



# Public Hearing Appeal Submission

**LOC2024-0183**

**(DP2024-06339, 206, 210, 214, 218 19  
Street NW)**

# INTRODUCTIONS

## Ryder McRitchie

- ✓ Vice President, Western Canada for a Canadian engineering firm
- ✓ Resident / homeowner in the West Hillhurst area for over 30 years

## Chris Wong

- ✓ Regulatory Advisor and Forensic Auditor with credentials in physical security assessment
- ✓ 15+ years serving on various condo boards

## Will Overend

- ✓ Management Consultant & Strategic Planner
- ✓ Multi-family residential property investor

# OVERVIEW

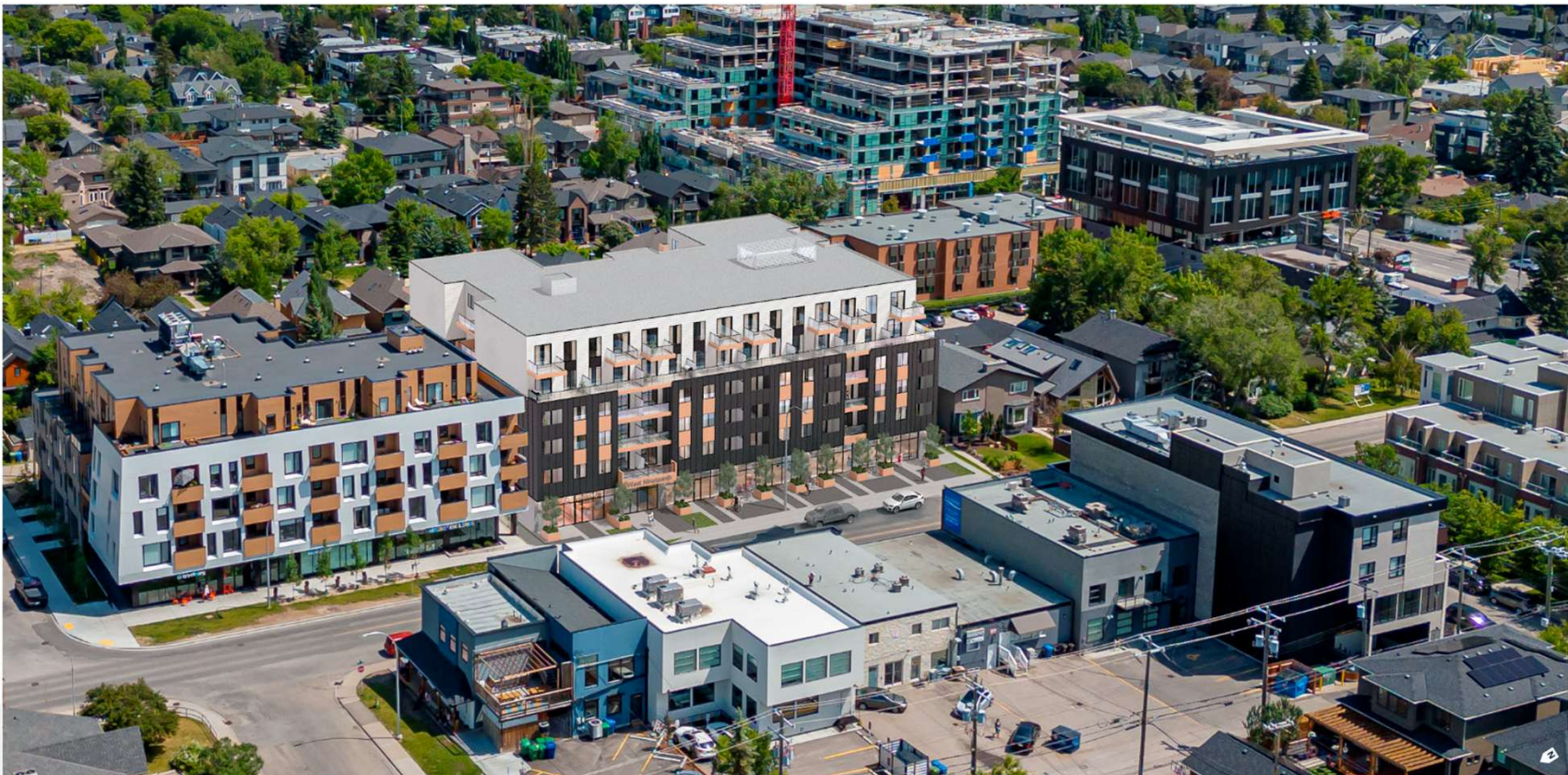
- **We believe the existing land use is sufficient to enable high density development (if sufficient scale transitions are made)**
  - ✓ Existing land use of 19m currently in place
  - ✓ Applicant's previous "19+2" development has a FAR of 3.3m and demonstrates that a high density development is possible with the existing land use
- **This presentation will show that this additional height as proposed will exacerbate impact to the surrounding community given its "insensitive" and inconsequential scale transition features**
  - ✓ The purpose of this Application is to build a bigger and taller building, with no other purpose

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**The existing MU-1f3.3h19 land use is sufficient for high density development**

# SIMILARITIES TO PREVIOUSLY DENIED APPLICATION

- **The proposed project exhibits substantially the same character, design, and land use deficiencies as the previously denied application (SDAB 2020-0091)**
  - ✓ Decision details at: <https://tinyurl.com/SDABLINK>
- **The Applicant has failed to address the fundamental concerns raised by the Board in its previous denial that impact the land use**
  - ✓ Deficiencies have been intensified, not improved



# OVERLOOK / LACK OF TRANSITION TO ADJACENT PROPERTIES

- “The Board finds that there are significant overlooking issues into the appellants' properties since the lane is narrow, there are no trees providing a separation buffer and three of the five floors have an unobstructed view into the backyards and rear living area windows of the appellants' homes directly across from the development”



**Applicant has not addressed overlook concerns, and actually worsened them**

# LACK OF MASSING SHIFTS / CUTOUTS

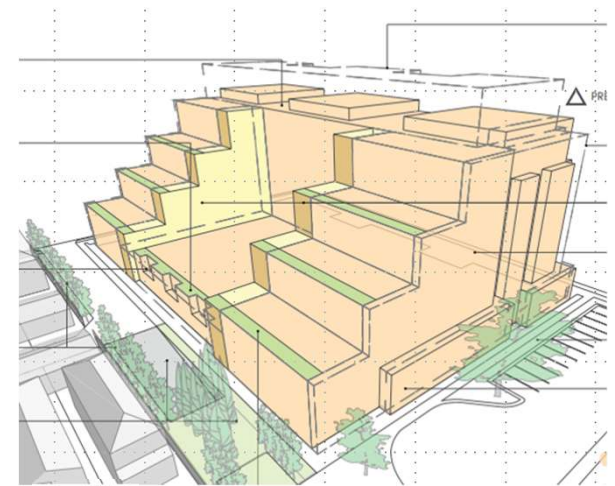
- **The Application lacks materially significant massing shifts and cutouts from similar developments in the areas (and the Applicants own adjacent development)**

SDAB Ruling Quote *"The Bylaw, in section 1333(g), states that one of the purposes of mixed-use districts is to achieve transition to lower scale residential buildings on adjacent parcels. The Board finds that the proposed development does not achieve such a transition for adjacent east parcels.*

*It maximizes the envelope in terms of height and massing and provides no transitional landscaping, especially considering the inner-city lane separation is narrower at 5.5 metres than the current City width standard."*



(above) Applicant's previous "19+2" (left half) and "West 19<sup>th</sup>" (right half) Development showing non continuity of massing shifts, and non-contiguous cutouts on West 19<sup>th</sup>



(above) Massing Shifts on Truman Homes Kensington Redevelopment (see Appendix A for additional details)

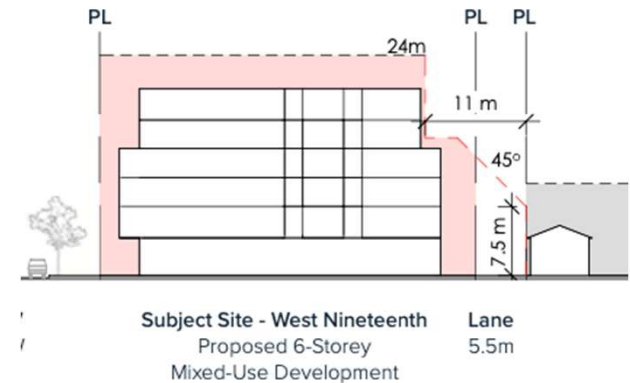


(right) East Elevation of Massing Shifts, Cutouts, and Stepbacks on Applicant's Adjacent 19+2 Development

**Applicant's Previous Massing Shifts Should Be Continued On This Application**

# LACK OF MASSING SHIFTS / CUTOUTS (CONT.)

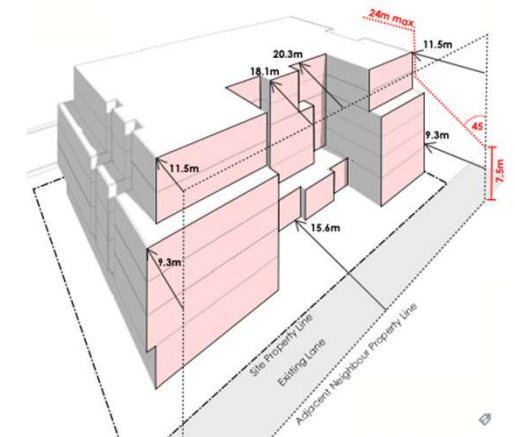
- The massing shifts and cutouts of this application are materially insignificant and do not provide sufficient transitions for shadowing impact
  - ✓ Shadow studies indicate a prevailing impact on the properties to the NE of the Application past 4pm
  - ✓ The proposed courtyard **cut-out would need to be the full-width** of the building to be effective in providing relief
  - ✓ 5<sup>th</sup> / 6<sup>th</sup> floor step backs are insufficient to achieving scale transitions



December 21 4:00pm



June 21 4:00pm



# NON-COMPLIANCE WITH THE FUTURE RILEY PLAN

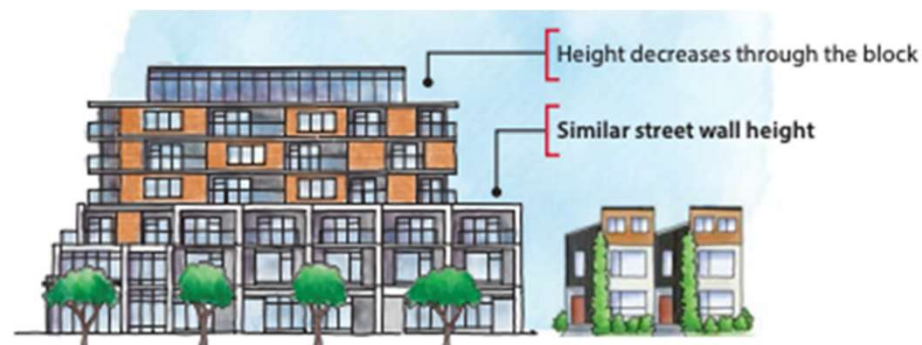
- This Application breaches specific guidance re 19<sup>th</sup> Street NW development guidelines in the Riley LAP regarding scale transitions (step-backs in particular)

## 2.5.6.1 19<sup>th</sup> Street NW Community Corridor (Specific Guidance)

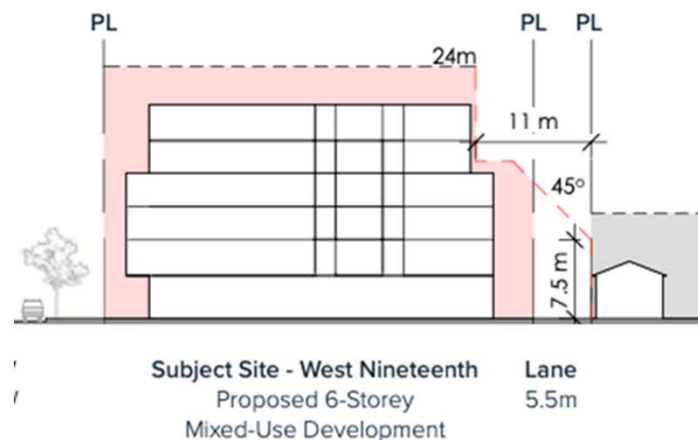
When adjacent parcels have different scale modifiers, development in these areas **should be designed to respect their neighbourhood context**. This includes considering existing site context, parcel layout, building massing, and landscaping in the design of the development, while still achieving the future Vision for where growth is accommodated in the community.

d. Development that shares a property line or lane with parcels developed with single detached, semi-detached, or duplex residential development **should step back the building above the third storey along the shared property line with the lower density development**.

i. Development on the commercial site located along 16 Avenue NW between 19 Street NW and 20A Street NW **should provide for height transitions** across the site towards adjacent low-density residential areas.



(above) Illustrative guidance from the Riley LAP showing meaningful step-backs above the 3<sup>rd</sup> storey



(above) Cross-section of Application showing **failure to step back at the 3<sup>rd</sup> storey** and the immaterial stepbacks / massing shifts creating insensitive transitions to the adjacent 18A St NW properties



# NON-COMPLIANCE WITH THE FUTURE RILEY PLAN (CONT.)

## 2.3.7 Scale Transition (General Guidance)

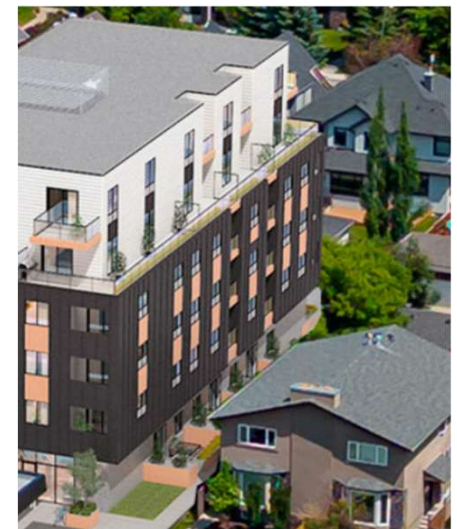
When adjacent parcels have different scale modifiers, development in these areas should be designed to respect their neighbourhood context. This includes considering existing site context, parcel layout, building massing, and landscaping in the design of the development, while still achieving the future Vision for where growth is accommodated in the community.

- a. Development **should provide transitions** in building height and massing where different scale modifiers are located adjacent to each other in Map 4: Building Scale. This may include, but is not limited to, a combination of the following strategies:
  - i. Using similar street wall heights and building massing along a street;
  - ii. **building setbacks and angular planes to step down heights and decrease scales incrementally through a block to shift building massing** away from adjacent lower intensity development;
  - iii. reducing the street wall height to transition the visible mass of a taller building to match the cornice line for a shorter building;
  - iv. **setbacks and landscaping** to buffer higher intensity development from lower-intensity development; or
  - v. the **use of smaller or narrower floorplates** and increased distances between towers to reduce shadowing impact, provide more light for surrounding residential units, and allow flexibility for potential conversion of office buildings to residential.
- b. Higher density development that shares a property line or lane with low density residential development **should setback the building where it interfaces with the lower density development**. The **setback should provide a clear and distinct transition in scale** between the two development types.

(right) Dwellings immediately to the south of the Application have north facing windows and entrances that will be affected by this development



(right) Dwellings immediately to the south of the Application will not have meaningful setbacks and will have insensitive transitions in scale.



# INADEQUATE LOADING ZONES FOR LAND USE

- **The size of the loading / garbage zones are inadequate for the land use**
  - ✓ This has been proven by the Applicant's adjacent previous 19+2 development

SDAB Ruling Quote *"The Board finds that the proposed development does not have an adequate loading zone. The proposal to use the adjacent development's parking stalls only demonstrates further that the building is too much to allow the proposed development to function on its own."*



(above) Tri-weekly AGLC deliveries to the Liquor Store obstruct the alley given inadequately sized loading zone – can not accommodate standard size delivery trucks



(left) Bi-weekly garbage pickup deliveries obstruct alley given inadequately sized loading zone

(right) Daily Sysco food deliveries are unable to use the undersized loading zone, and now utilize 19<sup>th</sup> Street Travel Lanes for deliveries



(right) Move in / out of residential units use the 19<sup>th</sup> St bus stop given inadequate loading zone proximity to elevator – note that there is no curbside parking here

# IMPACT ON PARKING

SDAB Ruling Quote: *“The Board therefore determines there is not sufficient justification for the parking relaxation based on the current conditions of offerings, services and infrastructure in the area.”*

- **The Land Use of the Applicant’s previous 19+2 development has negatively impacted on-street parking issues in the adjacent areas**
  - ✓ Issues include customer driven issues related to the land use (i.e. “Rogue Parking”)
  - ✓ The land use of the current Application will intensify these problems
  
- **Without the 25% parking reduction, this application would have a 13 stall parking deficit, not a surplus of 5 as indicated by the Application**
  - ✓ Primary transit service levels do not currently exist to negate parking requirements
  - ✓ “Creating current parking problems, on the uncertainty of tomorrow’s transit plans”

# IMPACT ON PARKING – ROGUE PARKING

- Customer behaviors of the MU-1 land use has impacted the surrounding community
- These are magnified by the inadequate parking and loading zones of this application
  - ✓ Deliveries / garbage pickup / residential move in / out (as per previous slide)
  - ✓ Skip Deliveries from restaurants
  - ✓ Daycare pickup / drop-off



(Above) North / South daycare children have pedestrian movements obstructed by Rogue parking



(Above and Left) Photos demonstrating customer impacts on "rogue parking" affecting pedestrian and traffic movements



(Above) Skip Driver and U-Haul residential move in Rogue Parking on Transit Bus Stop 12  
Note there is no available on street parking on this section of 19<sup>th</sup> St NW

# FUTURE ON STREET PARKING REDUCTIONS

- City Re-development plans for 19<sup>th</sup> Street will result in a reduction of on street parking, voiding current parking studies

19 St NW

## Proposed Condition A

Between Kensington Rd NW – 7/8 Ave NW

### General Moves

- Widen sidewalks for increased pedestrian comfort and accessibility
- Integrate protected bike lanes to invite all ages and abilities to ride
- Introduce a flexible planting and parking zone that alternates on either side of the street with trees to improve microclimate, manage stormwater and slow traffic speeds
- Reduce the width of vehicular travel lanes for improved safety



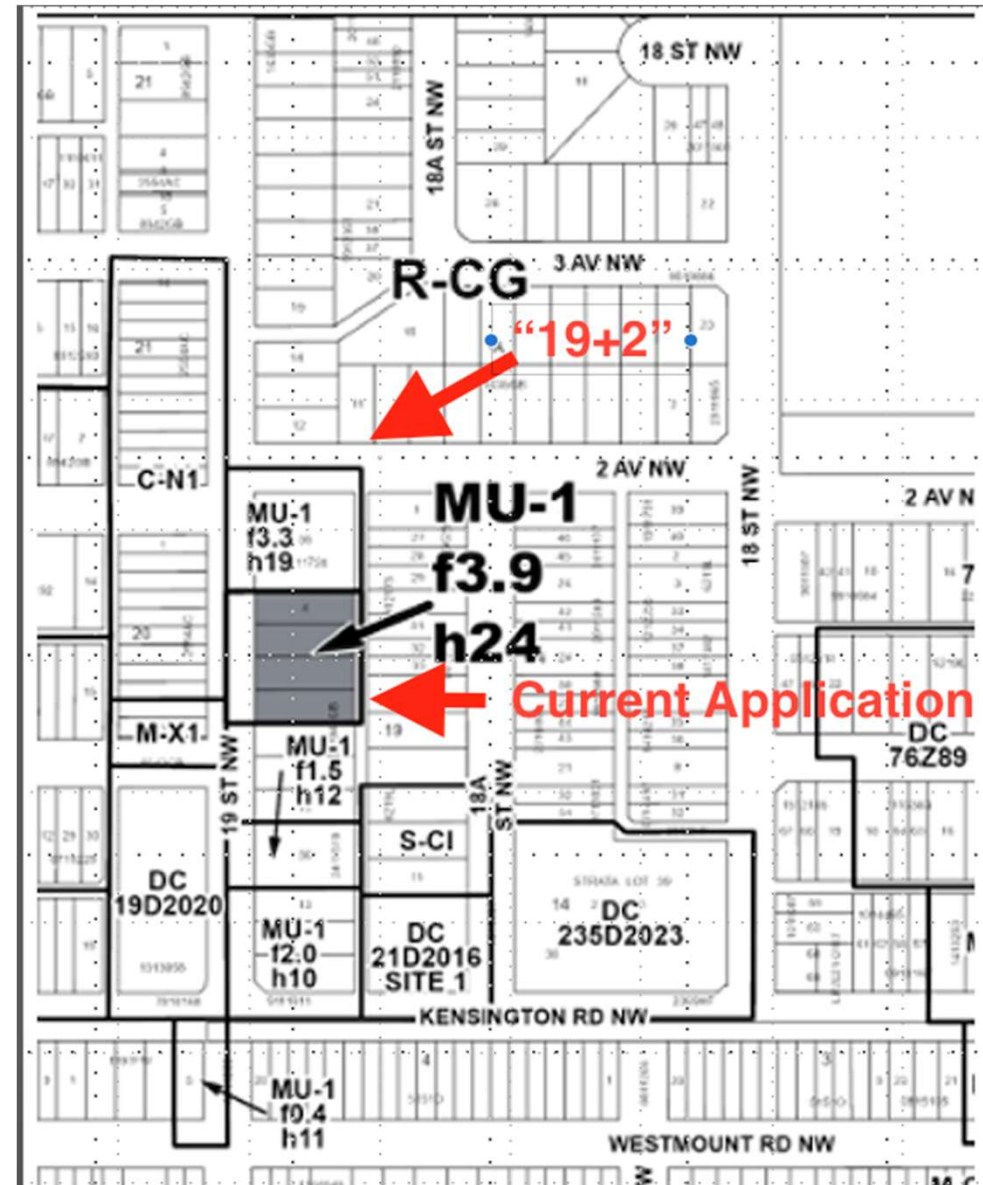
- In addition, newly constructed “bump-outs on 2<sup>nd</sup> Ave will necessitate a 3-4 stall on street reduction for a “no stopping zone” to avoid single lane operations and obstruction of the north / south

- ✓ Required to prevent obstruction of the north / south crosswalk by rogue parking (see previous slide)



# THE HEIGHT INCREASE IS CONTEXTUALLY INAPPROPRIATE

- The Applicant's previous "19+2" building immediately to the north of this Application is at 19 metres of height and the current land use is 19 metres
- The middle three parcels are designated R-CG and the building height is 11 metres
- The new development at the south part of the block is at 12 metres and the shopping centre at Kensington Road is at 10 metres
- Any additional height should be at the south end of 19<sup>th</sup> St NW to complement the Legion re-development – and not be mid-block
- The existing MU-1f3.3h19 land use is sufficient for high density development



## 4) CONCLUSION

Previous SDAB Ruling Quote:

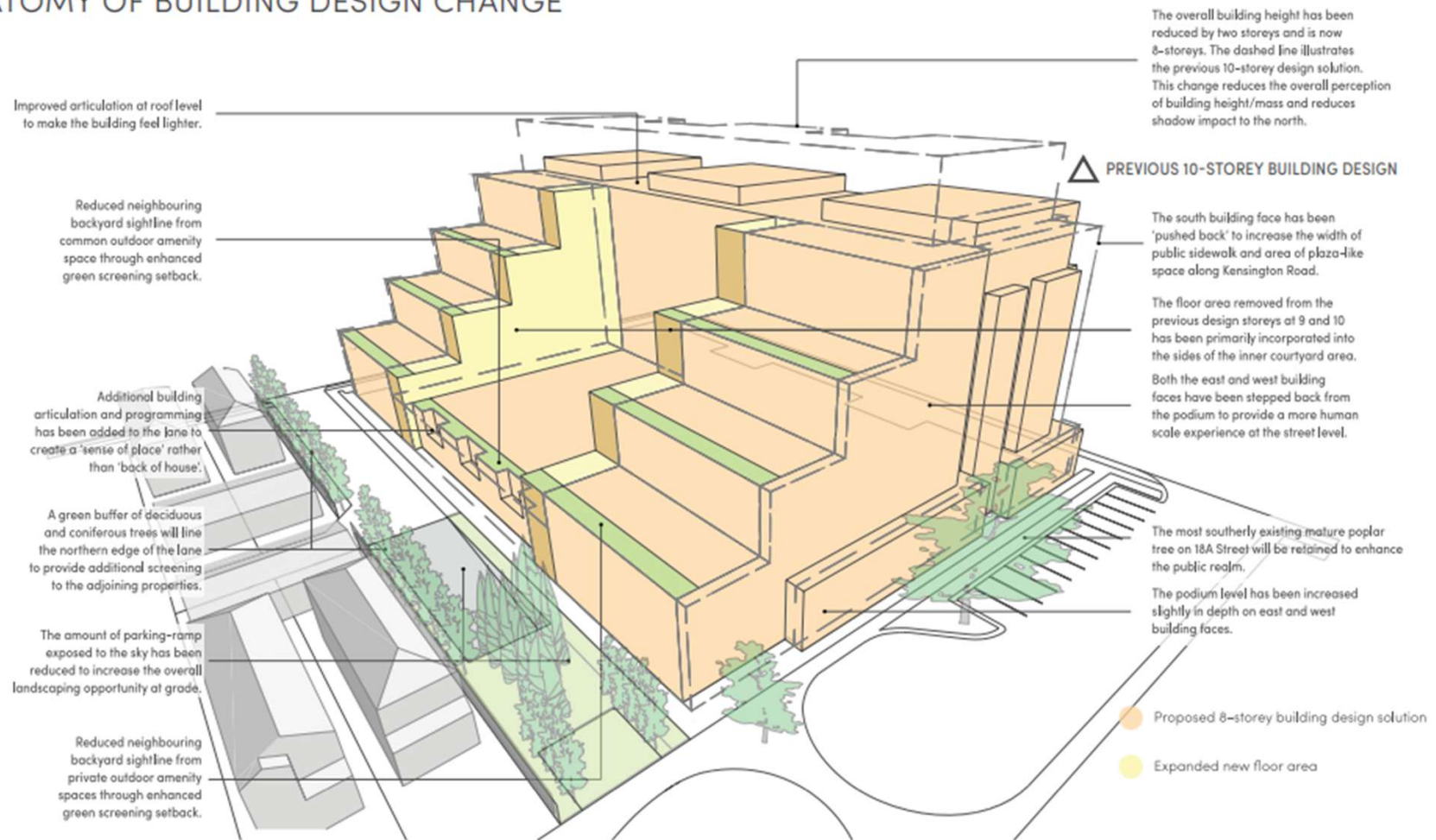
*“The proposed development does not meet the criteria of section 35 of the Bylaw for approval of a discretionary use. It is not consistent with the purpose statements for multi-residential districts and will have a negative impact on adjacent development. It does not have adequate parking or access by means of the transportation network. The proposed development is over height and a height relaxation is not warranted. The Board finds that the development, from a planning perspective, is not based on sound planning principles and is inappropriate for the parcel. Therefore, the application does not warrant approval.*”

- **Current and future residents of West Hillhurst are affected as this Land Use Application does not comply with the MDP or Riley Local Area Plan**
- **This Land Use will affect neighboring sightlines, create overlook issues, congest the laneway, and create parking problems**
- **We ask that this Application be denied**
  - ✓ The existing MU-1f3.3h19 land use is sufficient to enable high density development (if sufficient scale transitions are made)

# APPENDIX A – LEGION NO.264 REDEVELOPMENT

- Truman Homes's Kensington Legion Re-development on the south end of the block incorporated height transitions ('tiering') and other measures to achieve a sensitive transition to neighboring residential properties

## ANATOMY OF BUILDING DESIGN CHANGE



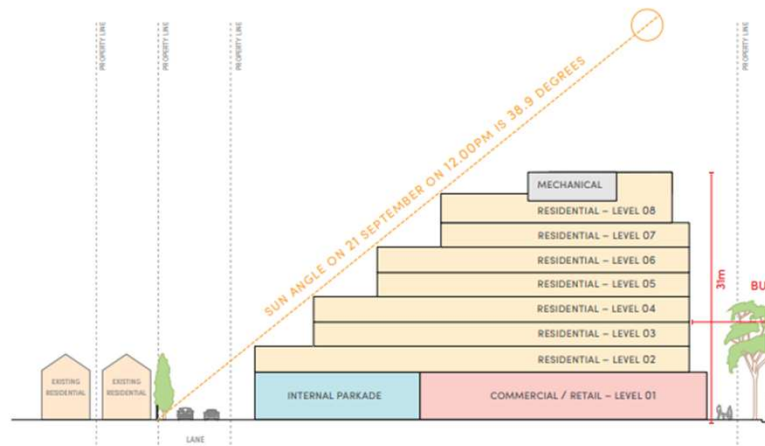
**The Proposed Application Lacks All of These Features**



# APPENDIX B – LEGION NO.264 REDEVELOPMENT

- Truman Homes not only met, but exceeded City Bylaw parking stall requirements for commercial-retail and multi-residential for residents and visitors

BUILDING SECTION DIAGRAM



## SITE 1

### USE TYPE & AREA

Social Organization (The Legion)  
BUILDING STOREYS 1 & 2  
**8,900** (GROSS) SQUARE FEET

Commercial-Office Space  
BUILDING STOREYS 3 & 4  
**19,200** (GROSS) SQUARE FEET

### PARKING

**45** Vehicle Parking Stalls Provided for The Legion  
42 WITHIN UNDERGROUND PARKADE AND 3 AT SURFACE

**16** Vehicle Parking Stalls Provided for the Office Component  
WITHIN UNDERGROUND PARKADE

**61** Total Vehicle Parking Stalls Provide On-Site  
INCLUDES 4 DISABLED-VEHICLE STALLS

**10** Total Bike Parking Stalls Provided  
OVER DEDICATION OF 2 STALLS

## SITE 2

### USE TYPE & AREA

Commercial-Retail  
BUILDING STOREY 1 (PODIUM)  
**25,500** (GROSS) SQUARE FEET

Multi-Residential  
BUILDING STOREYS 2 - 8  
**203,500** (GROSS) SQUARE FEET

Estimated Multi-Residential Units  
BUILDING STOREYS 2 - 8  
**210** DWELLING UNITS

### PARKING

**60** Vehicle Parking Stalls Provided for Retail Uses  
(29 WITHIN THE AT-GRADE INTERNAL PARKADE AND 31 WITHIN THE UNDERGROUND PARKADE)

**231** Vehicle Parking Stalls Provided for Multi-Residential  
WITHIN UNDERGROUND PARKADE

**21** Vehicle Parking Stalls Provided for Visitors  
WITHIN UNDERGROUND PARKADE

**312** Total Vehicle Parking Stalls Provided On-Site

**149** Total Bike Parking Stalls Provided  
12 STALLS FOR RETAIL, 105 FOR RESIDENTS, 32 FOR MULTI-RESIDENTIAL VISITORS OVER DEDICATION OF 19 STALLS TOTAL