



October 15, 2019

Calgary Planning Commission
Emailed to: cpc@calgary.ca

Matt Rockley, File Manager
Emailed to: matt.rockley@calgary.ca

RE: CPC2019-1293 | HSCA Request re: LOC2019-0058 (211-221 14th Street NW)

Dear Calgary Planning Commission Members:

The Hillhurst Sunnyside Planning Committee (HSPC) would like to submit an additional letter for the public record, in supplement to our original June 17, 2019 letter. HSPC wishes to provide our recommendations for your consideration ahead of the October 17, 2019 Planning Commission hearing.

Building Height and Floor Area Ratio

We first re-iterate our interest and appeal in activating 14th Street NW, creating a safer and vibrant urban Main Street, in line with the overall vision to enhance this corridor. We would also like to highlight our excellent relationship with City of Calgary Administration and the presentations and discussions between HSPC, neighbours and the applicants.

That said, we strongly re-emphasize our support for Hillhurst Sunnyside Area Redevelopment Plan principles with its maximum height of 20m and 4.0 FAR and the extensive engagement that went into crafting our ARP. Since Council's approval of the Transit Oriented Development policy approval in 2009, we have welcomed an addition of ~1,800 people into Hillhurst and Sunnyside and will continue to densify and welcome more residents into our mixed-demographic community.

Through this application, an increase of 26 metres and 5.0 FAR has been rationalized due to the lack of redevelopment on 14th Street in the last ten years (CPC2019-1293 p.8) *or since the 2006 mixed-use buildings on the southeast corner of 14th Street and 5th Avenue*. Given Administration's recommendation for the increased height and density, it appears that this single application has effectively triggered an up-zoning for the entire area without larger community consultation and ahead of the multi-community, district planning engagement for our area.

In addition, the application seeks a 30m final height above the requested 26m to provide direction on the future indoor building amenity space. We understand that the rooftop mechanical structure is exempt from overall building height calculations and appreciate efforts to finalize the final height at the outset of the application. However, we feel the additional 4m ask - essentially another floor - is beyond our comfort zone. We believe that the building amenity space should be accommodated within the final height at Council's approval.

Exemplary Design

As this is a standalone application at the Land Use and ARP Amendment stage, we have not been provided the plans for the eventual building design. The ARP states that the **height and density maximums are not guaranteed entitlements** and “In order to achieve these maximums, projects will need to meet high standards of architectural and urban design quality that will ensure projects make positive contributions to the public realm” (ARP Sections 3.1.5 & 3.2).

We have a strong preference for a *staggered* or *concurrent* Land Use and Development Permit application. As the applicant has stated, this is a catalyst redevelopment for 14th Street and it is important precedent-wise as to provide the community with the certainty that the applicant is successful in taking the Land Use through to the development stage.

Community Amenity (Bonusing Discussions)

It is particularly challenging for the community association to formulate and present a position on community benefit. The HSPC does not have full information on what City Administration will allow in terms of community benefit in terms of the applicant’s proposed enhancements.

We note that the applicant had initially indicated that they are providing over \$200,000 in bonusing items. However, upon City review, it was determined that only \$45,000 of the itemized list qualified as bonus density items. This is creating confusion as the minimum bonus density amount is approximately \$83,420.89. We feel that the City has a role in assisting with the vetting process.

HSPC feels that the applicant should provide more than the base minimum contribution rate of \$18.14/m² especially if the proposed land use application is approved with the additional 1.0 FAR over the ARP. The ARP provides guidance for a plaza along 14th Street (ARP Map 3.4: Urban Design Initiatives, #6). Through this development, there is opportunity to ensure that the ARP objectives can be achieved.

We understand that the community amenities discussion will continue into the Development Permit stage and seek further assistance from City Administration to guide these discussions. As a community association, we are not equipped to navigate and negotiate with individual development applicants.

We have provided a request for Administration to help facilitate on a values exercise and embark on a co-design process on the future of 14th Street public realm and onsite/offsite amenities. For example: we believe that some adjacent residents, HSPC and applicant would support the 14th Street layby parking, speed humps on the laneway and a more walkable 14th Street.

A facilitated exercise will not only help determine shared aims through this proposed development but help us understand what City Administration deems feasible and what is not feasible on any proposed community amenities.

Our Recommendations

1. That City Council provide direction to City Administration to facilitate a co-design exercise with the community and applicants on the community amenity/public realm discussions
2. That City Council go through First Reading of the proposed bylaw and withhold final approval (Second and Third Readings of the proposed bylaw) until the finalization of community amenities and that “exemplary building design” is demonstrated to the satisfaction of Calgary Planning Commission at Development Permit stage.

Please contact the undersigned should there be any questions or clarification.

Thank you,

Hillhurst Sunnyside Planning Committee

- cc: Matt Crowley, Chair Hillhurst Sunnyside Planning Committee
Adam Martineau, Bill Latimer, Decker Butzner, Kathleen Kenney, Liz Wong, Patrick Mahaffey,
Rick MacDonald, Robert McKercher, Victor Shiu, Project Review Group
Lisa Chong, Community Planning & Engagement Coordinator, HSCA
Erin Shilliday, Architect, Riddell Kurczaba Architecture, Applicants' Representative
Matt Rockley, File Manager/Planner, Community Planning North, City of Calgary
Dale Calkins, Communications & Community Liaison, Ward 7 Councillor's Office
Ward 7 City Councillor Druh Farrell
- cc: Matthias Tita, Director of Calgary Growth Strategies, Administration Member, CPC
Ryan Vanderputten, Director of Transportation Planning, Administration Member, CPC
Ward 5 Councillor George Chahal, Calgary Planning Commission
Ward 8 Councillor Evan Wooley, Calgary Planning Commission
Andrew Palmiere, Citizen Member, Calgary Planning Commission
James Scott, Citizen Member, Calgary Planning Commission
Kelly Schmalz, Citizen Member, Calgary Planning Commission
Lourdes Juan, Citizen Member, Calgary Planning Commission
Melvin Foht, Citizen Member, Calgary Planning Commission
Paul Gedye, Citizen Member, Calgary Planning Commission



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OCT 17 2019
ITEM: 7.2.1 CPC 2019-1293
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CITY CLERK'S DEPARTMENT

October 16, 2019

Calgary Planning Commission
The City of Calgary

Dear Members of the Calgary Planning Commission:

**October 17, 2019 Agenda
Planning Item 7.2.1 Policy Amendment and Land Use Amendment in Hillhurst (Ward 7) at multiple properties, LOC2019-0058, CPC2019-1293**

This letter is in response to the late letter dated October 15, 2019 forwarded by the Hillhurst Sunnyside Community Association ("HSCA") planning committee regarding the Ocgrow Kensington submission. The following comments help clarify the context of the concerns raised. We are providing this response document late in the process additional to administration's measured and appropriate review. We have added the "What We Heard" report prepared in April 2019 as a context document.

Process. The application has carefully followed the prescribed process for amending the ARP and the zoning for the site. The scope has been deliberately limited to the specific site. This proposal is a risk with the goal of being catalytic, but even as a standalone proposal it will greatly improve 14th Street. Due to these risks, a protracted process has been selected that first seeks assurances of density and height prior to DP submission. A broader study of 14th Street would be welcomed and could benefit future proposals, but the restrictive and out-of-date ARP on 14th Street has been preventing development. It is hoped that this proposal will set the stage for other improvements to be forthcoming on this important street. The applicant has been proactive in being early to engage the HSCA, prior to open houses and plan submissions. The community has expressed how much they appreciated being their first point of contact. This has resulted in the community being involved in deliberations for the past nine months starting with communication in February 2019 leading to a first presentation on March 14, 2019. This was followed up with the HSCA-recommended process of numerous engagement steps starting with the open house and numerous other working sessions with concerted efforts to listen and respond. The listening to community concerns has resulted in the applicant making numerous revisions including significant reductions in density/ heights, and additional reductions due to significant stepping to reduce shadowing to the 20m height. Attached is the "What We Heard" report where 44 out of 46 responses are positive demonstrating overwhelmingly positive support.

The Community Benefit Package. The applicant has had numerous meetings on this topic alone over the past five months with the community on the process and content of the community benefit package. Numerous options have been discussed and presented with concept drawings and renderings backed up with cost estimates. These were submitted to City administration and guidance was formally provided by The City on items that The City can support. These items include, in addition to public realm enhancements contiguous to the site, enhancements to other adjacent areas on 14th Street with sculpture, paving, benches, lighting, trees and planters, crosswalk enhancements, layby parking, and bus shelters, to name a few. The community has been an integral part of this consultation. The community has not yet responded to the options presented since The City provided guidance in July 2019. The applicant has proposed to further consult with the community on the details of the final amenity package for inclusion in the DP submission. The reference to a plaza on 14th Street has been discussed, but as this parcel of land across the street is privately held by a different owner, the logistics and



costs to achieve such an objective are very complicated, unless The City purchases the land which could then be enhanced by the applicant.

30 Metres. The ask to allow amenity space as part of the mechanical penthouse adds people to an otherwise lifeless structure making it easier for the design of the top of building to be attractive. Given the unfortunate roofscapes on most buildings, this approach—where public amenity enhances the top (versus mechanical only—should be encouraged instead of discouraged). The proposed by-law defines the appropriate restraints needed to mitigate any potential impacts. The reality is that the size of the mechanical penthouse equipment will be much the same with or without the added public space. This requested variance of the existing mechanical penthouse rule fosters the opportunity to create a beautiful form at the top that reflects life and vitality rather than the norm of arbitrary geometric shapes created to shroud mechanical space—without increasing the real building height.

We appreciate the attention and time you have given to this application.

Yours truly,
Riddell Kurczaba
Architecture Engineering Interior Design Ltd.

Brook Melchin, Architect, AAA, MRAIC
Senior Architect



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.

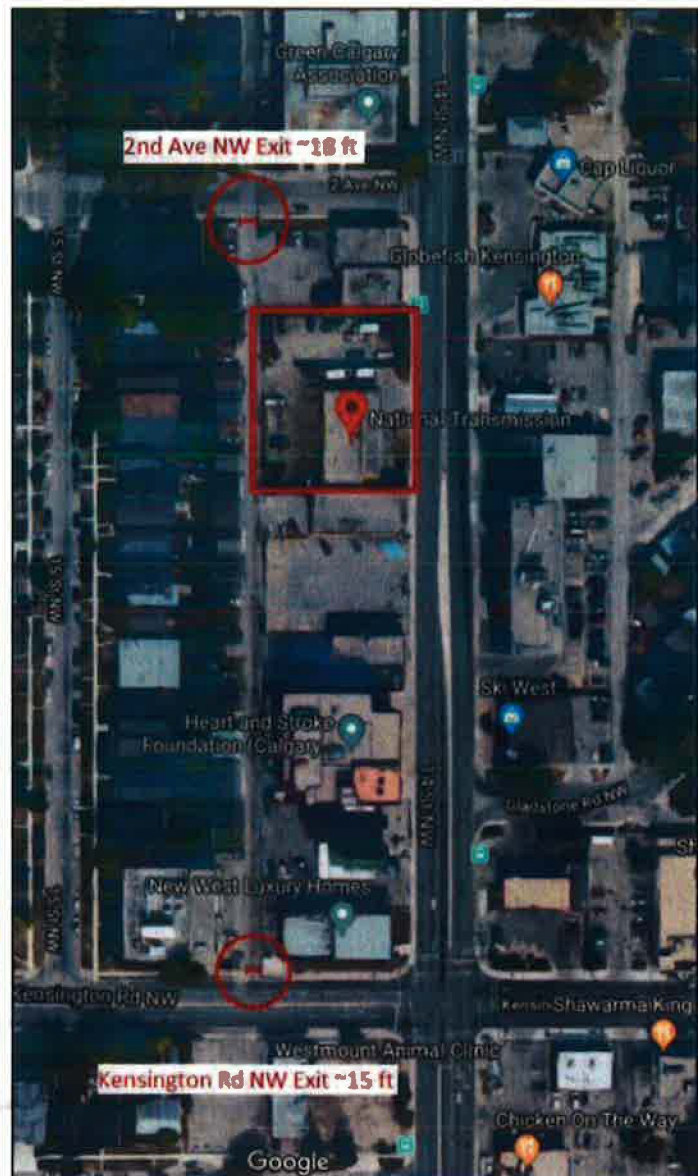


2. Requirement as a condition precedent for the completion of a study/proposal from relevant experts on how the lane can be improved from a day-to-day perspective focused on traffic/speed, safety, usability, and aesthetic. The completion of all lane improvements shall also be made a condition subsequent 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
216 15th Street NW, Calgary
403-390-8890
vkshiu@gmail.com

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

- | | |
|--|-----------------------------------|
| 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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