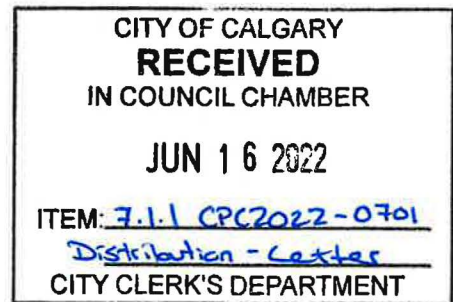




June 14, 2022

Development Circulation Controller
Planning & Development #8201
P.O. Box 2100 Station M
Calgary, AB T2P 2M5

Emailed to: matt.rockley@calgary.ca, john.hall2@calgary.ca
Cc: Calgary Planning Commission



RE: DP2021-1502 | 212 10a St NW | Multi-residential development

Dear Mr. Rockley and Mr. Hall,

The Hillhurst Sunnyside Planning Committee ("HSPC") is pleased to provide updated comments on the above application. We reviewed this application against the Hillhurst Sunnyside Area Redevelopment Plan ("ARP"), and other relevant policy, considering any comments we received from directly affected neighbours.

We were told submissions from community had to be in by June 15, 2022 but note the City already recommended an approval before hearing from directly affected stakeholders on the revised plans. The package to CPC did not include this letter, or those of neighbours directly to the north – we are unsure how the City could have considered their views prior to this recommendation so we are expecting CPC will consider these comments as the City has delegated CPC the authority on this application.

This updated letter is based upon the most recent plans issued for resubmission 22/01/18 but should be reviewed in conjunction with the previous submissions from HSCA and neighbours from last year.

We also reached out to the applicant on June 8, 2022 via email asking if we could jointly review any changes they have put forward to address previous feedback on but did not hear back from them. However we have read the rationale they submitted in the CPC package now.

STRENGTHS:

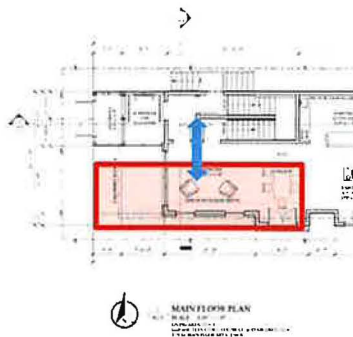
- The ARP encourages family-friendly redevelopment – this proposal appears to have a diversity of unit sizes and bedroom options
- MDP encourages a variety of multi-family housing types to meet the diverse needs of present and future populations (MDP 3.5.1 bii)
- Durable finish in places (ARP Section 2.4.1.1)
- Integration of solar panels on rooftop support ARP goals of sustainability
- Renovation of an existing building diverts construction waste from the landfill
- Density appropriate for the area – 3 units

CHALLENGES/ SUGGESTIONS FOR IMPROVEMENT:

It should be noted that who uses the building is not a planning merit so whether or not this will be used as multi-generational housing is not a factor in consideration as this could change into the future.

HEIGHT/ MASSING:

- Page 11 on the plans shows the elevator shaft at 48' while the other pages show it at 44' – please clarify the height being requested.
- A streetscape plan has not been provided to evaluate the total height in comparison to the residences to the north of the subject site. However the elevator mechanicals and flat roof does not step down in relation to the lower scale residential to the north and is above the max height for M-CG. The commercial building to the south has different zoning and planning policy that applies and is well separated by the laneway. M-CG zoning adjacent to this commercial zoning is appropriate as a transition and should be adhered to in terms of height and scale.
- "Recognize the predominantly low density residential nature of Developed Residential Areas and support retention of housing stock, or moderate intensification in a form and nature that respects the scale and character of the neighbourhood." (MDP 3.5.1)
- "Redevelopment within predominantly multifamily areas should be compatible with the established pattern of development and will consider the following elements: i. Appropriate transitions between adjacent areas"(MDP 3.5.1). It is subjective whether or not this is an appropriate transition with the elevator shaft requiring a relaxation. The burden of proof for the relaxation should be on the City and the applicant (ie to prove no negative shadow impact on adjacent homes to the north) not the neighbours. No shadow study has been provided.
- If the elevator shaft was positioned on the south side of the building or rear of the building it would reduce massing on the pedestrian realm, integrate better with the adjacent single family bungalows, the overall streetscape and provide a more sensitive transition in scale from the commercial to residential areas. The applicant mentioned this was not possible due to space however we cannot see why it would not work to place it on the SW corner of the development (flipping the living rooms to the north) – this would also address the front setback issues with a bit more space between the contextual setback to the north and the elevator entrance projection. The applicant said this location would provide safety issues but access is still from 10a St through the front yard as it would be for the current placement. Repositioning the elevator shaft would likely mitigate many neighbours' concerns.



- The overall height exceeds the maximum within the M-CG bylaw, and does not apply the chamfer rules for the residential buildings to the north that are much lower in height under LUB Subsection 585(3). The chamfer rule applied would reduce shadowing impacts to the neighbours to the north's yards which does not meet the test for a relaxation as this shadow impact may affect the use and enjoyment of these neighbouring properties. "In evaluating the height of an infill house, the effect of the shadows on adjacent homes should be considered" (ARP Section 2.4.1.1). The applicant should be responsible to show through a shadow study there is no negative impact. They state there is no shading impacts in their letter but this has not been demonstrated by any accompanying shadow study or other proof.
- Our ARP encourages pitched roofs and roofs pitches similar to that of adjacent homes. "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" (ARP Section 2.4.1.1). The rooftop patio amenity space creates a flat roof – could the patio be build into the side of a pitched roof, more like a balcony facing the south side? This would allow for a peaked roof to prevent overlook challenges associated with the current rooftop patio design as the patio could be built into the roof on the south.
- "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" (ARP Section 2.4.1.1).
- The image from the ARP in the applicant's package is from the medium density TOD area and in no way relates to policy for this area of the community.
- The other flat roof home image provided to the applicant also has a completely different context. Precedent cannot be used as each development must be approved based on its own site based planning merits, and in this case the context of an adjacent one storey bungalow is completely different, as is the orientation of the block with shadow to the north.

OVERLOOK/ PRIVACY:

There is a concern of overlook impacting privacy of the neighbour's yards to the north from the external staircase. It is our understanding that the external staircase is not calculated in lot coverage and the bylawed setback rules of 1.2m to an adjacent neighbour which gives no breathing room to the development and affects the privacy of the neighbour's back yard adjacent. Could the staircase be placed inside the building or relocated as suggested in DTR 1 or is one internal staircase sufficient?

Additionally, the rooftop patio creates potential overlook issues. Although we can appreciate the intent to use screening and planters with trees as a buffer, this screening can increase the feeling of massing and add shadowing concerns to the north façade, creating the mass of an additional storey. There are no guarantees trees in movable planters will live or be maintained past this development permit or won't be moved once occupied since they are not permanently fixed in place. Can the useable rooftop patio space be further set back from the north property or the upper storey stepped back to reduce the massing on the north side? Can the planters be built-in to assure permanence?

The applicant says the neighbour's yards are already being overlooked by Norfolk Housing – at present they are 15m away and separated by a laneway and the applicant's current home. When the applicant builds out the entire length of their property that will completely mitigate any view from Norfolk. However a rooftop patio and a staircase directly against the setback of the neighbouring yard is an immediate overlook impact. The height and overlook of the Norfolk building do not affect the use and enjoyment of the two homes to the north of this proposal but this development may.

LANDSCAPING/ LOT COVERAGE:

Lot coverage is over bylaw requiring a large relaxation on landscaping requirements. We note the applicant is applying for several landscaping reduction calculations. Please ensure adequate and high quality landscaping is provided, considering the higher lot coverage requested we have concern about water retention on site, drainage and sustainability of the landscaping in the future. The community prefers canopy style trees to columnar varieties where possible.

The built area proposed to take up the existing backyard, including the staircase will impact the neighbours more than the existing yard. The lot coverage of the building intensifies the massing of the overall dwelling the adjacent neighbour to the north with a walled effect. Could more articulation be added by creating a courtyard indent in the building portion adjacent to the neighbouring back yard? This would provide more breathing room, reduce lot coverage and add the potential for landscaping to act as a buffer with the neighbouring yard.

Administration says the rooftop amenity space will include turf, trees and shrubs – none of these are permanent. It is unlikely that natural turf can be maintained on the roof and this could easily be turned to pavers or astroturf. The rooftop space should not be included as landscaping.

ENGAGEMENT SUMMARY:

- The City's report says outreach was undertaken by the applicant. The outreach referenced was on the first version of the DP, to our knowledge adjacent neighbours have not been contacted regarding any updated plans.
- We have not received any letters or comments of support for this development and the two adjacent neighbours that are directly affected have concerns. The City and CPC should have copies of the letters and comments we have received in their documentation.
- The City placed a sandwich board on the site June 6 and letters were due June 15, however CPC is hearing this on June 16 and the City recommended an approval prior to the community submissions deadline. It is essential that recent letters from adjacent neighbours be included to CPC members. We are unclear how the City file manager could make a recommendation without soliciting the feedback of directly affected neighbours prior.

Please notify the HSCA if this Development Permit Application is Approved.

Thank you for the opportunity to comment,

Hillhurst Sunnyside Planning Committee
Hillhurst Sunnyside Community Association

cc: Executive and Infill Committee, Hillhurst Sunnyside Planning Committee
HSCA Community Planning Coordinator
Ward 7 Councillor's Office
Development Permit Circulation Controller