

Lakeview Community Association  
Development and Restrictive  
Covenant Information Session  
January 21, 2025



# Agenda

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- Lakeview History and Background
- R-CG Re-Zoning
- Densification Pros & Cons
- Draft LCA Development Policy
- Restrictive Covenants – Curtis Marble
- Open Q&A Session
- Next Steps





# Lakeview Through The Years

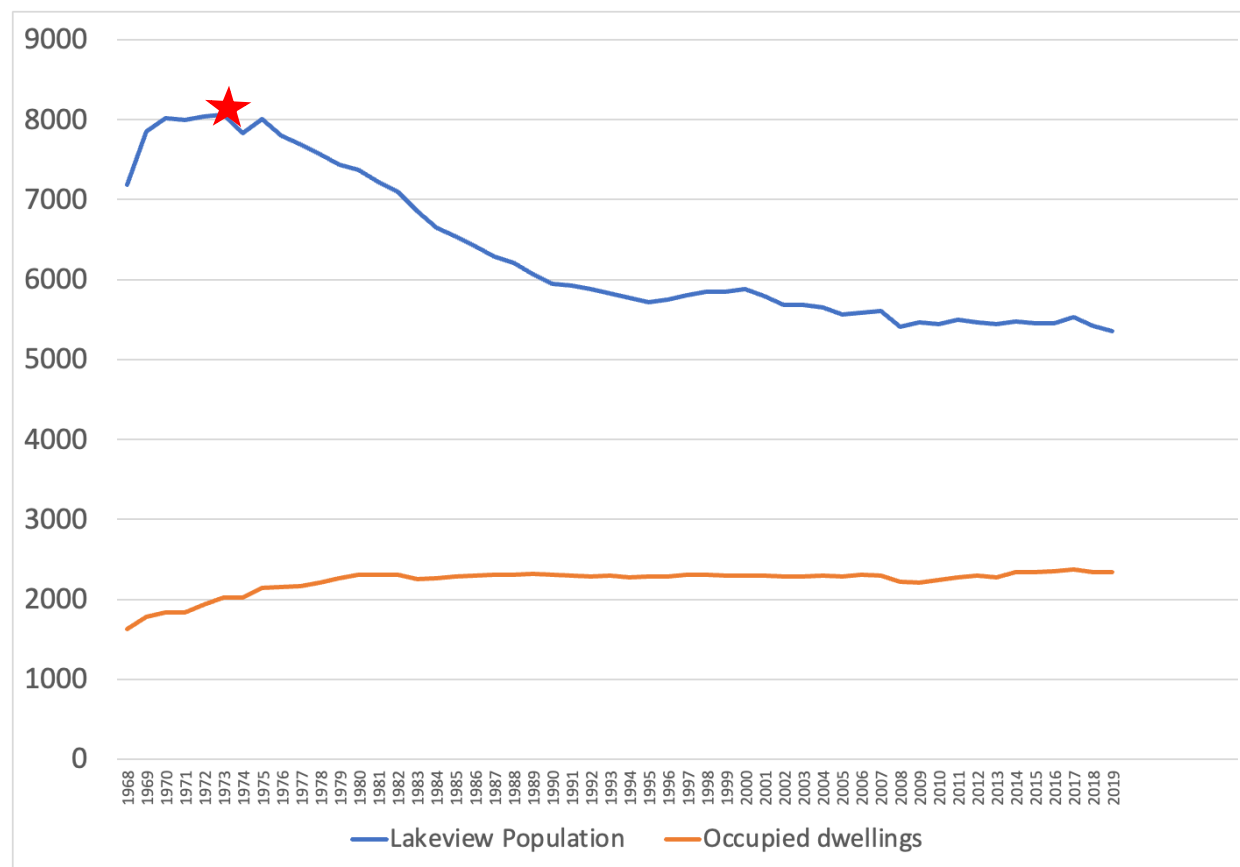
# A brief history - Population

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- Lakeview was founded in 1962 after the land was annexed by the City.
- By 1968 the population was 7,181 and peaked in 1973 with 8062 residents.
- The population has dropped steadily since to 5,640 in 2021 (70% of peak).



# A brief history - Population



- Average persons per dwelling went from 4.42 in 1968 to 2.5 in 2021
- More people aging in place; smaller families
- Neighborhood is starting to turnover
- Number of dwellings has remained stable over the last 40 years



# A brief history - Schools

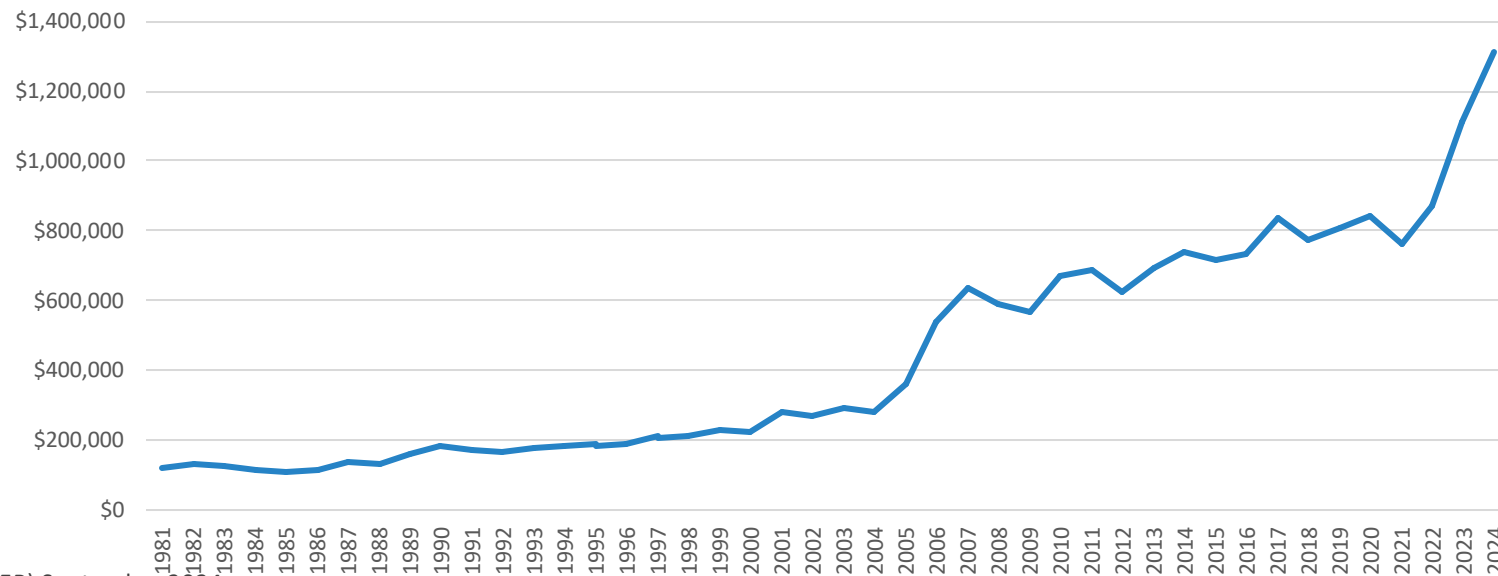
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- Lakeview used to have 4 operating schools.
  - Clem Gardner Elementary, Jennie Elliott Elementary, St. Leo Elementary, and Bishop Pinkham Junior High.
- Today, St. Leo is closed, Clem Gardner has transitioned to Connect Charter, and our operating public schools are well below capacity
  - 2024/2025 School Year
    - Jennie Elliott – 579 enrollment vs 685 capacity (85% full)
    - Bishop Pinkham – 613 enrollment vs 769 capacity (80% full) (>70% in French Program)

# A brief history – Home Prices

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- Lakeview's single family home prices have steadily increased over the years



Source - (CREB) September 2024





# Re-Zoning

Residential – Contextual Grade Oriented; R-CG





- The revised zoning within the land use bylaw came into effect on August 6, 2024. 9 councilors voted for the motion, while 6 voted against it. Kourtney Penner voted in favor of the bylaw.
- In this change most properties in Lakeview were changed to R-CG allowing for the construction of more than just single-detached with laneway or secondary suites.
- Rowhouses, townhouses, semi-detached, and fourplexes are now permitted along with single-detached homes

# Re-Zoning R-CG

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In addition to allowing the primary dwellings listed, secondary suites and laneway suites continue to be allowed.

- Maximum Height = 11m
- Minimum façade width = 4.2m
- Parking = 0.5 stalls/unit
- A typical 50 ft wide lot can have a maximum of 4 units with the potential for each unit to have a secondary suite based on a maximum density of 75 units/hectare (107,639 sqf)
- R-CG can be located on corner lots and mid-block lots

# Densification

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"As we confront today's resource crisis and climate criticism, the future of our cities depends on improving livability while occupying fewer square meters."

- Dan Stubbergaard, architect (April 2024 Architecture Digest)





# Pros

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- Reduced red tape
- Increases supply and can stabilize rate of price increases
- Replace older homes at the end of their life cycle
- Get new neighbors
- Amenities and Services Investments
- Keep remaining Schools viable
- Multigenerational Homes / Community
- Mortgage Helpers / Passive Income

# Cons

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- Change is difficult
- Increased Traffic & Parking issues
- Waste/Recycling bins & extra sewage
- Privacy & loss of natural light
- Character changes to neighborhood
- Scale of homes is too large

# Legal Challenge against rezoning bylaw

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- Robert Lehodey, a retired Calgary lawyer, had launched a court challenge against the City in June 2024 in a bid to overturn the blanket rezoning bylaw
- On January 8, 2025, Justice Lema, a judge on the Court of Queen's Bench of Alberta, provided a written decision and rejected the court challenge stating that the "Municipal Government Act (MGA) empowers the city to enact the change, and it did so in a procedurally fair manner, while providing sufficient notice to the public."
- The Judge pointed out that these issues need to be resolved at the ballot box. Next municipal election is October 20, 2025.





# Lakeview Development Applications

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- Since the new bylaw came into effect there has/have been:
  - (1) application for a 4 townhouse/4 suite development on 66th Avenue – application still pending
  - (2) subdivisions:
    - Ladbrooke Drive SW - approved
    - Lindstrom Drive SW - approved
- Majority of applications are for R1 to larger R1 build, renovations/additions, some backyard suites
- LCA piloting new email distribution system to notify residents of developments

# What recourse do you have against these developments?

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- Very little with the new bylaws in place and without a restrictive covenant
- Make your concerns known to the development authority by submitting comments on DMAP and notifying the LCA
- Likely that some iteration of the proposed development will be approved
- Best case scenario development authority will order some revisions to mitigate negative effects



# Lakeview Community Association Draft Development Policy



# LCA Draft Development Policy

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Through 2024 the LCA has watched the developments at City Hall carefully and has prepared a Development Policy Document to assist in the LCA's interaction with landowners choosing to develop their properties.

- The LCA understands and accepts the need to increase housing stock
- We expect that development is undertaken in a responsible and respectful manner considering both neighbouring properties and the contextual realities of the Lakeview

# LCA Draft Development Policy

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## Development Philosophy

- *Planning* – Consider how development will impact neighbours and begin discussions with neighbours before proceeding with design
- *Community Engagement* – Consult the LCA and neighbours before starting DP Process
- *Privacy* – Lakeview residents have a 'reasonable expectation to privacy'
- *Obstruction of natural light* – Respect neighbours' access to light and design with shading of neighbours in mind

# LCA Draft Development Policy – Lakeview Ladder

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While R-CG allows for up to 4 units + 4 suites it is too drastic a change to undertake in a single step.

*1 to 2 and 2 to 4* – let the process be gradual where single family homes are replaced by two dwelling developments in the first generation of re-development.

Existing or future 2 dwelling properties would be eligible for 4 dwelling as allowed by the bylaw.



# LCA Draft Development Policy

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- Policy would not be enforceable, but could provide administrative bodies with evidence as to the nature and character of the community
- Membership in the LCA is optional. The LCA represents only ~27% of the homes in Lakeview (639 members out of 2342 dwellings).



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# Restrictive Covenant Information Session

Curtis Marble, FCI Arb | Partner  
Carbert Waite LLP



# Overview

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- What is a restrictive covenant?
- How does it differ from a zoning law?
- How restrictive covenants work including:
  - Registration against the properties
  - What is restricted by the covenant?
  - How restrictive covenants are enforced?
  - Pros/cons of using a restrictive covenant

Open Q&A

Thank you for attending



# Q&As

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- Are there any existing RCs currently in Lakeview?
- Do you have to be a direct neighbor to the property with the restrictive covenant?
- What has been the uptake of RCs city wide since the blanket rezoning bylaw came into effect?
- Is it true the City of Calgary does not enforce restrictive covenants?
- What is the difference between a RC and a caveat? (Scarboro has the George Anderson caveat)

# Next steps

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- You need to decide what is best for you and your neighbors since every situation/property is different.
- The LCA will continue to provide updates and important information through our email distribution system regarding development
- Please continue to submit your comments to the City on proposed developments and to the LCA
- The LCA cannot practically administer Restricted Covenants in Lakeview; however, we can support a volunteer group by circulating information to members
- Please provide feedback on this information session and the proposed Lakeview Ladder policy
- Vote in the next election if you want a change in policy