 of 7**

- In Sections 4 and 5, remove italics from the words “Contextual One/Two Dwelling”;
- In Section 7(2), add a colon following the words “is the lesser of”;
- In Section 9(2), delete the sentence entirely and substitute with the words “A minimum horizontal separation of 0 metre must be maintained between ***retaining walls*** on the same ***parcel***.”

**PREVIOUS COUNCIL DIRECTION / POLICY**

None.

**BACKGROUND**

Two separate development permit applications for semi-detached residential development on the subject site were approved by the Development Authority in 2014 and 2015. Both approvals were subsequently overturned by the Subdivision and Development Appeal Board (SDAB) on appeal by neighbours. SDAB concerns included protrusion of the development beyond the rear façade of adjacent property, massing, privacy, and shadowing and overall compatibility. SDAB concluded that the proposed development was incompatible with the adjacent developments and immediate neighbourhood, and out of context for the streetscape.

The applicant then sought to create a DC Direct Control District for the site that accommodated the building design while recognizing the physical constraints of the site. Council approved the current DC Direct Control District (Bylaw 211D2017) in 2017, and subsequently a development permit application was made and was again approved by the Development Authority.

This development permit was appealed to the SDAB. Administration’s decision was again overturned. SDAB cited that the development did not meet the height rules as they had been codified in the DC Direct Control District.

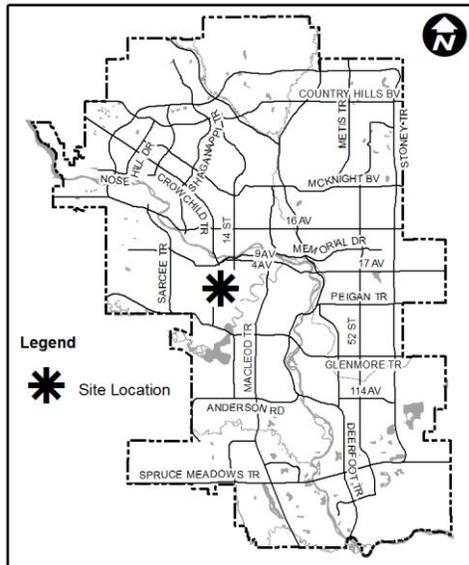
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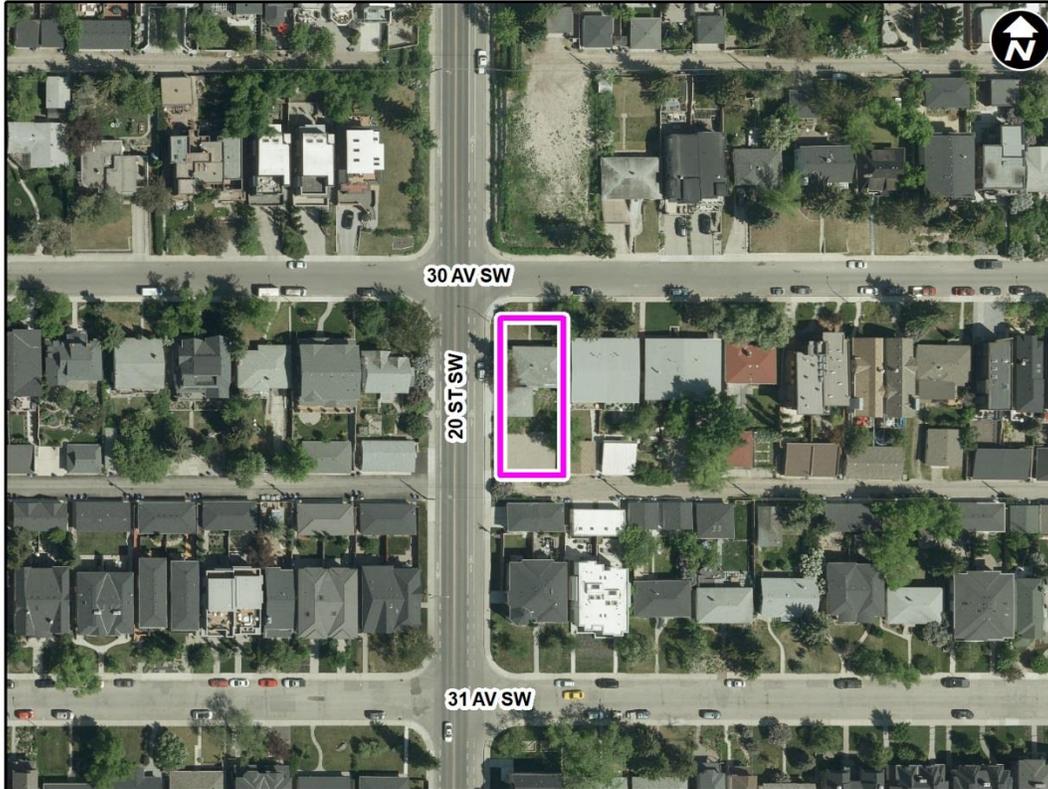
This application is therefore a housekeeping amendment to the existing DC to bring clarity to the height rules and achieve the intended development.

Location Maps



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**Site Context**

The subject site is located in the community of South Calgary. The property includes a single storey dwelling with a detached garage that has access from 20 Street SW. The subject site is surrounded to the front, side and rear by residential dwellings designated R-C2. The existing rear lane does not provide access to 20 Street SW due to a very steep slope at the end of the lane. The site has a maximum grade change of 5.0 metres along its length and 2.4 metres across its width.

**INVESTIGATION: ALTERNATIVES AND ANALYSIS**

The proposed land use district is a DC Direct Control District based on the Residential – Contextual One / Two Dwelling (R-C2) District of Land Use Bylaw 1P2007. The existing DC District accommodates semi-detached residential development on a site constrained by slope and compromised lane access.

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### Planning Considerations

The following sections highlight the scope of technical planning analysis conducted by Administration.

#### **Land Use**

The proposed land use is a small change from the existing bylaw that lends more clarity to the height regulations. No other items in the previously-approved DC are altered. As such, no increased impacts are likely.

The proposed alterations to the height regulations lay out a maximum geodetic height for the building and a maximum height plane depicted in graphic form via an attached Schedule C.

For information purposes, the height plane has been determined in the following manner:

- (a) begins at the highest **average building reference point** for the site;
- (b) extends vertically to the maximum building height at the geodetic reference point of 1129.3 metres;
- (c) extends horizontally towards the opposite end of the *parcel* to a point that is 5.5 metres closer than the point on the foundation which is furthest from the highest **average building reference point**;
- (d) extends downward at a 4:12 slope.

By contrast, the existing DC regulates height using the standard height calculation in the Land Use Bylaw 1P2007, but with the following additional clause:

#### **Building Height on a Corner Parcel**

- 10** In addition to the rules of sections 360 (2) and (3) of Bylaw 1P2007, for a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** located on a **corner parcel**, no portion of a **building** facing a street may exceed the maximum **building height** for the District when measured vertically at any point from **grade** adjacent to the **building**.

The intent of the existing rule was to allow for a building form that projected slightly out of the standard building envelope.

However, the rule's wording also allowed the corner height measurement to be taken from both street frontages. This was never the intent of the existing DC bylaw.

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The amended height rules will be definitive about the allowable height plane on all sides of the building and will therefore remove possible alternate interpretations.

### ***Development and Site Design***

The subject site is currently developed with a single detached dwelling. No development permit related to this land use amendment application has been received as of the writing of this report.

### ***Environmental***

There are no environmental concerns associated with the site or this proposal.

### ***Transportation***

Pedestrian access to the site is available from either 20 Street SW or 30 Avenue SW. Vehicular access is to come from the lane. Bus stops for Routes 7 and 107 are located on 33 Avenue SW to the south, and for Route 6 on 26 Avenue SW to the north.

### ***Utilities and Servicing***

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

Storm is not available to service the site. Individual servicing connections as well as appropriate stormwater management will be considered and reviewed at development permit stage.

## **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 landowners and the application was advertised online.

Administration received a letter from the Marda Loop Community Association that indicated no objections to the proposal. (Attachment 3)

Administration received four letters in opposition to the application. The chief concerns expressed within these letters dealt with the anticipated height and massing of the building, as well as frustration with the ongoing process that has seen multiple applications and appeals occur for the same development.

Based on an evaluation of the merits of the application, Administration has determined the proposal to be appropriate.

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

**Strategic Alignment**

***South Saskatchewan Regional Plan (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.

***Interim Growth Plan (2018)***

The recommendation aligns with the policy direction of the *Interim Growth Plan*. The proposed land use amendment and policy amendment builds on the principles of the *Interim Growth Plan* by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

***Municipal Development Plan (Statutory – 2009)***

The subject site is identified on the Urban Structure Map of the MDP (Map 1) as being within the Developed Inner City Area. Although the document makes no specific reference to the site, the proposed Land Use Amendment is in keeping with a number of overarching MDP policies that identify the Inner City as an appropriate location for modest intensification.

Notwithstanding the above, section 1.4.4 of the MDP states that Area Redevelopment Plans (in this case the South Calgary/Altadore Area Redevelopment Plan) in existence prior to approval of the MDP are recognized by the MDP as policies providing specific direction for the local context.

***South Calgary/Altadore Area Redevelopment Plan (Statutory – 1986)***

The subject parcel is located within the Conservation Infill area as identified on Map 2: Land Use Policy in the *South Calgary/Altadore Area Redevelopment Plan* (ARP). The Conservation and Infill area is intended to allow for protection and rehabilitation of existing dwellings, while encouraging infill development that is compatible in character and scale with existing dwellings. The South Calgary/Altadore ARP supports compatible infill development.

**Social, Environmental, Economic (External)**

The lot is sloped east-west and north-south. The design of the re-development needs to take into account the stability of slopes. Therefore, a slope stability report will be required to be submitted at the development permit stage.

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**Financial Capacity**

***Current and Future Operating Budget:***

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

***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**

There are no significant risks associated with this proposal.

**REASON(S) FOR RECOMMENDATION(S):**

The proposal is a housekeeping amendment that aligns with the applicable policies of the *Municipal Development Plan* and the *South Calgary/Altadore Area Structure Plan*.

**ATTACHMENT(S)**

1. Applicant's Submission
2. **Proposed Bylaw 74D2019**
3. Marda Loop Community Association comments
4. **Public Submissions**