

**LAND USE AMENDMENT
SCARBORO (WARD 8)
17 AVENUE SW AT SCARBORO AVENUE SW
BYLAW 136D2016**

MAP 17C

EXECUTIVE SUMMARY

The proposal seeks to amend the existing Residential – Contextual One Dwelling (R-C1) District to a multi-residential-based DC Direct Control District that would create site-specific setback, height, and parking requirements.

The district was created after extensive consultation with the adjacent neighbours and community and seeks to balance the intensification of the site with its ability to blend in with the local context.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2016 April 21

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

That Council hold a Public Hearing on Bylaw 136D2016; and

1. **ADOPT** the proposed redesignation of 0.26 hectares ± (0.63 acres ±) located at 1702 and 1714 – 17 Avenue SW, (Plan 5700AG, Block 224, Lots 14, 25 and portion of 16) from Residential – Contextual One Dwelling (R-C1) District **to** DC Direct Control District to accommodate a multi-residential development, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 136D2016.

REASON(S) FOR RECOMMENDATION:

The proposal brings intensification to a prominent site along a major corridor in a sensitive and thoughtful manner.

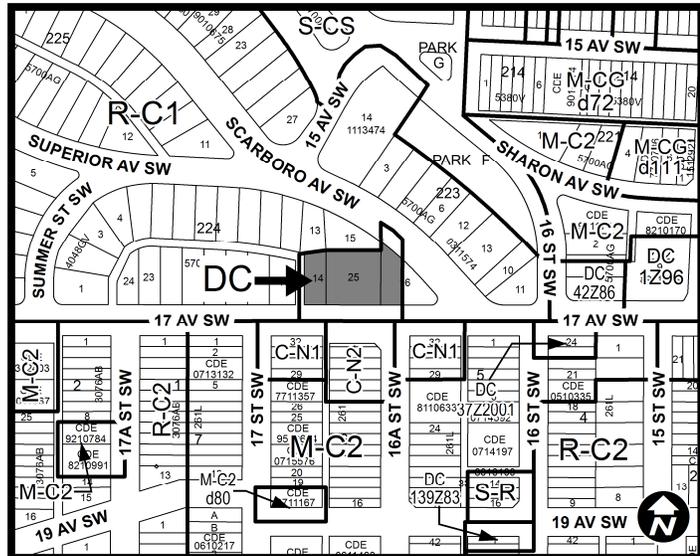
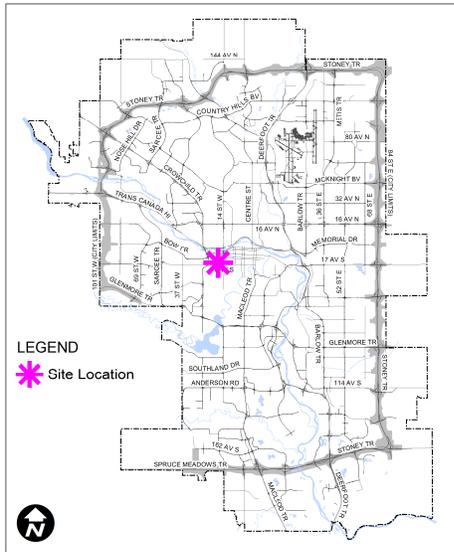
ATTACHMENT

1. Proposed Bylaw 136D2016

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.26 hectares \pm (0.63 acres \pm) located at 1702 and 1714 – 17 Avenue SW, (Plan 5700AG, Block 224, Lots 14, 25 and portion of 16) from Residential – Contextual One Dwelling (R-C1) District to DC Direct Control District to accommodate a multi-residential development with development guidelines (APPENDIX II).

Moved by: G. Morrow

Carried: 9 – 0

Reasons for Approval from Ms. Gondek:

- If this land use application is a “perfect example” of what is called for in the MDP, would it have been possible to host a City-led public open house that provided information to the community in support of the change?
- There needs to be a very clear definition of a concurrent process actually involves. Many of us expect that it means a land use application will be accompanied by the development permit.
- I would be curious to know how this land use change and future redevelopment would cause potential harm to the community’s “proud traditions of dinner club, social functions, book clubs and a community preschool.”

2016 April 21

MOTION: That Calgary Planning Commission review the “Calgary Planning Commission List” in regards to Development Permits that Planning Commission considers for approval to return to Calgary Planning Commission before 2016 October 31.

Moved by: M. Wade

Carried: 9 – 0

Reasons for approval from Ms. Wade:

- In DC Direct Control District Land Use Amendments the development permit provides and informs the land use amendment for this reason. I would suggest that the requirements for DC Direct Control District Land Use Amendments be tied to development permits and run concurrently.

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Applicant:

O2 Planning and Design

Landowner:

Carma Ltd

PLANNING EVALUATION

SITE CONTEXT

The site is located on a major thoroughfare (17 Avenue SW) on the south edge of the community of Scarboro, and formerly contained the Chevra Kadisha chapel (demolished in 2014). Surrounding development to the north of the site consists of single detached dwellings; while to the south across 17 Avenue are a number of small-scale commercial developments. A small passive park immediately adjoins the site to the east.

The site contains no significant vegetation or changes in grade.

LAND USE DISTRICTS

The proposed district is a Direct Control District which seeks to codify the concurrent Development Permit proposal that has been submitted.

The new district is based on the Multi-Residential – Contextual Medium Profile MC-2 District, with modifications to the base district's FAR, setback and height provisions. These modifications were in response to concerns expressed by local residents regarding the impact of the larger multi-residential building envelope on the surrounding low-density context. As a result, significant setbacks are provided from Scarboro Avenue SW and from the adjoining lane to the west. Likewise, the height rules are modified to re-direct the massing of the building toward the 17 Avenue SW frontage.

LEGISLATION & POLICY

The site is located in the community of Scarboro, which has no local area plan. Guidance must therefore be taken from other policy documents.

The Municipal Development Plan (MDP) recognizes 17 Avenue SW as a Neighbourhood Corridor. Redevelopment along a Neighbourhood Corridor must create an appropriate transition that is sensitive to the scale, form and character of the surrounding areas (policy 3.4.3.f). Ground-oriented housing and low-scale apartments are encouraged (policy 3.4.3.e). Without benefit of a local area plan, the MDP directs that intensification include those areas which front directly onto a Neighbourhood Boulevard (policy 3.4.3.d). Through its tailored land use, the proposal fulfills all of these mandates.

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TRANSPORTATION NETWORKS

No Transportation Impact Assessment was required for the application. The site sits on the Primary Transit Network along a Neighbourhood Boulevard as identified by the Calgary Transportation Plan.

Two major bus routes (Routes 2 and 6) pass by the site on 17 Avenue SW, with a stop directly in front.

UTILITIES & SERVICING

All deep services are available from adjacent streets, though an upgrade to the water service may be required at the Development Permit stage.

ENVIRONMENTAL ISSUES

No Environmental Site Assessments were required.

GROWTH MANAGEMENT

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association Comments

The application was circulated to the Scarboro, Richmond/Knob Hill, and Bankview Community Associations in combination with the concurrent Development Permit application. All three associations were in support of the land use application, though some concerns were expressed about Development Permit issues. (see APPENDIX III)

Citizen Comments

Only one letter from an adjacent resident was received in relation to the land use application. The letter expressed concerns with increased usage of the lane. Administration has determined that the traffic levels in the lane will be within acceptable parameters.

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Public Meetings

The applicant has conducted extensive public consultations. Since August of 2012 (before the application was originally submitted), there have been nearly 20 meetings with the Scarboro Community Association, its Planning Committee, and/or local residents. The final meeting was an open house held on 2015 June 11. This series of meetings helped to refine the project and to develop the specific content of the land use application. While the land use application is not tied to plans, commitments to the community and residents in how the site would be developed (e.g. setbacks, height) are incorporated into the proposed Direct Control District.

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APPENDIX I

APPLICANT'S SUBMISSION

Brookfield Residential has retained O2 Planning + Design Inc. (the applicant) to undertake a land use redesignation to support the redevelopment of the former Chevra Kadisha site at 1702, 1714 17th Avenue SW. Site redevelopment will include a residential development that will promote context-sensitive residential intensification along the 17th Avenue SW Neighbourhood Corridor.

Site analyses and community consultation have resulted in the development of a concept plan for 17th + Scarboro that achieves City of Calgary objectives for the creation of a more sustainable city. Core planning features of the emerging concept include:

- **Land use.** The proposed concept would achieve intensification along a Neighbourhood Corridor within the Developed Area of the Inner City, as described by the urban structure in the Calgary Municipal Development Plan (MDP). Further, site redevelopment would augment the variety of housing types within the area that are located in proximity to sought after services, destinations and transit. The proposed concept would help meet city-wide objectives for the economy, urban form and connectivity.
- **Mobility.** The proposed concept is an example of transit-supportive development. The site is situated in close proximity to frequent transit service and features walking and cycling connectivity. Site redevelopment presents opportunities to improve the pedestrian environment along a Neighbourhood Boulevard. Further, the proposed site layout supports consolidated vehicle access to the site. The proposed concept would help meet city-wide objectives for connectivity and the environment.
- **Public realm.** The proposed redesignation respects community character, increases density while creating a human scale environment, orients development to the urban edge, and provides a soft transition to the surrounding residential area. The proposed redesignation and subsequent development will also provide the opportunity to improve the interface with the small City parcel adjacent the site.

In order to implement this progressive and contextually sensitive vision, a land use redesignation is required. The proposed land use redesignation is a Direct Control District. The current R-C1 (Residential – Contextual One Dwelling) designation supports single detached dwellings and does not permit the redevelopment of the site into a residential condominium building. The proposed DC designation includes Lots 14,16 and 25 will be based on M-C2 and 'shaped' to provide built-form and use rules specifically crafted to enable the multi-residential building under review by the City as DP2015-4571. The need to craft a Direct Control District is the result of community concern around the general form allowed within the base districts and the lack of specificity around architectural design. Importantly, the Direct Control District as proposed, is the result of a significant and on-going public engagement process initiated by the applicant to understand and address community concerns.

APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) provide for **Multi-Residential Development** of medium height and medium **density**;
 - (b) provide for **units** with a separate direct entry from **grade**;
 - (c) be in close proximity or adjacent to low density residential **development**; and
 - (d) provide for **density** and setbacks designed in a manner that is respectful of, and appropriately responds to, the neighbourhood context.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the exclusion of:
- (a) **Addiction Treatment**;
 - (b) **Bed and Breakfast**;
 - (c) **Custodial Care**;
 - (d) **Place of Worship – Medium**; and
 - (e) **Place of Worship – Small**.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

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Floor Area Ratio

7 The maximum *floor area ratio* is 2.0.

Setback Areas

8 The depth of all *setback areas* must be equal to the minimum *building setback* required in section 9.

Building Setbacks

- 9 (1) For the purposes of the subsections below, *building setback* excludes any portion of a *landscaped area* or *amenity space* that is located above a parking structure.
- (2) The minimum *building setback* from a *property line* shared with 17 Avenue SW is 2.0 metres.
- (3) The minimum *building setback* from a *property line* shared with a *lane* is 7.0 metres.
- (4) The minimum *building setback* from a *property line* shared with Scarboro Avenue SW is 9.0 metres.
- (5) The minimum *building setback* from a *property line* shared with a *low density residential district* is 2.5 metres.
- (6) In all other cases the minimum *building setback* is 0.0 metres.

Building Height and Cross-section

- 10 (1) Unless specified in subsection (2), all requirements of Section 604 of Land Use Bylaw 1P2007 apply.
- (2) All *building height* and cross section measurements for *multi-residential development* are to be in reference to *average grade*.

Motor Vehicle Parking Stall Requirements

- 11 (1) Unless specified in subsection (2), all requirements of Part 3, Division 6 of Land Use Bylaw 1P2007 apply.
- (2) For *multi-residential development*, the minimum number of *visitor parking stalls* is 6.

Required Loading Stall

12 There is no requirement for a *loading stall*.

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APPENDIX III

LETTERS SUBMITTED

Bankview Community Association

2418 17th Street Southwest, Calgary, Alberta T2T 4M8 (403) 244-2544

Date: February 4th, 2016

To: City of Calgary
Planning, Development & Assessment #8201
P.O. Box 2100 Station M
Calgary, Alberta T2P 2M5
CPAG [.DP.Circ@calgary.ca](mailto:DP.Circ@calgary.ca)

Attention: Dino Civitarese, File Manager

By email: Dino.civitarese@calgary.ca

cc: DP.Circ@calgary.ca
Coun. Evan Woolley, Evan.Woolley@calgary.ca
President, Bankview CA, Jarett Henderson, jhenderson@mtroyal.ca
Bankview Community Association Development Committee Members

RE: LOC2013-0094 // Land Use Amendment at 1702 17 AV SW

Dear Mr. Civitarese,

The Bankview Board of Directors and members of the Development Committee reviewed the above captioned application. There was absolutely no objection to the application, and further, we would offer our full support. We value the effective land use and the level of densification that is respectful of MDP objectives. The multi-residential concept that will accommodate diverse housing needs and we appreciate and the high degree of community engagement that has accompanied this proposal.

Warm regards,
Talia Wagner
Bankview Community Association
Director, Development Committee Chair

D. Civitarese

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Scarboro Community Association

January 4, 2016

Planning Committee of the Scarboro Community Association
City of Calgary
Planning, Development & Assessment
Re:DP2015-4571

Attention: Natalie Marchut

The Planning Committee of the Scarboro Community Association ("SCA") writes to provide comments on Brookfield Residential's development application DP 2015-4571 and the corresponding land use application Land Use Amendment, LOC 2013-0094.

Throughout this process, the SCA Board constituted a dedicated Planning Committee to advise it on the project and facilitate communication between the community and the applicant. While the personnel has changed on this focused Planning Committee over the years, the communication between Brookfield and the Planning Committee has been productive, especially since September 2014, and the SCA appreciates the constructive discussions on this proposal and the opportunity to provide comments at this time.

The Municipal Development Plan allows for intensification along 17th Ave, as a neighbourhood corridor, as long as it is done in a manner that is compatible with the existing character of the neighbouring communities. Several years of intense consultation and communication has resulted in the current DP proposal. The balance between Scarboro's character and the proposed new development has been difficult to reach as many community members believe that 52 new units, in a community of 328 homes (almost a 16% increase), is too many in our small neighbourhood. It is the SCA's view that by accommodating a near 16% increase in the population of Scarboro, we are doing more than our fair share in assisting the City as a whole effect intensification in the core. Preserving the character of Scarboro has been our essential focus, which we believe helps the City, the developer and our community. Scarboro has a stable, tightly knit community with proud traditions of dinner clubs, social functions, book clubs (for example, there are seven women's book clubs among our 328 homes) and a community preschool. We value knowing our neighbours and having opportunity for interaction in our streetscape.

1. What are the strength and challenges of the proposed development?

"The City will strive to maintain strong communities. This means that future growth does not undermine what Calgarians value most in their neighbourhoods, communities and city as a whole." (MDP 2.3, page 2-18)

Scarboro as a whole has historical significance. The Olmsted Firm is an important architectural design group whose principal designed Central Park in New York City and Mount Royal in Montreal, and has a legacy of designing marquis neighbourhoods across the United States and in Western Canada, including

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Scarboro and Sunalta under retainer by the CPR in 1912. This history and context are important to the community and affects the kinds of developments which will enhance rather than undermine our community. The Olmsted principles of facilitating the intersection of people through environmental design are apparent throughout our neighbourhood - no uniformity in houses, the deep front setbacks to preserve the visual streetscape, wide streets and green spaces. It is essential to Scarboro, and in our view for Calgary, to not undermine that heritage in this project. In our conversations, Brookfield has taken seriously our desire to have the project fit in with the neighbourhood in its architecture and tone. We do want the residents of this development to be part of Scarboro. Indeed, we anticipate that some current residents of Scarboro will be among those who move in and continue to enjoy Scarboro from within. In our view, the way to best ensure that Scarboro is not undermined by this or future bordering developments is to provide that the project properly transitions into the neighbourhood, respects traditional architectural elements and scales back massing.

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

"2.2 Intensification should be accommodated within existing communities in a sensitive manner ... The City promotes infilling that is sensitive, compatible and complementary to the existing physical patterns and character of neighbourhoods." (MDP 2.2 page 2-16)

Brookfield has undertaken to the SCA to address certain details in its proposal. The SCA asks that the City's approval be contingent on these improvements being made, specifically:

1. the brick colour is to be agreed to with the community. A red brick is common in Scarboro and neighbours have expressed a preference for red or a traditional colour of brick. This may seem inconsequential but it is, in our view, a significant part of transition into the neighbourhood especially as the development will become a masthead for the community;
2. the brick to non-brick cadence in the design is to be adjusted on the North Corners of the project to limit the expanse of plain colour so as to emphasize vertical visual fields; and
3. architectural changes be made to alter the massing effect, in keeping with the neighbourhood's historical styling so that the roofs covering the upper balconies on the East side of the project are to protrude only half way, rather than the full depth, of the balcony.

Years ago, we understood that Brookfield was going to seek to "tie" the rezoning application to plans, but we understood as well that such an approach risked slowing down the project significantly and adding costs, since any deviations from the plans would not be reflected in the zoning. The property went through several owners before it arrived in Brookfield's hands, and its future has been a matter of apprehension. The community has been concerned about the fate of the land, given its ill-fated past, and has wanted assurances.

We are therefore encouraged by Brookfield's choice to seek a Direct Control district that adapts M-C2 in two ways that are of great significance for the neighbourhood. The first is that the rezoning sought would be drafted so as to fit the building Brookfield is seeking to build, including the extremely important step-backs in the upper floors and setbacks at ground level. Designing the zoning in this way gives the

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neighbours a great deal of comfort to be confident that Brookfield does not intend simply to rezone the property and sell it.

The second way in which the crafting of the rezoning application is encouraging and reassuring is that it builds in the setbacks that almost every property in Scarborough has to comply with as a result of a caveat attached to our titles, known as the Anderson caveat, a legacy of the Olmsted Firm's design. Many of the provisions of the Anderson caveat (e.g. the ones about horses) are no longer relevant, but the

setback provisions provide a way for community members to insist that other community members carry out their construction and renovation in ways that respect the architectural features of the neighbourhood. Incorporating the Anderson caveat's setback requirements into the new zoning provides the neighbourhood with reassurance that the development will be done in a way that respects the community's Olmsted heritage and facilitates a gracious transition from the higher density housing at the corner of Scarborough and 17th Avenues to the homes that comprise the rest of the neighbourhood.

3. Provide comments on the use, the site design and the building design

Since Brookfield's proposal anticipates the inclusion of no more than 52 new residential units in our neighbourhood, we would ask that the Direct Control district be described so as to set out the corresponding maximum density, in units per hectare. The development application indicates that the site's area is 0.256 hectares. 52 units on 0.256 hectares yields a maximum density of 203.125 units per hectare. We appreciate that Brookfield has not included a commercial dimension to the project. We are of the view that commercial activity would be unsuccessful at this location due to inadequate parking and the continuous flow of traffic on 17th Ave. The community is residential and its members oppose introducing commercial development to the project.

Parking remains a concern for some of our members: parking for 62 vehicles will add more traffic moving regularly through the neighbourhood, and 68 stalls does not seem like enough for 52 units. Some neighbours are concerned that surplus vehicles will spill out onto the street and, together with the local activities which currently create difficulties in the area, will result in unbalanced congestion. The developer needs to be held to account about its proposed parking and contingencies. It is the SCA's view that the applicant's proposal of 68 stalls is the minimum acceptable parking to be provided for this development.

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

Since the applicant has been involved with this project, it has hosted four community meetings proposing four different plans and proposals. The applicant has acknowledged to the Planning Committee that the first three proposals failed to adequately represent context, transition, massing, scale or respect for the immediate neighbours.

Community members were invited to see this articulation of the project at the fourth community meeting and there appeared to be general support for it, so long as the conditions set out above were resolved. (Note that brick colour was discussed as being an outstanding item at this meeting. The points as to brick/non-brick cadence and changes to the roof line on the East end of the project respond to changes made by the applicant since the version shown to the community at the community meeting).

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

LOT15

Including the Anderson caveat's setbacks into the DC rule for the smaller site on Scarboro Avenue is much appreciated. Any home that is built there will also, of necessity, have to be built in a way that complies with the Anderson caveat. This is reassuring to the neighbourhood and will enhance the transition from the large building into the neighbourhood.

Commemorative Sign

The property has sat vacant a long time after having on it a ceremonial funereal building that was always nonconforming and unattractive. The initial project did not meet municipal requirements of the *day*, a matter confirmed by the Alberta Court of Appeal. We presume that this history does not merit celebration or memorialization. In addition, in the many years after it ceased to be *used*, it became a graffiti-attracting eyesore. The small house that sat next to it, which was on Lot 15, became in its last years a derelict flop-house. We would therefore ask that Brookfield not be obliged to commemorate the site's past. The community is optimistic about putting that chapter behind it by having a residential project that brings us new neighbours and contributes favourably to the community.

Immediate neighbours

Brookfield has consulted with those neighbours who live adjacent to the property, to consider how access to both properties can be accommodated, how the drainage issues on their property can be fixed, and how their need for privacy can be accommodated within the design of the project. We appreciate Brookfield's efforts in this regard and ask for the City's assistance to ensure that the applicant follows through with these commitments and continues to consult with adjacent neighbours as the details of this project are ironed out.

Conclusion

The Community recognizes and appreciates that there has been a long process of consultation throughout the iterations of this project. A 16% increase in the size of our community is material and should be acknowledged.

While concerns linger about massing, transition and character, the SCA is prepared to support this application save for the modest conditions noted above:

- colour of brick to be agreed;
- brick to non-brick cadence be altered;
- roofs over upper balconies to be set back; and
- guaranteed 68 stalls for parking

We thank you for this opportunity to provide comments and look forward to continued consultation as final plans are made.

Thank you.

Chair, Planning Committee of the
Scarboro Community Association
403-975-3460

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Mr. Civitarese

We understand that you are the File Manager for the captioned application to re-designate the 1702 and 1714 17 Avenue SW parcels (the "Subject Parcels") from Residential - Contextual One Dwelling (RC-1) to Direct Control (DC) based on M-C2 to allow for a 4-storey multi-residential building to be constructed thereon (the "Application"). The Development Committee for the Richmond/Knob Hill Community Association (the "Association") very much appreciates being circulated on the Application, given its potential indirect impact on our adjacent community, and the precedent that it will set for future land use redesignation applications for other parcels along the north side of 17th Avenue from 16th Street SW to Crowchild Trail South (the "North 17th Parcels").

The Association has reviewed the Application and advises that it generally supports the Application.

The Association does not consider the existing R-C1 land use designation of the Subject Parcels, or of the other North 17th Parcels, to be an appropriate land use along such a busy primary transit route as 17th Avenue SW. Redesignating the Subject Parcels, as well as the other North 17th Parcels, to provide for medium density multi-residential or mixed-use developments, would be much more appropriate for this location, and would help to facilitate the redevelopment of parcels across the road on the south side of 17th Avenue which fall within the Richmond/Knob Hill and Bankview communities.

However, the Association is a strong believer in "respectful" redevelopment, and therefore requests that, in developing the proposed DC land use designation for the Subject Parcels, the parties strive to:

- 1) find a reasonable balance between the interests of the Applicant and the interests of the residents who live adjacent to and across Scarboro Avenue from the Subject Parcel, including with respect to issues such as sensitive transitions and overshadowing; and
- 2) set a reasonable precedent for future potential redesignation applications for other North 17th Parcels.

Thank you.

Doug Roberts
Chair, Development Committee
Richmond/Knob Hill Community Association
403-252-8924
development@richmondknobhill.ca