



Public Submission

City Clerk's Office

Please use this form to send your comments relating to matters, or other Council and Committee matters, to the City Clerk's Office. In accordance with sections 43 through 45 of Procedure Bylaw 35M2017, as amended. The information provided may be included in written record for Council and Council Committee meetings which are publicly available through www.calgary.ca/ph. Comments that are disrespectful or do not contain required information may not be included.

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* I have read and understand that my name, contact information and comments will be made publicly available in the Council Agenda.

* First name: Frank
* Last name: Spence
Email: frankspence@shaw.ca
Phone: +14038752916

* Subject: LOC1019-0156 Objection to Proposed Land Use Change

* Comments - please refrain from providing personal information in this field (maximum 2500 characters)

I am writing to comment on the request to change land use of the 1600 block of the north side of 33 Avenue.
Current designation is: Contextual One / Two Dwelling (R-C2) District
Requested change: Mixed-Use – General (MU-1f3.5h20)

I would like to register my strong opposition to this request.

This group (Sarina) has just completed a development on the same block ("Coco", 1602 33 Avenue SW) which has a height of just under 15 m. It is inappropriate to permit a taller building in the same block. It is inconsistent with their prior build, will be out of proportion, and will adversely affect residential buildings to the north concerning loss of sunlight. This block is also outside of the current Marda Loop Development plan, which ends at 18th Street. While taller buildings are being built in this redevelopment area, there should be a consistent, gradual transition to the residential area to the east of that core, rather than ramping up the height of these transitional buildings. This is how the City of Calgary has described residential planning in the 'Developed Areas Guidebook'.

I am also very concerned that the 'creep' effect of permitting taller multi-use buildings outside the Marda Loop Redevelopment Area is unplanned, and will set unplanned precedent for a long, narrow street wall that promotes a 'wind tunnel', reduces natural light to the north in the 50% of the year when the sun's azimuth is low, and reduces the

ISC:

1/2

Unrestricted

Sep 24, 2020

4:28:00 PM



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walkability and enjoyment of this avenue outside the planned core.

Sincerely



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* I have read and understand that my name, contact information and comments will be made publicly available in the Council Agenda.

* First name	Lary
* Last name	Wright
Email	w.a@shaw.ca
Phone	4032445177
* Subject	Land Use Redesignation, South Calgary Bylaw137D2020
* Comments - please refrain from providing personal information in this field (maximum 2500 characters)	I have attached our comments, re the Land Use Redesignation, South Calgary Bylaw 137D2020, to be added to the October 5 Agenda/Minutes for the Combined Meeting of Council. Thank you. Lary Wright

September 23, 2020

Office of the City Clerk
City of Calgary
700 MacLeod Trail SE P.O. Box 2100 Station M
Calgary, AB T2P 2M5

Attention: Calgary City Council
Office of the City Clerk - Laura M. Kennedy, City Clerk

Dear Council;

**Re: Land Use Redesignation, South Calgary Bylaw 137D2020
Application for Land Use Amendment: LOC2019-0156
Location: 1632, 1636, 1640 33 Ave SW (the 'Property')**

We are residents at 1629 32 Ave SW, directly across the lane (north) of this proposed land redesignation and will be directly affected by future development of the Property.

Although we are in favour of redevelopment of the Property, we **cannot support** this Land Use Amendment proposing to redesignate the land use for the Property :

From:

Residential - Contextual One/Two Dwelling (R-C2) District,

To:

Mixed Use MU-1 f3.5h20

The reasons for this objection:

1. Proposed Land Use Amendment does not meet and/or consider the requirements of:
 - Main Streets Initiative, Current
 - South Calgary/Altadore Area Redevelopment Plan, 1986 ('ARP')
 - Marda Loop Area Redevelopment Plan, 2014 ("MLARP')
 - Municipal Development Plan, 2009 ('MDP')
2. Height;

Other Issues:

3. Setback from Lane;
4. Parking and Loading Zone;
5. Density, Massing and Form;
6. Shadowing and Overlooking;
7. Loss of Privacy;
8. Current Zoning;
9. Community Input; and,
10. HVAC System Noise.
11. SUMMARY

1. LAND USE AMENDMENT DOES NOT MEET AND/OR CONSIDER THE REQUIREMENTS OF:

The Main Streets Initiative

Further to the Main Streets Initiative 'Engagement Summary':

"The Main Streets Initiative identified the following main street areas that were ready for development:

- 1 Avenue NE
- 36 Street NE
- 16 Avenue NW (Montgomery)
- Bowness Road NW (Montgomery)
- 17 Avenue SE
- 17 Avenue SW (from Crowchild Trail to 37 Street SW)
- 37 Street SW

Additional input has been collected from main street users and residents in these areas to ensure the planning solutions were right for each neighbourhood. Each of [these] main streets **had several additional public input opportunities to review and discuss** planning concepts informed by previous public input sessions."

"These Calgarians shared input related to:

- **Development types transitioning from main street to surrounding streets,**
- Land use requirements for retail development, and
- Considered factors when planning future large redevelopment sites."

The 37th St SW and 17 Av SW Main Streets Initiative included significant community involvement - this has not been the case with 33 Av SW and 14 Street SW. Community involvement for the 33 Av SW and 14 Street SW has been minimal at best.

This rezoning effectively enables the developer to ignore the community and dictate input for the Main Streets Initiative for 33 Av SW - this should not be allowed.

The **South Calgary/Altadore communities should not be deprived of their rights to have input on this very important Main Streets Initiative** that will have significant impact on the communities.

If the developer does not want to wait for community involved adjustments to the ARP, MLARP and the MDP or the progress of the Main Streets Initiative, then the developer should follow the existing zoning. The existing zoning allows for 3 stories, and with slight adjustment, would allow for townhouse or row house development - all more than likely acceptable to the community (this type of development has been completed on 15 Street SW and 30 Av SW).

Community input should not be ignored or 'rushed' to fit this Land Use Amendment and proposed development - several well publicized community meetings should be held to allow sufficient

community input, in line with other communities involved with the Main Streets Initiative, to ensure the implementation of the Main Streets Initiative is successful.

Allowing the developer to dictate zoning changes will result in development that is incompatible with the ARP, MLARP and the MDP as developed in consultation with the community.

ADP, MLARP and MDP

The proposed rezoning does not meet the requirements of:

- the South Calgary/Altadore Area Redevelopment Plan ("ARP"), Bylaw 13P86, Approved September 1986 with amending Bylaws to July 2010;
- the Marda Loop Area Redevelopment Plan ("MLARP"), Bylaw 3P2014, March 2014 with amending Bylaw to December 2014;
- Municipal Development Plan ("MDP"), Bylaw 24P2009, April 2013 with amending Bylaw to December 2015.

The ARP, MLARP and MDP are discussed in the following sections.

Commercial Space

The MU-1 designation allows some commercial space - this does not conform with the ARP nor the MLARP. **Commercial buildings should NOT be allowed out of the business district of Marda Loop (the "MLBZD").** If live/work space is allowed in this new development (despite community objections), then **NO commercial space or commercial accessible space should be allowed above the main floor.**

2. HEIGHT

Current Maximum Building Heights for Properties under ARP and MLARP

The maximum building height for the current zoning of the Property, pursuant to Land Use Bylaw IP2007, the ARP and the MLARP is:

- **10 metres** for the Property which is zoned R-C2.

The ARP and the MLARP designate this property as R-C2 (R-2).

Current zoning would provide for a 3 storey development which may result in a more positive response from the community and allow a reasonable community involvement in any modifications to the ARP, MLRP and the MDP as well as the Main Streets Initiative.

Current Maximum Building Heights for MLARP

The maximum building height for buildings **in the MLBZD**, pursuant to the MLARP is:

- 4 stories in **16 metres**, pursuant to the Marda Loop Area Redevelopment Plan.

If the MLARP for the MLBZD (the business district of Marda Loop) were applied to this Property, the **maximum height would be four stories** in 16 metres - **developments of this size belong in the MLBZD, NOT in the areas designated by the ARP and MLARP as R-C2.** [MLARP Map 4.2 - Maximum Building Heights and Section 4.2.1 - Building Height]

This rezoning application, at a height of 20 metres, is considerably in excess of and not compatible with the current zoning, as outlined in the ARP, the MLARP and the MLARP for the MLBZD.

- The MLARP is focused on the business core of the Marda Loop area (33 Av SW - Crowchild to 18 St SW) where the community and the City approve increased height and density.
- The MLARP designates only two sites in the MLBZD for six stories:
 - the south west corner of 33 Av and 20 St SW (this is the only six story development in the entire South Calgary/Altadore area), and
 - the south east corner of 33 Av and 20 St SW (this is currently a single story commercial development and includes on-site parking).

Building Height - COCO Development on 33 Av SW

The applicant states, in the Land Use Applicant's Submission, that the COCO Development Land Use is MU-1f2.5h18 - **this does NOT appear to be accurate.**

It is my understanding that City Council unanimously concluded on July 31, 2017 that the land use for the COCO Development on 33 Av SW and 15 St SW would be **MU-1f2.5h15 - 4 stories.**

This height of 15m and floor ratio of 2.5 (of the COCO Development) are considerably lower than the MU-1f3.5h20 requested by this development.

City Council also noted that the Development is **to impact adjacent neighbours as little as possible - this new project does not do that.**

The height of this development should NOT be greater than that of the COCO Development.

Preferred Building Height

The maximum building height for the MLARP is four stories in 16 metres - this height was intended to be and should be restricted to the MLBZD and should not be exceeded.

A preferred building height would be 14 metres at the south west corner of the Property.

This 'preferred building height' would reduce the impact of this Land Use Amendment on 1628 33 Av SW and the 1600 block of 32 Av SW , bringing it close to the current maximum heights under the ARP and MLARP, and additionally, it **may result in a more positive response from the community.**

OTHER ISSUES

3. SETBACKS

FRONT - From 33 Av SW

The Land Use ByLaw Amendment (May 1, 2017), Division 2: Mixed Use - General (MU-1) District, Setback Area, section 1374 (2)(a) states:

"Where a parcel shares a property line: with a street or LRT corridor there is no requirement for a setback area;"

This is **not compatible with the ARP, MDP or the Main Streets Initiative** concepts of:

Streetscape and Urban Design. This is to include consideration of urban design elements and features such as street trees, benches/seating, lighting and public art.

Walking features. This is to include considerations for the places and spaces where people walk ...working with the Pedestrian Strategy Team and other City partners ...

The proposed development, under MU-1, would not be required to provide for any meaningful setbacks (front or rear) to accommodate community concerns or the intent of the Main Streets Initiative. The Main Streets Initiative has not continued discussions with the community.

The COCO Development does not appear to have any front setbacks or public space that would conform with the Main Streets Initiative. This new Development should NOT follow this poor example.

REAR - From Lane

The proposed rezoning, further to the Land Use ByLaw IP2007, Part 14 - Division 2: MU-1, section 1374 (2)(b) states:

"Where a parcel shares a property line: with a lane that separates the parcel from a parcel designated as a residential district ... the setback area must have a minimum depth of 7.5 metres measured from the property line that the adjacent parcel ... shares with the lane; ..."

the lane to the north of the Property is 6 metres in width - this setback would thus have a net result of a setback of 1.5 metres from the lane. **This is unacceptable and not compatible with:**

- **MLARP - Section 4.2.2** (this MLARP is for the MLBZD as **this scale of development on this Property was not allowed by the ARP nor the MLARP**)

"2. **Where new developments share a lane** with a low density residential district ... the building should meet the following guidelines:

- Provide a minimum **setback of 5 metres from the rear property line.**
- Provide a minimum **setback of 3 metres at either the second or third storey.**

- Balconies should not project beyond the building facade."

This lane setback was followed for the ML33 Condo Project, on the middle portion of the North side of the 400 block of 33 Av SW (the first block east of the Crowchild Trail interchange).

The proposed rezoning, further to the Land Use ByLaw IP2007, Division 5, Section 642(3)states:

"The minimum building setback from a property line shared with a lane is zero metres."

This is not acceptable.

4. PARKING AND LOADING ZONE

The lane behind the property, to the north, is 6 metres in width and thus only accommodates a single vehicle, which works for the current residents, however, it is not amenable to a significant increase in traffic that the proposed Land Use Amendment would entail.

Access to an underground parkade needs to be carefully considered, in a narrow lane, to minimize traffic congestion and impact to the residents of the 1600 block of 32 Av SW.

Parking and Loading Zone in Alley

South Calgary Park (a large athletic park containing tennis/pickle ball courts, children's playground, beach volley ball courts, two soccer fields, a baseball diamond, large covered 'picnic area', community vegetable garden and park area), the South Calgary pool, the South Calgary Community Centre and a public library are all on 32 Av SW between 14 and 16 St SW. **These facilities strain parking in the immediate community.** Any larger development in the vicinity needs to accommodate parking of **at least 2 stalls per Unit** (including guest/commercial parking), not 1.15 per Unit, so as to not seriously affect an already stressed, very busy community.

The Development needs to have a loading zone, off the alley, large enough to accommodate a 5 ton truck - this is especially important if there is commercial space on the ground floor to eliminate any potential **obstruction of 16 St SW and/or the blocking sightlines for turning from the lane into 16 St SW.** by large commercial and/or delivery vehicles. **A loading zone on 16 St SW is a pedestrian hazard.**

5. DENSITY, MASSING and FORM

Density

The rezoning application requests a Floor Area Ratio ("**FAR**") of **3.5** combined with **NO density modifier** [Units per Hectare ("**UPH**") - this may be used to significantly increase the number of Units. There is **no indication of the number of dwelling units planned - this is totally unacceptable as the community has no idea of the density of the development.**

This FAR of 3.5 is too high for the community as it would result in height and setback issues not in accordance with the ARP nor the MLARP in addition to **shadowing and loss of privacy** for those residences of 1628 33 Av SW and the 1600 block of 32 Av SW.

Maximum limits must be agreed upon with the community and the CPC and included as a part of the Development Permit. Focus should be on two and three bedroom units of interest to families.

Massing and Form

Design concepts, presented to a very limited number of local residents October 3, 2019 for the Property, was a 'Block' diagram of the Project. This proposal was **too imposing for this site**, presented **extreme shadowing** to the RC-2 property to the East (1628 33 Av SW) and **unacceptable shadowing, invasion of privacy/overlooking** to residents of the 1600 Block of 32 Av SW (to the North across the lane).

This also proposed a large **commercial/commercial accessible space on the second level** - this should **NOT be allowed** above the main floor as this should **NOT be a commercial building**.

In addition, a large **2nd level deck** overlooking the lane and the residents of 1628 33 Av SW and the 1600 Block of 32 Av SW is proposed - this is an **unacceptable invasion of privacy and overlooking** to 1628 33 Av SW and the residents of the 1600 block of 32 Av SW.

There was **no apparent setback for the lane** abutting existing residences in the 1600 block of 32 Av SW - **this is contrary to :**

- **MDP**

- **Section 2.2.1 - Policies (b)**

"i. Maintaining compatibility, **avoiding dramatic contrast in height and scale with low density** residential areas **through limits on allowable heights and bulk** of new development."

"iv. Massing new development to frame adjacent streets in a way that **respects the existing scale** of the street."

v. **Limiting the impacts of shadowing** on neighbouring streets, parks and properties."

- **Section 2.3.2 - Respecting and enhancing neighbourhood character - Policies**

"a. **Respect the existing character of low-density residential areas ...**"

"b. **Ensure an appropriate transition of development intensity**, uses and built form between low-density residential areas and more intensive multi-residential ..."

"c. **Ensure ... development** complements the established character of the area and **does not create dramatic contrasts ...**"

- **ARP - Section 2.4.1 - Development Guidelines**

For R-2 Districts (which is the current zoning for most of the Property)

"When the Approving Authority is reviewing a discretionary use development permit for low density residential, it will consider the Low Density Residential Housing Guidelines for Established Communities to assist in ensuring compatibility of the proposed development, both **in terms of character and scale, with the surrounding area.** (Bylaw 43P2008)"

- For Medium Density (High Density Guidelines were not considered for the ARP)

"[Development Guidelines specify] The following is to be encouraged: ... 2. provision of a building design that: (a) has a **scale, mass and height that does not adversely affect adjacent conservation** and infill development, and which **allows adequate sunlight penetration to adjacent development**; (b) incorporate design details, facade articulation and roof lines which respect the character of adjacent buildings;"

- **MLARP (for the MLBZD) - Section 4.2.2 4.**

"For buildings with a frontage of over 60 metres in length along the street the **overall mass of the building should be broken up with changes in width, height and finishing materials** along the facade. Building **facades should not exceed 15 metres in length without a change** in plane or material."

Facade Materials and Mixed Use General

The materials used on the external facade of the development should coordinate better with the residential neighbourhood than the poor example of the COCO Project. The community needs more information on the requirements for the street facade under this MU-1 designation.

Trees and attractive landscaping facing 33 Av SW and 16 Street SW, pursuant to the Main Streets Initiative information should be required of the development.

6. SHADOWING

The proposed rezoning would have **major negative impacts to 1628 33 Av SW and the 1600 block of 32 Av SW**, across the lane to the north of the Property (the '1600 block of 32 Av SW'), due to shadowing from the proposed development on the Property and contravenes the following:

- **MDP**
 - **Section 2.2 - Policies**

"b. Plan the development ... appropriate to the local context by: v. **Limiting the impacts of shadowing on neighbouring ... properties...**"

- **Section 2.3.2 - Respecting and enhancing neighbourhood character**

" ... significant change can impact adjacent low density residential neighbourhoods. Attention must be paid to **ensuring that appropriate local context is considered** when planning for intensification and redevelopment."

- Section 2.4.2 Built Form - Policies

"f. Plans and designs for tall buildings should ensure that they are: iii. Integrated with adjacent areas by **stepping down to lower scale** buildings and neighbourhoods, and iv. Consider the **shadow impacts on adjacent residential areas ...**"

- **MLARP (for the MLBZD)**

- Section 4.0

"[Buildings] should ... provide opportunities **to maintain views and sunlight penetration ...** and minimize shadowing."

7. LOSS OF PRIVACY

The proposed **rezoning of the Property would result in overlooking and loss of privacy** to 1628 33 Av SW and the 1600 block of 32 Av SW.

The proposed development of the Property **should not include any common amenity space on the roof** top as this would result in a severe loss of privacy, overlooking and right of enjoyment of property to 1628 33 Av SW and the 1600 block of 32 Ave SW.

A **proposed 2nd floor space**, on the north side of the project, for 'meeting rooms' (or other unspecified use), should not have windows that overlook 1628 33 Av SW or the 1600 Block of 32 Av SW . This space **should NOT be for commercial use** or for use by commercial tenants. There should be **NO commercial or commercial use space above the main floor. This should NOT be a commercial building** - this does not comply with the ARP nor the MLARP.

8. CURRENT ZONING

The **existing zoning exceeds the Municipal Development Plan targets** for population and employment for the Main Streets Initiative **by 15%**.

Current zoning would allow for the development of at least 12 Duplex type residences on the Property or potentially up to 18 or more townhomes - **this type of development would not likely bring any objections from the community.**

Development consistent with the existing zoning on the Property has numerous precedents in the current redevelopment along 33 AV SW. There are 16 duplexes that have been built along 33 Av SW (1525/1527, 1609/1611, 1621/1623, 1629/1631, 1637 33Av SW/3408 16 St SW, 1733/1735, 1817/1819,

1821/1823, 1825/1827, 1905/1907, 1909/1911, 1506/1508, 1706/1708, 1906/1908, 1910/1912, and 1914/1916). There are two developments in progress on 33 Av SW (1705 and 1834) and six infill homes on 33 Av SW (1605, 1607, 1633, 1635, 1901, and 1903).

There are no commercial or commercial/residential developments of the scale, density and height that the rezoning would allow East of 18 St SW on 33 Av SW. The COCO Development is, I believe, designated Mu-1f2.5h15 and has no commercial use.

9. COMMUNITY INPUT

This Application for Land Use Amendment has had minimal input from the community. A few selected residents have had one meeting on this project October 3, 2019, and a short 'online engagement', July 30, 2020, which were effectively Sarina Homes announcing what was proposed rather than looking for input from the community - this **has not allowed adequate community notice** to citizens for input or additional community feedback which **deprives the community of information and potential feedback on this Application.**

Any change to the ARP should not be rushed and should include several well publicized meetings to ensure existing residents and interested citizens have adequate input to any significant changes to the community - this is NOT happening.

The community needs to be informed and involved and the Main Streets Initiative for the area approved by the community before major projects are approved - this is NOT happening.

10. HVAC NOISE

HVAC systems need to be soundproofed to not disturb adjacent residences.

11. SUMMARY

Building Height

The maximum building height (from the south west corner of the Property on 33 Av SW) should not exceed the 4 stories in 15 metres established by the COCO Development, and with significant community input, in the MLARP.

The preferred maximum building height should be lowered (from the 20 metres requested) to 15 metres or lower from the south west corner of the Property on 33 Av SW - this could result in an easier transition to the RC-2 property to the East and the RC-2 neighbourhood to the North and the recognition of and minimizing shadowing and loss of privacy issues.

Lowering the height to 15 metres from the south west corner of the Property would also have implications on building mass, density and traffic issues and may result in a more positive response from the community.

Roof top amenity space should not be allowed.

Setback from Lane

A setback of 5 metres from the rear property line and a setback of 3 metres at either the second or third storey, pursuant to the MLARP, should be followed to recognize and minimize shadowing and loss of privacy issues and provide an easier transition to the RC-2 neighbourhood to the north.

A Loading Zone off the lane should be required. Access to an underground parkade needs to be sensitive to the narrow lane and the required access by the neighbours of the 1600 block of 32 Av SW.

Shadowing and Privacy

This proposed development, at a height of 20m and with very limited setbacks, would have major negative impacts to 1628 33 Av SW, the 1600 Block of 32 Av SW and the community.

Further to the MDP and the MLARP (for the MLBZD), the development should be limited to a maximum of 15m (as established by the COCO Development) and should ensure it is integrated with adjacent areas by stepping down to lower scale buildings and consider shadow impacts on adjacent residential areas. Adjacent areas should maintain views and sunlight penetration.

Main Streets Initiative

I trust the City will deny the Land Use Redesignation (South Calgary Bylaw 137D2020), until proper input from the community is achieved pursuant to:

- **a revision to the South Calgary/Altadore Area Redevelopment Plan;**
- **a revision to the Marda Loop Area Redevelopment Plan; and**
- **the Main Streets Initiative for 14 Street SW and 33 Avenue SW.**

Infill development and lack of larger development parcels on 33 Av SW may result in 'stand alone' developments on the 1600 Block of 33 Av SW. This highlights the need for community involvement to ensure the proposed development is not an eyesore, blends with the RC-2 neighbourhood and coordinates with community involvement in any adjustments to the ARP, MLARP, MDP and the Main Streets Initiative.

This proposed development should either comply with the existing zoning (RC-2) or be more sensitive to the Main Streets Initiative and consultations with the community.

Sincerely,

Lary & Katherine Wright
1629 32 Av SW
Calgary, AB T2T 1V8
email w.a@shaw.ca
ph (403)244-5177

From: Kim Kemper <kkemper1907@gmail.com>
Sent: Monday, September 28, 2020 1:12 PM
To: Public Submissions
Subject: [EXT] LUR South Calgary Bylaw 137D2020

Dear Council,

I am writing to you today with my concern to the proposed land redesignation LOC2019-0156 lots 1632,1636 and 1640 33 Ave SW. I live at 1623 32 Ave SW, behind the new proposed land redesignation.

This proposed amendment to the property from R-C2 to a mixed use MU-1 F3.5 H 20 is absolutely not in step with the community, or the MLARP of 2014 or the Municipal Development plan for our neighborhood.

I am in favor of a new development in this area that is more in tune with the neighborhood which currently surrounding the proposed building is mostly Single dwelling homes including 110 year old very well maintained heritage homes and 10% attached homes on the South Calgary side which is where this building will back onto. The only development of this kind is further down the 1600 block which is completely out of the visual conception for the area. The rezoning map provided by the city is not at all what the area looks like? They don't even show the **South Calgary Park, South Calgary Pool or the library or the fire hall?** It would be a mistake to not take into consideration the lack of privacy this building might have on the pool as well?

Promises of a "Main Streets" initiative on 33rd Ave with larger walking area, trees, public sitting areas new street lights **I am very unclear how this development can go ahead at its proposed Height and land usage as it doesn't meet any of the proposed options.** In fact it seems the developer wants to get this project in before there is any input from the neighborhood and public input sessions.

The proposed height is very out of step with the community and I invite the Council to visit the street and the street further north of this redevelopment before making any decisions. I am particularly concerned about:

1 Privacy of our backyards

2 Lack of greenspace of any kind

3 Shadowing

4 Sound from the HVAC system

5 Lack of any LEED considerations in this building taking over a Mu-1f3.5 leaves no room for trees, grass, drainage

6 MU-1f3.5 does not allow for any loading zone, garbage pick up etc

7 The proposed Setbacks from 33rd Ave does not allow for any future considerations for Main Street or a walkable, art showcase, landscaped or public seating area

8 Proposed lack of Setbacks from Back lane, this is already a highly used, in desperate need of repair alleyway which is so tight. Currently the developers other property is having many issues with deliveries, garbage pick up etc so they block the lane and 15th street everyday with one or the other. Their large Commercial style garbage bins are blocking 15th street every time they get picked up for hours.

9.No Density modifier - this is of great concern not knowing how many units they will be squeezing into this area. I'm afraid this development is all about maximizing dollars and not about creating a better community.

10 Massing and form: this building is way too imposing for this area and extremely dramatic contrast in height to the area.

In summary:

I would like to see a zoning more intune with the neighborhood. The overall space this building would take up on the current lots is completely out of step with **environmental considerations for landscaping or any LEED considerations. A max height of 14m or lower** would be much more in step with the community and allowances for **drainage, trees, greenscape, loading Zones, shadowing, privacy, diversity and to allow for the Main Streets initiative** to work with a much less invasive proposed land use.

The community involvement has been very low, and in fact only 6 houses were informed about the project within the block about this Application for Land Use Amendment?

I am in favour of having some commercial use for this space but the overall height, land use percentage and set backs proposed in this LOC2019-0156 Application for Land Use Amendment **I can not support**. It will be an eyesore and look completely out of place. You will be hardpressed to find someone in favour of this project and yet for buildings such as the fourplexes on 30th Ave and 15th street, the 4 story building on 14th street and 29th Ave and even the new Edward building on 16th street and 30th Ave seem to blend with the community and did have a lot of support of the community.

I have lived in South Calgary for over 15 years, I have raised my children on 32nd Ave for most of their lives, I love South Calgary the walkability, character and diversity of the neighborhood but if we keep allowing developers to build for max profit without consideration of Main Streets Initiatives, the overall character of a neighborhood or the environmental impact of these imposing buildings I can't imagine it keeping its charm.

Sincerely,

Kim and Chris Kemper
1623 32 Ave SW
Calgary, AB T2T1V8
403 966 1907
403 619 8053

Lori Bokenfohr

1631 32 Ave SW
Calgary, Alberta, T2T 1V8
lbokenfohr@me.com

November 3, 2019

City of Calgary
700 Macleod Trail SE,
P.O. Box 2100, Stn. M
Calgary, Alberta T2P 2M5

VIA EMAIL

PublicSubmissions@calgary.ca

Attention: Office of the City Clerk

Dear Sir or Madam:

Re: 1632, 1636 and 1640 – 33 Avenue SW (Plan 4479P, Block 62, Lots 15 to 20)

This letter is in response to the City’s package regarding the proposed Land Use Amendment (the “**Application**”) made by Sarina Homes (the “**Applicant**”). The package invites comments addressed to you. My initial comments are below. In sum, the Application is problematic for the following reasons:

1. Under current market conditions, approval of this Application will likely increase rentals in the community, and instability. The Applicant’s project at 3375-15 St. SW (“**Coco**”), in the same block and lane is not fully sold. The building at 2410, 2414, 2418, 2424, 2428 and 2432 - 33 Ave. SW¹, is now renting as “Lyfe Residences”. Just to the east at 2240 33 Ave. SW is Courtyard 33 (CY33), which is also transitioning to rentals. The Applicant told residents that the “market will tell us” whether the proposed building will be condominium units or rentals. Rentals are now in higher demand in Marda Loop than condos, and this will likely be a rental building.
2. A broader Local Area Planning process will commence in 2020 for an area that includes the community. One-off ARP amendments and land use redesignations that conflict with current policy and the current ARPs should not be approved ahead of this process.
3. The Application conflicts with policy under the Municipal Development Plan, which requires that higher density mixed-use spaces in Neighbourhood Main Streets be concentrated in nodes.
4. The proposed commercial development directly conflicts with the South Calgary/Altadore ARP goals of avoiding random commercial development outside the community’s established “commercial centre”
5. The proposal for commercial access to an underground parkade in the lane directly conflicts with the specific ARP goal of restricting commercial access to the lanes between 32nd and 33rd Avenues S.W.

¹ Approved under Bylaw 88D2016.

6. The proposed mixed use is too far east along 33 Ave. City-initiated land use redesignations for areas west of 18 St., and on the south side of 33 Ave only were approved.² No further city-initiated redesignations east of 18 St. are planned, and the Main Streets 33rd and 34th Avenues SW Marda Loop Streetscape Master Plan (the “**Main Streets Master Plan**”) has not been approved by Council as policy for planning purposes.³
7. The proposed commercial development on the ground floor, and the proposed allocation of upper floors to “work space people” (described further below) will further proliferate rentals along 33 Ave. and in the community.
8. The proposed land use amendment conflicts with general ARP goals, including establishing stability where there has been high transience and turnover, and preserving residential character while allowing for limited higher density development in designated areas.
9. The maximum building height for buildings zoned MU-1 under Bylaw 112D2019 for buildings in the commercial centre on the north side of 33 Ave. and west of 18 St. is 16 feet.
10. The density suggested by the floor area ratio of 3.5 suggests smaller, one-bedroom units will be constructed. This would promote turnover, instead of stability.
11. A small bungalow sits between Coco and the land under this Application. Appropriate transition between Coco, the bungalow, and the property under this Application is required. Townhomes may be more appropriate.
12. The environment of South Calgary Park and safety of its users is likely to be negatively impacted by a commercial development adjacent to this Community recreational space and playground zone.
13. Even though administration ultimately recommended Bylaw 270D2017, which resulted in Coco, the Calgary Planning Commission (in its Report to Council of July 31, 2017) could not reach consensus on the proposed bylaw because of concerns about premature redevelopment on the eastern half of 33 Ave without consultation,⁴ and the overwhelming scale, density and height of the proposed building in the context of the Marda Loop ARP, which is designed to concentrate scale and height.⁵ If this Application is approved, the planning goals for the community will be further undermined and thwarted.⁶

²Bylaws 39P2019 and 112D2019.

³ The Main Streets Master Plan has apparently been adopted by the Transportation and Leadership Team, per my conversation with Kevin Barton, Main Streets Urban Strategy Lead, November 1, 2019. Approval by Transportation is also reflected in the May 1, 2019 SPC On Planning and Urban Development meeting minutes, at item 7.2, with the committee recommendation adopted at the Combined Meeting of Council May 27, 2019 at item 7.5 of an omnibus motion.

⁴ Mr. Palmiere noted consultation consistent with that in other corridor communities like Bowness Road, Bridgeland, and 17 Ave was required.

⁵ Comments by Mr. Wright.

⁶ Mr. Kenneth Melanson, then a planner, informed Council on August 2, 2017 that the only issues CPC had with proposed Bylaw 270D2017 was the height of the proposed development. See: <https://pub->

14. “Sarina Homes” is not a legal entity that is capable of making the Application. The name of the corporation or numbered company must be indicated in the Application so that the City and its citizens can know who the Applicant is, for the purposes of transparency and accountability.⁷
15. On the Coco project (under DP2019-3616 and DP2017-2996) the Applicant has engaged in, and continues to engage in seriously concerning conduct.⁸ Heightened scrutiny of the Applicant and the Application is therefore warranted.

Applicable Legislation and Policy

Part 17 of the *Municipal Government Act*. (Alberta)⁹ and the court’s interpretation thereof make clear that Council is required to balance the rights and desires of those who wish to develop their property against those of the public. The public detriment must be considered in such process,¹⁰ and zoning must be based on sound planning principles, balancing the rights and obligations of all persons involved.¹¹ Planning law must also provide for certainty and predictability,¹² and land development must take into consideration the rights of affected individuals, public health, and the environment.¹³

Land use bylaws are passed under the *Municipal Government Act*, and they are the primary implementation tools of the planning process.¹⁴ Area redevelopment plans supplement land use bylaws by providing more detailed parameters within which the latitude of discretion of the approving authority should be exercised in a particular area of the City in order to achieve the desired aims within the community.¹⁵

The Application concerns property covered by the following additional policies:¹⁶

- Inner City Plan

calgary.escribemeetings.com/Meeting.aspx?Id=da4f267a-a60c-4c6e-8df5-2750ce5c83cb&Agenda=PostMinutes&lang=English#49853 starting at the 24:22 mark.

⁷ The *Business Corporations Act* RSA 2000, c B-9 requires at subsection 10(1) that a word such as “Limited”, “Ltd.”, “Inc.”, “Corp.” etc. be the last word of the name of every corporation.

⁸ I raised concerns in writing October 30, 2019 with Councillor Woolley and Community Planning, and I understand the issue is under review.

⁹ RSA 2000, c M-26. Section 617 provides that the purpose of Part 17 is to provide a means whereby plans may be prepared, inter alia, to maintain and improve the quality of the physical environment within which patterns of human settlement are situated without infringing on the rights of individuals, except to the extent necessary for the overall greater public interest.

¹⁰ *Churgin v. Calgary* [1988] A.J. No. 850; 53 D.L.R. (4th) 452.

¹¹ *Action Council of Reasonable Neighbours v. Edmonton (City)* [2003] A.J. No. 1340, 2003 ABQB 895.

¹² *Love v. Flagstaff (County of) Subdivision and Development Appeal Board* [2002] A.J. No. 1516; 2002 ABCA 292.

¹³ *Singh v. Summer Village of Golden Days* [2007] A.J. No. 840, 2007 ABQB 374, citing *R. v. Al Klippert Ltd.* (1998) 158 D.L.R. (4th) 219; [1999] 4 WWR 409 at para 16.

¹⁴ *Hartel Holdings Co. Ltd. v. City of Calgary*, [1984] 1 S.C.R. 337 at 352.

¹⁵ *Bridgeland Riverside Community Association v. Calgary (City)*, 1982 ABCA 138, 135 D.L.R. (3d) 724 at para 11.

¹⁶ Conversation with Jason Booth, Property Research Centre November 1, 2019. This information is apparently available internally to staff through the City’s Workflow system, POSSE when the addresses 1632, 1636, and 1640 33 Ave SW are entered.

- Business Revitalization Zone Bylaw
- South Calgary/Altadore Area Redevelopment Plan
- Low Density Residential Housing Guidelines for Established Communities
- Inner City Transportation Management Strategy
- Marda Loop ARP

The following general laws and policies also apply:

- Land Use Bylaw 1P2007
- Calgary Transportation Plan
- Municipal Development Plan

Under the Municipal Development Plan, the highest densities and tallest buildings on the Main Street should be concentrated into “nodes” as identified through a local area planning process. Between such nodes, lower scales of development are appropriate.¹⁷ Appropriate transition of building scale between developments in the Main Street and adjacent areas should be provided. These transitions should be sensitive to the scale, form and character of the surrounding buildings and uses.¹⁸ Ground-oriented housing, low-scale apartments and mixed-use retail buildings should occur in close proximity to locations where they merge with Activity Centres. Intensification should be limited to defined areas to provide more predictable development for existing communities by lessening the impact on stable, low-density areas.¹⁹

In the case of Neighbourhood Main Streets development must be sensitive to local communities.²⁰ Specific land use, transportation and urban design policies and implementation strategies for Main Streets are provided in Part 3 of the MDP.

The Main Streets Master Plan is often referred to when development in the community is considered, but at this point, it is not policy.²¹ Instead, it is described as “a compilation of ideas and recommendations”,²² and does not have the status of policy as a stand-alone instrument for the land use district under consideration or for the purposes of the Application.

Local Area Planning for the community will commence in 2020. Until then, the existing ARPs govern land use in the community, and the proposed commercial development undermines many of the stated objectives of the ARP. In particular, the ARP contains the objectives of encouraging redevelopment where appropriate that is sensitive to the existing community, which is to retain its existing character and function as a stable family residential neighbourhood. Stability is encouraged because of instability and larger ownership turnover in the community, with a more transient rental population.²³

¹⁷ General Main Street, at 3.4.1. and Neighbourhood Main Streets, at 3.4.3.

¹⁸ *Ibid.*

¹⁹ Section 2.2.1.

²⁰ *Ibid.*

²¹ *Supra*, note 1.

²² Final Report March 2019.

²³ Section 8.2.1.

Several sections of the ARP reflect and reinforce the plan for a centralized commercial core in the community. Local commercial development along the “commercial centre”, in the area of 33rd Avenue between 19th and 21st Streets appropriately provides for the development of a revitalized commercial core and traffic using 33rd Avenue,²⁴ and commercial redesignations in other inappropriate areas of the community is discouraged.²⁵ No new local commercial areas, nor expansions to the existing local commercial areas are envisaged,²⁶ and commercial redesignation outside the existing commercial centre is discouraged.²⁷ The maintenance of a strong and attractive commercial centre in a recognized pattern will avoid random commercial development, which is also discouraged.²⁸ Restricted commercial access to the lanes between 32nd and 33rd Avenues S.W. is specifically required to ensure that the commercial centre does not have a negative traffic impact on the adjacent conservation and infill and medium density residential areas to the immediate north and west.²⁹

The Inner City Plan recommends two general residential land use policies for the Community: 1) conservation of the existing character to function as a stable family residential area; and 2) in certain designated areas density that includes single family, duplexes, fourplexes, row housing, stacked townhouses, and walk-ups in certain areas.

Commercial Space and Shared Work Space

The Applicant invited a very small group of residents to a meeting on October 3, 2019.³⁰

At such meeting, in response to a resident’s question about whether units in the proposed building would be sold or leased, the Applicant said it was “unknown” and that “the market will tell us.” The Applicant explained that demand for commercial space in the community is high, and that there is a wait list at C-Space. While not referenced in the Application, at the meeting the Applicant said an upper floor might be a shared space for “work space people”. The Applicant was not able to answer residents’ questions regarding such proposed used, but the language suggests the Applicant may plan, for example, to lease upper floors to a large international shared office broker such as We Work or Regus. Such use, outside the commercial centre on 33 Ave. would be inconsistent with the ARP, and would disrupt stability and increase transience in the community.

The powerpoint diagrams displayed at the meeting also showed upper floor work space and a common space for the “work space people” that would allow unobstructed views into the windows and private spaces of adjacent homes. This would be an intolerable commercial intrusion into the privacy of adjacent residents. There should be no upper floor commercial spaces in this part of the community.

²⁴ ARP Supporting Information Section 1.1.

²⁵ *Ibid.*

²⁶ Section 3.3.2.

²⁷ Section 1.2.

²⁸ *Ibid*, Section 3.2.2.

²⁹ *Ibid*, Section 1.1.5.

³⁰ Only the following email addresses were included on an invitation sent September 19, 2019. Certain of the recipients live in the same home: bingham1@telus.net, stobartvanessa@gmail.com, mjstobart@gmail.com, w.a@shaw.ca, Kkemper1907@gmail.com, leitchdoug@shaw.ca, stevesmith@envconsulting.com, kostandi@telus.net, judithwoodrow@gmail.com, ssmitty19@hotmail.com, claudiakrakiwsky@gmail.com, brodeur@shaw.ca, raefarrer44@gmail.com, lbokenfohr@me.com, jentuffs@yahoo.com.

The Applicant

“Sarina Homes” is identified as the Applicant, but this name is likely only a trade name. It is therefore not possible to identify what entity is behind the Applicant, and who its directors are. There is a corporation named “Sarina Developments Ltd.” registered in Alberta, but it’s not known whether such corporation is the true Applicant, or whether a numbered company or other entity is the Applicant. In addition, the Applicant likely has other projects in the community, but it’s not clear that any of its directors or shareholders live in the community, as suggested in the Application.³¹

The Applicant told residents at the October 23rd meeting that a building of 3-stories or less would not work for the Applicant “economically”. However, the Applicant’s purchase of the land was speculative, and the economic outcome of such speculation to the Applicant is not one of the factors that Council can consider.

Thank you kindly in advance for your consideration of the foregoing.

Best regards,



LORI BOKENFOHR

³¹ The Application states that “Sarina Homes has been part of the Marda Loop community for more than ten years, living and working an area that means a lot to us.” A recent corporate search result for Sarina Developments Ltd. indicates that its directors reside at 208, 3515-17 Ave. SW, and not in the community.