

# Community Association Response



April 30, 2021

**Re: DP2021-1502**

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Dear Mr. Joseph Silot, City of Calgary File Manager:

The Hillhurst Sunnyside Planning Committee (HSPC) thanks you for the opportunity to comment on the above **Development Permit** application. Our feedback is informed by statutory policies: the Hillhurst Sunnyside Area Redevelopment Plan (ARP), the Land Use Bylaw, and resident feedback on community context.

## Background

1. Being that the Development Permit plans are contingent on Council's approval of the rezoning application, we have provided this letter following our letter on LOC2021-1502.
2. Hillhurst Sunnyside is within *Zone A* of the proposed Guidebook for Great Communities and has had a longer history with infilling and cycles of development. Since Council's approval of the Part II Transit Oriented Development ARP amendment in 2009, the community has welcomed approximately 1,800 new neighbours into the community through increased housing options and redevelopment.
3. This development application has attracted considerable interest from residents. Residents' submission have been included in Appendix I of the Hillhurst Sunnyside Community Association's (HSCA) letter.
4. HSCA attests that 28 individual citizens' letters were received and attached to this document as Appendix I. Wording on a resident-initiated petition has been included under Appendix II. HSCA attests that the petition included 124 signatures from neighbourhood residents. As requested, names, addresses and signatures have not included on both Appendices. As an actively redeveloping community, we note that there has been a much higher level of citizen involvement on this application when compared to all other applications.
5. This application is within Ward 7. Our community's City Council member representative has recused themselves from commenting and participating in the Land Use and DP discussions. This has left the community in an untenable situation where the community is left to advocate for good planning/design principles and options on its own.

## Engagement

HSPC aims to achieve a balanced point of view when it prepares its formal submissions to the City Planning Department. As is our practice, we invited the Applicant's team and City File Manager to our regular monthly meeting on April 8, 2021 to facilitate conversation.

We acknowledge and give our thanks to the applicant's representative, Mr. Andre Chabot for his time and presentation to the HSPC/neighbours and taking the community's questions and comments to the applicant's team.

Throughout the City's public onsite posting stage, inquiring residents were redirected to contact the City of Calgary; requests to view the development applications were redirected to the City Property Research Department.

#### **M-CGd72 Land Use District**

M-CGd72 (*Multi-Residential Contextual Grade-Oriented District with the density modifier of 72 units/ha*) is the established Land Use District for residential areas between 14th Street NW and 5A Street NW and is reflective of the intent of the ARP. The request for the additional d89 is inconsistent with the entire area. The existing zoning can already accommodate the Applicant's intent to allow for intergenerational housing.

#### **Precedent Examples**

- a. We refer the City Development Authority to a prior Land Use Redesignation from a different developer and parcel in the community that sought a change in density from M-CGd72 to M-CGd111. Similarly, the design concept had demonstrated a lack of sensitivity to the adjacent neighbourhood in terms of massing, height, and site layout.

LOC2016-0312 was recommended for refusal by Calgary Planning Commission and the file was unanimously rejected and abandoned by City Council. Subsequently, a M-CGd72-compliant design was submitted. This DP was supported by the neighbouring community and approved by the Development Authority.

- b. We observe that a single detached housing redevelopment in another part of the community includes an elevator that is fully enclosed within the building. This residence has become a positive example of modern/traditional architecture that fits in the residential nature of the community and accommodates aging-in-place without adding additional height, massing, and lot coverage.

#### **Applicable Policy**

This parcel is located within Area 4 of the Residential Character Area Map in Part I of the Hillhurst Sunnyside ARP. Our 2009 ARP remains the Council-approved policy as our communities have not gone through the process of creating a Local Area Plan.

We feel it is important to comment on community context based on the ARP vision. The new development must meet the Residential Guidelines in the Area Redevelopment Plan, specifically:

1. ***"Low profile, family-oriented housing that respects the character and scale of early development in the community is strongly encouraged through the provision of extensive design guidelines for new development" (Bylaw 4P2009).***
  - A streetscape plan has not been provided to be able to evaluate the total height in comparison to the residences to the north of the subject site.
  - The overall height is at 14.17 metres, which is 2.17m taller than the 12m maximum within the M-CG bylaw. This is also in contravention to the chamfer rules for the residential buildings to the north that are 6m and less in height under LUB Subsection 585(3).
  - The proposed renovation does not appear to be mindful of the *"historical precedence"* and style of the *"single detached home on the narrow lot"* (Section 2.4.1.1).
  - This is a unique parcel that abuts the commercial district; limits to height and setbacks under M-CG still apply. The 5-storey height of the Norfolk building to the direct south on Kensington Road NW cannot be taken as precedent.
  - Choice of housing is strongly encouraged in the ARP. Bylaw 4P2009 states that *"A low density policy utilizing the RM-2 land use (now M-GCd72) designation is reaffirmed for a portion of the community with the distinct aim of providing for a variety of low profile,*

*family-oriented development*" (Bylaw 4P2009). HSPC supports family-oriented housing, which is an effective way to increase population density within established areas.

2. ***"The intent of the low density conservation policy [is] to improve existing neighbourhood quality and character while permitting low profile infill development that is compatible with surrounding dwellings ... New development or redevelopment should be designed in such a way as to be unintrusive and blend with the surrounding housing" (Section 2.3.1).***
  - The elevator mechanicals and height of the proposed four-storey building does not achieve the ARP vision for buildings that blend in with the existing streetscape.
  - The mixed-use and multi-residential buildings in the community include the elevator overruns closer to the middle of the building to hide the massing from the streetscape.
  - We request more information about the 40% at-grade landscaping requirements in the M-CG rules.
3. ***"Roof pitches similar to that of adjacent houses are encouraged...Shed and flat roofs should be discouraged when used as the predominant roof form for any dwelling unit" (Section 2.4.1.1).***
  - This application proposes a flat roof to accommodate a rooftop patio. This partially contributes to the large size of the elevator to provide access to the fourth floor as amenity space.
  - We note that ARP Section 2.4.1.3 notes that *"Lofts or half storeys should be allowed in addition to the three storey height limit, provided that they are within the roof form"*. Pitched roofs are contextual to the residential community and encouraged to help reduce the massing of larger buildings.
  - The proposed green raised roofs as a positive part of the application, which is especially important as our communities have experienced flooding in the past. The larger lot coverage of the developed area may decrease ground permeability. More clarity is needed on the City's at-grade landscaping requirements.
4. ***"New developments should not exceed the height of adjacent existing homes by more than 15 percent for the front 3.0 metres of the development. This can be realized with a roofed or open porch, by building to the maximum height only at the rear of the dwelling, or by orienting roof slopes such that their lowest eaveline faces and is parallel to the street" (Section 2.4.1.1).***
  - Porches are a contextual feature that adds to the character and increased social connections in the neighbourhood. The existing porch will be eliminated through the addition of the proposed elevator shaft.
  - The bulk of the building massing should be stepped back from the building frontage.
  - Many of the newer developments in the community include stepbacks at the upper floors to reduce massing and better integrate with the established rhythm and cadence of the residential street.
5. ***"If a proposed building exceeds the height of adjacent homes, its front yard should be greater, not less, than the front yards on either side" (Section 2.4.1.1).***
  - The proposed addition of the elevator shaft creates a tall and imposing building massing in an area with a good stock of mix of modestly sized turn-of-the-century heritage homes and recently developed infills on 10A/11 Streets and beyond. Additionally, development plans have not been contemplated by adjacent households in the immediate area.
  - Residents expressed that the height and massing should be shifted away from the north side to the south side of the parcel, where it is more in context with the taller midrise buildings on Kensington Road.

6. ***"In evaluating the height of an infill house, the effect of the shadows on adjacent homes should be considered" (Section 2.4.1.1).***
  - A shadow impact study has not been provided. The neighbours to the north may experience additional shadow impacts as a result of the increased building height.
  - The continuous size from front to back of the renovated building and stairs will impact the neighbours more than the existing space in the back yard.
7. ***"Consideration should be given to appropriate relaxations of regulations on lots abutting commercial lanes" as follows: "Zero lot line garages, built with no side yards and built to the maximum height of 5m (16 feet) at the rear should be allowed and where necessary, easements obtained" and "Zero lot line houses where the side yard abutting the commercial lane is reduced to zero, allowing for a façade of up to two storeys on the property line should be allowed" (Section 2.4.1.3.2).***
  - Due to the unique location of the lot, residents expressed concerns about access and safety at the T-intersection for alley traffic in the shared commercial-residential laneway.
  - The ARP has not contemplated dwelling areas over top of garages when these relaxations were considered.
  - It does not appear that waste disposal has been factored in for the three titled units. Bylaws 566 and 567 Garbage and Recycling indicates that garbage and recycling containers must be located inside the building or in an enclosure approved by the City.
  - Reduced parking (as long as it does not exacerbate local on-street parking) is encouraged as this area is close to transit and walkable amenities.

**The following pages include 28 individual submissions from community members under Appendix I. Appendix II includes the wording provided on the citizen-initiated petition, which included 124 signatures.**

On behalf of the Hillhurst Sunnyside Planning Committee, we thank you for your time.

Hillhurst Sunnyside Planning Committee  
Hillhurst Sunnyside Community Association

cc: Members, Hillhurst Sunnyside Planning Committee (planning@hsca.ca)  
City of Calgary Development Circulation Controller (dp.circ@calgary.ca)



**Appendix I: Verbatim Community Emails**

**SUBMISSION 1**

Hello,  
I don't approve of the new condo building. I don't think the houses nearby will ever see the sun again. It's like letting big city buildings into a residential housing area, not right.

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**SUBMISSION 2**

To Whom It May Concern;  
I have recently seen the (unreasonable) proposal for building that eye sore on 212 10a Street NW. The design is ugly and does not fit into the beautiful ambiance on our street. I have lived in the neighbourhood all of my life and was fortunate to purchase a home on this street in the mid 1980's. I have seen many changes but none as disgusting as this. The present owners could care less about their neighbours. It appears obvious that their only concern is to capitalize from this property. Increased traffic, parking, blocking light and downtown views would have a negative impact on all home owners and residents on this caring street. If passed, it could set an unfortunate precedent for future developments.

Please do not even consider this proposal! Changes as extreme as this are just not welcome!

Sincerely,  
[REDACTED]

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**SUBMISSION 3**

Hi

I live at [REDACTED]

I am really worried about the application that was submitted for a multifamily dwelling at the corner of 10A and Kensington alley

After the concerns with the size of the building height and density, my biggest concern is the precedence that would be set for the street.

10A street is a beautiful street with special heritage homes. We bought our house here because of the neighborhood around our home.

My husband and I are very concerned about a multi family building proposal in this location. There are so many more issues that just the proposed structure itself !

I would like to have my comments submitted to appose this application  
Thank you for your help

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#### SUBMISSION 4

Hello -

I heard about the proposed development and change of zoning for 212 10A Street NW. I also saw the artist's rendering of the proposal and was honestly horrified.

I would like to add my voice to the crowd to say that I strongly oppose the approval of this development. In my short time on 11th Street (almost 2 years) I have witnessed the demolition of three homes and am about to witness the moving of a fourth which will result in yet another new home on our block. I am fully aware that I cannot keep people from tearing down homes and building something new. I do, however, think it is really important to have some sort of guidelines that are followed that help keep the neighbourhood a neighbourhood and not an area that resembles downtown office buildings.

I am not against increased density and was happy to hear about the increase of laneway home options in Calgary as in other cities (e.g., Vancouver). From what I understand, there is another home on our street that is doing just that. This, I have absolutely no issue with and applaud the owners for maximizing the housing on their lot without compromising the basic integrity or look of their home or the look of our street.

Honestly my biggest objection to the proposed development is the height. I watched last year as a new home was built across the street from where I live. It is so much taller than the existing houses around it and I have to hope that this is the maximum height allowed under the current zoning. I understand it ended up blocking the solar panels for the house to the north and it absolutely daunts the other home next to it (which is about to be moved, from what I am hearing). If height restrictions are to be loosened even more, I cannot imagine how the basic feel of the neighbourhood will be impacted.

I also object to the idea that there will be very little, if no, green space on the lot. I am not completely sure on what the exact proposal is for this part of the lot. At any rate, the lack of green space would take away from the feeling of a neighbourhood as opposed to a downtown office area and would have a negative impact on our environment.

I bought in Hillhurst because it was a neighbourhood I knew about growing up in Calgary that was known for charming old homes and a connection to the history of Calgary. This is disappearing fast and I think the least Calgary can do is keep current zoning in place. Good luck with this and thank you for spearheading an effort to oppose this new development. Please let me know if you need any clarification or if there is anything else I can do to help.

[REDACTED]

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#### SUBMISSION 5

Hi,

I am writing this email on behalf of my husband, [REDACTED] and myself, [REDACTED]. We live at [REDACTED].

We recently have had a couple homes built on our street that have awoken in the community an awareness of what is happening in Hillhurst.

We are writing to protest the proposed development at 212 10A ST. This build would be breaking zoning laws put in place so that precisely, this sort of thing does not occur.  
Please accept this email as strong opposition against this proposed build.  
Thank you for your time and help in the matter.

Take good care,  
Sincerely,  
[REDACTED]

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#### SUBMISSION 6

This is an inappropriate development for Hillhurst. Whatever happened to Hillhurst-Sunnyside ARP design guidelines for infills that preserve the existing streetscape, reflect the historical character of the neighbourhood, and blend in with adjacent homes. It is also an ugly building.

[REDACTED]

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#### SUBMISSION 7

I am writing to express my opposition to the plans at 212 10A St NW, specifically:  
LOC2021-0040 - a rezoning (Land Use Redesignation) application to increase the number of buildable residential units, and  
DP2021-1502 includes the proposed plans for the development, which includes a renovation to increase to height (above the bylaw rules) and lot coverage from the existing building.  
I live at and own [REDACTED] and am concerned about the expansive and over-developing nature of the plans in question. The plans are not in keeping with the residential nature of the houses in the area, exceed allowances and will over-bear the adjacent properties. My concerns include:

- Description: Land Use Amendment to accommodate M-CG - the permitted land use and discretionary land uses are not acceptable or appropriate in that location
- the height of the property and inclusion of the third story is not appropriate or fair to the adjacent buildings
- building on the property in excess of the footprint permitted is not acceptable or necessary
- increasing the number of units over 2 for that site is inappropriate
- the general overbearing nature of the property in comparison to the properties in the area

Please reject the application in question

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#### SUBMISSION 8

RE: 212 10 A Street. I am in total disagreement of this project going ahead. I realize I do not live on 10A but what happens in our neighborhood impacts us all. **I specifically do not want a zoning designation change to M-CGd89 What happened to our Area Redevelopment Plan, which I am sure does not include this type of project in our area! M-CGd72.**  
they are requesting a re-zoning to accommodate an extra floor, a three family situation, a large rooftop garden and huge property coverage (well over the legal amount.) and a two story new large garage that will have a lift for two cars up and two cars down. All of this with an ugly, monolyth elevator along the north wall of the house, too high, too deep, too big and blocking all light from neighbours.

[REDACTED]

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**SUBMISSION 9**

Please register this as our vote that this is one ugly suggestion for redevelopment!  
It will be a real shame if this is allowed to go ahead!  
We are home owners of [REDACTED] and strongly feel that this should be turned down immediately!  
[REDACTED]

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**SUBMISSION 10**

We are writing to express our concerns with the proposed development and associated land use changes for 212 10A Street NW.

We have been residents of 10A Street for the past 20 years and residents of Hillhurst since 1994. We choose to live here because we love the eclectic yet small town feel of our street nestled within a broader urban setting.

We are supportive of responsible and progressive development in the community, but feel the aforementioned project is not appropriate. Should it be approved, it also could set a precedent for future development on our street.

Specifically, we are concerned with the following:

- The proposed 46+ foot tower on the northwest corner of the development is beyond excessive, not to mention ugly. If the developer needs to include such a structure, it would be better located on the southeast corner of the lot (which faces commercial properties) rather than on the residential streetside of the lot.
- The overall height and size of the proposed development would pretty much block all sun from the properties directly to the north of it, particularly the bungalow which is its immediate neighbour to the north.
- The size and scale of the proposed development does not fit with the rest of the street. The vast majority (if not all) of the homes located on 10A Street between the proposed development and 3rd Avenue NW are low-density, single-family homes with their amenity space located at ground level.

Thank you for considering our comments.

Sincerely,

[REDACTED] and [REDACTED]  
[REDACTED]

**SUBMISSION 11**

Hello,

We felt we should send you a note regarding the proposed development at 212 10A Street N.W.

We do not support the development as proposed. Our primary issues are with the height and size of the proposed development. The height of the building and its size, as designed, would cause a great deal of shadowing to properties to the north and are completely out of proportion with other nearby houses (both adjacent and in the neighbourhood in general).

Furthermore, we have significant concerns with the proposal to change the zoning. If this is the size of building that would be built or required to be built in order to facilitate 3 units on such small lots in the neighbourhood, it is out of line with the character of the area. We are also concerned about putting a 3 unit structure on a lot of this size while adhering to lot coverage requirements.

Thank you,

and [REDACTED]  
[REDACTED]

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**SUBMISSION 12**

Re: re-zoning, proposed Land Use Change Request for 212 10A Street NW, Calgary

(LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (Dp2021-1502)

Having viewed the renderings for the proposed Land Use Change Request, we must lend our voices in opposition to the proposal and the precedent that this will set.

We have lived 45 years in the community and have watched its transformation into one of the most appealing residential, inner city communities, recognizing that increased core density is a viable goal, and necessary progression in Hillhurst-Sunnyside.

We submit that this can be achieved without the denigration of architectural character of the community.

The proposal for 212 10 A Street NW makes no consideration, relative to the community, and is a thinly veiled attempt to exploit.

[REDACTED] and [REDACTED]  
[REDACTED]



**SUBMISSION 13**

Re: 212 10A Street NW - Proposed Land Use Change (LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (DP2021-1502)

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Dear [REDACTED],

This is about Land Use Change and Development Permit applications submitted to the City regarding 212 10A Street NW, in Hillhurst.

We got to know of the plans for redesignation and development of this property by the signage posted on the property by the City on March 31, 2021. We live near the proposed development.

We are writing to raise our objection to the proposed development.

**Building Height and Cross Section:**

***Land Use Bylaw 1P2007 requirement:***

*(585)(3) The maximum building height on a parcel that shares a property line with a parcel that has a building with a height that does not exceed 6.0 metres above grade at that shared property line, and where the other parcel is designated with a low density residential district or M-CG District: (a) is 6.0 metres measured from grade at the shared property line; and b) increases proportionately to a maximum of 12.0 metres measured from grade at a distance of 6.0 metres from the shared property line.*

The north wall of the proposed building will be at least 32' tall (10 meters), for the entire 106' length of the building. This is 66% higher than the maximum height allowed at the property line.

The developers have added a tower that houses an elevator shaft and internal stairway at the northwest corner of the building, which caps out at a total height of 46'6", a full 7' higher than the overall allowable building height maximum of 12 meters (39'4"), and with a total depth of 24'.

The proposed design also does not comply with part (b) of the applicable section of the land use bylaw, it would require a relaxation of 9,120 ft<sup>3</sup>. This is equivalent to 12%, or 1/8 of the total building volume.

The relaxation that the applicant is requesting will impact the current streetscape and this impact will be quite dramatic and excessive. They are also saying that the tower with the elevator will contain mechanical component so they want an exemption to the tower height. They want 7' relaxation on the entire height. The mechanical component of the elevator does not necessarily have to be on top. The elevator shaft can be made below ground.

**Landscaping:**

***Land Use Bylaw 1P2007 requirements:***

- *(551)(2) Unless otherwise referenced in section 553, a minimum of 40.0 per cent of the area of a parcel must be a landscaped area. (Note: section 553 does not appear to apply to this application)*

- (551)(3) *The maximum hard surfaced landscaped area is: (a) 50.0 per cent of the required landscaped area for a parcel containing a street-oriented multi-residential building; and (b) 40.0 per cent of the required landscaped area, in all other cases.*
- (584) *All of the required landscaped area **must be provided at grade.***

Shadowing:

Since this development is located at the south end of the street it will cast a shadow on the properties to the north of it. The representative of the applicant agreed to this fact.

More Issues:

- There is no other property in Hillhurst that is built as extensively as the proposed development. The developer's proposal is drastically different from the current street landscape.
- The other notable issue is Parking, even for the residents of street parking is a challenge. Addition of three condo units will add to that challenge and frustration.
- The proposed development is on a low density residential neighborhood and multi family units do not belong on 10A which I again emphasize is a low density residential neighborhood.

We thank you for your patience.

██████████ and ██████████  
██████████

**Submission 13: Appendix A**

Below are pictures of potential comparable buildings in Hillhurst on 10A, 11, 11A, 12 or 13 Street NW in Hillhurst.

In all of these examples:

- Where the new build is adjacent to a bungalow, the architect has attempted to modify the design of the third story to fit within current Land Use Bylaw requirements, and to respect the existing streetscape.
- *None* of these building covers the entire parcel, right up to the setback, with the exception of the proposed development.
- *None* of these building appear to exceed their 12-metre maximum height restriction by an additional 2+ metres.



212 10A Street NW; Rendering of proposed development



305 11 Street NW; Modified third floor; sloped roofline



337 13 Street NW; Uncovered balcony: third floor does not extend entire length of the building



426 11 Street NW; Sloped roofline



1306 Gladstone Road; Uncovered balcony and sloped roof incorporated on building side adjacent to bungalow



451 12 Street NW; Third floor is set back on building side adjacent to bungalow



408 13 Street NW; Condo development on 50 lot; increased setbacks from the property line adjacent to the bungalow



1221 Gladstone Road; Quattro Condos  
Sloped roof on the third floor and lots of landscaped area at grade level.



212 12 Street NW; 3 story residence, not adjacent to a bungalow, included to show a design for a full 3-story that does not cover an entire parcel

**SUBMISSION 14**

Hello,

I am writing regarding the proposed development at 212 10A St NW.

I have been provided with a copy of the proposed building and have one word- monstrosity.


This building has height and shading issues.  
I find it incredible and do not support it.

Regards,

 homeowner

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**SUBMISSION 15**

As previously noted, we recently purchased the property at , i.e. the century house (1912 build) directly across the street from the proposed development — so this proposal concerns us both as neighbours and as members of the community. We've decided to note our concerns relating to both the land-use change and to the development permit separately, however we feel strongly that both should be considered together -- we're worried that the land-use change could be approved out of a sense of perceived "fairness" because the development permit is being rejected. The fact is the applicants have ambitious development plans, and changing the land use designation only serves to remove a hurdle for any future developments (and it does so without any guarantees or assurances to the community). While we are supportive of the city's inner city growth + density plans, and know that owning an inner city property means accepting some degree of change and/or development, these concurrent proposals go too far.

**Comments regarding the land-use change (LOC2021-0040):**

- 3 titled units would set a precedent given the size of the lot. This property already has a 2 title designation (which we are 100% supportive of). In addition, if the units were to be separately titled, it's quite possible that this residential property would be used to support the applicant's neighbouring business. The property already has significantly more traffic coming and going than any other property on the block which makes you question if the house is also serving as an office for the nearby business.
- Parking concerns. 10A is already constrained in terms of parking, especially for the property in question given you are unable to park directly in front of the residence due to the 10A gate turnaround zone. Although the applicants are proposing underground parking, three properties would naturally create more traffic than one (and the underground parking would not serve all the guests or contracting staff -- as mentioned, there is already an excessive amount of traffic generated by this single property).
- Changing the land-use to a more developer-friendly allocation provides an increase in property value, without any guarantee, benefits, or assurances to the community. This change could be leveraged for a real estate sale or for future developments that do not

support the character of the community. Additionally they set a precedent for the neighbouring properties that could quickly pick up momentum and are not in line with the community feel or ARP.

- Comparison to neighbouring developments -- the applicants compare their land-use to neighbouring 10 street and the 5-story Norfolk property, however they do not consider the numerous residential properties and century-homes to the west on the opposite side of 10A street or 11 street or the properties to the north on 10A street.

**Comments regarding the development permit (DP2021-1502):**

- As numerous community members raised in the HSPC meeting, the height is of significant concern. Although the applicants and their representatives insist on a 3-story characterization, this is disingenuous given the size and mass of the structure. We would contend that the height of the elevator/stair structure should absolutely be included in the height calculation as it is a) the primary design feature of the development b) likely heated/air-conditioned (adds to living space) and c) flagrantly dominates the streetscape. Based on the comments of Mr Chabot, it feels as though the application is skating by on a technicality while violating the spirit of the rule. And with the elevator at the northwest of the property, the applicants seem to be more interested in maintaining their interior design than they are in creating a development that does not impose on the community.
- Although the application contends >40% landscaping, this calculation seems far fetched and of limited value to the community given the a) the edge to edge design of the current property and new development plans, b) the current usage of the property. Without including rooftop landscaping it boggles the mind to see how 40% landscaping threshold could be reached with the new designs stretching curb to curb. This is already a large property compared to the rest of the community, and the proposed development would significantly increase its size and mass.
- Simply put, a 4-5 story frosted glass elevator that dominates the streetscape is out of character for a street that currently contains single/multi-family residential along with multiple character and century homes. As one community member put it "this bruce wayne / batman elevator is offensive to the community". The applicants compare their property to neighbouring 10 street and the 5-story Norfolk property, however they do not consider the numerous residential properties and century-homes to the west on the opposite side of 10A street or 11 street or further to the north on 10A street. Additionally, this elevator shaft seems to go much higher than is strictly necessary.
- Flat roof / roof-top patio is out of character with the properties on 10A Street and may not conform to the ARP.
- Shadowing of the elevator construct. Although the applicants contend this would not create significant shadowing on neighbouring properties, no documents have been provided to support these claims. With the gate at the end of the street, the space is used by and belongs to the entire community (i.e. for soccer, street hockey, for passersby, or to access the little free library) and any shading could impact the enjoyment of this space.
- Considering the neighbouring properties to the north are both older bungalows followed by an empty lot, this development sets a significant precedent for the community whereby the entire neighbourhood could be stripped of its unique heritage value and converted to glass infills and condominiums. To date, infill properties and development on 10A have done an excellent job of matching and improving the character of the community, but this development risks changing the characteristics of the entire neighbourhood.

We purchased a house in this neighbourhood because of its unique character and sense of close community. There are few streets in Calgary quite like this one. Broadly speaking, we are supportive of inner city development but land use changes should also bring benefit to the community and/or



city writ large. This project, despite the efforts to pitch it as multi-generational, age-in-place, etc benefits nobody but the land owners. Furthermore, the land-use change and the development application do not support the character of the neighbourhood and both applications should be rejected by city administration & council.

Thank you again for your support on this matter, and please let us know if we can be of assistance in any way.

Sincerely,

[REDACTED]  
[REDACTED]

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**SUBMISSION 16**

[REDACTED]

With regards to this proposed development or addition. These rules are in place partly to insure a consistency of building design and appearance. If excessive relaxations are allowed each new one may request just slightly more allowance than the one before. This could lead to relaxation creep and the erosion of the original rule purpose. In my opinion this development far exceeds any reasonable request for relaxation of the rules.

**SUBMISSION 17**

Mr. Joseph Silot  
City of Calgary Planning Dept.

15 April 2021

**Re: LOC 2021-0040 and DP 2021-1502 212 10A St. NW**

Dear Mr. Silot:

We have carefully reviewed the LOC from M-CG 72 to MC-G 89 DP—it does not comply with the City of Calgary Land Use Bylaw 1P2007 and therefore, we cannot support it. The non-compliance is substantial, and it is clear that this application will result in many, major variances that will not only have significant negative impacts on the one-storey bungalows immediately to the north of this development, but with the neighbourhood in totality.

This block of 10A Street NW has 58 homes of which most are 1 to 2 storeys, built between 1909 and 1915—many of these homes have been carefully restored by current and previous owners, with attention to neighborhood character and cohesiveness. There are only a few 3-storey homes on the block—most of these blend with existing heritage homes in terms of character/appearance and while some do have more modern design in terms of rooflines, etc., none sought or required DP variances in their construction. Home #321 is an example of a newer, 3-storey home that is modern in design but complies with the LU Bylaw. In other words, the application under consideration is extraordinarily non-compliant with the neighbourhood in many ways.

**The proposed DP does not comply with the following sections of Part 6 Division 1 and Division 2 of 1P2007:**

1. **551.2, 551.3, and 584:** The landscaped area is less than 40% at grade and the hardscaped area exceeds 40% of the required landscape area. The landscaped area as proposed includes window wells on the west and south side of the existing building. There are also cantilevers on the south side of the existing building that encroach into the landscaped area. At-grade landscaping is not sufficient, and a rooftop garden does not compensate for or offer any trade-off to the street.
2. **585.3:** The residence to the North is 4.8 m in height to the peak (from DP plans) and the next residence to the North is also a bungalow that has been substantially upgraded within its historic, original footprint. The height to the eaves or peak of #212 as it is currently at (at 2-stories) is not provided, but the plans show the planned 3rd floor base to be 6.55 m above the 1st floor base, which is an additional 1 m above grade. There is no proportional setback beginning at 6m above grade for the entire 32.38 m length of the building.
3. **Massing:** The 14.2 m tall and 7.5 m long elevator shaft-stairwell on the proposed building adds grossly disproportionate massing. The northern view—both for the immediate neighbors and any pedestrians approaching from the north—will be a massive, almost completely blank wall. The relaxation required for this degree of massing on the North side of the house is unacceptable. It increases the building volume by almost 20% over what is permitted. There are multiple elevator designs that do not require mechanical compartments above roofline—with such options available, we cannot support the design in the current DP.
4. **Elevator shaft:** As rendered, the shaft protrudes out an unmeasured distance of the front setback of the bungalow to the north. This orientation is unjustified, especially when there are available spaces

16

within the envelope of the existing front porch and backyard. There is no reason the shaft cannot be located between the back door of the existing house and the existing garage or added to the front porch.

5. **558 Motor Vehicle Parking Requirements:** Four planned stalls fulfill the required onsite parking requirements. The three condo owners will not be permitted residential or visitor K zone permits. This needs to be stated on any DP that is approved with the owners' understanding that it will be enforced. Commercial vehicles associated with the owners have been parked in front of 212 in the past.
6. **566 and 567 Garbage and Recycling:** Garbage and recycling containers must be located inside the building or in an enclosure approved by The City. A location for the carts is missing from the plans.
7. **Privacy Issues:** The proposed rooftop amenity overlooks yards to the North and West. Appropriate setbacks on the North and West sides of the rooftop may mitigate this problem. Multiple windows are shown overlooking the North neighbour's backyard. These must be made of obscured glass.
8. **Garage Access:** The T-intersection created by Norfolk Lane and the Kensington Road laneway is currently a very tight and 'blind' turn on a very narrow, very busy lane that serves both commercial and residential traffic. Adding a four-car garage at the peak of this 'blind' T-intersection, which is heavily used in two directions, adds significant concerns for its feasibility and for its safety. As community members, we have grave concerns that although a Transportation Study of Norfolk Lane has been requested, mandated, recommended and needed, it has not yet been conducted. It is impossible to give a fair assessment on the feasibility and safety of a 4-car garage at a blind corner that is likely the busiest mixed residential and commercial laneway in the area, without any data at all. At the least, the garage's south east corner must be set back for safety and accessibility.
9. **Shadowing:** While the elevator/stair shaft in the proposed DP offers convenience for the applicant, the massive size and placement of this results in significant impact and disturbance for neighbours. When assessing the proposed height and length of shaft, it is not feasible that the structure will "only shadow neighboring properties to the north in the late afternoon"; instead, the proposed structure is liable to result in complete shadowing of the front 30-40% of the neighboring houses/yards from mid-day through late afternoon in the spring/summer, and result in near-total shading of the entire neighboring properties in the fall/winter when peak sun-lines are lower. This shadowing is a significant disruption to the neighboring property owner's comfort in terms of appearance, temperature, and ability to maintain greenspace. To reduce the impact on neighbors, the designed shaft at the very least can be moved to the backyard or porch, and have its height dramatically reduced. If that inconveniences the applicant, the shaft is for the benefit of the applicant, and it is appropriate the applicant bear the burden.

**OTHER:**

10. **Governance of Separate Titles:** The applicant stated they intend three separate titles for the three floors or 'units' in the application. This makes it clear that the property has the potential for and eventual likelihood of having three unrelated owners. In side-by-side infill developments, there is no question as to which property owner is responsible for tasks such as sidewalk shoveling and yard maintenance. In vertical, multi-suite buildings, these issues are addressed by an apartment manager (for rental suites) or a condo board. As per the plans for this building to have three separate titled units, the creation of an incorporated condo board, regulated by bylaws, would be required in order to address issues of snow removal, external/structural repairs, conflicts or problems with neighboring buildings, etc. Nothing in the application addresses this issue.

Assuming the applicant does indeed intend this as a multi-generational housing unit, which isn't assured and cannot be guaranteed long term, we understand the attraction to redevelop the property in the way proposed. Although this development is on a corner that permits larger building development, the current concept requires substantial revision. We would support a third floor development plan that complies with Calgary's land use bylaws, is cohesive with neighbourhood character, and doesn't negatively impact neighboring properties; however, this proposal as rendered, meets none of those.

Attached are two photographs that show the already massive building and lack of any soft landscaping.

Respectfully submitted,

[REDACTED]



**SUBMISSION 18**

Good Morning,

I am emailing in response to the proposed land use change at address 212 10A St NW. It is my understanding that there are two potential requests, one to increase the current size of the dwelling and one to adjust the interior of the existing building to accommodate additional units.

As a member of the community I am against both proposals. Stated below you will find my personal points as well as my understanding of bylaws that are being breached with these proposals:

- 1.) Aesthetically, this building already appears out of place in size and style in comparison to the neighbourhood. To increase size would create even more separation and open the door for all parcels to be converted to high density dwellings. The character of this neighbourhood is what attracts so many, myself included.
- 2.) The members at this location can be quite disruptive, including illegally parking in the cul de sac regularly, not properly shoveling the sidewalk during winter months, noise interruptions at all hours. To add additional units/residents could potentially increase these disruptions and create risk of harm to others.
- 3.) Additional parking will be required on an already busy street and the residents of this unit do not respect parking, as per point two.
- 4.) With any new or amended dwelling the neighbourhood will need to withstand the construction disruption. Considering this dwelling was built within recent years, it is disappointing to see another request so quickly. This will again disrupt the neighbourhood on a large scale for an extended period of time.
- 5.) Finally and most importantly, I believe this land use will breach current bylaw standards including (585)(3) maximum height, (551)(2) and (551)(3) indicate 40% of land parcel must be a landscaped area, (584) Required landscape area must be provided at grade.

The main reason I moved to the Kensington/Hillhurst area is the quaint environment with a strong sense of community. This environment is brought on by its character and aesthetic. I believe this proposal falls outside the environment that makes up this community.

Thank you for taking my comments into consideration.

Kind Regards,

[REDACTED]

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I have lived on 10A St since 1978 and I have seen many proposed housing plans over the decades, and this proposed change for the property at 212 10A St is the most egregiously inappropriate suggestion that I have ever seen. It is wildly out of character for a heritage community – the see-through elevator in the front is particularly ridiculous, not to mention the height of it is too high compared to the neighbouring houses. I am also concerned by the shadows that the neighbouring



house will be permanently under if this proposal goes through. I strongly request that this zoning designation is not changed, and that this house plan is sent back to the drawing board. This is a special neighbourhood and while I am in favour of increasing urban density through thoughtful and site appropriate developments like laneway housing, I am aggressively against out of character houses being dropped like ugly monsters on the street I live on.

I look forwards to hearing that this plan has been halted.

[REDACTED]  
[REDACTED]

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#### SUBMISSION 19

After viewing the artist's rendering of the proposed development at 212 – 10A Street NW in Calgary, Alberta, I would like to express my concerns to be passed to The City of Calgary.

- There is a lack of green space on the property. The rendering makes it look like the property does not meet the minimum 40% landscaping for residential properties as stated in The City of Calgary Land Use Bylaw 1P2007, Part 6, Division 1.551.2 Specific Rules for Landscaped Areas
- The look of the proposed building does not fit the streetscape. The curb appeal of the narrow lot is negatively impacted by the intimidating tower structure taking up one third of the property.
- The imposing tower will cause significant shadowing on the 2 homes directly to the north, especially during winter months when the angle of the sun is low.
- Increasing the density on this site has the potential to add several more cars to the area
  - If there is a garage, more traffic will spill directly into the bottleneck at the blind T-intersection in the alley between 10 Street NW and 10A Street NW, immediately behind 212 – 10A Street NW. There is very little space to maneuver in the two-way alley and it is hard to navigate around the corner when meeting a car at this location.
  - If there is no garage, the additional cars will exacerbate the existing parking congestion on an already crowded front street. In addition, there is no parking immediately in front of this property due to the no parking signs in the "turn around" area of the Parking K Zone and its proximity to the gate at the south end of the street. Therefore, the additional cars will always have to be parked in front of other neighbours's homes.
- Allowing this increase in density will set a dangerous precedent for similar relaxations in the future. This would drastically change the essence of our neighbourhood.

I do not support the request to change the zoning of 212 – 10A street from M-CGd72 to M-CGd72. Furthermore, I do not support the style of the proposed structure.

[REDACTED], ([REDACTED])

## SUBMISSION 20

April 11, 2021

Mr. Joseph Silot  
City of Calgary Planning Dept.

Re: 212 10A Street NW – Proposed Land Use Change (LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (DP2021-1502)

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We are writing with respect to the captioned Land Use Change and Development Permit applications submitted to the City regarding 212 10A Street NW, in Hillhurst.

We live on the south end of 10A Street, near the property that is proposed for redevelopment. We were apprised of the plans for land use change and development of this property by the signage posted on the property by the City on March 31, 2021 and have had the opportunity to review and consider the application, and to attend a virtual Planning Committee meeting with our local community association.

Based on a review of the applications, we strenuously object to this proposed development for the following reasons:

### Building Height and Cross Section:

#### **Applicable Land Use Bylaw 1P2007 requirement:**

*(585)(3) The maximum building height on a parcel that shares a property line with a parcel that has a building with a height that does not exceed 6.0 metres above grade at that shared property line, and where the other parcel is designated with a low density residential district or M-CG District:*

*(a) is 6.0 metres measured from grade at the shared property line; and*

*b) increases proportionately to a maximum of 12.0 metres measured from grade at a distance of 6.0 metres from the shared property line.*

The development plan indicates that the north wall of the proposed building will be at least 32' tall (10 metres), for the entire 106' length of the building. This is 66% higher than the maximum height allowed at the property line.

In addition, the developers have incorporated a tower that houses an elevator shaft and internal stairway at the northwest corner of the building, which caps out at a total height of 46'6", a full 7' (2+ metres) higher than the overall allowable building height maximum of 12 metres (39'4"), and with a total depth of 24'.

The home to the north of the proposed development is a bungalow, with a roof line that does not exceed 6.0 metres above grade at the shared property line. Therefore, the proposed development does not comply with part (a) of the applicable section of the Land Use Bylaw.

The volume of the proposed building, *excluding* the elevator shaft, is 74,750 ft<sup>3</sup>. Because the proposed design also does not comply with part (b) of the applicable section of the Land Use Bylaw, it would require a relaxation of 9,120 ft<sup>3</sup>. This is equivalent to 12%, or 1/8 of the total building volume.

The volume of the proposed building, *including* the elevator shaft, is 78,800 ft<sup>3</sup>, and the total required relaxation would be an additional 4,050 ft<sup>3</sup>. This brings the total required relaxation required to achieve the proposed design to 13,170 ft<sup>3</sup>, or 16.7% of the total building volume.

The purpose of the height bylaws to which the applicant is requesting a relaxation are to moderate the transition between an existing and a new streetscape. The scale of the requested relaxation makes an abrupt and shocking change to the streetscape, rather than a reasonable transition. This relaxation is excessive and unwarranted.

The developers are claiming an exemption to the height restrictions for the tower that houses the elevator shaft and internal staircase because the shaft will contain mechanical equipment for the elevator.

Claiming that the elevator and internal staircase enclosure needs a 7' relaxation on the overall height restriction is effectively an attempt to make an "end run" around the Land Use Bylaw's height restrictions.

Not all elevator designs require the mechanical components to be on the top. They can be placed below, or along the side of the elevator. Currently the elevator shaft does not extend to the basement. The space below the elevator is un-excavated below grade and could be developed to move the elevator's mechanical components requirements from the top to the bottom of the elevator shaft.

Further, the entire tower could be moved from the northwest corner of the building to a location along the south wall of the building, into the currently undeveloped portion of the parcel.

The scale and density of this proposed development is unprecedented on the residential streets in Hillhurst, which are largely populated by low-density single-family homes. On all other sites within Hillhurst where a three-story residence is built next to a bungalow, sloped roofs, balconies, enhanced setbacks, and other means have been incorporated to create a more sensitive transition to the existing streetscape. (See photos in Appendix A)

#### Landscaping:

##### **Applicable Land Use Bylaw 1P2007 requirements:**

- (551)(2) *Unless otherwise referenced in section 553, a minimum of 40.0 per cent of the area of a parcel must be a landscaped area.* (Note: section 553 does not appear to apply to this application)
- (551)(3) *The maximum hard surfaced landscaped area is: (a) 50.0 per cent of the required landscaped area for a parcel containing a street-oriented multi-residential building; and (b) 40.0 per cent of the required landscaped area, in all other cases.*
- (584) *All of the required landscaped area must be provided at grade.*

The proposed development extends right to the minimum setback area on all four sides, and in fact, there are existing and proposed projections into the south side setback area. Given this fact, it is extremely difficult to see how the development can fulfil the requirement for 24% soft surfaced landscape area and 16% hard surfaced landscaped area, all at grade level.

All of the proposed building's amenity space is on the roof and, unlike *every single other residence* on this street, none is at grade level. Grade level amenity space supports interactions between neighbours and promotes a sense of community. Roof top patios do not.

Further, there is no other lot in this residential neighbourhood on which the primary residence building occupies the entire lot all the way to the minimum setbacks. This includes the few other sites that are occupied by multi-unit condo developments. However, there is recent precedence of an application for a new build on 11 Street that was rejected by the City for not complying with (551)(2), even though it included more landscaping space than is included in the application for 212 10A Street.

**Shadowing:**

The proposed development sits at the south end of 10A Street. Based on the proposed building height and building depth it will cast significant shade on the property(ies) to the north of it. This fact was acknowledged by the applicant's representatives who stated that although the shading would be significant, it "would not start until later afternoon", which is the time of day when most people want to use their outdoor space.

If this development is approved at the proposed building height and building depth, the neighbours to the north of the property will not be able to maintain and enjoy existing landscaping and amenity space on their own property.

**Other considerations:**

- Parking on this inner city permitted parking street is always a concern for the street's residents, particularly at the south end of the street. Currently street parking is in extremely high demand for the entire southern half of the block. Each residence on the street is eligible to get a parking permit for all vehicles registered to it, and for two visitor parking passes. As the proposed development is for a 3-condo development, each of the condo units would presumably be eligible for the same parking number of resident and visitor permits. Although the development is designed with four onsite parking stalls, increasing the density of the site will increase demand on street level parking, either from additional vehicles registered to the address or from visitors.
- During the HSCA Planning Meeting on April 8, 2021 the applicant's representative claimed that the size and intended purpose of the proposed development was comparable to Norfolk House on Kensington Road and other nearby condo developments. Comparing the proposed build to these buildings is misleading and irrelevant. Those are high density, commercial developments built on much larger parcels of land, and are not immediately adjacent to low density primarily single-family residences. They also have different City of Calgary Land Use designations and are therefore subject to different rules. Although the Hillhurst Sunnyside ARP allowed for these larger developments on the main streets, allowing one in a low density residential area sets a dangerous precedent for zoning creep.

Thank you for your time and consideration.

██████████ & ██████████  
██████████



**SUBMISSION 21**

Mr. Joseph Silot  
City of Calgary Planning Dept.

16 April 2021

**Re: LOC 2021-0040 and DP 2021-1502 212 10A St. NW**

Dear Mr. Silot:

I have carefully reviewed the LOC from M-CG 72 to MC-G 89 DP—it does not comply with the City of Calgary Land Use Bylaw 1P2007 and therefore, I cannot support it. The non-compliance is substantial, and it is clear that this application will result in many, major variances that will not only have significant negative impacts on the one-storey bungalows immediately to the north of this development, but with the neighbourhood in totality.

This block of 10A Street NW has 58 homes of which most are 1 to 2 storeys, built between 1909 and 1915—many of these homes have been carefully restored by current and previous owners, with attention to neighbourhood character and cohesiveness. There are only a few 3-storey homes on the block—most of these blend with existing heritage homes in terms of character/appearance and while some do have more modern design in terms of rooflines, etc., none sought or required DP variances in their construction. Home #321 is an example of a newer, 3-storey home that is modern in design but complies with the LU Bylaw. In other words, the application under consideration is extraordinarily non-compliant with the neighbourhood in many ways.

The proposed DP does not comply with the following sections of Part 6 Division 1 and Division 2 of 1P2007:

1. **551.2, 551.3, and 584:** The landscaped area is less than 40% at grade and the hard-scape area exceeds 40% of the required landscape area. The landscaped area as proposed includes window wells on the west and south side of the existing building. There are also cantilevers on the south side of the existing building that encroach into the landscaped area. At-grade landscaping is not sufficient, and a rooftop garden does not compensate for or offer any trade-off to the street.
2. **585.3:** The residence to the North is 4.8 m in height to the peak (from DP plans) and the next residence to the North is also a bungalow that has been substantially upgraded within its historic, original footprint. The height to the eaves or peak of #212 as it is currently at (at 2-stories) is not provided, but the plans show the planned 3rd floor base to be 6.55 m above the 1st floor base, which is an additional 1 m above grade. There is no proportional setback beginning at 6m above grade for the entire 32.38 m length of the building.
3. **Massing:** The 14.2 m tall and 7.5 m long elevator shaft-stairwell on the proposed building adds grossly disproportionate massing. The northern view—both for the immediate neighbours and any pedestrians approaching from the north—will be a massive, almost completely blank wall. The relaxation required for this degree of massing on the North side of the house is unacceptable. It increases the building volume by almost 20% over what is permitted. There are multiple elevator designs that do not require mechanical compartments above roofline—with such options available, I cannot support the design in the current DP.
4. **Elevator shaft:** As rendered, the shaft protrudes out an unmeasured distance of the front setback of the bungalow to the north. This orientation is unjustified, especially when there are



available spaces within the envelope of the existing front porch and backyard. There is no reason the shaft cannot be located between the back door of the existing house and the existing garage or added to the front porch.

5. **558 Motor Vehicle Parking Requirements:** Four planned stalls fulfill the required onsite parking requirements. The three condo owners will not be permitted residential or visitor K zone permits. This needs to be stated on any DP that is approved with the owners' understanding that it will be enforced. Commercial vehicles associated with the owners have been parked in front of 212 in the past.
6. **566 and 567 Garbage and Recycling:** Garbage and recycling containers must be located inside the building or in an enclosure approved by The City. A location for the carts is missing from the plans.
7. **Privacy Issues:** The proposed rooftop amenity overlooks yards to the North and West. Appropriate setbacks on the North and West sides of the rooftop may mitigate this problem. Multiple windows are shown overlooking the North neighbour's backyard. These must be made of obscured glass.
8. **Garage Access:** The T-intersection created by Norfolk Lane and the Kensington Road laneway is currently a very tight and 'blind' turn on a very narrow, very busy lane that serves both commercial and residential traffic. Adding a four-car garage at the peak of this 'blind' T-intersection, which is heavily used in two directions, adds significant concerns for its feasibility and for its safety. As a member of the community, I have serious concerns that although a Transportation Study of Norfolk Lane has been requested, mandated, recommended and needed, it has not yet been conducted. It is impractical to give a fair assessment on the feasibility and safety of a 4-car garage at a blind corner that is likely the busiest mixed residential and commercial laneway in the area, without any data at all. At the least, the garage's south east corner must be set back for safety and accessibility.
9. **Shadowing:** While the elevator/stair shaft in the proposed DP offers convenience for the applicant, the massive size and placement of this results in significant impact and disturbance for neighbours. When assessing the proposed height and length of shaft, it is not feasible that the structure will "only shadow neighbouring properties to the north in the late afternoon"; instead, the proposed structure is liable to result in complete shadowing of the front 30-40% of the neighbouring houses/yards from mid-day through late afternoon in the spring/summer, and result in near-total shading of the entire neighbouring properties in the fall/winter when peak sun-lines are lower. This shadowing is a significant disruption to the neighbouring property owner's comfort in terms of appearance, temperature, and ability to maintain green-space. To reduce the impact on neighbours, the designed shaft at the very least can be moved to the backyard or porch, and have its height dramatically reduced. If that inconveniences the applicant, the shaft is for the benefit of the applicant, and it is appropriate the applicant bear the burden.

**OTHER:**

10. **Governance of Separate Titles:** The applicant stated they intend three separate titles for the three floors or 'units' in the application. This makes it clear that the property has the potential for and eventual likelihood of having three unrelated owners. In side-by-side infill developments, there is no question as to which property owner is responsible for tasks such as sidewalk shovelling and yard maintenance. In vertical, multi-suite buildings, these issues are addressed by an apartment manager (for rental suites) or a condo board. As per the plans for this building to have three separate titled units, the creation of an incorporated condo board, regulated by bylaws, would be required in order to address issues of snow removal,

external/structural repairs, conflicts or problems with neighbouring buildings, etc. Nothing in the application addresses this issue.

The intentions of the applicant for this structure to be used as a multi-generational housing unit isn't really enforceable or applicable to all the relaxations being requested. Even though this development is on a corner property that permits a larger building development, the current presented plans require substantial revision. I would support a third floor development plan that complies with Calgary's land use bylaws, is cohesive with neighbourhood character, and doesn't negatively impact neighbouring properties; however, this proposal as rendered, meets none of those and so I will not support this proposal.

Attached are two photographs that show the building mass taken from the south viewing north and front yard landscaping of rock and concrete from the same angle.

Respectfully submitted,

[REDACTED]



**SUBMISSION 22**

Mr. Joseph Silot  
City of Calgary Planning Dept

21 April 2021

**Re: LOC 2021-0040 and DP 2021-1502 212-10A Street NW**

Dear Mr. Silot

I am a resident of 10A Street NW about two blocks from the cited proposed development.

I vehemently oppose this development as proposed, because there are many ways in which this proposed development is **not** in compliance with the City of Calgary Land Use Bylaw 1P2007, and the photo renderings of the proposed building are not in keeping with the character of the neighbourhood. Some of these non-compliances are cited below:

I feel very strongly that the landscaped area proposed is insufficient and will not be in keeping with the bylaw or with the character and landscaping on the majority of the properties on this beautiful street.

The elevator shaft structure on the north side of the proposed building is unsightly to the neighbours to the north as well as to pedestrians, and the neighbourhood is typically very pedestrian friendly. In addition there will be privacy and light blockage issues in the north neighbour's backyard. I absolutely cannot support this design. There is no scenario in which I find this elevator shaft located at the front of the building to be acceptable.

Parking may be an issue. They will require four stalls at the rear of the building, and being situated at a blind T intersection does not seem to be an appropriate place for four additional parking stalls or a 4 car garage.

There is no guarantee that the applicant will use this as a multi-generational housing unit. They are intending to have three separate titles, with the potential of three future un-related owners. In this case an incorporated condo board would be required to address many exterior issues such as repairs, maintenance, snow removal, neighbour conflicts and more. The application has not addressed this significant issue.

In summary, I can only support a development in keeping with Calgary's land use bylaws, and also in keeping with the character of this beautiful street and neighbourhood. The application as it stands will negatively impact neighbouring homes and will not be in compliance with the by laws which are in place for very sound reasons.

Respectfully yours,



## SUBMISSION 23

Re: 212 10A Street NW – Proposed Land Use Change (LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (DP2021-1502)

We are writing with respect to the captioned Land Use Change and Development Permit applications submitted to the City regarding 212 10A Street NW, in Hillhurst. Our concerns are as outlined below.

### **Building Height and Cross Section:**

#### ***Applicable Land Use Bylaw 1P2007 requirement: (585)(3)(a) and (b).***

The development plan indicates that the north wall of the proposed building will be at least 32' tall (10 metres), for the entire 106' length of the building. This is 66% higher than the maximum height allowed at the property line. Further, the developers have incorporated a tower that houses an elevator shaft and internal stairway at the northwest corner of the building, at a total height of 46'6", a full 7' (2+ metres) higher than the allowable building height maximum of 12 metres (39'4"), and with a total depth of 24'.

Our home to the north of the proposed development is a bungalow. The roof doesn't exceed 6.0 metres above grade. That taken into consideration, the proposed development does not comply with part (a) of the applicable section of the Land Use Bylaw.

The volume of the proposed building, *excluding* the elevator shaft, is 74,750 ft<sup>3</sup>. Because the proposed design also does not comply with part (b) of the applicable section of the Land Use Bylaw, it would require a relaxation of 9,120 ft<sup>3</sup>. This is equivalent to 12%, or 1/8 of the total building volume.

The volume of the proposed building, *including* the elevator shaft, is 78,800 ft<sup>3</sup>, and the total required relaxation would be an additional 4,050 ft<sup>3</sup>. This brings the total required relaxation required to achieve the proposed design to 13,170 ft<sup>3</sup>, or 16.7% of the total building volume.

The purpose of the height bylaws to which the applicant is requesting a relaxation, are to moderate the transition between an existing and a new streetscape. The scale of the requested relaxation makes an abrupt change to the streetscape, rather than a reasonable transition. This relaxation is excessive.

The developers are claiming an exemption to the height restrictions for the tower that houses the elevator shaft and internal staircase because the shaft will contain the elevator's mechanical equipment. Claiming that the elevator and internal staircase enclosure needs a 7' relaxation on the overall height restriction seems to be an attempt to circumvent the Land Use Bylaw's height restrictions.

Apparently, not all elevator designs require the mechanical components to be on the top. Currently the elevator shaft does not extend to the basement. The un-excavated space below grade in the elevator shaft allowing the possibility to move the elevator's mechanical components requirements to the bottom of the shaft.

Further, the tower could be moved from the northwest corner of the building to a location along the south wall of the building, into the currently undeveloped portion of the parcel.



The scale and density of this proposed development is unprecedented on the residential streets in Hillhurst, which are largely populated by low-density single-family homes. On all other sites within Hillhurst where a 3-story residence is built next to a bungalow, sloped roofs, balconies, enhanced setbacks, and other means were used to create a more sensitive transition to the existing streetscape.

**Landscaping:**

***Applicable Land Use Bylaw 1P2007 requirements: (551)(2), (551)(3) and (584)***

The proposed development extends to the minimum setback area on all four sides, and in fact, there are existing and proposed projections into the south side setback area. Given this fact, it is extremely difficult to see how the development can fulfil the requirement for 24% soft surfaced landscape area and 16% hard surfaced landscaped area, all at grade level.

All of the proposed building's amenity space is on the roof and, unlike other homes on this street. No amenity space appear to be at grade level. Grade level amenity space supports interactions between neighbours and promotes a sense of community. Roof top patios do not promote a sense of community..

No other residential property in the neighbourhood occupies the entire lot all the way to the minimum setbacks. This includes the few other sites that are occupied by multi-unit condo developments. However, there is recent precedence of an application for a new build on 11 Street that was rejected by the City for not complying with (551)(2), even though it included more landscaping space than is included in the application for 212 10A Street.

**Shadowing:**

Based on the proposed building height and depth, the development will cast significant shade on the properties to the north of it. According to the applicant's representative, although the shading would be significant, it "would not start until later afternoon". However that tends to be when people want to use their outdoor space.

If this development is approved at the proposed building height and building depth, the neighbours to the north of the property will not be able to maintain and enjoy existing landscaping and amenity space on their own properties, especially ours.

**Other considerations:**

- Currently street parking is in extremely high demand for the entire southern half of the block. As the proposed development is for a 3- condo development, each condo unit would presumably be eligible a parking permit for all vehicles registered to it, and for two visitor parking passes. Increasing the density of the site will increase demand on street level parking.
- This proposed development has been compared to Norfolk House on Kensington Road and other nearby condo developments. This comparison is misleading. Those are high density, commercial developments built on much larger parcels of land, not immediately adjacent to low density primarily single-family residences. Although the Hillhurst Sunnyside ARP allowed for these larger developments on the main streets, allowing one in a low density residential area sets a dangerous precedent for zoning creep.

Thank you.

[REDACTED]

#### **SUBMISSION 24**

As previously noted, we recently purchased the property at [REDACTED] — so this proposal concerns us both as neighbours and as members of the community. We've decided to note our concerns relating to both the land-use change and to the development permit separately, however we feel strongly that both should be considered together -- we're worried that the land-use change could be approved out of a sense of perceived "fairness" because the development permit is being rejected. The fact is the applicants have ambitious development plans, and changing the land use designation only serves to remove a hurdle for any future developments (and it does so without any guarantees or assurances to the community). While we are supportive of the city's inner city growth + density plans, and know that owning an inner city property means accepting some degree of change and/or development, these concurrent proposals go too far.

#### **Comments regarding the land-use change (LOC2021-0040):**

- 3 titled units would set a precedent given the size of the lot. This property already has a 2 title designation (which we are 100% supportive of). In addition, if the units were to be separately titled, it's quite possible that this residential property would be used to support the applicant's neighbouring business. The property already has significantly more traffic coming and going than any other property on the block which makes you question if the house is also serving as an office for the nearby business.
- Parking concerns. 10A is already constrained in terms of parking, especially for the property in question given you are unable to park directly in front of the residence due to the 10A gate turnaround zone. Although the applicants are proposing underground parking, three properties would naturally create more traffic than one (and the underground parking would not serve all the guests or contracting staff -- as mentioned, there is already an excessive amount of traffic generated by this single property).
- Changing the land-use to a more developer-friendly allocation provides an increase in property value, without any guarantee, benefits, or assurances to the community. This change could be leveraged for a real estate sale or for future developments that do not support the character of the community. Additionally they set a precedent for the neighbouring properties that could quickly pick up momentum and are not in line with the community feel or ARP.
- Comparison to neighbouring developments -- the applicants compare their land-use to neighbouring 10 street and the 5-story Norfolk property, however they do not consider the numerous residential properties and century-homes to the west on the opposite side of 10A street or 11 street or the properties to the north on 10A street.

#### **Comments regarding the development permit (DP2021-1502):**

- As numerous community members raised in the HSPC meeting, the height is of significant concern. Although the applicants and their representatives insist on a 3-story characterization, this is disingenuous given the size and mass of the structure. We would



contend that the height of the elevator/stair structure should absolutely be included in the height calculation as it is a) the primary design feature of the development b) likely heated/air-conditioned (adds to living space) and c) flagrantly dominates the streetscape. Based on the comments of Mr Chabot, it feels as though the application is skating by on a technicality while violating the spirit of the rule. And with the elevator at the northwest of the property, the applicants seem to be more interested in maintaining their interior design than they are in creating a development that does not impose on the community.

- Although the application contends >40% landscaping, this calculation seems far fetched and of limited value to the community given the a) the edge to edge design of the current property and new development plans, b) the current usage of the property. Without including rooftop landscaping it boggles the mind to see how 40% landscaping threshold could be reached with the new designs stretching curb to curb. This is already a large property compared to the rest of the community, and the proposed development would significantly increase its size and mass.
- Simply put, a 4-5 story frosted glass elevator that dominates the streetscape is out of character for a street that currently contains single/multi-family residential along with multiple character and century homes. As one community member put it "this bruce wayne / batman elevator is offensive to the community". The applicants compare their property to neighbouring 10 street and the 5-story Norfolk property, however they do not consider the numerous residential properties and century-homes to the west on the opposite side of 10A street or 11 street or further to the north on 10A street. Additionally, this elevator shaft seems to go much higher than is strictly necessary.
- Flat roof / roof-top patio is out of character with the properties on 10A Street and may not conform to the ARP.
- Shadowing of the elevator construct. Although the applicants contend this would not create significant shadowing on neighbouring properties, no documents have been provided to support these claims. With the gate at the end of the street, the space is used by and belongs to the entire community (i.e. for soccer, street hockey, for passersby, or to access the little free library) and any shading could impact the enjoyment of this space.
- Considering the neighbouring properties to the north are both older bungalows followed by an empty lot, this development sets a significant precedent for the community whereby the entire neighbourhood could be stripped of its unique heritage value and converted to glass infills and condominiums. To date, infill properties and development on 10A have done an excellent job of matching and improving the character of the community, but this development risks changing the characteristics of the entire neighbourhood.

We purchased a house in this neighbourhood because of its unique character and sense of close community. There are few streets in Calgary quite like this one. Broadly speaking, we are supportive of inner city development but land use changes should also bring benefit to the community and/or city writ large. This project, despite the efforts to pitch it as multi-generational, age-in-place, etc benefits nobody but the land owners. Furthermore, the land-use change and the development application do not support the character of the neighbourhood and both applications should be rejected by city administration & council.

Thank you again for your support on this matter, and please let us know if we can be of assistance in any way.

Sincerely,

[REDACTED]  
[REDACTED]

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#### SUBMISSION 25

April 22, 2021

Re: 212 10A Street NW – Proposed Land Use Change (LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (DP2021-1502)

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I am writing with respect to the captioned Land Use Change and Development Permit applications submitted to the City regarding 212 10A Street NW, in Hillhurst.

I am a concerned home owner on 10A Street and I am writing this letter to highlight some of the objections I have to the proposed development. I would like to focus my objections around three key points that will include building height, the lot coverage, and the shadowing caused by the structure.

I was apprised of the plans for land use change and development of this property by the signage posted on the property by the City on March 31, 2021. I have had the opportunity to review and consider the application, and to attend a virtual Planning Committee meeting with our local community association during the HSCA Planning Meeting on April 8, 2021.

My first objection is to speak to the height of the proposed development.

#### **Building Height and Cross Section:**

##### **Applicable Land Use Bylaw 1P2007 requirement:**

*(585)(3) The maximum building height on a parcel that shares a property line with a parcel that has a building with a height that does not exceed 6.0 metres above grade at that shared property line, and where the other parcel is designated with a low density residential district or M-CG District:*

*(a) is 6.0 metres measured from grade at the shared property line; and*

*b) increases proportionately to a maximum of 12.0 metres measured from grade at a distance of 6.0 metres from the shared property line.*

The applicant's representative claimed at the planning meeting on April 8th that the overage in height (the proposed elevator shaft and stairwell) was considered mechanical and therefore should

32

be given a relaxation. Elevators do not need to have their working gears at the top...there are several styles of elevators and some have the gears at the bottom.

The applicant's representative also said the North West corner was the obvious spot to place the elevator shaft as they do not want to disturb the current floor plan of the existing home. According to the plans that I saw, they are proposing to build more square footage to the rear of the home which is a completely new build. In my opinion, it would make more sense to place the elevator shaft in the south east corner of the new development. This would be located near to the garage with the stairwell to run along the alley side on the south. To be more sensitive to the residences to the north of them, this adjustment would help with less shadowing, it would take the stairwell away from the neighbor property line and the enormous 4 story shaft would be out of public sight.

The proposed development is next to a bungalow (to the north). This bungalow does not exceed 6.0 meters in height at the shared property line and therefore the proposed development does not comply with part (a) of the applicable section of the Land Use Bylaw. The purpose of the height bylaws to which the applicant is requesting a relaxation are to moderate the transition between an existing and a new streetscape. The scale of the requested relaxation makes an abrupt and shocking change to the streetscape, rather than a reasonable transition. This relaxation is excessive and gratuitous.

On all other sites within Hillhurst where a three-story residence is built next to a bungalow, sloped roofs, balconies, enhanced setbacks, and other means have been incorporated to create a more complimentary transition to the existing streetscape.

Finally, the applicants have made reference to other condo buildings in the area as a comparison to their proposed development. This is not relevant nor an applicable comparison as this parcel in question is not zoned the same as the commercial buildings that they have referenced. The applicants are on the residential side of the alley and the plans are submitted in the residential zone.

#### Landscaping:

##### ***Applicable Land Use Bylaw 1P2007 requirements:***

- (551)(2) ***Unless otherwise referenced in section 553, a minimum of 40.0 per cent of the area of a parcel must be a landscaped area.*** (Note: section 553 does not appear to apply to this application)
- (551)(3) ***The maximum hard surfaced landscaped area is: (a) 50.0 per cent of the required landscaped area for a parcel containing a street-oriented multi-residential building; and (b) 40.0 per cent of the required landscaped area, in all other cases.***

(584) ***All of the required landscaped area must be provided at grade.***

The proposed development extends to the minimum setback area on all four sides. The stairs from the rooftop extend right out to the property line on the north side and there are many building projections onto the south side of the development as well.

As stated in the above bylaw requirements, there is to be a minimum 40% landscaping requirement, all of this to be at grade. However, this cannot include driveways, window wells, balconies, or roof top patios. This development does not comply with this bylaw for the following reasons. The hard landscaped areas of the proposed plans are only meant to account for 40% of the total landscaping at grade. Currently the sidewalks and the entire area in front of the house will account for more than the permitted 40% of the hard landscaping. From what I have seen of the development plan, it would appear the applicants have far exceeded the hard landscaping bylaw and are well under the required "soft" landscaping as stated in Section 551(2).

Within the last week, I have walked 10A, 11, 11A, 12, and 13<sup>th</sup> Streets NW and have not found a single example of a home that has been built 3 stories covering the entire parcel. There are peaked roof lines, single story garages, step backs or s enough soft landscaping to meet the bylaw requirements.

#### Shadowing:

The proposed development sits at the south end of 10A Street. Based on the proposed building height and building depth, it will cast significant shade on the property(ies) to the north of it. These neighbours will not be able to maintain and enjoy existing landscaping and amenity space on their own property.

The impact that such a large building, casting so much shadow, would have on an urban gardener and a solar collector would be immense. The city will effectively eliminate the ability of the residents to the north to enjoy their own outdoor spaces and gardens.

I am a gardener and if this proposed development was built to the south of my property I would be unable to grow, can, and store the food that I eat all summer and throughout the winter, literally taking the food out of my mouth. I also have solar panels on my roof and again it would prevent me from realizing the energy potential likely 8 or 9 months of the year. The capital I invested would have all been for naught and the ability to lower my environmental foot print would be taken from me.

I do not have a choice if a development that is within the parameters of the Land Use Bylaw is built beside me, but I should have a choice if that development covered the entire parcel and exceeded all of the bylaws put in place to prevent that from happening.

I purchased my home in a residential area, not a commercial area, because I have a back patio that I can grow food in or at least be able to sit out and take in the afternoon light in the spring, summer and fall.

According to the windshield survey (Heritage YYC) taken just this year, Hillhurst has a large percentage of heritage homes which is a badge of pride to the residents as well as the city. Our street alone has 66% (37 out of the 56 homes) built between 1911 and 1913. I foresee the proposed development starting a domino effect of new builds as keeping a heritage home in the shadow of a monolith seems pointless. Developers will see an opportunity to maximize density on each lot and instead of fighting in the shade of a wall, it will become much easier to give in to the inevitable.



The precedence that allowing this proposed development to be built would set could change the entire feeling and look of this community, turning it from a family area to a commercial area. People hiding within their property instead of interacting with each other on the streets and in their back yards. We may become a place of individual self-interests rather than a community that cares for one another.

Kensington would lose everything it means to be Kensington...it would become another arm of downtown...lacking close-knit community and light.

Please do not let this development go through as it stands ...not when others will be so dramatically affected and especially not when the development is outside the existing bylaw requirements. I hope for the sake of the home owner to the north, and all of the rest of us in the future, that you do not grant relaxation to these bylaws.

Thank You

[REDACTED]  
[REDACTED]

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#### SUBMISSION 26

April 22, 2021

Re: 212 10A Street NW - Proposed Land Use Change (LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (DP2021-1502)

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I am writing on behalf of myself and my husband with respect to the captioned Land Use Change and Development Permit applications submitted to the City regarding 212 10A Street NW, in Hillhurst. My office and my home are both neighbours to the property that is proposed for redevelopment. We were apprised of the plans for redesignation and development of this property by the signage posted on the property by the City on March 31, 2021. We have had the opportunity to review and consider the application, and to attend a virtual Planning Committee meeting with our local community association. Based on a review of the applications, we strenuously object to this proposed development based on the following facts:

#### **Building Height and Cross Section:**

##### ***Applicable Land Use Bylaw 1P2007 requirement:***

*(585)(3)The maximum building height on a parcel that shares a property line with a parcel that has a building with a height that does not exceed 6.0 metres above grade at that shared property line, and where the other parcel is designated with a low density residential district or M-CG District: (a) is 6.0 metres measured from grade at the shared property line; and b) increases proportionately to a maximum of 12.0 metres measured from grade at a distance of 6.0 metres from the shared property line.*

The development plan indicates that the north wall of the proposed building will be at least 32' tall (10 metres), for the entire 106' length of the building. This is 66% higher than the maximum height allowed

35

at the property line.

In addition, the developers have incorporated a tower that houses an elevator shaft and internal stairway at the northwest corner of the building, which caps out at a total height of 46'6", a full 7' higher than the overall allowable building height maximum of 12 metres (39'4"), and with a total depth of 24'. The home to the north of the proposed development is a bungalow, with a roof line that does not exceed 6.0 metres above grade at the shared property line. Therefore, the proposed development does not comply with part (a) of the applicable section of the land use bylaw.

The volume of the proposed building, *excluding* the elevator shaft, is 74,750 ft<sup>3</sup>. Because the proposed design also does not comply with part (b) of the applicable section of the land use bylaw, it would require a relaxation of 9,120 ft<sup>3</sup>. This is equivalent to 12%, or 1/8 of the total building volume.

The volume of the proposed building, *including* the elevator shaft, is 78,800 ft<sup>3</sup>, and the total required relaxation would be an additional 4,050 ft<sup>3</sup>. This brings the total required relaxation required to achieve the proposed design to 13,170 ft<sup>3</sup>, or 16.7% of the total building volume.

The purpose of the height bylaws to which the applicant is requesting a relaxation are to moderate the transition between an existing and a new streetscape. The scale of the requested relaxation makes an abrupt and shocking change to the streetscape, rather than a reasonable transition. This relaxation is excessive and unwarranted.

The developers are claiming an exemption to the height restrictions for the tower that houses the elevator shaft and internal staircase because the shaft will contain mechanical equipment for the elevator.

Claiming that the elevator and internal staircase enclosure needs a 7' relaxation on the overall height restriction is effectively an attempt to make an "end run" around the Land Use Bylaw's height restrictions.

Not all elevator designs require the mechanical components to be on the top. This can be placed below, or along the side of the elevator. Currently the elevator shaft does not extend to the basement. The space below the elevator is un-excavated below grade and could be developed to move the mechanical requirements of the elevator from the top to the bottom of the elevator shaft.

Further, the entire tower could be moved from the northwest corner of the building to a location along the south wall of the building, into the currently undeveloped portion of the parcel.

#### Landscaping:

##### **Applicable Land Use Bylaw 1P2007 requirements:**

- (551)(2) *Unless otherwise referenced in section 553, a minimum of 40.0 per cent of the area of a parcel must be a landscaped area.* (Note: section 553 does not appear to apply to this application)
- (551)(3) *The maximum hard surfaced landscaped area is: (a) 50.0 per cent of the required landscaped area for a parcel containing a street-oriented multi-residential building; and (b) 40.0 per cent of the required landscaped area, in all other cases.*
- (584) *All of the required landscaped area must be provided at grade.*

The proposed development extends right to the minimum setback area on all four sides, and in fact, there are existing and proposed projections into the south side setback area. Given this fact, it is extremely difficult to see how the development can fulfil the requirement for 24% soft surfaced landscape area and 16% hard surfaced landscaped area, all at grade level.



**Shadowing:**

The proposed development sits at the south end of 10A Street. Based on the proposed building height and building depth it will cast significant shade on the property(ies) to the north of it. This fact was acknowledged by the applicant's representatives who stated that although the shading would be significant, it "would not start until later afternoon", which is the time of day when most people want to use their outdoor space.

If this development is approved at the proposed building height and building depth, the City will effectively create a situation in which the neighbours to the north of the property will not be able to maintain and enjoy existing landscaping and amenity space on their own property.

**Other considerations:**

- The scale and density of this proposed development is unprecedented on the residential streets in Hillhurst, which are largely populated by low-density single-family homes. Specifically:
  - On all other sites within Hillhurst where a three-story residence is built next to a bungalow, sloped roofs, balconies, enhanced setbacks, and other means have been incorporated to create a more sensitive transition to the existing streetscape. (See photos in appendix A)
  - There are no other residences in Hillhurst that occupy the entire parcel all the way to the setbacklines on all sides. This includes the few other sites that are occupied by multi-unit condo developments.
- All of the proposed building's amenity space is on the roof and, unlike *every single other residence* on this street, none is at grade level. Grade level amenity space supports interactions between neighbours and promotes a sense of community. Roof top patios do not.
- Parking on this inner city permitted parking street is always a concern for the street's residents, particularly at the south end of the street. Currently street parking is in extremely high demand for the entire southern half of the block. Each residence on the street is eligible to get a parking permit for all vehicles registered to it, and for two visitor parking passes. As the proposed development is for a 3- condo development, each of the condo units would presumably be eligible for the same parking number of resident and visitor permits. Although the development is designed with four onsite parking stalls, increasing the density of the site will increase demand on street level parking, either from additional vehicles registered to the address or from visitors.
- During the HSCA Planning Meeting on April 8, 2021 the applicant's representative claimed that the size and intended purpose of the proposed development was comparable to Norfolk House on Kensington Road and other nearby condo developments. Comparing the proposed build to these buildings is misleading and irrelevant. Those are high density, commercial developments built on much larger parcels of land, and are not immediately adjacent to low density primarily single-family residences. They also have different City of Calgary Land Use designations and are therefore subject to different rules. Although the Hillhurst Sunnyside ARP allowed for these larger developments on the main streets, allowing one in a low density residential area sets a dangerous precedent for zoning creep.

Thank you for your time and consideration.

 and   
 Business address:   
 Home address: 

**SUBMISSION 27**

Mr. Joseph Silot  
City of Calgary Planning Dept.

23 April 2021

**Re: LOC 2021-0040 and DP 2021-1502 212 10A St. NW**

Dear Mr. Silot:

I have carefully reviewed the LOC from M-CG 72 to MC-G 89 DP—it does not comply with the City of Calgary Land Use Bylaw 1P2007 and therefore, I cannot support it. The non-compliance is substantial, and it is clear that this application will result in many, major variances that will not only have significant negative impacts on the one-storey bungalows immediately to the north of this development, but with the neighbourhood in totality. The application under consideration is **extraordinarily** non-compliant with the neighbourhood in many ways.

As an attendee at the Virtual Community Association Planning Committee Presentation on April 8<sup>th</sup>, 2021 made by the representative for the property owner, I left the meeting with a trust issue. I ask the City to take extra care to confirm any statements made. Assuming the applicant does indeed intend this as a multi-generational housing unit, which isn't assured and cannot be guaranteed long term, I understand the attraction to redevelop the property in the way proposed. **I believe that it is critical that any land use approvals be tied to the development application approval.** I understand that this approach is not currently supported by The City Planning Department but I strongly believe that this is a situation where the co-approval is extremely important.

**The proposed DP does not comply with the following sections of Part 6 Division 1 and Division 2 of 1P2007:**

1. **551.2, 551.3, and 584:** The landscaped area is less than 40% at grade and the hardscaped area exceeds 40% of the required landscape area. The landscaped area as proposed includes window wells on the west and south side of the existing building. There are also cantilevers on the south side of the existing building that encroach into the landscaped area. At-grade landscaping is not sufficient, and a rooftop garden does not compensate for or offer any trade-off to the street.
2. **585.3:** The residence to the North is 4.8 m in height to the peak (from DP plans) and the next residence to the North is also a bungalow that has been substantially upgraded within its historic, original footprint. The height to the eaves or peak of #212 as it is currently at (at 2-stories) is not provided, but the plans show the planned 3<sup>rd</sup> floor base to be 6.55 m above the 1<sup>st</sup> floor base, which is an additional 1 m above grade. There is no proportional setback beginning at 6m above grade for the entire 32.38 m length of the building.
3. **Massing:** The 14.2 m tall and 7.5 m long elevator shaft-stairwell on the proposed building adds grossly disproportionate massing. The northern view—both for the immediate neighbors and any pedestrians approaching from the north—will be a massive, almost completely blank wall. The relaxation required for this degree of massing on the North side of the house is unacceptable. It increases the building volume by almost 20% over what is permitted. There are multiple elevator

designs that do not require mechanical compartments above roofline—with such options available, we cannot support the design in the current DP.

4. **Elevator shaft:** As rendered, the shaft protrudes out an unmeasured distance of the front setback of the bungalow to the north. This orientation is unjustified, especially when there are available spaces within the envelope of the existing front porch and backyard. There is no reason the shaft cannot be located between the back door of the existing house and the existing garage or added to the front porch.

5. **558 Motor Vehicle Parking Requirements:** Four planned stalls fulfill the required onsite parking requirements. The three condo owners will not be permitted residential or visitor K zone permits. This needs to be stated on any DP that is approved with the owners' understanding that it will be enforced. Commercial vehicles associated with the owners have been parked in front of 212 in the past.

6. **566 and 567 Garbage and Recycling:** Garbage and recycling containers must be located inside the building or in an enclosure approved by The City. A location for the carts is missing from the plans.

7. **Privacy Issues:** The proposed rooftop amenity overlooks yards to the North and West. Appropriate setbacks on the North and West sides of the rooftop may mitigate this problem. Multiple windows are shown overlooking the North neighbour's backyard. These must be made of obscured glass.

8. **Garage Access:** The T-intersection created by Norfolk Lane and the Kensington Road laneway is currently a very tight and 'blind' turn on a very narrow, very busy lane that serves both commercial and residential traffic. Adding a four-car garage at the peak of this 'blind' T-intersection, which is heavily used in two directions, adds significant concerns for its feasibility and for its safety. As community members, we have grave concerns that although a Transportation Study of Norfolk Lane has been requested, mandated, recommended and needed, it has not yet been conducted. It is impossible to give a fair assessment on the feasibility and safety of a 4-car garage at a blind corner that is likely the busiest mixed residential and commercial laneway in the area, without any data at all. At the least, the garage's south east corner must be set back for safety and accessibility.

9. **Shadowing:** While the elevator/stair shaft in the proposed DP offers convenience for the applicant, the massive size and placement of this results in significant impact and disturbance for neighbours. When assessing the proposed height and length of shaft, it is not feasible that the structure will "only shadow neighboring properties to the north in the late afternoon"; instead, the proposed structure is liable to result in complete shadowing of the front 30-40% of the neighboring houses/yards from mid-day through late afternoon in the spring/summer, and result in near-total shading of the entire neighboring properties in the fall/winter when peak sun-lines are lower. This shadowing is a significant disruption to the neighboring property owner's comfort in terms of appearance, temperature, and ability to maintain greenspace. To reduce the impact on neighbors, the designed shaft at the very least can be moved to the backyard or porch, and have its height dramatically reduced. If that inconveniences the applicant, the shaft is for the benefit of the applicant, and it is appropriate the applicant bear the burden.

**OTHER:**

10. **Governance of Separate Titles:** The applicant stated they intend three separate titles for the three floors or 'units' in the application. This makes it clear that the property has the potential for

and eventual likelihood of having three unrelated owners. In side-by-side infill developments, there is no question as to which property owner is responsible for tasks such as sidewalk shoveling and yard maintenance. In vertical, multi-suite buildings, these issues are addressed by an apartment manager (for rental suites) or a condo board. As per the plans for this building to have three separate titled units, the creation of an incorporated condo board, regulated by bylaws, would be required in order to address issues of snow removal, external/structural repairs, conflicts or problems with neighboring buildings, etc. Nothing in the application addresses this issue.

Thank you for your commitment to good planning in The City of Calgary.

Respectfully submitted,

[REDACTED]

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**SUBMISSION 28**

Comments - 212 10A Street NW Proposal

I'm concerned about the proposed look of the updated development. I don't think it's in keeping with the style and character of the street and am afraid it will detract from 10A Street's overall character and charm. I'm also opposed to the height of the new proposed elevator/staircase. It's going to impact the sun exposure for many of the surrounding properties [REDACTED].

Thanks very much,

[REDACTED]

#### Appendix II: Community Petition

A neighbourhood petition was circulated in opposition to the proposed land use and development applications. This petition was signed by approximately 120 individuals. The petition wording is included in Appendix 2; however, names and signatures have been removed.

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April 17, 2021

**Re: 212 10A Street NW – Proposed Land Use Change (LOC 2021-0040) and 3 Dwelling Unit Multi-Residential Development (DP2021-1502)**

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We, the undersigned, are writing with respect to the captioned Land Use Change and Development Permit applications submitted to the City regarding 212 10A Street NW, in Hillhurst. We strenuously object to this proposed development for the following reasons:

#### Building Height and Cross Section:

***Applicable Land Use Bylaw 1P2007 requirement: (585)(3)(a) and (b).***

The development plan indicates that the north wall of the proposed building will be at least 32' tall (10 metres), for the entire 106' length of the building. This is 66% higher than the maximum height allowed at the property line. Further, the developers have incorporated a tower that houses an elevator shaft and internal stairway at the northwest corner of the building, at a total height of 46'6", a full 7' (2+ metres) higher than the allowable building height maximum of 12 metres (39'4"), and with a total depth of 24'.

The home to the north of the proposed development is a bungalow, with a roof line that does not exceed 6.0 metres above grade at the shared property line. Therefore, the proposed development does not comply with part (a) of the applicable section of the Land Use Bylaw.

The volume of the proposed building, *excluding* the elevator shaft, is 74,750 ft<sup>3</sup>. Because the proposed design also does not comply with part (b) of the applicable section of the Land Use Bylaw, it would require a relaxation of 9,120 ft<sup>3</sup>. This is equivalent to 12%, or 1/8 of the total building volume.

The volume of the proposed building, *including* the elevator shaft, is 78,800 ft<sup>3</sup>, and the total required relaxation would be an additional 4,050 ft<sup>3</sup>. This brings the total required relaxation required to achieve the proposed design to 13,170 ft<sup>3</sup>, or 16.7% of the total building volume.

The purpose of the height bylaws to which the applicant is requesting a relaxation are to moderate the transition between an existing and a new streetscape. The scale of the requested relaxation makes an abrupt and shocking change to the streetscape, rather than a reasonable transition. This relaxation is excessive and unwarranted.

The developers are claiming an exemption to the height restrictions for the tower that houses the elevator shaft and internal staircase because the shaft will contain the elevator's mechanical equipment. Claiming that the elevator and internal staircase enclosure needs a 7' relaxation on the overall height restriction is effectively making an "end run" around the Land Use Bylaw's height restrictions.



Not all elevator designs require the mechanical components to be on the top. Currently the elevator shaft does not extend to the basement. The un-excavated space below grade in the elevator shaft could be developed to move the elevator's mechanical components requirements to the bottom of the shaft.

The entire tower could be moved from the northwest corner of the building to a location along the south wall of the building, into the currently undeveloped portion of the parcel.

The scale and density of this proposed development is unprecedented on the residential streets in Hillhurst, which are largely populated by low-density single-family homes. On all other sites within Hillhurst where a 3-story residence is built next to a bungalow, sloped roofs, balconies, enhanced setbacks, and other means were used to create a more sensitive transition to the existing streetscape.

#### Landscaping:

##### ***Applicable Land Use Bylaw 1P2007 requirements: (551)(2), (551)(3) and (584)***

The proposed development extends right to the minimum setback area on all four sides, and in fact, there are existing and proposed projections into the south side setback area. Given this fact, it is extremely difficult to see how the development can fulfil the requirement for 24% soft surfaced landscape area and 16% hard surfaced landscaped area, all at grade level.

All of the proposed building's amenity space is on the roof and, unlike *every single other residence* on this street, none is at grade level. Grade level amenity space supports interactions between neighbours and promotes a sense of community. Roof top patios do not.

There is no other lot in this residential neighbourhood on which the primary residence building occupies the entire lot all the way to the minimum setbacks. This includes the few other sites that are occupied by multi-unit condo developments. However, there is recent precedence of an application for a new build on 11 Street that was rejected by the City for not complying with (551)(2), even though it included more landscaping space than is included in the application for 212 10A Street.

#### Shadowing:

Based on the proposed building height and depth, the development will cast significant shade on the properties to the north of it. According to the applicant's representative, although the shading would be significant, it "would not start until later afternoon", when people want to use their outdoor space.

If this development is approved at the proposed building height and building depth, the neighbours to the north of the property will not be able to maintain and enjoy existing landscaping and amenity space on their own properties.

#### Other considerations:

- Currently street parking is in extremely high demand for the entire southern half of the block. As the proposed development is for a 3- condo development, each condo unit would presumably be eligible a parking permit for all vehicles registered to it, and for two visitor parking passes. Increasing the density of the site will increase demand on street level parking.



- This proposed development has been compared to Norfolk House on Kensington Road and other nearby condo developments. This comparison is misleading and irrelevant. Those are high density, commercial developments built on much larger parcels of land, not immediately adjacent to low density primarily single-family residences. Although the Hillhurst Sunnyside ARP allowed for these larger developments on the main streets, allowing one in a low density residential area sets a dangerous precedent for zoning creep.

Thank you for your time and consideration.

**Petition Appendix**

Applicable sections of the Land Use Bylaw 1P2007:

**Building Height and Cross Section:**

*(585)(3) The maximum building height on a parcel that shares a property line with a parcel that has a building with a height that does not exceed 6.0 metres above grade at that shared property line, and where the other parcel is designated with a low density residential district or M-CG District:*

*(a) is 6.0 metres measured from grade at the shared property line; and*

*b) increases proportionately to a maximum of 12.0 metres measured from grade at a distance of 6.0 metres from the shared property line.*

**Landscaping:**

*(551)(2) Unless otherwise referenced in section 553, a minimum of 40.0 per cent of the area of a parcel must be a landscaped area. (Note: section 553 does not appear to apply to this application)*

*(551)(3) The maximum hard surfaced landscaped area is: (a) 50.0 per cent of the required landscaped area for a parcel containing a street-oriented multi-residential building; and (b) 40.0 per cent of the required landscaped area, in all other cases.*

*(584) All of the required landscaped area must be provided at grade.*