

October 10, 2019

Victor Shiu
216 15 Street NW, Calgary

To: Members of the Calgary Planning Commission (CPC)
Re: Ocgrow Kensington – Land Use Amendment Number: LOC2019-0058 (Application)

Dear Members of the CPC,

On behalf of my family of four including myself, my wife Liz, and my parents Isabella & Joseph, I am writing to express that we are not in favour of the Application as-is in front of the CPC.

We are affected residents living adjacent to the subject property, as our family home is on 15th Street NW directly behind the lane of the proposed development. We have been involved with the *Hillhurst Sunnyside Community Association (HSCA)* on this Application since it was first brought to residents' attention in March 2019. Throughout the "engagement" process, we have repeatedly provided comments/suggestions and corresponding rationale to the Applicant. However, I feel that our concerns of density, shadowing, lane congestion, traffic impact, amongst others have been largely dismissed (albeit indirectly/passively) by the Applicant. To-date, the Applicant has never reached out to us to directly discuss our comments and concerns.

From our perspective, this Application provides the means for the Applicant to increase the land value of the subject property by roughly 79% (2.8 FAR to 5 FAR). Assuming a nominal value of \$25 psf gross buildable, the Applicant is poised to gain ~\$1.23 million on land value with the approval of this Application. In return as compensation for the negative impacts on the community and adjacent low-density residential, the Applicant has offered nothing more than stepping of the building at the top, partial paving of the lane (northern portion to 2nd Avenue NW), and a cash contribution of \$83,420 (assuming the Applicant receives 5 FAR) to the community amenity fund.

In order to ensure our concerns are heard, I initially attempted to setup a meeting with Ward 7 Councillor Druh Farrell in June 2019. It was my hope that in addition to written comments, my family could verbally communicate and better convey the day-to-day concerns we have from an adjacent resident perspective. I was advised that due to resource capacity her office is unable to meet with individual residents on land use matters. Her office has offered the option to meeting with individuals from the community association planning committee. Since August 2019, myself and other residents involved in the HSCA, have asked for the *Hillhurst Sunnyside Planning Committee (HSPC)* to request a meeting with the Ward office to have a discussion on this file.

Unfortunately, as of the date of this letter the HSPC has remained non-committal and advised they are in discussion about the request for a meeting. As a result, my family and I have not yet been provided with the opportunity to meet with Councillor Farrell and discuss our concerns. For clarity, we are not in objection to all development on the subject property. We are specifically not in favour of the development as proposed in this Application. I would like to further note that City Administration has documented that of the 17 letters received from surrounding residents, 15 of them were letters of opposition.

We would truly appreciate it if the CPC could please take into consideration our concerns and impose at a minimum the following requirements/conditions on the Application.

1. Reduce the proposed maximum FAR and building height to respect the existing ARP maximum of 4 FAR and 20 metres.

Rationale:

The proposed DC land use is for a 5 FAR (79% higher than Base FAR, 25% higher than ARP max), with an effective building height including indoor common amenity space of 30 metres (88% higher than Base Height, 50% higher than ARP max). The 30 metre height is a surprise to us as the Applicant has consistently presented their ask to be for a maximum height of 26 metres. We only discovered this upon reviewing the materials prepared for the CPC provided by City Administration.

The Applicant claims that they must achieve the proposed FAR and building height for their project to be financially feasible. Regardless of whether that claim is true, the Applicant as a private enterprise chose to pursue the subject property while fully aware of its existing land use and potential maximum per the in-place ARP.

Density	FAR	Source
Base FAR	2.8 FAR	C-COR2f2.8h16
Max FAR (Area B)	4.0 FAR	ARP (page-65)
Proposed DC Land Use	5.0 FAR	LOC2019-0058

Building Height	Metres	Source
Base Height	16.0 m	C-COR2f2.8h16
Tallest Existing Bldg (same block)	17.0 m	Applicant Package (page-10)
Max Height (Area C)	20.0 m	ARP (page-67)
Proposed DC Land Use (Base)	26.0 m	LOC2019-0058
Proposed DC Land Use (incl. common amenity space - indoors)	30.0 m	LOC2019-0058

In 2017, my wife and I relied on the ARP as one of the factors in making our decision to purchase and live where we do. Then in 2018, my aging parents also made the decision to downsize and move in with us at our family home. Just as the Applicant chose to make an investment, my family and I made an investment on our property. We made the decision while considering that any redevelopment which might occur would be in accordance with the current land use, or at most up-zoned to within the ARP limits. It is unfair for us (and other adjacent residents along 15th Street NW) to have our quality of life unduly impacted negatively, just because the Applicant (a private business) potentially paid too much for the subject property at their own discretion. All property owners (whether individual homeowners or business enterprises) should be required to adhere to the same rules and treat each other fairly.

The Applicant claims that the mid-block position of the subject property is equivalent in context to higher profile parcels at the intersections of 14th Street NW & Kensington Road NW. This is factually false even if the Applicant dismisses the community's position as merely "semantic" in their DTR response. Although unconfirmed, it has come up in discussions that the Applicant has additional ownership interests in other parcels along the 14th Street NW corridor. If this Application is approved, it is clear that the Applicant (and other property owners along the corridor) would rely on this as a precedent for increased density/building height for the whole block along 14th Street NW.

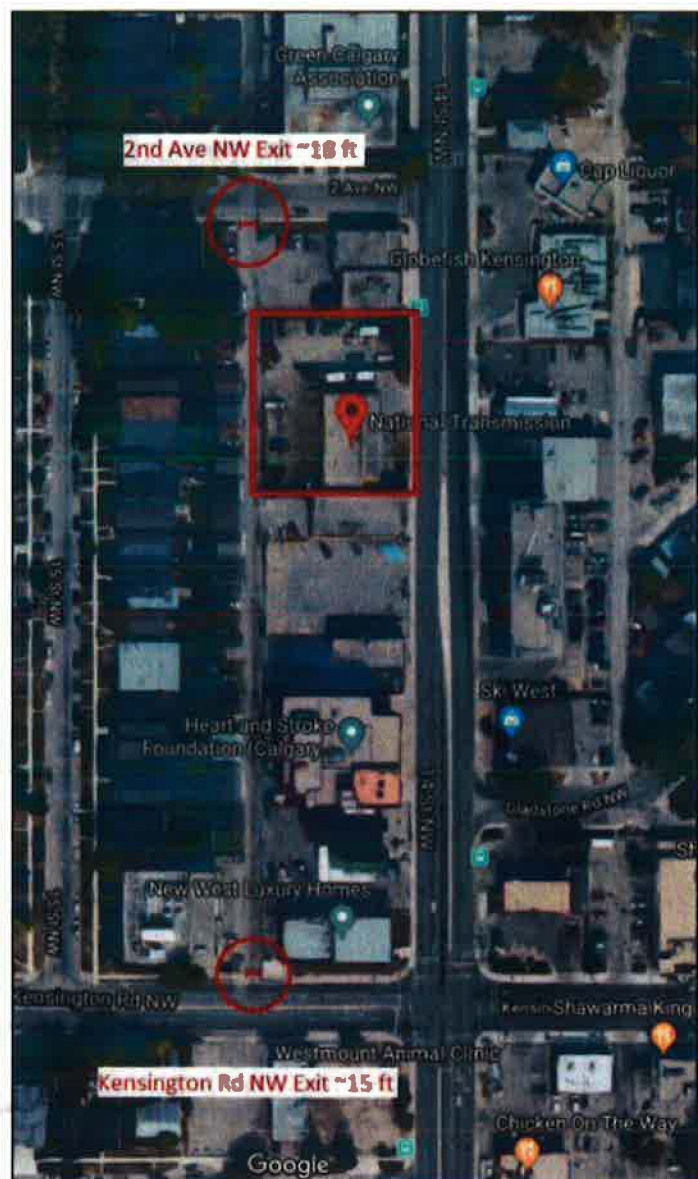


2. Requirement as a condition precedent for the completion of a study/proposal from relevant experts on how the lane can be improved from a day-to-day perspective focused on traffic/speed, safety, usability, and aesthetic. The completion of all lane improvements shall also be made a condition subsequent as part of the Application.
 - a. The study/proposal shall be fully funded by the Applicant but administered through the City/HSCA to ensure objectivity.
 - b. The results outlining possible improvement options shall be made available for review between the Applicant, City, HSCA, and directly affected residents behind the lane.
 - c. All agreed to lane improvements shall be fully funded by the Applicant.
 - d. Scope of the study/proposal and lane improvements shall be for the full length of the lane spanning from Kensington Road NW to 2nd Avenue NW.

Rationale:

To-date, the Applicant has not confirmed any meaningful site improvements in order to mitigate the expected negative impacts to the lane. The only two suggestions by the Applicant so far have been paving of the northern portion of the lane from the subject property, and installation of speed bumps. However, it is my understanding that City Administration has expressed they would not support speed bumps along the lane.

Effectively, the Applicant has offered no realistic site improvements in relation to the lane. Please do note that with Hillhurst being an older neighbourhood, the effective width of the lane in discussion is severely undersized at approximately 14 feet considering the utility poles.



3. Requirement of a concurrent DP submission with this Application, or alternately for land use to be contingent/subject to future DP approval.

Rationale:

As evident through the engagement process, DTR comments and other discussions it has become clear many considerations and bonus density trade-offs can only be clearly illustrated/reviewed with a concurrent DP application. These include specifics such as the intended site layout of garbage/recycling/compost receptacles, building envelope stepping, appropriate retail uses and operating hours while being immediately adjacent to low-density residential, amongst many others.

The Applicant has noted that they do not want to incur the costs associated with a DP application without first receiving land use. It is my opinion that the costs associated with a DP application is simply a cost of business at the Applicant's choice, when they decided to pursue above-ARP maximum density and height. It is only fair that they provide the necessary information for proper evaluation and review by all relevant parties (City Administration, CPC, Council, HSCA, adjacent residents) since the Applicant is the party initiating the land use process and the party that would reap the benefits from the subject property.

In consideration of your time, I have tried to summarize only our most pressing concerns in this letter. We have also included with this letter attachments of additional comments, suggestions, and support materials previously sent to City Administration, Ward 7 office, HSCA, and the Applicant in the last 6-months. Thank you in advance for your time and consideration. I would be more than happy to provide any further information or discuss any of our concerns regarding this Application.

Sincerely,



Victor Shiu, on behalf of my family including Liz Wong, Isabella Fung, and Joseph Shiu
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403-390-8890
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Sent by e-mail

Cc: Matt Rockley, Planning & Development, The City of Calgary
Dale Calkins, Senior Policy & Planning Advisors, Ward 7 Councilor's Office
Lisa Chong, Community Planning Coordinator, HSCA

Attachments

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|--|-----------------------------------|
| 1. Initial Letter to City | June 4 th , 2019 |
| 2. Comments to City on TIA | June 6 th , 2019 |
| 3. Additional Comments to City | June 9 th , 2019 |
| 4. Comments to City after Applicant Presentation | June 12 th , 2019 |
| 5. RK Letter to HSCA after Applicant Presentation | June 13 th , 2019 |
| 6. Response to RK Letter | June 17 th , 2019 |
| 7. Comments to City on DTR | July 10 th , 2019 |
| 8. Comments to City on Proposed Streetscape Improvements | August 22 nd , 2019 |
| 9. Comments to City on RK Response to DTR | September 18 th , 2019 |
| 10. Comments to City on Precedents of Key Architectural Components | September 18 th , 2019 |

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