

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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ENDORSEMENT STATEMENT ON TRUTH AND RECONCILIATION, ANTI-RACISM, EQUITY, DIVERSITY, INCLUSION AND BELONGING

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat everyone with dignity and respect to allow for conversations free from bias and prejudice.

First name [required]	Shaun
Last name [required]	Heffel
How do you wish to attend?	
You may bring a support person should you require language or translator services. Do you plan on bringing a support person?	
What meeting do you wish to comment on? [required]	Council
Date of meeting [required]	Jul 15, 2025
What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published here .)	
[required] - max 75 characters	LOC2024-0268
Are you in favour or opposition of the issue? [required]	In opposition

ATTACHMENT_01_FILENAME

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Restrictive Covenants are binding private legal instruments. The appropriate forum for resolving them is the Court of King's Bench, not through zoning policy. Bypassing that process with a DC shows disrespect for both the judiciary and affected landowners. The change primarily benefits one private party, not the general public. A DC here sets a precedent that restrictive covenants can be overridden by administrative zoning maneuvers, undermining property rights across Calgary and further eroding public trust.

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First name [required] Robert

Last name [required] Beamish

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to comment on? [required] Council

Date of meeting [required] Jul 15, 2025

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters Public Hearing on Planning Matters, Development permit - DP2025-02454

Are you in favour or opposition of the issue? [required] In opposition



Public Submission

CC 968 (R2024-05)

ATTACHMENT_01_FILENAME Council hearing submission - R Beamish.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters) Please see the attached submission which outlines my opposition to this issue.

June 28, 2025

Calgary City Council
Calgary City Hall
Calgary, AB

Re: **Development permit - DP2025-02454**

Dear Councillors,

As an owner and resident at 1823 13th Ave NW, we live one lot away from the proposed redevelopment site. I firmly **oppose** the redesignation of these two lots from R-CG to DC for several reasons.

I fully understand that densification near the LRT is a desirable thing, and I support this in concept. However, the change from two single family housing units to 20+ units on only two city lots is completely insensitive to the neighbourhood context, both from a density and a building height perspective. The height of the buildings is completely out of scale for the neighbourhood, and I have serious concerns about the shading of our solar panels and gardens, which to my knowledge have never been addressed by the applicant.


With only 10 parking garage spaces for these 21 units, one of my concerns is that the street will be overrun with additional car parking. This situation is already a major issue on Saturdays with attendees from the nearby church and will only get worse. We already regularly call 311 to ticket dangerous parking around corners on Saturday.

If the proponent had come forward with a proposal for a reasonable number of two-story townhomes, I likely would have supported the idea. I appreciate that our neighbourhood is subject to change, particularly since we live in close proximity to the Lions Park station. However, the applicant has made it clear that from the very start, they were only interested in maximizing cashflow and didn't care about being good neighbours; our first introduction to the project was a misleading letter from their lawyers filled with veiled legal threats.

Another neighbour on our block has initial plans to develop a four-unit townhome which I fully support. This is an example of contextual design that makes an effort to strengthen the neighbourhood, not exploit it as the applicant is doing in this case. We need a variety of housing options in our neighbourhood to house people with a range of incomes, but this should always be done with sensitivity to the neighbouring houses and the community as a whole.

Please reject the application to change the designation of these two lots.

Sincerely,



Robert Beamish
1823 13 Ave NW

PROTECTION OF PRIVACY ACT

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First name [required]	Lance
Last name [required]	Mierendorf
How do you wish to attend?	
You may bring a support person should you require language or translator services. Do you plan on bringing a support person?	
What meeting do you wish to comment on? [required]	Council
Date of meeting [required]	Jul 15, 2015
What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published here .)	
[required] - max 75 characters	LOC2024-0268
Are you in favour or opposition of the issue? [required]	In opposition



Public Submission

CC 968 (R2024-05)

ATTACHMENT_01_FILENAME 250706 - LOC2024-0268.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Dear City Council, RE: Land Use Amendment LOC2024-0268 – 1831 & 1335 13th Ave NW

I am writing to express my strong opposition to the proposed land use amendment for the above properties.

As I have shared in previous communications with the City of Calgary, I urge Council to uphold existing planning rules and zoning designations. Approving major changes on a case-by-case basis—particularly when inconsistent with surrounding land use—undermines the principles of balanced and transparent community development.

This proposed amendment stands in direct contradiction to every other property designation in Hounsfield Heights–Briar Hill. There is no compelling justification for introducing such an outlier. The current R-CG zoning is already aligned with the community’s fabric and development goals. Introducing a Direct Control district here is unnecessary, overly complex, and simply inappropriate.

I believe strongly that Restrictive Covenants must be respected. Attempts—whether direct or strategic—to circumvent legal obligations through zoning should be met with an unequivocal “no.” The City should defend those covenants, not provide a path for undermining them.

Beyond legal and procedural issues, the scale and design of the proposed development are completely misaligned with our community. As a long-time resident, I know how much care has gone into preserving the character of this neighborhood—detached homes, mature trees, accessible green space. Replacing this with a dense multi-unit structure, minimal front setbacks, and inadequate infrastructure provision erodes what makes our area liveable.

This isn't opposition to growth—our community welcomes responsible development. But there’s a clear difference between thoughtful density that respects context, and profit-driven overdevelopment with lasting negative impacts.

Practical issues include:

- Ongoing water pressure concerns already affecting nearby homes.
- Insufficient parking, especially during community events.
- Garbage and recycling facilities that fall short of the unit count.
- Removal of mature trees and disregard for meaningful green space.

Finally, when residents raise restrictive covenants, the City tells us it’s a legal matter. Yet, here, it’s being used selectively to benefit a developer. That inconsistency erodes trust and sets a troubling precedent.

Please reject this amendment. Approving it would send the message that developer profits outweigh good planning, long-term livability, and community values.

Sincerely, Lance Mierendorf

9-Year Resident, Hounsfield Heights–Briar Hill

PROTECTION OF PRIVACY ACT

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First name [required]

Beth

Last name [required]

Atkinson

How do you wish to attend?

In-person

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

no

What meeting do you wish to comment on? [required]

Council

Date of meeting [required]

Jul 15, 2025

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters

LOC2024-0268

Are you in favour or opposition of the issue? [required]

In opposition

ATTACHMENT_01_FILENAME

HH-BH Submission to Council on redesignation LOC2024-0268.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Please see attached letter.

Hounsfield Heights – Briar Hill Community Association opposes Land Use Amendment LOC2024-0268 at 1831 and 1335 13th Ave NW.

The key point of this redesignation is that it is using Direct Control, where another land use district, H-GO, would suit the intended use. This is completely contrary to the City’s own policy on the use of Direct Control districts. The developer is seeking this rezoning specifically to defeat the Restrictive Covenants on these lots. The developer should apply for H-GO on its merits, and the Restrictive Covenants should be a matter for the courts to decide on their own merits, as a completely separate matter. Neighbours have a right to rely on these Restrictive Covenants. If city council helps to artificially create a conflict with the RC, they are putting developer profits above the basic property rights and legitimate needs and interests of citizens.

A further issue that is germane to whether H-GO density is even appropriate here is that of infrastructure. Neighbours all along 13th Avenue NW and nearby have raised the point that they ALREADY have water pressure issues, and they’ve been told that their pressure cannot be increased due to effects on properties downhill. If an H-GO scale development is to be built on these two lots, adding a significant number of units at once, this infrastructure issue needs to be addressed. Local upgrades to water service need to be funded by this developer.

We need the city to consider all stakeholders and respect citizens property rights.



To City Council:

Hounsfield Heights – Briar Hill Community Association is writing to oppose Land Use Amendment LOC2024-0268 at 1831 and 1335 13th Ave NW. This redesignation proposes to change to DIRECT CONTROL, to “accommodate H-GO”, changing from R-CG to DC/H-GO.

The key point of this redesignation is that it is **using Direct Control, where another land use district, H-GO, would suit the intended use**. This is **completely contrary to the City’s own policy** on the use of Direct Control districts. The H-GO district was developed so that a bunch of Direct Control districts would not be necessary, and it would still allow a single-family home to be built on the site. This proposal instead **uses DC (Direct Control)** to specify that a building following the H-GO rules can be built on the site **AND a single-family or semi-detached/duplex dwelling CAN NOT be built**.

The developer is seeking this rezoning specifically to defeat the Restrictive Covenants on these lots. They explicitly say this in the application: “remove single detached, semi-detached or duplex from use to tackle restrictive covenant registered on title” and “The reason direct control was used instead of H-GO directly is because of the restrictive covenant on titles”. If City Council grants this DC rezoning, the developer will then go to court and argue that this **artificially created conflict** between the zoning and the Restrictive Covenant should be resolved by removing the Restrictive Covenant “in the public interest”. However, **the public interest also includes the local population around this development and the needs of the immediate neighbours should matter the most in this debate**.

The Community Association does not support this tactic to circumvent contract law and Restrictive Covenants. **Direct Control should not be used where an existing land use district appropriately applies, and H-GO applies explicitly** for the buildings the developer wishes to erect. The developer should **apply for H-GO on its merits**, and the **Restrictive Covenants should be a matter for the courts** to decide on their own merits, as a completely separate matter. Neighbours have a right to rely on these Restrictive Covenants and to defend them in court if they choose, and the developer was aware of the covenants when purchasing the land.

If city council helps create this conflict, they are **putting developer profits above the basic property rights and legitimate needs and interests of citizens** who have lived decades in our community. The City ignored ideas for respectful compromise and mitigation of impacts in the Riley Local Area Plan, and cannot now fault homeowners for invoking their contractual rights. The City has a policy of ignoring Restrictive Covenants in planning matters, when homeowners ask about them, stating they are a matter for the courts. It is not appropriate for the City to abandon this policy when a developer asks. Restrictive Covenants should indeed be adjudicated **SOLELY** in the courts, in a consistent manner, and the rezoning that is considered here should be to the appropriate existing district – H-GO. And this is not an issue of affordability – the proposed development is higher end, designed to maximize profit for the developer.

A further **issue** that is germane to whether H-GO density is even appropriate here is that of **infrastructure**. Neighbours all along 13th Avenue NW and nearby have raised the point that they **ALREADY have water pressure issues**, and they’ve been told that their pressure cannot be increased due to effects on properties downhill. If an H-GO scale development is to be built on these two lots, adding a significant number of units at once, this infrastructure issue needs to be addressed. **Local upgrades to water service need to be funded by this developer**, who would be profiting from our neighbourhood, not the general tax-payer at some undefined time in the future. It is not fair to existing residents, nor even future developers, to ignore these issues now and assume the existing infrastructure will accommodate this proposal.



The Development Permit has already been circulated for this proposal, and it illustrates the issues with the density proposed. In addition to the water infrastructure issue, the massing, scale, setbacks, and style of the proposed buildings are completely inconsistent with the surrounding homes. This proposal basically looks like an apartment building – it towers over the adjacent bungalows and **does not comply with the contextual height rules** for either R-CG or H-GO. The **front setback** is the minimum 3 m, and **in no way respects the context of the site** – the adjacent bungalow has a setback of 6.72 m, making the ‘step forward’ 3.72 m (12.2 ft). Recent SDAB decisions have supported the notion that context should still be considered for front setback.

All existing trees are being removed, except for one city conifer. There is **no room for any significant trees**, even though they are required – only narrow columnar spruce and Swedish aspens and shrubs fit. These narrow trees don’t meet the tree canopy intent, and it is also doubtful that they will survive in their shaded locations. **Waste handling** is a very significant issue – for 22 units, they provide 7 black, 7 blue, and 6 green bins – over 3 units per bin... this is just not sufficient. Further, the bins are stored in the middle of the lot, so there is **zero practicality** for putting these shared bins out for collection. **Parking is also insufficient** for the number of units, even by the current rules, never mind the likely number of vehicles owned by residents. Street parking is already overwhelmed every Saturday when the local church has services, and no relaxation of rules is justified.

This proposal **does not align with the Riley Local Area Plan (Section 2.2.1)**, which states “at all scales, redevelopment should **consider existing context, parcel layout, building massing, and landscaping to sensitively integrate into the community.**” This proposal is not at all sensitive, and it disrupts neighbourhood character. It is **NOT aligned with the Municipal Development Plan** mandate to ‘**recognize local context** and create urban environment that support and **integrate new development with existing communities**’ (Section 2.2.2), it is **NOT ‘accommodated** within existing communities in a **sensitive manner.**” (Section 2.2.5) and it **FAILS to ‘blend with surroundings and avoid stark contrasts**’ (Section 2.3.2c).

The developer is trying to put too much onto this lot – ‘shoe-horning’ in units to maximize their profit without considering context or respecting the rights of neighbours. Philosophically, we, the citizens affected by these proposals, deserve the city to consider context and practicality, and to find reasonable compromises between developer profit and respect for our beautiful green community. For example, we have supported the proposed amendment of another Restrictive Covenant in our community to allow a practical respectful densification. Yet, for this proposal, comments were not even properly received in DMap, before any rezoning occurred that would make the proposal a permitted use. **We need the city to consider all stakeholders and respect citizens property rights.**

Beth Atkinson, Director – Land Use
Hounsfield Heights – Briar Hill Community Association
land.use@hh-bh.ca

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First name [required]	Garry
Last name [required]	Squirell
How do you wish to attend?	In-person
You may bring a support person should you require language or translator services. Do you plan on bringing a support person?	No
What meeting do you wish to comment on? [required]	Council
Date of meeting [required]	Jul 15, 2025
What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published here .)	
[required] - max 75 characters	Item 14 on the agenda - application number LOC2024-0268
Are you in favour or opposition of the issue? [required]	In opposition



Public Submission

CC 968 (R2024-05)

ATTACHMENT_01_FILENAME Letter to City Council.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Garry Squirell
1315 18A Street NW – Hounsfield Heights
CALGARY, ALBERTA, T2N 2H6

Monday July 7, 2025

To: Calgary City Counsel

Re: **LOC 2024-0268**
1831 and 1835 – 13 Avenue NW (Plan 5625AC, Block 18, Lots 11 and 12)
Hounsfield Heights

Dear Members of City Council,

I am writing to express my opposition to the application submitted by Lei Creative Limited to redesignate the properties at 1831 and 1835 – 13 Avenue NW from R-CG to Direct Control (RC-G) under application LOC 2024-0268. I have several concerns regarding this Application.

The proposed Direct Control District would prohibit single detached dwellings and require dwelling units that primarily take the form of a rowhouse, townhouse or stacked townhouse and may include secondary suites. This Application cannot be granted because it does not comply with the mandatory provisions of *Land Use Bylaw 1P2007*, which stipulates that Direct Control Districts must only be used for developments requiring specific regulation due to unique characteristics, innovative ideas, or unusual site constraints.

The Property in question is in Hounsfield Heights. Hounsfield Heights is a historical subdivision that is widely known for being one of very few inner city subdivisions in the City of Calgary where every lot has only a single detached dwelling on it. Hounsfield Heights' unique development scheme has been supported since its inception by historical restrictive covenants registered throughout the subdivision.

The Application also fails to provide any reason why a Direct Control District is necessary and why the normal development approvals process is inappropriate for the Property. And that's because there isn't a reason. The developer of the Property has applied for a Direct Control District because of perceived convenience. He hopes that he can easily remove the restrictive covenant that is currently registered on the Property by obtaining a Direct Control District that is worded to intentionally conflict with the restrictive covenant on the Property. The developer has been attempting for the past year to remove the restrictive covenants using the Court process – which is the proper process for attempting to remove long entrenched and highly valued private property rights granted and protected by the *Land Titles Act* – but he has come up against unyielding, expensive, and time consuming opposition from Hounsfield Heights residents who have come together to resist his Court application.

Because his Court application (Court of King's Bench – Court File Number 2401-10137) to remove the restrictive covenant from the Property has proved challenging, the developer has recently abandoned it and has brought this Application instead.

The *Municipal Government Act* did not grant City Council the power to designate a property a Direct Control District for the purpose of making developers more (easy) money, and if Council grants the Application here, that is all Council is doing.

If City Council is to grant this application, the public perception would be one of bias and favoritism toward this specific developer. Lei Creative/Horizon buys properties that have legally binding development restrictions knowing that he'll simply bypass the courts, contract law, and private property rights of the neighbourhood, and simply have City Council rezone his properties. There has to be some advantage to a single developer, purchasing lots that other developers would pass on due to the binding Restrictive Covenants limiting the proposed development. It's almost as if he knows it will work. He's so confident in this strategy that he has submitted at least 2 other applications for Direct Control zoning in Richmond Hill (LOC2025-0109) and Rosedale (LOC2025-0056). How many more applications has this developer submitted? What about other developers? Is City Council planning to use Direct Control Districts to remove all Restrictive Covenants in the City of Calgary?

In conclusion, the Application by Lei Creative Limited must be refused as it does not meet the criteria for a Direct Control District. Further, the Application conflicts with the City's established policies and guidelines for the Hounsfield Heights area. I urge City Council to consider these points and uphold the integrity of our City's planning framework.

Thank you for your attention to this matter.

Sincerely,

Garry Squirell.

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First name [required] Loretta

Last name [required] Ireland

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to comment on? [required] Council

Date of meeting [required] Jul 15, 2025

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters LOC2024-0268 Land use redesignation Hounsfield Heights/Briar Hill Bylaw

Are you in favour or opposition of the issue? [required] In opposition

ATTACHMENT_01_FILENAME

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

I am a homeowner living on the same block as the subject property regarding the amendment of Land Use Designation and have lived here for 30+ years.
I totally support the information provided to city council by Beth Atkinson, Director - Land Use Hounsfield Heights-Briar Hill Community Association

PROTECTION OF PRIVACY ACT

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First name [required] Wendy

Last name [required] Hodge

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to comment on? [required] Council

Date of meeting [required] Jul 15, 2025

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters Item 14 - LOC2024-0268 Hounsfield Heights Land Use Amendment

Are you in favour or opposition of the issue? [required] In opposition



Public Submission

CC 968 (R2024-05)

ATTACHMENT_01_FILENAME LC 2024-0268 July 15 2025 Public Hearing Submission.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from
providing personal information in
this field (maximum 2500
characters)

July 7, 2025

To: Calgary City Council

Re: LOC 2024-0268

1831 & 1835 13 Avenue NW (Plan 5625AC, Block 18, Lots 11 and 12)
Hounsfield Heights

I am writing to express my **strong opposition** to the application submitted to redesignate the above-mentioned properties from Residential – Grade Oriented Infill (R-CG) to Direct Control (DC) District purely to override a valid restrictive covenant registered on the subject properties.

By granting this application, **City Council is announcing loud and clear their willingness to override Calgarians private property rights to profit developers**. Although the blanket rezoning granted developers ample opportunity to increase development (and profits), this tactic of granting DC Districts to remove restrictive covenants is a **clear example of government overreach** that directly benefits developers at the expense of the legal rights of Calgarians.

Approving this application under the guise of increasing density near transit is a smoke screen. There are hundreds of lots just blocks away in Briar Hill that do NOT have restrictive covenants. These lots can be developed to meet the City's density targets near transit. Why are these hundreds of lots insufficient to meet the density goals? Why is it necessary for the City to weaponize DC Districts against Calgarians with valid restrictive covenants?

DC rezoning to override restrictive covenants was first used by City Council in Banff Trail. Council felt Banff Trail densification was in the public interest and willingly created a conflict between the restrictive covenant and zoning by-laws to enable the developer to discharge the restrictive covenant via the courts. This tactic was initially isolated to Banff Trail, however **developers are now making these applications in mass to override restrictive covenants**. This same developer has at least 2 other applications before the City to apply DC zoning to override restrictive covenants in Richmond Hill (LOC2025-010) and Rosedale (LOC2025-0056).

City Council feels increased density is in the public interest and implemented blanket rezoning to help meet this target. It is important to impress upon Council that not all Calgary property owners want densification in their communities. Many property owners have lost confidence in City zoning to protect their interests and have turned to implementing new restrictive covenants. While other Calgarians (including myself) purchased homes in communities like Mount Royal, Rideau Park and Hounsfield Heights assuming the restrictive covenants registered in those communities could be relied upon to protect future development. **Although Council may not agree with the vision of these Calgarians, that doesn't mean Council should infringe on private property rights by granting DC applications carte blanche to developers. To do so, would be government overreach to singularly benefit developers.**

Sincerely,

Wendy Hodge



Public Submission

CC 968 (R2024-05)

PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 4(c) of the *Protection of Privacy Act (POPA)* of Alberta, for the purpose of receiving public participation in municipal decision-making and scheduling speakers for Council or Council Committee meetings. **Your name, comments, written submission, and video recording (if applicable) will become a permanent part of the Corporate Record, and will be made publicly available online in the Council or Council Committee agenda and minutes.** It may also be used to generate content. If you have questions regarding the collection and use of your personal information, please contact City Clerk's Office Legislative Services at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

Please note that your name and comments will be made publicly available in the Council or Council Committee agenda and minutes. Your e-mail address will not be included in the public record.

ENDORSEMENT STATEMENT ON TRUTH AND RECONCILIATION, ANTI-RACISM, EQUITY, DIVERSITY, INCLUSION AND BELONGING

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat every-one with dignity and respect to allow for conversations free from bias and prejudice.

First name [required]	Pamela
Last name [required]	Goldfelddt
How do you wish to attend?	
You may bring a support person should you require language or translator services. Do you plan on bringing a support person?	
What meeting do you wish to comment on? [required]	Council
Date of meeting [required]	Jul 15, 2025
What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published here .)	
[required] - max 75 characters	LOC2024-0268
Are you in favour or opposition of the issue? [required]	In opposition



Public Submission

CC 968 (R2024-05)

ATTACHMENT_01_FILENAME LOC2024-0268 at 1831 and 1835 13th Ave NW.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Please see attached for letter of opposition to Land Use Amendment LOC2024-0268 at 1831 and 1835 13th Ave NW.

To City Council:

As residents of Hounsfield Height/Briar Hill, I am writing to oppose Land Use Amendment **LOC2024-0268 at 1831 and 1835 13th Ave NW**. This redesignation proposes to change to Direct Control (“DC”) to “accommodate H-GO”, changing from R-CG to DC/H-GO.

Direct Control Rezoning & Restrictive Covenants

The key point of this redesignation is that it is using DC where H-GO, would suit the use. This is completely contrary to the City’s own policy on the use of DC districts. The H-GO district was developed so that a bunch of DC districts would not be necessary, and it would still allow a single-family home to be built on the site should an individual or developer choose to do so. This proposal instead uses DC to specify that a building following the H-GO rules can be built on the site and a single-family or semi-detached/duplex dwelling can’t be built.

The developer is explicitly seeking the DC rezoning for the purpose of defeating the Restrictive Covenants on these lots; this is highly unethical and a dangerous precedent to set. They specifically note in the application: “remove single detached, semi-detached or duplex from use to tackle restrictive covenant registered on title” and “The reason direct control was used instead of H-GO directly is because of the restrictive covenant on titles”.

If City Council grants this DC rezoning, the developer will then go to court to argue that this artificially created conflict between the zoning and the Restrictive Covenant should be resolved by removing the Restrictive Covenant “in the public interest”. However, the ‘public interest’ in this case needs to include the local population around this development who have owned their homes for many years, decades, in some cases, and should be weighed heavily in the decision as the impact to them is greatest.

This tactic to circumvent Restrictive Covenants is far from the public’s best interest and as concerned neighbours we must voice a fundamental concern over this strategy that the developers are looking to use to put their profits first, not the need for housing. The developers were aware of the Restrictive Covenants at the time of purchase and as such the matter should be left to the courts to decide the validity of the covenants with the neighbours having the opportunity to defend the covenants. If city council chooses to help create this conflict, they are sending a clear message that they are putting developer interests above the basic property rights of neighbours. Given that H-GO applies to this situation, Direct Control should not be used. It should also be noted that this development is proposed to be higher end and does not address the affordability issue.

Water Infrastructure

An additional concern of residents as to whether H-GO density is appropriate in this location is that of water infrastructure. Residents along 13th Avenue NW and nearby have raised the concern that they have existing water pressure issues, and they’ve been told that their pressure cannot be increased due to effects on the properties downhill. If a 22-unit H-GO development is to be built on what is currently two single family lots, this infrastructure issue needs to be addressed. Upgrades to water service should be the financial responsibility of this developer, who would be profiting from our neighbourhood, not the general taxpayer at some undefined time in the future. It is not fair to existing residents, unsuspecting buyers of these new units or even future developers, to ignore these issues now and assume the existing infrastructure will accommodate this proposal.

Neighbourhood Context

In addition to the water infrastructure issue discussed above, the massing, scale, setbacks, and style of the proposed development are completely inconsistent with the surrounding homes. The development

being proposed towers over the neighbouring homes (bungalows) and resembles an apartment building. More importantly, it does not comply with the contextual height rules for either R-CG or H-GO.

With respect to the front setback, it is the minimum required 3m, and as such in no way respects the context of the adjacent bungalow that has a setback of 6.72m, making the 'step forward' 3.72m. Recent Subdivision Appeal Board decisions have been in support of the notion that context of neighbouring properties should still be considered for front setback.

Trees & Tree Canopy

All existing trees are being removed, except for one city conifer. There is no room for any of the significant required trees – only narrow columnar spruce and Swedish aspens and shrubs will fit. These narrow-style trees don't meet the tree canopy intent nor provide a meaningful replacement for what is being removed.

Waste Handling

Waste handling is a very significant issue – for 22 units, it is proposed to have just 7 black, 7 blue, and 6 green bins – over 3 units per bin, this is just not sufficient, particularly for the black and blue bins and there is no proposal for what happens to the excess. Further to this, the bins are intended to be stored in the middle of the lot, so there is no practical plan for putting these shared bins out for collection.

Parking

Parking is also entirely insufficient for the number of units, even by the current rules, never mind the likely number of vehicles owned by residents. Street parking in the general area is already overwhelmed every weekend when the local church has services, and therefor relaxation of the parking rules will just exacerbate this ongoing issue.

Riley LAP Alignment

This proposal does not align with the Riley Local Area Plan (Section 2.2.1), which states "at all scales, redevelopment should consider existing context, parcel layout, building massing, and landscaping to sensitively integrate into the community." This proposal is not at all sensitive, and it disrupts neighbourhood character. It is not aligned with the Municipal Development Plan mandate to 'recognize local context and create urban environment that support and integrate new development with existing communities' (Section 2.2.2), it is not 'accommodated within existing communities in a sensitive manner.' (Section 2.2.5) and it fails to 'blend with surroundings and avoid stark contrasts' (Section 2.3.2c).

Final Thoughts

Quite simply, the developer is trying to put too much onto this lot by over-densifying to maximize their profit without considering context or respecting the rights of neighbours. We, the existing citizens who are affected by these proposals, deserve the city to consider context, practicality, and to find reasonable compromise between developer profit and respect for our beautiful green community where we have shouldered the tax burden for over many years. We are asking the city to consider all stakeholders equitably and respect the property rights of existing neighbours.

Sincerely,

Travis and Pamela Goldfeldt
Adjacent property owners
1301 17a Street NW