

Erlton Community Association

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File Manager
City of Calgary

From: Andrew Maxwell (erltonpresident@gmail.com)
President
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Date: January 12, 2021

RE: Development Permit Number DP2020-5250 – Multi-Residential Development (4-plex) located at 69 - 31 Ave SW (the “**Proposed Development**”)

The Erlton Community Association Planning Committee (“**ECA PC**” or “**Committee**”) has reviewed the amended plans for the Proposed Development having regard to concerns previously raised by the ECA PC and the City of Calgary Corporate Planning Applications Group Detailed Team Review report dated November 26, 2020 (the “**DTR2**”).

The ECA PC notes that a number of the issues previously raised by the Committee and/or in DTR1 and/or in DTR2 have not been addressed. Clearly the Developer has not appreciated what Erlton offers in quality of living in an old close to downtown community which then invites and requires respectful redevelopment consistent with the neighbourhood. As further described below the ECA PC requests that the development plans be amended.

The ECA is non-plussed by the iterative non-compliant submissions (and negotiations) experienced currently. Most often the changes are small and inconsequential compared to those requested by the Erlton Community. Will our submission stand and be considered in the final decision of City Planning or do we have to keep resubmitting in this step-by-step dance?

Summary of Position:

The ECA PC notes that the Proposed Development will benefit the community by replacing a derelict and abandoned building thereby revitalizing the property. The north and west facades of the development are aligned with current design trends.

The ECA PC also notes that there are ways in which the Proposed Development could be improved, particularly with respect to maximizing privacy for the neighbour to the east (e.g. landscaping, fence/wall heights, etc.). A number of community members have also expressed concerns with the relaxation of the west setback and positioning of driveways on Erlton Street as opposed to the laneway.

The ECA PC respectfully requests that the developer amend the development plans to address the issues raised by DTR2, many of which are also issues of concern for the community.

Response to City Template:

1. What are the strengths and challenges of the Proposed Development?

The Proposed Development proposes to replace a derelict/abandoned building with new construction and increased density. Challenges include the fact that the developer has proposed relaxations of some rules expressed within the Land Use Bylaw.

Please see attached table for further information regarding strengths and challenges of the Proposed Development. Some of the relaxations are not supported by a number of members of the community.

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

Some community members would prefer that the developer reduce the building penetration through the depth of the lot. This could enable garages to be located in the lane and the relocation of driveways from the street to the lane, which community members have expressed is preferable. Some community members would also like to see an increase in the setback from Erlton Street to comply with the Land Use Bylaw standard.

3. Provide comments on:

- a. The use: No comment.
- b. The site design: A number of community members are concerned that the proposed site design significantly alters the established lot pattern on 31st Avenue.
- c. The building design: See #2 above for response.

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

The applicant provided a presentation to the community association and responded to member questions during a community association meeting. The developer has addressed questions and provided additional information to the ECA PC as well.

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

See table below.

Comments:

The ECA PC notes that the amended development plans do not address the issues previously identified by the community and/or identified in DTR2.

The following table seeks to summarize the comments and concerns expressed by members of the community and the Committee.

Subject	Comment in DTR2	Status in Current Dev. Plan	Community Comment Summary
Visitor Parking	TDS recommends utilizing the visitor parking space from the lane as a unit stall and converting the garage space to unit living space.	No change.	0.15 visitor stalls are required per unit however no visitor parking stall is provided. The ECA is concerned that there is no independent/stand-alone visitor parking stall available. However, some members have expressed that each unit has an attached garage which may reduce the degree of on-street parking.
Driveways on Erlton Street	No direct vehicular access is permitted to or from Erlton Street SW. Indicate access to the proposed	No change.	View A: Driveways onto busy Erlton Street raises safety concerns (e.g. additional vehicular traffic; pedestrian and cyclist safety, proximity to S-turn on Erlton Street reduces sightlines).

Subject	Comment in DTR2	Status in Current Dev. Plan	Community Comment Summary
	<p>development from the adjacent lane.</p> <p>Insufficient information about the power pole relocation from ENMAX.</p> <p>Design streets and sidewalks to encourage pedestrian comfort, safety and linkages between neighbourhoods, open spaces and adjacent land uses. Given that driveways are proposed across a public sidewalk, this policy is not well reflected in the proposed design.</p>		<p>Laneway access is available and should be used. There is precedent for self-supporting power pole to facilitate laneway access.</p> <p>Additional sidewalk interruptions limit universal access.</p> <p>View B: Some community members have expressed that while the Erlton Street driveways do not comply with the Land Use Bylaw, there are mitigating considerations in support:</p> <ul style="list-style-type: none"> - two of three driveways are grouped together - driveways have reasonable sightlines to traffic
Development height	N/A	N/A	<p>While the height is less than maximum allowed, many community members consider height to be inconsistent with streetscape and request reduction.</p> <p>The Proposed Development's height steps down from west to east. However, the impact of shadowing on the east neighbor is unknown.</p>
Nature of development	N/A	N/A	<p>View A: Many community members see the Proposed Development is inconsistent with Municipal Development Plan and Erlton Area Redevelopment Plan as it is out of context with surrounding development in the neighbourhood.</p> <p>Request for duplex, tri-plex or single-family home rather than proposed 4-plex.</p> <p>View B: While development in the neighbourhood has primarily been single-family and duplex in recent years, a number of community members see the proposed multi-family development as consistent with planning documents issued by the Province, the City and the Calgary Metropolitan Board which encourage densification in developed areas.</p>
General appearance of lot / need for redevelopment	N/A	N/A	<p>Overall desire for abandoned house/ dilapidated lot to be redeveloped.</p> <p>Some members of the community have expressed support for the design and appearance of the development.</p>
Landscaping	N/A	Improvements have been made (e.g. addition of trees for screening)	Supportive of landscaping, especially elements that contribute to screening.

Subject	Comment in DTR2	Status in Current Dev. Plan	Community Comment Summary
Rooftop patios / second floor windows	N/A	Two rooftop patios.	<p>General concerns expressed re: privacy for east neighbour.</p> <p>Neither rooftop patio should allow eastward viewing.</p> <p>Second floor windows that overlook backyard to the east should be obscured glass to improve privacy for neighbour.</p>
East wall / fence	Plans do not indicate the height of the wall / fence.	Not addressed.	The east fence/wall should be high enough so that the privacy of outdoor amenity space for the neighbour is maintained.
Lot Coverage	M-CG allows 60% and above with modifiers for street-oriented development. An approximate 67% lot coverage is proposed (with a proposed relaxation). A 22% increase over what is allowed on a low density lot is what enables the number of units allowed for the site and is considered, by the design of the M-CG District, to be compatible with a low density context.	N/A	<p>City Council designated this site as M-CGd72 which includes a maximum lot coverage and maximum unit count with full awareness of the physical nature of the site. A variance by the CPAG to allow a 22% increase in lot coverage is beyond what many members of the ECA consider reasonable. The ECA notes that Transportation's suggestion of removing the 'unit 3' garage, but reducing the footprint of the building may allow for compliance.</p> <p>Community members have expressed concern over the lot coverage and encroachment to property lines.</p> <p>Some community members have expressed support for the variances required to allow this development.</p>
Waste Bin Storage	Provide a note that states that the proposed waste and recycling "carts will be stored on/within the private property; and will only be staged within the adjacent lane right of way (for collection; on collection days); then brought back into the private site for storage".	Unit 2 waste bins are stored in the alley	Plans indicate that Unit 2 waste bins are stored in the alley. Community members have indicated that this contravenes the requirement that a storage location be provided.

The ECA PC wishes to ensure that the City of Calgary retains a record of the community comment submitted by the ECA PC on behalf of Erlton Community Association members on September 14, 2020 which stated as follows:

The following motion was made at our September 8th community meeting, and passed with a vast majority:

Moved that the Erlton Community Association send a letter to the file manager stating that we do not support this development based on the fact that it is proposed to be built too close to the property line on Erlton Street, has driveways on Erlton Street, and fails to provide the required visitor parking stall, and thus fails to comply with Sections 583(3), 565(1)(a), and 558(3)(c)(ii) of the Land Use Bylaw.

Furthermore, the design occupies too much of the depth of the lot and thereby shadows and overlooks the adjacent neighbour, thus negatively impacting the use and enjoyment of their property as expressed by Section 35(d) of the Land Use Bylaw.

What We Heard from the Community on this Submission Iteration (Identifying information and pleasantries removed):

“It’s hard to comment as I don’t see any change to the plans. It seems they have included more of the finishing materials (which there seems to be a lot of) and that they have moved some of the trees and shrubs around. They haven’t increased the setback from Erlton St and it doesn’t appear that they have opaque the windows facing into the neighbors yard to the east.”

“Regarding this development I am still negative to it because it is not family friendly -- Where do children play ? This is a family Neighborhood we need family’s with kids. This development is Children negative.”

“The defects and non-compliance with the rules and policies that were evident in versions 1 and 2 still exist in this latest version of the plans and have not been addressed.

They continue to be our objections to this application as follows:

- This latest design continues to be non-compliant with the contextual physical development pattern as expressed in the Municipal Development Plan Sections 2.2.5 and 2.3.2, and in Section 2.1.2.1 of the Erlton Area Redevelopment Plan.
- The driveways on Erlton Street pose a hazard to all community residents, pedestrian and vehicular, from vehicles backing out onto Erlton Street from multiple driveways along a short stretch of sidewalk. Erlton Street is the main north/south route through south Erlton with high pedestrian use. In addition, curb cuts are known to be a significant cause of pedestrian falls and injuries, especially in winter, due to the change in sidewalk elevation. Lane access is available for this parcel to provide all required off-street parking.
- The Erlton Street setback achieves only 37% of the bylaw standard as expressed by LUB Section 583(3), and such a gross relaxation is not supported by any sound planning policy.
- The visitor parking stall continues to be functionally unavailable to all units.
- The privacy and overlooking issues onto our private rear yard from the east-facing windows and doors of units 3 and 4, and the east-facing patios of units 1, 3, and 4 still exist.

Overall, and with respect to LUB Sections 35(c), (d), (g), and (j), we believe that the proposed development is not appropriate for the location, is incompatible with adjacent and surrounding development, creates both vehicle and pedestrian safety hazards, and is not based on sound planning principles. It does not reflect the objectives of the MDP and the Erlton ARP as it does not consider the established physical development pattern and streetscape. As such it is contextually insensitive and also fails to meet the requirements of the test for relaxations as expressed by LUB Section 36(1)(a) for discretionary uses.”

“This newest version still consists of:

-driveways leading onto Erlton St instead of onto the ave or lane way

- the buildings extend 88% into the depth of the lot, not the maximum 60%
- it still does not address privacy concerns with adjoining neighbors
- it still does not provide a shadow study to evaluate its impact on long-term neighbors
- it still has limited green space with relaxations being supported for set backs on its north and west sides
- it still is a 3-story structure, where non exist on 31 Ave SW
- it still is a 4-plex structure, where non exist on 31 Ave SW

I do not think this proposal is in keeping with the streetscape of our avenue, in terms of both scale and design. For these reasons I would object to this new proposal.”

“Redevelopment within predominantly multi-family areas should be compatible with the established pattern of development and will consider the following elements:

- i. Appropriate transitions between adjacent areas;

The City promotes

infilling that is sensitive, compatible and complementary to the existing physical patterns and character of neighbourhoods.

Encourage growth and change in low-density neighbourhoods through development and redevelopment that is similar in scale and built form.

An approximate 67% lot coverage is proposed (with a proposed relaxation).

Given that driveways are proposed across a public sidewalk, this policy is not well reflected in the proposed design.

‘Reaffirm the policy of conservation for south Erlton. Infill development is encouraged; this should be compatible with the scale of surrounding development and the local streetscape.

Plans indicate a setback of 0.92m (-2.08m) to the West PL

Plans indicate the eaves project 2.38m (+1.78m) within the West Setback area.

Plans indicate the window well projects 2.23m (+1.43m) within the West setback area.

Insufficient information about the power pole relocation.

As an additional note I'm curious if it would be possible to have all parking spots to the laneway by having two or three surface spots in the proposed development nearest to Erlton Street and two in a proposed garage. Could this be done by having that area open and the above living space as per plans for the proposed development. Garage three could be converted to the living space to for the fourth unit.”