

**POLICY AMENDMENT, ROAD CLOSURE AND LAND USE
AMENDMENT
BANKVIEW (WARD 8)
14 STREET SW AND 19 AVENUE SW
BYLAWS 36P2015, 14C2015 AND 167D2015**

MAP 8C

EXECUTIVE SUMMARY

This application is for the Nimmons Residence site in the community of Bankview. The purpose of this application is to allow for legal protection and designation of the Nimmons Residence as a Municipal Historic Resource. The Nimmons Residence is identified as a City Wide Historic Resource on The Calgary Heritage Authority's Inventory of Evaluated Historic Resources. The application which allows for adaptive reuse of the Nimmons Residence and comprehensive development of the site contains the following components:

- 1) Designation and legal protection (by separate bylaw) of the Nimmons Residence as a Municipal Historic Resource;
- 2) A site specific policy amendment to the Bankview Area Redevelopment Plan (ARP) in support of the land use redesignation;
- 3) Redesignation of the site from a Multi-Residential – Contextual Low Profile (M-C1) District to a Direct Control District based on the Multi-Residential – High Density Low Rise (M-H1) District to allow for: 1) adaptive reuse of the Nimmons Residence, and 2) multi-residential or mixed-use multi-residential and commercial development on the balance of the site; and
- 4) Closure and redesignation of a portion of a public lane which abuts the northwest portion of the site.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2015 August 27

That Calgary Planning Commission recommends **APPROVAL** of the proposed Policy Amendment, Road Closure and Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 36P2015, 14C2015 and 167D2015; and

1. **ADOPT** the proposed amendments to the amendments to the Bankview Area Redevelopment Plan, in accordance with Administration's recommendation;
2. Give first and second readings to the proposed Bylaw 36P2015; and

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3. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
4. **ADOPT** the proposed closure of 0.01 hectares \pm (0.02 acres \pm) of road (Plan 1512405, Area A) adjacent to 1827 – 14 Street SW, in accordance with Administration's recommendation;
5. Give first and second readings to the proposed Bylaw 14C2015; and
6. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
7. **ADOPT** the proposed redesignation of 0.21 hectares \pm (0.51 acres \pm) located at 1827 – 14 Street SW and the closed road (Plan 260L, Block 1, Lots 11 to 18 and Lot 23; Plan 1512405, Area A) from Multi-Residential – Contextual Low Profile (M-C1) District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate mixed-use development while preserving the historic Nimmons Residence, in accordance with Administration's recommendation;
8. Give first and second readings to the proposed Bylaw 167D2015; and
9. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.

REASON(S) FOR RECOMMENDATION:

The proposal is in conformance with applicable municipal policies including the Municipal Development Plan (MDP) and the Bankview ARP with proposed supporting amendments. The proposal realizes MDP policies and objectives for preservation, protection and adaptive reuse of historic resources through the official designation of the Nimmons Residence as a Municipal Historic Resource under the Alberta Historical Resources Act. Site specific guidelines within the direct control district and proposed ARP amendment will guide future development on-site in accordance with broader MDP land use and development policies for established inner city areas and the surrounding local community context.

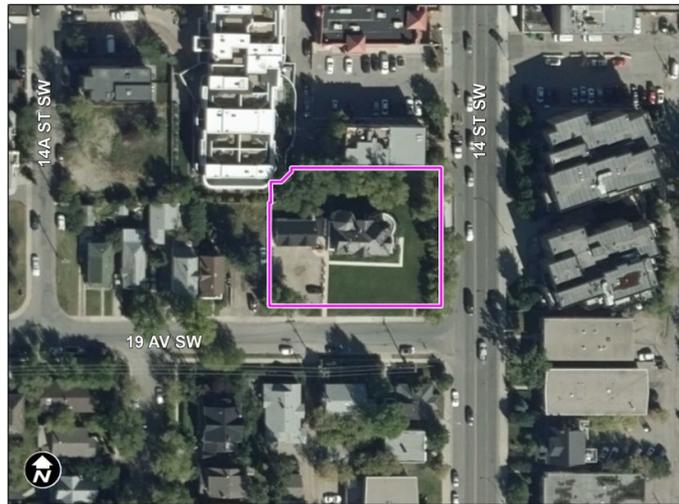
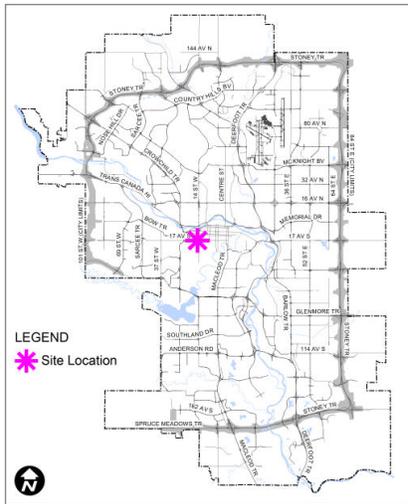
ATTACHMENTS

1. Proposed Bylaw 36P2015
2. Proposed Bylaw 14C2015
3. Proposed Bylaw 167D2015
4. Public Submissions

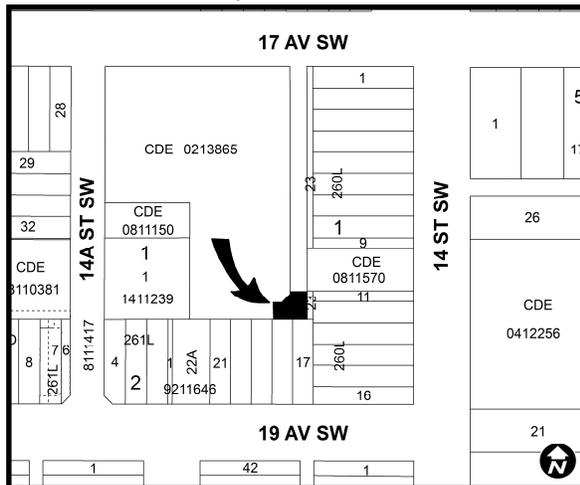
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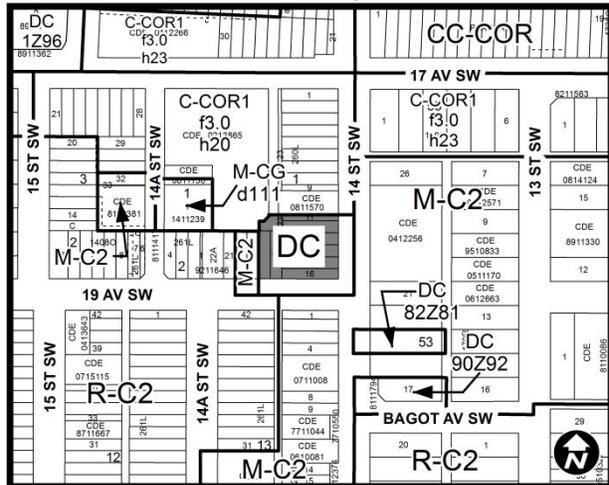
LOCATION MAPS



Road Closure Map



Land Use Amendment Map



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the Bankview Area Redevelopment Plan (APPENDIX IV).
2. Give first and second readings to the proposed Bylaw; and
3. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
Moved by: R. Wright **Carried: 7 – 0**
4. Recommend that Council **ADOPT**, by bylaw, the proposed closure of 0.01 hectares ± (0.02 acres ±) of road (Plan 1512405, Area A) adjacent to 1827 – 14 Street SW, with conditions (APPENDIX II).
5. Give first and second readings to the proposed Closure Bylaw; and
6. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
Moved by: R. Wright **Carried: 7 – 0**
7. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.21 hectares ± (0.51 acres ±) located at 1827 – 14 Street SW and the closed road (Plan 260L, Block 1, Lots 11 to 18 and Lot 23; Plan 1512405, Area A) from Multi-Residential – Contextual Low Profile (M-C1) District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate mixed-use development while preserving the historic Nimmons Residence with guidelines (APPENDIX III).
8. Give first and second readings to the proposed Bylaw; and
9. **WITHHOLD** third reading pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place.
Moved by: R. Wright **Carried: 7 – 0**

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MOTION ARISING: Direct Administration to work with the Developer of the Nimmons House site to ensure that they are not be burdened with providing a solution to the location of the waste collection container located in the lane belonging to the adjacent apartment building.

Moved by: R. Honsberger **Carried: 7 – 0**

MOTION ARISING: To have the development permits relating to the relocation of the Nimmons House and new development related to this site be presented to the Urban Design Review Panel for review and be presented to the Calgary Planning Commission for decision.

Moved by: R. Wright **Carried: 7 – 0**

Reasons for Support from Mr. Friesen:

- I supported this motion because high quality design sensitive to the historic nature of the site was called for in the Application. When a requirement for design quality of this type is part of an application there should be some meaningful mechanism for ensuring that this quality level is achieved. In the absence of another process UDRP and CPC are what we have available.

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Applicant:

Sturgess Architecture

Landowner:

Alberta Mining Corporation Limited

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	Yes	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	5
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	Yes	6
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	Yes	8
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	9
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	9
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	9
Public Engagement <i>Were major comments received from the circulation</i>	Yes	9

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The Nimmons Residence site is located prominently at the northwest corner of 14 Street SW and 19 Avenue SW in the community of Bankview. The Nimmons Residence is a Victorian two storey, red-brick, Queen Anne Revival style house that was built around 1898 during an early time period in the city's development.

The surrounding area consists of a mix of lower density residential dwellings and low to medium scale multi-residential apartment buildings, particularly along 14 Street SW. Low scale commercial developments also exist in proximity to the site, to the north along 14 Street SW and along 17 Avenue SW respectively.

Topographically, the site exists as an upland focal point. 14 Street SW is located adjacent to the site's eastern edge and slopes downward to the north with an approximate twelve (12) percent slope and five (5) metre change in elevation between 19 Avenue SW and the site's northern property line.

To the west of the site, an undeveloped parcel with a Multi-Residential – Contextual Medium Profile (M-C2) District designation exists. To the northwest, there is an abutting public lane which accesses 17 Avenue SW and a four storey multi-residential apartment building with a Commercial – Corridor 1 f3.0h20 (C-COR1f3.0h20) District land use designation. To the north, is a three storey multi-residential apartment building, with the same C-COR1f3.0h20 district designation. To the east, across 14 Street SW is a four to five storey multi-residential apartment building on M-C2 lands. To the south, across 19 Avenue SW are two older, two storey single detached style dwellings which have been suited and contain multiple units on M-C2 designated lands.

LAND USE DISTRICTS

The site is currently designated M-C1 which allows for a number of forms of multi-residential development of low height and medium density with a maximum building height of 14.0 metres and maximum density of 148 units per hectare.

The proposed direct control district is designed to allow for heritage preservation and adaptive reuse of the Nimmons Residence with residential or commercial uses and for additional multi-residential or mixed-use multi-residential and commercial development on the site. The district is based on Land Use Bylaw 1P2007's M-H1 district with the incorporation of a number of additional commercial uses from the Commercial – Corridor 1 (C-COR1) District. The base M-H1 district allows for multi-residential development in a variety of forms with the opportunity for support commercial uses with an overall maximum floor area of 4.0, minimum density of 150 dwelling units per hectare and maximum building height of 26.0 metres.

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The proposed direct control district also:

- Allows for additions to the Nimmons Residence;
- Incorporates an Urban Market use definition to allow for multiple commercial uses of a limited size to occur within a single retail unit;
- Excludes certain sign uses that are not compatible with historic preservation;
- Delineates a minimum building separation distance between the Nimmons Residence and new development on-site;
- Removes any loading stall requirements for uses within the Nimmons Residence; and
- Provides Development Authority direction for granting relaxations.

Development of the site is further guided by the proposed site specific ARP amendment contained in APPENDIX IV.

LEGISLATION & POLICY

Municipal Development Plan (Statutory - Adopted by Council 2009)

A number MDP policy areas are applicable to this proposal including Developed Residential Inner City Areas, Neighbourhood Corridors and Heritage and historic preservation policies.

The site is located within an area in the MDP that is identified as a Developed Residential Inner City Area (MDP Map 1: Urban Structure). Inner City Areas are comprised by residential communities that were primarily subdivided and developed prior to the 1950s and include a grid road network, older housing stock in lower to moderate housing density forms and a finer mix of land uses along many of the edge streets.

General land use policies for Developed Residential Areas encourage the retention of housing stock and moderate intensification in a form and nature that respects the scale and character of these neighbourhoods (MDP Section 3.5). Redevelopment within predominantly multi-residential areas should be compatible with the established pattern of development, consider appropriate transitions between adjacent areas and allow for a variety of residential housing typologies to meet the needs of present and future populations.

Redevelopment should support the revitalization of local communities by adding population and a mix of commercial and service uses with supporting mobility policies to encourage development of high-quality pedestrian and cycling connections and well integrated parking solutions.

Inner City Area land use policies identify that site intensification is particularly appropriate in transition zones adjacent to areas designated for higher density such as neighbourhood corridors (MDP Section 3.5.2). A range of intensification strategies to modestly intensify these areas from parcel-to-parcel intensification to the block level or larger are encouraged. The maintenance and expansion of local commercial development where warranted by increased

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population is also encouraged to provide retail and service uses in close proximity to residents especially in the highest density locations. Buildings should maximize front door access to the street and principal public areas to encourage pedestrian activities and at-grade retail areas should be designed to provide continuous, active, transparent edges to all streets and public spaces.

In this location adjacent to the site, 14 Street SW is identified as a Neighbourhood Corridor in the MDP (MDP Map 1: Urban Structure). MDP land use policies for corridors identify that they should allow for a broad range of residential, employment and retail uses with higher intensities and the tallest buildings concentrated in nodes with appropriate transitions in scale, form and character between adjacent areas (MDP Sections 3.4.1 and 3.4.3). Active uses should be provided at-grade with the incorporation of pedestrian and transit supportive design.

MDP Heritage policies recognize that historic preservation is part of good city building and fostering community identity and pride. As such, these policies encourage the identification, protection and management of Calgary's historic resources by encouraging owners to conserve and/or enhance Calgary's historic resources and The City to be a leader in preserving and enlivening these resources using all tools and mechanisms that are available to a municipality (MDP Section 2.3.3).

This land use application proposal is believed to be in keeping with the above MDP policies.

Municipal Historic Resource Designation

The Nimmons Residence is an important historic resource within the city. It is registered by the Province as a Provincial Historic Resource and identified as a City Wide Historic Resource on The Calgary Heritage Authority's Inventory of Evaluated Historic Resources. As such, it merits designation as a Municipal Historic Resource. The owner of the property has agreed to allow this designation and a legal agreement has been prepared that will be required to be in place, prior to Council's third reading of this ARP amendment, road closure and land use redesignation bylaws.

In order to meet MDP policies and objectives for Municipal Historic Resource designation by allowing for adaptive reuse of the Nimmons Residence and additional on-site development an amendment to the Bankview Area Redevelopment Plan is also required.

Bankview Area Redevelopment Plan (ARP) (Statutory – Approved by Council 1981)

In the ARP's land use policy map (Fig. 2), the Nimmons Residence is identified within a medium density development area that is based on former Land Use Bylaw 2P80's Residential Medium Density Multi-Dwelling RM-4 or RM-5 Districts with a maximum density of 148 units or 210 units per hectare respectively. This policy and the site's existing M-C1 land use are principally geared to only allow for multi-residential development of a moderate scale and intensity.

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As such, a site specific amendment to the ARP is proposed as contained in APPENDIX IV. This policy amendment sets out key objectives for adaptive reuse of the Nimmons Residence and overall comprehensive development of the site with additional multi-residential or mixed-use multi-residential and commercial uses. The policy is based on a concept where the Nimmons Residence may be relocated to an area within the southeast portion of the site, thereby allowing for additional development on the balance of the site. Policies for building separation and on-site open space, site circulation and access and parking and loading are also contained within the proposed policy.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) or parking study in support of the application was not required. A TIA and/or parking study may be required at the development permit stage. The developer/owner(s) will be responsible for any requirements or improvements that may be required to support development of the site.

14 Street SW adjacent to the site and 17 Avenue SW approximately 80 metres to the north of the site are both identified as part of the Primary Transit Network in the MDP. The closest southbound Calgary Transit bus stop located approximately 50 metres to the north of the site along 14 Street SW. The closest northbound bus stop is approximately 150 metres to the south of the site on 14 Street SW. The site is located approximately 800 metres walking distance to the southeast of the Sunalta LRT Station located at 16 Street SW and 10 Avenue SW.

Vehicular access to on-site parking on the site is from 19 Avenue SW. A public lane which accesses 17 Avenue SW abuts the northwest portion of the site. However, due to significant on-site slope conditions in the northwest portion of the site, there is no vehicular access from the site to this lane.

Proposed Road Closure

A component of this application is the proposed closure of a 0.01 hectare ± portion of the lane abutting the northwest portion of the site. While the overall land use proposal is not contingent upon this closure and consolidation, it is believed that the acquisition of this portion of lane will be assistive in the design of principal vehicular access solutions from the lane to the site in a comprehensive development scenario.

During review of this application, it has been identified that a waste collection container associated with the adjacent apartment building to the north at 1819 – 14 Street SW is placed within the portion of lane proposed for closure. It is not likely that this location within the lane was originally approved for a waste container; however, due to redevelopment around the apartment over time and changing waste collection methods, it is likely that migration of the container to this location was ad hoc.

At a future development permit stage, the developer/owner(s) of the Nimmons Residence site will be required to assist in providing a solution to this existing condition. This may include, but is not limited to: finding and providing a new container location, assistance with alternate collection

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methods for the apartment building such as hand collection, or provision of an on-site location and access for a container for this apartment building within the Nimmons Residence site. Notwithstanding this future development consideration, the Corporate Planning and Applications Group are in support of this closure in accordance with the conditions in APPENDIX II.

UTILITIES & SERVICING

Site servicing for utilities are available. All future servicing arrangements shall be to the satisfaction of the Manager of Development Engineering with any required upgrades at the Developer's expense.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

GROWTH MANAGEMENT

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

PUBLIC ENGAGEMENT

Community Association Comments

As identified in the Bankview Community Association letter contained in APPENDIX VI, the Bankview CA identified support for the overall concept of the application and identified certain specific questions and concerns related to the protection of the Nimmons Residence as a historic resource and overall compatibility and appropriateness of additional on-site development, future site access and traffic and parking. At the time of this letter, a number of aspects associated with the proposal including the proposed direct control district and policy amendment were not fully refined. As per the CA request, Administration suggested re-circulating a finalized copy of the proposed direct control district and policy to the CA in advance of Calgary Planning Commission. However, the Applicant identified that they had recently communicated with CA representatives and that this circulation step was not necessary prior to advancing Calgary Planning Commission. Administration has notified the CA about the forthcoming Calgary Planning Commission meeting and has forwarded a copy of this report with the proposed direct control district and policy amendment to CA representatives and will assist in providing any information to the CA in regard to the Council Public Hearing process.

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Citizen Comments

A number of citizen comments were received in support of and in opposition to the proposal. Letters in favour were supportive of the overall concept and acknowledged the ultimate objective of historic preservation adding value to communities. While many citizen letters in objection to the proposal also acknowledged the value in historic preservation of the Nimmons Residence, many of the concerns and objections were focused on the overall compatibility of allowing for additional development on the site. Concerns with additional development on-site included: that development would not be in keeping with the heritage character of the Nimmons Residence or be in context with the scale and intensity of the surrounding community. Overlooking and loss of privacy and overshadowing concerns on adjacent properties, increased overall area traffic and a resultant decrease in area property values were also common concerns.

Public Meetings

An Applicant initiated open house in regard to the application was held at the Bankview Community Association on 2014 June 18. Approximately 50 citizens were in attendance at this meeting as well as the file manager and Senior Heritage planner.

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APPENDIX I

APPLICANT'S SUBMISSION

The site, just south of the intersection of 14th St SW and 17th Ave SW, is an important community and civic landmark. Built in 1898 by William Nimmons, the Nimmons Residence was the first house in Bankview and possesses significant heritage value for the owner, the community and the City of Calgary. It is currently listed on The City's Inventory of Evaluated Historic Resources and registered with the Province of Alberta as a heritage resource.

The current owners have owned the property since 2006, having purchased it directly from William Nimmon's heirs. They are committed to protecting the house and are seeking legal protection from Council in order to preserve it in perpetuity. In order to provide economic support to allow for the preservation of the Nimmons Residence, the intent of this land use redesignation application is to allow for increased multi-residential density and the introduction of additional commercial uses on the site while also respecting the physical and historic qualities of the Nimmons Residence. A future development proposal anticipates relocating the Nimmons Residence to the southeast portion of the site, where it will have even greater prominence, building an underground parkade and developing multi-residential housing to the north and west of the house. Commercial retail development will create frontage onto the parkade on the 14 Street SW side. An amendment to the Bankview Area Redevelopment Plan will also be required in support of this proposal.

This application includes a small portion of the City-owned lane to the northwest of the site. Corporate Properties has conditionally approved this sale and endorsed the associated lane closure.

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APPENDIX II

PROPOSED ROAD CLOSURE CONDITIONS

1. That protection and/or relocation of any utilities be at the Applicant's expense and to the satisfaction of the particular utility provider(s).
2. That any utility easements be provided as required, and that a utility Right-of-Way plan and an accompanying easement document be registered.
3. The Developer is responsible for all costs associated with the closure, including but not limited to all necessary physical construction, removal, rehabilitation and/or utility relocation.
4. That the closed road right-of-way be consolidated with the adjacent lands at 1827 – 14 Street SW.

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APPENDIX III

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for the preservation and adaptive reuse of the Nimmons Residence which is a City Wide Historic Resource on The Calgary Heritage Authority's Inventory of Evaluated Historic Resources by allowing for:
 - (i) additions to the Nimmons Residence;
 - (ii) commercial, residential or a mix of **uses** within the Nimmons Residence or within any additions to the Nimmons Residence;
 - (iii) additional multi-residential or mixed-use **development** on the site; and
 - (b) implement site specific polices contained within the Bankview Area Redevelopment Plan.

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.

General Definitions

- 4 In this Direct Control District:
- (a) "**Commercial multi-residential uses**" means any one or more of the following **uses**:
 - (i) **Accessory Food Service;**
 - (ii) **Accessory Liquor Service;**
 - (iii) **Artist's Studio;**
 - (iv) **Bed and Breakfast;**
 - (v) **Catering Service – Minor;**
 - (vi) **Convenience Food Store;**
 - (vii) **Counselling Service;**
 - (viii) **Drinking Establishment – Small;**

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- (ix) **Drinking Establishment – Medium;**
- (x) **Financial Institution;**
- (xi) **Fitness Centre;**
- (xii) **Food Kiosk;**
- (xiii) **Information and Service Provider;**
- (xiv) **Instructional Facility;**
- (xv) **Liquor Store;**
- (xvi) **Market;**
- (xvii) **Market – Minor;**
- (xviii) **Medical Clinic;**
- (xix) **Office;**
- (xx) **Outdoor Café;**
- (xxi) **Pet Care Service;**
- (xxii) **Print Centre;**
- (xxiii) **Restaurant: Food Service Only – Small;**
- (xxiv) **Restaurant: Food Service Only – Medium;**
- (xxv) **Restaurant: Licensed – Medium;**
- (xxvi) **Restaurant: Licensed – Small;**
- (xxvii) **Restaurant: Neighbourhood;**
- (xxviii) **Retail and Consumer Service;**
- (xxix) **Seasonal Sales Area;**
- (xxx) **Service Organization;**
- (xxxi) **Specialty Food Store;**
- (xxxii) **Take Out Food Service;** and
- (xxxiii) **Urban Market.**

- (b) “**Heritage Building**” means the historic **building** known as the Nimmons Residence.

Defined Uses

5 In This Direct Control District “**Urban Market**” means a **use**:

- (i) where vendors provide goods for sale directly to the public;
- (ii) where the goods may be sold both inside and outside of a **building**;
- (iii) where the vendors may change on a frequent basis;
- (iv) where food and non-alcoholic beverages for human consumption may be prepared;
- (v) that may have the functions of packaging, bottling or shipping the products made as part of the **use**;

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- (vi) where the goods being sold are finished consumer goods, food products, produce, handcrafted articles, antiques or second hand goods; and
- (vii) where goods may be consumed in a common seating area.

Permitted Uses

6 The *permitted uses* of the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

7 The *discretionary uses* of the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District:

- (a) with the addition of:
 - (i) **Accessory Food Service;**
 - (ii) **Accessory Liquor Service;**
 - (iii) **Artist’s Studio;**
 - (iv) **Bed and Breakfast;**
 - (v) **Catering Service – Minor;**
 - (vi) **Custodial Quarters;**
 - (vii) **Dwelling Unit;**
 - (viii) **Drinking Establishment – Small;**
 - (ix) **Drinking Establishment – Medium;**
 - (x) **Financial Institution;**
 - (xi) **Fitness Centre;**
 - (xii) **Food Kiosk;**
 - (xiii) **Instructional Facility;**
 - (xiv) **Liquor Store;**
 - (xv) **Market;**
 - (xvi) **Market – Minor;**
 - (xvii) **Medical Clinic;**
 - (xviii) **Pet Care Service;**
 - (xix) **Restaurant: Food Service Only – Medium;**
 - (xx) **Restaurant: Licensed – Medium;**
 - (xxi) **Seasonal Sales Area**
 - (xxii) **Urban Market; and**
- (b) with the exclusion of:
 - (i) **Sign Class C; and**
 - (ii) **Sign Class E.**

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Bylaw 1P2007 District Rules

8 Unless otherwise specified, the rules of the (M-H1) District of Bylaw 1P2007 apply in this Direct Control District.

Building Separation

- 9 (1) The minimum **building** separation distance between the west façade of the **Heritage Building** and any other **building** is (4.5) metres.
- (2) The minimum **building** separation distance between the north façade of the **Heritage Building** and any other **building** is (7.4) metres.

Building Setbacks

- 10 (1) Unless otherwise referenced in subsection (2), the minimum **building setback** from a **property line** shared with a **street** is 6.0 metres.
- (2) For the **Heritage Building** or a **street-oriented multi-residential building**, the minimum **building setback** from a **property line** shared with a **street** for is zero metres.
- (3) The minimum **building setback** from a **property line** shared with a lane is zero metres.
- (4) Unless otherwise referenced in subsection (5), the minimum **building setback** from a **property line** shared with another **parcel** is 3.0 metres.
- (5) The minimum **building setback** from a **property line** shared with another **parcel** is 0.0 metres when the adjoining **parcel** is designated as a:
- (a) **commercial district**;
 - (b) **special purpose district**; or
 - (c) M-C2, M-2, M-H1, M-H2, M-H3, M-X2, CC-MH or CC-MHX District.

Rules for Commercial Multi-Residential Uses

- 11 (1) **Commercial multi-residential uses:**
- (a) may be located on all floors of the **Heritage Building**;
 - (b) must not be located in any **main residential building** above residential **uses** identified in the Residential Group in Schedule A of Land Use Bylaw 1P2007 or:
 - (i) **Addiction Treatment**;
 - (ii) **Custodial Care**;
 - (iii) **Residential Care**; and

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- (c) must have a separate exterior entrance from any **uses** referenced subsection (b).
- (2) The maximum **use area** for each **commercial multi-residential use** is 300.0 square metres.
- (3) There is no maximum **use area** for **commercial multi-residential uses** within the **Heritage Building**.
- (4) Parking areas for **commercial multi-residential uses** must:
 - (a) be separated from residential parking areas;
 - (b) provide pedestrian access to the **commercial multi-residential uses**; and
 - (c) be located a minimum distance of 5.0 metres from a **parcel** designated as a **low density residential district**, in the case of a surface parking area.

Urban Market Rules

12 (1) An Urban Market:

- (a) may have a maximum floor area of 45.0 square metres to accommodate common seating areas;
- (b) may include **Restaurant: Food Service Only - Small, Restaurant: Licensed - Small, and Drinking Establishment – Small** provided the cumulative public areas are less than or equal to 75.0 square metres;
- (c) may include **Liquor Store** provided the cumulative floor area is less than or equal to 150.0 square metres;
- (d) may include an **Outdoor Café**;
- (e) requires a minimum of 4.5 motor vehicle parking stalls per 100.0 square metres of **gross usable floor area**;
- (f) does not require **bicycle parking stalls – class 1**; and
- (g) requires a minimum of 2.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.

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Loading Stalls

- 13 For *uses* located within the *Heritage Building*, there is no minimum requirement for *loading stalls*.

Development Authority – Power and Duties

- 14 The *Development Authority* may relax any of the rules within this Direct Control District provided the test for relaxations as set out in Land Use Bylaw 1P2007 is met.

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APPENDIX IV

PROPOSED AMENDMENTS TO THE BANKVIEW AREA REDEVELOPMENT PLAN

- (a) Delete the existing Figure 2 entitled “Land Use Policy” and replace it with the revised Figure 2 entitled “Land Use Policy” (APPENDIX V).
- (b) In Section 3.3, under Heritage, delete the first sentence and replace with the following:

“The Nimmons Residence at 1827 – 14 Street SW was registered provincially in 1979 as a Registered Historic Resource.”
- (c) In Section 3.3, under Heritage, after the first paragraph, insert the following and update the Table of Contents:

“3.3.1 Nimmons Residence Site

3.3.2 Historical Significance

The Nimmons Residence is a two-storey Victorian Queen Anne Revival style house built around 1898. The rectangular red-brick building has a hipped and cross-gable roof, asymmetrical facade, polygonal corner tower, broad wrap-around veranda and numerous small stained glass windows. The property exists at a prominent corner location at 14 Street SW and 19 Avenue SW.

The Nimmons Residence possesses symbolic value for its associations with Calgary's golden age of ranching (c1886-1906), an activity which was vital to the city's settlement. It is also significant for its association with its builders and first owners William Nimmons (c1826-1919) and wife Isabella (c1851-1936) who were important pioneer ranchers and contributors in Calgary's early development.

For the communities of Bankview and Richmond/Knob Hill, the Nimmons Residence holds particular symbolic importance as it was the first house in the area. In 1905, the surrounding lands were surveyed for Nimmons and later annexed in 1907 eventually becoming Bankview and part of Richmond/Knob Hill with Nimmons acting as a real estate agent for his lots.

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Figure A. Historic photographs of the Nimmons Residence - Glenbow Museum Archives.

3.3.3 Context

The site is approximately 0.21 hectares \pm in size, located prominently at the northwest corner of 14 Street SW and 19 Avenue SW. 14 Street SW which is adjacent to the site's eastern frontage slopes downward from 19 Avenue SW to the north with an approximate five (5) metre difference in elevation from 19 Avenue SW to the site's northern property line

The Nimmons Residence is situated centrally on the site with large setbacks from the adjacent parcels to the north and west and from 14 Street SW and 19 Avenue SW respectively. A public lane with access to 17 Avenue SW abuts the northwest portion of the site. However, at this time, there is no vehicular access to or from the site to the lane due to significant on-site slope conditions on the northwest portion of the site.



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Figure B. Existing condition photographs of the Nimmons Residence site.

3.3.4 Objective

To facilitate the preservation and legal protection (designation) of the Nimmons Residence as a Municipal Historic Resource by allowing for adaptive reuse of the Nimmons Residence with commercial or residential uses and multi-residential or mixed-use multi-residential and commercial development on the balance of the site.

3.3.5 Redevelopment Concept

The redevelopment concept for adaptive reuse of the Nimmons Residence involves relocation from its existing location to a location within the southeast portion of the site thereby allowing for additional multi-residential or mixed-use (multi-residential and commercial) development on the balance of the site.

In the event that relocation of the Nimmons Residence or additional on site development is not feasible, adaptive reuse of the Residence for commercial, residential or mixed use purposes in its existing location is also appropriate.

3.3.5.1 Key Elements

(a) Nimmons Residence

Relocation of the Nimmons Residence within the southeast portion of the site is anticipated. While the exact relocation location is not specified in this policy, the southeast portion of the site is the preferred relocation location. This location will enable the Nimmons Residence to retain prominence on the site and be located in closer proximity to the public realm along 14 Street SW and 19 Avenue SW respectively. In a relocation scenario, the orientation of the Nimmons Residence is expected to remain consistent (e.g. the existing original east facing façade would remain east facing).

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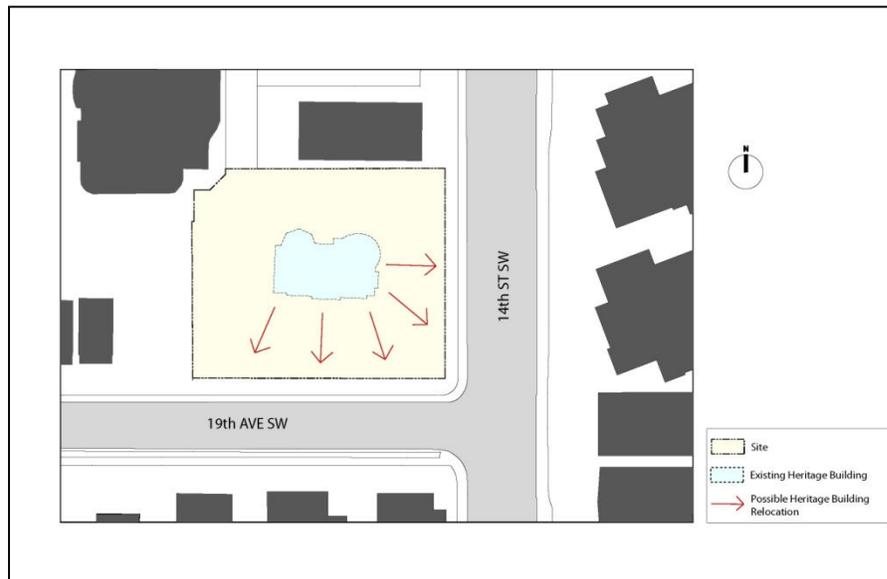


Figure C. Conceptual relocation location for the Nimmons Residence.

Flexibility with respect to adaptive reuse of the Nimmons Residence is appropriate. Residential, commercial or a mix of these uses may take place with flexibility in terms of the range, size and type of uses allowed. Complementary outdoor uses or ancillary outdoor activities associated with internal uses may also be appropriate.

Additions to the Nimmons Residence may also be allowed. Any additions should be compliant with provisions set out within the Municipal Historic Resource Designation and Compensation Agreement and Municipal Historic Resource Designation Bylaw and deemed to be in keeping with *The Standards and Guidelines for the Conservation of Historic Places in Canada* by the Development Authority. Modification, alteration or repair of Non-Regulated Portions of the Nimmons Residence may also be allowed provided they do not negatively impact any Regulated Portions and all necessary permitting is obtained.

(b) Multi-Residential – High Density Low Rise or Multi-Residential – High Density Low Rise with commercial uses (mixed-use)

Relocation of the Nimmons Residence to an area within the southeast portion of the site is intended to create a developable area on the balance of the site for multi-residential or mixed-use development. Any additional on site development should be of an intensity, built form and overall design that is responsive to the immediate setting and compatible with the Nimmons Residence and its uses.

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In response to the site's prominent elevation and sloping topography, there may be opportunities for unique building design and development on site. One unique development concept in response to these conditions may include, but is not necessarily limited to: the development of an underground parkade that serves all future development, that is accessed via the abutting lane at the northwest portion of the site and that incorporates commercial or residential spaces that front directly onto and are easily accessible from the pedestrian realm along 14 Street SW.

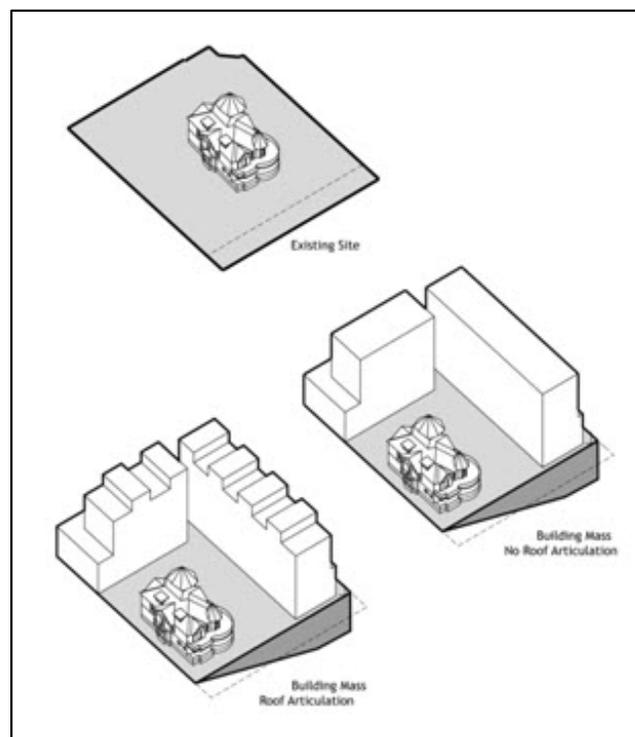


Figure D. Site development massing concept.

(c) Building Separation – On-Site Open Space

A minimum building separation distance between the Nimmons Residence and any additional on site development is required. The intent of this minimum building separation distance is to preserve the heritage character of the Nimmons Residence as a landmark building and site defining element by precluding certain structural forms of development in proximity to the Residence that could negatively affect its heritage character or the viability of various uses within the Residence.

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A range of outdoor oriented uses and programming may take place and are encouraged within the minimum building separation area including, but not limited to: hard or soft landscaping, outdoor amenity areas and outdoor spaces associated with various uses.

3.3.6. Interpretation and Implementation

3.3.6.1 Figures and Numerics

Unless otherwise specified, the boundaries or locations of any symbols or areas shown on a Figure associated with the Nimmons Residence policies are approximate and conceptual only, not absolute and shall be interpreted as such. Figures are not intended to define exact locations except where they coincide with clearly recognizable physical features or fixed boundaries such as property lines or road and utility rights-of-way.

Unless otherwise specified, where actual quantities or numerical standards are contained within a Figure, these quantities or standards shall be interpreted as conceptual only and ultimately should be determined at the detailed design stage.

3.3.6.2 Implementation - Powers and Duties of the Development Authority

The Development Authority may relax any rules or requirements for the site set out in the governing Direct Control District, Land Use Bylaw 1P2007 or policies contained herewith in recognition of the key objectives of preservation, adaptive reuse and protection of the Nimmons Residence as a Municipal Historic Resource. In granting any relaxation(s) or varying from guiding policy, the Development Authority shall exercise due consideration that future development either with or without relaxations would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Relaxation or variance from the following Direct Control District rules or site specific policies may include, but are not only limited to:

- Permitted and discretionary use definitions and their associated rules and requirements including parking requirements;
- Site landscaping requirements;
- Minimum unit per hectare density requirements;
- Building setback requirements;
- Building step back requirements;
- Slope adaptive building policies;
- Rules for Commercial Multi-Residential uses, including the maximum use area rules; and

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- Any other applicable policies in the Bankview ARP.

3.3.7 Policy

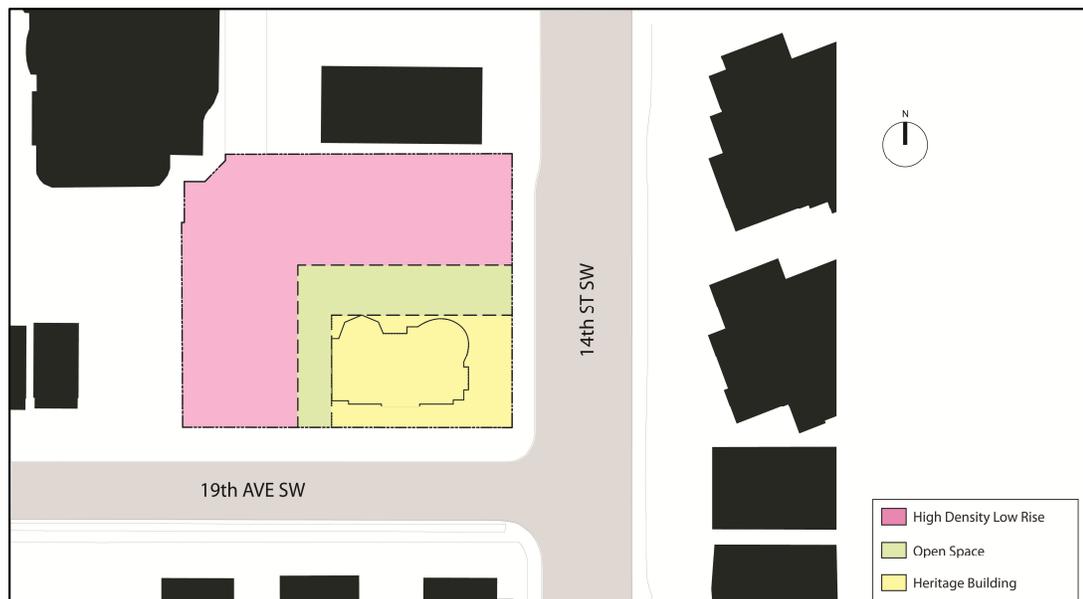


Figure E. Site land use concept.

3.3.7.1 Nimmons Residence

- (a) Preservation and adaptive reuse of the Nimmons Residence is encouraged and flexibility in the manner in which adaptive reuse occurs is appropriate.
- (b) The Nimmons Residence may be utilised for any residential purposes including as a single detached dwelling, duplex dwelling, multi-residential dwelling units or amenity or common space associated with multi-residential development on site or a combination thereof.
- (c) The Nimmons residence may also be utilised for commercial purposes. Commercial configurations may include, but are not limited to: one individual use, multiple uses or a mix of commercial and residential uses.
- (d) The maximum use area rules for commercial multi-residential uses within the Nimmons Residence are not applicable.
- (e) The location of specific uses and interior programming within the Nimmons Residence which incorporates uses that are animated, generate pedestrian

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activity and that may have complementary outdoor uses, components or activities is encouraged. Specific use programming on the main floor of the Nimmons Residence in closest proximity to outdoor areas and adjacent public streets is paramount.

- (f) Any rehabilitation of existing portions of the Nimmons Residence, demolition of later (Non- Regulated) portions of the Nimmons Residence or proposed new additions should be conducted to the satisfaction of the Development Authority and be in accordance with best practices in heritage conservation, as per the *Standards and Guidelines for the Conservation of Historic Places in Canada*.
- (g) Any new additions to the Nimmons Residence should be relatively consistent in massing and height with the existing Nimmons Residence.
- (h) While the Nimmons Residence may be relocated on the site, effort to retain the historic landmark character of the Nimmons Residence should be maintained in any redevelopment scenario. If relocated, the existing orientation of the Nimmons Residence is not anticipated to change (e.g. the existing east facing facade will remain east facing).
- (i) Minimum building separation distances between the Nimmons Residence and new buildings on site should be respected.
- (j) Opportunities to further reflect the history of the site should be explored.
- (k) Motor vehicle parking and loading requirements for uses within the Nimmons Residence may be relaxed. Any required parking should be located within a building or be integrated within an underground parkade structure that serves overall future development on site. If surface parking is proposed, it should only be allowed if it is located or screened in a manner that minimizes its visibility from surrounding public streets.
- (l) A feasibility report from a qualified Engineer (or other similarly qualified professional) detailing the viability and construction management plan associated with relocating the Nimmons Residence or any redevelopment of the site shall be required at the Development Permit stage.

3.3.7.2 Multi-Residential - High Density Low Rise or mixed-use Multi-Residential - High Density Low Rise with Commercial (Additional on-site development not within the Nimmons Residence)

- (a) New development on site should not mimic or copy the historical architecture of the existing Nimmons Residence and should be of high quality design worthy to be of heritage value in its own right in the future.

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- (b) New development should be multi-residential - high density low rise and may incorporate commercial uses.
- (c) New multi-residential development is encouraged to provide a range of dwelling unit sizes to meet the needs of different income levels, ages and lifestyles.
- (d) New multi-residential development is encouraged to be street oriented where the floor closest to grade facing a street is either comprised by dwelling units with individual exterior accesses and pedestrian connections to the street or by commercial units with public entrances, pedestrian connections to the street and building design that allows for views into the commercial units.
- (e) Building facades should emphasize individual at-grade dwelling units as well as any units that are on floors closest to and facing the main floor of the Nimmons Residence. These units should include features such as front doors, doorbells and unit numbers. Building faces should be modulated in finishing materials to visually break up large building facades.
- (f) Outdoor amenity spaces may be provided at or above grade. Front yards and outdoor amenity spaces may incorporate a range of features including, but not limited to: low fences, hedges or any other similar elements to define private areas, common shared space or publicly oriented areas.
- (g) New development should be complementary in scale and character with adjacent land uses and development in the area. While slope adaptive development is encouraged, it is not necessarily required.
- (h) In order to reduce the visual impact of building massing, the uppermost floor of buildings shall have an articulated roofline. A building setback or reduced floor plate on the uppermost floor should also be considered as depicted in the following figure:

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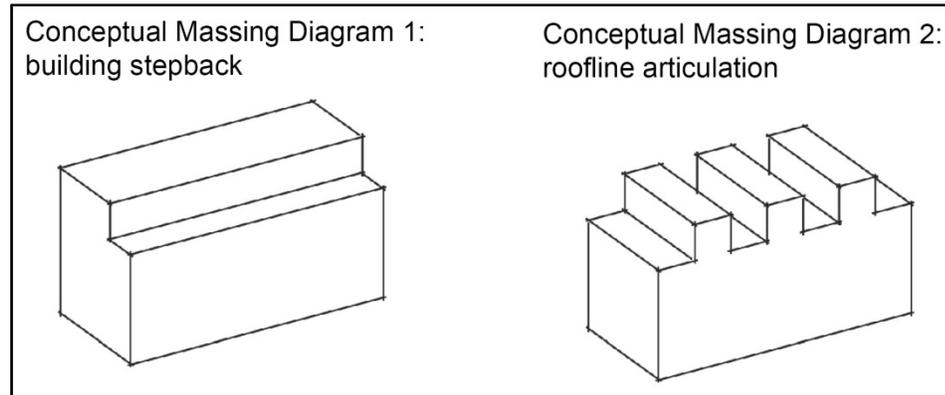


Figure F. Conceptual building massing.

- (j) Motor vehicle parking should be accommodated within an underground parkade or be visibly screened from adjacent public streets.
- (k) Commercial uses in any new building on site that are located at or above the main floor of the Nimmons Residence may be allowed, provided that the use and associated building design to accommodate the use are not believed to unduly impact the viability of uses within the Nimmons Residence.
- (l) A shadow study which accurately depicts shadow impacts associated with proposed on site developments between the hours of 10:00 AM and 4:00 PM measured at various times of the year (specifically between March 21 and September 21) is required at the Development Permit stage.
- (m) A comprehensive illumination (site lighting) plan should be submitted at the Development Permit stage. This plan should contain the following information:
 - All outdoor lighting standards and light fixture specifications.
 - A site plan which identifies lighting locations and measured illumination intensity.
 - Evening renderings which depict illumination of key outdoor areas and prominent building facades.

3.3.7.3 Building Separation – On Site Open Space

- (a) The minimum building separation distance requirements between the Nimmons Residence and new on site development may be relaxed if the intent of the

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minimum building separation distance to preserve the heritage character of the Nimmons Residence as a landmark building is maintained.

- (b) Where outdoor amenity spaces are located within the minimum building separation areas, certain elements or features including: low fences, hedges or other similar features to define private amenity areas, common shared space or publicly oriented areas may be appropriate.
- (c) Outdoor oriented uses, such as an outdoor cafe may be allowed within the minimum building separation areas as well as any outdoor furniture that may be associated with outdoor uses or amenity areas.

3.3.7.4 Circulation and Access

- (a) Pedestrian mobility is to be given high priority in the overall design of the site. The following design aspects should be considered:
 - All internal pedestrian routes or walkways should aspire to be direct, convenient, safe and comfortable.
 - Internal pedestrian connections should be provided between buildings and should connect buildings to public sidewalks.
 - Design solutions which effectively address the changing grade along 14 Street SW and allow for active building interface conditions with the public realm are encouraged.
 - Where possible, design solutions should incorporate universal /barrier free design.

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Figure G - 1.



Figure G - 2.

- (b) Vehicular access and egress points to/from the site should be minimized to reduce potential pedestrian/vehicle conflict points. Preferred vehicular access and egress to/from the site should be from the abutting lane.

3.3.7.5 Parking and Loading Requirements

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- (a) Motor vehicle parking and loading stalls associated with additional development on-site should be provided within an underground parkade with access and egress to/from the abutting lane as the preferred design condition.

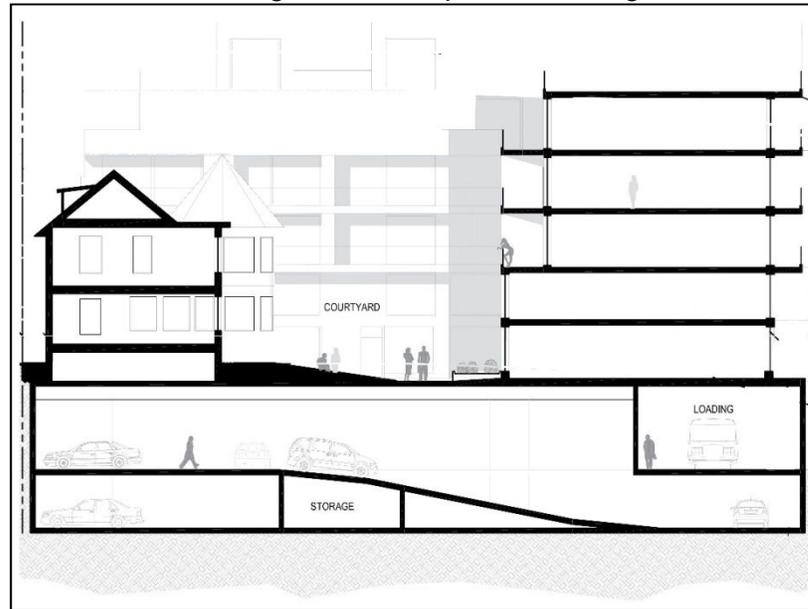


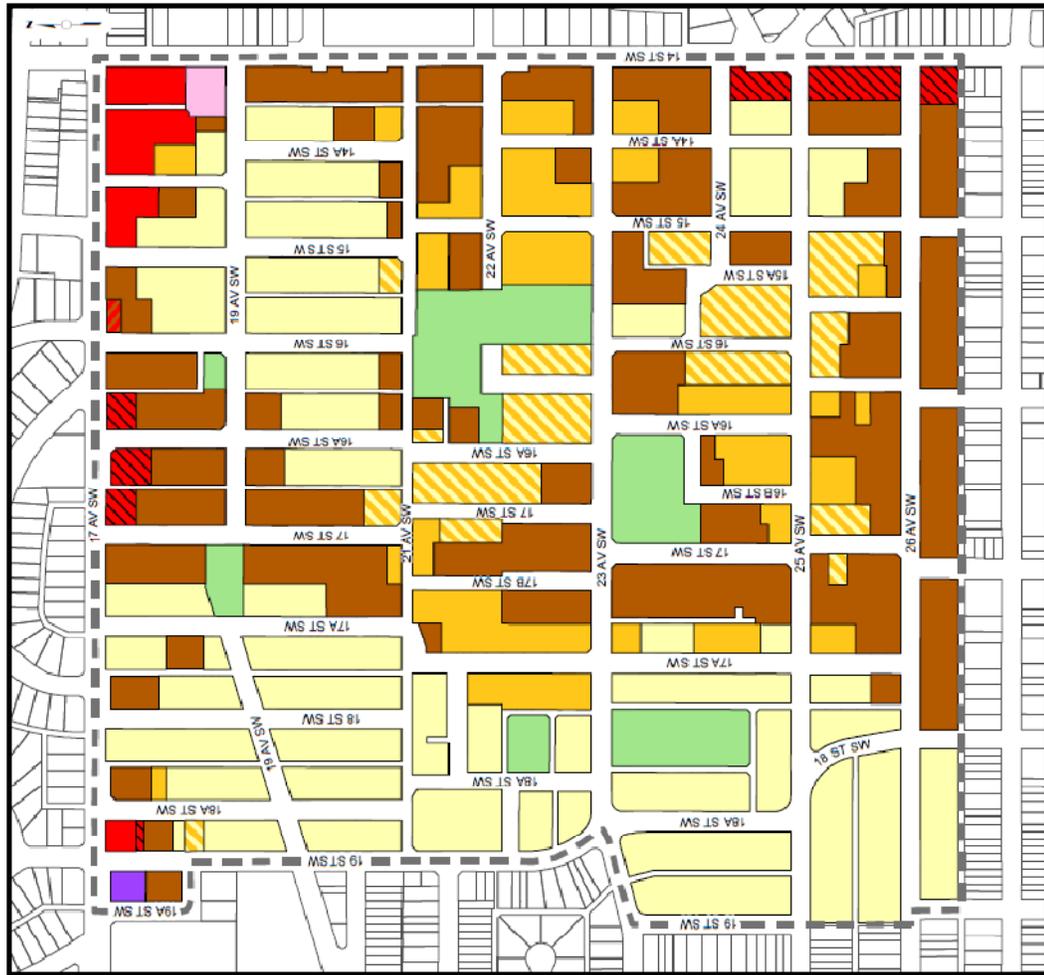
Figure H. Conceptual development cross-section with underground parkade.

- (b) Any significant relaxations for parking or loading should be supported by appropriate rationale contained within a Transportation Impact Assessment, parking study or any other form of information deemed acceptable by the Development Authority.”

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APPENDIX V



Bankview
 Area Redevelopment Plan

Fig. 2

Land Use Policy

- Legend
- Study Area Boundary
 - Conservation
 - Conservation and Infill
 - Medium Low Density
 - Medium Density
 - Nimmons' Residence Site
 - Medium Density Residential With Office Use
 - Local Commercial
 - General Commercial
 - Institutional
 - Park School and Recreation



This map is conceptual only. No measurements of distances or areas should be taken from this map.

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APPENDIX VI

LETTERS SUBMITTED

Bankview Community Association

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

Date: October 22, 2014

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

Attention: Stuart Gripton, File Manager
By email: stuart.gripton@calgary.ca

cc: CPAG.Circ@calgary.ca
Coun. Evan Woolley, Evan.Woolley@calgary.ca

RE: LOC2014-0068: 1827 – 14 ST SW (Nimmons House)

Mr. Gripton:

Further to our discussion of Oct. 08, we understand that LOC2014-0068 is not tied to any plans, including the drawings accompanying the circulation. As the actual DC bylaw has not been formulated, we can offer only general comments to the conceptual plans. We ask that the bylaw be circulated when the footprints and building envelopes are clearly defined.

The proposal is centered on the Nimmons House, a structure of both community and city wide heritage significance. In many respects, it is the cornerstone of Bankview. It is planned to relocate the Nimmons House to SE corner of the lot and construct multi-residential housing on the north and west perimeters. Limited retail commercial development is envisioned on 14 ST, below grade of the lot and in front of the parkade.

The Bankview CA held an open house on June 18 of this year. It was very well attended, with over 40 people present. The vast majority accepted the concept of the mixed use development in order to give legal heritage protection to Nimmons House. However, there were strong concerns that the intensity of development may overwhelm the Nimmons House.

S. Gripton

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We have a number of concerns regarding the preservation and context of the Nimmons House.

- The Nimmons House must be given formal Heritage status and legal protection.
- What uses are to be allowed in the Nimmons House?
- Can the house be safely relocated?
- Is the potential loss of the sandstone foundation acceptable to the heritage planner?
- Will the Nimmons House retain sufficient context or be overwhelmed by the intensity of new development? Do the heights and setbacks of the residential development complement the Nimmons House? Is there adequate separation from the new development?

Many felt that the proposed heights were incompatible with the heritage house, as well as negatively impacting the planned development to the west and the existing apartment building to the north. We suggest that M-X1 rules, rather than M-X2, should be applied, with no significant height relaxation, except for the north façade where the steeply sloping grade makes a relaxation unavoidable. The stepped approach to 19 Ave and variegated roof lines are very important features and should be retained.

We are very concerned with the setbacks from 19th Ave. Given the existing boulevard, the 1.2 m setback from the P/L is acceptable for the Nimmons House as it creates additional separation from the much higher multi-residential to the north and gives prominence. However, the full 3.0 m setback for the new residential on the west should be required. This makes the Nimmons House visible, respects future development to the west and is consistent with the future streetscape of the block.

General comments from the meeting are that, notwithstanding the height, setbacks and intensity, the design concept was widely accepted and felt preferable to a “faux heritage” development. The planned commercial frontage is innovative and it is hoped that the proposed boulevard treatment is incorporated, as it is integral to the street friendliness of the design.

It is greatly appreciated that there is an underground parkade, with no surface parking or vehicle access at-grade. The proposed access via a lane off 17th Ave is a significant benefit to the low density residential community south of 19th Ave. However, the only legal access to this lane is from eastbound 17th Ave. This may potentially generate excess traffic circling 19 & 21 Avenues and 14A & 15 Streets. We would hope that access to the lane from southbound 14th ST via the Moti Mahal lot can be negotiated. This would also allow direct access from westbound 17th Ave as well.

Finally, since this site does abut a core, low density residential district, it is imperative that no relaxation of parking requirements is contemplated. The residential and retail developments must not exceed the capacity of the parkade.

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Again, we ask that the actual DC Bylaw be circulated for comment when drafted.

Feel free to contact the undersigned for any clarification.

Yours truly,

Richard Burke
Chair, Development Committee
Bankview Community Association

cc: President, Bankview Community Association
Committee Members
Coun. Evan Woolley