

***Erlton Community Association***  
Planning and Development Committee  
65 – 31 Avenue SW, Calgary, Alberta, T2S 2Y7

To: Kate van Fraassen (403-268-5947) ( [kate.vanfraassen@calgary.ca](mailto:kate.vanfraassen@calgary.ca) )  
File Manager  
City of Calgary

From: Bill Fischer (403-266-2842) ( [erlton@shaw.ca](mailto:erlton@shaw.ca) )  
Chairman, Planning and Development Committee  
Erlton Community Association

Date: December 14th, 2016

DP2016-4802  
4-plex @ 33 - 31 Ave SW

Yes, we commit to the Planning System core values: innovation, collaboration, transparency, accountability, trust, and responsibility, and thank you for providing us with the Bylaw Check.

In response to your community context questionnaire:

1. *What are the strengths and challenges of the proposed development?*

Unfortunately this proposed development presents only challenges to our community and the adjacent neighbours. It covers a huge portion of a lot between two single family homes. In particular, the development spans the length of the West neighbour's single family home and most of its rear yard amenity space. This two storey mass thus creates substantial overlooking and shadowing issues to both adjacent properties and will negatively impact the use and enjoyment of their homes.

We're confident that when you review the shadow study, and a cross section showing the relationship with both the East and West neighbours, the results will confirm the fundamental flaws of this proposal. LUB 26(3) provides you with the authority to request these drawings from the developer. Please do so, and please let us know when they are available so that we may review them and also make an informed decision.

In addition to the deficiencies mentioned in the Bylaw Check, a further challenge is non-compliance with LUB Section 581(2)(b) - missed in the Bylaw Check - which mandates that each unit must have an entrance that is visible from the street that the unit faces. Units 3 and 4 do not meet this criteria.

LUB Section 8(f) states: “must” is to be construed as a compulsory obligation.

2. *Are there changes that could be made to the proposed development to make it more compatible or beneficial to the area?*

Yes, design single family, perhaps with secondary basement suites, or semi-detached homes.

### 3. *Provide comments on:*

#### a. *The use:*

The development is not in keeping with the pattern of residential redevelopment on 31st Avenue. All redevelopment on 31st Avenue has been in the form of single and semi-detached homes. All were built without negative impact on existing development.

It is important that redevelopment of this parcel, on this block face, and this avenue, is sensitive to the streetscape and both existing development and redevelopment, and is compatible with the character of the surrounding area and in a form respectful of the scale and character of the neighbourhood, in accordance with the policies of the Land Use Bylaw, the Municipal Development Plan, and the Erlton Area Redevelopment Plan.

Since this is a discretionary use, LUB Section 35 applies. It states, among other things that the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood, the appropriateness of the location and parcel for the proposed development, the merits of the proposed development and sound planning principles must be taken into account. This proposal doesn't meet any of these criteria.

The MDP in section 2.2.5, the Objective states: The City promotes infilling that is sensitive, compatible and complementary to the existing physical patterns and character of neighbourhoods. Section 2.2.5 also states, in Policies, Neighbourhood Infill and Redevelopment: a. Encourage growth and change in low-density neighbourhoods through development and redevelopment that is similar in scale and built form ... Later, in section 2.3.2, Policies, it states: c. Ensure infill development complements the established character of the area and does not create dramatic contrast in the physical development pattern. Finally, in section 3.5.1 General – Developed Residential Area Policies, Land use policies, it states: a. Recognize the predominantly low density, residential nature of Developed Residential Areas and support retention of housing stock, or moderate intensification in a form and nature that respects the scale and character of the neighbourhood.

Each of these MDP references recognizes the importance of sensitivity to, compatibility with, and respect for the existing physical pattern, scale, built form, and character of neighbourhoods. This proposed form of a building that shadows neighbouring homes and yards is clearly foreign to this portion of our community, and the exact opposite of the type of infilling the MDP promotes and is referenced throughout the MDP policy. This proposal violates all of these criteria.

Our ARP was approved by City Council in March 1985 and most recently amended in June 2014. LUB Section 35(a) requires that the Development Authority must take these policies into account when making the decision on this application. Our ARP is clear in its directives. Both the Executive Summary (page ii) and Section 1.3.2 of our ARP emphasises conservation as the guiding policy for South Erlton and recognises the role of the established residential community in revitalising and enhancing the area. Similarly, the Objective in 2.1.1 clearly distinguishes between North Erlton and South Erlton. In South Erlton, preservation and enhancement of the established residential character is a priority. This development must be evaluated on the basis of its contribution to preserving and enhancing the established residential character. Furthermore, it states in section 2.1.2.1, among others, that infill

development is encouraged and should be compatible with the scale of surrounding development and the local streetscape. The proposed development must be assessed on its physical, visual, and functional compatibility with the surrounding development that currently exists in the immediate area. This proposed development is not compatible with the streetscape, preserves nothing, and is not sensitive and responsive to the context of the adjacent homes and the streetscape, in a manner consistent with the intent of our ARP.

b. *The site design:*

The site design is inappropriate for the lot, especially considering the immediate neighbourhood and the negative impacts on the use and enjoyment of the adjacent homes.

c. *The building design:*

This is too much building for too little lot. The building design is inappropriate, especially considering the immediate neighbourhood and its negative impacts on the use and enjoyment of neighbouring homes.

4. *Has the applicant discussed the development permit application with the Community Association? If yes, what information was provided?*

Unfortunately they did not. Much wasted effort could have been avoided had they done so.

5. *Please provide any additional comments or concerns regarding the proposed development.*

Some surrounding neighbours have sent us their comments and asked to have them attached to our community comment. Our Bylaws provide for this request.

When adjustments are made to the proposed design, perhaps single family or semi-detached homes, and in conformance with the LUB, the MDP, and our ARP, the Erlton Community will welcome development on this lot.

**If this development is approved, despite its many deficiencies, please provide a set of the approved plans, along with the shadow and cross section studies, and a complete list of relaxations, along with the justification for them. We need this in order to discuss and determine their impact on our community and the neighbouring homes.**

Finally, please do not hesitate to call or email should you have any concerns or require further information.

**Subject:** Re: DP 2016-4802  
**From:**  
**Date:** 07/12/2016 11:42 AM  
**To:** "erlton@shaw.ca" <erlton@shaw.ca>

RE: DP 2016-4802

This two storey complex extends over 37 feet past the rear of my home. This penetration alone is greater than the depth of my home.

The mass of unit 4 looms over my private rear yard and will shadow it as well as create privacy issues. I'm sure that when you ask the developer for a shadow study, it will confirm the shadowing impact.

The second storey windows of unit 4 will overlook my private rear yard.

The concrete landing at the entrance to unit 4 is raised above grade and anyone standing there will also overlook my private rear yard. Since the fence is only 2 metres above grade it will not provide a visual barrier to anyone standing on the landing. Since this is the main and effectively only entrance to this unit, this invasion of my privacy will occur multiple times each day.

In total, all these elements will have a massive negative impact on the continued use and enjoyment of my property. I'm sure they must violate multiple sections of Calgary's Land Use Bylaw.

I ask that you carefully review the many defects in this design and deny this development permit.

Sincerely,

Sally Predika  
39 31 Ave S.W.  
Calgary  
T2S-2Y7



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07/12/2016 6:42 PM

**Subject:** DP2016-4802 4 Plex @ 33 - 31 Ave SW

**From:**

**Date:** 13/12/2016 5:28 PM

**To:** kate.vanfraassen@calgary.ca

**CC:** erlton@shaw.ca

The proposed two storey development on the west side of my property poses a real problem due to the massive design and is not suitable for this lot. The planned design takes up most of the property extending well beyond the front and back of my house. This overpowering structure would cause extreme shadowing of my home and yard resulting in no privacy. This would negatively impact the use and enjoyment of my property. The proposed parking for this development is only allowing for minimal parking and only allows one visitor stall for the entire complex. As well there is no planned yard and this would be a great disservice for families as there are no parks nearby. Homes on 31st Avenue are made up of single family and semi-detached dwellings and would therefore not fit in with the current design, character and appearance of neighbouring homes.

As per the above comments I disagree with this proposed development.

Herbert Livermore  
29 – 31 Ave SW  
Calgary, AB T2S 2Y7



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13/12/2016 5:48 PM

**Subject:** Comments sent to city planner

**From:**

**Date:** 06/12/2016 1:00 PM

**To:** "erlton@shaw.ca"

<erlton@shaw.ca>

The following comments are made upon the above proposed development.

The impact of this proposal upon the immediate neighbours is significant. It should be refined to reduce the impact its massing and footprint have upon the neighbours' rear yard areas and their current use and enjoyment of them.

This could be achieved by revising the plans to include some graduation of massing and shortening the overall length of it. It appears to be too massive a development for this lot without compromising the guidelines for development in this area.

Designated parking for each unit should be shown on plans. The current plans identify only parking for front units in the garage structure. It is unclear if the parking will be assigned equally between the units on these plans. Which ever is the case should be clearly defined on the plans.

I am an owner of a nearby property and would be surprised if this proposal is deemed to be an appropriate development at this location. It does not stand up to the current standards of development impact mitigation and avoidance which other redevelopment projects on this block have met or exceeded.

This proposal should have no relaxations or exemptions granted to favour its approval as it fails to meet or exceed these required and established impact mitigation and avoidance standards.

Robin Gourlay



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07/12/2016 6:41 PM