

D & B Blair  
4307 16 Street SW  
Calgary, Alberta T2T 4J1

18 February 2019

Via email to: PublicSubmissions@calgary.ca

Office of the City Clerk  
The City of Calgary  
700 Macleod Trail SE  
PO Box 2100, Postal Station "M"  
Calgary, Alberta T2P 2M5

RE: Bylaw 13P2019 and associated land use amendment application LOC2018-0193,  
and the related bylaw 42D2019 (CPC2018-1363) affecting 4303 16 St SW

We write to formally oppose the proposed Bylaw 13P2019 and the underlying application, LOC2018-0193, made by Civicworks Planning + Design, on behalf of Oldstreet Development Corporation (the "Developer") to amend the Land Use Bylaw 1P2007 for the property at 4303 16 St SW (the "Subject Property") from R-C2 to R-CG. In addition, we oppose proposed Bylaw 42D2019 to amend the South Calgary/Altadore Area Redevelopment Plan Bylaw 13P86 (the ARP) to from "Residential Conservation" to "Residential Low Density" for the Subject Property.

We are the residents of 4307 16 Street SW, which adjoins the Subject Property, and are therefore the most relevant affected stakeholders to this application.

Our comments will make reference to report CPC2018-1363 (dated 2017 December 13, which appears to be an error), the "CPC Report", where possible. We will also refer to the Developer's planning documents associated with Development Permit Number DP2018-5922, the "Development Permit Application" where that information is relevant to our concerns regarding the redesignation application.

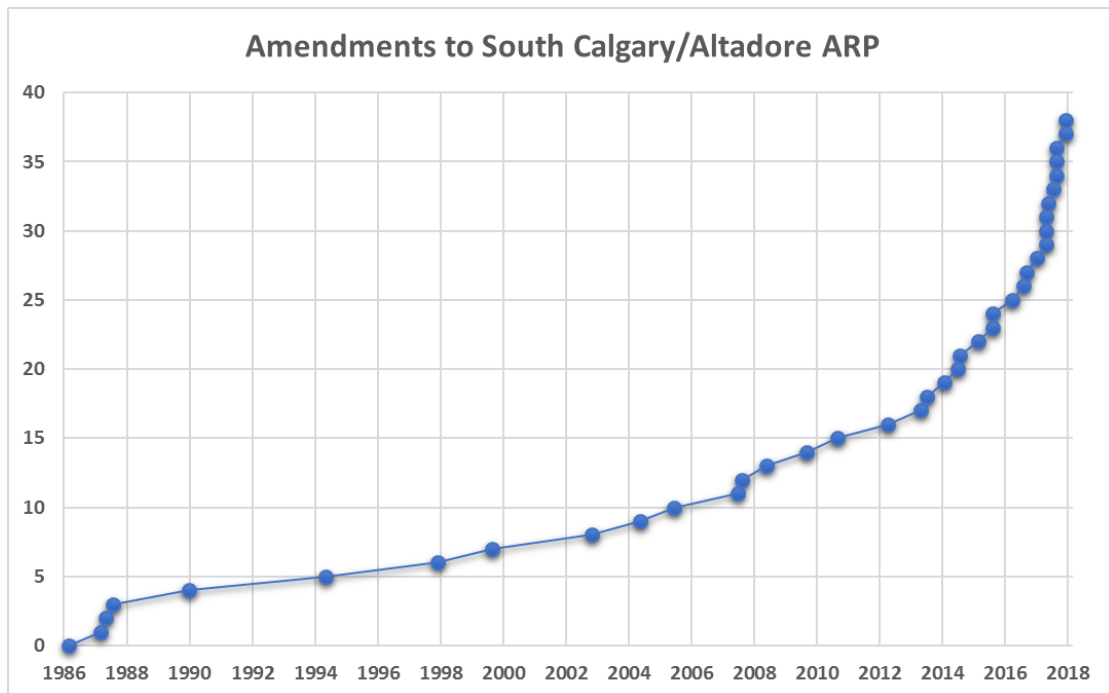
1. The CPC Report does not clearly address any planning alternatives for the site, stating that "the proposal allows for a range of building types that have the ability to be compatible with the established building form of the existing neighbourhood". However, the Developer's submission (in Attachment 1 of the CPC Report) clearly states the intention to build a 6-unit rowhouse. The CPC Report is deficient in that it does not address whether this specified building type is compatible with the "established building

form of the existing neighbourhood". We contend that this specified intent is not a compatible form when compared to any of the established building types within 250m of the subject property in any direction – approximately 275 comparable established dwellings within the area in the diagram below. Not one of these comparable dwellings is a rowhouse.



2. The CPC Report section "Alternatives and Analysis" provides no discussion of alternatives. In particular, the existing R-C2 land use designation allows for comparable density to the proposed 6-unit rowhouse proposal if the developer were to build 3 single detached homes with secondary (e.g. laneway) suites. Given that the City's stated desire (reference: PUD2018-1323 Attachment 4) is to "provide flexibility and choice for home owners by providing housing form that can allow a property to better suit changing household needs ... and add different types and sizes of homes that are more affordable in low density neighbourhoods", there should be a more complete assessment of alternative built forms.

- Several times the CPC Report refers to the need to create a minor amendment to the South Calgary/Altadore Area Redevelopment Plan (ARP) and Bylaw 42D2019 has been proposed to do just that. We strongly object to this proposed bylaw as it is not a minor amendment when taken in context. In the 32 years after the ARP was approved, it has been amended 38 times with the majority (22) of those amendments occurring in the past five years, as indicated in the graph below (ref. ARP Office Consolidation). This is not indicative of sound urban planning, nor is the cumulative effect of all of these amendments “minor”. The very idea that repeated minor amendments do not have a major cumulative effect is absurd, and is like a wood-worker claiming that amputating a finger in a table saw accident is a minor problem, even though they have had similar accidents 10 times in recent months.



- The CPC Report “Stakeholder Engagement” section notes that the community is concerned with the lack of a comprehensive review of re-development plans (CPC Report - Attachment 2). The current process of creating a spot-zoning patchwork is not in the best interest of the community and the MLCA has stated that a full review of the ARP is desired over continuing to allow developers to drive the redesignation process one lot at a time.
- Also, in the CPC Report “Stakeholder Engagement” section, there is a reference to the location being suited to R-CG as the *Location Criteria for Multi-Residential Infill* are

largely being met. However, as those criteria have essentially been discredited as irrelevant to previous R-CG redesignations, this provides no support to the application.

6. The CPC Report "Strategic Alignment" section states that the Developer's proposal is in keeping with "relevant MDP policies as the rules of the R-CG District provide for a development form that may be sensitive to existing residential development in terms of height, built form and density". The plans related to Development Permit Number DP2018-5922 are relevant to this point and would clearly indicate that the Developer's intent is not sensitive to existing residential development as follows:
  - a. The height proposed by the Developer exceeds the maximum allowable 11.0m for an R-CG land use and intrudes into the chamfer area for the neighbouring parcel, violating 1P2007 541 (1) & (2), creating a top-heavy massing effect that is not in context with neighbouring dwellings.
  - b. The Developer's proposed structure 3<sup>rd</sup> storey is approximately the same area as the first and second storeys. This violates 1P2007 541 (3) and creates an unacceptable massing effect where the elevations from both 16<sup>th</sup> Street and 42<sup>nd</sup> Avenue are monolithic rectangular facades without any relief as the height increases. This is, in fact, not even contextual with the R-CG land use designation. In comparison to any nearby building, including the church across 16<sup>th</sup> Street, the proposed design is blocky and out of context. Even comparing to the three school buildings further south on 16<sup>th</sup> Street, the proposal is not sensitive to the streetscape having much less setback and being more visually oppressive from the sidewalk.
  - c. Setback on 16<sup>th</sup> Street of 3.61m is substantially less than any contextual dwelling within 250m on that street. This creates a substantial break in the visual continuity of front facades along 16<sup>th</sup> Street and diminishes sight lines for traffic on 42<sup>nd</sup> Avenue. In addition, this creates a particularly unpleasant visual effect for the adjoining property where the proposed development extends the 11.0m tall side wall (plus ~0.5m of grade differential) of the proposed structure to 4.02m beyond the "contextual" line of the front façade of the neighbouring house. This would create an aesthetic disaster of almost 45m<sup>2</sup> (about 475 ft<sup>2</sup>) of wall dominating the neighbouring front porch and yard.
  - d. The Developers Application indicates that there will be a shared driveway to the six double garages with a single access to the lane which appears to violate 1P2007 347.3 (1), "...in the R-CG District a Rowhouse Building: (e) must have a

motor vehicle parking stall or private garage for each Dwelling Unit with direct, individual access to a lane”.

- e. The planned encroachment of 5.77m into the 6.0m rear setback, violating 1P2007 338 (4), of the Unit 1 balcony is excessive and not in context with any neighbouring property.
  - f. The balconies of 5 of the 6 units exceed 10 m<sup>2</sup>, violating 1P2007 340 (2). All of these balconies have line of sight into the neighbouring rear yard and are elevated well above the top of the existing privacy fence along the adjoining side yard creating significant privacy concerns.
  - g. The Developers proposal does not seem to include any grade-level amenity space creating a circumstance where all outdoor activities will be conducted on the balconies. This is not contextual with the neighbourhood and is a design element that would seem more in keeping with an M-CG land use.
  - h. The Developer’s Application shows no respect for the urban forest, retaining only those trees that they are compelled to preserve by the Tree Protection Bylaw (23M2002). Nine other mature trees (all with calipers from 30-90cm and canopies from 3.0-9.0m) are to be destroyed according to the Developers proposal. Other development alternatives, could preserve at least some of these trees. In fact, this appears to be a flaw in the R-CG land use description - it tacitly encourages the destruction of existing mature trees in favour of maximizing the built footprint. Other land uses, such as backyard or laneway housing actively encourage retaining existing trees (reference: PUD2018-1323 Attachment 4).
  - i. In summary, the Developer’s intent, as expressed in their Development Application, is not only mis-aligned with the existing context of the neighbourhood, but also misaligned with the regulations set out in 1P2007 for the R-CG land use.
7. The CPC Report “Social, Environmental, Economic” section states that the “recommended land use allows for a wider range of housing types than the existing R-C2 District and as such, the proposed change may better accommodate the housing needs of different age groups, lifestyles and demographics” While this may be true in theory, there is no evidence that the rowhouse proposed by the Developer addresses the needs of different age groups and demographics. In particular, the Developer stated during a meeting with community stakeholders (MLCA meeting 21 January 2019) that their target sale price per

unit is approximately \$700,000. At this price point, this requires an income level of greater than \$120,000 per year – about double the average annual employment earnings for university graduates in Alberta (reference [Employment and Wages for Alberta Workers with a Post-Secondary Education 2017](#)). So, this doesn't address needs for affordability for younger Calgarians. If you look at the needs of seniors, three storey layouts are not conducive to aging in place.

8. The engagement process related to the Developer's application has been completely inadequate. Given that there is an enormous imbalance of power working against the affected neighbours, the lack of accountability, inclusiveness, transparency, commitment and responsiveness (refer to the [Calgary Engage Policy](#)) is a serious problem.

Affected residents find the planning and redesignation processes to be complex and obscure, are generally unaware that the City is not proactively managing land use redesignations on a district wide basis, and are constantly trying to comprehend arcane urban planning terminology.

- a. The Developer's attempt to "solicit" input was to deliver postcards, that were basically indistinguishable from junk mail, and to place two signs on the property. Both of these means of reaching out were essentially self-aggrandizing marketing pieces that, rather offensively, began with "Hello neighbour!" To be perfectly clear, the Developer is not now, nor will ever be, our neighbour – the Developer is a business entity whose sole purpose is to extract maximum profit from their purchase of the property.

No other attempts by the Developer were made to engage the neighbours, in the absence of engagement, we reached out to the MLCA in November 2018 for their assistance in getting a meeting with the Developer, which eventually took place on 21 January 2019 (less than one day prior to the deadline to respond to the Development application).

- b. Regarding the substantive imbalance of power between the Developer and the stakeholders, the onus needs to be on the Developer to proactively initiate conversations with the neighbours and the MLCA. The application is the Developer's and they hold all of the knowledge regarding their plans – it is impossible for the neighbours to guess what might be planned until the next City sign appears on the subject property.

- c. A specific failure of engagement by the Developer was their unilateral decision, without any discussion or engagement, in their Development Application to remove two mature Spruce trees on the boundary with our property. Approximately 40% of the canopy of these two trees are on our property and they form a significant aesthetic component to our landscaping, a windbreak from northerly wind and highly valued screening from traffic noise at the bus stop and the intersection of 16th St and 42nd Ave. While we cite this as a failure of engagement, it should be noted that the Applicant's representatives verbally indicated (ref: meeting at MLCA 21 Jan 2019) a willingness to retain these trees, and we look forward to them doing so.
- d. The City's engagement process generally lacks clarity in the community as to the land use changes that are in progress. In particular, we and our neighbours have had little appreciation for the scope and scale of the patchwork effect of spot-zoning that is occurring in Altadore. Specifically, with regard to this application, having the City place lawn signs 10 days into the response period is one example of a lack of transparency. Another example is the lack of clarity on the relationship between the land use redesignation application and the development permit application. The fact that the two applications (redesignation and development) are concurrent has created confusion. Notices are not engagement.
- e. The MLCA, to its credit, has explicitly recommended that the Developer "reach out directly to neighbours regarding the details of the applications" in their responses to both the Developer's redesignation application (see CPC Report Attachment 2) and the development permit application. In fact, without the assistance of the MLCA, we would not have been able to meet with the Developer prior to the development permit application response deadline.

In conclusion, we appeal to the City to refuse Bylaws 13P2019 and 42D2019 as the proposed redesignation application by the Developer does not clearly meet the objectives of the applicable policies. In particular:

- Regarding the Municipal Development Plan (Statutory – 2009), the Developer's proposal is not in keeping with relevant MDP policies as it does not conform to the rules of the R-CG District and is not sensitive to existing residential development in terms of height, scale, or built form.

- Regarding the South Calgary/Altadore Area Redevelopment Plan (Statutory – 1986), the continuation of so-called “minor” amendments diminishing the Residential Conservation area as identified on Map 2: Land Use Policy in ARP poses a substantial threat to ever implementing a coherent district wide planning vision.

We respectfully suggest that the time to stop the succession of patchwork spot zoning applications in Altadore is now. The fact that developers are selecting the timing and the locations to be redesignated, independently of any engagement with the community, is not sustainable or likely to result in well planned, harmonious neighbourhoods. As residents of Calgary, we agree with the MLCA and would like to see City Council take the time *now* to fight for better neighbourhoods by:

- Consulting with the community,
- Updating the South Calgary/Altadore Area Redevelopment Plan, and
- Being proactive about exactly where the R-CG land use is most appropriate in the neighbourhood.

A better, more thoughtfully planned Calgary is worth the time and energy to create. We hope that City Council agrees.

Sincerely,

Dave and Brenda Blair

cc: Adam Sheahan ([Adam.Sheahan@calgary.ca](mailto:Adam.Sheahan@calgary.ca))  
Councillor Evan Woolley ([Ward08@calgary.ca](mailto:Ward08@calgary.ca))  
Marda Loop Community Association ([development@mardaloop.com](mailto:development@mardaloop.com))