

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

¹ Email from Kathy Oberg, B&A Managing Partner, February 25, 2021.

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

Representations to the Calgary Planning Commission

I would like to draw your attention to a discrepancy in the “Planning & Development Report to Calgary Planning Commission, 2021 March 18” (the “Planning Report”). The Planning Report indicated that:

Administration circulated the updated proposal to SBHCA and all residents who submitted letters of objection in the initial circulation provided by the City. A letter from the SBHCA (Attachment 6) was received on 2021 March 08 requesting the applicant and Administration to consider rules and guidelines in the proposed DC District that better align with the concept plans shared. Key concerns aligning the applicant’s concept plans and visions with corresponding rules in the proposed DC District, have now been addressed (emphasis added).

The statement that the key concerns have now been addressed is inaccurate. A key concern raised by the Springbank Hill Community Association (“SBHCA”) on behalf of the residents and the community was the maximum height of 24 metres in DC Site 2, particularly regarding the East Townhouses. During the CPC meeting, there was also discussion suggesting the SBHCA and the residents were in agreement with the Applicant’s submission.

To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael Hoffman", with a long horizontal flourish extending to the right.

Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



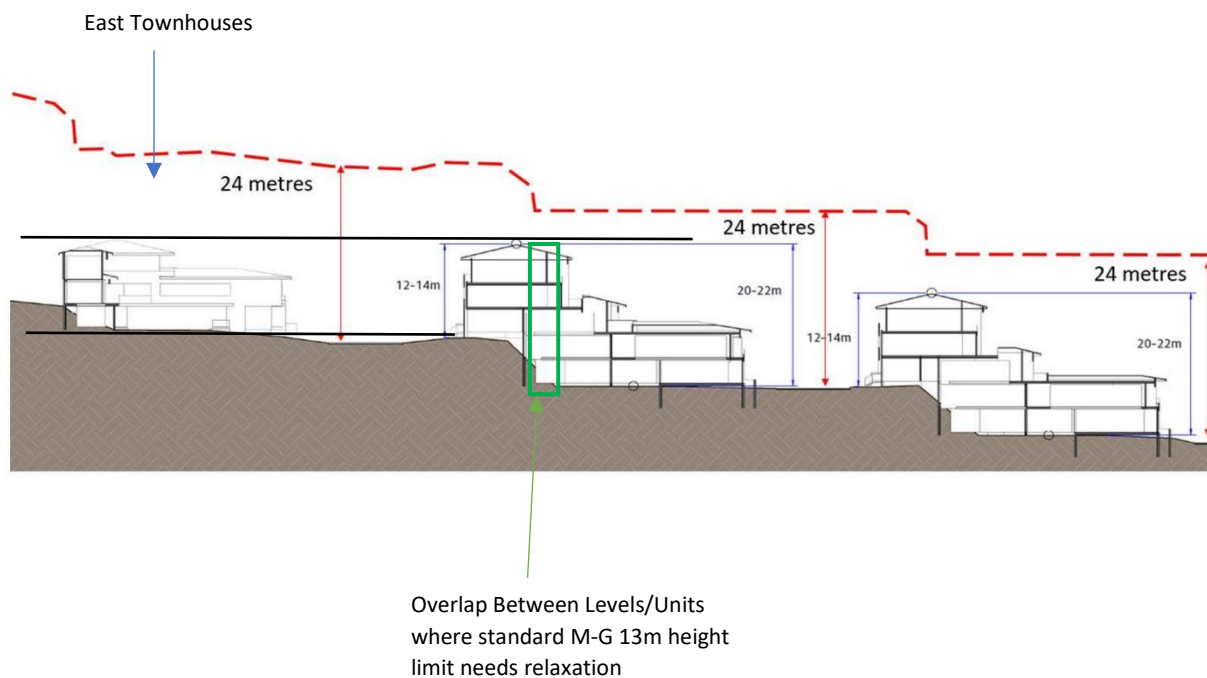
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

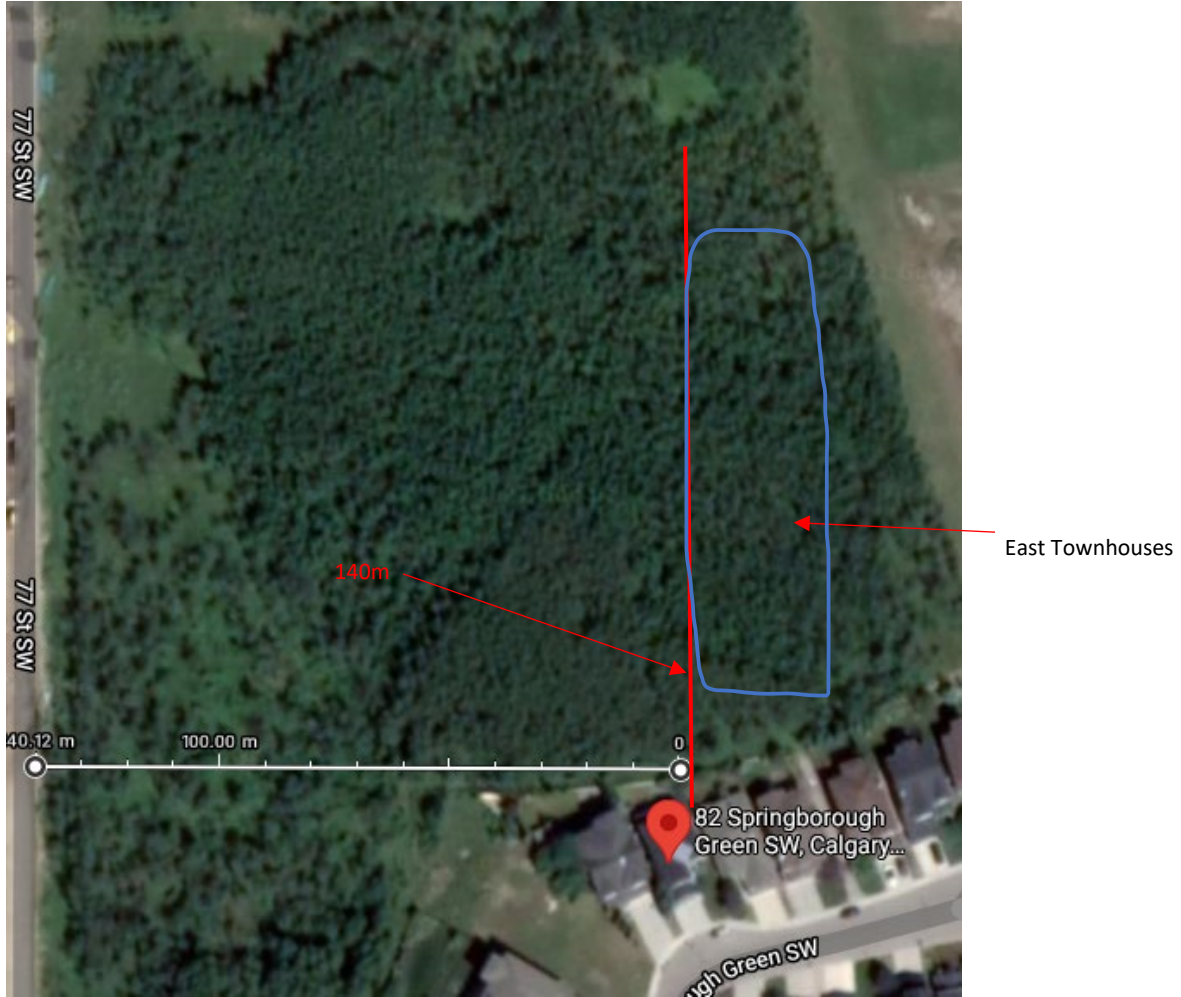
The East Townhouses are located on the left side of the diagram.

Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 12-14m on the left (East) side.

The East Townhouses appear to have a grade that is slightly higher than the grade at the back of the middle building and a height that is lower than the middle building, confirming that 13m height limitations appear reasonable.

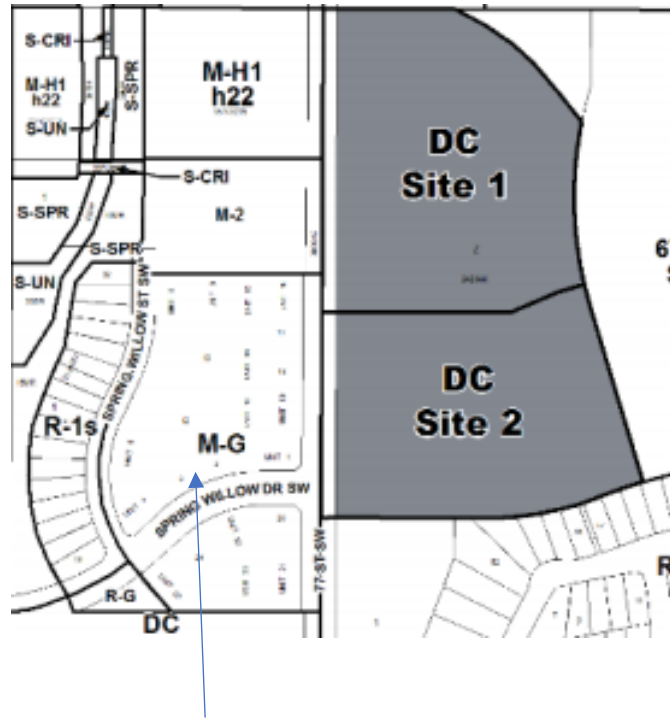


ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

18 The **permitted uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

19 The **discretionary uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

20 Unless otherwise specified, the rules of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 apply in this Direct Control District.

Setback Area

21 The depth of all **setback areas** must be equal to the minimum **building setbacks** required in Section 15 of this Direct Control District Bylaw.

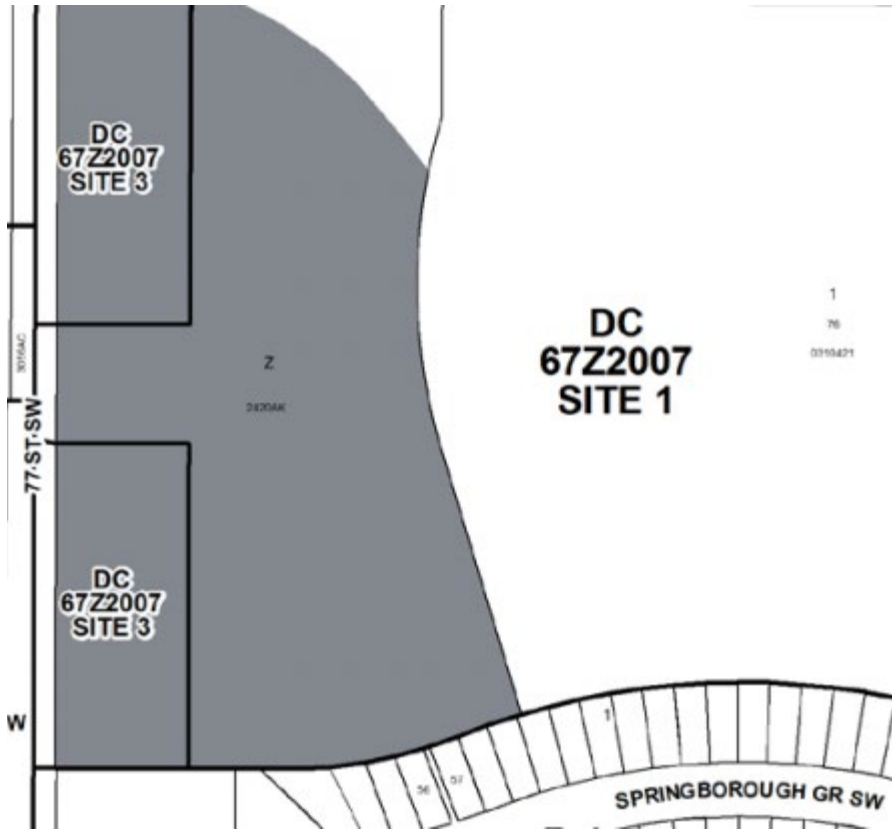
Building Setbacks

- 22 (1) The minimum **building setback** from a parcel designated as a **low density residential district** is 8.5 metres.
- (2) In all other cases, the minimum **building setback** is 1.2 metres.

Relaxations

23 The **Development Authority** may relax the rules contained in Sections 7, 8, 12 and 20 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES





Public Submission

City Clerk's Office

In accordance with sections 43 through 45 of Procedure Bylaw 35M2017, the information provided may be included in the 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.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act of Alberta, and/or the Municipal Government Act (MGA) Section 230 and 636, for the purpose of receiving public participation in municipal decision-making. Your name and comments will be made publicly available in the Council agenda. If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

- ✓ I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Frank
Last name (required)	Pogubila
What do you want to do? (required)	Request to speak, Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 – CPC2021-0316
Date of meeting	Oct 5, 2021

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

Please see attached. I am fully supportive of Mr. Michael Hoffman's analysis. I personally like the proposal which the developer has put forward to the community and I would like the City of Calgary Council to ensure that that the land use re-designation is reflective of what the developer is proposing to build. If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

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- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

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To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

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Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



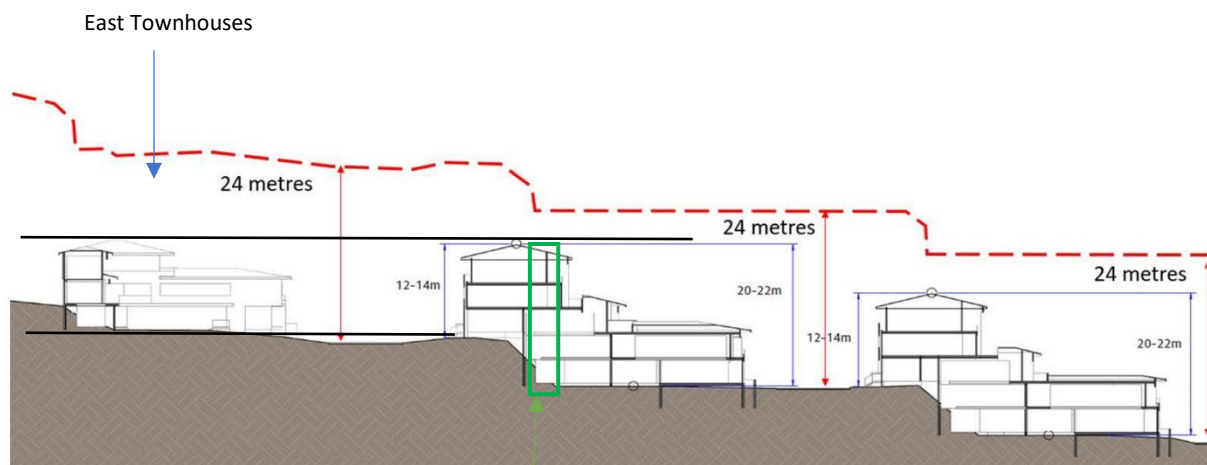
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

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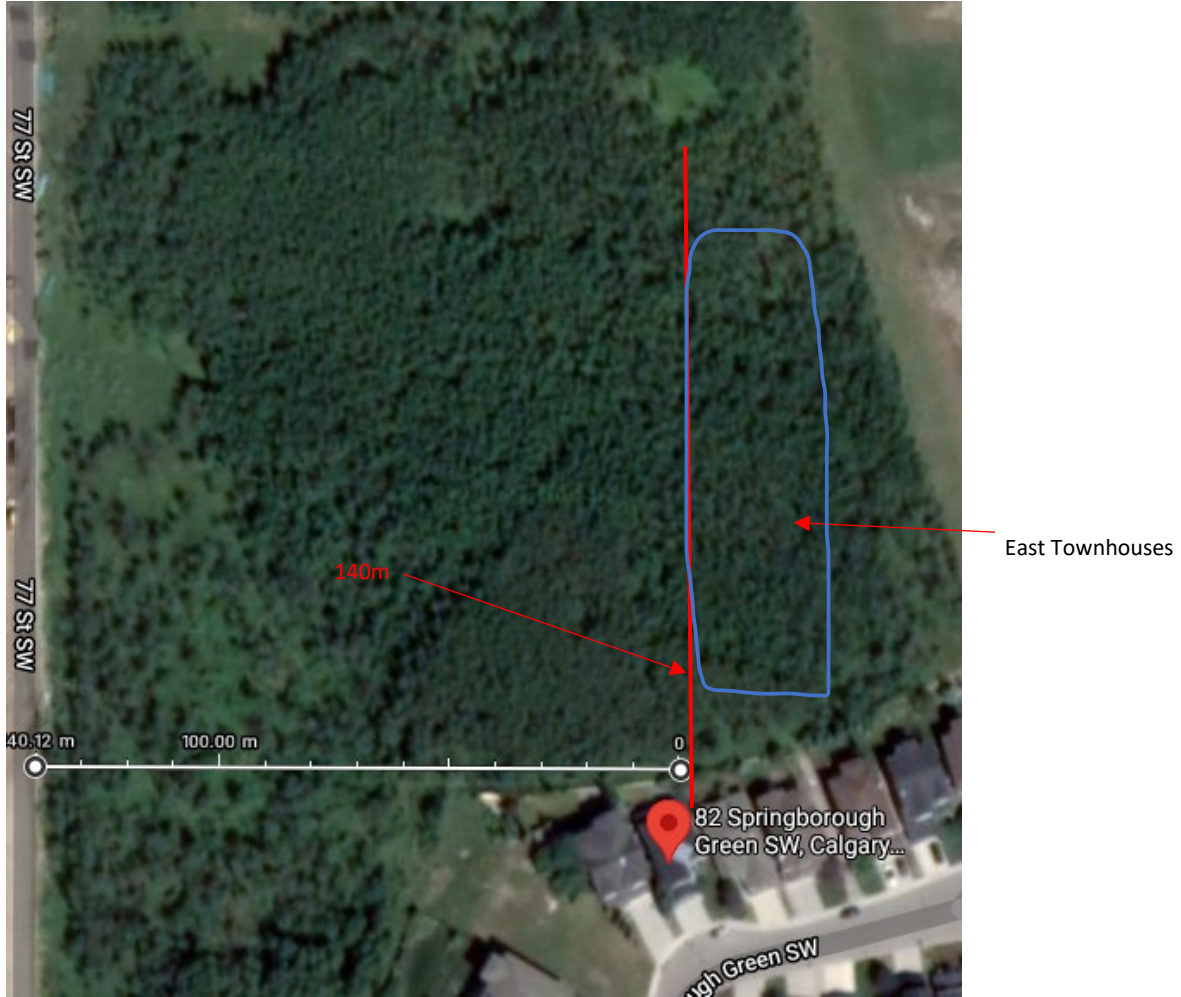
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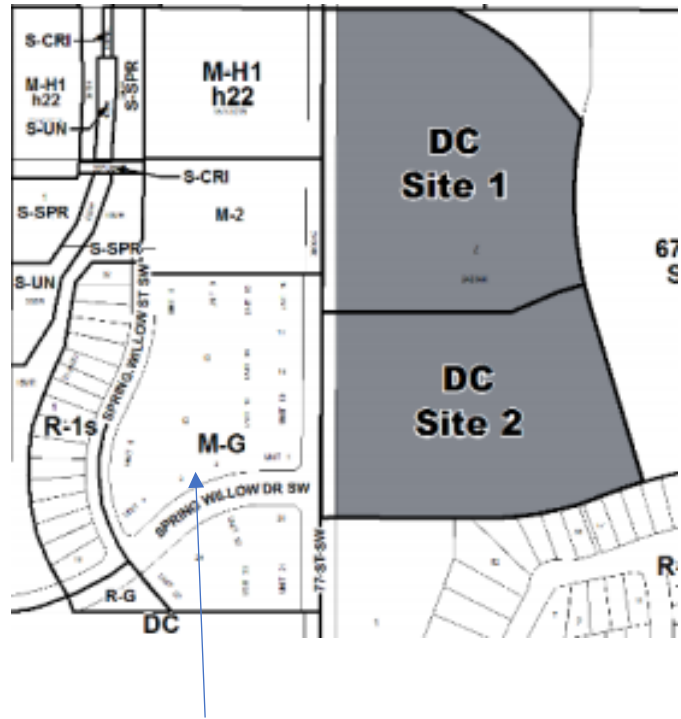
Overlap Between Levels/Units
where standard M-G 13m height
limit needs relaxation

ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

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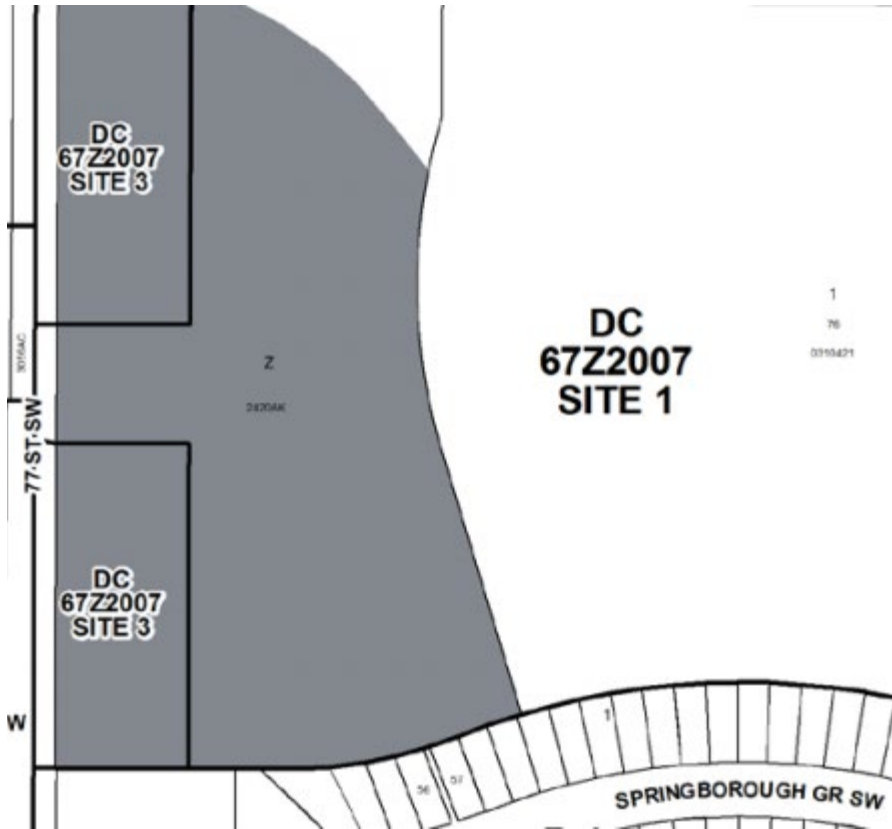
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Relaxations

23 The **Development Authority** may relax the rules contained in Sections 7, 8, 12 and 20 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES





Public Submission

City Clerk's Office

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Melanie
Last name (required)	Oncescu
What do you want to do? (required)	Request to speak, Submit a comment
Public hearing item (required - max 75 characters)	If Council adopts a simple amendment to the height restriction for the East
Date of meeting	Oct 5, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	<p>Please see attached for my views and comments.</p> <p>I am requesting Council to please adopt the necessary changes to ensure that the developer builds what they they presented to the community. The easement of their height restrictions request does not seem to align with their vision which they put forward to the residents and the community. In my opinion my and the community's request does not in any way materially limit/change the vision of their proposal.</p> <p>I plan on having my views expressed at the upcoming council meeting.</p> <p>Melanie Oncescu</p>

ISC:

1/1

Unrestricted

Apr 30, 2021

Page 26

11:09:26 PM

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

¹ Email from Kathy Oberg, B&A Managing Partner, February 25, 2021.

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

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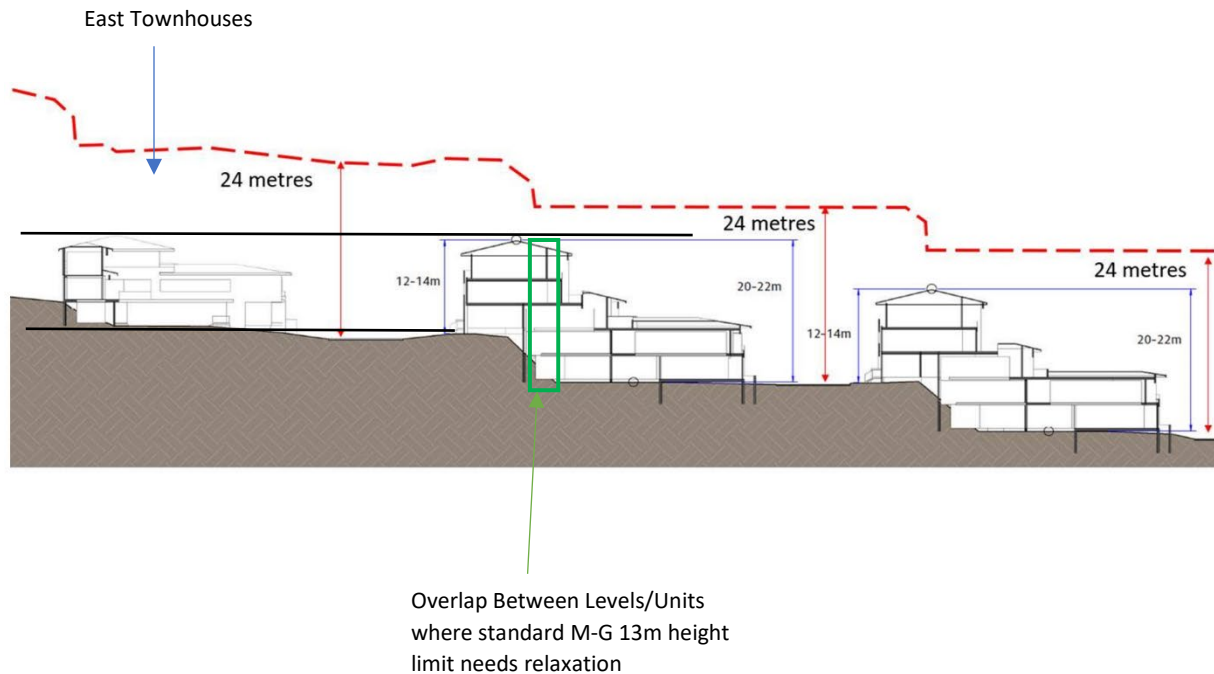
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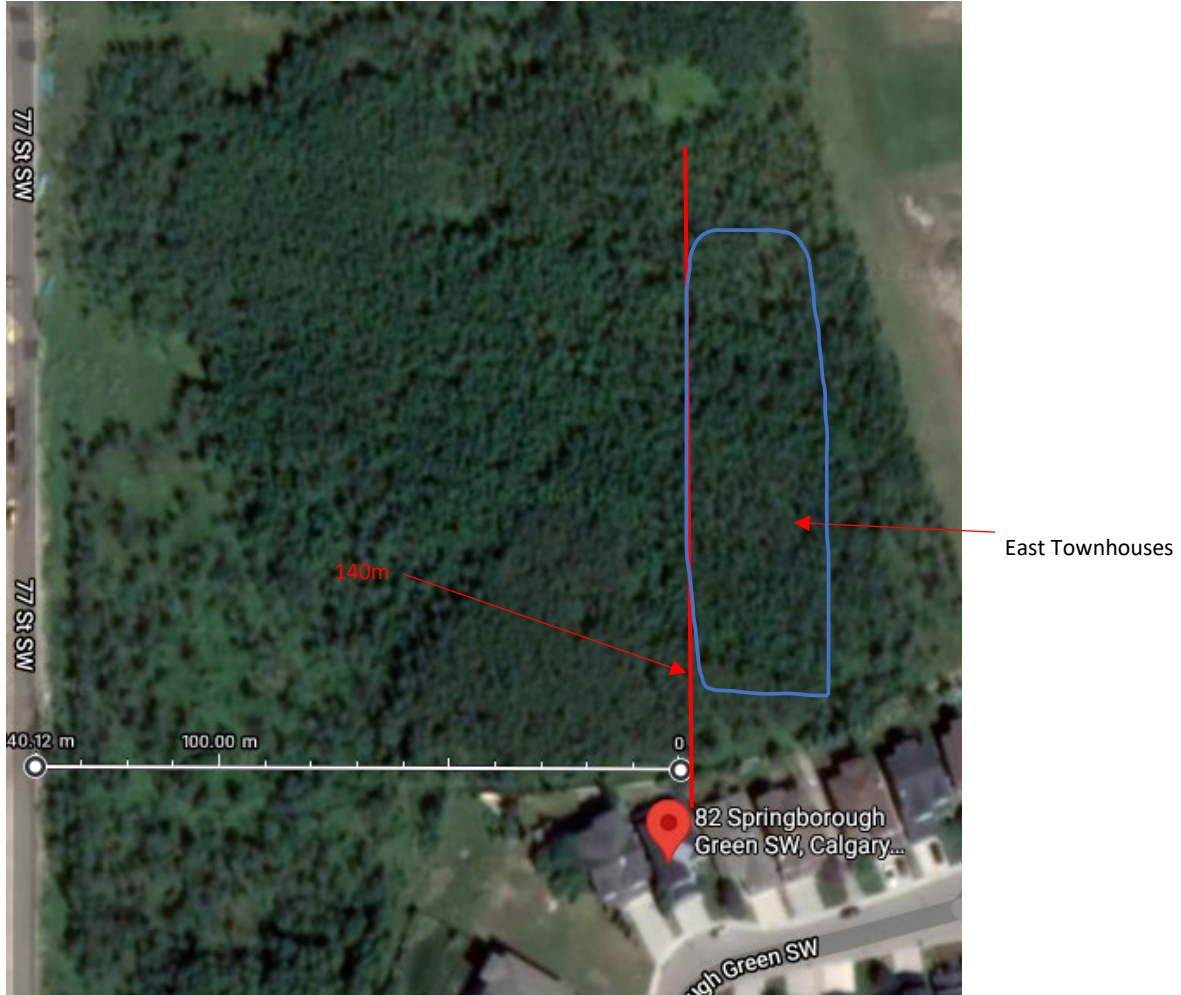
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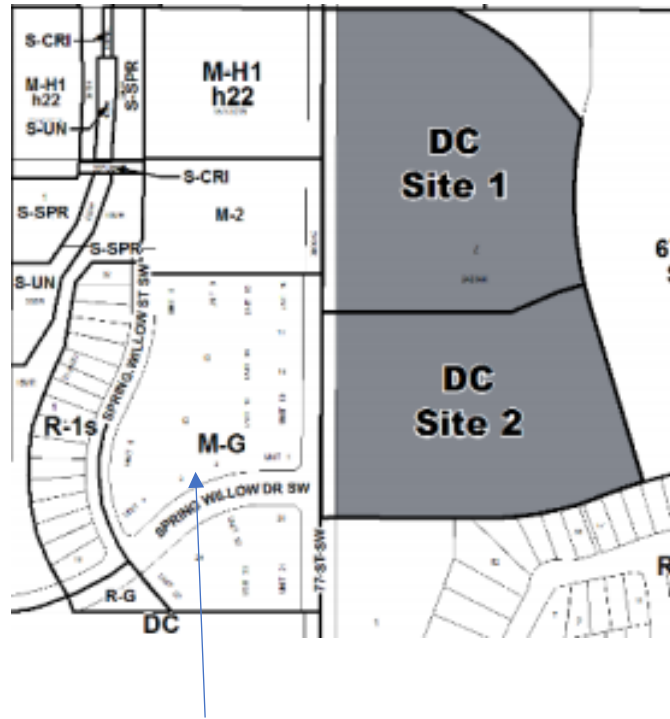


ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

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SITE 3 (x.xx hectares ±)

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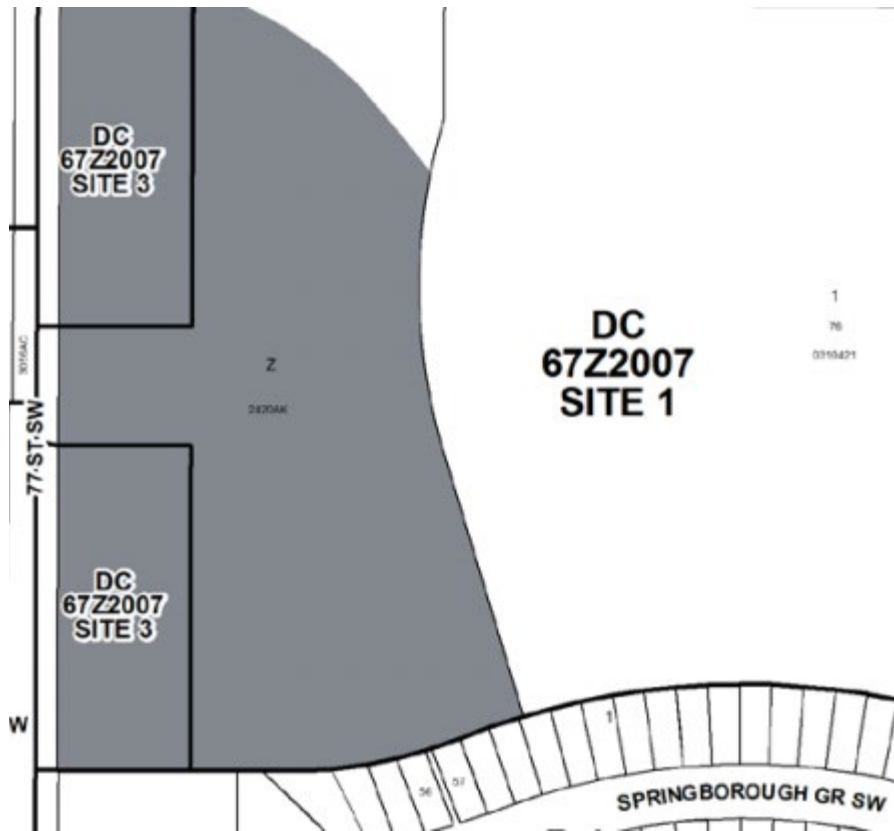
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First name (required)	Murry
Last name (required)	Cathcart
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 – CPC2021-0316
Date of meeting	May 10, 2021

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

After several rounds of community consultation, the most recent design concept proposed by Partners Development Group would be acceptable. However, I am concerned that the proposed land use re-designation would allow for the development of alternate designs that were resoundingly rejected by the community. I am fully in support of the comments made by Michael Hoffman in the document attached. I am an owner and resident of one of the adjacent properties on Springborough Green.

ISC:

1/1

Unrestricted

May 1, 2021

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12:33:30 PM

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

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While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

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metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

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1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
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standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

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OTHER CONSIDERATIONS

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It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

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To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael Hoffman", with a long horizontal flourish extending to the right.

Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



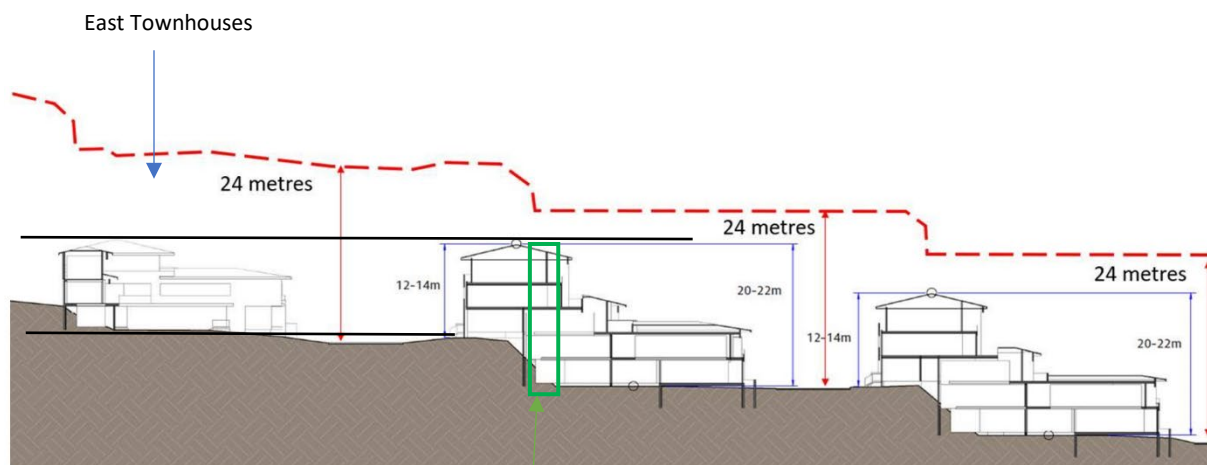
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

The East Townhouses are located on the left side of the diagram.

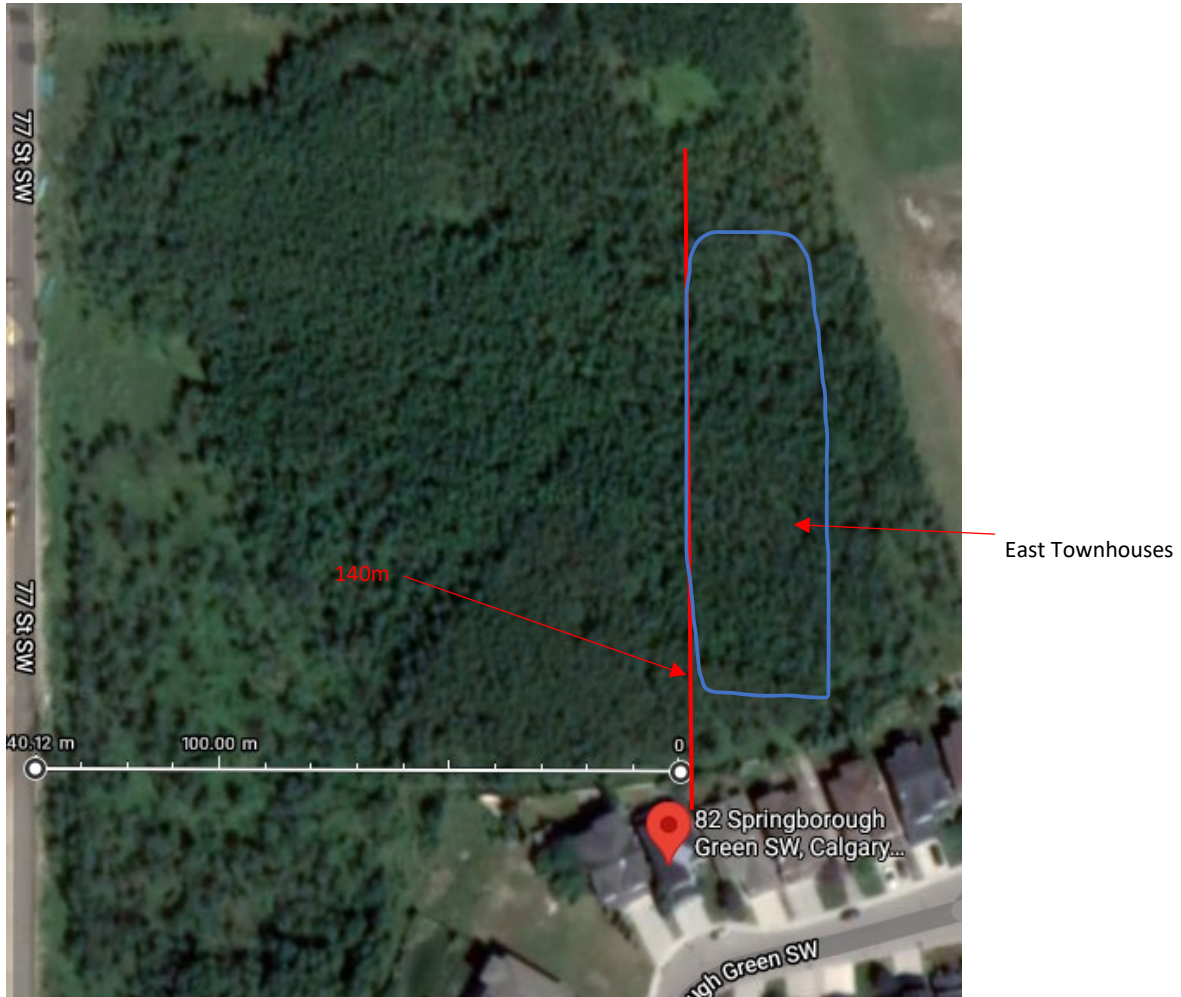
Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 12-14m on the left (East) side.

The East Townhouses appear to have a grade that is slightly higher than the grade at the back of the middle building and a height that is lower than the middle building, confirming that 13m height limitations appear reasonable.



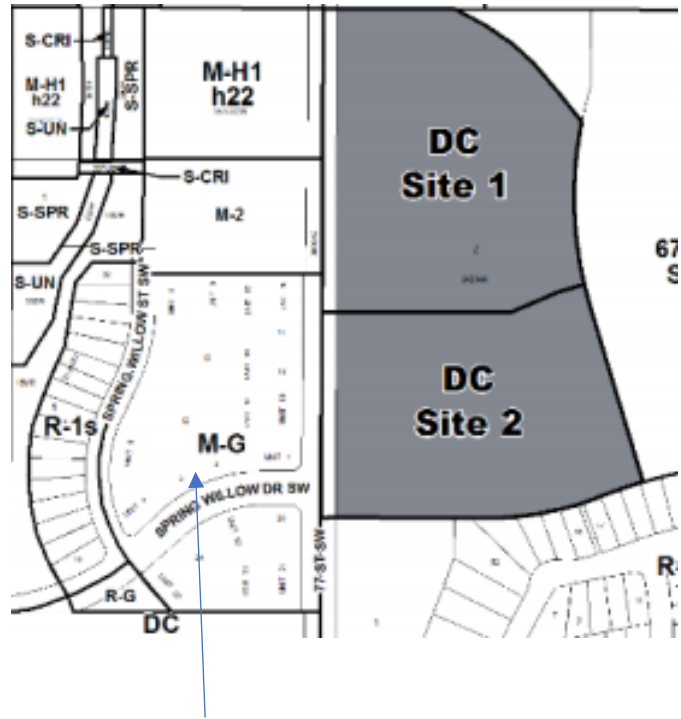
Overlap Between Levels/Units
where standard M-G 13m height
limit needs relaxation

ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

18 The **permitted uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

19 The **discretionary uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

20 Unless otherwise specified, the rules of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 apply in this Direct Control District.

Setback Area

21 The depth of all **setback areas** must be equal to the minimum **building setbacks** required in Section 15 of this Direct Control District Bylaw.

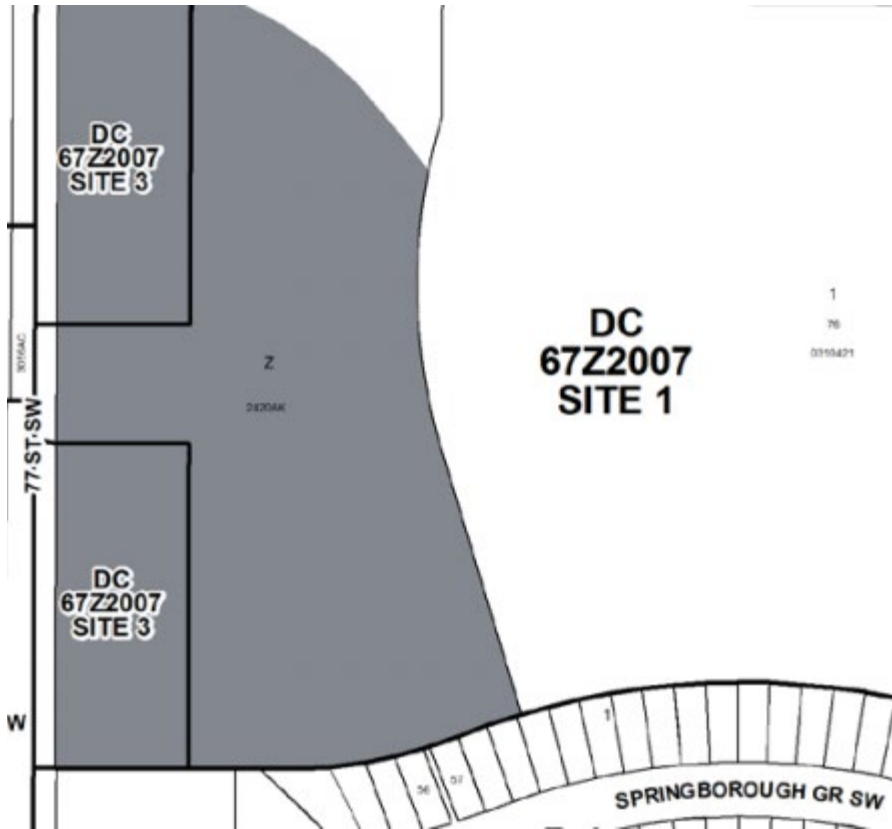
Building Setbacks

- 22 (1) The minimum **building setback** from a parcel designated as a **low density residential district** is 8.5 metres.
- (2) In all other cases, the minimum **building setback** is 1.2 metres.

Relaxations

23 The **Development Authority** may relax the rules contained in Sections 7, 8, 12 and 20 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES



MICHAEL HOFFMAN
54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

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possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the “Other Townhouses”) and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

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Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



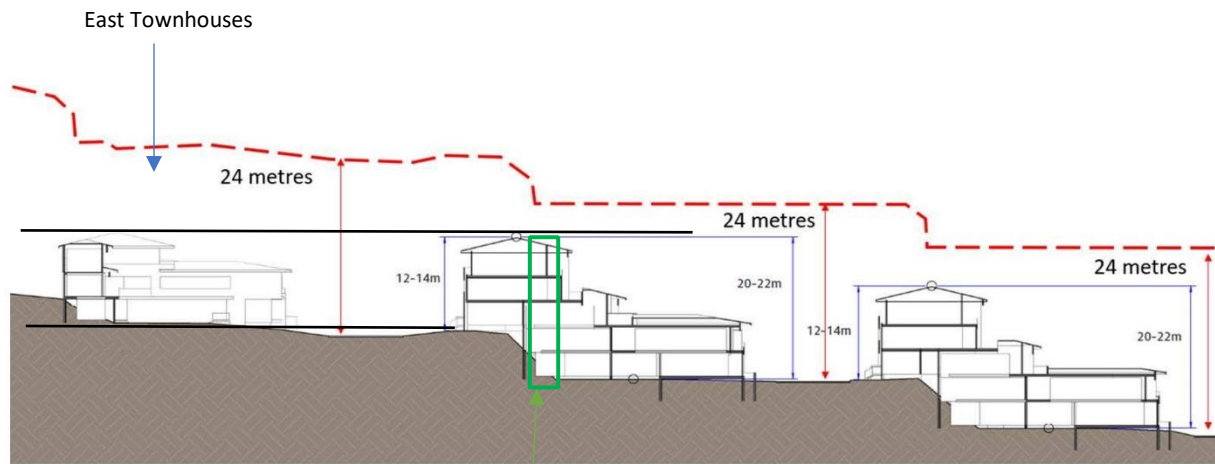
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

The East Townhouses are located on the left side of the diagram.

Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 1214m on the left (East) side.

The East Townhouses appear to have a grade that is slightly higher than the grade at the back of the middle building and a height that is lower than the middle building, confirming that 13m height limitations appear reasonable.



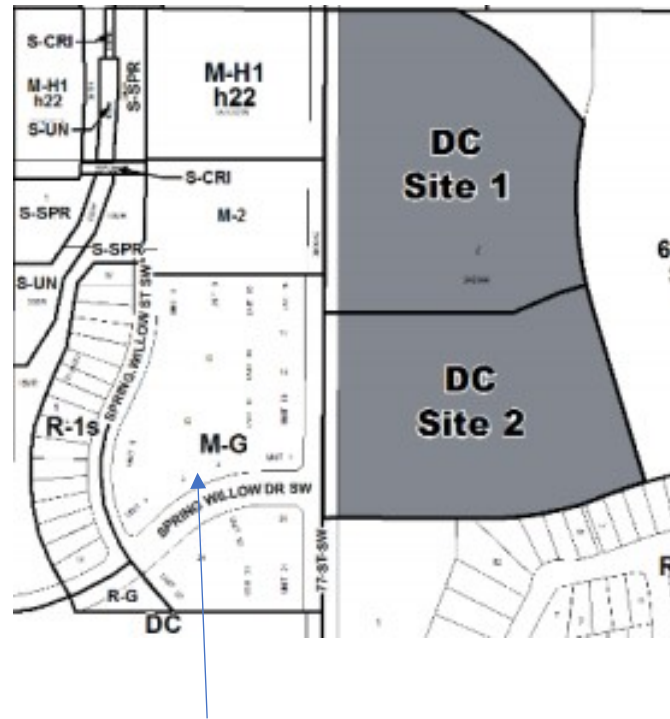
Overlap Between Levels/Units
where standard M-G 13m height
limit needs relaxation

ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

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Permitted Uses

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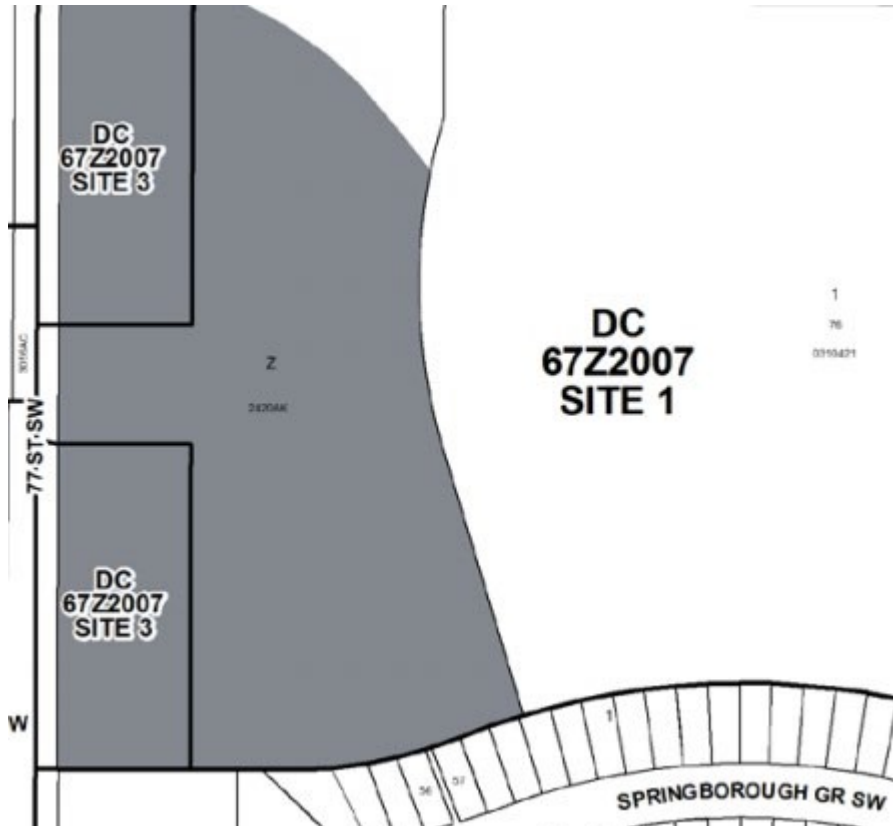
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ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES





Public Submission

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Nadine
Last name (required)	Hoffman
What do you want to do? (required)	Request to speak, Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 and CPC2021-0316
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	I agree with the concerns raised in the attached document and support the proposed solution in the attached. I live adjacent the land considered in LOC2019-0162/ CPC2021-0316.

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

¹ Email from Kathy Oberg, B&A Managing Partner, February 25, 2021.

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

Representations to the Calgary Planning Commission

I would like to draw your attention to a discrepancy in the “Planning & Development Report to Calgary Planning Commission, 2021 March 18” (the “Planning Report”). The Planning Report indicated that:

Administration circulated the updated proposal to SBHCA and all residents who submitted letters of objection in the initial circulation provided by the City. A letter from the SBHCA (Attachment 6) was received on 2021 March 08 requesting the applicant and Administration to consider rules and guidelines in the proposed DC District that better align with the concept plans shared. Key concerns aligning the applicant’s concept plans and visions with corresponding rules in the proposed DC District, have now been addressed (emphasis added).

The statement that the key concerns have now been addressed is inaccurate. A key concern raised by the Springbank Hill Community Association (“SBHCA”) on behalf of the residents and the community was the maximum height of 24 metres in DC Site 2, particularly regarding the East Townhouses. During the CPC meeting, there was also discussion suggesting the SBHCA and the residents were in agreement with the Applicant’s submission.

To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael Hoffman", with a long horizontal flourish extending to the right.

Michael Hoffman
54 Springborough Green SW

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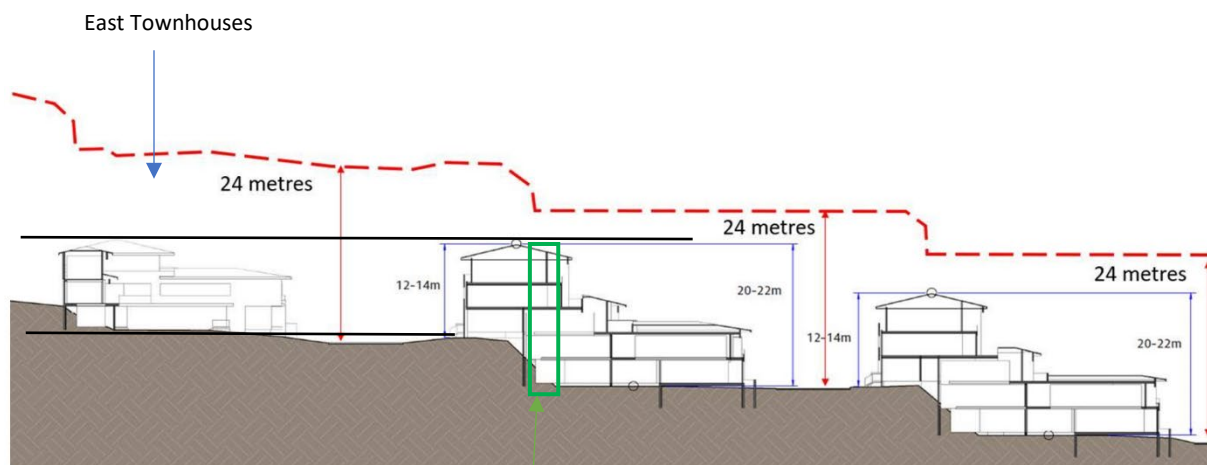
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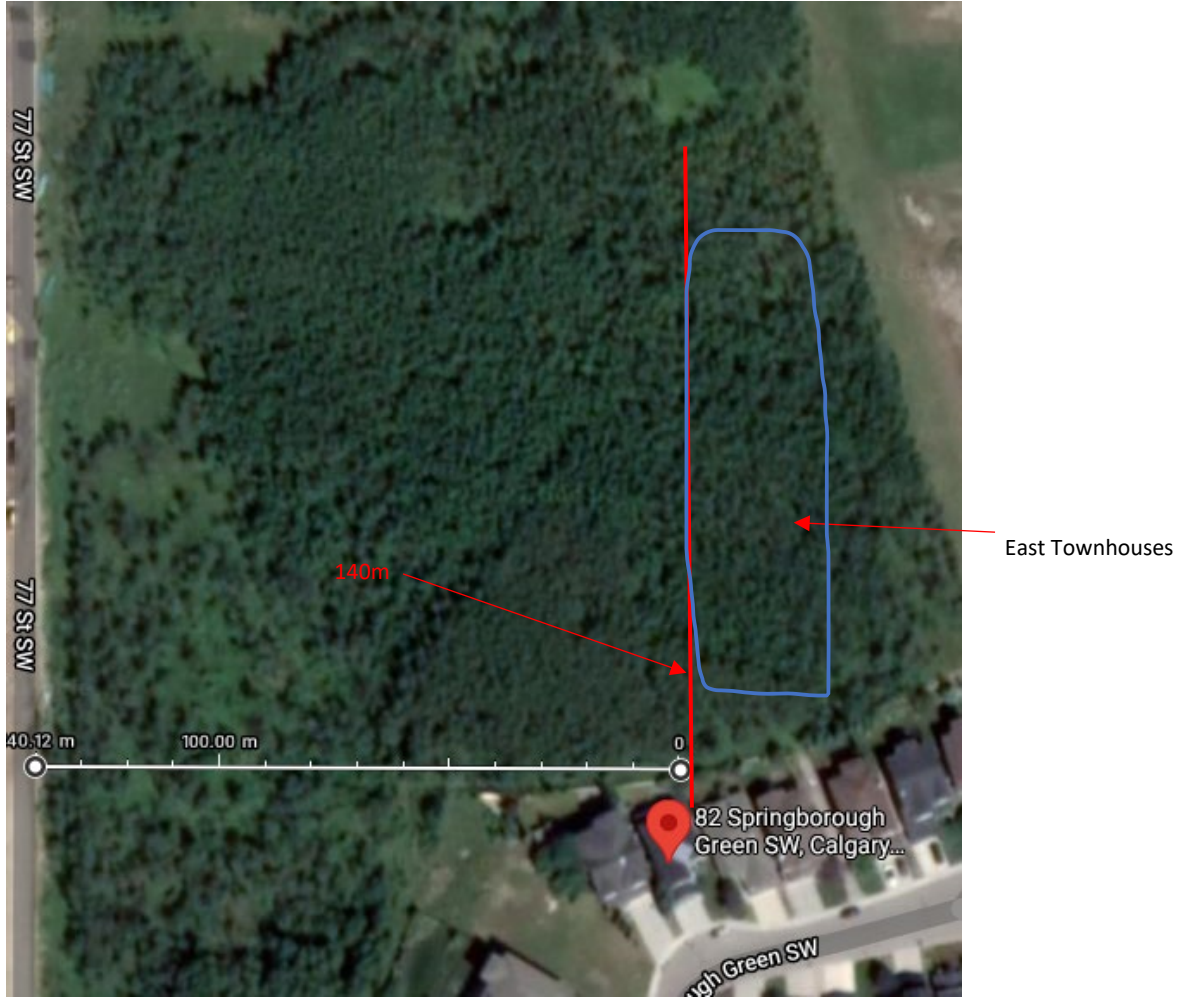
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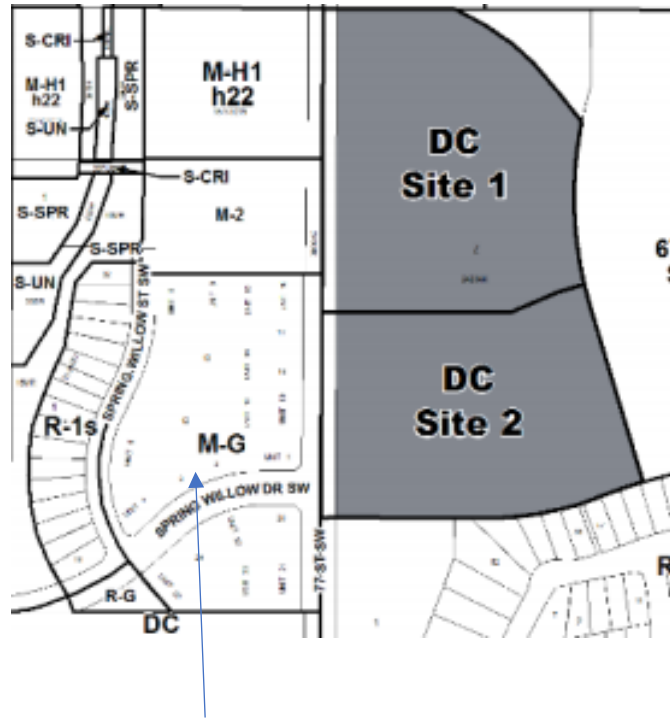
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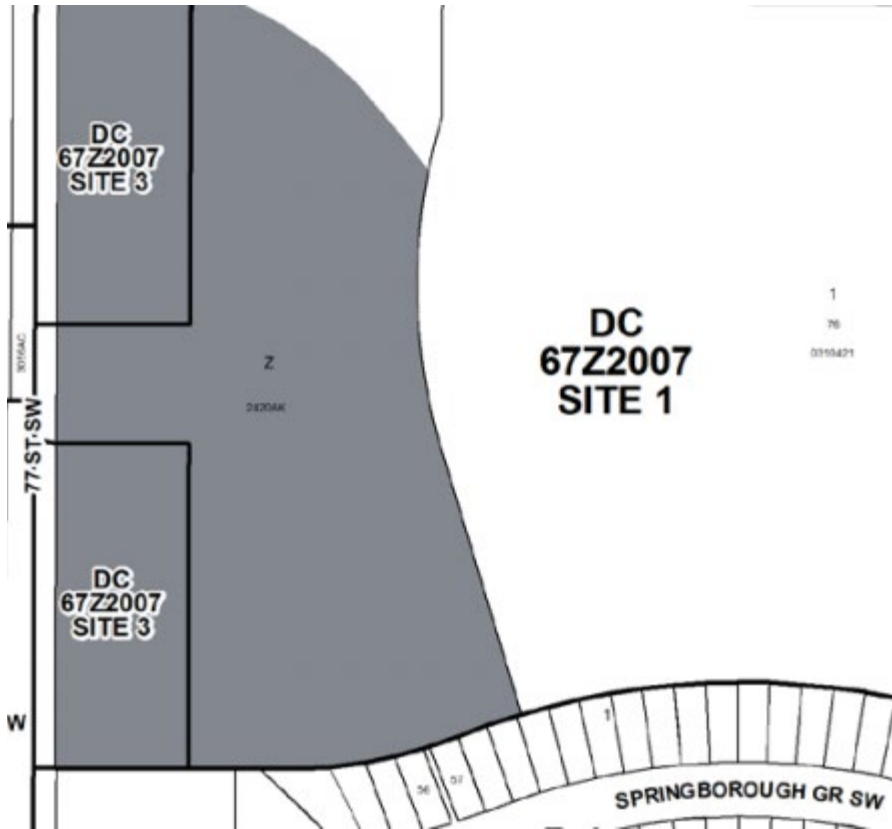
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First name (required)	Bevan
Last name (required)	Hoynick
What do you want to do? (required)	Request to speak
Public hearing item (required - max 75 characters)	Bait and Switch tactics that the applicant is try to pull on land rezoning
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	Please see attached file

Bevan Hoynick
110 Springborough Green SW
Calgary, AB T3H 5M4

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
P.O. Box 2100, Postal Station "M"
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6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
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All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

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To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

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I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

Bevan Hoynick
110 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



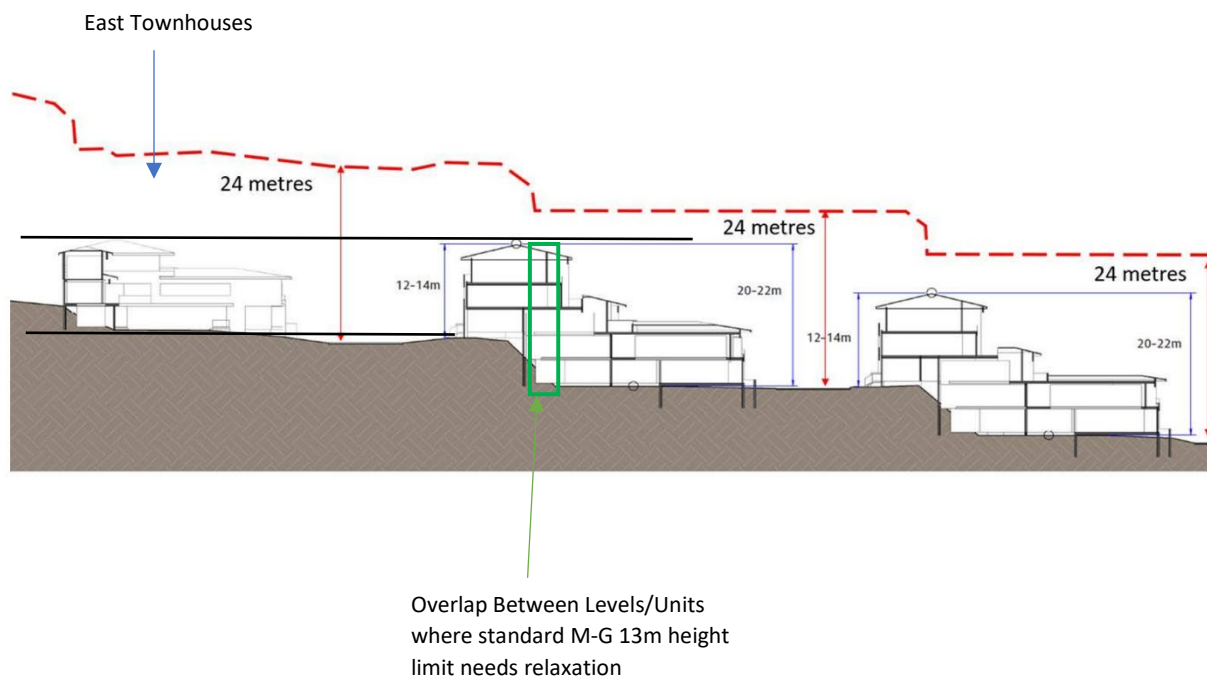
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

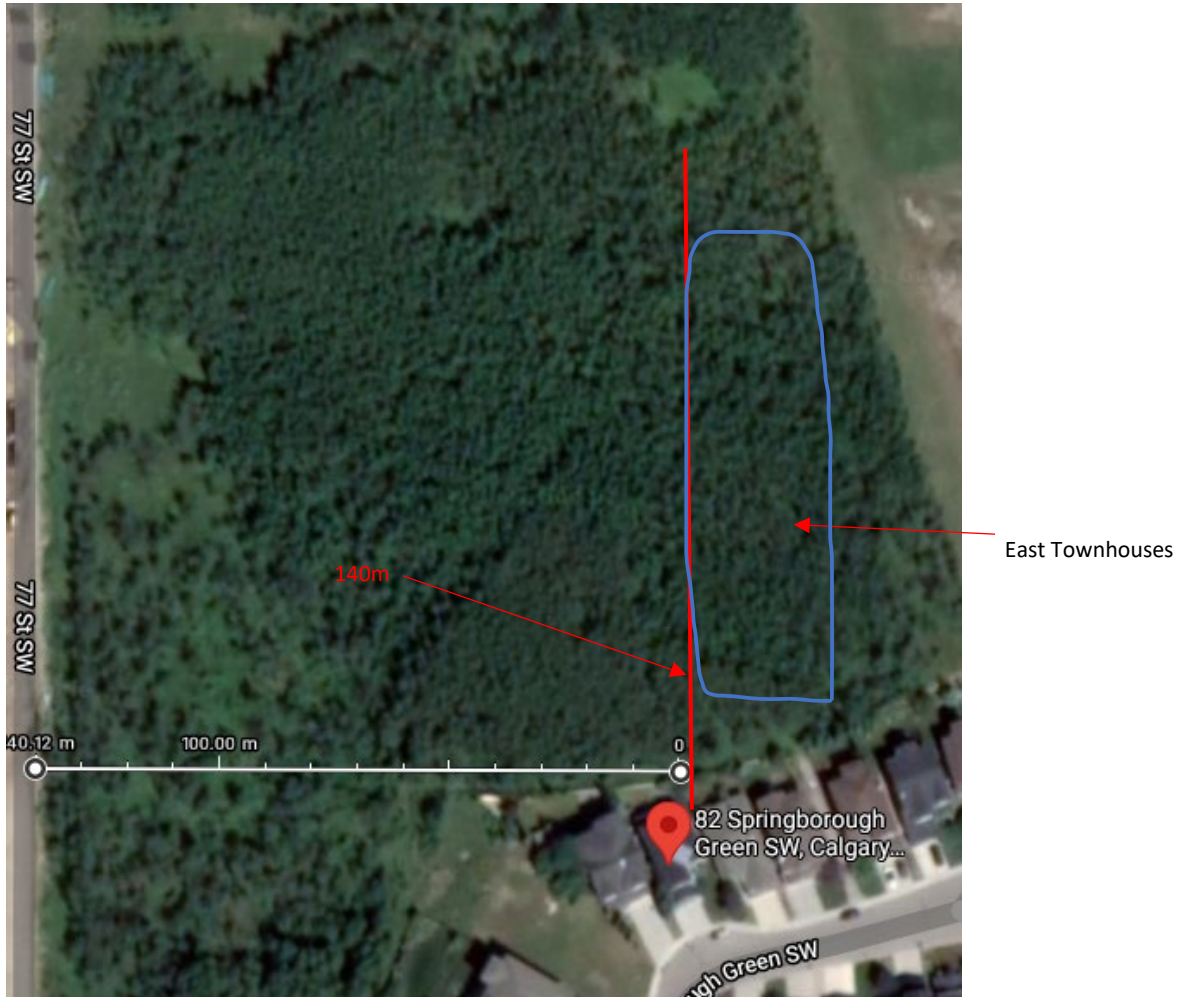
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Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 12-14m on the left (East) side.

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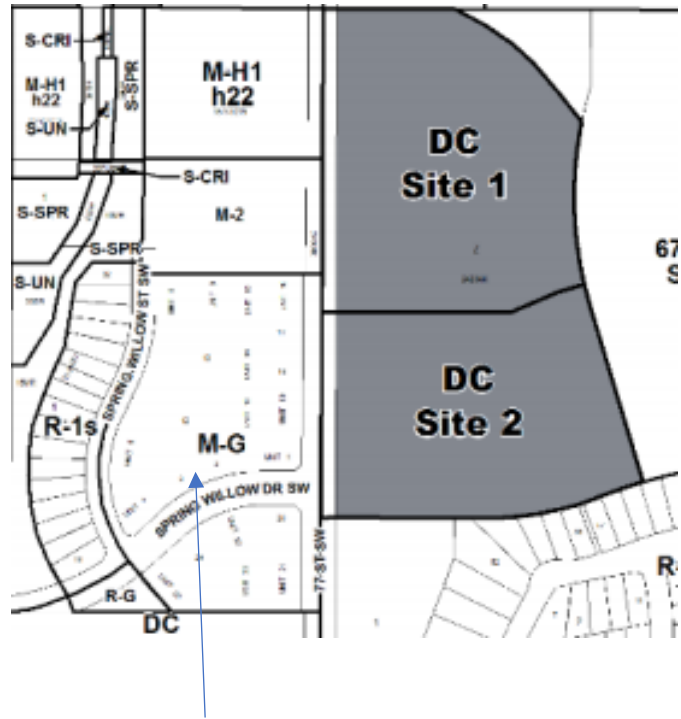


ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

18 The **permitted uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

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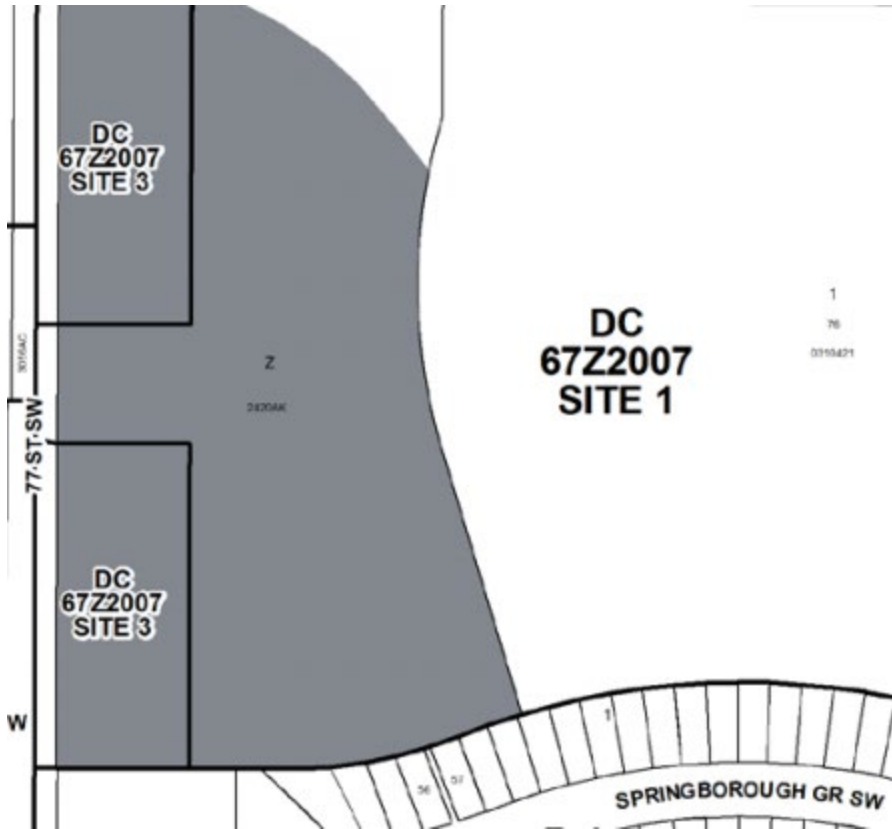
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Relaxations

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ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES



**Public Submission**

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FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act of Alberta, and/or the Municipal Government Act (MGA) Section 230 and 636, for the purpose of receiving public participation in municipal decision-making. Your name and comments will be made publicly available in the Council agenda. If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Dawne
Last name (required)	Hoynick
What do you want to do? (required)	Request to speak
Public hearing item (required - max 75 characters)	They are applying for a zoning change that does not match their proposal.
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	Please see attachment, we are concerned that what they are applying for and what they are submitting are two very different things. This company has a history of being of doing such things.

Dawne Hoynick
110 Springborough Green SW
Calgary, AB T3H 5M4

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

¹ Email from Kathy Oberg, B&A Managing Partner, February 25, 2021.

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
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In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

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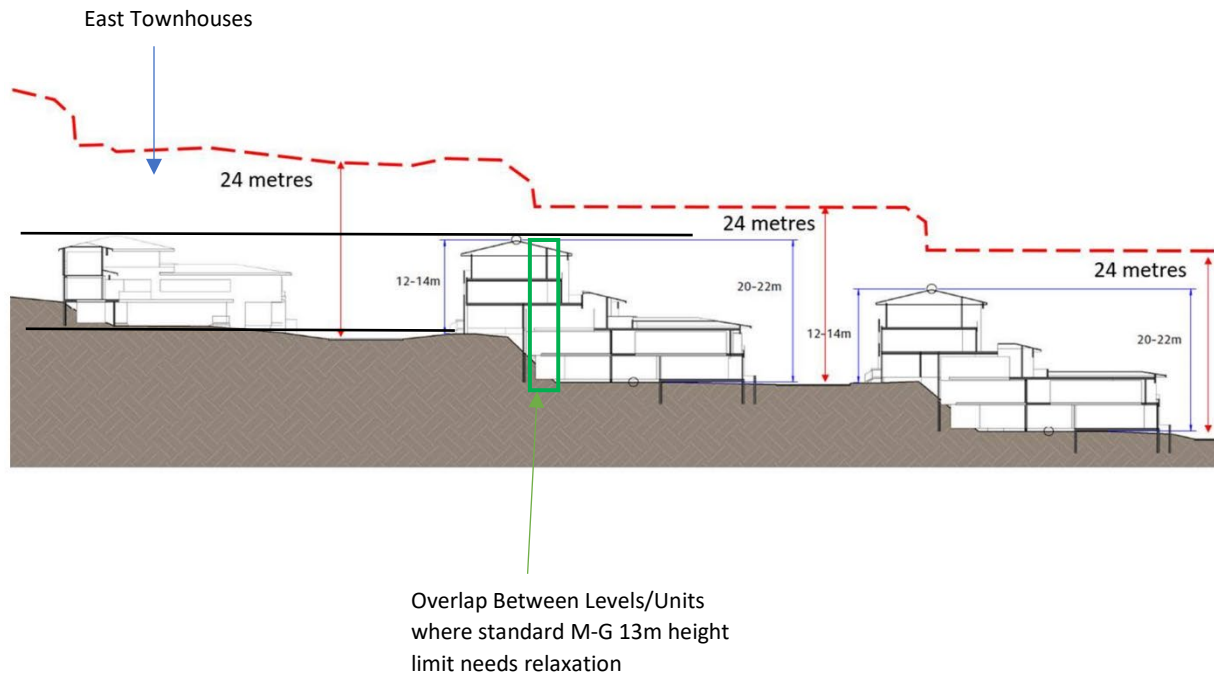
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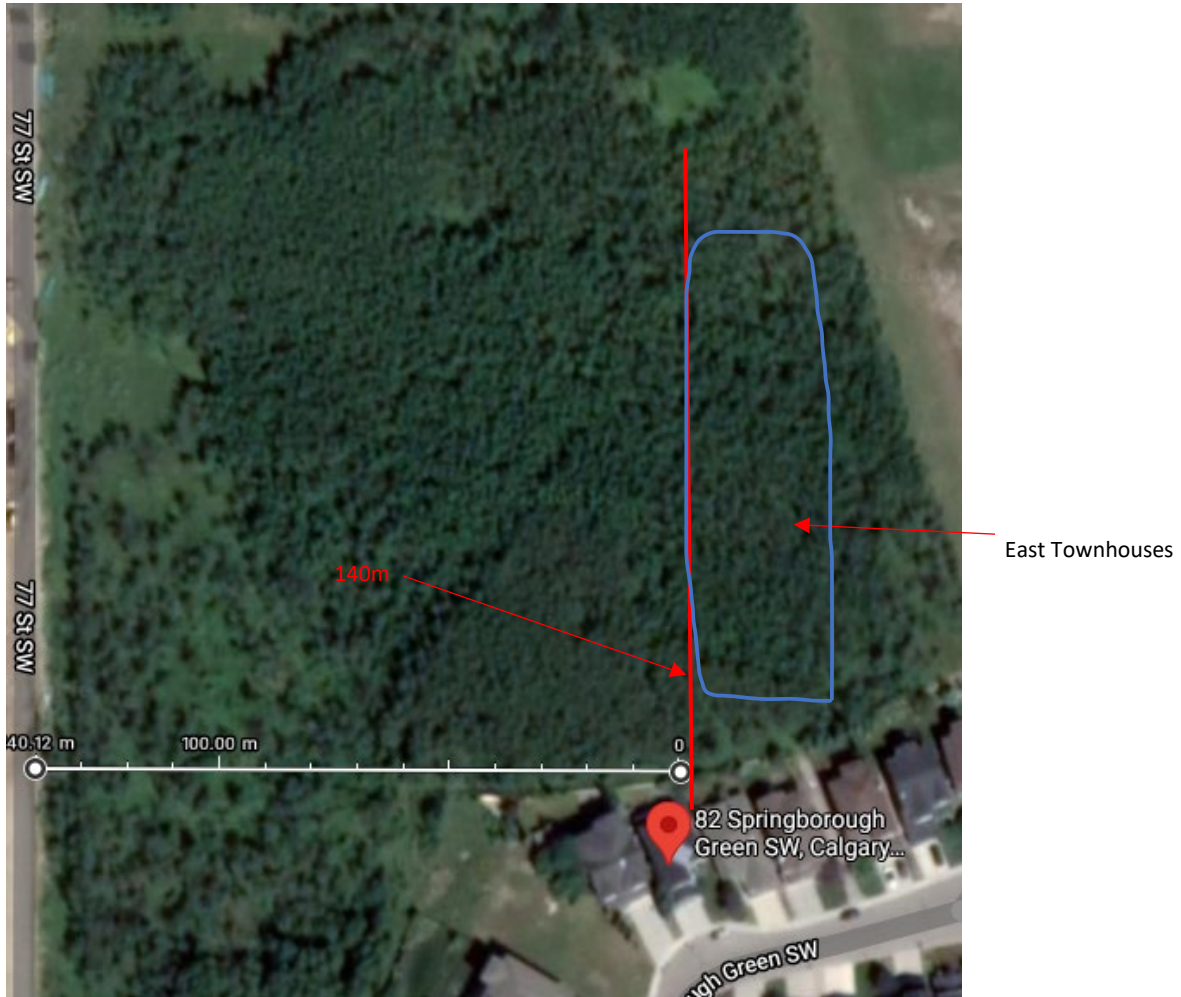
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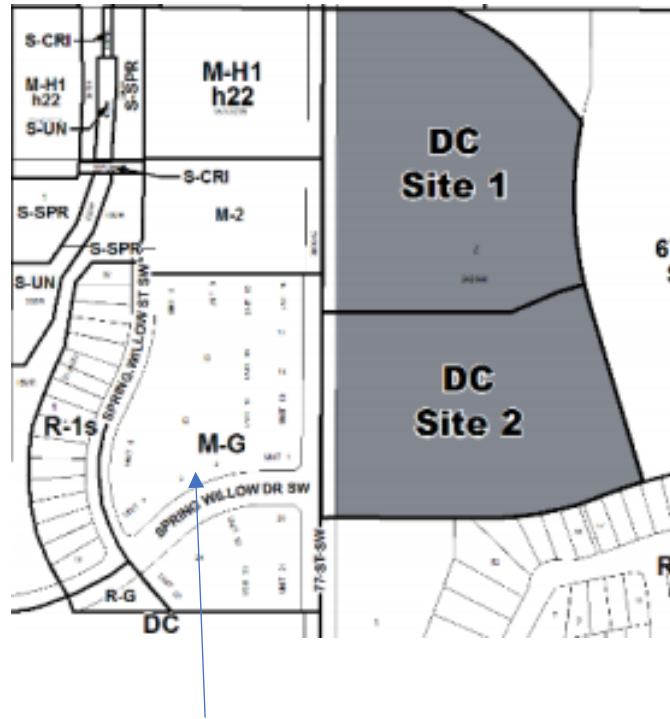


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ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

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SITE 3 (x.xx hectares ±)

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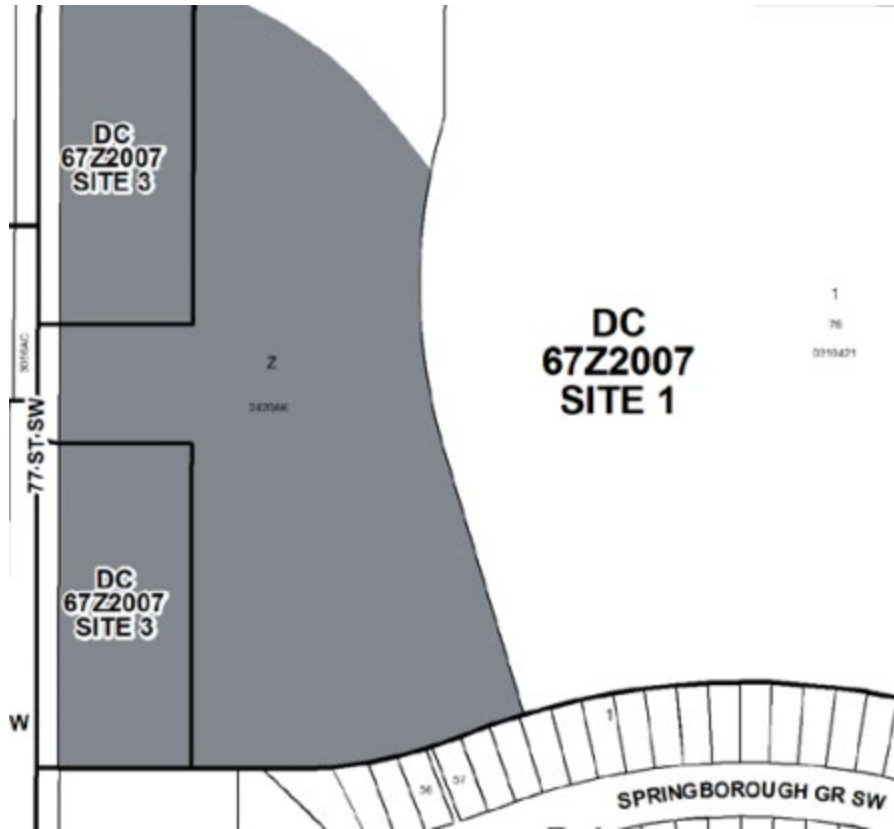
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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Ravi
Last name (required)	Pandarinath
What do you want to do? (required)	Request to speak, Submit a comment
Public hearing item (required - max 75 characters)	Policy Amendment and Land Use Amendment in Springbank Hill (Ward 6) at 7440
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	The final submission presented by the developer reduces the Green Space that was negotiated in earlier submissions.

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
PO Box 2100 Station M
Calgary AB T2P 2M5

RE: LAND USE REDESIGNATION
SPRINGBANK HILL
BYLAW 61D2021

We, as residents adjacent to the south border of the development are the most affected by this development. We are not opposed to the development of the area but have the following request.

1. Reinstatement of the June 2020 Green Space Buffer between the proposed development and the existing Springborough Residents adjacent to the southeast corner.

Diagram 1 – Loss of Green Space Buffer from June 2020 to February 2021 proposals



The original submission and the June 2020 submission both had Green Space Buffers with the June 2020 submission buffer being 32-meters (see pink line below in diagram 2). The February 2021 proposal has a green space that is less than 1 meter wide behind our house eliminating our privacy.

Diagram 2 – Current Proposal



In 2017 an ASP was completed after nearly 5 years of consultation with stakeholders. The following are excerpts from that plan that speak specifically to the lands in question.

“Development should provide a transition to adjacent area that is complementary to the form and scale” P31. Point 2.

“Protection of the tree stand on the west side of the Campus is encouraged.” P31 Point3. The proposal in question removes most of the tree stand. As homeowners this gave us comfort that our greenspace and privacy would be reasonably maintained.

“View vistas should be maintained from streets at higher elevations through to public access points” P 33 Point 11. The current proposal will significantly change the view vistas for most of the Springborough residents adjacent to the southeast corner of the proposed development.

“Natural areas (e.g. treed areas, native grasslands) should be protected” P34 point 14.

“Removing only as many trees as required to achieve development, while ensuring structural integrity of remaining tree stands” P34 Point d.

We are not opposed to the development of the area but would like to maintain some of the privacy that we currently have with the tree stand to the north of us, and the points above from the 2017 ASP support that request. We understand also that the tree stand is no longer considered an environmental preserve however we believe that it is a reasonable request to maintain the small portion that is adjacent to both of our lands and in doing so the spirit of the 2017 ASP would be maintained.

Thank you,

Ravi and Monique Pandarinath

74 Springborough Green SW
Calgary AB T3H5M5
mrpanda70@gmail.com

**Public Submission**

City Clerk's Office

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Paul
Last name (required)	Geddes
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 – CPC2021-0316
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	Please see attached letter

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
PO Box 2100 Station M
Calgary AB T2P 2M5

RE: LAND USE REDESIGNATION
SPRINGBANK HILL
BYLAW 61D2021

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Thank you,

Paul & Shelley Geddes

70 Springborough Green SW
Calgary AB T3H5M5
paul.geddes@ovintiv.com

**Public Submission**

City Clerk's Office

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First name (required)	Kara
Last name (required)	Michaluk
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 – CPC2021-0316
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	Please see attached comments

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

¹ Email from Kathy Oberg, B&A Managing Partner, February 25, 2021.

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

Representations to the Calgary Planning Commission

I would like to draw your attention to a discrepancy in the “Planning & Development Report to Calgary Planning Commission, 2021 March 18” (the “Planning Report”). The Planning Report indicated that:

Administration circulated the updated proposal to SBHCA and all residents who submitted letters of objection in the initial circulation provided by the City. A letter from the SBHCA (Attachment 6) was received on 2021 March 08 requesting the applicant and Administration to consider rules and guidelines in the proposed DC District that better align with the concept plans shared. Key concerns aligning the applicant’s concept plans and visions with corresponding rules in the proposed DC District, have now been addressed (emphasis added).

The statement that the key concerns have now been addressed is inaccurate. A key concern raised by the Springbank Hill Community Association (“SBHCA”) on behalf of the residents and the community was the maximum height of 24 metres in DC Site 2, particularly regarding the East Townhouses. During the CPC meeting, there was also discussion suggesting the SBHCA and the residents were in agreement with the Applicant’s submission.

To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael Hoffman", with a long horizontal flourish extending to the right.

Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



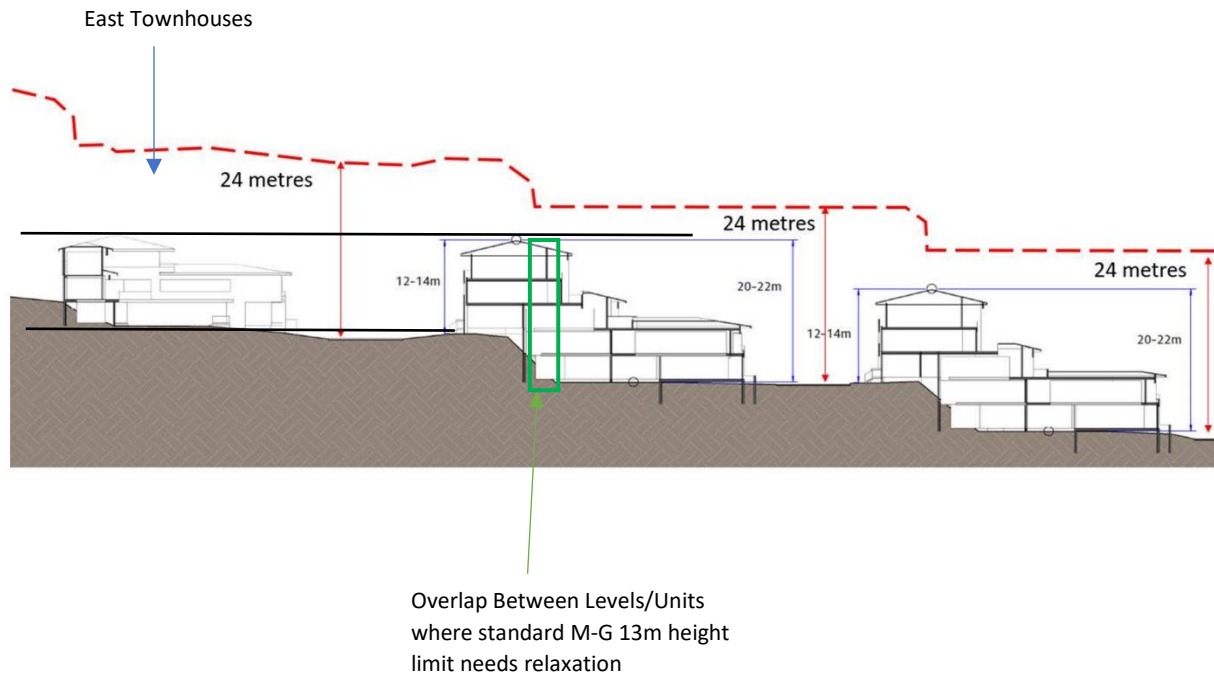
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

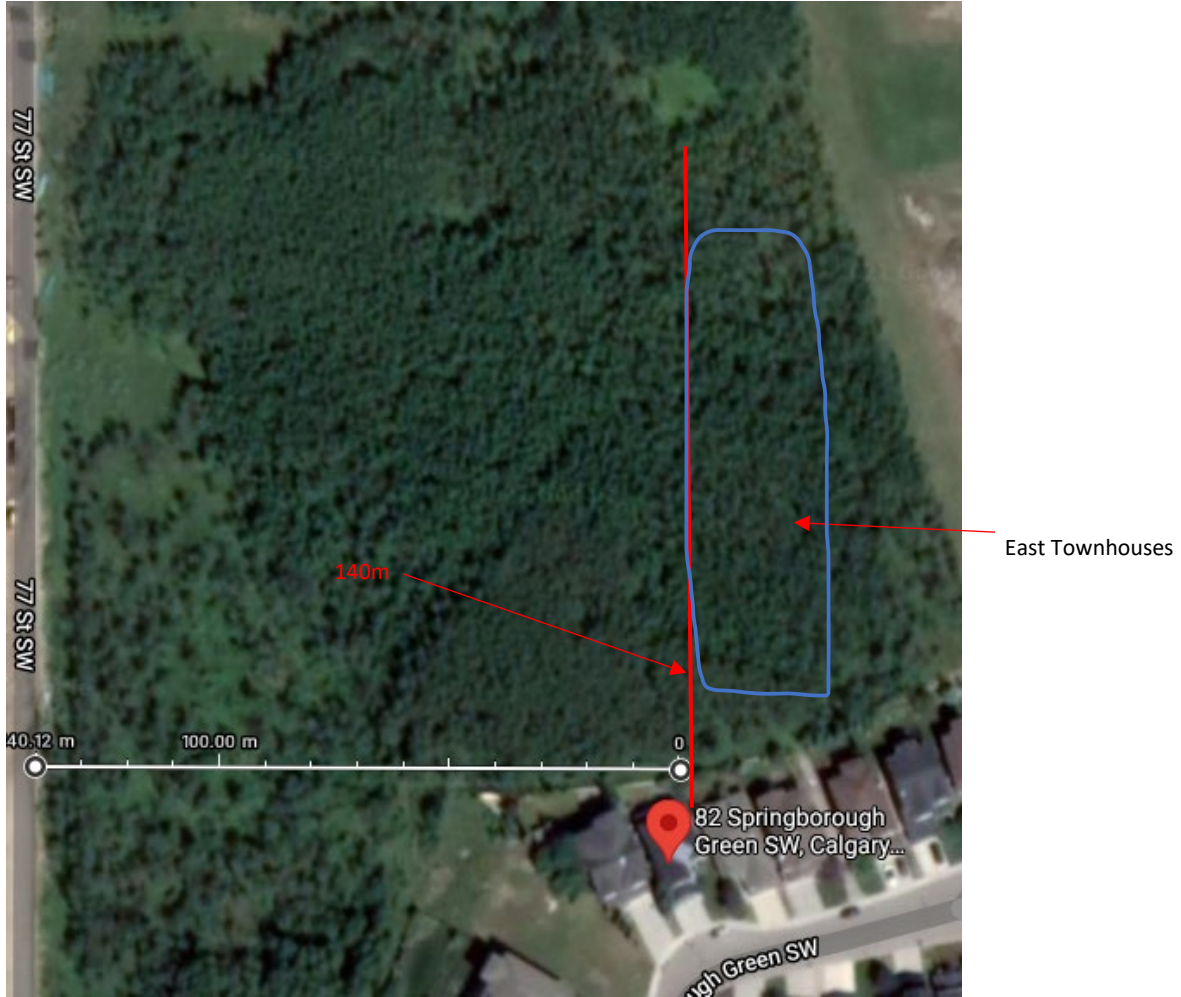
The East Townhouses are located on the left side of the diagram.

Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 12-14m on the left (East) side.

The East Townhouses appear to have a grade that is slightly higher than the grade at the back of the middle building and a height that is lower than the middle building, confirming that 13m height limitations appear reasonable.

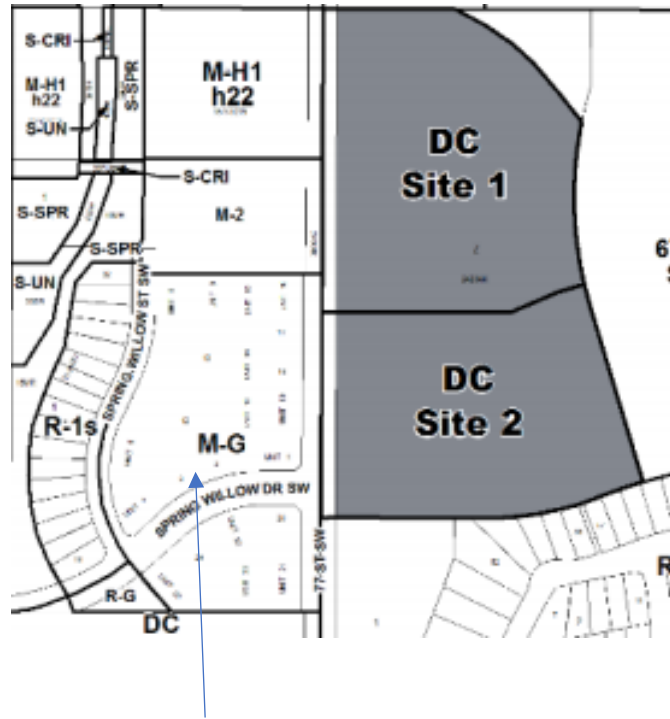


ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

18 The **permitted uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

19 The **discretionary uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

20 Unless otherwise specified, the rules of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 apply in this Direct Control District.

Setback Area

21 The depth of all **setback areas** must be equal to the minimum **building setbacks** required in Section 15 of this Direct Control District Bylaw.

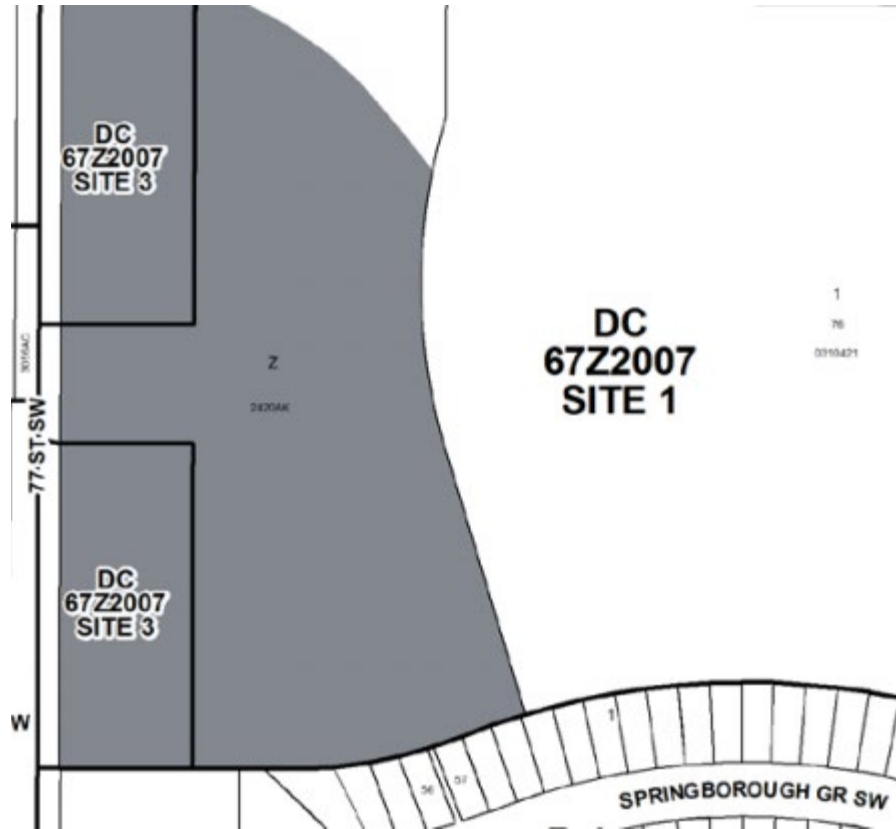
Building Setbacks

- 22 (1) The minimum **building setback** from a parcel designated as a **low density residential district** is 8.5 metres.
- (2) In all other cases, the minimum **building setback** is 1.2 metres.

Relaxations

23 The **Development Authority** may relax the rules contained in Sections 7, 8, 12 and 20 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES





Public Submission

City Clerk's Office

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Omatseye
Last name (required)	Edema
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	Policy Amendment and Land Use Amendment in Springbank Hill (Ward 6) at 7440
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	The Green Space Buffer between the development and the adjacent homes in the current proposal is much smaller than the one agreed upon in previous submissions. I would like the Green Space Buffer to be 30 meters wide like it was in the previous proposals.

ISC:

1/1

Unrestricted

May 3, 2021

Page 121

11:25:10 AM

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
PO Box 2100 Station M
Calgary AB T2P 2M5

RE: LAND USE REDESIGNATION
SPRINGBANK HILL
BYLAW 61D2021

We, as residents adjacent to the south border of the development are the most affected by this development. We are not opposed to the development of the area but in addition to the items raised by the community association we have the following request.

1. Reinstatement of the June 2020 Green Space Buffer between the proposed development and the existing Springborough Residents adjacent to the southeast corner.

Diagram 1 – Loss of Green Space Buffer from June 2020 to February 2021 proposals




The original submission and the June 2020 submission both had Green Space Buffers with the June 2020 submission buffer being 32-meters (see pink line below in diagram 2). The February 2021 proposal has a green space that is less than 1 meter wide behind some of the houses eliminating our privacy and reducing property values.

Diagram 2 – Current Proposal



Thank you,


DR. OMATSEYE EDEMA
3RD MAY 2021



Public Submission

City Clerk's Office

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Scott
Last name (required)	Gardner
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	Policy Amendment and Land Use Amendment in Springbank Hill (Ward 6) at 7440
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	The Green Space Buffer between the development and the adjacent homes in the current proposal is much smaller than the one agreed upon in previous submissions. I would like the Green Space Buffer to be 30 meters wide like it was in the previous proposals.

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
PO Box 2100 Station M
Calgary AB T2P 2M5

RE: LAND USE REDESIGNATION
SPRINGBANK HILL
BYLAW 61D2021

We, as residents adjacent to the south border of the development are the most affected by this development. We are not opposed to the development of the area but in addition to the items raised by the community association we have the following request.

1. Reinstatement of the June 2020 Green Space Buffer between the proposed development and the existing Springborough Residents adjacent to the southeast corner.

Diagram 1 – Loss of Green Space Buffer from June 2020 to February 2021 proposals



The original submission and the June 2020 submission both had Green Space Buffers with the June 2020 submission buffer being 32-meters (see pink line below in diagram 2). The February 2021 proposal has a green space that is less than 1 meter wide behind some of the houses eliminating our privacy and reducing property values.

Diagram 2 – Current Proposal



Thank you,

Catherine McCormick

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
PO Box 2100 Station M
Calgary AB T2P 2M5

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SPRINGBANK HILL
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Diagram 2 – Current Proposal



Thank you,

Scott Gaudrey



Public Submission

City Clerk's Office

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FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Catherine
Last name (required)	McCormick
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 - Proposed Bylaw 61D2021
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	The Green Space Buffer between the development and the adjacent homes in the current proposal is much smaller than the one agreed upon in previous submissions. I would like the Green Space Buffer to be 30 meters wide like it was in the previous proposals.

ISC:

1/1

Unrestricted

May 3, 2021
Page 126
11:34:59 AM



Public Submission

City Clerk's Office

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- I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Ravi
Last name (required)	Pandarinath
What do you want to do? (required)	Request to speak, Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 – CPC2021-0316
Date of meeting	May 10, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	PlESE see attached document

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

Dear Mayor Nenshi and City Councilors:

I am writing regarding Land Use Amendment LOC2019-0162 (the "Application") submitted by Partners Development Group (the "Applicant").

Although the design concept put forward as part of the Application is an improvement over past concepts, I remain concerned with the blanket 24 metre maximum height specified in proposed land use bylaw amendment 61P2021 (the "Proposed Land Use Amendment"). Based on discussions with the Applicant's advisors, B&A Planning Group ("B&A"), the community has received confirmation that "It is certainly the goal of [the Applicant] to build terraced townhouses as illustrated in our rendering package."¹

I recognize that design concepts put forth during the land use amendment process are only a concept and there is no guarantee the actual development will be identical to the design concept. However, the design concept has a fundamental role in the land use amendment process as it influences the land use amendment consultation process and sets broad expectations and alignment of the eventual land use.

I appreciate that some modifications may occur at the development permit ("DP") stage. It is reasonable for a land use amendment to provide some flexibility to allow the Applicant to modify its plans to address technical limitations identified during the DP application that may not have been determinable during the land use amendment stage. However, such flexibility is not intended to transform the planned development. The land uses (e.g. M-G, M-2) provide the possibility of relaxations. These relaxations are intended to be minor and would not be expected to increase heights by several metres.

While statements from the Applicant or B&A regarding the intent to proceed with the design concept provides some optimism, I maintain some level of skepticism due to the discrepancy with the Applicant's requested land use for the townhouses that are proposed for the East portion of DC Site 2 (the "East Townhouses"). Please see Attachment 1 for an illustration of the location of the East Townhouses.

It remains unclear why the Applicant was unwilling to align the maximum heights in its design concept with the maximum heights in the Proposed Land Use Amendment. The Applicant has indicated it is possible to work within the standard M-G height limitation of 13 metres for the East Townhouses. I accept the need for slope adaptive designs for the remainder of DC Site 2 (the "Other Townhouses") and that this slope adaptive design will cause portions of the Other Townhouses to approach between 20 metres and 24 metres measured at grade. For the Other Townhouses, the additional height appears to be reasonable as it applies to a limited portion of the building forms and does not create a large 24

¹ Email from Kathy Oberg, B&A Managing Partner, February 25, 2021.

metre tall building for the entire profile. It also appears to align with the intent of the slope adaptive policy standards. Despite multiple conversations with B&A confirming that the additional height is not necessary for the East Townhouses, the Applicant has put forward a blanket 24 metre height limit for DC Site 2.

It is also clear that if the Proposed Land Use Amendment is approved as proposed by the Applicant, there is nothing preventing the Applicant from adopting a different design concept for the East Townhouses that takes maximum advantage of the 24 metre height limit in a manner that is inconsistent with the slope adaptive design reasons underlying the height relaxation. If approved as is, the City would be obligated to approve the DP for a building just below 24 metres as it would be consistent with the approved land use. There would be no basis for homeowners or the community to object to such buildings during the DP process.

As discussed below, the 24 metre maximum height for the East Townhouses can result in the development of townhouses that are technically within the three story limit of the proposed amendment to the ASP, but the total height is materially higher than the M-G standard. The stacked townhouse design put forth by the Applicant is based on “lower” and “upper” stacked units. The lower units are accessed at grade from the West side of the land (i.e. the lower portion of the slope) while the upper units are at grade when accessed from the East side of the land (i.e. the upper portion of the slope). From the side profile, the stacked design has the two stacks overlapping in the middle of the complex. If the units were not overlapped in the middle, they appear to fit within the M-G standard height limitations. Since the units are overlapped, the middle portion exceeds the M-G standard due to the slope and the adaptive slope design. See Attachment 2 for a depiction provided by the Applicant to the City Planning Department.

In the case of the East Townhouses, the slope changes are minimal (as depicted in the building profile in Attachment 2) and do not justify the need for a 24 metre maximum height. The East Townhouses can be built within the standard M-G requirements.

An important aspect of this height limitation is to ensure a reasonable transition from the current low-density development at the South boundary of DC Site 2. If the height limitation for the East Townhouses is not consistent with the M-G standard, the transition from the existing low-density residential to multi-residential will be non-existent. In fact, the transition would bypass the M-G standard and would be more consistent with the M-2 (six storey apartment) standard that applies to DC Site 1.

This lack of transition is inappropriate and is inconsistent with the treatment of similar developments in Springbank Hill, particularly a development directly across 77th Street.

MY REQUEST TO COUNCIL

I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

Representations to the Calgary Planning Commission

I would like to draw your attention to a discrepancy in the “Planning & Development Report to Calgary Planning Commission, 2021 March 18” (the “Planning Report”). The Planning Report indicated that:

Administration circulated the updated proposal to SBHCA and all residents who submitted letters of objection in the initial circulation provided by the City. A letter from the SBHCA (Attachment 6) was received on 2021 March 08 requesting the applicant and Administration to consider rules and guidelines in the proposed DC District that better align with the concept plans shared. Key concerns aligning the applicant’s concept plans and visions with corresponding rules in the proposed DC District, have now been addressed (emphasis added).

The statement that the key concerns have now been addressed is inaccurate. A key concern raised by the Springbank Hill Community Association (“SBHCA”) on behalf of the residents and the community was the maximum height of 24 metres in DC Site 2, particularly regarding the East Townhouses. During the CPC meeting, there was also discussion suggesting the SBHCA and the residents were in agreement with the Applicant’s submission.

To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael Hoffman", with a long horizontal flourish extending to the right.

Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



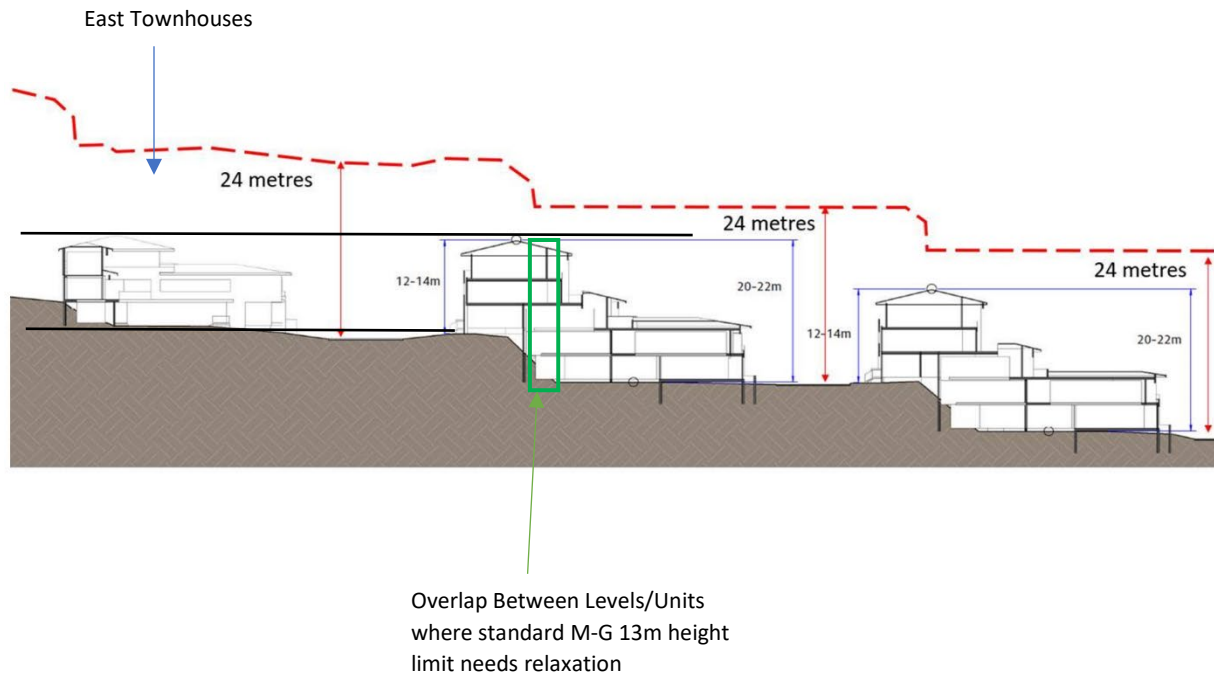
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

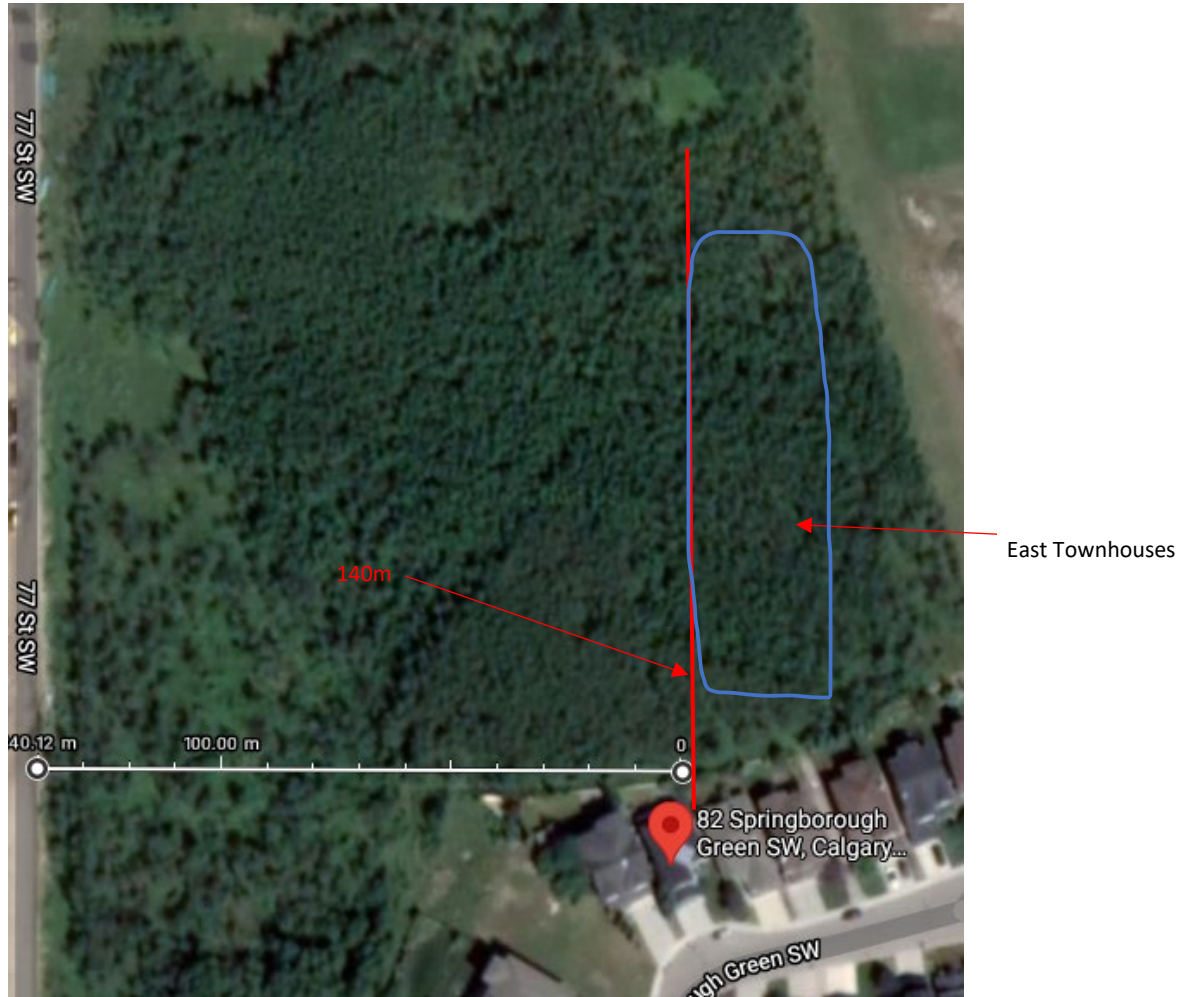
The East Townhouses are located on the left side of the diagram.

Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 12-14m on the left (East) side.

The East Townhouses appear to have a grade that is slightly higher than the grade at the back of the middle building and a height that is lower than the middle building, confirming that 13m height limitations appear reasonable.

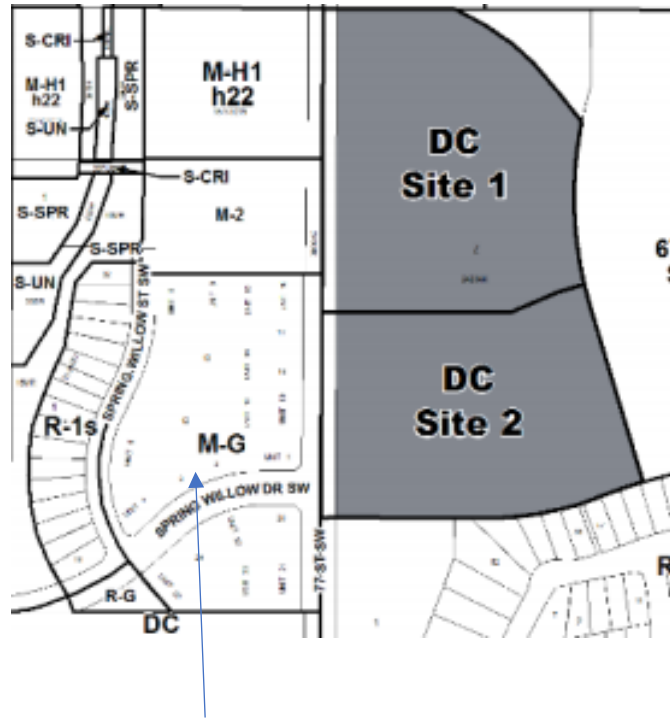


ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

18 The **permitted uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

19 The **discretionary uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

20 Unless otherwise specified, the rules of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 apply in this Direct Control District.

Setback Area

21 The depth of all **setback areas** must be equal to the minimum **building setbacks** required in Section 15 of this Direct Control District Bylaw.

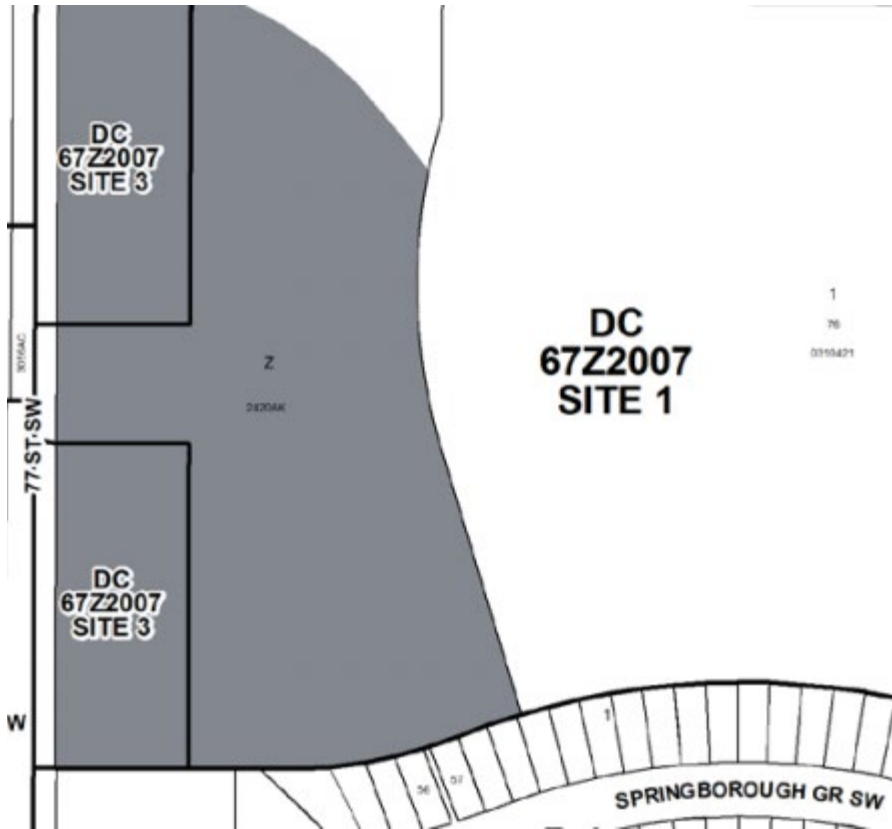
Building Setbacks

- 22 (1) The minimum **building setback** from a parcel designated as a **low density residential district** is 8.5 metres.
- (2) In all other cases, the minimum **building setback** is 1.2 metres.

Relaxations

23 The **Development Authority** may relax the rules contained in Sections 7, 8, 12 and 20 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES





Public Submission

City Clerk's Office

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First name (required)	Jehad
Last name (required)	Haymour
What do you want to do? (required)	Submit a comment
Public hearing item (required - max 75 characters)	LOC2019-0162 – CPC2021-0316
Date of meeting	May 10, 2021

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

I agree with the comments made by my neighbor Michael Hoffman dated April 30, 2021, a copy of which is attached.

I believe that the community's request that the amendment to the height restriction from 13 metres to 24 metres be limited to the East Townhouses only is reasonable and I would request that Council adopt this amendment that would have no impact on the Applicant's current plans, but would ensure that the Applicant, or anyone building in its place, does not breach the spirit of the height relaxation.

With respect, we have seen from the Sky Ranch experience with this developer that no one will remember the purpose of the height restriction relaxation, if left unchecked and if this community amendment is not adopted.

Thank you for giving me this opportunity.

Regards
Jehad Haymour

MICHAEL HOFFMAN

54 Springborough Green SW
Calgary, AB T3H 5M6

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

April 30, 2021

Re: Land Use Amendment LOC2019-0162

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I am willing, if an amendment is made to set the maximum building heights for the East Townhouses at 13 metres (consistent with the M-G standard), to support the Proposed Land Use Amendment.

The easiest solution is to create DC Site 3 for the East Townhouses. This should have been the approach from the start. The Applicant originally requested only one site with the M-2 standard, even though it was clear the Applicant was planning to build townhouses on what is now DC Site 2. Given the clear difference in height requirements for the East Townhouses and the Other Townhouses, Site 3 should be created with the M-G standard. This is the proper treatment and it is consistent with the intent of the land use bylaw. I understand City Planning suggested this option to the Applicant, without success.

On this basis, **I request that Council amend the Proposed Land Use Amendment by replicating the provisions for Site 2, except that a height reference is no longer required because it is covered by the M-G standard.**

By my estimate, the West boundary of Site 3 should be 140 metre from the West Boundary of Site 2. This measurement was based on Google Maps measurements and the Applicant's proposed design concept, in which the proposed townhouses on the East boundary of DC Site 2 start at a point that is approximately in line with the East property line of 82 Springborough Green. The other boundaries naturally occur to the South, East and North. See Attachment 3 for details. See Attachment 4 for possible wording for a new DC Site 3.

An alternative approach is to require the Applicant to seek a concurrent Land Use Amendment and Development Permit.

IMPACT OF MY REQUEST ON THE APPLICANT

1. **No impact** on the ability of the Applicant to build its proposed concept plan on DC Site 2, including the East Townhouses;
2. **No impact** on the value of the DC Site 1 and DC Site 2 land.
3. **No impact** on the densities proposed by the Applicant;
4. **No discrepancy** with the Area Structure Plan.
5. **No impact** on the value of the properties proposed to be built by the Applicant; and
6. **No impact** on the property taxes collected by the City.

In summary, amending the Proposed Land Use Amendment to set the maximum height of the East Townhouses per the M-G standards still provides the Applicant the ability to develop the land in a manner that is consistent with the Applicant's determination of the highest and best use of the land.

IMPACT OF MY REQUEST ON THE COMMUNITY

1. **Provides equitable treatment** for the homeowners on Springborough Green compared to homeowners in Spring Willow (the "Spring Willow Homeowners") that are similarly impacted by a recent land use amendment. The Spring Willow Homeowners are located on the West side of 77th Street immediately to the West and slightly to the South of DC Site 2. The property immediately to the North of the Spring Willow Homeowners, and immediately adjacent to the West of the Applicant's proposed development, is currently under construction (the "Adjacent Development"). See Attachment 4 for the location of the Adjacent Development. The Adjacent Development has a standard M-G land use designation acting as a transition from the Spring Willow low-density residential homes. The topography of M-G lands in the Adjacent Development appear to have slopes that are similar to the slopes on the East Townhouses. The height limitations for the East Townhouses should be consistent with a similar transition from low-density residential to multi-residential townhouses land that is across the street from DC Site 1 and DC Site 2. Failure to provide consistent treatments within land use amendments, particularly adjacent land use amendments creates inequality amongst homeowners that cannot be explained.
2. **Acknowledges a reasonable balance between the transition from existing low-density and multi-residential** in which the Applicant is permitted to build the East Townhouses as planned within the

standard M-G maximum heights while also affording the Applicant the ability to build the Other Townhouses as slope adaptive townhouses with a relaxation to reflect the additional height at grade where the lower and upper units overlap. There is no reasonable basis for a relaxation of the M-G maximum heights for the East Townhouses, let alone an unnecessary relaxation that increases the maximum height to be more consistent with an M-2 standard.

3. **Provides reasonable expectations** that the Applicant proceeds with its current concept plan and does not fundamentally alter the design and place buildings up to 24 metres. Or it provides a reasonable expectation that if the Applicant decides to sell the land that another developer will not proceed with a materially different concept. If Council permits the East Townhouses to have a height up to 24m, there is no merit in applicants providing any information regarding a planned concept and the consultation process with the community becomes irrelevant.

OTHER CONSIDERATIONS

Current Height Limits per 67Z2007

The current land use for the land that will become DC Site 1 and DC Site 2 limits buildings located within 30 metres or less from the South boundary to be no more than 12 metres. See Attachment 5 for a diagram of the current site. Existing homeowners purchased adjacent homes with an understanding of the permissible development of the lands. It is reasonable that the heights for an alternate land use should provide for a reasonable transition and such transitions are regularly reflected in land use amendments.

The Applicant has requested a blanket approval for the 24 metre maximum height when a blanket approval is not warranted. The requested increase will permit the East Townhouses to be substantially taller than currently permitted under the current land use. Effectively, the Applicant is asking for the flexibility to substantially increase the heights of the East Townhouses rather than ensuring a reasonable transition from low density residential.

It is reasonable for Council to amend the Proposed Land Use Amendment to set the heights for East Townhouses at the standard M-G maximum height of 13 metres (1 metre more than is permitted under the current land use bylaw) while providing the Applicant with the flexibility to exceed the current height limitations for the Other Townhouses where the slope adaptive design necessitates some limited height flexibility.

Three Storey Restriction Can Result in Buildings Far in Excess of M-G Standard Height Limitations

Bylaw 19P2011 will amend the ASP with respect to DC Site 1 and DC Site 2 (the "ASP Amendment"). The ASP Amendment will limit the buildings to grade-oriented townhouse and rowhouse buildings not to exceed three storeys. It also provides for relaxation due to slope adaptive designs. I understand the ASP Amendment is necessary because the current ASP land designation is inconsistent with the proposed use. However, the three storey limit does not correlate to the height restrictions.

Based on discussions with Joseph Yun of the City Planning Department, a three storey building can result in a building that is between 16 and 17 metres, well above the M-G standard. As an example of this possible height:

- The townhouse/rowhouse likely has a below grade level that is not accessible from the outside. As this level is below grade, it is not considered to be a storey. I understand a storey generally is 3.3

metres. Therefore, if the lower level is 0.5 metres below grade with no at grade access, it is not considered a storey, but that lower level results in a height from grade of 2.8 metres.

- At grade access to the first storey would require a partial flight of stairs. Add two additional storeys, and the three storeys represent a height of approximately 9.9 metres. The total building height is now 12.7 metres.
- Unlike maximum building heights that are measured at grade to the highest point of the building, storeys do not include the roof. A typical roof can be between 10 and 12 feet or 3.0 to 3.7 metres.

All totaled, the townhouse/rowhouse could be 15.7 metres to 16.4 meters using the above example.

We understand from discussions with the City Planning Department that the use of storeys to determine heights of buildings is not desirable because “storey” is not clearly defined and can lead to ambiguity. The Land Use Bylaw specifies building heights in metres measured at grade. Such measurements are well defined and determinable. The Application and the Proposed Land Use Amendment specifies maximum heights in metres. The existing bylaw specifies heights in metres.

As there exists precedent on the specific land related to the Proposed Land Use Amendment, it is reasonable to apply height restrictions based on the well-established standard of the height measured in metres at grade. It is reasonable to apply a height restriction based on a distance from a boundary as this has been done for the existing land use for the subject land. As the East Boundary of Site 2 is curved, any limitation that specifies the distance of the boundary will be challenging to define with reference to the East Boundary. However, the West Boundary appears to be reasonably straight, such that it is appropriate to measure the boundary for the height limit for the East Townhouses based on the distance from the West boundary of DC Site 2.

Discussions with City Planning Department Suggest Support for a Height Limited Within a Boundary

At a community meeting the City Planning Department on March 15, 2021 the City Planning Department confirmed that if the Applicant put forth a request that the height restriction proposed above, the City Planning Department would be open to this proposal and it would have worked with the City Legal Department to implement the change.

Representations to the Calgary Planning Commission

I would like to draw your attention to a discrepancy in the “Planning & Development Report to Calgary Planning Commission, 2021 March 18” (the “Planning Report”). The Planning Report indicated that:

Administration circulated the updated proposal to SBHCA and all residents who submitted letters of objection in the initial circulation provided by the City. A letter from the SBHCA (Attachment 6) was received on 2021 March 08 requesting the applicant and Administration to consider rules and guidelines in the proposed DC District that better align with the concept plans shared. Key concerns aligning the applicant’s concept plans and visions with corresponding rules in the proposed DC District, have now been addressed (emphasis added).

The statement that the key concerns have now been addressed is inaccurate. A key concern raised by the Springbank Hill Community Association (“SBHCA”) on behalf of the residents and the community was the maximum height of 24 metres in DC Site 2, particularly regarding the East Townhouses. During the CPC meeting, there was also discussion suggesting the SBHCA and the residents were in agreement with the Applicant’s submission.

To clarify, neither the SBHCA submissions nor those of the residents/community indicated support for the maximum height of 24 metres for the East Townhouses.

CONCLUSIONS

If Council adopts a simple amendment to the height restriction for the East Townhouses, based on discussion with B&A, the Amendment would have no impact on the Applicant's plans. It would, however, provide some additional comfort and certainty to the community and local homeowners to help ensure the Applicant's stated intentions for the development are undertaken with standard relaxations that are provided to all developments if issues arise.

I am planning to attend the Council Meeting to discuss this matter and look forward to talking with you on May 10.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael Hoffman", with a long horizontal flourish extending to the right.

Michael Hoffman
54 Springborough Green SW

ATTACHMENT 1 – LOCATION OF EAST TOWNHOUSES



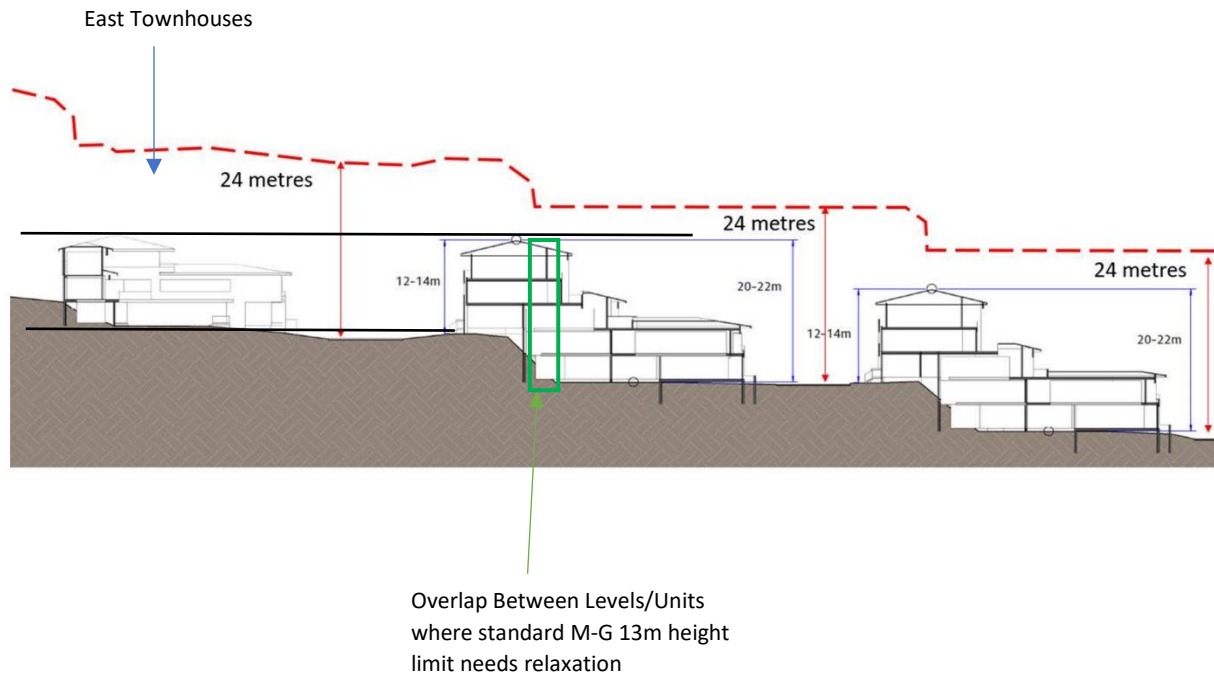
East Townhouses
and addition of
DC (M-G) Site 3

ATTACHMENT 2 – ELEVATION OF EAST TOWNHOUSES COMPARED TO THE OTHER TOWNHOUSES

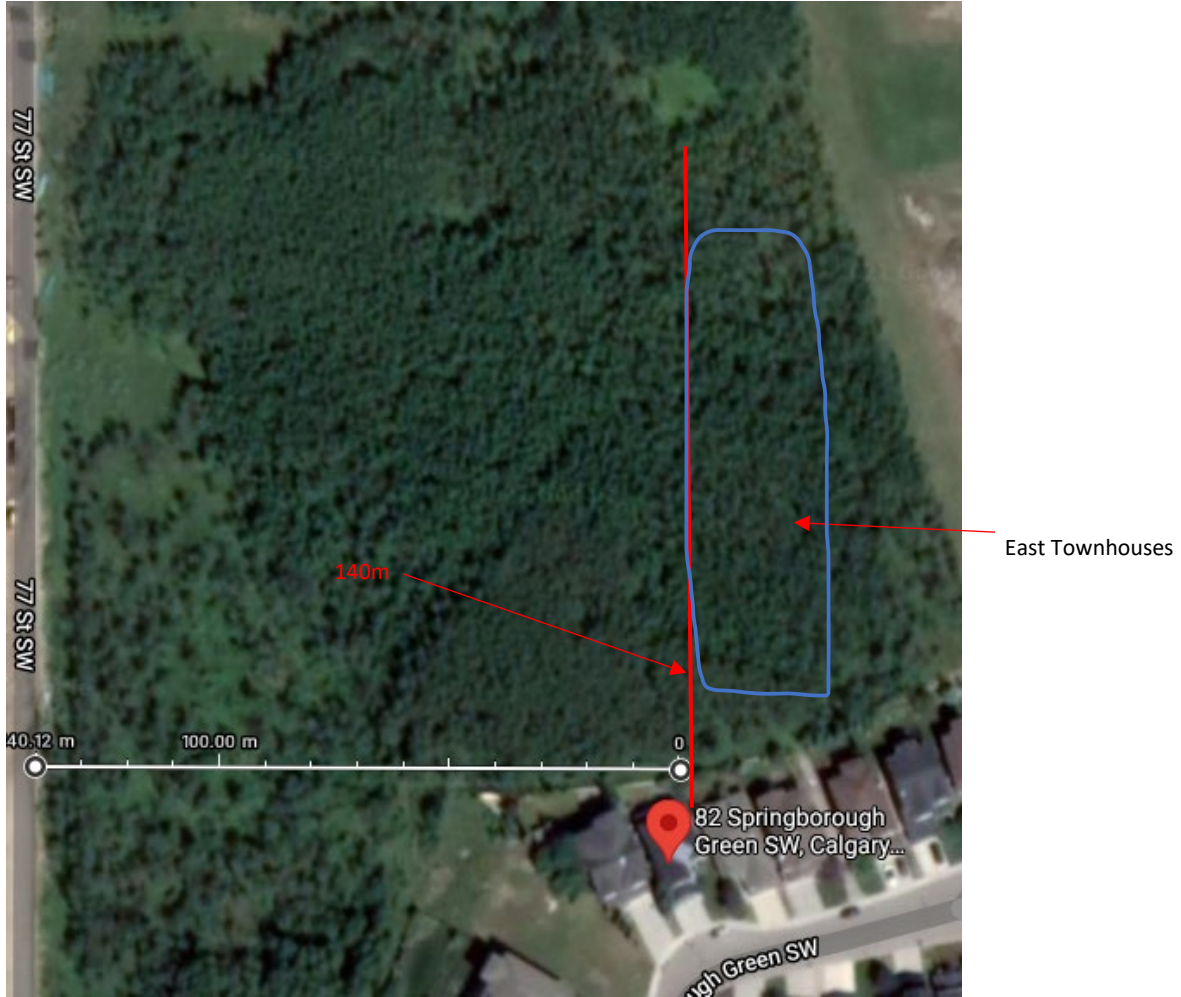
The East Townhouses are located on the left side of the diagram.

Note that the middle building has a height of 20-22m on the right (West) side, but only a height of 12-14m on the left (East) side.

The East Townhouses appear to have a grade that is slightly higher than the grade at the back of the middle building and a height that is lower than the middle building, confirming that 13m height limitations appear reasonable.

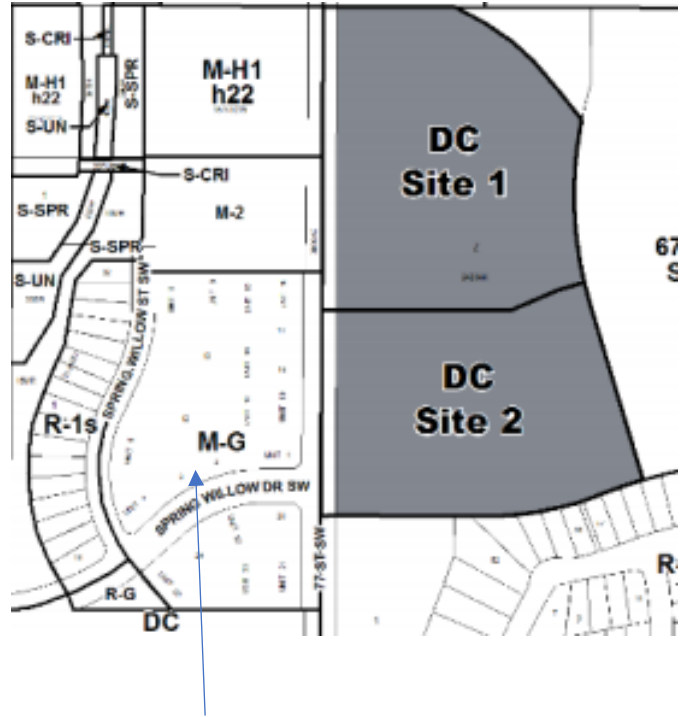


ATTACHMENT 3 – HEIGHT LIMITATION BOUNDARY FOR DC SITE 2



ATTACHMENT 3 – LOCATION OF ADJACENT DEVELOPMENT

(From Attachment 1 of CPC2021-0316, PDF page 124 of Council Meeting Package)



Adjacent Development

ATTACHMENT 4 – POSSIBLE WORDING FOR NEW DC SITE 3

SITE 3 (x.xx hectares ±)

Application

17 The provisions in sections 17 through 23 apply only to Site 3.

Permitted Uses

18 The **permitted uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

19 The **discretionary uses** of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

20 Unless otherwise specified, the rules of the Multi-Residential – At Grade Housing (M-G) District of Bylaw 1P2007 apply in this Direct Control District.

Setback Area

21 The depth of all **setback areas** must be equal to the minimum **building setbacks** required in Section 15 of this Direct Control District Bylaw.

Building Setbacks

- 22 (1) The minimum **building setback** from a parcel designated as a **low density residential district** is 8.5 metres.
- (2) In all other cases, the minimum **building setback** is 1.2 metres.

Relaxations

23 The **Development Authority** may relax the rules contained in Sections 7, 8, 12 and 20 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

ATTACHMENT 5 – CURRENT LAND USE SITE REFERENCES

