

Smith, Theresa L.

From: Robert Hawkes QC [hawkesr@jssbarristers.ca]
Sent: Thursday, June 02, 2016 9:38 AM
To: City Clerk
Subject: Fwd: Secondary Suites
Attachments: 01239379.pdf; ATT00001.htm

Please see the attached with respect to a rezoning application going before Council on June 13, 2016.

Robert Hawkes QC
Partner
Direct: 403 571 1544
Bio: Robert Hawkes QC

Jensen Shawa Solomon Duguid Hawkes LLP

RECEIVED
2016 JUN -2 AM 9:51
THE CITY OF CALGARY
CITY CLERK'S



T 403 571 1520 F 403 571 1528 800, 304 - 8 Avenue SW, Calgary, Alberta T2P 1C2 www.jssbarristers.ca

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403-242-6594
scullen@shaw.ca
hawkes@jsharrisers.ca

129 7th Ave. NW
Calgary, Alberta
T2M0A3

June 1, 2016

City Clerk
City of Calgary
700 Macleod Tr. SE
Calgary, Alberta
T2P 2M5

RECEIVED
2016 JUN -2 AM 9:51
THE CITY OF CALGARY
CITY CLERKS

City Council, c/o the City Clerk

**Re: 134 — 6th Ave NW ("Applicant Property")
LOC 2016-0002**

We reside at 129 — 7th Ave. NW, across the alley from the Applicant Property. We, along with 25 of our neighbours, oppose rezoning the Applicant Property.

As a starting point, we are in favour of secondary suites. The continued urban sprawl reduces the vibrancy of our inner city neighbourhoods and strains our limited civic resources, both in infrastructure costs and the expense of ongoing services.

Central to achieving the goal of expanding the availability of secondary suites in existing neighbourhoods, is building public support. Support not just for the concept, but also more broadly for the execution. Put another way, we believe the City must take great care in considering each application through the prism of whether approval will on a macro level expand or dampen public support for secondary suites.

It is perhaps self-evident that approving appropriate projects will expand public support, while imposing a secondary suite designation where it doesn't belong will damage support for other suites in the area, to the general public detriment.

In our view the Applicant Property is uniquely ill-suited to be rezoned to allow for a secondary suite. Some of the more important issues that arise, include:

- The lot is too narrow to support a free-standing secondary suite. Until just a couple of weeks ago, City Bylaws precluded rezoning of this specific property. It was too narrow to allow for such a designation. City Council approved a change to that By-law, allowing applications to proceed for narrow lots, but we would suggest that the previous restrictions existed for a reason. The new power to approve rezoning on narrow lots may now exist, but should be exercised restrictively, and only in the clearest of cases. Otherwise Council risks making an obvious misstep, which becomes a rallying point for those who oppose secondary suites generally.
- The narrowness of the lot is a real issue in this case as the homes on both sides of the Applicant Property are heritage homes. Homes whose owners have expended considerable resources in maintaining the historic nature of the southern edge of Crescent Heights. Similarly, we bought our home in 2003 and renovated extensively in 2004. In keeping with the neighbourhood and the wishes of the community association Development Committee, we kept the same footprint for the home and designed the exterior finishes to be consistent with homes on the southern edge of the neighbourhood. We also kept the same garage and summer house footprints and heights, maintaining the property appearance from the rear of the property as well. Essentially we limited our renovation and went to considerable expense to avoid altering the character of the neighbourhood. By contrast, the Applicant Property now seeks to build a separate residential structure, just 15 feet from our property line.
- Allowing a free standing separate residence, built on the rear property line, is not a step that should be permitted lightly. By allowing a second two story structure on the property — particularly a narrow property like the Applicant Property — the City would drastically alter the privacy and aesthetics of the surrounding properties, each of who have worked hard over the

last 10-20 years to avoid impacting their neighbours in this fashion.

- There is a real difference between a basement secondary suite and a free standing separate residence. A two story structure on the rear property line would directly overlook our property, as well as the back yards of both properties on either side of the Applicant Property. By contrast, a basement secondary suite has little impact on surrounding properties, but it does require the applicant property owner to give up some of their residential space. Put another way, a basement suite requires space and privacy sacrifice by the property owner; whereas an alley suite takes away from the privacy, space (for the trees on our properties that have to be maintained to enhance privacy) and enjoyment of the surrounding property owners.
- These are, no doubt, some of the reasons that the Community Association, which is also supportive of secondary suites, is opposed to this specific application for rezoning.

There are situations where an alley suite is appropriate (for example on a wide lot, or where the alley fronts on a green space, where parking is not a major concern in the area, and so on), but a narrow lot sandwiched between and among single family heritage homes is a combination of the worst possible set of circumstances.

Our opposition to this rezoning application, includes the direct impact it will have on the enjoyment of our property. The proposed two-story garage on the property line would directly overlook our backyard and have direct sight lines across the alley and into the bedrooms on the rear of our home. This is different than the new home that will be constructed on the lot, as the alley side of the two story garage will be 15 feet from our property line and literally twice as close to our back bedrooms as the new house will be. In fact, the previous one story garage actually blocked views from the previous house on the Applicant Property into our back yard. The privacy intrusion in the rezoning plan is significant.

There are 32 affected lots on the map the City sought comments from. Two are vacant lots and one is the Applicant. Of the remaining

29 lots, 26 have registered opposition and 3 have taken no position. No neighbouring property owner is in support of this application.

We would suggest that this is precisely the type of application that will build or tear away support for secondary suites in the City. By rejecting this application, Council can continue to build support for the initiative to increase inner city density. By approving the application, Council would create one more suite, but at the expense of reducing neighbourhood support for this Plan.

A bad application is a bad application. We would strongly urge Council to reject rezoning of the Applicant Property.



Susan Cullen

Robert Hawkes

2016 JUN - 1 PM 2:40
THE CITY OF CALGARY
CITY CLERKS

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1101 - 7nd Street North West
Calgary, Alberta
T2M 2V6

Telephone: (403) 276-1099



CRESCENT HEIGHTS COMMUNITY ASSOCIATION

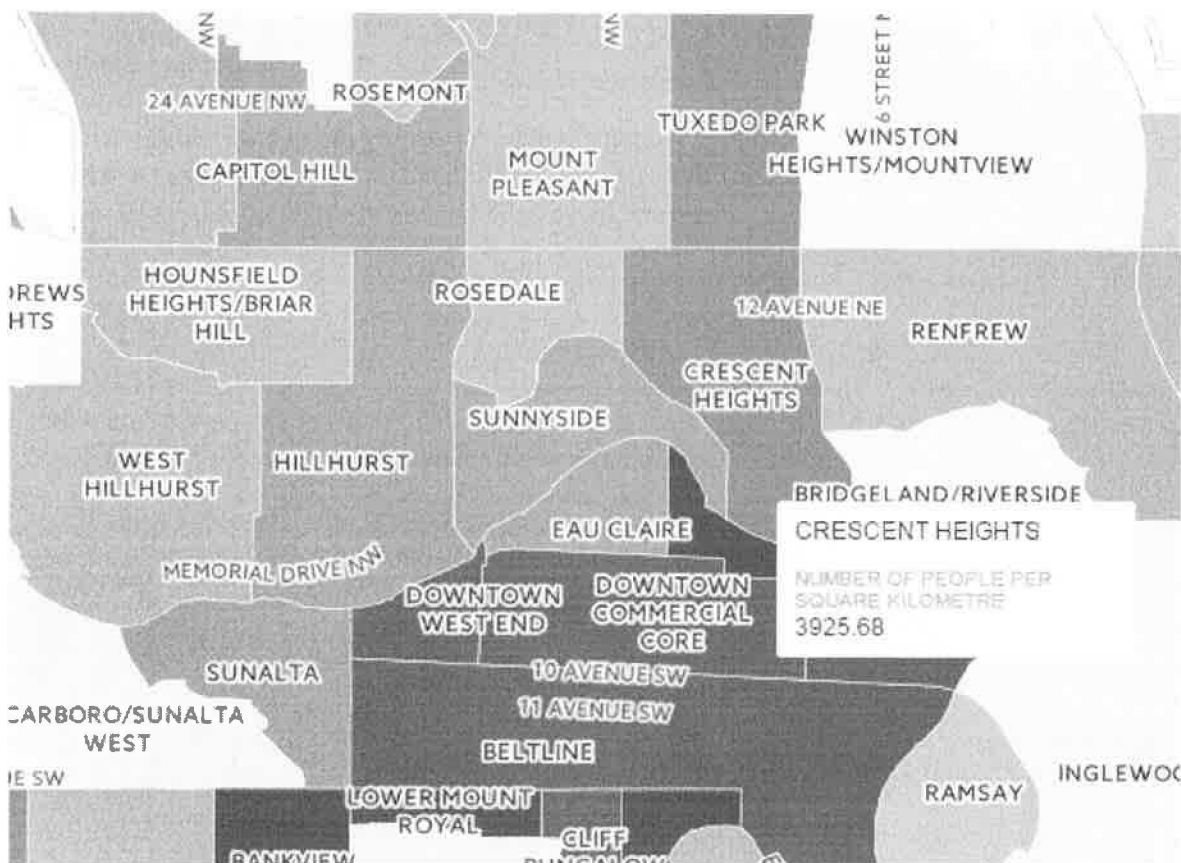
May 11, 2016

To whom it may concern,

The Crescent Heights Community Association Planning Committee would like to express deep concern regarding the approval of LOC2016-0002 by the City of Calgary Planning Commission.

Application LOC2016-0002 is applying for rezoning from R-C1 to R-C1s, to allow for a laneway house. The Community Association strongly opposed this application as did both adjacent neighbors and a petition of concerned neighbors.

Crescent Heights already has one of the highest ratios of people per square kilometer in comparison to other established communities surrounding the downtown core. This is before the anticipated increases through Main Streets and Greenline LRT project implementations.



In the Planning Commission Report we take exception to various generalized statements, for example “the development *has the ability to meet the intent of the Land Use Bylaw 2007*” (p.1) and “the subject site *generally meets...the parcel size requirements*” (p.4).

The generalized statements apply a level of discretion that we find unacceptable. The parcel is too narrow and doesn’t meet the minimum bylaw requirements for a backyard suite. The approval of this application, particularly with a 1.3 meter deficiency, is without consideration for the precedent it will set in our community.

The disregard of community input and bylaw zoning requirements cause two areas of concern:

1. Community Engagement –

We hear the City talk about community engagement; however, often times, the idea of engagement seems to be very much on the City’s terms. The idea of community, too, is often used in a much broader sense to mean anyone who passes through a given community, and not the people who are directly impacted.

In this particular case, we have excellent community engagement by people who are directly impacted: concerned neighbors who gathered together a petition with 25 names and a concerned Community Association who supported these neighbors, writing letters and speaking with their City Councillor.

This type of community engagement does not seem to be considered and, it seems, the City needs to decide what they really mean by the term Community Engagement. Does it mean partnering with Community Associations and residents to solve issues or does it mean exasperating Community Associations and residents to the point where they organize marches and hire lawyers? Either way, it’s engagement – but with a very different long term outcome

2. Consistency –

There have been numerous occasions where the Community Association Planning Committee has received plans for multi-residential applications to go in place of older single family homes. The Community identifies issues such as too much massing, insufficient amenity space, no room for proper vegetation, loss of mature trees and exploitation of side yards – but, invariably the response from the City is that the application can move forward in spite of the voiced concerns on the grounds that the parcel has been zoned for plans like the one proposed.

Now, though, we find ourselves on the opposite side of this same bylaw. The property is not zoned for the application and the width does not meet the minimum requirements yet it continues to move forward.

The inconsistent application of this bylaw seems very one sided, creating distrust between the City and residents. We question how Communities and residents can rely on a zoning policy that isn’t consistently applied? How does this inconsistent application equip Community Associations to respond to future developments? And, once the trust of the community is lost, how do you intend to get it back?

This application sets a precedent of self-interest over community. It shows bold disregard for one’s neighbor and encourages developers to buy any property without regard for the zoning because the City will support their application for rezoning.

We invite the City to partner with us to try and solve density and infrastructure issues. Through careful area management, we are happy to share the responsibility of density with other neighboring communities – but we all have to play by the same rules.

Please deny this application. This is not a good way to build strong, healthy communities.

Regards,
Darlene Jones, on behalf of the
Crescent Heights Community Association Planning Committee

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2016 JUN -1 PM 2:40

THE CITY OF CALGARY
CITY CLERK'S

150 Crescent Road N.W.
Calgary, Alberta T2M 4A2

May 31, 2016

Office of the City Clerk

City of Calgary

700 Macleod Trail SE

PO Box 2100, Postal Station M

Calgary, Alberta T2P 2M5

To Whom It May Concern:

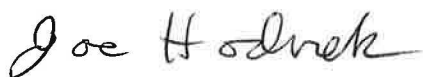
Re: LOC 2016-0002

We live at 150 Crescent Road N.W., the last stop on the Annual Crescent Heights Historical Walk. Our opposition to the adjacent property owners rezoning application is an attempt to retain our existing single residence neighbourhood atmosphere. Our Crescent Heights Community Association (CHCA) supports the City's policy of increasing the residential density of the inner city through its density transfer strategy CHCA "green light" for the majority of new residential projects. However, our neighbourhood has been designated as lower density by CHCA, and The City of Calgary Planning and Building Department in its Crescent Heights Area Redevelopment Plan (CHARP) appears to have a similar strategy. The cover page of the CHARP report section titled RESIDENTIAL DEVELOPMENT has a picture of our 1907 restored home. One of CHARP's redevelopment objectives is to preserve the historic character of the Community. Unfortunately our neighborhood lost its 1912 show case Buena Vista residence, located at 102 Crescent Road, in 1999.

There are 31 residences shown on the Calgary Planning map we received by mail on January 15, 2016. Of these, 26 residences responded to the notice, all opposing rezoning. The resident in favour was the Applicant.

We respectfully request that Counsel vote to abandon LOC 2016-0002.

Margaret and Joe Hodorek



Boyd English
126 6th Ave NW
Calgary, Alberta
T2M 0A1

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2016 JUN -1 PM 2:41
THE CITY OF CALGARY
CITY CLERK'S

May 30, 2016

Office of the City Clerk
City of Calgary
700 Macleod Trail SE
PO Box 2100, Postal Station M
Calgary, Alberta
T2P 2M5

To Whom it May Concern:

Re: LOC 2016002

As the owner of an adjacent property we oppose the application to amend the zoning of the land located at 134 – 6 Ave NW (Plan 4456R, Block 33, Lots 34 and 35) from Residential-Contextual One Dwelling (R-C1) District to Residential-Contextual One Dwelling (R-C1s) District. The applicants request for rezoning, if approved, would allow for a second home to be built on the property over the garage. Thus, converting a single residence property to a multi-residence property; both a house and a condo.

We purchased our heritage (1929) Crescent Heights retirement home in 2001. During the restoration we removed 2 illegal secondary suites to comply with the RC1 zoning requirement. We are against approving our neighbor's rezoning application to transform our single residence neighborhood to multi residential because it would take away a significant attraction of living in our pleasant Crescent Heights neighborhood. Almost all our neighbors are in agreement with denying the application for rezoning.

In addition, on Thursday, May 26, 2016 Mayor Nenshi was on 770 Talk Radio saying that he supported preserving heritage homes and neighborhoods. Our immediate area has several heritage homes, some of which are over one hundred years old and we are trying to preserve this atmosphere.

We request that City Council support our objection and deny our adjacent neighbor's application on Monday, June 13, 2016.

Boyd and Dauna English



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THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

Dear Sir,

Re: Application by the land owner of a property located at 134 – 6th Avenue N.W. (LOC 2016 – 0002) to
rezone from R-C1 to R-C1s

We oppose the rezoning of 134 – 6th Avenue to a multi-residential property. We request that the
Calgary Planning Commission recommend that City Council abandon application LOC 2016 – 0002.

Sincerely,



Lau Jazzy

122 – 6th Avenue N.W.

Calgary, Alberta T2M 0A1

David Mulholland, File Manager
Planning, Development and Assessment, IMC #8076
P.O Box 2100 Station M
Calgary, Alberta, T2P 2M5

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2016 JUN -1 PM 2:41
THE CITY OF CALGARY
CITY CLERK'S

February 22 2016

Dear David,

Re: LOC 2016-0002

Location: 134 6 AVE NW

We appreciate the opportunity to comment and attend the public hearing regarding the above mentioned development.

I have discussed the proposed development with my neighbors and so far we all unanimously disagree with proposed zoning amendment to allow an additional suite to houses in our areas. We do not think the amendment is a positive movement for our community.

Our assessments are based on a R-1; single family residence. Additional suites would affect us as we would be neighbors with multi family residence. This also opens up the area to more transient type residence. Rental property then opens up our neighborhood to people coming in and out of the community.

We feel that this development would most certainly effect the assessments that you have already collected. Our assessments are already quite high. We have been paying higher taxes to maintain one of Calgary's most scenic neighborhoods' and heritage homes. Many of these magnificently restored homes have been done by their owners and at no cost to the city. It is for this reason that we feel we need to protect the zoning qualities that have been in place in years past.

We appreciate your efforts in trying to assist myself and our neighbors.

Thank you,

Amedeo Cortese

120 6th AVE NW

Calgary AB T2M0A1

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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THE CITY OF CALGARY
CITY CLERK'S

Dear Sir,

Re: Application by the land owner of a property located at 134 – 6th Avenue N.W. (LOC 2016 – 0002) to rezone from R-C1 to R-C1s

I oppose rezoning of 134 – 6th Avenue to a multi-residential property. I request that the Calgary Planning Commission recommend that City Council abandon application LOC 2016 – 0002.

Sincerely,

A handwritten signature in cursive script that reads "S. Dale Jackson".

S. Dale Jackson

116 – 6th Avenue N.W.

Calgary, Alberta T2M 0A1

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,



Mike Macdonald

218 Crescent Road N.W.
Calgary, Alberta

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THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,

Robert Donald
124 Crescent Road N.W.
Calgary, Alberta

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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2016 JUN 7 1 PM 2:41

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Sincerely,



120 Crescent Road N.W.

Calgary, Alberta

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THE CITY OF CALGARY
CITY CLERK'S

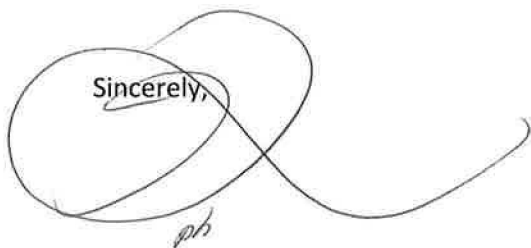
Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Calgary Planning Commission recommend that City Council abandon application LOC 2016 – 0002.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'Ken Stefenson', written over the word 'Sincerely,'.

Ken Stefenson

118 Crescent Road N.W.
Calgary, Alberta

RECEIVED

2016 JUN -1 PM 2:41

THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
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The City of Calgary
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Sincerely,



Brett Sorensen

114 Crescent Road N.W.

Calgary, Alberta

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THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
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The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,



Vaughn Bhola

112 Crescent Road N.W.
Calgary, Alberta

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2016 JUN -1 PM 2:41

THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,



Phong Vo

108 Crescent Road N.W.

Calgary, Alberta

RECEIVED

2016 JUN -1 PM 2:42

THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,



Gary Smith

602 Centre A Street N.W.

Calgary, Alberta

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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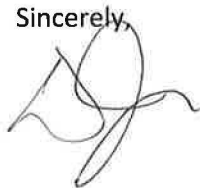
THE CITY OF CALGARY
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Sincerely,

A handwritten signature in black ink, appearing to be a stylized 'S' or 'M' followed by a flourish.

604 Centre A Street N.W.
Calgary, Alberta

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THE CITY OF CALGARY
CITY CLERK'S

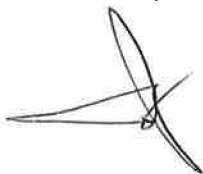
Mr. David Mulholland
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The City of Calgary
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Sincerely,

A handwritten signature in dark ink, appearing to be 'Katie Lee', with a stylized, sweeping stroke.

Katie Lee

610

614 Centre A Street N.W.

Calgary, Alberta

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2016 JUN 7 1 PM 2:42

THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,



Celina Jones
614 Centre A Street N.W.
Calgary, Alberta

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THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
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Calgary, Alberta Canada T2P 2M5

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Sincerely,



Tommy Ho

616 Centre A Street N.W.

Calgary, Alberta

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THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
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Sincerely,



John & Victoria Yee
622 Centre A Street N.W.
Calgary, Alberta T2M 2R3

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,

A handwritten signature in dark ink, appearing to be 'D. Mulholland', written over a horizontal line.

700 Centre A Street N.W.
Calgary, Alberta T2M 2R3

RECEIVED

2016 JUN -1 PM 2:42

THE CITY OF CALGARY
CITY CLERK'S

Mr. David Mulholland
Planner – Local Area Planning & Implementation
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The City of Calgary
P.O. Box 2100, Stn. M, 8076
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Sincerely,



John Cortese

706 Centre A Street N.W.
Calgary, Alberta

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

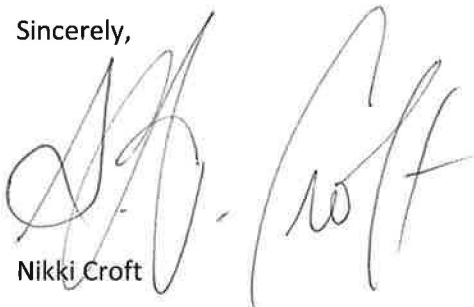
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Dear Sir,

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rezone from R-C1 to R-C1s

We oppose the rezoning of 134 – 6th Avenue to a multi-residential property. We request that the
Calgary Planning Commission recommend that City Council abandon application LOC 2016 – 0002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nikki Croft', written over a faint, larger signature.

Nikki Croft

716 Centre A Street N.W.

Calgary, Alberta

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

RECEIVED
2016 JUN -1 PM 2:42
THE CITY OF CALGARY
CITY CLERK'S

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Sincerely,


114 – 7th Avenue N.W.

Calgary, Alberta

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2016 JUN -1 PM 2:42

THE CITY OF CALGARY
CITY CLERK'S

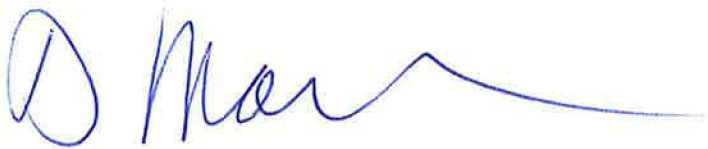
Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
Calgary, Alberta Canada T2P 2M5

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Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Man', followed by a long horizontal flourish.

119 – 7th Avenue N.W.
Calgary, Alberta

RECEIVED

2016 JUN -1 PM 2:42

THE CITY OF CALGARY
CITY CLERK'S


Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
P.O. Box 2100, Stn. M, 8076
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Sincerely,



123 – 7th Avenue N.W.
Calgary, Alberta

Mr. David Mulholland
Planner – Local Area Planning & Implementation
Planning, Development and Assessment
The City of Calgary
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Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Mulholland', written in a cursive style.

716 – 1st Street N.W.
Calgary, Alberta