

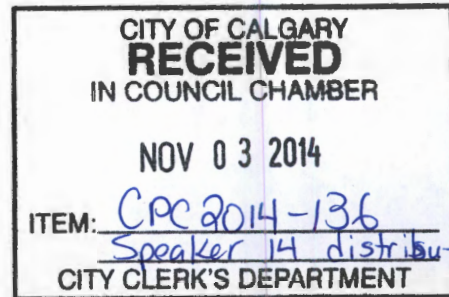


INGLEWOOD COMMUNITY ASSOCIATION  
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October 30, 2014

City of Calgary Councillors  
Box 2100, Station M  
Calgary, Alberta  
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Dear City of Calgary Councillors:



Re: LOC 2014-0028, 1020 9 Avenue SE

The Inglewood Community Association (ICA) has written twice to voice its concerns to the Planning Department regarding the above application for rezoning. Unfortunately, although that correspondence was part of the package submitted to the Calgary Planning Commission during its deliberations on the matter, the rezoning was approved anyway. We wish to take this opportunity to outline the reasons for our opposition.

- Overriding by-law:** The by-law governing height has been in place for 22 years. It has been relaxed twice only, for buildings on the south side of the street attached to plans that were specifically designed not to shade residential neighbors.  
By-laws are in place to protect the rights of both property owners and those affected by the developments thereon. If the guiding principles of building can be amended to accommodate one developer, there is no purpose in having zoning at all. Rezoning over this basic maximum sets the dangerous precedent of going forward without a by-law driven cap on height but more importantly a precedent that the ARP is not binding.
- Height increase isn't necessary to provide density:** The applicant has said that the relaxation is to accommodate density. We feel that quite a lot of density (which we support within reason along Ninth Avenue) can be accommodated within the existing height. Several new developments are under construction or in the application stage that respect neighbors yet will provide three to five floors of residential in addition to retail. Appendix A which outlines a neighborhood comparison of density per linear foot of frontage illustrates that more density can be achieved than the applicant property within a lower height. One might suspect therefore that the non-conforming height is motivated by the luxury branding of the project.
- Unique Heritage Street at risk:** Our Main Street, originally Atlantic Avenue, is a unique heritage treasure that is recognized and revered not just in this City, but the province and beyond. There are specific Atlantic Avenue Guidelines that acknowledge this special status and they need to be respected. Inglewood is in the process of a historical assessment that has generated a Statement of Significance. This will have important implications for how change is managed in this important and sensitive area of Ninth Avenue and it is counter-intuitive to proceed with relaxations without this planning tool in place.



4. **Undercuts Inglewood Design Initiative:** The Inglewood Design Initiative (IDI) – a framework for the future of Inglewood based on major public consultation - was ratified by the community in 2011. At the time, it was hailed by Director of Land Use Planning and Policy as the “poster child” of Plan It. We have been trying since then to find a way to work with The City to have the IDI formalized into a plan that will be used by Calgary Planning. This is finally happening, Calgary Planning & Development is hosting its 9<sup>th</sup> Avenue next City Main Streets Workshop on November 19<sup>th</sup>, and has told us: “your community already has a clear and crystallized vision for the future, and an informed and engaged population – the 3-map Main Streets exercise provides a great receiver of this community vision for the City.” Also, Inglewood TOD planning is scheduled for the spring. It is prudent that a decision about any request for height relaxation be put on hold until at least the Main Streets process is complete. The optimal height may change in that period.
5. **Height exceeds Urban Design Guidelines:** Generally accepted Urban Design guidelines promote a relationship between buildings and pedestrians that is human in scale (generally four storey maximum) to encourage the walkable urban environment that we want Inglewood to continue. Dr. Bev Sandalack of the University of Calgary Faculty of Environmental Design said on October 18 to a Federation of Calgary Communities symposium that she “does not believe that high-rises have any place in established communities; development should be 5-6 storeys to maintain a human scale”.
6. **ARP Shadowing Guidelines not complied with:** The ARP maximum is not just set by height; the actual words are that “Maximum height of buildings on both sides of 9 Avenue should be established to ensure reasonable sun exposure to the north sidewalk and rear of the properties along 8 Avenue.” The developer submitted a sun/shadow study to support his assertion that his angled 22.5 m. height shades no more than the 20 m. in the ARP. This study shows that backyards are in shadow by September 21 at 1:00 and lots are fully shaded by 4:00 in either case. Loss of sun from equinox to equinox does not comply with the ARP principle 3.3.1 (j).
7. **Incompatible with other City Guidelines:** When one looks to other City planning guidelines one notes the 16 Avenue North Urban Corridor ARP sets a maximum height for buildings backing on to residential of 16 m. with 22 m. allowed on alternate corners (Map 2A). The ARP allows greater height on the south side of the street than on the north, specifically because of the residential community directly north of 16<sup>th</sup> Ave and the concern about shadowing. It seems incongruous that residences essentially backing onto the TransCanada Highway get more consideration than is being supported by the amendment proposed. While the Inglewood ARP was written before the MDP, the 16<sup>th</sup> Avenue ARP was written in 2009 to align with the MDP.
8. **No attachment to plans:** Although the architect indicates that the proposed design shades no more than a building 20 m. high would (per point 6, note the irrelevance of the argument), should the project not proceed, a relaxation would be permanently attached to the parcel. Regarding limitations specific to the site C19, the height and setback are both being relaxed considerably – without reference to a specific set of plans, this is inappropriate. When ARP relaxations were accommodated previously they were specific being a proposal for Henri’s (Thirteenth Street) set at 23 m. that had the top two storeys set back some considerable way from the lower storeys to allow for shading – it was a Direct Control (DC) zoning so it was tied to that lot alone. This project did not go ahead and the current DP on this lot is for a 15.5 m. height. The Art Block (Eleventh to Tenth Street) although cited as being 23 m. as a height reference point by the applicant is actually 18 m. for 56% of the length and only has elements that rise to 23 m.

The Inglewood Community Association is adamant that an increase in the maximum height anywhere along Ninth Avenue, especially on the north side, has no discernible benefit to the community and considerable negative repercussions, including the strong possibility of setting a precedent for other sites on Ninth Avenue. The developer has had this property for 29 years and has been fully aware of the LUB in place for 22 of them. We believe that a community ought to be able to rely upon a Land Use By-law

that is the City's own blueprint for development. We have no doubt that the property can be developed in a way that will be positive for the all of the community. We also believe that when the community is heading into four separate City- and Province-related planning exercises for future development, it is inappropriate to amend the Inglewood ARP now. Particularly given the introduction last week of the "Citizens' View" initiative by the City of Calgary, it is reasonable to expect that you listen to our community's concerns. These are property rights and planning principles that affect all Calgarians and we urge you to support us in rejecting this rezoning.

Yours very truly,

INGLEWOOD COMMUNITY ASSOCIATION

Bill Bakelaar  
President

Appendix A  
**INGLEWOOD COMMUNITY ASSOCIATION**  
 Comparison of Ninth Avenue project densities

Project	DP	Address	Height m.	Height ft.	Frontage	# of units	Units/linear ft.
CarStar	TBD	1020 9 Avenue SE	22.50	73' 10"	164'	64 (TBD)	0.390
Henri's	2013-1645	1339 9 Avenue SE	15.55	51' 0"	123' 5"	21	0.170
Jim Hill	TBD	1006 9 Avenue SE	20.00	65' 7"	265'	70	0.264
Sarina	2013-1362	1526 9 Avenue SE	15.70	51' 6"	96' 6"	19	0.190
Torode	2012-3552	1402 9 Avenue SE	14.50	47' 7"	88' 8"	54	0.609