

LAND USE AMENDMENT
SUNNYSIDE (WARD 7)
WEST OF 2 AVENUE NW AND 8 STREET NW
BYLAW 291D2017

MAP 21C

EXECUTIVE SUMMARY

The proposed Land Use Amendment seeks to redesignate five parcels in Sunnyside on 2 Avenue NW to a DC Direct Control District based on the Multi-Residential – Contextual Medium Profile (M-C2) District. The DC Direct Control District is necessary only to enact the density bonus provisions of the Hillhurst/Sunnyside Area Redevelopment Plan.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION

2017 July 13

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 291D2017; and

1. **ADOPT** the proposed redesignation of 0.53 hectares ± (1.30 acres ±) located at 916, 918, 920, 922 and 926 – 2 Avenue NW (Plan 2448O, Block 11, Lots 28 to 34) from Multi-Residential – Contextual Grade-Oriented (M-CGd72) District **to** DC Direct Control District to accommodate multi-residential development, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 291D2017.

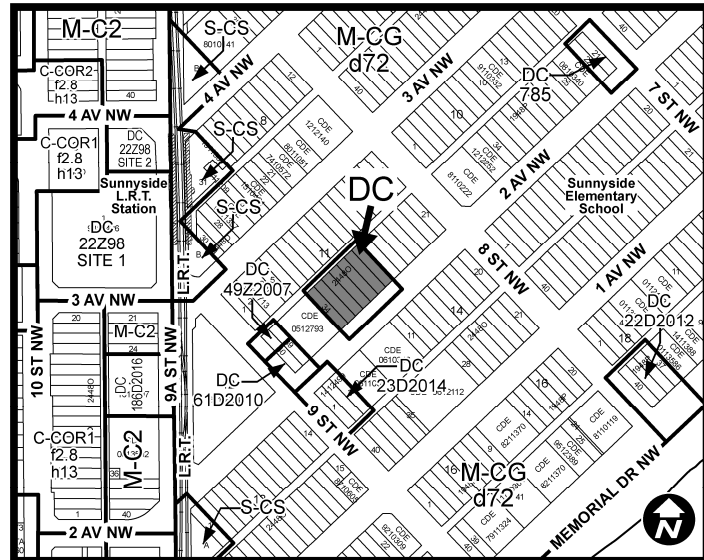
REASONS FOR RECOMMENDATION:

The proposed redesignation complies with the Hillhurst/Sunnyside Area Redevelopment Plan and The City's Municipal Development Plan (MDP). Redevelopment and intensification of this site is appropriate as it contextually fits within the existing area development, is close to community amenities, the Sunnyside LRT Station and Memorial Drive NW.

ATTACHMENT

1. Proposed Bylaw 291D2017
2. Public Submissions

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.53 hectares \pm (1.30 acres \pm) located at 916, 918, 920, 922 and 926 – 2 Avenue NW (Plan 2448O, Block 11, Lots 28 to 34) from Multi-Residential – Contextual Grade-Oriented (M-CGd72) District **to** DC Direct Control District to accommodate multi-residential development with guidelines (APPENDIX II).

Moved by: M. Foht

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Applicant:

Jennifer Dobbin

Landowner:

Beverley Guthrie
Jones Technical Services Corp
Carolyn Stone

PLANNING EVALUATION

SITE CONTEXT

Located in an area of multi-residential and single detached housing, the five properties currently contain single detached houses. The subject sites are located between the Sunnyside Elementary School (1 block east) and the Sunnyside LRT Station (3 blocks north).

The sites have lane access and are adjacent to multi-residential to the west and single detached housing to the east. Across the street, on the south side of 2 Avenue NW are three multi-residential buildings.

The original application, since amended by the applicant, proposed a much higher intensity and would have required an amendment to the Hillhurst/Sunnyside Area Redevelopment Plan (ARP). However, based on substantial community feedback opposed to amending the ARP, the applicant is now requesting a more modest intensification that will not require amending the ARP.

Sunnyside	
Peak Population Year	2016
Peak Population	3,990
2016 Current Population	3,990
Difference in Population (Number)	0
Difference in Population (Percent)	0%

LAND USE DISTRICTS

The proposed Land Use District is a DC Direct Control District based on the Multi-Residential – Contextual Medium Profile (M-C2) District.

The necessity of a DC District is only to enact the density bonus provisions of the Hillhurst/Sunnyside ARP. There are no land use regulations within the proposed DC District that differ from that of the M-C2 district. In the M-C2 district the maximum density is expressed by Floor Area Ratio (FAR) and allows up to 2.5 FAR. The maximum height of M-C2 is 16 metres.

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The proposed DC District allows a density increase from 0.72 FAR to 2.5 FAR provided a cash payment or equivalent community amenity is provided in accordance with the density bonus provisions of the ARP. It also communicates the provision of the ARP that on-street parking passes not be issued to residents of any new multi-residential developments for the properties within the DC District.

LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

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). The SSRP make no specific reference to this site. The land use proposal is consistent with the SSRP policies including the Land Use Patterns policies (subsection 8.14)

Municipal Development Plan

The site is located within a “Residential; Developed; Inner City” area as identified on the Urban Structure Map (Map 1) in the *Municipal Development Plan* (MDP). The MDP makes no specific reference to this site. This land use proposal is consistent with MDP policies including the Neighbourhood Infill and Redevelopment Policies (subsection 2.2.5) and Housing Diversity and Choice policies (subsection 2.3.1).

Hillhurst/Sunnyside Area Redevelopment Plan

The proposed redesignation complies with the ARP. The site falls within the Transit Oriented Development Area of the ARP and is identified for medium-density development as per Map 3.1.

New development is expected to be predominantly residential with no expansion of commercial uses beyond currently established uses. Densities planned for this area represent a modest increase compared to existing built densities and permit a broader range of small-scale infill residential development opportunities.

The subject site sits outside the flood fringe area as identified in the ARP on Map 2 and 2 Avenue NW is a collector street as per the ARP.

In 2012 November, Council approved the addition of density bonus provisions to the ARP. Developments utilizing the density bonus must provide a contribution to the community amenity fund. The fund has been established as a means of gaining community amenities in exchange for a density that surpasses the base density set out in the ARP.

The ARP prohibits new multi-residential developments from being eligible for on-street parking passes. Residential parking is governed by the City’s traffic bylaw. On-street parking cannot be restricted through a land use bylaw. Instead administration will amend the database of eligible properties for on-street parking to enforce the ARP policy.

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TRANSPORTATION NETWORKS

The site is situated on a collector street and is in close proximity to both the Sunnyside LRT Station and Memorial Drive. The gridded street network and lane access provide good opportunities to disperse traffic accessing the site.

A Transportation Impact Assessment (TIA) or Parking Study was not required in order for administration to support this redesignation. One or both may be required as part of a development permit application.

UTILITIES & SERVICING

Water, sanitary, and sewer services are available and can accommodate the potential development of a 2.5 FAR building without the need for off-site improvements at this time. Adjustments to on-site servicing may be required at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

ENVIRONMENTAL SUSTAINABILITY

The proposal represents an intensification of an inner-city site that is in keeping with the existing and future planned development for the area.

GROWTH MANAGEMENT

The proposed redesignation does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association Comments

The Hillhurst/Sunnyside Community Association is in support of the proposal because it complies with the ARP. Their letters regarding the original and revised applications are provided in APPENDIXIII

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Citizen Comments

While the original application generated three letters of support, about 30 negative responses were received, nearly all of it related to opposing the proposed amendment to the ARP. Since amending the application to not require an ARP amendment, the citizen comments declined significantly. Administration received two letters opposing the amended (current) application.

Public Meetings

The applicant held a public meeting on 2017 April 13 that was attended by approximately 60 people. Originally intended to introduce the original application (that required an ARP amendment) the substantial feedback received ahead of the open house caused the applicant to announce their intention to amend the application into its current form. Subsequently, the applicant delivered flyers to the nearby property owners detailing the amended application that would not require any amendments to the ARP. This appears to have satisfied many people who expressed concerns about the original application.

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APPENDIX I

APPLICANT'S SUBMISSION

The proposed land use district is a DC Direct Control District based on Multi-Residential - Contextual Medium Profile (M-C2) with modifiers stipulating a maximum Floor Area Ratio (FAR) of 2.5 and a maximum height of 16.0 metres, as well as parking relaxation. In addition to allowing for a medium-density residential use building, the DC Direct Control District has a number of key components:

- Allows for the implementation of the policies and development guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan including the Density Bonusing policy for the Community Amenity Fund;
- Honours the Hillhurst/Sunnyside Community Association's request that new multi-residential buildings do not provide on-street parking permits to residents of the new building and pursuant to the ARP which states "Dwellings in new multifamily developments are not to receive parking passes regardless of their off-street parking provisions." (pg 92);
- Allows for a street-oriented residential building;
- Allows for a flexible building envelope to promote architectural articulation envisioned in the local area redevelopment plan; and
- Allows for parking relaxations to accommodate the small site size and proximity to the LRT in alignment with Transit Oriented Development guidelines.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) provide for a medium **density Multi-Residential Development** in compliance with the policies of the applicable local area redevelopment plan; and
 - (b) implement the density bonus provisions of the Hillhurst/Sunnyside Area Redevelopment Plan.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 7 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 0.72.
- (2) The **floor area ratio** may be increased to a maximum of 2.5 in accordance with the bonus provisions contained in section 8 of this Direct Control District.

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Density Bonus

- 8 (1) For the purposes of this section: "Cash Contribution Rate" means: \$17.85 per square metre for the year 2017. The Cash Contribution Rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.
- (2) A density bonus may be earned by a contribution to the Hillhurst/Sunnyside Community Amenity Fund, such that:
- Cash Contribution Amount = Cash Contribution Rate x Total Floor Area in square metres above the **floor area ratio** of 0.72.
- (3) A density bonus may be earned by the provision of an off-site improvement in accordance with Section 3.1.5.4 of the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the off-site improvement divided by the Cash Contribution Rate, such that:
- Allowable bonus floor area = Total construction cost of the off-site improvement / Cash Contribution Rate.
- Total construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a **development permit** for a **development** equal to or less than a **floor area ratio** of 0.72.

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APPENDIX III

LETTERS SUBMITTED

**RE: LOC2017-0091 | 916, 918, 920, 922, 926 2nd Avenue NW | REVISED PROPOSAL –
APPLICANT’S SUBMISSION DATED MAY 31, 2017**

The Hillhurst Sunnyside Planning Committee (“HSPC”) is pleased to submit comments on the above revised proposal (dated May 31, 2017) from Russell Real Estate Development (“the applicant”). This application seeks a Land Use Amendment of the existing zoning from **M-CGd72** Multi-Residential – Contextual Grade-Oriented to a Direct Control district based on **M-C2** Multi-Residential – Contextual Medium Profile and they are no longer seeking an amendment to the Hillhurst Sunnyside Area Redevelopment Plan for increased height and density.

We understand that the DC will contain language for a density bonusing contribution into the Hillhurst Sunnyside Community Amenity Fund.

HSPC generally supports the applicant’s direction to revise their application and reduce their project scope to comply with the ARP. We provided a separate letter commenting on the original proposal as circulated through the City of Calgary dated April 10, 2017. We have the following comments on the revised application.

Land Use Policy

- The **revised proposal** fits within the Hillhurst Sunnyside Area Redevelopment Plan Part II: Transit Oriented Development (2009) policy. Parcels within the Medium-density area boundary of the ARP are permitted a maximum of 16 metres and a Floor Area Ratio of 2.5.
- The M-C2 Land Use District fits with the overall intent of the ARP. The applicant stated that they are not seeking relaxations to the M-C2 district. We understand from the applicant that they intend to build a 5-storey building under M-C2; per the Land Use Bylaw, the fifth storey must be recessed at 40% of the floorplate of the fourth floor.
- The applicant should further explore ways to break up the massing of such a large building located at the middle of the block and mitigate any negative impacts on the homes on the north side of the alley, the single detached homes to the east, and the three-storey multi-residential building on the west side (which is approximately the same height as the two-storey Vendome Café building).

Social Considerations and Livability

- The character and livability of the neighbourhood continues to be a draw for new and existing residents. The building’s relationship to the street must compliment the pedestrian-friendly human scale of the area and not overwhelm the neighbourhood. At Development Permit stage, concepts could include ground-oriented units facing the street, generous setbacks,

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- articulation and the use of warmer palette and contextual building materials. Increased landscaping and creative design could pay homage to the existing single-family dwellings on the site and soften the height and massing of the proposed building.
- ARP policies on the Medium-density TOD area focuses on creating a broader range of small-scale development (from infills to 4-storey buildings) and the inclusion of affordable housing.
- Much of the feedback from residents centred on celebrating the diversity of Sunnyside, increasing affordable housing stock and the desire to draw more families into the community. The applicant responded to this concern and stated that they are proposing a mix of studio and *micro* 3-unit bedrooms and out of 59 units, 8 will be priced at ~\$300,000 for “affordability”; we will have further comments at the Development Permit stage.

Traffic and Parking

- The applicant’s submission indicates that they are seeking a 1:1 ratio for parking stalls to residential units. Area 3 of the Parking Areas Map in the Land Use Bylaw calls for 0.9 stalls per residential unit; we are not opposed to the provision of one stall per unit. We also note that as a Transit Oriented Development community and a “complete” community, transit, pedestrian and bike infrastructure may help alleviate the issue of households owning multiple cars. In addition, the community is well served by the car2go service.
- We would like to re-emphasize that per the ARP guidelines, on-street parking may not be granted for multi-residential buildings. Adequate underground parking for residents and visitors must be provided on site to prevent parking from spilling out into the neighbourhood.
- The applicant suggested community amenities at the May 9, 2017 planning committee meeting; offsite amenities were discussed, such as upgrading the 2nd/3rd Avenue laneway, crosswalks across 2nd Avenue on 7th and 8th Streets, adding four-way stop signs, extending the playground zone, and more. One comment at the open house suggested a contribution to Bow to Bluff. Wider public involvement is expected to discuss these ideas further.

Public Engagement

- Good quality public engagement on this development; please refer to our previous submission for details. The HSCA is in favour of applicant-led (or City-led) engagement for redevelopment projects as to reduce the workload of community association volunteers – so long as community input is taken into consideration and acted upon.
- Following the April 13, 2017 open house, the applicant provided documentation in response to community comments.
- The applicant presented at the HSPC meeting on May 9, 2017 to discuss their **reduced project scope**. Over 20 HSPC members and residents attended this meeting. Affected neighbours pointed out concerns about the impacts of a large development on the area and discussed mitigation measures, which we have touched upon above.
- We received four additional letters that expressed strong concerns about the size of the development and how it would completely change the historic character and demographics of the community, which we have noted. Overall, we did not witness a strong reaction against the revised ARP-compliant proposal as previous feedback expressed strong desire that the developer build within the ARP limits. We encourage the applicant to work with neighbours to mitigate any concerns (shadowing, privacy, traffic, laneway, design, other).

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The community association will provide additional comments once the Development Permit is submitted and we will continue our work to engage with neighbours on this important development in our community.

Once again, thank you for the opportunity to provide comments on the above file,
Hillhurst Sunnyside Planning Committee

Letter Regarding Original Submission (M-CGd72 to DC based on the M-H1)

RE: LOC2017-0091 | 916, 918, 920, 922, 926 2nd Avenue NW | ORIGINAL PROPOSAL – CITY OF CALGARY REQUEST FOR COMMENTS DATED APRIL 10, 2017

The Hillhurst Sunnyside Planning Committee (“HSPC”) of the Hillhurst Sunnyside Community Association (“HSCA”) respectfully submits its comments on the above file. We considered “good planning principles,” the Hillhurst Sunnyside Area Redevelopment Plan, and very vocal feedback from community residents in our comments.

We understand that the applicant/developer, Russell Real Estate Development (“the applicant”) has submitted a proposal for the subject lands located at 916-926 2nd Avenue NW (*the five single detached dwellings one building east of the Vendome Cafe in Sunnyside*). The applicant is seeking a Land Use Redesignation from the existing zoning of M-CGd72 to a Direct Control district based on M-H1: Multi-Residential – High Density Low Rise District and an accompanying amendment to the Hillhurst Sunnyside Area Redevelopment Plan: Part II Transit Oriented Development Policy.

The site is within the Medium-density area of the Transit Oriented Development area which permits a maximum height of 16 metres and a Floor Area Ratio of 2.5. This application seeks height and density far in excess of the ARP policy to allow for a maximum building height of 20 metres (or a six-storey midrise condo building) and a Floor Area Ratio of 3.5, adding 79 condo units to a midblock location that is currently home to five single detached dwellings.

The HSPC is opposed to this application to the proposed ARP and Land Use Amendments due to its major deviation from the ARP/TOD policies. **As with most applications in the community, we are strongly concerned about the piecemeal erosion of the ARP without strong rationale for “breaking” the ARP. This application has been contentious and we heard strong feedback from the community to keep height and density within ARP guidelines.**

The Hillhurst Sunnyside Planning Committee has the following comments on this application. Please refer to letters from affected residents for area-specific concerns.

Hillhurst Sunnyside Area Redevelopment Plan

- The Part II: Transit Oriented Development (2009) policy lays out the maximum height and density for new redevelopment and long-term aspirations for the community. The ARP was arrived at after an intensive three-year community consultation and the desire to

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accommodate growth while preserving the unique community character and village-feel of this historic neighbourhood.

- The special character of Sunnyside and interface with the existing blend of single-family and multi-residential dwellings was a driving force behind the unique policy for this area.
- The ARP provides clear maximum heights and densities for this area. Other recent developers have built attractive 4-storey human-scaled buildings under the 16m height maximum under the ARP, such as *Ven* on 5 Avenue/8 Street and *Palfreyville* on the south side of 2nd Avenue. **We are seeing a trend where developers continually contest the ARP without articulating the public benefits on a site-by-site basis.**
- For many residents, the ARP consultations were a recent memory and represented many volunteer hours of work; the applicant's initial rationale that the ARP is outdated and that more height and density is warranted per the Calgary Municipal Development Plan: Developed Areas Guidebook (DAG) is an insubstantial argument.
- We note that the DAG is only applicable to Local Area Plans with policy that enables DAG through an ARP amendment – this would require robust public engagement.
- Strong policy has been created on the new DAG with Hillhurst Sunnyside as a leading edge model for redevelopment in an established inner city TOD community.

Social Considerations and Livability

- Sunnyside has a unique mix of single detached and multi-residential housing, incomes, ages, renters, housing coops and homeowners. We are disappointed to see new condo buildings built that cater only to the single demographic of higher income single/double occupancies. The ARP encourages a variety of housing for a range of incomes, different age groups and for families with children and flexible housing choices. Affordable housing is an important tenet of the ARP to enhance and expand on the diversity of the neighbourhood.
- The Sunnyside Elementary School in the past has been under threat of closure and has since rebounded in part due to residents' campaigns. Hillhurst Sunnyside is a distinct community where local children still walk to school. The community would benefit from a wider range of housing types, unit sizes (such as 2+ bedrooms) or flexibility to convert units within new developments that accommodate inner city families.

Height

- A building height of 20 metres would drastically change the character of the residential part of the neighbourhood. This area is not located on a City-designated main street to accommodate more height and density. A *Core Idea* of the MDP is to support building forms that are suitably scaled to the neighbourhood.
- The MDP encourages a 1:2 building height to road right-of-way ratio on the main streets and in the downtown city centre only; however the design guidelines point to the creation of a "streetwall" that serves to enclose the street and to prevent any one large development from overwhelming the street and creating a better relationship with the lower-rise four storey multi-residential buildings on the south side of 2nd Avenue.

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Density

- The requested density of 3.5 FAR is over and beyond the ARP policy for 2.5 FAR.
- Strong concern from the HSCA Flood Task Force about building on the flood plain without accompanying upstream flood mitigation and water infrastructure.
- Sunnyside residents are concerned about flood evacuation as density increases in the residential part of the neighbourhood. The only access/egress during the 2013 flood was from 2nd Avenue. Increased density would impact evacuation time.

Traffic and Parking

Increased vehicular traffic. The HSCA is a repeated recipient of community requests for traffic calming in the area due to commuter traffic that cuts through walkable Sunnyside.

- Per the ARP guidelines, on-street parking may not be granted for multi-residential buildings. Adequate underground parking for residents and visitors must be provided.

Public Engagement

- While this was a very contentious application, we would like to point out a high level of public engagement from the applicant's planning consultant, Dobbin Consulting. The HSCA strongly encourages early engagement, especially on large redevelopment projects so that residents have the opportunity to be informed about the project, learn about the City's development process, are better equipped to provide meaningful input on the project and **importantly, that the developer listens and effectively responds to community input.**
- The applicant's representative presented at the Hillhurst Sunnyside Planning Committee meeting on March 14, 2017. Approximately 25 residents and affected neighbours attended the meeting.
- Applicant provided a webpage at www.2avenw.ca to provide details on the application, including contact information for the City of Calgary File Manager.
- Applicant delivered flyers to nearby residences.
- The HSCA was informed of this application prior to the applicant's formal submission to the City Planning Department to communicate details to our constituents through traditional and online communications (monthly print and email newsletters, HSCA Community Planning blog, social media and direct outreach to community leaders and groups).
- A concerted effort was organized by several groups of local affected neighbours in order to inform, educate and mobilize residents to attend the planning committee meetings, the open house and to provide their feedback about the application.
 - Flyers were delivered across Sunnyside.
 - A website and mailing list were set up.
 -
- As of May 4, 2017, the HSCA received 3 letters of support and 30 letters of opposition with regards to the original application.
- The developer hosted an open house on April 13, 2017. Approximately 60-70 individuals attended this session and provided their feedback to the applicant's team, the HSCA representatives and the Ward 7 Councillor's office. Residents' feedback was overwhelmingly unfavourable due to the dramatic increase to height, density, design considerations,

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demographic changes and concern over flood evacuation. For context, development open houses in the community normally see approximately 30 participants.

- The developer provided documentation of the open house stating that they received 43 individual comments opposed to exceeding the ARP and that the project should comply with ARP guidelines (16m and 2.5 FAR).
- The applicant followed up with a presentation to the HSPC meeting on May 9, 2017 to discuss their reduced project scope.

Again, we are deeply disappointed to see the erosion of the ARP and which represents a long-term view of redevelopment in our community and is supported by strong planning rationale both in terms of impact on immediate neighbours as well as overall “capacity” in the community.

We have provided further comments on the developer’s ARP-compliant proposal in a separate letter. HSPC will submit additional feedback once the Development Permit is submitted on design considerations, such as building design, site layout, setbacks, building massing, landscaping, site access, relationship to the street, and more.

Thank you for the opportunity to provide comments on the above file,

Hillhurst Sunnyside Planning Committee