

Community Association Response

Community Association Response to original DC-based on Multi-Residential – Contextual Grade Oriented (M-CG) District – August 16, 2022



Highland Park Community Association
3716 2nd St. NW
Calgary, AB T2K 0Y4
Tel: (403)276-6969

August 16, 2022

Circulation Control, Planning and Development
City of Calgary
Attn: Lucas Sherwin, File Manager

RE: LOC2022-0112 453 & 457 35 Avenue NW

The above-mentioned application is for a land use redesignation from R-C2 to DC (Direct Control). As defined in the Land Use Bylaw IP2007, the DC land use is a “customized land use designation...Most DC designations include a cross-reference to the rules of one of the standard designations of the Land Use Bylaw...” For this particular application, the cross-referenced is to the M-CG land use designation.

The Highland Park Community Association is opposed to this redesignation precisely because it is customized. It allows for significant relaxations and deviations from the rules established in the Land Use Bylaw for M-CG. This results in a serious loss of regulatory certainty for the community of Highland Park and its residents. It should be noted that at time of writing, the project plans for the concurrent Development Permit application were not yet available. We have only the applicant’s brochure describing their intentions with a small conceptual site plan included.

Highland Park has generally been amenable to redevelopment within the community. We recognize the importance of limiting urban sprawl through densification of the developed areas of the city. Redevelopment has led to an influx of young families into the community. The gradual introduction of rowhouse and 4-plex structures, with or without suites, is helping to broaden the housing choices available to Calgary’s residents who wish to live in an area that is convenient and highly accessible. There are already several rowhouse projects built or proposed on R-CG parcels as well as several 4-plex buildings built or proposed on M-CG parcels. With these projects, the community has the opportunity to assess the project against the clearly defined rules governing those land use designations.

Based solely on the Land Use Change application filed with the City and the applicant’s brochure, it is apparent there several major relaxations would be required:

1. Building Height – the applicant’s brochure stated the project would consist of three 3-storey rowhouse buildings with three units facing 35 Avenue NW, five units facing 4 Street NW and three units in a standalone building interior on the parcel at 453 35 Avenue NW. An 11-unit parking garage would span the two parcels along the laneway.

The adjacent property at 449 35 Avenue NW is an older 1950’s bungalow. The project envisions a 3-storey rowhouse structure built next to this bungalow property. The M-CG land use requires a graduated transition from adjacent properties with a low-rise structure. If the bungalow measures

no more than 6.0 metres above grade, then the proposed rowhouse should only reach a maximum height of 12.0 metres at a distance of 6.0 metres from the shared property line [Sec.585(3)(a)] This requirement, if it is to be met, would negate the possibility of a 3-storey rowhouse situated within the normal sideyard setback of 1.2 metres.

For this reason, we are opposed to any relaxation in building height and cross-section rules that would lead to an excessive jump in building height from one parcel to the next.

2. Number of Dwelling Units – According to the applicant’s statement, the proposed development would consist of 11 rowhouse units, each with a basement suite. The total of 22 Dwelling Units far exceeds the maximum density allowed in M-CG land use. The property is stated to be 0.126 ha in area, and at a maximum allowed density of 111 units per ha., the total number of Dwelling Units should not exceed 14.

We note the ambiguity contained within the Land Use Bylaw regarding Secondary Suites. Schedule A of the Bylaw defines a Secondary Suite as self-contained and located within a Dwelling Unit and it is considered part of and secondary to a Dwelling Unit. This is a flawed definition. If the suite is fully self-contained and has its own separate entrance, then it is irrelevant whether or not the main unit on the upper floors owns and rents out the secondary suite, or if the property owner rents out both main and secondary suites. It appears that the City’s practice in counting the number of Dwelling Units in a project is inconsistent depending on the land use designation. We have understood that for M-CG the suites are counted as Dwelling Units but that this is not the case for rowhouses built in R-CG districts. In all cases, the count should be inclusive of the secondary suites. Thus, the proposed development has a unit count of 22, which greatly exceeds the maximum allowed of 14 units.

3. Privacy -- With respect to privacy, unless the most easterly of the proposed rowhouse dwelling units in this third building has no windows on the east wall, then the residents next door at #449 35 Avenue NW will have people overlooking their backyard. This can result in a serious loss of personal privacy. This would be particularly egregious if the rowhouse building is 3-storeys in height and offers a greater “birds-eye view” of the backyards of properties along 35 Avenue.

If this third building is judged as if it were in an R-CG district, Section 347.3 (1)(f) of the Land Use Bylaw specifies rules governing window placement that bring into question the appropriateness of this third rowhouse building. The same rule that applies to a Rowhouse building in an R-CG district should apply to a Rowhouse building in an M-CG district.

4. Parking – The M-CG designation requires 1 parking stall per unit and 0.15 parking stalls for visitors per unit. Even if the suites are ignored and the Dwelling Unit count is set at 11, providing only 11 parking garage spaces still fails to meet the requirement. There is no parking for visitors. We acknowledge that the properties are in very close proximity to regular transit. The argument is made that close proximity to transit obviates the necessity of providing parking for the suites, but that argument does not address the requirement for visitor parking.
5. Lot coverage -- An accurate count of the lot coverage cannot be determined without the plans but from the conceptual drawing presented it appears the maximum lot coverage limit may be exceeded. Again, this calls into question the desirability of the third, rear-situated rowhouse

building.

6. Orientation of Units – According to Section 581 (2) of the Land Use Bylaw “a unit in a Multi-Residential Development that is located on the floor closest to grade must have:
 - (a) An individual, separate, direct access to grade, and
 - (b) An entrance that is visible from the street that the unit faces

It is obvious that the proposed third rowhouse building in the project would not have entrances visible from 35 Avenue NW.

We acknowledge that the concept presented by the applicant shows creativity. Moreover, the development of rowhouses (with or without suites) helps address the need of Calgarians to obtain decent and more affordable housing. Regardless, the concept as presented is overly large in its scope and would require significant relaxations to the rules governing M-CG land use.

The Land Use Bylaw was created to establish criteria by which development could proceed in an orderly and understood way. The contextual land use designations (R-C1, R-C2, R-CG, M-CG) were created to help set development rules that would respect the character of the surrounding community. The rigorous use and application of these land use designations helps ensure that redevelopment projects are not grossly misaligned with the context of the surrounding neighbourhood. It is equally important for the neighbourhood residents to have a sense of certainty that what is developed will generally be in keeping with the character of their community. For those reasons, we do not support the application for a Direct Control District. Any proposed development for the parcels in question should be designed to conform to the rules governing either R-CG or M-CG, to ensure that the number of Dwelling Units, building heights, privacy of neighbours, lot coverage, parking spaces, and the orientation of units are all appropriate and contextually sensitive to the character of Highland Park.

We welcome and look forward to ongoing discussion and conversations with the City and the applicant about this project. If you have any questions, please do not hesitate to contact me at development@hpca.ca or on my cell at 403-390-7705.

Thank you.



D. Jeanne Kimber
Development Director, Highland Park Community Association AND

Community Association Response to proposed Housing – Grade-Oriented District – December 20, 2022



Highland Park Community Association
3716 2nd St. NW

December 20, 2022

Circulation Control, Planning and Development
City of Calgary
Attn: Lucas Sherwin, File Manager

RE: LOC2022-0112 453 & 457 35 Avenue NW

The property is located at the intersection of 4 Street and 35 Avenue NW in an area indicated as Neighbourhood Connector on the *North Hill Communities Local Area Plan*. The Planning and Development Committee of the Highland Park Community Association acknowledges that this location is, therefore, envisioned for higher residential density than currently exists.

The Committee also recognizes that the revised Development Permit Application that was filed concurrently generally conforms to the requirements of H-GO. For example, the issue of roof height transitions of the buildings immediately adjacent to east property line has been addressed by the roofline chamfer.

We also acknowledge that the H-GO land use district is not specific about the type of building that is planned for the site. Section 1386 (a) of the unofficial version of the H-GO bylaw states “accommodates grade-oriented development in a range of housing forms where the Dwelling Units may be attached or stacked within a shared building or cluster of buildings in a form and at a scale that is consistent with low density residential districts”. This purpose statement gives the developer freedom to choose various building forms, such as rowhouses, stacked townhomes, semi-detached, or cluster housing. Therefore, the developer’s choice to construct rowhouses is well within H-GO.

However, the choice to use rowhouses is also well within the amended R-CG land use district. The use of R-CG would ensure that a more stringent density cap is placed on the development. The developer’s proposal (DP2022-05441) under H-GO has a FAR of 1.07 but a density of 176 units per hectare (uph). We have argued in our previous submissions that using FAR as the only measure of density is inadequate because it is reliant also on the housing form. The amended R-CG still has a density cap of 75 uph. It also requires a lower height rear parcel building.

Similarly, the M-CG land use district also allows for multi-residential development in a variety of forms but has a higher density cap of 111 uph. The building height maximum is the same as H-GO at 12m.

The issue of density and parcel coverage of the project proposed for this site is our principal concern and this could be addressed through revision of the Development Permit application. We acknowledge that parcel coverage is also a constraint to density. However, consideration of alternate land use districts would confer more rigorous density controls on the project which, in turn, would help alleviate the anxieties and concerns of the residents who will be most affected by the development.

It should be noted by the City that the residential properties along the stretch of 4 Street NW from 27 Avenue to 36 Avenue front the avenues, not 4 Street. The proposed land use change affects properties that are oriented to 35 Avenue NW and are immediately adjacent to R-C2 properties. Because of this spatial orientation, the impacts are more immediately felt by the nearby neighbours. We appreciate that the street facing facades of the buildings and the landscaping can help integrate the proposed buildings visually, but the widely differing front yard setback to the neighbouring properties – 3m vs 7m – is jarring and detracts from the visual integration. Land use districts such as R-CG and M-CG have contextual setbacks which are meant to help these developments integrate into the surrounding streetscape. H-GO lacks those contextual elements. This may be less significant where the properties front the Neighbourhood Connector route but becomes a matter of concern where the H-GO project fronts a quiet residential avenue.

Although we appreciate CivicWorks facilitated conversations between ourselves, the developer, the architect, and themselves, and although we acknowledge several changes from the original plans that are beneficial, we still have concerns about the proposed residential density and the front yard setbacks at this particular location. If these cannot be addressed with H-GO land use, then we ask that the developer consider a change to a more rigorous and more familiar land use district such as R-CG or M-CG.

If you have any questions, please do not hesitate to contact me at development@hpca.ca or on my cell at 403-390-7705.

Thank you.



D. Jeanne Kimber
Development Director
On behalf of the Planning and Development Committee,
Highland Park Community Association