

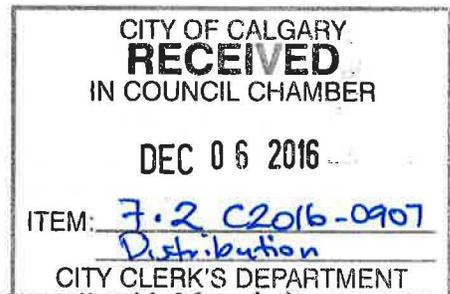


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File No. 2464.001  
Your File No.

December 5, 2016

City of Calgary – City Council  
9<sup>th</sup> Floor Calgary Municipal Building  
800 Macleod Trail SE  
Calgary, Alberta

BY DELIVERY (At Council; with 36 copies)



Attention: His Worship Mayor Naheed Nenshi and Members of Calgary City Council

Your Worship and Members of Council:

**Re: Public Hearing - Amendments to the Calgary Land Use Bylaw 1P2007  
Chinatown – Monday December 5, 2016  
(1) Redesignation of lands: DC 70Z84 to DC 179D2015  
(2) Amendments to the Chinatown ARP (Bylaw 38P2015)**

We represent CREIT Management L.P., co-owner and property manager of Sun Life Plaza (144 – 4 Ave SW / 140 – 4 Ave SW / 112 – 4 Ave SW). Sun Life Plaza consists of three – 28 storey office towers connected at the ground and +15 levels.

On CREIT's behalf, we provided a letter to Council when this matter was tabled by Council on November 9, 2015.<sup>1</sup> A key suggestion in our letter – that 3<sup>rd</sup> reading be withheld pending a concurrent development permit application – has been incorporated into the Administration's recommendation #3.

Council adjourned this matter on April 11<sup>th</sup> to allow for a "community-wide City-led Engagement process" on the matter of a new Chinatown ARP. In turn, the results of this process were to tie in with the supplementary report on the land use redesignation for the subject "El Condor" site (Chinatown ARP site "1B").

#### Engagement

The proposed land use amendment is for a substantial parcel of land within the 100 block of 3rd Avenue SW, lying immediately north of Sun Life Plaza. CREIT has met with the Applicant twice<sup>2</sup> and provided the Applicant with a summary letter<sup>3</sup> outlining CREIT's continued hopes for "memorable and distinctive" architecture - a hallmark of redevelop-

<sup>1</sup> Attachment 3 to 2016 Dec. 5, Report 7.2, at pages 143 – 145.

<sup>2</sup> On November 26, 2015 and on February 29, 2016.

<sup>3</sup> July 29, 2016.

ment in the Centre City.<sup>4</sup> The Applicant has not responded to our letter sent on behalf of CREIT.

CREIT is aware of many of the City's general Chinatown ARP engagement initiatives over the past 7 months. Despite the written submission on November 9, 2015 and the fact that CREIT is the owner of the block lying immediately south of the subject site, CREIT has not been formally contacted by anyone from the City during this year's engagement initiative. The first opportunity to see the City administration's response to Council's directions was when the Council agenda was published on Thursday December 1<sup>st</sup>.

CREIT has informally been in contact with representatives of the new Chinatown BRZ, who provided several updates to CREIT during the City-led community engagement.

#### Site Density

The Centre City Plan (2007) identified our client's block as part of the "transition area" between the Centre City and the adjacent lands.<sup>5</sup> Given that our client's site is complete and has little or no opportunity to address "transition", our client believes that the subject "El Condor" (Site B1) parcel is the *de facto* transition zone. The Centre City Plan suggests that transition edges between Chinatown and the Downtown should be "sensitive" and "appropriate".<sup>6</sup>

Our client suggested to the Applicant that an adequate and "appropriate" transition should be reflected in the proposal, by incorporating the following characteristics into the proposed DC guidelines:

- the density for the El Condor site be a maximum of 10 FAR
- the towers be no higher than 85 metres / 280 feet (including rooftop mechanical penthouse or mechanical floors)
  - office towers be no higher than 22 storeys
  - residential towers be no higher than 26 storeys

#### Quality Urban Design

In the absence of development plans, the site's urban design qualities and the impact on neighbouring sites are unknown (other than sun shadowing). It is a reasonable expectation that CREIT and the other immediate neighbours understand the nature and quality of the proposed development that will benefit from the requested 4.5 FAR increase in site density. The subject site is within the Centre City Plan (2007). There is a strong policy statement in this Plan that there be "appropriate transition edges between residential developments in Chinatown and the Downtown". The CCP further states that "new buildings shall provide an appropriateness, quality and durability of details and finishes" and that "architecture (be) both memorable and distinctive".<sup>7</sup> Without seeing a building elevation or design, it is not possible to determine if the built form and architectural design expectations of the CCP will be achieved. It is a reasonable expectation that this "reveal" might have

<sup>4</sup> Centre City Plan (2007). Section 7.8 "Architecture", at p. 141.

<sup>5</sup> Centre City Plan (2007). See attached Concept 9 "Chinatown" map, at page 53.

<sup>6</sup> Centre City Plan (2007), page 38 (Policy 11), page 41 (Policy 4) and page 52 (Policy 10).

<sup>7</sup> Centre City Plan (2007). Section 7.8 "Architecture" at pages 140 & 141.

occurred prior to any approval for a 4.5 FAR increase in density. In order to justify this **60% increase in density**, the highest quality of urban design and architecture should be integral to the development and guidelines should be incorporated into the DC Land Use to ensure such standards.<sup>8</sup>

#### Tabling of this Item

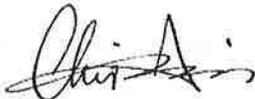
CREIT would like to be supportive of El Condor's application, but as an immediately affected neighbour CREIT is looking for a higher degree of assurance about the quality of the future development than has been presented to date. On July 29<sup>th</sup> CREIT suggested several suggested solutions to the Applicant and their client, El Condor, that might provide greater certainty over the future design elements (i.e. DC bylaw with detailed design guidelines and a concurrent development permit). In our client's view, the report and recommendations do not sufficiently address these concerns, lacking clear design criteria within the DC bylaw and its guidelines.

#### Technical Amendments

In reviewing the Administration report and attachments, as posted, should this matter proceed to first reading, we recommend a number of technical amendments on the attached **Schedule "A"**.

Sincerely,

**Christopher Davis Law**



Per: CHRISTOPHER S. DAVIS  
Barrister & Solicitor

By email delivery:  
Client  
David Lachapelle, Spectrum Architecture

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<sup>8</sup> Section 641(4) of the *Municipal Government Act* (MGA) makes it clear that appeals of development permits within DC districts may be limited to asking one question only: "did the applicant follow Council's directions in the DC bylaw?" For this reason, the proposed DC must be explicit in ALL matters considered important by City Council. The belief that a concurrent development permit will solve the design issues may be misguided if an applicant is only bound by the language of the DC bylaw.

## Schedule "A" (changes proposed within bylaw language are in italics)

1. Amend section 16(1) of the proposed DC bylaw 179D2015 as follows:

16 (1) Unless otherwise specified in subsection (2), the maximum **building height** is 85 metres, including rooftop mechanical and other penthouse structures.

*Rationale: The subject site operates as a "de facto" transition edge as contemplated by the Centre City Plan (page 53, "Concept 9: Chinatown"). As such, it should step down to transition from the Downtown commercial district to the south. The Centre City Plan further suggests that rooftops should be designed to incorporate green roofs or other improvements to minimize negative impact on neighbouring buildings (Section 7.8.1 at page 140).*

*Other members of the community would like to see this maximum height further reduced from 85 metres.*

2. Amend sections 16(2) and 17(2) of the proposed DC bylaw 179D2015 as follows:

16 (2) Within 20 metres of 2 Avenue SW, the maximum **building height** is 20 metres.

*(3) Within 7.5 metres of 3 Avenue SW, the maximum **building height** is 20 metres.*

17 (2) Within 20 metres of 2 Avenue SW, the maximum podium height is 20 metres.

*(3) Within 7.5 metres of 3 Avenue SW, the maximum podium height is 20 metres.*

*Rationale: The current report to Council recommends a maximum of 6 storeys on 2<sup>nd</sup> Avenue SW (at pages 3 & 4) which might be in the range of 18 to 20 metres. However the draft DC bylaw suggests 46 metres in section 16(2).*

*Our client recommends that similar design height criteria expectations apply to both the north and south block faces.*

3. Amend "Podium Design" section 18 of the proposed DC bylaw as follows:

18 The podium design must accommodate one or more of the following:

(1) at-grade pedestrian connectivity of a minimum width of not less than 8.0 metres and a maximum of 18.0 metres between 2 and 3 Avenues or from each of those streets into the site;

- (2) sunlight penetration of a minimum width of not less than 8.0 metres and a maximum of 18.0 metres through the site from 3 Avenue SW to the south side of 2 Avenue SW; or
- (3) significant, being described as not less than 1800 square metres, at-grade gathering space for public use

Rationale: The report recommends "splitting of the podium to allow a plaza and / or pedestrian access through the site". However no design parameters are described in the amended proposed DC bylaw to provide guidance on what this would require.

The Centre City Plan (Section 7.8.1 at page 140) recommends massing "breaks" and to promote substantial sunlight penetration throughout).

- 4. Amend new section 19 "Architectural Motifs" of the proposed DC bylaw as follows:

19 All **buildings** must incorporate Chinese or Asian motifs or architectural elements into the façade, landscaping, or signage. Such elements will not subordinate the requirement for **buildings** in the City's downtown to be "appropriate" to the Downtown / Chinatown transition or to be architecturally "distinctive and memorable" in accordance with sections 4.2.3 and 7.8, respectively, of the Centre City Plan.

Rationale: Adopting elements of the traditional Chinatown community and its distinctive architecture and design motifs is an important recognition of the site's location and context. As a de facto "transition edge" area between the City's commercial downtown and the neighbouring Chinatown, it is important that this transition be appropriate and have a high quality architectural standard.

- 5. Add a new section 21 to the proposed DC bylaw 179D2015, to read as follows:

21 Any development permit application for a **building** must comply with the following City policies:

- (1) Centre City Plan (Adopted by City Council by resolution; 2007 May 7), as amended.
- (2) Centre City Urban Design Guidelines (Published by Calgary Citywide Policy and Integration (Planning, Development & Assessment; 2015 October), as amended.
- (3) Urban Design Framework: A Protocol for the Achievement of Urban Design Excellence (Received "for information" by City Council; 2011 July 4).

Rationale: Pursuant to section 641(4) of the Municipal Government Act, there is limited or no objection possible to a development permit in a direct control district unless an approval by the development authority has failed to follow the "directions of council". Such directions are only found within the language of the direct con-

*trol bylaw. Without the inclusion of such direct reference in the DC bylaw, such policies may have limited or no opportunity for consideration during the development review process.*

*The existing Centre City Plan and guidelines are non-statutory and have no inherent planning weight in considering any development permit appeal (see section 687(3) of the MGA). The Centre City Plan includes many recommendations regarding good design that, without reference in the language of the DC bylaw, would have no legal impact if they were not otherwise considered by the Development Authority.*

*The Centre City Urban Design Guidelines have received consideration in many of the City of Calgary's current policy initiatives, including the recently approved Pedestrian Strategy (2016, May 2; TT2016-013 Report).*

*While the 2011 "Urban Design Framework" has been referenced by other members of the community, it is expected that its principles have been incorporated into the 2015 Centre City Urban Design Guidelines.*

6. Amend recommendation #3 to Council read as follows:

*Withhold 3<sup>rd</sup> reading of Bylaw 38P2015 and 179D2015 pending the approval of a Development Permit by Calgary Planning Commission and is pending release by the City of Calgary pursuant to section 39(b) of the Calgary Land Use Bylaw, as amended."*

*Rationale: As proposed, 3<sup>rd</sup> reading for the new land use could be granted in a circumstance where there may be a continuing appeal process. In effect, the landowner would be given its land use approval based on a project that may not proceed as approved by CPC. Section 39(b) of the LUB ensures that a development permit not be released until such time as all appeal processes are exhausted.*

CSD/ 2016 Dec 5

# 4 URBAN STRUCTURE

## Neighbourhoods

### 4.2.3 Chinatown

#### Preamble

Of all the Centre City neighbourhoods, Chinatown has the most clearly distinct and defined identity due to the cultural and physical aspects that have evolved over the years. Chinatown is situated between Macleod Trail SE to the east and 2 Street SW to the west and between 3 and 4 Avenues S and Riverfront Avenue.

In 1986, the Chinatown Area Redevelopment Plan (ARP) was approved that would guide direction for this medium/high density mixed-use neighbourhood. Currently a vibrant neighbourhood, Chinatown has the opportunity to further enhance its identity through development of its edges and how these interface with the Downtown, Bow riverfront, and surrounding neighbourhoods. It is anticipated that over time, Chinatown will evolve in a manner that reinforces its significant role as a mixed-use and culturally significant neighbourhood in the Centre City. See Concept 9: Chinatown.

#### Policies

1. Facilitate Chinatown's evolution as a unique residential/mixed-use and cultural neighbourhood within the Centre City.
2. Reinforce the Chinese Cultural Centre, Sien Lok Park and 1 Street SW as a Neighbourhood Centre and local gathering place for the residents.

3. Preserve views to the Chinese Cultural Centre along 2 Avenue both easterly and westerly.
4. Upgrade the design, quality and accessibility of Sien Lok Park.
5. Integrate all development along 2 Street SW with the future LRT station and transit and pedestrian/bicycle movements along 2 Street SW. See Concept 23: Bicycle Network and Concept 24: Transit Network.
6. Reinforce the significance of pedestrian movements along all of the north/south streets through the Chinatown neighbourhood given their direct connection between the Downtown and the Bow riverfront. Such considerations should include clear sidewalk paths, landscaping, and transparent and active land uses.
7. Enhance Riverfront Avenue for bicycle travel.
8. Better connect the pedestrian physically and visually to the Bow River along the pathway system east of Centre Street. This should include an enhanced promenade with lighting, urban features, public art and active land uses along Riverfront Avenue to provide vitality along this area of the pathway system.
9. Redevelop open space and building features on the north side of the Harry Hays Building to better integrate with the Bow riverfront enhancements and provide "eyes on the riverfront" in this location.

CENTRE CITY PLAN  
(MAY 2007)

10. Ensure appropriate transition edges between residential developments in Chinatown and the Downtown.
11. Consider the potential for sPARKS and/or a woonerf along Macleod Trail SE and 1 Street SE between Riverfront Avenue and 4 Avenue SE. See Section 6: Open Space and Appendix D: Glossary.

#### Actions

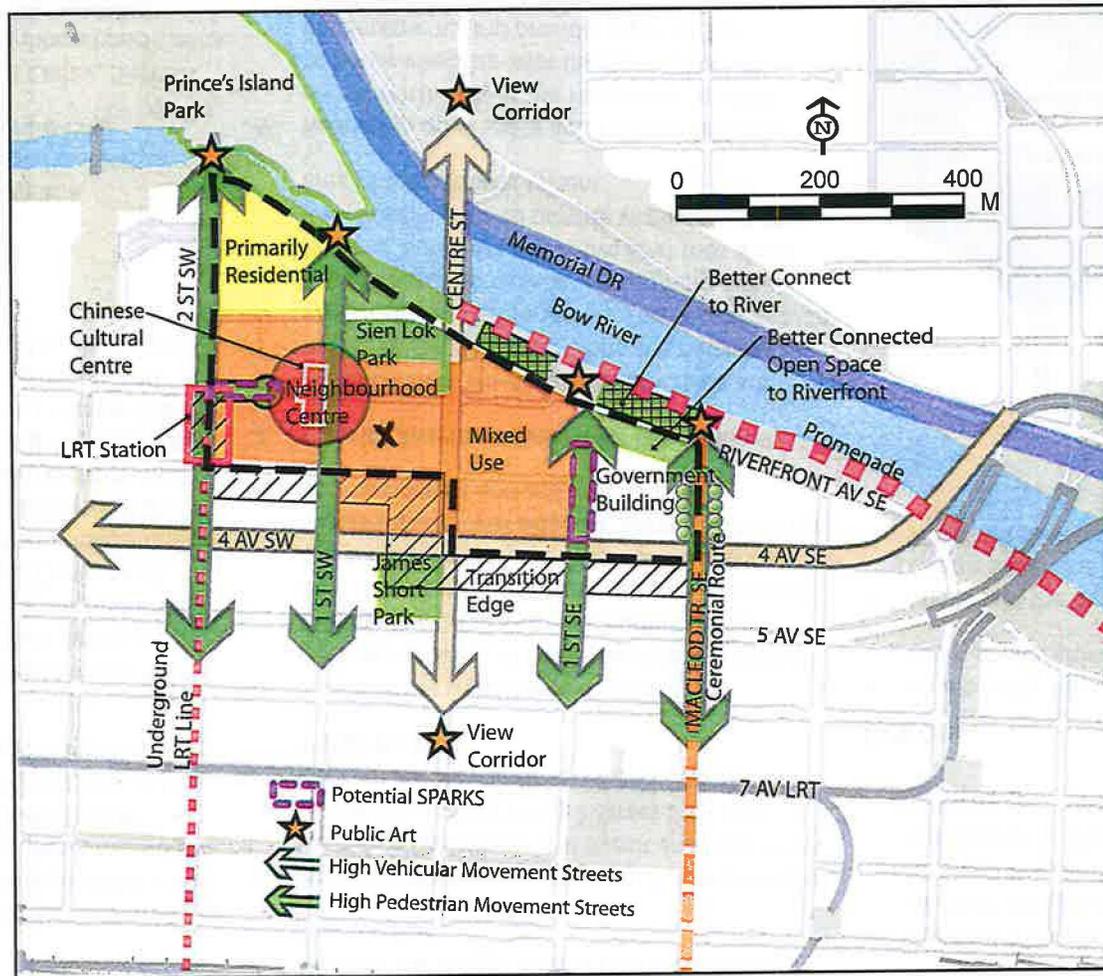
- As a priority, design and implement the public realm enhancement of Centre Street.
- Implement the promenade concept between Centre Street and MacLeod Trail SE along Riverfront Avenue SE.



# 4 URBAN STRUCTURE

Neighbourhoods

Concept 9: Chinatown



X - SUBJECT SITE