

# Community Association Response

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**File Number:** LOC2020-072 – 121 2 Avenue SW

**Planner:** Colleen Renne-Grivell

Dear Ms. Renne-Grivell:

Thank you for allowing the Calgary Chinatown Community Association (CCCA) the opportunity to provide comments on Land Use Amendment Application LOC2020-072. We are saddened and disappointed by the applicant's letter and their indication of submitting the same Development Permit as previously appealed. We are also concerned with their absence of public engagement prior to the applicant submitting this application for re-zoning. **To us it indicates that they do not intend to work with the community to come to a reasonable solution.**

We also find a number of inaccuracies in their application letter including but not limited to "... and the proposal was designed to fit contextually within the fabric of Chinatown, in alignment with the requirements outlined in the revised land use bylaws 38P2015, 179D2015, and the Chinatown ARP."

If the development fit within the Bylaws and the Chinatown ARP we would not have had grounds to appeal the application and these revisions would not be required. We believe they are using this as an opportunity to revise a Land Use to suit a plan instead of altering the plan to suit the approved Land Use. The applicant often refers to adding flexibility to the DC, but this current DC guideline had already been tailored to their project as per their specifications. Adding flexibility to the DC guidelines speaks to the fact that the project is not solidified and plans that were submitted and are going to be resubmitted are speculative only.

We are also concerned with the timing of the application. The city and the community have begun the process of working on Tomorrow's Chinatown, the new Cultural Plan, Local Area Plan (LAP) and Area Redevelopment Plan (ARP). We recommend that this application not be considered until these documents are in place and can be used as a guiding documents. This application is premature and requires extensive scrutiny by the planning and transportation departments.

### DC Tied to a Plan and Concurrent DP Application

Should this revised Land Use be considered prior to the completion of the Tomorrow's Chinatown, the new Land Use and Development must comply with the eight (8) Chinatown Development Guiding Principles, as approved by Council, the existing Chinatown ARP and existing Chinatown Handbook of Public Improvement. **We respectfully request that the approval of the proposed new DC Bylaw be tied to a Plan and that a concurrent Development Permit application be approved with no appeals prior to acceptance.** Given the history of the file and applicant we feel that this is a prudent and required step. The previous Land Use Amendment was withheld third reading until an approved Development Permit was obtained. The applicant waited until just before the expiry date to submit an application, received third reading and then withdrew the Development Permit when it was appealed. We do not feel that they fulfilled the requirement of receiving the 2015 Land Use. We believe that by tying the Land Use to a Plan it will lessen the likelihood of the same issues recurring.

Below are our comments on the requested modifications to the DC Land Use Amendment. However, as there is no such thing as a revised DC Land Use Application and this must be a completely new Land Use, we would like the Development Authority and Council to consider some of the other shortcomings of the approved Land Use. **It is important to note that Land Use Guidelines not only serve the interests of the property owner but also serve the overall public interests in Chinatown and the downtown area.**

### Site Access

- In the previous design the applicant had all the underground parking access located on 2 Avenue SW. We feel strongly that this is not appropriate. As per the Chinatown ARP, 2 Avenue SW is classified as a local road and has several senior's residences located on both sides of the street. We take the safety of our residents, especially our senior, very seriously and do not believe that the parking access on 2 Avenue SW takes this into consideration. Additionally, 2 Avenue SW is effectively only a single block long, as it does not extend west beyond 1 Street SW and to the east is the lighted intersection at Centre Street with the priority given to the traffic on Centre Street. The approval of the Green Line development and the increase of BRT traffic on Centre Street will only perpetuate this issue. It would be more appropriate to locate all vehicle access on 3 Avenue SW as this is more of a traffic corridor with better access east and west.

### Location of Uses

- We would also ask that consideration be given to the uses on site. In the previous application the applicant located the hotel on 2 Avenue SW and the residential buildings on 3 Avenue SW. We suggested numerous times that it would make more sense for the residential to be on 2 Avenue SW as it is surrounded by other residential buildings. The hotel is more conducive to being located on 3 Avenue SW due to the improved pedestrian, vehicle, taxi and bus access. Additionally, there is the possibility that a connection to the +15 network could be sought from the hotel should it be located on 3 Avenue SW.
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**4(a)(ii) "Residential Sales Centre"**

Given the current economic climate we find it acceptable to extend the time frame from the four (4) year limit. However, we do not believe that this needs to be revised as the applicant can reapply once the first 4 year period has elapsed.

**6(b)(ii) Uses**

We are accepting of the revision to revise the spelling of marijuana.

**8(a)(ii) Floor Area Ratio**

We are not in support of revising the word "and" to the word "or". Diversity is very important to the community and to Council and we believe that the wording in the Land Use is intentional and reflective of this goal. The Tong Houses are of significant importance to the community, it is our concern that if this wording is revised that this development will lose these important cultural spaces. 9.0 FAR is a significant increase in area and we believe it is not too much to ask that the space be diverse in its uses.

**8.1 Mandatory Residential**

We are not in support of the revision to revisit the 60% residential rule. We do not believe that this has anything to do with the phasing, as it clearly reads that 60% of the FAR for **any building** must be comprised of one or more of the following uses: Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development or Tong House. Therefore, all the buildings on the site must meet this clause independent of phasing.

As with 8(a)(ii), this clause speaks to the diversity of the site and the fact that we are a Residential neighborhood. The applicant refers to the protection of this diversity in their rationale by indicating that 8(a)(ii) ensures the diversity but has also asked to revise that clause. This is another strong reason that we are requesting that the Land Use be tied to a Plan.

**11(1) Use Area and 11.1 Retail Storage Frontage**

We have some concerns with the revision to the maximum use area and the maximum frontage widths. The maximum use areas and widths of individual units are proscribed to fit with the contextual neighborhood. The small storefronts are an important part of the cultural identity of Chinatown and therefore are an important part of the planning document. It is important to the community that the main floor retail enhance the pedestrian oriented public realm that contributes to the ambiance of Chinatown.

Additionally, we do not believe that a multi-tenanted food hall type of venue is appropriate on the main floor of the development. We would be willing to accept a larger use area on the second floor, especially if a +15 was contemplated.

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## 12 Building Setbacks

We are strongly opposed to any revision to the setbacks and in fact would prefer that the setback was increased. There was a lot of thought and time put into this matter by Council when the existing DC was approved. The 1.5 meters is already below the 2.134 meters in the Chinatown Handbook for Public Improvement. We would be willing to accept the removal of the maximum depth of 3.0 meters should the minimum depth of 1.5 meters remain. This would provide flexibility and assist in the addition of outdoor patio spaces and a more pedestrian friendly environment.

We also have concerns with the lack of addressing the side setbacks and rear setbacks in DC179D2015. We understand that the *front property line* is defined as

- (a) the property line separating a parcel from an adjoining street;
- (b) in the case of a parcel that adjoins more than one street, the shortest property line that is parallel to the direction of travel on the street;

For the subject site this would be 1 Street SW. We would like it added that for a side setback and rear setback where the parcel shares a property line with a street, the front setback area requirement applies. We strongly believe that this was the intent of Council and is part of the CC-X zoning. This is a loophole that needs to be closed.

## 13 Residential Window Separation for Property Line

We do not support a revision to the window separation as the separation of the new building from the existing surrounding residential towers is important to maintain. No one wants to look into their neighbors' windows.

## 14(1), 14(3), 14(4) Required Motor Vehicle Parking Stalls

We do not support a reduction in parking anywhere in Chinatown. The community is an important hub for all of Calgary and many people come to the community via single passenger vehicles, especially in the evenings and weekends. We have repeatedly asked that no relaxations be granted and that any applicant be encouraged to supply on-demand spots for hourly parking. This is also supported in both the Chinatown ARP and Chinatown Handbook of Public Improvement.

We do not support the request that the cash-in-lieu be suspended. This is in line with the original DC zoning, the DC zonings of the rest of the community, the Chinatown ARP and the Chinatown Handbook of Public Improvement. We ask that this fund please be used to provide public parking in Chinatown to rectify the situation.

## 15(d) Sunlight Protection

We do not support any type of relaxation to the shadowing requirements. The park and the Seniors Centre are important parts of the community. The current DC guideline is very clear on these

requirements and is inline with the previous DC guideline and the Chinatown ARP. The applicant's argument that the property to the west will cast a shadow should not be considered as this is speculation. We do not know what form or when any development on that parcel will take place.

#### **16 Building Height and 17 Podium Height**

We do not support a reduction in the 20 meter setback from 2 Avenue SW, especially as the applicant does not indicate what sort of change they are looking for. This was carefully thought out by Council and a thoroughly discussed element with the approval of the current DC guideline. The 46 meter height and 4-storey podium limit within this 20 meter setback is there it ensure that the new building interfaces with the contextual height of the neighboring buildings. 2 Avenue SW is a residential street and as such any new development should fit into the existing fabric of the neighborhood.

#### **18 Podium Design**

We are unclear as to what the applicant is requesting in the revision of this requirement. The wording and intent are clear to us. We do not understand what the applicant is looking for.

#### **19 Architectural Motifs**

We do not support this change as this is of critical importance to the community. We object to the wording proposed as we do not believe that the Development Authority has the right to judge Cultural significance if they are not part of the that culture. The City is currently in the process of developing Tomorrow's Chinatown and upon completion this document will improve the direction of development in the community going forward.

Should this Land Use Amendment go through prior to the completion of Tomorrow's Chinatown the incorporated motifs and architectural elements should only be evaluated by the Urban Design Review Committee alongside a committee of delegated Chinatown members to act as a cultural authority.

#### **22 Parking Lot-Grade (Temporary)**

We are accepting of the extension of the parking lot from December 31, 2027 to December 31, 2030.

Should you have any questions or require any clarifications please reach out. We are more than willing to work with the city and the applicant on the future development of the property.

Sincerely,



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