

Planning & Development Report to  
Calgary Planning Commission  
2019 July 04

ISC: UNRESTRICTED  
CPC2019-0834

## Land Use Amendment in Upper Mount Royal (Ward 8) at 829 Royal Avenue SW, LOC2018-0257

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### EXECUTIVE SUMMARY

This land use amendment application was submitted by O2 Planning and Design on behalf of the landowner, Lynnbrooke Manor GP Ltd, on 2018 November 22. The application seeks to change the designation of this property from Multi-Residential – Contextual Medium Profile (M-C2) District to a DC Direct Control District based on the Multi-Residential – Contextual Medium Profile (M-C2) District to allow for:

- a multi-residential development with a maximum building height of 22.0 metres or 6 storeys (an increase from the current maximum of 16.0 metres);
- a maximum floor area ratio (FAR) of 2.7 (an increase from the current maximum of 2.5)
- contextually sensitive and appropriate building setbacks in close proximity to, or adjacent to, low density residential development; and
- site-specific reduced minimum parking requirements.

This application is intended to accommodate a modest increase in building height and FAR relative to the current land use designation. The proposal conforms to the *Lower Mount Royal Area Redevelopment Plan* (ARP) and is in keeping with applicable policies of the *Municipal Development Plan* (MDP).

Neighbouring landowners and the Mount Royal Community Association strongly oppose the proposal, stating that any development beyond the 12.0 metre height limit that applied to the existing 10.0 metre (three storey) high multi-residential development (under the previous land use bylaw 2P80) would have significant negative impacts relating to privacy, views, sunlight, traffic, and parking.

No development permit has been submitted at this time.

### ADMINISTRATION RECOMMENDATION:

That Calgary Planning Commission:

1. Direct this report (CPC2019-0834) to the 2019 July 29 Combined Meeting of Council to the Public Hearing portion of the Agenda;
2. Recommend that Council hold a Public Hearing; and
  - a) **ADOPT**, by bylaw, the proposed redesignation of 0.17 hectares  $\pm$  (0.41 acres  $\pm$ ) located at 829 Royal Avenue SW (Plan 8910031, Block 26, Lot 18) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate multi-residential development, with guidelines (Attachment 2); and
  - b) Give three readings to the proposed bylaw.

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**PREVIOUS COUNCIL DIRECTION / POLICY**

None.

**BACKGROUND**

This application, submitted on 2018 November 22 by O2 Planning and Design on behalf of the landowner, Lynnbroke Manor GP Ltd, seeks to redesignate the subject lands to allow for approximately 65 one and two bedroom units in a six storey multi-residential development. The site is currently home to a 10.0 metre (three storey) building with 18 apartments.

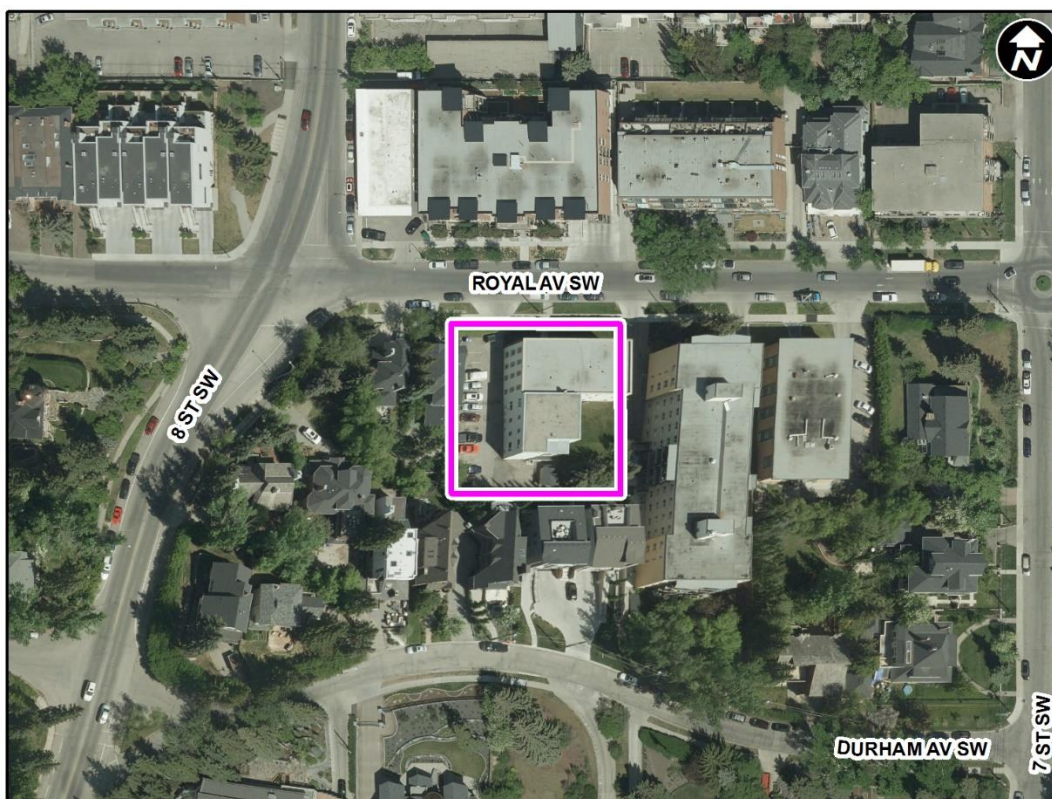
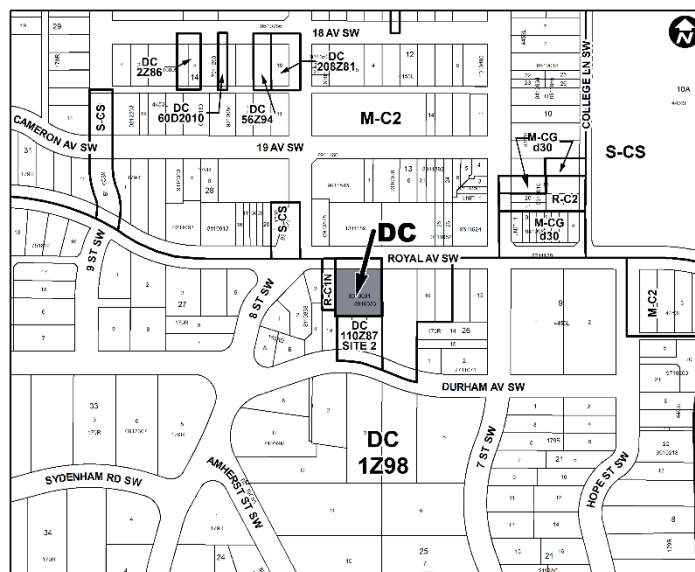
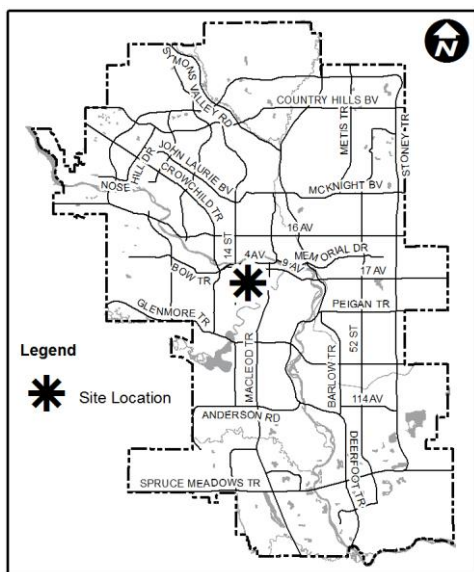
The parcel is located within 350 metres from amenities and transit on 17 Avenue SW (identified as a Main Street in the MDP) and 1.4 kilometres from the downtown core.

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Location Maps



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### Site Context

The subject site is located at 829 Royal Avenue SW in the community of Upper Mount Royal on Royal Avenue SW just east of 8 Street SW, and is approximately 40.0 metres frontage by 40.0 metres in depth, and is approximately 0.17 hectares in area. The site is currently home to a 10.0 metre (three storey) multi-residential development with 18 dwelling units.

Surrounding development is characterized by a mix of housing types that include single detached homes and apartment buildings ranging from approximately 10.0 metres to 16.0 metres (three to five storeys) in height. The site is at the foot of the rise in elevation in the Mount Royal neighbourhood and the single detached homes to the south are approximately 4.7 metres higher in elevation relative to Royal Avenue SW. The existing 10.0 metre (three storey) apartment building on the subject site.

Parcels to the north and east of the site are designated M-C2 with 10.0 to three to five storey residential apartment buildings. Parcels directly south of the site are designated DC Direct Control District (Bylaw 110Z87), which allowed for the construction of four single detached homes with shared driveways). The properties to the south are approximately 7.5 metres higher in elevation relative to Royal Avenue SW at the subject site. The adjacent parcel to the west is zoned Residential – Contextual Narrow Parcel One Dwelling (R-C1N) District and is home to a narrow single-detached dwelling.

As identified in *Figure 1*, Upper Mount Royal has seen a decline in population since its peak in 1969.

*Figure 1: Community Peak Population*

| Upper Mount Royal                  |       |
|------------------------------------|-------|
| Peak Population Year               | 1969  |
| Peak Population                    | 3,147 |
| 2018 Current Population            | 2,455 |
| Difference in Population (Number)  | -692  |
| Difference in Population (Percent) | -22%  |

Source: *The City of Calgary 2018 Civic Census*

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

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposal is for a DC Direct Control District based on the M-C2 District, with modifications to height (22.0 metres instead of 16.0 metres) and FAR (2.7 instead of 2.5), as well as larger than standard rear and side setbacks and reduced minimum parking requirements contingent on

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provision of additional bicycle parking and amenities as well as in recognition of the site's location relative to amenities, employment, and transit.

**Planning Considerations**

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

***Land Use***

The current land use district for the site is Multi-Residential – Contextual Medium Profile (M-C2) District. The district allows for a variety of multi-residential building forms of medium height (up to 16.0 metres) and intensity (up to 2.5 FAR) in close proximity to or adjacent to low density development.

The initial proposal was to redesignate the site to the Multi-Residential – High Density Low Rise (M-H1) District with a 21.0 metre height modifier instead of the 28.0 metre default height limit and an FAR modifier of 2.5 instead of the default 4.0. Through the review process, the application was amended to a proposed DC Direct Control District based on the Multi-Residential – Contextual Medium Profile (M-C2) District (Attachment 2), with a height limit of 22.0 metres and an FAR limit of 2.5 and a 7.5 metre rear setback.

The proposed DC District is intended to enable the development to have a six storey, while keeping the existing discretionary uses and limiting unwanted commercial uses that might otherwise become available through M-H1 District, were that district to be pursued in order to achieve a six storey form. The proposed DC District guidelines also provide for larger than standard setbacks adjacent to medium and low density districts with lower minimum parking standards.

The direction to make use of DC District guidelines arose through the application process as a response to a desire to retain the existing generous setbacks on the site, allow for one additional storey without including the potential for commercial uses which were not wanted by neighbours or the applicant, and to better align mandatory on-site parking requirements with the applicant's understanding of the local market and its proximity to amenities, employment, and transit.

The site is at a lower elevation than the adjacent single-detached homes to the south, which allows for a taller building to be fitted into the slope, though this will still impact upon the outdoor amenity spaces and city views of the single detached homes to the south.

In addition to being at a lower elevation, the subject site lies to the north of the single detached homes, reducing potential shadow impacts. Comprehensive shadow studies intended to inform the articulation of upper storeys (five and six) will be required through the development permit process.

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***Development and Site Design***

The rules of the proposed DC District, based on the Multi-Residential – Contextual Medium Profile (M-C2) District, provide basic guidance for the future development of the site including appropriate uses, height, building massing, landscaping and parking.

The applicant has indicated intent to apply for a development permit for a 65-unit multi-residential development with 40 motor vehicle parking stalls and 73 bicycle parking stalls, however no application has been received at the time of writing this report.

Although the subject site is approximately 7.5 metres lower in elevation (at Royal Avenue SW) than the adjacent properties to the south, development above the existing 10.0 metre height of the existing building will impact the view from the second floor and third storey (including roof decks) of the properties to the south. Given this site-specific context, additional items that will be considered through the development permit process for a future comprehensive redevelopment include, but are not limited to:

- reduction of massing on the rear (south) portion of the building by introducing upper storey step backs in alignment with the transition objectives of the ARP;
- placement and screening of glazing and outdoor amenity spaces in ways that maintain privacy and eliminate overlooking;
- street trees along Royal Avenue SW with additional landscaping along the east, west and south edges of the site; and
- providing outdoor amenity spaces that engage the public realm for units fronting onto Royal Avenue SW.

***Environmental***

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

***Transportation***

The subject site is well-located in terms of walking, cycling, and transit infrastructure and service. The site is within a 5-minute walk of the 17 Avenue SW commercial area with its mix of retail, restaurants, services, and employment; and within a 15-minute walk of 9 Avenue SW and the downtown core.

The site is within:

- 200 metres ( $\pm$  2-minute walk) from the nearest bus stop (route 13 on 8 Street SW);
- 400 metres ( $\pm$  5-minute walk) from the Primary Transit Network on 17 Avenue SW which has transit service provided by routes 2, 6 and 7; and
- 1.4 kilometres ( $\pm$  17 minute walk) from the 8 Street SW LRT station (in the free fare zone).

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All on-street parking on the blocks surrounding the site is managed through a combination of pricing, permits, and time restrictions, reducing the potential for spillover parking from development on the site.

The proposed DC District guidelines include site-specific parking requirements contingent on transportation demand management (TDM) measures including increased provision of bicycle parking, provision of a bicycle repair facility, and ineligibility for on-street parking spaces managed through the residential parking permit program. Although the visitor parking requirement remains unchanged, the proposed resident parking requirement is 0.45 stalls per unit in contrast to the standard 0.9.

No Transportation Impact Assessment (TIA) was required for this application; a TIA may be required at the development permit stage if trip generation is found to meet City thresholds. A Parking Study was received in support of the proposed DC District vehicular parking rates. Administration agrees with the Study's rationale for the proposed vehicular parking rates which include:

- the proposed development's anticipated mode splits and vehicle parking rates based on similar developments in the area;
- extensive management (pricing, permit, and time restrictions) of nearby on-street parking spaces (residents would not be eligible for the Residential Parking Permit program);
- presence of nearby publicly-available off-street structured parking;
- anticipated rental tenure and associated reduced vehicle ownership, and
- the site's close proximity to amenities, services, employment, and transit.

***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. 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 land owners and the application was advertised on-line.

The applicant engaged with the Mount Royal Community Association (MRCA) and adjacent neighbours, as described below. Approximately thirty letters of objection were received, including from the Mount Royal Community Association, who have indicated strong opposition.

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The applicant held a meeting with the MRCA on 2018 November 19 to discuss the proposal. The discussion informed an engagement strategy that included two engagement sessions, a meeting with adjacent neighbours, and a community open house.

In coordination with the MRCA, a round table meeting with directly adjacent neighbours was held on 2018 December 03. The following comments and concerns were identified:

- Increase in building height relative to the existing 10.0 metre (three storey) multi-residential development and loss of skyline views;
- Increase in density and potential for a change from 18 dwelling units to 65;
- Increase in on-street parking demand;
- Overlooking of adjacent single-detached residences and privacy impacts to the south in particular;
- Tenancy concerns, in particular a preference for owner-occupied condominium units as opposed to purpose-built rental;
- The range of permitted and discretionary uses included in the M-H1 district and a desire to avoid the introduction of commercial uses;
- Mechanisms on how to entrench guaranteed setbacks into the land use district; and
- Potential increase in shadow impacts across Royal Avenue SW to the north.

On 2019 January 29, a community open house was held by the applicant with over 40 residents in attendance. Activities included information panels, an interactive Share Your Thoughts panel and additional comment forms. A summary of the What We Heard responses are listed below:

- Concern about loss of downtown city views, privacy, overlooking, and shadows.
- Belief that the height is unprecedented for the community.
- Concerned about the potential commercial discretionary uses within the M-H1 district.
- Desire for assurance on development setbacks.
- Belief that the density is too high for the area.
- Belief that the building would negatively impact the unique heritage character of the community.
- Perceived potential loss in property value due to increased height and additional rental units.
- Concerns about construction including excavation of the site and its impact to adjacent properties.
- Concern that additional development would add parking demand.
- Desire to see more owner-occupied housing rather than rental tenure.

It should also be noted that the Mount Royal Community Association and some neighbours have taken issue with the current M-C2 land use designation which allows for a building height of 16.0 metres (five storeys). Prior to the adoption of the current land use bylaw 1P2007, the site was designated Residential Medium Density (RM-5), which had a maximum height of 12.0 metres (four storeys). When the current land use bylaw was adopted, the RM-5 district was transitioned citywide to M-C2, which resulted in an increase in allowable building height. In these stakeholders' view, the height limit should have been maintained at 12.0 metres.



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In response to the comments brought forward at the MRCA meeting and adjacent neighbours meeting, the applicant prepared an alternative option proposing a DC Direct Control District with a base district of M-C2. These changes to the application preclude commercial uses that would have been allowed through the initial M-H1 proposal, require greater than standard side and rear setbacks that push future development away from adjacent buildings and towards the street.

These changes were presented to the community along with the original proposal during the community open house session. Further information regarding the engagement can be found in the applicant provided What We Heard Summary (Attachment 4). The applicant has since also introduced a site-specific approach to minimum parking requirements supported by a parking study that takes factors including location (proximity to amenities, employment, and transit), anticipated rental tenure and associated lower vehicle ownership, provision of increased bicycle parking and repair facilities, and the presence of extensive management of on-street parking that can reduce spillover from this building (residents will not be eligible for the Residential Parking Permit program).

Administration considered the relevant planning issues specific to the proposed redesignation and has determined the proposal to be appropriate. The design compatibility of discretionary uses with respect to the surrounding neighbourhood and parking requirements will be reviewed at the development permit stage. The primary concerns related to the appropriateness of any increase in height (privacy and view impacts) and density (character/exclusivity/tenure and traffic and parking impacts) relative to the existing 10.0 metre (three storey) multi-residential development with 18 apartments.

In Administration's view, the key question on this application is an evaluation of the manageability and appropriateness of impacts of an increase from the current M-C2 designation which allows 16.0m in height and 2.5 FAR to the proposed DC district allowing 22.0 metres and 2.7 FAR. The impacts most frequently identified through the engagement process have been managed in part through the proposed DC guidelines and will require further review through the development permit process with particular attention to upper storey setbacks and the design and placement of glazing and amenity spaces.

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 and the date of the Public Hearing will be advertised.

**Strategic Alignment**

***South Saskatchewan Regional Plan (2014)***

The recommendation by Administration in this report has considered and is aligned with the policy direction of the *South Saskatchewan Regional Plan* which directs population growth in the region to Cities and Towns, which promotes the efficient use of land.

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

The recommendation aligns with the policy direction of the *Interim Growth Plan*. The proposed land use 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 parcel is located within the Residential Developed Inner City area as identified on Map 1: Urban Structure in the *Municipal Development Plan* (MDP). The applicable MDP policies encourage redevelopment and modest intensification of inner-city communities to make more efficient use of existing infrastructure, public amenities and transit. Such redevelopment is intended to occur in a form and nature that respects the scale and character of the neighbourhood context.

The proposed land use redesignation enables multi-residential development that will allow more Calgarians the freedom to choose a home within walking distance of southern Alberta's largest concentration of jobs, two of the City's premier main streets (17 Avenue SW and 4 Street SW), as well as extensive amenities, services and infrastructure.

***Lower Mount Royal Area Redevelopment Plan (Statutory – 1983)***

The subject site is located within the Low Rise, Medium Density Residential area in the *Lower Mount Royal ARP*. The ARP encourages redevelopment to be of high quality, complementing the scale and character of the area. The proposed redesignation respects the community's role as a transition area between the high density Beltline neighbourhood and the low density neighbourhood of Upper Mount Royal, and aligns with the *Lower Mount Royal ARP*.

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

The recommended land use district will continue to allow for a variety of residential uses to function on the site. The proposed DC District will provide for contextual setbacks that are better suited to the context of the site. Additionally, the district will allow for a modest increase in density to better utilize the amenities and businesses in the area.

**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 land use amendment does not trigger capital infrastructure investments and therefore there are no growth management concerns at this time.

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**Risk Assessment**

There are no significant risks associated with this proposal.

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

The proposal is in keeping with applicable policies of the *Municipal Development Plan* and the *Lower Mount Royal Area Redevelopment Plan*. The proposed DC Direct Control District was designed to be implemented in proximity to or directly adjacent to low and medium density residential development. The proposal represents a modest density and FAR increase of an inner city parcel of land with larger setbacks to buffer against low density residential development.

**ATTACHMENT(S)**

1. Applicant's Submission
2. Proposed DC Direct Control Guidelines
3. Comments from the Mount Royal Community Association
4. What We Heard Report